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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914

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VOLUME LI, PART IV.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

SENATE.

SATURDAY, *February 7, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the giver of every good and perfect gift. We come reverently before Thee to seek Thy blessing. These, Thy servants, have assembled to administer the sacred trust that has been committed to them in the interest of all the people. We pray that God's presence may be with them, guiding them in their deliberations and the formation of their final conclusions, that in all the work they do Thy name may be glorified through the peace and prosperity of the Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

ACCOUNTS OF WASHINGTON RAILWAY & ELECTRIC CO.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Public Utilities Commission of the District of Columbia, transmitting a report of an examination of the accounts, books, and records of the Washington Railway & Electric Co., together with a copy of the stenographic record of all of the proceedings included in the investigations. The communication and accompanying papers will be referred to the Committee on the District of Columbia and will not be ordered printed at this time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1262. An act for the relief of Hugh P. Strong;

H. R. 2733. An act authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry;

H. R. 1055. An act for the relief of T. S. Williams;

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson;

H. R. 6939. An act to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency, in South Dakota;

H. R. 9848. An act for the relief of the New England Steamship Co.;

H. R. 10232. An act for the relief of Col. Alfred C. Sharpe;

H. R. 10345. An act for the relief of C. M. Hammond; and

H. R. 10763. An act for the relief of Dr. L. W. Culbreath.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 832. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 833. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 834. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 107. Joint resolution relating to supervision of the Lincoln memorial.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of General Herkimer Branch, American Continental League, of Philadelphia, Pa., and a memorial of Commodore Oliver Hazard Perry Branch, American Continental League, of Cleveland, Ohio, remonstrating against an appropriation being made for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Williamstown, N. J., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Harmonie Verein of Vincennes, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER. On behalf of my colleague [Mr. PENROSE], who is unavoidably absent, I wish to present certain petitions and memorials.

The VICE PRESIDENT. The petitions and memorials will be received and appropriately referred.

Mr. OLIVER (for Mr. PENROSE) presented memorials of sundry citizens of Donora, Pittsburgh, Kersey, Leisenring, and Roseto; of McKinley Lodge, No. 283, Independent Order of B'rith Abraham, of Pottstown; of Denaburger Lodge, No. 647, Independent Order of B'rith Abraham, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also (for Mr. PENROSE) presented petitions of sundry citizens of Philadelphia, Warren, Pittsburgh, Reading, Westchester, Pottstown, Marshallton, Ambler, Honey Brook, and Northbrook, and of Betsy Ross Council, No. 119, Daughters of Liberty, of Gettysburg, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also (for Mr. PENROSE) presented memorials of General Richard Montgomery Branch, General Sumter Branch, George Washington Branch, Yorktown Branch, Daniel Morgan Branch, Robert Morris Branch, Valley Forge Branch, General Knox Branch, George Rogers Clarke Branch, Benjamin Harrison Branch, General Nathanael Greene Branch, and of Benjamin Franklin Branch, American Continental League, all of Philadelphia; of the Irish-American Club Branch, American Continental League, of Wilkes-Barre; of County Galway Men's Social and Beneficial Association; and of the Patrick O'Donnell Club, of Philadelphia, all in the State of Pennsylvania, remonstrating against any appropriation by Congress for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also (for Mr. PENROSE) presented memorials of sundry citizens of Philadelphia, Pittsburgh, McKeesport, Erie, Greensburg, and Clarion; of the Turn Vereins of Jeannette, McKees Rocks, Gibsontown, Woodlawn, Sharpsburg, Johnstown, Carlisle, Roscoe, Elco, and Coal Center, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also (for Mr. PENROSE) presented a petition of the Board of Trade of Philadelphia, Pa., praying for a revision of the navigation laws, which was referred to the Committee on Commerce.

He also (for Mr. PENROSE) presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the appointment by the President of clerks of the United States courts, etc., which was referred to the Committee on the Judiciary.

He also (for Mr. PENROSE) presented memorials of sundry citizens of Sellersville, Telford, and Souderton, all in the State of Pennsylvania, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also (for Mr. PENROSE) presented a petition of the Neighborhood Men's Bible Class, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of sundry citizens of Lancaster, N. H., remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a memorial of the New Hampshire Branch of the German National Alliance, of Manchester, N. H., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Manchester, N. H., praying that an appropriation be made for the survey of the Merrimac River, which was referred to the Committee on Commerce.

He also presented a petition of Bottlers' and Drivers' Union No. 229, of Portsmouth, N. H., praying for the enactment of legislation granting the right of freedom of speech, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented memorials of the Chamber of Commerce of Berkeley, the Chamber of Commerce of Vallejo, the Chamber of Commerce of Monterey, the Board of Trade of

San Francisco, the Merchants' Association of Lodi, and the Chamber of Commerce of Santa Cruz, all in the State of California, remonstrating against the proposed separation of the Central and Southern Pacific Railroads, which were referred to the Committee on Interstate Commerce.

He also presented petitions of the College Park Association of San Jose, of the congregations of the Congregational Church of Blue Lake, of St. Paul's Episcopal Church of Healdsburg, and of the Congregational Church of Cotati, all in the State of California, praying for the suspension for one year of the naval programs of the great powers, which were referred to the Committee on Naval Affairs.

He also presented a memorial of Concordia Lodge, No. 20, of Woodland, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented resolutions adopted by the congregation of the Seventh-day Adventist Church of Martinsburg, W. Va., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were reported to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented a memorial of Independent Newark Lodge, No. 255, Independent Order B'rith Abraham, of New Jersey, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a memorial of the Polish Political Club, of Torrington, Conn., and a memorial of Zalozony 21, Komitet Obrony Narodowej, Hartford, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigation.

Mr. BRADLEY presented a petition of sundry citizens of Ashland, Ky., praying that an appropriation be made for the construction annually of two new battleships, which was referred to the Committee on Naval Affairs.

Mr. JONES presented petitions of the congregations of the Sprague Memorial Presbyterian Church, of Tacoma; the First Presbyterian Church, of Snohomish; of the Union Congregational Church, of Granite Falls; and of the First Presbyterian Church, of Republic, all in the State of Washington, praying for the suspension for one year of the naval programs of the great powers, which were referred to the Committee on Naval Affairs.

ALASKAN COAL.

Mr. JONES. I have resolutions adopted at a meeting of former residents of Alaska who are thoroughly familiar with the coal situation there in reference to the character of coal and the tests made by the Government. I ask that the resolutions may be printed in the RECORD; they are not long. I will not ask that they be read.

There being no objection, the resolutions were referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

The "Yakima-Alaskan Sourdoughs," an organization composed of former residents of Alaska now residing in Yakima County, State of Washington, in meeting assembled at North Yakima, Wash., January 21, 1914, directed the executive committee of the organization to prepare resolutions on behalf of the organization, as follows:

"Whereas the test of the coal from the Bering River coal field in Alaska made by the United States Navy is reported unfavorable to said coal as suitable for use by the United States Navy; and

"Whereas it is reported that the coal used for said test was not a fair sample of Bering River coal, that the same was old surface coal and filled with dirt, and suspicious circumstances surrounded the obtaining of the same; and

"Whereas the United States Navy will soon make tests of coal of the Matanuska coal fields of Alaska to ascertain whether the same is suitable for use of the Navy: Now, therefore, be it

"*Resolved*, That we believe that the coal tested by the United States Navy as Bering River coal was not a fair and honest sample of coal from the Bering River coal field;

"That we believe that either careless, ignorant, or dishonest methods were used in obtaining the coal tested so as to prevent a fair and honest sample of said Bering River coal being furnished for testing by the United States Navy;

"That knowledge of said coal for many years causes us to believe that a test of a fair sample of said coal will show that the same is a high-grade coal, suitable for use on naval vessels; and

"*Resolved*, That we believe the same methods that were used with the Bering River coal will be used to prevent a fair sample of Matanuska coal being furnished for testing by the United States Navy unless proper care and diligence is used regarding the same; and further

"*Resolved*, That we look with confidence to Hon. W. L. JONES, Senator from the State of Washington, and Hon. JAMES WICKERSHAM, Delegate to Congress from Alaska, to see that proper safeguards are used to insure an honest and fair sample of the Matanuska coal being obtained for the United States Navy to test the same for naval use; and

"*Resolved*, That copies of these resolutions be sent to Hon. W. L. JONES and Hon. JAMES WICKERSHAM.

"E. B. VELIKANJE.
"R. B. MILROY.
"ARTHUR BALDWIN.
"GEORGE THOMAS.
"F. G. KASSELMAN.
"Mrs. N. C. RICHARDS.
"GEO. A. NOBLE."

REPORTS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted a report (No. 231) accompanied by a bill (S. 4407) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was read twice by its title.

He also, from the same committee, to which were referred the following bills and joint resolutions, reported adversely thereon and the bills and joint resolutions were postponed indefinitely:

A bill (S. 2660) donating cannon to the city of Prescott, Ariz.;

A bill (S. 2266) authorizing the Secretary of War to deliver to the city of El Paso, Ill., two condemned bronze or brass cannon, with their carriages and a suitable outfit of cannon balls;

A bill (S. 2350) authorizing the Secretary of War to donate condemned cannon and balls;

A bill (S. 2389) authorizing the Secretary of War to donate condemned cannon and balls;

A bill (S. 2710) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls;

A bill (S. 3211) donating cannon to the city of West Point, Miss.;

A bill (S. 3316) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls to the city of Salisbury, Md.;

A bill (S. 3453) donating cannon to the county of Uinta, in the State of Wyoming;

A bill (S. 3691) authorizing the Secretary of War to donate two cannon and 34 cannon balls to the John A. Logan Post, Grand Army of the Republic, Salina, Kans.; and

A bill (S. 3848) authorizing the Secretary of War, in his discretion to deliver to the city of Tucson, State of Arizona, two condemned bronze or brass cannon, with their carriages and outfit of cannon balls.

A bill (S. 4111) authorizing the Secretary of War to donate to the United Spanish War Veterans, Camp Lee Forby, No. 1, of Omaha, Nebr., two brass or bronze cannon or fieldpieces, with their carriages;

A bill (S. 4208) authorizing the Secretary of War to donate to the city of McPherson, Kans., two cannon or fieldpieces;

A joint resolution (S. J. Res. 46) authorizing the delivery to the proper authorities of the city park in the city of Aberdeen, in the State of Washington, two condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls;

A joint resolution (S. J. Res. 47) authorizing the delivery to the Dan McCook Post, No. 105, Grand Army of the Republic, of one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

A joint resolution (S. J. Res. 51) authorizing the delivering to the Dan McCook Post, No. 105, Grand Army of the Republic, at Wenatchee, Wash., of one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

A joint resolution (S. J. Res. 53) authorizing the delivering to the town of Somerset, Ky., of one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls;

A joint resolution (S. J. Res. 69) authorizing the Secretary of War to make donation of condemned cannon and cannon balls; and

A joint resolution (S. J. Res. 102) authorizing the delivery to the proper authorities of Columbia County, State of Washington, of two condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls.

Mr. VARDAMAN. I am directed by the Committee on Military Affairs, to which were referred the bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller (Rept. No. 232), the bill (S. 3594) to correct the military record of Peter Duchane (Rept. No. 233), and the bill (S. 1990) to correct the military record of Samuel J. Kearns (Rept. No. 234), to submit adverse reports thereon.

I feel that I ought to call the attention of the Senator from Michigan [Mr. SMITH] to these bills, as he introduced them.

Mr. SMITH of Michigan. As I understand, these are unfavorable reports from the Committee on Military Affairs?

Mr. VARDAMAN. Yes; and with the recommendation that they be indefinitely postponed.

Mr. SMITH of Michigan. I suppose they could go to the calendar.

Mr. VARDAMAN. I have no objection to their taking that course, if the Senator wishes it.

Mr. SMITH of Michigan. I will request that they be placed on the calendar.

The VICE PRESIDENT. The bills will be placed on the calendar.

GOVERNMENT OWNERSHIP OF ELECTRICAL MEANS OF COMMUNICATION.

Mr. BANKHEAD. On January 31 there was referred to the Committee on Post Offices and Post Roads a communication from the Postmaster General, transmitting the report of the special committee of the Post Office Department on Government ownership of electrical means of communication. Accompanying the report were maps and illustrations. I report back from the committee this matter and ask that it be referred to the Committee on Printing, with the request that it, together with the accompanying illustrations, be printed as a public document.

The VICE PRESIDENT. The report and accompanying papers will be referred to the Committee on Printing for consideration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 4398) to grant an honorable discharge to Paschal C. Hibbs; to the Committee on Military Affairs;

A bill (S. 4399) granting pensions to soldiers confined in so-called Confederate prisons;

A bill (S. 4400) to increase the pensions of the blind who served in the War with Mexico or the Civil War;

A bill (S. 4401) granting an increase of pension to Jeremiah Lyshon (with accompanying papers); and

A bill (S. 4402) granting an increase of pension to Caroline Smith; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4403) authorizing the Secretary of War to donate to the city of Stafford, Kans., one cannon; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4404) granting an increase of pension to Nathaniel N. Robbins (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 4406) granting an increase of pension to John A. Shannon; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 4408) granting a pension to Harriet E. Vose;

A bill (S. 4409) granting an increase of pension to Samuel I. Scammon;

A bill (S. 4410) granting an increase of pension to Alvin H. Ellis (with accompanying papers);

A bill (S. 4411) granting an increase of pension to Almarian Dickey (with accompanying papers);

A bill (S. 4412) granting an increase of pension to Michael Andrews, jr. (with accompanying papers);

A bill (S. 4413) granting an increase of pension to Franklin K. Prescott (with accompanying papers); and

A bill (S. 4414) granting a pension to Almatia Turner (with accompanying papers); to the Committee on Pensions.

RADIUM-BEARING ORES.

By Mr. WALSH:

A bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes.

Mr. WALSH. Mr. President, I take occasion to say to the Senate that I am hoping to have a report from the Committee on Mines and Mining in relation to this bill by Tuesday morning, and as the case is one of the very highest urgency I will then ask for the immediate consideration of the bill.

I make this statement so that those who are interested in the matter may have an opportunity to examine the draft of the bill, which will be laid upon the desks of Senators on Monday morning.

The VICE PRESIDENT. The bill will be referred to the Committee on Mines and Mining.

WATER POWER ON PUBLIC LANDS.

By Mr. JONES:

A bill (S. 4415) to aid and to regulate the development, operation, and maintenance of water powers on lands of the United States, and for other purposes.

Mr. JONES. Mr. President, this is a bill relating to the development of water power on the public lands of the United States. It is a matter of very great importance. The bill has been prepared with a great deal of care, although I have no doubt that important changes may be suggested. I trust the measure will have very careful consideration. It provides for the development of water power for the reclamation of arid lands, for domestic purposes, and any purpose to which water power may be put. So it may properly, I think, be referable to one of several committees. I ask that it may be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The VICE PRESIDENT. The bill will be referred to the Committee on Irrigation and Reclamation of Arid Lands.

AMENDMENTS TO POST OFFICE APPROPRIATION BILL.

Mr. OLIVER (for Mr. PENROSE) submitted an amendment proposing that hereafter upon all mail matter of the first class when deposited in any post office for delivery within the limits of the post office delivery district the rate of postage chargeable shall be 1 cent for each ounce or fraction thereof, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also (for Mr. PENROSE) submitted an amendment providing that in addition to the compensation now allowed by law the further sum of $25 per month be allowed each rural delivery carrier serving a route of 18 miles or more for maintenance of horses, buggies, and such other equipment as is necessary in the discharge of his duties as a letter carrier, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. BRYAN submitted an amendment providing that the personnel of the membership of the committees and commissions created and provided for in sections 1 and 8 of the act approved August 24, 1912, shall continue with the same authorities and powers, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. OLIVER (for Mr. PENROSE) submitted two amendments intended to be proposed to the omnibus claims bill, which were referred to the Committee on Claims and ordered to be printed.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM M. THOMAS.

On motion of Mr. HITCHCOCK, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of William M. Thomas (S. 6075, 61st Cong.), there having been no adverse report thereon.

SURVEY OF MADDOX CREEK, VA.

Mr. SWANSON submitted the following concurrent resolution (S. Con. Res. 16), which was read and referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he is hereby, directed to have a survey made and estimate submitted as early as practicable of the cost of the improvement of Maddox Creek, Va., with a view of improving navigation.

HEARINGS BEFORE THE COMMITTEE ON CLAIMS.

Mr. BRYAN submitted the following resolution (S. Res. 266), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Claims or any subcommittee thereof be, and the same is hereby, authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ, if necessary, a stenographer, at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee or under investigation or examination thereby; that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate; the expenses thereof to be paid out of the contingent fund of the Senate; and that such committee or subcommittee thereof may sit during the sessions of the Senate or during the vacation of the Senate at any place in the United States.

THE COMMITTEE ON IMMIGRATION.

Mr. SMITH of South Carolina submitted the following resolution (S. Res. 267), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on Immigration or any subcommittee thereof be authorized to sit during the sessions of the Senate of the Sixty-third Congress.

WORKMEN'S COMPENSATION LAWS.

Mr. FLETCHER submitted the following resolution (S. Res. 268), which was read and, with the accompanying papers, referred to the Committee on Printing:

Resolved, That the report of the commission appointed by the National Civic Federation and the American Federation of Labor to study the operation of State workmen's compensation laws be printed as a Senate document, together with the appendix accompanying said report, and that 5,000 additional copies be printed for the use of the Senate.

ADDRESS BY HON. B. B. HARE.

Mr. BANKHEAD. I have a copy of an address by the Hon. B. B. Hare, assistant in agricultural education and rural economics, Department of Agriculture, delivered at the Conference of Common Good, at Columbia, S. C., August 6–7, 1913, on a plan to aid farmers in obtaining long-time loans at low rates of interest to buy and improve homes. I ask that the paper be referred to the Committee on Printing, to ascertain if it shall be printed.

The VICE PRESIDENT. That action will be taken.

INTERSTATE SHIPMENT OF LIVE STOCK.

Mr. SHEPPARD. I present an article by S. H. Cowan, addressed to the chairman of the Committee on Agriculture of the House of Representatives, relative to the interstate transportation of live stock affected with contagious diseases. Mr. Cowan is the representative of the Cattle Raisers' Association of Texas and of the American National Live Stock Association, and by direction of those associations he submitted the article to the chairman of the committee. I ask that the article be referred to the Committee on Printing, with a view to having it printed as a public document.

The VICE PRESIDENT. That action will be taken.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the following acts and joint resolution:

S. 234. An act to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof;

S. 4094. An act authorizing the construction of a bridge and approaches thereto across the Columbia River at or near Vancouver, Wash.; and

S. J. Res. 107. Joint resolution relating to supervision of the Lincoln Memorial.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1262. An act for the relief of Hugh P. Strong; and

H. R. 2733. An act authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1055. An act for the relief of T. S. Williams;

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson; and

H. R. 9848. An act for the relief of the New England Steamship Co.

H. R. 6939. An act to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency in South Dakota was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 10232. An act for the relief of Col. Alfred C. Sharpe was read twice by its title and referred to the Committee on Military Affairs.

H. R. 10345. An act for the relief of C. M. Hammond was read twice by its title and referred to the Committee on Finance.

H. R. 10763. An act for the relief of Dr. L. W. Culbreath was read twice by its title and referred to the Committee on Post Offices and Post Roads.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be stated.

The SECRETARY. Senate resolution 260, by Mr. NORRIS, requesting the Interstate Commerce Commission to reopen its examination of the affairs of the New York, New Haven & Hartford Railroad Co.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. KENYON. Mr. President, I wish to say a few words on the resolution. I do not know the exact form the resolution is ultimately to take, but am very much in favor of some resolution of this kind. It is especially appropriate at this particular time, while the question of increased railway rates is before the Interstate Commerce Commission, that the people of the country should be enlightened as they have been by the discussion on this floor of the charges that have been made by a very responsible paper.

I do not think, Mr. President, while the scoundrelism in the old management of the New York, New Haven & Hartford is before the public that the equal scoundrelism of the Frisco Railroad should be absolutely lost to the public gaze. These two institutions seem to have been twins in infamy. There is even a broader question as affecting our welfare in disclosures of this kind and in manipulations of this kind than the mere question of robbing the stockholders, which is bad enough, and that is the effect that such transactions have upon our securities in this country and abroad. The report of the commission in the Frisco hearing condemned certain banking houses that had taken the obligations of the Frisco Co. when they knew, according to the report, that the Frisco Co. was on the verge of bankruptcy. That drew from one of the banking houses a letter which was sent, I assume, to every Member of the Senate, from Speyer & Co., of New York. I wish to put a little of that in the RECORD. They say:

> You state in your report that "the sale of securities to the investing public through the bankers at a time when every appearance indicated the insolvency of the issuing company invites and warrants condemnation of all those who assisted or participated in such sale."

Then Messrs. Speyer & Co. go ahead and give themselves a certificate of character, but they do not answer the charge that through foreign bankers they sold these securities or placed them on the market and destroyed or helped to destroy the confidence which foreign people had in our investments and our securities. There are other Senators here, I think, who perhaps have more definite knowledge than I have on that question.

Mr. LODGE. If the Senator will yield to me——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. I am glad to do so.

Mr. LODGE. On the point that the Senator from Iowa has just raised, it seems to me that it is a subject which ought to be investigated. I believe it was Speyer & Co.——

Mr. KENYON. Speyer & Co.

Mr. LODGE. It was Speyer & Co. who sent the circular and apparently had the loan. I do not know how much of that loan was placed abroad, but a large part of it was certainly placed in Paris. In that circular Speyer & Co. state that their own commissions were very moderate, but if I have been correctly informed, and what I have heard comes from the other side of the water, the loan of the San Francisco company was largely placed in Paris. The condition of the road was pretty well known in this country. It was not easy to place it on the New York market or any other large American market. The loan therefore was taken to Paris. I understand, and if I am wrong an investigation will correct me, all the leading Paris bankers were induced to take up the loan and endeavor to sell the securities by receiving a very large commission, which I have heard it stated was as high as 7½ per cent. The people of France have no knowledge of an American investment. They knew nothing about this road of their own knowledge. They depend upon the banking institutions of their own country to guide them in an investment of that kind. The loan was put out in that way. The bankers took it up, incited to do so by the great commissions that were paid to them, and a large part of the loan, at least, was placed in that way in France. Within two or three months, I do not know just how soon after the placing of the loan, but within a very short time, the railroad went into bankruptcy, and those people abroad found themselves the victims of what they regarded as a simple swindle.

Mr. KENYON. I should like to ask the Senator who were the losers in that transaction. Who were those people?

Mr. LODGE. They were the investors in France, the great bankers of Paris being all substantially, as I have been informed, engaged in placing these bonds.

Mr. KENYON. And receiving a large commission?

Mr. LODGE. Receiving a large commission for doing so; they had no difficulty in placing them, because their constituency was wholly ignorant and relied on them.

Mr. CLARK of Wyoming. Does not the fact that they exacted a very large commission evidently show that they were acquainted with the character of the securities?

Mr. LODGE. I think that would be quite a reasonable inference; but certainly they were paid a large commission for what they did.

Mr. KENYON. The American bankers at least were acquainted with the character of the security. The commission so stated in its report.

Mr. LODGE. The commission makes that statement, but the commission does not go into the transaction abroad. The result of it was to give a worse blow to American credit and the standing of American business and American securities abroad than we have ever received. I think it is a very serious thing to have injured the good business name of this country in such a way.

These facts have come to me and have been told me on what I believe to be good authority. As I said, they came from the direction of people who were victims in Paris. I think it is something which ought to be known; we can not probably do anything about it here in the way of prosecution, but at least it should be known what methods have been employed in the placing of a loan abroad, which, in its results, have injured the good name of the United States and the American credit throughout Europe.

Mr. KENYON. I am very thankful to the Senator for injecting these remarks in what I have to say.

Mr. OLIVER. Mr. President, I will ask the Senator from Iowa if the firm of Speyer & Co. are not the authorized fiscal agents of the United States in London?

Mr. LODGE. Yes, they are; they have been made so since the 4th of March.

Mr. OLIVER. Appointed by the President.

Mr. KENYON. I did not know about that. I am glad to have that information.

Mr. LODGE. I am not sure, but I think that is the case.

Mr. CLARK of Wyoming. In England only.

Mr. LODGE. In England they are the agents of the United States. They have taken the place of the Seligmans, I think, in London.

Mr. KENYON. Mr. President, the suggestions of the distinguished Senator from Massachusetts show that these genteel financial plunderers are not only robbing their stockholders, but that they are robbing American credit of its standing abroad as well as at home.

I had intended to read into the RECORD an editorial from which the Senator from Nebraska [Mr. NORRIS] read yesterday. I will not take the time, however, to read it, but wish to have it made a part of my remarks. It states the situation very clearly; and I think the New York World is entitled to the thanks of the American people for exposing the tale of infamy that the Senator read yesterday—the exposé of as corrupt a gang of financial plunderers as ever robbed a bank, and without requiring the same amount of courage that it does to rob a bank. They belong rather to that class of guardians who would rob their wards. These men, intrusted with the funds, with the property, with the management of great institutions such as the Frisco and the New York, New Haven & Hartford Railroad, instead of using this property to help their stockholders, have been plundering them.

I suppose it must be a great deal of satisfaction to the hardy Puritan of New England, who has a little stock, as thousands of them have, in the New York, New Haven & Hartford Railroad Co.—and as many whom I know, whose husbands left them this stock, considering it as good as Government bonds—for his little household, as they gather around their breakfast table in the morning, limited possibly to codfish and Uneeda Biscuits, to pour out their blessings to Providence, not that the Democratic Party has revised the tariff and attempted to reduce the cost of living, but that the directors of the New York, New Haven & Hartford Railroad Co. have made it impossible for them to overeat, at least. Then, as that sturdy New England character goes in and sits by his fireside, he can pick up a book that is now being circulated free all over the United States by the railroads at the expense of the people who are paying railroad fares and freight rates, describing the great blessings of the splendid management of railroads in this country and the terrible danger of governmental ownership and control; and as he draws his enthusiasm from that, he can wonder why, when these matters have been public matters for many years, if he goes out and steals a bucket of coal or a loaf of bread for his family, he will go to jail, while these eminent gentlemen, who have stolen what he had, instead of going to jail, will go to Europe or to some villa somewhere or upon an automobile or yachting party trip or give great banquets and luncheons costing the sums which the Senator from Nebraska yesterday showed were spent by directors and included in "other expenses." That sturdy New England character, that splendid character, is going to wonder why it is that Congress sits around with bills before committees that would remedy this evil, bills that sleep the sleep that in all human probability never will know any awakening.

Mr. President, I did not intend to say as much as I have. I now ask that this editorial of the New York World on "A chapter of financial infamy," which concludes with the significant words, "There can be no 'constitution of peace' with piracy and plunder," be inserted in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The editorial referred to is as follows:

A CHAPTER OF FINANCIAL INFAMY.

The World to-day undertakes to show what became of the $12,000,000 of money belonging to the stockholders of the New Haven, which, according to Chairman Prouty of the Interstate Commerce Commission, "vanished into thin air."

Needless to say this money did not vanish "into thin air." It vanished into the coffers of J. P. Morgan & Co. It was taken out of the treasury of the New Haven by Mr. Morgan and his associates to recompense J. P. Morgan & Co. for loans they had made practically without security to a dummy corporation, organized to conceal various financial manipulations in connection with the construction of the Westchester road. Even the exposure of life insurance corruption revealed no more cold-blooded piece of Wall Street piracy than the transaction whose scaly history is printed elsewhere in to-day's issue of the World.

Whoever wishes to know how the stockholders of a great railroad company can be swindled, robbed, and ruined by due process of law is invited to study carefully the steps by which the Westchester road was unloaded upon the unfortunate New Haven after President Mellen had informed the New Haven directors that the Westchester stock was worth "about 10 cents a pound." Whoever wishes to understand the cold, calculated villany by which the New Haven has been bled white, and its helpless stockholders cheated of the dividends which represent the only means of support that thousands of them have, is invited to study this chronicle of "high finance" to the last, least line.

If J. P. Morgan and his associates had gone into the offices of the New Haven, blown open the safe, and stuffed these millions into their pockets, they would have been guilty of burglary. But what a burglar might have done brazenly and defiantly they accomplished by stealth and cunning. In the long run the New Haven would have been better off if they had stolen this money outright from its safe, for then it would not have been saddled with the continuing burden of the Westchester, which is a steady drain upon its resources.

Thousands of men are in jail for offenses against society which were picayunish in comparison with this stupendous achievement in respectable robbery. It would be bad enough if the Westchester transaction stood by itself, but it is only one link in a long chain of financial infamy by which one of the richest railroad systems in the country was sold into slavery.

Mr. Morgan is dead, but his estate is not dead. His executors still hold the tainted profits that were acquired in this transaction and the courts are open to the New Haven stockholders to sue for restitution. Mr. Morgan is beyond the reach of the law, but his associates who are still living are not beyond the reach of the law. Guilt in their case is still personal, and if they can not be punished under any State statute for the grosser offenses, these offenses were nevertheless part of the violation of the Sherman antitrust law to which the New Haven, as a corporation, has confessed. Whatever measure of mercy and immunity is shown toward the corporation, there should be neither mercy nor immunity for directors who participated in the colossal swindles by which the New Haven has been brought to the verge of bankruptcy. Here is the time, place, and occasion for the Wilson administration to erect its gibbet of shame and prove again that the criminal statutes of the United States know neither rich nor poor.

There can be no "constitution of peace" with piracy and plunder.

Mr. WEEKS obtained the floor.

Mr. LODGE. Mr. President, if my colleague will allow me a moment, I wish to state that I find in the report of the Interstate Commerce Commission as to the San Francisco Railroad that receivers were applied for on May 27, 1913. The report states that—

The Frisco sold to Speyer & Co., of New York, shortly before the receivers were appointed, $3,000,000 of its general-lien 5 per cent bonds, French series, at a price of 78.

Those bonds were sold to French investors on April 24, May 2, May 10, and May 14, 1913; and on May 27, 1913, the receivers were applied for. Such transactions do not give us a very good reputation abroad.

Mr. WEEKS. Mr. President, understanding that the Senator from Nebraska [Mr. NORRIS] was contemplating offering a resolution of inquiry into the affairs of the New York, New Haven & Hartford Railroad Co., and finding it necessary to be absent from the Chamber last Tuesday, I asked him to offer the resolution when I could be present, because I might wish to submit some comments on it and on conditions in New England. The Senator very courteously made the statement on introducing the resolution last Tuesday that he wished it to go over on account of the arrangement he had made with me, and I wish now to express my appreciation to him for having done so.

I rise now to advocate and indorse the general purposes of the resolution which the Senator has introduced. It is un-

necessary to go into the conditions as they exist in New England at this time, but the fact is that the Boston & Maine Railroad Co. and the New York, New Haven & Hartford Railroad Co., both of which have been dividend-paying properties for more than 40 years, are in serious financial distress.

There are different reasons for this condition. It can not be charged that the Boston & Maine Railroad is in that condition for the same reason that the New York, New Haven & Hartfort Railroad is, because the Boston & Maine Railroad has not been making additions to its properties and taking on other properties during the immediate past. The New York, New Haven & Hartford Railroad has done so to a very large degree, as has been stated on this floor, adding to its capitalization more than $300,000,000 in one form or another.

I am not prepared, and I do not think any man is prepared, to state definitely whether there has been any looting of the New Haven properties or the New Haven treasury in so doing, whether there has been bad judgment used in so doing, or whether in the end it may be advantageous in some degree to the railroad situation in New England; but it has, for the time being at least, seriously injured a great number of stockholders in New England and elsewhere, and it has impaired the confidence which the public is justified in having in good railroad management in this country.

The Interstate Commerce Commission has made very careful investigations into some phases of this condition. I do not know exactly how far they have gone, but Mr. Commissioner Prouty states, in a letter to the Senate, which came as a result of an inquiry from the chairman of the Committee on Interstate Commerce [Mr. NEWLANDS], that they have investigated as far as the commission believes it has power to do, but that there is a large amount of information obtained by the commission which has not been made public which might answer all of the purposes of the Senate. When that information has been furnished to the Senate, if additional investigation is required in any form, it seems to me that that will be the time to ask that it be made. In the meantime I am going to support the resolution as introduced by the Senator from Nebraska, because I for one, representing in part a great New England State, wish to have every ray of light which can be found let in on the affairs of this corporation.

If there have been men in responsible positions guilty of looting those properties, I want them sufficiently and adequately punished. In any event, this is a time when the stockholders of those railroads and the people of New England may justly say, "Give us all the information there is, so that we may have an adequate and correct basis on which to reestablish the credit of these properties and put them in proper condition to adequately serve that community."

I should support the resolution anyway, but I hope the Senator from Nebraska will modify the preamble sufficiently so that we may ask for all the information which the Interstate Commerce Commission has on the subject and also ask for further investigation if the commission thinks further investigation should be given. If that should not be sufficient, we may then proceed to make such further investigation as the Senate may believe necessary, in order that we may have all the information which bears on this important subject.

Mr. MARTINE of New Jersey. Mr. President, I shall support the resolution submitted by the Senator from Nebraska [Mr. NORRIS] with the greatest relish. The story which has been published in the New York World and which has been recited by the Senator from Nebraska is not altogether new in character. I am old enough to remember the looting and piratical robbery of the old Erie Railroad, when Jay Gould and Jim Fiske, who were the participators in that robbery, fled from the city of New York over to New Jersey and domiciled themselves in a little hotel in order to prevent the possible service of legal processes on them. It was a horrible scandal. Fortunes were wrecked that a few men might be enriched. So these incidents are not new in our history. I feel that this looting of the New York & New Haven Railroad is only a revival; it has only broken out through the thin shell which concealed it.

I had a letter from a woman, who described herself as a widow with two children, living in New Haven, in which you could almost see the tears in her eyes. She said the little that was left to her by her husband from hard work and hard toil on his part and on her own part, because she shared with him as a toiler, was stored up in the stock of the New York, New Haven & Hartford Railroad. She says, "We thought it as good as gold, and held on to it. To-day we are bereft of an income, and Heaven only knows what shall become of me and my children." Why she should have written to me I do not know, although I am frank to say that my heart beats and swells in sympathy for those who have been made the victims of a condition of this kind. She asks if something may not be done by the great United States toward ferreting out the wrong and demanding restitution, if possible, of the money of which she has been robbed.

I feel, Mr. President, that we have definite knowledge. The Senator from Massachusetts says that we can not absolutely charge that this money was stolen, but the fact remains that these men are as chary of publicity as the average mortal, and yet there is not a mother's son of them who has come out and denied the charges made by the New York World. I believe those charges are true.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. MARTINE of New Jersey. Certainly.

Mr. WEEKS. I think the Senator from New Jersey and I only differ in the character of our language in this matter. It is true that the New York, New Haven & Hartford Railroad Co. did make a very comprehensive reply to the statement made by Mr. Commissioner Prouty sometime ago, but I do not think it ought to be charged against that corporation that it has not made a definite reply to the New York World article, because that was published only last Sunday.

Mr. MARTINE of New Jersey. That is true; but they have had time since that publication of last Sunday to give us some reason to believe that the charges made were false.

Mr. WEEKS. Yes, Mr. President; but——

Mr. MARTINE of New Jersey. Railroad reports and the thimble-rigging tabulations of scheming bankers will deceive the best of us, and I feel that I can get no knowledge as to their methods or as to their honesty through the report, of which I have seen a synopsis prepared by the New York & New Haven Railroad. I trust this measure——

Mr. NORRIS. Will the Senator yield to me?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. MARTINE of New Jersey. Certainly.

Mr. NORRIS. I should like to suggest to the Senator from New Jersey that the charges contained in the New York World of last Sunday, which I have quoted, are not the first charges made by that paper. They have been making similar charges for the last several weeks.

Mr. MARTINE of New Jersey. Oh, yes. As I have said, it is as old as the hills; but this has happened to be the time when it has broken through the shell. The public mind has been blunted. We have seen the thing go on, as I have said, from the days of the Erie looting, and we had a taste of it in the New York insurance scandal, because of which a certain individual very prominent in insurance affairs went to Europe, and lives to-day in glory in "gay Paree," where it is said he wears gilt buckles on his shoes; and yet through his manipulations and those of others hundreds of men were bereft of their money. I say that any other course than sifting this to the very bottom will not satisfy the ends of justice or satisfy the public demands.

Mr. OLIVER. Mr. President, when the Senator from Iowa [Mr. KENYON] was on the floor I asked if the firm of Speyer & Co. were not the fiscal agents of this Government in London. I was not quite certain at that time whether such was the case or not; but I find that the nomination of this firm as fiscal agents for the Navy Department was sent to the Senate in April by the President, and afterwards, on the 1st of May, the Senator from North Carolina [Mr. SIMMONS], chairman of the Finance Committee, reported from that committee and asked for immediate consideration of a resolution confirming the appointment, which was adopted. I send that resolution to the desk and ask the Secretary to read it.

Mr. TOWNSEND. When was that?

Mr. OLIVER. On the 1st day of May.

Mr. TOWNSEND. 1913?

Mr. OLIVER. Yes.

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Pennsylvania whether that appointment was before or after the failure of the Frisco road?

Mr. OLIVER. I think it was before the failure.

Mr. LODGE. It was before the appointment of receivers. The nomination of this firm of bankers came to the Senate in April. The Senate decided, very properly, that such agents were not officers of the United States and were not subject to confirmation by the Senate, and then passed the resolution which the Secretary is about to read, approving the appointment. The deal in French bonds was going on at the time, but application for the appointment of receivers was not made until the 27th of May.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from Pennsylvania.

The Secretary read as follows:

Resolved, That the Senate approve the appointment of the Right Hon. Sir Edgar Speyer, Bart., P. C., and the Messrs. Henry Oppenheimer, Henry William Brown, Henry Gordon Leith, James Speyer, and Eduard Beit von Speyer, trading under the name, style, and firm of Speyer Bros., at London, England, to be special fiscal agents of the Navy Department at that place, agreeably to the nomination.

Mr. NORRIS. Mr. President, I do not intend at this time to take up the time of the Senate, but it seems to me that the reading into the RECORD yesterday of a letter from a member of the Interstate Commerce Commission and a letter of Judge Prouty, who made the report of the commission at the time of the investigation of the New Haven Railroad affairs, requires some comment and perhaps makes it necessary to make some amendment of the resolution.

I stated yesterday that I believe anyone who will examine the report of Judge Prouty will agree with me that it shows on its face that the investigation of the affairs of this road was not complete. As far as the report is concerned, it does not attempt to trace many millions of the money that it shows were unlawfully taken from the stockholders of the company. In the space of nine years $204,000,000 was diverted into investments that were not properly connected with the railroad. Of course that was not all a loss, because they got something for it; but the report shows several places where amounts as high as twelve and thirteen million dollars, as Judge Prouty said, "vanished into thin air."

If the commission have in their possession information that has not been communicated to Congress and is not referred to in the opinion of Judge Prouty, of course it would be useless to make another investigation for the purpose of getting the same information. I do not want to duplicate the work. In my judgment, from all I have learned in regard to it and what I have in a very brief way tried to state to the Senate, the Interstate Commerce Commission have not exhausted the subject and have not exhausted all their powers in the matter. In order that there may be no question about it, however, I send to the desk an amendment to the resolution that I think will cover the matter in dispute.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out the first five lines of the resolution as printed and in lieu thereof to insert:

Resolved, That the Interstate Commerce Commission be requested to make public the facts in its possession concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., and, so far as it may be necessary to get additional information to thoroughly cover the subject, to reopen the examination of the affairs of that company and make a further investigation of its financial transactions with a view to ascertaining—

Mr. NORRIS. So that the body of the resolution will remain just as it is, with the exception of the introductory part, which will make it unnecessary, of course, for them to make any investigation in regard to any facts they may have in their possession.

Mr. NEWLANDS. Mr. President——

Mr. NORRIS. I will ask the Senator from Nevada if he has any objection to the amendment?

Mr. NEWLANDS. I was about to state that with the amendment suggested by the Senator from Nebraska the resolution is entirely satisfactory to me. I will say that I made inquiry of the Attorney General this morning, and he informed me that the offenses would come under State laws and would have to be prosecuted by the State officials.

Of course we all know that, owing to the inertia of the local authorities, the National Government has been compelled in many cases to enter upon an enlargement of its criminal jurisdiction under the interstate-commerce clause of the Constitution; and if that inertia continues to prevail in the various States it may be necessary for us to have national legislation upon the subject. I feel assured, however, that the local authorities in New England will take hold of the criminal phase of this matter vigorously.

So far as the resolution in its present form is concerned, it seems to me it will serve a very useful purpose, and that we will have the recommendations of the Interstate Commerce Commission as to the legislation necessary to prevent the recurrence of similar transactions. I am, therefore, in hearty accord with the resolution as amended by the Senator from Nebraska.

The VICE PRESIDENT. Does the Senator from Nebraska offer this as a modification of the original resolution?

Mr. NORRIS. Yes.

Mr. LODGE. Mr. President, I simply wish to put in one more quotation from the report of the Interstate Commerce Commission on the St. Louis & San Francisco Railroad matter. I quoted what they said about the placing in Paris of the bonds of the French series. Then the commission say:

Speyer & Co. should have been aware of the poverty of the Frisco and of its difficulties in obtaining funds, as they advanced that company, on April 24, $725,000 on its demand note, and $50,000 on its demand note dated April 29, and applied the proceeds of the sale of $1,000,000 of these bonds—

That is, the bonds they were planting in Paris—

on May 2 to the liquidation of these notes.

That was to pay themselves. They did that while they held the position of agents of the United States. Though the French people and investing public may be very wrong, they not only think it is a reflection on American business methods and the honor of the business men of the United States, but they think such conduct is a reflection on the United States, whose fiscal agents this firm were.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Interstate Commerce Commission be requested to make public the facts in its possession concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., and, so far as it may be necessary to get additional information to thoroughly cover the subject, to reopen the examination of the affairs of that company and make a further investigation of its financial transactions, with a view to ascertaining—

First. What became of the funds of said company invested in the various enterprises and corporations mentioned in the opinion of the Interstate Commerce Commission, No. 2384, case No. 4845, entitled "The New England investigation in the matter of rates, classifications, regulations, and practices of carriers," submitted May 20, 1913, and decided June 20, 1913.

Second. Whether the person or persons authorizing such investment of the funds of said company and the person or persons receiving the benefit thereof are liable to punishment under existing laws.

Third. Whether, under existing law, such funds so invested can be recovered on behalf of the stockholders of said company.

Fourth. What legislation, if any, is necessary to prevent the recurrence of similar transactions.

THE NAVAL MILITIA.

Mr. BRYAN. I ask that the Senate proceed to the consideration of House bill 8667.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8667) to promote the efficiency of the Naval Militia, and for other purposes.

Mr. BRYAN. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read first for committee amendments.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read the bill, which had been reported from the Committee on Naval Affairs, with amendments.

The first amendment of the Committee on Naval Affairs was, in section 5, page 4, line 23, before the word "appointment," to strike out "professional"; in line 24, before the word "examination," to insert "professional"; and on page 5, line 20, after the words "*And provided further*," to strike out "That when vessels in the service of the United States, commanded by Naval Militia officers, cooperate or act in conjunction with vessels commanded by officers of the Navy, the exercise of command over such combined force shall be determined by the rank which such commanding officers hold, except that, for the purposes of this proviso, Naval Militia captains, commanders, and lieutenant commanders shall be junior to lieutenant commanders of the Navy, unless specially certified for a higher grade by examination held under the authority of the Secretary of the Navy" and insert "That Naval Militia officers mustered as such into the service of the United States under the provisions of this act shall rank with but after officers of the Regular Navy in the same grade and rank; except that for the purpose of determining who shall exercise command over a combined force, composed of vessels commanded by Naval Militia officers and of vessels commanded by officers of the Navy acting in conjunction, all officers of the Naval Militia of or above the rank of lieutenant commander will be regarded as junior to lieutenant commanders of the Navy," so as to make the section read:

SEC. 5. That every officer and enlisted man of the Naval Militia who shall be called forth in the manner hereinbefore prescribed shall be mustered for service without further appointment or enlistment, and without further professional examination previous to such muster, except for those States and Territories and the District of Columbia, if the case may so be, which have not adopted a standard of professional and physical examination prescribed by the Secretary of the Navy for the Naval Militia, and whose officers and petty officers shall not have been examined and found qualified in accordance therewith by boards of officers which shall be appointed by said Secretary: *Provided, however*, That any officer or enlisted man of the Naval Militia so qualified who shall refuse or neglect to present himself for such muster upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct: *Provided further*, That when in the service of the United States, officers of the Naval Militia may serve on courts-martial for the trial of officers and men of the Regular or Naval Militia Service, but in the cases

of courts-martial convened for the trial of officers of the Regular Service, the majority of the members shall be officers of the Regular Service; and officers and men of the Naval Militia may be tried by courts-martial the members of which are officers of the Regular or Naval Militia Service, or both: *And provided further*, That Naval Militia officers mustered as such into the service of the United States under the provisions of this act shall rank with but after officers of the Regular Navy in the same grade and rank; except that for the purpose of determining who shall exercise command over a combined force, composed of vessels commanded by Naval Militia officers and of vessels commanded by officers of the Navy acting in conjunction, all officers of the Naval Militia of or above the rank of lieutenant commander will be regarded as junior to lieutenant commanders of the Navy.

The amendment was agreed to.

The next amendment was, in section 10, page 8, line 9, after the word "District," to insert "made"; in line 13, after the word "made," to strike out "nor" and insert "or without"; and in line 23, after the words "United States," to strike out "except as hereinafter provided," so as to make the section read:

SEC. 10. That the Secretary of the Navy is hereby authorized to procure, by purchase or manufacture, and issue from time to time to the Naval Militia such number of United States service or other arms, accessories, accouterments, equipment, uniforms, clothing, equipage, and military and naval stores of all kinds, under such regulations as he may prescribe, as are necessary to arm, uniform, and equip all of the Naval Militia in the several States, Territories, and the District of Columbia in accordance with the requirements of this act without charging the cost or value thereof or any expense connected therewith against the allotment of such State, Territory, or District made from the annual appropriation provided for the arming and equipping of the Naval Militia in the annual appropriation for the Navy, or in any other general appropriation for the Naval Militia that may hereafter be made, or without requiring payment therefor, and to issue from time to time ammunition suitable for such arms as the Naval Militia of the several States, Territories, and the District of Columbia may be equipped with, and to exchange said arms, accessories, accouterments, equipment, equipage, stores, and ammunition when the same shall have become obsolete, without receiving any money credit therefor, for other arms, accessories, accouterments, equipment, equipage, stores, and ammunition suitable for the Naval Militia: *Provided*, That said property shall remain the property of the United States and be annually accounted for by the governor or other proper officer of the States, Territories, and the commanding general District of Columbia Militia: *Provided further*, That each State, Territory, and the District of Columbia shall, when and as required by the Secretary of the Navy, turn in to the Navy Department, or otherwise dispose of, in accordance with the direction of the Secretary of the Navy, without receiving any money credit therefor, and without expense for transportation or otherwise, such or all property theretofore issued under the provisions of this act. To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of procuring, exchanging, or issuing of arms, accessories, accouterments, equipment, uniforms, clothing, equipage, ammunition, and military and naval stores to be exchanged or issued hereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the sum expended in the execution of the purchases and issues provided for in this section shall not exceed the sum of $200,000 in any fiscal year: *And provided further*, That the Secretary of the Navy shall annually submit to Congress a report of expenditures made by him in the execution of the requirements of this section.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. I will call the attention of the Senator from Florida to line 8, page 3, and line 9, page 4, where the phraseology is used, "the laws of the Union." In all other instances in the bill the words "United States" are used, and I suggest to the Senator that it would be, perhaps, better to have it read "the laws of the United States."

Mr. BRYAN. Very well. In line 8, on page 3, I move to strike out the word "Union" and to insert "United States."

The amendment was agreed to.

Mr. BRYAN. On page 4, line 9, I move to strike out the word "Union" and insert the words "United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BRYAN. I ask to have printed in the RECORD that portion of the House report made by Mr. PADGETT, chairman of the House Committee on Naval Affairs, which I designate on this copy.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[House Report No. 94, Sixty-third Congress, second session.]

EFFICIENCY OF NAVAL MILITIA, ETC.

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following report (to accompany H. R. 8667):

The bill as amended meets the recommendations of the Navy Department, as well as the officers of the Naval Militia of the various States. At present there is no Organized Naval Militia, but many States of the Union have organizations which are independent and which are not subject to Federal control except wherein they receive the benefit of an annual appropriation of $125,000, distributed among the various State organizations proportionate to their strength at the rate of about $10 per man. In order that the State organizations may participate in this Federal appropriation the Navy Department attempts to require certain regulations to be enforced regarding the care of the equipment loaned to such organizations and in matters of the general efficiency of the personnel.

The provisions of the bill under consideration tend to promote the efficiency of the various Naval Militias, and creates an Organized Militia which, in time of war, under certain conditions, will be subject to Federal control. In time of peace the Navy Department shall have such control as to prescribe the physical, moral, and military qualifications of the officers and enlisted men thereof. It is believed, therefore, that a more useful auxiliary of the naval force will be created, a force well trained and ready for service at the outbreak of war, and yet so organized as not to destroy local interest and sentiment, which is essential to all volunteer organizations in time of peace.

The bill establishes and defines, as far as is practicable, the same relation between the Regular Navy of the United States and the Organized Naval Militia as exists between the Regular Army and the National Guard under the terms of what is known as the Dick bill. The bill carries an appropriation of $200,000 per year, and will make the allotment per man approximately the same as in the terms of the Dick bill for the National Guard.

The bill provides that enlistments in the Organized Militia shall be carried on under the regulations prescribed by the Secretary of the Navy, which are, in fact, the same as required for entrance into the Regular Navy, and also provides for examinations of officers who may desire to qualify for commissions in the Regular Navy in the event of war.

It is not contemplated that the Organized Naval Militia shall enter the naval service of the United States in time of war as separate and distinct organizations in charge of fighting ships, but that the organizations may be divided up among the various fighting vessels in the battle line and its officers disseminated throughout the fleet. Experience has shown that with the limited Federal control possessed by the Navy Department at present, the State Naval Militia organizations as they exist to-day are efficient and perform excellent work during their summer maneuvers with the fleet, where they drill side by side with the regular officers and men of the Navy.

The Naval Militia at the outbreak of the Spanish War actually furnished in the war 3,332 officers and men, and so efficient was their work during the war that they received favorable commendation from their various commanding officers of the Regular Navy, and the strength of the Naval Militia in the various States grew to about 5,500 men and became a most valuable recruiting bureau for the Navy Department. The militia of the various States to-day numbers about 8,126 efficient and well-trained officers and men. If this bill be enacted into law, the President, in the event of war, can call upon these men, and the department states that they can be on board ship in fighting condition within a very short period of time.

Furthermore, the naval service has become so technical in character that those who would volunteer for duty in the service in time of need should be provided with facilities for perfecting themselves in the essentials of the service in time of peace. The Naval Militia of the various States is composed of highly trained mechanics and engineers, whose daily trades and professions particularly fit them for the technical service of the Navy. It is therefore on the Naval Militia that the department may largely depend for skilled artisans and technically trained men who have sufficient training in the naval side of their respective trades or professions to make them valuable for immediate service at any time.

Strength of Naval Militia organizations as reported on July 1, 1913.

State.	Officers.	Petty officers and men.
California	61	634
Connecticut	21	202
District of Columbia	12	139
Florida	16	133
Illinois	40	505
Indiana	17	292
Louisiana	27	346
Maine	6	129
Maryland	18	139
Massachusetts	42	640
Michigan:		
First Battalion	22	242
Second Battalion	18	260
Minnesota	17	222
Missouri	15	211
New Jersey:		
First Battalion	16	193
Second Battalion	14	202
New York:		
Headquarters	8	.....
First Battalion	30	482
Second Battalion	24	401
Third Battalion	21	326
North Carolina	44	331
Ohio:		
First Battalion	9	161
Second Battalion	14	124
Oregon	23	226
Pennsylvania	17	208
Rhode Island	16	193
South Carolina	18	146
Washington	21	283
Wisconsin	13	145

Total number of officers	620
Total number petty officers and men	7,506
Grand total	8,126

In connection with the questions bearing upon the existing requirements in the various militias as to physical qualifications and professional qualifications the following excerpts from the Militia Law and Regulations of the State of Massachusetts are given as a general example:

"REGULATIONS, ARTICLE 4.

"SEC. 74. Every candidate for admission to the Massachusetts Volunteer Militia must be an able-bodied male of 18 years or upward.

"Enlistment.

"78. Officers making enlistments will prepare these rolls in triplicate.

"79. Company commanders, immediately upon making enlistments, will notify recruits to appear before them to sign the enlistment rolls, and, after physical examination by a medical officer, will then order the recruits to appear at such time and place as shall be appointed for muster.

"80. In signing enlistment rolls recruits will sign the Christian names in full.

"81. In the case of a regiment the companies of which are scattered in such a manner that the recruits can not, without much expense, go to a medical officer, the regimental commander will order such officer to travel to the armories of companies having recruits to muster, notifying the company commanders of such visit, and ordering them to have their recruits ready for examination at a stated time.

"MILITIA LAW.

"SEC. 84. The officers named in the preceding section as recruiting officers shall be mustering officers for mustering in and administrating the prescribed oath of enlistment to all soldiers enlisted by them. Mustering officers shall forward to the commander in chief, through the proper military channels, the returns of the enlistment and muster in of soldiers as soon as practicable and not later than 10 days thereafter. Such returns shall be in such form and accompanied by such certificates, descriptive lists, and other information relating to the recruit as may be required by law or prescribed in orders by the commander in chief. But no recruit shall knowingly and intentionally be accepted who is not eligible for enlistment under the law or who is physically or otherwise below the standard prescribed by the commander in chief. No recruit having been accepted shall be mustered into the service until all the requirements of the statute law, of the militia regulations, and of all proper orders relating to the enlistment and muster in of soldiers have been complied with.

EXHIBIT A.

EXAMINING BOARDS.

"SEC. 61. Commissioned officers—except the staff officers of the commander in chief, medical officers, veterinarians, and chaplains—shall, upon being notified as provided in section 51, appear before a board of three medical officers, which shall examine the officers who appear before it as to their physical fitness to perform their duties. Such officers as said board finds to be physically competent, and so certifies, shall thereafter appear before an examining board, consisting of not less than five nor more than seven officers designated by the commander in chief. Members of said board shall not take part in the examination of or give any opinion, information, or advice as to the fitness or competence of any officer who has any business or family connection with them or might, as a result of the examination, come under their immediate command. The commander in chief may, if he thinks it necessary, make a temporary detail to fill a vacancy in said board caused by temporary ineligibility or absence.

"SEC. 62. A complete record shall be kept by the secretary of the board, elected by the board from its members, of all meetings of the board. Such record shall embrace a statement at length of the proceedings, including the names of the members present, the name of any officer temporarily assigned for duty upon the board, the name of any officer who is absent and the cause of his absence, the name of every officer examined and the questions put to him, with his answers, and copies of all communications from and the originals of all communications to the board, with the findings and action of the board in each case and the reasons therefor. Such record shall be submitted to the board at its next meeting thereafter for approval or correction.

"SEC. 63. After receiving from the board of medical officers a certificate of physical competency in the case of each officer who appears before it, the examining board shall examine all such officers as to their military, moral, and general qualifications as hereinafter set forth, and shall administer the oaths prescribed by section 73. If, in the opinion of the board, the officer is competent, it shall so certify to the commander in chief, who shall issue his order announcing the result of the examination. If the officer fails to pass a satisfactory examination, the board shall so notify him, and he may, within 10 days after the time when he receives such notice, appeal for a reexamination to the commander in chief, who may, after an examination of the record of the case, order a reexamination of such officer before said board or before a board convoked by him for the purpose.

"SEC. 64. Medical officers and veterinarians shall appear before an examining board, consisting of three medical officers designated by the commander in chief, which shall certify the competency of such officer, or give its reasons for refusing so to certify, and in case of a refusal it shall transmit the complete record, with its reasons for refusal, to the commander in chief. It shall administer the oaths prescribed for other commissioned officers.

"SEC. 65. An officer who fails to appear before a board of examiners within 40 days after the date of his election or appointment, and who does not furnish satisfactory explanation of his absence, or who fails to pass a satisfactory examination before the board authorized to examine or reexamine him, shall forthwith be discharged by the commander in chief; but such officer may enlist to secure continuous service, and his enlistment shall date from the day of his election to the office for which he failed to pass a satisfactory examination if he so enlists within 30 days after the date of his discharge from the office to which he was elected. A commissioned officer who has been discharged by reason of failure to pass a satisfactory examination shall not be eligible for election or appointment to a commission within two months after such discharge.

"SEC. 66. An officer resigning his commission may enlist to secure continuous service, and his enlistment shall date from the day of his resignation if he is mustered within 30 days thereafter.

"SEC. 67. Examinations for staff positions, except for members of the staff of the commander in chief, medical officers, and veterinarians, may be of such general character as to experience and moral and military qualifications as the board may in each case determine. A staff officer shall at his request, or if the board so orders, be examined in the manner provided for other officers.

"SEC. 68. Other officers shall be examined by written questions prepared in advance, equal in number and as nearly as possible equal in difficulty for officers of the same grade, the answers to which shall be in writing; but such questions may be greater in number and difficulty for officers of higher grades. A number of sets of such questions for the several grades shall be prepared in advance, under the direction of the board, for examination of officers of the several grades. No special set of questions shall be used in the examination of any officer. All questions propounded in examinations as to the technical military qualifications of an officer shall be based on military textbooks of recognized authority, to be selected from time to time by the examining board. The titles of all books so selected and the number required shall be furnished to the Quartermaster General by said board, and the specific parts thereof adopted as the basis of examination shall be promulgated to the volunteer militia by the commander in chief in such manner as to indicate the exact scope or standard required of candidates in each respective grade or staff position, and the Quartermaster General shall furnish upon requisition to officers accountable for public property, copies of such books for the use of such officers and of those belonging to their commands. At such written examinations every officer shall also make, upon a prepared form, answers showing his military service and experience and his residence and occupation. Any other questions which the board or any member thereof may desire to ask shall be fully written out and the answers thereto shall be in writing. The board may make other inquiry relative to the officer ordered before it for examination, but such inquiry and the answer thereto shall in all cases be in writing, and all communications from and to the board shall be a part of the record and shall be preserved upon its files. Neither the board nor any member thereof shall make any inquiry or receive any communication, oral or written, relative to an officer before it, or who is to come before it, as to any matter affecting his qualifications as an officer in the militia except as above authorized.

"SEC. 69. The secretary of the board shall preserve all examinations, reports, and papers, and the findings of the board in the case of each officer; and the same shall, upon the demand of the commander in chief, be laid before him.

"SEC. 70. The provisions of the preceding nine sections shall, so far as they are applicable, apply also to any special board convoked by order of the commander in chief for examination of officers.

"SEC. 71. An officer who has passed his examination and has been assigned to duty shall not thereafter be ordered before the board of examiners while acting under the same commission; but said board may pass a candidate conditionally and order him to appear for further examination within 90 days after the date of his first examination, and an officer so conditionally passed who fails to appear before the board within the time designated, and does not furnish satisfactory explanation of his absence, or who then fails to pass a satisfactory examination, shall be discharged by the commander in chief.

"SEC. 72. An officer who in the opinion of his commanding officer is incompetent, or is impairing the efficiency of the organization to which he is attached, by mismanagement, neglect, or misconduct in civil life for which he is not amenable to court-martial, may, upon the request of his commanding officer, be ordered to appear before a special board of examiners, consisting of not less than three nor more than seven officers, none of whom shall be of lower rank than the officer under investigation. The members of such board may, for cause, be challenged by the accused as provided by the regulations as to courts-martial, and vacancies thus created shall be filled in the manner prescribed for military boards. Said board shall without delay inquire into the charges preferred against the accused, and may examine him, as provided in section 63, as to his mental and military qualifications; but the accused may produce any competent evidence, by witnesses or otherwise, and may be represented by counsel. The president of such board may administer oaths to witnesses, and may issue summonses as provided in section 185; and officers or soldiers failing to serve such summons, or failing to appear when so summoned without a sufficient excuse, shall be liable to trial by court-martial as for disobedience of orders, or may, as well as other witnesses failing to appear, be compelled to appear, as provided by section 10 of chapter 175 of the Revised Laws. Such board may, with the approval of the commander in chief, require a judge advocate to attend its sittings, when taking testimony or investigating any complaint. It shall report the facts, with the evidence and its recommendations, to the commander in chief, who may, if the board so recommends, discharge such officer. An officer failing to appear, as ordered, before such special board shall be discharged by the commander in chief."

The following excerpts from Massachusetts General Orders, No. 2, adjutant general's office, February 1, 1907, indicate the minimum professional requirements for officers in the Naval Militia:

EXHIBIT B.

Naval brigade.

Ensigns	Elements of Navigation, Henderson.	Pages 1-70, 185-189, 193.
	Bowditch's Navigator	Pages 1, 6-25, 38-53, 61-64.
	Navy Regulations	Chapters 2, 4, 13, 35.
	Militia Law	Chapter 405, acts of 1905, and amendments.
	Regulations Massachusetts Volunteer Militia.	All.
	Landing Force, United States Navy, 1905.	All except Part V. The School of Battalion and Brigade not required in examination for ensigns.
	Ship and Gun Drills, United States Navy, 1905.	All except pages 130-200.
	Boat Book, United States Navy, 1905.	All.
	Bluejackets' Manual, United States Navy.	All except pages 202-206, 214-234. Where this book conflicts with above the newest book will be authority.
Lieutenants (junior grade).	All that is required of ensigns, and Elements of Navigation, Henderson.	Pages 70-102, 133-144, 178-185, 189-193.
	Bowditch's Navigator	Pages 65-73, 80-100, 111-113 127-130, 148-154, 167 (par. 378).
	Nautical Almanac	Familiarize yourself with tables.
	Luce's Seamanship	Chapters 6, 14, 17, 18, 23 (pp. 444-447), 29 (pp. 476-479), 35.
	Navy Regulations	Chapters 3, 12.
	Company Record Books	Knowledge of.
Lieutenants	All that is required of lieutenants (junior grade), and Luce's Seamanship.	Chapters 11-13, 16, 28, 33 (pp. 518-519, 525, 526), 34 36 (pp. 582, 583), Appendixes F, G, K, N.
	Navy Regulations	Chapters 9-11.

Naval brigade—Continued.

Lieutenant commanders and captains.	All that is required of lieutenants, and Elements of Navigation, Henderson.	Pages 103–133, 144–178, 202, 203.
	Bowditch's Navigator	Pages 53–60, 100–110, 113–118, 142–147, 155–162, 169–172.
	Sturdy's Navigator	Whole book.
	Diehl's Compensation of Compass.	Do.
Books of reference for naval brigade line officers.	Ingersoll's Gunnery	
	Knight's Seamanship	
Adjutant	Landing Force, United States Navy, 1905.	Whole book, except Part V.
	Ship and Gun Drills, United States Navy, 1905.	Part VII.
	Bluejackets' Manual, United States Navy.	All except chapters 5, 6.
	Navy Regulations	Chapters 2, 4, 13, 35.
	Militia Law	Chapter 465, acts of 1905, and amendments.
	Regulations Massachusetts Volunteer Militia.	All.
Ordnance officer	Bluejackets' Manual, United States Navy.	All except pages 202–206, 214–234.
	Ship and Gun Drills, United States Navy, 1905.	All except pages 130–200.
	Boat Book, United States Navy, 1905.	All.
	Landing Force, United States Navy, 1905.	Part I.
	Navy Regulations	Chapters 2, 4, 13, 35.
	Militia Law	Chapter 465, acts of 1905, and amendments.
	Regulations Massachusetts Volunteer Militia.	All.
	United States Small Arms Firing Regulations, 1904.	All.
Equipment officer	Navy Regulations	Chapters 2, 4, 13, 35.
	Militia Law	Chapter 465, acts of 1905, and amendments.
	Boat Book, United States Navy, 1905.	All.
	Regulations Massachusetts Volunteer Militia.	All.
	Landing Force, United States Navy, 1905.	Part I.
	Bluejackets' Manual, United States Navy.	All except chapters 5, 6.
	Quartermasters' Manual, United States Army.	All.
Paymaster	Navy Regulations	Chapters 2, 4, 13, 16, 35.
	Militia Law	Chapter 465, acts of 1905, and amendments.
	Regulations Massachusetts Volunteer Militia.	All.
	Bluejackets' Manual, United States Navy.	All except chapters 5, 6.
Engineer and assistant engineer.	Barton's "Naval Engines and Machinery."	Chapters 1, 2 (except pages 20–34), 3, 4 (except pages 59–84), 5 (except pages 96, 98, 107, 108), 7–9 (except pages 227–246), 14 (except pages 362–381), 17–19.
	Bieg's "Naval Boilers"	Chapters 1, 2, 5, 6, 8–11, 13–15, 16 (except pages 255–266), 17.
	Navy Regulations	Chapters and appendix relating to engineers an engines and boilers. Also chapters 2, 4, 13, 35.
	"The Marine Steam Engine," by Richard Sennett and Henry J. Oram, fifth edition, 1900.	All.
	Militia Law	Chapter 465, acts of 1905, and amendments.
	Regulations Massachusetts Volunteer Militia.	All.
	Bluejackets' Manual, United States Navy.	All except chapters 5, 6.
Signal officer	Landing Force, United States Navy, 1905.	Part VI, except pages 424–484.
	Navy Regulations	Chapters 2–4, 13, 35.
	Militia Law	Chapter 465, acts of 1905, and amendments.
	Regulations Massachusetts Volunteer Militia.	All.
	Boat Book, United States Navy, 1905.	All.
	Bluejackets' Manual, United States Navy.	All except chapter 5.
Assistant paymaster	Same as paymaster, and, in addition, Manual for the Subsistence Department, United States Army, 1902.	

SUMMARY OF TEXTBOOKS.

"Infantry Drill Regulations, United States Army.
"Militia Law, chapter 465, acts of 1905.
"Field Service Regulations, 1905.
"Guard Manual, 1902.
"United States Small Arms Firing Regulations, 1904.
"United States Pamphlet on Correspondence.
"Regulations Massachusetts Volunteer Militia.
"Security and Information, Wagner.
"Manual of Army Cooks.
"Organization of Tactics, Wagner.
"Manual of Field Engineering, Beach.
"United States Army Regulations, 1904.
"Quartermasters' Manual, United States Army.
"Manual for Subsistence Department, United States Army, 1902.
"Light Artillery Drill Regulations.
"Dyer's Boots and Saddles.
"Dyer's Handbook of Light Artillery.
"Cavalry Drill Regulations, 1902.
"Manual of Visual Signaling, United States Signal Corps, 1905.
"Land Forces of United States, Elements of, 1905, Adjutant General's Office, Massachusetts.
"Catechism of Outpost Duty, Wagner.
"Articles of War, Revised Statutes, paragraph 1342.
"Winthrop's Abridgment of Military Law, fourth edition.
"Drill Regulations for Coast Artillery, United States Army.
"Tactics of Coast Defense, Wisser.
"The Gunner's Manual, Best.
"The Gunner's Catechism, Hamilton.
"Ordnance and Gunnery, Bruff.
"Lectures on Explosives, Walke.
"Mahan's Permanent Fortifications, Merour.
"Elements of Navigation, Henderson.
"Bowditch's Navigator.
"Navy Regulations, 1905.
"Landing Force, United States Navy, 1905.
"Ship and Gun Drills, United States Navy, 1905.
"Boat Book, United States Navy, 1905.
"Bluejackets' Manual, United States Navy.
"Nautical Almanac, 1906.
"Luce's Seamanship.
"Sturdy's Navigator.
"Diehl's Compensation of the Compass.
"Ingersoll's Gunnery
"Knight's Seamanship.
"Barton's Naval Engines and Machinery.
"Bieg's Naval Boilers.
"The Marine Steam Engine, by R. Sennett and H. J. Oram, fifth edition, 1900.
"Notes on Military Hygiene, by Col. Alfred A. Woodhull."

EXHIBIT C.

[Circular letter No. 1.]

NAVY DEPARTMENT,
Washington, D. C., January 17, 1910.

SIR: The following concerning the constitution of the personnel of the Naval Militia is recommended to all organizations now in existence or that may hereafter be formed:

Since the plan of organization varies in the different States, and since any efforts toward uniformity must proceed by easy stages, the recommendations contained herein involve no changes in present organization; that is, where the organization consists of companies or divisions, line or engineer, or is modeled on the complement of a ship's company, these may remain as at present. The desideratum is that the total force shall contain men in the different ratings and callings—"deck," "engineer," "electrical," "mechanical," and "miscellaneous"—about in the proportion as a modern ship's complement. In other words, the total force, or a division or company, shall contain all branches of the service, just as the landing force from a ship has in its ranks all such branches. With such an organization any Naval Militia force is ready to man a ship in its entirety or fill vacancies in all ratings on a ship of the Navy.

The Naval Militia organizations began as essentially military organizations; the training was in armories, supplemented by work in relatively small boats. For this purpose the military organization was a natural and a good one. With the progress that followed the Spanish War, when vessels of small size—converted yachts, etc.—were available for loan to the Naval Militia, the conditions materially changed. The training is now becoming essentially naval. Vessels of large size—gunboats, small cruisers, and coast defense—are being assigned the militia. It is only necessary to cite the *Marblehead, Nashville, Isla de Cuba, Isla de Luzon, Yantic*, etc. The vessels should be manned by the Naval Militia as they would be by the Navy. The training should be such that on a sudden call to war the vessel should be able to proceed at once with a complete complement.

There are given below the complements of several types of vessels, showing about the relative proportion of the several more numerous branches:

Class of ship.	Deck force.	Engineer force.	Electrical force.	Total complement.
Battleship (Connecticut)	461	240	30	834
Cruiser (New York)	221	155	12	447
Cruiser (Chicago)	196	119	8	377
Gunboat (Marblehead)	121	77	4	239
Gunboat (Nashville)	84	47	6	169
Monitor (Ozark)	113	53	10	209

Organizations on this basis will be able to train completely on a vessel that they can man on telegraphic notice. It is therefore earnestly recommended that the States take up the matter along these lines and submit their organization in requesting the loan of a vessel.

While it is desired to approach as near as possible the above-mentioned proportions, it is desired to call attention to the fact that localities differ as to their resources in materials, and each should develop to the highest degree such facilities as its locality offers. In any case, the need in time of war or of peace of skilled men—engineers, electricians, telegraphers, wireless operators, and mechanics of all branches—is so great that it is recommended that the personnel be recruited in those branches at the expense of the seamen branch.

Respectfully,

BEEKMAN WINTHROP,
Assistant Secretary.

EXHIBIT D.

[Circular letter No. 2.]

NAVY DEPARTMENT,
Washington, D. C., January 17, 1910.

SIR: 1. The summer exercises of the Naval Militia organizations on the Atlantic coast for the season 1910 will take place July 24 to 31, inclusive, and this will require that the men of each organization obtain leave for at least the period July 23 to August 1, inclusive. The rendezvous will be at Gardiners Bay, Long Island, and the cruise

will be in that vicinity, visiting such ports as may be practicable, the vessels to disband in time to permit each visiting some large city for liberty.

2. The exercises of the organizations on the Great Lakes will take place August 8 to 17, inclusive, and this will require that the men of each organization obtain sufficient additional leave to enable them to arrive at the place of rendezvous prior to and leave after the completion of the cruise on the dates shown above. The rendezvous will be at Thunder Bay (Alpena), Mich., and the cruise will be down the Lakes to Buffalo, N. Y. It has been calculated that the cruise from Thunder Bay to Buffalo and return, maintaining a steady speed, will require about six days; therefore the necessity for 10 days, as outlined above, is apparent, as this period will allow 4 days for liberty, anchorages, and drills. Any less period than this will necessitate entirely remodeling the cruise, and it is requested that, if possible, the organizations make provision for this amount of time.

3. The following applies to the exercises of both the lake and the Atlantic coast organizations, as provided for in the preceding paragraphs:

Target practice will not be held during these exercises, but special circulars will be issued later on the subject. The exercises will consist of as much cruising, day and night, as is practicable, carrying on drills, signals, etc., the entire time. It is important that all line officers become as familiar as possible with Rules of the Road and all signal and cruising lights used in the Navy. To this end it is suggested that advantage be taken during the winter and spring of all opportunities offered by the Hydrographic Office to learn chart and compass work.

4. It is believed that keeping position "in formations" can be vastly improved if early attention is given to the following three points:

(a) Provide voice tubes, telephones, or some mechanical apparatus between the bridge and the engine room. (A report on the apparatus, if any, now installed, with recommendations for improvements, is requested at an early date. The department believes it is quite within the capacity of the Naval Militia and the ship keepers to install such apparatus.)

(b) Standardize the ship's propellers. (The department earnestly recommends that each organization proceed as soon as navigation permits to standardize the ship's propellers. Where there is no current, three runs over a carefully measured distance between landmarks that are perfectly located on the chart, noting accurately the time and counting the revolutions, will determine the revolutions per minute corresponding to a given speed. These experiments should be made for at least three speeds—one-half, three-quarters, and full speed—and a curve plotted for all speeds. The data, when obtained, should be forwarded immediately to the department.)

(c) Compasses to be carefully compensated and deviation tables prepared.

5. In view of this early notice the department will be gratified if the organizations cruising in their own vessels can arrange for a period of exercises of not less than 10 days together; that is, 10 days from the time of arriving at the place of rendezvous to the time the squadron disbands. The exercises aboard the battle ships will be for a period of eight days, exclusive of the time required to proceed to and return from the battle ships.

6. It is particularly desired that the attendance on the part of the Naval Militia be up to the full capacity of the vessels taking part.

7. A detailed itinerary for each of the lake and Atlantic coast exercises will be published later, so that necessary arrangements can be made for the sending and receiving of mail.

CRUISES OF INDIVIDUAL VESSELS OF ISOLATED ORGANIZATIONS—CALIFORNIA, LOUISIANA, NORTH CAROLINA, AND MISSOURI.

8. The department desires that the summer exercises of the Naval Militia of the States of California, Louisiana, North Carolina, and Missouri may be this year as complete and exhaustive as possible, and that practically every member of each organization shall take part.

9. As regards California, the *Marblehead* will take only a portion of the total strength of that organization. The excess over the complement of the *Marblehead* will be assigned to the Pacific Fleet, the necessary instructions in connection with such assignment to be made later. It is believed that by thus alternating the officers and men between the ships of the Navy and their own cruising vessel a progressive training will be established and the best results obtained.

10. The department selects the date July 17 to 24, inclusive, as the period for embarking the California organization on the vessels of the Pacific Fleet, and recommends that the cruise of the *Marblehead* take place at the same time. The above-mentioned period for instruction will require that the men of the organization obtain leave for at least the period July 16 to 25, inclusive.

11. As regards the organizations of Louisiana, North Carolina, and Missouri, it is not practicable for the vessels assigned to these States to take part in any combined exercises, and as there are not as yet any funds available for their transportation to and from the battleship fleet the department outlines the following suggestions:

(a) That each organization be recruited up to its allowed strength along the lines given in department's Circular Letter No. 1, of January 17, 1910.

(b) That the total force of each organization be divided into sections equal to the capacity of the cruising vessel.

(c) That arrangements be made for as many cruises of not less than seven days' duration as there are sections provided for by paragraph (b) above.

12. As a preparation for this cruising, it is important that the line officers become as familiar as possible with the Rules of the Road, anchoring, getting under way, etc., and should particularly take advantage of all opportunities offered by the hydrographic officer for instruction in chart and compass work.

13. The department leaves to each organization (Louisiana, North Carolina, and Missouri) the selection of the date for its exercises, but requests that an early decision may be arrived at and the entire organization so informed, that the maximum number of men may be able to secure the necessary leave from their vocations in order that they may take part.

14. The department recommends that each cruise of all individual vessels be continuous for the period allowed, not returning to the home port until the completion of each cruise, in order that the officers and men may get the maximum experience in navigating, anchoring, getting under way, etc., and become as familiar with the local waters as time will allow.

15. A naval officer will be detailed, if practicable, to accompany each vessel as adviser, and this applies to the exercises of the Atlantic coast, Great Lakes, and of individual vessels. In the meanwhile the naval recruiting officer in the port of each organization, if such an officer is available, will lend all assistance in his power in perfecting the plans as outlined above.

16. It is earnestly requested that the organizations of California, Louisiana, North Carolina, and Missouri submit to the department at as early a date as possible the tentative plans of the organization, including date set for cruises, in the matter of summer exercises, and the department will hold itself in readiness to render such assistance as is in its power.

EXERCISES ON THE BATTLESHIPS.

17. As the vessels assigned to the States on the Atlantic coast will accommodate but a portion of the total force of the respective organizations, those in excess of the complement of the State vessel will be sent to the Atlantic Battleship Fleet under arrangements similar to those of the exercises of 1909. In this connection the department at a later date will require a statement from each organization of the number of officers and men in the several ranks and ratings who will require assignment to the battleship fleet. Details as to the mode of transportation to and from the battleships can not be given at this date, as it may be dependent on legislative action. Such organizations as took part in the battleship fleet exercises of 1909 are familiar with the details. Bags and hammocks are required, but not mess gear.

18. For such organizations having no vessels, where the States have funds available for the pay, subsistence, and transportation of their men to and from points to be fixed by the department for the embarkation on transports, battleships, or other vessels, the question of assigning the men of those organizations to vessels for instruction will be given consideration.

19. With all the above arrangements strictly carried out, and the early knowledge by all members of the organization of the dates set for its exercises, whether combined or individual, the attendance should approach the total organized strength of each Naval Militia organization.

Respectfully,

BEEKMAN WINTHROP,
Assistant Secretary.

UNITED STATES NAVAL MILITIA, 1887–1907.

"An examination of the Naval Militia movement shows that it has grown out of an endeavor to create a force of men and ships to be available for reenforcing the Regular Navy on demand.

"Mr. Whitthorne introduced Senate bill 3320, February 17, 1887, 'To create a naval reserve of auxiliary cruisers, officers, and men from the mercantile marine of the United States.' The measure did not become a law. The Navy Department, in 1887, prepared a plan of organization for a Naval Militia.

"Mr. Whitthorne introduced, January 4, 1888, H. R. 1847, and substituted, June 26, 1888, H. R. 10622, 'To provide for the enrollment of Naval Militia and the organization of naval forces, etc.' This bill did not become a law, but it was the basis of State action in several States.

"On October 1, 1891, California, Massachusetts, New York, North Carolina, Rhode Island, and Texas reported an enrolled Naval Militia of 1,149 men and officers. These forces were parts of the National Guard or Volunteer Militia of their States.

"In 1892 Texas had dropped out and South Carolina came in. The total enrolled Naval Militia was 1,794. The organizations of four States were drilled on seagoing men-of-war in the Navy.

"In 1893 the force reported from nine States was 2,376. The Naval Militia of five States drilled on naval vessels.

"In 1894 11 States reported 2,539 men, exclusive of officers. The Naval Militia of six States was drilled on naval vessels.

"In 1895 13 States reported 2,695 men, exclusive of officers. Most of the battalions went into camp. The Naval Militia of four States was drilled on naval vessels. One State's force made a boat reconnoissance and survey.

"In 1896 14 States reported 3,339 men, exclusive of officers. Most of the organizations were drilled on naval vessels. Some went into camp.

"In 1897 15 States reported 3,703 men. The Naval Militia of 12 States was drilled on naval vessels and with torpedo boats. Target practice, mainly with subcaliber guns, was given. A memorandum for the probable field of operations was prepared from the views of the Naval War College and reports of boards of inspections.

"This memorandum included—

"1. Manning a flotilla for defense of interior waters.

"2. Protection of harbors by mines and improvised batteries.

"3. Maintenance of signal stations and a system of scouting.

"In 1898, prior to the outbreak of hostilities of the Spanish-American War, it was found necessary to make a large increase in the enlisted force of the Navy.

"The only additional trained men available were the officers and men of the Naval Militia of the several States, which, under appropriations from Congress, had been armed, equipped, and given training in the line of defense of the coasts and harbors. In the absence of authority for calling these men into service the governors of these States patriotically granted them leaves of absences or permitted them to resign from the Naval Militia in order to enlist in the Navy.

"During the war about 4,000 officers and men were added to the Navy in this manner and were assigned to duty in the auxiliary naval forces, the coast signal service, and especially on cruising ships, of which the *Yankee*, *Dixie*, *Prairie*, and *Yosemite* were entirely officered and manned by them, with the exception of the commanding, executive, and navigating officers.

"These organizations were largely recruited outside of the seagoing class, and lacked the experience in gunnery, navigation, and habits of the sea necessary to immediate high efficiency in the Navy. On the other hand, they were men of a high standard of education and intelligence and rapidly acquired while on shipboard the necessary knowledge. The country has been amply repaid for the money expended in their instruction and training.

"The auxiliary naval force was authorized by resolution approved May 26, 1898, for coast defense. The personnel of the force was almost entirely contributed by the Naval Militia organizations of the several States. A small percentage was supplied by the merchant marine. Ten monitors were put in commission and officered and manned by the Naval Militia. Many of those vessels cruised from port to port and went to sea for target practice, which gave the officers and men valuable training. This service afforded a sense of protection to the people along our Atlantic coast line. Ten yachts and 5 tugs were purchased. At its maximum strength the auxiliary naval force included 41 vessels in commission.

"The duty of protecting mine fields and of maintaining quarantine regulations was performed by a fleet of 8 converted yachts, 10 converted tugs, and 1 side-wheel steamer, all officered and manned by men from the Naval Militia, and by 4 revenue cutters, with their regular officers and crews, which were stationed on the Pacific coast.

"The Atlantic coast line was divided into eight districts, in which were distributed 36 signal stations, officered and manned entirely by the State Naval Militia. This signal service extended along our coasts from Maine to Texas.

"Eight hundred and fifty-six volunteer officers served in the Navy in the Spanish-American War. A large proportion of them were officers of the Naval Militia. Secretary of the Navy John D. Long states:

"'The zeal and attention to duty of these volunteer officers were of a high order.'

"The experience of the Spanish-American War demonstrated the necessity of a national naval-reserve force to be subject to the call of the National Government in time of war. This war also demonstrated the fitness and efficiency of the Naval Militia to perform every duty that has been demanded of it.

"In 1899 the Naval Militia of 16 States was drilled under the supervision of regular Navy officers on men-of-war, and the enlisted men numbered 6,302.

"In 1900 nine militia forces were drilled on naval vessels, and the number of men dropped to 5,309. Five States had the use of vessels lent by the department under the provisions of the act approved August 3, 1894.

"In 1901 six States' militia were drilled under the direction of naval officers, and the number of enrolled men dropped to 4,679. The drills conducted by the militia officers were increased in number and improved in quality.

"From 1901 to 1906 the routine of drills has continued; the number of enrolled men has averaged 4,808.

"Several States have expended appropriations directly for their Naval Militia, and there is a tendency to distinguish between Naval Militia and National Guard plainly shown in State legislation.

"It is reported by inspecting officers of the Navy that the Naval Militia is lacking in proper facilities to secure the best results in drill and instruction.

"The Secretary of the Navy, by order dated October 21, 1905, has placed the Naval Militia under the Assistant Secretary. The allotments to the State militia of the funds appropriated by Congress are directed by him and are proportional to the number of enlisted men. The allotments are expended or disbursed by the Bureau of Supplies and Accounts, and arms, equipment, etc., are issued by the Bureau of Ordnance.

"There is annexed a table showing the naval vessels lent to the militia of the various States and the District of Columbia.

"The *Puritan*, of the District Naval Militia, is the only vessel with a modern battery used by the militia.

"The annexed tabulation of enlisted men of the militia shows the number enrolled for every year from 1891 to 1906, both years included. On same sheet is given the annual appropriations by Congress for arming and equipping the Naval Militia. The total is $705,000 to date. The number of commissioned officers is about 10 per cent of the enlisted force.

EXTRACT FROM LIEUT. SOUTHERLAND'S REPORT ON THE OPERATIONS OF THE NAVAL MILITIA.

[Nov. 15, 1898.]

"A condensed résumé of the service performed by the Naval Militia during the war is as follows:

"California: The Naval Militia of this State at the outbreak of hostilities consisted of 37 officers and 527 men.

"Of this number, 13 officers and 80 men were mustered into the naval service, all of whom served on auxiliary naval force vessels.

"Connecticut: The Naval Militia of this State furnished 15 officers and 188 men to the naval service.

"Florida: The Naval Militia of this State, which at the outbreak of hostilities numbered 24 officers and about 200 men, supplied 6 officers and 93 men to the naval service. Of this number, 2 officers and 58 men served on auxiliary naval force vessels and 4 officers and 35 men served in the coast signal service.

"Illinois: The Naval Militia of this State furnished 19 officers and 709 men to the naval service. All volunteered for the war and saw active service in every field of naval operations on the Cuban and Porto Rican coasts. The majority of this number were assigned as follows:

Vessel.	Officers.	Men.
Indiana		17
Massachusetts		1
Oregon		60
Puritan		6
Newark		17
Amphitrite		2
Terror		9
Nashville		12
Annapolis		8
Vicksburg		8
Newport		26
Bancroft		6
Fern	1	8
Marietta		16
Cushing		3
Foote		2
Rodgers		1
Winslow		2
Leyden	1	4
Franklin	1	18
Dorothea		3
Sterling	2	
Texas	1	
Scorpion	1	
Yale		84
Harvard		57
Southery	1	9
Cassius	1	27
Yankton	1	39
New Orleans		3
Lancaster	4	46
Cincinnati		60
Detroit		2
San Francisco		8
Montgomery		20
Wilmington		13
Hector		21
Suwanee		4
Mangrove		1
Lebanon		3
Osceola		1
Wompatuck		5
Maple		9
Niagara		4
Hawk		2
Saturn		1
Solace		1
Viking		2
Wasp		3
Peoria		1
Resolute		2
Vulcan		1
Accomac		1
Tecumseh		1
Siren	1	
Stranger	1	
Kanawha	1	
Alexander	1	

"Louisiana: The Naval Militia of this State furnished a total of 19 officers and 214 enlisted men to the Navy. In addition to this number about 200 men were recruited by the State authorities after the outbreak of hostilities, but were not taken into the regular service, enlistment in which had been stopped. Of the above number supplied to the service, 10 officers and 94 enlisted men were detailed to the U. S. S. *Passaic*, 7 officers and 97 men to the United States auxiliary naval force and at the Pensacola Navy Yard, and 2 officers and 23 men to the coast signal service. Of this detail to the Pensacola Navy Yard, 35 were sent to the receiving ship *Lancaster* at Key West and afterwards distributed to the ships of the North Atlantic Fleet.

"In addition to the above naval militiamen, 6 of the Louisiana battalion served in the Revenue-Marine Service; 20 served on Army transports, and 25 served in the various volunteer regiments recruited in the State of Louisiana; 3 enlisted in the Fifth United States Cavalry; 2 in the Eighteenth United States Infantry; and 2 in the Volunteer Artillery. These latter were men who failed to get into the naval service, but were anxious to serve their country in any capacity.

"Maryland: The Naval Militia of this State at the outbreak of the war consisted of 20 officers and 320 men, and its commanding officer was authorized by the governor to increase this number as occasion demanded. The total mustered into the United States naval service was 24 officers and 425 petty officers and enlisted men who were assigned as follows:

Ship.	Officers.	Men.
U. S. S. Dixie	10	267
U. S. S. Apache	4	24
U. S. S. Ajax	2	55
U. S. S. Lancaster		25
U. S. S. Katahdin	3	
U. S. S. Dale	4	31
U. S. S. Restless		6
U. S. S. Elfrida		5
U. S. S. Minneapolis		11
Equipment Bureau	1	
U. S. S. Dolphin		1
Total	24	425

"Massachusetts: The Naval Militia of this State supplied 38 officers and 384 men to the naval service. Of this number, 7 officers and 138 men served on the U. S. S. *Prairie;* 20 officers and 246 men served on the auxiliary naval force vessels *Minnesota, Lehigh, Catskill, Governor Russell, East Boston, Wyandotte, Inca,* and *Seminole;* and 2 officers and 36 men served in the coast signal service.

"After the outbreak of hostilities this organization was increased, in accordance with an act of the Legislature of Massachusetts, by four divisions, each containing 3 officers and 55 men.

"Michigan: The Naval Militia of this State, which, at the beginning of the war, consisted of 18 officers and 175 men, furnished 11 officers and 270 men to the naval service, all of whom served on the U. S. S. *Yosemite,* many of this number having joined the organization after the commencement of hostilities.

"New Jersey: The Naval Militia of this State furnished 34 officers and 373 men to the naval service. Of this number, 20 officers and 261 petty officers and men served on the U. S. S. *Badger* and U. S. S. *Resolute;* 9 officers and 74 petty officers and men in the auxiliary naval force on the U. S. S. *Montauk;* and 1 officer and 19 petty officers and men in the coast signal service.

"New York: The Naval Militia of the State of New York furnished 49 officers and 805 petty officers and men to the United States naval service. The following statement will show, in detail, the disposal of this force:

Statement showing disposal of officers and men of the Naval Militia of New York who entered the United States Navy.

Organization.	Officers.	Men.
Staff of captain	3	
First Naval Battalion	10	267
First Separate Naval Division	1	16
Second Separate Naval Division		7
Second Naval Battalion		4
Total	14	294
Coast signal service	4	28
U. S. S. Yankee	8	265
U. S. S. Stranger	1	
U. S. S. Vermont	1	
U. S. S. St. Paul		1
Total	14	294

Statement showing the manner in which the officers and men of the Naval Militia of New York who entered the United States auxiliary naval force have been utilized.

Organization.	Officers.	Men.	Ordered to—	Officers.	Men.
Captain and staff	3		Nahant	8	97
First Naval Battalion	10	93	Jason	8	86
Second Naval Battalion	20	350	Enquirer	2	32
First Separate Naval Division		13	Huntress		24
			Free Lance	2	17
Second Separate Naval Division	2	55	Restless		25
			Sylvia	2	26
			Elfrida	1	20
			Aileen	1	28
			Franklin		46
			Kanawha	1	25
			Coast signal service		2
			Third District Auxiliary Naval Force	2	
			Washington Auxiliary Naval Force	1	
			Yankee from New Hampshire		17
			New Hampshire	7	66
Total	35	511	Total	35	511

"North Carolina: The Naval Militia of this State furnished 9 officers and 189 men to the naval service.

"Pennsylvania: The Naval Militia of this State at the outbreak of the war consisted of 19 officers and 252 petty officers and men.

"Fifteen commissioned officers and 84 petty officers and men were mustered into the naval service. Two men from the ranks passed as officers and are included in the 15, but are not included in the 19.

"The reason why such a small number of men entered the service was that the Government stopped enlisting after two of the three divisions only had been examined, thus reducing the total examined by 4 commissioned officers and 84 petty officers and men. Two of the Philadelphia officers were unable to answer the call.

"Out of the two Philadelphia divisions examined, 49 were rejected physically, 21 were rejected because of under age, and the difference of 14 men did not report for examination.

"Those mustered into the service were as follows:

"One officer to command auxiliary naval force, fourth district.
"One officer to command U. S. R. S. *St. Louis.*
"One officer to command the U. S. S. *Aileen.*
"One officer to command the U. S. S. *Minneapolis.*
"Two officers to command the U. S. S. *Viking.*
"Six officers and 58 men to the U. S. S. *Arctic.*
"Two officers to the U. S. S. *Huntress.*
"One officer to the U. S. S. *Sylph.*
"Twenty-one men to the coast signal service.

"Rhode Island: The Naval Militia organization of this State consisted of 15 officers and 159 men at the outbreak of hostilities, of which number 8 officers and 147 men were mustered into the naval service, not including the commanding officer, who, being on the retired list of the Navy, was ordered to duty.

"South Carolina: At the outbreak of the war the Naval Militia of this State consisted of 21 officers and 302 men, which force was increased by 102 volunteers within 10 days after hostilities commenced. Of this number, 18 officers, 6 mates, and 187 enlisted men were mustered into the naval service and were distributed as follows:

Detailed for—	Commissioned officers.	Mates.	Enlisted men.
U. S. S. Celtic	6		80
Naval batteries, Port Royal	5		40
Coast signal service, fourth district	3		20
U. S. S. Cheyenne	1		15
U. S. S. Chickasaw	1		15
U. S. S. Waban	1		15
Assistant, naval station, Port Royal	1		
U. S. S. Massasoit		1	
U. S. S. Hercules		1	
Navy yard, New York		4	
U. S. S. Morrill			2
Total (in United States Navy, 211)	18	6	187

"In addition to the above, this organization furnished 16 men to the United States Volunteer Army. The remaining 198 men were not called out, but remained ready to serve at any time.

"Virginia: The Naval Militia of this State furnished 2 officers and 62 men to the Navy, of which number 48 men were enlisted in the regular service and 2 officers and 11 men did duty in the coast signal service.

"Although these organizations, many of whose members were recruited outside the seafaring class, failed to fully meet the requirements of the case, they were all upon which the General Government had to draw at the beginning of the war. A majority of these, through cooperation on the part of the governors of their States, answered the call of the Government and were mustered into the service for duty on cruising ships in the United States auxiliary naval force and in the coast signal service. The Navy Department was hampered in its efforts at rapid mobilization by its lack of Federal jurisdiction over these organizations, but in the end succeeded in obtaining a force of over 4,000 officers and men.

"Too much can not be said of the patriotism displayed by a majority of the members of these organizations, many of whom, although they had never been to sea before the mast, knew that they were to face not only the dangers of war, but hardships to which they had never been accustomed.

"Of a total force of 24,123 enlisted men employed in the Navy during this war, 4,216 were mustered in from Naval Militia organizations, of which number about 2,600 served in the Regular Navy, the remainder in the auxiliary naval force and coast signal service. As a rule, they had not been sufficiently trained in a practical knowledge of the modern implements of war, of the ship's organization, and the requirements of a sea life to make them of much actual value for some time after joining a vessel; but, possessing a high average of education and intelligence, they picked up their duties quickly, especially in those cases where they were surrounded by trained man-of-war's men, and when the war ended were becoming quite efficient in their various grades and rates."

On request from the Naval Militia of the various States, and also on the department's initiative, various articles of ship equipment and supplies are furnished the organizations, charging cost against appropriation "Arming and equipping Naval Militia." (In connection with the equipment, see Substatement B, attached.)

In cases where the department has not considered an article of equipment, when requested by a State, as absolutely necessary, yet possibly desirable, for a vessel on Naval Militia duty, or when the articles requested are in excess of a suitable allowance for such a vessel, charge has been made against appropriation "Arming and equipping Naval Militia."

An idea of the character of the material furnished under this appropriation may be obtained from the following:

Arms: Rifles, revolvers, bayonets, cartridge belts, and subtarget guns.

Ammunition: For small arms and larger guns; saluting and target.

Clothing: Navy uniforms, both dress and working.

Fuel: Coal for larger vessels and for steam cutters; gasoline for power boats. This item is one that quickly exhausts a State allotment when any considerable amount of cruising is done by an organization having a large vessel.

At times it has happened that during the latter part of a fiscal year a bureau appropriation has become greatly depleted through work on vessels of the regular service, in which case charges for repairs to vessels assigned to Naval Militia duty have been made against the Naval Militia appropriation

Tools and supplies for vessels: Engine room and other ship department tools and consumable supplies are furnished under this appropriation. Many of these articles are required by the various Naval Militia for use on the vessels assigned to them, and such material very materially reduces a State's allotment, and frequently entirely eliminates an allotment before the new appropriation becomes available.

Books of instruction: Printing of blank forms for use by the Naval Militia in submitting reports, requisitions, etc., to the department as required; the printing of instruction pamphlets and books for distribution among the Naval Militia.

Care and maintenance of small boats: This takes into consideration the dingeys, cutters, whaleboats, steam cutters, and gasoline boats which are loaned to Naval Militia organizations separate and distinct from the regular boat equipment of larger vessels; repairs to and overhauling of these boats; furnishing same with boat covers, sails, rowlocks, oars, gas engines, steam whistles for, etc., when required to replace worn-out or lost articles, or when in excess of the original allowance of such articles; also the renting of mooring buoys, winter storage quarters for small boats, the hauling of such boats to and from storage, and the launching of same.

Purchase of mess tables and benches, etc.

Hire of mess gear.

Furnishing of flags and signal outfits, including combination running lights, when not part of a ship's outfit.

Mattresses, hammocks, blankets, bunting, manila rope.

Hose (cotton). Binoculars.

Navigating instruments, including binnacles.

Speed cones. Mooring lines, etc.

On the assignment of a vessel by the department to Naval Militia duty steps are taken to place aboard the necessary equipment, taking into consideration this special duty, and also four months' supplies, with sufficient fuel to take her to her Naval Militia home port. When such equipment and supplies are placed aboard a vessel so assigned, entry is made on the books of the department and on those of the general storekeeper at the yard at which the vessel is being fitted out, charging the cost of same to the several appropriations of the bureaus of the Navy Department, Title "O" (Naval Militia).

After a vessel has been turned over to a State, and it is found that additional articles of equipment are necessary to meet the requirements of the vessel under her particular special duty, such equipment is furnished and proper entry made on the books of the department, as stated above.

Quite a few States have not sufficient strength in their Naval Militia to warrant their asking for the loan of a vessel. To these States small boats, such as cutters, whaleboats, steam cutters, etc., are assigned as loans. Small-boat equipment is charged in the same manner as for large-boat equipment, as stated above, except that when replaced with new articles or when in excess of allowance the cost is charged against the appropriation "Arming and equipping Naval Militia." There are small boats, not portions of a ship's regular equipment, in the hands of a number of the States in addition to the ships which they have.

Worn-out or lost articles of equipage of a ship, when condition is shown not to be the entire fault of the Naval Militia through neglect or indifference, are replaced on charge against the bureau appropriations and not the Naval Militia appropriations.

The department has issued as loans to Naval Militia organizations for installation in their armories various detached articles of ship equipment to be used in necessary instruction in connection therewith. Signal outfits have been loaned when available and also 4-inch guns.

All articles of ship equipment, whether on a ship or installed in an armory, are issued as loans and are subject to recall at the discretion of the Secretary of the Navy.

Paint material is considered by the department as necessary in frequently touching up portions of the ships to prevent undue deterioration and to keep them at all times in condition for immediate service in the regular service, should occasion arise at any time requiring the department to recall one or more vessels from the special duty with the Naval Militia. For this reason paint material has been furnished to Naval Militia vessels on requisition submitted by the governor of a State, charge for which is made against the several appropriations of the bureaus of the Navy Department (Title "O") and not against appropriation "Arming and equipping Naval Militia," except for the care and preservation of small boats not attached to a ship as part of her equipment, in which case paint is charged against the latter appropriation.

When clearly shown by the Naval Militia that other material requested is to be used aboard the vessels to prevent undue deterioration in the same manner as paint materials, the department has furnished such material without charge to the appropriation "Arming and equipping Naval Militia," but has charged the cost of same against the bureau appropriations, as in the case of paint materials.

It will be seen that the major part of the expenditures under Title "O" (Naval Militia) covers charges for articles of equipment which are returnable to the department, and for this reason does not represent

an expenditure on Naval Militia. These articles are at all times the property of the Navy Department and are subject to recall at the request of the department.

Officers and men of the Naval Militia have been drilled on board battleships, cruisers, and other vessels, and the reports from captains are most encouraging as to the zeal, intelligence, and bearing of the organizations. Similarly the reports of the Naval Militia officers are to the effect that the opportunities thus offered for training are of the greatest value. This plan will probably always form a part of the summer exercises.

Certain vessels are assigned to States where they are unable to form part of any combined exercises, and therefore make individual cruises. These vessels are generally accompanied by a naval officer detailed by the Navy Department, who acts as advisor and reports on the cruise.

In addition to the annual cruise vessels assigned to the Naval Militia engage in short cruises as the opportunity offers.

PROSPECTIVE PLANS OF THE NAVY DEPARTMENT.

Working along the lines that have developed from the above exercises, and especially with the idea of establishing a system of progressive training, the department has directed the issue of a 4-inch and a subtarget gun to each armory of the Naval Militia and two 4-inch or 6-pounder guns to each Naval Militia vessel. Detailed instructions of the training of gun pointers are being printed, and systematic target practice will be held. This will develop the ordnance question thoroughly. Similarly, signal flags and codes are issued, and wireless telegraphy will be added. This will develop expert signalmen. The books now being issued are the latest of the instruction books used by the Navy. The department is able to report much progress and interest being taken by the Naval Militia.

The equipping of new organizations, the new departure in the essential matter of target practice, the increased steaming by the Naval Militia vessels involve more expense. But these expenditures are so essentially in the line of increased professional efficiency that it is believed the results will justify the expense.

It is estimated by the Navy Department that if this bill becomes a law the Organized Militia will rapidly grow to the strength of at least 10,000 efficient men capable of being on board ship in fighting trim on short notice. The benefit that would result, therefore, can scarcely be overestimated, in view of the fact that during the Spanish War it took six weeks to recruit 5,000 men in the regular naval service, a majority of whom were untrained, to a great extent, in naval warfare.

The committee therefore recommend that the bill as amended do pass.

GEORGE EDWARD LERRIGO.

Mr. THOMPSON. I ask unanimous consent for the present consideration of the bill (S. 3419) admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas. It is a matter of considerable importance. Mr. Lerrigo is now representing the Young Men's Christian Association in China, and he has no country behind him.

Mr. SMOOT. I should like to ask the Senator one question. Was the bill a unanimous report from the Committee on Immigration?

Mr. THOMPSON. It was.

Mr. SMITH of South Carolina. As chairman of the committee I would like to state that it is a unanimous report. All objections to the bill were withdrawn.

Mr. LODGE. It is a very proper case, and the bill ought to pass. I happen to know something about it.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that George Edward Lerrigo, the son of an American citizen, of the city of Topeka, in Shawnee County, State of Kansas, shall be admitted and declared to be a citizen of the United States of America and is fully naturalized as such citizen for all purposes from and after the taking effect of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPUBLIC COAL CO., OF MONTANA.

Mr. MYERS. I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Let the joint resolution be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. The joint resolution was reported from the Committee on Public Lands with an amendment to strike out all after the resolving clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell to the Republic Coal Co., a corporation organized and existing under and by virtue of the laws of and doing business in the State of Montana, the coal deposits in and under the following described lands, situate in Musselshell County, State of Montana, to wit: Section 30, township 8 north, range 26 east; section 6, township 7 north, range 26 east; northeast quarter southeast quarter and southeast quarter northeast quarter and west half of southwest quarter section 26, township 8 north, range 25 east. In the event of a sale the purchase price thereof shall be fixed by the Secretary of the Interior, and upon payment thereof the said Secretary shall issue to said corporation a contract providing the terms and conditions of said sale: *Provided, however*, That said sale shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands, and subject to the laws now in force governing the sales of coal or other minerals where the surface lands and rights are reserved or have been previously disposed of.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. MYERS. My colleague [Mr. WALSH] has some amendments to offer, and while he is getting them ready I will make a few remarks on the joint resolution. I will be very brief.

The joint resolution simply proposes to authorize the Secretary of the Interior to sell three or four sections of coal land in Montana to the Republic Coal Co., to sell at a price to be fixed by the Secretary of the Interior, and at not less than the appraised value. He can not sell the land for less than the appraised value, but may put it at as much higher price as he may see fit.

The Republic Coal Co. is engaged in furnishing its entire output of coal to the Chicago, Milwaukee & St. Paul Railroad, a transcontinental railroad which crosses the State of Montana. That railroad depends upon this coal company entirely to get its supply of coal for its route through a great part of Montana and North Dakota. It is the only feasible place for obtaining a supply of coal. This company does not enter into competition with commercial coal dealers or companies nor sell to the public, but its entire output is furnished to this railroad. The railroad takes all that it produces; it must have that and more, too.

The Secretary of the Interior, the Commissioner of the General Land Office, and the Director of the Geological Survey have all very heartily and unqualifiedly indorsed the joint resolution as a public necessity. The Interstate Commerce Commission was communicated with and asked whether or not there was any other feasible, adequate, and reasonable source for this transcontinental railroad to get its supply of coal for that part of its line in Montana and North Dakota, and it answered that there was no other feasible, adequate, or reasonable source of supply from which such coal could be obtained.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. MYERS. With pleasure.

Mr. HITCHCOCK. I should like to ask whence other consumers of coal in that part of the country derive their supply?

Mr. MYERS. From operators in the same coal fields. The circumstances are, I will go on and state in this connection, that this company, the Republic Coal Co., has a couple of sections of land in the same community, which it originally purchased from the State of Montana and which it is mining. Those sections are now about mined out; they are about to the end of their supply. There is only coal enough under those lands to last a few months longer. They want to buy three or four adjoining sections of land that are owned by the United States Government. Each alternate section of land in that part of the country is owned by the Northern Pacific Railway Co., because it came within the grant of every alternate section within 50 miles on each side of that road. Being a competing line, it will not sell any of the coal, nor any of its lands to this coal company. It is impossible for it to effect a purchase of any coal or land from the Northern Pacific Railway Co. The other alternate sections are owned by the Government, and it is impossible for a corporation, railroad or otherwise, to locate those lands. If individuals locate them, and afterwards sell them to a railroad company or to any other corporation, it is held by the courts to be prima facie evidence of fraud, with a criminal penalty attached. So there is absolutely no way for this transcontinental railroad company to compete with rival lines and to get fuel for its road through that section of the country unless this coal-mining company, the Republic Coal Co., can buy, at a price to be fixed by the Government, to be not less than the appraised value, this small area of coal land.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. MYERS. With pleasure.

Mr. CLARK of Wyoming. I wish the Senator from Montana would state in his remarks that this joint resolution for the sale by the Government carries nothing of a fee-simple title; that it is simply for the sale of the coal.

Mr. MYERS. That is true. The joint resolution was recommended in committee to be so amended as to provide only for the sale of the coal under the land, and does not propose to sell any surface rights. According to the opinions of the Secretary of the Interior, the Commissioner of the General Land Office, and the Director of the Geological Survey, the passage of the

joint resolution is an absolute necessity in the interest of the public.

Mr. VARDAMAN. Mr. President, before the Senator takes his seat, will he yield to me for a question?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. MYERS. With great pleasure.

Mr. VARDAMAN. I want to ask the Senator if the lands contiguous to these sections are coal-bearing lands owned by private individuals?

Mr. MYERS. Some of them are.

Mr. VARDAMAN. What is the area of the coal-bearing lands privately owned there?

Mr. MYERS. I could not tell the Senator the definite number of acres.

Mr. VARDAMAN. Are those lands owned by private individuals or by the railroad company?

Mr. MYERS. Part of the land is owned by private individuals, part of it by the United States Government, and part of it by the Northern Pacific Railroad Co., a competing line.

Mr. VARDAMAN. Could not this railroad company, in order to make its purchases, buy these lands from private individuals, instead of, as you propose, the Government selling the lands to them?

Mr. MYERS. No; there is only a very small percentage of these lands owned by private individuals, and they are working them, getting out the coal, and selling it to the public.

Mr. VARDAMAN. Do they supply coal enough for the railroads?

Mr. MYERS. No. The individual supply there, the output, is not sufficient to furnish the needs of the railroad company.

Mr. HITCHCOCK. Do I understand the Senator from Montana to say that the rival railroad declines to sell its coal lands?

Mr. MYERS. That is my understanding. This company has never been able to negotiate any purchase from nor deal with the Northern Pacific Railroad Co. for any of its coal lands.

Mr. HITCHCOCK. Mr. President, it strikes me as a rather radical departure from our policy to pass a special act directing the sale of coal lands to a particular company, which is restricted in its operations to furnishing coal for a single customer, and making no provision for the other customers for coal in that region. There may be special reasons why it is important in this case, but my own prejudices are very much against selling the coal lands of the United States. I would much prefer to see them leased. It is possible that the committee in this case, by the amendment it has proposed restricting the transfer of the fee, has gone far enough; but I should much prefer to see a provision brought in here for the leasing of the coal lands.

Mr. MYERS. I will say at this juncture that the joint resolution as originally introduced provided for the sale or lease of this land, but the majority of the committee are unalterably opposed to leasing. Upon a vote of a majority of the committee, the leasing provision was stricken out.

Mr. HITCHCOCK. I should like to ask why the majority of the committee was opposed to leasing?

Mr. MYERS. I do not know.

Mr. HITCHCOCK. Why does the majority of the committee insist on an absolute sale at a present estimated value if the company are willing to accept a leasing proposition?

Mr. MYERS. I can give one reason, which I remember was suggested in the committee, and that was that if there was a leasing arrangement the Government would have to keep agents there on the ground to keep track of the amount of the coal output and to ascertain the royalty; that it would lead to confusion and trouble, and would be liable to lead to fraud.

Mr. HITCHCOCK. Let me ask the Senator, would not the books of the coal company and the books of the railroad company show beyond any dispute just exactly how many tons of coal were mined?

Mr. MYERS. Well, Mr. President, as to that I can only say that, as the author of the joint resolution, it was immaterial to me whether it provided for the sale or the leasing of this comparatively small area of coal lands. The majority of the Senate Committee on Public Lands decided to recommend in favor of a sale only.

Mr. HITCHCOCK. Will the Senator please state what is the area proposed to be sold?

Mr. MYERS. As provided in the joint resolution it is:

Section 30, township 8 north, range 26 east; section 6, township 7 north, range 26 east; northeast quarter southeast quarter and southeast quarter northeast quarter and west half of southwest quarter section 26, township 8 north, range 25 east.

Three sections in all, I believe.

Mr. HITCHCOCK. In other words, something less than 2,000 acres.

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry. Has unanimous consent been given for the present consideration of this measure?

The VICE PRESIDENT. The Chair so understood.

Mr. JONES. Mr. President, I did not understand that unanimous consent had been given.

Mr. BRANDEGEE. I thought the joint resolution was read for the information of the Senate, but that the question as to unanimous consent for its consideration had not been put.

The VICE PRESIDENT. There is no reason, under the rule, of which the Chair knows, why an objection to its consideration could not be entered now.

Mr. NORRIS. I was going to suggest that, as I understand the rule, an objection could be made at any time.

Mr. BRANDEGEE. It can be; but I simply did not want the debate and argument to proceed unless unanimous consent had been obtained. It is a waste of time.

Mr. MYERS. Has not unanimous consent been granted for the consideration of this measure, Mr. President?

The VICE PRESIDENT. The Chair so understood. The Chair inquired if there was objection, and heard none; but under the rules an objection may be now entered.

Mr. MYERS. A parliamentary inquiry, Mr. President. Has not unanimous consent been granted for the consideration of the joint resolution?

The VICE PRESIDENT. The Chair so understands.

Mr. MYERS. May it now be withdrawn?

The VICE PRESIDENT. The Chair thinks so, during the morning hour.

Mr. JONES. I desire to suggest, Mr. President, that when the unanimous-consent agreement was made yesterday, I think it was made with, at least, the general impression that when the resolution of the Senator from Nebraska [Mr. NORRIS] was disposed of, the agricultural extension bill should be taken up. I know the Senator from Illinois [Mr. SHERMAN] had the floor and was proceeding to address the Senate last evening. We have an agreement that at 2 o'clock we must take up the agricultural-extension bill under the 15-minute rule; so I hardly feel that I ought to consent to the further consideration of the pending measure if it is likely to take any considerable time. I do not like to object, but that is the situation.

Mr. MYERS. Mr. President, I understood that the agricultural extension bill of the Senator from Georgia [Mr. SMITH] was not to come up until 2 o'clock, and I supposed that we were in the midst of the morning hour until 2 o'clock.

Mr. SMITH of Georgia. I find, Mr. President, that there are Senators who would like to speak at once upon the agricultural extension bill; and, if the Senator from Montana would consent to wait until Monday, I would appreciate his doing so.

Mr. MYERS. I want to be accommodating. This measure has been waiting a long time, and the Calendar has not been called for weeks. I inquire if objection has been made at this time, Mr. President?

Mr. SMOOT. I will say to the Senator that it will take some time to discuss the joint resolution and to allow amendments to be offered, and perhaps it would take longer than 2 o'clock to reach a vote upon it.

Mr. MYERS. Then I withdraw the request, Mr. President.

COOPERATIVE AGRICULTURAL EXTENSION WORK.

Mr. SMITH of Georgia. I ask unanimous consent that the Senate proceed to the consideration of House bill 7951.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7951) to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture.

Mr. SHERMAN. Mr. President, I will conclude all that I wished to say on yesterday evening when interrupted by some other matters which intervened.

The care that we have on behalf of this amendment is that there shall be such necessary safeguards as will insure to all alike in every State of the Union to which funds shall be distributed a just proportion of the benefits. The irrelevant matter that came into the debate was perhaps unavoidable. Naturally, those who have this matter under consideration will try to judge of the fairness with which these funds would be distributed by recurring to other matters affecting a large portion of the population of certain States. Out of that anxiety undoubtedly the author of this amendment drew such provisions as would insure a just use of the money.

A large part of the land susceptible of cultivation in many of the Southern States and now in actual cultivation is handled under a system of tenant farming. The figures read by the Senator from Michigan [Mr. SMITH] indicate the very great economic advance of the negro. In the aggregate the vast amount of property now held by the colored race shows that they will make progress, become self-sustaining, well informed, and able to discharge in the future such duties as may come to them.

The system of tenant farming is not a good system, although it is better than none. Tenant farming is on an increase alarmingly in many of the Central, Western, and Northern States. Probably it comes from an entirely different cause than is responsible for this condition in other sections. It springs in the States last mentioned, in the older States at least, from the high price of land and the inevitable tendency of the titles to drift from the small to the large holder. This puts several thousand acres of extremely valuable land in the hands of one owner. In many instances it is let out on the tenant-farming system, and in others it is farmed through a foreman, so that the owner has a direct interest in the result as well as in the farm. The better plan is always to encourage by every possible means the holding in severalty of small tracts, so that the man who works the soil and the owner of the freehold may be identical. Anything that will tend to increase this holding of smaller tracts of land, so that the tiller of the soil and the owner of the soil may be the same, ought to be encouraged. If there is anything that can be done by this Government to enable the negro who is now a tenant farmer to acquire title to the land he farms—a part of it at least, enough to give him an interest in the country and make him feel as though he had some stake in the future prosperity of the country—it ought to be done.

It is urged here very sincerely by the Senator from North Carolina [Mr. SIMMONS] that it would be a duplication of effort if two demonstrators in agricultural extension work were to go in a given locality and give instruction. I do not think that necessarily follows. Where there are two institutions in a State in which agricultural instruction is given the amendment of the Senator from Washington [Mr. JONES] in substance provides that in a just way, after the facts are presented to the authority controlling, there shall be a division of the fund.

This anxiety I mentioned grows out of the fact that in former times there have been some rights, as we understand them, about which those of the Caucasian race in immediate contact with the negro have not been solicitous or at all times entirely just, from one viewpoint, in the preservation of those rights.

I do not want to raise at all, because I realize that it is somewhat irrelevant at this time, the question of occurrences of many years ago. I do not wish to discuss the question of political or social equality. Political equality is guaranteed by law. Social equality can not be guaranteed by law. No puny fiat of any human being can bring social equality. That is something that belongs to the personality of the race or races concerned. It can not be secured by any mere legislative enactment. Political equality can be.

It would serve no useful purpose to criticize any denial of political equality in the discussion of this bill. That properly belongs, at some other time or place, on some other measure that might be pending. We have only alluded to it here to show that in some of the States where money will go from the Federal Treasury under this bill, if it shall become a law, there is a substantial denial of participation in local government at least.

These are public funds, to be sent under the provisions of the bill to 48 States, or to so many of them as shall answer the requirements of the original bill. Sending these funds to those States is a governmental act. The money is drawn from every available source. Wherever the Government derives its public revenues, there the people who help pay those revenues are interested.

It would serve no useful purpose here to go into a comparative examination of the source from which these revenues are derived and what State or States contribute the greater amount of money to be handled under this appropriation. I only allude to political conditions here to show that the men who are tenant farmers in many of the States we have in mind are denied participation in public affairs. There is no self-government of that element of the population in those States. There being no self-government, no participation in their own government, by those people under existing conditions of local laws in their States, it seems to us that this amendment expresses a proper degree of care to secure for those people, thus denied local participation in affairs of a governmental character, a fair distribution of benefits in the expenditure of these funds that come from the General Government.

It is in that spirit that I approached this subject, and it is in that spirit that other matters that appear to be entirely irrelevant have been brought in. They have been brought in more than anything else to illustrate the necessity of this amendment if justice is to be done to this element of our population.

Having that in mind, we who favor this amendment think it ought to be adopted. We think it is a matter of justice; that it will lead to no waste of the public money; that it will guarantee in the terms of the act which provides the money that this part of our population shall have their share of the benefit. I do not go so far as to say that otherwise it would be denied in whole. I do believe, however, there would be a tendency to deny it in some places, in part, at least.

I wish to see the negroes of our country given an opportunity to have equal instruction with others, without any regard to a matter of grace or generosity on the part of the white people who are about them and who exercise governmental control.

If I could be entirely assured that this would be done, I should be satisfied. I am not assured of it. I am not satisfied. Consequently I wish if possible, as far as any effort of mine will tend to bring it about, to have the amendment offered by the Senator from Washington adopted.

Mr. WORKS. Mr. President, I have opposed this bill for reasons that I have already stated. I do not believe it will be materially beneficial to the farmers. I do not believe there are a dozen Members of this body who believe it will be. If the bill is to become a law, as it certainly will, I am particularly anxious that the amendment offered by the Senator from Washington [Mr. JONES] shall be adopted. It seems to me to be exceedingly unjust that the very farmers, in the South particularly, who need education if anybody does are going to be practically excluded from the benefits of this bill if it passes as it has been presented to the Senate.

It is unjust for another reason. The apportionment of the money to be appropriated under the bill is controlled by the rural population of the several States. In making the computation, of course the colored residents of the Southern States are counted. While that is so, and we are voting money for the benefit of the whole rural population under those conditions, a very large proportion of them will not be recognized as entitled to participate in the benefits of the appropriation.

Of course, the colored farmer may receive some benefit from this appropriation. He may look through the fence and see the demonstrations that are made on the farm of the white man, if they do not drive him away; but I imagine no demonstrations will be made on the land of the colored farmer for his benefit.

I should have assumed that it was not the intention of the bill as it came before the Senate to exclude the colored man from its benefits if it had not been for what has been said on that subject by the Senator from Georgia [Mr. SMITH] and the Senator from Mississippi [Mr. VARDAMAN]. Their statements have convinced me that that is the very purpose of leaving this matter to be determined by the legislatures of the several States, because Senators say—and I have no doubt in perfect good faith—that you can not educate the colored farmer; that he will not accept education along that line; that he is not qualified for and can not be made a scientific farmer. If that be so, Mr. President——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from California yield to the Senator from Mississippi?

Mr. WORKS. I yield.

Mr. VARDAMAN. If the Senator means by his statement that the negro farmer can not be improved, if he means to say that I or the Senator from Georgia said that he could not be improved, that his intelligence could not be enhanced, he is doing us an injustice and he is mistaken. You can not educate anybody. You can give a man an opportunity so that he may educate himself, but you can not educate a man. You can not stick education on him. Education means the unfolding or the development of that which is in the individual. I maintain—and I think I know something about this question, because I live in a State where 59 per cent of the population is black—that the negro has been improved in this regard very greatly. He is not more faithful to himself, but he is more efficient if his work shall be done under the wise direction of the white man. You can not develop an idea, you can not discover a fact, you can not provide a method which unfolds the hidden resources of the soil in Mississippi or California or any other State without every citizen engaged in agriculture in those States being benefited by that discovery if he shall take advantage of the lesson taught.

Mr. WORKS. Mr. President, I am not disposed to enter into a discussion of the subject of education in its broader sense. Whether or not I am doing an injustice to the Senator from Georgia or the Senator from Mississippi will be determined by what they have said, which appears in the RECORD. If I have misunderstood it or misconstrued it, that will be the correction of what I have said. I have taken what they have said as practically a declaration that it would be folly to appropriate this money for the purpose of attempting to educate the negro farmer, and I think their language carries that meaning. For myself, I do not believe it.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. WORKS. I do.

Mr. SMITH of Georgia. I do not wish by my silence to give approval to the Senator's construction of what I have said. I will not take up his time. I believe the negro farmer will be greatly improved by the way in which we will use this fund, and I believe he is now being greatly helped by the way in which we are spending $50,000 a year of our State taxes in demonstration work.

Mr. WORKS. I am exceedingly glad to hear the Senators modify what I think they have already said on this subject. It was very clearly stated by the Senator from Georgia, as I remember, that practically the colleges were of no benefit to the colored man in the Southern States, because they would not accept the teachings of those colleges.

Mr. SMITH of Georgia. Mr. President, I know the Senator from California always means to be fair. He has not heard all I said on the subject.

Mr. WORKS. May I ask the Senator from Georgia if he did not say practically that?

Mr. SMITH of Georgia. No; what I said was that the agricultural and mechanical school was not doing in agriculture what we had desired, because the students who go to it insist upon taking the mechanical instruction; that we have not done a great deal for them in agriculture because they elect a trade in preference to an agricultural pursuit; that the negro who advances in education goes into a different line of work entirely, and does not stay on the farm.

That was what I said, and that was what I meant to be understood as saying.

Mr. WORKS. Then the Senator from Georgia has proved just what I was contending—the injustice of the intention to withhold this teaching, or the benefits of this bill, from the colored man who can be benefited by its provisions.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I do.

Mr. BANKHEAD. Can the Senator from California point to a single State in the South, since he seems to be directing his attention that way, where there is any discrimination whatever between the races in the application or apportionment of the school fund? Can he point to a single State in the South where the money appropriated for school purposes is not distributed according to the population of the races?

Mr. WORKS. Mr. President, that is entirely unnecessary. It has been demonstrated conclusively by the Senator from Washington [Mr. JONES], by the figures he has produced here, that there has been the worst kind of discrimination as between the races.

Mr. BANKHEAD. In what State?

Mr. WORKS. In numbers of the States. The Senator from Washington has the figures. I do not know that the Senator from Alabama was here at the time they were stated.

Mr. BANKHEAD. I did not hear that.

Mr. WORKS. I will say to the Senator from Alabama that I have made no study of that matter myself.

Mr. BANKHEAD. If the Senator will permit me, I wish to say that I do know something about the conditions in Alabama, and I do know that as between the races the school fund in Alabama is apportioned to the school children according to population. The negroes get just as much per capita of the school fund in Alabama as the white children get, and they do not pay 3 per cent of the taxes.

Mr. WORKS. I have no doubt that is true.

Mr. BANKHEAD. Then there is no discrimination in that.

Mr. WORKS. I have no doubt that is true in relation to the grammar and high schools. I have heard no question raised as to such schools; but the figures furnished by the Senator from Washington relative to the agricultural schools show directly to the contrary, and that is the matter we are now discussing.

I have no knowledge that the colored people have been discriminated against in any of the Southern States, so far as the distribution of the common-school funds is concerned. I am talking about the agricultural schools, and the proposition that is presented here for extending the work of the agricultural schools in that respect. The figures show conclusively to my mind that there has been discrimination as against the colored man; and there is an attempt made, I am sure, by the provisions of this bill to carry that discrimination into the bill that is now before the Senate. It is that against which I am protesting.

I am not going to take up the time of the Senate in talking about it. As I said a while ago, the fact that that sort of discrimination is intended has been proved by what has been said by the Senators I have mentioned. It is not necessary to go further, because they themselves construe the provision of the bill that the amendment attempts to eliminate as having that very effect. They give their reasons for it—in good faith, I have no doubt—but I think it is unjust. I think that provision of the bill should be stricken out. The colored farmers ought to be put upon an equality with the white farmers with respect to the benefits to be received from this proposed legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES].

Mr. JONES. Before we proceed to a vote, I wish to suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Norris	Smith, S. C.
Brady	Gallinger	Oliver	Smoot
Brandegee	Gronna	Overman	Stephenson
Bristow	James	Page	Sterling
Bryan	Johnson	Perkins	Sutherland
Burton	Jones	Pittman	Swanson
Chamberlain	Kern	Ransdell	Thompson
Chilton	Lee, Md.	Saulsbury	Vardaman
Clapp	McCumber	Shafroth	Weeks
Cummins	Martin, Va.	Sheppard	Works
Dillingham	Martine, N. J.	Sherman	
du Pont	Myers	Simmons	
Fall	Newlands	Smith, Ga.	

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to state that he has a general pair with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. BRANDEGEE. The Senator from Louisiana [Mr. THORNTON] is detained from the Chamber by illness. I will state that I am paired with that Senator for the day.

Mr. BANKHEAD. The senior Senator from Louisiana [Mr. THORNTON] is unavoidably absent on account of sickness.

Mr. SMITH of South Carolina. My colleague [Mr. TILLMAN] is unavoidably absent from the Senate. He is paired with the Senator from Idaho [Mr. BORAH].

Mr. GALLINGER. I will announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH].

Mr. CHAMBERLAIN. I desire to announce that my colleague [Mr. LANE] is unavoidably detained from the Senate on official business.

Mr. MYERS. I am authorized to state that the senior Senator from Missouri [Mr. STONE] is absent on account of sickness, and that the junior Senator from Missouri [Mr. REED] is absent on account of business.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment submitted by the Senator from Washington [Mr. JONES].

Mr. BRISTOW. Mr. President, before a vote is taken on this amendment I feel that I should say, in justice to the negroes of my own State, that so far as the farming population is concerned their record is entirely different from that presented by the junior Senator from Mississippi [Mr. VARDAMAN]. In our State the colored population are among our most successful farmers. I remember distinctly a negro family that acquired 160 acres of fine land in the county in which I formerly lived. The father educated a family of children. One of the young men attended our State university and graduated with credit to himself, and was afterwards elected to a county office in his county and successfully performed his duties to the entire satisfaction of the people.

In another county, where a large delegation of negroes emigrating from Alabama and Mississippi many years ago had

settled, I was interested a few years ago in visiting that county to learn that one of the best lawyers in the county was a colored man, and that he had been nominated and elected county attorney on the Democratic ticket. He filled the office with credit, and I have been informed that he has been reelected a time or two.

We have elected a negro as a State officer in Kansas and he acquitted himself creditably. One of the richest farmers in Kansas to-day is a negro living in Wyandotte County. He has developed his farm until he is known now as the "Potato King of the Kaw Valley."

I speak of these gentlemen to illustrate that in Kansas the negro is a creditable citizen. He is successful in business and he is worthy of the esteem and confidence of his fellow countrymen. They are successful in the professions and trades and in every line of industry have reflected honor upon their race.

So far as the race as a whole is concerned, I do not think we should expect that those who emerged from barbarism but a comparatively short time since should be advanced in the arts of civilization as far as the Anglo-Saxon, who has been developing his civilization at least 2,000 years. We should not compare the African race with the northern European races, because they have not had the same opportunity. You might as well say that because 2,500 years ago our Saxon ancestors were savage barbarians who were living in forests in a wild and uncivilized state and were inferior to the Latin races or the Semitic races, who had developed civilization centuries and centuries before our ancestors did, that we were of inferior origin. None of us would admit such a thing.

I think we should avoid, in dealing with the problems that confront us as a nation, the racial prejudices that seem to be inherent in the human family, and we should discuss the problems that relate to the races from a viewpoint free from any of the prejudices which naturally grow out of close racial relations.

I wanted to say these words before the vote is taken, because I felt it my duty to the negroes of the State which I in part represent.

Mr. SMITH of Georgia. Mr. President, I shall detain the Senate only a very few minutes.

The PRESIDING OFFICER. If the Senator from Georgia will permit, the Chair will state that the Senate is now operating under a unanimous-consent agreement which provides—

> That after 2 o'clock on February 7 no Senator shall speak more than once or longer than 15 minutes upon the bill or more than once or longer than 15 minutes upon any amendment.

The Senator from Georgia will proceed.

Mr. SMITH of Georgia. Mr. President, the amendment offered by the Senator from Washington [Mr. JONES] in its effect will provide that the demonstration work done in States where a large negro population is found shall for the negroes be done from the negro college and for the whites from the white college. That will be the practical operation of the amendment.

Mr. President and Senators, it would be unwise in any locality to have two colleges directing this work. If in any State more than one college directs it, then the territory of the State should be divided and the direction of a particular college should be exclusive in a particular part of the territory; otherwise you would have a duplication of work and confusion and you would not have an economic administration of the fund.

The amendment offered by the Senator from Washington would be a severe blow to the negroes of my State. I have explained to you that the negro agricultural and mechanical school, combining both mechanical work and agricultural, on account of the preference of the negroes who go to it has drifted almost entirely into mechanical work; that the teachers at that school are negroes and trained peculiarly for that kind of work, outside of the English course, but that the faculty of that school is not prepared to do advanced agricultural work.

The negro who advances in his studies does not go to the sciences. I do not know a negro chemist. I do not know a negro botanist. We put negro professors in the school in the interest of the race. We have done what we could to make it agricultural. There is not an agricultural and mechanical negro school in the South that could do advanced agricultural work.

Our State college of agriculture is officered by men the majority of whom were not raised in Georgia. I do not think that more than a fourth of them are native Georgians. We gathered them from all over the country on account of their skill and knowledge in the science of agriculture. They can analyze a soil. They can analyze a plant. They can tell you the plant food in a piece of soil. They can tell you the plant food that a particular plant lives on. They study plant diseases. They give a large part of their time not to teaching in the college, but to traveling all over the State. They are mastering the entire soils of the State, the entire plants of the State, and the foods required by the plants, and the defects of the soil. They are holding meetings all over the State and at those meetings the negroes come. They instruct the negroes as they furnish information to the white farmer. They are working all over the State with the grown farmers without regard to race. It is any farmer who has a trouble and will lay it before them who receives their help. It is any farmer who will listen to whom they furnish information.

Who is it best for the negro of Georgia to have conduct the extension work? The agricultural and mechanical school of the negroes—officered by men who are not competent to do it, who are not trained to do it, who are really doing a different line of work—or the 16 to 20 professors at the State college of agriculture, who are masters of the subject?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. The Howard University is a colored university in this city, but they have white professors there. Could not these colored schools employ some of the scientists whom the Senator mentions?

Mr. SMITH of Georgia. We have conceded to them at their own request their own color in the control of their schools. When I was chairman of the board of education in Atlanta, at the instance of a large number of our best negroes, I joined in the passage of a resolution that excluded the competition of the white teachers. I do not believe you would find at the Howard University here a real student of agriculture.

Mr. GALLINGER. No, Mr. President; I did not make that point. The point I make was that they employ white professors, and undoubtedly the colored agricultural colleges would employ white scientists if they saw fit to do it. I assume that to be so.

Mr. SMITH of Georgia. Yes; it could be done; but as all the students——

Mr. VARDAMAN. Mr. President, I merely wish to suggest to the Senator from Georgia that it is the white scientists who propose to do this special work under the bill.

Mr. SMITH of Georgia. There are white scientists in Georgia devoting themselves to the study of the agricultural problems of the whole State. Their work is not limited to the students at the college. As I have said, they give a large part of their time to the whole State. The dean of that college spends probably half his time away from the college, meeting the farmers without regard to color, teaching them and advising them.

When you have the demonstration work that is to benefit the negro presented by the ablest corps of high-salaried men that can be found in our entire land, from the agricultural colleges of the University of Wisconsin and the University of Missouri, will you let them direct it for all, with an absolutely equal showing to help the negro farmers through their direction, or will you turn the negro's part of the work over to a place that can not do the work? If we gather into that school scientists equal to those that we have in the other college it would be an enormous economic waste; there would be duplication of work.

When you turn the direction of this work among the negroes to the agricultural and mechanical schools you cut off the negro by your plan from the best agency that can serve him, and from the agency that to-day is serving him.

You might say that we cut Georgia out of our State agricultural college to a large extent, because over half the faculty were not Georgians or Georgia-educated men. Why did we do it? Because we went where we could find a man who had received the best training. We went to men already skilled and procured them. We did it not against Georgia but in the interest of Georgians. We were not discriminating against our own people when we took a dean of our college of agriculture from another State, and even from another country. We took him because he had had years of study in advanced agricultural colleges and had been a leading teacher in more than one agricultural college outside of our State, and we thought he could do the work better for the people of our State than any man we had in the State. Was it a discrimination against Georgians to go outside of Georgia and select for the head of the institution the ablest man we could find for the money we could afford to pay? It was a service to Georgians that we were rendering.

And when, Mr. President and Senators, we furnish the negro as well as the white man the benefit of the faculty of the State

college of agriculture to study his problems and to direct the agricultural extension work over the State, to carry what they have worked out with the college and the experiment station to his home, we give him the best. We give him what we give the whites. We would discriminate against the negro if we said we would simply give to him what was found in the negro mechanical and agricultural college.

Mr. PAGE. I should like to ask the Senator from Georgia one question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. Is the Senator aware that the agricultural colleges of the South that are for the benefit of the negro are protesting very loudly against what they call a discrimination in this bill?

Mr. SMITH of Georgia. None of them have protested to me. I understood there was one from Alabama who protested.

Mr. PAGE. In the last three years I have received a great many protests from the colleges of the South devoted to negroes, and I received one this morning. It will only take a minute to read it, as the Senator may wish to comment upon it:

FLORIDA AGRICULTURAL AND
MECHANICAL COLLEGE FOR NEGROES,
Tallahassee, Fla., February 4, 1914.

Hon. C. S. PAGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I note the Lever-Smith bill is up in the Senate, and that an amendment was offered by our friends so as to have the negro agricultural schools become beneficiaries of the funds proposed by it.

This note is to make two requests of you: First, that you send me the records, if possible, giving an account of the debate on the bill, especially that upon the proposed amendment. I am anxious to keep a line on the discussion in detail, and also that you and those who think like you cease not in your efforts to have the bill so amended as that there will be no question that the negro agricultural colleges will become beneficiaries thereof.

I am sure there is not a State legislature in the South that would enact legislation making them beneficiaries unless it is made mandatory by the bill itself. Only those who are here know how hard it is to secure favorable legislation on any proposition looking toward the educational uplift of the negro people.

Trusting that you will be able to send me records covering the debate in question and that your efforts on our behalf will be successful, I am,

Respectfully, yours,

N. B. YOUNG, *President.*

Mr. SMITH of Georgia. Mr. President, that is evidently based upon a misapprehension of what this bill does. The bill does not give a dollar to either of the colleges. It does not give any to the white college; it does not give any money to the colored college. It selects or allows the legislature to select the agency of greatest capacity and puts upon it the burden of doing the work, without regard to color, throughout the entire State. Not a dollar goes to the college. Not a dollar more salary do these men receive. As I said before, we are using it all over Georgia. When they discover a disease of a plant and carry the cure into a community both the colored and the white man have the benefit of it. It is simply a question as to whether you will use the most capable and the most proficient in behalf of the colored as well as the white man, or whether you will turn over the fund that is to help the negro where it can not do him any substantial good.

Mr. ROOT. Mr. President, I wish to state briefly the reasons why, after a good deal of consideration, I have come to a conclusion in favor of the amendment proposed by the Senator from Washington [Mr. JONES].

I have thought that perhaps the object which that amendment has in view could be accomplished more simply and directly and better and in a way which would better agree with the views expressed by the Senator from Georgia [Mr. SMITH] and the facts which he states; but the form of the amendment is not anything new. It is designed to continue an existing policy of legislation, and the way in which the matter presents itself to my mind is as a question whether we shall abandon a policy which aimed to encourage the negro in his efforts toward economic independence and progress or whether we shall continue it.

The bill is a bill "to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," and it provides—

That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" (12 Stat. L., p. 503), and of the act of Congress approved August 30, 1890 (26 Stat. L., p. 417), agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture.

This is presented as a further step of progress in the development of the policy of the United States to aid agricultural institutions in the separate States. That is the basis of the bill; that is the authority for the appropriation. It is developing an established policy. Many Senators who would doubt seriously the propriety under our Constitution of embarking upon a new enterprise of this description are content to accept the long-established practice and policy of the Government, approved by time and usage, to apply the moneys of the National Government to work in these State institutions. So we must consider the subject not as a new subject, but as a development of the existing policy.

In the statute referred to, the act of August 30, 1890, was included this provision:

Provided, That in any State in which there has been one college established in pursuance of the act of July 2, 1862, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of 1862, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

That same provision was carried into the act of 1907, taking a further step in advance in the execution of this policy; the amendment offered by the Senator from Washington [Mr. JONES] proposes to carry substantially the same provision into this proposed act, taking a still further step; and the question, as it seems to me, is, Shall we depart from the policy which has been followed hitherto in the extending of this kind of aid to agriculture in the States by omitting from the provision which we make a requirement for a just and equitable distribution to be proposed by the authorities of the State and to be passed upon by a Federal officer of high rank?

Now, sir, I have been greatly impressed by the observations and the arguments made by the Senator from Georgia [Mr. SMITH] and by the Senator from North Carolina [Mr. SIMMONS]. The spirit which they exhibit seems to me to be all that can be asked; it seems to be altogether admirable; and I should not for a moment hesitate to leave the good or ill fortune of anyone in whom I was interested in their hands, trusting with confidence to fair and just treatment in the spirit which they have expressed.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. I do.

Mr. SIMMONS. If this bill provided for the appropriation of money for the agricultural colleges of the States, as do the two acts to which the Senator from New York has referred, that of 1862 and 1890, I believe, I would agree with the Senator; but I think the Senator fails to make the differentiation between the purpose of the appropriations made under the two acts to which he has referred and the purpose of the appropriation proposed to be made by this bill. The two acts to which the Senator has referred appropriated money for the benefit of these colleges, and provided, and justly so, I think, that it should be distributed equitably between the white and the colored agricultural and mechanical colleges of the different States. This bill, as I called attention to yesterday, and as the Senator from Georgia [Mr. SMITH] has several times called attention to, does not propose to appropriate a dollar for agricultural colleges, but only provides for a certain character of agricultural work, and the agricultural colleges of the several States have nothing to do with that except to select the agencies which are to perform this work and to give them the benefit of any knowledge or information which they may have to impart to the farmer. I simply call the attention of the Senator to that difference. I do not know whether he has examined the bill with a view to considering what was the purpose of the appropriation.

Mr. ROOT. Mr. President, I have examined the bill with great care and great interest, because I am very friendly to the bill. I think it is of great importance to the public interest that this system shall be developed, and developed along the right lines; but I do not think that the distinction which is mentioned by the Senator from North Carolina is a substantial one. This bill proposes to appropriate money to colleges; and

the distinction between the kind of instruction that is to be given under the bill and the kind of instruction which has been given under former laws seems to me entirely immaterial to the purpose we are now considering. Whatever money goes to any one of these institutions will serve to strengthen and improve and energize the institution, whether it is employed in one course or another, in one way or another.

I was about to say, Mr. President, when interrupted, that admirable as is the spirit and persuasive as are the arguments of the Senators from Georgia and North Carolina, I regret they can not speak for everyone. I confess that I found myself very widely differing from the views which were expressed by the Senator from Mississippi [Mr. VARDAMAN] yesterday; that I can not view the omission on the part of Congress to designate the direction in which this appropriation shall go as being the same thing if the omission is to be supplied by the Senator from Georgia or by the Senator from Mississippi. We have had within the last few months expressions from the chief magistrate of another State exhibiting an attitude of mind and of feeling toward the negro race which makes me unwilling to vote for an appropriation leaving to his discretion the benefits which we all agree ought to go to black as well as to white.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROOT. I did not understand that the limitation of debate began until 3 o'clock.

The PRESIDING OFFICER. It began at 2 o'clock.

Mr. McCUMBER. Mr. President, I think we are all anxious to help the negro race; that we are all impelled by the same desire; and, if we differ at all, it is a difference as to the method that should be adopted.

I do not wholly agree with the Senator from Georgia [Mr. SMITH], although I acknowledge his superior opportunities to know the condition in his State. We have here about 10,000,000 negroes. They must always remain in this country—negro citizens. There must never be any such thing as amalgamation. The yellow race and the white race have lived contiguously to each other; there have been individual crossings, but never has there been such a thing as an amalgamation of the particular races. Yellow still remains yellow and black still remains black, and undoubtedly throughout the coming centuries that rule will hold good. You say that that is on account of race prejudice. I would hardly call it that, Mr. President. I would rather use the words "race affinity." We have no prejudice against the black race; we have no prejudice against the yellow race; we have an affinity for our own race; and that affinity is sufficient to keep the blood of the white race reasonably pure, and keep it from any contamination, if you may call it such, with the other races of the world.

Mr. President, how are we going to help the black race? I insist—and I speak from my knowledge of human nature rather than from a particular knowledge of this or that individual—that regeneration must come from within and not from without. No nation ever trod the pathway toward enlightenment through the tutelage of any other nation in the world. If a nation or people advance, it must be through some uplifting influence that is within the heart and soul of the people themselves, and there must be an opportunity and an incentive for the development of that impulse which will reach toward higher and higher attainments.

So, Mr. President, even though the negro instructor in the South is not as capable as the white instructor, even though it is probable that those sent out to teach agriculture from the negro colleges can not accomplish as much as those sent out from the white colleges, still I would be in favor of allowing the negro to do his own work. I believe that better results will be obtained in our own public schools where the negro child has a negro teacher; I believe that in our system of educating the two races each race should be educated by its own kind.

The negro must live as a negro; he must live as an American black man; ultimately he must have his own lawyers, his own teachers, his own preachers, his own doctors, and his own dentists; and while the Senator from Georgia indicates that the negro race have not as yet developed many individuals of that capacity, he must admit that the negro has had very little opportunity so far in life to do so. So, though the work may not be as well done in Georgia by the colored instructor among his own kind as it would possibly be done by the white instructor, I do believe that keeping open the door of opportunity and encouraging the colored man to become efficient and to become capable is the only way that you will ever raise the race from its present plane to a higher social condition within itself.

Mr. President, with that view I can not agree that we should always have only white instructors, and that the negro agricultural college should not be given the hope and opportunity of developing its own young people so that they may carry on this work among their own race.

Our duty, Mr. President, is a solemn one toward the colored man. We know the conditions under which he was brought here; we know the conditions under which he must live here. Call it race prejudice, call it race affinity, yet the line of demarkation between the white and the colored races must ever remain just as it is; and it is the duty of the dominant, the more powerful race, to lend the assisting hand, not to do for the colored man what he ought to do for himself, but simply to assist him to help himself; and we never will assist him, in my opinion, by closing the door of opportunity to those of his own class.

As has been suggested by the Senator from New York [Mr. ROOT], when we adopted the old law, of which this is an extension, that was our view; and I believe, Mr. President, that we had better follow the old rule, inasmuch as it has worked well, or reasonably well, up to the present time, and to continue aiding the colored agricultural colleges with the hope somewhere for those people to advance through their own efforts. I shall therefore, Mr. President, support the amendment offered by the Senator from Washington.

Mr. FALL. Mr. President, it was suggested to the Senator from New York [Mr. ROOT] that possibly he did not appreciate the difference between the proposed legislation and that already upon our statute books. His answer was to the effect that he did, but to my mind his argument was not convincing of the fact that he did appreciate the difference. It is our duty, of course, to do what we can for the negro in this country; but, Mr. President, it strikes me that the enactment of such legislation as is proposed by the amendment is not to his true interest. The difference between the prior legislation concerning appropriations for agricultural colleges and the legislation now proposed, as I understand, is this: Recognition is had in the other bills—the act of 1862 and the subsequent act referred to—of the fact that there is segregation of the races in the agricultural colleges in the South. That is a fact admitted here and recognized by legislation. Therefore the National Government, in appropriating money for agricultural colleges, itself recognizing the fact that there is segregation, has provided that the money should be equitably distributed between the black and the white agricultural colleges. But, Mr. President, there is no segregation of the races themselves in the South. There undoubtedly is social segregation. There is not the recognition upon the part of the white race of the social equality of the black. Undoubtedly, whether or not it is recognized, there remains the fact that there is not political equality between the races in the South, but that there is no segregation of the races in the South in agricultural or commercial pursuits is, I think, generally admitted.

How did the negroes of the South acquire the enormous acreage of land which the statistics introduced here show that they now own? From the white men in the South. Has it been shown here that a white man declines to sell a portion of his farm to a negro neighbor and farmer; that he does not recognize him as a commercial equal or a rival? None whatever. The truth is that the negro lives upon his own land side by side with the white man in the South, and, in so far as agricultural pursuits particularly are concerned, they are living upon an exact equality. The negro markets his product at the same market reached by the white man; he markets to the same people who pay the white man for his products; there is no distinction whatsoever in the price paid because the one is a white man and the other a negro.

Now, this proposition is not one of segregation; but it is that through certain colleges in the South instructors shall be sent out into the rural districts for the purpose of assisting to instruct those engaged in rural pursuits, in agricultural work. Does any Senator here mean to say that in pursuing such work, with the white man owning a farm side by side with the negro, the negro will be precluded from obtaining the advantage of the instruction given in that way, as though he were segregated in the classrooms of the college? No. In the one instance the negro is taught by instructors of his own race in the college; in the other instance he receives the same benefit exactly from the instruction given in the rural districts that the white man gets.

There is no segregation, as I have said, in the South such as the Senator from Michigan [Mr. SMITH] said here yesterday existed in his State. You do not find whole counties settled entirely by negroes in the South; you find no feeling there that the two races can not live together, really working hand in hand for the mutual development of their country. They do. The

negro is the best friend that the white farmer has in the South, and the white farmer in the South is certainly the best friend that the negro has in the South. It is to the interest of the white farmer that his negro tenant should be taught to raise two bales of cotton where he raised only one before, and if he can urge him and prevail upon him to attend such lectures as will be given assisting him to do this, certainly he will not seek to deprive him of the benefit of such instruction.

It strikes me, as I have said, that this is the difference: In the colleges there is segregation, and there always will be, because there there is social contact. The fact might just as well be admitted—there will be always segregation of the races in the South in the schools and colleges. Whether they are supported partially by the Government or wholly by the State, there is no question that that will be done.

In the uplifting of the race, in making, as I have said, two bales of cotton grow where only one was produced before, it is to the interest directly of the white man that the negro should be educated in that line, rather than to have him remain in a condition where he knows nothing of agriculture. In the actual demonstration work the negro will get just as much benefit as the white man; and I for one, Mr. President, am inclined to think that where the negro is compelled to live, where it must be his fate that he should remain, between himself and his neighbors should be left the problems of the race issue.

Mr. CUMMINS. Mr. President, I have not believed that the race question is involved in this amendment. There has been a great deal of discussion about the relation between the two races—the white and the black—but the real issue here, as it seems to me, is whether, in a bill of this character, we intend to withdraw from the General Government the power to determine or to assist in determining how the money, which all the people contribute, shall be spent. The laws passed heretofore have not provided for cooperative work, and I call the attention of the Senator from Georgia to the very significant fact that heretofore we have appropriated money for agricultural colleges, or for the States to be expended by the agricultural colleges, but we have not attempted to introduce the element of cooperation into the work that was to be done through the expenditure of the money.

I am rather sorry that this bill has undertaken to make the work a cooperative work, but I assume that it will pass in this form, and if it is to pass in this form the position now taken by those who have it in charge with regard to the particular matter under debate is entirely inconsistent with the general scope and purpose of the bill.

Allow me to call the attention of the Senate to the differences between the aid now proposed to be extended and the aid which has heretofore been granted. We appropriate this money for—and I now quote—

agricultural extension work, which shall be carried on in cooperation with the United States Department of Agriculture.

I rather favor the amendment that will be presently submitted by the Senator from South Dakota in respect to the clause I have just quoted; but I assume the bill will have in it when it finally passes the language I have just read:

Agricultural extension work, which shall be carried on in cooperation with the United States Department of Agriculture.

And then, further:

And this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this act.

And still further:

That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture.

The clauses I have read from the bill establish a very close relation between the Department of Agriculture and the agricultural colleges which are to be in immediate charge of the work. If it were not for an exception in this bill—an exception that is in no other bill ever passed for the purpose of extending Federal aid to agriculture—there would be no necessity for the amendment proposed by the Senator from Washington. In the clauses I have read we give complete power to the Department of Agriculture to negotiate and to agree with the several agricultural colleges for the expenditure of the money and the carrying on of the work. If we did not introduce the exception which I shall read in a moment, the Secretary of Agriculture would have to be satisfied with regard to the channel of distribution in each State; and if the Secretary of Agriculture believed that a portion of the money should be expended by a college teaching colored people, then it could not be expended unless his views were followed.

Now, let us see what it is that introduces the whole difficulty in this bill and is at war with the very spirit of the bill itself. This is the exception:

Provided, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct.

Thus there is withdrawn from the supervisory power of the Department of Agriculture the selection of the colleges in the State, if there be more than one. It is the only respect in which the power which you give to the Department of Agriculture is not complete and comprehensive. If the Department of Agriculture is adequate and competent to assist in directing this work among the people, I should like to know why it is not also competent and adequate to assist in determining which of the colleges of a State shall be the instrumentality through which the money is to be used.

We either ought to leave the whole matter to the States, without any cooperation on the part of the Department of Agriculture, leaving the States to expend the money as they deem best for the welfare of their own people, or we ought to give to the Secretary of Agriculture or some other officer of the Government the power to require an agreement with him concerning the colleges in the State.

I should like to know why an exception of this kind is made with respect to this one aspect of the entire subject. I assume that a Secretary of Agriculture or a Secretary of the Interior, any high officer of the Government, in conference with the authorities of the State, would agree that the money should be spent in that way and by those colleges which would most effectually attain the object we seek. The whole difference of opinion which has been discussed now for days before the Senate has been precipitated and accentuated by attempting to withdraw from the General Government any supervision whatsoever concerning the instrumentality through which the money shall be expended.

Therefore I intend to vote for the amendment proposed by the Senator from Washington; and if that amendment does not prevail I intend to move to strike out the particular provision I have read, leaving, if the amendment should prevail, the selection of the colleges a matter of mutual agreement, as well as all other things pertaining to the expenditure of the money.

Mr. SHAFROTH. Mr. President, will the Senator from Iowa yield to me for a question?

Mr. CUMMINS. Certainly.

Mr. SHAFROTH. I think there is a great deal of force in what the Senator has said. I should like to ask him whether he would accept, as a substitute for the amendment proposed by the Senator from Washington, the following: Strike out the words "legislature of such State" and insert in lieu thereof "as the governor and the Secretary of Agriculture may direct," so that the paragraph would read:

Provided, That in any State in which two or more such colleges have been or hereafter may be established, the appropriation hereinafter made by such State shall be administered by such college or colleges as the governor of such State and the Secretary of Agriculture may direct.

Mr. CUMMINS. I have no power to accept any suggestion coming from any Senator that would interfere with the amendment offered by the Senator from Washington.

Mr. SHAFROTH. Would not that cover the objection the Senator has urged?

Mr. CUMMINS. So far as I am concerned, the suggestion of the Senator from Colorado is more satisfactory than the amendment offered by the Senator from Washington.

Mr. SHAFROTH. Mr. President, has the Senator from Iowa yielded the floor?

Mr. CUMMINS. I have.

Mr. SHAFROTH. I desire to offer an amendment as a substitute for the amendment submitted by the Senator from Washington. I will send it to the Clerk's desk, and after it is read, I should like to be heard upon it for a few moments.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 14, it is proposed to strike out the words "legislature of such State," and to insert in lieu thereof the words "governor of such State and the Secretary of Agriculture."

Mr. SHAFROTH. Mr. President, the object of this amendment is to cover the exact position taken by the Senator from Iowa. There have been contending arguments made upon both sides of the Chamber as to the proportion which the colored people will get of the appropriations that are to be made under this bill. It has been contended upon the one side that they will not get any, because it is said that the legislature will designate a college from which they will get nothing. Upon the

other hand, it has been contended that there have been very liberal appropriations made in aid of the colored people of the South. All seem to agree that the colored people should get a fair proportion of such appropriations.

It seems to me that instead of the long amendment proposed by the Senator from Washington, if there be stricken from the bill the words "legislature of such State" and inserted in lieu thereof the words "the governor and the Secretary of Agriculture," it will serve the purpose of providing that the Government of the United States shall hold a restraint upon the inequitable or unjust expenditure of this money, and it can be used in accordance with the best judgment of the governor and of the Secretary of Agriculture. It is contended that the colored people in the past have been discriminated against in the expenditure of funds for agricultural colleges. If so, it was under a statute similar to the amendment proposed by the Senator from Washington. Then why not adopt the amendment I propose, which I believe will be directly in the interest of the colored farmer?

I want to say that the amendment which has been proposed by the Senator from Washington is not at all applicable. In the first place, it proposes that the Secretary of the Interior shall pass upon this matter. The Secretary of the Interior ought not to be the person to determine anything under this bill.

Mr. HITCHCOCK. That has been changed.

Mr. SHAFROTH. The Secretary of Agriculture is the one that ought to determine it. I can see how, under the old acts which were read by the Senator from New York, the Secretary of the Interior might be placed in the position of superintending this work.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Yes, sir.

Mr. JONES. I changed my amendment when I presented it, so that it is "the Secretary of Agriculture."

Mr. SHAFROTH. Very well.

Now, as to the question of a legislature determining these matters, I want to say that the agricultural colleges are in a formative condition as to numbers in many States. For instance, in my State there are two agricultural colleges—one of which has just started. Their proportions of whatever will be appropriated under this bill ought not to be determined by the legislature. The amounts ought to be changed from time to time as the executive officer of the State directs, because he knows the needs of the agricultural colleges of his State; and whenever he determines that it is to the best interests of the State that one college should have a certain amount or that the fund should be under the direction of two colleges, and certain portions should be administered by one college and certain portions by the other, it is a better judgment—it is a later judgment—than the judgment of a fixed act, which perhaps never could be changed.

You can readily see that in the formation of agricultural colleges, whenever one particular college is named by the legislature to expend the fund it becomes almost impossible to change it, because all the force and influence in behalf of that agricultural college will be used in holding every appropriation and every expenditure with that college. For that reason it is not fair to any new agricultural college that might be established. For that reason the legislature is not the proper body. The amendment says it shall negotiate with the Secretary of Agriculture.

The legislature is not a body that can very well negotiate with anyone. It passes acts. A committee of it may come to an agreement in some cases, and it may try to ratify the agreement, but it is a cumbersome body for that purpose, whereas the governor of a State can meet the Secretary of Agriculture and can agree upon matters in relation to the proper designation of the colleges to expend the fund, and also as to the amount of money that should be expended. It seems to me that would produce a much better condition than passing a legislative act, since it takes time—in some States as much as three or four years—before another legislative act could be adopted to change the law.

For these reasons, it seems to me, the fund ought not to be subject to the direction or agreement of the legislature of the State and the Secretary of Agriculture nor the legislature alone. Whenever the Secretary of Agriculture makes an approval of the college or colleges that will have the expenditure of this fund, it seems to me that is the check which the Congress of the United States is exercising and which it should exercise with relation to the expenditure of the money of the United States.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. SHAFROTH. I do.

Mr. SIMMONS. I wish to suggest to the Senator that if his amendment is adopted, it seems to me it ought to be satisfactory to our friends on the other side, especially in view of the fact that in section 2, at the top of page 3, is found the provision:

> This work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agriculture college or colleges receiving the benefits of this act.

So that if the Senator's amendment is adopted, you would then have the Secretary of Agriculture acting with the governor in selecting the college, and you would have the Secretary of Agriculture acting with the college in carrying out the law.

Mr. SHAFROTH. It seems to me it would be a perfect safeguard with respect to the equitable expenditure of the moneys of the United States, and on that account it would be a mistake to have a legislature determine for all time, so far as we know—and it is difficult to get legislative acts repealed—what college or colleges should be designated. In some States, I understand, the legislature meets only once every four years, and no change could be made, however imperative, within that time. Consequently, it would be better to have the executive officer of the State the one who will determine the matter from year to year, if necessary. These changes ought to occur, just as I illustrated in my State the fact that we have two agricultural colleges. One, the older institution, has six or seven hundred students. The other has just been established. We would not know what to permanently apportion to that new agricultural college, but the governor can with precision determine each year the amount needed. In designating the college or colleges to receive this fund each year he would make no mistake. To contend that an act of the legislature should be passed with respect to this matter, and that for all time its designation fixed, is wrong, because our institutions are changing every year. Some portions of my State become vastly important in 5 or 10 years. Population streams to that portion of the State, and the result would be that this very little college which we have just started now may in time become as important as any, if not the most important, of the agricultural colleges of my State.

The governor of a State has the interest of all the colleges at heart. He desires to see that these funds shall be apportioned equitably between them. He is a person who at any time can negotiate with the Secretary of the Interior, and can agree, after a review of the situation, after a review of the facts, which college should be designated as the distributor of the funds. It seems to me that is far better than a legislature that has no head, that has no person that can bind the legislature.

Even if a committee comes to the Secretary of Agriculture and says, "We will designate this college," you do not know that it will be done until you go back to the legislature. Changes may take place; one portion of the State, if there are two agricultural colleges, may come in with a strong force and say, "We will not agree to that," and then you have a disagreement. You have difficulties which you do not have when you provide, as in this amendment, that the Secretary of Agriculture shall agree from time to time with the governor of the State. The check which is made upon not giving to the colored people their proper proportion of the moneys is in your own officer, and whenever he deviates from equity he is answerable upon an appeal as to what shall be done.

It seems to me that, in view of these facts, this amendment covers the situation just as it is and as the Senator from Iowa has indicated; my amendment, in only four or five words, covers the entire situation, and protects the colored people in the amount of money they will get out of the appropriations under this bill, and that in every way it will be to the advantage and interest of the legislation.

Mr. JONES. I should like to ask the Senator if he offers this as an amendment to the text of the bill?

Mr. SHAFROTH. No; I offer it as a substitute for the amendment of the Senator from Washington.

Mr. JONES. I would suggest that the proper course to take would be to offer it to the bill. The Senator certainly can not offer a substitute for my amendment, which is itself in the nature of a substitute.

Mr. SHAFROTH. Yes; it covers the Senator's amendment, it seems to me. The whole object of the Senator's amendment is to prevent this very condition.

Mr. JONES. If the amendment of the Senator from Colorado were offered to the text of the bill, it would result in the perfection of the bill.

Mr. SHAFROTH. Yes; but it seems to me it covers the very situation of the Senator's amendment. All the matters are safeguarded in other portions of the bill in every respect.

Mr. JONES. I am not disputing that proposition, Mr. President; I am just speaking from a parliamentary standpoint. It does not seem to me that the Senator, by offering something like that as a substitute for my amendment, can prevent a vote on my proposition. It is really in the nature of an amendment to perfect the text of the bill.

Mr. SHAFROTH. The Senator from North Carolina indicated that he thought it ought to be acceptable to the Senator.

Mr. JONES. I am not discussing the merits of the proposition now. It is the parliamentary status in which I am interested just now.

Mr. SHAFROTH. This covers every fact that is contained in the Senator's amendment, except that his is in detail; that is all. It seems to me, therefore, it is a proper substitute for it.

Mr. JONES. It is a proper amendment to the text of the bill, but it is not a proper substitute for my amendment.

Mr. SMITH of Georgia. It has reference to and covers the same subject matter. There are two plans of amending the bill, one covered by the amendment of the Senator from Washington and one by the amendment of the Senator from Colorado. The Senator from Colorado offers this as a substitute, and in voting upon the two, of course, we select whichever of the two we prefer. I shall vote for the substitute offered by the Senator from Colorado.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry.

The clause as it now reads in the bill is as follows:

That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct.

The Senator from Washington has moved to strike out the entire clause I have read, and to insert in lieu of it the matter which is contained in his proposed amendment, which has already been read. That substitutes an entirely new plan for that proposed in the bill. It contemplates, among other things, that the money which under the bill may belong to a particular State where there are colleges for white students and also for colored students shall be divided in some equitable proportion. Now, the Senator from Colorado moves not to substitute his amendment for the amendment proposed by the Senator from Washington in lieu of the entire matter which the Senator from Washington moved to strike out, but to substitute it in lieu of only a part of that matter.

The parliamentary inquiry I desire to make is whether the amendment offered by the Senator from Colorado, instead of being a substitute, is not in the nature of an amendment to perfect the bill; and after that is done, may not the amendment proposed by the Senator from Washington be voted upon? Presenting as it does a separate proposition, the Senate certainly ought to have an opportunity of voting upon it; but if it is proposed and voted upon and accepted as a substitute, then I understand the Senate would be precluded from voting upon it.

I ask the Chair for a ruling.

The VICE PRESIDENT. The Chair has no doubt at all about the matter. The amendment offered by the Senator from Colorado is to the original bill, for the purpose of perfecting the text of the original bill. The amendment of the Senator from Washington goes further than that. The Chair thinks it is in order only because it is to perfect the original text, and it has the right of precedence in the vote before the Senate.

Mr. SMOOT. Rule XVIII provides that it has precedence.

The VICE PRESIDENT. That has been the invariable ruling of the Chair ever since the present occupant of the chair has been here.

The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. SHAFROTH].

Mr. HITCHCOCK. I wish to suggest to the Senator from Colorado that the phraseology should be slightly changed, so as to read that the governor and the Secretary of Agriculture shall do this from year to year; otherwise it might be a permanent designation.

Mr. SHAFROTH. I think if there is no limitation, that should be done; but I believe that one fixing should not determine it.

Mr. HITCHCOCK. Therefore that language ought to be inserted, to make it clear, ought it not?

Mr. SHAFROTH. "As the governor and the Secretary of Agriculture may from time to time direct"?

Mr. POMERENE. "Annually."

Mr. SHAFROTH. I would not require it annually.

Mr. SMITH of Georgia. Whenever it is necessary.

Mr. HITCHCOCK. Very well; "from time to time."

Mr. SHAFROTH. "From time to time;" yes.

The VICE PERSIDENT. The Secretary will state the amendment as modified.

The SECRETARY. On page 2, line 14, it is proposed to strike out the words "legislature of such State" and to insert in lieu thereof the words "governor of such State and the Secretary of Agriculture," and after the word "may" at the end of line 14 to insert the words "from time to time"; so that, if amended, it will read:

Provided, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the governor of such State and the Secretary of Agriculture may from time to time direct.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. JONES. Mr. President, just a word.

I wish to say that the amendment just adopted, proposed by the Senator from Colorado, is a very, very great improvement on the original bill. I am very much gratified that that much has been changed in the bill, and that step taken in the direction in which I think it ought to be taken. I prefer, however, the proposition I have submitted, because I think it meets the situation much more equitably and fairly and more completely than the proposition submitted and just adopted.

I will simply say it has been urged very strongly here that this money does not go to the agricultural colleges, and that is largely made the basis for objecting to the proposition submitted. I think that phase of it was met very clearly in a single sentence by the Senator from New York [Mr. ROOT]. This money is appropriated by our Government, it goes somewhere, and the bill specifically states that it is to be used for the inauguration of this system in connection with the agricultural colleges. The money that goes to the agricultural colleges now simply goes there for the employment of teachers who will teach in the colleges. It possibly may be used for other purposes. The money that is to be appropriated by this bill goes to the agricultural college not for the employment of teachers to teach in the college but for the employment of teachers or demonstrators to go out from the college and teach the people or to demonstrate to the people on the outside.

In other words, if this money is appropriated and a white college is designated there is a fund that is available in connection with that college, and it is not available in connection with any other college under which the authorities of that college can employ a demonstrator—a farmer who has shown himself competent to do this demonstration work, and send him out to do the work.

It seems to me that the money goes to the college just as much as it does when you employ a teacher to teach the students who come to the college. In other words, it adds to the prestige of the college. It gives it a standing before the people that it otherwise would not have. So the distinction which is attempted to be made between the application of the fund under this act and the application of funds under the other act it seems to me is not a substantial one.

As I said in my first explanation of my amendment, my main purpose is that when this fund is appropriated to the States we shall insure by our own act of legislation that a part of the money shall be available in connection with the work of the agricultural college to which colored students go, largely for the reason that it will be an inspiration and an incentive to the colored boys to attend that school and fit themselves so that they may be selected as demonstrators.

I do not think there will be any duplication of work. The white demonstrators will go out, and if the agricultural college for the colored people can fit somebody who can be sent out as a demonstrator he will be sent to another field. It is not necessary to send him to some field that has been covered, but he will be sent to another field, and he will demonstrate to the blacks and to the whites also, and they will get a mutual benefit.

There are some sections of territory where the population is almost overwhelmingly black, and, as was suggested by the Senator from North Dakota, if they do not secure a colored man who is as competent as a white man to demonstrate, if they can secure a colored man who is reasonably competent, I believe he will accomplish more in that black territory than if you sent a white man there.

In some of the States, as I think I demonstrated the other day, there are colored people who have shown their fitness for farm demonstration work. They can be secured, and if we

make it sure that a part of this money will go to the college for colored people, then the authorities of that college can go anywhere that they can find a colored man who has been educated and has shown his fitness. There are some who have demonstrated their fitness for work of this character, and they can employ them and send them out as demonstrators. That will show to the black people that the door of opportunity to those colleges is still open, and that if they will attend there and secure the education that is furnished by the college they can have the hope of being placed in these positions and be sent out as demonstrators.

I wish to say that that is a great incentive to the white man, and it would certainly be a great incentive to the black man.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when Mr. BORAH's name was called). I desire to state that the senior Senator from Idaho [Mr. BORAH] is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If the senior Senator from Idaho were present, he would vote "yea" on this question.

Mr. GALLINGER (when Mr. BRANDEGEE's name was called). I have been requested to announce a pair between the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Louisiana [Mr. THORNTON].

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber on account of illness. I therefore withhold my vote.

Mr. STERLING (when Mr. CRAWFORD's name was called). I wish to announce the unavoidable absence of my colleague [Mr. CRAWFORD] and to state that he is paired with the senior Senator from Tennessee [Mr. LEA].

Mr. DILLINGHAM (when his name was called). I am paired for the day with the senior Senator from Maryland [Mr. SMITH]. For this reason I withhold my vote. If permitted to vote, I should vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

In this connection I desire to state that the junior Senator from Maine [Mr. BURLEIGH] is detained from the Senate by illness.

Mr. KENYON (when Mr. LA FOLLETTE's name was called). I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of sickness. Were he present, he would vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. LEA of Tennessee was called). I beg to announce that the Senator from Tennessee [Mr. LEA] is paired with the Senator from South Dakota [Mr. CRAWFORD]. Were the Senator from Tennessee present, he would vote "nay."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the senior Senator from Illinois [Mr. LEWIS] and vote. I vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON]. On that account I withhold my vote.

Mr. NORRIS (when his name was called). On this vote I am paired with the junior Senator from New Jersey [Mr. HUGHES]. I therefore withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is unavoidably absent to-day. He is paired with the senior Senator from Mississippi [Mr. WILLIAMS].

Mr. TOWNSEND (when Mr. ROBINSON's name was called). The junior Senator from Arkansas [Mr. ROBINSON] is absent on business of the Senate.

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). My colleague [Mr. SHIVELY] is unavoidably absent. He is paired with the Senator from New Mexico [Mr. CATRON].

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote. I will permit this statement to stand for the remainder of the day.

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. RANSDELL (when Mr. THORNTON's name was called). I announce the absence of my colleague [Mr. THORNTON] on account of sickness. He is paired with the Senator from Connecticut [Mr. BRANDEGEE].

Mr. SMITH of South Carolina (when Mr. TILLMAN's name was called). I wish to announce the necessary absence of my colleague [Mr. TILLMAN], and also to announce that he is paired with the senior Senator from Idaho [Mr. BORAH].

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON]. If he were present, he would vote "nay"; and if permitted to vote, I would vote "yea."

In this connection, I desire to announce the absence of the senior Senator from Michigan [Mr. SMITH] on important business. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is detained from the Chamber by illness. He has a general pair with the Senator from Florida [Mr. FLETCHER].

The roll call was concluded.

Mr. SMITH of Georgia. I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is detained at home by illness. He is paired with the Senator from Pennsylvania [Mr. PENROSE]. If the Senator from Mississippi were present, he would vote "nay" on this question.

Mr. BANKHEAD. I am paired with the junior Senator from West Virginia [Mr. GOFF]. I will transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to state that he is paired with the Senator from Delaware [Mr. DU PONT].

Mr. MYERS. I announce the absence of the senior Senator from Missouri [Mr. STONE] on account of illness and the absence of the junior Senator from Missouri [Mr. REED] on account of important official business. This announcement as to both Senators may stand for the day.

Mr. CHAMBERLAIN. I desire to announce the unavoidable absence of my colleague [Mr. LANE] from the Senate.

The result was announced—yeas 23, nays 32, as follows:

YEAS—23.

Bradley	Gronna	Oliver	Smoot
Bristow	Hitchcock	Page	Stephenson
Burton	Jones	Perkins	Sterling
Clapp	Lippitt	Poindexter	Weeks
Colt	Lodge	Pomerene	Works
Gallinger	McCumber	Sherman	

NAYS—32.

Ashurst	Fletcher	Myers	Shields
Bankhead	Hollis	Newlands	Simmons
Brady	James	Overman	Smith, Ariz.
Bryan	Johnson	Pittman	Smith, Ga.
Chamberlain	Kenyon	Ransdell	Smith, S. C.
Chilton	Kern	Saulsbury	Swanson
Cummins	Lee, Md.	Shafroth	Vardaman
Fall	Martine, N. J.	Sheppard	Walsh

NOT VOTING—40.

Bacon	du Pont	Nelson	Smith, Mich.
Borah	Goff	Norris	Stone
Brandegee	Gore	O'Gorman	Sutherland
Burleigh	Hughes	Owen	Thomas
Catron	La Follette	Penrose	Thompson
Clark, Wyo.	Lane	Reed	Thornton
Clarke, Ark.	Lea, Tenn.	Robinson	Tillman
Crawford	Lewis	Root	Townsend
Culberson	McLean	Shively	Warren
Dillingham	Martin, Va.	Smith, Md.	Williams

So Mr. JONES's amendment was rejected.

Mr. HITCHCOCK. On page 3 of the bill, line 1, after the word "on," I move to insert "without discrimination as to race."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 1, after the words "carried on," insert the words "without discrimination as to race."

Mr. HITCHCOCK. Mr. President, this refers to the demonstration work upon the farms. I am informed by the Senator from Georgia [Mr. SMITH], in charge of the bill, that it is the purpose to have that work carried on without any discrimination as to race. In apportioning the money to the various States the colored people are taken into equal account with the

white people, and this being true, and it being also the fact that those in charge of the bill intend to have it carried on without discrimination as to race, I presume there can be no opposition to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK].

The amendment was agreed to.

Mr. STERLING. Mr. President, I offer a substitute for the bill, which I send to the desk and ask to have read.

The VICE PRESIDENT. The Chair understands that the Senator from South Dakota modifies the proposed substitute by striking out the words "legislature of such State" and inserting "governor of such State and the Secretary of Agriculture."

Mr. STERLING. Yes; I desire to have the amendment of the Senator from Colorado [Mr. SHAFROTH] incorporated in the substitute.

The VICE PRESIDENT. That will be done.

Mr. STERLING. I should also like to have incorporated in my substitute the amendment just adopted which was offered by the Senator from Nebraska [Mr. HITCHCOCK]. I think the words were "without discrimination as to race." I am not sure where the amendment would be applicable in the substitute, not having the original bill as amended before me.

The VICE PRESIDENT. The proper place will be found and the words will be inserted. The Senator from South Dakota [Mr. STERLING] submits a substitute, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That in order to aid the college or colleges in each State now receiving or which may hereafter receive the benefits of the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts (12 Stat. L., 503), and of the act of Congress approved August 30, 1890 (26 Stat. L., 417), in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same in inaugurating and carrying on college agricultural extension work, appropriations are made as hereinafter specified: *Provided*, That such college agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or residents in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, lectures, publications, and otherwise, and this work shall be carried on without discrimination as to race in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this act: *Provided further*, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be apportioned to and administered by such colleges, respectively, as the governor of such State and the Secretary of Agriculture may from time to time direct.

SEC. 2. That for the purpose of paying the expenses of said college agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $480,000 for each year, $10,000 of which shall be paid annually in the manner hereinafter provided to each State which shall, by action of its legislature, assent to the provisions of this act: *Provided*, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: *Provided further*, That there is also appropriated an additional sum of $600,000 for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter for seven years a sum exceeding by $600,000 the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the additional sum of $4,800,000: *Provided further*, That before the beginning of each fiscal year projects setting forth the proposed plans for work to be carried on under this act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture before the funds herein appropriated shall become available to such college for that fiscal year. Such additional sums shall be used only for the purpose hereinbefore stated, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided in the proportion which the rural population of each State bears to the total rural population of all the States, as determined by the next preceding Federal census: *Provided further*, That no payment out of the additional appropriations herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State or provided by State, county, college, or local authority for the maintenance of such college agricultural extension work.

SEC. 3. That the sums hereby appropriated for extension work shall be annually paid in equal semiannual payments on the 1st day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture out of the Treasury of the United States to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received during the previous fiscal year and of its disbursement on forms prescribed by the Secretary of Agriculture.

SEC. 4. That if any portion of the moneys received by the designated officer of any State for the support and maintenance of college agricultural extension work, as provided in this act, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this act, and not more than 5 per cent of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

SEC. 5. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for college agricultural extension work under this act and the amount which it is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 6. That the Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the college agricultural extension work in all of the States receiving the benefits of this act, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor.

SEC. 7. That Congress may at any time alter, amend, or repeal any or all of the provisions of this act.

Mr. STERLING. Mr. President, I think the substitute now offered includes all the amendments that have been offered since the introduction of the substitute on January 29. The substitute itself makes a material change in section 1 of the original bill, and merges section 2 of that bill into section 1 of the substitute.

The material change made is the striking out of the following words in section 2 of House bill 7951:

And this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this act.

And the striking out also of the word "cooperative" wherever it occurs in the bill.

Mr. President, I can not better illustrate the proposition here involved than to refer to a statement made the other day when the bill was first before the Senate by the distinguished Senator from Georgia [Mr. SMITH] in charge of the measure. This was the statement made on page 1889 of the RECORD for January 17. In answer to an inquiry I made, the Senator from Georgia said:

Mr. SMITH of Georgia. Replying further to the Senator from South Dakota [Mr. STERLING], I wish to call his attention to the fact that this bill limits the employment of the force and the conduct of this work exclusively to the colleges of agriculture. The Department of Agriculture here will not employ a man, will not control the work, and will have no connection with the actual work done, but the State college will conduct the work. The only part the Department of Agriculture has is that when the representatives of the college get up their plan for the ensuing year it is submitted to the department here for its approval. That being obtained, the relation of the department to it ceases and the work is conducted exclusively by the land-grant colleges.

That was the construction put by the Senator from Georgia at that time upon House bill 7951, for which I have offered this substitute. When the Senator from Georgia thus explained the bill he seemed to speak with all the force of conviction and as though the bill reflected his judgment in providing that the control of this demonstration work should be solely under the agricultural colleges. If the bill itself, Mr. President, bore this construction, there would be no cause of complaint; but the fear is, and I can not help but think the certainty is, that it will bear no such construction. In order that there may be no doubt about it, that there may be no mooted question hereafter in regard to this and that this measure may accord with my ideas as well as with those of the Senator from Georgia, I have introduced this substitute, taking out of the bill the cooperative feature as provided in the clause which I read a little while ago, which provides that the work should be carried on as mutually agreed upon between the Secretary of Agriculture and the agricultural colleges.

Mr. President, because of the brevity of the time allowed here I have summarized some of my objections to this feature of the bill, and I sincerely hope that they may have, and I confidently believe the proposition here involved will have, the earnest consideration of Senators.

The effect of this provision is to give the Secretary of Agriculture more power in the control and disposition of this fund than I am willing to see conferred upon him, more than I believe Senators will be willing to confer upon him when they

consider the far-reaching effect of this measure and of this cooperative clause. It in effect gives him the power to demand as a condition precedent to the right of a State to share in the fund that he, the Secretary, be permitted to originate and initiate the plans to be followed by a State or a State agricultural college in its farm demonstration and home economics work.

Second. I am opposed to this so-called cooperative feature of the bill because of the State subordination and subserviency involved in such a course.

The State will be put in this position: It will fear the loss of money which otherwise would be spent within the State in the employment of men there, in the paying of bills there, and, in common parlance, the "making of more business" within the State, and it will be induced to consent to methods and to the employment of men which under ordinary conditions would not meet the approval of the sober judgment of the people of the State and of the agricultural college and which the farmers themselves would condemn.

Third. I oppose this feature of the bill because in order to get the money the State may be required to consent that the work shall be carried on by men to be designated by the Secretary of Agriculture or some official in that department and by the department's present field force, without regard to the equipment of the colleges or what they have done or may do in the matter of training men for the same work or in procuring men from the outside.

That this is true is evidenced by the declaration of Dr. Galloway, the first assistant of the Secretary of Agriculture, who himself said in the hearings of the House committee that it was the plan to take the men now engaged by the Agricultural Department into the demonstration work and put them into this field and into the work contemplated by this bill.

Fourth. Under this tremendous power to insist upon and designate Government employees to do the work, which brings them in close personal contact with the individual farmer at his home, there lurks a grave political danger. To a party in power or to any administration of any party which is not at all sensitive to the demands of civil service it will give opportunity to make "agricultural experts" out of gentlemen whose highest qualifications are that they have been political experts. For that reason I am opposed to the bill as it stands.

Fifth. But, barring all partisan or political considerations, the policy proposed in this cooperative feature will result in a loss of efficiency and in consequent economic loss. The men who from their youth or boyhood have lived within the State, have worked on the farm there, have taken their agricultural college course there, and then, in addition, have been taught how to teach and demonstrate, in addition to being entitled to the first opportunity to engage in such work, are the men of all others best equipped for the specific work provided for in this bill.

The State would better adopt a policy of exclusion of all outside aid and forego the money benefits of this bill than to pay the dear price of neglecting its own resources of brain and brawn, of neglecting the development and use of its own men in order to get such benefits. The State by such a course would be better off in the long run if under this bill, as I believe its effect will be, the young men in the State who get their training at the agricultural colleges are to be supplanted or their work made unnecessary because of the men sent out by the Agricultural Department.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. STERLING. I should like to yield to the Senator, but, if he will recall, my time is limited.

Mr. SIMMONS. I had overlooked the fact that the Senator was speaking under the 15-minute rule, or I would not have sought to interrupt him.

Mr. STERLING. Mr. President, I attribute to the Senator from Georgia the highest good faith in his advocacy of this measure as it is. The Senate and the country are indebted to him for the zeal and the ability he has shown in working for improved agricultural conditions. I appreciate the wise statesmanship of himself and fellow Senators of the South, which, recognizing agriculture more than all else as the basis of their prosperity, present and future, would bring the Southern States into their own by developing to the utmost this great, wholesome, and, more than all others, independent industry. I do not criticize them for resorting to every legitimate means, Federal as well as State, to accomplish their worthy purpose.

But as to the cooperative feature of this bill I have my suspicions, not of the distinguished Senator from Georgia, not of the Secretary of Agriculture himself, but knowing a few things, and something of men and the motives which influence them, a man can divine a few things. The cooperative feature of the bill would never have been put there had it not been suggested or insisted upon by some official or officials, aside from the chief, in the Department of Agriculture. They have had some experiences; the employees of the department have not always impressed the farmers with a sense of superior knowledge on the part of the employee, or the demonstration "did not work," or the farmers of a particular locality were not enthusiastic, or were not in a receptive mood, and the people of the agricultural college were sometimes even less so; there has been some friction and some conflict of jurisdiction. To obviate all this and make the farmer take the dose "willy-nilly," it is proposed to compel him to cooperate.

I say such is the plain meaning of that particular clause of the bill which it is proposed shall be stricken out by the substitute, the clause which requires the Secretary of Agriculture and the college authorities to mutually agree upon the work to be carried on. There will be the tendency of the department to go to the limit in the exercise of its power. The Secretary of Agriculture, influenced by the report of some subordinate, might sit down with the president or dean of an agricultural college and say: "Gentlemen, I have here a plan, we have given it study, and we have determined to carry out this plan in your particular State. Are you agreed to it? If you are, the money is yours."

Cooperation is a fine word—a word to conjure with in our modern industrial life; but compulsory cooperation, unless under very special circumstances, is a contradiction in terms. There has been some friction between officials of the Agricultural Department and the men of the agricultural colleges and experiment stations—not much, perhaps, but some—even where cooperation was voluntary; but if you want real friction, friction that will start a fire and singe things, just make it compulsory as between supposedly free men or free institutions. But, Mr. President, more than all else, I object to this feature of the bill because it involves the extreme of paternalism. Nothing like this has ever been attempted in Federal legislation. Men objected to the Alaskan railroad bill because it meant Government ownership, and that means paternalism; but there is no comparison. The Government will not in owning and operating any railroad be in the business of fathering the enterprise and directing the conduct and work of the individual citizen.

When hog cholera was under discussion the misgiving was felt that the administering of the serum and the cutting off of the tail of the swine for the purpose of getting the infected blood was not a proper governmental function. But the paternalism involved in this bill is gross in comparison with that. Hog cholera is a scourge from which no section is immune. It is not local. The department, through its Bureau of Animal Industry, has the entire field before it.

The VICE PRESIDENT. The Senator's time has expired. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. I ask for the yeas and nays on the amendment.

Mr. SMITH of Georgia. Mr. President, I only desire to say a word. If the Secretary of Agriculture should undertake arbitrarily to withhold the fund from a State or to raise a point as to its use, and upon that point withhold it, the subject would come back to Congress for our consideration; and it can safely be expected that the representatives of the State in Congress will see that upon no frivolous ground is the money kept from the State. The fund goes to the State agent designated by the State legislature; and I still believe, as I said a few days ago, that under the bill the agents are to be designated by the State authorities; indeed, the Senate voted down a proposed amendment which undertook to add, after the word "manner," the words "and by such agents."

Mr. WEEKS. Mr. President, I am very much interested in the amendment which has been offered by the Senator from South Dakota [Mr. STERLING] and in the explanation which he has been making of that amendment. I have not yet come to a conclusion in my own mind as to whether or not I should support it, and I should like to ask him in my time to complete the sentence and description of the amendment which he was giving to the Senate a few moments ago.

Mr. MARTINE of New Jersey. Mr. President, I rise to ask that unanimous consent be given to the Senator from South Dakota to continue for 10 minutes longer.

Mr. GALLINGER. That can not be done.

The VICE PRESIDENT. That can not be done. The Senator from Massachusetts has the floor.

Mr. WEEKS. I have asked a question of the Senator from South Dakota, Mr. President.

Mr. STERLING. Mr. President, I thank the Senator from Massachusetts [Mr. WEEKS] and I also thank the Senator from New Jersey [Mr. MARTINE] for their kindness. I appreciate the force of the rule, and hence thought I should be able to bring my remarks within the 15-minute limit. Just a word or two further.

I think I was speaking with reference to those things in regard to which the General Government might naturally do certain work. I said with reference to the activity of the Government in the matter of hog cholera—and the same thing might be said as well with reference to other animal diseases—that the Government has its specialists and scientists, who make investigations and search for cause and remedy, and the people may well say, with reference to a disease like this, that they are entitled to the relief which the superior knowledge of those in the Agricultural Department have gleaned from the wide field over which their operations extend; but here I will say to the Senator from Massachusetts the pending bill will permit the enforced interference of the Federal Government in problems so commonplace, so everyday, so local, and so individual as knowing how to plow and plant and fertilize, and knowing how to cook and sew and having a care for cleanliness and sanitation. That, to my mind, is not an inspiring spectacle. It is contrary, as I view it, to the spirit of our institutions, to our dual system of government, under which the General Government must depend for its life and vigor on the vitality and strength of the several parts; and that vitality and that strength are best secured by leaving the solution of every problem here involved to the voluntary action and initiative of the States themselves.

I thank the Senator from Massachusetts.

Mr. WEEKS. Mr. President, I want to thank the Senator from South Dakota for the great clearness with which he has answered my question.

Mr. SAULSBURY. Mr. President, before we pass from the general subject comprised in this bill I think that a statement which the Senator from Washington [Mr. JONES] seems to have made in his speech of a day or two ago, to which I did not have the pleasure of listening in full, but which I find in the RECORD, should be modified and explained so far as it relates to the State of Delaware.

The Senator from Washington seems to have said that in Delaware we have no colored colleges and no colored teachers. I fancy he did not intend to make that statement, as it would seem an injustice to some very worthy colored men in my State, but that seems to be the purport of his statement, found on page 3192 of the RECORD.

I want to say to the Senator from Washington that we have a most admirable college for the colored people in Delaware. That college is administered by a colored president and a corps of colored teachers, all of whom are very good and efficient men in their departments. The president of the board of trustees of that college is our chief justice, and has been, to my knowledge, for a great many years. That college is very efficiently administered for colored people by members of their own race as teachers. I fancy the Senator from Washington did not intend to reflect upon these teachers or to make any such statement as seems to be included in his speech.

Mr. JONES. Mr. President, I thank the Senator from Delaware for calling my attention to the language to which he refers, because I certainly did not intend to reflect upon the State of Delaware or to convey the impression that there were no colored teachers in Delaware, or, in fact, in any other State. I think it appears clearly from what preceded the sentence to which the Senator calls attention that I was referring to the attendance of colored students and white students at the different agricultural colleges in the various States, and that the first part of the answer given there, to which I presume the Senator refers—

It is true in the whole 17 States—

has reference to the attendance of the colored students at the different agricultural colleges. Then, evidently, I started to refer to the question of the employment of colored teachers in the different States and was then interrupted, as is indicated here in the RECORD. I did not, as I have said, intend to convey the impression that no colored teachers were employed in Delaware or in any other State. Further on in my speech I named the States that I had in mind, and also gave the number of teachers, both white and colored, in the higher schools. I again thank the Senator for calling my attention to the matter, so that it may be made perfectly clear.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Norris	Smith, Ga.
Bankhead	Gallinger	Oliver	Smith, Mich.
Bradley	Hollis	Overman	Smith, S. C.
Brady	James	Page	Smoot
Bristow	Johnson	Perkins	Stephenson
Bryan	Jones	Poindexter	Sterling
Burton	Kenyon	Pomerene	Swanson
Chamberlain	Kern	Ransdell	Thompson
Chilton	Lee, Md.	Root	Townsend
Clapp	Lippitt	Saulsbury	Vardaman
Clark, Wyo.	Lodge	Shafroth	Walsh
Colt	McCumber	Sheppard	Weeks
Cummins	Martine, N. J.	Sherman	Works
Dillingham	Myers	Simmons	
Fall	Nelson	Smith, Ariz.	

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is unavoidably detained from the Senate. He is paired with the junior Senator from Iowa [Mr. KENYON].

Mr. CHAMBERLAIN. I desire to again announce that my colleague [Mr. LANE] is unavoidably detained from the Senate.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The question is on the amendment proposed by the Senator from South Dakota.

Mr. TOWNSEND. Mr. President, without asking for the reading of the amendment, I wish to ask the Senator from South Dakota to tell me in a word just what the amendment proposes to do.

Mr. STERLING. I will say to the Senator from Michigan that the amendment simply proposes to strike out the feature of the bill which requires an agreement between the Secretary of Agriculture and the head of the agricultural college in regard to the work to be carried on.

Mr. TOWNSEND. Who is to have charge of it?

Mr. STERLING. The proposition involved in the substitute is that the colleges themselves shall take the initiative in proposing this work. The Secretary of Agriculture is to supervise the work, at least to the extent that he is left to approve any project for farm demonstration work that is to be carried on by the college, the same as in the original bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was rejected.

Mr. PAGE. Mr. President, I wish to take just a few moments of the time of the Senate to explain to some of the friends of the original vocational educational bill, introduced by me, what has seemed to be an inconsistency on my part in supporting this measure.

I wish to say in all candor that I believe that the two provisions of Senate bill No. 3, introduced by me, vocational education and agricultural extension, should go forward as one measure. I think I should have supported the measure now under consideration under any conditions, because I believe it is one that will result in good to the American farmer, but, in my judgment, we are going at this work at the wrong end. We are seeking to advance the cause of agriculture by taking instruction to the adult farmer on the farm, without in any way taking into account the farmer's boy and the farmer's girl, or, at least, only in an indirect and minor way.

In my judgment, if we are to change the economic conditions of our country with reference to farm life, we must commence with the boy. The father will soon pass off the stage of action, and his place will be taken by his sons; and we must in some way or other convince the boy that farming as a business, as a vocation, can not only be made equally as pleasurable as other vocations, but equally as profitable.

There is no man to-day conversant with the conditions of farm life who does not know that the boy, as soon as he becomes able to look over the broader fields of life for himself, very naturally reaches the conclusion that there is some place where he can make money faster and where he can have an easier and more pleasant life than he can on the farm.

The colloquy which took place the other day between the senior Senator from Iowa and the junior Senator from California sought, as it seemed to me, to peer into the future to see, as they said, how this bill was going to work out—a very proper thing to do. If in all that we do here in the Senate which pertains to taking large sums of money from the Federal Treasury we should first insist upon being shown how the measure would work out, we should take a great deal less money from the Treasury. I think the measure at present before us, taken in connection with that part of what is known as the vocational educational bill, which I hope we shall soon pass, will work out well.

I have given that feature a great deal of study, and I think I can explain to Senators how, as one measure and in cooperation, the two would work out satisfactorily. My optimism, my respect for the ability of the junior Senator from Georgia, and my hope and my trust are so great that I am going to believe that in due time these two measures will go forward, one following the other, to be sure, but yet go forward in such a way that they will cooperate.

Let me first take up some of the features of the vocational education bill. If that bill is enacted into law, it will mean that in every agricultural section of this country, at least in every rural section where agriculture is a dominant work of that section, there will be an agricultural school. The teacher of that school will be a man fairly well versed in the ordinary branches of study, although not necessarily a superior teacher in the high-school branches. He will rather be a progressive, intelligent, up-to-date farmer. He will teach in the schoolroom during the fall and winter months that part of agricultural education which can be taught from books. He will be hired, not as the ordinary teacher is for the terms of school, but by the year; and in the springtime he will go out upon the farm and teach the boys, in actual practice, what they have been taught theoretically in the schoolroom. He will go to the fathers of the boys of his school and ask that he give them a plat of land to cultivate for themselves, a plat of land that shall be their very own, where they would understand that the products of their little plat should be theirs, and the funds derived from the sale of the crops therefrom be theirs to spend. That teacher would have in every important section of the town plats of land where he could do demonstration work, plats scientifically cultivated under his own supervision, where he might show to the adult farmers of the town that judicious, up-to-date agriculture would pay.

And now, Mr. President, we come to the work contemplated by the bill offered by the Senator from Georgia, now before us.

The farmer-teacher would have for his unit the town. His principal work would be to educate the farmer boys in his own town, but the man sent out from the college under the provisions of the bill before us would have the county as his unit. Under this bill, presumably, a man will be sent out from the college of higher class and of greater technical knowledge than the town teacher. He will supervise the educational work of the several town teachers and cooperate with them. When he goes into a town he will find, to speak figuratively, that the field has been plowed and harrowed and fertilized, ready for him to sow the seed when he comes.

I insist, Mr. President, that there can be no such benefit derived from the operation of this bill alone as could be had from these two forces to which I have referred working together. As I understand it, there is no feature of the bill before us that provides education for the farmers' sons and daughters. It is designed, at least primarily, to carry information to the adult farmer on the farm.

I do not like generally to speak from personal experience, but I think I may be permitted to say that I was a farmer's boy. I was brought up in my early life on the farm, and I speak from knowledge. I can remember that when I was a boy I used to like to go to the schoolhouse about half an hour before the school commenced, in order that I might play snowball with the boys or play "ring around rosy" with the girls. I rather think the latter was the more enticing to me. In order to do that I had to get up at 4 o'clock in the morning to do my chores. My father had what we called the "home farm" and the "hill farm." I used to feed the cattle, milk the cows, clean off the horses, clean out the stable at the home farm, and then go up to the hill farm, where we kept the heifers that were not giving milk. I have been up there time after time when the weather was 20° below zero, and not infrequently 30° below, with the wind blowing 30 or 40 miles an hour.

Every farmer boy knows that you can not drive a cow to water when it is very cold or very windy without a good deal of work. I had to go down to the spring, some 30 rods below the barn, and cut out the ice so that the cattle could drink, and then, with a good deal of difficulty, drive the cattle to the spring. I only wonder now, as I look back upon that life, that I did not have my feet and hands and nose and ears frozen. I frequently did have the tips of my ears touched by frost, yet as I look back upon that life I think I see that in it I laid the foundation for a constitution which I would not have otherwise possessed. I do not regret it, and yet when I reached the time of life where I was looking forward to see what I would do for a vocation I need not say that I thought there was probably some way in which I could earn a livelihood easier and with greater pleasure than by working on the farm.

Those conditions are substantially the same now. The boy on the farm sees that he has to work several hours per day more than the boy in the city or in the urban sections or at some trade. It is not difficult to see why, with this condition existing, the great body of the farmer boys, when they get through with the high-school, drift off to the cities and add to the already very congested conditions of the urban sections.

This must be changed. We can not materially improve the economic conditions of this country as they relate to farm life unless we can change these conditions; and they can only be changed by starting at the foundation—the boy—and so educating him that he will come to have a love for the farm and a belief that farming can be made as profitable as other vocations.

I am going to hope that Senators will look at this bill in this way and will conclude that whatever might be the result of this bill taken alone we are later on going to have agricultural extension and vocational education in cooperation, and that the results of the two taken together will be most beneficent and satisfactory to the agricultural interests of this country.

Mr. WEEKS. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. WEEKS. There are six amendments on the memorandum which I send up, all of the same character. I offer the first one.

The SECRETARY. On page 1, line 7, after the word "colleges," it is proposed to insert "or departments or boards of agriculture."

Mr. WEEKS. Mr. President, my purpose in offering the amendment is that in Massachusetts we have an agricultural college and also a State board of agriculture doing work of this kind; and it seems to me that under such conditions there should be a possibility of turning this money over to either the college or the department of agriculture, whichever is doing the work which more nearly complies with the requirements of this law. As a matter of fact, the department of agriculture is doing exactly that kind of work. It has meetings of one kind or another during the year and has a much greater demand for expenditures along this line than the appropriation which is made by the State. I think in that way the money would be as wisely expended as if it were confined to the colleges.

I hope the Senator from Georgia will accept the amendment. If the first amendment is accepted, there are five other places in the bill where it should be included. I therefore suggest that I will offer the other amendments later if this one is agreed to.

Mr. SMITH of Georgia. Mr. President, I regret that I am compelled to differ with the Senator from Massachusetts. There may be several States in which it would be desirable at the present time to handle this fund, in part, through their organized agricultural activities outside of the college. After very carefully considering the matter, however, it was concluded that this is really a bill designed largely to carry to the people the knowledge that the colleges and experiment stations have developed. It is an extension of what is already a national activity. It was thought that to undertake to spread it beyond the colleges into a double agency of control in the States would be likely to lead to such trouble that it would be inadvisable to give it that direction.

Mr. WEEKS. I should like to ask the Senator from Georgia if he thinks there would be any danger or any harm in leaving to the States the agency through which this money should be expended, either the agricultural college or the State department of agriculture?

Mr. SMITH of Georgia. I have a great deal of confidence in the colleges of agriculture, and I really think it is safer to leave it there.

Mr. WEEKS. I do not know what the Senator's experience is, but I feel confident that in Massachusetts the money would be as wisely expended through the State department of agriculture as in any other way.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. PAGE. Mr. President, I want to say, in behalf of the amendment offered by the Senator from Massachusetts, that this whole question of the control of money appropriated by Congress for Federal aid to education is one which has perhaps caused more debate and more contention than almost any other that came before us in working out the great problem of vocational education. In considering the main bill, the final conclusion reached by those who had the matter in charge was that the measure would not work out satisfactorily unless the States were allowed to have—subject to Federal oversight and supervision, of course—the control of the appropriations.

In regard to the general educational fund called for by Senate bill No. 3, it was provided that a board for vocational education should be appointed by the legislature of each State, and that this board, subject, of course, to the provisions of the bill, should have the power to say how this fund should be expended.

Let me say that I am not seeking to interfere in any way with the bill as introduced by the Senator from Georgia. I only wish to say, for his information and for the information of the Senate, that if there was any feature pertaining to the bill granting Federal aid for vocational education which provoked prolonged contention and discussion, it was as to what board should have control of the expenditure of the fund. I wish also to say to the Senator from Georgia that after months and months, and I do not know but I may say after years of investigation, I found that the only way in which this matter would work out satisfactorily to the States was by giving the disposition and control of this fund into the hands of some organization or body to be named by the legislatures of the States. I presume the results will work out all right as provided in the measure before us, but if the Senator from Georgia should write to all States of the Union and get their opinions he would find more divergence upon this point than perhaps upon any other in his bill.

The junior Senator from Georgia has worked, as I chance to know, largely in cooperation with the State agricultural colleges in the furtherance of his bill. The agricultural colleges have joined together and have, in a most powerful way, pressed the Smith-Lever bill, because under that bill they were to have the exclusive control of this great fund.

I did not expect to go into this feature of the matter at all, but perhaps I may properly say, for the information of the Senate, what has been done in behalf of the agricultural colleges. They have had a pretty good taste of money and are quite ambitious for more. Here is what the agricultural colleges are to-day getting:

In the first place, they have the benefit of the original Morrill Agricultural Act of 1862. Later, in 1887, Congress appropriated $15,000 annually to each State for experiment stations. Then, by the second Morrill Act, of 1890, we gave them $25,000 annually in addition. In 1906, under the Adams Act, we doubled the appropriations under the Hatch Act by giving an additional $15,000 annually to each State for these State experiment stations. In 1907, under what is known as the Nelson amendment, we added another $25,000 to this fund. These four appropriations, which supplement the original Morrill Act, give to each State agricultural college $80,000 per annum, if I am correctly informed.

I have great respect for the agricultural colleges of this country. They are doing good work. The State experiment station in my own State is doing most excellent work. I regret to say, however, that there has been no one force that has fought the general bill for the promotion of industrial education like some of the agricultural colleges. They have an organization that is one of the most powerful in the country. Acting with this organization is what is known as the American Soil Fertility League. Mr. H. H. Gross, of Chicago, is the active executive man of this league, and he told me that he had at his disposal a fund of more than $25,000 a year. I am quite sure he told me that five different railroads had agreed to pay $5,000 a year for five years or more, and that he also had other funds at his disposal.

Mr. Gross, as the active agent of that organization, came to me after I took charge of the bill for the granting of Federal aid for vocational education and told me that he was thoroughly in favor of the Page bill, and that all I need to do was to help him get through this bill, and he would put his shoulder behind the Page vocational-education bill and push it to success. I declined to do it, not because I did not think his bill a good one, but because I did not wish to see my bill dismembered. After he found that I would not do his bidding he said: "I have changed my mind with regard to your bill. I think it is a very bad bill"; and he flooded this country with circulars, which I think every Senator received, setting forth in terms that I knew were unfair what he was pleased to say were the bad and unwise features of the Page bill.

I mention this in all good nature. I hope the Senator from Georgia will not think that in what I am saying I am trying to oppose his bill, because I am not. I want to see it passed. It is a good measure. I simply say that in my opinion there are a hundred reasons why the two bills should have gone through together and not one why they should not. But this is only my opinion, and upon this point he and I disagree. I yield to the inevitable, hoping that later on he will be as good to the balance of my bill as I have tried to be to his measure.

In closing, I wish to say to all my friends here who have stood by my vocational-education bill so faithfully that I hope they will all vote for this bill. I believe if they do the Senate and the country will later on stand behind Federal aid for vocational education with such vigor that when we get to that bill nothing can stop its passage.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. WEEKS].

The amendment was rejected.

Mr. GALLINGER. Mr. President, when the Senate bill was under consideration I made a suggestion which the Senator from Georgia kindly acceded to, that section 3 should be amended, on line 19 of page 4 of this bill, by striking out the word "or" after "college," and inserting the words "or individual contributions" after the word "authority."

I trust the Senator will permit that amendment to go into the bill and go to conference, and then if it is not thought a wise thing to do it can be dropped out.

Mr. SMITH of Georgia. I do not object to it.

Mr. GALLINGER. Then, I move that amendment on line 19, page 4, to strike out the word "or" before the word "local," and, after the word "authority," to insert the words "or individual contributions."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 19, it is proposed to strike out the word "or" before the word "local," and after the word "authority" to insert a comma and the words "or individual contributions."

The amendment was agreed to.

Mr. GALLINGER. I will call the attention of the Senator from Georgia to the phraseology of section 4, "That the sums hereby appropriated for extension work shall be annually paid in equal semiannual payments on the 1st day of January and July of each year," and so forth. It is not important perhaps, but it seems to me the word "annually" there is a matter of supererogation and might well go out of the bill.

Mr. SMITH of Georgia. In what section?

Mr. GALLINGER. Section 4, the first two lines. My suggestion is to strike out the word "annually." I think it will be better language. That likewise can go to conference, and if it is desired it can be restored.

Mr. SMITH of Georgia. I have no objection to that amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 4, line 23, strike out the word "annually."

The amendment was agreed to.

Mr. SMITH of Georgia. I wish to call attention to page 2, line 8. The Senator from Wyoming [Mr. CLARK] has called to my attention the fact that there are two chapters on that page. So, after the words "four hundred and seventeen," I move to amend by adding "chapter 841," which is the chapter that we have under consideration.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "four hundred and seventeen," in line 8, insert "chapter 841," so as to read: "Twenty-sixth Statutes at Large, page 417, chapter 841."

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. GALLINGER. Before that is done I should like to have read the amendment that was offered by the Senator from Colorado [Mr. SHAFROTH] and agreed to.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 2, line 14, strike out the words "legislature of such State" and insert "governor of such State and the Secretary of Agriculture," and after the word "may" insert "from time to time," so that if amended it will read:

The appropriations hereinafter made to such State shall be administered by such college or colleges as the governor of such State and the Secretary of Agriculture may from time to time direct.

Mr. GALLINGER. I presume there will be no difficulty about it, but my suggestion would be that the word "jointly" might be inserted after the word "may."

Mr. SHAFROTH. I do not think it is necessary, but I do not see any objection to it.

Mr. GALLINGER. It makes it a little clearer. If there is no objection, I would suggest the insertion of the word "jointly."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "may," in line 14, page 2, insert the word "jointly."

The amendment was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. LEE of Maryland. Mr. President, I offer the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 17, strike out the word "shall" and insert in lieu thereof the words "may in the absence of prior legislative assent," so as to make the proviso read:

Provided, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

Mr. LEE of Maryland. Mr. President, the bill as now phrased requires the assent of the governor, even though the assent of the legislature now in session may be given to the provisions of the bill. There are a good many legislatures now in session, and there is no reason why the assent of the governor should be required if they assent to the provisions. It is merely a verbal correction.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. LEE].

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE PRESIDENT. There was some question as to the title.

Mr. WEEKS. It will not be necessary to change the title on account of the adoption of amendments.

The VICE PRESIDENT. The title will stand.

Mr. SMITH of Georgia. The Senate having passed House bill 7951, I move that the bill (S. 3091) to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed.

THE COMMITTEE ON NAVAL AFFAIRS.

Mr. KERN. Mr. President, I send to the desk a notice that I ask may be read.

The VICE PRESIDENT. The notice will be read.

The SECRETARY. The Senator from Indiana gives notice that on Monday next, the 9th day of February, 1914, at the conclusion of the routine morning business, he will move to so amend Rule XXV that the Committee on Naval Affairs shall consist of 16 Senators instead of 15 Senators as at present constituted.

Mr. CLAPP. I ask the Senator from Indiana if he will not defer that until Tuesday. Some of us have to leave Monday to attend the funeral of the late Representative BREMNER, and I should like to be here when the matter comes up.

Mr. KERN. I shall be very glad to accommodate the Senator from Minnesota. The notice may be changed to Tuesday.

The VICE PRESIDENT. That modification in the notice will be made.

EXECUTIVE SESSION.

Mr. BRYAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 6 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 9, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1914.

JUDGE OF MUNICIPAL COURT.

Edward B. Kimball, of Washington, D. C., to be a judge of the municipal court of the District of Columbia, vice Charles S. Bundy, term expired.

RECEIVER OF PUBLIC MONEYS.

George Weaver, of Colorado, to be receiver of public moneys at Durango, Colo., vice John H. McDevitt, jr., term expired.

PROMOTION IN THE NAVY.

Medical Inspector William C. Braisted to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy with the rank of rear admiral for a term of four years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1914.

CONSUL.

Dominic I. Murphy to be consul at Amsterdam, Netherlands.

COLLECTOR OF CUSTOMS.

Percy W. Maer to be collector of customs for the district of Mobile.

POSTMASTER.

ARIZONA.

L. R. Bailey, Bisbee.

INDIANA.

Charles H. Havens, Kokomo.

IOWA.

Samuel A. Sumner, Dallas Center.

MICHIGAN.

Floyd A. Chapin, Fenton.
D. L. Kingsbury, Cassopolis.
Walter W. Simons, Coleman.
H. J. Tibbits, Ravenna.

MISSISSIPPI.

Walter L. Collins, Union.
T. H. Sharp, Columbus.

PENNSYLVANIA.

Henry Bourns, Ellsworth.
Joseph J. Campbell, Homer City.
William M. O. Edwards, Pencoyd.
Harry J. Harwi, Hellertown.

SOUTH CAROLINA.

Joshua L. Young, Ware Shoals.

VERMONT.

Frank A. Burditt, Putney.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 7, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of truth, arouse in us the strongest indignation, the most righteous hatred, of all forms of sham and hypocrisy, in society, in business, in politics, in religion; that the term "whited sepulcher" may not be applied to any of us. To be clean without and foul within is the sin of sins, and aroused in the heart of the Christ the most scathing rebuke.

"The world is always in need of the man with courage and sincerity, who will say what he means and mean what he says." Make us that man. For Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. LINDBERGH, by unanimous consent, was granted leave of absence indefinitely, on account of the illness of his mother.

EMILY CHANCEY.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri offers a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 393 (H. Rept. 235).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Emily Chancey, widow of John T. Chancey, late a special employee of the House, an amount equal to six months of his compensation as such employee and an additional amount, not exceeding $250, to defray the funeral expenses of said John T. Chancey.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NELLIE TAYLOR.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri also presents a further privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 398 (H. Rept. 236).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to

Nellie Taylor, daughter of Daniel Taylor, late an employee of the House, an amount equal to six months of his compensation as such employee, and an additional amount, not exceeding $250, to William S. Riley, undertaker, to defray the funeral expenses of said Daniel Taylor.

Also the following committee amendments were read:

Amend, page 1, line 8, by striking out the words "Nellie Taylor, daughter," and insert "the legal representative."

In lines 6 and 7, strike out the words "William S. Riley, undertaker, to."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

NATIONAL CORN EXPOSITION, DALLAS, TEX.

The SPEAKER. The Chair lays before the House the following invitation, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 6, 1914.

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.

DEAR SIR: The president and board of directors of the Sixth National Corn Exposition take pleasure in announcing to the House of Representatives of the United States that they will, on the 10th day of February, 1914, open the National Corn Exposition, at Dallas, Tex., which exposition is participated in by practically all of the States in the Union and by the National Department of Agriculture.

Said exposition will be open until February 24, and I am authorized and directed by the president and board of directors of said exposition to request the honor of the presence of the Members of the House of Representatives of the United States at whatever time it will be most convenient for them to attend.

Respectfully, yours,

HATTON W. SUMNERS.

Mr. SUMNERS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Texas [Mr. SUMNERS] asks unanimous consent for the present consideration of a resolution which the Clerk will report:

The Clerk read as follows:

House resolution 405.

Resolved, That the invitation of the officers and directors of the Sixth National Corn Exposition at Dallas, Tex., to attend said exposition be accepted, and that a committee from the membership of the House be designated by the Speaker to attend said exposition on the part of the House.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I did not hear all of the resolution read. Does it provide for an acceptance of the invitation?

Mr. SUMNERS. It provides for an acceptance of the invitation, but it does not carry any appropriation.

Mr. MANN. What is meant by an acceptance of the invitation?

Mr. SUMNERS. It means that the Speaker, if the invitation be accepted, will designate a committee from the House, from among the gentlemen who can do so, to attend as representatives of the House.

Mr. MANN. Does the resolution provide for the appointment of a committee?

Mr. SUMNERS. Yes, sir.

Mr. MANN. The gentleman does not expect that a committee composed of Members of the House is going down there at its own expense?

Mr. SUMNERS. I do expect it; yes, sir.

Mr. MANN. Well, the gentleman has not been here as long as I have.

Mr. SUMNERS. I know they are going down there, and I know who are going if the resolution is adopted.

Mr. MANN. I have heard that before under similar circumstances, and I do not recall any case now where subsequently we did not pay the expenses.

Mr. GARNER. Will the gentleman permit? The gentleman from Texas [Mr. SUMNERS], who resides in Dallas, states as a Member of the House that the Congress will not be called upon to make any appropriation for the expense of this committee.

The idea of having it designated by the Speaker is that they may go there in a more or less official capacity, and that their absence from here may not be criticized by their constituents, because they are fulfilling a mission of the House. And I might say further to the gentleman from Illinois [Mr. MANN] that it is possible, if not probable, that the parties in charge of this exposition may assume the expense of this committee themselves. And I hope he will not object.

Mr. MANN. How large a committee is expected to absent itself from the House in order to go there?

Mr. GARNER. Well, the gentleman from Texas [Mr. SUMNERS] would like to get a right nice little bunch of Representatives from the gentleman's section of the country to go down and see something of the State of Texas and of the corn produced in that section.

Mr. MANN. I ask my friend from Texas [Mr. GARNER] which he considers the most important, for Members of the House to go to Dallas, Tex., where they can be of no earthly use, or remain here in the House, where they belong and where they may be of some service to the Government?

Mr. GARNER. "The gentleman from Texas" does not care to go into that phase of the matter just at this time. I can see absolutely no reason why, if Members of Congress feel that they could be of service to the country by attending a national exhibition that has been indorsed or, rather, authorized by an act of Congress, there could be any objection to their going.

Mr. MANN. Mr. Chairman, I think we have three resolutions reported that are now on the calendar providing for the acceptance of invitations to attend conventions or something of that nature, all of which provide, with one exception, that there shall be no expense to the Government or no appropriation, one, I believe, fixing the appropriation at $1,000.

I do not think I shall object to this resolution, but I am opposed to providing officially for the representation of Congress or of the Government to attend conventions without taking the responsibility of paying the expenses. I do not have a very high idea of a committee or delegation or representation which goes officially but which is not important enough to have its expenses paid. When these other propositions shall come up I am sorry to say now that if they come with a request for unanimous consent I propose to object.

Mr. GARNER. Question, Mr. Speaker.

The SPEAKER. Did the gentleman object? Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to this resolution.

The resolution was agreed to.

The SPEAKER. The Chair would like to inquire of the gentleman from Texas [Mr. SUMNERS] as to how many Members he would like to have on his committee. Do not make them too many, because business is pressing.

Mr. MANN. Let the whole Congress go. Let us take a vacation. [Laughter.]

Mr. SUMNERS. Mr. Speaker, of course Dallas would be glad to have as many Members of Congress selected as can conveniently attend. We do expect to have about five or six Members attend.

And may I just state in this connection, Mr. Speaker, if I may do so with unanimous consent—and I shall be very brief—that as to this character of resolutions I agree with the gentleman from Illinois [Mr. MANN] as a general proposition. The duty of Members of Congress is to be here. But this is a great national meeting of men who produce the grain of the United States, and I believe it is not a loss of time for Members of Congress who have to deal with the problems that concern agriculture to come in contact with the men who are leaders in agricultural production and in connection with the matters that have to do with that economic problem.

The SPEAKER. The Chair will appoint the committee later.

ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Mr. PALMER rose.

The SPEAKER. The gentleman from Pennsylvania.

Mr. PALMER. Mr. Speaker, I ask unanimous consent to make a statement for one or two minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. PALMER. Mr. Speaker, the bill known as the Philadelphia judgeship bill, providing for an additional judge for the eastern district of Pennsylvania, is now on the Speaker's table in the shape of a conference report, disagreeing to Senate amendment No. 1, which strikes out what is known as the Cullop amendment to the bill, providing for publicity to be given by the President to the indorsers of the successful applicant for the judgeship. It was generally stated to Members yesterday that the bill would come up to-day.

I simply desire to say that Judge CULLOP, who is the author of this amendment and is very much interested in it, has had a death in his family, which necessitates his abence to-day, and the friends of the bill have therefore agreed that it shall go over until Monday morning. While I do not agree with Judge CULLOP's position, I felt it to be entirely fair, in view of the active fight he has made in behalf of this proposition, that the

conference report should not come up in his absence. I just desire to give notice to the Members that the conference report will be called up on Monday, immediately after the reading of the Journal.

RURAL POST ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11686) to provide that the United States shall, in certain cases, aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads.

The SPEAKER. The Chair will inquire of the Clerk how much time was used last night?

Mr. SHACKLEFORD. Two hours and a half.

The SPEAKER. How much time is there left?

Mr. SHACKLEFORD. Four hours and a half.

Mr. MANN. Mr. Speaker, by unanimous consent may I ask the gentleman a question? It is now about half past 12. Four hours and a half of general debate would run to at least 5 o'clock, and perhaps a little later. Is it the expectation of the gentleman to go ahead under the five-minute rule this afternoon?

Mr. SHACKLEFORD. Mr. Speaker, I have no preference whatever about the matter. I wish to accede to the wishes of the leaders of the House, who have the management of the calendar. I have no preference.

Mr. MANN. Of course the gentleman knows it is Saturday afternoon.

Mr. SHACKLEFORD. I have no desire to press the bill beyond the stage of general debate.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri [Mr. SHACKLEFORD], that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the road bill.

The motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. RUBEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11686, with Mr. RUBEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11686, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11686) to provide that the United States shall, in certain cases, aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads.

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] is recognized for five minutes.

Mr. CANDLER of Mississippi. Mr. Chairman, I am not at all well this morning and have not been for several days, and therefore I will not claim the attention of the House to discuss this bill at any great length.

This question is not a new question, but was recognized in the early history of this country. We all know that President Washington was greatly interested in the building of public roads and that the Cumberland Road was begun under the administration of Thomas Jefferson; that Henry Clay and John C. Calhoun also were active in their day on this great subject.

In the last platform of the Democratic Party, adopted at Baltimore, there is a distinct declaration in favor of Government aid to good roads. The declaration in the last national Democratic platform is:

We favor national aid to State and local authorities in the construction and maintenance of post roads.

This, of course, is the last declaration of the Democratic Party on the subject, but it connects back with the work of the party, as I mentioned a moment ago, in the early history of this country.

I do not hesitate to say that, in my judgment, there is no question to-day before the American people in which the people themselves are more vitally interested. From every corner and part of this great Republic is coming the demand for this legislation; and we, as the servants of the people, owe no higher duty than to respond to the wishes of the people whom we represent, wherever their wishes are plainly and definitely known. That has always been my policy and my purpose since I have had the honor to be a Member of this House, and I expect to continue to speak and to vote the sentiments of my people so long as they continue to honor me by keeping me here as their Representative. The widespread interest in road building is shown by the following table of expenditures in the States:

Estimated appropriations and expenditures, by States, for year 1912.

Alabama	$1,123,421.22
Arizona	200,000.00
Arkansas	1,586,050.00
California	2,750,000.00
Colorado	1,469,690.00
Connecticut	1,250,000.00
Delaware	339,480.00
Florida	1,500,000.00
Georgia	2,750,000.00
Idaho	750,000.00
Illinois	7,000,000.00
Indiana	6,286,311.00
Iowa	7,500,000.00
Kansas	5,155,360.00
Kentucky	2,250,000.00
Louisiana	2,147,062.56
Maine	1,482,743.00
Maryland	1,000,000.00
Massachusetts	2,350,000.00
Michigan	4,300,000.00
Minnesota	3,000,000.00
Mississippi	2,000,000.00
Missouri	4,650,516.00
Montana	1,532,787.36
Nebraska	2,278,188.00
Nevada	100,000.00
New Hampshire	1,000,000.00
New Jersey	3,629,773.00
New Mexico	500,000.00
New York	6,938,694.00
North Carolina	2,333,942.00
North Dakota	1,023,569.00
Ohio	3,349,632.00
Oklahoma	4,105,299.84
Oregon	1,100,000.00
Pennsylvania	5,864,718.00
Rhode Island	281,775.00
South Carolina	750,000.00
South Dakota	1,250,000.00
Tennessee	2,000,000.00
Texas	7,269,592.00
Utah	500,000.00
Vermont	676,039.00
Virginia	1,500,000.00
Washington	4,059,508.87
West Virginia	1,042,353.00
Wisconsin	4,000,000.00
Wyoming	372,000.00
Grand total	120,298,505.35

This statement shows that every State in this Union is spending money for this purpose, and there is no purpose for which we can expend the public money that will, in my judgment, bring greater results to the people or contribute more to their happiness and their prosperity than the improvement of public roads. When we furnish the means of transportation or communication between the people in their neighborhoods and in their immediate communities and vicinities and, in addition, open up the highways that lead to the marts of trade and to the centers throughout this country, we carry to each and every man, woman, and child in this great Republic to some extent the prosperity, blessings, comfort, and happiness that exist in every part of this great Commonwealth.

In addition to that, there is no greater source of prosperity than to increase the value of the land in the country, because the land, as we all know, is the source of all prosperity, for from it must come the products that produce the wealth of the Republic.

It is well known to everyone present that wherever the good road has gone it has added to the value of the lands and brought them up to what they are really worth, oftentimes when they were priced below their intrinsic value by reason of the fact that the owners of the land did not have means of communication with the points of trade and with the centers where their products could be marketed.

In addition to this, good roads reduce the cost of transportation. I will give you a succinct illustration. When I was at home recently I sat in my office in the courthouse in the little city in which I live, and coming in around the corner of the courthouse yard I noticed 12 wagons, one behind another, with 2 ordinary mules hitched to each one of the wagons, and on each wagon there were 5 bales of cotton, 60 bales in all pulled by these 24 small mules. The average load for a pair of mules on the ordinary dirt roads in the wintertime in our section of the country is 2 bales of cotton. The increase in the number of bales which they were able to haul by reason of the fact that they had come in over a newly constructed gravel road which had just been put in operation was 36—that is, 60 bales instead of 24—for those 12 pairs of small mules, with a consequent reduction in the transportation cost of one of the great products of this country. [Applause.]

Before any Member votes against this bill let me remind him that it is intended to improve the post roads over which 42,000 rural letter carriers travel to carry the mail to 20,000,000 people

living in the country, and to improve these roads will help every one of these 20,000,000 people and thereby benefit all the people.

Let me further remind you that we have spent for rivers and harbors since 1875 $592,395,000; for public buildings, $213,376,000; for the Panama Canal, about $375,000,000; and for various other objects enormous sums, and the farmers of this country have produced the wealth to sustain these enormous expenditures. Now, let us help them by giving them good roads. [Applause.]

I introduced a bill for good roads, proposing to appropriate $20,000,000 a year for five years to cooperate with the States, counties, and road districts. I like that bill, but this bill contains cooperative features and is the consensus of the Committee on Roads after considering all bills on the subject; therefore let us put it through and enact it into law and commit Congress to the idea of road building, and if this does not in practice work out all right we will amend it at the proper time. Now is the time for everybody who favors good roads to stand together and present a solid front. Let there be no division, and victory will crown our efforts and good roads be assured. [Applause.]

Mr. PROUTY. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOORE.]

Mr. MOORE. Mr. Chairman, while I do not think this is a perfect bill or that it will work out as successfully in aiding the farmer as its proponents believe, and while it is evident that the scheme of proportioning appropriations under it will eventually operate in favor of the States of larger area as against the States of greater population, I expect to vote for it.

The report of the Committee on Roads, showing the maximum amount of Federal aid to each State under the provisions of this bill, presents some interesting contrasts. Connecticut, with a population almost equal to that of Nebraska, because of a less amount of post-road mileage, would obtain under this bill a maximum appropriation of $208,750, as against $506,250 for Nebraska. It is assumed that Connecticut's road capacity is more nearly reached and completed than that of Nebraska, and that, therefore, future appropriations would operate more generously toward Nebraska than they would toward Connecticut. The same might be said of Pennsylvania and Texas, the former of which has about twice the population of the latter; for, while the mileage of the two States is given at 575,000 and 593,750, respectively, the presumption is that the expansion of post roads in Texas will hereafter be far greater than in Pennsylvania. Yet, as the committee presents the matter, Pennsylvania, by reason of both population and post-road mileage, would for the first year be entitled to $1,623,750, as against $1,126,250 for Texas. I assume, therefore, that the present favorable showing of the committee in apportioning what appears to be a large amount for Pennsylvania is not a fair indication of the relative size of appropriations in the future.

It is proposed to try on this new experiment with a total appropriation of $25,000,000 the first year, apportioning it amongst the States that desire to participate by making appropriations in like amount, in proportions adjusted to the population and the total number of miles of rural post roads. Large discretionary powers are conferred upon the Secretary of Agriculture not only to deal with State officials, but to designate roads and to determine the manner of construction and maintenance. All this is to be done subject to Federal appropriations, which are not to exceed $15 per mile on ordinary dirt roads, $30 per mile on shell or gravel roads, and $60 per mile on macadam roads or others of higher grade. In addition, bridges and culverts along the line of these respective roads are to be improved and maintained within the rate fixed. It is evident that the highways of the cities will not derive any benefit from this bill; indeed, the act specifies "construction and maintenance of rural post roads" only. Whatever has been spent upon urban streets and highways may thus be counted as a charge against those who paid for them, nor is there any intent, though urban streets and highways be used as post roads, to provide in this act for their future construction or maintenance. The bill contemplates appropriations for rural post roads, and for rural post roads only.

Under these conditions the bill is not fair to all the taxpayers of the country, because it makes one set of taxpayers who have already paid for good roads join in the payment of good roads for others. The State which has already built its roads at State expense is expected to contribute to the construction and maintenance of roads in other States of larger area which have not been so fortunate. It must be admitted, however, that a long step forward has been taken in this bill in providing that the Federal Government shall not appropriate any money for the construction of good roads in any State unless that State is first prepared to contribute a like amount. This cooperative feature is desirable and tends in a degree to turn back to the State of larger area at least an equal share in the responsibility of road construction.

An objection to the bill which has thus far not been satisfactorily explained in general debate is revealed in the apparent insufficiency of the Federal aid for road construction on the per-mile basis. It is palpably impossible to build macadam roads for $60 per mile, plus a like contribution by the State, and it is extremely improbable that roads of a less grade could be built, with the maintenance of bridges and culverts included, for the amounts per mile set down in this bill. However, this and other questions may subsequently be cleared up in the discussion.

As I view it, Mr. Chairman, notwithstanding the inequalities of the bill, it is intended to improve our transportation facilities and to aid in the commendable work of bringing the city and the country closer together. If the city taxpayer is not to derive any financial benefit from the measure, he can at least content himself with the thought that an effort is being made to get the produce of the farm to the dinner table cheaper than before. If the bill brings about such a result, it will be a good thing for all of us, whether we live in the cities or whether we live upon the farm. I am not in favor of the Government ownership of railroads, and for the present I oppose the construction of Government railroads in Alaska, believing the $35,000,000 which it is intended to expend there could better be spent upon internal improvements in the United States. But I believe it is essential that the Government should aid in every way possible the improvement of our transportation facilities. I strongly favor liberal appropriations for the development and maintenance of interstate waterways as free avenues for commerce. They do and will cheapen transportation costs. Government aid may therefore be consistently urged for public roads coming within the purview of the Constitution, more especially as they are corollary to both railways and waterways, and if united would materially reduce the general expenses of transportation.

By wagon roads, such as are contemplated in the bill now before us, the cost of carriage per ton-mile is generally quoted by experts at 25 cents. By rail the cost is approximately 7 mills per ton-mile, by water it is 1 to 3 mills per ton-mile, and on the ocean it is one-half of a mill. If the farmer primarily pays this tremendous wagon-road cost of transportation to get his produce to the railroad or to the river bank for transshipment, the consumer in the city pays it eventually, and his cost of living is increased to that extent. And so far as transportation charges are concerned, that increase in the cost of living in the city is likely to continue until we have improved methods of transportation via both the waterway and the good road. Therefore anything we can do to reduce the transportation cost of commodities by earth roads, rail, or waterway—the latter being the cheapest of all transportation mediums—will be of direct benefit to both producer and consumer. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LLOYD.]

Mr. LLOYD. Mr. Chairman, I am in favor of any kind of reasonable legislation, State or National, which will result in permanent improvement of the highways of the United States. The question of Government aid in the construction and maintenance of post roads is no longer a mooted question. The party in power is pledged by its platform declaration to favor national aid to State and local authorities in the construction and maintenance of post roads. The pending bill undertakes to provide Government aid to the rural post roads. It is not ventured to provide assistance for any road about which there could be a constitutional question raised. The Constitution of the United States provides for the establishment of post offices and post roads, and this by implication carries with it the right to construct and maintain such post roads. This is the first bill which has been presented providing for the aid in the construction of roads about which the constitutional question has not been raised.

I congratulate the author of this bill, my colleague, Mr. SHACKLEFORD, in his presentation of a scheme which avoids the raising of the question of his right under the Constitution to enact such a law. The pending bill is based upon the theory that the local community should cooperate with the National Government and provide at least an amount equally as large as that which is furnished by the United States Government. It is a very difficult thing to work out a scheme of cooperation which will be satisfactory to all the States, be-

cause hardly two States of the Union have the same system with reference to the construction and maintenance of their highways. In some States at present aid is given by the State to the county or civil division, while in others the whole burden of road building is borne by the local community. In some States there are highway commissions which control the building and maintenance of the roads of the States. In others there is a system of county supervision, with county highway engineers, who have supervision of the roads of the county. In other States they have both the State supervision and State highway engineer and county supervision with a county highway engineer, and each is expected to work in unison with the other. In order to meet all of these conditions it is impossible at present to provide a law with complete details, so as to fit into the conditions existing in the State.

It is usually conceded that primarily the State and local authorities have jurisdiction over the roads that have been located, and that the jurisdiction of the State should not be disturbed by any attempted control of the Federal Government; that whatever aid may be extended by the General Government should be accepted by the State, and no supervision should be assumed by the General Government which should in any way interfere with the local control by the State. In other words, it is not the purpose of this legislation nor of the party in control to so enact legislation as to in any way interfere with the State's jurisdiction over its own highways, but it is intended to provide a system of aid to the various States which are disposed to meet the conditions which are imposed by the General Government, none of which conditions will take from the State any of its jurisdiction over the roads of the State.

It is very difficult to frame a bill so as to make a proper distribution of the assistance that may be rendered by the General Government. The pending bill perhaps as nearly as any suggestion that has been made brings about an equitable adjustment of the aid that is to be extended. It provides that the money that may be expended by the General Government in any State in any fiscal year shall be determined in the following manner: One half is to be paid in the proportion which the total population of such State bears to the total population of all the States as shown by the next preceding Federal census, and the other half is to be distributed in the proportion which the total number of miles of rural post roads in use in any State bears to the total number of miles of rural post roads in use in all of the States as shown by the report of the Postmaster General at the close of the second quarter of the last preceding fiscal year. It will be seen by this provision that it is based one-half on population and one-half on the miles of post roads. On December 1, 1913, there were 42,961 rural roads, with an aggregate length of 1,042,477 miles. Of this aggregate number of miles it would be proper to make reduction of about 15 per cent for the number of miles that is traveled within corporate limits, where the roads are controlled by municipalities, and without corporate limits, where in making the aggregate length of a route there is a retrace over the same route or travel over another route. This would reduce the actual number of miles of rural post roads to about 870,000 miles.

There is an impression abroad that this bill will provide assistance for every mile of rural post roads; in other words, the 870,000 miles of road. This is entirely erroneous, as the bill only provides assistance to certain roads, which are classified by the bill into three classes: Class A, which is to embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a rock track composed of macadam or other material of equal utility or cost, constructed and maintained in such manner that it shall have a smooth, firm surface; class B to embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of shells, gravel, or a proper combination of sand and clay or other material of equal utility but less expensive than macadam, constructed and maintained in such manner that it shall have a smooth, firm surface; class C is to embrace roads upon which no incline is steeper than is reasonably necessary in view of the topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches and kept crowned and compacted by dragging or other adequate means so that it shall be reasonably passable for wheeled vehicles. In other words, the three classes embrace, first, macadam roads; second, gravel or shell roads; and, third, earth roads; in each case the road to be well constructed and in good condition.

According to the latest report of the Public Roads Office in the Agricultural Department, there are at present 52,585 miles of class A, 161,790 miles of class B, and 222,513 miles of class C. If no roads were added to any of these classes during the next fiscal year, then the amount that could be appropriated under the pending bill would be $11,300,000. In other words, there are at present, according to the estimates of the Agricultural Department, only 435,888 miles of roads which could be benefited by the provisions of this bill, and about the same number of miles of post roads in the United States would not be benefited by the provisions of this bill, because the roads do not belong to any one of the three classes. I wish to impress this fact that under this bill a road, in order to secure the benefits of the aid proposed, must come within the three classes. It must be either a good macadam road, shell road, or dirt road before it is entitled to any recognition by the Federal Government. This is seriously objected to by some individuals, because they insist that all post roads should have assistance from the Federal Government. I am in full accord with the principle of this bill in that regard, because I believe that the local community ought to show interest enough to bring itself within the requirements of law before it should receive national aid. This feature, instead of being condemned as it is by many, ought to be commended, it seems to me, because it will have the effect of encouraging the local community to be more interested in road building and to place its roads in position to receive the benefit which this bill, if enacted into law, would give them.

This bill provides that all roads of class A, or macadam roads, may receive aid to the extent of not exceeding $60 per mile, and that the roads of class B, gravel or shell roads, may receive benefit to the extent of $30 per mile, and that the roads of class C, or the earth roads, may receive benefits to the extent of $15 per mile. I am inclined to the view that there is too much disparity in these classes, or, in other words, where a dirt road has placed itself within the provisions of class C it ought to be entitled to more consideration at the hands of the Federal Government than that which this bill provides. I would be pleased to see it increased to at least $25 per mile, but as I am advised this schedule of rates is a compromise and that no other schedule will meet as nearly unanimous support of this House, so that it becomes necessary to support this provision if persons are favorable to the legislation in general.

I called attention a moment ago to the fact that this bill did not provide that all rural post roads should receive the benefit of Government aid. The language of the bill is—

That certain roads in the States which are adapted to use by the United States as rural post roads shall be divided into three classes, to be known as class A, class B, and class C.

Certain roads. Now, that word "certain" is nowhere defined in this bill as I understand it. The word "certain" may, however, be explained by the Agricultural Department in the estimate which it has submitted of the miles that are found in class C. If there are only 222,513 miles in class C, then only about one-fourth of the dirt post roads are provided for, and many believe that this bill should provide for all dirt post roads. Now, if you will make the computation, you will ascertain that you can provide for all the roads, if that is the intention, provided the remaining roads all belong to class C.

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. LLOYD. Certainly.

Mr. SHACKLEFORD. The gentleman comments upon the words "certain roads." Those words were intended to convey the idea that the roads to be embraced are the roads that are up to class A, B, or C, and is intended to exclude all roads that are not up to those classes. That is the purpose of those words.

Mr. LLOYD. If that be true, then I am trying to call attention to the fact that over 600,000 miles of dirt roads in the United States now used as post roads will not be provided for by this bill.

Mr. SHACKLEFORD. If the gentleman will permit an interruption, I will assure him that he is mistaken about that.

Mr. LLOYD. All right.

Mr. SHACKLEFORD. This bill provides that at the end of each fiscal year the governor of the State shall file a statement showing what of these roads have been brought within these classes. The fact which the gentleman is commenting on is that there is now only a certain mileage of roads in class C, but the purpose of this bill is to induce the people to increase the mileage of roads in class C, and at the end of the fiscal year they will have not only the roads now enumerated as being within class C, but all of the roads that have been brought within the provisions of either A, B, or C, as provided by this bill, will be reported as coming within the provisions of this act, and will receive compensation.

If it provided that only the benefits of this bill should go to the roads in existence, there would be no need for the bill. We want to encourage the construction of additional roads and the

improvement of those now in existence. The bill provides that all roads hereafter to be built that come within these provisions shall come within the benefits of the provisions of the bill.

Mr. LLOYD. The gentleman does not intend now to provide for all the rural post roads in the country; he only intends to provide for those specifically in class A, which amount to 58,000 miles; class B, 161,000 miles; and class C, which amount to 222,000 miles, and that hereafter, if the people of the United States actually construct roads and place them so that they may be classed as A, B, or C, they will be entitled to compensation under the bill.

Mr. SHACKLEFORD. That is the purpose, that no part of the money should go for a road that was not improved up to the extent at least of class C. Every mile that is brought up to class C will, at the end of the fiscal year, be included in the compensation which is provided for here. If no road is under improvement, if it is a mud road, if it is impassable a large part of the year, and no money spent on it by the local community, it is not intended for this bill to be a pork-barrel proposition and furnish money for the keeping of bad roads. It is to stimulate the roads, to bring them up to the standard of class C, when they can receive compensation under the bill.

Mr. LLOYD. Under the provisions of this bill the State of Missouri, which we both in part represent, would hardly receive but a small per cent of benefit from this bill, because all of our dirt roads do not come up to the provisions of class C, as I understand it. I do not believe that 25 per cent of the dirt roads in Missouri will come up to this standard. The State of Indiana and like States, who have good roads, will be the States that will get the greatest benefit of this fund.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SHACKLEFORD. Mr. Chairman, I will yield the gentleman five minutes more.

Mr. BORLAND. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. BORLAND. I want to call my colleague's attention to the fact that this bill, while it says that it is for the aid, construction, and maintenance of post roads in its title, and purports to be carrying out the Democratic platform, promising aid for post roads, is not, when analyzed, found to apply to post roads at all. The only application to post roads in this bill is the definition that one-half of the money shall be distributed in the proportion which the total number of miles of rural post roads in a State bears to the total number of miles in rural post roads in all the States. There is no provision in this bill that these routes upon which the rental is to apply shall be used as post roads. It speaks of certain roads adapted to use as post roads, but it does not include all the post roads in the United States. If it did, they would have framed a different bill. It would have been placed under the Post Office Department instead of under the Agricultural Department. The post-roads proposition is named in the bill for the purpose of distributing the money, and there is no provision that the roads so used shall be improved.

Mr. LLOYD. Mr. Chairman, I am inclined to think that the bill is so drawn as to apply to post roads.

Mr. LAZARO. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. LAZARO. I would like to get the gentleman's idea of a dirt road which comes under class C.

Mr. LLOYD. I think the bill describes it.

Mr. LAZARO. But what is the gentleman's idea? He says that many of the dirt roads in his State would not come in under it.

Mr. LLOYD. The bill provides for roads under class C, as follows:

> Class C shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches and kept crowned and compacted by dragging or other adequate means so that it shall be reasonably passable for wheeled vehicles.

Mr. LAZARO. Let me ask the gentleman—are the roads in his State graded?

Mr. LLOYD. Not as they ought to be. I do not think they would come under this class. I believe that most of the roads in Missouri would not come under any of these classes.

Mr. SHACKLEFORD. The Legislature of Missouri, at the last session, passed a law giving $15 a mile for county and State roads, which requires them to come within class C. I have a telegram from the State highway commissioner saying that, from the 29th of March to the 1st day of October of this last year, 10,043 miles of road were brought within the provisions of class C and are now within the provisions of class C.

Mr. LLOYD. Well, 10,000 miles of road is a small part of the mileage of Missouri.

Mr. SHACKLEFORD. But if 10,000 miles can be improved and brought within this class in 7 months, how many can you improve and bring within it in 12 months, after we give this added stimulation?

Mr. LLOYD. Mr. Chairman, I am trying to reach a conclusion at the present time as to the roads that are provided for in this bill. If all the post roads in the United States were improved in the next year, every such road in the United States will come under the provisions of the bill. At the present time I am calling the attention of the House to the fact that only a very small percentage of the dirt roads of the western country—the Mississippi Valley country—are within the provisions of this bill.

Now, I want to call attention to another matter.

Mr. DYER. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. DYER. Does that class include the Boonslick Road that runs through Missouri?

Mr. LLOYD. I think it would include a part of it. There are two ways of getting this money; one is through the State authorities in connection with the Secretary of Agriculture. The question was asked last night several times, Are you in favor of an interstate road, the great State highway? Nearly every man who answered said that he was opposed to an interstate highway. My colleague, Mr. BORLAND, was not present, and that accounts for the fact that we did not hear a discordant note. This bill, as I understand it—every dollar of the money that would go to the State of Missouri can be applied, if agreed to by the State authorities and the Secretary of Agriculture, to the construction of the road that our colleague, Mr. BORLAND, wants from St. Louis to Kansas City, the great automobile road.

This is not a perfect bill, and in many respects I think it might be changed so as to materially improve it, but it seems to be the very best that can be done at the present time. All legislation must necessarily be the result of compromise, and I am advised by those in charge of the bill that the best has been done that could be to reach a conclusion as to the provisions of the bill which would best satisfy the various Members of the House. Personally I do not oppose the interstate highways.

If the automobile people can secure their construction, the roads when constructed will be of great benefit to the American people. I do not oppose the great State highways extending from one large city to another. I am not in opposition to the inter-county highways which extend from county seat to county seat, as provided by the laws of the State of Missouri. I am in full sympathy with any kind of scheme, without unusual burdens either to the National Government or State or local government, that will result in material improvement of the roads of the country. I am more interested, however, in the improvement of the ordinary dirt road which leads into the small towns of the country than I am in the improvement of the great highways. But I do not mean by that I have any word of censure against those who are trying to secure great thoroughfares of the best macadam. The better the road is the better it is for the people, and while our people generally can not have macadam roads, yet I am anxious that they shall have the best possible road that can be secured for their localities. I would be pleased to see every post road in the United States a splendid highway that could be easily classed in one of the classes proposed by this bill. I am gratified to see awakening sentiment of the country on the subject of road building. I am proud of the fact that to-day no State has more of such sentiment than the State which I in part represent. The good-roads spirit prevails everywhere, and I am hopeful that in the near future it may be said that Missouri has the best roads of any State in the Union, but I realize to accomplish this result there must be a vast outlay of money and energy, for while Missouri is developing its roads it may be safely stated that other States will not want to fall behind in this march of progress. I am anxious to see good roads, especially for the benefit of the farmer, that he may be placed in touch with his schools, his church, his market, and in that way be identified with everything that is necessary for his material development and the prosperity and happiness of himself and the people of his community.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SHACKLEFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. DICKINSON].

[Mr. DICKINSON addressed the committee. See Appendix.]

Mr. PROUTY. Mr. Chairman, I yield to the gentleman from Illinois [Mr. HINEBAUGH].

Mr. HINEBAUGH. Mr. Chairman, as a member of the subcommittee on the District of Columbia of the Committee on Appropriations I found some men on that committee who were opposed to the improvement of Seventh Street in the city of Washington, and I find that now they are very heartily in favor of this committee bill or any other good-roads bill that may be presented to the House. When I asked those gentlemen why they favored the good-roads proposition as presented in this committee bill and opposed the improvement of Seventh Street in the District of Columbia, they replied that they did not have to run for Congress in the District of Columbia.

It is estimated that the cost of wagon transportation per ton-mile in this country is about 23 cents and about 9 cents in France, which would make a difference in wagon transportation in the United States of approximately 14 cents a mile.

Mr. BARNHART. Mr. Chairman, will the gentleman yield for a question?

Mr. HINEBAUGH. Yes.

Mr. BARNHART. Will the gentleman state what member of the Good Roads Committee it was who said that he did not have to run for Congress on Seventh Street, in the District of Columbia?

Mr. HINEBAUGH. I will say to the gentleman that I will be very glad to have a conversation with him upon that subject in the cloakroom at some time. I do not feel that I care to use the name of the gentleman who made that remark, because it was made in the form of a jest.

Mr. BARNHART. I thought so.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. HINEBAUGH. However, the statement is absolutely true as the gentleman knows.

Mr. BARNHART. I do not know anything about it.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. HINEBAUGH. I yield for a question; yes.

Mr. CAMPBELL. Mr. Chairman, how is it that the titular leader of the Progressives would go into a cloakroom to discuss a public matter, after he has advocated publicity in all things, caucuses, committees, legislation, and everything? I am surprised, and I am sure the House and the country will be surprised.

Mr. HINEBAUGH. Mr. Chairman, I really have not sufficient time to explain to my reactionary friend from Kansas why I would do that thing, but if he will listen to the falling of the ballots in November he will understand why we Progressives in this Congress, in response to a sentiment which we believe exists in the country, refuse to go into secret-committee hearings and secret caucuses, and I do not know that these cloakrooms are secret at all. I supposed they were open—at least to every member of every committee in the House, and I will say to my friend that if he will come into the cloakroom while the gentleman from Indiana and I are discussing this matter we will continue the discussion in his presence.

Mr. CAMPBELL. But this is a public place, and this is the place for the discussion of public questions, and not the cloakroom.

Mr. HINEBAUGH. Mr. Chairman, I do not wonder that my good friend from Kansas is a little bit anxious about secret committee meetings and secret caucuses. In fact, for any man who realizes and knows what the sentiment of this country at this time is, and who expects to test that sentiment in the near future, it is natural that he should be anxious about this subject. However, I desire to say a few words about the question of good roads.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HINEBAUGH. Mr. Chairman, I will ask the gentleman from Iowa to yield me some more time.

Mr. PROUTY. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HINEBAUGH. America leads the world in invention, in railroads, telephones, and telegraph, and yet is at the foot of the class in the most important means of communication—the public road.

Less than 10 per cent of American roads are improved.

It has taken us 140 years to realize the extreme importance to the progress and prosperity of our country of road building on a national scale. The State of Illinois, which I have the honor in part to represent, has an area of 56,002 square miles; 90.7 per cent of the land in Illinois is in farms and 86 per cent is improved. Illinois has 94,141 miles of road, or 4.28 per cent of the total road mileage in the Union. Our rural population will average 22 per mile.

Our postal receipts are $27,942,127.30, or 11.55 per cent of the total. In spite of all this, Illinois would get approximately $112,000 on that basis if this bill becomes a law. This would be a mere pittance for our State; but because it is a step in the right direction I shall vote for the bill.

There are 2,300,000 miles of public roads in the United States. Everyone now believes that it is essential to the development of our country that these roads should be improved, but we do not by any means agree on the plan to be adopted. There are many sincere advocates of what is known as the "national-highway" plan. They contend the Government should build, pay for, and maintain national highways, and they argue that joint appropriations and joint control will not produce good roads, either in construction or maintenance, and they point to the fact that many States have given up the State-aid plan and adopted the State-highway idea. There are other equally sincere advocates of good-road legislation who believe in Federal aid or reward both for county, State, and national road building.

Doubtless every Member of this House who spent his boyhood days on the farm, and by reason of that fact knows what it means to a farmer to attempt to market the products of his farm at a distance of 5 or 10 miles over rough, muddy, or sandy roads, will favor almost any plan which tends to better such conditions, and would therefore be loath to vote against almost any of the many bills which during the last three or four years have been introduced by various Members of the House.

The bill under consideration, House bill 11686, while containing many excellent features, is not, in my judgment, in any way comparable to the bill of Congressman WOODRUFF, of Michigan, House bill 10404, which establishes a bureau of postal highways in the Post Office Department, and which provides that the bureau shall cooperate with the various States and Territories in the construction, improvement, and maintenance of permanent public roads which are now or may be hereafter utilized by the Government as post roads.

The Woodruff bill provides for a director of the bureau, who shall be a practical engineer of road construction, and also for inspectors of postal highways, not to exceed 50 in number, who shall be appointed after competitive examination, and requires them to inspect the roads which may be constructed and report to the director of the bureau of postal highways their findings as to each mile of road inspected; and, in addition to this inspection, provision is made requiring all rural mail and star-route carriers to inspect rural post roads and to report on blanks to be furnished by the Post Office Department once each month as to the condition of the rural post roads over which they travel in the discharge of their duties.

It is true that both of these bills are based on the theory of road construction by the Federal aid or reward plan. Those who favor the national highway proposition, in opposition to the Federal-aid plan, insist that if we want good market roads, and if we desire to remove this question from politics and the danger of graft, the Federal-aid plan must be dropped and the national highway theory substituted.

The good road draws to its neighborhood good farms and good homes. Good crops are worth while when they can be easily taken to market. The effect of good roads in any community is to lure the city boy into the country and to keep the country boy on the farm. It is a sign of culture, knowledge, and civilization in a county, State, or Nation. It has been well said that "if a country is stagnant the condition of the roads will invariably indicate the fact; if a people have no roads, they are savages."

Mr. SHACKLEFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, the economic value of good roads and the necessity for building them are self-evident. They need no further argument. The statistical data and all phases of their value have already been discussed and unanimously indorsed by this House.

Everybody knows that in the United States it costs, on an average, twice as much to haul farm products from the farm to the nearest railroad station as it costs to transport the same products from that station to Liverpool, England. All of us know that the farmer in this, as in other matters, has received scant consideration by the Government, and that he deserves the best. But the value of good roads is not confined to the farmer. It mightily affects all classes of society, all lines of industry, and the stability and the perpetuity of the Government. The demand is immediate, unequivocal, and impelling. The administration has promised to inaugurate this far-reaching plan of service to the whole country. All political parties

seem glad to join in a movement that will improve the living conditions of every citizen and have a powerful influence upon the happiness and patriotism of all the people.

I am a Democrat in every sense of that word. I had some humble part in the election of the present great Democratic President. I am more convinced now than in that campaign that in the generations to come he will be numbered among the immortals of the Republic, because he has shown himself a man of no petty or ignoble passions, a man of unusual character and uncommon purity, whose lofty ambition is constantly flashing forth in the highest type of a patriot's love for the man on the ground, for the uplift and recognition of the great plain people of the country upon whom all others depend.

All political parties here recognize that this bill is in harmony with the spirit of service that permeates the life and purposes of this administration.

The same principles underlie this bill as are the foundation of public education and all other governmental enterprises for the common good of society and humanity. All the wealth of the country is taxed to pay for these enterprises and all the wealth of the country should be taxed for the purpose of building roads for the rich and the poor, for the city man and the country man, without reference to the financial standing of either. The progressive city man is as much concerned in building the country roads to the home of the farmer as is the farmer himself. The city man's property should be taxed to build the country road.

The recognition of this principle makes road building not only a State but a Federal question, and one that deserves and demands ready and liberal support by this Government. There is no competition between the city and the country. The rural and the urban citizen are to be the thoroughbreds of the centuries as they go hand in hand down the ages, each profiting by the prosperity of the other, and each gladly lifting the burden from the other, as they together work out the destinies of the Nation in establishing easy and universal communication among all classes of society, universal fellowship and brotherhood among men, universal love and willing service for humanity, and patriotic devotion by all the people for all American institutions.

Permanent public roads have been in all ages and are to be in this country the direct means of bringing all the people into sympathetic touch with one another for greater industrial activity and commercial prosperity; for a higher intelligence and a happier existence, finally culminating in that unified citizenship necessary for the perpetuity of the Republic.

These are the principles upon which this bill is founded. All agree that they are sound. The remaining question is the method of procedure. The general cooperative plan of the bill is correct, but if I had my way the amount appropriated would be a hundred millions instead of twenty-five. Every county seat in each State would have a permanent road connecting it with every other county seat in that State and lateral permanent roads would reach the farmers of the rural sections of each State and thus bring the farms into easy and harmonious communication with the cities and towns of the country. Why should not we spend millions at our doors when the demand is so urgent? We build roads and streets in Panama. We expend millions for the Panama Canal and for the islands of the seas, for railroads in Alaska, for the Diplomatic Service in foreign lands, for the Army and Navy, for pensions without number, and for a thousand other nonproductive enterprises. These expenditures may be defensible, but to neglect the people at home by failing to appropriate liberally for this great constructive work would be utterly indefensible. Let our first effort be for the people at home.

Let us no longer follow the example of the colt that drowned himself in an effort to swim the river to get a drink of water on the other side.

Although this appropriation for roads should be multiplied by 4, because it is so imperatively needed and because it is the one expenditure of the public funds that will reach every man, woman, and child in the country, yet I am heartily for this bill as it now stands. It is the best that can be done now, and opens the way by stimulation and encouragement to a new life, a new prosperity, and a new type of patriotic devotion by all the people to American institutions. I earnestly urge the immediate passage of this bill. It dovetails perfectly with the Louisiana road laws and will greatly encourage our people in their efforts for better roads. Louisiana is raising $2,000,000 annually for roads, and has the best road laws in the land. For the benefit of other States I attach them herewith to this address.

Act No. 49—House bill No. 89.

An act to require the State board of engineers to assume control of State highways under certain conditions; to elect a State highway engineer; to define his powers and duties and fix his compensation; to authorize the construction and maintenance of highways by contract or by the highway engineer; to provide for the working of convicts on highways under certain regulations; to authorize the acquisition, by expropriation or otherwise, of rights of way for highways, drainage canals, or ditches; to provide a revenue for carrying out the objects and purposes of this act, and to provide for the disbursement thereof; and to require the parishes, cities, towns, and villages to contribute a certain proportion of the costs of constructing and maintenance of highways; defining a State highway; and repealing all laws or parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That the State board of engineers, whenever called on so to do by the police juries of the parishes or the municipal authorities of cities, towns, and villages shall furnish the different road districts, parishes, cities, towns, and villages with plans and specifications for public roads, and such assistance and advice as will tend to create a uniform system of public roads throughout the State. In order to more fully accomplish this end the State board of engineers are hereby authorized and required to select or appoint a competent engineer and fix his compensation, which shall not exceed the sum of $5,000 per annum, who is schooled in highway construction or engineering, to take charge of and construct public roads when authorized to do so by the State board of engineers or upon the request of any of the parochial or municipal authorities, as will hereinafter be provided.

SEC. 2. *Be it further enacted, etc.*, That such person thus selected as provided in section 1 of this act shall be known as the State highway engineer, and he shall, before entering upon the duties required of him by this act, and assigned him by the State board of engineers, take an oath to faithfully discharge the duties imposed upon him and execute a bond with solvent surety in favor of the governor of the State of Louisiana in a sum not less than $10,000, which bond shall be approved by the State board of engineers. He shall hold his office during the pleasure of the State board of engineers. The State board of engineers shall appoint, in its discretion, such assistant engineers and such other help as may be necessary to the proper conduct of the work of establishing, constructing, maintaining, and repairing public highways with the bridges, culverts, drains, and other appurtenances and accessories incident thereto. The office of the State highway engineer shall be with the State board of engineers, and shall at all times be under its supervision, and the said State board of engineers shall provide such officer with suitable office rooms and with such clerical help as may be necessary to discharge the duties of his office.

SEC. 3. *Be it enacted, etc.*, That it shall be the duty of the said board of State engineers to hold meetings at such times and for such periods as it may deem essential for the proper carrying out of the provisions of this act.

It shall be the duty of the said board to consider at its meetings all questions relating to the general policy of the State highway system and for the conduct of the work in general; to receive and consider, at such times as it may select, the reports of the State highway engineer and to act in all matters relating to recommendations, estimates, and appropriations which it may be found advisable to submit to the governor.

SEC. 4. *Be it further enacted, etc.*, That the State highway engineer shall have charge of all records pertaining to the State highway system, same to be filed and retained in the office of the State board of engineers; shall keep a record of all purchases and orders relating to the business of his office; shall keep on file copies of plans and specifications and estimates prepared by his office. He shall cause to be made and kept a general highway plan of the State, and shall collect information and compile statistics relative to the mileage, character, and condition of the State highways and bridges in the different parishes, cities, towns, and villages of the State. He shall investigate and determine the methods of road construction best adapted to various sections of the State, and shall establish standards for the construction and maintenance of State highways in the various parishes, giving due regard to the topography, natural conditions, character and availability of road-building materials, and the ability of parishes, cities, towns, and villages to meet their portion of the cost of building and maintaining State highways under the provisions of this act. It shall be his duty in improving the highways of the State to pay special attention to the most important trunk roads, and where practicable to construct and maintain continuous lines of road for intra and inter state traffic. He may at all times be consulted by parish, city, town, and village officials having authority over highways and bridges relative to any questions relating to such highways and bridges. He shall determine the character and have the general supervision of the construction and repair of all highways improved under the provisions of this act, subject to the approval of the said board of State engineers. He shall report all the proceedings of his office to the board of State engineers at such periods as they may designate.

SEC. 5. *Be it further enacted etc.*, That whenever the police jury of any parish, the mayor or governing authority of cities, towns, or villages of the State, shall decide that any main traveled road or roads in such parish, city, town, or village should be improved or constructed under the provisions of this act, they shall make written application to the State highway engineer for State aid in making the proposed road. Upon receipt of such application the State highway engineer shall send to the president of such police jury, the mayor, or other governing authority of cities, towns, or villages a blank form for the purpose of eliciting such information as may be desired concerning the proposed road improvement, which blank form said president of said police jury, mayor, or other governing authority shall fill out to the best of his ability and return to the said State highway engineer. If the said State highway engineer shall be satisfied that the proposed improvement will be upon a main traveled road or of public utility and convenience, and that the parish, city, town, or village shall be able to meet its portion of the cost of such improvement, the State highway engineer may approve the same and undertake said work of improvement with the approval of the said board of State engineers, in accordance with the provisions of this act, and said State highway engineer or one of his assistants shall proceed to view said road or part thereof proposed to be improved, and shall make all necessary surveys, plans, specifications, and estimates of cost of its construction out of such materials as may be determined by said State highway engineer. For improvements to cost $2,000 or less, it shall be discretionary with the State highway engineer, with the approval of the

board of State engineers, to execute such work of improvement himself or to allow the parish, city, town, or village to do the work, or to let the same by contract. Where the cost of the proposed improvements is to exceed $2,000 it shall be the duty of the State highway engineer to advertise for bids to do the work, according to the plans and specifications prepared therefor, in one or more newspapers having a circulation in each parish, city, town, or village in which said proposed highway lies for a period of 3 weeks when such advertisement is in a weekly paper and for 15 days when in a daily paper, and such advertisement shall also be published in one or more daily papers of a general circulation throughout the State for a period of 15 days. Such advertisement shall state the place where the bidder may inspect the plans and specifications, the place where the bids will be received, and the time and place for opening the same. Every such bid shall be accompanied by a certified check of the bidder in an amount equal to 5 per cent of the amount of his bid, which check shall be forfeited to the State highway fund hereinafter provided for should the bidder to whom such contract is awarded fail to enter into a contract as required within 10 days after notice to do so from said State highway engineer. The checks of all unsuccessful bidders shall be returned after the contract is awarded and bond given. All bids so submitted shall be received at the office of the said State highway engineer, and shall be publicly opened and read at the time stated in said advertisement by him or in his presence. The president of the police jury of such parish, the mayor, or other governing authority of the city, town, or village in which said improvement is to be made and for which bids are submitted, shall be notified by the State highway engineer of the time fixed for opening said bids, and he or some other member of the said police jury, the mayor, or a member of the municipal board may be present at said opening of bids. The said State highway engineer shall have the right to reject any and all bids if in his opinion a good cause exists therefor, and may proceed to execute the work with his own force, employing such other means or agencies as are hereinafter provided, but otherwise he shall award the contract to the lowest responsible bidder, such award to be subject to the concurrence of the said police jury or of the mayor and council or other governing authority. The successful bidder shall be required to furnish bond of a surety company authorized to do business in Louisiana in a sum equal to one-half the amount of the contract awarded, conditioned that such work shall be performed in accordance with the plans, specifications, and the terms of the contract, and no party bidding for the work shall be accepted as surety on the required bond. When the contract is signed by the State highway engineer and the successful bidder with the written concurrence of the police jury, the mayor and council, or other governing authority a copy of the same, including the plans, specifications, and estimates of cost, shall be forthwith filed in the office of the said State highway engineer, with a like copy furnished to the said police jury, the mayor, or other governing authority, for filing in the office of such parochial or municipal board, and a copy to the successful bidder.

SEC. 6. *Be it further enacted, etc.*, That all work of construction, improvement, and maintenance of highways under the provisions of this act shall be under the supervision and direction of the State board of engineers and shall be performed by the State highway engineer in accordance with the plans and specifications and contract prepared and executed therefor.

SEC. 7. *Be it further enacted, etc.*, That the total cost of all work of highway construction, improvement, and maintenance under the provisions of this act shall be paid by the State treasurer upon the warrant of the State highway engineer, approved by the president of the board of State engineers, out of the fund hereafter created for the purposes of this act. The parish, city, town, or village wherein such work of improvement has been or is being performed shall refund to the State one-half of such total cost thereof. The portion of said cost to be borne by the parish, city, town, or village in which said highway improvement has been made shall be paid to the State treasurer by the treasurer of said parish upon the order of said police jury or by the treasurer of said city, town, or village upon the order of the mayor and council or other governing body. Upon the completion of any such contract for highway improvement the State highway engineer shall certify to the State treasurer and to the president of the police jury of the parish or the mayor or other governing authority of the town, city, or village wherein such work of improvement has been performed, the portion of the cost thereof to be borne by said parish or parishes, cities, towns, or villages, and if the portion of said parish or parishes, cities, towns, or villages, or either or any of them, shall not be paid to the State treasurer within 30 days after being so certified by the State highway engineer, then the portion of such parish, city, town, or village remaining unpaid shall be charged against said parish, city, town, or village, and no further State aid for highway improvement shall be granted said parish, city, town, or village until the amount due is fully paid, with legal interest from maturity, into the hands of the State treasurer to the credit of the State highway fund hereinafter created: *Provided*, That not more than $50,000 shall be used or apportioned by the State board of engineers to the building of such highways in any one parish during any one calendar year if other parishes have pending applications for State aid in highway construction under the terms of this act: *And provided further*, That no parish shall receive an apportionment or expenditure of said funds for more than one year when other parishes are applying for said funds.

SEC. 8. *Be it further enacted, etc.*, That the State highway engineer may authorize partial payments to any contractor performing any highway improvement under the provisions of this act as the same progresses; but not more than 80 per cent of the contract price of the work as it is completed shall be paid in advance of the full completion and acceptance of such paid improvement; at least 20 per cent of the full contract of any such work or improvement shall be withheld until the work is satisfactorily completed, inspected, and accepted by the State highway engineer.

SEC. 9. *Be it further enacted, etc.*, That the improvement of roads under the provisions of this act shall be taken up and carried forward in the respective parishes of the State, as far as practicable, in the order of the date of receipt of the applications therefor from the presidents of the police juries of the respective parishes, mayors, or other governing authorities of cities, towns, and villages, or as the State highway engineer may determine; but no parish, city, town, or village shall be entitled to receive State aid as provided in this act unless and until it shall be first made to appear to the State highway engineer that the money with which to meet the proportion of said expense to be borne by the parish, city, town, or village is either already in the hands of the parish, city, town, or village treasurer or will be so in hand and immediately available upon the completion and acceptance of said work of improvement.

SEC. 10. *Be it further enacted, etc.*, That every contract for highway improvement to be made under the provisions of this act shall be made in the name of the State of Louisiana, signed by the State highway engineer and the contracting parties, with the written approval of the president of the police jury of the parish, or of the mayor or other governing authority of the city, town, or village wherein the work is to be done. No such contract for highway improvement shall be entered into by the State highway engineer, nor shall any such work be authorized under the provisions of this act, until the written concurrence therein of the police jury of the parish or parishes, or of the mayors or other governing authorities of the cities, towns, and villages, respectively, in which said proposed improvement is to be made, agreeing that such parish or parishes, cities, towns, or villages, respectively, will assume their proportion of the cost thereof, as hereinbefore provided, shall have been obtained and placed on file in the office of the board of State engineers.

SEC. 11. *Be it further enacted, etc.*, That whenever any road shall be constructed or improved in any parish, city, town, or village under the provisions of this act or has heretofore been so constructed or improved under previous statutes relating to road improvement under which State aid has been granted, the State highway engineer shall thereafter keep all such roads in proper condition and repair, and the total cost of such maintenance shall be paid by the State treasurer, the said parish, city, town, or village to reimburse the State its proportional share of such total cost—one-half thereof—such payment and reimbursement to be made in like manner and as provided in section 7 hereof for the original cost of such highways.

The State treasurer is hereby authorized to pay, upon the warrant of said State highway engineer, approved by the president of the State board of engineers, such sums as may be required for the repair of such roads. It shall be the duty of the said State highway engineer to organize a system of continuous repair and inspection of State highways, so that the same will be in good condition at all times.

SEC. 12. *Be it further enacted, etc.*, That no State highway shall be dug up or otherwise used for laying pipe lines, sewers, poles, wires, or railways, or for other purposes, without the written permit of the State highway engineer, and then only in accordance with the regulations prescribed by said engineer; and all such work shall be done under the supervision and to the satisfaction of said engineer, and all the cost of replacing the highway in as good condition as previous to its being disturbed shall be paid by the person to whom or in whose behalf such permit was given, or by the persons by whom the work was done. In case of immediate necessity therefor, a city, town, or village may dig up said State highway without such permit from said State highway engineer: *Provided*, That in such cases such highway shall be forthwith replaced in as good condition as before at the expense of such city, town, or village. No railway or trolley line shall be permitted within the right of way of any State highway except at crossings, and no trees on any State highways shall be used or be disturbed for the erection of electric lights, telephone, or telegraph lines. It shall be the duty of the State highway engineer, as far as practicable, to have State highways bordered by trees.

SEC. 13. *Be it further enacted, etc.*, That the State highway engineer, with the approval of the State board of engineers, may purchase for the State all rock crushers, steam rollers, and other road machinery, tools, and implements and draft animals that may be needed for the purposes of this act, and such machinery shall be managed and used under the direction of said engineer, who shall employ competent men to operate and keep them in repair.

Said State highway engineer may purchase all necessary materials and supplies and incur such other expenses as may be necessary in the operation, maintenance, and transportation of all such road machinery, tools, and implements. Upon the application of the police jury of any parish, or of the mayor or other governing authority of any city, town, or village, said State highway engineer may furnish for use such road machinery when convenient and practicable for use in building or repairing any road or roads in such parish, city, town, or village, all expenses incurred thereby to be borne by said parish, city, town, or village.

SEC. 14. *Be it further enacted, etc.*, That in all cases where it is necessary to acquire a right of way in constructing a new highway or changing the location of an old, the right of way thereof shall be acquired by the parish, city, town, or village, either by purchase, donation, or by expropriation under the general laws of the State relative to expropriation of private property for public purposes, in the event the owner of said property and the governing authorities of such cities, towns, or villages, or the State highway engineer should not agree upon the price thereof. In expropriating lands for the right of way the measure of damages to such landowner shall be double the assessed value of the property per acre appearing on the last assessment rolls. This measure of damages shall include the price of the land and all damages that may result to the owner: *Provided, however*, That if any improvements of the landowner or any crops upon the land are damaged or destroyed by the location of such highway, then he may recover additional compensation for the actual injury or destruction of such improvements or crops. After the State highway engineer has laid out a road over a certain tract of land, and actually commenced the construction of said highway thereon, the landowner shall not be entitled to prevent or retard the construction of the road by any legal process, but shall be remitted to an action for damages and recover such damages as is authorized under this act. All State highways shall be of such width as shall be fixed by the State highway engineer, and the rights of way authorized to be acquired under this act shall be of such width as may be designated by the State highway engineer as in his judgment is best suited to that particular locality. The State highway engineer shall also have the right and authority to have dug canals and ditches or drains sufficient, in his judgment, to properly drain the road being constructed through any lands of private individuals or corporations to drain the public roads. The right of way for such canals and ditches may be acquired in the same manner and for the same compensation as is herein provided for acquiring rights of way for highways. In the event the landowner should donate the right of way for the ditch or canal through his property then under such terms, restrictions, and regulations as may be imposed by the State highway engineer, he shall be permitted to drain into said ditch or canal. If, however, such private owner will not donate this right, it shall be left to the discretion of the State highway engineer whether he be permitted to drain into such ditch or canal under any conditions.

SEC. 15. *Be it further enacted, etc.*, That the said State highway engineer, with the approval of the State board of engineers and the president of the police jury, or the mayor or governing authority of any city, town, or village, may exchange such land or part thereof upon which any highway is now located for another location for such highway, or

he may sell such lands, when the highway has been abandoned, or may vacate any lands or part thereof or rights in lands which have been taken or acquired for road purposes under this act by executing and recording a deed therefor, and said vacation shall vest the title to the lands or rights so vacated in the persons, their heirs and assigns, who are named in said act.

SEC. 16. *Be it further enacted, etc.*, That the said State highway engineer shall have the authority to employ any and all labor necessary when performing a contract for the construction or repair of public roads or performing the preliminary work of surveying, or performing any other work necessary in connection therewith, and when such labor is employed by the day he shall only pay the reasonable and customary price.

That in order to further carry out the provisions of this act and provide labor sufficient to construct and maintain the public roads as herein provided, the convicts of the State of Louisiana may be worked upon the said public roads as authorized by the constitution of the State. Whenever in the opinion of the State highway engineer convicts can be profitably worked upon the public roads he shall apply to the board of control of the State penitentiary, who shall furnish such convicts in case they are available. The labor performed by the convicts shall be furnished free of charge, provided, however, that the cost of maintenance and operation shall be borne by the parish, municipality, or road district having the work performed, and paid out of the fund available for said work. The board of control of the State penitentiary shall at all times retain control and supervision over said convicts in the same manner and to the same extent as if they were upon the State farms or in the penitentiary walls.

SEC. 17. *Be it further enacted, etc.*, That in order to provide a fund for the carrying out of the provisions of this act, in the location, construction, or maintenance of any of the highways of this State, all surplus revenues received by the oyster commission of Louisiana and the board of commissioners for the protection of birds, game, and fish, or their successors in office, and all the proceeds of any special annual State tax that may be levied or collected for the purpose of constructing and maintaining the public roads and highways throughout the State, and the proceeds of any license tax on all vehicles kept for use that may be imposed by the General Assembly of the State of Louisiana, and all revenues or moneys which may be received under dedication herein shall constitute a State highway fund and shall be paid into the State treasury and there held as a State highway fund for the exclusive use and purposes of this act; and the treasurer is authorized to disburse same upon the warrant of the State highway engineer, approved by the president of the State board of engineers, for all expenditures authorized by this act.

Any portion of said State highway fund not expended at the expiration of any fiscal year shall remain in said fund and be available for expenditure during the succeeding fiscal year.

SEC. 18. *Be it further enacted, etc.*, That the term "State highway" so used in this act shall be construed to include all highways constructed under the provisions of this act, and all such highways heretofore constructed to which the aid of the State has been extended.

SEC. 19. *Be it further enacted, etc.*, That nothing in this act shall be construed so as to allow the highway commission created under this act to expend any funds of the State in the building or improvement of streets in incorporated cities or towns except in such cases where the streets connect two public roads constructed or improved under the provisions of this act.

SEC. 20. *Be it further enacted, etc.*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

H. G. DUPRÉ,
Speaker of the House of Representatives.
P. M. LAMBREMONT,
Lieutenant Governor and President of the Senate.

Approved, June 29, 1910.

J. Y. SANDERS,
Governor of the State of Louisiana.

A true copy.

JOHN T. MICHEL, *Secretary of State.*

Mr. SHACKLEFORD. Mr. Chairman, I yield now to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, this committee is to be congratulated upon its splendid work. The future alone can tell how much the country will owe us for the good work we have set in motion in this bill. If future Congresses will go forward with this important undertaking in keeping with its noble purpose, generations yet unborn will praise our names. This is not a perfect bill. It does not provide all that many of us would like to see it provide. It is a long step in the right direction and is the beginning of a policy that many of us have for years hoped and worked for.

FAVORED IT FOR YEARS.

For several years many of us have advocated national aid to road building and road maintenance. This bill starts the movement to that end.

DEMOCRATIC PLATFORM.

The platform adopted at Baltimore in 1912 pledges our party to the principle embodied in this bill. No room for doubt, uncertainty, or hesitation is left by the clause making the pledge, which is as follows:

We favor national aid to State and local authorities in the construction and maintenance of post roads.

It is the plain duty of our party, now in control, to give the country legislation in keeping with this promise, and by so doing a wonderful impetus will be given to the movement for better roads. It will be a great forward step taken in the amelioration and improvement of rural conditions.

RURAL ROUTES.

As this bill is worked out on the basis of population and miles of rural and star mail routes in each State, it will no doubt be of interest to call attention to the fact that there are 42,961 rural routes in the United States with a combined length of 1,042,477 miles; there are 12,257 star routes with a combined length of 156,457 miles; making a total length of both the star and rural routes 1,198,934 miles. In Georgia we have 1,677 rural routes with a combined length of 39,896 miles, and 150 star routes with a combined length of 1,461 miles. If the two are totaled, we have in star and rural routes a length of 41,357 miles in our State. The amount Georgia would get through this bill for its roads would be $771,250.

The bill under consideration does not go as far as the bill which I introduced on this subject. My bill was somewhat similar to this one. The committee has reported this bill. I hope to see it speedily enacted into law. What we want are results.

GOOD ROADS A VITAL QUESTION.

One of the most vital questions which confronts the American people to-day is that of improving their public highways. This problem has been left by the National Government to be solved by the several States and their local political subdivisions in such manner as they may best be able. While this is a great burden for the States and smaller subdivisions to bear, and while the interstate nature of many of these public roads and of present-day traffic would seem to impose a part, at least, of this burden upon the National Government, yet these States and smaller subdivisions are assuming this burden in a manner becoming a great people, and great strides are being made in the direction of its solution. Evidence of this is afforded by the progress actually attained. The first authentic road census in this country was taken by the Office of Public Roads of the United States Department of Agriculture in the year 1904. This census disclosed the fact that we had a road mileage aggregating about 2,150,000, of which about 153,000 miles were improved. Our annual expenditure for road purposes that year amounted to about $80,000,000. In 1909 a second census was taken. This second census showed that during the five-year period the mileage of improved roads had increased to about 190,000, or nearly 25 per cent. The expenditures for that year were not obtained, but according to figures recently compiled in the Office of Public Roads the road expenditures for 1912 approximated the enormous sum of $163,000,000.

From these facts it is evident that the States and their minor subdivisions are putting forth a supreme effort to improve their highway conditions. It is apparent that they recognize the importance of this improvement and regard it of such pressing need that they are willing to spend their money and their energy in its accomplishment. This spirit of progressiveness should be commended. Not only should it be commended, but it should be rewarded by the National Government joining hands with the States and, through a spirit of wholesome cooperation, aiding and assisting them in furthering the development of a better system of highways throughout this entire country, as this bill proposes to do.

A PROGRESSIVE MOVEMENT.

Nearly every progressive undertaking looking to the advancement of our civilization is receiving some measure of aid or encouragement from our National Government. Laws have been enacted for the purpose of stimulating efforts in literature, the useful arts, and inventions by a system of liberal copyrights, trade-marks, and patents. Annual contribution is made to the education of the youth of every State in the Union. Large amounts have been expended for the improvement of our waterways. Lighthouses and danger signals are maintained along all navigable waters to safeguard their commerce. Donations of public lands, aggregating 197,000,000 acres, have been made for the purpose of promoting railroad development throughout the country, and at present the Interstate Commerce Commission is maintained to prevent the railroads from charging excessive rates for transportation. The United States Department of Agriculture, with its corps of well-trained scientists, is engaged in trying to teach the farmers of the country to adopt better methods of farming so as to increase their annual production, which has already reached the $9,000,000,000 mark. But with all this, as broad as may seem the activities of our National Government and as liberal as may be its appropriations, it has not until now joined hands with the people in aid of the improvement of our highways, which are so vital to the welfare of our entire population, and particularly our rural population.

CITIES AND FARMS.

Consider for a moment the relative importance as great national economic factors of our farms and cities. Has it ever occurred to you that the American farm is the greatest known wealth producer and that our cities are almost equally famous as wealth consumers? Such is nevertheless the case. Primarily every city resident may be said to produce nothing. He is

merely engaged in the consumption, distribution, or manipulation of that which is produced elsewhere, chiefly on the farm. On the other hand, every inhabitant of the farm may be said to be a producer, large or small, the value of their combined annual production exceeding the sum of $9,000,000,000.

Not only this, but a large per cent of the aggregate wealth of the United States is represented by farm property. Our total wealth at present is placed at about $130,000,000,000. Of this more than $40,000,000,000, or about one-third, consists of farm property. The yearly return on this investment in farm property is represented by our nine billions of annual farm production, which is about 22.5 per cent on the money invested. There is scarcely another class of property in existence which yields such satisfactory returns or plays so important a part in our commercial and industrial development. This readily appears from the fact that in 1910 our exports of farm products, exclusive of forest products, amounted to $871,158,425, or 50.9 per cent of all domestic exports, while our imports of farm products amounted to $687,509,115, or only 44.2 per cent of the total imports, leaving in our favor a balance of $183,649,310.

ROADS AND COMMERCE.

But this vast wealth of farm products must be hauled over our public roads before reaching the other channels of trade and commerce. It must be transported on the highways an average distance of about 9.4 miles before being served up as food for our city population, or to provide raw material for running our manufactories or to swell the volume of our foreign commerce. It would seem, therefore, a duty of the National Government to help improve the highways over which these products must be hauled and thus facilitate their reaching the markets for further distribution. Exceeding care is taken and vast sums of money expended by the Federal Government to improve the channels of transportation through which they must pass after being removed from the farms. To promote this purpose donations of public lands aggregating 197,000,000 acres were made to the railroads, and the mammoth project of all ages is now being prosecuted in Panama where approximately $500,000,000 is being expended in constructing the Panama Canal to afford a shorter route between the Atlantic and Pacific coasts and to facilitate the commerce of the world generally.

Our people are progressive. They want to see our country in the fore front. They want all done that will advance the interest of our country and our people. However, if there are other projects of similar merit or equally essential to our public welfare they should receive equally as favorable consideration at the hands of the Government. An instance decidedly in point is the improvement of our public roads. It seems inconsistent on the part of our Government for it to expend such vast sums in order to facilitate the handling of our commerce and then not to take an equal interest in the improvement of the highways over which more than 50 per cent of the products which enter into this commerce must first pass. The originator and producer of this vast volume of commerce deserves some measure of consideration.

Another fact worthy of note in this connection is that the Government has expended nearly a quarter billion in the erection of public buildings in the towns and cities throughout the United States for the convenience of our city population. This was a large expenditure, yet its benefits only reach the approximate 47 per cent of our population living in the cities. Is it any more a duty of the Government to erect buildings in the cities to accommodate their population and add to their architectural beauty than it is to help build roads over which our farmers may haul their produce with ease and profit, and thus enable them to improve their farms and build more comfortable and attractive homes? It has been well said, "Tear down every edifice in our cities and labor will rebuild them, but abandon our farms and highways and our cities will disappear forever.

NO NEW MOVEMENT.

The necessity for this line of work was early recognized by the passage in 1806 of an act of Congress providing an appropriation for the construction of a great national highway from Cumberland, Md., westward. Appropriations of this character continued for a number of years, finally ceasing after reaching a total of $14,000,000. At the time these appropriations were made they represented a larger proportion of the then total wealth of the United States than would similar appropriations to-day aggregating $613,000,000, which is the total cost of the great French system of highways. The census of 1850, 12 years after the last appropriation for the old Cumberland road, placed the total wealth of the United States at $7,135,780,228, which is less than the present annual value of our farm products. It would seem, therefore, if such appropriations could be made at a time when the national exchequer was at such a low ebb, with the same principle and even greater reasons therefor now existing, that our National Government should no longer delay extending substantial aid to the cause of better roads.

ROADS NOW BEING BUILT.

Not only does it seem that these appropriations might be made, but they have been made within recent years. Not, however, for expenditure within our own territory, nor for the benefit of our citizenship, but to build roads in foreign territory. Since the War with Spain there has been expended from our National Treasury for road building in Alaska $1,925,000; in Porto Rico, $2,000,000; and in the Philippine Islands, $3,000,000; making a total of $6,925,000 thus appropriated for building roads outside of the continental United States.

CONSTITUTIONALITY OF QUESTION.

Many protest against the constitutionality of national aid. Even among some Members of Congress a pronounced doubt seems to exist as to the constitutional authority for making such appropriations of public funds. But does it seem any more appropriate or a more rigid adherence to the letter and spirit of the Constitution for our Government to make such appropriations for the benefit of an alien population than for its own citizens? There is a very wise old saying that "Charity should begin at home," and it seems eminently applicable in this connection.

The Constitution is an instrument which we all revere. It has proven an anchor of safety in many a crisis, and if our ship of state shall always be steered in obedience to its mandates, our Republic will endure unto the end of time. We would not have a single clause or principle of that great instrument perverted, even if the doors of the Treasury would thereby be opened for the much-needed improvement of our highways. It is believed, however, that ample authority exists for Federal aid without the slightest warping of the Constitution. Paragraphs 1, 3 and 7, respectively, of section 8, article 1, provide as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. * * * To regulate commerce with foreign nations and among the several States, and with the Indian tribes. * * * To establish post offices and post roads.

INTERNAL IMPROVEMENTS.

Either of the foregoing paragraphs is sufficiently broad to afford Congress ample authority to make appropriations for highway purposes. The "general-welfare" clause in paragraph No. 1 has often been invoked as authority for various kinds of internal improvements. But the question may be asked, What constitutes an internal improvement? Well, in answer, it may be defined as an undertaking promotive of the public welfare, but of such magnitude as to defy individual effort.

The power of Congress to make appropriations for this class of improvements received considerable attention at the hands of Congress at an early date. In a speech in the United States Senate in 1830 Daniel Webster referred to this power of the Government in part as follows:

> Under this view of things, I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that the Government had power to accomplish sundry objects or aid in their accomplishment.

In an able speech in Congress in 1817, on the power of Congress to apply public money to internal improvements, John C. Calhoun spoke in part as follows:

> It is mainly urged that Congress can only apply the public money in execution of the enumerated powers. I am no advocate of refined arguments on the Constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express than the Constitution on this very point? The first power delegated to Congress is comprised in these words: "To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." First, the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power may be applied—to pay the debts, provide for the common defense, and promote the general welfare; and, last, the rule for laying the taxes is prescribed—that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could be more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes, contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are gratified by a more detailed enumeration of powers in the subsequent part of the Constitution. If such were in fact the meaning, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so

plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary they should have headed the list of our powers, and it should have been stated that to effect these general objects the following specific powers were granted.

IMPROVE ROADWAYS AND WATERWAYS.

The improvement of our waterways is an internal improvement on which the Government is now making expenditures. In the early history of our country appropriations for roads and rivers and harbors were classed together. The veto messages of Presidents Madison, Monroe, Jackson, and Pierce urged the same constitutional objections against appropriations for rivers and harbors as for highways. The principle involved in these two lines of work has not changed nor have the clauses of the Constitution which authorize them been amended.

It may be claimed that waterway improvements, in addition to the "general welfare" clause, find authority under the clause of the Constitution conferring upon Congress the power to "regulate commerce with foreign nations and among the several States * * *." Assuming that the authority is derived from this clause, is it not also applicable to roads? In the first place, what is commerce? Webster's Dictionary defines it as "the exchange or buying and selling of commodities." If, therefore, I live on a farm 10 miles from the market, railroad station, or wharf and have $1,000 worth of produce which I wish to dispose of, at what time does that produce enter the realm of commerce? Is it when I load my wagon and drive away from the farm with it or is it not until I shall have delivered it at the market, railroad station, or wharf? Logically my produce would be just as much articles of commerce while in transit from my farm to the point of delivery as after reaching there, and the public highway over which I might perform the haul would be just as much a route of commercial transportation as the railroads or waterways which might handle it afterwards.

IMMENSE COMMERCE.

During the fiscal year ending June 30, 1910, there originated along the lines of our railroads 968,464,000 tons of freight. Did the constituent commodities which entered into this freight not become articles of commerce before delivery at the railroad station? During 1910 our exports exceeded $1,700,000,000, of which 50.9 per cent was farm products, exclusive of forest products. Did the commodities represented by this vast sum not become articles of commerce until they reached the wharf for foreign shipment? Manifestly such is not the case. A commodity produced for commercial purposes becomes an article of commerce at the place of production, and it enters the channels of commerce the moment it is sold or exchanged or started in transit for sale or exchange. The vast tonnage of our railroads and water transportation routes consists largely of farm and other products originating away from the station or wharf, the initial haul being over our public roads. Therefore our public roads have as strong a claim on the Government under the commerce clause of the Constitution as do our waterways.

ANOTHER CONSTITUTIONAL CLAUSE.

However, there is yet another clause of the Constitution which affords Congress this power more clearly than either of the foregoing. This is the clause conferring the power "to establish post offices and post roads." The authority granted by this clause is specific, and inasmuch as the Government uses the public roads every day in the transportation of the mails it would seem proper and timely for the exercise of this power. The rural delivery of mails is made each day over the public highways, the average number of miles traveled daily by rural carriers exceeding 1,000,000, or nearly one-half of all roads in the United States. Being a daily user of almost one-half of all our public roads, and the condition of these roads being so vital to efficiency and economy in the administration of the Rural Delivery Service, it would seem that the Government should take a hand in the improvement of these roads.

GOVERNMENT SHOULD HELP.

No country has good roads except where the general government has shared the responsibility of building and maintaining them. All of the European countries which have improved roads have acquired them under a system whereby their national governments have borne a part of the cost and assisted in the supervision of their construction and maintenance. France is recognized as having the finest roads of any country in the world, but in the building of these roads the national Government of France contributed over $600,000,000, and supervises their maintenance to-day. Road conditions in some of the more progressive European countries are worthy of mention.

FRANCE.

France has an area of 207,054 square miles, a population (1901) of 38,962,000, and the total mileage of all public roads is 516,000 miles. This gives practically 2½ miles of road for every square mile of area and 75 people per mile of road. As compared with the United States, we have 2,200,000 miles of road, which gives an average of 0.74 mile of road per square mile of area and a population of 41 per mile of road. On the other hand, Massachusetts has 2.15 miles of road per square mile of area and a population of 195 per mile, while Ohio has 2.18 miles of road per square mile of area and a population of 54 per mile of road.

GREAT BRITAIN.

The movement in England since 1878 has been toward the consolidation and enlargement of highway districts and the power of the supervising officials. The first step in this movement really began in 1835, through an act of Parliament which gathered all existing statutes into one law and added certain clauses, among which was a permissive clause whereby several parishes could join together for road administration purposes. In 1862 the highway-district act was passed, which provided for the formation of highway districts consisting of several parishes and controlled by a highway board. The act was amended in minor detail in 1864.

The next act was the highway and locomotive (amendment) act of 1878. This provided for a more workable district and central authority and provided for taking over the disturnpiked roads. One-half of the cost of main-road maintenance was borne by the county and one-half by the districts and parishes. Ten years later (1888) the local-government act threw the care of all main roads on the county councils and abolished the old highway boards.

The last act of epoch-making importance is the development and road improvement funds act, 1909, which provides for a road board, the members to be appointed by the treasury. The board has power, with approval of the treasury, to make advances to the county councils and other highway authorities in respect to construction of new roads and the improvement of old ones. The advances may be either in form of grant or loan. The revenues are to be raised from licenses on motor vehicles and certain licenses and excises on the sale, manufacture, and import of petrol (gasoline).

SWITZERLAND.

In general the public roads in Switzerland are divided into two main classes—cantonal roads, sometimes called State roads, and local or communal roads. With the exception of a few intermountain and other roads of national importance over which the National Government exercises supervision, the cantonal roads are controlled entirely by the Cantons. The Federal supervision of these roads of national importance is largely limited to the voting of annual indemnities to the four Cantons of Grisson, Tessin, Uri, and Valais, which total about $103,000. If the special roads are not maintained in proper condition, the Federal funds are withheld. The cantonal roads are generally placed under the direct charge of a highway department. Construction and maintenance are entirely supervised by this authority, while the funds are voted by cantonal government, usually under the budget system. In the new construction it is very customary for the Canton to pay a portion of the cost, while the remainder is assessed on the commune or parish. In the Canton of Vaud the proportion is 70 per cent by the State and 30 per cent by the commune. The Canton of Berne pays from 25 to 70 per cent, according to the financial condition of the commune, while the Canton of Tessin requires all new construction to be paid in full by the communes traversed. The maintenance of the cantonal roads, on the other hand, is in general all borne by the Canton. A few Cantons require the respective communes to transport the necessary road materials from the pits or quarries to the road.

The maintenance of the cantonal or State roads is by roadmen employed throughout the year, as in France and Germany. The average length of section assigned to each man is about 3 miles. The annual salary of the cantonniers, or roadmen, varies from $150 to $200. In some Cantons the roadmen are also allowed the hay and pasturage along the roadside. Trees are only occasionally planted along the roadsides.

SWEDEN.

In Sweden every county is a separate community with regard to the construction and maintenance of public roads, bridges, and ferries. The county government board, appointed by the Crown, superintends the proper maintenance of the roads and bridges within the county. The orders of this board are executed by the superior sheriff (kronofogde), deputy sheriffs (landsman), and assistant sheriffs (fjerdingsman).

The roads of the county are inspected once a year by a board consisting of the deputy sheriff and two jurors. A schedule for the inspection tour is published in advance and full records are kept of the inspection. A full report is made to the road board, and such road maintainers or road managers as are found to have defective road sections are notified with detailed instructions of the necessary repairs. If these are not made within a specified time, fines are imposed, and the deputy sheriff may also have the work done and charge the expense to the road managers.

Until 1891 road maintenance was almost entirely "in natura," i. e., by the owners or tillers of the soil. Now, an additional revenue is raised from other taxable property than land, which constitutes a so-called "road fund."

The roads are divided into road districts, which are in turn divided into allotments to be maintained "in natura." These allotments are changed from time to time by the county government, but only on substantial evidence showing the need of such change. The road fund is distributed to the various allotments, and for the district in general in a somewhat complicated manner by a board or committee, in which both the county and district have a voice.

The Royal Board of Road Building and Water Works (Kongl. Vag-Och Vattenbygnadstyrelsen) has supervisory and advisory powers in matters concerning road construction, railroads, harbors, etc. This board is composed of officers who, besides being graduated in the departments at the technical high school, have also passed a military course in the fortification corps in the army.

In maintenance the Federal Government contributes to the road fund a sum equal to 15 per cent of the total cost, while in new construction the Government pays two-thirds and the road district one-third. The method of handling the funds and carrying out the work of construction is very similar to that already described for maintenance.

Great progress is being made in this country in the work of road improvement through the efforts of the States and local governmental units, but the progress being attained is not as great as the importance of this question should justify. In order to accelerate this progress, our National Government, following the example set by the National Governments of the pro-

gressive European countries, should lend its aid. Agitation looking to this end has been going on for a number of years, and a strong sentiment exists throughout the country in favor of such action. Not only this, but the number of bills which have been introduced in both Houses of Congress providing for some system of national aid indicates that a strong sentiment exists in Congress for participation in this work. Therefore it behooves this Congress to take action looking to this end, such as this bill proposes.

HAND IN HAND.

The improvement of the roadways and the waterways, as well as all other internal improvements, which are of so much interest and benefit to the people, should go hand in hand. We do not have to cut one wire of progress that another might be strung. We do not have to deny the people and the country one benefit in order to give them another. This country is big enough and strong enough to build her roadways, improve her waterways, and make such other internal improvements as are for the general good of our people.

THOMAS JEFFERSON FAVORED IT.

I wish to quote the language of Thomas Jefferson in favor of improving our waterways and roadways, which is as follows:

Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not, rather, be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union under the powers which Congress may already possess or such amendment of the Constitution as may be approved by the States?

DEMOCRATIC PLATFORM FAVORS IT.

As stated in the outset, the Democratic platform adopted at Baltimore in 1912 declared in favor of roadway improvement. It also declared, as previous platforms had done, in favor of waterway improvements. Every Democrat is committed to both policies.

BETTER PRICES.

The improvement of our harbors means the bringing of the markets of the world to our door. More markets mean more competition for our products. Competition means better prices. Improved waterways mean cheaper and easier freights to our people. Couple with this improved roadways, which is another benefit the people should have, and it reduces the cost of putting our products to the railroads and the ports, which, of course, is another immense saving to the producer.

THIS CONGRESS SHOULD ACT.

The people want this legislation. They want this aid that will mean so much to the rapid development of our country. Many of us have worked hard and long for it. I hope this Congress will enact it into law during this session.

STATE CONTROL.

The committee report filed with this bill states that if this bill becomes a law the roadways of the country will still be left under State control, which meets the views of many of us in this regard. The States should retain control of their highways.

COMMUNITY ROADS.

We have for years had considerable aid through the Office of Public Roads in the Agricultural Department. That office has rendered much and valuable aid in stimulating road work throughout the country, and if this bill becomes a law the usefulness of that office will materially increase and will be able to give the people of the country what they have been waiting and hoping for, and that is a system of good roads in this country in a few years that will be a monument to those who have brought it about and a blessing to the American people. It will give them a system of good roads for practical purposes and uses. It does not contemplate any great highway, but a system of community highways that will result in inestimable value to the great masses and producing element of our citizenship. This bill carries $25,000,000 as an aid to road building and road maintenance in the United States. This is a considerable sum, but it goes to the direct benefit of all the people and puts the burden upon the shoulders of the people living in the great cities, as well as the people in the country, to help build and maintain our highways. The money could not be put to a better purpose. It could not be spent for a purpose that would result in greater benefit to our whole country. It is a movement that deserves and should have the unqualified support of progressive and patriotic citizens in every part of this great country of ours. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I now yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, there seems to be some misapprehension as to this bill on the part of the gentlemen who have undertaken to criticize it. It is not the purpose of this bill to donate public money to be wasted on roads. On the contrary it is intended that the money afforded for this form of domestic improvement shall be expended in such a way as to convert bad roads into good roads, or to maintain good roads in a condition of permanent excellence. It is a further purpose of this bill to stimulate good road making, and in addition to aid those roads, which the communities have brought up to such a standard of excellence that they may be regarded as thoroughly efficient highways.

The gentleman from Missouri [Mr. LLOYD] seemed to think that under the operation of this bill, Missouri would not receive, as compared, for instance, with Indiana, an adequate proportion of the road appropriation. I simply wish to call his attention to the fact that the failure of one State to qualify itself to secure its full quota of the general fund, will not enable another State to secure any sum, or amount, in excess of its ascertained quota, or proportion. For instance, if Indiana by reason of the fact that it has brought its dirt or other roads up to the standard provided in this bill is in a situation to receive every dollar of the quota ascertained for that State, such a situation will not affect the amount that would go to the State of Missouri, the State of Virginia, or to any other State in the Union, provided they conform themselves to the requirements of this measure. The purpose of this bill, as I have stated, is to bring about a universal improvement in the roads of the country. It is not a scheme of wasteful expenditure of money. On the contrary every safeguard against waste and extravagance has been provided. Any State desiring to avail itself of the benefits of this measure must meet the rigid requirements imposed. Under one section the State must maintain roads of a high standard of excellence, before it is entitled to receive any allowance. A State operating under the other section must afford an amount at least equal to the amount appropriated to be expended in that State by the Federal Government. My own State will operate under the section already cited, for the reason that our experience with the cooperative principle is altogether favorable.

It is not in contemplation or expectation that the dirt roads of any State, are in such a present condition or may be immediately put in such a condition, that they will be able to secure at the end of the present fiscal year the entire proportion of the quota allotted to that State.

This fact is not to the prejudice of any State. Each State must qualify itself by its own efforts to secure the amount to which it is entitled. Take the State of Virginia, for instance. If we are not willing by our domestic contributions to qualify ourselves to receive Federal aid, then to that extent Virginia will not enjoy the benefits of the bill. But to the extent that we qualify ourselves by our own exertions, we will be in a position to draw on the quota allotted to our State under the general scheme of distribution.

Taking the States of Missouri and Indiana, for the purpose of comparison, I notice that the proportion of mileage of post roads in Missouri, as compared with the proportion of post roads in Indiana is practically the same. This being so, the proportion, or quota that would be assigned to Missouri, on account of post-road mileage would be as great as that assigned to Indiana. But if Missouri does not undertake to improve her roads, or to meet the requirements of the bill, she will not be in a position to secure any proportion of her quota. Is that unreasonable?

We have not worked out a scheme to waste the public money. We repel any intimation that we have formulated a "pork barrel." On the contrary we have worked out a systematic, well-constructed plan, under which, not only will the present roads of the country be improved, but a stimulus is afforded for the construction of the most approved types of highways.

Some comment has been made on the fact that different amounts are provided for the maintenance of different types of roads. Such a distinction is inevitable, and is fair. It is less expensive to maintain a dirt road, than a costly concrete, or macadam road. Another thing we had in mind was, that the ideal to which we are working is a universal system of highways in the United States, one that will conform to the highest standard of improved roads. We know that the realization of this ideal is a long way ahead. We have no illusions about the matter. And while we are working to this end, we know that for the time being, and for many years to come the ordinary roads must be used, but, we hope, in an improved condition. In course of time, and with the influences now at work, supplemented as they will be by Federal appropriation we confidently expect that the United States will be supplied with a system of roads that will compare with the highest type of highways in use in the most advanced countries of Europe.

It is the purpose of this bill to stimulate the localities, the States, and the subdivisions of those States, to raise everywhere the standard of road construction. For this reason we have provided a greater allowance for an improved type of

road, than for the ordinary dirt road. The tendency in all the States is toward improved roads, and the distinction made by the bill, will encourage this tendency.

Mr. PLATT. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. PLATT. Have not the postal authorities got it in their power now to require any kind of road they want before they establish a rural-delivery route?

Mr. SAUNDERS. Suppose they have; what of it?

Mr. PLATT. They can do it without spending any of the Government's money, then.

Mr. SAUNDERS. Is it the gentleman's idea that the Federal Government shall not aid in this good work? If so, I do not agree with the gentleman. We could easily compel the States to do a great deal of work that is now being done by the Federal Government, by the simple process of declining to make appropriations for such improvements. The States would then be compelled to make these improvements, or do without them. It would be a sort of root hog, or die, proposition.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. SHACKLEFORD. I yield further to the gentleman.

Mr. SAUNDERS. We are not compelled to appropriate a dollar to dredge out the harbor of New York, or to dig the Ambrose Channel for the benefit of that city. We need not appropriate a dollar for levees in the Mississippi Valley. We need not appropriate a dollar for reclamation purposes. The United States could sit back, as it were, and say to the respective localities, "Go ahead and make your own improvements." The Federal Government has jurisdiction to do these things, but it is not compelled to do them. Would the gentleman be willing to see the Federal Government withdraw from all work of this character, and leave it to be done by the localities most intimately and directly affected?

Now, I maintain that with reference to the greatest good to the greatest number, there is no form of Federal appropriation that will secure a greater measure of betterment of social and economic conditions, than an appropriation for an improved system of highways in the United States. [Applause.] If that be true, then it affords an ample justification for Federal appropriations in aid of post roads. Moreover the Democratic Party in the terms of its latest platform, is committed to this principle.

We have provided for no extravagant appropriation in this bill. Under the present system the entire cost of dredging a river, or a harbor is borne by the Federal Government.

But with reference to this much greater work, namely the work of improving the public roads, the Government says in substance to the localities to be affected: "I will not afford a dollar until, as a result of your own activities, you provide a corresponding dollar. In other words this is a half-and-half plan."

Mr. PARKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. PARKER. I want to ask the gentleman this question: Is it not true that the United States Government has the entire control, for instance, of the harbor of New York, and that it is impossible for the State of New York to do it at its own expense?

Mr. SAUNDERS. Yes; that is true. The Federal Government in the exercise of a Federal function dredges rivers and harbors, but it derives no benefit from the retention of jurisdiction over the completed work. The qualification of the improvement is the benefit to the entire country. There is ample authority for the appropriations contemplated by this bill, and the resulting benefits to the country at large will be far greater than any benefits that follow from any form of river, or harbor improvements. In this instance there is no occasion, or necessity to retain jurisdiction.

Mr. PARKER. But the gentleman, in answer to the question of the gentleman from New York [Mr. PLATT], brought that up as an illustration.

Mr. SAUNDERS. Yes; I called the attention of the gentleman from New York to the fact that the Government has expended vast sums in the neighborhood of the city of New York, although the rest of the country had a very remote interest in those expenditures.

Mr. PARKER. That is true; but in your roads proposition the State itself has the control of the roads.

Mr. SAUNDERS. But if the benefit inures to the general public, the Government secures its return from that fact. There is no occasion for the Government to insist upon control of the roads, in return for the aid which it affords.

Mr. PARKER. That is true; but I was asking the gentleman why he used that illustration or that parallel.

Mr. SAUNDERS. I used that illustration for the purpose of showing that in the past the Federal Government has appropriated vast sums upon improvements of great interest to particular communities, but of remote concern to the general public. Of course as citizens of a common country, we are in a sense benefited by every form of public improvement. Under the scheme of Federal aid to roads proposed by this bill, the benefits of this appropriation will reach into, and affect the remotest localities in the United States.

Mr. PARKER. That is true.

Mr. SAUNDERS. I have ventured therefore to make a comparison between the benefits from river and harbor improvements, and the universal benefit that will ensue under this bill. I admit that in the one instance we retain jurisdiction, and in the other we do not. But what of it? How does the fact that the Federal Government refrains from claiming jurisdiction, in return for its aid, affect the propriety of making an appropriation that will confer such universal benefit?

Mr. PARKER. That is true; but does not that make the comparison illogical?

Mr. SAUNDERS. Not at all. Would my friend be willing to vote for this bill if we agree to demand Federal control?

Mr. PARKER. Over what?

Mr. SAUNDERS. Over the roads.

Mr. PARKER. Over the roads to be aided?

Mr. SAUNDERS. Yes. Would you be willing to vote for this bill, if the Government is given jurisdiction of all the roads that will be aided by the appropriation proposed?

Mr. PARKER. No.

Mr. SAUNDERS. Then the question of jurisdiction is not the stumblingblock with the gentleman.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Missouri?

Mr. SAUNDERS. Certainly.

Mr. LLOYD. I think the gentleman from Virginia did not understand me, or I did not go far enough in my explanation to make it clear to him. The gentleman knows my time was very much limited.

Mr. SAUNDERS. Yes.

Mr. LLOYD. I am fully in sympathy with the gentleman's view of it and in sympathy with the purpose of this bill, and I believe that the money should go to the benefit of the man who builds the roads and not to the benefit of the other man.

Mr. SAUNDERS. Yes. If any gentleman thinks that this bill provides that any road, without regard to its condition, will receive aid from the Federal Government, then in the result that gentleman will be very much disappointed.

Mr. LLOYD. That is what I wanted to bring out.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. FESS. Referring to the inquiry propounded by the gentleman from New York [Mr. PLATT], is it not true that in the years preceding 1826 the Erie Canal was built largely by the General Government?

Mr. PLATT. No. It was built by the State of New York.

Mr. SAUNDERS. That is absolutely immaterial. The gentleman from New York [Mr. PARKER] admitted that he would not vote for this bill even if the Government was afforded authority over the roads.

Mr. PLATT. I think if the State of New York is given control of New York Harbor it will do all the dredging that is needed.

Mr. SAUNDERS. I would be perfectly willing to agree to that, if you would pay back all that the Government has expended about New York, and maintain your harbor and approaches on the same terms as they are now maintained by the Government. Does the gentleman think that New York would agree to that proposition?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. DOUGHTON].

The CHAIRMAN. The gentleman from North Carolina [Mr. DOUGHTON] is recognized.

Mr. DOUGHTON. Mr. Chairman, at the opening of the present Congress I had at my option either to remain a member of the Banking and Currency Committee, of which I had been a member in the Sixty-second Congress, or be placed on the newly constituted committee, that on Roads. Believing that I could render my district and State greater service as a member of the Roads Committee, and having spent my life as a farmer, living out in a rural section of the country, and knowing something by actual experience of the needs of that class of our people, I

elected of my own accord to be placed on the Committee on Roads. I feel that by virtue of the fact that I have spent my entire life on a farm I am in a position to speak with some degree of knowledge as to the imperative need of better public highways.

In the consideration of this momentous subject there are three questions that present themselves to my mind. First, is there a need for the Federal Government to aid in the construction and improvement of public roads? Second, is it just and feasible for the Government to do so? Third, do the people desire this legislation?

As to the first proposition, the need of governmental aid, I shall discuss briefly the present condition of the roads of the country. There are, Mr. Chairman, about 2,300,000 miles of public roads in the United States. Of this amount only about 10 per cent, or 230,000 miles, are what may be termed improved roads. The other 90 per cent, or 2,070,000 miles, are still unimproved. Now, if it has required 140 years to get 10 per cent improved, will it not be too long to wait under the present system to get the other 90 per cent improved?

It is estimated by the Bureau of Good Roads of the Department of Agriculture that under present conditions it costs the farmers of the country $1,600,000,000 annually to haul their produce to the market, to say nothing of the cost to these same farmers of hauling those things they purchase from the towns back to their farms. Improved highways throughout the country would reduce this heavy, burdensome transportation tax at least one-half, or $800,000,000 per annum or $8 for each person in the United States. These figures almost stagger the imagination.

We hear much from our city brethren about the high cost of living, but if they had to exchange places with those of us who live in the country they would, I have no doubt, speedily change their minds on this subject. I sometimes wish, when I hear this wail about the high cost of living, that these people had to live on the farms for a brief time. If they had to go out and clear away the forests, dig up the stumps, fence and ditch the land, plow the fields, face the piercing cold, the scorching sun, the blinding snow, and the drenching rain, and also had to endure losses caused by droughts, floods, winds, and storms, and on top of that had to contend with blights, crop pests of many kinds; had to rise at 4 in the morning and go until 8 in the evening, in order to produce a crop, and then after the crop was produced had to haul it from 5 to 25 miles to market over a hilly, muddy, country road, they would, in my judgment, decide that the cost of production was even higher than the cost of living. Indeed, Mr. Chairman, taking into consideration the many disadvantages and hardships which the farmers have to contend against, they do not get enough for the products of their toil.

The only just way, in my humble opinion, to justly and fairly reduce the cost of living is to reduce the cost of production and the cost of transportation and distribution. With improved roads, transportation charges would be materially reduced, and thereby the cost of living somewhat lessened, or, what would be fairer, the just reward of the farmer would be increased. With better roads and our parcel-post system extended to all parts of the country, the speculator and the middle man can be, in a large measure, eliminated, thereby bringing the producer and consumer closer together to the mutual benefit and profit of both. The man who lives in the country and the man who lives in the city are interdependent upon each other—that is, mutually dependent one upon the other—and the prosperity and happiness of the one adds to the welfare and happiness of the other. While the farmer could live in a way without the city, the city can not endure at all without the country. It has been truly said that if you destroy the cities and leave the farms, the cities will soon be rebuilt; but that if you destroy the farms and leave the cities, grass will grow in their streets evermore. Therefore the dweller in the city should welcome this opportunity to aid his brother in the country. The city dweller should realize that not only must he get his food and the material from which his clothing is made from the country, but that he must also depend upon the country for a fresh supply of pure country manhood and womanhood to revitalize the constantly degenerating city population. City life tends toward decay, morally and physically, and if the strain of pure, vigorous country blood was cut off from the city, the leprosy of degeneration would within a few brief years bring the cities to a pitiable condition.

Better roads mean better farms, better dwellings, better schools, better churches, better society, more time for study and recreation, less for hardship and drudgery, and consequently more prosperity, sunshine, and happiness. By thus making country life more attractive a larger per cent of our strong, intelligent young men and women would be kept in the country instead of being lured to the cities by their attractions. By this means the country and city population would be nearer properly balanced, and neither would suffer from being overcrowded. So much, Mr. Chairman, for the first proposition; that is, the needs of and benefits to come from the better rural highways.

Now, Mr. Chairman, I crave the indulgence of the House for a few moments to speak of the justice and feasibility of the Federal Government aiding in the construction and improvement of the public highways of the country. Federal taxes are paid by all classes of our people, and simple justice demands that in the expenditure of the moneys thus collected equal consideration should be given to all classes of our citizens, both rural and urban.

The Federal Government aided in the construction of the trunk lines of railroad that opened up the great western section of our country to the amount of not less than 155,000,000 acres of valuable public lands. It appropriates $50,000,000 annually for river and harbor improvement. It has spent $400,000,000 at least in the last few years to build the Panama Canal. It expends annually $100,000,000 for the support and equipment of the Army and $150,000,000 for the Navy, making an annual appropriation of $250,000,000 for the military arm of our Government. Many millions are also appropriated annually for the public buildings in the towns and cities, while the country people have no roads to travel even to see these public buildings they have been taxed to help construct. Yet in spite of all this, some have been heard to protest against the small sum of $25,000,000 carried in this bill to help improve the rural highways of the country. Mr. Chairman, if I had my way, not another battleship would be built in this country until our post roads were all improved. Justice cries aloud for the speedy enactment of this measure. In fact, justice would say to expend many millions more, and thereby in a measure restore to our rural population at least a portion of that which they have been taxed for the exclusive benefit of those living in the towns and cities. I paraphrase the language of the Golden Rule, and say to you men who live in the cities, "As has been done to you, do ye even so unto us."

Now, Mr. Chairman, but a few words as to the last proposition—that is, the desire of the people for this legislation—and then I am done. Read, if you will, the platform of each of the three great national parties enunciated in 1912, and you will see that they all covenant with the people to enact this legislation if given the authority to do so. Does anyone doubt for a moment, if this question were submitted to a vote of the people of this country, what the verdict would be? No one can doubt it, and, my colleagues, if we fail to enact this legislation the people will rise up in their righteous wrath, as they should, and denominate us "unprofitable servants" and retire us to private life. Then our eyes will weep and our teeth will gnash, but it will be too late. I am glad, however, to see a Nation-wide patriotic spirit manifested in the discussion of this subject. Many Members of this House who represent city districts have risen to a high plane of statesmanship and declared for its passage. Mr. Chairman, there is no partisanship in this measure. The demand for it comes from the North and the South, the East and the West, and I predict that it will pass this House by practically unanimous vote. When that is done, and it receives the approval of the other branch of the Congress and is approved by our great President, it will mark the beginning of a new era in this country. Light and hope will spring up in the breast of every country child, and justice will be done, in a measure, to those to whom it has been denied so long.

Mr. Chairman, it is true that $25,000,000 will not go very far toward the improving of the highways of the country, but it will do to begin with. It will stimulate the States, counties, and local communities to greater endeavors. When this amount is supplemented by appropriations from all the States and subdivisions thereof, and when every man, woman, and child in the rural communities becomes an apostle of good roads, as they will, then will results be had that will benefit and bless the entire country and do us much honor. Then will that day arrive which the Hebrew prophet foresaw when he exclaimed, "And they shall build houses and inhabit them; and they shall plant vineyards and eat the fruit of them. They shall not build and another inhabit; they shall not plant and another eat." [Applause.]

Mr. SHACKLEFORD. I yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman and gentlemen of the committee, I believe that the nearer the Federal Government gets to the people of the country in legislation the better will be the Gov-

ernment. I am heartily in favor of the Government helping in the building and upkeep of the roads of the country on the same principle that I favor and have so diligently worked to have the Federal Government rebuild and improve the levees of the Mississippi, so that it may be possible to reclaim the millions of acres of overflowed and swamp lands that are now in waste in the Mississippi Valley. Missouri alone has 2,500,000 acres of swamp and overflowed lands, useless and worthless to-day because the Government has not done its duty in protecting the levees and preventing these overflows and floods. If that land is reclaimed, as it can and will be if the Government gives the assistance it ought to give, it will mean many splendid and good farms all through the great Mississippi Valley. Not only will it restore to the people these 2,500,000 acres of land in Missouri, but some 77,000,000 acres in the entire Mississippi Valley. All of it can be reclaimed, with the necessary and proper attention by this Government.

I am also in favor of this proposed legislation for the dirt roads of the country, because it makes farm life happier. While my constituents, the people for whom I directly speak, do not specially need this legislation, since I represent a city district, yet I appreciate that the farmers of the country are entitled to the greatest consideration in this respect. The farmers need good roads for the purpose of getting to their towns and to their markets. They must have the ways and means of carrying their produce and products to the towns and to their shipping points in the interest of commerce. Good roads are as necessary to the farmer as good streets are necessary to the people who live in cities. The people of this country ought to be, and I believe are, in favor of assisting in good-road building such as this bill provides.

I am in favor of it again, because I know of its benefit to the city as well as because I know the necessity it is to the farmers. I am not in favor of it just because of the pleasure it may give to those who have automobiles and who want good roads built for that purpose, but for the farmers, in order that they may go to town in their wagons and in their buggies and get the use of these good roads. I know something of the conditions in the country. I was born on a farm in Missouri and lived upon it long enough to know that a bad road is a mighty tough proposition in many ways. Not alone on business, but socially as well. I am glad, therefore, as one Member of this House, to support the bill presented here by the Committee on Roads through its chairman, my distinguished colleague [Mr. SHACKLEFORD]. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, under the leave granted me to extend my remarks I include the following article:

OPPORTUNITIES IN MISSOURI FOR AGRICULTURAL SETTLERS.

[By Prof. F. B. Mumford, dean State Agricultural College, Columbia, Mo.]

The highest priced agricultural land in America is located in the corn belt. The reason for this is that the area in which Indian corn may be grown successfully is limited. Not only in America, but the areas of land suitable for growing Indian corn in the world outside of the United States is very small. Sir John B. Lawes once said that Europe could never hope to compete with America in agriculture, because of the ease with which corn may be grown in this country.

Missouri lies in the center of the American corn belt; there are no corn lands superior to those found in Missouri. One man in Missouri grows more corn each year on his farm than is grown in the 9 States of Utah, Oregon, Washington, Arizona, Idaho, Montana, Rhode Island, Wyoming, and Nevada combined. Three counties in Missouri grow more corn than 19 other States, in which are included all of New England. These 3 counties grow more corn than is reported for the State of New York, or Maryland or West Virginia. Missouri grows three times as much corn as all of South America, three-fifths as much as all of Europe, and nearly one-half as much as is produced in the whole world outside of the United States.

The value of the corn crop in Missouri each year amounts to more than $100,000,000. Her wheat crop is valued at $30,000,000. Missouri is also one of the leading hay and forage States. In 1909 the hay crop alone for the State was valued at over $30,000,000. This does not include the vast areas of blue grass, clover, and timothy pastures which in point of extent and quality are not exceeded by any State in the Union.

The above facts are evidence of the abundant resources and high state of fertility of Missouri lands. In Missouri land is to-day cheaper, considering its intrinsic value, than in any of the corn-belt States. Good corn land, which has already become scarce and so much in demand that it sells in some localities at $250 per acre, is still to be had in Missouri for less than $100 an acre.

Of all the corn-belt States Missouri has more unoccupied land than any other. Twenty million acres are unimproved. Large areas of this land need only the intelligent skill of the husbandman to add millions of dollars to the total agricultural revenue of the State. Much of this land is peculiarly adapted to the production of high-class fruits. Larger areas can be made into productive and profitable pastures for cattle, sheep, and horses. Some of the land adapted for grazing purposes can be purchased at from $3 to $10 per acre.

Missouri has more apple trees than any other State in the Union. She has the largest orchard in the world. In good fruit years the total apple product of Missouri exceeds that of many of the great apple States.

In the production of live stock Missouri has always rivaled adjoining States, which are more generally given to grain farming. More than $1,000,000,000 is invested in farms, buildings, and equipment for carrying on the business of stock farming in this State. While Missouri is not generally regarded as a sheep-producing State, it is nevertheless true that she has more sheep than any adjoining State. The poultry product of Missouri is greater than that of any other American State.

Another reason for the remarkable productive power of Missouri crops and live stock is due to the favorable climate. Missouri is far enough north to escape the enervating heat of the South and far enough south to avoid the rigorous climate of the North. The Missouri farmer pastures his animals eight or nine months in the year and requires little expensive shelter for the mild winters. The rainfall is abundant and well distributed and hot winds are unknown.

The State of Missouri maintains for the aid of the prospective settler an agricultural experiment station, which is organized for the purpose of solving new agricultural problems and giving advice to all farmers in the State; outlying experiment fields in 20 localities are solving the local problems due to special soils or particular locations. The State of Missouri has, through the agricultural experiment station, demonstrated the efficacy of the serum treatment for hog cholera and is inoculating at the present time more than 10,000 hogs per month.

The Missouri State Board of Agriculture is organized to aid the farmers of the State by means of farmers' institutes, veterinary sanitation, thus safeguarding the health of Missouri live stock, and through its highway department to encourage the construction and maintenance of country roads. This excellent organization, appointed by the governor, has contributed largely to the development of the State.

The State board of horticulture likewise has accomplished through publications and public meetings great service to the horticultural interests of Missouri.

The State poultry board has contributed largely to the preeminent position of the State in aiding the poultry interests by publications, poultry shows, and, more recently, in the development of a poultry station.

The organized government of the State is through these various agencies protecting and aiding the agricultural citizens of the State. Probably no State in the United States has a more excellent series of State boards, appointed by the government primarily for the development of the agricultural, horticultural, and live-stock interests of the State.

[Mr. THOMPSON of Oklahoma addressed the committee. See Appendix.]

Mr. SHACKLEFORD. I yield to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman, I know of no legislation which is of more importance and of more benefit to the masses of the people than good-roads legislation, and I desire to state in the outset of my remarks that we, in passing this bill, are carrying out another platform pledge of our party. The Baltimore platform says:

We favor national aid to State and local authorities in the construction and maintenance of post roads.

This bill carries an appropriation of $25,000,000 to aid the States in constructing and maintaining roads over which the mails are transported, and I want to ask why, if there is any reason, should we not aid the States in building roads for the people in furtherance of our program to improve the general conditions under which we live so far as legislation will accomplish that end? We have appropriated nearly $400,000,000 for the purpose of constructing the Panama Canal. Every year we have appropriated large sums to improve the rivers and harbors of the country. We have appropriated millions of dollars of the people's money for the purpose of constructing post-office buildings throughout the country; hence, Mr. Chairman, it seems to me that too long already have been deferred appropriations for construction and maintenance of good roads, the benefits of which would be directly felt every day in the year by every citizen of the Republic. This bill provides for a cooperative plan by which the States and the local communities bear a proper proportion of the expense, and United States Government, through the Department of Agriculture, meets the obligation we owe the people in this great undertaking.

Mr. Chairman, the tax known as the "bad-roads tax" is the heaviest burden borne by the American people to-day, and Hon. Logan W. Page, Director of the Office of Public Roads and our greatest road expert, tells us that—

Not less than $250,000,000 is the tribute levied annually on the people of the United States by bad roads.

Mr. Chairman, this is an enormous economic waste, and we should relieve the people of our rural communities of this burden just as soon as possible. Lord Macaulay, in his History of England, says:

Of all inventions, the alphabet and the printing press alone excepted, those inventions which abridge distance have done most for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually as well as materially.

Statistics show that in States where there are good roads 85 per cent of the children of school age attend the public schools, while in States where the roads have not been improved only about 65 per cent of the children receive the benefit of the public schools. Statistics also show that a greater percentage

of illiteracy obtains in localities where they have bad roads than in communities traversed by good roads. Therefore this legislation will promote the cause of education in our country. Yes, Mr. Chairman, the question of good roads is one of the greatest questions confronting our people. One of the first bills I introduced in Congress was a good-roads bill, and I might add that the bill before the House to-day is similar in many respects to the bill I introduced nearly five years ago. The farmers of the United States in 1913 produced crops valued at nearly $10,000,000,000, and in order to market this crop it was necessarily hauled over bad roads, and the Director of the United States Office of Public Roads tells us in his reports that because of these bad roads it cost the farmers, and, of course, the consumers ultimately, $250,000,000 more to market their crops than would have been the expense with good roads; hence, you see that this is a serious and important question. We ought to eliminate this waste and bring the producers and consumers of the country into closer and easier communication.

The question of good roads goes to the very root of the cause of the high cost of living in this country—build good roads for the farmers and the present annual waste of $250,000,000 will become an investment daily working a betterment of our economic conditions of life, and every fiber of our public structure will begin to strengthen and grow with new vigor from the hour Congress makes an appropriation giving our people Federal aid in the construction of their roads.

Mr. Chairman, it is not necessary that I should recall the many advantages to the people of this legislation, because they must be apparent to all. Now that we have the rural free-delivery system well established, with the rural telephones and the parcel-post system in operation, if we will but aid our people in building and maintaining good roads, we will make farm life in this country attractive and solve one of the greatest problems of our modern civilization. I hope this bill will become a law at any early date. [Applause.]

Mr. SHACKLEFORD. I yield to the gentleman from Ohio [Mr. BATHRICK].

Mr. BATHRICK. Mr. Chairman, I shall vote for this bill, and thereby express my tribute to the Committee on Roads for the careful consideration it has given the subject, for the intelligence and extensive labors of its chairman and the author of this bill, Mr. SHACKLEFORD. I give this bill my support because I believe that the avenues through which the farm produce reaches the city consumer and by which our rural mail is transported to the farmer are of primary importance and properly the subject of Federal legislation and aid.

The appropriation of a maximum of $25,000,000 is sure to stimulate and encourage the building of good roads throughout the entire country. I desire, in reminding you that this sum of money is to be taken from the fund paid by the taxpayers into our Federal Treasury, to call your attention to my farm-credit bill, H. R. 11897, and its clause providing a road fund.

This bill, if it should become a law, will provide this $25,000,000 annually, and no tax or cost of any kind, to the extent even of one penny, will be charged against the people.

In my speech printed in the RECORD of September 11, 1913, I inserted, on page 5143, a table showing what the profit would be to the Government by lending money to the farmers upon only about one-half of the farm first mortgages now in force. This table reveals the rather startling fact that the annual profit on such loans would be more than $25,000,000. This profit would accrue to the Government if it should borrow money at 3 per cent and lend it in this way at 4½ per cent.

Some of my colleagues are inclined to turn this profit over to a few private money lenders in a bankers' farm-credit scheme rather than to give the profit in good roads to the farmers who pay it. They are for good roads, very properly, but they are willing to neglect an opportunity to save this $25,000,000 to the taxpayers of this country.

Some of these say that Government loans to farmers is class legislation, but are not against perpetrating the more drastic class legislation by exempting from all taxation a new class of banks in order that these bankers may make this profit of over $25,000,000 per year with which to buy automobiles to ride in over these roads that the people are taxed annually this large sum to construct and maintain.

They claim it is class legislation for the Government to make this profit of $25,000,000 per year in helping the farmers, but it is not class legislation for the Government to help the bankers make it by giving them exemption from all taxes.

Government loans are not new or novel. Every leading Government on earth lends money to farmers. We as a Government are now lending money to the Philippine farmers. We are doing for the brown men now, and have been doing it successfully for six years, what I would like to have this Government do for the white farmers of this country.

Mr. Chairman, there is no necessity of giving special privilege to a new money power in the way of exemption from taxation or in any other manner. The Government of the United States can constitutionally and should lend money on farm first mortgages. It should not be paternalistic to a few bankers who desire to lend money to farmers. It can without any possibility of loss and with a certainty of profit take care of this great national policy itself. It should not turn this great purpose of the perpetuation of our food supply over to the mercies of private profit.

Later on, Mr. Chairman, I will take up the subject of private-profit farm credit, conducted by money lenders and a special kind of banking institution, but at this juncture I wish to review in some detail what other countries are doing in the way of Government loans to farmers. However, before beginning this review I wish to state concisely the theory and purpose of my bill, H. R. 11897. This bill is predicated upon the theory that Government aid and self-help should go hand and hand. I do not believe that anything can be accomplished by proposing only self-help to the helpless.

On this theory I propose in the bill that the Government shall borrow money upon bonds based upon farm first mortgages and guaranteed by the Government, pay a rate of interest not in excess of 3½ per cent, and lend the money at a rate not in excess of 4½ per cent.

The bill provides that this can be done directly to the farmer, or to the farmer through farm-credit associations. The latter provision would be the most effective encouragement to farmers' farm-credit associations possible, and I believe they would spring up in every county and the long waiting for any other plan to become effective would be avoided.

Thus, by the provisions of the bill Government aid going hand in hand with self-help would work out as follows:

In my county there are about $800,000 of farm first mortgages upon farm homes. In this indirect lending on these mortgages the Government would provide that the farmers of this county should organize a farm-credit association with a capital of say $10,000. This association, conforming to certain rules and regulations, would act as the agent of the Government in appraising, inspecting, and perhaps making collections on these mortgages. The association would indorse the mortgage notes. For this service the Government would pay it annually not to exceed one-half of 1 per cent on the sum of the loans. This would assure the success of the local farm-credit association at once and would leave it to employ its own capital in making short-time loans. Restrictions and limitations could be imposed upon it without the delay of enacting and repealing antagonistic State laws, which could be enforced by the alternative of losing this Federal privilege.

The mortgages would become the property of the Government, and, with the bonds, would be exempt from taxation, without conflict with the States, and the profit would redound to the benefit of all the people instead of to a very few. The great work of securing better credit facilities for the farmers on both long-time and short-time loans would begin at once in an effective manner, without the delays which surely will follow any private profit-sharing banking scheme.

The bill is not complicated, and a further review of its provisions seems unnecessary.

I now take up the subject of Government loans in other countries. I have gleaned this information from various sources which I deem official and authentic. I have secured the facts from the yearbooks of Germany, New Zealand, Australia, and other countries; the reports of the English estates commission, reports of the ministers of finance, and the laws of countries referred to; reports of the treasurer of the Philippine Islands and of the Philippine Commission; report of our French ambassador; the writings and reports of the delegate of the United States to the International Institute of Agriculture at Rome; numerous congressional documents, including Senate Documents 17 and 214.

GOVERNMENT AID IN GERMANY.

There are 16 institutions in Germany whose liabilities in the shape of mortgages, debentures, or obligations to depositors are guaranteed by the State or Province. It is the regular business of these institutions to lend to individuals on mortgage security, and the profits derived from this business revert to the Government. These institutions are managed, owned, and controlled by the Government. To make this plain, I will say that if the State of Ohio were to open a bank, supply its capital from State funds, guarantee all its obligations, and appoint an official

to manage it, Ohio would be doing about the same as is done by one of these Provinces of Germany.

These institutions have been established from as early as 1832 up to 1894, and the great importance of their assistance to agriculture can not be overestimated.

These 16 institutions up to the year 1909—a later report not being accessible—had loaned in round numbers $485,540,985.

In 1895 the Prussian State Central Cooperative Bank was established as a State-endowed institution. This bank lends money in large sums to cooperative credit societies. It is stated by the Prussian minister of finance that this was found necessary in order to "steady the interest rate." The State of Bavaria followed suit with a central loan bank, endowing it with a capital through the issue of its bonds, amounting to $1,000,000,000. In other words, this one State of Germany advanced for the aid of mortgage creditors its credit as a state a sum equal to about one-third of the farm-mortgage indebtedness of our 48 States.

The Prussian bank in the year 1907 loaned $165,000,000; in 1911, $187,361,883.

None of these institutions or banks are in the slightest sense conducted for private profit, are operated exclusively for the people, yet with a margin of profit on interest not much more than one-half of 1 per cent, in the year 1907 it paid upon its endowed capital of $18,750,000 a dividend of 1.49 per cent.

There are numerous provincial-aid banks in Germany to which the Prussian Government for their foundation capital has issued in the last 50 or 60 years the sum of approximately $1,700,000. The Prussian act of 1896 appropriated a sum approximating $1,250,000 for the building of granaries in order to remove the middleman's excessive profit on part of the food supply.

Baron von Hermen-Schorn, former agriculture expert of the Germany Embassy, says:

> The cooperative rural-credit systems in Germany were not carried on as effectively as they are now under Government assistance.

He also says that—

> A system started by bankers and run by bankers could in no sense be a cooperative system and probably would not help the interest of farmers for any length of time.

Speaking of the public savings banks and various Government-aid institutions of credit in Germany, he says:

> Private banks have been asked if they have ever felt any interference by the savings banks in their business, and they say they have not.

In this connection I wish to inform the committee that the commercial rate in Germany now is from 1½ to 2½ per cent higher than the land-mortgage interest rate. Also, that the bankers of New Zealand, who in 1896 opposed the lending of money to the farmers by the Government, stated afterwards that it did not injure their business but seemed to stimulate their business generally.

Mr. William C. Teichmann, United States consul at Mannheim, Germany, states that the increased facilities for securing loans has not resulted in the farmers going into debt to their disadvantage as "the farmer is careful and conservative."

During the 70 years that the Government Land Bank of Weisbaden has been in existence it has never lost a penny on land mortgages.

Of the section of country near Weisbaden, Mr. Reusch, councilor of Weisbaden, states that out of every thousand farmers 756 are without any debts.

The Land Bank of Weisbaden has 28 branches, and is a fair sample of Government aid in Germany. The Parliament, which meets every year, elects three members for life and three honorary members who manage the bank. The State guarantees the mortgages, guarantees the debentures, and guarantees every debt of this bank in Prussia. No official of the land can have an interest in the business of the bank. Each official has a salary and is prohibited from taking any part in the banking business. The profits go to the Government. If there is a large net profit, then the people in the Province pay less taxes, but often the money is applied to the maintenance of an asylum, the building and keeping up the provincial roads, and so forth, and Mr. Reusch says that the taxes upon the population are low on account of the profit made in lending money in this way. All the capital of this bank was originally borrowed upon bonds.

Considering the constant reference to the great success of Germany in establishing agricultural credit, these are instructive facts, and if we are to have no Government aid in the United States we should cease the use of Germany as a model.

ENGLAND.

In 1894 there was attempt made to transplant from Germany the Raifeisen system of cooperative credit in Ireland. After 17 years the report shows that in 1912 $282,720 was the total loan for that year. This is an illustration of the slowness of self-help. Landlordism had for many years been fastening itself upon the Irish farmer. The power of wealth and the traditional rites of ownership had built up a system of oppression that no self-help could make way against and secure relief for the poor farmers. Perceiving that it was idle to talk self-help to the helpless, the British Government in 1903 enacted a law and authorized the expenditure of £100,000,000 sterling and established the English estates commission, which under this act up to the year ending March, 1911, had expended $370,000,000. The borrower pays an annual rate, including interest and amortization, of 3¼ per cent. The loan fund is borrowed by the Government on its certificates at 2¾ per cent, redeemable in 30 years. A separate fund is provided from which in some cases expense for drainage, fences, stock, seeds, and implements are taken care of. The project includes the erection of about 25,000 farm cottages.

I quote from an address from Sir Horace Plunkett, president of the Irish Agricultural Organization Society, who, speaking of this as a "huge undertaking," says: "This, as no doubt you are aware, is now the accepted policy of all parties." He speaks of "the policy of strict abstention from any interference by government with the business of the people," as "withholding the kind of assistance which every other European government was giving to its farmers." Sir Horace refers to this failure to give assistance as the "laissez faire doctrine." He further states, referring to his studies respecting the agriculture future of America, "that while the state and the voluntary movement must advance side by side, and while the state must give its aid to the cooperative movement, it must seek to secure to that movement the greatest freedom."

FRANCE.

The Crédit Foncier of France was established in 1852. For the first years of its existence it was given a Government subsidy of 10,000,000 francs. Under the law of March 31, 1899, district agricultural credit banks were established and a lump sum of 40,000,000 francs and a yearly contribution of 3,000,000 francs placed at their disposal. This money was the tax placed upon the Bank of France as payment to the Government for its franchise, which was renewed in 1896. It has been stated that this was not Government money, but this is not true, as a tax had been collected for three years prior to its being contributed to the use of the agricultural banks. It is estimated that before the present franchise of France had expired that over 100,000,000 francs will have been contributed in this manner.

The result is in France that this action was an impetus to the establishment of agriculture credit societies of a cooperative character, which had never before been experienced in France, and which would not have been known except for Government loans.

A celebrated French writer, Mauric Dufourmantelle, who is evidently acquainted with conditions throughout Europe, says, speaking of Government aid, "Its action runs parallel with that of private initiative, each mutually completing the other."

Throughout all Europe, wherever self-help for the helpless has been permitted to drag its way over the obstacles interposed by an avaricious money-lending system, progress has been slow.

AUSTRIA.

Between the years 1869 and 1910, 669 public savings banks were organized in Austria. These banks had loaned on mortgages, in 1910, 3,763,345,000 crowns. This is taken from a statement made by the Austrian minister of agriculture. About 55 per cent of these loans were placed on farms.

There are 17 provincial banks in Austria, which have very little initial capital, but whose obligations, in fact all their liabilities, are guaranteed by the provincial or state governments. In 1910 these institutions had issued debentures, which were guaranteed by the governments, amounting to 1,537,819,000 crowns. Over 80 per cent of these debentures represented agriculture loans. Lending at a very low rate of interest, these banks in 1910 showed a net profit of 3,126,000 crowns. The minister states:

> It has been demonstrated by experience that the provincial banks have never suffered losses in compulsory realization of their claims. The mortgages, the assets of the bank, and the Province with its taxes serve as guaranties for the debentures. * * * Agriculture prefers the credit of the provincial banks to all other sources of credit, because they offer the lowest and most stable rates of interest and because loans are amortizable in small annuities. * * * It is impossible for private parties to make amortizable loans for small amounts. * * * An excessive rate of interest is irreconcilable with amortization in agricultural transactions. * * * These institutions are characteristic of Austria, and merit the attention of countries where the greatest possible freedom of the individual and the vigorous development of the State as a whole are to be found working harmoniously together.

Speaking of the rise of price of land, which is a condition existing throughout all of Europe, and regarding the conjecture

of some that this increase of land values might be due to "increased credit to the farmers by reason of the land mortgage and Raiffeisen systems," the minister says:

It has nothing to do with the rise in price of land. The reasons are, increasing population and increase of consumption.

Dr. Moritz Weden, speaking of Government loans in Austria, says:

The cooperative movement, for the Government aid which has been rendered to it, has in turn rendered abundant cooperative aid to the Government.

RUSSIA.

In 1895 the Peasants' Land Mortgage Bank in Russia was given power to purchase entire estates from landlords, and was given special capital for this purpose by the Crown. Up to 1912, 53,000,000 acres of land had been thus purchased and cut into tracts averaging from 21 to 27 acres. The payments of the purchases of these small tracts run as long as 55½ years, and the annual payments, including amortization and cost of administration, amounts to about 4½ per cent. The Russian Government secures this money by the issue of its bonds. Both the institutions of the Raiffeisen and Schulze-Delitzsch type since 1895 have been assisted by Government funds, and their recent growth has been very rapid. The State Government of Russia has established central State banks, which lend a certain portion of the foundation capital to the credit societies at 4½ per cent interest.

HUNGARY.

The entire Hungarian agriculture policy is State endowed. Aside from performing every duty of Government in the direction of education, which is carried on in the United States and every other leading country, Hungary pursues a policy of substantial help through giving financial means to perform the work which it has taught the farmers how to do. The work is carried on mainly through the State-controlled National Small Holdings Land Mortgage Institute, the Central Hungarian Credit Cooperative Society, and the National Association of Hungarian Land Mortgage Institutions. Mortgage debentures are guaranteed by the Government. The outstanding loans on agricultural real estate in 1907 is estimated at over $822,000,000. It is stated that when the cooperative movement in Hungary, and when discussions as to whether Government loans should be instituted, were under way that "the country banks left no stone unturned to prevent this movement which they believed seriously threatened their business." This belief proved to be later on manifestly erroneous. In fact a study of European private-bank conditions reveals the fact that their business is still profitably conducted in the presence of cooperative credit and Government aid for farmers. In many of the countries where the rate of interest on farm mortgages is as low as 4½ per cent, private joint-stock mortgage companies have gone into the business, conducting it at the low rate, and have paid substantial dividends. The largest joint-stock land-mortgage company in the world, located in Germany, has paid dividends for years averaging around 8 to 9 per cent, with a margin between the cost of money and the rate at which it was loaned of one-quarter of 1 per cent. None of these companies, however, have engaged in the business on this basis until Government loans and cooperation had led the way.

ITALY.

There are three public banks in Italy, namely, the Bank of Naples, the Bank of Sicily, and the Savings Bank of Milan. These banks have numerous branches which are increasing. They are entirely altruistic institutions, have no shareholders, and pay no profits except to the State. Under the 1907 law, by a special tax 4,000,000 lire was turned over to the Bank of Sicily. The rate of interest upon agricultural loans, including interest and amortization, is usually 5½ per cent. Formerly the rate of interest to farmers in Sicily was often as high as 60 per cent. The farmers of Sicily were no worse off than many of the poor farmers in the United States at the present time.

SWITZERLAND.

There are 23 banks in Switzerland which are furnished with capital of the various States or Cantons. This capital is either drawn from the Government treasury or by the issue of the bonds of the State. As an example, the Zurich Canton Bank was established in 1870 with a capital of 6,000,000 francs, taken from the public treasury. This capital has been since increased to 20,000,000 francs by the issue of Canton bonds. The Canton Bank of Zurich is governed by a board of directors composed of 13 members appointed by the Government. There are also private banks, joint-stock, and cooperative banks, but the rate of interest and terms are higher than that of the Government bank. One-half the profit of these public banks goes to the reserve fund and the other half to the State. These banks, in lending money on farm property, deal directly with the farmer in his individual capacity. The interest rate varies from 4 to 4½ per cent and the terms as long as 59 years.

DENMARK.

The Government of Denmark since 1899 has loaned 25,000,000 crowns directly to the farmers of that country. It is increasing this loan at the rate of 4,000,000 per year, charging interest at 3 per cent. This work has been conducted on the theory that the main expenditure should be for the small farmer to help him build his own home and become independent. It loans up to 90 per cent of the appraised valuation of the property. Operating for 14 years on this plan, very few small loans have had to be taken over because of failure to meet the obligation. The total loss during these years amounts to only one two hundred and fiftieths of 1 per cent of the total amount loaned. This method of fostering small landowners has been of great advantage to the large farmers, because of the increase in country population and consequent increase of farm hands.

NORWAY.

In the city of Christiania is located the Mortgage Bank of the Kingdom of Norway. Its capital belongs to the State, which, under the agreement, the Government can not recall until after the bank has "fulfilled all its undertakings." All bonds issued by this bank are the obligation of the Government. Loans are made up to 60 per cent of the value of the property mortgaged for a term of 40 years at 4½ per cent interest. The administration of the bank is in the hands of a board of directors chosen by the Norway Parliament and nominated by the King.

NEW ZEALAND.

In 1894 New Zealand passed a law known as the advances act, which was put into operation in 1895. Up to this date it has loaned over $60,000,000 at interest rates around 4 and 4½ per cent. The loan fund has been mainly produced by the issue of Government bonds, upon which an interest rate was paid running from 3 to 3½ per cent.

Prior to the passage of this law farmers were paying over 8 per cent interest, and the money lenders were contending that it was cheap enough. Since the law went into operation these same money lenders have continued to lend money, but at the rate given on Government loans. In 1911 the total expense of carrying on the business was fifteen one-hundredths of 1 per cent. In the year 1912 the loan department showed a net profit of over $300,000. In the Appendix to the Journals of the House of Representatives of New Zealand for the second session a statement of profit and expenses for the year ending March 31, 1906, shows gross profits as—translated from pounds, shillings, and pence—$193,175. The total expense of the advances department is given at $22,193, which is about 55 cents for each $500 of outstanding loans. The net profits were approximately $170,236. The cost of management in 1911, which is given as the outside average, was 75 cents on each $500 loaned. This is about fifteen one-hundredths of 1 per cent, and conforms very closely to the management cost reported from other countries. In 1911 the report showed a loss on one account amounting to $265. It was also stated in the report that there was two securities on hand which were not satisfactory. For the 15 years of the operation of the plan a total of 32 foreclosures have been made out of a total of 16,005 loans.

The same opposition to Government loans which has been instituted in all countries by those who are lending money and thought their profits might be curtailed was waged fiercely in New Zealand. No political party in New Zealand now opposes the system. No political party in Germany or England now opposes a like system. In New Zealand Government loans have been of inestimable advantage to agriculture, and this is also true of other countries.

The United States consul to New Zealand says, in a report made in 1897:

The loans have been a great boon to struggling farmers, who were paying as high as 8 per cent on their mortgages. Immediately this money became available interest came tumbling down to 4 per cent for good freehold security.

Mr. Henry Demarest Lloyd, an English writer on economic subjects, says:

The world over one of the greatest obstacles in the way of the small farmer, and the large one, is the difficulty of getting capital. Often there is no money to be borrowed in the district where he lives, or if there is, it is in the hands of rich neighbors or banks, who know nothing but their bond and the pound of flesh. But in New Zealand the settler has only to go to the nearest post office to get into communication with a money lender, who charges no commission or brokerage, and no fees, except for actual expenses, never exacts usury, offers no cut-throat mortgages for signatures, will let him have any amount from as little as $125 to as much as $15,000, does not try to induce him to borrow more than he really needs, gives him 36½ years to pay the money back, and accepts it from him in small installments on the principal with every payment of interest, so as to make it as little of a burden as can be; will allow him, if he happens to have $25 to spare, to pay it at any time to reduce his indebtedness, and when it finds itself making a

profit out of its business, instead of accumulating a fortune, gives him the benefit by reducing his rate.

AUSTRALIA.

All of the six States of Australia make Government loans to farmers. The progress of these loans is well evidenced by the fact that total loans of the six States were $25,869,555 in 1908, $30,692,660 in 1909, $35,337,870 in 1910, $40,315,360 in 1911. The first laws instituting this system of loans were passed in 1896, and the total of loans given for these four years fairly represents the increase for the other periods. The total profit which had accumulated up to and including 1911 was $958,600. About three-fifths of the applications have been accepted and the loans made upon them. The loan fund is provided throughout the States generally by the issue of Government bonds bearing interest of not to exceed 4 per cent. Much of this is borrowed at 3½ per cent, and a small portion at 4 per cent. The average rate payable on the aggregate indebtedness of the Australian States is a little less than 3¾ per cent. The rate of interest to farmer borrowers is from 4 to 5 per cent, including amortization, and the running period of the debt is from 5 to 36½ years, with privilege to pay the entire debt under prescribed rules, which include a notice of such intention by the borrower of from 30 to 60 days.

SOUTH AFRICA.

The three States of Natal, Orange Free State, and Transvaal, for the purpose of more perfectly carrying out a system of Government loans, by the act of 1912 agreed to establish the Land and Agriculture Bank of South Africa. This bank took over assets and agricultural loan funds of these States. Funds are procured by direct appropriation, and by the issue of Government bonds up to the year 1909 amounted to about $40,000,000. The average loans have been about $1,700, which is very close to the average mortgage debt of farms in the United States. Since the act of August 19, 1907, the Transvaal has loaned about $10,000,000 at rates of interest of 5 per cent or less. The net profit reported in 1912 in the inspector's report was $280,000.

CANADA.

By act of May 3, 1912, in Nova Scotia, whenever a borrower could secure a loan for 50 per cent the Government was empowered to guarantee an additional loan of 30 per cent. The law permitted the Government to purchase farm land, subdivide it into farm lots, erect buildings and fences, and sell such parcels and lots to farmers on such terms as might be approved by the governor. The governor in council is permitted to make regulations for carrying the act into effect and borrow the money required on the credit of the Province.

A similar act for New Brunswick was passed April 20, 1912, and a farm-settlement board was empowered to buy, improve, and sell land to settlers. Buyers were required to pay 25 per cent of the price in cash and the balance in 10 years, with an extension clause.

Sir Arthur Hawks, commissioner of immigration, appointed by the Canadian minister of the interior, in 1911 said:

> The financing of a settlement as a function of government seems now to be inevitable. It contains nothing revolutionary in principle. It would be difficult, for those dividends which are founded on Government guaranties and subsidies, to oppose application in Canada of a principle that is operated in the United Kingdom, Australia, and New Zealand, and is about to be applied in South Africa. * * * The Government factor in the use of public credit is an object to be achieved and not the incidental advantage that may alight on an individual here and there.

PHILIPPINE ISLANDS.

Under an act of March 4, 1907, the Philippine Government was authorized to guarantee for 25 years a yearly income of 4 per cent upon private capital invested in agricultural banks and to be loaned to the Philippine farmer.

The passage of the law was all that it amounted to. The same thing happened there that will happen to any private profit-making land-mortgage bank scheme in the United States in those localities where the rate of interest now brings a larger profit than can be made by lending money through this kind of a mortgage bank.

In those districts where generally the demand for lower interest is not great the banks will not be established, and many a poor farmer not so fortunate as others will have no assistance.

The prevailing rate of interest in the Philippine Islands was so high that a guaranty of 4 per cent did not attract private capital, and none came forward to invest in the new mortgage-bank scheme. The result was that this guaranty law brought no assistance to those for whom assistance was intended.

On June 1, 1907, by act No. 1865, the Philippine Government, on the advice of United States Attorney General Bonaparte as to the constitutionality of the proceeding, established a Government agricultural bank and provided it with a capital of $500,000 from Government funds. This bank began operation in October, 1908. The minister of finance and justice in his 1910 report states:

> One of the good results already accomplished consists in the decrease of usury in the Provinces.

In that report the bank shows a total net profit of 31,477.18 pesos. In 1912, the report stated that the profit was 52,950.87 pesos. The bank had 12 agencies in 1912. (See also 1913 report.)

On February 3, 1913, a law was enacted by the Philippine Legislature which gave a monopoly of land-mortgage banks to some prominent bankers. This law seems to have been devised to exclude the Government bank. These bankers were those who refused to accept the 4 per cent guaranty and who opposed the Government loans. The Governor General refused to approve this law and it did not go in force.

These bankers were willing to do the business at a reduced interest rate after it was forced upon them by the Government bank. This is a concrete illustration of the spirit with which any private bank will execute a government policy.

Their whole purpose is profit and they care nothing for the public welfare.

In volume 26, Opinions of the Attorney General, page 593, in a letter transmitted to the Governor of the Philippine Islands, Attorney General Bonaparte reviewed authorities and precedents bearing upon the right, under the Constitution, to establish a Government bank and lend Government funds to our little brown brothers. Some people are of the opinion that we should do as well for our white American farmer.

These sufficiently specific instances of Government loans as practiced in European countries, which have had longer and more experience than ourselves in the battle for sufficient food, are enough to demonstrate the practicability of Government loans in the United States. I have shown that the practice of lending money to farmers is world-wide, of long duration, and profitable. It seems that any additional evidence to prove that Government loans to farmers is not new or novel or that it is salutary in effect would be unnecessary. However, I will add the testimony of our United States commission, which recently made its report of its labor in Europe to this Congress. I quote from this report:

> In every instance in Europe where Government capital has been granted to establish mortgage credit the results have been favorable to the agricultural interests of that nation.

It is strange to the uninitiated why these facts have not been more thoroughly dwelt upon by the many who have presumed to lead in the education of the public and our legislators toward the adoption of the right kind of farm credit system for this country. The first information officially promulgated in this country came from our French ambassador, Mr. Myron T. Herrick, who was instructed by President Taft to act as chairman of an ambassadorial commission investigating farm credit in Europe. In the ambassador's report much space is occupied by a quotation from a European writer known to be an antagonist of government loans. No space was given to the details of government loans which I have presented.

The ambassador, who is also ex-president of the American Bankers' Association, in speaking of what the American farmer needs and of Government aid, says:

> Fortunately for this country, he does not need it, nor would he accept it.

Since the ambassador's report was published the American farmer has plainly expressed himself as knowing what he needs and what he would accept. The American Grange in its last convention, at Manchester, Vt., passed a resolution indorsing Government loans. The Farmers' Union and the Grange sent their legislative committees to Washington, and they went before the committee considering farm credit legislation and supported Government loans to farmers on farm first mortgages.

Some have tried to make it appear that Government loans to food producers would be antagonized by labor and other food consumers in the city. How thoroughly they are mistaken is made very plain by the indorsement of H. R. 11897 by the American Federation of Labor in executive council assembled at Washington in January.

In a review of the Moss-Fletcher bill printed in the CONGRESSIONAL RECORD of January 29, in the face of the above declarations expressed by more than 2,000,000 farmers of this country, we read that—

> The farmers of the country do not desire any special privileges, and the idea of special privilege is, moreover, antagonistic to the spirit of our institutions.

It is true that the farmers do not ask for any special privilege, and it is also true that it is nearly time for all of us to learn that the farmers can tell us themselves what they do or

"do not desire." If they desire Government loans, they ask only a privilege now given to bankers.

This information of what the farmers "do not desire" comes in touch in the same review with a proposal to create a new system of farm-land banks and give to bankers the very extraordinary "special privilege" of exemption from taxation.

The authors of the Moss-Fletcher bill have strained the Constitution of the United States to the breaking point in an effort to remove the tax obstacle which must inevitably be a serious hindrance to the operation of any private land-mortgage bank.

A tax on mortgages of itself operates against a low rate of interest. Any tax upon the mortgage must be added to the interest rate. The injection into the scheme of bonds or debentures, necessary to liquefy mortgage security, creates a new taxable wealth and adds another factor tending to increase the interest rate. In other words, the tax on the mortgage plus the tax on the debenture must be added to the interest rate. In order to cure this difficulty these bills include in section 18 the most drastic demonstration of paternalism possible. It is distinctly special legislation for private profit.

For these so-called national farm-land corporations, which are private profit-sharing institutions in every sense, this section exempts from taxation their "capital stock and surplus therein and the income derived therefrom and the mortgages and deeds of trust and notes and bonds secured thereby held by said bank and the national land-bank bonds issued by the same."

This section repeals the income-tax law in its application to individuals who have income from these banking institutions and in its application to the income of the corporation itself. It renders nugatory the law of States which tax the capital stock of corporations. The tax exemption includes the profits of these banks and the profits of individuals who make their investments solely for profits, and who have no regard for the great national policy of conservation of agriculture and the perpetuation of our food supply.

These exemptions are totally without the warrant of a great national beneficence. The Nation might be justified in making these exemptions for the good of the whole people, but to make them for the benefit of a few bankers is special legislation of the rankest type.

If these tax exemptions are read into law, on what theory can this Government refuse to exempt the notes, bonds, income, and surplus profits of every other bank? The only theory upon which the assets of these private banks can be exempted from taxation is that they are instrumentalities of Government. The Supreme Court has long since declared the national banks are instrumentalities of Government. How can we refuse, then, to exempt them from taxation? The new banking and currency act has made these national banks more than ever the instrumentalities of Government and given greater reason why we may expect the national bankers to cry out for "equal rights."

If a private bank lending money to farmers in order to aid the production of food is an instrumentality of Government, is not the farmer who pays the profit on these loans and who actually raises the food also an instrumentality of Government? Why not exempt the farmers from taxation?

If the Moss-Fletcher bill should become a law, these banks will be permitted to receive general deposits, State funds, Government funds, may act as fiscal agent of the United States, and do "a general banking business as far as its current deposits are concerned."

The interest rate in these bills is uncertain. It will depend upon what the new class of debentures bring in the market. It is by no means sure that the rate will be lower than now. From 1886 to 1894 there were nearly 150 land-mortgage bond companies in the United States, and none of them are now left to tell the tale of mismanagement, dishonesty, and consequent low price of their bonds.

Suppose we take this great Government policy, of the utmost importance to residents of the city as well as of the country, and turn it over to private banking institutions, what will be the effect upon interest rates? What class of investors in these banking enterprises will have charge of the policy?

As a general class the money lenders of this country are responsible for much obstruction to agriculture. Many of them are the simon-pure shylocks of the country. These men know the open highways and underground routes to the money market. They know the lending game in all its sinister aspects and are further from being philanthropists than any other class of business men in all the world. They know the devious methods by which interest rates have been augmented by the cost of money and all the petty and tricky ways by which this cost has been increased to their profit. They know the laws forbidding usury have been circumvented in every State, and they know how to do it better than any other class of people.

From this class of people will come the investors in a private bank farm-credit plan if the bill suits them. They will be at the money counter, and their familiar faces will greet the farmer borrower wherever these banks are established. The main difference will be that they will represent themselves to their victims as possessing a brand of virtue duly certified and indorsed by the Government.

If the bill does not suit them and is not "for" them, they will not invest.

These people will care nothing for the Government policy intrusted to their tender mercies. Privately or as a part of the banking institution, they will be engaged in land deals and financing operations. Almost every financial institution having in charge the people's money is a center to which comes tempting prospects for profit to the persons who have the power to decide to whom loans shall be made, with the result that favoritism and the prosperity of the lenders, instead of the borrowers, will be the guiding factor in this decision.

What laws can we make that will prevent such a banker from telling an applicant that "the funds are all loaned up," regardless of whether they are or not, and turning the borrower into the clutches of one of these "side-line lenders" which are adjuncts of most of the banks of to-day?

What law can you make to prevent these bankers from forcing the borrower into the hands of certain surveyors, abstract makers, and lawyers where the same old game of raising the cost, if not the interest rate, will go on? If you can make such laws, an elaborate inspection force at the expense of our taxpayers must be builded up in order to enforce them—to watch the profit makers whom we are to trust to carry out the Government policy.

If by any means a private bank farm-credit institution could be organized and so inspected and regulated that the rate of interest will be low, I am of the opinion that there will be few investors in such a bank. Particularly would this be true in those locations where money is now being let at a high rate where relief is most needed, but where lenders get the greatest profit. To make a law which will not entice investors means that all this Federal Government will have done to carry out this important national policy is the mere making of a law from which no action would follow.

It will be in the same catagory as our present banking and currency bill, which depends for its success upon whether or not the bankers will conform to it. It will be in the same category, but possessing less force, for the reason it can have no control over private individuals and may not inflict any alternative upon them whatever should they choose not to invest.

Shall we lure investors into these new banks by giving them special privilege in the matter of exemption from taxation?

If farm credit can be solely conducted for the purpose of carrying out a national policy, and is not associated with private business for profit, it would be another matter and "public policy" would be sufficient ground for removing the tax from bonds and mortgages.

If it is not class legislation and paternalism to exempt from taxation the stocks, notes, bonds, income, and surplus of a private bank, who will have the nerve to say that Government loans to farmers is class legislation?

In spite of the most rigid regulation and inspection, some of these banks will fail and their debentures drop in value. When that occurs in one State it will affect the value of debentures in every other State, and even if the public confidence is won at the outset of this plan it will require but one or two failures in the whole country to seriously impair this confidence. Even though we put these mortgages, the security upon which the debentures are based, in the hands of a public trustee, the question of management still enters as an important factor into their value. The public will not be reassured of the value of a debenture merely because some official may stamp on its face the statement that the mortgages which the debentures represent are in his hands. Either public confidence or suspicion will rest upon the question as to whether the management that appraised the land against which the mortgage is given is honest and efficient or not. The public knows that we have had national inspection of national banks and other safeguards, but it also knows that national banks have failed because of both mismanagement and dishonesty.

What glamour will be thrown around this new style of bank that will gain more confidence from the public for them than is given to national banks?

It will not materially improve the market value of these debentures to make them legally acceptable as trust-fund investments. No law can be made that will insure the value of any

investment, and to pass such a law for the purpose of upholding the value of these debentures is very liable to become a cruel imposition upon and loss to the widows and orphans throughout the country.

The private-bank plan of farm credit is not a thoroughbred. It is part public policy and part greed. It can be nothing but an abortive attempt to hitch altruism with avarice.

The way to carry out a national policy is for the Nation itself to do it as nearly as possible and not turn it over to private interests as much as possible.

As a foundation for any farm-mortgage loan plan we should have a power with stability unquestioned now; not one requiring a generation in which to gain the confidence of the people and make the remedy efficient against the evil we wish to cure.

Such a power can establish at once the best possible market for the bonds or debentures required to liquefy mortgage security, at once solve the problem of tax upon mortgages and debentures, at once institute a low rate of interest and decrease the cost to the lowest possible minimum, at once provide an adequate supply of money at the lowest possible cost, at once place mortgage bonds upon a footing with the very best security known in the world, at once begin the work of relief aimed at all over the country instead of in a few places.

This power exists and is none other than the Federal Government. This is the central authority of the people. It is the apex authority covering all the units of cooperative government. If we wish to institute an effective farm-credit system, why should we defer wholly to the unrelated efforts of these units? Why should we suffer the long waiting for these units to coordinate on this great purpose when the apex authority can do it at once? These various units are free to perform this service as they wish, but the Federal Government should at least so act that the waiting for State action shall be a season of accomplishment and not one of procrastination, that the country may be covered by the policy in a complete instead of a desultory manner.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Illinois [Mr. WILLIAMS].

[Mr. WILLIAMS addressed the committee. See Appendix.]

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, "This is the day I long have sought and mourned because I found it not." For years before I became a Member of Congress I was an earnest believer in and advocate of the principle of Government aid for the improvement of post roads of the Nation. As far back as 1904, the first time I was a candidate for Congress, I pledged my people that I would stand for this principle, and I rejoice to know that this pledge is about to be consummated in the enactment of one of the sanest, wisest, and most beneficent pieces of legislation ever written upon the statute books of the United States. I remember well that in the Sixtieth Congress a little band of us who were in favor of the principle were denounced upon the floor of the House as being Socialists and almost anarchists for standing for this principle, and I am exceedingly glad to see the wave of public opinion roll on and on until at last the appeals of a deserving class of people are about to be heard in the enactment of the pending bill. This but demonstrates the rapidity with which great movements grow when public opinion gets behind them; it moves onward and upward with an ever irresistible rush that no power on earth can check.

I became a Member of the Sixtieth Congress, and soon thereafter introduced a bill proposing Government aid for the improvement of post roads, and introduced a similar bill at each Congress thereafter. It has been a pleasure to do what I could to aid and further the pending legislation. The bill proposes to expend an amount of money not to exceed $25,000,000 each year in "constructing and maintaining" the post roads of the United States, the States to share in it on certain conditions, one of the conditions being that the States must put a like amount of money into the improvement of the highways of the States. There are about 2,200,000 miles of post roads in the United States. To macadamize these roads, it is estimated, would cost $45,000,000,000, a staggering and appalling sum of money. Of this 2,200,000 miles of post roads, Indiana has approximately 67,000 miles. No one contemplates for a moment doing this work at once, or even in the near future. We realize the huge task and undertaking that lies before us in the improvement of the highways and that we must approach the question slowly, conservatively, but surely, with a firm basis on which to stand. The bill is designed to stimulate the States in improving their roads and to aid them to some extent. This amount of money, large though it is, yet is a small amount as compared to the amount the States and civil subdivisions of the States will put into the construction and improvement of their respective highways. It is hoped that the two working together, hand in hand, each putting a sufficient amount of money into the improvement of highways each year, in the course of the next decade or two we will see countless hundreds of thousands of miles of highway rocked and macadamized in the States.

Twenty-five or thirty years ago the State of Indiana recognized the necessity of improving its highways; it did not wait for Government aid, but boldly alone it launched upon this much-needed legislation. The legislature passed what is, in my judgment, the best road law to be found upon the statute books of any State in the Union, and I have read all of them. The board of commissioners in my State has charge and control of the highways, and under our law when 100 freeholders residing in the township petition the board of commissioners for the right to improve the highways in the township the board of commissioners refers it back to the people of the township; an election is held, and if a majority of the voters of the township declare in favor of the principle, then the law permits bonds to be issued upon the real and personal property of the township to the amount of 4 per cent of the value of the property. These bonds bear 4½ per cent interest, redeemable in from 1 to 20 years, and are not subject to taxation. Under this system the improvement of highways in Indiana has moved forward until to-day, in proportion as its population is to the population of the United States, and in proportion to its total mileage of rural post roads, it has more miles of improved roads than any other State in the Union. I recently addressed a letter to the Bureau of Good Roads in the Agricultural Department for data showing the total amount of bonds issued under our law during the last 20 years for the improvement of highways, and the total number of miles of improved roads in the State of Indiana, and their letter shows that Indiana has township and county bonds outstanding amounting to $53,904,392, and of the 67,996 miles of post roads in the State of Indiana we have macadamized and gravel roads amounting to 24,956 miles, more than one-third of the total amount of post roads in the State improved by local taxation. The average cost of building macadam or gravel roads in the State of Indiana is approximately $2,500 per mile. This has been a great drain and expense on the farmers of the State of Indiana, yet it has improved their condition more than any other legislation ever passed by the legislature of the State. Mr. Chairman, it is impossible to enumerate all the good that will ultimately flow from this legislation. Time alone must write this chapter in the future history of our country. If this work be continued in the future as I hope it will be, posterity will rise up and call us blessed.

The letters referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF PUBLIC ROADS,
Washington, D. C., January 22, 1914.

Hon. W. E. COX,
United States House of Representatives,
Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of January 20, in which you request information in regard to bond issues for roads and bridges by counties and townships in your State.

We have just completed the compilation of information on this subject, and I therefore take pleausre in furnishing it to you, as follows:

Total bond issues by counties and districts	$18,072,044
Total bond issues by townships	35,837,348
Total	53,909,392

This does not include all the bonds that have been isused in Indiana, for the reason that the bonds have been paid off in many instances and in some cases there is no record, except for bonds outstanding.

During the year 1912 various counties and townships in Indiana issued $2,385,143 for roads and bridges and during the year 1913 they issued $4,705,797. These figures are all subject to error, as it is almost impossible to get accurate information on this subject. Most of the bonds above referred to have been issued during the past 20 years.

Very respectfully,

P. F. J. WILSON, *Acting Director.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF PUBLIC ROADS,
Washington, D. C., January 28, 1914.

Hon. W. E. COX,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge your letter of January 26. Allow me to say in reply that the total mileage of roads constructed in Indiana from the bond issues mentioned in our letter of January 22—that is, $53,909,393—can not be furnished by this office. Complete returns have been received from a number of counties and townships from which it is found that the cost of roads built by the bond issues averages between $2,400 and $2,500 per mile. These returns are from an expenditure of $2,670,447 in 15 counties only and of $2,562,380 in 21 townships only. If this total expenditure in counties and townships of $5,232,827 at an average rate of about $2,432 per mile is taken to represent the average expenditure per mile on the entire amount of bonds issued, there should have been constructed apparently a total of about 22,000 miles of roads. I inclose for your information a list of the county and township bonds above referred to.

Our records show that there were in Indiana in 1904, 20,582 miles of gravel road and 3,295 miles of stone road and in 1909, 20,509 miles of

gravel road and 4,398 miles of stone road. Revised figures for 1913 indicate 24,956 miles of improved roads in the State, with a total mileage of all roads of 67,996. It is quite probable that the figures of mileage for 1904 were too large. In any case, however, it would appear that somewhat more than 20,000 miles of gravel and stone roads may be taken as an estimate on the mileage constructed with the total bond issues.

With reference to the 4 per cent tax feature, I assume that you refer to the percentage of total valuation which must not be exceeded by all bonded indebtedness in any township, according to sections 7725–7732 of Burn's Annotated Statutes of Indiana for 1908 and amendments of 1909.

Trusting that I have in some measure answered your inquiry and that you will call on me for further information if you need it, I am,

Very respectfully,

L. W. PAGE, *Director.*

Counties and districts giving complete mileage returns of roads built from proceeds of bonds.

INDIANA.

Counties and districts.	Total amount voted to Jan. 1, 1914.	Miles of road built and planned.			
		Gravel.	Macadam.	Bituminous macadam.	Total.
Adams	$151,550	.....	36.90	.....	36.90
Allen	53,840	.....	10.34	.....	10.34
Boone[1]	223,260	104.50	.....	.....	105.00
Cass, districts 1 and 3	112,425	12.00	15.00	8.00	35.00
Davies	90,000	27.00	3.00	.....	30.00
Delaware	100,000	20.00	10.00	.....	30.00
Gibson	77,300	.....	20.00	.....	20.00
Hancock[2]	273,500	76.50	.50	.....	77.00
Henry	44,269	21.50	.....	5.00	26.50
Jay	50,370	6.50	9.00	.....	15.50
Martin	189,881	84.54	.....	.....	84.54
Miami	636,656	204.38	9.65	.....	214.03
Morgan[3]	341,200	273.00	75.00	.....	348.75
Union[4]	60,000	14.00	6.00	.....	20.00
Vanderburg	266,196	.....	60.00	.....	60.00
Total	2,670,447	843.92	255.39	13.00	1,113.56

[1] ½ mile brick. [2] Bridge bonds, $25,000. [3] Brick road. [4] ¾ mile.

Counties and townships giving complete mileage returns of roads built from proceeds of bonds.

INDIANA.

Counties and townships.	Total amount voted to Jan. 1, 1914.	Miles of road built and planned.		
		Gravel.	Macadam.	Total.
Bartholomew:				
Flat Rock	$55,500	18.50	.....	18.50
Wayne	35,240	17.00	.....	17.00
Clay, Sugar Ridge	345,726	343.00	.....	343.00
Daviess:				
Reeve	21,000	5.00	.....	5.00
Washington	913,988	295.62	.....	295.62
Gibson:				
Center	48,400	.....	13.0	13.00
Johnson	69,600	.....	16.0	16.00
Montgomery	171,620	.....	41.0	41.00
Wabash	21,000	6.50	.....	6.50
White River	85,830	.....	22.0	22.00
Hamilton:				
Fallcreek	25,931	20.00	.....	20.00
Washington	65,691	35.00	.....	35.00
White River	86,985	50.00	.....	50.00
Henry, Franklin	14,000	6.00	.....	6.00
Huntington, Jackson	32,425	8.00	3.0	11.00
Knox, Vincennes	189,360	90.00	.....	90.00
Madison, Fall Creek	6,247	2.50	.....	2.50
Marshall, Bourbon	28,500	.....	8.5	8.50
Shelby, Shelby	126,097	33.50	.....	33.50
Wayne:				
Franklin and New Garden	7,180	2.00	.....	2.00
Green	12,000	.....	2.5	2.50
Total	2,562,380	932.62	106.0	1,038.62

Prepared by Office of Public Roads, January 27, 1914. Subject to revision.

Mr. COX. The farmer has not besieged legislatures of the States, nor has he sought special favors at the hands of Congress. They have been content with their daily toil, and have gone on, moved forward, trusting these questions to their representatives. Living, in a measure, an isolated life, most of the time far removed from the great centers of population, they have been too busy devoting themselves to the cultivation of the soil to pay but little, if any, attention to the legislation pending here or in other legislative bodies throughout the Nation. Other interests have been diligent in seeking, and often procuring, special legislation inuring to their direct and immediate benefit. For half a century the manufacturers of the country sought and importuned Congress for a high protective tariff, arguing and advocating the doctrine that they were unable to compete with foreign competitors unless their industries were "hothoused" and protected by high protective tariff; and in order to maintain this unjust and inequitable policy their representatives for half a century besieged Congress to protect them and their infant industries, as was shown by the startling disclosures in the recent Mulhall investigation, showing that tremendous sums of money were annually raised and a powerful lobby maintained at Washington at each session of Congress, especially when a revision of the tariff was under consideration; and I am sorry to say that Congress, yielding to these insidious arguments of the manufacturers, permitted to remain upon the statute books a law which gave to them direct and immediate benefits, increasing their profits and dividends upon their capital invested at the expense of the enormous class of people living in the country.

Special interests have been diligent in seeing to it that laws were enacted both by the legislatures of the States and Congress of the United States that would inure to their immediate benefit. This has ever been in rule in the past, and I fear will continue to be the rule; but through a master stroke of President Wilson, in uttering one sentence, "Lobbies—of course everyone knows there are insidious lobbies maintained at Washington"—from that day the business of the professional lobbyist has become unpopular, and, thank God, he has almost disappeared.

Special interests sought and procured aid in the building of great trunk-line railroads in this country in the past, and between the years 1864 and 1882 no less than 155,000,000 acres of land were given away to aid in the construction and building of trunk-line railroads in the West and Southwest which, if the people owned to-day, would be worth countless billions of dollars. This but shows how special interests, well organized, quick, and alert to look after their own interests, can forge ahead and profit at the expense of their less fortunate kinsmen who are unorganized, living remotely in the country, and paying no attention to legislation. It is now and has been for some years the custom of Congress to appropriate approximately $50,000,000 per year to improve the rivers and harbors of the Nation, and yet the rivers and harbors would be useless as arteries of commerce were it not for the farmers' commodities to be shipped thereon.

We have now completed the Panama Canal at an approximate cost of $400,000,000, the cost and upkeep of which will be a tremendous burden upon the taxpayers of the Nation for all time to come. I am not criticizing the building of the canal, but the country people have patiently borne their part of the cost of this great project, with only an indirect benefit in return. Each year Congress appropriates approximately $100,000,000 for the maintenance of the Army and $150,000,000 for the upkeep of the Navy. These tremendous sums of money must be paid largely by the farming element of the Nation, and can only be paid by taxes imposed upon them directly and indirectly. While taxation has fallen upon all the people, yet special interests, ever looking to their own welfare, have ever been on the alert in having a large proportion of the taxes appropriated in some way and some manner to serve their use and benefit. The argument is made, "We need an Army and a strong Navy to protect the trade and commerce of our Nation," and yet the trade and commerce of the Nation is largely made up of the farmer's commodities, raised by him upon his farm, and the system of levying taxes and making appropriations has gone on in some degree throughout the last century without a corresponding equitable distribution of the appropriation so made as to serve all the people as nearly equitable as possible. While the system of levying and collecting taxes has been on both sides of the ledger, yet I believe the system of appropriating the money has largely been on one side, and that one side represented by heretofore largely protected interests. This system has gone on in some degree for a century, and during this period of time our fathers and forefathers living in the country meekly and mildly submitted without a murmur or protest upon their part, and continued to pay tribute in the way of taxes for the support and maintenance not only of governmental functions, but in many cases purely private enterprises.

Is it not time that we turn and look to the interest and welfare of this class of people by aiding them in improving and maintaining their highways? To improve and maintain the highways of the States is a task too big, huge, and tremendous for the States to accomplish themselves, and they ought to have aid and assistance along this line from the Government. Each one that uses the highways in a State is taxed to maintain them, and as the Government of the United States uses these

highways as post routes six days out of each week, and every week in the year, it is but fair and just that the Government contribute a small part not only to the construction of these roads, but their maintenance as well. Mr. Chairman, if the rivers would cease to flow, and if the railroads were destroyed, so long as we had highways over which our farmers could haul their produce to market no one in the great centers of population would suffer the pangs of hunger for a minute, because the farmer, with his energy, thrift, and industry, would see to it that his produce was hauled there by wagons and teams. The farmers during the last decade have become prosperous, and I rejoice to know it, but they have not become prosperous as the result of legislation inuring to their immediate benefit, but they have become prosperous in spite of legislation, as well as in spite of conditions. [Applause.]

For a quarter of a century every campaign has been fought on the tariff question with occasionally an incidental side issue thrown in. I have believed for years that the real question in this country was and is the country-life question. I believe and have believed for years that this is and was the foremost question of the day. We are confronted to-day with a frightful if not dangerous condition of affairs in the Nation. We behold cities far outgrowing in population the country, a danger signal to any nation. Another danger, the boys and girls of the country, tired of isolation, tired of country life, desirous of improving their social welfare, are daily leaving the country and in streams pouring into the already overcrowded cities. How to overcome this, and induce the boy and girl to remain in the country upon the farm, and how to teach them to produce more of the necessaries of life is, in my judgment, the supreme question of the hour and far eclipses, as an economic question, all the trust and financial questions combined. If we will look more to the country life, improve conditions among the farmers, induce the boy and girl to remain there, and make their homes in the country for the future instead of leaving it, and going to the cities, in a few years they will solve all the trust and financial questions of the country that need be solved by growing larger crops, bringing bounty, peace, happiness, and prosperity not only to themselves but to a grateful population living in the cities.

For quite a while great automobile manufacturers and automobile owners have conducted a strenuous campaign at a tremendous cost to induce Congress to build a great automobile road from ocean to ocean, and from the Lakes to the Gulf costing not less than $200,000,000, on which the "idle rich" can spend their "idle time," and conceive plans and schemes whereby they can get more ill-gotten gains from the toiling masses of the people. Mr. Chairman, I am unalterably opposed to this, under any and all conditions, and under no circumstances whatever would I ever vote one dollar for such a measure as this. The man I want to help, aid, and assist is the man wearing "blue overalls" and "brogan shoes," who, with his shovel, his hoe, and his plow, toils 16 hours every day in order to benefit not only himself but to raise bountiful crops, thereby alleviate suffering, want, and misery in the cities of the Nation. This is the fellow I want to help, and this is the fellow this bill proposes to help. Under it Indiana will get, if enacted into a law, approximately $1,000,000 per year to aid in the construction of new roads and in maintaining the roads already constructed under the law of Indiana. Section 3 of this bill proposes to aid the States in the construction of new roads, while section 4 proposes to aid the States in maintaining roads already improved, and under the pending bill it will be up to the governors of the respective States to elect whether they propose to accept aid to construct new roads under section 3 or aid to maintain roads under section 4 of the pending measure, or he is given the option under the pending bill to select aid for the construction of new roads or for the maintenance of roads already constructed, or both. [Applause.]

If the governors of the States propose to accept, under section 4 of the proposed bill, all macadamized roads will receive $60 per mile per year, and all gravel and shell roads $30 per mile per year, and all dirt roads $15 per mile per year for their maintenance. If enacted into a law, this bill will, in my judgment, go further toward overcoming dangerous conditions, and forces now at work in this country than any other legislation ever attempted by Congress. I believe it will stop, or at least have a tendency to check, the rapid decrease of population in country life, and induce the people to stay, and remain in the country. The farmers are to-day the financial masters of the Nation. This was demonstrated in the panic of 1907, when Wall Street, without a moment's warning, brought on a bankers' panic, and practically all the banks of the Nation suspended payment. This condition lasted until the farmers' crops went abroad, and when they reached foreign soil ships could scarcely haul the gold back to this country, and when it reached America Wall Street immediately surrendered, and we heard no more of the panic.

The report of the Secretary of Agriculture shows that the total value of farmers' commodities last year was upward of $9,000,000,000, a sum of money so large that no mortal mind can comprehend it. This sum represents ten times the total capitalization of all the national banks of the United States, nearly one-half of the total banking power of the United States, and nearly two-thirds of the total value of all the steam railroads in the United States. These commodities had to be hauled to market, the average haul being about 9½ miles, and they had to be hauled over highways many times almost impassable on account of mud; yet the farmers by their industry succeeded in getting their produce to market, but at a tremendous cost to them. The countries of France and Germany years ago recognized the necessity of improving the highways of their respective nations, and the Governments of these countries freely gave large sums of money to aid the rural people in improving their highways, and for this reason the highways of France and Germany far exceed in importance and usefulness the highways of our Government, although we have the richest and most powerful Government upon the earth.

The country constitutes God's great reservoir where the strong, virile, fighting men and women of the world live, and from which we must draw. Their very lives represent a spirit of independence and against dependency. The country man and woman have always maintained high ideals of life; they have been sound in thought and prompt in performance; they know no cunning treachery or trickery, but to them life is a stern reality, and everything cold facts. They can be depended upon at all times to do their duty to their country, their family, and their God. This class of people represents the great conservative element of the Nation, not moved off their feet by every will-o'-the-wisp, but coolly and deliberately they calculate from cause to effect, and it is to them this country must look for its future endurance. The history of the world demonstrates that the rural people never destroyed a nation that ever fell, and no nation in the past ever fell until the country became depopulated and the cities overcrowded, and as a Nation we are driving at breakneck speed to the danger signal along this line when we behold countless millions of acres of valuable land in this country lying unsettled, and untilled to-day, and, on the other hand, see the abnormal growth of the great cities of the Nation. There are so many questions entering into this subject that I am at a loss to know where to stop, but I will conclude as I began, that this marks the beginning of a new dawn, the era of a righteous awakening, the hearkening of a wise appeal, the listening to the voice of justice, in granting this small mite in the way of an appropriation to a deserving class of people.

I hope the bill will become a law. [Applause.]

Mr. PROUTY. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. TOWNSEND].

Mr. TOWNSEND. I desire, Mr. Chairman, to diverge from the interesting discussion of good roads to present some facts of vital importance relating to industrial conditions in the country at this time. I do this because Members have lately risen in this Chamber to give prominence to alleged facts designed to prove, if they were indeed facts, that industrial and commercial conditions are suffering from effects caused by the operation of the new tariff law and by other laws passed by this Democratic Congress.

Mr. Chairman, there is not in the United States an important manufacturing city which is a better index of industrial and manufacturing business conditions than is the city of Newark, N. J., which I have the honor in part to represent. Its manufactures are greatly varied, and few of them produce articles which do not appear upon some of the tariff schedules. If the new tariff were to result in a diminishing product of manufactures, as has so emphatically been asserted by gentlemen on the other side of this Chamber, then in Newark, first of all the important manufacturing centers, that unfortunate result would have been observed.

Let me preface my relation as to that by stating some very significant facts concerning Newark's manufactures. In that city, Mr. Chairman, there is invested in manufactures more than $160,000,000; there are employed more than 60,000 skilled operatives, who are paid more than $45,000,000 annually in wages. The manufactures of Newark use raw material annually valued at about $125,000,000, and they turn out finished products valued in the markets at over $210,000,000. I have spoken of the variety, the great variety, of the products manufactured in Newark, and an idea of that is suggested by the

fact that in that city there are about 2,000 establishments using power and employing more than 10 hands, the units, I believe, used by the Census Bureau in classifying an establishment as a manufacturing plant.

One day this week the local press of Newark chronicled an unusual occurrence, the assemblage at the city hall of a crowd of unemployed, demanding employment of the mayor. This created the impression in some places that Newark manufacturers were laying off operatives, and comment based upon that assumption appeared in some newspapers hostile to the Democratic tariff. That was not the cause, but the cause was not far to seek. Newark is a pleasant abiding place; it has beautiful parks; it supports many excellent places of amusement; its people are kindly and generous, and for these and other reasons unskilled laborers laid off from employment in neighborhood work, which can not be conducted in winter weather, gather in Newark, as they do for similar reasons in other large cities during the winters.

But the impression having gone out that this gathering of the unemployed resulted from the discharge of operatives in manufacturing establishments, a local newspaper, the Newark Evening News, conducted a thorough and painstaking investigation to determine the facts.

Before giving the results of that investigation, Mr. Chairman, it is proper that I should state that the paper I have mentioned, although independent in politics, does not invariably honor itself by expressions of esteem for the political principles which I advocate.

I now read some very informing extracts from the paper I have named:

A canvass of the largest industrial plants of the city discloses the fact that whatever destitution may exist or is threatened is confined principally to the unskilled-labor class. This same inquiry also disputes statements made by leaders of the unemployed regarding the number of hands laid off in different plants.

* * * * * * *

It was declared before Mayor Haussling by Edward Redler, as spokesman for several hundred men out of work, that at the Westinghouse Electric & Manufacturing Co. employees were being laid off 200 and 300 at a time; that at the Splitdorf plant, manufacturers of electrical appliances for the automobile trade, in High Street, 300 men were dismissed last week; and that no one could get a job at the Edison plant, in West Orange, if he were to get down on his knees and ask for it.

REDLER WAS MISINFORMED.

Investigation indicated that Redler was misinformed. In fact, the manufacturing plants of the city are working to their full capacity.

* * * * * * *

The superintendent of the Westinghouse plant said that business there was normal and that the season was not considered dull. About 2,000 employees are carried on the pay roll, he said, which means that the factory is working to its full capacity.

* * * * * * *

The business of the company is in no way affected by the tariff, and trade was said to be good.

At the Splitdorf plant it was declared that the full force of the factory—1,000 men—were being kept busy and that business was normal. It was positively denied that any 300 men were laid off there last week. Not more than three or four have been laid off at a time, the superintendent said, and the period of nonemployment in such cases was short.

For the Edison Phonograph Co., in West Orange, the superintendent stated yesterday that there were 3,600 hands employed there steadily, and that from 20 to 30 new hands were taken on every day. * * * Business is good, he said, although the company's product is a luxury. In the Edison storage-battery plant it was true, he said, that about 600 men were laid off a month ago during a dull season, but these hands are being taken back in large numbers and in another month they will all be back, it was said.

PLANTS IN FULL BLAST.

The leather trade in this city is being kept busy, according to reports from some of the leading manufacturers. While there may not be enough orders coming in to keep all the factories running up to their full capacity, none of the plants have laid off men, it was said, but have kept their full forces at work turning out leather which is stored away. There is every indication, it was said, that in a few weeks business will become so brisk that the trade will be overtaxed. It is to meet this anticipated demand that the manufacturers are storing their goods.

Johnston & Murphy, the shoe manufacturing concern, is working a full force full time, and it was declared at the factory that the other shoe manufacturers in this city and down East are experiencing a good season with brighter prospects for the future.

Weingarten Bros., corset manufacturers, are running on full time with a force of nearly 1,500 hands. Their sales for January were away ahead of those for the same month last year and they report that buyers from all parts of the country are placing big orders. Other concerns in the same line report business conditions to be good, too.

The hat business is reported to be good and no hands have been laid off in the big plants. Whitehead & Hoag, manufacturers of celluloid buttons and novelties, have between 750 and 800 employees on the pay roll, working full time, although this is the dull season. A year ago the force was much less.

This is the slow season also for the jewelry trade after the holiday months, but business is said to be normal for the time. Very few jewelers are out of work, although the time has been shortened in several places. In other plants that have no particularly dull season conditions are either reported up to the standard or better than usual.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Colorado [Mr. SELDOMRIDGE].

Mr. SELDOMRIDGE. Mr. Chairman, I would be indifferent to the needs and wishes of the district which I represent if I did not express my cordial support of this measure. I believe it will prove a powerful factor in developing the great agricultural sections of the country. It will not only stimulate growth of population, but it will also increase the development of farms and their production; it will also contribute greatly to the ease and comfort of rural life. The State which I have the honor in part to represent has within its confines a large area of public land which is still open to homestead and settlement. It is a State of magnificent distances, and it is necessary that the farmer should be brought into immediate and easy access to the markets for his products. I believe that this legislation will contribute very materially to the settlement of our public domain in the Western States, and that it will encourage the expenditure of State money in the development of roads.

The large and increasing use of the motor vehicle is doing much to focus attention upon the necessity for road development in all parts of the country. We have just begun to realize what an important factor the country road is in the distribution of our food supply and in the settlement of our farming areas. The time is past when we can expect American youth to embark in agricultural pursuits unless the comforts and conveniences of city life are in some measure realized. Well-built and properly cared for highways connecting cities, towns, and villages with the country population will do much to develop community interest. Not only will these provide the farmer with a larger variety of social life, relieving to some extent the monotony of farm employment, but it will give him that contact with friends and neighbors which is so necessary to stimulate thought and enterprise. The time is past when the farmer must live to himself. He should be thrown into constant fellowship with his fellow farmers; there should be a comparison of ideas and a stimulation of effort which can only grow out of association and intercourse. Given quick and easy means of communication, we will soon witness a noticeable development in agricultural wealth.

We rejoice as citizens in the splendid advance which our Agricultural Department has made during the past 25 years in the dissemination of information which means so much to the farmers. There is a widespread quickening of interest in all agricultural lines, and the farmer has learned that there is just as much brain as there is brawn to be employed in the proper conduct of his farm. This general distribution of agricultural information not only by the General Government but through the regular channels of the State agricultural colleges, while it has accomplished much of benefit to the farmer, yet vastly more good will be derived when this information can be practically demonstrated in its application. It is, therefore, quite essential that our agricultural population should be more and more thrown together for the interchange of ideas and for the consideration of questions directly affecting the output of the land and the economic welfare of our great farming population.

The good-roads movement is, therefore, a great economic necessity.

I confidently predict that no expenditure of money will yield so large a return to the Nation in practical benefit as the money which is being appropriated by this bill. The farmers of the Nation have been taxed for many years to deepen the harbors, to widen the channels, to construct fortifications, to build lighthouses, and to provide in many ways for the development and enlargement of the trade of our great manufacturing centers and our seaport cities. Is it not, therefore, necessary and timely that the Nation should now devote a portion of her great revenue to the building up of our internal highways, stimulating the productivity of the land, and bringing to our vacant farms and unsettled areas a population that will be permanent and contented? The life of the farmer is a strenuous one at best. His income is affected by causes largely beyond his control. Drought, hail, and flood may visit him and wipe out the fruit of the toil of many months. He may see his market congested and the price of his product forced below its natural level through manipulation of speculators and gamblers. Should not more thought and attention be given to his material needs, and should we not seek in every way to protect and foster his interests?

The construction and maintenance of good roads will not only develop and enlarge the postal facilities of the Government, but it will bring the farmer into closer contact with his markets, and thereby increase the income of his labor. If we can in any way reduce the time that is consumed by our farming population in going to and from markets over public roads, and thereby increase the number of working hours upon the farm, is it not fair

to conclude that the product of the farm will show an appreciable increase?

I not only believe that this legislation will be of great benefit to our agricultural population, but it will also be of equal benefit to those living in the towns and cities.

It is only in recent years that many of the States have recognized the necessity for a more general treatment of the public-road problem by providing for the creation of State highway commissions and in the adoption of uniform systems of road extension and maintenance. This policy has required a larger outlay of public funds, and the people have willingly borne the increased amount of taxation for public roads, realizing the benefit to be derived therefrom. The time is past when the farmer should carry the larger share of this taxation, and it is now recognized that the burden should be equally distributed throughout the Commonwealth, and by this bill it is in some measure to be placed upon the Nation.

The farmer has not been the sole beneficiary of the good-roads policy. The cities have begun to reap the benefits of this movement. There is a widespread campaign throughout the entire country for better roads leading to and from the cities. To the extent that these roads are improved and the conveniences of travel developed, to that extent will there be a freer movement of local commerce. The better provision we make for quick and easy communication between the farm and the city, to that extent have we solved some of the food-supply problems which are now of great concern to those who live and labor in our cities.

Not only is the problem of city life affected by the character and condition of roads leading directly into the city, but it is also affected by the character and condition of roads which are far removed from the city and which only connect the country districts with the railroad shipping points. These roads, while they bear no direct relationship to the city and have no connection therewith, yet they have a vital relation upon the quantity and quality of the city food supply. This question is not a local question in any sense; it is national and general. It is in every way worthy of the attention of Congress.

So far I have considered this question from an economic viewpoint. I now desire to briefly refer to another phase of the good-roads movement, which I think is equally important. It is too early for us to properly value the benefit of the good-roads movement in its effect upon the health of those who live in our cities and who have the means to enjoy open air traveling over public highways. While it is true that this pleasure is given to only a limited number of our population on account of the expense involved, yet the motor car has taken many thousands out of the confinement and narrowness of city life to enjoy the freshness and invigoration which comes from out-of-door activity. It has also contributed to the growth and enlargement of suburban sections and has added much value to property adjacent to the large cities.

This movement has not run its course; it will grow with each passing year. Improved methods of road construction will be ascertained, and the time is not far distant when there will be great overland highways extending north and south, east and west.

The State of Colorado has been one of the first to realize the benefits that follow the construction of good roads. We have so much to give the tourist in the way of scenery of mountain, valley, and plain that we are beginning to appreciate the great asset which this scenery is to us. Our State highway commission is engaged in the development of a comprehensive scheme of road extension and construction. We offer to the tourist the most attractive and seductive journeys over our snow-clad summits and through our deep winding valleys and tortuous canyons. I covet for the membership of this body no greater pleasure than to afford them a journey over the plains and mountain roads of our Commonwealth.

In speaking as I have concerning our Colorado roads I do not desire to make any envious distinction in our behalf. I am sure that other Western States have much to offer the tourist and sight-seer along the line of well-constructed and properly maintained highways.

During the year 1913 the State of Colorado appropriated $584,200 from the State road fund, to be expended among the various counties of the State as those counties expressed a willingness to participate in this fund by appropriating from their own treasuries. In addition to the amount above named the counties appropriated the sum of $437,100. The State is divided into five districts, so that during the past year there was an apportionment made of $1,021,300. Of the apportionment thus made there was expended during the year the sum of $791,000, divided as follows, according to the report of the State highway commission, which I append:

Work was in progress on 1,600 miles of State roads in grading and ditching, at a cost of about $350 per mile	$560,000
There has been 80 bridges constructed of all sizes, from 15-foot slab up to a 540-foot bridge, at an average cost of $1,800 each	144,000
There has been 900 culverts of all kinds placed, at an average cost of $30 each	27,000
There has been about 50 miles of State roads surfaced with gravel, shale, or sand clay, at a total cost of about	60,000
Making a total expenditure for the season of	791,000

There is a balance of $136,799.92 remaining to the credit of various counties, and of this approximately $36,000 will be used before the spring work opens in 1914, leaving about $100,000 of State funds for work which some counties were unable to complete this season.

This gives $447,400.08 of the State fund as expended this season up to November 30, 1913, and about three-fourths as much of the county funds, making a total expenditure of about $791,000 this season on the State-road system.

The cost of administration of this fund was a little less than 3 per cent.

In order that some idea may be had as to the general character of work performed under the direction and supervision of our State highway commission, I attach the following extract from its report:

During the past season work has been in progress on the main passes, as follows:

On Berthoud Pass, in Grand and Clear Creek Counties, the road was improved.

On Tennessee Pass the road in Lake County is in splendid shape, and work is in progress on the Eagle County side.

On Independence Pass work has been in progress in Pitkin County, and this road in Pitkin County will be completed during this coming season.

On Monarch Pass work has been in progress in both Chaffee and Gunnison Counties.

The Poncha Pass Road is now open for travel and is in very good condition. This pass has had considerable work done on it this year in Chaffee and Saguache Counties.

Cochetopa Pass is practically opened in Saguache County, and will be completed from Gunnison by the end of this coming season.

Work has been in progress on the divide between Creede and Lake City, in both Mineral and Hinsdale Counties.

On Elwood Pass the road has been completed within 2 miles of the top on the east slope, and to the foot of the hill on the west fork on the western slope.

Work was in progress all season on the road from Silverton to Ouray, and also on the Durango Road, and a good part of the most difficult construction was completed.

La Veta Pass Road has been improved in both Huerfano and Costilla Counties.

On the north and south highway work was in progress in Larimer, Adams, Arapahoe, Weld, Douglas, El Paso, Pueblo, Huerfano, and Las Animas Counties, in fact, all along the line.

On the Platte Valley river road work was in progress in every county—Sedgwick, Logan, Morgan, Adams, Weld, and along the branches through Phillips, Washington, and Yuma.

On the Rainbow Route good progress was made on the piece of road between Cotopaxi and Parkdale, and the road between Gunnison and Montrose was opened over the Blue Mesa. Considerable work was done on the Black Mesa Road by Delta, Montrose, and Gunnison Counties.

Every county in the State, in fact, without a single exception, was busy with road improvement during the season, and an immense improvement is shown in the work.

Besides the work of preparing plans and specifications for the bridges, grading, and surfacing, and other work, surveys, maps, and profiles have been examined and filed; monthly statements of expenditures from every county in the State have been received, checked, and vouchers for the proper amounts issued to the State auditor.

Bulletin No. 3 has been written up and issued to the various counties.

General letters have been sent to the counties concerning camping grounds, and the proper methods of keeping account of expenditures on road work and proceedings of the Road Builders' convention at Pueblo have been writen up and will soon be issued in proper form.

In addition to the foregoing work the forestry officials have expended on roads in this State approximately $20,000 of a special appropriation made by the last Congress. This work has been done in Saguache, Rio Grande, Clear Creek, Lake, Pitkin, Grand, and La Plata Counties. The forestry officials have acted in full accord and harmony with this department in all their work, and the State can receive additional assistance during this coming season from this same source.

The total mileage of all roads in the State of Colorado is 30,571.

Not only has the State recognized the value of good roads through legislation enacted and the appropriation of State funds, but the movement is being supported in our Commonwealth by the enthusiastic indorsement of civic and commercial organizations. Every community of any size has its board of trade and chamber of commerce in which the good-roads matter is most frequently and profitably considered. There has been a generous spirit of cooperation in all sections of the State, and there is every promise that, with the Federal aid afforded through this bill, that the roads of the State will be greatly increased in number and improved in maintenance. I desire to quote briefly from the issue of The Motor Age, published in Chicago, of November 14 last, concerning the attractions of a motor tour through the mountain regions of Colorado:

Volumes have been written on the scenic attractions of Colorado, but almost nothing said about these wonders in relation to the motor tourist. Thousands of tourists have seen Colorado by train and,

wonderful as some of these trips are, they can not be compared with what may be seen from the motor car. Of course, this statement will hold true in almost any section where it is possible for a car to go, but none the less the difference in Colorado is so marked that anyone who has had the opportunity of seeing the scenic wonders of that State from both viewpoints will agree that the train offers nothing more than a fleeting glimpse.

The number of canyons, passes, gorges, roads, etc., that are open to motor travel are almost unlimited, and the wonderful thing is that every one has some distinct feature that makes it almost entirely different from all others.

SURPASS THE ALPS.

Each day's journey will bring fresh and thrilling vistas. Nowhere, not even in the Alps, can the motorist view from his car canyons to compare with those of the Arkansas, the Gunnison, or the Grand, nor can he view snow-capped peaks to equal those of the Saguache or Sangre de Cristo Ranges. No other State has so much to offer the tourist in variety of scenery as has Colorado.

To those who have never seen the Rockies it is impossible to picture, even with the best photographs, the mountain landscape of the rocks with their tremendous heights and depths. To every true American the motto "See America first" should call to him above all else, and the car owner has an opportunity to see America which far surpasses every other means for tourist travel. There is something so big about these mountains of enormous heights with their snow caps that no one with red blood in his veins can see them and not feel the uplifting, inspiring influence. It has been truly said, once see the Rockies in all their grandeur and you will always feel them drawing you back.

Some people who have the best interests not only of Colorado, but all North America at heart wonder why it is that so many tourists flock abroad each summer, more and more of them in recent years making a tour abroad in their machines. The simple answer is accessibility and accommodations well advertised. These two features abroad have not only been well taken care of and advertised, but made an asset in every possible way. The tourist going through France or Switzerland finds not only wonderful road conditions and accommodations at frequent intervals, but that the people are catering to the tourist.

TOURING FACILITIES UNKNOWN.

If careful inquiry is made into the subject it will be found that these two reasons are the most important in drawing tourists abroad, whereas most people believe that the real primary reason is scenic attractions. Attractive scenery is what might be called the talking point to get people into any section. But this can not be used as an argument for Americans going abroad, as America has some of the most attractive and the greatest variety of scenery in the world. If this condition were admitted, then why the continued travel abroad? Simply because, as far as the motorist goes, the movement for good roads has made real progress, particularly in the Rocky Mountain States, only during the last 18 months.

Two or three years ago it would have been something of a stunt to drive an automobile from Denver to Grand Junction, Colo.; to-day there are two or three routes open to the tourist, and by next summer the needed improvement along these in certain sections will put them on a par with other good roads in America.

SURFACED WITH GRANITE.

Although not macadam, a considerable part of them are surfaced with decomposed granite or a hard shale clay, either one of which withstands wet weather remarkably well. Most of the cliff roads, i. e., roads literally cut out of the mountain side and almost overhanging a river anywhere from 25 to 2,000 feet below, either have turnouts at very frequent intervals or are made sufficiently wide to allow passing at any point.

There are a great many such roads in the State. Although they require careful driving due to their winding nature, which will not allow the driver to see very far ahead, and also on account of their short, steep grades, they can all be made by an ordinary car. No tourist who thoroughly enjoys mountain scenery will care to go fast because the view is changing every second. Some of the most wonderful and picturesque views of snowcaps are to be had while driving on a narrow gorge road and the view will suddenly open up at a turn of the road at most surprising times; one truly wants four pairs of eyes.

ROADS GENERALLY FINE.

Too much can not be said about the road conditions in Colorado as compared with other sections open to motor travel. Although not boulevards like some of the newly constructed roads in the East, the number of miles that are affected by wet weather is remarkably small. Furthermore, the rainfall in Colorado is almost a minimum, particularly during the touring months. On only two days of our whole trip did we go over roads that would have been anywhere near impassable in wet weather, and both of these sections will be materially improved for the summer of 1913. Everyone of our party on completing the trip unequivocally stated that he would rather make the trip from either Denver, Colorado Springs, or Pueblo for Grand Junction than travel over almost any other equal distance in the United States.

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Another thing of vast importance to Colorado as a tourists' State is the climate. First, there is very little rain; this is particularly true between April and December. The number of clear, sunshiny days is almost the maximum. The atmosphere is wonderfully clear and, as nearly every one knows, the distances one can see are understood clearly only by those who have actually visited in the Rockies. Most of the nights in the hottest weather are cool, and way into late October the days are warm enough, except in the very highest altitudes, to travel in a machine without an overcoat. This is no doubt due to the dryness of the air.

TENNESSEE PASS.

In crossing the continental divide between Leadville and Glenwood Springs the motor tourist crosses from the Atlantic to the Pacific slope over Tennessee Pass, one of the lowest and most accessible roads over the Rockies, with an altitude of 10,276 feet. Although very heavy snowfalls may take place and block the pass to travel as early as September, this same snow very seldom stays more than a day or two until late October or November. Although the crossing here is at an altitude of nearly 2 miles, approaching the pass from Leadville one hardly notices the climb, as it is a gradual ascent of about 2,200 feet from Buena Vista. Members of the recent pathfinding trip who went through the pass found it to be one of the most interesting features of their most enjoyable trip through Colorado. The rugged scenery appealed to them strongly, while the roads were excellent.

The American tourist of to-day is not aware of the scenic fascinations of the great mountain sections of the West; he is not aware of the exhilaration that comes from weeks spent in the foothills of the Rockies, as well as crossing the main ranges through the various passes; he is ignorant of the boundless wealth of the great plateau land between the Rockies and the coast ranges, and he has not grasped the stimulating benefits that come from weeks of out-of-door life in this the great tourists' playground of the American continent.

Colorado has within her borders more of mountain scenery than all of Europe can boast of. The motorist refrains from touring in Colorado, because he considers the roads impossible and is not familiar with the hotel accommodations. The tourist who has spent weeks and traveled from 1,500 to 2,000 miles through the scenic centers of Colorado is amazed at finding the roads through nearly all of the mountain passes better than the roads of the Adirondacks or the White Mountains. This is true. The State of Colorado has, through its convict-labor system, accomplished wonders in road construction, building roads that are being as scientifically constructed as many of the famed highways through Switzerland; in fact, Colorado is aiming at equaling, if not surpassing, Switzerland by engineering road plans whereby it will be possible to travel through the heart of the Rockies and not encounter grades of over 6 per cent.

To-day it is possible for a tourist driving himself, and with a party of four, to spend three weeks in the heart of the Rockies; to travel during this period 1,500 miles, and to get more vistas of mountain scenery, fathomless canyons, and other formations consequent upon mountain ranges than he could obtain in a similar period in the Alpine sections of Europe.

The trouble with the American tourist to-day is that he does not know his own country; he does not know the mystic beauties it affords the motorist who seeks the far-away fields of western grandeur. Unfortunately, those States that hold in their lap the unexcelled grandeurs of the continent have not advertised these beauties as they should have. They have been content to let American tourists spend their tens of millions annually with the hotels and inns of Europe. To-day they are not awakened to the possibilities of turning the tide of touring from our big cities westward.

The roads are there, the scenery is there, the hotels, to an extent, are there; the directions for the tourist to follow are there; the signboards are more prolific than in New England. But the tourists are wanting. It remains for the citizens of Colorado, for the citizens of Arizona, for the citizens of Montana, for the citizens of Utah, and for the citizens of California and the coast States to unite and proclaim to the American tourist what they have to offer. Without this it is unnatural to expect that the tide of touring will turn to the West as it should.

"See America first" is the watchword that all of these Western States should keep constantly before them. Their messages must be carried to the cities of the Central West and of the Allegheny slopes. One announcement will not serve to change the course of travel; two will not suffice; a hundred may fail to accomplish the desired results. One thing is certain, namely, that if the great army of American tourists was aware of the phenomenal scenery of the sections referred to, and aware of the relatively good condition of the roads to-day, and was aware of the reasonable hotel accommodations afforded that there would be millions spent in the West Central and Mountain States next year which will, unless something is done, be spent in the various countries in Europe.

The entire country is not aware of the phenomenal strides that have been made in road building in the mountain sections of Colorado within the last few years. This road enterprise has not been confined solely to highways from city to city, selecting the shortest route; rather scenic roads have been engineered and built especially for the mountain panoramas which they afford. Through the deepest canyons the motorists' narrow stone road is now an accompaniment of the ever-present mountain river or creek and the pioneering railroad track. Practically all of the more important passes have improved roadways. It is true that these are narrow, but they are adequate. The owner-motorist, who is accustomed to driving his car over the varied roads of the country, will not have any difficulty in a two weeks' mountain trip. At times he will skirt apparently fathomless canyons, but there is no immediate danger. At other times he will be far above the timber line, but the roadway is as safe as through the cornfields of Illinois. In a two weeks' trip, if he has his car in rational condition, it will not be necessary to have to be towed in a single instance. He will find comfortable hotels and inns within reach nearly every day. He will have no difficulty in purchasing gasoline. He will have no difficulty in following routes from place to place; in fact, he will find touring in many of the most beautiful sections of the Rocky Mountains as easy as in the Central States and some parts of New England.

Secretary Lane deserves great credit for having developed the idea of advertising the attractions of American scenery to European tourists. We freely criticize the thousands of Americans who annually cross the Atlantic in order to enjoy the scenery of Europe. There is no reason why a stream of European travel should not be diverted to America to witness the great natural wonders that we have to offer the world. We can not estimate the millions of American money that annually finds its abiding place in European pockets. Is it not time that we should endeavor to secure for ourselves a return of European capital in the way of tourist travel to our shores? The progress in good roads throughout our country, especially in our scenic regions, will do much to turn this stream of European wealth in our direction.

I can not close my remarks without adverting to the employment of convict labor on the public roads in Colorado. In my opinion this employment has proved to be a most beneficent humanitarian agency. The prisoners, instead of being confined within narrow cells or limited to the exercise only possible within the grim walls of the prison house, are permitted to breathe the pure mountain air and to secure for themselves in some way a modified sense of freedom. Is it any wonder that those who are undergoing prison sentence strive, through observance of certain rules, to secure this privilege for out-of-door work and exercise?

Our State deals with its prisoners employed upon the roads in a way which is calculated to reform them and make them better members of society. They do not carry with them the traditional ball and chain—the badge of servitude and dishonor—nor are they compelled to wear the repulsive striped clothing. To a great extent guard surveillance is withdrawn and these men are put upon their honor. Space and time will not permit me to cite the success of this policy; sufficient to say that the confidence reposed in these men has only been abused in a very few instances. The counties of our State are vieing with each other in their efforts to secure convict labor for their public roads. Under the Colorado system the convict is allowed 10 days off his sentence for each month of labor on the roads. This is in addition to the usual reduction for good behavior. It would be almost impossible to build many of our mountain roads if we were obliged to construct them by public taxation. Colorado is proud of the record which has been achieved in this direction under the direction of the warden of our penitentiary, Mr. Thomas J. Tynan, whose reputation as a leader in this work has extended far beyond the bounds of our Commonwealth. Let me quote what Mr. Tynan says in relation to this work:

The benefits in this or any other State from a broad and scientific system of convict road building can scarcely be estimated. Basing our figures on actual experience we are confident that we can construct in the next 10 years more than 5,000 miles of the very finest roadways for less than $300,000, and this without adding anything whatever to the burden of the taxpayers.

During the period of 10 years the internal-revenue fund of Colorado should amount to $2,000,000. After deducting $500,000 for road construction, the remaining amount should be wisely expended in bridge building, road repairing, and for similar uses. Add to this the financial assistance from the different counties and it would enable us to construct not less than 10,000 miles. It can be done in Colorado. Why should not the same conditions apply to other States under more favorable conditions, where the roads are naturally better and where cost of construction would not necessarily be so high as in our mountainous sections.

To illustrate better the great saving to the taxpayers on this class of work and its possibilities, let me quote a few figures from one of our road camps. The number of days employed was 24¾. During one month we worked 35 men on the road, not including the camp help. Each of these 35 men rendered to the State labor equivalent in value to $2 and $3 a day. The labor for each man cost the State exactly 23 cents per day. Had this number of men been employed at the regular standard of wages of, say, $2 per day per man, the cost of wages alone would have been $1,632.50. Each day's work thus represented a net saving of at least $1.75 per man.

The total cost of all the work for the month, including salaries, care of stock, feed for teams, and cost of equipment, was $515.15, or 47¾ cents per day per man. When these figures are considered no one can doubt for a moment the economy of building roads with convict labor. The roads are carefully and thoroughly inspected by competent engineers, who testify to the completeness and high character of the work. What is the incentive for the men to create such great work? is a question often asked Coloradoans. It is just this: The man who is allowed to leave the prison for the road camp has practically seen the last of prison life if he conducts himself properly. His food is better, his clothing is better, his self-respect is preserved, and he is taught self-reliance and sustained application. He earns an additional 10 days a month during the time he works, which very materially reduces his sentence. Eliminating the policy of armed guards, the men have been placed under skilled and competent overseers and guarded only by their word of honor not to run away. They remain faithful and loyal to their pledges. The success of such an honor system was instantaneous; the plan has worked out better than its originators expected. During the last three years we have had more than 1,000 individual prisoners in the convict camps. These men, without guards, some 300 miles away from the prison, have created a national reputation for loyalty. Less than 1 per cent have violated their pledges and made successful escape. Communities no longer fear to have our convict camps established near them. We have made manhood as well as money by this healthy, hearty outdoor labor. We have built the prisoners up both physically and morally. Men discharged from our road camps do not have the prison pallor, the physical weakness, and the hesitation and hangdog appearance of the typical discharged convict. They are bronzed, sturdy, healthy, efficient laborers and are in demand as such. About 80 per cent of those we have sent out upon the completion of their sentence have made good; the other 20 per cent have mostly found their way back into prison elsewhere.

In estimating with reference to the financial element in convict road building, Warden Tynan makes the following statement in his annual report for the year ending November 30, 1912:

Our largest item of labor performed by the convicts was, of course, the road work. The prisoners have been employed in the construction of roads in Mesa, Fremont, Larimer, Weld, Boulder, Jefferson, El Paso, and Pueblo Counties. They have built 157 miles of good roadway, and a great deal of this has been blasted out of solid rock, that in Mesa County being the most difficult and heavy work ever attempted by our men.

Owing to the fact that it was impossible to get from the various counties the cost of material—such as cement, lumber, steel, corrugated culverts, powder, tools, and supplies, other than actual labor, used in road and bridge building—we are enabled to give you only the labor cost to these different counties for the work of the men. This work has been done at an average cost to the different counties of 32 cents per day per man, and, as this cost includes Sundays and holidays, the cost of the labor of these men to the counties for the 2 years, or 731 days, would be $36,725.44. We have worked 21 State teams, and the feed for these teams cost the counties $20 per month per team, which would amount to $10,080, making a total cost to the counties for labor of $46,805.44. The average labor cost for the 157 miles was $298.12 per mile.

It is hard to estimate the immense value of these roads, for the reason that the work in Mesa County alone would have cost, with free labor, not less than $25,000 per mile, as the rock in places had to be blasted for 75 feet in order to get a proper roadbed. In this work it was necessary to drill holes 25 feet deep and to drill three depths before the roadbed was reached. So you can readily see the magnitude of this work. The work in Ute Pass, in El Paso County, was done through solid rock for 6 miles, all blasting.

The work in Salt Canyon and Parkdale Hill, in Fremont County, and Pingree Hill, Cherokee Hill, and Thompson Canyon, in Larimer County, contained a great deal of blasting. This necessarily would have been very expensive work had it been done with free labor, and the counties would have been forced to pay big salaries for drillers, blasters, powder men, masons, and cement workers. Not counting what the contractor's profits might be, and not including any skilled labor except blacksmiths, cement workers, and masons, and estimating the cost of free labor at $2 per day, by eliminating Sundays and holidays we may count 132 men working 610 days at $2 per day, which would give us a labor value of $161,040. We have worked an average of 20 masons and cement workers, which would have cost the counties $5 per day, and would have amounted to $61,000. We have averaged five blacksmiths, whose labor is estimated at $4 per day, and this would have amounted to $12,220. Estimating the value of 21 teams, at $2.50 per day per team, for 610 days, it would amount to $32,025. At a low figure the value of the labor of these men and teams would be worth to the counties $266,285. Add to this a depreciation of State equipment, $2,000, and the interest on State equipment, $2,000, and you can see that this labor has been worth to the different counties $270,285. The difference between what the free labor alone would have cost the public—namely, $270,285—and what the labor of our men actually cost them shows a labor profit of $223,479.56. However, this labor did not compete with the free labor of the State, for the reason that the counties could not otherwise have afforded to do this work.

Surely the employment of convict labor on the public roads in Colorado is no longer an experiment, but has become a settled policy. It has demonstrated its effectiveness in the construction of many miles of road that could not have been built otherwise. It has solved the problem of prison labor; it has relieved the burden of taxation and it has contributed much to the health and physical vigor of our prison population.

I believe that the moral effect upon the convict of this out-of-door labor has been most salutary. It is difficult to secure statistics that will in any way reveal the after life of those who have been thus employed. I am confident, however, that many a man has faced the world with more courage and hope after having worked on this road construction than he would have under the ordinary conditions of prison confinement. It will possibly be found that the provisions of the bill under consideration are in many respects unsatisfactory when they are put into practical operation, but the proposition underlying the bill is beneficent and worthy of support. It recognizes the responsibility of the General Government to bear in some measure the expense of the construction of our post roads. This attitude of the Government will be reflected in all sections of the country, and I predict that intelligent and comprehensive attention will be devoted to this question as never before.

It is a matter of congratulation that this question is one concerning which there can be no partisan differences. It is one which appeals to the good judgment and support of citizens everywhere. It is not sectional but national. It will contribute largely to the prosperity and welfare of our entire country.

Mr. SHACKLEFORD. Mr. Chairman, I now yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I have been such an earnest advocate of good roads and have been so earnest in the promotion of legislation looking toward the Federal aid to good roads, and have expressed so fully my views on the subject to the committee on good roads, that I feel a large measure of freedom in expressing my views on this particular bill. I feel that there is no possibility of anyone at home or in this House mistaking my criticism of this bill for a lack of individual interest in good roads.

I am not in favor of the principle on which this bill is drawn. It does not carry out the pledge of the Democratic platform, which is that the Federal Government shall aid the States in the construction of post roads, nor does it carry out the views of the Secretary of Agriculture, that the smallest unit with which the Nation should deal should be the State. If the Government wants to carry out a plan for improving its post roads, its constitutional power is ample; but this bill is not confined to post roads, nor does it relate to post roads except incidentally. Its title refers to post roads, and the money is distributed one-half on the basis of the mileage of post roads, but there is no provision in the bill which restricts the improvement to post roads, nor is the operation of the bill put under the charge of the Post Office Department. On the other hand, it is not purely market-road plan, as advocated by the Secretary of Agriculture. The Secretary of Agriculture advocated that the smallest unit with which we should deal must be the State, which should have ample machinery in the form of a State highway department, with full legal powers over the construction, improvement, and maintenance of roads. This bill is neither a post-road plan nor a market-road plan. In other

words, in my judgment, it is neither fish, fowl, nor good red herring. I have two substantial objections to the theory of the bill. One is that it provides the means by which the Federal authorities can overlap constituted powers of the State government and deal directly with the several subdivisions of the State. It says in the very opening paragraph that the Secretary of Agriculture on behalf of the United States may aid the States and the civil subdivisions thereof.

Mr. SHACKLEFORD. Mr. Chairman, in that connection I would like to ask the gentleman if the bill also provides the manner in which it may do that?

Mr. BORLAND. The gentleman knows what his bill provides. I was just about to come to that. In section 3 it says that the Secretary of Agriculture is authorized to cooperate with the officers of the several States having lawful authority in that behalf in the construction of roads. That includes the township trustee, certainly, because he has lawful authority in that behalf in the construction of roads.

Mr. SHACKLEFORD. Is he an officer of the State?

Mr. BORLAND. Certainly he is an officer of the State under the constitution of the State of Missouri, and it has been so held. Every county official is an officer of the State. On page 7 of the bill it provides that the payments under this road-rental section shall be made to "such officers of the State" as the governor shall designate to be entitled to receive the same, which might be the county court in our State, or the township trustee or the county commissioner in some States, or a road overseer, or any one of a number of other local officials.

I do not see how any man who believes in State rights can divorce State rights from State powers and State duties. I do not believe in a form of Federal legislation which overleaps the constituted authority of the State and deals directly with any lesser political subdivision as a political subdivision. But if the Federal Government chose to exercise its paramount constitutional power to go in there and build the road as a post road, or a military road, or even, under the late decisions of the Supreme Court, as an interstate-traffic road, it would have ample power to do it.

So much for the violation of State rights. But the main objection I have to this bill is embraced in the road-rental feature. In section 3 and section 4 it purports to give an option, which the governor of the State may exercise, as to the form which the Federal aid may take. That option is left, not to the Federal Government but to the governor of the State, on the face of the bill. Section 3 provides that the governor, in conjunction with the Federal authorities, may by agreement make a special law applying to his State for the construction and maintenance of roads. If the governor does not do that—and, in my judgment, the chances are a thousand to one that he will not be able to make a satisfactory agreement—then he has the other option of having the money paid to his State anyway, under the road-rental proposition. I think the practical effect of that will be that the option will be nugatory, and it will be a road-rental proposition in the last analysis unless the Federal Government were clothed with the power to exercise the option, and not the State.

Now, it says roads shall be paid for at the rate of $60 a mile for macadam roads, $30 for shell and gravel roads, and $15 a mile for dirt roads. That is to be paid not on the basis of the roads as needed for post roads or for any other purpose, not on the basis of what the Secretary of Agriculture or the Postmaster General thinks is needed as a road, but on the basis of what happens to exist as an improved road or to be brought into existence as an improved road by the local authorities.

Why are we having any road legislation at all from a national standpoint? If the local authorities had ample power and means and machinery to carry out a road program, why would they be asking for Federal aid? Is it a little $15 or $20 or $60 a mile that is beyond the power of the State taxing power, and that is the only thing they need? Is that all? Can we, with $15 a mile added to the taxing power of the State, work miracles? I do not think so.

Mr. SAUNDERS. Does the gentleman object to giving the States this election that the bill affords?

Mr. BORLAND. I do not think that election is any more than a nominal election.

Mr. SAUNDERS. Does not the bill expressly provide that the governor shall have that right of election?

Mr. BORLAND. Yes; and if the gentleman had followed my remarks closely he would know that I tried to show why it was likely he would not exercise it.

Mr. SAUNDERS. I did follow it closely, and that is why I wanted to challenge it. It says that he shall provide the election in conformity with the laws of the State, and it gives the State the right to have this election made.

Mr. BORLAND. I understand that was put in there for the benefit of the States that do not have State highway commissions and perhaps do not want to have them, and under those circumstances they would have the option, under section 3, of asking for the appropriation under another form. The State is supposed to be fined 10 per cent for not having a State highway commission. As a matter of fact, they will not be fined 10 per cent, for the bill states they can have a highway commission without saying what the powers will be. Any State can have a highway commission, if it is desired, in order to save a reduction of 10 per cent in the road fund. So I do not think there would be any question but that a majority of the elections, or possibly all the elections, would occur as in section 4.

I want to show you why I am opposed to the road-rental proposition as a solution of the road problem; and that, in my judgment, is the crux of the situation. If the road-rental proposition would solve this demand for improved highways in this country, I say that there would be no good-road question in Congress, for it is so trifling in amount and so easy of application in the last analysis that it adds to the plenary taxing powers of the State but a little more money in the form of a Federal distribution. That is said to be an encouragement to the State. Well, of course, it is an encouragement to the localities of the State that have already an ample taxing power, and it is not an encouragement to the localities that may need the roads worse and where the Post Office Department may need the roads worse but have not the taxing power.

Take, for illustration, my own county of Jackson, in Missouri, which comprises the fifth congressional district of that State. That county has a city of nearly 300,000 people. It has ample taxing power, and as the result it has 300 miles of improved rock roads. It does not need the Government aid, although that district, I will say, will be entitled to more road-rental money than any other district in the State of Missouri. But we already spend over half a million dollars a year in that country in the maintenance and building of roads, and the $10,000 we would get by this bill would not be an encouragement for the construction of 1 mile of road in Jackson County.

Mr. SELDOMRIDGE. The gentleman is familiar with this subject and has given it great thought and consideration, and I would like to ask him if he considers that under the provisions of this bill a State is compelled to proportionately distribute the money received from the Federal Government?

Mr. BORLAND. I am going to reach that. I am glad the gentleman called my attention to it.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. BORLAND. Certainly.

Mr. RUCKER. Speaking of the country roads in Jackson County and elsewhere in Missouri, I will ask the gentleman whether most of that work was not done as the result of and from the proceeds of money obtained from saloon licenses?

Mr BORLAND. Yes; from the dram-shop fund, raised in the county, including the incorporated cities. I may say that all these funds raised by taxation are in a certain sense a tax on the people. In any case the taxing power there is ample.

Now, there are other counties in Missouri where the taxing power is not ample, and where the road problems are increasingly great. In other words, in most of the sections of Missouri—and I think it is true in other States where the road problem is the most serious and where the need for road improvement is the greatest from the market standpoint and from the postal standpoint—the local taxing power and machinery are at the very minimum. In the localities in Missouri where the taxing power is great, and where the road problem has to a large extent already been solved, they have there a high-class road system, and that would take down a fair distribution of the money coming to Missouri.

Now, money appropriated to the needs of the roads is one thing, but if the money is appropriated in accordance with the accidental character of existing roads, it is an entirely different thing. Yet that is the theory upon which this bill is drawn. We do not go out and find where the roads are that need improvement for the benefit of the States and for the benefit of the Nation at large, but we are asked to find out where the roads, by the accidental accumulation of taxing wealth, have been already improved, and the minute they are improved they come under the highest class and demand the highest class of rental. That is the fault of the bill from a scientific standpoint.

Another great defect in the bill is that it gives the local authority no use whatever of the accumulated scientific knowledge and investigation as to the construction of roads, as to the

necessary drainage of roads, as to the grades at which roads ought to be built, as to the maintenance of roads in an economical manner, and as to any of this information that is collected by the Federal Government in the Office of Public Roads. The road boss is denied all that. He has never had it, and he does not have it in his reach. He is asked, unaided by any scientific knowledge of road building, to bring his road up to the point where he can get some of this Federal money.

These are the vices from an economic standpoint. But the vice from the political standpoint is a more serious defect. What does this mean when you go home to the people and brag to them that you have compelled the Government to pay rental for the roads in your district? I might brag to my people that I have brought $10,000 or $15,000 of Federal money to my district. Another man might say: "Oh, BORLAND did not do so much. If you send me, I will bring $25,000 to be expended here as rental for the use of these roads." I might say: "I, too, will bring $25,000." But whichever one of us got here, we would find ourselves shoulder to shoulder with a large number of other men who have made similar pledges to increase the amount of road money. We would have to join together and get each of us the $25,000 that had been promised. It is the biggest log-rolling proposition that was ever passed. There is no end to its possibilities as a machine-politics system.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SHACKLEFORD. If that were to be done, does the gentleman think it would subtract anything from the possibilities of building a road, for which the gentleman himself has introduced a bill, from New York to San Francisco? Would our so-called log rolling in any manner interfere with the securing of funds to build that joy-riding road from New York to San Francisco?

Mr. BORLAND. I should think, sir, leaving out the epithet as to joy-riders—and it falls perfectly harmless upon me—that this would be the greatest blow to the good-roads movement that could be attempted.

Mr. SHACKLEFORD. What is the "good-roads movement"?

Mr. BORLAND. Because in less than five years' time it would involve Congress in a scandal as to the expenditure of that road fund. We would have expended from $100,000,000 to $150,000,000, and the people would begin to say, "Where is that $150,000,000 that you have pretended to put in the roads?"

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. BORLAND. Yes.

Mr. HOWARD. Does not the gentleman think that the States would wisely expend one-half of the amount paid by the Federal Government? Does the gentleman think that the States would expend that money foolishly?

Mr. BORLAND. I am not saying that.

Mr. HOWARD. Does not the gentleman think that in his State and in my State the money would be beneficially expended?

Mr. BORLAND. If the States had solved the road problems for themselves, this bill would not be here. There is no doubt in the world about that.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. BORLAND. I yield.

Mr. McKELLAR. Does not the gentleman think the scheme provided in this bill is infinitely better than for the National Government to build a road from one ocean to the other, as has been suggested here, for the benefit only of those who live near it?

Mr. BORLAND. No.

Mr. McKELLAR. These roads go through all the country, do they not?

Mr. BORLAND. Yes.

Mr. McKELLAR. Every State in the Union is represented here.

Mr. BORLAND. I will say to the gentleman a little later, if I have time left from these inquiries, what my views are as expressed before the Roads Committee.

I want to call your attention directly to what I believe to be the political vice of this distribution of road money in the form of road rental. I do not think there is any limit to it. I do not think it is directly connected with the improvement of roads or with the solution of the road problem. I think it perpetuates an element of waste and extravagance in the road problem that is already unavoidably present in that class of legislation.

One of the greatest enthusiasts about roads and one of the greatest road experts in this country is Gov. Hodges, the present Democratic governor of the State of Kansas. When he was in the Legislature of Kansas he was the good-roads man in that State, and he ran for governor on a good-roads platform. He published some statistics in which he shows that 80 per cent of the money now paid by the taxpayers for good roads never went on the roads at all, but was lost in one way or another in the process of administration. He showed that every time you appropriated a dollar under your existing system of isolated local control you discounted your dollar 80 cents the minute you passed your appropriation bill; and, in my opinion, that condition of affairs will be aggravated and perpetuated by this bill.

Mr. SAUNDERS. Will the gentleman yield for a question in that connection?

Mr. BORLAND. Yes; I yield to the gentleman. I may have to ask for more time.

Mr. SAUNDERS. If there is any merit whatever in these statements of Gov. Hodges, do you not realize that the system under which these funds will be administered will correct that situation, because this fund is to be administered jointly by the road department of the Department of Agriculture and the road commissions of the States? Does our friend think when those two great departments—one representing the State and the other the Federal Government—are administering this fund in order to secure the highest results in the way of improved roads, they will waste it and squander it and bring about scandals?

Mr. BORLAND. My dear sir, I know no more reason why these scandals should be avoided in the future than they have been in the past, because they are inherent in the system itself, and this bill is drawn upon the idea of continuing and perpetuating the system which, in my judgment, has produced the present road problem of the United States. We have had isolated local control of roads for 150 years, and that has resulted in the demand for national legislation. I interpret the demand to mean that we must find a more scientific way of constructing good roads than the present existing system. This proposes simply to add a little more money to the money that has been spent by the present road bosses, and is not a solution of the problem.

Mr. SAUNDERS. If the gentleman will allow me to ask one more question, I will not interrupt further.

Mr. BORLAND. Yes. I will ask the gentleman to secure more time for me.

Mr. SAUNDERS. Let us take class C:

Class C shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches, and kept crowned and compacted by dragging or other adequate means so that it shall be reasonably passable for wheeled vehicles.

We all admit that the road that comes up to that standard will be a good road, and the Government is not going to put a cent on that road until it comes up to that standard, and the agents of the Government are to determine when it reaches that standard and therefore determine when the Federal proportion of the money shall be paid. Where is there room for scandal, waste, or extravagance in that?

Mr. BORLAND. Now, mark how your question has answered itself. You have provided for the improvement of 2,240,000 miles of road in this country.

Mr. SAUNDERS. I just wish to say that we are not providing for anything of the sort.

Mr. BORLAND. You are hoping to do that.

Mr. SAUNDERS. No; we are hoping to improve the post roads of the country, the mileage of which is nothing like the figures the gentleman has given.

Mr. BORLAND. You are not confining it to post roads.

Mr. SAUNDERS. Yes; we are.

Mr. BORLAND. You are giving every road the right to participate, if it comes up to the standard of class C.

Mr. SAUNDERS. Oh, no.

Mr. BORLAND. You certainly are, and when you are doing that you are not providing the Federal machinery by which the Secretary of Agriculture could tell whether the roads even in the District of Columbia had come up to that class, not to mention the rest of the Union. You have not provided the inspectors, and you could not provide the inspectors to determine that question within the time necessary to make the annual payments. You have no machinery at all except the machinery for getting the money out of the Federal Treasury into the hands of the road boss. And that is not the worst of it. I want to say in answer to my friend from Colorado [Mr. SELDOMRIDGE] that the bill does not even provide for an equitable distribution of

this money after it gets into the hands of the State. It holds out an invitation to some governors to build up a political machine. It says that the governor shall have the right to tell the Treasurer of the United States into whose hands the money shall be paid. I do not need to comment on that before a body of men of wide political experience like this.

Now, I believe that the solution of the road problem is infinitely deeper than paying $15, $20, $30, or $60 a mile in addition to the amount raised by the taxing power of the State under the pretense of rental. Of course we know it is not rental. I do not believe that is a solution of the problem. The great trouble in the solution of the good-roads problem is, first, that we have been working under a system of isolated local control and construction of roads, a system that we adopted from Great Britain at a time when Great Britain was a hermit nation, with her forests full of outlaws, and with 99 out of 100 of her young men going out of the country for an education. She has long since abandoned that system, and no other country ever adopted it. For 200 years we have tried to adapt that system to the construction of highways of a great country 3,000 miles in extent, whose great, burning need is the development of its internal resources. We can not do it.

The experience of every nation should teach us that the building of highways is a scientific proposition, that more than 80 per cent of the traffic of roads goes over less than 15 per cent of the roads, and will do so under any circumstances, whether the roads are improved or unimproved, in a country thickly settled or not. It necessarily tends that way, and we must have a scientific classification of roads in accordance with the traffic they bear. Nearly every progressive State in this country has come or is coming to the system of a State system of highways. What does that mean? It means that the State selects certain trunk lines. You may say that "I am against this thing if it does not go by my door." That is a narrow way to look at it. You may say it is a joy-ride proposition, but solid business men in every State have come to the idea of selecting a State highway commission clothed with legal power to classify roads as to the character in which they ought to be improved and maintained, and, secondly, not to improve any roads at all until ample power is given for the maintenance of those roads in the class to which they belong.

Those are the two problems to which we are to address ourselves, to get a scientific classification of the roads that must be improved to the highest degree, a classification of the secondary roads that are feeders, that must be improved to a secondary degree, and a third classification of roads that are local roads purely, and can be left in a more or less unimproved state.

Mr. HOWARD. You admit that all the trunk lines you speak of leading through your State and mine carry with them rural routes necessarily?

Mr. BORLAND. Yes.

Mr. HOWARD. The gentleman made a statement a minute ago that 80 per cent of the travel was done over 15 per cent of the roads. I think that is a mistake. The Agricultural Department says that 90 per cent of the travel is done over 30 per cent, or, rather, not travel, but 90 per cent of the tonnage is hauled over 30 per cent of the roads. That is not the same thing, of course, because it means that the farmer in the sparsely settled country does not carry as much tonnage, but they use the road as much in carrying to the market their produce as they do on the roads where more tonnage is hauled.

Mr. BORLAND. Mr. Chairman, we have got to solve this problem on a different line from what it has been solved in the past, otherwise there is no solution of the problem. The road rental proposition will not solve the problem. Whether it is 30 or 15 per cent of the traffic, the gentleman from Georgia has indicated the same scientific judgment I had on the matter, that it would be foolish for us to try to improve or to induce to improve or to pay for improving, unless it was determined that the amount of traffic and the relation that it bore to the markets and to the proportion of the Postal Service would justify that improvement. It is not a question of how the roads might be brought to-day under improvement or in the future by the encouragement of a little money. It is a question of where the roads are needed, and they might be needed in a section where they now have the least chance of being built. That is where the rural man comes in, and the city man can count himself out except to contribute his share of the taxation. The roads are going to be built in most sections; not in sections where good roads would be built, but where they ought to be built for the purpose of commerce and market and getting the crops to the market from the country.

Mr. HOWARD. Will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. BORLAND. I will.

Mr. HOWARD. Does the gentleman maintain by his argument that the improvement of public highways does not help the city at all?

Mr. BORLAND. No; I said we could count ourselves out as to the distribution of the road money.

Mr. HOWARD. The gentleman said that the city could count itself out except to pay its proportion of the taxation. I hope the gentleman does not mean to convey the idea that the building of good roads will not help the cities as much as it will help the country, because the city is dependent on the contiguous country for its livelihood.

Mr. BORLAND. No; Mr. Chairman, I did not say anything of the kind. I said where the good roads may be needed most the taxing power or conditions are such that there is less likelihood of their being built than there is in other sections where the taxing power is greatest. But roads may be needed most both in behalf of the country and the cities and in behalf of the Postal Service——

Mr. SAUNDERS. And this bill will enable such roads to be built. That is the purpose of the bill.

Mr. BORLAND. I think not. If I thought so, I would be here advocating the bill instead of opposing it. [Applause.]

[Mr. BORLAND obtained leave to extend his remarks in the RECORD.]

SUBSTITUTE BY MR. BORLAND.

Strike out all after the enacting clause and insert the following:

That the Secretary of Agriculture is hereby authorized to expend an amount not exceeding $25,000,000 in any one year in cooperating with the States of the Union in improving, constructing, and maintaining rural highways available for use by the United States for post roads, military roads, and interstate-traffic roads. Such funds shall be apportioned among the several States as follows: One-half in the proportion that the mileage of the post roads within the State bears to the total mileage of post roads in the United States, exclusive of star routes, and one-half in the proportion that the commodities produced within the State bears to the total production of commodities in the United States.

SEC. 2. For the purpose of improvement, construction, and maintenance, the rural roads of the country shall be classified into three classes on the basis of the amount of traffic which the roads carry or are capable of carrying. Class A shall embrace interstate highways connected with a general system of highways throughout the United States; class B shall embrace State highways, main branches, and feeders for the interstate highways, which shall extend into every county within the State; class C shall embrace county highways and local post roads connected with a market town and with a main interstate or State highway.

SEC. 3. The Secretary of Agriculture shall, with the assistance of the office of public roads of the Department of Agriculture, establish standard specifications as to grades, drainage, bridges, culverts, roadbeds, and the surfacing of the various classes of roads, having in view the topography of the country, the character of the soil, the climate, the kind and accessibility of road material. The office of public roads of the Department of Agriculture shall continue the investigation and classification of scientific information upon the proper location, grading, drainage, construction, and maintenance of rural roads, and shall at all times furnish to State highway departments or highway engineers expert advice and assistance on such subjects.

SEC. 4. The governor of each State may make, under his hand and the seal of the State and file with the Secretary of Agriculture of the United States, a statement setting forth: First, that the State has a highway department or a highway engineer with full legal powers to improve, construct, or maintain rural highways; second, the road or roads within the State to be improved, constructed, or maintained under each of the classes hereinbefore specified; third, the amount of funds available within the control of the highway department or highway engineer of the State for such improvement, construction, and maintenance, which shall not be less than double the allotment to which the State is entitled from the funds of the United States under the terms of this act; fourth, the amount and character of the work which the State will do within the next fiscal year, and the use which is desired to be made of the funds allotted to the State by the Secretary of Agriculture under the authority of this act. Such statement may be filed at any time after the approval of this act, and an annual statement showing necessary changes for the ensuing fiscal year shall be filed on or before the 20th day of January of each year. All subsequent statements after the first statement filed by the governor shall show in detail the amount of the improvement, construction, and maintenance of roads accomplished by the State in the prior fiscal year, together with the specific use which has been made of the allotment from the funds of the United States under the terms of this act. The Secretary of Agriculture shall examine said statement and determine: First, whether the State has a highway department or highway engineer clothed with full legal powers over the improvement, construction, and maintenance of rural roads; second, whether the work to be done by the State is feasible and practical within the estimate, and of a proper engineering character to bring the roads within the class or classes designated; third, whether the State under its constitution and laws can cooperate with the United States in the improvement, construction, and maintenance of the roads; fourth, whether a proper fund is provided for the maintenance of the system of roads within the State as constructed or proposed to be constructed. If the Secretary of Agriculture be satisfied on these points, he shall adopt the location and classification of the roads as specified by the governor of the State and shall allot to the State its proportion of the road fund created by this act for the fiscal year next ensuing. If the statement as filed by the governor shows a larger amount of improvement, construction, and maintenance of roads than the funds available, including the allotment from the funds of the United States, will be sufficient to accomplish, the Secretary of Agriculture shall withhold the funds until the estimate is reduced. If in any subsequent year after the allotment to a State of funds from the United States the statement

of the governor fails to show improvement, construction, or maintenance of roads reasonably approximate to the estimate made, subject to the judgment of the Secretary of Agriculture, he shall withhold the allotment of money under the terms of this act until the proportion of road work in the State is brought up approximately to the estimate submitted, having in view climatic conditions, increased cost of material, or any unforeseen events or factors.

SEC. 5. The Secretary of Agriculture is authorized to make rules and regulations for the purpose of carrying into effect this act, which rules shall include reasonable provisions for the proper scientific maintenance of the roads of the various classes as the same may be constructed. He shall not approve any estimate for the improvement or construction of roads without adequate provision for the maintenance of the roads so improved or constructed in the class to which they belong. The governor of the State may, with the approval of the Secretary of Agriculture, in any annual statement change the classification of particular roads.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, it is a matter of gratification that there is no question of the power of Congress to enact this legislation. The Constitution of the United States settles that question. The terms of the bill come within the power conferred on Congress "to establish post offices and post roads," and the only question here is whether or not it is necessary and proper for Congress to pass this bill in the interest of the people of the United States. Power often exists when there is no necessity for its exercise. I am more than glad to state that in the matter of this bill I indorse the principles contained in it and shall vote for the bill.

Next to religion and schools, the most important question confronting any country is that of transportation. Without adequate facilities to move its people and its products, it can not reach the highest degree of civilization. Life in an isolated community is of necessity circumscribed. A place whose products can not be taken to market without undue difficulty and to which the trade and life of the outside world do not penetrate is always slow in being developed. The railroad system has done more than any other one thing in opening up this country. The development of the West during the last 50 years is one of the most remarkable facts of history, and both its development and its prosperity are due almost directly to the railroads. The country's prosperity depends to a large extent upon the railroads, its arteries of commerce, which are necessary to carry the products of its farms and factories from the point of production to that of consumption. The railroads, in turn, must be fed with products brought from the farm, and these products must, in nearly all cases, be hauled in wagons to the place of shipment. The state of the country's roads therefore has a direct bearing on its commerce, and in particular does it affect the prices received by the farmer for his crop. It is the great farming class, the main dependence of this country, which will receive the greatest benefits from improvements made on the roads, and I am glad to vote for any benefits which can legitimately be conferred on this class.

Of the 91,972,266 people in this country in 1910, the rural population amounted to 49,348,883. It can thus be seen that the present bill directly benefits over half the people of this country. The greatest piece of legislation, perhaps, and the one which has revolutionized life in the country, is the establishment of rural mail service. By it news of the outside world is brought to the country community. If good roads were built, the life of the outside world would also find its way there and a check would be given to the movement, so general to-day, of emigrating to the larger towns and cities.

It has been said many times that the pioneers who came to this country were home builders. In building homes they built up the civilization of this country, and if there is one evil to-day that threatens more strongly than any other the permanency and high standards of our citizenship it is the breaking up of the homes in the country. It is true in my section, and I believe generally throughout the United States, that when a man has achieved a competency on the farm, although he may have the very best surroundings to be had in any country, he leaves the farm and goes to the city. I believe that the principles embodied in this bill will result in keeping that class of people in the country. With our improved facilities for delivering the mail, with the telephone, with good roads, the time will come when the country is much more thickly populated than at present; and the question I asked of the gentleman from Indiana [Mr. ADAIR] will be true—that with a population twice as great as it is now, with good roads everywhere, with rural carriers able to make their deliveries by automobile, there will be in many localities more than one delivery a day. [Applause.]

Better roads would also enable the farmer to sell his goods at market prices. The farmer of the present day is often unable to take advantage of the prevailing prices offered for his products by reason of his inability to get them to market, except at certain times when he finds that the roads can be traveled.

No other country to-day has as many miles of highway as has the United States. Also it must be added that no other country has as many miles of bad highways as has the United States. In this country, of the 2,199,645 miles of highways, only 190,679 miles are improved. The mail is carried on rural routes over 1,038,113 miles of roadway. At the present rate of improvement the day when all the roads will be put in good condition is too far distant for any of us to hope to see it. Even with Federal aid the task is too stupendous to be undertaken at one time. The present bill, however, contemplates the improvement of only a limited number of miles each year, in cost not to exceed $25,000,000 per annum. This will improve only a small part of the country's highways, but it will prove a stimulus to the States and communities to carry on the work, so that in time we may hope to see a network of improved roadways reaching over the entire area of the United States.

I am always glad to support a bill of such general benefit to all classes of citizens. However, it may be that I shall wish that some of the provisions of the present bill be clarified. One of them, I think, is substantially clear enough, but there seems to be some doubt about it. On page 5, line 3, embracing the roads in that class, it reads:

Class C shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches and kept crowned and compacted by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles.

Mr. Chairman, this is substantially the requirement of the Post Office Department for a road before they will inaugurate a rural delivery service. I do not mean that it follows word for word, but it is practically the same as is required by the regulations and rules of the department. I am of the opinion, in reading that provision of the bill, that it comes in any fair sense up to what is required by the Post Office Department before a rural delivery service is established, and that such requirements are substantially the same as the provisions of class C, as provided in this bill.

I will add that if there is any doubt about it, I shall offer an amendment that all roads over which rural delivery is maintained shall, unless the contrary be shown, come within that class. If that is done, it will give more miles of public highways that can be improved. Of course we may not improve these highways in one, two, or five years, but this bill is intended to be a beginning. It is hoped that it will stimulate road building in this country, and I believe the good that will come from it will be far greater than any of us can estimate at the present moment. I am heartily in favor of the bill, and shall vote for its passage.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman and gentlemen of the committee, the road question is not one that calls for eloquence, but for cool, careful, and businesslike deliberation. For a good many years the people in my home State have been much interested in good roads, and we have more improved roads than any like area in this country. One of the reasons, probably, that our roads are more generally improved than others is the convenience of good road-building material. Other States may not be so fortunate in that respect, but nevertheless an interest is being shown in road improvement throughout the country that is taking precedence over every other public question.

The business men's organizations, the farmers' institutes, the agricultural colleges, and the short-course farmers' schools are all devoting time to the consideration of the road question. Some weeks ago I sent out a letter calling the attention of the president of each farmers' institute in the district I represent to the fact that a road bill was pending in Congress and asking him to take the subject to his institute and set apart a half hour or so to consider it. I have had 11 replies from those institutes, and in every single instance the report has been in favor of a proposition whereby the State and the Government may enter into a half-and-half undertaking of improving and maintaining our roads on which mail is carried.

One of these reports is from a farmers' meeting at Winona Agricultural College. It says, in part:

MY DEAR MR. BARNHART: Your letter which had been sent out especially to farmers' institutes for expressions of opinion came to us here, as the institute was held in the assembly rooms of the college. We felt it to be an exigency, and so called a special night session, at which about 100 people, men and women, were present. There were leading farmers, college students, and business men here, so that the crowd was as cosmopolitan and representative as probably will ever be called together. I believe all were actuated by the best motives and that no one had an ax to grind. They were about equally divided in politics, and

on the votes, which were taken after full discussion, there was not a single dissenting voice, so far as I could find, and I presided.

1. The proposal "that the Government build and control certain main highways across the country, from coast to coast or from big city to big city, etc.," looked to us like only a scheme of the automobile racers. We could not see how it could possibly benefit the ordinary farmer or city man of small means, because he does not have the time to use such a road even when he has the means.

2. "That the Government cooperate with the States by furnishing from year to year an amount of road fund, to be equaled by the people, for building and maintaining mail-route roads." This would be an acceptable scheme, but until the States themselves get their own road laws in better working conditions it would not be practicable.

3. "That the Government pay a stipulated amount per mile each year toward the upkeep of mail-route roads, if they are constructed according to specifications for first-class roads of their kind." This was approved with the further recommendation: "That the roads so drawing such money be built and maintained at all times according to the standards adopted by the United States Bureau of Public Roads." It was felt that unless some such restriction were placed upon the expenditure it would be a waste of public money. The money should not be spent indiscriminately nor given to most local authorities without wise reservation concerning its expenditure.

Very respectfully,

MILLARD CRANE, *Chairman of Meeting.*

Here is another one, from one of the most populous and prosperous agricultural counties in Indiana. It says:

Be it resolved, That we, the citizens of St. Joseph County, Ind., in farmers' institute assembled, do hereby ask the Hon. H. A. BARNHART to use his influence to effect a national law in conformity with the second proposition set forth in a letter from said BARNHART to this institute, viz: "That the Government cooperate with the States by furnishing from year to year an amount of road fund, to be equaled by the people, for building and maintaining mail-route roads."

WILLIAM O. CULLAR,
Chairman County Farmers' Institute.

The farmers of Elkhart County in their meeting resolved—

That the National Government cooperate with the States by furnishing from year to year an amount of money ior a road fund, to be equalled by the State, for building and maintaining rural-route roads.

In Kosciusko County the farmers' institute resolved—

That the Government cooperate with the States in furnishing from year to year an amount of road fund, to be equaled by the people, in keeping up the mail routes and public highways, and do not favor the coast to coast roads, as that will be entirely too much for a special class of automobile owners.

Seven other farmers' meetings passed similar resolutions, and were the reports all in from the many winter meetings of the farmers and business men I have no doubt but they would all read practically the same.

This morning a man who is somewhat interested in another line than building roads gave me some figures that appeal to me as very remarkable. He says the experts of the Agricultural Department say that it costs, by horse and wagon transportation, on the average road in the United States, 23 cents to move a ton of produce or freight a mile. In England, where the roads are practically all improved and where they use many more autotrucks than we use here, the average cost per mile is 7 cents. On the railroads a ton of freight transportation costs about 7½ mills per mile, and by the Erie Canal about 3 mills per mile. On this basis $1 will send a ton of ordinary freight by horse and wagon on our average road a little more than 4 miles, and in England about 15 miles. By railroad—carload rate—a dollar will send a ton of freight nearly 133 miles, by the Erie Canal about 233 miles, and by European canals about 500 miles. Also if a horse can move a ton of freight on a level road, it will require two horses to move that ton on a 10 per cent upgrade, four horses to move it on a 20 per cent upgrade, and eight horses to move it on a 33 per cent upgrade. We all recognize that upgrade is resistance, and if our improperly constructed roads contribute the same resistance, and they surely do, which we discover in the ascent of a road incline, the importance of improving our roads in order to contribute to the least cost of resistance in highway traffic is beyond question.

So far as I am personally concerned, I am locally interested in what is known as a cross-country highway—the Lincoln highway. I had a letter this morning from a banker in my home district, who urged me to vote for a hundred-million-dollar proposition to build a concrete road from New York to San Francisco. I wrote him, in answer to his letter, that first of all I thought it was my duty as a legislator to see to it that the largest possible number of people should be provided with at least ordinary roads for transportation before we spend millions for trunk lines. You say the automobilist wants a cross-country road. So some do, but the average automobilist does not. The average automobilist is a man who lives out in the country or in country towns, who is interested in driving hither and thither in a business or pleasure capacity, and not from New York to Chicago, nor Chicago to St. Louis, nor St. Louis to Denver, nor Denver to San Francisco. A coast-to-coast roadway would be a good thing principally for the comparatively few who could afford to take cross-country pleasure trips, but nine hundred and ninety-nine out of each thousand, or possibly more, of those who would help pay for such a road, if it be paid for with national funds, would never see it nor use it, and therefore the public would get little or no benefit. Of course, if the automobilists who want a long touring route, and the people who live adjacent to such route, want to build it, I am heartily in favor of such an enterprise, and this bill proposes to help such in the same proportion as other improved roads. But I can not believe that it would be just to build such an extensive driveway by Government aid and compel the other important highways of the country to wait.

Besides, Mr. Chairman, the country people have been helping to build river and harbor and public building and military and naval improvements in the big cities ever since the beginning of our Government, and in return for these Government taxes paid in we have been giving them an occasional package of garden seeds and now and then a farmer's bulletin, with promises of helpful legislation. But at last the Congress is beginning to give them the legislation they have so long deserved, and this bill is part of it.

Our transportation, as has been shown here, consists overwhelmingly of vicinity traffic, and I want to call attention especially to the importance of improving post roads—roads over which United States mail is carried. Nothing has contributed so much to the progress of the country, to the dissemination of general intelligence everywhere—and I think everybody agrees to that—as the delivery of mail to the rural communities. I speak advisedly when I say that with proper roads a mail carrier who now consumes 8 or 9 or 10 hours in making a trip over his route will make it in from 3 to 4 hours. Then the farmer will have his mail delivered to him as early in the morning as the business man, and no man in this country depends for his well-being more upon daily market reports than does the farmer. He is isolated and can not easily call up a market, but when he receives his morning paper he is as well advised as any other man, whether that man lives in city or country.

The rural carrier is also entitled to some consideration. He does not get a large salary. I think he is fairly well paid for his services, because I find there are many, many applications pending all the time from intelligent and enterprising young men who are anxious to take these rural-carrier jobs, but he ought to have a good roadway; he ought to have facility for getting to the patron of the rural mail as readily as possible. Then, too, with the parcel post the Government is going to become a sort of freight carrier, and because of that also we ought to have first-class mail-route roads. We are not confining this bill to the rural routes alone, but to all post roads; and after we have improved these, partly by the contribution that the Government is to make, partly by similar funds raised by the States, and partly by the inspiration this law will inaugurate in better road making, we will have rural route and post roads built up everywhere in splendid condition and the cross-country automobilist will find that instead of donating immense road-building funds by subscription, as he now expects to do, the people will build good roads according to this bill, in compliance with specifications that will be properly drawn, and there will be only short gaps here and there all over the United States which it will be necessary to build by private enterprise in order to give the automobilist continuous highways, not only from coast to coast but from north to south, and here, there, and everywhere as well.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. HULINGS. The gentleman said that the estimate he gets from the Agricultural Department is 23 cents per mile for moving a ton of freight by horsepower over a country road?

Mr. BARNHART. Yes.

Mr. HULINGS. And, then, that there was a great difference in the cost owing to the grade of the road?

Mr. BARNHART. Yes.

Mr. HULINGS. Does the gentleman know what the estimated grade of the road is on the average road which costs 23 cents per ton-mile?

Mr. BARNHART. I said that was the average cost; that is, up and down hill and on the level—the average cost per ton per mile under all reported conditions.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. BOOHER. Will the gentleman kindly tell us how the department arrives at this conclusion—what they take into consideration, and how they figure this cost?

Mr. BARNHART. Mr. Chairman, I only know what I received from the officials by means of a telephone inquiry. I did not ask anything further than if they knew, and was told that the average cost had been estimated at 23 cents per mile. And

I take it, gentlemen, that it is a reasonable estimate. I know that in my own country if a man drives 10 miles to market and takes a ton, it is considerable of a load and a large haul for $2.30.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The Chair can not consider that request. The apportionment of time is in the hands of the gentleman from Missouri [Mr. SHACKLEFORD] and the gentleman from Iowa [Mr. PROUTY].

Mr. BOOHER. I would like to make further inquiry of the gentleman.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BARNHART. I am profoundly grateful for this privilege, for I have more to say upon this important subject. And one of the things in my mind is the need of skill in road building. It is just as important that a road overseer have a technical knowledge of draining, grading, graveling, and finishing roads as any other overseer of important building improvements that require efficiency and permanency, because of large expenditure of money. The people of every community have seen much money and labor wasted through unworkmanlike road making, and this bill will remedy this by its provision that the State and Government road-making officials shall set forth how roads shall be constructed and kept in repair.

I quote from seeming reliable authority when I say that $250,000,000 are wasted on bad roads in the United States every year. Added to this the loss on haul, on storage, and extra food rates make a total expense of a billion dollars per year. This means a tax of $12.50 annually on every man, woman, and child in the country. Maybe these statistics are right and possibly wrong, but no statistics from anywhere or under any circumstances argue for bad roads. And quoting further along this line of argument, do good roads concern you? If you are one of the 30,000,000 people who live on farms in the United States, it is a fairly safe guess that you know something about bad roads. But if you are a city man, whose use of highways consists chiefly of the street railway, does the good-roads movement concern you? That question is best answered by asking another. When the prices of your table supplies go up as a result of scarcity in your market and you see prices paid the farmer but little changed, then you are vitally interested in good roads. Take wheat, for instance. Do you know why it is possible to corner the market in wheat? First of all, because wheat is scarce—the demand growing faster than the supply; but secondarily, because, owing to the condition of the roads, it is possible for the speculators to get possession of the whole year's crop of wheat. The West is the great granary of the wheat supply to-day; and in the West the wheat must be rushed to market in the clear, dry autumn days when the roads are hard. If the farmer held his wheat over, past the dry weather, in most counties he simply could not deliver during late autumn rains or early spring break-up when roads are a churn of mud. The result is for three months after each crop there is a glut of wheat at elevator, railroad, and water front. Thereby a large proportion of the crop goes into the hands of speculators. These storage charges and speculators' profits are added to the actual worth of the wheat, and both you and the man who raises the wheat must pay for the bad roads which necessitate marketing of the crop all at one time and whereby the speculator reaps his harvest at your expense.

As a matter of fact, America's country roads are so bad that it costs more to haul a ton of wheat from farm to market than to ship that ton from New York to Liverpool. You, Mr. Townman, and you, Mr. Farmer, pay for the unnecessary waste of those bad roads; the townman by the extra cost of what he eats, the farmer by lessened price for what he sells.

Oh, but you city chaps who want great boulevards built across the country say this is a "pork-barrel bill." Well, you may call it what you please, but "pork-barrel" legislation that directly and indirectly benefits everybody who pays Government taxes, as this bill does, and denies justice to nobody, is honest and fair and universally helpful and needful legislation, "pork" or no "pork." It will make farm life more profitable and more attractive; it will increase the profits to the man who grows our food and clothing, and reduce expenses for those who must buy them, as it will obviate the great loss in transportation and middleman speculation, which must fall on the shoulders of both the buyer and seller.

So much for the profit-and-loss features of this subject. And, now, just one or two more observations and I will have finished.

We read lots of editorial opinion and hear lots of talk on the importance of checking the drift from farm to city life. They tell us this ever-increasing abandonment of the peaceful and safe pursuit of farming for the city job is due to the dreariness of the country and the bright glare of the city. Is this due to the neglect of conveniences and comforts and beauty of the country and the profuse expenditure of money in cities to make the glow that attracts? Is it possible that we have neglected helping public improvements in the country and centered our appropriations in helps for cities? Might it be that country people are beginning to feel that most of the taxes they pay find their way to the upbuilding of cities, and in order to get their money back they quit the farms and go to towns, where life looks more pleasant because of superior improvements and conveniences?

Whatever it is that causes the drift from farm to city, every boy who leaves the farm contracts the possibilities of food production just that much, because the farm must produce less for loss of a husbandman and an additional city mouth is dependent on the diminished supply. Prices increase because fewer acres are tilled, or are so tilled as to produce less, and the increasing horde in town and city must reap although they have not sown.

The redress? Keep the boys and girls on the farms and out of the sweatshops of parasite dependence. If "he who maketh two blades of grass grow where one grew before is a public benefactor," then he who causeth but one blade to grow where two grew before is a reckless despoiler. But there is not enough attraction in the commonplace vocation of making two blades of grass grow where one grew before to hold the average boy and girl safe from the city glare which attracts like the bright flame allures the moth. And if the glamor and novelty and activity of city life is the magnet which draws the boys and girls from larger possibilities on the farms, there must be counter efforts to hold them in the rural homes.

And so, Mr. Chairman, we are brought face to face with the stern realization that we need more contented and prosperous farmers for the betterment of mankind generally. For many years we have been legislating in favor of city welfare and letting rural interests take care of themselves. But we are seeing things differently now. This administration has taken a long step toward taking the burden of Government taxes off the necessities of life and placing them on the luxuries and the wealth. It has lowered tariff taxes on the toiling masses and added them, by the income-tax law, to the responsibility of the wealthy who ought to pay their full share of public expenses. It has passed the Lever bill, which provides for more general education of farmer boys and girls. It will pass a law making it possible to borrow money on such terms that many who can not now do so may own farms. And it will pass this bill which will send millions back to the country people, who paid the money in, to help improve the public roads so the farmer and the city man may have more economic means of handling the necessities of life and also make rural life more inviting, more advantageous, and more prosperous. And they deserve this from a Congress which is obligated to help those who help themselves, rather than continue the long-established policy of enriching him who already hath by taking from another that which is rightfully his.

Mr. Chairman, the city man who votes against this bill thereby strikes at his own best interests and denies to the farmer the fair share of public favor which belongs to him, because he has paid his money in taxes for it. Surely there will be few to deny this act of modest justice to the millions.

Mr. GOOD. Mr. Chairman, I suppose there is no greater civilizer than good roads. Few things contribute more to the comfort or prosperity of a community than good highways. In the building of good roads we have not kept pace with the progress of our country in other directions and in other lines of activity. It is a fact that we have bad roads all over the country, and the recognition of that fact is responsible for the demand from every part of our country for remedial legislation. I regret exceedingly that this bill does not meet that demand. I have studied this bill carefully, and I have great misgivings with regard to many of its provisions. I very gravely doubt whether it will accomplish, in any marked degree, any of the things which its sponsors claim for it. It is, indeed, very unfortunate that so worthy a cause should be carried in such a dilapidated vehicle. The result of the enactment of this bill, so far as the advancement of good roads is concerned, is questioned by many of the Members of this House.

One of the difficulties in the way of securing good roads throughout the country to-day lies in the fact that the various States have not enacted proper laws for the building of roads. With but slight changes in the laws for building highways, many of the States have been going on for a century under the old and antiquated methods of road construction. The result is that it too often happens that the funds collected for building roads have been foolishly expended, and that much of the work done upon our highways left them in a worse condition than they were in before the work was performed. The difficulty has been that no scientific standards for the building and repairing of highways have been established in this country. The only wonder is that our public roads are in as good condition as we find them to-day when we consider the haphazard methods that have been employed to improve them.

Mr. Chairman, the enactment of legislation upon this subject should mark a new era of highway construction in the United States. A good-roads measure should provide for scientific standards of road construction and repair and businesslike methods established for enforcing these standards in all work upon public highways. But instead of establishing such standards and providing such a scheme the bill before us recognizes the same low standards of road construction, as well as the old methods of working the highways, which have resulted in the most deplorable condition in which we now find our public roads. At the beginning of such an era we should, it seems to me, favor Federal aid only for the construction of permanent highways, leaving temporary construction and repair solely to the local authorities.

Section 4 of this bill attempts a classification of public highways for which Federal aid may be given, in which the roads are classified into three divisions; but it is especially provided that each division shall embrace roads "upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality." Any schoolboy can see at a glance how foolish it is to establish such a standard for the construction of highways for which the Government is to expend annually $25,000,000, instead of providing that the highways for which Federal aid may be given shall embrace only those roads where the grade does not exceed a certain per cent. In fixing the standard, so far as grade is concerned, by providing that no incline shall be steeper than is reasonably necessary in view of the natural topography of the locality, it will be seen that if a road extended up the side of the Ozark Mountains the grade might be 45°, and the natural topography of the locality would make it reasonably necessary for such a grade.

Again, this bill makes provision for Federal aid for macadam or concrete roads at the rate of $60 per mile; for shell or gravel roads, $30 per mile; and for ordinary dirt roads, $15 per mile. One of the counties in the State which I have the honor in part to represent on the floor of this House by actual experiment last year determined the actual cost of building roads such as are designated in class C and found that the actual cost was less than $30 per mile.

It is a matter of general knowledge that a good, well-constructed macadam road will cost from $3,000 to $6,000 per mile, and that a concrete road costs from $6,000 to $15,000 per mile. Keeping in mind the cost of these different types of roads for which it is proposed to grant Federal aid, let us examine the provisions of the bill to ascertain whether or not the Federal aid proposed is properly and equitably distributed so as to produce the best results, so far as the building of good roads is concerned. For roads that cost from $6,000 to $15,000 per mile to construct, it is proposed that the Government shall contribute for each mile of road so constructed the sum of $60. For the class C road, or the ordinary dirt road, which costs not to exceed $30 per mile, it is provided that the Government shall contribute toward the construction thereof $15 per mile, or one-half of the entire cost of the road. The proposition resolves itself, therefore, to this: The Government will pay from one-half of 1 per cent to 1 per cent toward the building of concrete or macadam roads, the very best and highest types of highway—a permanent highway—but will contribute 50 per cent of the cost of the construction of dirt roads, or the poorest type of highway. This, too, in view of the fact that the dirt road is not permanent and the work must be done every year or two.

Mr. Chairman, my contention is that this principle is entirely wrong. Bad as this principle is, however, it is not the worst feature found in the bill. I am strongly in favor of good roads, and I favor the proposition of the Federal Government contributing toward the construction of good, permanent roads, but the proposition provided by section 4 of this bill makes it possible for the various States to take from the Treasury of the United States $25,000,000 in a single year, and expend not a penny of it upon the highways of this country.

Section 4 provides that before the 1st day of March each year the governor of any State may file a statement with the Secretary of Agriculture, setting forth the number of miles and the locality of roads in such State which he claims to be in each of the three classes—A, B, and C. Thereafter the Secretary of Agriculture shall consider such statements and determine which of the roads therein mentioned are in such respective classes.

That at the end of each fiscal year the United States shall pay, on account of roads so determined to be in classes A, B, and C, as follows: On each mile in class A, the sum of $60; on each mile in class B, the sum of $30; and on each mile in class C, the sum of $15. * * * That such payments of money made by the United States, as hereinbefore provided, shall, during the ensuing year, be applied to the construction, maintenance, or extension of the respective roads for which paid; * * * that if such sums are not so expended upon the construction, maintenance, or extension of said roads, respectively, during the ensuing fiscal year, then at the end of such fiscal year nothing whatever shall be paid by the United States on account of any road upon which there has been default in such expenditure.

This is the only instance where the Government of the United States does not see that something of value is received for an expenditure. In fact, this is the only instance that I can recall where the Government pays in advance for any public work or improvement, but here it is contemplated to pay out $25,000,000 for work to be performed, as the bill states, during the ensuing fiscal year, upon certain roads which the governors of the various States shall designate as being in one of the three classes. In view of the fact that this is the only exception to the general rule that Government work shall be paid for when completed, what safeguards have the committee thrown around this fund to insure the United States that this money will be expended upon the highways for which the payment was made? By turning to the bill we find this language:

That if such sums are not so expended upon the construction, maintenance, or extension of said roads, respectively, during the ensuing fiscal year, then at the end of such fiscal year nothing whatever shall be paid by the United States on account of any road upon which there has been a default in such expenditure.

Instead of a provision that the money shall be returned to the United States it is proposed that $25,000,000 per year be paid out on an estimate to improve certain roads during the ensuing year, and that if the money is not so expended, then nothing will be paid on account of the identical roads for the next year. The proposition is so framed up that the States can fool the Government once and secure $25,000,000 for work on certain roads, and then not do the work; but in order to get $25,000,000 for the next year it will be necessary for the governors of the various States to file with the Secretary of Agriculture a different list of roads, and the only limit that can be placed upon such a draft on the Federal Treasury is that there is a limit to the number of miles of highways in the United States. And all this is proposed in the interest of good roads.

Mr. SAUNDERS. May I interrupt the gentleman? He is under a misapprehension about that, and I will point it out to him in a minute. The right to receive that money, so far as the State is concerned, has already accrued by reason of the fact that for the preceding year it has kept those particular roads up to type; and this is just a requirement that the money it has earned by keeping the roads up to type shall be put into road improvement next year.

Mr. GOOD. The gentleman is mistaken. The bill provides that at the end of the fiscal year the Government shall pay certain sums of money on account of roads that it intends to construct and maintain the next year.

Mr. SAUNDERS. Not at all.

Mr. GOOD. The entire structure of this bill——

Mr. SAUNDERS. Will the gentleman point to that feature of the bill which he thinks conveys that meaning?

Mr. WOODRUFF. The gentleman is pointing simply to section 3.

Mr. GOOD. I do not think that section 4 is capable of any other construction.

Mr. SAUNDERS. Will you point out the section of the bill that carries that meaning.

Mr. GOOD. If the gentleman will turn to the latter part of section 4, he will find that it provides that on the 1st day of March of each year the governor shall file a statement with the Secretary of Agriculture, and that thereafter the Secretary of Agriculture shall determine the number of miles of road of each class it is proposed to build or improve.

Mr. SAUNDERS. The operations under section 3 are entirely distinct from the operations in that section of the bill from which you are reading. They have no relation whatever.

Mr. GOOD. I will say to the gentleman that I have been reading from the bill and I do not see how any other conclusion can be drawn.

Mr. SAUNDERS. I will say to the gentleman that he read from the portion of the bill that relates to expenditures under

classes A, B, and C type of roads, and which does not relate to expenditures under section 3.

Mr. GOOD. If my statement to the gentleman was that I was reading from section 3, it was in error. I have no contention with the committee with regard to section 3. It contains the best provisions found in the bill. What I am complaining about is the provisions found in section 4, and in order that there may be no misunderstanding with regard to what section 4 contains—for I contend that its provisions are not only foolish but even vicious, opening up the road to gross frauds on the Federal Treasury—I propose to insert in my remarks section 4 of the bill. It reads as follows:

SEC. 4. That certain roads in the States which are adapted to use by the United States as rural post roads shall be divided into three classes to be known as class A, class B, and class C.

Class A shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of macadam or other material of equal utility and cost, constructed and maintained in such manner that it shall have a smooth, firm surface.

Class B shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of shells, gravel, or a proper combination of sand and clay or other material of equal utility but less expensive than macadam, constructed and maintained in such manner that it shall have a smooth, firm surface.

Class C shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches and kept crowned and compacted by dragging or other adequate means so that it shall be reasonably passable for wheeled vehicles.

That on or before the 1st day of March in each fiscal year the governor of any State may file in the office of the Secretary of Agriculture a statement setting forth the location and the number of miles of roads in such State which he claims to be in each of classes A, B, and C, respectively; and if such State have a State highway department then his said statement may be accompanied by a report from such State highway department showing the total number of miles of roads in such State in each of classes A, B, and C, the location of such roads, a description in detail of their physical features, the material, manner, and, as far as may be, the cost of their construction and the manner and cost of their maintenance.

That the Secretary of Agriculture shall consider such statements and determine which of the roads mentioned therein are in class A, which in class B, and which in class C, and make a report of his said determinations to the respective governors, filing such statements, on or before the 20th day of the following June.

That no charge shall be made for so considering and determining such statement of any governor if the same shall be accompanied by a report from the State highway department of such State as hereinbefore provided; but in all other cases there shall be deducted 10 per cent of the amount which shall be payable on account of the roads in such State under the provisions of this act.

That at the end of each fiscal year the United States shall pay on account of the roads so determined to be in classes A, B, and C, as follows: On each mile in class A the sum of $60, on each mile in class B the sum of $30, and on each mile in class C the sum of $15: *Provided*, That if in any State the aggregate of said sums would exceed the amount which for that fiscal year has been apportioned to such State under this act to be expended under the provisions of this section, then said sums per mile shall be reduced pro rata so that their aggregate shall not exceed said amount.

That nothing whatever shall be paid by the United States under the provisions of this section for any road which does not clearly come within the requirements of class A, B, or C, as hereinbefore defined.

That such payments shall be made, to such officers of the respective States as the governors thereof shall designate as being entitled to receive the same, by the Treasurer of the United States upon warrants drawn upon him by the Secretary of Agriculture.

That such payments of money made by the United States as hereinbefore provided shall, during the ensuing year, be applied to the construction, maintenance, or extension of the respective roads for which paid, and that in addition thereto the State or civil subdivisions thereof shall, during said ensuing fiscal year, expend in the construction, maintenance, or extension of said roads an amount equal to the amount so paid by the United States; that if such sums are not so expended upon the construction, maintenance, or extension of said roads, respectively, during ensuing fiscal year, then at the end of such fiscal year nothing whatever shall be paid by the United States on account of any road upon which there has been a default in such expenditure; that the Secretary of Agriculture shall determine whether such expenditures have been so made, and to aid him in such determinations that the proper officers of the State shall make such showing as he shall require.

I do not see how anyone interested in the real forward movement for the building of good roads can look with favor upon this section of the bill. I do not believe that section 4 will be retained in any good-roads law that is enacted by Congress.

It is a mistake to assume that by the enactment of a law granting Federal aid for highway construction our good-roads problem will be settled. The enactment of this or of any statute granting Federal aid will not solve the problem. Indeed, more will have to be done before good roads will be built throughout the country. Unpopular as it may seem, I firmly believe that good, permanent roads will only be a reality when the land adjacent to or in close proximity to good, permanent roads is assessed for a proportion of the benefit which the building of such roads will give to such land. The local authorities can not and will not alone build good, permanent roads in any State. The National Government can not and should not alone embark upon such a project; but I believe the final solution of this question will be the joint action by the Federal Government, the State or local authorities, and the owners of the land that lies in close proximity to the permanent roads constructed. By such joint action we can eventually build a system of good roads throughout the country that will meet the demands of commerce and will be responsive to public sentiment.

Mr. PROUTY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, when the question was first up as to paying money out of the Federal Treasury for good roads I was very much opposed to it; but my cooperation in favor of such legislation was always based upon the theory that we were going to lay down a fundamental law under which the States of the Union were to be given an opportunity to cooperate with the National Government in the construction of good roads. My belief was that we were going to propose a law that would work automatically and would prevent the States from getting money out of the Federal Treasury unless they really performed work. This bill, in my judgment, does not do that; and I could not under any circumstances vote for this bill.

This bill provides for the payment of the Federal money to the State treasurers before the States do any work whatever, and it does not require them to do the work at all. It only imposes a penalty to the extent that it refuses to pay the money in the succeeding year if they fail to expend the money that is given this year.

Mr. McKENZIE. Mr. Chairman, will my colleague yield for a question?

Mr. MADDEN. Certainly.

Mr. McKENZIE. Does my colleague mean to have us understand that the Government of the United States shall appropriate a certain sum of money, to Illinois, for example, supposed to be for road purposes, and that the State of Illinois can use that money to pay for its militia or some other purpose?

Mr. MADDEN. It need not use it for any purpose unless it chooses, according to the terms of this bill. All that that State or any other State of the Union will be required to do under the terms of this bill will be to make available an amount equivalent to the amount paid by the Federal Treasury. The mere making of the amount available by the State does not require the State to expend what is available in order to get the money out of the Federal Treasury.

Mr. Chairman, I am in favor of the construction of good roads, and I want to see them constructed all over the Union, and I would like to see the Federal Government cooperate with the States, but I want to see the Federal Treasury protected while the Government of the United States is cooperating with the States.

This is really a pork-barrel bill. It can not be considered in any other way. I have always feared that in the enactment of a law for Federal cooperation with the States in the construction of good roads we might reach a stage where political scandal would ensue; and if this law were to go into effect, nothing short of a political scandal from one end of this country to the other would ensue from its operation.

What we ought to do would be to lay down a principle with which every State must comply; and that principle ought to involve the expenditure of money by the State before the Federal Government cooperates. I assume that perhaps this bill will be amended in some such particular before it is enacted into law. But under no circumstances ought it to be enacted unless it is amended.

Why, I am astounded to think that these men who have been working so assiduously and patriotically for the purpose of building up the country by the construction of good roads, and the cooperation of the Federal Government to that end, have so far forgotten their duty to the people of the United States as to provide for the payment of money out of the Federal Treasury to the extent of $25,000,000 in a single year without requiring the States to which the money is to be paid to expend one single dollar of that money in the construction of roads.

Mr. McKENZIE. Mr. Chairman, will my colleague yield to me again?

Mr. MADDEN. Surely.

Mr. McKENZIE. Who places this money in the Treasury? Is it not the people of the respective States? Are they not getting back their own?

Mr. MADDEN. No; I had not considered it in that sense at all. If you are going to appropriate money for a given purpose it ought to be applied for that purpose and for no other purpose, and there is no excuse that can be made that will justify the payment of Federal money out of the Federal Treasury to the treasury of any State in the Union unless the provisions of the law have been complied with.

Mr. SHACKLEFORD. Previously complied with?

Mr. MADDEN. Yes; previously complied with.

Mr. SHACKLEFORD. I am with you on that.

Mr. PROUTY. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. BARTON].

The CHAIRMAN. The gentleman from Nebraska [Mr. BARTON] is recognized.

Mr. BARTON. Mr. Chairman, I am not at all surprised to see the Members representing city districts oppose this measure; neither am I surprised to hear it referred to as a pork-barrel measure. My experience here teaches me that a pork-barrel measure is a measure that distributes the people's money and benefits generally and uniformly throughout the country and a statesman's measure is one where just a few big cities get the direct benefits of the expenditures; and, quite naturally, the press representing these cities do not let a chance go by to emphasize the definition.

I did hope for once these Members would look over the high wall of provincialism that they have erected along their corporation lines and see the broad fertile country that feeds them, but of course am disappointed.

In the distribution of the revenues of the Government of the United States those living in the cities receive substantially 85 per cent of the appropriations made by Congress, while less than 15 per cent is appropriated for the direct benefit of those living in agricultural States, notwithstanding that at least half of the revenues of the Government is contributed by the people who live in rural districts.

The gentleman from Pennsylvania [Mr. MOORE] seems to see a great injustice in comparing the amount that will be received by Nebraska and Connecticut, their population being quite similar, Nebraska being apportioned $506,250 and Connecticut $218,750. I would direct his attention to the fact that the Government uses in Connecticut 6,437 miles of post road and in Nebraska 33,320 miles. To make equal and just apportionment for the roads actually in use by the Government, if there has been discrimination, it has been against rather than for Nebraska.

The road is a public highway, open to the world. The Government uses it to do its business. The joy rider from the city cranks his automobile and spins over mile after mile of the public road praising it here and condemning it there, but roads do not come without effort no more than do orchards, fields of grain, and other artificial improvements. Some one must do the work to build them and keep them in repair. This is and has been done in my State solely by the farmers.

When the railroads were pushed through this country subsidies were granted, which means that the entire people donated to build them, and we are to-day paying these same roads $52,000,000 per annum to carry the mail; possibly this sum is not at all out of reason; but, sir, is it out of reason, if you please to so call it, to the farmers of this country to help them in their road building so long as the Government uses this mileage every day for her mail carriers?

Good roads benefit everybody. They not only make adjacent property more valuable but they enable the farmer to get his produce to market at a lower cost. They bring the city and country districts into closer touch with each other and more nearly than any other appropriation benefit the entire people.

Good roads and road building is one of the live subjects of to-day. Some of our States have already expended millions of dollars to keep in step with this march of progress, and the people of these States are proud of the improvements and achievements. Some contend that road building should be done solely by the States, but these same people would not advocate that States must take the entire financial responsibility of deepening adjacent harbors and dredging rivers. Their argument in its narrowness can only apply to roads which more directly afford benefit to the farming community and whose expense of building and upkeep has been solely by the farmer. These same advocates cry for a railroad in Alaska and for intercoastal waterways with an appropriation far in excess of this appropriation, but by all means this must not be made as the direct benefit is with the farmer and not with the favored classes. The Steel Trust will get none of this business; the big shipbuilders will not have a chance to figure on getting a big percentage; there will be no chance for the railroads to get a slice of the appropriation; the Army or Navy can neither one profit through this expenditure; big contractors will not be enriched; these benefits will go direct to the farmer. That is why I am for it.

I believe there are Members enough on this floor who are in favor of improving rural conditions to pass this measure, and while we know that the appropriation is small, the method primitive, we also know the appropriation is large enough to stimulate road building in the States, and when the matter is presented each State will map out a plan that will ultimately result in a good-roads system throughout the Nation.

Mr. PROUTY. Mr. Chairman, I yield to the gentleman from Virginia [Mr. FLOOD].

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, I am heartily in favor of the principle of national aid to public roads, and am earnestly supporting House bill 11686, introduced by the gentleman from Missouri, Hon. D. W. SHACKLEFORD, chairman of the Committee on Roads, on January 16 of this year.

Eight years ago I introduced a bill providing for an appropriation by the Federal Government for this purpose. I thought at the time, and still think, that bill the most practicable one yet introduced on the subject. I desire to have it read at the Clerk's desk.

A bill (H. R. 146) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein.

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury at the end of each fiscal year to take an account of all the funds in the Treasury of the United States, and after deducting from said sum the amounts required by law to be kept in said Treasury, the remainder, if any, shall be declared a surplus.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to immediately provide for the distribution of said surplus, not exceeding $25,000,000 annually during the continuance of this law, on a per capita basis, to the States, Territories, and the District of Columbia, to be computed from the last general census taken by the national authorities, and shall prorate the same accordingly for the sole purpose of improving the postal roads in said States, Territories, and District of Columbia, under such rules and regulations as the States, Territories, and District of Columbia may provide, and said Secretary shall immediately notify the governors of said States and Territories and the Commissioners of the District of Columbia the amounts due each, and that the same will be paid over to such person or persons as may be duly authorized by said States, Territories, and the District of Columbia to receive and receipt for the same.

SEC. 3. That it shall be the duty of the governors of the several States and Territories and the Commissioners of the District of Columbia to make a full and complete report to the Secretary of the Treasury on the 15th day of November of each year what legislation, rules, and regulations have been adopted for the expenditure of said funds upon the postal roads, the manner in which the same has been spent, and the results accomplished. And it shall be the duty of the said Secretary to submit said reports to Congress on the first day of each regular session.

I have introduced this bill in every Congress during the past eight years. During the last session of Congress the gentleman from Missouri [Mr. SHACKLEFORD], the gentleman from Virginia [Mr. SAUNDERS], and others made a study of all the bills that had been introduced on this subject, and as a result the gentleman from Missouri [Mr. SHACKLEFORD] introduced a bill very similar to the one now pending. The pending bill has received the strongest support of any measure of the kind yet brought before the House, and as it embraces the principles of the bill I have advocated for so long, and starts the work of national aid to public roads, I am heartily in favor of it.

Virginia will participate in this appropriation under section 3 of the bill and will receive $591,250 annually. This section is as follows:

SEC. 3. That the Secretary of Agriculture is authorized to cooperate with the officers of the several States having lawful authority in that behalf in the construction and maintenance of rural post roads; that between the 1st day of February and the 30th day of June in each fiscal year the Secretary of Agriculture and the officer or officers of each State having lawful power to act for the State may jointly consider and determine the roads in such State which, under the provisions of this section, may be constructed and maintained during the next fiscal year, and the material, character, and manner of such construction and maintenance; that such construction and maintenance shall be conducted under such supervision as shall have been previously agreed upon by the Secretary of Agriculture and said officer or officers of said State; that in no case shall the United States bear more than one-half of the cost of the construction and maintenance of any road under the provisions of this section; that the Secretary of Agriculture shall not commence such joint construction of any road in any State until the portion of the cost thereof which is to be provided otherwise than by the United States has been made available.

Every argument is in favor of this proposition, and no substantial argument can be urged against it.

Undoubtedly the power of the Government to make appropriations for this purpose is ample and can be defended.

The power is expressly given to Congress by the Constitution "to provide for the general welfare," and the general welfare of the country demands at this time nothing so imperatively as it does a good system of public roads—a thing which we can never have without the aid of the Federal Government.

The exercise of this power to aid in the building of public roads is more than 100 years old. As far back as Jefferson's first administration Congress made provision for a national road from Georgia to New Orleans, which was completed during Jefferson's last term and of which there is a map in the Library of Congress.

In 1816 Henry Clay made a speech in advocacy of the construction by the General Government of an extensive system

of turnpikes and canals. He was ably seconded by John C. Calhoun.

At the next session of Congress, in 1817, Calhoun took the lead in advocating a bill to set apart and pledge the bonus of the national bank and the shares of the United States as a permanent fund for constructing roads and canals and improving the navigation of water courses.

In 1818 Clay made another speech on the subject of internal improvements, in which, after an elaborate argument upon the constitutionality of the subject, he discusses the great benefit of canals and turnpikes to the country. His remarks would apply to turnpikes at the present time. He said:

I think it very possible that the capitalist who should invest his money in one of these objects might not be reimbursed 3 per cent annually upon it, and yet society in various forms might actually reap 15 or 20 per cent.

And again he said:

Of all the modes in which a Government can employ its surplus revenue none is more permanently beneficial than that of internal improvements. Fixed to the soil, it becomes a durable part of the land, itself diffusing comfort and activity and animation on all sides.

Mr. Clay was an untiring and strenuous advocate of the Cumberland Road—the great national pike to extend from Cumberland, Md., to St. Louis. The bill for the first section of this road passed Congress March 29, 1806, which authorized the President, Mr. Jefferson, to appoint three commissioners to lay out the road from Cumberland to the Ohio River. This road had many ups and downs during successive administrations, but by the time railroads had begun to loom up it had been completed to Vandalia, Ill., at an expense to the Government of nearly $7,000,000, a sum which meant then many times to the Government what that amount of money would mean now.

In the Eighteenth Congress Thomas H. Benton fathered the bill to lay out a road from the border of Missouri to the boundary line of the United States, and thence, with the consent of Mexico, to the frontier of New Mexico. In his 30 years in the Senate he attributed the waning interest in the subject to the application of steam to boats and railway trains. He uses the following language:

The progress of events has drawn the whole subject—the subject of a system of national internal improvements, once so formidable and engrossing the public mind—from the Halls of Congress and discussion of the people. Steamboats and steam cars have superseded turnpikes and canals.

Even great works accomplished by Congress at vast cost, after long and bitter debates, and deemed national at the time, have lost their character and sunk into the class of common roads. The Cumberland Road, which cost $6,700,000, and was a prominent subject in Congress for 34 years, from 1802, when it was conceived, to 1836, when it was abandoned to the States. This road, once so absorbing the public money and public attention, has degenerated into a public highway and is entirely superseded by the parallel railway.

There is no real distinction, so far as the public good and welfare is concerned, between the aiding of public roads and the aiding of waterways, and yet our waterways and harbors have been aided to so colossal an extent as to dwarf and finally eclipse our equally valuable highways.

There can be no question of the popular demand for this legislation.

I send to the Clerk's desk and ask to have read a set of resolutions adopted by the Farmers' Educational and Cooperative Union, of Cumberland County, Va., that well expresses the popular feeling on this subject.

The Clerk read as follows:

REPORT OF COMMITTEE ON GOOD ROADS.

We, your committee on good roads, beg to report—

First. That we believe this to be the most important problem that confronts the people of the State to-day.

Development is what the State of Virginia needs above everything else, and we can not do this without good roads. This pressing need of the agricultural interests of the State demands prompt and heroic action.

Second. And whereas the National Government is using a large portion of our roads for handling the mails we earnestly solicit its aid in building the roads over which the mails are carried and urge that the National Government furnish liberal aid to the State and the subdivisions thereof.

Third. Resolved, that we heartily indorse the efforts now being made by our Representatives in Congress for said aid, and, further, that we will indorse and support only such men as are willing to do all they can to aid rural Virginia in securing better roads, and we also urge every possible aid to our highway commissioner in his efforts for the betterment of our roads.

Fourth. Our Government is founded on the principle of the greatest good to the greatest number of citizens, and since our Government has expended many millions of dollars on our rivers and harbors, of which we are justly proud, we now urge that some of these millions be turned into the good-roads channels, that the great mass of our people may be directly benefited thereby.

Our order is built and maintained on the one idea—cooperation—and we urge each and every member of our union to cooperate with the county, State, and national authorities in bringing about this consummation so devoutly desired.

And last, but not least, we urge our governor and the General Assembly of Virginia to use their good offices in formulating and enforcing laws for the building and maintaining all the roads of our Commonwealth in such manner as their local needs may require; and we further urge that only competent men be employed in building and maintaining our roads, to the end that the public may get value received for its money.

A. B. JENKINS,
Secretary Cumberland County Union.

Mr. FLOOD of Virginia. The importance of good roads is so apparent it will not be questioned by anyone.

The necessity for better roads in many parts of this country is the greatest need of the hour. The States and counties can not build them. The right kind of roads can only be built, and will only be built, when the National Government lends a helping hand. If we are ever to have a system of roads in this country to compare with those of the other enlightened nations of the world, they will have to be built by the aid of the Federal Government. If the agricultural communities of this country are ever to be thoroughly developed and made desirable as places of abode during all seasons of the year, it can only be done when the Federal Government has determined to aid in the construction of proper highways and turnpikes.

The cost of transportation is the vital question in all modern commerce. With the world's markets in which to dispose of our products, our success and prosperity is largely dependent on costs of carrying our products to these markets. The cost of carrying a ton 100 miles in England is $2.35; in Germany, $2.25; in France, $2; in the United States, 72 cents, the cheapest freight rates in the civilized world, and we have very properly regulated them. On the other hand, the cost of moving our products from the farms to the railroad stations is from two to four times as much as it is in France or Germany. This part of the cost of transportation to the markets of the world is just as vital to our success and the development of our foreign trade as is the railroad freight.

All the progressive nations of Europe are giving national aid to their highways, while our Government is following the example of the South American nations, thereby imposing a burden of millions of dollars annually upon our producers; and a glance at the condition of the South American countries ought to convince us of the error of our ways. That land, so prodigal in its resources, is still more affluent in the number and availability of its waterways, and yet some of its important nations have burdened themselves with debts for railroads, which have weighted them down, while their domestic commerce is largely transported upon the packsaddle.

What a different picture has been presented by the countries of Europe. A splendid system of roads has been inaugurated by those countries. The great Napoleon, following the example set by the Roman Empire, built an extensive system of roads through France, and now millions each year are expended by the French Government in keeping up these roads and making new roads. This work employs thousands of persons, and now they have 350,000 miles of well-paved roads. The central Government of England began to improve the roads in that country in 1835, and now $15,000,000 is being expended yearly upon their roads. Macaulay, in writing of the condition of the public roads in England prior to 1835, gives a description of them that is applicable to our roads nearly 75 years later. He says:

The fruits of the earth were sometimes suffered to rot in one place, while a few miles distant the supply fell short of the demand. One general cause of the badness of the roads was the defective state of the law. Every parish was bound to repair the roads which passed through it, and thus a sparse and impoverished parish was often compelled to maintain highways between rich and populous towns.

The farming element in the country constitutes about 35 per cent of its population, and it is not fair or equitable to expect it, unaided, to build and maintain the public highways of the country. It creates the wealth of the Nation, which largely finds its way into the pockets of other people, and yet has been required, unaided, to maintain the highways of the Nation. It has produced an amount of wealth within the past 10 years equal to one-half of the entire national wealth, and though but little more than one-third of the population, it has contributed more than two-thirds of the amount needed to support the Government; and yet up to this time its just demands for aid in building a good system of thoroughfares has gone unheeded.

Let the farmer withhold his hand from the plow for two seasons and the grass will grow in your thoroughfares, barnacles and bilge water will rot your ships as they lie idle at your docks, cobwebs will festoon your counting houses, owls and bats will usurp your warehouses, your children will clamor to you for bread, and we will gather in this Chamber with pallor in our faces.

Who are the most trustworthy guardians of the Republic? Why, sir, those whose activities cluster around the home, whose virtues are those of the family, and whose patriotism springs from and is fostered by the rooftree. Such men are not blown about by every wind of doctrine, but are the ultimate and supreme hope for the conservation of our institutions.

It is but just that a class of our population which furnished so much of the greatness of the Nation and to the support of the Government, and hitherto has gotten so little from the National Government, should receive all the aid that can be given to it constitutionally.

While the country has advanced in area, in population, and in wealth, and along all lines of science, trade, and industry, no advancement has been made in the condition of our roads in many sections of the country during the past 100 years.

The statement of the average cost of transportation from the farm to the railroad which I made a few minutes ago demonstrates what an immense financial advantage a good system of roads would be to the farmers of this country. And of vital and pressing moment to the national welfare is the fact that a good system of roads would check the tendency of the people to leave the farm and go to the city. The drift has taken from the farm much of the bone and sinew essential to a successful carrying on of our agriculture. It is producing an unhealthy congestion in large centers of population. The problem of getting young men to go back to the country from the cities and those already there to remain in the country is growing graver every day. The State and Nation alike have been wisely contributing to the advantages of the country as a place of residence. A more extensive system of schools is being inaugurated each year. Circulating libraries are doing much to add to the comfort of country life; the rural free delivery of mails and the parcel post make a great and permanent inducement to such a life. How these advantages would be enhanced by a system of good roads every intelligent man can see. Every mile of turnpike would secure to the farmers on both sides what political economists call "the unearned increment" just as the proximity to the railroad or the church or the schoolhouse does; and with the main permanent thoroughfares in good condition more time and heart would be given to the farmer to improve the plantation road. The wear and tear of his team, which is his capital, would be greatly lessened. The increase in value of his land would be greatly increased. The development of a neighborhood with such thoroughfares would proceed in geometrical ratio.

Our great cities are augmenting their population in an accelerated ratio. Some day, without warning, they may tell a tale of disaster, and then there will be no escape or refuge save in the immunity, the stability, and the conservatism of the country.

Let the General Government foster this great enterprise not only at the behest of justice but of wisdom. For whatever confirms or strengthens the agricultural interests performs the same for every other interest. Upon the strength and security of the farmer rests the integrity and security of the Nation. [Applause.]

Mr. PROUTY. Mr. Chairman, I now yield five minutes to the gentleman from New York [Mr. PAYNE].

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is recognized for five minutes.

Mr. PAYNE. Mr. Chairman, five minutes is not a very lengthy time in which to discuss this bill. I am very much interested in the subject of good roads, but I do not see that this bill is going to do anything toward the accomplishment of that object. It appropriates $25,000,000 out of money that is not in sight. We had a deficit in the revenue last month of $12,000,000, and the deficit is likely to be a great deal more than that at the end of the year. But even if we had the money, I think it would be simply throwing it away to deal it out under the provisions of this bill.

We have expended in our State altogether some $125,000,000 in recent years in State, county, and town in the construction of highways, and we have spent the most of it to good advantage.

It is true that in the last three years there has been some graft, amounting to $5,000,000 or $6,000,000. That perhaps does not count in the present administration of affairs, under which our State has been laboring for three years. It is a small percentage on the $125,000,000. A good deal of it has been spent to good account. But, Mr. Chairman, it costs from $6,000 to $12,000 a mile to build a good road in our State. We have been spending that money for the trunk lines. The automobile has created a great deal of interest in the construction of roads, and it is most destructive to good roads. We have found that we have had to spend about as much more money per mile in from three to five years in repairing the good roads that we have already built. We have had some good results by county and town cooperation in good roads. When we got the proper sort of a man to give his personal attention to it, even the old turnpike, such as they used to build, has been improved upon, and it answers very well if you can keep the automobile off from it, and the farmers now have a good deal better show to get to market. I do not know but $60 a mile would amount to perhaps one-hundredth part of what these good highways cost, and might be a drop in the bucket, but it would be a mere drop. I understand the object of this bill is to create an interest where there is no interest in roads, and I understand that a great part of the country has little or no interest in roads, but they want to get in and ride the National Government to build highways. They are always willing to do something at the expense of the National Government.

I remember when we had irrigation before the House they were to spend in each State in irrigating an amount equal to the amount that accrued from the sale of Uncle Sam's lands within the boundaries of that State. If we adopted that rule, New York could get quite a sum out of this bill. Instead of a million and three-quarters we would get some seven or eight millions. That would help a little in the construction of our highways, but it would be only a drop in the bucket. We are not asking the country at large to build our roads or to do things for us. When we want a highway we build it. We commenced nearly 100 years ago with the Erie Canal, and we have spent $200,000,000 on it. You may say, "You spent it for yourselves." No; we did not. Every farm that can get its produce to the Great Lakes system of waterways is benefited by our Erie Canal in the way of reduced freights and has been for years past. [Applause.] You say, "We are spending money to improve your rivers and harbors." Well, you are spending very little in New York compared with its immense commerce. Take the Hudson River, with more commerce than any other river in the United States for the same length, how little you spend upon that. If you will give us the rivers and harbors in the State of New York, and keep out of them and let us have them, we will pay you back all the money you put into them, and we will go on at our expense and improve these rivers and harbors and we will save money by it, because we will get good rivers and harbors then instead of dividing up the money among the congressional districts. That sort of legislation is the vice of this bill. Gentlemen think because they will get a few paltry dollars for their districts that it is going to help somebody in the next election, and there are so many people in Congress who are hanging on by the gills that, of course, it is no use to talk against such a bill as this. It is breath uselessly wasted; it is time spent in vain. I know how you will vote. I will not say that these words of mine are like casting pearls, or anything of that kind, because that would be a reflection upon the House or upon some individual.

Mr. FESS. Will the gentleman yield?

Mr. PAYNE. I suppose so. I have only five minutes. I understand that there are very few of us who are opposed to this sort of thing.

Mr. FESS. I understand the gentleman to suggest that we are voting for this bill because it will assist us in our election. I wish to inform the gentleman that my district went against the Ohio good-roads proposition last year two votes to one.

Mr. PAYNE. I think, then, if $50 or $60 a mile, spent on any of the roads in that district, will help to create some enthusiasm there for good roads, perhaps it may do good in that district. [Applause.] It may help to educate the people in that district, and the Lord knows they need education if, in this enlightened day, they are voting against the good-roads proposition.

Mr. FESS. Will the gentleman yield again?

Mr. PAYNE. The gentleman does not want all my time. I will yield again for a question.

Mr. FESS. The district in which I live may need education, but we have seven colleges in that district.

Mr. PAYNE. The gentleman does not ask any question. He simply states a proposition and interrupts. I think that is hardly fair, when I have only five minutes in which to talk about this great question. There is no doubt that it is a great question in this country. It will do the people an immense amount of good to have good roads. I am in favor of good roads. I should like to see some sensible way of getting them.

We have come to the conclusion in our State that we can not make roads that will not need repairing, replacing, and rebuilding, at a cost equal to the first expense, in five years, and we have got to cover them with brick or some other hard substance that the automobiles can not break up and that heavy loads with narrow tires can not break up, in order to have a durable road. How many of them are you going to build with a contribution of $60 a mile or $15 a mile, or any such sum as that? Of course, the proposition is preposterous. Why, you have spread this thing out so thin that the design of it is too apparent to every man in the district. When they see that you are putting into roads $60 a mile, they will say, "How many

votes are you going to get on that mile of road with that $60?" [Laughter.]

Mr. Chairman, I do not like graft. I do not like to accuse anybody of graft. It is not graft. I know how people are led into it. They want to come back here, and they want to do things that are popular. Why, we have never been able to break up this appropriation for seeds, because gentlemen thought it helped to elect them. I have always voted against it, and I have gone into my district and told them so; and some of my colleagues here have asked me how I dared oppose the appropriation for seeds when people wanted them. I told them I hoped there was not a voter in the district who could be bought with 10 cents' worth of seeds. I told the people in the district that, and they thought that was right. They do not like this petty graft. They do not like this petty sort of business. If we are going to build roads, let us build roads. Let us face the proposition. If we spend $125,000,000 in New York and we have not yet got the roads, but have only got fairly started, how many billions are you going to spend in the United States? Face the music. Face the proposition, and do not begin with a $25,000,000 appropriation from a bankrupt Treasury.

A revenue law! A revenue law that does not produce revenue, which is the usual sort of a Democratic revenue law. There was a Wilson bill of 1894, and now we have the Wilson bill of 1913, all operating in the same direction. Oh, but they say they are going to make it up out of the income tax. Under the law of 1909 we were getting more than half as much as you expect to get under the income tax, and you have simply continued that tax on corporations as a part of your income tax.

Gentlemen, have a care. Listen to what my colleague the gentleman from New York, chairman of the Committee on Appropriations, says about your voting these enormous expenditures. In addition to having a deficit in the Treasury do you want to make it heavier? In addition to a deficit in the revenue do you want to extend it by voting larger appropriations? How are you coming out at the end of the year? Have a care, gentlemen, $50 or $60 a mile may not compensate for the deficiency you will have for the present year. [Applause on the Republican side.]

Mr. PROUTY. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I do not know why the gentleman from New York [Mr. PAYNE] or any of us on this side need be disturbed with regard to the sources of income for these proposed expenditures. We are not responsible for the condition of the Treasury. If there should be a shortage, it can not be charged to us.

Mr. Chairman, when the proposition contained in section 4 of this bill was before the House some time ago I voted against it. I have always had very serious doubts as to the advisability of the Federal Government going into the work of constructing or helping to construct roads in the States. I have very serious doubts in regard to the matter now; but I am convinced that, no matter what I or other gentlemen think about it, the people of the country have made up their minds that they are going to have more aid than they have had hitherto from the Federal Government in the matter of internal improvements. Many think that the people want us to build railroads in Alaska, and will so vote. Larger appropriations for rivers and harbors and for the Mississippi River, not only in the interest of navigation but for the protection of the lands along that stream, will be asked and granted.

The sooner we face squarely that feature of the proposition as regards the Mississippi the better it will be for our consciences if not for the Treasury. I am inclined to think that we ought to do these things for the valley of the Mississippi.

Whether we deem it wise or not, the people are going to insist that the Federal Government shall in some way or other assist the people of the States in the construction of highways. I am going to vote for this bill, amended as I hope it will be, with some mental reservation, in view of my belief that the people generally demand legislation along the line of Federal aid in road building.

I have no doubt that the bill is faulty in some of its details, and if it has such faults as have been pointed out by the gentleman from Illinois and others, I think those faults can and should be remedied. It seems to me, however, that we must put some faith in the honesty and integrity of the State officials in whose hands the money is to be placed. It would not take long to remedy the situation if in any given instance it was discovered that the moneys were not being used and expended for the purpose contemplated.

I think, however, the bill ought to be amended in some respects, to which I wish to call attention in addition to the possible need of amendments that have been suggested by others. At the proper time I shall propose an amendment, beginning on line 9, page 1, and extending to line 6, page 2, inserting in lieu of the language stricken out the following:

One-third in the proportion which the total population of such State bears to the total population of all of the States; one-third in the proportion which the total number of miles of rural post roads in use in such State bears to the total number of miles of rural post roads in use in all of the States; and one-third in the proportion which the total area of such State bears to the total area of all of the States.

This is the paragraph that fixes the basis on which the moneys are to be apportioned. The bill now provides that the money is to be apportioned one-half on population and one-half the length of the rural mail routes. My proposition is one-third in proportion to population, one-third in proportion to miles of post roads, and one-third in proportion to the relation that the total area of each State bears to the total area of all the States in the Union.

An amendment of that sort will give some of the States having very difficult road problems at least a sum sufficient to make a beginning. If the gentlemen will read the estimated apportionment under the bill as it now stands as given by the committee in its report, they will notice how utterly inadequate and ridiculous is the sum that some great Commonwealths would receive under the bill unless it is amended.

I shall also propose an amendment after the paragraph ending on line 9, page 4. This paragraph, which the proposed amendment follows, is the paragraph that provides that the States shall pay half of the expenditure. My amendment is as follows:

Provided, That States having within their borders public lands, reserved or unreserved and untaxed, shall only be required to pay such proportion of one-half of the cost of construction as the lands in private ownership in such States, and taxable, bears to the total area of the State, and the remainder shall be paid by the United States.

There are States in the Union in which only 20 to 25 per cent of the lands are in private ownership, where the citizens of the State must build roads over mountain ranges and country of difficult construction and secure the funds for such construction by the taxation of less than 20 per cent of the area. There are roads in my State, many miles in length, that pass over public lands almost exclusively.

If one will note how little the great public-land States would secure under this bill, he will understand the propriety, the necessity, and the justice of some such amendment as I have suggested. We should not be required to pay for the construction of the roads over and adjacent to the lands which we can not tax. When the National Government is proposing to assist in road construction, the General Government, which is proprietor of these lands, should, it seems to me, bear its fair proportion of the amount required. I shall propose these two amendments at the proper time, and I hope that they will be adopted. If they are adopted, it will greatly benefit States like California, Idaho, Montana, Nevada, New Mexico, Arizona, Oregon, South Dakota, Utah, Washington, Wyoming; to a lesser extent States like Arkansas, North Dakota, Wisconsin, and Minnesota; and to a still smaller extent a number of States that I have not mentioned. The effect of the last amendment I have suggested would be to increase the amount which my State would receive—about $35,000—and even then we would receive of the $25,000,000 proposed to be appropriated less than $80,000 to be expended in an area of nearly 90,000 square miles, containing several mountain ranges, over which our roads must be built.

The first amendment I have proposed is one that would give us the amount of the appropriation which the great extent of the Western States entitles them to, and would increase by a large sum the amount due a State such as I have the honor to represent here. If both amendments were adopted we would be in position to build our needed roads rapidly.

It will be necessary to amend the bill in some such way as I have suggested, if in its operation it is to be at all fair to any of the great public-land States, and even as thus amended it will not put the mountain States on a parity with the other States of the Union, because of the very great cost of road construction in such States. It will at least put those States in much better position than they would be under the bill as it now stands.

By unanimous consent leave was granted to Mr. MONDELL to extend his remarks in the RECORD.

Mr. SHACKLEFORD. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. ANSBERRY].

[Mr. ANSBERRY addressed the committee. See Appendix.]

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, when the resolution came to the Rules Committee for the establishment of a

roads committee, I remember that I took the opportunity to state that I believed that proposal was in contradiction of the fundamental principle of the Democratic Party; that such internal improvements are beyond the scope of the Federal Government and should be made by the States. Objection was taken to that statement by a number of Democrats, but I believe all will admit that there is in this proposal an instance of the contradictory principles of the party at the present time. The Democratic Party in its history has shown that it is opposed to a system of internal improvements by Federal authority, and that it believes in the National Government keeping its hands off every effort of a similar nature. The Republican Party might fundamentally be in favor of this proposal, and yet that grand old party leader, that grand old man from the New York State [Mr. PAYNE], has taken the floor this afternoon and has bitterly opposed this proposition. It seems to me the people of this country have a right to demand a consistent policy from their political parties. They have a right to say that parties shall be built on principles instead of on interests. When the Democratic Party is divided on the fundamental idea of this proposal; when the Republican Party is divided on it, it looks to me as though the people might well refuse to follow such leadership. Parties have been in favor of it, in their platforms, from expediency, but at the present time there is a sharp division between party members. The Progressive Party has taken a stand on this proposition as a part of its fundamental principle that this Nation is an entity, not a group of sovereign States, and that the Federal power is the agency of all the people to be used in promoting the common welfare.

Therefore the Progressive Party can rest on a fundamental principle and say that it favors national authority over the highways of the Nation. Good roads are necessary for the common welfare, as every one has admitted in this debate. There are two and a quarter million miles of roads in this country, and only 10 per cent of that number is improved. The cost of transporting a ton of freight over them is 23 cents a mile, according to the gentleman from Indiana [Mr. BARNHART]. I have figures that it costs the average farmer of this country on an average load of a ton over an average haul of 12 miles $3, which is a little more than 23 cents a ton-mile. It has been proven that that cost can be cut down from $3 to $1 by improving the roads of this country. That would mean a saving of $375,000,000 on the 250,000,000 tons of farm products that are hauled over the roads every year. That means a saving of at least $20 for every family in the entire Nation, a clear saving in the cost of living of $4 for every man, woman, and child by an improved system of good roads. So the good-roads question enters into the great problem that is before the Nation, a problem that is greater than any issue, and that is how the average man can make his income equal his expenditures for the necessaries of life, with the very best possible margin left for his improvement and culture and development. The proposal in this bill to improve roads by Federal aid is good, without doubt, but it seems to me that the bill introduced in the House by the gentleman from Michigan [Mr. WOODRUFF], House bill 10401, would much better meet the public will. The principle of that bill is that the Post Office Department should have charge of this, with rural mail carriers made the inspectors of the roads and commissioned to report as to their construction and maintenance.

Mr. Chairman, any plan adopted should be simple and practicable. It should be such as will induce the local authorities to assist in construction and maintenance and it should provide for an equitable apportionment of funds among the States. These requirements are met by the Woodruff bill to a much greater degree than this measure under consideration. I hope that the features of the Woodruff bill may be incorporated into this legislation, and I shall take pleasure in supporting amendments with that end in view.

If that can not be done at this time, this bill should receive hearty support, for its purpose is right and its tendency is right. It means improved roads for the Nation, and, as Emerson says in his essay on "Civilization":

> When the Indian trail is widened, graded, and bridged to a good road, there is a benefactor, there is a missionary, a pacificator, a wealth bringer, a maker of markets, and a vent for industry.

Good roads may, perhaps, be a benefit to the farmer primarily, but anything that benefits the farmer in this country benefits everybody. I believe that I can voice the sentiment of the overwhelming majority of the people of my district, one of the great centers of population, when I say that they favor a system of good roads throughout the country. The tremendous tonnage of the Pittsburgh district—168,000,000 tons a year—is larger than that of any other four ports in the world. It is largely traffic over railway and waterway, but the people there know that there is another highway of commerce just as important as either, and that is the roadway. They favor any just step which will bring the necessaries of life to the consumer from the producer, with the least possible expense and with every unnecessary burden removed. Good roads will help to do that in a very large degree, and for that reason this measure is commendable and worthy of support.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, this bill, in all its complications, brings up the question of what are proper subjects for Federal expenditure and for what purposes we should raise Federal revenue. One party comes in promising economy in Federal expenditure; another party comes in with a similar appeal; meanwhile we have decided that we ought not to extort by an oppressive tariff or other indirect methods of taxation burdens which, levied by the Federal Government, shall be heedlessly disbursed. We believe in leaving a man's earnings in his own pocket, except as the National Government and the national defense shall call upon him for contribution; for other contributions his State or its suborganizations should make the charge. We all believe in good roads and know the economic benefit accruing from easier hauling, and therefore from cheapened distribution, but whether this bill provides a sane, coherent system of road building and as to whether road building should be initiated by the Federal Government, these are questions to be considered here and now.

Under private tenure of land good roads primarily mean the enhancement of land values. Everyone knows that whenever anyone plans a subdivision and puts in street improvements he does it with the object of raising the price of the land and of making a profit not only on the land but upon the improvements. Such improvements are frankly for his personal profit and not for the public welfare. In the same way most of the money that the Federal Government might expend for good roads under this bill would inevitably go to the benefit of the landowner. It may be well to benefit the landowner; it is doubtless a good thing to cheapen hauls; but, in my opinion, we ought to go carefully and slowly and determine whether or not this vast expenditure will not inevitably become vaster and vaster as time goes on; whether, once started, it will not be a perennial grab bag, an increasing pressure on candidates for office. There is no end to the ultimate amount of it, and we should be more than careful to determine when and how or if at any time we should aid any State, county, city, or town in conjunction with private interests to assist in road building. We should carefully consider whether Federal aid should be extended to regions where the Federal Government is the chief landowner, as in the State of Wyoming, and in such event should pay the Federal portion, just as we should require the individual landowner under private ownership to pay his portion.

We are brought to a consideration whether under our ideas of municipal charters and municipal home rule and under county charters and under our doctrine of State rights such a bill as is proposed is more than a cheap waste of public funds, a negation of corporate self-respect. It seems to me that this money thus to be appropriated will be wasted, will be thrown in the air and allowed to blow where it will, will be sown broadcast in scatteration and inefficiency, to the disgrace of Congress and all of its Members.

In one way the bill is better than the bill which was introduced in the last Congress. It provides two alternatives—one that there must be the cooperation of the States; and then, in section 4, we find that cooperation is not essential; and we also find that an appropriation may be made out of the Federal Treasury and not necessarily expended at all. It is a frank case of local graft, a proposition to hand over to local authorities a Federal subsidy without any certainty that the money will be properly applied, and with the absolute assurance that the amounts are utterly inadequate to the alleged purposes for which they should be applied, without sufficient reference to the question of who owns the lands, who is the real beneficiary, or as to the jurisdiction under and by whom the money shall be spent for road purposes.

To my mind this bill will furnish a supreme test of the courage of the House. We all know that the hope of this bundle of financial chaos and indiscriminate subsidy for unorganized mud and dust rests in the breasts of Congressmen who look for reelection to the thoughtless among their constituents. It is not a good-roads bill; it is a bill for Federal subsidy to private and local interests.

It is a pork-barrel bill, pure and simple, promising limitless areas of future bacon. No man can vote for it without a vision of an adversary who will outpromise him, and so on till the receivership of the Republic.

I hope when the time of test comes that the Sixty-third Congress will prove itself braver than the Sixty-second Congress. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, I do not believe this bill is any particular test of courage. I think it is rather a test of common sense. [Applause.] If there is one question before the whole country to-day that is of huge public interest, it is that the country have good roads. [Applause.]

Now, it seems to me that this bill, in giving the option to the States as to the method in which this proposed appropriation shall be expended, is very wise. If you should talk in our State of Pennsylvania about spending $15 or $20 a mile on the roads, it would be considered impractical nonsense. For four years I tried to get the State commissioner of highways there to adopt a brick road. Finally we persuaded him to build a short section of that kind of road, and it has been so thoroughly tested out that now there is a very large sentiment in favor of brick roads, which cost anywhere from $12,000 to $20,000, perhaps, per mile.

This bill, as I understand it, avoids all questions of sectionalism. There is no room for questions of States' rights or Federal control, as has been suggested. The Federal Government admittedly has the constitutional right to carry the mail, and this implies, of course, the right to build post roads, and the plan of joint expenditures by State and Federal Government is plain business common sense. That would be one of the first things a business man would suggest. The Government can, under section 3 of the bill, make this expenditure in concert with the State authorities. Up in Pennsylvania, I understand, we would get about $1,500,000 out of this appropriation, which would not be required to be expended, under section 4 of the bill, at the rate of a few dollars per mile, but the engineers of Pennsylvania and of the Agricultural Department could get together and adopt a plan of improvement of roads, and expend that money in whatever way they wished, either for the improvement of the dirt roads or by building brick or macadam roads. This could be done at the option of the State under section 3.

Now, in my opinion, the improvement of the dirt roads—the township roads—is of far more importance than the building of great boulevard turnpikes, and the improvement of the dirt roads, where a small sum of money—$15, $20, or $30 per mile—expended by the Government, the State expending an equal amount, would improve those roads greatly.

And I do wish to say, Mr. Chairman, that, having studied the bill H. R. 10404, introduced by the gentleman from Michigan [Mr. WOODRUFF], I think the method advanced there of improving the dirt roads is really a great improvement over the bill introduced by the gentleman from Missouri [Mr. SHACKLEFORD]. It seems to me so thoroughly well thought out, and meets so many of the objections that have been presented here as to the operation under section 4, that I believe it would be preferable.

Mr. SAUNDERS. May I interrupt my friend? That very system that you refer to could be put in operation in the State of Michigan under section 3 of this bill.

Mr. HULINGS. I was going to say that under the laws of some of the States that could be done, and I am satisfied that section of this bill could in some places be put into operation with many of the advantages of the Woodruff bill; and I am sorry that this House does not have the privilege of considering a bill that meets all the objections raised here, and which is of itself a fine tribute to the intelligence and the broad mind of its author, the gentleman from Michigan [Mr. WOODRUFF]. But I am in favor of this bill, Mr. Chairman, not because I think it is the very best bill that could be devised, but for the reason that it is a step in the right direction, and especially because under section 3 there can be such joint effort between the State and Federal authorities as to the kind of road and the manner of building as they in their joint wisdom may decide.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DERSHEM].

Mr. DERSHEM. Mr. Chairman, if there is one subject that we should be more interested in than another, it certainly is good roads, and I believe that nearly everyone is interested in this matter. Until recently, probably ten or twelve years ago, roads were built by the townships and counties in Pennsylvania, but a few here and there were at one time constructed and maintained by the State. However, most of the supervision and building of the roads in Pennsylvania was left to the townships and counties, with the result that very little, if any, improvement in methods of road building was made for many years.

The State highway department of Pennsylvania was established in 1903 by an act of the general assembly approved April 15, which was reenacted, with amendments, by an act approved May 1, 1905, which authorized the department to cooperate with the several counties and townships, and with boroughs in certain instances, in the improvement of public highways and the maintenance of improved highways, and provided for the application to the department of counties and townships for State aid in highway improvement and maintenance, and also provided for the payment of the cost of highway improvements made under the provisions of the act by the State, the counties, and townships. Further amendments were made by an act approved June 8, 1907. These acts and amendments were repealed and the department reorganized by the act approved May 31, 1911, which act authorizes a system of State highways to be constructed and maintained at the sole expense of the Commonwealth, and also a system of State-aid highways, in the construction of which the State cooperates with the counties and townships, and in certain instances with boroughs, the State paying fifty per centum and the county and township twenty-five per centum of the cost. The State will maintain all State-aid roads and collect fifty per centum of the cost thereof from the respective township or borough in which the road may lie.

This plan embraces about 8,000 miles of roads in Pennsylvania, which are to be constructed and maintained entirely at the expense of the State, and it has been said that the cost would be about $150,000,000 when the 8,000 miles of roads are completed.

The State has taken over a large portion of these 8,000 miles of roads, and is now maintaining them, but the money has not been provided for their improvement, as had been anticipated.

An amendment was proposed to the constitution, providing that the State borrow $50,000,000 for the building and maintaining of permanent roads. This was defeated at the last general election, not because the people did not believe that this plan was feasible or because they did not want good roads in Pennsylvania, but because they were opposed to the State going into debt, and for various other reasons, which I need not mention here, the amendment was defeated.

Now, I am heartily in favor of the Shackleford bill, not because of the financial assistance it will give to Pennsylvania in the building of roads, but because of the encouragement that it will give to the good people looking toward the betterment of their public roads.

I would like to say the master of our State grange, Hon. William T. Creasy, is strongly in favor of this bill. The Pennsylvania department of agriculture has gone on record as favoring it by passing resolutions, a copy of which have been forwarded to me, together with a letter, signed by N. B. Critchfield, Secretary State Board of Agriculture, which are as follows:

DEPARTMENT OF AGRICULTURE,
Harrisburg, Pa., February 2, 1914.

Hon. FRANK L. DERSHEM,
Member of Congress, Washington, D. C.

MY DEAR SIR: Inclosed find copy of preamble and resolutions passed by the Pennsylvania State Board of Agriculture, in annual session in this city January 28–30, which is self-explanatory.

Anything that you will be able to do to assist this proposed legislation will meet the approval of this board and, I believe, the approval of the agricultural interests of this State.

Very truly, yours,

N. B. CRITCHFIELD,
Secretary State Board of Agriculture.

The following preambles and resolutions were adopted by the Pennsylvania State Board of Agriculture, at its regular annual session held at Harrisburg, Pa., January 28–30, 1914:

Whereas Pennsylvania, at the last election, clearly demonstrated that she believes in a system of business roads leading from the farm to the market town, railroad station, school, and church on the "pay-as-you-go" plan; and

Whereas a bill now in Congress, known as the Shackleford road measure, provides aid for the various States for the improvement of roads by granting $60 per mile for macadam, $30 per mile for gravel, and $15 per mile for earth roads, yielding annually over $1,000,000 as Pennsylvania's share: Therefore,

Resolved, That we urge that each individual Congressman and Senator representing the Keystone State support by their vote the passage of the Shackleford road bill.

Resolved further, That we indorse the action of Congressman DERSHEM and others in the loyal support they are giving the measure in their Committee on Public Roads.

Resolved, That the secretary be directed to forward copy of these resolutions to the Members of each House of Congress from Pennsylvania.

In the latter part of the fourth section of the Shackleford bill you will find this provision:

That such payments of money made by the United States as hereinbefore provided shall, during the ensuing year, be applied to the construction, maintenance, or extension of the respective roads for which paid, and that in addition thereto the State or civil subdivisions thereof shall, during said ensuing fiscal year, expend in the construction, maintenance, or extension of said roads an amount equal to the amount so paid by the United States.

My understanding is that, by this provision, a township, borough, county, or the State will receive national aid for the maintenance and improvement of roads or streets by complying with certain conditions, thereby giving us better roads without additional cost to the local community.

The vast possibilities in the development of good dirt roads traversing the rural districts, an important factor in our rational scheme of development, are virtually neglected. It is vital that, while search is being made for a durable type of expensive construction, experts should learn how to maintain economically the dirt roads, which must carry a traffic as important to the public as that of the main arteries of travel.

Gradually there has been an awakening, not only to the need of good roads in this country, but also to the fact that millions of dollars are being wasted every year in having untrained men direct the work of highway improvement. We are coming to understand that dependence upon scientific principles is as necessary in the construction of even our earth roads as in the construction of the great bridges, buildings, and machinery which mark the progress of our civilization and prosperity.

We know that a good surface is not the only requirement for a good road; and, furthermore, in this country macadam roads, although common, constitute less than three per centum of the total road mileage, owing to the comparatively high cost of construction. Until recently a road appeared to be a very common, ordinary kind of structure, and not worthy of much forethought and experience in its design, either as to grades and alignment or to drainage and surfacing, but to-day good road building is a science.

There are over 2,000,000 miles of unimproved roads in this country. It can not be expected that the United States Government will itself undertake the immediate improvement of all these roads, but it is certain that the Government must lead the way. The expenditures necessary to improve all these roads will be enormous, and therefore it would be the work of the Government highway engineers and scientists not only to direct the improvement of a certain proportion of these roads, but also to devise methods of building highways more economically and with better surfaces for the future to an ever-increasing degree, so that the farmer may have easy communication between the farms on one hand and the towns and railway stations on the other, that he may market his crops at less expense, and the dweller in the towns and cities may get from the farm products more easily and at less cost. For this reason, if for no other, a general system of roads radiating from the towns and railway stations out among the farms would be of advantage to all.

Mr. KENT, Mr. GOOD, Mr. HULINGS, and Mr. WEAVER, by unanimous consent, were granted leave to extend their remarks in the RECORD.

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The CHAIRMAN. The gentleman from Illinois [Mr. MCKENZIE] is recognized for five minutes.

Mr. MCKENZIE. Mr. Chairman and gentlemen of the committee, in the first place, I wish to say that in my judgment the people of the United States who are interested in good roads owe a debt of gratitude to the chairman of this committee [Mr. SHACKLEFORD] for his untiring efforts to bring about this legislation. [Applause.]

There is no doubt but that this bill is somewhat crude, and probably contains some inconsistencies, and that it will perhaps be difficult to administer and perhaps will result in some mistakes of administration. But the subject of good roads is a great subject, and to write a law on the subject that would be perfect is, I think, beyond the power of any man in this Congress. I want to say frankly that I attempted, with my feeble ability, to draft a good-roads bill and I soon found that it was a most difficult task, and one which I gave up, at least for the present.

I am in favor of legislation of this character, and my principal reason for favoring such legislation is the fact that the Federal Government is reaching out and usurping all the fields that are possible from which to gather revenue. Not being content with levying duties upon imports and collecting such money as might be raised from internal revenue, the Federal Government has proceeded to levy taxes upon the corporations of the country, and now we have an income tax, and I presume the next thing will be an inheritance tax. It is very evident that the Federal Government is making an attempt to gather all the money that is possible from taxation into the Federal Treasury, and in my judgment, in justice to the taxpaying public of the respective States of this Union, the people are entitled to a return of a portion of that money, that will be expended in such a way as will result in benefit to the people of the respective States. [Applause.]

Unless this is done, unless we get some of the money back with which to construct highways and other things that are essential for the welfare of the people of the States, and unless the money gathered here is to be expended on other objects than increasing the military strength of the country, increasing our Navy, and increasing the number of officeholders and squandered in that way, leaving the burden entirely upon the shoulders of the people to pay the money that is raised by direct taxation upon their visible and tangible property, the time will soon come in this country when the burden of taxation will be so great that revolution will be the ultimate end of the matter.

But if the Federal Government will treat the States justly and the people from whom they collect this money with equity and justice, so that the people derive some benefit from it, I am satisfied it will meet with general approval.

This money that is going back, as I suggested to my colleague from Illinois [Mr. MADDEN]—this money that is gathered in the Treasury and sent out to the respective States to be expended on the highways—is their own money. They have put it into the Treasury, and why should they not have a part of it expended in their interests and for their welfare?

I think, Mr. Chairman, that is all I have to say at this time.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Ohio [Mr. FRANCIS].

The CHAIRMAN. The gentleman from Ohio [Mr. FRANCIS] is recognized.

Mr. FRANCIS. Mr. Chairman, it would be futile to undertake to discuss a momentous question like this in the short period of time that is allotted to me; but I want to say this: That we have here a bill which seeks in an equitable manner to distribute to the 48 States of the Union a part of the revenues of this Nation, which will do more good to more people than any other expenditure of money attempted by this Government. [Applause.]

Our State of Ohio has taken the most advanced grounds for the improvement of highways of any State in the Union, and great credit is due to our good-roads associations, State administration, and the press, and especially to that excellent publication, Better Roads, edited by Mr. Jesse Taylor, of Jamestown, Ohio, which has done so much to pull Ohio out of the mud.

We have already provided for the construction of good roads. We have authorized the levy of one-half mill on every dollar, to be expended in the construction of market roads, and have raised an annual fund of about $3,500,000. The amount which this bill will give to the State of Ohio is $1,295,000. Our State has therefore practically provided for its public highways; but I feel an interest not only in the highways of the State of Ohio, but in the establishment of a uniform system of highways for all the States of this Union. [Applause.]

This bill proposes to extend Federal aid to each of the States of this Union in the building and maintenance of public post roads. We have built roads in our Territorial possessions, Alaska, the Canal Zone, Porto Rico, and the Philippines, and we have now come to the conclusion that we should benefit the people at home by extending aid to the roads which are being used and established by the Postal Department of our Government in the carrying of rural mails; and we all agree that this will have a direct effect to benefit the farmer and rural communities, by improving their condition and agricultural advantages and by advancing the interest of the church and the school, upon which so much in our Republic depends, in preparing and fitting post roads for the delivery of packages and parcels, and in the dissemination of knowledge to the farming and rural communities by the delivery of rural mails.

The unanimity with which this bill is received by the House, by all political parties, seems to me more of a ratification meeting upon this subject than anything else. The people from every corner of the United States have been urging and advocating a system of good roads. We have over 5,000 good-roads associations in advocacy of the principles we stand for, and there seems to be no contention as to the benefits which will be derived from them; and there is no longer any contention as to the Government's right under the post-roads clause of the Constitution, to construct or maintain them.

We are following the express terms of the Democratic platform as adopted in its last two national conventions, where we

declare in favor of extending Government aid to the States for good roads.

The enthusiasts for good roads have been advocating three principles for their construction. The first, and what I would call the most reasonable, is to extend Federal aid to the roads used for the carriage and transportation of United States mails, namely, rural routes; the second, is to extend Federal aid to the construction and maintenance of roads radiating out from a common center, to be known as market roads; and the third, is that advocating a system of roads of principal thoroughfares, or roads leading from ocean to ocean.

When we carefully consider this bill, its terms ought to satisfy any enthusiast on any of these propositions, so far as his theory is practical.

This bill provides for the expenditure in any one year not to exceed $25,000,000 for the construction and maintenance of post roads, and it expressly provides an equitable manner of distributing this, which shall be calculated from two very reasonable bases. The first is half the sum of money that any such State receives from the Government shall be computed in the relation its population bears to the whole population of the United States; and the other half shall be computed from the relation the miles of rural roads in any such State shall bear to the whole number of miles of rural roads in the United States. These, added together, shall constitute the amount that any State shall receive under this plan in any year.

Section 3 provides, among other things, that this sum may be expended in a half-and-half plan; the State to which it is given shall contribute at least, and have ready for its use, half of the money to be expended in this way upon its highways; but this expenditure shall be limited to rural-route roads, and this money, or any part of it, at the option of any State, may be expended under the provisions of section 4, which defines the different classes of roads and fixes a standard for their construction and provides a payment of a certain amount for each class at the end of each year, providing they have been kept up to that standard.

When we consider the amount which may be thus paid to each State, it is easy to see that it will amount to about the sum that each State would pay into the United States Treasury by direct and indirect taxation and that we are giving them out of the United States Treasury nothing more than they are supplying to it; and therefore this bill, when analyzed to its finality, has no more effect than to systematize and standardize the post roads of the United States and to induce and compel a construction by a uniform system.

It occurs to me that this bill should be amended in one particular. Last year when the good-roads bill came up for consideration in the House there was a great question which committee of the House had authority to report the bill, and it was brought upon the floor by a special rule. The Agricultural Committee assumed to have this authority, and to avoid any further contention in the present Congress and in order to satisfy the great demand for road legislation we deemed it necessary to formulate a committee known as a Committee on National Highways.

In reporting this bill the committee has based its authority on the post-roads clause of the Constitution, and are extending the aid to post roads alone; but instead of controlling the same within the Postal Department of the Government this bill gives the Agricultural Department the whole supervision of the system.

Now, if this is a matter solely within the Agricultural Department, surely the Agricultural Committee would have been the proper committee to retain and report such bills; but I think it is very patent to anyone here that inasmuch as the whole authority is derived from the post-roads clause of the Constitution, and that the roads to be aided, improved, and maintained in order to facilitate the Postal Service is additional cause why the Post Office Department should make and manage such roads. From this it follows that surely the Postmaster General should have the authority to control the detail work required under this bill and to control the expenditures of this money, and I think the bill should be amended so as to conform to this idea.

As I have shown that in the working of this bill it gives nothing to the States that the States have not already contributed to the General Government. I think it will occur to everyone here that some direct means other than those already known should be devised for the raising of funds for the construction and maintenance of post roads, for their maintenance and upkeep is a more serious and important question than their construction. Every public expenditure of the Government is upon the theory that the public receives in return some benefit, directly or indirectly, in proportion to the amount contributed, and on this theory the present bill has more direct benefits to the people than any other that could be proposed.

We are just now considering the advisability of the Government taking over and operating the telegraph and telephone companies of this country, and it has been demonstrated that it would be impractical to take either one of these without taking the other, because they are used jointly and their wires are performing the same service; that while we are using the long-distance telephone there may be transmitted a telegram over the same wire at the same time; and therefore if we should take over the one we would be obliged to take over the other also. These corporate privileges have been extended to telegraph and telephone companies by the State governments, and the effect of them has been to purloin from the Postal System in an indirect way almost all the advantages it had in the matter of carrying the lighter mails; that is, letters conveying information. These companies perform exactly the same service as does the post office in the carrying of intelligence and information from one person to another. This has been practically the cause of driving the post office into the carrying of heavier matters so that it might subsist, while the cream of its business has been absorbed by the telegraph and the telephone; for every telephone message is simply a 2-cent stamp exacted from the Government, because the communication would have been transmitted by mail were it not for this new and more improved service. We have therefore licensed by corporate charter a system which has had the direct effect to undermine the Postal System at the expense of the public. This is something that the people should own and have the full enjoyment of.

I see no reason why these great rural post roads of our country and our post offices should not be made a means of conveying this information by telegraph and telephone, so that the people might get the full benefits of what is justly due them. The highways will be a right of way for the lines and our post offices for the operators. The profits arising from them, at a fair charge, would build and improve all the highways in the country required by this bill. It would give rural communities the advantage of the cheap service, and every farmer, mechanic, and laboring man in the United States could have a telephone at a nominal cost, and the cry of "back to the farm" would lose its empty sound and an inducement be held out for man to return to that industrial sphere for which he was created, "to till the soil."

We have just passed in Congress the Smith-Lever agricultural extension bill, aiding States in establishing and maintaining agricultural colleges for the advancement of the farmers' interests.

We are now considering the enactment of a rural credit system whereby our agriculturists and small home owners may be permitted to borrow money at the lowest possible rate of interest and without exaction. These are matters which have been urged by many of our agricultural societies, granges, and farmers' unions, and we can see in this the hope for the future prosperity of our Republic.

Our great cities are incidents of the greatness of our agricultural resources only. Our gold mines furnish a medium of exchange for these products. Factories change these products of the field and forest for the comfort of man. Our railroads and other transportation companies carry the products from the farm to the factory and back to the people; but back of all this progress and prosperity stand the broad acres of 48 States of the Union, and the sheaf of wheat, shock of corn, and bale of cotton are the fountain sources of our national prosperity and wealth.

Good roads will reduce the cost of transportation on the highways from 28 cents per ton per mile to 8 cents, will add untold wealth to farm values and facilitate the transportation of the farmer's products, and result in the dual benefit to the producer and the consumer, the farm and factory. The interest of the farmer, miner, and manufacturer are interdependent. The laborer, in whatever capacity, will be benefited by the enactment of this law.

Do you want to assist our farmers and rural communities to educate their children? Then remove that lake of mud which lies in the children's road between their homes and the schoolhouse. Do you want to assist our rural churches? Then take a few millions from battleships and in the interest of "peace on earth, good will toward man" give it to the farmer's road, so that his family can have a pleasant Sunday morning's ride to church instead of wading through the mud.

Do you want again to see the cattle upon a thousand hills, plains, and vales, and the grain waving in the summer sun? Then aid the farmer in better roads and he will again take his place in the field—back to the farm—and rise up and call this Congress blessed.

Owing to the wretched condition of some of our country roads there are women and children who are veritable prisoners in their country homes, mud bound for months at a time. Is it any wonder that they desire a change from this situation and seek the conveniences of city life?

We are glad to see that a ray of hope for them is seen in the present Congress, and that the rural mail routes will be improved so as to develop civic pride throughout the Union.

The heavy burdened rural carriers and star-route carriers must have roads brought up to such degree of perfection as will meet the requirements of the great service they are performing. We have by legislative enactment changed their work from mail carrier to mail and freight carrier without increasing their compensation to meet this increased burden which we have put upon them. We must help them in this matter to better pay on a scientific basis and by building roads which will not be a disgrace to the Postal Service and to our country, for, in the language of the poet philosopher—

A fierce and bitter storm's abroad; it is a bleak, midwinter day, and slowly o'er the frozen sod the postman's pony picks its way. The postman and his horse are cold, but fearlessly they face the gale; though storms increase a hundredfold, the farmer folk must have their mail. The hours drag on, the lonely road grows rougher with each mile that's past, the weary pony feels its load, and staggers in the shrieking blast. But man and horse strive on the more; they never learned such word as fail; though tempests beat and torrents pour, the farmer folk must have their mail. At night the pony, to its shed, drags on its cold, exhausted frame; and after supper to his bed the wearied postman does the same. To-morrow brings the same old round, the same exhausting, thankless grind; the journey over frozen ground, the facing of the bitter wind. The postman does a hero's stunt to earn his scanty roll of kale; of all the storms he bears the brunt—the farmer folk must have their mail.

Mr. SHACKLEFORD. I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I am glad to see that some gentlemen who favor this bill are frank enough to advocate it as a scheme for the distribution of the public revenue in their districts. In fact, this scheme of appropriating $35,000,000 for Federal aid to roads in all parts of the country is one of the most preposterous schemes for looting the Treasury of the United States ever devised. It out-porks any pork-barrel proposition ever before propounded, and its possibilities of future pork are limitless. How many miles of roads have we in this country? Something like three or four billion miles. That is the chief reason why almost everybody is for it, an incidental reason being the strong advocacy of certain manufacturing and contracting interests. Gentlemen say this bill is in the interest of the farmers. Of course it is, if the farmers do not mind being robbed of a few millions more than the benefits can possibly amount to. I have heard gentlemen argue with every appearance of entire sincerity that a boulevard from Montreal to Miami would be in the interest of the farmers, and that an asphalt road from New York to San Francisco, which could be built at some such trifling cost as a couple of hundred million dollars, would be in the interest of the farmers. I suppose that now and then a farmer could be found bold enough to venture on such a road after having taken out a special accident policy.

Mr. Chairman, there has been more "bunk" uttered on the floor of this House for home consumption "in the interest of the farmer" and more humbug advocated "in the interest of the farmers" than there have been crimes committed in the name of liberty, and that is perhaps one of the chief reasons why farming has ceased to be a highly profitable industry.

Of course gentlemen will say, and have said, that this bill is not a scheme for building asphalt pavements or macadam roads exclusively. It is ostensibly a plan to help the construction of post roads—roads over which the rural-delivery carriers have to travel. In my opinion, if a portion of the money were appropriated for justly earned increases in the compensation of the rural carriers, they would get over the roads all right.

To carry and deliver the mail is a function of the Federal Government—

Says the report of the committee which has this bill in charge—

and it is the duty of the Federal Government to provide itself with the facilities necessary to a proper performance of this function, such as postmasters, post offices, and post roads.

Quite so. And our Democratic friends are now endeavoring, with a good deal of heartburn, to provide the postmasters. That sentence in the report furnishes the clew to the whole scheme. Not everybody can be appointed postmaster, but nearly every locality can get a little slice of this $35,000,000; and what an army of inspectors will be required for the purpose of finding out whether the roads are up to the standard! How many disappointed post-office aspirants can be taken care of in this way!

Mr. Chairman, I shall be accused of being in opposition to this so-called "good-roads" proposition because I represent a district in the State of New York. Well, I think that would be sufficient reason for opposing it if there were not other better reasons. New York has one-tenth of the population of the whole country, and will receive about one-twentieth of this fund. New York pays about one-third of all the Federal taxes of this country, something like two hundred million and odd dollars, and will receive under this bill the paltry sum of $1,700,000. New York has good roads now and is entirely capable of taking care of them without asking any alms of the Federal Government.

The gentleman from Virginia [Mr. SAUNDERS] in answering a question has compared the building of roads by the Government to the dredging of the Ambrose Channel in New York Harbor. It has been pointed out by my colleague [Mr. PARKER] that the States control the roads and that the Government controls the harbor, and it has also been said by my colleague [Mr. PAYNE] that if New York is given full control of New York Harbor and its revenues it will do its own dredging and pay back to the United States every cent ever expended on its harbors or rivers for the past century inside of a single year.

Mr. SAUNDERS. May I interrupt the gentleman?

Mr. PLATT. Certainly.

Mr. SAUNDERS. What revenue does the Federal Government get from New York Harbor or the Ambrose Channel?

Mr. PLATT. It gets several hundred million dollars revenue collected at the port of New York.

Mr. SAUNDERS. That revenue could be collected elsewhere. New York does not pay that revenue.

Mr. PLATT. If the vessels could be induced to enter some other harbor, the revenue could be collected elsewhere.

Mr. Chairman, this bill is entirely unnecessary, because the people everywhere are awake to the advantages of good roads and need no help. If the National Government wants to raise the standard of post roads, it has only to insist upon better roads as a condition precedent to the establishment of rural or star routes and the response will be immediate.

Mr. Chairman, I agree with some of the others who have spoken, that the bill introduced by my friend the gentleman from Michigan [Mr. WOODRUFF] is fairer and safeguards better the distribution of the pork than this bill, but I see no necessity for distributing any pork. If the States can not take care of their own roads without help and dictation by the Federal Government, the time is pretty nearly at hand for the abolition of the State governments as useless and expensive encumbrances on the taxpayers. [Applause.]

Mr. SHACKLEFORD. I yield to the gentleman from Nebraska [Mr. STEPHENS].

Mr. STEPHENS of Nebraska. Mr. Chairman, I believe that whatever provision this bill makes for State aid it should provide for the turning over of the revenues and having them expended, under Government supervision, through the regular organizations of the State. I believe it would be a mistake for the National Government to undertake to take over the control of these roads, for the reason that should the Government fail to make appropriations the local organizations which had learned to depend on the Government would be left helpless, without funds for maintenance.

The maintenance of these roads is more important and difficult, in fact, than the securing of funds to construct them in the first place. The old National Pike is an example of the neglect of the Government to maintain a road after it had constructed it. As soon as the Government ceased to make appropriations for that purpose the States permitted this great highway to go into decay. It seems to me it is absolutely important that the local road organizations keep full control of these roads and of this fund and that the work be done under Government supervision.

I am heartily in favor of the provision in this bill for aid to dirt roads, because I believe that in the Western States, where the territory is extensive and the population sparse, it will be impossible to secure permanent highways, and the small appropriation that the Government will make for the purpose of encouraging these local organizations in maintaining these roads will be an immense stimulation to them for that purpose.

It seems scarcely necessary any longer to make an argument in favor of permanent wagon roads. We have passed that stage of the subject, and the only question now is to agree upon the method of construction and maintenance. The question is, Shall the local road organizations bear the whole burden, or shall the State and Nation lend a helping hand? The public highways belong to the people—all the people—but as a matter of fact

they have generally been paid for by the landowners living contiguous to them. There is no good reason why the burden of constructing and maintaining a public highway should fall wholly upon the people living within its immediate neighborhood. All the people are directly or indirectly benefited by the road. The State should pay a large part of the road tax by way of State aid to counties, and counties, in turn, should either take over the roads and maintain them or employ a road engineer to supervise their maintenance through local road districts of the county.

The States should aid counties, for the reason that the large corporate industries of the State that live directly off of the products of the farm should bear their share of this burden. The great railroads, packing companies, grain companies, and so forth, of the State of Nebraska all deal almost exclusively in farm products, and at the present time they bear little of the burden of maintaining public highways. It would be a good investment for them to have better wagon roads, and they know this and are ready to pay their share of the taxes. The farmer has not generally favored State aid to counties because he has not quite understood it. He has felt it meant more taxes for him to pay, when, as a matter of fact, it means that a portion of the burden the farmer now bears will be shifted to the corporations, that now pay little, if any, road tax.

The National Government should aid the States in road building and maintenance, because there are hundreds of thousands of people who are directly benefited by good public roads who have no opportunity under our present system of taxation to contribute to them. But when the Government aids the States for this purpose every man pays his small share to the support of the roads of the country over which his foodstuffs are now moved. In fact, his road tax may turn out to be an investment instead of a tax, because the cost of marketing will undoubtedly be decreased, and as the cost of marketing is decreased production will be stimulated, and in the end the small tax paid by the individual indirectly in the form of tariffs may reasonably be expected to be offset by the decreased cost of marketing and increased production.

The National Government has given many millions of dollars to cheapen water transportation by improving rivers and harbors. It has given hundreds of millions of acres of public domain to aid in building railroads, all in the interest of cheaper transportation. The last big project, the Panama Canal, costing $400,000,000, is about completed. Congress was right in doing for the commerce of the Nation what individual enterprise could not do, and when it takes up the matter of Government aid to States for good roads it will have taken a step it should have taken long ago.

The Alaskan railroad may be and probably is an undertaking for the National Government, but I submit that to appropriate $40,000,000 to build a railroad in frozen Alaska for the benefit of fifty or sixty thousand people before we give aid to a hundred million people at home is not good practice. We have built permanent roads for the barefoot peoples of our island possessions, a canal for all the world, and now propose a $40,000,000 railroad for Alaska. The first two projects I had no opportunity to vote upon, but the Alaskan project will certainly not get my support at the expense of the good-roads bill. This Shackleford road bill provides for $25,000,000 to be expended for the benefit of a hundred million people. The Alaskan project calls for $40,000,000 to be expended in building a railroad in a land that has been frozen 200 feet deep since the dawn of time, and only about 60,000 people, half white, living in it. It may be worth the investment, but I am insisting upon the needs of the people who pay the taxes being attended to first, then if we can develop Alaska profitably no one should object.

It is true that the small sum that the National Government appropriates to the States will not go far in itself to build roads, but will do wonders in stimulating the States to action, and as the States act they in turn will stimulate the smaller subdivisions, so when the money appropriated by the National Government finally gets down to the road district it will have grown to be a tremendous amount in the aggregate for the whole United States. It will be the first step toward a perfect system of roadways throughout the farming centers of the United States, and with these roadways will go better schools, better churches, higher grade of citizenship, and greater food production. In fact, good roads are inseparable from a high order of citizenship. A country without good roads is invariably barbaric. Which is the cause and which the effect I do not know, but history proves that they always go together.

Mr. SHACKLEFORD. I yield to the gentleman from Arkansas [Mr. JACOWAY].

[Mr. JACOWAY addressed the committee. See Appendix.]

Mr. SHACKLEFORD. I yield to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman, under the provisions of this bill Federal aid in the construction and maintenance of rural post roads is to be extended to the States and their civil subdivisions. We on this side of the Chamber who champion its passage are not unmindful of the fact that this is a reversal of the policy of the Democratic Party. The immortal founders of that great party opposed Federal aid for internal improvements. Parties, however, like people, change with changing conditions. The Federal Government has constantly widened the field from which it gathers its revenues until literally it may be said that a taxgatherer now stands at every man's door, and the people demand that some returns be made to all the people for these vast revenues collected. Commerce and manufacture have for more than a century received benefits from the Public Treasury in the way of aids in transportation, and the farmer, who has been a liberal producer, should share at last in the benefits. The Federal Government should not extend its aid to the people engaged in trade, manufacture, and mining and deny equal opportunities, aid, and assistance to those engaged in agriculture.

You who oppose the bill have assigned many reasons for your opposition, but in fact only three have been advanced that challenge serious consideration. First, you deny that the General Government under the Constitution has the authority to make the appropriations. The answer seems obvious and clear. Section 8 of Article I of the Constitution grants to the Government the power to establish post offices and post roads, and with that grant unquestionably goes the power to appropriate money for that purpose, and this we take is an expressed warrant for our advocacy of this measure.

The second objection, that it is unjust to a part of the citizens, namely, those who reside in cities and larger towns, and who, by the expressed terms of this bill, are prohibited from participating directly in its benefits, are unjustly dealt with; that this is class legislation. If this charge be true, the bill is indefensible, because every citizen of this great Republic, rich or poor, white or black, is entitled to exact justice. He should not be compelled to bear burdens for others. No tax should be laid upon him simply that a revenue might be produced to favor other classes. No one admits this more readily than I.

Briefly, let us examine the facts to see if this charge is well founded. For a hundred years appropriations have been made from time to time from the general revenues to improve the navigation of rivers and for the construction and maintenance of harbors along the lakes and sea, in aid of commerce and trade, so that people engaged in manufacture and trade might have a cheap and secure method of transporting their goods and wares from the initial points to the place of consumption. The beneficiaries of this have justified the Government's action by saying whatever adds to the general prosperity of the country benefits all the people thereof. We have accepted in good faith these declarations, and no one has seriously complained that the Government has extended this aid. From time to time discriminations have been made in favor of American shipping, in order to encourage the building of ships by our people, and to induce them to engage in trade and commerce across the seas. Under the same theory that it adds to the general wealth of the people, grants of millions of acres of lands and millions of dollars of public money have been made to railroads to induce their construction and operation so that commerce and development might be carried on in all parts of the Union. Certainly the farmer enjoys least of any the benefits to flow from this policy, because in a peculiar way his transactions are local and his trade confined to a narrow circle. Now, for the first time in the history of this country some substantial recognition is taken of the peculiar problems that are his, and governmental aid is proposed to be extended him hereunder that has been due him, but long delayed. Why, it has been asserted here on the floor of the House during the discussion of this bill, and not denied, that the cost of moving a ton of produce over the ordinary country roads is 30 cents a mile, and that with improved highways this cost would be reduced to less than 10 cents a mile.

In other words, more than two-thirds of the cost of marketing the products of the farm and the forest can be lifted from the shoulders of the farmers by the improvement of country roads. Certainly no other appropriation, for any purpose whatever, has carried such great benefits in proportion to the amount of money actually required to make the improvements. Nor will this benefit be entirely his own. If it would, it might be unfair to extend it, however great the necessity, because it would be unjust to tax all the people that a benefit might be conferred upon any particular class or portion of the people.

And, as said before, the people of the cities and larger towns are expressly precluded from any direct participation in the benefits of this measure, but indirectly they certainly will receive benefits from this appropriation, because the people of the cities and towns are dependent upon the farmer for whatever they eat and wear; and, therefore, whatever cheapens the cost of production or transportation of these necessities of life will necessarily be shared in by the people who consume the articles produced or transported. Without question one of the causes of the high cost of living, of which we now hear so constantly and so much, is due to this very problem of transporting the products of the farm to the communities that consume them. Therefore, is it not apparent that the charge of injustice and discrimination lodged against the measure is without foundation, and that this is not class legislation?

The third objection, and, in my judgment, the most serious one, is as to the best method of extending aid, granted the Government has the authority and owes the obligation so to do. The greatest criticism has been leveled against this feature of the measure, and the greatest criticisms of all have been aimed against sections 3 and 4 of the bill. One gentleman, in giving notice of his intention to seek to amend these sections, and especially section 3, said that States like his own State of Kentucky, that had no State authority for dealing with highways, but left each county to pursue whatever policy it might choose, would be denied any help under the bill, unless the counties or civil subdivisions of the State might be granted the power to deal directly with the Federal Government. If that contention is true, the measure should be defeated, because I take it that no one who loves his State and believes that the States are independent sovereigns, as I do, can ever consent that the General Government shall be granted the power to go within the State and deal with lesser subdivisions thereof. To concede the Federal Government this right would be to legislate the States out of existence. It would be a surrender of the last vestige of the right of the State, a deathblow to its sovereignty. I shall never accede to this doctrine, and if Federal aid to public highways must come only by the surrender of this right, I prefer to have no Federal aid for this cause whatever. But, in my judgment, a careful reading of these sections, especially section 3, will show that no such condition or necessity can arise. To me it seems perfectly apparent that the provisions therein contained make it plain that the State may act for any subdivision and secure for the subdivision that part of the appropriation to which it might be entitled under the provisions of this bill.

Of course I realize, and I hardly think anyone else entertains a different opinion, that no State—and I know this is true as to my own State—will be able to procure the maximum amount authorized under this provision immediately. In fact, the bill intends to promote the construction and maintenance of good roads, not alone by Federal assistance and Federal construction, but by stimulating the localities to be benefited to act in their own behalf and to urge the States themselves to put forth greater activity in order that larger and ever-increasing contributions may be obtained from the Federal Government. This is both just and wise, for if all its benefits might be derived by a State, or the subdivisions thereof, without making any effort upon its part, the result would be perhaps a tendency toward inaction and neglect upon the part of the State, and finally the Government would become the sole contributor toward the construction and maintenance of public highways. Many have expressed the belief that the Government should take over the highway system of the country, ignoring the States; that the Federal Government should be the owner and operator of all the highways. No greater misfortune, I think, could ever occur, and I oppose it, and shall continue to do so. I commend this bill especially, and the chairman of the committee that drafted it, for leaving with the States all the right and authority over their highways. I am willing that my own people, and shall insist that people of other communities, shall bear a part of the expense and enjoy the full control of this great blessing, and the framers of this measure have wisely so constructed it to stimulate the localities in building and caring for their own roads.

Another feature that strongly commends the measure to me is the fact that under its terms Federal aid will not be extended in the construction of one or two interstate highways useful principally to the owners of automobiles and to tourists, but of practically no value to the people of the State. On the other hand, it looks to the improvement of local roads; to the building and maintenance of highways that are actually used by the farmer in reaching his market with his produce. It seeks to build up in every section of the country practical roads for the people of that particular locality, and while the amount appropriated is not large, nor all of that will be available under the present condition of our roads, yet it is a sufficient fund to encourage permanent road building, and I hope within a few years it will be followed by larger appropriations for this purpose.

The maximum amount under this bill that my home State could receive would be $388,750 annually, or a little over $5,000 for each county therein. Under the present development of our roads that it would receive even a half of this amount is hardly to be expected. I do believe, however, that, stimulated by its provisions, in a short time we would be entitled to enjoy the maximum benefits of the bill. I think the measure should appeal to the sense of fairness, the love of right, and the desire to be of assistance, of every Member of the House. I shall vote for it, and trust it will pass.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BALTZ].

Mr. BALTZ. Mr. Chairman, I desire to discuss for a few minutes the question of good roads which is proposed in House bill 11686 and which is now before this House, and which I think is of great importance to the well-being of the people of our whole country. This important subject needs no argument, as it is self-evident. It is the universal demand of the people of this country that the Federal Government give aid for the building and maintenance of good roads.

Federal aid for good roads in the various States of the Union is directly in line with the policies recently inaugurated by Congress and the administration. In my opinion, nothing will tend to the betterment of conditions, especially in agricultural communities, as much as improved highways. It is needless here to recount the advantages which will accrue from the enactment of this bill. The efforts already put forth by the States themselves in this direction are living evidences of the benefits derived, and with Federal aid these benefits will be doubled. I believe the people have the right to expect that the Federal Government will assist in movements such as this, which are of nation-wide importance and which virtually have taken on the dignity and the scope of interstate movements. Nothing of recent times has so impressed itself upon the favor of the people, and one of the great departments of the Government has investigated the subject from every standpoint, and by voice and pen has urged the construction of these highways and encouraged the people to believe at least by implication that the Congress took an active interest in the movement. Such being the case, I am surprised that any opposition whatever should show itself to this bill. The measure is drawn on correct lines. It shows no favoritism to any State, and is just in every particular.

The hand of the National Government thus extended to its people is an encouragement to greater patriotism and greater effort on their part. The knowledge that our Government stands behind us in all good works and is willing to see that our efforts are furthered and assisted will cause us to realize that to be an American means something and that behind that term stands a tremendous force willing not only to accept our aid and our strength but to lend to us its help in all good works.

I have heard it intimated here that this bill is in the nature of "a pork barrel." It is no statesmanship which creates such a charge nor is it patriotism which sounds it. Were this measure to be defeated on this indictment, what then would become of our public-building policy or our river and harbor improvement? Any law making appropriations for the country at large or for certain sections of the country has been subject to this criticism and probably always will be, but not from the fair and open minded. There have been abuses to some extent in these bills in the past; there will probably be some in the future, because favoritism and political expedience will in rare instances overbalance the judgment of those who have in charge these measures. But the general results attained have added not a little to our prosperity and our growth, and most of the appropriations extended have been born of necessity and relieved situations which justified them.

The measure now under consideration and for the enactment of which I appeal, is not one which will justify suspicion in any regard. It is so drawn that no favoritism can be shown so far as the Government is concerned. If abuses grow from it, those who abuse it will be answerable to their State governments, not to us; therefore I favor this bill. I hope and believe it will pass this House with little opposition, and I believe its enactment will benefit the people of this country more than any like measure ever written on the statute book. This measure has my hearty support, and I shall vote for it in the consciousness that my action will meet with the approval of my constituency. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I am in hearty sympathy with the Shackleford good-roads bill and support it with great satisfaction. My vote for the Sherwood pension bill and the vote I expect to cast for the Shackleford good-roads bill will be the two votes of which I will be most proud as a Member of this body.

Mr. Chairman, I have long been an advocate of good roads. I am not a recent convert. My record on this question is well-known in my district, and especially in my home county. I have the good fortune to be possessed of a farm back in Ohio, and I am glad to say it is the farm upon which I was born, and still more pleased to say the farm upon which my father was born and has always resided upon. I want to give notice now that I expect to absent myself to attend the ninetieth birthday celebration of my good old father on that old Buckeye farm on the 19th day of this month. [Applause.] I am now paying special assessments on my farm for three pikes, which I gave my best influence to secure. I pay these taxes cheerfully, because I am a believer in good roads and am willing to help pay the freight.

Ohio is giving much attention to the building of pikes and the improvement of the highways. Some portions of the State are now practically all piked. This bill, in my opinion, will be a great incentive to not only the people of my State, but to every other State. It is what the people have been demanding for years, and the people are at last getting recognition. Why this Government can appropriate thirty to forty million dollars annually for rivers and harbors, as it has been doing for many years, and then deny Federal aid for post roads on the grounds that it is unconstitutional I could never understand. If we have the right under our Constitution to appropriate for one purpose, then we have the right to appropriate for the other. The same argument is as good for one as it is for the other. More than 75 Members have already spoken in favor of this bill during this general debate, and I am glad to say none of the constitutional experts have so far raised their voices in opposition on that ground. The light is breaking in at last.

This bill provides:

That the Secretary of Agriculture, on behalf of the United States, may aid the States and the civil subdivisions thereof, in the construction and maintenance of rural post roads in an amount not exceeding $25,000,000 in any fiscal year; that the portion thereof which may be expended in any State in any fiscal year shall be determined upon the following basis, to wit: One-half in the proportion which the total population of such State bears to the total population of all of the States, as shown by the next preceding Federal census; and one-half in the proportion which the total number of miles of rural post roads in use in such State bears to the total number of miles of rural post roads in use in all of the States, as shown by the report of the Postmaster General at the close of the second quarter of the last preceding fiscal year.

Upon this basis Ohio will receive as its share of this appropriation $1,295,000. Ohio has 2,538 rural routes, with an average length of 23.80 miles, or an aggregate length of 60,406 miles. In addition there are 171 star routes, with an average length of 6.76 miles, or a total of 1,155 miles. The grand total is therefore 61,561 miles traversed by the rural and star routes in Ohio.

In all of the States there were in operation on December 1, 1913, 42,961 rural routes, with an aggregate length of 1,042,477 miles, or an average length of 24.27 miles for each route. At the same time there were 12,257 star routes, with an aggregate length of 156,477 miles, an average of 12.76 miles for each star route.

The estimated number of miles of highways in the United States is 2,250,000 miles, of which 416,888 miles are used as post roads. This bill divides these post roads into three classes, to wit:

Class A. All waterbound macadam roads or roads with a more expensive of more durable surface, 52,585 miles.

Class B. All roads built of gravel, shell, or proper combination of sand and clay, 161,790 miles.

Class C. All improved earth roads with adequate side drains, compacted, with crown smooth surface and well maintained, 222,513 miles.

Class A will be entitled under this bill to $60 per mile per annum, class B to $30 per mile, and class C to $15 per mile. Objection has been made to this bill because the best improved roads are to receive the most money. I believe the bill is right. The people who have expended the most to improve their highways should receive more encouragement than the less improved roads. Federal aid along this line will be an incentive to build more of class A roads.

Mr. Chairman, this is legislation in the interest of the class who contribute more to the support and prosperity of our country than any other class and have received less—the farmer. Of the billion or more dollars appropriated annually by Congress very little of it filters back to the farmer. The establishment of rural delivery of mail I admit was a great boon to the farmer. But the city folks had long enjoyed this service, so why should not the country folks have it? They have been simply placed on equality. Besides, the Postal Service is self-supporting; the people foot the bill for this service, and all should be treated alike.

Better road means cheaper transportation. Cheaper transportation means cheaper foodstuffs and living. The farmer feeds the people. What benefits the farmer benefits those who work in the factory, the shops, the thousands and tens of thousands who live in towns and cities. Why improve the rivers and harbors and not improve the great highways of the land over which must be transported the wheat, the corn, the cotton, the cattle and hogs, and every article we eat and wear? The Government collects its revenues from all of the people and all of the people should receive the same fair consideration and return.

I voted for the tariff bill last summer, although I was not in full sympathy with some of its provisions. I voted for it because it had more good in it than bad. I could not afford to vote against an income tax. That provision alone meant more to the people than any injustice that may have existed. I either had to swallow it whole or reject it. My opinion was then, and is now, that the farmer was discriminated against. The Shackleford bill will be simply giving the farmer his just dues and will square the account in very decent fashion.

Besides, Mr. Chairman, when we pass this bill we will simply be redeeming a party pledge made in the Baltimore platform. We declared in favor of "national aid to State and local authorities in the construction and maintenance of post roads."

We have a President in the White House who proposes to see that the Democratic Party redeems all of its platform pledges. There is but one thing, therefore, for Congress to do, and that is to pass this bill. The only objection I have to the bill is that it does not carry a larger appropriation. But I content myself with it as a starter. My prediction is that to the end of time every future Congress will appropriate for good roads and the amount will grow larger and larger. France, England, and Germany and other nations are far in the lead in good road building. There is no question in this country in which the people are so generally concerned as the improvement of our highways. Why, then, should not this Government be required to pay something toward the maintenance of the roads used every day by the Postal Service and interstate commerce?

Mr. Chairman, before concluding I want to say "honor to whom honor is due." Who is entitled to more credit than any dozen Members of this Congress, yes, more possibly than all others combined for this $25,000,000 entering wedge of Federal aid for public highways—the chairman of the Committee on Roads, the gentleman from Missouri [Mr. SHACKLEFORD]. It took a Gen. SHERWOOD to get the pension bill through the Sixty-second Congress. It required a DORSEY W. SHACKLEFORD to get this good-roads bill so near a law. The gentleman from Missouri [Mr. SHACKLEFORD] has long been the foremost advocate in Congress of this legislation. When the Committee on Roads was created at the beginning of this Congress, he voluntarily stepped out of the Ways and Means Committee with the full consciousness that in the Sixty-fourth Congress he was almost certain to become the chairman of the greatest of all committees—the Ways and Means Committee—and accepted the chairmanship of the new Committee on Roads with uncertain future. The gentleman from Missouri [Mr. SHACKLEFORD] preferred to be a "dirt-roads statesman" and give his energies to good roads rather than be chairman of the Ways and Means Committee. Every farmer, every advocate of good roads in our land should tip their hats to "good old SHACK." for the splendid service he has given the American people.

Mr. Chairman, I repeat that I will vote for this bill with great satisfaction and will vote for legislation of this kind every time I have an opportunity, and the good people back in the seventeenth district of Ohio who are opposed to Federal aid for public highways should vote for some one besides me to represent them here. [Applause.]

I have just received the following telegram, which I will insert in the RECORD, and is further evidence that I voice the sentiments of the people of my State:

COLUMBUS, OHIO, *February 7, 1914.*

Congressman WILLIAM A. ASHBROOK,
Washington, D. C.:

Having considered the various road bills that have been introduced in Congress, we believe that the Shackleford bill is the best suited to present conditions, and would respectfully and most urgently request that you cast your vote for the Shackleford bill in the House without any amendment. In making this request we are confident that we speak authoritatively for each and every good-roads enthusiast in Ohio, nearly all of whom are members of this federation.

OHIO GOOD ROADS FEDERATION,
ARCHIBALD H. HUSTON, *Secretary.*

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, judges have written in their decisions, statesmen have proclaimed in this forum, and economists have written in the books that the two great questions in government about which all others cluster are commerce and transportation. We are coming more and more to understand that rapid transportation is a necessity in our present development. One reason why this bill should be supported is that the expenditure is sure to bring quick and substantial returns upon the investment. One of the heaviest items of cost to the producer is charged to the marketing of a crop. Poor, undeveloped roads retard development of rural communities, depress profits not only of the products of the farm but of the farm itself. We do business profitably nowadays when the volume of production is large and exchanges quickly made.

The central West is beginning to realize the great importance of that statement. The last report made by the Secretary of Agriculture showed Indiana to be the third State in the Union, on a percentage basis, with improved highways. She was only led by Rhode Island, with 49.14 per cent, and Massachusetts, with 49 per cent of her highways improved, while Indiana had 36.7 per cent. Rhode Island only had 2,120 miles of public highways and Massachusetts 17,272 miles, while Indiana had 67,996 miles. She had 24,000 miles of improved highways—more than all the roads of the two States named, both improved and unimproved. We are just awakening to the necessity of good roads as an element in our industrial and State growth. In the district I represent, five years ago there were more than 1,700 miles of improved highways. In one county in my district there are now pending before the board of county commissioners 43 petitions praying for the right under the township road law to construct macadamized highways. I refer to this simply to show the interest taken in this important subject. All over the State there is great activity among the farmers in organizing to secure better highways. The direct result on the price of farm lands is shown from the fact that improved farms abutting on crushed-stone road have advanced in price from 25 to 40 per cent because of that fact alone. The bill ought to be supported for another reason. The improvement contemplated in this bill will enable the Postal Department to increase by at least 50 per cent the standard length of rural routes and permit the postal authorities to reduce the cost of the delivery of the mail at least 33 per cent because of the facility with which the mails can be delivered by the carrier to a larger patronage. The bill is right for another reason. It tends to produce a stronger and better social sentiment in the rural communities. It makes communication easier and tends to a better social status. Frequency of public gatherings fostered by a quick and comfortable assembling of the people is an auxiliary to a higher and better social condition.

There is an equitable proposition also involved in this bill in favor of its passage. It benefits the largest possible number of people directly. It is a matter of simple justice to the great interests of the country that for many years have willingly contributed to the improvement of coast cities and rivers and harbors. It is idle to say that the farm reaps an indirect benefit in the expenditure of such immense funds in the improvement of rivers and harbors and coast cities. Take the upper Mississippi Valley, the great bread and meat basket of this country, where 11 States, with more than 37,000,000 of people, produce 90 per cent of the food products for all the people. They do not complain of the taxation they have heretofore stood for that has been distributed in the border cities of the United States, but in return demand for that willing payment that they shall be permitted to expend a part of this taxation now in the interior of the country. There is another feature I call attention to. The postal business of the country is self-sustaining. The rural communities that contribute thereto ought not to be asked to go into their pockets to build the highways and keep them in repair for the Federal Government to transport the mails over without some compensation. Upon what basis can the Government justify the payment of immense sums to the railroads of the country for providing a way to get the mail to the cities and towns and then refuse to contribute to rural communities for performing the same service? The payment by the Federal Government of a small amount of the necessary cost in keeping improved highways in repair is money well expended. Under this bill, if it passes, Indiana will receive $1,016,250. There is no comparison, Mr. Chairman, between the benefits that the expenditure of $25,000,000 will produce when applied to the maintenance of a million miles of post roads as compared with the same amount invested in battleships. Considering the immense revenue that the Government now receives through all its sources of taxation, there ought to be no hesitation in expending the comparatively small amount indicated in this bill when the results will be so far-reaching and so beneficial. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. NORTON].

[Mr. NORTON addressed the committee. See Appendix.]

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, I am glad to help enact this road bill, because I can hear in it the rattling of the bones of the old extreme State rights idea, with a chance of development along the line of a Federal Government that means something.

I am glad of our Union of States, and I do not want to destroy the sovereign rights of the States along some lines, but I have become so tired of the continued opposition of State-rights men to every proposition of advance that it pleases me to help enact legislation that throws the bright light of noonday athwart the "twilight zone."

I lived in Louisiana until 10 years ago, and, of course, have faith in the State establishment, and want to see our system preserved. But there is not now the same necessity for State jealousy that once prevailed. We have become one great country, one Nation, one people, involved alike in world problems and in great national undertakings.

When the Constitution was adopted the States were the real home of democracy. The people held their government in the States, or Colonies, in their own hands—offices and courts. No court under early State constitutions could, or, at least would, have been permitted to declare a statute unconstitutional. Legislative authority was supreme. In most of the States the judges were selected by the legislature. The right and procedure of removal of a judge was simple. So those States were jealous of their rights as separate Commonwealths.

A temporary union of the Colonies was brought about only as a military necessity during the Revolution. Federal Governments in that day were monarchical and absolute; democracy could be found only in local governments. These colonists had fled from that kind of government. They knew its rigor and its unjustice and inhumanity.

The framers of the Constitution had the job of their lives to put over a Federal Government as the Constitution provided. When they met to frame the great charter they went into executive session and the people were locked out. Members were not even permitted to copy any part of the proceedings. They had met ostensibly to amend the Articles of Confederation, but they took upon themselves the authority to present a complete Constitution. They made the Federal Government just as strong as they dared. They put no more of popular government in it than was necessary to make it pass the public scrutiny and secure adoption.

The Constitution was made almost impossible of amendment. The judiciary was given a power which enabled that arm of the Government later to assume the right to declare executive and legislative acts void. The Senate was placed as far from the reach of the people as possible, and an electoral college was provided to name the President. They had to put State rights into the proposition, however, or it would not pass. If they had been more liberal on democratic features, there would not have been so great necessity for States protecting their rights.

THE WHOLE PLAN NOW CHANGED.

But the whole plan is now changed, except as to the power of the judiciary, and the patriotism and good sense of the American people will soon solve that problem. The electoral college has been outlawed of its power by public opinion. The Senate is now elected by the people. We have learned how to amend the Constitution, but we will make that much more easy very soon.

The sovereign right of the Union was created by the judgment of the Civil War, not by the Constitution itself; although the framers of that instrument would have written it into the Constitution if they had not known that the people would not stand for it at that time.

Of course every patriotic citizen is glad the judgment of the Civil War was written as it was in this regard; and since the principles of democracy are being restored to our National Constitution, why hug so fast to the shores of the twilight zone? Let us sail some on the broad sea of Federal authority and power. The Senate no longer is the rich man's club. Senators must come before the people for their election. We will soon take from Federal judges their life tenure and require them to come before the people for approval or rejection every four or

six years. We can trust the people of the whole Nation. We are one great family. We have got to stand or fall together. So I say I am glad of this bill because it rattles the bones of the old State-rights skeleton. Yes; let us have Federal aid for roads. We have lavishly expended our treasure for railroads to be owned and made a system of tolls by private corporations. Why not aid the ordinary public road, which no private greed can capitalize into profits?

I went to the memorable battle field of Gettysburg on the anniversary of that great battle last July by automobile in company with my colleague from the State of Washington [Mr. FALCONER], the gentleman from Illinois [Mr. WILLIAMS], and the gentleman from Oklahoma [Mr. DAVENPORT]. Every few miles, so long as we were in the State of Maryland, we were held up by some turnpike company to collect toll for the privilege of passing over the road. That I am glad to know is an exception to the rule. It is a pity that any American State will permit such a condition. I do not believe any aid should be given to any State in which the public does not own the highways of travel.

I long for the time when this Government will own all of the means of transportation in this country, the railroads and the roads, and the means of getting from place to place, and we will then be able to carry our mail and transport our people and freight on our own lines, and that will be a time when the Government will be able to do something that will be worth while along those lines.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. McKENZIE. When that time arrives does the gentleman think a Member of Congress will have very much independence of action?

Mr. BRYAN. Some will and some will not. Some will be so afraid to move that they will not dare to speak up; but a man who stands for a substantial, definite, do-something kind of a government will then be able to speak and will not be ashamed of himself when he does speak.

Mr. McKENZIE. He probably would speak only once, would he not?

Mr. BRYAN. He would speak often enough. I know the gentleman himself would speak as often as he felt like speaking, and would say the right thing, too.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRYAN. Under this bill the State of Washington will be entitled to receive $262,500. This is a very small sum when considered with relation to the sum necessary for road construction in my State. The voters of Washington will be called upon in the near future to vote at least $15,000,000 of bonds for roads. The State has an efficient highway commission and has been fortunate in having men who have made it their business to look after road construction and to create road sentiment at great personal expense and sacrifice. The people are awake to the situation, and we are building good permanent roads.

Mr. Samuel Hill has given hundreds of lectures, illustrated with lantern slides. His engagements have taken in legislatures in session, Young Men's Christian Association meetings, brotherhood dinners, commercial clubs, women's clubs, chambers of commerce, lodge meetings, street gatherings, and any and every place where he could find people gathered together. At his own expense he has traveled over the State time and again demonstrating by his splendid fund of information the benefit of good roads. He has views from all over the world which, taken with his own remarks and figures, furnish most convincing argument for taxes for roads—real permanent macadam roads.

Judge J. P. Ronold, of the superior bench at Seattle, has devoted much time to creating good-road sentiment. The Pacific highway has especially engrossed his attention. This road extends from British Columbia on the north, through Washington, Oregon, California, and to Tiajuana, Mexico, on the south. It will later be continued to Panama, if present plans are carried out. One can now travel north or south the entire length of this highway without asking questions as to the way to go. More than half of this highway is paved with some hard surface material. It is to be finished by 1915, and thus become the longest paved highway in the world. We have been having an annual good roads convention in the State of Washington, and it is gratifying to have some Federal aid. You can not frame a bill so the State of Washington will be cut out unless you cut all the other States out. We can and will come in on any plan.

Another citizen of the State of Washington who has devoted special time and attention to good roads is Mr. John P. Hartman, a leading attorney of Seattle. In a recent letter to me in reference to Federal legislation, Mr. Hartman said, in part, as follows:

> The whole trouble with the roads situation in the United States is that we have too much machinery. That is, too many people talking about it and too few building. In our own State we have lost years of valuable time because of the constant friction between the State and the county authorities. If we shall now introduce the Government into this, then we increase the friction and lessen the efficiency of any one of the several bodies. More than that, we would finally find that the Federal Government, right or wrong, must have its way.
>
> The only practical plan, as I view the situation, is one by which the Federal Government shall build its own roads. They should be the great trunk thoroughfares from ocean to ocean, and then let the State build the mid-thoroughfares and the counties the laterals. This scheme is embraced in both the Warburton and the Bourne plans. The Warburton, by the way, I think is the best plan that ever has been devised. Congressman Warburton and Senator Bourne have done themselves proud in this work. When I see a good plan I prefer to follow it rather than try to hew an uncertain way.
>
> Yours, truly,
>
> JOHN P. HARTMAN.

I have already inserted in the RECORD a letter from Hon. Ernest Lister, governor of Washington, on this subject.

I am quite sure the Government later will go further into the construction of roads and will be ready for such a comprehensive and far-reaching plan as is referred to by Mr. Hartman.

The plan under consideration, the Shackleford bill, is a splendid beginning, and I gladly support the bill. There are many features of House bill 10404, by the gentleman from Michigan [Mr. WOODRUFF], that commend themselves to me. That bill and the comprehensive plan it presents will force itself for future consideration when this matter comes up for subsequent legislation.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Georgia [Mr. HUGHES].

Mr. HUGHES of Georgia. Mr. Chairman, in my first race for Congress I incorporated in my platform a good-roads plank, advocating national aid to State roads. I have advocated that proposition from that hour to the present, and I am heartily in favor of the present bill. I wish to say that the third congressional district of Georgia is represented by one of the most distinguished Members of this House, the brilliant young CRISP, of Georgia. Previous to the time when Georgia was redistricted I had the honor of representing the third congressional district. It was a great agricultural district, and I had been a warm advocate of good roads for many years. Consequently, I was exceedingly anxious that the 15 counties composing that district should inaugurate at the beginning a systematic, scientific plan of building public highways. Therefore I wrote a letter to each of the boards of roads and revenues in these counties and suggested they make a request of the Government for an expert to start them off in the proper economical construction of their roads.

For reasons sufficient unto themselves there were 14 of those boards who failed to make that request, but one county did, and that was the county of Sumter, in which Americus is located. The expert went down to meet those people and superintended for them the construction of a model road. They followed this scientific demonstration. What was the result? It was that that county inaugurated one of the best systems of roads in the State of Georgia, and as soon as those roads were completed there were seekers of rural homes throughout the county who purchased and located there. Land went up 33⅓ per cent in value, and that which benefited that county will benefit in the same proportion any other county in Georgia or any other county in any State in this Union.

There is a great interest in the effort to retain the boy on the farm. In my opinion, good roads is a potent factor to consummate that end. Good roads eliminate distance, they bring the country and the town in close contact, and, as has been stated on the floor of this House, good roads reduce by perhaps 300 per cent the cost to the farmer of moving his products to the markets.

I hope this bill will pass, thereby vastly benefiting transportation for the great producers of this Nation—the farmers.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHACKLEFORD. Mr. Chairman, I now yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I represent a district of rural constituency—farmers—a section of the country a part of which a few years ago was regarded as as poor a country as Alabama contained. These people, with the limited means they have had and the interest that they have taken in the improvement of their roads, with the tireless energy of the men who inhabit that mountain section of the State, have developed it until it begins to blossom as the rose, and there is no section of the country that is more interested in this question. I have collaborated with the gentleman from Missouri [Mr. SHACKLEFORD], who has labored for years on this matter. I have worked in connection with gentlemen from my own State who were in the good-roads fight, and I believe that if this bill is passed, if we cut off a few million dollars from battleships and big navies and big armies and apply the money to the development of the roads of the country, we will convince any who are enemies of America that our people, by their system of good roads, can reach transportation lines in time to meet and defeat any enemy that may confront us; and as a precaution against war itself, against any menace that any country may bring to us as well as for the development of the country, I am in favor of this bill. The friends of a big Navy are constantly raising the cry "Beware of the Japs," and yet that little nation spent last year less than $50,000,000 on their Navy, while we spent nearly three times that amount.

I have no doubt but that honest gentlemen favor a big Navy for what seems patriotic reasons to them, yet it appears to me that if they will stop a moment to reason about the matter they will see that it would be far better to spend the $30,000,000 that two battleships will cost on the construction and improvement of our public roads.

The bill is so guarded that our local and State authorities will have the actual supervision of the construction and upkeep of our roads. This is as it should be. I would be unwilling to turn over to the General Government the absolute right to control the construction and improvement of the roads. The best feature of the bill is that which requires the Government to pay for the use of our roads by its star and rural-mail carriers. We pay the railroads for the use of their cars and their tracks over which the mails are transported; then, for the same reason, is it not right that we should pay our people for the use of the public roads over which these same mails are carried?

It would cost an enormous sum for the Government to undertake to build the million miles of roads over which rural mails are carried, but this appropriation of $25,000,000 will go a long way toward improving the roads that we have. The bill divides the roads into three classes—A, B, and C—according to their width, character of construction, and so forth, and requires the Government to pay the sums of $60, $30, and $15 per mile, respectively, for the use of these roads in the transportation of its mails.

The people in every county of my district have within the past few years devoted much attention to the improvement of their roads, and they have hundreds of miles even now that will fall in class C and some that will reach class B. When a road is placed in good condition an industrious farmer with a good pair of mules, a large plow, a split-log drag, and a few other tools can keep up 10 or 15 miles a year without hardly missing the time that he would lose. One of the best results of this bill will be that it will encourage our own people to improve their roads, so as to meet the requirements and get the benefits of this appropriation, and I confidently predict that if this bill passes and we continue the appropriation for 10 years, our whole country will be a network of splendid roads.

Good roads will mean more rural mail routes, and rural routes will mean more newspapers and periodicals for the people in the country districts, and a wider spread of education among them. The great automobile interests would like to divert Government aid from rural routes to great trans-State and transcontinental lines in order to foster and promote their selfish gains. I have consistently set my face against any such gigantic schemes, because if we enter upon the exploitation of such projects we will not have any money to spare to the roads that are traversed by the people in the rural districts. Two years ago, in a speech that I made on this floor in behalf of a similar bill, I also urged the adoption of a proposition for a parcel post that was in the Post Office appropriation bill, in which the good-roads bill was also embraced. A Democratic House passed that bill with both the good-roads and the parcel-post propositions in it, but a Republican Senate struck out the good-roads feature of the bill. Now, with both branches of Congress and the Chief Executive Democratic, I believe that it will fare much better. We have only tried the parcel post for one year, but it has proven a success far beyond the hopes of its most sanguine advocates, and I understand that it is much more than paying its way.

Many of the merchants of my district wrote me letters of protest against its passage, predicting all kinds of disaster to the country and small-town merchants on account of competition with the mail-order houses. I went on and supported it with speech and vote, and now these very merchants are loudest in their praise of the beneficent results of the parcel post. With the inauguration of the parcel post the loads of mail that have to be carried by our rural and star-route carriers have greatly increased, and with it has increased the importance to the Government of better public roads, and with that importance has increased the duty of the Government to aid in providing these improved roads.

For years I have labored in this good work, and I am delighted that the realization of our desires seems now in sight. I feel that my work and the work of Judge SHACKLEFORD, who has led this fight, will not be in vain. I here insert a letter from our leader, Judge SHACKLEFORD, as evidence of the part which it has been my privilege to take in this great movement:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ROADS,
Washington, D. C., February 2, 1914.

Hon. JOHN L. BURNETT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. BURNETT: The Rules Committee has agreed to report a rule as soon as the immigration bill is disposed of by which it will be in order to take up the good-roads bill.

Knowing the great interest that you have always taken in legislation for the improvement of our public roads, I write to urge you to make a speech on the bill during the debate on the same.

I am sure the bill which we have reported from the committee will meet with your hearty approval, as it embraces all of the provisions which were contained in the excellent bill which you introduced in the last Congress.

Your friend, D. W. SHACKLEFORD.

This is a progressive administration, and the good-roads movement will no doubt receive an impetus at its hands. Our platform declares for it, the people demand it, and I hope the bill will pass. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture, on behalf of the United States, may aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads in an amount not exceeding $25,000,000 in any fiscal year; that the portion thereof which may be expended in any State in any fiscal year shall be determined upon the following basis, to wit: One-half in the proportion which the total population of such State bears to the total population of all of the States, as shown by the next preceding Federal census; and one-half in the proportion which the total number of miles of rural post roads in use in such State bears to the total number of miles of rural post roads in use in all of the States, as shown by the report of the Postmaster General at the close of the second quarter of the last preceding fiscal year; that on or before the 20th day of January in each year the Secretary of Agriculture shall prepare and file in his office a statement showing the amount which under the provisions of this act may be expended in each State during the next fiscal year and the proportions thereof which may be expended under section 3 and section 4 of this act and transmit by registered mail a copy of such statement to the governor of each State on or before the 31st day of said January: *Provided*, That for the fiscal year beginning July 1, 1914, the Secretary of Agriculture shall so prepare and file said statement and transmit copies thereof to the governors of the respective States within 60 days after the final passage of this act.

Mr. SHACKLEFORD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11686) to provide that the United States shall in certain cases aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads, and had come to no resolution thereon.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER designated Mr. BARTLETT as Speaker pro tempore for Sunday, February 8, 1914.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker——

The SPEAKER. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House resolution No. 22, to appoint a committee on equal suffrage, and also generally on equal suffrage.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on the question of equal suffrage.

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he intends to publish any pamphlets or addresses or articles by persons not Members of this House?

Mr. RAKER. No, sir; I expect to do all this myself. What I am going to print is my own view of the subject.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, unless it has already passed——

The SPEAKER. Unanimous consent has not yet been given.

Mr. DONOVAN. Reserving the right to object, I would like to ask if such a resolution has been before the House?

Mr. RAKER. It has been introduced.

Mr. DONOVAN. It has not been before the House for action, has it?

Mr. RAKER. Not yet. Of course, it is one of those things we hope to get up.

Mr. DONOVAN. Mr. Speaker, for the purpose of doing a kind act to the Member from California and putting him in the position of avoiding an error and violating the dictate and dictum of the Democratic caucus as passed by a two-thirds vote, I am going to object.

The SPEAKER. The gentleman from Connecticut objects.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD very briefly on a matter wholly nonpolitical.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD on a subject which is wholly nonpolitical.

Mr. BARNHART. Reserving the right to object, I would like to inquire of the gentleman from Illinois what the subject is?

Mr. MANN. I wish to insert a memorandum concerning Miss Wilson's wedding gift.

Mr. BARNHART. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3546. An act to extend the time for constructing a dam by Rainey River Improvement Co. across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; and

S. J. Res. 90. Joint resolution to continue in effect the provisions of the act of March 9, 1906 (34 Stat. L., 56).

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT GUNN BREMNER, late a Representative from the State of New Jersey.

Resolved, That a committee of six Senators be appointed by the Vice President to join a committee appointed by the House of Representatives to take order for the superintending of the funeral of Mr. BREMNER at Passaic, N. J.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. MARTINE of New Jersey, Mr. HUGHES, Mr. VARDAMAN, Mr. HOLLIS, Mr. CLAPP, and Mr. STERLING.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3546. An act to extend the time for constructing a dam by Rainy River Improvement Co. across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 832. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 833. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 834. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 107. Joint resolution relating to supervision of the Lincoln Memorial.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 10084. An act to authorize the changing of the names of the steamships *Buckman* and *Watson;*

H. R. 9574. An act to authorize the Missouri, Kansas & Texas Railway Co. to construct a bridge across the Mississippi River near the city of Hannibal, in the State of Missouri; and

H. R. 9317. An act to regulate the payment of postal money orders.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3625) "to authorize the Missouri, Kansas & Texas Railway Co. to construct a bridge across the Mississippi River near the city of Hannibal, in the State of Missouri."

Mr. MANN. What is the request?

The SPEAKER. To return a bill authorizing the construction of a bridge across the Mississippi River near the city of Hannibal, Mo.

Mr. MANN. To return it?

The SPEAKER. Yes. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I understand the gentleman who objected to my request to extend my remarks in the RECORD will withdraw his objection.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on the question of equal suffrage. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from California if he contemplates discussing the distinction between woman suffrage and equal suffrage in his remarks?

Mr. RAKER. Well, I have always stood, and stand now, for the question of equal suffrage, and if it applies to women, all right. Of course, I shall dwell quite extensively on the fact that women have rights and, therefore, should be treated equally with their brothers.

Mr. MANN. I understand the gentleman desires to insert an apology for the action of the Democratic caucus?

Mr. RAKER. Me? Never!

Mr. MANN. The gentleman does not stand for the Democratic caucus?

Mr. RAKER. Not on that.

Mr. MANN. The gentleman desires to insert an apology for the Democratic caucus?

Mr. RAKER. No.

Mr. MANN. I was hoping he did. But if not, all right.

Mr. BARNHART. Mr. Chairman, I believe, in all fairness to the gentleman from California, that any Member has a right to extend his remarks on any subject he may deem proper. This is a very important question to the gentleman from California and his people. Whatever the outcome of his efforts to get his resolution considered may have been, it would seem to me but fairness on the part of the House that he be permitted to extend his remarks. He says that they will include nothing in the way of pamphlets or extensive literature, and I hope there will be no objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT.

Mr. SHACKLEFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p. m.) the House, under its previous order, adjourned until Sunday, February 8, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce submitting an urgent estimate of deficiency in appropriation for tabulating machines, Bureau of the Census (H. Doc. No. 714), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4019) to authorize the Tug River & Kentucky Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near the mouth of Blackberry Creek, in Pike County, Ky., reported the same without amendment, accompanied by a report (No. 238), which said bill and report were referred to the House Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 8479) to repeal section 3 of article 110 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892, reported the same without amendment, accompanied by a report (No. 233), which said bill and report were referred to the House Calendar.

Mr. TALCOTT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3742) to authorize the Hudson River Connecting Railroad Corporation to construct a bridge across the Hudson River in the State of New York, reported the same with an amendment, accompanied by a report (No. 237), which said bill and report were referred to the House Calendar.

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (S. 3454) authorizing the Secretary of Commerce to lease to the city of Port Angeles, Wash., certain property, reported the same with amendment, accompanied by a report (No. 234), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER, from the Committee on Education, to which was referred the bill (H. R. 2494) to investigate illiteracy among the adult population of the United States and the means of eliminating or reducing the same, reported the same without amendment, accompanied by a report (No. 232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2577) granting a pension to Celsus G. Gross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3625) granting an increase of pension to Robert Watson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5551) granting a pension to Robert Strong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6088) granting a pension to Bridget Gaffney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8022) granting an increase of pension to Rebecca M. Gaunt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9815) granting a pension to Zachariah W. May; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10770) granting an increase of pension to Elizabeth H. Hyde; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11768) granting an increase of pension to P. T. Christensen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12136) granting a pension to Leila F. Devine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12708) granting an increase of pension to Charles H. Jewitt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12987) granting an increase of pension to Sylvania Collins; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9952) granting an increase of pension to Harriet K. Bailie; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HINEBAUGH: A bill (H. R. 13085) to enlarge, extend, remodel, etc., post-office building at Rockford, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 13086) providing for the sale to the State of Oklahoma of the unsurveyed islands in the bed of the Arkansas River within the boundaries of the State of Oklahoma; to the Committee on the Public Lands.

By Mr. REILLY of Connecticut: A bill (H. R. 13087) providing for the payment of pensions monthly by means of the annual issue of 12 coupons; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 13088) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Wathena, Kans.; to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 13089) to provide for a preliminary examination and survey of the Hudson River, N. Y., at the city of Hudson and points south; to the Committee on Rivers and Harbors.

By Mr. PETERS of Maine: A bill (H. R. 13090) authorizing the Secretary of War to deliver to the Grand Army Post of Clinton, Me., one condemned cannon; to the Committee on Military Affairs.

By Mr. MURRAY of Oklahoma: A bill (H. R. 13091) to provide for drainage of Indian allotments of the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. FOWLER: A bill (H. R. 13092) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 13093) to establish marketing departments in agricultural colleges in the several States of the United States; to the Committee on Agriculture.

By Mr. TOWNER: A bill (H. R. 13094) to amend section 20 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved February 25, 1909; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: A bill (H. R. 13095) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13096) for the construction of a bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWDLE: Resolution (H. Res. 403) requesting the Secretary of the Navy to furnish information as to the number of enlisted men who are disobeying the orders of courts requiring them to pay money as alimony or otherwise for the maintenance of wives or children whom they may have abandoned; to the Committee on Naval Affairs.

By Mr. POU: Resolution (H. Res. 404) to amend section 6 of Rule XXIV of the House of Representatives; to the Committee on Rules.

By Mr. KINKEAD of New Jersey: Resolution (H. Res. 406) to pay to Helen L. Bremner, clerk to Robert Gunn Bremner, late a Representative from the State of New Jersey, compensation at the rate of $125 per month from and after the date of the death of the said Robert Gunn Bremner until his successor is elected and qualified; to the Committee on Accounts.

By Mr. ROGERS: Memorial from the Legislature of Massachusetts, requesting the Secretary of the Navy to award the contract for the construction of supply ship to the Charlestown Navy Yard; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13097) granting an increase of pension to Mary M. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13098) granting an increase of pension to Emma Woods; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 13099) to place the name of George M. Noble upon the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 13100) granting an increase of pension to Albert Rine; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 13101) granting an increase of pension to Michael Gannon; to the Committee on Pensions.

By Mr. FALCONER: A bill (H. R. 13102) granting a pension to Thomas Baxter; to the Committee on Pensions.

Also, a bill (H. R. 13103) granting a pension to John F. Simonsen; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 13104) granting a pension to William F. McRill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13105) granting an increase of pension to Elizabeth Treese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13106) granting an increase of pension to Elizabeth Gilbert; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 13107) granting a pension to David P. Pierce; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13108) for the relief of George H. Hammond; to the Committee on Claims.

By Mr. HULINGS: A bill (H. R. 13109) granting an increase of pension to Ellen Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13110) granting an increase of pension to Paul Stang; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 13111) granting an increase of pension to William W. Grim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13112) for the relief of the heirs of Bernhard Strauss; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 13113) granting a pension to Vernie Agey; to the Committee on Pensions.

Also, a bill (H. R. 13114) granting a pension to Martin O'Brady; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 13115) granting a pension to Oscar S. Thornton; to the Committee on Pensions.

Also, a bill (H. R. 13116) granting an increase of pension to Louisa Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13117) granting an increase of pension to James P. Hayman; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 13118) granting an increase of pension to William E. Sands; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 13119) granting an increase of pension to Susan A. Smith; to the Committee on Invalid Pensions.

By Mr. MACDONALD: A bill (H. R. 13120) to correct the military record of James A. Cooper; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 13121) granting an increase of pension to Orange Hoyt; to the Committee on Invalid Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 13122) for the discharge of Raymond T. Rice; to the Committee on Naval Affairs.

By Mr. PATTEN of New York: A bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 13124) granting an increase of pension to Tolbert J. Robison; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 13125) granting an increase of pension to Stephen M. Harmon; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 13126) granting an increase of pension to John T. Burriss; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 13127) to appropriate a sum of money to pay to the heirs of Myra Clarke Gaines for certain lands in Louisiana; to the Committee on the Public Lands.

By Mr. STEPHENS of California: A bill (H. R. 13128) granting a pension to George Casseboom; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 13129) granting an increase of pension to Hiram Ingersoll; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Polish National Alliance of Chicago, Ill.; Mount Zion Lodge, No. 576, and other lodges of the Order of B'rith Abraham of Boston, Mass.; and the Workmen's Circle of New York, protesting against the passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Commodore Oliver Hazard Perry Branch of the American Continental League, of Cleveland, Ohio, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the Boston Fish Bureau, protesting against the passage of the McKellar cold-storage bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of citizens of the twelfth congressional district of the State of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of the Knights of Equity Branch of the American Continental League and Andrew Jackson Branch of the American Continental League, both of Cincinnati, Ohio, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of Richard Keer and 42 other citizens of Newark, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, papers to accompany special bill (H. R. 12313) for the relief of Leo Bluebaugh; to the Committee on Invalid Pensions.

Also, memorial of the Switchmen's Union, favoring the passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of West Bros. and 11 other merchants of Uhrichsville, Ohio, favoring a change in interstate-commerce laws relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. CARY: Petition of the German-American Alliance of Reedsburg, Wis., representing 51 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Antigo, Wis., representing 107 American citizens, vigorously protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures; to the Committee on the Judiciary.

By Mr. COOPER: Memorial of Wisconsin State Union, American Society of Equity, relative to pending antitrust legislation; to the Committee on the Judiciary.

By Mr. CURLEY: Petition of Lazarus Davis Lodge, No. 548, of Boston, Mass., against House bill 6060; to the Committee on Immigration and Naturalization.

By Mr. DALE: Memorials of the Chamber of Commerce of the State of New York, relative to the deepening of the channels in the East River, and Berger & Wirth, of Brooklyn, N. Y., favoring the passage of the Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

By Mr. DYER: Petition of the Curtis & Co. Manufacturing Co., of St. Louis, Mo., protesting against the passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. EAGAN: Petitions of the Hudson County Building Trades Council, American Federation of Labor, of Jersey City, and Hoboken (N. J.) Third Ward Democratic Club, favoring increased pay for mail carriers on account of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD. Memorials of Robert Fulton Social and Literary Society, of New York, and Division No. 27, Ancient Order of Hibernians, of New York, against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, resolutions of the New York Development League, favoring deepening of St. Lawrence River; to the Committee on Rivers and Harbors.

Also, memorial of the Morris Bloch Lodge, No. 547, Independent Order of B'rith Abraham, of New York City, against House bill 6060; to the Committee on Immigration and Naturalization.

Also, petitions of Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen, and Brotherhood of Railroad Trainmen, opposing the Federal workmen's compensation law; to the Committee on the Judiciary.

Also, petition of the District of Columbia Association Opposed to Woman Suffrage, opposing woman suffrage; to the Committee on Rules.

Also, petition of Merchants' Association of New York, against House bill 1873; to the Committee on the Judiciary.

Also, memorial of Chicago Federation of Labor, favoring investigation of strike conditions in Michigan; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of sundry citizens of the second congressional district of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany bill (H. R. 12957) granting an increase of pension to Jonathan Greeley; to the Committee on Invalid Pensions.

By Mr. KORBLY: Petitions of citizens of Indianapolis, Ind., favoring the passage of House bill 5892, relative to pensions for the United States Military Telegraph Corps who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: Petition of citizens of Multnomah County, Oreg., against House joint resolution 168; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of the joint executive committee of labor organizations on the Isthmus of Panama, relative to back pay, longevity, etc., for laborers on the Isthmus; to the Committee on Appropriations.

Also, memorial of the Order of Railway Conductors and Brotherhood of Locomotive Firemen and Enginemen, protesting against Federal workmen's compensation act; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the twenty-seventh congressional district of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of W. M. Terhune and 24 others, of Bristol, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of C. P. Brats, of Albany, N. Y., favoring Government ownership of express companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Capitol City Lodge, International Association of Machinists, No. 356, of Hartford, Conn., favoring legislation providing for payment of back longevity and overtime pay for the labor men in the Canal Zone; to the Committee on Appropriations.

By Mr. MAPES: Petition of citizens of Grand Rapids, Mich., against Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. MARTIN: Petition of the Missionary Society of the First Presbyterian Church of Madison, S. Dak., favoring constitutional amendment relative to polygamy; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of officers and members of the Sacketts Harbor and Hope Church Auxiliaries of the St. Lawrence Presbyterial Society of Home and Foreign Missions, favoring the antipolygamy amendment to the National Constitution; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of the State of New York, relative to the deepening of the channels in the East River; to the Committee on Rivers and Harbors.

By Mr. NORTON: Memorial of the Larimore (N. Dak.) Commercial Club, favoring the plan of Hon. Jonathan Bourne, jr., for Government aid for good roads; to the Committee on Roads.

Also, memorial of the Larimore (N. Dak.) Commercial Club, favoring legislation establishing one price to all on trade-marked and branded goods; to the Committee on Interstate and Foreign Commerce.

By Mr. O'LEARY: Petitions of the Workmen's Circle of New York City and Independent Order of B'rith Abraham, of Jamaica, N. Y., protesting against the passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Merchants' Association of New York, protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of the Knights of Columbus, favoring an investigation of the publication called The Menace; to the Committee on Rules.

Also, petition of voters of the county of Seneca, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of James W. Nolan, of Auburn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of citizens of the fifth congressional district of the State of Wisconsin, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of James C. Shays and F. C. Donaghy, of Los Angeles, Cal., favoring an investigation into the charges against the publication called The Menace; to the Committee on Rules.

Also, petitions of Richard Wollner, A. L. Hall, John P. Knopf, and Fred Wolfe, all of Los Angeles, Cal., favoring the passage of the Hamill bill, which provides for the retirement of aged civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Texas: Petitions from merchants of Memphis, Miami, Electra, Paducah, Quanah, Childress, Estelline, Canyon, Hedley, Clarendon, Plainview, Tulia, Higgins, Glazier, Panhandle, Canadian, Amarillo, Goodnight, Claude, and Chillicothe, all in the State of Texas, favoring the passage of House bill 5308; to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of the Utica Association of Credit Men, Utica, N. Y., favoring legislation for the control of floods; to the Committee on Rivers and Harbors.

Also, petition of the New York Wholesale Grocers' Association at Utica, N. Y., relative to the right of the manufacturer to make the resale price on goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National League of Commission Merchants of the United States, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Alabama: Petition of A. W. Metzger and others, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., favoring the passage of House bill 4981, prohibiting the misbranding of certain articles; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Memorial of the Chamber of Commerce of the State of New York, relative to the deepening of the channels in the East River; to the Committee on Rivers and Harbors.

Also, petition of officers of Company H, Second Reserve, New York State Division, United Boys' Brigade of America, favoring an amendment to Senate bill 3777, relative to uniforms similar to United States Army; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 8, 1914.*

The House met at 12 o'clock noon, and was called to order by Mr. BARTLETT as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, let Thy spirit descend copiously upon us as we thus assemble in memory of the departed; men who by their nobility of character, intellectual attainments, and patriotic zeal won for themselves the confidence of their fellows who selected them to be their representatives in this body, to enact into law the things which make for good government; an honor which challenges the respect of men and has secured for them an enviable place in American history.

Their work is done; their souls have passed into the realm where character will be their passport into the larger fields of endeavor prepared by the Giver of all good gifts. We thank Thee for their lives, for their work, for their example. May we work and faint not, trust and doubt not, and be ready when the summons comes to pass on into the larger life, prepared for whatever awaits us; in the spirit of the Master. Amen.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal of yesterday and that the same be approved.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to dispense with the reading of the Journal of yesterday and that the same be approved. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE RODDENBERY.

The SPEAKER pro tempore. The Clerk will report the special order for to-day.

The Clerk read as follows:

On motion of Mr. PARK, by unanimous consent, *Ordered*, That Sunday, February 8, 1914, be set apart for addresses upon the life, character, and public services of the Hon. S. A. RODDENBERY, late a Representative from the State of Georgia.

Mr. PARK. Mr. Speaker, I offer the following resolution, which I send to the desk to be read.

The SPEAKER pro tempore. The gentleman from Georgia offers a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 407.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. SEABORN ANDERSON RODDENBERY, late a Member of this House from the State of Georgia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PARK. Mr. Speaker, "life is a dome of many-colored glass that dims the bright radiance of futurity until death crumbles it in fragments." It is then only we may hope to see clearly.

Twice within the last four years have Representatives of the second congressional district of Georgia been called from this House to the "house not made with hands"—James Matthew Griggs, of Dawson, genial, gifted, masterful, whose bright life, as a sun, set while it was yet day; SEABORN ANDERSON RODDENBERY, of Thomasville, earnest, tireless, forceful, now enshrined a martyr in the hearts of the people.

Within the past 12 months some score Members of this body have gone to the "great beyond," reminding us that life is uncertain, death is sure, and that we are soon to follow.

Some have gone the unknown way,
While some await the call to rest;
Who knoweth whether it is best
For those who went or those who stay?

The ceaseless clang of eternity's clock stroke is sounding the march of death, in whose unbroken line "soul touches soul; the muster roll of life eternal knows no gaps."

ANDERSON RODDENBERY, as he was known to his district, was born on his father's farm in Decatur County, Ga., on the 12th of January, 1870. He moved to Thomas County in his childhood.

His early days were spent alternately on the farm and in a country store at Cairo, Ga.

He received his education in the common schools and at Mercer University. In his young manhood he taught school, and in his spare time studied law.

For a period he held the chair of languages and mathematics at South Georgia College, where he performed excellent, lasting service.

In 1891 he was married to Miss Johnnie Butler, a member of the distinguished Butler family of Mitchell County, Ga. His married life was happy, made cheerful by his devoted wife, the mother of his two sons and three daughters; and this good woman, the greatest loser, is the chief mourner for him we commemorate to-day.

The people of Thomas County early recognized his fitness for leadership, and chose him, at the age of 21, their representative in the Georgia Legislature, where he served with distinction in the sessions of 1892 and 1893.

In 1894 he was admitted to the bar, and forced his way rapidly to the forefront by dint of brains and pluck.

For four years he was the honored judge of the county court of his county, after which his talents were engaged in practicing law and in farming.

For two terms he was mayor of Thomasville, standing squarely for clean government and honest enforcement of law, and he had it.

For four years he was president of the board of education of Thomas County, during which time education was given a great forward impetus.

On the 16th day of February, 1910, he was elected to the Sixty-first Congress to fill an unexpired term, and was a Member of this House when he died.

Those who served with him can best speak of his life and labors here; I tell of them as we of his district knew of them in southwestern Georgia.

His friend and pastor, Dr. J. M. Rushin, of Boston, Ga., baptized him at an early age and received him into the fellowship of his church.

He writes that—

As a boy he was exceptionally bright, lovable in his ways, a dutiful son, and universally popular with his comrades.

He developed into a brainy, forceful character, always on the right side of every moral question.

He further writes:

He was the friend and adviser of the poor, and only eternity will reveal his benefactions to that class.

To the struggling boy or girl who desired an education his means were largely employed. He was a friend that you could count on at all times and under all circumstances; he was bold and aggressive in his advocacy of what he conceived to be right, true and loyal to his friend and to the cause he espoused.

The same good man adds:

There is much I could say about my friend and brother, but perhaps this will suffice.

That brief description is complete; it is a perfect eulogy. I can add but little.

Mr. Speaker, I would prefer that praise by that good man to the thunderous applause of this House when filled with its Members.

That simple, truthful statement stands like living rock between the dead and any possible detraction forever.

Many saw but the surface; this Christian man looked deep into his soul and plainly spoke what he clearly saw without qualifying word or fulsome phrase; nor said he too much.

His guide in all things was "conscience, the incorruptible judge that sits in the secret chambers of every man's soul."

As a judge he tempered justice with mercy, and all the ends he aimed at were his country's, God's, and truth's.

He devoted his life to service, and, be it said to his honor, he labored to uplift humanity.

He believed that in the moral order men should live without hindering the lives of others, should live to aid others in attaining more complete life, and that a day will come when the individual will be blessed in "hand and foot and soul four-square, fashioned without fault," fit closely into the moral order as the perfect ashlar.

He welcomed the Boys' Corn Club meetings as splendid opportunities for encouragement, praise, and hope for those whose hands will soon hold the helm of state and the great business of life.

For years he fought under the brave banner of State-wide prohibition and lived to see a near realization of victory, and with his great coworkers, Judge Covington, of Moultrie, and Judge Harrell, of Bainbridge, he turned the tide in favor of prohibition in his district; and to-day it stands a permanent sentiment writ in the hearts of the people and upon the statutes of his State.

The multitudes who thronged the streets and gathered at his grave paid loving tribute, as from all the district they came and lowered into his last resting place their beloved "Alexander H. Stephens, of the wiregrass country."

He was a prepared lawyer, a bold and skillful adversary, and at times his eloquent argument before court and jury flashed powerful and brilliant. Such was his reputation that when his name appeared on any docket opposing counsel knew that his client's cause demanded all his powers to meet a foeman, at all points, worthy of his steel.

In private life he was a loyal, devoted husband; a gentle, guiding father; a loving brother; a friend without guile; a fair and brave antagonist; a generous neighbor, respecting the rights of others.

As we of the second district viewed him in Washington, he was the sentinel on the watchtower of white supremacy in State and Nation; no menace to its integrity dare approach by stealth or boldness without meeting his ringing challenge.

In clarion tones he sounded protest to the boasted superiority of American civilization, which permits a legal conjunction of a paranoiac child of the civilized centuries with a dark denizen of that twilight zone which marks the moral boundaries between habitations of creatures in God's image and dens of the inarticulate anthropoid of the fierce, savage jungle.

Roused by his clear call, the Anglo-Saxon blood gave instant answer, through the quick sensibilities of the popular press, from Maine to Texas and from the Lakes to the Mexic Sea. And some day this great Congress will mold the die to stamp his true thought into law—in the judgment of many, the best for the future of all the races.

A soldier of Napoleon lay stricken on the field; a surgeon searched the ghastly wound above his heart, and as the probe went down the soldier said, "A little deeper, Doctor, you will find the emperor."

Thus with ANDERSON RODDENBERY, had you searched deep in his bosom you would have found the toiling masses.

He fought beyond his strength; he strove beyond his power; he lived and labored in hopes for them, and literally gave his life for them.

A stripling Ivanhoe, he entered here the lists, with bright lance poised, fluttering the penon of the people's rights; none dared to think that in his boyish form there throbbed a lion heart.

No Christian knight ever struck with less fear the shield of doughty foe with mortal point until it rang again or rushed to onset upon the plains of Ashby than RODDENBERY when he poised a logician's lance and charged for what he felt was right.

Recognizing the simple justice in pensions for destitute and invalid Union veterans who saw service his honest spirit indignant rose against the pension buccaneer who filches by circumstantial falsehood the sweat-soaked dollars of the masses covered into the Treasury by governmental fiat.

How his battling lance struck and struck again and shivered against the adamant of what he felt, and many feel, an unholy Gibraltar of pension fraud.

Too zealous some say who did not know the dauntless soul that knew the right and knowing dared maintain.

Too prodigal of strength some say to fight without hope but with undying faith in his cause; and, when weak with ceaseless fight, worsted by powerful odds, then burst his mighty heart and at the feet of all his country he fell down and spilled his life an incense, a free offering upon the altar of people's rights.

And in the end men will ask, not was the incense sweet, but was the altar pure.

I travel in thought with a noble writer who said:

It is not only in finished work that we should honor earnest effort. A spirit goes out of the man who means execution which outlives the most untimely ending. All who have meant good work with their whole hearts have done good work, although they die before they sign it.

Every heart that has beat strong and cheerfully has left a hopeful impulse in the world and bettered the tradition of mankind; and even if death catch people like a pitfall and in mid career, laying out vast projects, planning monstrous foundations flushed with hope, they should at once be tripped and silenced; is there not something brave and spirited in such a termination? And does not life go down with better grace, foaming in full body over a precipice?

When the Greeks made their fine saying that "Those whom the gods love die young." I can not but think they had this sort of death in mind; for surely at whatever age it overtake the man, this is to die young. Death has not taken so much as an illusion from his heart. In the hot-fit of life, a tiptoe on the highest point of being, he passes at a bound onto the other side.

This is but dim likeness of the man as he left it upon the hearts of his countrymen in the second district of Georgia. He sprung from the masses of the people and derived his patent of nobility direct from God.

The toiling multitudes believed in him; no man so humble or so poor that did not feel when he greeted RODDENBERY that he clasped the hand of help and sympathy.

He felt that the rich and powerful could care for themselves in the world's broad field of battle, and the poor needed help and encouragement.

At Thermopylæ stands a granite reminder of the devoted 300, bearing the inscription—

Go tell it, stranger, at Lacedæmon that we died here in obedience to her law.

So the shaft which the grand women of the second district of Georgia are raising to the memory of their champion of right, morality, and sobriety should bear the words, "Go tell it to future generations that he lived and died contending for his convictions of justice and right."

Toward the end he said to her who was dearer to him than the ruddy drops that fed his heart:

I have lived my convictions. I only wish I could live longer to provide better for my family.

He came from the great masses of the people from whence have ever come the truly great. He was loyal and true to the masses. He had learned the full meaning of the immortal plowman's words:

The honest man, tho' e'er sae poor,
Is king o' men for a' that.

He early learned in life's battle that as loyal, noble, and great a heart can beat within the homespun shirt of the toiler in mine or field or factory as pulsates beneath the royal purple of a prince; and that is why men love the memory and mourn the death of this golden-hearted knight of the people, who lived and died without fear and without reproach.

Mr. TRIBBLE. Mr. Speaker, Judge PARK, the successor of Judge RODDENBERY, has described in his remarks the life of Judge RODDENBERY as seen by the people of his home in Thomasville. He requested me to refer in my remarks to his life as seen in Washington.

The first Sunday after my arrival in Washington my steps carried me to the Fifth Baptist Church, where John E. Briggs, a Georgia man, is pastor. I did not know Judge RODDENBERY then, and made his acquaintance at this church. The following week a stranger came to my office and requested me to lecture at Falls Church. I wondered who had recommended me to this stranger. When I visited Falls Church I knew without inquiry, because I found that Judge RODDENBERY was much loved by the membership of that church.

From the first day of our acquaintance we became fast friends, and our friendship became so noticeable that it was commented upon on the floor of the House. The day he left Washington he bade me good-by, full of hope; he thought he would return to Washington in a few weeks, though he realized he was seriously ill. He thought he had temporary heart trouble and expected to return and amend the pending bill. He lived only a few days.

I never knew a man for whom I had higher regard; he was a Christian statesman. If he had sorrows and troubles, he never allowed them to becloud the lives of others. Wherever he went he scattered sunshine, and his presence dispelled cares.

One of the chief characteristics of his life was he loved his fellow man. When he entered the portals of the eternal home he found written on the Lamb's Book of Life by the King of that home, "When I was sick and in prison ye visited me; when I was hungry ye fed me; when I was thirsty ye gave me drink."

And this his epitaph shall be:
Now ended are his days.
None knew him but to love him,
None named him but to praise.

I regard Judge RODDENBERY as one of the greatest men Georgia has ever produced. He was an indomitable fighter, conscientious, and courageous to a fault, if man can be. He was a giant in intellect. I was closely identified with him in the pension fight of the Sixty-second Congress. I made my first speech in the second session of the Sixty-second Congress on pensions. Judge RODDENBERY was delighted with my outspoken stand, and outlined with me a plan to make a determined fight against pensions. He thought by preventing passage of pension bills the attention of the country could be forcibly called to the unchecked pension increase; that the newspapers would take up the unusual procedure commonly called "filibuster" and thus bring it to the attention of the public. I have seen him hold the floor all day and until 12 o'clock at night when the absence of a quorum would prevent the passage of the omnibus pension bill. The bill would probably pass at a later date, but in the meantime the attention of the country was riveted upon this unusual procedure.

He was one of the best parliamentarians of the House, and his knowledge of strategic parliamentary rules often brought defeat to measures he opposed. Speaker CLARK recognized his ability and very often called upon him to preside when important measures were up for passage. Speaker CLARK stated shortly after his death that if he had been called upon to select three of the best parliamentarians of the Sixty-second Congress, Judge RODDENBERY would have been one of the three.

On account of my intimacy with Judge RODDENBERY the membership of the House spoke frequently of him to me before and since his death. I have heard distinguished statesmen say that they considered Judge RODDENBERY one of the purest and one of the most intellectual Members of the Sixty-second Congress. He was a student and master of subjects in detail. His devotion to his books and official duties of his district kept him at his desk too much for his declining health. He loved the open-air life, but the charm of mastering congressional questions chained him to his desk. Judge RODDENBERY attended every detail of office correspondence. Requests from humble citizens may have been small and unimportant to many people, but they were large and important to him. The life of Judge RODDENBERY is a symbol of righteousness, and his spotless name is a priceless inheritance for his family.

Mr. Speaker, frequent are the chairs made vacant in this House. The life of a Congressman who takes part in legislation, meets home demands, with constant political contests to retain his seat, is a ceaseless struggle, and therefore let me remind you that he is liable to forget his full duty to the God who gave him life.

What have you done? my Lord will say when we meet at the end of the King's highway.
Did you give the mother back her boy?
Did you mend the children's broken toy?
Did you soothe the cares the world's annoy?
What have you done? my Lord will say when we meet at the end of the King's highway.

[Mr. SAUNDERS addressed the House. See Appendix.]

Mr. GREEN of Iowa. Mr. Speaker, there may be some who would not have expected me to be present on this occasion. I was not intimately acquainted with Mr. RODDENBERY. Personally I saw but little of him. I knew him best by his work in this Chamber. Here his course was such that we found little in common and seldom accorded in our votes. As a descendant of New England ancestors I had inherited with my blood principles, and possibly prejudices, to which he was intensely opposed. My education and early associations led me in paths of thought which diverged from his as widely as the poles. As the son of a Union soldier my views often conflicted with the sentiments which he so freely and positively expressed, and I have felt, and feel now, that he and I represented in some degree the extreme views of two sections of our country.

But, Mr. Speaker, I trust that the time will never come when such matters will cloud my judgment as to the merits of a political opponent or prevent my paying a deserved tribute to his memory. Mr. RODDENBERY's life and character were such that I wish to-day to add, if I can, a few sentences to show

the esteem in which he was held by those with whom he so often contended.

I do not mean by what I have said to indicate that he and I ever had any personal differences. On the contrary, such personal relations as we had were cordial. The statements which I have made and some that I shall hereafter make are because I feel that they might to some extent add force to my words if the circumstances under which they were uttered were understood by those who might chance to read them.

I shall never forget the first time I ever saw Mr. RODDENBERY and heard him speak on this floor. When he rose the House was in some disorder, and one who seeks to address it under such circumstances is like a swimmer struggling against tide and wave. Few succeed by their own personality in quelling such a disturbance, and he, least of all, seemed capable of coping with it. As I looked I saw that he was so slight of build that he seemed lost in this great Hall. To add to his difficulties, it was apparent, as he began to speak, that the majority of the House were not in sympathy with his purpose, and at first the turmoil only swelled the louder. But as he proceeded he threw himself into the debate with such indomitable force and energy that his slender frame quivered with emotion, his voice rose strong above the uproar, his spirit blazed forth in burning words, and the House, in admiration for the man, gave respectful attention.

Thus it was always with him. In whatever part he took in debate he entered into the thick of the contest with his whole soul. Opposition, however powerful, instead of daunting him caused him to rise to new heights of endeavor. Time and again he fought single handed against a majority, and whatever the result, and though often the odds were too heavy against him, he was never cast down by defeat nor exalted by victory.

Possibly if this were all I should not be here to-day, but he had other and higher characteristics. Mr. RODDENBERY fought not for mere love of forensic combat, but for the principles which he professed and wished to establish. One great source of his strength was that the rugged honesty of the man was reflected in his very countenance. Like every noble soul he was candor itself. He had no small tricks, no dissimulation, and was incapable of deceit. Thus he won the respect of the House, and with respect consideration.

Mr. RODDENBERY typified in a large degree public men of a bygone age. A northern political historian, himself well known to fame in public life, has said that the southern statesmen of the old school were remarkable in their freedom from any taint or shadow of corruption, and that with them personal gain was always subordinated to the public service. In the present day it has become common to insinuate that men of high character are seldom found in public life, and that our legislators have deteriorated from the standards of the past. Mr. RODDENBERY was a fine type of the public man that his section can and does so often produce, and his life and character showed that old-time virtues have not become extinct in our political life. He was needed here, and yet, Mr. Speaker, it is not strange to me that the inexorable hand of death beckoned to him early. He would not, perhaps could not, spare or save himself. His strength was sapped by his labors. The consuming fire of his energy rose too high for his delicate frame. The soul was too great for the physical man, and his devotion to duty was such that it demanded life itself.

But such men are not dead; they live in the hearts of their countrymen. The verdict of history will be that he was notable in those qualities which go to make up the best and strongest characters and was a man of whom his State may well be proud. I doubt not that his grateful fellow citizens will long remember his services and that time will only make his memory the brighter.

Mr. ADAMSON. Mr. Speaker, I have never doubted that "A good name is rather to be chosen than great riches." It is more valuable than any other earthly consideration, except to merit a good name. It makes secure respectability and credit during life. It insures the admiration of posterity after death. A man's wife and children, proud of his standing and achievements while he lives, can rejoice after his death in the record he made, and the fame he left to shed luster on his name and theirs.

When, in company with the committees of the Senate and House, I attended the funeral of our deceased friend, Hon. S. A. RODDENBERY I realized more vividly than ever how the love and gratitude of a people could appreciate reputation and honor, and glorify a righteous man who had lived a noble life. The beautiful town in which he made his happy home and for which he had done so much, mourned his untimely death, and all united to honor his memory by following his body to the grave. From all the countryside, and the neighboring towns and counties, came throngs of people to drop a tear and cast a flower. The venerable man of God who had led him to Christ in youth, baptized him, and been his spiritual guide, friend, and admirer through all of his subsequent eventful career, spoke eloquently, sweetly, and truthfully of the life and character of the deceased, and all who heard realized that his words were true.

The grief of the mourners that he had died so soon was mitigated by a feeling of consolation and satisfaction that he had so long lived to bless and help them. I would rather have said of me, when dead, the words spoken at the funeral of Brother RODDENBERY by that good man than to have won the renown and died the death of Alexander the Great. Mark Antony's eloquent address when "great Cæsar fell" seems but "sounding brass and tinkling cymbals" when compared to the description of the dead Christian, patriot, and statesman rendered by that holy man of God.

Brother RODDENBERY began his splendid education which prepared him for such a useful life with the admonition of Sacred Writ, "The fear of the Lord is the beginning of wisdom." He believed the injunction with a promise, "Seek ye first the kingdom of God, and His righteousness; and all these things shall be added unto you." He believed the psalmist had "never seen the righteous forsaken nor his seed begging bread," but that if a man fears God and does his duty "whatsoever he doeth shall prosper." People loved and trusted him because they realized that he loved and trusted them. He studied law, and, being a good man with brains as well as honesty, he became a great lawyer. On the same principle he became a wise and useful legislator. His energy was indefatigable; his mind and heart expanded to a magnitude out of all proportion to his physical strength. In this House he performed prodigies sometimes almost single-handed and alone. Even those who differed from him and condemned his positions admitted his integrity and steadfast purpose, and gloried in his ability. Even those who resisted his contentions loved him in life for his honesty, gentleness, and candor, and now honor his memory in death as a great, sincere, and good man.

His domestic life was exemplary, beautiful, and happy. Fortunate in winning a lovely and accomplished Christian wife, he immediately decided like the valiant man of old, "As for me and my house, we will serve the Lord." Accordingly, as the union was blessed with intelligent and happy children, they were brought up in the "nurture and admonition of the Lord." He also recognized the wisdom of providing for his own, "especially those of his own household," and furnished them in abundance the conveniences and comforts of life.

The children old enough are already far advanced in their education. The younger ones are being carefully nurtured and trained in the same manner with ample though moderate means, under the guidance of their splendid and pious mother. Happy would our country be if we had more men of the character and energy of S. A. RODDENBERY; fortunate and glorious would be the state of society if all bereaved wives and children could cherish the memory of having lived and loved with such a husband and father and rejoice in the name and fame that follow such a man.

Mr. PARK. Mr. Speaker, there are a number of Members who are unable to be present to-day who desire to express their appreciation of the life, character, and services of our deceased colleague, Mr. RODDENBERY, and I ask unanimous consent that all Members who desire to do so may have the privilege of printing remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that all Members desiring to do so be given leave to print remarks on the life, character, and public services of our late colleague, Mr. RODDENBERY. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, there is no utterance that moves my heart with a deeper emotion than an expression in honor of the qualities of a good man, when they can be truly expressed in reference either to public or to private life.

It was not my pleasure to know Mr. RODDENBERY intimately, as many of those here present did. My acquaintance with him began when, sitting upon this side of the chamber in the closing days of the Sixty-second Congress, I had come here in order to be among the Members of the House and to familiarize myself as best I could with its workings, and to ascertain how the actual proceedings of the House differ from the theory with which I had some familiarity. I watched the proceedings of gentlemen on both sides of the Chamber. While I had intended to remain only a little while, I became so interested in the activities of the House in those exciting days, and especially,

was I so impressed with the ardent interest of many Members in certain measures and by none more than the Member whose departure we mourn to-day, that I remained throughout the closings days up to the end of the session. During those days many Members attracted my attention. As a stranger to you all, I was in position to study the body. Mr. RODDENBERY impressed me as one of the interesting figures in this House.

I studied him at close range, not as a personal friend, but only as a stranger would watch the activities of a man possessed of qualities of leadership. My acquaintance with him did not extend beyond the opportunity to speak to him a few times. Later, my admiration increased because of the way he performed his part and carried out his conception of his duty on this floor, an admiration which I expressed to him in terms of congratulation after one of his battles. I naturally became interested in him, as to who he was, what he had done, and as a matter of course looked over the record of his career, which is certainly a source of admiration, enthusiasm, and inspiration to every American. It offers proof of the statement of the sage of Concord that our country is but another name for opportunity.

Note the steps of the success of an American. Born on a farm, educated in a rural school, worked alternately on the farm and in the store to enable him to get ready for college to perfect his intellectual training. Entered college, where he must have won recognition, because he accepted a position in the chair of languages and mathematics, which was a sufficient evidence of his intellectual acumen. His high standing among his home people is attested by his entering upon public life. He became a member of the legislature. So his educational career as a teacher went beyond the college walls and extended into the larger field of legislation, where he could impress his convictions not on college youth alone, but upon the citizenship of his State by legislative enactment. Soon he voluntarily left the legislature to take up some other work and to prepare himself the better to do the work that was awaiting him. He became a student of the law.

As I understand from those who knew him intimately, he continued to teach while carrying on his studies in law. In this he was following in the tracks of many of the most famous men in political and professional life, such as Horace Mann, while tutoring in Brown University, his Alma Mater. This item in the life of our departed Member shows his diligence that so marked his later career, and especially his life here in Washington.

In due time he was called to the judgeship of his county court, over which, from what I can find, he presided with dignity and honor, and then leaving that post of his own will to further his work as a practitioner, he ultimately came into a still larger field, that of the executive of his own town, which new duties were simply an addition to his duties as a lawyer, and which admirably fitted for the new post. For four years he served in the humble position as chairman of the board of education. That is one of the incidents that appeals to me most, for there is no particular honor that causes a man to say very enthusiastic things about one who will be willing to go into this lesser kind of work to help and direct the education of the county. When in 1836 Horace Mann was asked by the governor of Massachusetts to become secretary of the first State board of education in the country, he first declined on the basis of lack of fitness. Later he left the law to take up this work.

Those are the evidences of the altruism of the men and women of the nation who are willing to let the next generation be their clients. This altruism marks the Member whose memory we are to-day honoring.

After filling all these places of trust with that dignity that befits a self-made American citizen he came to this, the greatest school in the world, the House of Representatives.

Mr. Speaker, these are the steps taken by our lamented brother which make up the ladder of signal success, so uniformly desirable in America. They stretch from the beginnings which are small to an achievement which is great, and ought to be an inspiration to every American. I study his life and the lives of other successful men as I would were I preparing to speak to a group of college boys where I wanted to draw a lesson for their inspiration for achievement in our country. Such men afford a fine example of what can be accomplished by the dint of effort.

My attention was also called to Mr. RODDENBERY because of his frequent brilliant parliamentary fights conducted here on the floor. My impression was, there is a man who speaks not with the intention of offending anyone and yet without fear of offending. It is the utterance of an independent thinker, a man with the courage of his convictions, and one who stands for what he believes to be right, although it is in opposition, probably, to a great many that he would very much desire not to oppose.

I saw him once as I sat on this side of the House rise in his place on that side of the Chamber to speak 40 minutes under a special privilege. I noticed the fearlessness with which he spoke in opposition to a certain ruling, or position of his party, which somewhat involved his loyalty to his party if he persisted in his course of action.

The situation was the more delicate to him because it placed him in opposition to his own party, in which it seemed necessary for him to take issue with the leader of his party; and yet, in this most delicate situation, speaking without fear or favor, when he finished he sat down with not only the respect of the leader and every member of his party, but with the respect of all the Members on this side of the Chamber as well. In other words, he impressed me as a man speaking absolutely without fear on matters he believed to be right, no matter about the consequences. We all know not only this House admires such conduct and such ability on the floor, but all men everywhere greatly appreciate such public conduct.

I admired Mr. RODDENBERY for his brilliancy in parliamentary law, with which he showed himself quite familiar. As one greatly interested in parliamentary law, as a body of theory as well as actual practice in legislative bodies, having been a teacher of it in college, this part of his work I admired. Aside from my own leader, Mr. MANN, the most wonderful mind in his grasp of the details of the House I ever knew or read of, I watched Mr. RODDENBERY with the greatest pleasure when he rose to speak; he always demonstrated that he knew what he was talking about and insisted upon the maintenance of certain ruling when he spoke with a full knowledge of the subject. Here on this floor is where men will finally reach their level, and is the one place where men must speak not simply to be heard. Mr. RODDENBERY seemed to know his ground before he took a position. Such men must win respect of his fellows.

Upon another occasion, in the early part of the special session, when a bill had come from the Senate with an amendment, an effort was made to have the House concur. Judge RODDENBERY was opposed to the amendment, and when a motion was pending to appoint a conference committee he led in an effort to have the conference instructed to report certain things. This precipitated a parliamentary struggle, which aroused a debate in which much feeling was displayed among interested Members. Throughout the excitement which, at times, was high, Judge RODDENBERY never once lost his equilibrium, which enabled him to demonstrate that he did not only possess the knowledge as a basis of confidence for his position, but he also possessed that greater characteristic so rare in men of complete mastery over himself. "He that masters his own spirit is greater than he who takes a city," was an old saying. This calm composure in the thickest of the fight is a great asset, and Judge RODDENBERY uniformly possessed it.

It seems to me that Judge RODDENBERY from the standpoint of a boy on the farm, student in the college, teacher in the college, judge of the court, practitioner before the people, mayor of his town, leader in State as well as in Nation, offers a splendid object lesson of inspiration to every Member in this House, as well as to all the country, that ought to be taken back to the youth of our country.

In connection with that I am thinking now of what the State of Georgia has done in the way of public education. Not by schools and colleges and technical institutions alone, but by popular education upon the rostrum. I was told by a lyceum bureau that one-fourth of the talent that that bureau was handling, which are known to the lyceum world as stars, who were on the lyceum platform doing public work as public educators, molding public opinion, came from within a circle of not over 100 miles radius, with the center at Atlanta. This was when General Gordon, Grady, Graves, Lamar, Sam Jones, Sam Small, and others were in their prime.

I have not had the pleasure of hearing Mr. RODDENBERY on the lecture platform. I can not therefore speak of that field of public interest in influencing public opinion. Men can not always be equal; they may be strong at one place, they may not be able to reach such standard at another place; but I have studied Judge RODDENBERY pretty carefully in this House, and I think his fame will be able to hold up the standard, and he will not suffer because of the career and high rank heretofore set by the great State of Georgia.

I close by simply saying that when we see a life that we so much appreciate because of its promise closed out so early we ask ourselves the question why is it that this splendid, effective, energetic, conscientious personality, so surcharged with conviction of duty, was so soon cut off. The answer comes that man's life is not to be counted in years; it is not in the days that we live but rather in the work that we do that makes the

test of a man's life. It is not an extensive life that counts but an intensive living, and I am quite certain that although cut off in a very short life Mr. RODDENBERY will bring a recognition in his own community as well as in the Nation at large by a life well spent when measured by what was accomplished. It was not my pleasure to know him in his home, but what I have heard from this floor from the lips of those who knew him well is sufficient. His life, though soon cut off, was such that it must be a priceless heritage to his family. Of course no words of ours at these moments of bereavement can assuage the grief that so overwhelms his loved ones. But surely it is a consolation to them to know how he was cherished both by political friend and foe—the very best test of one's manhood. It is a touching tribute well merited that we here in this Chamber, the seat of his greatest service, gather on this holy day to attest our appreciation of the dignity, devotion, and high character of a fellow Member who has fallen by the wayside, and has left us to carry on the work to which he was so devoted.

Mr. SLOAN. Mr. Speaker, permit a personal friend and admirer to pay a simple tribute to the memory of SEABORN A. RODDENBERY. How frequently this Hall is being devoted to Sabbath service, which means memorials for its departed Members. Especially has this become true since our membership has been increased and the strain of activity has been set to the limit in extraordinary as well as regular sessions.

One who sits in this Hall listening to daily debates during the week and memorials on the Sabbath might designate it as a forum for criticism of the living and eulogy of the dead. It would not be an accurate judgment. But if it were, it yet were well. In our daily contests we ought and often do the manly act. But when dissolving time fades into eternal existence, then the best which is in us invariably forges to the front and sees only the best in our departed brother's career. We forget his weakness and foibles and see him as we would that God might see us—in the light of our merit and virtues rather than obscured by our shortcomings and vices.

From the various States and sections of this vast Nation men come to this Hall. Each brings some of the narrowness and prejudice of life's environment, unprepared to see or take the viewpoint of our fellow Members. Hence it is said to be uniformly the case that the least patience is exercised with the views of our colleagues in our early years of service; and that tolerance always comes for them, increasing as the years and the terms come and go.

We see the lack of universal application of our own beliefs. We consider at least toleration of our colleagues' principles until differences in detail are largely removed and only for large essentials do most here do battle, in this the best, and I hope always to be, the greatest forum of the world.

We learn to measure our colleagues, not by the particular doctrine which they espouse and proclaim, but by the honesty, sincerity, and zeal—or their lack—by which they advocate them. A man in this House represents that which he deems best and most important arising out of his life, education, environment, philosophy, political affiliation, hopes, and personal ambition. All of these are influenced, often controlled, by what appears to us to be the best interests of the greatest number of the people whose commission we hold for their representation at this great Capitol. Here questions ranging from the personal right of a constituent to have a public document up through the larger questions affecting the industries of our districts to and through those involving national and even world-wide importance are considered.

To this Hall our deceased brother brought much—a finished education, a large measure of culture, a keen, incisive mind, an unusual command of forensic English, and keen appreciation of the joys and exhilarations of the debate duello. He took blow and thrust with equanimity and at par, but he responded with usury. His zeal among his virtues and qualities shown fervent and resplendent. He had the resolution of an Alpine defender and the spirit of a crusader. It was this which perhaps challenged and received most criticism from his fellows, but if this be offense or fault constituents are ready to condone. Yea, more; they will commend. Congressman RODDENBERY spoke to his colleagues but for his constituents as he saw the latter's wishes and interests demand. In this he was truly representative.

A learned divine once said, "The master of a learned profession at last becomes its slave." That quality most frequently and strenuously exercised often becomes our undoing. It was the zeal of the departed which hastened him to the tomb. To bear up and protect a marked mentality nature gave him but a frail tenement, which, taxed beyond its capacity, called him early to his final home. This was before the ripeness of years crowned his efforts with that measure of distinction which would undoubtedly have been his had he lived, and which achieved would have been a proud fact for his family, his district, his State, and Nation.

A deep religious sentiment pervaded our deceased brother's thought, was revealed in his speech, and actuated his career. This, combined with domestic devotion for wife, child, parent, and home, added much, as it does to any public man, in the estimate of his fellows.

Among the young Members of the House we watched his activities, appreciated his ability, noted his genuine measure of advancement, and agreed in the estimate which saw in prospect rich civic prizes and honors in his promising career. A career closed in the rich early period of its florescence, its full fruitage is left to the good time and season of Him who doeth all things well.

Mr. EDWARDS. Mr. Speaker, with sad hearts we pay our tributes to the memory of our comrade who has been called from labor to eternal rest. While he had been for many years a prominent figure in the affairs of our State, yet it was not my good fortune to personally know SEABORN ANDERSON RODDENBERY until he entered the Sixty-first Congress to fill out the unexpired term of the late Congressman James M. Griggs.

By reputation I had known Mr. RODDENBERY for several years, and had a high opinion of him. One could not set a proper standard of appreciation upon him until you knew him well. In the Sixty-first, the Sixty-second, and up to his untimely death in the extra session of the present Congress I was thrown with Mr. RODDENBERY a great deal. He was one of my good friends. I admired his noble character, his ability, and his unselfish devotion to duty. His was an upright and useful life. Georgia, his native State, and the whole country sustained a great loss when this faithful servant passed away.

Born and reared on a Georgia farm, coming out of the great heart of the common people, he knew and loved those people. They knew and loved him in return. At the age of 21 years he was elected to the Georgia Legislature, where he served with ability and distinction. He declined reelection to that body. He studied law while teaching school, and was admitted to the bar in 1894. He made a success at the bar. In 1897 he was appointed judge of the county court of Thomas County, in which position he served his people with fidelity and honor. He declined reappointment as judge of the county court in order to devote his time and talents to the general practice of his profession. His people had need of him, however, and elected him mayor of Thomasville, in which position he gave such excellent service and satisfaction that he was reelected without opposition. He was also president of the board of education of Thomas County for four years. In all these places of public trust he showed that devotion to duty which marked him among men. His people, to whom he was ever true, were not content to let his honors cease. They had further need for his splendid abilities and energies. They elected him to the United States Congress, where he soon identified and distinguished himself as one of the great men of this great body.

It is indeed most fitting that those who knew his worth through daily and intimate association should gather in this Chamber, where the most important and effective part of his work was done, for the purpose of expressing sincere and affectionate appreciation of a life dedicated in high degree to the public service. The tributes paid to him are well deserved, because they were earned by years of devotion to the interests of our country, because his record as a Representative in Congress was characterized at all times by zeal for the public good. To the people who trusted and honored him he gladly gave all that was highest and best in him.

Few outside of his close associates knew how hard he worked or how much he had accomplished. Despite the fact that he had been in Congress but a few years, he was recognized as a ready and active debater. He was ever alert to protect the principles and policies that he avowed. Independent in spirit and free from affectation, he sought in all that he did to perform the highest duty to his country.

No man ever worked harder for the time he was in Congress than did Judge RODDENBERY. He was literally a slave to duty. He neglected his own affairs and even his own health that he might give to his country an unselfish and devoted service.

Much that is great and noble can be said of his public services, but high above all this, which is more beautiful and more enduring, it can be said that Judge RODDENBERY was truly a good man and a Christian. Well may the youth of Georgia and of the world emulate the example which was set for them by this great and good man.

He was a tender and devoted husband, a loving father, a loyal friend, a patriot, a scholar, a great judge, a statesman, and a Christian gentleman, whose mission on earth was a service of devotion that "to-morrow might be better than to-day," and whose reward, I am sure, has been found in the words "Well done, thou good and faithful servant."

I can not close this feeble and brief tribute without referring to the personal loss which has come to us who represent Georgia in this House of Representatives. A loyal colleague, upon whose judgment we had come to rely, is gone. He was more than a colleague. He was a warm-hearted friend, always courteous, kind, and considerate. We shall miss him, and memories of him will ever be a cherished possession for all who knew him. His voice is hushed, his form has disappeared, but surely such a soul can never die. The memory of such a life, the influence of such a noble character, will live on forever.

Mr. PROUTY. Mr. Speaker, since receiving the kind invitation to participate in these exercises my duties upon this floor have prevented me from making any special preparation. Yet I would not feel quite right to myself, nor would I feel quite right toward the Members of this House if I did not say just a few words expressive of my appreciation of my deceased friend, Mr. RODDENBERY. It so happened that when I first visited Washington to look after what I might be expected to do in the Congress to which I was elected I met Mr. RODDENBERY at the Union Station. We stopped at the same hotel, and when I came here to enter upon the duties of the special session we also stopped at the same hotel. I realized very quickly that he had come from the far southland, with all of the traditions, environments, and possibly prejudices of that region. I had come from the far northland, with all of the environments, traditions, and possibly prejudices of that section of the country.

It was a matter of some surprise to myself, and more surprise to many of our friends, that Mr. RODDENBERY and I should become so closely attached as friends. We spent many hours in walking and talking during the evenings of the long, hot summer of the special session. But it was not long after I met him before I found that there was a real bond of sympathy between us. He had come to Congress imbued with an idea that he wanted to be of real genuine service to the humble people of his district. I think I have never in all my life met a man so thoroughly wrapped up in the thought that he wanted to be of service to those who were not really in a position to serve themselves, and I think those of you who will take the pains to recall his every word and every act upon the floor of this House will agree that this was his controlling, forceful thought. He had been reared among the common people. He had seen their sorrows, and he had felt their oppression; he had known of their struggles. He had realized what a dollar meant to such people, and when he saw, as every one has seen, extravagant appropriations made for at least doubtful purposes, and when he realized that that money, in part at least, had to be wrung from the toiling hands of the poor, with whom he had lived and associated, it aroused in him the keenest disapproval.

And many times this House has been shocked and sometimes displeased when it would hear coming from that corner of the House, "Mr. Speaker, I object." Those words were actuated not, as some thought, by a vindictive spirit. That was never true. What he did was done by reason of the fact that Mr. RODDENBERY felt that the money gathered from the common people, largely, should not be squandered and put to purposes that are not needed.

One of the things that always struck me with peculiar force in the character of Mr. RODDENBERY was the fact that he was honest. By honest I do not mean what is commonly applied to that term. I do not mean that he simply paid his debts, that he was not guilty of fraud, but he had an honest mind, a mind that was directed along lines of absolute integrity. He did not try to form his opinions to suit somebody's preconception of something that would please the membership of the House, or those with whom he was associated. He took his facts and his logic, and, applying to them his own mind, he went where his judgment told him; and that was just as true in private conversation as it was upon the floor of this House. In the many, many conversations I have had with him I have always found that he was honest intellectually, and I can say frankly that that was the one thing that inspired my greatest admiration. If there is anything in the world that I can truly admire, it is a man who is honest intellectually. It is very easy to be honest in many things, but it really takes a strong character to be honest intellectually.

I do not need to tell you of his industry. I believe I have never known a more industrious man. Our rooms were close together, and I have known of his working until 1, 2, and 3 o'clock in the morning.

Another thing that commended Mr. RODDENBERY to me very much was his bravery. I do not mean that bravery that would make him a great soldier, for I do not know but that he might have run from the battlefield; but he was brave with his convictions, and from what little I have seen in life it requires a great deal more courage to be brave in time of peace than it does in time of war. I recall just one little circumstance that probably all of you will remember that challenged my admiration. A bill had been called up by unanimous consent. Several gentlemen, some from this side of the House and some from that side of the House, had made speeches under the privilege of reserving the right to object, and all of them had said that such a bill ought not to be considered in that way. People would gather around the Member, and the first thing we knew the Member would say that he withdrew his objection. So it went on this side of the House and on that side of the House, until perhaps a dozen had gone through that same performance, and all of them had withdrawn their objections. It looked as though the bill were going to pass by unanimous consent, although I know that it was the conviction of a large majority of the House that such a bill ought not to pass, when over in that corner of the House a little gentleman arose and said, "Mr. Speaker, I object." I leaned over to a friend sitting beside me and said, "That objection will not be withdrawn." One-half of that whole side of the House flocked to Mr. RODDENBERY, and some even from this side of the House, and brought all of the pressure they could upon him, but he sat there and smiled and said, "No, gentlemen, I have objected and I mean it."

It is that kind of courage on the floor of this House that challenges at least my admiration. He believed the bill ought not to pass and it ought not to pass in that way, and notwithstanding the pressure of political friends he had the courage to say, "Mr. Speaker, I object."

I was also very much interested in the skill with which he handled his parliamentary propositions. Among what may be termed the younger set he was clearly the best parliamentarian on the floor of this House. He had the keenest, clearest perception of the rules and had mastered them, and he always knew just when and where and how to take advantage of his knowledge of those rules. It was an inspiring sight to see one of our young Members successfully competing upon the floor of this House with the able parliamentarians on both sides; and in my recollection, I never saw him worsted.

All of these things lead simply to one thought; that is, that he was every inch a man. He was honest, he was brave, he had a heart of profound sympathy for the struggling masses of humanity, and he had that industry that prepared and equipped him for fighting the battles of the common people, and he fought them.

Mr. LEE of Georgia. Mr. Speaker, the Nation can ill afford to lose from its service men like SEABORN ANDERSON RODDENBERY, in memory of whom these exercises are held to-day. In whatever station of life he was placed, whether educator or jurist, mayor, or Member of this body, the word "Duty" was his guiding star. With singleness of purpose, with unswerving determination to do right as God gave him to see the right, he applied himself to every task. None was too small for his painstaking labor; none too great but was encompassed by the clear light of his fine intellect.

From his earliest youth he had given himself to study whenever time permitted and opportunity offered. He was voracious in his appetite for knowledge. He delved deep for facts, taking nothing for granted. He mastered every detail of every subject that engaged his attention, and every essential was marshaled in his mind with unfailing accuracy, ready for use at any moment.

Our friend and colleague was of sturdy stock. He was a son of the soil. From the moment of his birth he breathed the pure air of the country. City life knew him not until he came to Washington. A farmer's son, he grew up a farmer, and to the last minute of his life he held an abiding interest in everything that pertained to agriculture. He was not satisfied with merely knowing the A B C of the farmer's work. Not only did he study farming and the farmer's needs from a scientific standpoint, but he went even further and traced agriculture from the crudest beginning among prehistoric peoples through the centuries even unto our day. He did not exploit his research in the pages of magazines to gain temporary fame, but in his modest way was content to bring the results of his investigations to the knowledge of farmers' institutes in his native State.

Almost more than any man I ever knew Mr. RODDENBERY had the habit of study. It seemed to have been born in him. While

working on the farm and in a country store his evenings were devoted to storing his mind with useful knowledge. Books were his diversion. He was an omnivorous reader. His education was gained in the county schools and at Mercer University. Even before becoming of age he filled the chair of languages and mathematics at South Georgia College, and while a teacher he applied himself to the study of the law. When barely past legal age he was elected to the State legislature, served for two sessions, and then declined reelection. Within three years after being admitted to the bar he was appointed a county judge. After having served with honor for four years he declined reappointment, but subsequently filled the office of mayor of Thomasville for two terms and served as president of the county board of education for four years. Then came his election as a Representative, and here in our midst he labored in the Sixty-first, the Sixty-second, and the first session of the present Congress.

He was in the very flush of manhood, at an age when, it is said, men begin to do their best work. He was exceptionally well equipped for the work of legislation. I want to emphasize the word "work" in this case, for ANDERSON RODDENBERY was not satisfied with merely casting his vote for or against any measure as party policy or party behest might dictate or expediency might suggest. He went to the heart of every proposition presented for his consideration and action. For him there were no "unconsidered trifles." The thing had to be clear in his mind and understanding before gaining his assent or being rejected.

In his endeavor to reach a correct conclusion he shunned no labor, however much of a strain it might prove to be upon his mental and physical energies. And after he had convinced himself that a certain line of action would be right or wrong, as the case might be, he squared action with conviction, and no amount of persuasion or abuse could swerve him once he had taken his stand. Some people might call this sheer obstinacy under some circumstances, but so long as his conscience approved he cared for no man's censure and courted no man's approbation.

Honesty, faithfulness, and diligence were marked characteristics in his make-up. If there was at times severity in his acts, he never lacked in courtesy to whomsoever might be brought in contact with him. He was scrupulous in measuring out justice in his relations with his fellow men in all stations of life.

As a Member of this House Mr. RODDENBERY was unwearying in caring for the interests of his district and State. Every request that came to him from his constituents was promptly and minutely attended to. On the committees to which he had been assigned he was an untiring worker, and his reports were models of conciseness and completeness. His legislative activity did not stop short at matters of mere local import or subjects immediately intrusted to him for investigation and report. He participated actively in all debates on important measures of general interest, and his keen, analytical acumen discovered with unfailing directness the weak points in an opponent's argument or the blemishes in proposed legislation. Those things that did not commend themselves to his sense of justice or fairness he opposed with uncompromising persistency and severity, and he availed himself of every proper device to make his opposition effective.

We all remember his inflexible resistance to the passage of omnibus pension bills. We remember how he fought them from the moment they came into the House until the final vote upon them had been taken. We remember how he exhausted every parliamentary means to encompass their defeat. We remember also how in every instance he failed in his efforts. But however much many of his colleagues may have differed with him as to the advisability of that sort of legislation; no matter whether they regarded the position taken by him as ill-advised or not, none could withhold their meed of admiration for the courage with which he maintained his views, even with the certainty of defeat staring him in the face. And such admiration was properly bestowed. It is easy to espouse a popular cause, but it partakes of heroism for a man to antagonize such a one. Therefore howsoever Mr. RODDENBERY'S work as a Representative in Congress may be judged, either by his contemporaries or by posterity, it must always be said of him that he had the courage of his convictions and acted as he thought.

There comes to my mind other instances of our friend's persistency in the face of defeat. In every case he did what he thought was right, and measured up to the highest standard.

> The greatest man is he who chooses right with the most invincible resolution; who resists the sorest temptation from within and without; who bears the heaviest burdens cheerfully; who is calmest in storms and most fearless under menaces and frowns; whose reliance on truth, on virtue, and on God is most unfaltering.

If Mr. RODDENBERY had been permitted to continue his service here, he would, I doubt not, have added to his prestige as a legislator. But, alas, disease fell upon him the ravages of which his body was unable to withstand, and he paid the tribute to nature which sooner or later we all must render.

Mr. BELL of Georgia. Mr. Speaker, it is with sad hearts that we to-day are called upon to speak of the parting with us of our dear friend and colleague, Judge SEABORN A. RODDENBERY. I knew Judge RODDENBERY intimately while he was a Member of this body and I had the opportunity of studying his characteristics. He was a man of unquestionable character, honest, sincere, and courageous. While his career as a Member of Congress was short, it was nevertheless fruitful and marked with ability. He was elected to fill a vacancy caused by the death of our lamented friend, Judge Griggs, and was a faithful Representative of his people until September 25, 1913, when the mantle of death came over him and took from our midst one of the truest, bravest, and best men Georgia or the South has produced in many years. He was devoted to his duties as a public servant, constant in his attentions to his constituents, and loyal to the rights of the people who elected him to the high position which he filled with honor and distinction. He filled many positions of trust before entering upon the duties and responsibilities as a Member of Congress, and was therefore well equipped for the great problems which confront the people of this great Nation. He was zealous and a strong advocate in all matters in which he felt interested, and nothing could persuade him or turn him from that which he believed right and just. He was a lawyer of extraordinary ability, safe as a counselor and fair as a judge. He recognized the rights of every individual, and never lost sight of his duty to himself or his kindred affection to humanity. His sole purpose in life was to do right and do justice to those with whom he came in contact, and he had a high regard for the opinions and purposes of his coworkers. He was indeed a remarkable man; although young and with a limited experience as a national lawmaker, he was fast developing into a national figure and was forging his way to the front as a leader in the affairs of the Nation; and his opinions and rulings as a presiding officer, with his quick perception of parliamentary law and its usages, was impressed upon those who watched his career in his latter days, when frequently he was called upon to preside over the deliberations of Congress.

It is indeed unfortunate that such a promising and bright life should have been checked by the sad reaper, death. As a man he was loved by all who knew him. As a friend, he was steadfast and true. He was honest, sincere, and would not engage in deceptive methods and trickery which sometimes characterize modern politicians. He was a gentleman by birth and training, and I never knew him to be guilty of the least act unbecoming a true man or a respectable citizen. He was held in high esteem by all the people of his district, old and young, rich and poor. He was a leader in the great fight for temperance in Georgia, and probably no individual is entitled to more credit for this reform in the Empire State than Mr. RODDENBERY. If he had a hobby it was always on the side of right, and he never failed to let his friends and admirers know his position on any question which affected them.

He was a devoted husband, loved his family, and always enjoyed the society of his children, and would never let any opportunity escape when he could do anything to add to their pleasure and happiness. Indeed, my friends, we have lost a good man. We can sympathize with those dear to him who are left to mourn his departure, but we can not fathom the mysteries of life, but we can believe and feel and hope that our loss is his eternal gain.

> For them no more the blazing hearth shall burn,
> Or busy housewife ply her evening care;
> No children run to lisp their sire's return,
> Or climb his knees the envied kiss to share.
>
> On some fond breast the parting soul relies,
> Some pious drops the closing eyes requires;
> E'en from the tomb the voice of nature cries,
> E'en in our ashes live their wonted fires.
>
> No farther seek his merits to disclose,
> Or draw his frailties from their dread abode
> (There they alike in trembling hope repose).
> The bosom of his Father and his God.

Mr. WILLIS. Mr. Speaker, I feel that I want to say a word upon this solemn occasion, because I come from a section of the country where many of the opinions and positions that were espoused by our friend, Judge RODDENBERY, on the floor of this House, were looked upon with a good deal of disapproval, and I think perhaps with some degree of misunderstanding. For that reason I have wanted to speak briefly this afternoon.

From my close association with Judge RODDENBERY I know that every position he ever took upon any measure pending be-

fore this House was taken in absolute sincerity, and from the standpoint of his belief in the public good.

I knew this man well. I know that he harbored in his heart no hate for any man. In what little experience I have had I never met a more tender, loving, sympathetic soul than was possessed by S. A. RODDENBERY of Georgia.

As I speak for a few moments, there comes to me a flood of memories. I can not forget the circumstances under which I first became acquainted with him. With two other Members of the House I was invited to speak at a celebration which the patriotic people of Falls Church, Va., had arranged, two years ago last Fourth of July. I did not know who the other Members were who were invited, but when we went to the car I found that beside myself the Members of the House who had been invited to speak were Mr. RODDENBERY and Mr. WEDEMEYER of Michigan. I shall never forget the happy hours we spent together that day, nor shall I forget the eloquent and powerful addresses that were delivered by my two friends. It is to me a sad recollection that both these young men, who had so early made such a definite and lasting impress upon the House, and who gave such promise of great service, not only to their districts, but to the States in which they lived and to their country—that these two splendid young men have gone into the great beyond.

There are a great many things of which I might speak in thinking of the characteristics of Judge RODDENBERY; but the first one that comes to my mind is that to which the gentleman from Iowa [Mr. PROUTY] has just referred—his superabundant courage. While I disagreed with him sharply and fundamentally upon many questions, and particularly upon that one in the discussion of which he took the most aggressive part, I felt that he was always perfectly sincere and honest and absolutely courageous in every position that he took. I remember an incident not unlike the one referred to by the gentleman from Iowa [Mr. PROUTY]. I remember we had been having a long fight here upon a bill. The gentleman from Georgia [Mr. RODDENBERY] was opposing that bill with great ability and great eloquence and with a splendid exhibition of his knowledge of parliamentary practice. After this combat had been going on for some time, two or three of us from this side, who prized his personal friendship, went over to that corner where he always stood when he started to make a fight, and we engaged him in pleasant personal conversation and sought to dissuade him from the course which he had been pursuing. I remember that in the greatest good humor—because while Judge RODDENBERY always spoke with vigor and seemingly with great excitement, yet he always kept good-natured—when we urged him to cease his opposition to the bill he spoke in terms of the greatest good humor, but waved us aside and kept up his fight with his usual ability. I speak of that as an illustration of his unflinching courage. He did not hesitate to do the things which his most intimate friends did not want him to do if he felt that his conception of his duty to the public demanded that he should do so. Taking him all in all, I feel that Judge RODDENBERY personally was a man typical of what is best in American manhood.

Just yesterday I was reading a clipping from a poem of Kipling, that seemed to me so entirely applicable to this case that I am going to repeat it. By a peculiar coincidence the slip of paper I hold in my hand containing these lines was handed to me by our late friend and colleague, Mr. WEDEMEYER, just a few days before his untimely death. This is what Kipling says:

If you can keep your head when all about you
Are losing theirs, and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting, too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies;
Or, being hated, don't give way to hating;
And yet don't look too good, nor talk too wise;

If you can dream, and not make dreams your master;
If you can think, and not make thoughts your aim;
If you can meet with triumph and disaster,
And treat those two impostors just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop, and build them up with wornout tools;

If you can talk with crowds and keep your virtue,
Or walk with kings, nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the earth and everything that's in it,
And which is more, you'll be a man, my son.

It seems to me these lines express the characteristics of Judge RODDENBERY; upright, sincere, clear, and courageous, he possessed that lofty personality which we all admire and emulate.

Another characteristic it seems to me ought to impress itself on the manhood of this country, and that is the fact that with this man above all things, above devotion to the State, above his sense of duty to the Nation even, there was that splendid unfaltering devotion to the duties of the home upon which, after all, all these other institutions rest. He possessed a home life beautiful. He was devoted to it and proud of it. Well may he have said as one of our poets said:

If all the ships I have at sea,
Should come a-sailing home to me,
Laden with riches, honor, glory, gold,
Ah, well, the harbor would not hold
So many ships as there would be,
If all my ships came home to me.

If half the ships I have at sea,
Should bring their precious freight to me,
Ah, well, I should have wealth as great
As any king that lived in state,
So rich a treasure there would be,
If half my ships came home to me.

If but one ship I have at sea
Should come a-sailing home to me,
Ah, well, the storm clouds well might frown
For if the others all went down,
Still rich and glad and proud I'd be
If that one ship came home to me.

If that one ship went down at sea,
Weighed down with gems and wealth untold,
With riches, honor, glory, gold,
The poorest soul on earth I'd be,
If that one ship came not to me.

O skies be calm, O winds blow free,
Blow all my ships safe home to me.
But if thou sendest some a-wrack
To never more come sailing back,
Send any, all that sail the sea,
But send my love ship back to me.

To our friend who has gone away many of these ships that sailed the sea came home, but that one ship surely came with sails all spread, and floating above it all was the white banner of his stainless life. SEABORN A. RODDENBERY'S life is an example that the manhood of this country may well emulate. The kind of life he lived, the kind of thoughts he entertained are expressed in a few lines from an Ohio poet, Mr. Herbert, a gentleman whom my colleague [Mr. FESS] and I know very well. He wrote:

When I am gone,
Just say that, in a distant heaven
I firm believed, with faith unriven;
Yet for the heavenly earth I've striven,
When I am gone.

When I am gone,
Just say I want no gaudy wreaths,
No baubles, no well-ripened sheaves,
No crêpe, no dirge, no flowers, no leaves,
When I am gone.

When I am gone,
Just say I want no stately tread
Of plumed knights; no words well read,
In tones, sonorous, of the dead,
When I am gone.

When I am gone,
Just say to me the yielding sod
Of earth is welcome; then leave God
To deal with me, with smile or rod,
When I am gone.

Our friend Mr. RODDENBERY has gone away, but the memory of his blameless life will remain as a benediction to coming generations. His life was an inspiration, and the tender, fragrant memory of our friendly association with him will abide till latest time.

Mr. HUGHES of Georgia. Mr. Speaker, as I have listened here to-day to the loving tributes of his devoted friends, and their eloquence has thrown upon memory's screen the noble deeds of his noble life, my thoughts go back through the brief interval to the last weeks ANDERSON RODDENBERY was with us, and I see plainly his tense, dramatic figure standing there fighting with the earnestness known only to those who battle honestly and fearlessly, and with the power with which truth arms its advocates fighting for the cause of the people.

And I see, Mr. Speaker, the lines in his face grow deeper with the passing of each day; I hear his voice grow weaker, but harder and harder he fights. Filled with the purpose of defending to the uttermost the principles in which he believed with all the earnestness of his soul he was unmindful of the ravages of disease, the warnings that the fight must soon be over. Relentlessly he fought on and on until the dread hand of disease struck him down.

And this picture which comes before my mind's eye, Mr. Speaker, of that frail, almost boyish little figure, weakened by illness and under the very shadow of the Death Angel's wing fighting with the fearlessness and strength of a giant is an in-

spiration. It was one of those magnificent lives in which mortal flesh was subordinated to the immortal and imperishable principle. The unselfish spirit which moved ANDERSON RODDENBERY to give so freely of himself in the fight for the people is the same which moves the soldier to offer up his life upon the field of battle. For both, it is the sacrifice of self upon the altar of patriotism.

Born on his father's farm and passing through the early years of his life, those impressionable years in which the seed of character are sown, he caught the spirit of fellowship which is known best to the humblest, and he cast his lot with them. He was essentially a man of the common people, a friend of the masses.

In the year that he attained his majority he was elected a representative in the Georgia Legislature and was judge of the county court within three years after beginning the practice of law at the early age of 27. His service in each of these positions fully justified the wisdom of his people in their selection of him, for his work in the legislature was marked by that same earnestness of purpose which later, during his service in this House, attracted the attention of the Nation to the wonderful power of his brilliant mind, and in his administration of the law as judge there was mingled the sternness of justice with the tenderness of mercy.

He was twice mayor of Thomasville, and served his people in many other public capacities, and always his service was marked by consecration to duty and a superior intelligence.

In his district, his county, his city, he was ever pronounced, conspicuous, and determined in his position on all questions of good citizenship, Christianity, morality, education of mind, heart, and soul, carrying the flag of the righteous and laboring in the cause of right. He never faltered when the welfare of his country, his State, or his community was the issue.

Mr. RODDENBERY made a record in his short service in the National Congress worthy of the highest expectations of his advocates, the fondest hopes of his friends and family. He was a lawyer of fine parts, a born debater, and never appeared to better advantage than in the give and take of debate.

I was attracted by his many admirable qualities, but that which drew me closest to the inner man was not his prodigious energy, his fidelity to principle, and his skill in execution, but his private life. His precious baby daughters, Mary and Ruth, became my devoted friends. They were so endearing in their charming little mannerisms, with that beauty of the rosebud giving its promise of the full-blown rose yet to come, that I often sought their companionship for mirth and bright moments with Heaven's glorious gift, the untarnished innocence of children. The devotion, the confidence, the love of the little girls for the father, as well as their mother, brought me in closer union with ANDERSON RODDENBERY. I had an introduction through his two dear little daughters which showed to me the man in his family, a husband without guile, faithful and true, a father of tender solicitude and beautiful love. He was the sun of tenderness that radiated light and reflected happiness in the bright domain of his home.

He was known best and loved most by those among whom he lived, those who were his daily associates in business, social, and political life—the residents of Thomasville. They knew the worth of the man.

I attended the last sad rites which were administered by the hands of loving and devoted friends, and it was deeply touching to see the personal loss his people suffered. To them it was not only Congressman RODDENBERY who died, but ANDERSON RODDENBERY, neighbor and friend. His name lives in the archives of the Nation, but shines brighter and more resplendent in the hearts of his people, the people for whom he labored so hard and unselfishly. He leaves an heritage to his family brighter and more to be valued than gold. He was an honest man, the noblest work of God.

Mr. HOWARD. Mr. Speaker, during the brief period since I entered this body three years ago, the grim reaper has claimed a heavy toll from the ranks of my fellow Members.

To those who doubt the assertion that the duties of a legislator are not only arduous and exacting but destructive to life, I have but to mention the fact that in the short space of less than three brief years 26 Members of the two Houses of Congress have passed away to convince them of their error. This heavy quota of mortality is out of all proportion to the rank and file engaged on the firing line—greater, indeed, than vital statistics can show in either the Army or Navy in time of peace, or from the wear and tear due to the mad struggle for existence in any other field of human endeavor.

Surely, when 5 per cent of our body, supposed to be in the full vigor of physical health and mental efficiency, succumb in such a brief period of time, we must look for some other cause than ordinary deterioration. That this cause is in many instances overwork—a conscientious sacrifice of self upon the altar of duty—a review of the appalling mortality among our Members must convince us.

Conspicuous among those who have gone to premature graves as victims of the work to which they have consecrated their lives for their conscience, their country, and their constituents is the name of my colleague, the late Representative S. A. RODDENBERY, of Georgia.

His death, which occurred at his home in Thomasville, Ga., on September 25, 1913, was so recent and so sudden that there are few, if any, here to-day but who will find difficulty in realizing that he is no longer among us. His presence in this Chamber was so constant and regular in the brief time that he served his district in Congress, and his personality so familiar, that we all recall him as of yesterday—a personality so simple, so frank, and so winning as at once to endear itself to all with whom he came in contact on both sides of the Chamber. With what a shock came the wholly unexpected news of his sudden breakdown and lamentable death.

As I speak these words it seems incredible, impossible, that he is no longer here. As I look in vain for his familiar face and form in his wonted place and realize, alas, that he has left us forever—as the consciousness slowly dawns upon my senses that he is not, a sense of utter helplessness overwhelms me and fills my sorrowing heart with anguish supreme.

O, Mr. Speaker, the task that I essay, the sweet privilege that I share with others in attempting to pay loving tribute to the life and character of my departed colleague, surpasses me. No feeble words of mine, no panegyric, however adorned in conventional language, however decked and garlanded in the choicest wreaths of rhetoric, can adequately express the profound sense of personal loss which I feel for my friend who has passed to that—

undiscovered country from whose bourn no traveler returns.

In his untimely taking off this Chamber has lost not only one of its foremost and most useful Members—and that assertion I venture without fear of contradiction; not only has his district, his constituents, and the State of Georgia been deprived of a Representative of whom they were justly proud, but I have lost a friend, a friend who can not be replaced.

Can storied urn or animated bust,
Back to its mansion call the fleeting breath?
Can honor's voice provoke the silent dust,
Or flatt'ry soothe the dull, cold ear of death?

His seat has been filled in this body by a capable and able man; the quota of Representatives from Georgia in the National Legislature is full, and his name no longer appears on the official rolls; the ground, insatiate and inexorable, has closed forever over his mortal remains, blotting from view all save his memory. But, in my heart, as in the hearts of all who knew and loved him as a devoted husband, a tender and indulgent father, an affectionate brother, a loyal, faithful friend, he yet lives, as he shall always live—in memory, ever green.

It seems superfluous to delineate the character of this man to you, who sat with him, as I have, in this Chamber; to you who knew him as I did in life. It is like attempting to paint the lily. But there may be some, perhaps, who did not know him so well, and to them I speak.

In the words of Marc Antony, mourning for his friend, the great Cæsar, let me say:

This was the noblest Roman of them all.
He only, in a general, honest thought
And common good to all, made one of us.
His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This was a man!"

And I may, too, add with Hamlet:

In my mind's eye I see him still.
He was a man, take him for all in all,
I shall not look upon his like again.

The character of RODDENBERY was one of singular sweetness and purity, as his nature was of simplicity, directness, and conscientious adherence to his high ideals of truth and duty. Aye, duty! That is the keynote of his whole character. He set duty upon a pedestal, above every other purpose in life. He made it his lodestar and followed it to his death. He was a martyr to duty and died at his post—as much so as any soldier who ever gave up his life to his country upon the battle field.

Straining his frail physique beyond its limit in endeavoring to give utterance to the vehemence of his pent emotions, expressed in the many eloquent and remarkable speeches delivered during the three sessions of the Sixty-second Congress, in which I sat with him, his physical powers were overtaxed, and his

sudden, startling breakdown came, followed by his all too premature death.

Death, the grim destroyer, which always loves a shining mark, overtook him in the full vigor of his wonderful mental energies and the high noon of his usefulness. His mind and heart—the spirit within him—were too great for the frail body which cramped his great soul. But when the dread summons came, he answered bravely, simply, as he had lived; he broke life's bondage with firm hand and yielded up his spirit to his Maker who gave it with the same calm courage and fearlessness that he always displayed in life. In refusing to quit his post, although knowing full well that it meant death for him to continue, he displayed a sublime fortitude and steadfast resolution. This is the highest type of courage, the supremest test of bravery. Faithful to his ideals, to his convictions, and to his purpose, he sacrificed himself upon the altar of duty.

Of such a fate have men in dungeons dreamed,
And with the vision brightening in their eyes,
Gone smiling to the faggot and the sword.

Mr. Speaker, I do not believe in elegiac eulogy, in mortuary panegyric, in fulsome praise of the dead, though custom has established and sanctified it as a necessary ceremony. I believe in strewing some of the flowers which adorn our devious paths through life along the trail as we go by, that their sweetness and fragrance may rise, not as funeral incense in the death chamber, to hang heavy and suffocating around the sable trappings of dissolution and decay, unbreathed by him to whom their tribute is a mockery, but to be culled—if only a modest daisy growing beside the highway—and handed to the wayfarer as he journeys along to sweeten his travail and fatigue. I believe, with that great preacher, Talmage, that a japonica in the living hand is better than chaplets of heliotrope and immortelles entwined about the marble brow of the dead.

A rose to the living is more than sumptuous wreaths to the dead;
In filling life's infinite store, a rose to the living is more,
If graciously given before the hungering spirit hath fled:
A rose to the living is more than sumptuous wreaths to the dead.

But, unhappily, we are deterred by the conventions of intercourse, a false conception of modesty, or embarrassment, from awarding to the deserving, during life, the laurels and posies justly due them, and wait until death has sealed their lips and closed their ears forever to toss our bouquets and breathe our benisons.

Could SEABORN ANDERSON RODDENBERY, alive, sit in this Chamber to-day and listen to the oratory and rhetoric expended in singing his virtues, he would doubtless blush with becoming modesty and deprecate these eulogies which we, his erstwhile colleagues and associates, strive to pay to his memory. And yet, I firmly believe, there is not one word uttered that is not heartfelt and sincere; that would not have been said of him living. But, oh, the pity of it that these poor words of praise are reserved for his funeral odes; that he passed away without knowing the estimate placed upon his character by his fellow man.

Yet he looked for no praise and asked none, other than the approval of his own conscience, which had ever been his mentor and whose signet has ever been his guerdon and his goal.

If there is a man in this Chamber, an auditor within the sound of my voice, who was RODDENBERY'S enemy, who did not respect, admire, and honor him in life, he did not know it; and I am certain whereof I speak when I make the assertion that no Member of this body has passed away since I have been in Congress who is more sincerely and universally mourned than my late colleague.

Elected to the Sixty-first Congress in February, 1910, to fill the unexpired term of his predecessor, Judge Griggs, from the second district of Georgia, he was successively reelected to each of the two succeeding Congresses without opposition.

A quiet man of unpretentious and unassuming demeanor, he plunged at once into the great arena of political strife and turbulency. Like the Roman gladiator of old, a very paladin of virile energy and inspired zeal, he hurled himself, with broadsword and pennoned lance, into the forensic forum. From the day that he took his seat until that when he was forced to take to his bed, unconscious, his voice was heard and his influence felt in committee and in debate. A very whirlwind, a firebrand of eloquence and oratory, his words, sentient with virile force and strength and pulsating with the ebullition of feeling which called them forth, rang through this Chamber as few others have done in every cause in which his convictions were aroused and enlisted. Few others have ever been listened to with more rapt attention than RODDENBERY. He has harangued the House from both sides of the Chamber, for, in advocating the principles which he championed, he has gone across the great aisle, taking his stand among those of the opposition and speaking to them from their own vantage ground, as did St. Paul to the men of Athens. Nor did he spare his own party where he thought it wrong and deserved censure. Now that he is gone, his influence and aid will be missed and his loss deplored by his political friends and foes alike, for when we battle we love a foeman worthy of our steel.

God give us such men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking;
True men, sun crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo, Freedom weeps,
Wrong rules the land, and RODDENBERY sleeps.

RODDENBERY has gone, and with him is stilled forever a native eloquence and a fervid tongue, attributes of the genius of reformers of all ages, with which men, possessed of his God-given power of oratory and lofty inspirations, have charmed the world and molded the destinies of nations. Enlisted in a righteous cause, as his was ever, these weapons have become the levers of great political ends, like those of Hampden and Cromwell, who like RODDENBERY were tribunes of the people.

The field of his activities was as wide and varied as the restless spirit which inspired him. Immediately after his graduation he accepted and filled the chair of languages and mathematics at the South Georgia College. He was married at 21 years of age to Miss Johnnie Butler, who survives him and has been the helpmate and partner of his remaining two decades of life, sharing his successes and encouraging and assisting him in his endeavors.

The same qualities which so distinguished him here made him a leader in his community and section. His rise at the bar and his reputation as an able and forceful lawyer were rapid, continuous in progress, and certain and conspicuous in achievement. It would be out of place here, even had I the time, to recount these achievements.

Within the limits proper for these remarks it is as difficult a task to speak in reasonably adequate terms of RODDENBERY'S services in Congress as it is to attempt to do justice to his enviable traits as a man.

He was a lovable man, and he was greatly beloved on both sides of the House. He was honest, simple to a fault. His attention to duty, his fidelity to his trust, to his duty as he saw it, his capacity for hard work, his tireless energy and industry, and his official and personal integrity all impressed themselves upon his fellow Members; and, at the time of his death, he was becoming familiar to the public at large through his fiery speeches. He was the uncompromising foe of extravagance in the Government and of every form of corruption. Of everything that could benefit the people at large, and particularly the great agricultural classes, he was a spirited champion. It was no affectation in him that he loved the common people—he was of them, united to them by bonds of blood and association. It was with him an instinct.

There can not be the shadow of doubt that in his death he was a self-immolated martyr to his duty as he conceived it. He was conjured by his family and his closest friends to let up in his work and cease his strenuous speeches which were, all too plainly, breaking down his strength, none too vigorous. He steadfastly refused to heed the warning. He remained at the helm and died with his face turned to windward and his hand clutching, with nerveless fingers, the spokes of the wheel.

Mr. Speaker, throughout Georgia there was universal sorrow when he died, and a great concourse of his fellow citizens, some of them coming from a long distance, attended his funeral and stood at his bier to pay loving tribute to him whom they had honored. He sleeps under the hills of his native State, beneath a wilderness of flowers. In laying this poor wreath upon his grave, in paying this tribute to the memory of him I loved in life, I feel how utterly inadequate is its expression to his worth.

He was a man—

I shall not look upon his like again!
Peace to his ashes!

Faithful to his ideals, RODDENBERY yielded up his useful life, yet he did not die in vain. The grandest examples which have descended to us from the pages of history, sacred as well as profane, are those of the early Christian martyrs and the more modern scientific reformers who have surrendered their lives upon the altar of sacrifice, the silent heroes who have suffered martyrdom for principles, who have died at their posts of duty,

as RODDENBERY did. No better tribute can be paid to his memory than is contained in these two words—Death and Duty.

Dead at his post of duty!
What finer eulogy? All the boast
Of pomp and glory seem but idle breath
Beside the calm, quiet dignity of Death!
Where Death and Duty meet
Is found solution most complete
Of all life's problems; 'tis enough—
Dead and at his post!

Mr. WALKER. Mr. Speaker, I can not hope to pay just tribute to the memory of Georgia's brilliant son, whose untimely death we so much lament, but with the thousands of patriotic citizens who loved him I come to breathe for a moment the sweet fragrance of the flowers he has left behind and to lay upon the sacred altar of his fame my words of admiration and approval.

A little more than 44 years ago SEABORN ANDERSON RODDENBERY was born in the district which he so ably represented. Born of humble but noble parentage, he caught his first inspiration 'mid the hills and flowers of Decatur and Thomas Counties. His indomitable will and courage early attracted the attention of the public, when, practically unaided, he fought his way from the furrows in the field to the halls of the General Assembly of Georgia, at the age of 21 years. His public service as a State legislator was able and brilliant. He only served one term, declining reelection, and turned his talents to the schoolroom, where the impress of his exalted character is found and exemplified to-day in the noblest and best citizenship of southeast Georgia. During this devoted service to the youth of his country he studied law, which profession he soon graced as an able counsellor and brilliant advocate. He was soon elevated to the bench of the county court of Thomas County, where his clear and forceful knowledge of the law and judicial opinion soon stamped him as one of the ablest jurists of his great State. His impartial rulings and clear opinions on the bench have contributed much to the noble profession to which he was so much devoted and which he so much loved. After four years of devoted service on the bench he declined reappointment and returned to the active practice of his chosen profession. He served as mayor of the beautiful city of Thomasville for two terms and was afterwards president of the Board of Education of Thomas County. His public service in all these positions of trust and honor was characterized by consecrated and devoted purpose. The grand old Commonwealth of Georgia loves and reveres the blessed memory of ANDERSON RODDENBERY.

His brilliant speeches as the peerless advocate and champion of prohibition are immortalized in her sober and courageous manhood, in her tender, pure, and Christian womanhood. But the people of Georgia are unselfish, and being a generous and benevolent people we share the rich and priceless virtues of our noble son with the Nation and with the world. As a Member of this House my association with this distinguished scholar and statesman was all too brief, but we can not understand the ways of an all-wise and unerring Providence. The weak and frail body of Mr. RODDENBERY could no longer sustain and support his yet unconquered will and giant intellect, and while many of us realized for months before the end that he could not live, yet when the news of his death was flashed throughout the country we were not prepared to receive it. His physicians and friends had advised and begged him to stop and rest, but his restless spirit could not be still. He died a martyr to duty, true to his trust, true to his country, and consecrated to the God who gave him life. He was a man of fixed purpose, deep conviction, and unbounded courage. He was absolutely fearless in debate, yet kind, courteous, and considerate of those who differed with him on public questions. Well may the youth of his country follow and emulate his example. ANDERSON RODDENBERY is no more. His "voiceless lips" can no longer champion the cause of humanity and right. "O thoughtless speech that calls thee dead." Educator, brilliant lawyer and jurist, statesman, and patriot, your tired form has lain down to rest, but while you sleep the tender and sacred memories of our friendship and affection shall live on, and the sovereign people of your beloved State shall keep watch eternal o'er your rich and priceless contribution to her patriotic and nobler citizenship.

Mr. FLOYD of Arkansas. Mr. Speaker, I feel it my duty as a friend of the late Mr. RODDENBERY to speak one word of tribute to his memory on this occasion. My acquaintance with him began when he entered this body during the Sixty-first Congress. During the Sixty-second Congress my seat was immediately in front of his and we became close and intimate friends. I want to say that, in my opinion, few men, and I may safely say no man, has entered the House of Representatives since I have been a Member of it who has taken such rank and gained such universal respect and confidence among his fellow Members in so short a period of service as did Mr. RODDENBERY. It is a well-known fact to all of us who were here in the Sixty-second Congress that the question on which he established his reputation and demonstrated, perhaps, his greatest ability was an exceedingly unpopular one, namely, opposition to private pension bills. A large majority of the House was against him. Few Members of the House on either side had any sympathy with the great fight he made in opposition to these private pension bills and a large majority violently opposed his views and position in reference to these bills. As was said this afternoon by a Member on the other side of the Chamber, I believe that his position and opposition to these measures was misunderstood. I want to say that, knowing him as I did and enjoying his full confidence, I believe his position in regard to these measures was misunderstood not only by Members of the House but by the country at large.

Mr. RODDENBERY often said to me privately that he defied anyone to show where he had ever said one word against a needy and deserving Federal soldier receiving a pension. I believe an analysis of his speeches in these great debates on that question would fully justify that statement. He hated pretense and he hated fraud. He did not like to see a man of wealth or a man holding a high salaried position receiving a pension from the Government. He did not like to see pensions given to deserters. He did not like to see those whose record did not justify a pension under general laws given a pension by the special favor of Congress, and hence he scrutinized carefully every item in these omnibus bills and boldly criticized those items that he considered without merit.

If you recall his criticisms in these debates, he would show that he was objecting to particular cases, and he would detail the facts at great length in order to justify his position. His every effort was in the face of opposition, and independently of what any man might think he dared to oppose them and did oppose them with such matchless skill and ability that he finally brought the attention of the House and the country to his masterful tact and skill as a debater and to his superb ability, and in the end he convinced all of his sincerity, honesty, and integrity of purpose, and gained the confidence and respect of men on both sides of the Chamber.

I happen to know Mr. RODDENBERY's views on other matters, and he was equally zealous on every question that involved a principle. He stood for the right as God had given him to see the right. I want to repeat what has been said by others preceding me, that he was honest not only morally but intellectually, and he had upon all questions the courage of his convictions. He yielded to no man his judgment, however high in authority that man might be, and it mattered not to him whether opposition to his views came from members of his own party or the opposite party. When convinced he was right, he was as firm and immovable as some vast mountain whose towering peak extends into the clouds and stands serene in its solitary grandeur.

Those were the qualities that gave him rank in this body and that peculiarly fitted him to a great service in this House—high moral courage, courage to stand for his conceptions of right, whatever those conceptions may be. This courage S. A. RODDENBERY possessed in as high a degree as any man that it was ever my pleasure to know. And yet, withal, he was a man of genial disposition. He stood for the principle. He never became angry at an antagonist. He stood for his own high ideals, and he defended those high ideals with a matchless eloquence that is remarkable even in this Chamber.

I want to say in conclusion that I loved and admired him, and I felt impelled by a sense of duty to pay this humble tribute to the memory of a true friend.

[Mr. BARTLETT addressed the House. See Appendix.]

THE LATE REPRESENTATIVE WILLIAM HENRY WILDER.

The SPEAKER pro tempore. The Clerk will report the second order of the day.

The Clerk read as follows:

On motion of Mr. PAIGE of Massachusetts, by unanimous consent, *Ordered*, That Sunday, February 8, 1914, bet set apart for addresses upon the life, character, and public services of Hon. WILLIAM H. WILDER, late a Representative from the State of Massachusetts.

Mr. PAIGE of Massachusetts. Mr. Speaker, I offer the following resolutions:

The Clerk read as follows:

House resolution 408.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM

HENRY WILDER, late a Member of this House from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PAIGE of Massachusetts. Mr. Speaker, I regret that I am not so fortunate as many who will follow me on this occasion as to have enjoyed an intimate acquaintaince with my predecessor, the Hon. WILLIAM HENRY WILDER, but I know that what I shall say will voice the opinion and judgment of my constituents, who knew him well and who appreciated his ability and his service to them in this House.

WILLIAM HENRY WILDER was born May 14, 1855, at Belfast, Me., where he remained until he was 11 years of age, when his parents removed to Massachusetts. What education he received in the schools came from the great university of the common people, the public school.

During the first years following the removal of the family to Massachusetts he worked on a farm in the summer and attended school in the winter. His knowledge of machinery was acquired in factories at Gardner, Mass. At the age of 17 he went into business for himself, following the paint trade and lines connected therewith, and remained an employer of labor until his death on the 11th of last September.

But for years he desired a larger field of endeavor, his purpose being to go west, but at the solicitation of friends he was induced to remain in Gardner, and the result was that the oil-stove business, which now forms an important part of the manufacturing life of that town, was established there.

Mr. WILDER acquainted himself with every feature pertaining to it, supervised and directed the improvements with such diligence that for a period of more than 20 years not a year elapsed that at least one patent was not issued to him, he having taken out more than 50 in all. His father, Jonas P. Wilder, himself a mechanic, was the inventor of the first sidehill plow, originally devised for plowing on a sidehill, now familiarly known as the swivel plow.

After a short period of depression in the oil-stove business the Central Oil Gas Stove Co. was organized in 1890, with Mr. WILDER as treasurer, and with factories located at Gardner and Florence, Mass., Greenwich, Conn., and Jackson, Mich., and with warehouses at Boston, New York, and Chicago. The volume of business aggregated more than three-quarters of a million dollars a year, and more than five hundred men were employed. He succeeded in carrying these various interests through the panic of 1892 to 1894, but because of some differences arising in the management which Mr. WILDER and his friends could not adjust, an assignment was made in the fall of 1895. This disaster Mr. WILDER opposed, feeling it to be wholly unnecessary. He was thought up to this time to have a competence, but this disaster left him without a dollar when he was 40 years of age and with $50,000 of his own debts and even a larger amount that he had indorsed for those who were cooperating and working with him. He was urged by many of his closest friends to go into insolvency, but, refusing to take their advice, he ultimately paid one hundred cents on every dollar of indebtedness, although before he was able to pay anything the interest had added nearly half as much more.

In 1897 Mr. WILDER brought out the famous free-level oil-stove patents, the first being applied for in April of that year, and it is now being successfully manufactured in Gardner, Mass.

When 45 years of age, Mr. WILDER took up the study of the law, in order that he might engage in the practice of business and patent matters before the United States courts. He gained admission to practice in these courts and afterwards identified himself with a firm of patent lawyers in this city. In subsequent years he became an expert in corporation, bankruptcy, patent, and general business laws, placing many business concerns that were in a precarious condition in good financial status. While he is best known for his activity in the business world as a man of action, he was also a man of sound thinking, as was displayed by his ready grasp of the currency question.

On April 15, 1908, Mr. WILDER addressed the House Committee on Banking and Currency on the subject of the Aldrich bill, the invitation to do so coming from Senator WEEKS of Massachusetts, then a Member of the House, and at that time one of the House members of that committee. Mr. WILDER was practically the only layman who addressed the committee, and his address was subsequently issued by the committee in pamphlet form. About that time Mr. WILDER wrote a diagnosis of the conditions then existing, entitled "My Notions on the Currency Question," which was thought to clearly explain the situation as it then existed.

The next year he went abroad to study the monetary systems of Germany and Austria, visiting all the important centers and carrying letters of introduction to leading bankers, but he returned convinced that the banking systems of the Old World were inapplicable to this country.

I am confident that WILLIAM H. WILDER would wish that no extravagant words of praise or fulsome eulogy should be spoken on this occasion. He was a plain-spoken, honest, sincere, and modest gentleman. Human though he was, he valued appreciation, as we all value it, but it is well at a time like this to recall those qualities in a man which cause men to admire him—absolute honesty, inflexible integrity, unswerving loyalty, and high purpose.

One of his leading characteristics was his supreme optimism. He manifested it in every relation of life. He believed in mankind, and that it was forging forward rather than backward. He believed in the men who were associated with him in business, political, social, religious, and fraternal activities, and therefore men believed and trusted in him. He was a man of firm and positive convictions, having strong views on all subjects. Although a Republican and a firm believer in the policies of that party, and believing in party organization as necessary to the proper administration of the Government, he was nevertheless broad and liberal in his views, and his respect for the opinions of others was such that he entertained no ill will nor unkindly feeling toward any man who might differ with him or who belonged to another political party. Of him former Congressman Samuel W. McCall of Massachusetts says:

I can speak from the point of view of one who served with WILLIAM HENRY WILDER during his first Congress. His health was in a critical condition when he became a Member of the House, and I suppose continued so throughout his service, but his energy and capacity were such that he did a great deal of work and did it very effectively. He had a command of business and financial subjects, and his speeches upon them while he was a Member were valuable contributions. I remember that when one of the tariff bills—I think the one upon the cotton schedule—was reported to the House from the Committee on Ways and Means it was arranged that I should open the debate for the Republican side. I promised Mr. WILDER some of my time. He seemed anxious on account of his health to get the matter off his mind at once, and I yielded to him to lead with the opening speech, and it was a good one. He was invited by an association of gentlemen in the banking business in Pittsburgh, Pa., to deliver an address upon the currency question, which he did, and did effectively. I had an opportunity to hear him do political speaking upon the stump, and he showed readiness and force and made a strong impression. He was a thoroughly loyal friend.

Such is the tribute of one of his colleagues on the Massachusetts delegation. How brief the fruition of our lamented friend's hopes in the Halls of Congress. But it was not his custom to complain at fate or misfortune. He was a firm believer in the eternal fitness of things. He sought to be faithful in all things, and so it was, when fatal disease placed its relentless hand upon him and he was warned that the time of his departure was near, he met his fate with fortitude and serenity.

To his family and intimates his attainments in public affairs and his success in business were overshadowed in the love he had for his family and those nearest and dearest to him.

His ability to serve others was one of the strong traits of his character. He was indeed "a friend in need" to many. His life was one of service in the highest and best sense of the word, and in these days of unrest and discontent he remained an optimist.

There may be seen in Sleepy Hollow Cemetery, down in historic Concord, in Massachusetts, inscribed in enduring bronze upon the tombstone of Massachusetts's great Senator, George Frisbie Hoar, these words:

Finally, I believe a republic to be greater than an empire, and though the clouds darken the horizon I believe to-day is better than yesterday and to-morrow will be better than to-day.

These sentiments found a ready response in the optimism of WILLIAM H. WILDER.

Mr. GREENE of Massachusetts. Mr. Speaker, the sad part of the life of a Member of the House of Representatives is the break in the delegation in our respective States caused by the calling of one of our number from his life of usefulness and duty here to the life beyond the grave. The late WILLIAM H. WILDER, whose memory we recall to-day, passed away September 11, 1913. He was born in the State of Maine, and in early life he removed with his parents to the State of Massachusetts. He knew something of the hardships of life. The numbers, who like himself, only attended school during the winter months are rapidly decreasing. In his early life educational opportunities were exceedingly limited. As a boy he worked on a farm. Whatever money he received for his services, he understood the value of it, for "by the sweat of his brow he earned his bread." Although he lacked a collegiate course of training, he applied himself to the opportunities that were presented to him of

obtaining knowledge that gave to him ability to successfully engage in business at an early age. He possessed inventive genius and became interested in many useful patents.

This, together with his environment, arising from his being located in a manufacturing section of the Commonwealth of Massachusetts, caused him, when but 29 years of age, to enter business as a manufacturer; and later he organized a corporation known as the Wilder Industries. His history would seem to show more than ordinary activity. To most of men, what he had accomplished up to that period of his career would seem to have been sufficient to have merited a period of rest. But our late colleague only looked forward to greater activities and broader accomplishments. Most of the young men of to-day who are intending to become members of the bar want high-school training, a full course in college, and then thorough education in law before seeking admission to practice law in our courts. At the age of 45 years he studied law and was admitted to the bar. Mr. Wilder was not only familiar with affairs in his own country, but he had been abroad twice and studied monetary affairs, and being a Republican and a protectionist he realized by experience and practical knowledge what advantages had accrued to his district, his State, and the country by the long continuance of the Republican Party in power, and with full appreciation of the advantage which the policy of protection to American industries and American labor had conferred upon his section of the Commonwealth.

He studied the tariff question from the foreign viewpoint in order that he might be enabled to know something which would be of value to him in meeting questions bearing upon the economic discussions in which he then had an ambition to participate.

He was a candidate for election to the Sixty-first Congress, but was not successful in obtaining a seat in this body until the Sixty-second Congress, and he was reelected to the Sixty-third Congress. He was especially equipped to defend the policies of his party, and he participated actively in the debates upon the tariff question.

In addition to his intelligent studies and wise conclusions relative to the tariff question, Mr. WILDER was a thorough student of the money question. He knew the value of money, and he had the ability to accumulate a fair portion of the world's goods. He was an interesting conversationalist, because of his travels abroad, and his experiences at home. He had a strong mind, but physically he was not strong enough to carry out all the purposes he had in view.

The close application to his duties here, and the great strain of continuous service during the hot months of last summer, affected his health unfavorably, and resulted in his death at a time when his usefulness seemed to be of the greatest value to his State, and to the country.

His life, his experiences, and his accomplishments may well engage the attention of the youth of to-day.

They should inspire encouragement and hope to the rising generation. They show that industry, determination, and adherence to definite principles will produce a reward in the United States of America not afforded in any other country in the world.

Mr. ROBERTS of Massachusetts. Mr. Speaker, the occasion that has called us together to-day is one of sadness and deep solemnity. We meet to pay a last and heartfelt tribute to the memory of our late colleague, WILLIAM H. WILDER, who passed to eternal rest in the very prime of his manhood and the full fruition of his usefulness as a citizen and a legislator. The exactions and stress of service as a Representative in Congress afford little or no opportunity for that close intimacy of association, among those from the same State even, which is necessary to a just estimate of the full life and character of a man, and I can only speak of Mr. WILDER as I knew him by public, as distinguished from close personal acquaintance. He was a man of high ideals and indomitable persistency in seeking to attain them. No official act or vote of his was ever prompted or influenced by private or selfish interest. His life had been crowded with business activity before his election to Congress, and he made full use of the intense energy and great ability by which he had forged to the front in the business world in forwarding the interests and desires of his constituents. He was very regular in attending the sessions of the House. In the latter months of his illness it was pathetic to see him summoning all his strength of mind to aid him in repressing the weariness and pain he was suffering in order that he might remain on the floor and discharge his full duty to the constituency he represented. For many months before his failing health compelled him to forego attendance upon the sessions of Congress he denied himself all social relaxation and enjoyments that he might conserve his failing strength for the better discharge of his public duties.

Mr. WILDER was essentially a self-made man. He had no wealthy relative or friend to aid him either in acquiring an education or gaining a foothold in business. His education was only such as a boy who worked on a farm summers could get in the country schools during the winter sessions, and the meager instruction ceased when he was but 16 years of age. He had ambition, determination, and perseverance; qualities which, united with a willingness to work and work hard, are certain to bring success in whatever line of effort their possessor may employ them. Lack of higher education or want of opportunity at hand were no handicap to such a man as our late colleague. Utilizing to the utmost such knowledge as he had, he went boldly into the world and fought his way steadily upward. Few successful men of his time have entered upon so many and such varied lines of activity, and it is a remarkable tribute to his versatility that after 28 years of unremitting toil he should study law, be admitted to practice, and thereafter utilize his newly acquired profession in the furtherance of his business as a manufacturer. Success as a business man or as a professional man is generally the limit of attainment of most individuals, but with him it was success in both. Nor did the rare qualities of his fertile brain end there, for he shone as an inventor as well, no less than 50 patents having been issued to him in the course of his busy life, each and all of them covering some useful conception of his busy brain. That he was imbued with a broad, human sympathy for the toiling masses from and through whom he had risen is amply and splendidly testified by the fact that during the 38 years he had been an employer of labor not a strike, lockout, or disagreement marred his relation with those he employed. His career is a splendid illustration of the possibilities open to every boy in the land, and no greater incentive to rise above environment could be given a boy than to be taught the story of his life. Truly may it be said of WILLIAM H. WILDER that his life was not lived in vain, that his influence and deeds all made for the uplift and betterment of his fellow man, and his record of achievement both as a private citizen and a public official is one of which his constituents, his many friends, and his bereaved family may well feel proud.

Mr. THACHER. Mr. Speaker, WILLIAM H. WILDER was born in 1855 in Maine. A brief glance of his life will show his characteristic energy and industry. When he was 11 years old his family moved to Massachusetts, and he worked as a boy on a farm, attending school in winter. When he was 17 he went into mercantile business, and at the age of 29 he went into manufacturing.

During all his life he was a keen student and mastered not only his own business, but he found time to study carefully a wide range of subjects. When he was 45 years of age he began, what is somewhat remarkable for a man of that age, the study of law, and was subsequently admitted to the bar.

He found time to study some of the great economic questions of the present day, including the currency and the tariff. He visited Europe in 1909, 1911, and 1912, not as an idle tourist, but he found opportunity both for recreation and for study and reflection. During all of these years he was the head of a successful and large manufacturing business. In 1910 he turned his energies into a new field. He became the Republican candidate for Congress in the fourth Massachusetts district. He was elected to the Sixty-second and Sixty-third Congresses. While he was in Congress he served his constituents faithfully and conscientiously. His health began to fail in 1913. Sustained by his courage and pluck, he continued hard at work during the early part of the extra session of 1913. In spite of his indomitable energy and will, he continued to fail. He died on September 11, 1913.

This is the brief record of the life of an active, busy man. He was no idler; he believed in work. From his early days, when he worked as a boy on a farm, to the time when he sat in Congress he was always hard at work. He worked not for himself, but he showed his devotion and loyalty to everything that tended to the welfare of his town, State, and country. I understand that Mr. WILDER'S religious affiliations were with the Congregational Church, a church whose history has been closely interwoven with that of New England since our colonial days. Whatever were his religious views, I think that he must have believed that to whatever creed one may belong the best way to practice one's religion is to live a useful and active service toward our brother man and our God.

Mr. MITCHELL. Mr. Speaker, just as the beautiful summer season was drawing to a close and the somber, melancholy days of autumn were at hand death came and struck down WILLIAM H. WILDER in the full bloom of life, before the hoary blasts of the winter of life had come to weaken, to impair, to chill, and to deaden. The strong, vigorous, self-reliant, and aggressive man that for nearly half a century had made his own way, buffeted every storm, overcame many obstacles, and had arrived at a place of power and influence in the business world, honor and distinction in the political field, and of esteem and respect in his town, his State, and the Nation, fell. A family grieved at the loss of its head, its guide, and its protector; a town mourned at the departure of its leading citizen; a State regretted the loss of one of its best Representatives; and a Nation over its great Capitol lowered the American flag, respectfully marking his passing. And to-day in this hallowed chamber of the National Legislature the associates and colleagues of the deceased Congressman gather to pay their tribute of respect to the memory, the life, the character, and public services of Hon. WILLIAM H. WILDER.

Many great men have come to Congress from the State of Maine. That State has played an important part in many fields of human effort. Her sons and daughters are a strong, vigorous, wholesome type of American citizenship. It was in this splendid State, in the city of Belfast, on May 11, 1855, that WILLIAM H. WILDER first saw the light of day. The first 11 years of his life were spent there. Shortly after the close of the Civil War his parents moved to Massachusetts. The first year that he came to Massachusetts he began working, first on the farm during the summer months and then wood chopping during the winter, getting what schooling he could during the autumn months of the year. This schooling ceased altogether as far as the country school was concerned when he was only 16 years of age. The following year, when only 17 years of age, he embarked in business for himself and continued as a constantly increasing employer of labor up to the date of his death. The boy who afterwards was to head a great business concern laid the foundation by mastering a trade. He became a painter and engaged in this business in its various branches. No employee worked harder than he; none was more courageous or more desirous of pleasing.

One phase of his work was the painting of church spires, and this sturdy young man knew no fear or faltered not at any task, however hazardous it might be, that came to him in his line of business. It is needless to say that the boy who became a toiler at the age of 11 found himself at the age of 29 the head and owner of a successful business. But, as he prospered, step by step, new fields beckoned to him and he had about made up his mind to dispose of his business and strike out for the West, where the ambitious and adventurous 30 or 40 years ago directed their footsteps. But Gardner, where he had been building a business, a name, and reputation, was beginning to recognize the latent powers of this young man and his friends there induced him to remain and engage in a new business, offering greater opportunities and a wider field of development.

A partnership was formed and a new oil-stove company entered the field. It was at this time that the inventive brain of young WILDER began to revolutionize this business. It was at this time he launched forth in the field where were to be witnessed his greatest achievements. The history of our country reveals the fact that the brain of the New Englander, or Yankee, as he was called, was indeed an inventive one. It has been said that "necessity is the mother of invention." New England, blessed in many ways by God, offered not many opportunities with rock-bound coast and stony soil for the teeming thousands that began to people its hills and dales to eke a living from its bosom. Other ways must be found and the inventive genius began to manifest itself.

Time forbids and the occasion does not justify a further digression into a field that has brought fame, wealth, happiness, comfort, and prosperity not alone to her people but to all the people of the civilized world. Let it suffice that the ingenuity, industry, and enterprise have placed that great section of the country in the very van of American States.

Nature had been kind to WILLIAM H. WILDER. It gave him a great, big body and big mind. With tireless energy he engaged in the new business, and his brain began to fashion in form inventions in the business that afterwards brought fame, influence, wealth, and prosperity. Not a year elapsed but what some invention of his creative brain was patented, and up to the time of his death some 50 had been granted to him by the Patent Office. Others more familiar may trace his business career in detail. One may speak of the crashing of his great enterprise to the ground, its rehabilitation and manly settlement of all obligations, dollar for dollar. Another may tell of the disastrous fire that wiped out his plant and of his mighty task of rebuilding without a day's cessation of business. Some may tell of fights to preserve the integrity of his patents, but all will unite in saying that his business was a great success, honestly conducted, independently maintained, and to-day flourishing and growing, although the creative brain and guiding hand are stilled in death.

Fourteen years before his death Mr. WILDER took up the study of law, and he pursued his studies with all the diligence, regularity, and success that characterized his other efforts. He was admitted to practice in the various United States courts and also in the District of Columbia. He felt keen satisfaction over his success in the law, because it was obtained in a study snatched from the busy hours of days crowded with a constantly expanding business.

But Mr. WILDER had another side that has been manifesting itself for some years. Always interested somewhat in public affairs as they pertained to his town, his State, and the Nation, he now turned his mind, his thoughts, and his ambition toward service in the Congress of the United States. His struggle, his efforts, and his final success in being elected was only another indication that "Where there is a will there is a way," and that despite every obstacle this man of fixed determination, inflexible mind, strong conviction, and ceaseless energy was chosen to represent a great constituency in the very heart of the old Bay State.

His achievements here find eloquent recognition from those who were long associated with him in this chamber. They form a bright page in the legislative annals of this great body. His service covered one term and several months of another. His extensive business dealings, his grasp of the great business questions of the day, his wide reading and studies pursued in many fields, his journeys to every section of this country and to the great cities of the old world, his ready sympathy, wide experience, the tireless industry of the man, and the confidence of the people of his district made him a strong and impressive figure in the House.

His successor has covered many phases of his business, social, political, and religious life. I speak of him as an associate, as a neighbor, almost, and as a distinguished citizen of Massachusetts. I knew the strength of his lance, the quality of his metal, the aggressiveness of his nature, the bigness of his heart, the generosity of his impulses, and the sturdiness of his character. I grieve over his departure. I sympathize with his family, his town, and his State. The memory of that beautiful Sabbath afternoon will never be effaced from my mind as I saw surrounding his bier the humble and the lowly, the rich and the powerful, the captain of industry and the laborer in the factory, the business associates, the brothers in the societies in which he held membership, the representatives of the town, of the Commonwealth, and of the Nation. I heard ringing in my ears the words of the clergyman as he spoke feelingly, simply, and truly of this son of Gardner. I saw the tear-stained faces and felt the glow of affection and of sympathy that pervaded all, and I believed that this good and faithful servant who had laboriously toiled upward and onward over the rugged road of life had done the Master's work well and faithfully and had gone to a reward that passeth understanding.

May his struggles, his sacrifices, and his achievements prove an inspiration and encouragement to American youth, to the end that this great Republic may continue its splendid mission for good for all the people in all the years that are to come.

Mr. ROGERS. Mr. Speaker, the Hon. WILLIAM H. WILDER, the Representative in Congress of the Third Massachusetts District, died September 11, 1913, in the 59th year of his age. It becomes my duty and privilege, at this memorial service of the body of which he was an honored Member, to refer to the loss which the House has sustained in his death.

Mr. WILDER was a man nearly twice as old as I am—indeed, his son and I were in Harvard together; and I had never met him until last April, when I came to Washington for the special session of the Sixty-third Congress. It may, therefore, for these two reasons seem somewhat presumptuous for one so much younger, without even the excuse of long acquaintance, to add his voice to the many voices which, with so much better right, are to-day referring to Mr. WILDER's career.

But from the first day of the session Mr. WILDER seemed to extend to me an almost paternal interest. Time after time, day after day, we would sit side by side during the long debates, and he would, out of the fullness of his experience, tell me something of his scheme of life, something of what he had undergone, and something of his aspirations for the future.

He did not hesitate to speak of the fact that he was afflicted with an incurable disease, and that the end was certain to come at no very remote period, whether it might be a few months, or perchance a few years, in the future. Time and again, during the luncheon hour, I have watched him eat but a small fraction of the amount which his hearty appetite would have permitted him to enjoy. Yet, in thus subjecting himself to the insistence of his physician, I never heard him utter one word of complaint. And this characteristic, relatively unimportant in itself, I like to think was typical of the whole character of the man. I have referred to his relating to me some of the incidents of his career; I always fancied that in what he said he was seeking, though very guardedly, to convey a suggestion which the older man knew would be or ought to be useful to the younger. I remember, for example, that one day when we were chatting a third Member of the House came to us and told us gleefully how he had succeeded in procuring for himself, through methods perhaps a trifle sharp, but yet certainly not dishonest, a larger share of a certain distribution than would have come to him otherwise. When the man left us alone, Mr. WILDER said to me, "ROGERS, that sort of thing does not pay; I have been watching the men who do it for a good many years, and I never saw one yet who did not suffer as a result, both in his own moral fiber and in the esteem with which he was regarded by his fellows."

No Member of the House appeared more rugged in health than did Mr. WILDER; powerful of figure, sturdy in speech as in appearance, no man was a truer product of the best in our splendid New England civilization. Through the redistricting of Massachusetts in 1912 it chanced that 18 of the towns which, as part of the fourth district, Mr. WILDER had represented in the Sixty-second Congress, are now a part of the fifth district, which I represent. As I went up and down those communities a year and a half ago, it was a pleasure to observe how generally Mr. WILDER was known by their citizens; and it was a greater pleasure to learn how universally he was respected—aye, even loved—by every element. His simple strength of character, his unaffected facility in meeting all sorts and conditions of men endeared him in an unusual way to his constituents. This circumstance and the fidelity with which he had cared for the wants, great and small, of his people made the task of his successor indeed a difficult one. And yet the service has been an inspiration, too.

The last time I ever saw Mr. WILDER in life was one beautiful balmy afternoon last summer, when, as I was passing through the park on the banks of the Potomac, I saw him and his wife, to whom he was devoted and of whom he loved to talk, sitting there in the sunshine. The peace of his expression and the wave of the hand with which he greeted me as I passed will be the memory of the man which I shall cherish through the years.

Mr. MORRISON. Mr. Speaker, as it was my good fortune to be associated in our work as Members of the House with WILLIAM HENRY WILDER, who was and is and ever is to be our friend, and in honor of whose memory we are met to-day, I have craved permission to speak briefly of his life and character.

His was a mind and disposition well suited to the varied problems with which a legislator must deal and the countless duties that are cast upon him daily and almost hourly while the Congress is in session. He thought in a straight line, refused to be carried off his feet by every shifting wind of doctrine that chanced to blow, and finally reached a conclusion which he was ready and willing to defend against every challenge.

His life work had given him an ideal preparation for his labors here, for here we face duties that require us to have practical knowledge of industry and commerce, of the farm, the store, the factory, the mine, of human nature, of human conditions and conditions inhuman, of law and the history of its evolution, and of practically everything that affects the Republic or its people. Only a myriad-minded man could be equipped for every such duty, but many men have by wider experience been fitted for a wider range and larger fraction of their duties here. Mr. WILDER was one of those thus more widely schooled and more fully equipped.

He was born at Belfast, Me., May 14, 1855. In 1866 he moved to Massachusetts, the State that learned to honor him and which he honored. Until he was 17 years of age his life was spent on the farm and in school. He then gave himself to mercantile pursuits until he reached his twenty-ninth year. He next devoted himself to manufacturing and invention, more than half a hundred patents having been granted to him for the products of his own genius, skill, and patient toil. He studied law and became learned in the profession, his special interest in that line of work leading him to become an expert in patent questions, proceedings, and litigation.

I doubt not that it was his special knowledge and peculiar qualifications for the work that led to his appointment as a member of the Committee on Patents, on which he served during the period of his membership in the Congress. In no other capacity could he have been intrusted with greater responsibility or rendered a greater service. It was President Lincoln who said that our patent system is intended to "add the fuel of self-interest to the fire of genius." He who has studied the question most knows best that the American patent system lies at the very foundation of American industrial and commercial supremacy.

As a member of the same committee, having no special knowledge of the patent system or of the questions pending before the committee, but having a lively appreciation of the immense importance of the entire subject, I found him able and willing to give patient and sympathetic aid. I felt secure in his knowledge and in his sound judgment. I owe him much and have repaid him nothing.

Mr. WILDER was a man of broad vision and culture. His interest ran far beyond the limits of his own employment, profession, or other gainful pursuits in life. In his travels he visited the countries of the Old World, studying many things of general interest, among which were the tariff, banking and currency, and the rising and falling value of the dollar. He returned to renew his studies again and again.

That he had mechanical taste and skill is evidenced by the fact that he held a license as a steam yacht's master. In the fraternal world he found his chiefest pleasure in the ancient and honorable order of Free and Accepted Masons, in which he was advanced to the rank of Knight Templar. Though born too late in the century to be a soldier in the Civil War, he was an honorary member of the Grand Army of the Republic.

In all the relations of life he found his rightful place and measured up to the demands of every duty. As husband and father he was true to all the members of his household. Sons and daughters were given to him. They survive him and have great reason to be proud of the life and character of the father whom they have loved and lost a while. A widow mourns his death, but her sorrow for his death must be tempered by deathless gratitude for the fine qualities and rich fruitage of his life.

As a thoughtful and earnest man we would expect to find in him definite convictions on that subject which is the most universal fact and experience in human life—religion. He had his convictions. In the matter of church affiliation he was a strict and devoted member of the Congregational Church. He found it in his heart, and he took the time to assume the responsibilities and perform the labors of the superintendent of his Sunday school. I know no finer employment for a broad-minded, big-hearted, busy man of the world. I know of no finer man for such a task. The earnest, thoughtful man who faces the members of his Sunday school once each week may become of advanced years, but he can never grow old. The last time I had the pleasure of a conversation with him we sat at lunch together, and from a short preliminary talk of the questions likely to be involved in the bills before our committee drifted out into a free and frank discussion of things great and fundamental in life, of its deep and final philosophy, and of the inevitable end.

He was even then within the tightening grasp of a malady that is catalogued as fatal. He was standing consciously in the presence of the probability of impending death. In that presence he was serene and unafraid. He did not yield himself a willing subject to enfeebling fears. He rather took good counsel of his hopes and courage. He rejoiced in the possibility of prolonged life with its continuing privilege of efficient and satisfactory service. I knew, less from what he said than from the manner of the saying, that he had long been accustomed to live in the conscious presence of two worlds, the world that is and the world that is to be. A sojourner in the one, in love with its joys and its beauties, its privileges and its duties, he had learned that his birthright was citizenship in the other, and that he could find no abiding place until he had entered into his goodly heritage. For such a man life holds all of joy that is possible to mortals. He is grateful for life every day, and yet he is able to contemplate death without a shudder and meet its issues serene and satisfied. When I try to fathom the thoughts of such a man, I am not tempted to believe that he had solved the mystery of life or the mystery of death. I am constrained to believe that he accepted both mysteries without the dreads and doubts that mystery so often casts into the

minds and over the very souls of men less able to grasp an idea or discern a truth.

When a thoughtful man contemplates the vaster universe revealed to us by telescope and microscope, he can not but adopt as his own the sentiment of the German scientist who said to the young men in his class:

Gentlemen, if the universe and our planet ever come to be governed by a wisdom, science, and penetration on a plane no higher than we mortals are capable of understanding and mastering, then I would most fervently wish to be out of it and in a safer place.

And so I fancy that our brother accepted the mystery of life and the mystery of death as assurances that the universe is in safe hands. Only the Infinite can govern the infinite, and the Infinite must ever be a mystery to finite minds.

To the man of clear and disciplined mind, such mysteries but furnish occasion for the firmer faith, for which he thanks God, and takes courage.

From the mere hints I have given as to the scope and qualities of the mind, character, and life of WILLIAM HENRY WILDER, it is manifest that his was a full, well-rounded character, and that he lived the abundant life. For what he was and what he did we shall all hold him in reverent and hallowed memory. Inasmuch as there came to me a distinct personal advantage from his friendship, and there flowed into my life by virtue of our association a finer inspiration and renewed courage, I shall ever bear to him a lively sense of deathless gratitude.

Mr. PETERS of Massachusetts. Mr. Speaker, WILLIAM HENRY WILDER was a Member of this House in the last Congress. The delicate state of his health was the occasion of much concern to all his colleagues, but I for one did not fully realize the danger which overshadowed his service here, and his untimely death was a great shock to me.

WILLIAM HENRY WILDER was the type of man who arouses in Americans the greatest praise and admiration. In boyhood he experienced the hardships of hard manual work on a farm in the western part of our Commonwealth, and he was limited in his opportunity for self-education to a short attendance during the winter months at a local school.

When a young man he became interested in mercantile life and developed a considerable business as the result of his own energy and perseverance. His ambition to increase his store of knowledge was a lasting characteristic, as witnessed by his study of law when a man of 40 and his successful admission to the bar, which resulted in a wide practice.

To the American mind one who has a thirst for knowledge and who is also successful in the business world needs but one further attribute to command its complete admiration. We esteem highly the man who is strong enough to open the way to knowledge and who can at the same time make himself a factor in our business or professional world. Our admiration has never failed to be doubly stimulated when that same person proves himself to be a good citizen—one who shows a real patriotic interest in the problems of his own day and who unselfishly works for their solution. WILLIAM HENRY WILDER possessed all these qualifications, and his selection as Representative in Congress by the district in which he lived and worked is indicative of that high esteem in which he was held by those who were most intimately acquainted with him.

Though his service in this body was comparatively brief, his uprightness and integrity were evident to all his associates here. His high sense of right and his unselfishness and his clear judgment were well known to all. His kindliness and sincerity made him a friend whose loss it is not easy to forget.

It is meet that we should come together here in this place to pay our highest tribute to his memory.

Mr. OLDFIELD. Mr. Speaker, it is always a sad and solemn occasion when we come together for the purpose of commemorating the deeds of a departed colleague and friend. WILLIAM HENRY WILDER, late a Representative in Congress from the State of Massachusetts, was born in Belfast, Me., May 14, 1855, and removed to Massachusetts at the age of 11 years. He worked on the farm during the summer and attended the public schools in the winter until he was 17 years of age. He then entered the mercantile business and remained in that business until he reached the age of 29 years. He then engaged in the manufacturing business in the city of Gardner, where he lived until his death, on the 11th day of September, 1913. It was due to his energy and genius that the manufacture of oil stoves, which is an important part of the manufacturing life of the city of Gardner, was established and successfully carried on there.

Mr. WILDER was elected to the Sixty-second Congress on the Republican ticket by the narrow margin of 130 votes and was re-elected to the Sixty-third Congress by more than 3,000 plurality, which shows that his services in Congress were appreciated by his constituents, and therefore his popularity was increasing. While Mr. WILDER was a stanch, and, I might say, partisan Republican, and a man of strong convictions, yet he accorded to others equal sincerity of conviction, and his Republicanism and partisanship were not of an offensive character.

At the beginning of his service in the House he was, at his own request, assigned to a place on the Committee on Patents. We served on the committee together during his entire service in the House, and I found him to be a most lovable and companionable man. He was very much interested in the work of the committee, and I do not recall that he missed a single meeting of the committee during his entire service until his health began to fail and he was admonished by his physician that he must take a rest.

In passing, I might say that Mr. WILDER, in addition to being a successful business man, was also a lawyer and inventor. During his career as a manufacturer and inventor he had granted to him by the Patent Office more than 50 patents of utility. He was really an expert in patent matters; hence was a very valuable member of the committee.

Mr. WILDER did not speak often, but what he said attracted attention because of his wide experience, thorough study, and sincere conviction regarding the subjects discussed. In the later years of his life he traveled extensively, studying financial and other economic questions, and he discussed these questions on the floor of this House and in private conversation in a very entertaining and interesting manner.

He came from sturdy New England stock and was early in life thrown upon his own resources, and by indomitable energy and determination his efforts were crowned with success. He had the confidence of his constituents and the admiration of his colleagues, and I shall long remember the many kindnesses and courtesies shown me by WILLIAM HENRY WILDER.

He was cheerful in disposition and optimistic in his ideals, and was at all times ready and willing to render a service to his friends or the country. Those who knew him intimately for a great many years testify that his home life was ideal, and that he was a kind husband, loving father, and a generous friend. The world is better because of his life and example.

MR. WINSLOW. Mr. Speaker, in the death of Hon. WILLIAM H. WILDER, late Member of Congress representing the Third Massachusetts Congressional District, our Commonwealth and our country have lost a man whose devotion to duty was of the highest order.

Mr. WILDER was a Member of the Sixty-second Congress and had entered upon his duties in the Sixty-third. Unfortunately his health began to fail during his first session and he continued to lose strength constantly until the time of his death.

It was not my good fortune to have intimate acquaintance with Mr. WILDER until the beginning of the Sixty-third Congress, but from that time on until the end of his life we became closer and closer friends and it was my honor to receive from him many of his confidences, both as regards his public service and his private cares.

From the rather intimate acquaintance so formed and developed I was able to learn reasonably well the aims, purposes, and ambitions of the man.

Although at this time I am called to speak in a certain official way of Mr. WILDER, and so to give testimony as to his faithfulness to his trust, it is, however, more as a personal friend that I would pay my tribute to his memory.

He told me at one time and another of his experiences in life, with particular reference to his career in public service and his experiences in commercial undertakings. In the latter line he was conspicuously able to show to those who had to do with him, and to onlookers, the metal of which he was made.

Good fortune smiled on him at times and again misfortune overtook him. In all cases he proved himself the man.

In the sunshine of success he was generous almost to a fault, as many benefited by his hand could bear witness. In the shadow of adversity he carried his own burdens with credit to himself and in justice to all.

Mr. WILDER was a man of many parts and excelled in various fields of study, investigation, and occupation.

At the hour when all seemed to be ready for him to perform a public work into which he might bring his unusual talents and display his exceptional energy, we learned of his last illness and his death.

Mr. WILDER was a modest man who made no vulgar parade of his attainments. Those who knew him best admired him most, but unfortunately, like many another gifted beyond the ordinary lot of man, he was retiring and overmodest.

In his home town he was strong and beloved. At the House of Representatives of the United States those who had come to know him appreciated him and now those of us who are left hold his memory in high esteem.

He has left to his family, and particularly to the sons who succeed to his commercial undertakings, an inheritance of great value and an example of a man who in the hour of peace was tranquil and dependable and in the hour of trial courageous and righteous.

Mr. GARDNER. Mr. Speaker, it was my great privilege to serve in Congress with the late WILLIAM HENRY WILDER, and it is my sad duty to-day to offer a brief tribute to his memory.

Mr. WILDER was born in Maine, but moved with his parents to Massachusetts as a boy, and there received a public-school education. He became a citizen of Massachusetts and early entered a mercantile life, and by intelligent and unwearying toil rose to the head of a large and prosperous business. Unlike many men of affairs, he was continually educating himself in matters outside his profession, and found time, among other things, to study law. He was admitted to the bar when close to 50, in itself a sufficiently remarkable action.

He was elected to Congress in 1910, and was even at that time in very indifferent health; but his indomitable will overcame physical discomfort, and he soon became an honored and useful Member of the House. He made a name for himself both on the floor and in committee, and when the time came for reelection was urged to run again, though his health by that time was very bad. But his desire to serve the public was stronger than any personal consideration, and he entered the campaign and was reelected.

It must seem to us that had he lived there was for him a long career of service to the State and a life full of years and honors; but an all-wise Providence had otherwise decreed, and in the prime of manhood Death's hand was laid upon his shoulder. He did not flinch; his courage was as high in that supreme moment as at any time in his life, and, with a smile on his lips, he answered, "I am here."

Then mourn we not beloved dead,
Even while we come to weep and pray;
The happy spirit far hath fled,
To brighter realms of endless day.
Immortal Hope dispels the gloom—
An angel sits beside the tomb.

Mr. TREADWAY. Mr. Speaker, my first meeting with the late Congressman WILDER was a very informal one. I happened to be passing through Gardner, Mass., and desired information about roads to adjoining towns. Stopping in front of a manufacturing plant, I interrupted a man busily engaged in the directing of a group of men at work about the premises. He took especial pains to give me the information I desired, and I proceeded on my way with the kindliest of feeling toward the man willing to stop important work to furnish casual information to a total stranger. Surely it would have been the last thought to have come to me that within a very few years it would be my painful duty to announce to the House of Representatives the death of this gentleman with whom I was destined to be associated as colleague.

Later the same spirit of friendiness was displayed when visiting Washington I came on this floor for the first time before taking my seat as a Member. Congressman WILDER sat beside me and endeavored to give me all enlightenment he could as to method of procedure and duties of a Congressman. During the few months we were associated together as Members the same kindly spirit was ever present, showing that it was a natural trait of Mr. WILDER's to be of assistance to his friends.

His success in life can be regarded as another example of the development of American manhood through honesty of purpose, strict attention to duties of business, and fair dealing with his associates. Without ostentation he was ever alert to the needs of his district and faithful in the discharge of his obligations to his constituents. By study and travel he fitted himself for special work wherein his service was of great value to his own district and the Nation. Others who were longer associated with him than I have spoken of these services.

The great respect in which he was held by his intimates and neighbors was shown at his home in Gardner, where we attended the last sad rites. The entire town seemed anxious to show its love and respect for its distinguished citizen. An impressive funeral oration, a spacious home filled with mourners, and the streets lined with sympathizers on that beautiful autumnal day all bore testimony of the love and respect felt for him. Surely Representative WILDER was a typical example of the best of American manhood, and his widow and family have the consolation of this monument to his memory.

[Mr. GILLETT addressed the House. See Appendix.]

The SPEAKER pro tempore. The question now is on agreeing to the resolutions.

The resolutions were agreed to.

ADJOURNMENT.

Then, in accordance with the resolutions heretofore adopted (at 3 o'clock and 11 minutes p. m.), the House adjourned until to-morrow, Monday, February 9, 1914, at 12 o'clock noon.

SENATE.

MONDAY, *February 9, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast not hid Thyself from the eyes of any of Thy creatures. Even those who are in darkness and superstition may know that which can be known of God, which has been revealed to all men by the things that Thou hast made. God of this day, the sunlight, the world, Thou hast revealed Thyself; and in all that Thou hast revealed Thou hast made known the great plan of life. We find our place in God's creation in the light of the revelation of God's larger plan, the plan that takes in all men, that expresses itself in love and providence and grace.

Grant us this day that high place where Thou wouldst have us to serve, and with the grace that Thou dost give to us may we serve faithfully and well. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

PRISON LABOR IN FOREIGN COUNTRIES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of November 10, 1913, additional reports relative to the employment of convicts in foreign countries. The communication and accompanying papers will be referred to the Committee on Printing.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion and opinion of the court and concurring opinion by Howry, J., filed by the court in the cause of Henry A. V. Post, surviving and liquidating partner of H. A. V. Post, Archer N. Martin, Clarence H. Clark, Frederick S. Kimball, Frederick J. Kimball, and Sabin W. Colton, jr., who composed the late firm of Clark, Post & Martin, *v.* United States (S. Doc. No. 406), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The cause of Annie B. Wysham, daughter of James H. Moore, deceased, *v.* United States (S. Doc. No. 414);

The cause of Manly H. Simons *v.* United States (S. Doc. No. 412);

The cause of William W. Austell, surviving executor of the estate of Alfred Austell, deceased, *v.* United States (S. Doc. No. 411);

The cause of William L. Earle, administrator of Howard F. Moffatt, deceased, *v.* United States (S. Doc. No. 410);

The cause of Will Clemments, administrator of Peter S. Clemments, deceased, *v.* United States (S. Doc. No. 413);

The cause of Helen F. Conover, widow of Francis S. Conover, *v.* United States (S. Doc. No. 409);

The cause of Charles P. Perkins *v.* United States (S. Doc. No. 408);

The cause of Jennie Anderson, Add Anderson, and Tenie L. Wolfinger, heirs of Robert Anderson, deceased, *v.* United States (S. Doc. No. 407);

The cause of Philadelphia & Reading Coal & Iron Co. *v.* United States (S. Doc. No. 416); and

The cause of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., *v.* United States (S. Doc. No. 415).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of George Washington Branch, American Continental League, of Newton, Mass., remonstrating against an appropriation for the celebra-

tion of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Lodge No. 37, Bricklayers, Masons, and Plasterers' Union, of Kankakee, Ill., praying for the enactment of legislation providing for old-age pensions and for workmen's compensation, which was referred to the Committee on Pensions.

He also presented a telegram in the nature of a petition praying for the enactment of legislation providing that Chinese merchants, ministers, missionaries, students, or travelers endeavoring to better trade conditions between China and this country be admitted to this country, which was referred to the Committee on Immigration.

Mr. BRADLEY presented memorials of sundry citizens of Frankfort, Ky., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Portland, Oreg., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of sundry citizens of Upton, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a memorial of the Deutsch-Amerik-Central-Verband, Danbury, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Hartford Master Painters and Decorators' Association, of Connecticut, remonstrating against the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture and horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the enactment of legislation to prohibit the circulation through the mails of the publication known as The Menace, and praying for an investigation by Congress as to such action, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented a memorial of sundry citizens of New York City, N. Y., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of the board of directors of the Roundout National Bank, of Roundout, N. Y., and a petition of the board of directors of the Gavitt National Bank, of Lyons, N. Y., praying for the enactment of legislation to amend the provision of the income-tax law relating to the collection of income tax at the source, which were referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of Boston, Waltham, Revere, Holliston, Lowell, Fitchburg, Peabody, Worcester, Brookline, Middleboro, Salem, and Addleboro, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a memorial of the Clinton Turnverein Corps, of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a telegram in the nature of a memorial from the president of the North Dakota Branch of the German-American Alliance, of New Salem, N. Dak., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. McLEAN presented a memorial of the Polish Political Club of Torrington, Conn., and a memorial of the Komitet Obrony Narodowej, of Hartford, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented a memorial of the Savings Banks Association of Connecticut, remonstrating against the inclusion of mutual savings banks in the legislation relating to interlocking directorates, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Savings Banks Association of Connecticut, remonstrating against the enactment of legislation placing no limit upon the amount of deposits in postal savings banks without interest, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Hartford Trust Co., of Connecticut, praying for the adoption of an amendment to the provision of the income-tax law relating to the collection of the income tax at the source, which was referred to the Committee on Finance.

Mr. WEEKS presented a memorial of the Clinton Turnverein Corps, of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

WOMAN SUFFRAGE.

Mr. CHAMBERLAIN. Mr. President, I send to the desk a communication addressed to the Senate, and I desire to make a brief statement with reference to it. I ask that the communication may be read.

The Secretary read as follows:

FEDERAL WOMAN'S EQUALITY ASSOCIATION,
Washington, D. C., February 9, 1914.

To the honorable Members of the United States Senate:

We are petitioning you to give your most earnest consideration and, if possible, a favorable report on joint resolution No. 1, giving the right of franchise to women.

We have petitions to 84 United States Senators from those who gathered at Gettysburg to celebrate the fiftieth anniversary of that great battle. Those men who met there, both from the North and South, and shook hands at the bloody angle, realize the worth of the women of the country in time of need. It is not the number of names that we are giving you, although we might have had 40,000 signatures from the 50,000 present, if we had had the time to secure them. We ask the Senators to consider the quality of these names, as they represent the opinion of men who have passed the age of three score and ten.

Respectfully submitted.

Mrs. CLARA W. MACNAUGHTON.
Mrs. ANNA HARMON, *Secretary.*

Mr. CHAMBERLAIN. Mr. President, in reference to that communication I desire to say that the ladies whose names are subscribed to it handed to me this morning the petitions referred to, which were addressed to 44 Senators and inclosed in 44 envelopes. So far as I have been able to do so, I have delivered the envelopes with the inclosed petitions to the Senators to whom they were addressed. I have a few that I have not been able to deliver to Senators because of their temporary absence from the Senate.

Inasmuch as Senate joint resolution No. 1 will soon come up for the consideration of the Senate, it was a great pleasure for me to be permitted to deliver these petitions to Senators, and I am sure that when they come to be considered they will receive the earnest attention of the Senate in connection with the arguments which will be presented in favor of the joint resolution. I desire to present the petition from citizens of Oregon which was given to me with the letter which I have submitted to the Senate and ask that it lie on the table.

The VICE PRESIDENT. The petition will lie on the table.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 54) for the relief of George W. Hoyt, reported it without amendment and submitted a report (No. 235) thereon.

Mr. KENYON, from the Committee on Military Affairs, to which was referred the bill (S. 1044) for the relief of Byron W. Canfield, reported it without amendment and submitted a report (No. 236) thereon.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (S. 3488) for the relief of Ernest C. Stahl, reported it without amendment and submitted a report (No. 237) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 10232) for the relief of Col. Alfred C. Sharpe, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 4416) for the relief of B. F. Saner; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4417) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; to the Committee on Military Affairs.

By Mr. WARREN:

(By request.) A bill (S. 4418) authorizing the purchase of certain lands chiefly valuable for timber and for the growth of timber in the State of Wyoming; to the Committee on Agriculture and Forestry.

A bill (S. 4419) granting an increase of pension to Flora Desel Lyon (with accompanying paper); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4420) granting a pension to Jennie F. Wilson; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4421) granting a pension to Robert A. Rodes; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4422) for the relief of John L. Sevy; to the Committee on Public Lands.

By Mr. McLEAN:

A bill (S. 4423) granting an increase of pension to Lucy Babcock (with accompanying papers); and

A bill (S. 4424) granting an increase of pension to Anne M. Seaver (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 4425) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on Mines and Mining.

By Mr. BRADLEY:

A bill (S. 4426) granting an increase of pension to Martin Judy (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 4427) granting an increase of pension to Julia Fleming Brewerton (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 4428) appropriating funds for the purpose of providing and administering remedies for the eradication of the dourine; to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $1,732 for repair of the buildings at the old abandoned military post at Fort Washakie, on the Wind River Reservation, Wyo., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. LODGE submitted an amendment providing that all officers of the Navy, including passed assistant paymasters, who since March 3, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed pay and allowances of the higher grade, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

MISSISSIPPI RIVER FLOODS.

Mr. RANSDELL submitted the following resolution (S. Res. 269), which was read and referred to the Committee on Printing:

Resolved, That the following reports, first, report of Bernard & Totten, 1822, House Document No. 35, Seventeenth Congress, second session; second, report of Charles Ellet, jr., 1852, Senate Executive Document No. 20, Thirty-second Congress, first session; third, report of Gen. A. A. Humphreys, 1866, Senate Executive Document No. 8, Fortieth Congress, first session; fourth, report of Gen. C. K. Warren, 1875, House Executive Document No. 127, Forty-third Congress, second session, relative to the control of floods in the Mississippi River, be reprinted as one pamphlet for the use of the Senate.

JUVENILE COURT BUILDING.

Mr. GALLINGER. Mr. President, I have a letter from A. Leftwich Sinclair, chairman of the committee on law and legislation of the Washington Chamber of Commerce, transmitting a series of resolutions adopted by that organization in favor of an appropriation for the construction of a new building for the juvenile court of the District of Columbia. This matter is a very important one, and I am personally fully persuaded that an appropriation such as is contemplated ought to be made. I simply ask now that the letter may be printed in the RECORD and referred to the Committee on the District of Columbia.

There being no objection, the letter was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 7, 1914.*

Hon. JACOB H. GALLINGER,
United States Senator, Washington, D. C.

MY DEAR SENATOR: As chairman of the committee on law and legislation of the Washington Chamber of Commerce, I beg to invite your attention to the following resolutions which were recently adopted unanimously by the chamber:

Resolved by the subcommittee on law and legislation of the Washington Chamber of Commerce appointed to consider the question of recommending that the chamber of commerce indorse the movement on foot in the District to secure from Congress an appropriation sufficient for the erection of a juvenile court building, that we recommend to the full committee the adoption of the following resolutions:

Resolved by the committee on law and legislation, that there is an urgent need for a juvenile court building in the District of Columbia, and that the chamber of commerce should, without delay, vigorously recommend and urge Congress to appropriate a sufficient sum for the erection of such a building at the earliest practicable date;

Resolved, That it is the sense of this committee that such building should be located in a quiet neighborhood, far removed from any other court, with suitable accommodations therein for the detention of children, and ample grounds for the recreation and care of the children.

The old, dilapidated building now occupied by the juvenile court is entirely inadequate and is a disgrace to the National Capital, and it is earnestly hoped that you, as a friend of the District, will use your influence to secure an appropriation by Congress for the erection of a suitable building for this important tribunal.

I have the honor to be, very respectfully, yours,

A. LEFTWICH SINCLAIR,
Chairman, etc.

ADDRESS BY HENRY LITCHFIELD WEST.

Mr. GALLINGER. Mr. President, I have the manuscript of an address delivered by Henry Litchfield West, former Commissioner of the District of Columbia, before the du Pont Civics Class, of Wilmington, Del., on the National Capital. It is a very interesting contribution to the literature of the National Capital, and I submit it simply for reference to the Committee on Printing with a view to its being ordered printed as a public document if the committee thinks it worthy of publication in that form.

The VICE PRESIDENT. The address will be referred to the Committee on Printing.

COMMITTEE SERVICE.

Mr. WALSH was, on his own motion, excused from further service upon the Committee on Canadian Relations.

Mr. MYERS was, on his own motion, excused from further service upon the Committee on Irrigation and Reclamation of Arid Lands.

FORTIFICATIONS APPROPRIATIONS BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BRYAN. I move that the Senate proceed to the consideration of House bill 12235, the fortifications appropriations bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BRYAN. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the bill be read for action on the committee amendments.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Armament of fortifications," on page 3, line 17, after the word "arsenals," to strike out "$450,000" and insert "$900,000," so as to make the clause read:

For the purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $900,000: *Provided*, That the Chief of Ordnance, United States Army, is authorized to enter into contracts or otherwise incur obligations for the purposes above mentioned not to exceed $300,000, in addition to the appropriations herein and heretofore made.

Mr. SHEPPARD. Will the Senator who reported the bill kindly tell us briefly why such an increase is made in the House appropriation?

Mr. GALLINGER. The Senator from Texas is not heard in this part of the Chamber.

Mr. SHEPPARD. I ask for a brief explanation as to the large increase in this particular item.

Mr. BRYAN. Mr. President, if Senators interested in the bill and in the reasons which guided the department in estimating $900,000 for siege guns, and so forth, will read the House hearings before the subcommittee of the Committee on Appropriations of the House they will find about this situation. There are now manufactured and appropriated for by Congress 753 of these guns. The plan under which the Chief of Ordnance has been working contemplates 1,292 guns, which he considers necessary for an army of half a million men. Of these 1,292 guns 696 are to be supplied to the militia. The provision for the supply of those will come in the Army appropriation bill. Five hundred and ninety-six guns under that plan properly come

under the fortifications appropriation bill. For the Regular Army there are now 216 guns appropriated for and for the Volunteers 312 guns.

It should be stated that the appropriations carried in this bill deal with the seacoast fortifications and also with the mobile artillery, the branch which has to do with the Regular Army and the Volunteers.

I think the hearings before the House committee will demonstrate that it was not contended by the members of the committee that the amount of cannon asked for is out of proportion if we are to have an Army of half a million men or to be prepared to put into the field an army of that size.

With this preliminary statement in answer to the question of the Senator from Texas, I read from page 15 of the House hearings:

The regular mobile army in the United States should be organized into three infantry and two cavalry divisions with an aggregate war strength of about 75,000. To make this force efficient will require 54 batteries, or 216 guns. With the hearty cooperation of the governors of the States, the militia can be organized into 12 infantry and 5 auxiliary divisions with an aggregate war strength of 292,000. This force will need 174 batteries, or 696 guns. The aggregate of these two forces is 367,000, or, approximately, two field armies short of the force of 500,000 men. These two field armies will require 168 guns apiece, or 336 guns. Our foreign garrisons have 68 guns. We will need, then, for this force of 500,000 men in the United States:

For the Regular Army, 216 guns.
For the militia, 696 guns.
For the two field armies of Volunteers, 312 guns.
For our foreign garrisons, 68 guns, or a total of 1,292 guns.

(The guns given above for the two extra field armies have been reduced by 24 guns, because the Regular Army at present has one regiment of heavy field artillery.)

To summarize this: For the Regular Army and Volunteers we would need 596 guns; for the militia, 696 guns.

Appropriations have already been made for 300 guns for the militia, and for 453 guns for the Regular Army and Volunteers.

I may say that they are 300 short now.

Lower down on the same page it is said:

If the 59 batteries, or 236 3-inch guns, now in the hands of the militia were sent to war, these guns would require 438,000 rounds of ammunition to make them efficient.

So it is claimed by the Chief of Ordnance that there is now 28 per cent of the guns authorized for the Regulars and Volunteers.

I will state to the Senator this is why this amount of $900,000 is asked for.

Mr. SHEPPARD. Is that the amount estimated for?

Mr. BRYAN. It is the amount estimated for.

Mr. SHEPPARD. And the committee, after listening to the evidence adduced in the hearing, allowed only $450,000?

Mr. BRYAN. That is correct. Reading from page 109 of the hearings, Gen. Crozier, the Chief of Ordnance, says:

From the funds I am asking for in this estimate I expect to procure six batteries of 3-inch mountain howitzers, which is the smallest field gun that we use, at a cost for the six batteries of $212,586. In addition, I expect to procure two batteries of 4.7-inch howitzers at a cost of $256,758; also two ammunition batteries for 3-inch guns for $183,190, and one ammunition battery for the 4.7-inch guns at $163,800, which four items add up $816,334.

Then, to that total we add approximately 10 per cent for reserve parts, making $83,666 and bringing the sum total to $900,000, which is estimated for.

Mr. SMOOT. In that connection I should like to call the attention of the Senator to the fact that Gen. Crozier also says in the examination, from which the Senator has read:

Now, as we have brought out, the $900,000, in addition to the $300,000 authorization asked for, is $300,000 to meet old obligations and $600,000 of new money.

I want to call the attention of the Senator from Texas [Mr. SHEPPARD] to the fact that $300,000 of this $900,000 is for old obligations incurred, according to the testimony of Gen. Crozier.

Mr. BRYAN. Gen. Wood, the Chief of Staff, in the hearings also made a brief statement, giving the number of guns at base or in arsenals and also the total requirements. I will read that into the RECORD for the benefit of the Senate.

At base or in arsenals, 3-inch mountain howitzers on hand, 425; required, 850; 3-inch steel guns on hand, 928; required, 1,856; 3.8-inch field howitzers on hand, 624; required, 1,080; 4.7-inch field howitzers on hand, 540; required, 1,080; 4.7-inch field guns on hand, 672; required, 1,344; 6-inch field howitzers on hand, 504; required, 1,008.

I will state further, Mr. President, that it is not intended by this bill—and it ought not to be accepted by Senators who vote for this bill—that the appropriation here will complete the requirements. It is divided into three equal installments. It seemed to the Senate Committee on Appropriations that perhaps the House did not give sufficient consideration to this request, in view of the fact that it takes time to manufacture these guns.

I will say further that when this scheme is completed the number of large guns in proportion to the troops will be smaller than that in any other army of a first-class power. The number per thousand men under this plan will 3.16 guns, and there is no other army that has so small a proportion as that.

Mr. SHEPPARD. The Senator is basing that statement on the idea that the Army is to have 500,000 men?

Mr. BRYAN. That is the assumption.

Mr. SHEPPARD. As a matter of fact, how many men are in the Army at the present time?

Mr. BRYAN. There are in the Regular Army about 76,000 men.

Mr. SHEPPARD. What, then, is the necessity for providing sufficient guns for an Army of 500,000 men?

Mr. BRYAN. Because it is supposed, Mr. President, that it is the duty of the Government to be prepared for war. It is expected that if war should come with a first-class power this country would call into service not fewer than 500,000 men. I call the Senator's attention to the fact that in the War with Spain, while there were less than 20,000 men engaged around Santiago, there were nearly a quarter of a million men enlisted. Of course, all these guns will not be in action at once; but we do not know at what points they will be in action. It seems as though it would be the part of unwisdom to put troops in the field under a call, and then not have the necessary heavy artillery to protect them.

Those, in brief, Mr. President, are the reasons why the committee increased the appropriation as provided for in the bill as it came from the other House and made the appropriation equal to the estimate submitted by the department.

I wish to say, further, that the Secretary of War appeared before our committee and stated that in no instance was a single estimate made with a view of having it cut down, but that he had made the estimates upon the actual necessities. It goes without saying that the men who are employed by the Government, from the Secretary of War on down, ought to know more about the real necessities in case of war than members of the committee would be expected to know.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. ASHURST. Mr. President, I do not desire unnecessarily to consume any time, but I wish an opportunity to vote against what appears to be so palpably an improper increase of the appropriation.

Mr. SIMMONS. Mr. President, in view of a publication which I read in the Washington Post of this morning, I think this is a matter of very grave importance. I understand from the Senator from Florida [Mr. BRYAN] that the purpose of the provision is to supply adequately the needs of such an army as we might unexpectedly be required to call into the field.

Mr. BRYAN. Mr. President, if the Senator will permit me, I should like to read from the House hearings a comparative statement given by Gen. Wood.

Mr. SIMMONS. Very well.

Mr. BRYAN. I read from page 13 of the House hearings:

The Russian Army to-day probably has, roughly speaking, 6,000 guns at least, and the French Army carries something like 4,800 guns. The German Army has probably over 5,000 guns. We are asking an allowance of guns about in line with that of the Bulgarian and Servian Armies. The Russian Army had in 1911 in their entire army 554 batteries of 8 guns each, or 4,432 guns, plus a large reserve, and they are increasing their field artillery. The French had in 1911 in their entire army 725 batteries of field guns of 4 guns each, or 2,900 guns, plus large reserves. The Germans had in 1911 583 batteries of 6 guns each, or 3,498 guns, plus large reserves.

Mr. SIMMONS. Mr. President, the publication to which I referred a moment ago appearing in the Washington Post of this morning stated that this Government was thoroughly unprepared for war; that working under high pressure it would be something like two years before there could be produced sufficient munitions and materials in order to supply an army such as we would have to call into the field. If that be true, Mr. President, it seems to me we are confronted by a very serious situation.

In the conditions which exist in this country, I take it that it would not require any great length of time to muster into the service a very large Army, and therefore I do not see any necessity for a big standing Army. We can secure volunteers under our militia system very rapidly, and it would take but very little time for us to bring our fighting force up to the requisite number; but, if it be true that, even if we are able to get men into the field, there is such a deficiency at present in the necessary munitions of war as has been indicated, and that it would require as long a period of time as is indicated in the article to which I have referred, working under high pressure, to secure ammunition, arms, artillery, and other instruments of war in order to enable that force of men to become effective as a fighting force, it does seem to me that a problem of a very serious character is presented. Whether or not we are going to need this ammunition and these guns, it seems to me, as it requires so long a period of time for us to get them in case we should need them, that we ought to take precau-

tions to provide for them. I am not speaking for the provision or against the provision, but I am calling attention to what struck me, upon reading this article, as a very serious situation in connection with our preparedness or our unpreparedness for war in case war should be suddenly thrust upon us.

Mr. WARREN. Mr. President, the Senator who has just addressed the Senate referred to an article, which I have also read, appearing in a morning paper; but there is a great deal before and behind that. Years ago our coast defenses amounted to scarcely anything; we had little in the way of emplacements and cannon. The necessity for coast defenses was seen, and during, I think, Mr. Cleveland's first administration there was appointed a board, called the Endicott Board, which took up the whole matter of the coast defenses of this country. They estimated that it would cost some $125,000,000 properly to defend our coasts. That amount has been since enlarged by the extension of our coast and by the fact of invention bringing out a higher class of projectiles and of guns, so that it has required an estimate of about $190,000,000 to provide properly for our coast defenses. The Endicott Board was succeeded by the Taft Board and necessary additions and enlargements were made.

With the kind of weapons with which we have provided them our coast defenses, I might say, are practically impregnable, so far as water craft are concerned, but they are open in the rear or inland side to the attacks of a mobile army. A foreign power could land troops by means of boats or rafts anywhere along our Atlantic or Pacific or Gulf coast and come around in the rear of our coast defenses, as we did in attacking the Spanish forts, unless our defenses are supported with a mobile army, and unless that mobile army is provided with sufficient arms and ammunition. If an attack should be made upon the Pacific coast, we could not immediately transfer ammunition and arms from the eastern coast or, vice versa, from the west to the east. So there should be a proper insurance in the way of an adequate supply of both arms and ammunition near these various points.

I have kept close watch of this matter ever since the organization of the Endicott Board. We have all of the time been short; in fact, when we had the war with Spain, if the Assistant Secretary of the Navy had not—as he and everybody else admitted, without exact and full authorization—engaged a very large amount of powder and ball before war was declared, we should have been, when that war was declared, everything in the way of military supplies then being contraband, without sufficient powder or small arms to amount to anything for the needs of the army called into service.

We must have a supply of ammunition and a supply of guns sufficient at every point of possible attack to last a limited length of time. To my certain knowledge, and according to the reports submitted by Army officers right through from the lower ranks up to the Secretary of War, and which have been verified, there have been times when on the Pacific coast, if there had been war or had been an attack, we would have exhausted all the powder and ammunition we had there in 30 minutes' continuous firing. We would have been in that condition repeatedly.

I submit, Mr. President, that after expending over $140,000,000 on our coast defenses, after providing an Army, after providing a plan, through the militia and in other ways, to increase that Army, provision for movable guns and for an ample supply of ammunition is the all-important item, and is in the nature of insurance. It matters not how many guns we may have if we have not ammunition; it matters not how many big guns we may have on the coast if we have none of the lighter kind for the mobile army to move from point to point. I am only sorry that the amount named is as small as it is. The sum proposed to be appropriated is in the interest of economy and is in the nature of insurance. This appropriation is not in the nature of an annual expenditure. It is simply to provide these guns and this ammunition as surplus or storage stock, ready for use when called to arms. We are now making smokeless powder which, so far as we know, is almost indestructible until used. Powder made in 1900 is still apparently as good as when made. Hence, to expend the money we are about to expend—and the item for which I hope will pass as amended—is the insurance, the all-important item in the defense of this country.

Mr. SIMMONS. Mr. President, before the Senator takes his seat I wish to say that I think he will understand my remarks as being very much in sympathy with the proposition he is making.

Mr. WARREN. Entirely so. I felt that the Senator was justified not only in that but in having his attention called to what had preceded that. This is not merely the report of the present Secretary; it has been the report of various Secretaries, repeatedly, in the past.

Mr. SIMMONS. I wish to ask the Senator a question. I must confess that when I read this statement in the paper this morning I was amazed to find that a great government like ours was in such a situation as the statement indicated. Suppose we should become involved in a war and should have to call into the field, say, four or five hundred thousand men. That would not be a big army if we got into trouble with a power of any size. The Senator is very familiar with this subject. I have heard him discuss it upon the floor frequently and with fullness of knowledge. Does the Senator agree with the statement that at present we are without ammunition to supply such an army except for a very limited time, and that it would take one or more years, working our factories at their full capacity, to secure a sufficient supply of ammunition to furnish an army such as we would want and such as prudence would require that we should bring into the field?

Mr. WARREN. Undoubtedly, undoubtedly. While I am discussing that matter, Mr. President, let me make a further statement.

Mr. SIMMONS. The Senator agrees, then, that that is a true statement of the conditions that exist in this country?

Mr. WARREN. Absolutely. I want to say to the Senator that it has been a matter of humiliation to me many a time to know how near to bedrock we were; to know that, with all the money we are expending for these emplacements and all the money we are expending for the big guns to put on them, we have nothing to fire in the guns. Let me add here some official figures.

The Endicott scheme of fortifications, as modified and revised to date by the Taft Board, called for:

In continental United States	$159,982,534.43
Already appropriated to date for same	122,812,548.86
For insular possessions	30,177,536.71
Already appropriated to date for same	19,579,967.88

We are manufacturing to-day a large proportion of our projectiles and of our powder. In the olden times black powder was used, and it was manufactured entirely by private concerns. It is since my poor service on the Military Affairs Committee and the Appropriations Committee of the Senate that the idea of making our own powder has been considered and carried into execution.

In the establishment of the powder mill for the Army the proposition was to start a mill which, employing it only eight hours a day, would give us some proportion, if not all, of the annual consumption in time of peace, because we wanted to reduce the price if we could, and we have greatly reduced it. It costs but little more than half what it formerly cost, by reason of natural reduction in cost and the Government's efforts. We wanted to find the way of making the best powder that could be made through our own channels and exact the same quality from the private makers. We wanted factories so that we could put on three shifts and work 24 hours a day when necessary, and also have a central plant that could be enlarged quickly in case of war, and have enough expert men so that enough green or new men could be taken on to enable the Army plant to supply a very large proportion of the powder in time of conflict. At the same time it was thought best not to make a mill big enough to make all the powder required, but from time to time to buy certain amounts of the manufacturers, so that they might keep their mills and machinery, so that in time of war we could depend upon them as well as ourselves.

The erection of that powder mill and its conduct has been a perfect success. We have helped to reduce powder from above $1 to somewhere lower than 60 cents a pound. The Navy has followed the example of the Army and has constructed a mill. To-day some of those who opposed the building of the mills are the most enthusiastic in favor of having the Government manufacture all its own powder. I do not agree with that, because I feel that we ought to have the insurance of the large private concerns that we can depend upon in case of trouble, because, as you all know, the moment war is declared we can not get a pound of powder from any foreign country. It must be all made within our own lines.

Some people believe, as I say, that we should make all that powder. Some people believe that this Nation of Yankees, so called by foreigners, can lick the world. I agree with them. I do not believe we are going to be attacked. I do not believe we are going to have war. We have, however, expended all these millions of dollars to prepare for war. That being done, are you going to refuse the paltry million or two or three millions that are going to be required to perfect the entire system and insure us a supply that would run us along in case of war until our own mills, supplemented as they would be with additions, and supplemented further as they would be with

private concerns, could furnish powder fast enough so that we would be relying upon our own resources?

In war nothing is more necessary than powder and field artillery. Why hesitate to build these mobile-army guns, guns that it will take three years to build, when every other army has greatly increased its artillery? The late wars, such as the war between Russia and Japan, show the effectiveness of the mobile army with its artillery. We are away behind all the other countries. We are away behind our own system. We are away behind our own ideals and desires, and it will take, as I say, two or three years to catch up. On the other hand, to think of the great Pacific coast without powder enough to last 30 minutes in case of an attack is an idea that ought not to be entertained even for a moment.

I only wish we had put in the entire amount of $3,000,000 asked for for ammunition, powder, and ball, but as the committee has put in $2,000,000 I sincerely hope it will be agreed to.

Mr. SMOOT. Mr. President, an increase of mountain, field, and siege cannon and reserve ammunition for our Army is no new question. It has been before Congress for a number of years, and I wish to express my sorrow that it has not been favorably acted upon before.

I only wish the committee could have seen their way clear to provide the appropriation of $3,000,000 instead of $2,000,000 for ammunition. In case of war I think it would be next to criminal to find our Army, as we would find it under present conditions, without ammunition to defend the country and to defend their own lives.

We only have $3,500,000 worth of reserved ammunition in the United States to-day for the Armies of the United States. It would not be more than the requirement of a day or two if we were in actual war. I think the $2,000,000 provided for should have been increased to $3,000,000, as asked for by the officers of the Government having this matter in charge.

I can not help thinking we ought to learn from the experience of other countries. We have but a few mountain, field, and siege cannon; very few indeed—I believe about 753. Russia has over 6,000. The French Army has over 4,800. The German Army has nearly 5,000. Even Mexico has more of that class of cannon than we have.

The Senator from Wyoming [Mr. WARREN] has well stated that we have been appropriating, for the last 10 or 12 years, nearly $100,000,000 for the building of our fortifications; and yet of what earthly use are they unless we have ammunition and field and siege cannon for our Army? None whatever.

I am in full sympathy with the additions proposed by the Senate, not only for the extra cannon but the additional appropriation for ammunition. I only wish it were $3,000,000 instead of $2,000,000.

Mr. ASHURST. Mr. President, I shall support the bill as it came from the House, and shall not vote for any of the increases in this bill, one being half a million dollars, on page 3, and one being $1,100,000, on page 4.

At the present time 65 cents out of every $1 raised by the Federal Government is spent for the purpose of paying the expenses of wars of the past and wars that we pretend we imagine may come in the future.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. SMOOT. Does not the Senator believe that if it is a question of the amount of money that is appropriated for preparation for wars, this is the proper kind of an expenditure, to give our Army ammunition, so that in case they did have war they would have something to defend the country and themselves with? If we want to cut down the expense of war, why not cut it down on other items that are not so vital to our protection as these items, for they should be held as an insurance against immediate war, and to give the Army sufficient powder, in case war is declared, to defend the country and themselves?

Mr. ASHURST. Mr. President, the Senator from Utah, as usual, speaks on this point especially with force and directness. I have so much respect for him that I am almost inclined to respect his opinion, but on this question I do not wholly share his view. I appreciate the wise suggestion he has just made in reference to economy in the manufacture of our armor plate and in the construction of battleships.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Florida?

Mr. ASHURST. Certainly.

Mr. BRYAN. Can the Senator state how many men the House committee contemplated having in the Army?

Mr. ASHURST. I have not the data at hand, but it would seem that an Army of 500,000 men is contemplated.

Mr. BRYAN. I will ask the Senator if it is not conceded in the House hearings that if we are to have an Army of that size this appropriation ought to be made?

Mr. ASHURST. Oh, yes; if we are to have an Army of that size; but it has not as yet been determined. We are not legislating upon hypothesis.

Mr. BRYAN. Does the Senator believe, then, that the Army should not be increased at all outside of the Regular Army?

Mr. ASHURST. Does the Senator from Florida believe the Army should be increased? If so, why; and what nation does he believe is going to attack us?

Mr. BRYAN. I will wait until the Senator finishes, and then I will answer.

Mr. ASHURST. As I was saying, Mr. President, 65 cents out of every dollar which is raised by the Federal Government is used to pay the expenses of wars of the past and wars that we think, or pretend we think, may come in the future. In addition to that, a close and searching analysis of the facts will disclose that since the foundation of the Federal Government in 1789, since its first day's existence as a Federal Government, for every dollar this Government has paid out to promote the arts of peace, the arts of agriculture, and those things whereby nations are subsisted—for every dollar we have paid out to promote the art of construction we have paid out $700 to pay the expenses of wars of aggression and defense.

The Democratic Party during the last campaign charged the Republican Party with gross extravagance in the handling of the public funds.

Mr. WARREN. Mr. President, I notice that the Senator is speaking of the percentage of Federal revenues expended for wars. Of course he has included a great deal that can hardly be called the expense of war.

Mr. ASHURST. Directly and indirectly.

Mr. WARREN. Well, very indirectly.

Mr. ASHURST. Yes; very.

Mr. WARREN. The Senator speaks of pensions, among other things. I have in mind the fact that it was the Democratic Party that made the last raise in pensions and increased the pension list some twenty or thirty million dollars a year. I do not charge them with any wrongdoing; but the pensions, amounting to $180,000,000 or $190,000,000, are reckoned in there. The Senator has also reckoned in all of the permanent structures.

If the Senator takes the ground that there never will be war and that we should have no defense, of course what I am going to say has no force. We have, however, expended almost $150,000,000 in permanent things in the way of protection for the country, so that we may not have war. It is an insurance. To be provided for war is an insurance against war. We are still paying pensions for the families of those who fought in the Mexican War, as well as in the Civil War.

So that percentage, so often stated, loses its effect when it is analyzed, and when we get down to the actual expenses of maintaining an army we find that it is nowhere near the percentage stated. While I know the Senator has good authority for the statement, in that it has been made in many places, in order to build up that amount everything is raked in from all directions, including, as I say, pensions in the expense of the Army, and I submit that this is unjust.

Mr. ASHURST. I thank the Senator for his suggestion?

I was proceeding to say that during the last campaign the Democrats from the stump charged the Republican Party with gross extravagance, and said: "If you will trust us with the affairs of government, we will be economical. We will not extravagantly spend the public moneys.

Mr. President, if we are going to practice economy now is the time to begin. If we were acting in good faith when we charged the Republican Party with extravagance in their expenditures, let us show our good faith by not eclipsing them in extravagance.

I am not unaware, and no Senator here is unaware, of the fact that there is in this Nation to-day a clique of men who for their immediate gain, for their immediate personal profit, fill the country with alarms of danger and tell us that soon we will hear and see the pomp and circumstance of war. They have battleship armor plate they wish to sell; they have powder they wish to sell; they are patriots for profit only.

While blowing a blast on the bugle of war they meanwhile have a hand in the Public Treasury. Take, for instance, the battleship *Pennsylvania*.

Mr. WARREN. Mr. President——

Mr. ASHURST. Just let me finish the sentence. Take, for instance, the battleship *Pennsylvania*, and we find respecting that vessel the amount of money extravagantly, yea improperly, paid aggregates $1,600,000 on armor plate alone. It is a good

time to economize, and if the Democrats mean to keep their pledges this is the place to do it. I charge here, I charged last May, that the excess on the price of armor plate which went into the *Pennsylvania* was $1,600,000, and although some men have threatened to deny the truth of that statement its truth can not successfully be contradicted.

Mr. WARREN. Will the Senator allow me a moment?

Mr. ASHURST. Certainly.

Mr. WARREN. The Senator's observations at present seem to be devoted to another branch of service—the Navy—which is not under consideration now. He certainly can not apply such observations to the Army. It is proposed that powder and guns shall be manufactured by the Government for the use of the Army.

Mr. BRYAN. Perhaps the Senator has not read that far in the bill.

Mr. WARREN. Of course, before the bill is finished the Senator will see that this provision is very emphatic and causes all these materials to be made by the Government, with certain minor exceptions.

Mr. ASHURST. I am very glad to know that after so many months of ceaseless hammering the Government now proposes to enter into the business of manufacturing its own powder. For a long time, as was said by the Senator from Utah this morning, the Government paid a dollar a pound for powder, and just so soon as we went into the business of making our own powder the price fell to 65 cents and then to 53 cents, if I am correct.

Mr. SMOOT. There is a limit of 53 cents provided in the bill.

Mr. ASHURST. That is correct. I am glad to vote for any appropriation in reason which will provide for the construction of powder factories and factories for the manufacture of armor plate.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. Certainly.

Mr. SUTHERLAND. The Senator from Arizona a moment ago called attention to the fact—I suppose it is a fact—that we are spending of the revenues of the Government about 65 per cent for maintaining the Army and the Navy and for other purposes incident to our preparation for war or to discharge liabilities incurred under past wars. Does the Senator think that we are now maintaining too large an Army?

Mr. ASHURST. Mr. President, I will reply to that later in my remarks. But the Army should be put to work. The Army should be kept not in idleness, but some of the Army should be used for constructive work, for the building of railroads in Alaska. The employment of the Army engineers in the matter of the Panama Canal has certainly shown that we should have an Army, but not an Army of dissolute idleness.

Mr. SUTHERLAND. Does the Senator think that the enlisted men of the Army ought to be put to work in Alaska building a railroad?

Mr. ASHURST. On that point I have an editorial from the New York American I will read.

Mr. SUTHERLAND. Is that the Senator's view of the use of an Army?

Mr. ASHURST. Mr. President, I may as well read some excerpts from this editorial now as at any other time. It is written by Mr. Arthur Brisbane, and appeared in the New York American January 4, 1914. It is entitled "Put this old war god to work."

Mr. SUTHERLAND rose.

Mr. ASHURST. I yield to the Senator, of course, if he wishes to ask me a question.

Mr. SUTHERLAND. I was anxious to obtain the Senator's view upon the subject as to whether the Senator himself thinks that the enlisted men of the Army ought to be put to work building railroads in Alaska or elsewhere.

Mr. ASHURST. They ought not to be idle.

Mr. SUTHERLAND. That is not quite an answer to the question I propounded. The question I asked the Senator was whether or not he thought the enlisted men of the Army ought to be put to work building railroads in Alaska, or similar work of that sort.

Mr. ASHURST. Mr. President, if I had charge of the matter I would not want to put the enlisted men to work in competition with the labor of the country. We have cheap labor already in competition with the labor of the country. If you put them to work on matters of that kind, you might bring them into competition with the labor of the country, which already has to compete with foreign imported labor.

In answer further to the question I will proceed to read some excerpts from this article.

Mr. SUTHERLAND. Before the Senator does that, let me ask him another question. The Senator thinks that the enlisted men of the Army ought not to be put to work in competition——

Mr. ASHURST. No; the Senator did not say that and he does not think that. You can not put words into my mouth, my dear Senator.

Mr. SUTHERLAND. I thought that was the statement which the Senator made.

Mr. ASHURST. I am not responsible for defects of the Senator's hearing.

Mr. SUTHERLAND. Very fortunately the Senator is not, but——

Mr. ASHURST. I say that in all courtesy.

Mr. SUTHERLAND. I understand how courteous the Senator is. I understood the Senator to say in the beginning that he thought the enlisted men of the Army ought to be put to work. In reply to another question which I propounded to him I understood him to say that at any rate he was in doubt as to whether they should be put to work in competition with the labor of the country. If the men are to be put to work and not to compete with the ordinary labor of the country, at what kind of work would the Senator have the enlisted men put?

Mr. ASHURST. The Senator's imagination is so fertile he may safely leave it to the domain of his own imagination as to what kind of work they ought to be put to.

Mr. SUTHERLAND. I thought the Senator was stating a proposition in earnest when he said the enlisted men ought to be put to work, that they ought not to be idle, and I am asking the question in entire good faith. I should like to hear the Senator's view as to what kind of work the enlisted men ought to be put to.

Mr. ASHURST. Does the Senator from Utah think they ought to remain idle?

Mr. SUTHERLAND. I do not think they are idle. I think the enlisted men of the Army are pretty busy at the various military posts.

Mr. ASHURST. Doing what?

Mr. SUTHERLAND. Being trained to meet necessities whenever they may arise.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Iowa?

Mr. ASHURST. Certainly; but I did not want to take the Senator from Utah off his feet. I yield to the Senator from Iowa.

Mr. KENYON. I was merely going to suggest to the Senator from Arizona, in answer to the question of the Senator from Utah, that it might be that they could be profitably employed in the construction of highways.

Mr. SUTHERLAND. In competition with convict labor?

Mr. KENYON. No; but as far as I am concerned, I would just as soon believe that it would not harm the enlisted men of the Army to build railroads in Alaska, and it would be fully as profitable as their drinking tea at afternoon functions.

Mr. SUTHERLAND. I do not think the enlisted men are attending the dansants. I wish to ask the Senator from Arizona another question.

Mr. ASHURST. Certainly.

Mr. SUTHERLAND. I am not quite sure whether the Senator thinks the Army is too large or not; but, passing that, does the Senator think the Navy is too large?

Mr. ASHURST. What is the question?

Mr. SUTHERLAND. Does the Senator think the present Navy of the United States is too large?

Mr. ASHURST. My opinion of that would not be of any value to the Senator from Utah.

Mr. SUTHERLAND. Then, let me ask the Senator another question. Does the Senator think that we are spending too much money paying pensions?

Mr. ASHURST. The Senator from Arizona does not think so.

Mr. SUTHERLAND. Now, those things—the maintenance of the Navy, the building of the Navy to the present dimensions, the maintenance of the Army at its present size, the payment of pensions, and the fortifications we are building—constitute the war expenditures, about which the Senator has been complaining. If all these things are necessary, or the Senator is not able to say that they are not necessary, upon what ground does the Senator complain that we are spending 65 per cent of the revenues of the Government?

In this connection, let me call the Senator's attention to a fact. It is true that we are spending perhaps 65 per cent of our revenues, but the Senator must remember that this is a dual Government. The Federal Government, with its limited powers, is raising revenue and expending it for one set of objects, while

the 48 States in the Union are raising revenue and expending it for an entirely different set of objects. The whole war expenditure of the entire country of 48 States and of nearly 100,000,000 people is borne by the Federal Government, while all the States are raising vast sums of money by taxation and expending it for the maintenance of schools and for various other things which have nothing to do with war.

Now, can the Senator tell us what proportion of all the revenues of the United States, including those raised and expended by the various States, is expended for purposes of war?

Mr. ASHURST. I doubt if I ever saw those figures. Of course I have not those figures at hand.

Mr. SUTHERLAND. The Senator must realize that if the war expenditures of the Federal Government are compared with the total of all the other expenditures of the Federal Government and the total expenditures of all the States for the purposes of government, the amount in comparison fades into comparative insignificance.

Mr. ASHURST. The Senator has looked into that, and I have large respect for his source of information and for his integrity of statement. I have no doubt myself there is force in the Senator's figures. There is a disposition many times to charge the Senator or Representative who opposes large expenditures for the Army or Navy as being somewhat unpatriotic. Certainly those Members of Congress who feel that our expenditures for purposes of war ought to be closely scrutinized should not be charged with any lack of patriotism. I would permit no man to charge me with being unpatriotic simply because I scrutinize appropriations and expenditures that have been made or that are about to be made with respect to expenses for national aggression and national defense.

But I will proceed with this article which I have had on my desk for some days waiting an opportunity that I might have it read at the desk or do the Senate the honor to read it myself. I will therefore proceed to read it.

As I said, it is written by Mr. Arthur Brisbane, the talented writer and publicist on the New York American, and it is as follows:

> Earth's "civilized governments" spend thousands of millions annually on war.

I am delighted to see that I have the attention of the Senator from Utah.

Mr. SUTHERLAND. I am listening to the Senator.

Mr. ASHURST (reading):

> Millions of men are taken from useful work and kept ready to be used as fighting machines.
>
> Hundreds of millions are spent for fighting ships absolutely worthless to the world except as checks on possible attack.
>
> Nations live like the armed bandits of olden days, with their minds on bloodshed and battle and their millions spent for murder or preparing for murder.
>
> The United States could make attack from without impossible, stop immediately all wasting of money and time on Army and Navy, open useful and honorable careers to hundreds of thousands of men, and improve this Nation by putting the Army and Navy to work.
>
> Before this century shall have ended some one of the great nations will have adopted the plan to be outlined here. The United States should be that nation, and it will be if public men, editors, and, above all, the tens of millions of citizens, will give thought to a simple suggestion.
>
> The curse of the Army and Navy is idleness. Every intelligent officer will confess that he does not know how to keep his men busy.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I yield, very cheerfully.

Mr. WEEKS. I do not know whether the Senator from Arizona wishes to be interrupted in the reading——

Mr. ASHURST. I hope the Senator from Massachusetts and any other Senator will feel that they may interrupt me at any time on any point or question.

Mr. WEEKS. I wish to ask the Senator if he indorses the statement he has just read, that intelligent officers of the Army and Navy confess that they do not know how to keep their men busy?

Mr. ASHURST. In answer to the Senator, I will say that, while I approve the general tone of the article, there are some statements or sentences in it which I might not be able to indorse or approve, simply because I do not have all the information.

Mr. WEEKS. Does not the Senator know that at this time there is great difficulty under present conditions to get men of best quality to enlist in the Army and Navy?

Mr. ASHURST. That is quite true.

Mr. WEEKS. Does he not know or has he not visited sufficient Army posts to know that the schedules of drills and other employment are sufficient to keep men in the service employed more hours a day than is the case in civil pursuits? If that is true, what is the use saying that intelligent officers do not know how to keep their men busy?

Mr. ASHURST. I said once before that while I indorse the tone and spirit of this article, there are also some isolated fugitive sentences in it that I do not approve, and there are other statements in it regarding which I do not have sufficient information to enable me to form a belief on the subject. But I thank the Senator for his suggestion:

> The officers will tell you that men desert because they can not bear the wasted life that produces nothing.
>
> Why will not this Nation make its soldiers and sailors, its ships, and its highly educated officers, producers of wealth and, at the same time, perfect guardians of the country?
>
> We have seen what the Army can do in the building of that wonderful canal.

Mr. WEEKS. Mr. President, before the Senator goes any further, will he not permit me to suggest that no man connected with the Army, other than a few engineers, have had anything to do with the building of the Panama Canal? No enlisted man has been employed in the building of the Panama Canal, but simply the men who directed the operations.

Mr. ASHURST. I thank the Senator for that suggestion:

> We have seen what the Army can do in the building of that wonderful Panama Canal.
>
> The Nation faced the task and used the Army.

I am sure I may safely leave it to the Senator from Massachusetts and the writer of the article to thrash out the truth on that subject:

> Where private effort and private capital had failed, where tens of thousands had succumbed to disease, the Army of the United States cut the Isthmus, united the oceans on schedule time, and fought and conquered disease simultaneously.
>
> If the Army can do such work, why not keep it doing that work?
>
> Why must those officers go back to mere drilling, parading, saluting, and idling?
>
> The machines that have been working at Panama, the engineers of the Army, tens of thousands of private soldiers from the Army should be put to work on bigger national tasks.
>
> Directed by Goethals they should solve all our problems of water transportation.
>
> First of all, they should unite the city of Chicago, the whole of the Great Lakes region, all of the lake cities, with the Gulf of Mexico and the East and the West by means of a great waterway running north and south.
>
> The route by water is already marked out. Nature has done a great part of the work.
>
> The Army of the United States should make it possible to ship automobiles from Detroit, manufactured steel from Gary, clothing from Chicago, and all the products of the region of the Middle West by water in unbroken packages down to the Gulf of Mexico, east through the canal, and west to all of Europe.
>
> The Army has made it possible for our east and west coasts to trade by water without going around the Horn.
>
> The Army now should make it possible for Chicago products, all the lake city products, and the products of all the cities along the Mississippi and the Missouri to go by water direct to all parts of our western and eastern coasts.
>
> Would not that be better than keeping officers and men idle?
>
> The country needs that great "Lincoln Highway," uniting the Atlantic and the Pacific Oceans. The Army of the United States should build it.
>
> A great English scientist says that "It is a shame to keep the armies of Europe pipe-claying their belts when they might be used for scientific experiment."

Mr. SUTHERLAND. Mr. President, will the Senator from Arizona permit me to interrupt his reading of the editorial at that point?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah.

Mr. ASHURST. Certainly.

Mr. SUTHERLAND. I think the Senator from Arizona has read far enough into this editorial to determine that the writer of it evidently thinks that the enlisted men of the Army ought to be put to work at building highways and the various other things that have been stated. Does the Senator from Arizona think, if it were made the rule, not only that the enlisted men should be compelled to serve after having enlisted for a period of three or four or five years, whatever their period of enlistment may be, but that they might be compelled to work on the roadways during that whole time, that we could get any men to enlist in the Army for $13 or $15 a month?

Mr. ASHURST. No, Mr. President.

Mr. SUTHERLAND. Their pay would have to be increased.

Mr. ASHURST. The Senator knows that it would have to be increased.

Mr. SUTHERLAND. Now, let me ask the Senator another question. These men, because it is an absolute necessity, are compelled to enlist for a definite period of time. If they desert during that time, they can be punished under the law. Does the Senator think it would be wise to ingraft upon our institutions the further requirement that these men should be held to involuntary servitude for a period of three or four or five years?

Mr. ASHURST. No. As a complement to that plan and as a part and parcel of that plan should go the repeal of that odious

law—I think it is the Dick militia law—requiring men to enlist in times of peace. That odious form of involuntary servitude should be repealed at the earliest possible moment.

Mr. SUTHERLAND. We have not any such law.

Mr. ASHURST. I am delighted to learn that fact.

Mr. SUTHERLAND. Men are permitted to enlist or not, as they please, but they are not required to enlist. When a man has enlisted in the Army does the Senator think that man during the three years of his term ought to be compelled to work upon the roads whether or not he desires that sort of employment; and if he were compelled to work upon the roads, would not that be a species of involuntary servitude?

Mr. ASHURST. The system which compels him to remain in idleness is not only odious, but it is injurious to the soldier and injurious to the public welfare. This editorial proceeds:

The Army should not be used merely for pipe-claying belts nor for scientific experiments in diet.

Army and Navy should be used to increase the wealth of the Nation instead of impoverishing the Nation.

Human intelligence easily could arrange an Army and Navy program that would give employment to hundreds of thousands reclaiming our swamps, irrigating our deserts, carrying our ocean freights and our passengers on inland waterways, at the same time making the idea of attack by a foreign enemy preposterous.

We have at best a few battleships and a few cruisers, coalers, torpedo boats, etc.

Let the people of the United States combine a merchant marine and a protective navy in one.

Mr. President, while this article is interesting to me and to many others, I feel I would be imposing upon the patience and time of the Senate to read it further. I therefore ask to include the remainder of the article in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The remainder of the editorial is as follows:

The country, to begin, should build 500 powerful ships, that need not be the latest type of battleship nor laden down with armor or guns, but carrying the freight of the country.

Let them leave their big guns on shore in time of peace.

Thus our ancestors of the Revolution and the fighting Boers of the Transvaal left their rifles hanging over the mantelpiece while they worked in the fields. But their enemies knew that the rifles were there to be used. England found out to her cost that a man might use his rifle only occasionally and still be a formidable soldier. Our battleships could leave their guns "hanging over the mantel" on shore.

Suppose that the United States owned 500 great ships at sea, each carrying its thousands of tons of freight, at a price only sufficient to pay the cheap interest charge at which this Government can borrow money.

Suppose that the United States, on lakes, rivers, and other inland waters, had another fleet of a thousand swift boats, each with a torpedo tube in the bow, these boats carrying passengers, express, and mail in time of peace.

Uncle Sam could say to his friends across the ocean, "I don't want to fight and I don't bleed my people to death building dreadnaughts, but I have 500 heavy ships and for each one an equipment of great power guns that could be quickly taken aboard in place of freight.

"And I have a thousand swiftly moving boats each with its torpedo tube, capable of carrying a big load of torpedoes.

"My sailors are well paid and contented, because they are working usefully. My gunners, kept in constant practice, are the best in the world.

"Send your fleets to attack me. I will meet you with half a thousand heavy ships, well armed, and a thousand torpedo boats, and a thousand air machines carrying dynamite."

Is there any reason why the United States in place of a little expensive Navy, run at a dead loss and costing hundreds of millions a year, should not have a gigantic commercial navy, self-supporting, limited in size only by the size of the prosperity and freight demands of the United States?

With 500 great ships, 5,000 heavy guns that could quickly be put aboard, divided between our Pacific coast and our eastern coast, with the Panama Canal uniting them, and with a thousand swift torpedo boats to sail out with them, why should we need fear the small battle fleets that might come straggling across the thousands of miles of ocean to attack us?

If John D. Rockefeller owned the United States, don't you suppose that his organizing ability would multiply our Navy by a hundred, make it pay its own way, and make the sailors, instead of being constant deserters, satisfied men—as the drivers of the Standard Oil wagons are satisfied?

Why can not the people of the United States do for themselves with their own Navy what John D. Rockefeller would do if the Navy were his?

If Rockefeller owned the Army of the United States and the soil of the United States, would not that Army be made self-supporting, that soil more valuable?

The Roman soldier was used to conquer and kill peaceful, helpless, half-civilized peoples. In his old age they gave him a few acres of the land whose owners he had helped to murder.

The Army of the United States could conquer deserts and swamps by irrigating and draining. And the soldier in his old age, as a reward, would have his farm, given to him as part of the land reclaimed by him.

Even in the hardest times it is difficult to get men for our Army. Healthy men hate a lazy, idle life. But give your Army good pay, eight hours of work per day, three hours of drill per week—which would be plenty—and freedom like any other worker the rest of the time, and you will have an Army worth while.

The Army of the United States should be a citizen Army, with half a million useful men in place of the little handful of professional donothings.

Each of these men would have his fighting equipment in the national barracks, to be used only in the event of war—and that would never come.

No nation would attack this country if we had a fleet as big as our prosperity and a well-paid, patriotic, citizen Army as big as our need of internal improvements.

Armies and navies were maintained in the beginning to uphold tyranny and flatter the vanity of rulers. The soldier was saddled on the back of the peasant, who had to feed him. And bleeding the peasantry with taxes and the sword was royal pastime.

The same system has continued in Europe—a nonproductive army, idle, and fed by the poor workers.

We should have a better system in this country. Some man will come to power able to install such a system.

Mr. CHAMBERLAIN. Mr. President, I am heartily in favor of the amendment which has been proposed by the committee. The amount reported by the committee as an amendment to the House bill is very much lower than the estimate made by the War Department for the purchase of the necessary equipment for a war, if we should have one.

I am sorry to disagree with my friend the Senator from Arizona [Mr. ASHURST], but I have always been one of those who believe that the best safeguard against war is to be thoroughly ready for it when it comes. There is no better preservative of peace than that. While the great exponent and apostle of peace, our friend Mr. Andrew Carnegie, talks peace all the time—and I believe he has complimented the German Empire upon the fact that it has been able to maintain peace for so many years—I regard that as proof positive that the best way for any country in the world to preserve peace is to be ready for war; and no country has ever been better prepared for war than has Germany.

A careful reading of the testimony given before the House committee and of the testimony taken before the Senate Committee on Appropriations discloses the fact that this powder and these munitions of war are absolutely necessary for properly equipping the Army of the United States. I do not think that it would be improper to say here now that the situation which confronts our country is somewhat delicate. It is a recognized fact that if the Army of the United States had been properly prepared when the Civil War began there would have been much saving of life in the first battle of Bull Run.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Oregon yield to the Senator from Texas?

Mr. CHAMBERLAIN. I yield.

Mr. SHEPPARD. Does the Senator from Oregon understand that the armament referred to here is sufficient for an army of half a million men?

Mr. CHAMBERLAIN. No; it is not.

Mr. SHEPPARD. I understand that it is.

Mr. CHAMBERLAIN. If the estimates of the War Department may be relied upon, it is not sufficient.

Mr. SHEPPARD. I understood the Senator from Florida [Mr. BRYAN] to say that the armament provided for here was on the basis of an army of 500,000 men.

Mr. BRYAN. Mr. President, if the Senator drew that inference from what I said probably it was my fault; but I did not intend to convey that impression. I intended to say that it was the purpose of the War Department within three and a half years to arrive at that number of guns—1,292 guns—which would supply an army of half a million.

Now, if the Senator from Oregon [Mr. CHAMBERLAIN] will pardon me, since that question is up one would imagine from this debate that we were providing here for the manufacture of 300 or 400 siege cannon. As a matter of fact, this appropriation will only buy 32 cannon and 2 ammunition batteries for 3-inch guns, 1 ammunition battery for 4.7-inch guns; and the appropriation for the guns themselves, for 6 batteries of 3-inch mountain howitzers, 4 guns to a battery, which would be 24 guns, and 2 batteries for 4.7-inch howitzers, 4 guns to the battery, which would be 32 guns, and then for the carriages, as provided here, $900,000. There are now left, in order to supply the guns which are required for the Regular Army and the volunteers, 143. This appropriation provides for 32; so that there are over a hundred more to be provided for. It is the intention of the War Department within three and a half years to bring this supply of arms and artillery up to 1,292 guns, 143 to be provided for in the fortifications appropriation bill and the balance of 300 to be provided for in the Army appropriation bill.

Mr. CHAMBERLAIN. Mr. President, I thank the Senator from Florida for having gone into the details of the matter. We both were on the subcommittee which had this matter under consideration, and both thought that the War Department was really modest in its estimates for the necessary equipment of the Army.

I was going on to say, Mr. President, that it was a recognized fact that if the United States Army had been properly prepared and equipped at the time the Civil War began an immense num-

ber of human lives might have been saved in the first battles of the war. It was not only not equipped as to ammunition and guns, but it was not equipped properly in the training of the men.

It is recognized, too, I believe, that in the Spanish-American War our operations were halted from the fact that we were not properly prepared to adjust promptly our difficulties in Cuba. The Spanish Army was better equipped than was the Army of the United States. While we were there fighting with black powder the Spaniards had smokeless powder, and we made ourselves targets for the Spaniards with their modern guns and the most modern powder. So it is in this case.

Mr. President, if we are going to have any trouble at all—and nobody hopes more strongly than I do that we may never have trouble—we ought to prepare ourselves now, and not undertake to do so in the emergency of war. The committee having gone into this matter very carefully, I feel that the action of the committee in reporting this increase over the House appropriation ought to be sustained.

Mr. SMOOT. Mr. President, so that there may be no misunderstanding, I wish to call the attention of the Senator from Arizona [Mr. ASHURST] to a statement he made in relation to the cost of powder.

It is true, Mr. President, that when smokeless powder was first manufactured the Government had to pay a dollar a pound for it, as the Senator from Arizona has stated; but after the process of manufacturing smokeless powder by the private concerns manufacturing it in this country had become better known and the machinery for its manufacture had been improved the price of that kind of powder began to decline until it reached, I believe, 72 cents. It was at that time that the Government first considered the manufacture of smokeless powder for our Army and our Navy.

I did not want the Senator to be misled by anything that I said in relation to the reduction in the price of powder, because the reduction in the price of powder to 53 cents or 65 cents, as the case may be, was not altogether due, as might be inferred from what the Senator has said, to the Government starting the manufacture of smokeless powder for our Army and Navy. I wanted to make that statement so that the Senator from Arizona would know just what I meant if I did not make myself plain in the first place.

Mr. ASHURST. I thank the Senator.

Mr. BRYAN. Mr. President, I fear the study of this bill by the Senator from Arizona has not taken him as far as page 9. I read a provision of the bill from that page, as follows:

Of each of the sums appropriated by this act, after deducting any amounts required to meet obligations authorized in previous acts to be entered into by contract, not more than 10 per cent may be used to purchase not exceeding 10 per cent in quantity or value of any article or material herein appropriated for that can be manufactured at the arsenals of the Ordnance Department, except when contract costs are less than arsenal manufacturing costs.

I read that, Mr. President, as a complete refutation of the implied charge that any of these amounts were raised over the House provision in order to give employment to private manufacturers. It is true that a large amount of money is spent for the Army and the Navy, and, perhaps, adding the amount spent for pensions, the percentage stated by the Senator is approximately correct. I am very glad to know that the Senator disapproves of the tremendous expenditures which this Government has made for the wars which have passed, because it is unquestioned that more money has been spent for pensions than should have been.

Mr. President, I have no doubt that in the event of war, even with a second-rate power, there would be called into the service of this Government half a million men. There are 292,000 members of the National Guard now who would not have to reenlist if this Government should go to war. It seems to me, Mr. President, that it would be little less than criminal to take these men into war without proper equipment for battle.

Of course, as I have stated, all these 1,292 guns would not be in action at the same time. This is too big a country, Mr. President, to undertake to carry them from one point to another. It is proposed to provide 1,292 guns for the entire Army; and we are quarreling here over an appropriation for 32 guns. That is the sum and substance of this complaint.

Men talk about economy in a great many ways. I think it would be poor economy not to provide the necessary equipment for this Government. I do not know what others have understood, but I have never understood that to be the policy of the Democratic Party. However that may be, certain it is that the Democratic Secretary of War of this administration appeared before both committees of the House and the Senate and urged with great earnestness that this estimate be allowed to stand. I ask for a vote.

Mr. ASHURST. Mr. President, I desire the Senator from Florida [Mr. BRYAN] to hear me say that he must know that in what I have said I have neither impliedly nor otherwise charged that the committee had done this or done anything for the purpose or with the idea of giving the manufacturers of arms or powder a profit. The Senator must know that I have never entertained any such idea, for the committee which reported the bill and of which he is a member is far above such a suspicion.

Mr. BRYAN. I understand that, Mr. President, but the Senator made the statement here in the Senate that this might inure to the benefit of private manufacturers, and I wanted him to understand that they can only get contracts for these guns if they make them more cheaply than the Government itself can make them.

Mr. ASHURST. I ought to say, in conclusion, that I have had the honor to serve on one appropriation committee with the Senator from Florida, and no Senator here is more careful in respect to paying out the public funds than is the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 4, line 1, after the word "arsenals," to strike out "$900,000" and insert "$2,000,000," so as to make the clause read:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $2,000,000.

The amendment was agreed to.

The next amendment was, on page 4, line 23, after the word "thereon," to strike out "$45,000" and insert "$55,000," so as to make the clause read:

For the alteration and maintenance of the mobile artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work and the expenses of the mechanics engaged thereon, $55,000.

The amendment was agreed to.

The next amendment was, under the head of "Fortifications in insular possessions," subhead "Engineer Department," on page 6, line 20, after the words "Hawaiian Islands," to strike out "$500" and insert "$1,500," so as to make the clause read:

In the Hawaiian Islands, $1,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert:

In the Philippine Islands, $7,000.

The amendment was agreed to.

The next amendment was, on page 6, line 25, after the words "Hawaiian Islands," to strike out "$500" and insert "$2,000," so as to make the clause read:

In the Hawaiian Islands, $2,000.

The amendment was agreed to.

The next amendment was, on page 6, line 26, after the words "Philippine Islands," to strike out "$750" and insert "$1,000," so as to make the clause read:

In the Philippine Islands, $1,000.

The amendment was agreed to.

The next amendment was, on page 7, line 1, after the words "In all," to strike out "$1,250" and insert "$3,000," so as to make the clause read:

In all, $3,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert:

For reserve equipment at the following localities:
In the Hawaiian Islands, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 6, to insert:

In the Philippine Islands, $100,000.

The amendment was agreed to.

The next amendment was, on page 7, line 12, after the words "Hawaiian Islands," to strike out "$750" and insert "$1,000," so as to make the clause read:

In the Hawaiian Islands, $1,000.

The amendment was agreed to.

The next amendment was, on page 7, line 14, after the words "In all," to strike out "$3,750" and insert "$4,000," so as to make the clause read:

In all, $4,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. The calendar, under Rule VIII, is in order.

ARTICLES OF WAR.

Mr. CHAMBERLAIN. Mr. President, there is another military measure, which has come to the Senate from the Committee on Military Affairs, which I should like to have taken up and considered, if there is no objection. It is the bill making a recodification of the Articles of War.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1032) to amend section 1342 and chapter 6, Title XIV, of the Revised Statutes of the United States, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. CHAMBERLAIN. I ask that the formal reading of the bill be dispensed with, and that the bill be read first for committee amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, in article 13, under the subhead "C. Jurisdiction," on page 6, line 23, after the word "shall," to strike out "have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates," and insert "not have power to adjudge confinement in excess of six months, nor to adjudge the forfeiture of more than six months' pay," so as to make the clause read:

Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge the forfeiture of more than six months' pay.

The amendment was agreed to.

The next amendment was, in article 14, on page 7, line 19, after the word "shall," to strike out "have power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates" and insert "not have power to adjudge confinement in excess of three months, nor to adjudge the forfeiture of more than three months' pay," so as to make the clause read:

Summary courts-martial shall not have power to adjudge confinement in excess of three months, nor to adjudge the forfeiture of more than three months' pay: *Provided*, That when the summary court officer is also the commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month shall be carried into execution until the same shall have been approved by superior authority.

The amendment was agreed to.

The next amendment was, in article 24, on page 11, line 13, after the words "person not," to strike out "belonging to the Army of the United States" and insert "subject to military law"; in line 15, after the word "before," to strike out "a court-martial" and insert "any military court, commission, court of inquiry, or board"; in line 16, before the word "officer," to strike out "an" and insert "any"; and in line 18, after the word "before," to strike out "a court-martial" and insert "such court, commission, court of inquiry, or board"; on page 12, line 5, after the words "by the," to strike out "court-martial" and insert "military court, commission, court of inquiry, or board"; and in line 15, after the word "witnesses," to strike out "*And Provided further*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him," so as to read:

ART. 24. Refusal to appear or testify.—Every person not subject to military law who, being duly subpœnaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person on conviction shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

ART. 25. Compulsory self-incrimination prohibited.—No witness before a military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the Secretary will be instructed to change the numbers of the sections following in the bill. The Chair hears no objection.

The next amendment was, on page 13, line 4, before the word "commission," to strike out "court-martial or military" and insert "military court or," so as to read:

ART. 26. Depositions—When admissible.—A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, etc.

The amendment was agreed to.

The next amendment was, on page 13, line 19, before the word "commissions," to strike out "courts-martial, military" and insert "military courts," so as to read:

ART. 27. Depositions—Before whom taken.—Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

The amendment was agreed to.

The next amendment was, on page 14, line 20, after the word "deserted," to strike out "from the former" and insert "the service of the United States," and in line 22, after the word "enlisted," to strike out "in the latter organization," so as to read:

ART. 30. Enlistment without discharge.—Any soldier who quits the organization to which he properly belongs and, without having first received a regular discharge from such organization, enlists in or joins any other organization of the Army, or militia when in the service of the United States, or the Navy or Marine Corps of the United States, shall be deemed to have deserted the service of the United States and to have fraudulently enlisted.

The amendment was agreed to.

The next amendment was, on page 17, line 15, after the word "prescribed," to insert "*And provided further*, That all rules made in pursuance of this article shall be laid before the Congress as soon as practicable after they are made," so as to read:

ART. 39. President may prescribe rules.—The President may by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *And provided further*, That all rules made in pursuance of this article shall be laid before the Congress as soon as practicable after they are made.

The amendment was agreed to.

The next amendment was, under the subhead "E. Limitations upon prosecutions," on page 18, line 20, before the word "committed," to strike out "no person shall be liable to be tried by a court-martial for any crime or offense, except desertion committed in time of war or when under orders for active service when war is imminent, or murder which appears to have been," and insert "except for desertion committed in time of war, or for murder, or for rape, no person shall be liable to be tried by a court-martial for any crime or offense," so as to read:

ART. 41. As to time.—Except for desertion committed in time of war, or for murder, or for rape, no person shall be liable to be tried by a court-martial for any crime or offense committed more than three years before the beginning of the prosecution of such person for such crime or offense.

The amendment was agreed to.

The next amendment was, under the subhead "G. Action by appointing or superior authority," page 21, line 12, after the word "guilt," to strike out "and," so as to make the clause read:

(a) The power to approve or disapprove a finding, and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt.

The amendment was agreed to.

The next amendment was, on page 21, line 14, after the word "sentence," to insert "and," so as to make the clause read:

(b) The power to approve or disapprove the whole or any part of the sentence; and.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

ART. 54. Suspension of sentence of dishonorable discharge.—The authority competent to order the execution of a sentence including dishonorable discharge may suspend the execution of the dishonorable discharge until the soldier's release from confinement; but the order of suspension may be vacated at any time and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the command in which the soldier is held, or by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the head of "III. Punitive articles.—A. Enlistment; muster; returns," on page 25, after line 14, to strike out:

ART. 56. Militia officer or soldier not complying with call.—Any officer or enlisted man of the militia who shall refuse or neglect to present himself for service upon being called forth into the service of the United States, according to the provisions of law then in force, shall be punished as a court-martial may direct.

The amendment was agreed to.

The next amendment was, under the subhead of "B. Desertion: Absence without leave," on page 26, line 20, after the word "war," to strike out "or when under orders for active service when war is imminent," so as to read:

ART. 60. Desertion.—Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

The amendment was agreed to.

The next amendment was, on page 27, line 5, after the word "war," to strike out "or when the person so advised or persuaded or assisted to desert is under orders for active service when war is imminent," so as to make the clause read:

ART. 61. Advising or aiding another to desert.—Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death, or such other punishment as a court-martial may direct, and in any other case any punishment, except death, that a court-martial may direct.

The amendment was agreed to.

The reading was continued to line 1, page 28.

Mr. CHAMBERLAIN. In the caption of article 64, I move to strike out the words "governors, legislatures," in the large letters, because those words were stricken from the text.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 31, line 12, before the word "days," to strike out "ten" and insert "five"; and in line 17, before the word "days," to strike out "ten" and insert "five," so as to read:

ART. 72. Investigation of and action upon charges.—The charge against any person placed in arrest or confinement shall be investigated promptly by the commanding officer or other proper military authority, and immediate steps shall be taken to try and punish the person accused or to dismiss the charges against him and release him from arrest or confinement. In every case where a person remains in military custody for more than five days without being served with charges upon which he is to be tried a special report of the necessity for the delay shall be made by his commanding officer in the manner prescribed by regulations, and a similar report shall be forwarded every five days thereafter until charges are served or until such person is released from custody; and if the person remains in military custody for more than 30 days without being brought before a court-martial for trial, the authority responsible for bringing him to trial shall render to superior authority a special report of the necessity for the delay.

The amendment was agreed to.

The next amendment was, in article 73, page 32, line 3, after the word "direct," to insert the following proviso:

Provided, That in time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

The amendment was agreed to.

The next amendment was, under the head of "V. Miscellaneous provisions," on page 50, line 19, before the word "inclusive," to strike out "29, 54 to 98" and insert "30, 56 to 99"; and in line 21, before the word "inclusive," to strike out "106 to 111" and insert "107 to 112," so as to make the clause read:

ART. 113. Certain articles to be read and explained.—Articles 1, 2, 30, 56 to 99, inclusive, and 107 to 112, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once in every six months to every garrison, regiment, or company in the service of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 56, after line 20, to strike out:

1. The United States military prison, Fort Leavenworth, Kans., shall hereafter be known as the United States military detention barracks; and the Pacific branch of the United States military prison, Alcatraz Island, Cal., shall hereafter be known as the United States military prison.

2. Offenders convicted by courts-martial or other military tribunals of purely military offenses alone or in connection with or involving common-law or statutory offenses not felonious in character may be confined and detained in the United States military detention barracks; and all other offenders convicted by courts-martial or other military tribunals may be confined in the United States military prison.

3. The government and control of the United States military detention barracks and of the United States military prison shall be vested in the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to the Congress a full statement of the financial and other affairs of said institutions for the preceding fiscal year.

4. The officers of the United States military detention barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army; and a sufficient number of enlisted men shall be detailed by the Secretary of War for duty as guards at said detention barracks and as assistants to the officers thereof. The United States military prison shall be similarly officered and provided with enlisted guards and assistants.

5. The commandant of the United States military detention barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement therein; shall, under such regulations as the Secretary of War may prescribe, govern such offenders, and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty, as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; shall shorten the daily time of hard labor of those who by their obedience, honesty, industry, or general good conduct earn such favors; and may place under military training those offenders whose conduct during confinement or detention has been such as to warrant the belief that upon completion of a course of such military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; and the Secretary of War may remit the unexecuted portions of the sentences of such offenders, and may in addition to such remission give them an honorable restoration to duty or authorize their reenlistment in case the same is merited.

6. The commandant of the United States military prison shall have command thereof and charge and custody of all offenders sent thereto for confinement therein; shall, under such regulations as the Secretary of War may prescribe, govern such offenders and cause them to be employed at such labor and in such trades as may be deemed best for their health and reformation; shall cause note to be taken and a record to be made of the conduct of such offenders; and shall shorten the daily time of labor of those who by their obedience, honesty, industry, or general good conduct earn such favors; and the Secretary of War may remit the unexecuted portions of the sentences of such offenders in case the same is merited.

7. The commandant of the United States military detention barracks shall have custody of all public property connected with said detention barracks; shall have power to sell and dispose of any articles manufactured by the offenders confined or detained under his charge or custody, and shall regularly account for the proceeds thereof; shall receive and disburse all money provided or used for the said detention barracks; shall give bond and security for the faithful keeping and accounting of all money and property coming into his hands as commandant; shall cause to be kept, in suitable books, complete accounts of all the property, income, expenses, business, and concerns of said detention barracks; and shall make full and regular reports concerning all of said matters to the Secretary of War. The commandant of the United States military prison shall have like powers and duties in respect of the corresponding affairs of said prison.

8. The Secretary of War may from time to time designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the military establishment as a branch military detention barracks for the confinement and detention of offenders whom it is impracticable to send to the United States military detention barracks at Fort Leavenworth, and may likewise designate any such building or structure or part thereof as a branch military prison for the confinement of offenders whom it is impracticable to send to the United States military prison at Alcatraz. Branch military detention barracks shall be subject to the laws respecting the United States military detention barracks at Fort Leavenworth, and branch military prisons shall be subject to the laws relating to the United States military prison at Alcatraz: *Provided*, That branch military detention barracks and branch military prisons shall have such officers as the Secretary of War may deem necessary—

And insert:

1. The United States military prison, Fort Leavenworth, Kans., shall hereafter be known as the United States military detention barracks.

2. Persons sentenced to confinement upon conviction by courts-martial or other military tribunals of crimes or offenses which, under some statute of the United States or under some law of the State, Territory, District, or other jurisdiction in which the crime or offense may be committed, are punishable by confinement in a penitentiary, including persons sentenced to confinement upon conviction by courts-martial or other military tribunals of two or more acts or omissions, any one of which, under the statute or other law hereinbefore mentioned, constitutes or includes a crime or offense punishable by confinement in a penitentiary, may be confined at hard labor, during the entire period of confinement so adjudged, in any United States, State, Territorial, or District penitentiary, or in any other penitentiary directly or indirectly under the jurisdiction of the United States; and all persons sentenced to confinement, upon conviction by courts-martial or other military tribunals, who are not confined in a penitentiary may be confined and detained in the United States military detention barracks.

3. The government and control of the United States military detention barracks and of all offenders sent thereto for confinement and detention therein shall be vested in the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year.

4. The officers of the United States military detention barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said detention barracks such number of enlisted men of the staff corps and other departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said detention barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be de-

tached from the line of the Army or enlisted for the purpose; and said guards shall be organized as infantry, with noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed by law for Infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major.

5. The commandant of the United States military detention barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement and detention therein; shall govern such offenders and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty or their reenlistment as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; and may shorten the daily time of hard labor of those who by their obedience, honesty, industry, and general good conduct earn such favors—all under such regulations as the Secretary of War may from time to time prescribe.

6. The Secretary of War shall provide for placing under military training those offenders sent to the United States military detention barracks for confinement and detention therein whose record and conduct are such as to warrant the belief that upon the completion of a course of military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; may provide for the organization of offenders so placed under military training into disciplinary companies and higher units, organized as infantry, with noncommissioned officers, except color sergeants, selected or appointed from the enlisted men assigned to duty for that purpose pursuant to the provisions of paragraph 4 hereof; and may provide for uniforming, arming, and equipping such organizations.

7. Whenever he shall deem such action merited the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States military detention barracks for confinement and detention therein, and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to duty, and may authorize the reenlistment of those who have been discharged or upon their written application to that end order their restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive the enlistment contract for a period equal to the one not served under said contract.

8. The Secretary of War may, from time to time, designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the military establishment as a branch military detention barracks for the confinement and detention of offenders whom it is impracticable to send to the United States military detention barracks at Fort Leavenworth, Kans.; and all branch military detention barracks and all offenders sent thereto for confinement and detention therein shall be subject to the laws respecting the United States military detention barracks at Fort Leavenworth, Kans., and the offenders sent thereto for confinement and detention therein.

The amendment was agreed to.

The next amendment was, in section 6, page 67, line 11, before the word "three," to strike out "section" and insert "sections 2 and," so as to make the section read:

SEC. 6. That except as to sections 2 and 3, which shall take effect at once, this act shall take effect six months after the date of approval thereof.

The PRESIDING OFFICER. This completes the reading of the bill.

Mr. BRADY. Mr. President, on page 28, line 1, the senior Senator from Oregon [Mr. CHAMBERLAIN] moved that the words "governors, legislatures" be stricken out, and it was agreed to. That matter was discussed, I remember, at some length in the committee, and my understanding was that it was agreed that on line 4 the words "or the chief magistrate or legislature of any State, Territory" should also be stricken out.

It seems to me we should either write the words "governors, legislatures" in the caption of the article or else we should strike out the words "or the chief magistrate or legislature of any State, Territory."

The Senator from Oregon, the chairman of the Committee on Military Affairs, is, of course, fully advised as to just what was the intent of the committee, and I should like to have him explain to us at this time what he understood was the action of the committee.

Mr. CHAMBERLAIN. Mr. President, I think it was the intention of the subcommittee to strike out of the bill, in line 4, beginning with the word "or," to and inclusive of the word "quartered," in line 6, so as not to make it a contempt for an officer to use disrespectful words of a governor, legislature, or officers of possessions of the United States, but to confine it to the men who are directly in charge of the Army. So I ask to have those words stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 28, lines 4, 5, and 6, strike out the words "or the chief magistrate or legislature of any State, Territory, or other possession of the United States in which he is quartered."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. In view of that amendment I desire to have inserted after the words United States, in line 3, the word "or," so that it will read "the Congress of the United States or the Secretary of War."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 28, line 3, after the words United States, strike out the comma and insert the word "or," so as to read:

Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States or the Secretary of War shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

The amendment was agreed to.

Mr. CHILTON. I move to amend article 34, on page 15, which reads, "a court-martial may punish, at discretion, any person who uses any menacing words," etc., by inserting, after the word discretion, in line 21, "subject to the limitations contained in article 14." I do not believe that a commission should have unlimited authority as to anything and that the limitations as to punishment prescribed by them should apply to contempts of court-martial as well as any other kind of offense. I ask the Secretary to state the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 15, line 21, after the word "discretion," insert "subject to the limitations contained in article 14," so as to read:

A court-martial may punish, at discretion, subject to the limitations contained in article 14, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

Mr. CHAMBERLAIN. I will say that the provision sought to be amended is the article of 1806. So it has been on the statute books for more than 100 years; in fact, I do not know but that it is a part of the Articles of War of 1776. I have no objection to the amendment of the Senator. I think it ought to be included. I think the statute ought to be amended as suggested.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. CHILTON].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WYOMING.

Mr. WARREN. Mr. President, I ask unanimous consent for the present consideration of Order of Business 166, being Senate bill 65. It is a very short local bill, and will, I think, provoke no debate.

Mr. CHILTON. What is the bill about?

Mr. WARREN. It relates to a quarter section of land in Wyoming.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 65) to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WALSH. Mr. President, will the Senator from Wyoming kindly tell us why the bill should be passed and why the State desires to be permitted to relinquish certain lands and select others?

Mr. WARREN. To correct errors in some entries which have been made. The bill has the indorsement of the Interior Department, I will say to the Senator.

Mr. WALSH. What is the land that is proposed to be surrendered?

Mr. WARREN. Perhaps I might turn to the report here and inform the Senator. I read from the reply of Acting Secretary A. A. Jones to the letter of reference transmitted to him by the chairman of the committee:

DEPARTMENT OF THE INTERIOR,
Washington, July 31, 1913.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Public Lands,
United States Senate.

SIR: In response to your request therefor, I have the honor to submit the following report on S. 2068, a bill to allow second entries under the homestead and desert-land laws in cases where applicants had heretofore made entries under these laws but lost, forfeited, or abandoned them.

The conditions upon which the second entries are to be allowed are those suggested in my report on S. 586, submitted May 3, 1913, to your committee, except that the present bill, in terms, provides for relief

only in case one previous entry has been lost, while in my report I suggested a provision for previous entry or entries.

It would seem proper to provide for cases where an applicant had been so unfortunate as to fail in two or more previous efforts to obtain a home on the public lands and though the phraseology of the present bill might be construed to cover such a condition, it would appear advisable to amend the bill before passage by inserting the words "or entries" after "entry" in lines 5, 9, and 13.

As indicated in my report above mentioned, I heartily approve of the proposed legislation.

Respectfully, A. A. JONES, *Acting Secretary.*

It is simply to remedy a conflict of entries. The bill seeks to make the matter clear.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTION OF SENATORS.

Mr. WALSH. I move that the Senate proceed to the consideration of Order of Business 108, being the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators. I will say that after the bill is taken up it is my purpose to ask that it be temporarily laid aside, because the Senator from Mississippi [Mr. VARDAMAN] desires to be heard on the bill, and he is absent.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

Mr. WALSH. I ask that the bill be temporarily laid aside.

The PRESIDING OFFICER (Mr. POMERENE in the chair). If there be no objection, it is so ordered.

EXECUTIVE SESSION.

Mr. WALSH. On Friday last it was agreed that at the conclusion of morning business to-day the Senate should go into executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 40 minutes spent in executive session the doors were reopened and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 10, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 9, 1914.

UNITED STATES ATTORNEY.

Francis H. Weston, of Columbia, S. C., to be United States attorney, district of South Carolina, vice Ernest F. Cochran, resigned.

COLLECTOR OF INTERNAL REVENUE.

James J. Brady, of Detroit, Mich., to be collector of internal revenue for the first district of Michigan, in place of Malcolm J. McLeod, superseded.

UNITED STATES MARSHAL.

James L. Sims, of Orangeburg, S. C., to be United States marshal, district of South Carolina, vice J. Duncan Adams, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate February 9, 1914.

JUDGE OF UNITED STATES COURT FOR CHINA.

Charles Sumner Lobingier to be judge of the United States Court for China.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 9, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father Soul from whom we draw the breath of life and every thought that leads on to higher resolves and greater achievements, so move upon our hearts that we may see visions and be inspired to scale the heights which rise in splendor before us. We have not heard the last word; we have not caught the last vision. Thou art infinite, and Thy work is not done. There is still room for larger life and nobler attainments. May we be workers with Thee, through Thee, for Thee, that Thy purposes may be fulfilled in us. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, February 7, 1914, and of Sunday, February 8, 1914, was read and approved.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I call up for present consideration the conference report on the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 240).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

On the amendment of the Senate numbered 1 the committee of conference have been unable to agree.

H. D. CLAYTON,
C. C. CARLIN,
DICK T. MORGAN,
Managers on the part of the House.

LEE S. OVERMAN,
C. D. CLARK,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT OF HOUSE CONFEREES.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32) to provide for an additional judge for the eastern district of Pennsylvania, submits the following detailed statement in explanation of the effect of the question agreed upon and recommended in the conference report, namely:

Senate amendment No. 1, referred to in the report, is to strike out the proviso in section 1 of the bill, which reads as follows:

"*Provided, however*, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

The House conferees insisted that the Senate recede from this amendment, and the conferees were unable to agree.

Senate amendment No. 2 is section 3 of the bill, which was added by the Senate, and is as follows:

"That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional circuit judge for the fourth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said fourth circuit: *Provided*, That the office of circuit judge to which Robert W. Archbald was originally appointed is hereby abolished and no successor shall be appointed to fill said office."

The conferees agreed that the Senate recede from this amendment.

H. D. CLAYTON,
C. C. CARLIN,
DICK T. MORGAN,
Managers on the part of the House.

Mr. CLAYTON. Mr. Speaker, this matter has been before the House several times heretofore. I take it that it is well understood by the Members. I move, Mr. Speaker, that the House recede from its opposition to Senate amendment numbered 1 and agree to Senate amendment numbered 1.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has the conference report been disposed of?

The SPEAKER. No.

Mr. CLAYTON. I thought it had.

The SPEAKER. The gentleman's motion is premature.

Mr. CLAYTON. I withhold it, then.

Mr. PALMER. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. CLAYTON. Yes.

Mr. PALMER. It seems to me that is a mistake. The conference is not final.

The SPEAKER. The conference report, so far as it goes, is final.

Mr. PALMER. But the conference report is simply a report as to a disagreement on this amendment.

Mr. MANN. Oh, no; the gentleman is mistaken.

Mr. PALMER. So far as this amendment is concerned——

Mr. MANN. There is a conference report on the other amendment—Senate amendment numbered 2.

Mr. PALMER. The conference report is that the conferees have disagreed as to amendment numbered 1. The adoption of the conference report would bring us nowhere so far as legislation is concerned.

The SPEAKER. So far as we have agreed, the thing to do is to put the vote, and after the partial conference report is agreed to the motion of the gentleman from Alabama [Mr. CLAYTON] will be in order.

Mr. PALMER. And the gentleman from Alabama will be recognized for that purpose?

The SPEAKER. Of course he will. The question is on agreeing to this conference report.

The conference report was agreed to.

The SPEAKER. Now, the motion is in order, if the gentleman from Alabama wishes to make it over again.

Mr. CLAYTON. Mr. Speaker, I move that the House recede from its disagreement in regard to Senate amendment numbered 1 and agree to said amendment.

The SPEAKER. The gentleman from Alabama moves that the House recede from its disagreement to Senate amendment numbered 1 and agree to the same.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. The House having instructed the conferees heretofore by a vote, is not that motion now out of order until the instructions heretofore given the conferees are abrogated by a motion?

The SPEAKER. The Chair does not think so. The Chair thinks the conferees carried out the will of the House and are through with it. Now, the motion of the gentleman from Alabama practically is to change the instructions. That is the effect of it.

Mr. CULLOP. Well, a preferential motion, I suppose, would be one to instruct the House to stand by the first amendment?

Mr. CLAYTON. No; that is not preferential.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. As to the instructions to the conferees appointed under that conference, have the instructions not now fallen since the report has been made to the House?

The SPEAKER. The Chair stated that the conference committee had performed its function and carried out the instructions of the House, and is practically discharged, and the motion made by the gentleman from Alabama is undoubtedly preferential. The way to get at what the gentleman from Indiana [Mr. CULLOP] is trying to get at is to beat the motion of the gentleman from Alabama. Then what would happen the Chair does not know. Several things might happen, however.

Mr. CULLOP. I can tell what I hope will happen.

The SPEAKER. Is there any agreement between the gentlemen as to debate?

Mr. CLAYTON. I have had a tentative agreement, Mr. Speaker, with the gentleman from Pennsylvania [Mr. PALMER], the author of the bill, and with the gentleman from Indiana [Mr. CULLOP], who is opposed to the Senate amendment striking out the Cullop provision from the bill.

Mr. THOMPSON of Oklahoma rose.

Mr. CLAYTON. I yield 20 minutes to the gentleman from Pennsylvania [Mr. PALMER] and the same amount of time to the gentleman from Indiana [Mr. CULLOP].

Mr. THOMPSON of Oklahoma. Mr. Speaker, this is too important a matter to proceed with in the absence of a quorum, and I therefore make the point that there is no quorum present.

The SPEAKER. The gentleman from Alabama yields 20 minutes to the gentleman from Pennsylvania [Mr. PALMER] and 20 minutes to the gentleman from Indiana [Mr. CULLOP]; and the gentleman from Oklahoma [Mr. THOMPSON] makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-five gentleman are present; not a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Will a call of the House now bring a vote on the motion of the gentleman from Alabama [Mr. CLAYTON]?

The SPEAKER. No.

Mr. GARRETT of Tennessee. I move a call of the House, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken	Dunn	Jones	Powers
Ashbrook	Eagan	Keister	Prouty
Austin	Eagle	Kennedy, Conn.	Ragsdale
Bailey	Elder	Kiess, Pa.	Raker
Baker	Evans	Kinkaid, Nebr.	Rauch
Barchfeld	Fess	Kinkead, N. J.	Richardson
Beall, Tex.	Fields	Knowland, J. R.	Riordan
Blackmon	FitzHenry	Korbly	Roberts, Nev.
Brodbeck	Floyd, Ark.	Kreider	Rucker
Broussard	Fordney	L'Engle	Rupley
Bruckner	Foster	Lesher	Sabath
Buchanan, Ill.	Gallagher	Lewis, Pa.	Scully
Burke, Pa.	George	Lindbergh	Seldomridge
Burke, S. Dak.	Gillett	McCoy	Sharp
Burke, Wis.	Godwin, N. C.	MacDonald	Sherley
Butler	Goeke	Madden	Smith, Md.
Byrnes, S. C.	Goldfogle	Mahan	Stanley
Cantor	Goodwin, Ark.	Maher	Stephens, Nebr.
Carew	Goulden	Martin	Stout
Carlin	Graham, Ill.	Merritt	Sutherland
Cary	Graham, Pa.	Metz	Switzer
Casey	Guernsey	Miller	Taggart
Clancy	Hamill	Mondell	Talcott, N. Y.
Coady	Hamilton, N. Y.	Morin	Taylor, Colo.
Connolly, Iowa.	Hart	Moss, Ind.	Townsend
Conry	Hayes	Murdock	Tuttle
Crosser	Helgesen	Murray, Mass.	Walker
Curley	Helm	Nolan, J. I.	Wallin
Dale	Hill	O'Brien	Walsh
Danforth	Hobson	Oglesby	Whaley
Difenderfer	Howell	O'Shaunessy	Wilson, Fla.
Donohoe	Hoxworth	Payne	Wilson, N. Y.
Dooling	Johnson, Ky.	Phelan	Winslow
Driscoll	Johnson, S. C.	Porter	

The SPEAKER. Two hundred and ninety-seven Members, a quorum, have responded to their names.

Mr. PALMER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. Further proceedings under the call are dispensed with. The Doorkeeper will unlock the doors.

Mr. CLAYTON. Mr. Speaker, so far as the merits of this bill are concerned, I take it that nothing need now be said. The previous action of the House and Senate has determined the fact that this legislation is necessary for the proper administration of public justice, in order that relief may be afforded to the courts in Pennsylvania. Therefore I shall not detain the House by a statement of facts showing the necessity for this bill, which creates an additional judge at Philadelphia. The previous action of the House and Senate demonstrates the fact that this additional judge ought to be provided immediately. The House thoroughly understands, from what has heretofore occurred on this floor, that the bill does not create a new judgeship, but merely provides that an additional judge may be appointed now to discharge the duties of the judge who is incapacitated by reason of ill health from discharging the functions of his office. Upon the death of the present incumbent no other judge will be appointed his successor. The additional judge provided in this bill will be his successor.

This bill passed the House with a proviso known as the Cullop-Mann amendment:

Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

The bill went to the Senate with that proviso in it. The Senate struck out that proviso, and also further amended the bill by adding section 3, providing for an additional circuit judge for the fourth circuit.

The conferees on the part of the House were instructed to disagree to the Senate amendments and to insist upon the Senate receding from both those amendments. The House conferees obeyed the instructions of the House, and the Senate conferees receded from Senate amendment No. 2, providing for the additional circuit judge, but insisting upon the Senate amendment striking out the proviso I have just read. The House conferees insisted that this proviso be retained in the bill. The conferees were unable to agree upon this one proposition. Hence the matter has been brought back here, as shown by the conference report.

In order to test the sense of the House and in order that this necessary legislation may pass, I have made the motion that the House do not further insist upon the proviso which I have read. The Senate has agreed to the conference report by which the Senate conferees have insisted upon striking out the proviso contained in the Cullop amendment. It is therefore before the House. The House conferees bring it back here with the statement that we have endeavored to carry out the instructions of the House, but have been unable to induce the Senate to recede from its position in regard to Senate amendment No. 1. It is for the House to determine whether it will recede from its former position and agree to the Senate amendment and thereby secure the passage of this bill. I can say frankly to the House

that the action of the Senate leads the House conferees to believe that this bill can not pass with this proviso in it. If this bill passes, it can not be doubted that President Wilson will make a proper appointment. He has appointed a number of judges and they have been confirmed by the Senate.

Mr. UNDERWOOD. Will my colleague from Alabama yield five minutes to me?

Mr. CLAYTON. Certainly.

Mr. UNDERWOOD. Mr. Speaker, I wish to make a statement in reference to this bill and my position upon it. When the bill originally came before the House I voted for the Cullop amendment. The bill has been in conference twice since that time. The House has thoroughly and fully expressed its views and its approval of the Cullop amendment. There can be no doubt about the position of those who stood for that amendment at the time that it was originally voted on; but one House of Congress can not legislate without the concurrence of the other; it takes the action of both Houses in order to perfect legislation. Now, the Cullop amendment can be passed as an independent matter and sent to the Senate for its action. It is evident that the Senate would not at this time approve it. I do not believe, Mr. Speaker, that because we are in favor of a particular proposition it is necessary for us to postpone indefinitely and defeat needed remedial legislation. We are facing one of two problems. We have either got to kill this bill, of which we approve, containing remedial legislation that is necessary in order that the judicial business of the State of Pennsylvania may be carried on properly and in order that innocent people may not suffer, or else we have got to accept this conference report and recede from the Cullop amendment. This is simply a practical proposition——

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. FERRIS. How vital does the gentleman think this judgeship is? I have not heard all the debate about it.

Mr. UNDERWOOD. I have not studied it myself, but I think it is vital, or the Judiciary Committee would not have reported this bill.

Mr. FERRIS. Does it contain any other thing than the creation of another Federal judgeship there?

Mr. UNDERWOOD. I do not think it does.

Mr. CLAYTON. I will answer that question by saying that it does not do anything except provide for an additional judge over in Philadelphia. It provides further that whenever a vacancy shall occur in the office of the district judge for the eastern district of Pennsylvania, senior in commission, such vacancy shall not be filled. It does not provide an additional permanent judgeship, but simply provides for an exigency which exists on account of the hopeless inability of one of the judges there to discharge the duties of his office.

I may say that this action is not without precedent. A similar thing was done in the case of a judge in Ohio. A similar thing was done in the case of a judge in Texas, and in the case of a judge in Maryland, where their health was permanently impaired, and they could not discharge the duties of their office, and public justice was being denied. Further, there are the precedents in the cases of Justice Hunt and Justice Moody, of the Supreme Court of the United States. Congress has passed bills similar to this heretofore. It is nothing strange in the legislative history of our country.

Mr. UNDERWOOD. Mr. Speaker, I am assuming, as my colleague from Alabama has stated, that this is a meritorious bill. I have not had a chance to investigate the details myself, but the bill has come here with the unanimous report of the Judiciary Committee of the House. It has the unanimous report of the Judiciary Committee of the Senate, and it has been before the House more than six months, with ample opportunity to everybody to look into its merits. Under these circumstances I am convinced that it is a meritorious bill. Now, the only problem is as to whether, because we stood for an amendment to this bill that will not be accepted by the Senate after earnest efforts on our part to have it accepted by them, we ought to stand here and defeat this legislation, simply because the Senate will not agree to an amendment that we thought meritorious.

I think the time for us to do that is past. I think we have made as earnest an effort as could be made to pass the Cullop amendment. I shall therefore vote to concur in the Senate amendment. [Applause.]

Mr. CLAYTON. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 12 minutes, including that used by Mr. UNDERWOOD.

Mr. PALMER was recognized.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I understood the chairman of the committee to yield me 20 minutes and to the gentleman from Pennsylvania 20 minutes, and that we should be entitled to control the time.

Mr. CLAYTON. The gentleman is correct in part. I will yield to the gentleman from Indiana 20 minutes, and, of course, that 20 minutes will be entirely subject to his control.

Mr. PALMER. Mr. Speaker, this bill passed the House early last summer, immediately after the passage of the tariff bill. At that time it was a matter of the most urgent necessity. Conditions in the eastern district of Pennsylvania to-day are such that it is no exaggeration to say that if this bill shall now fail of passage it will amount to an absolute denial of justice to our people. The situation is that we have a judge in the eastern district of Pennsylvania who is hopelessly ill. He can not recover; he is physically incapacitated from the performance of any service as a judge. He has been for some years on the bench and for many years in the public service. He has accumulated no property, and it is not fair to expect that he should resign in order to relieve the congested condition of business due to his incapacity. Therefore this bill provides for a new judge only temporarily. When the vacancy occurs the senior in commission, that vacancy will not be filled. So that all you are doing, in effect, is to permit us to have two judges, as we always have had, and not to make us suffer by reason of the unfortunate circumstances that Judge Holland is too sick to do any work.

Now, this bill, as has been stated, would have been a law a long time ago if it had not been encumbered by the CULLOP amendment, which has engendered a fight both in the Senate and in the House. I am here to ask you gentlemen of the House to forget your views on the CULLOP amendment proposition for the present, and remember that you have gone on record on one side or the other of it twice and have made your record, and be willing to let us have this judge in Pennsylvania in order that justice may be done to our people.

I want to show you the condition of affairs in that district now, a condition which is growing steadily worse every day. I have here a statement made by the clerk of courts at the time Judge Thompson, who is now performing service, assumed office, on July 20, 1912. There were pending in that district in law and equity 1,538 cases. Since that date there have been instituted 1,029 cases. Disposition has been made of 400 cases, and there are still pending 2,100 cases.

Judge Thompson has actually presided in open court 285 days. Of jury trials there have been 162; naturalization hearings, 52; petitions for naturalization granted, 1,962; arguments on all classes of motions, 1,475; equity and admiralty trials in open court, 24; opinions written, 74; and orders and decrees, 2,300. All that in a year and a half by one judge, who has been working days and nights and Sundays without a vacation to keep down the work of that court and do his business and relieve the people of the consequences of the illness of his colleague. The record of work done there is unsurpassed in the district or in the country.

Let me show you what is still on the docket, undisposed-of business: Opinions to be written in cases already tried in petition and admiralty cases, 25; cases for jury trial at the April term, 75; cases composed largely of patent and admiralty matters ordered on the argument list and awaiting dates for hearing, 51; petitions for naturalization awaiting a hearing in open court, 2,521; applications for leave to file petitions for naturalization, 4,860; indictments to be presented at the March term, 35; cases pending against the Pennsylvania Railroad Co. and the Keystone Elevator Co., involving violation of the Sherman Antitrust Act, which it is said will take two or three weeks to try. There are other cases listed on the trial list which will take three or four weeks to try.

Now, the result of all this is that if you do not pass the bill and give this district an additional judge, these cases will be deferred so long, and the trials will be so long continued and postponed, that I am strictly within the fact when I say that your refusal will amount to a denial to the people of the eastern district of Pennsylvania of justice to which they are entitled in their court. As I said, we would have had this judge—for I am satisfied the House agrees with the necessity of it—we would have had this judge if it had not been complicated by an amendment offered by the gentleman from Illinois [Mr. MANN], and known in the House as the Cullop amendment, requiring publicity to be given by the President to the indorsements of the successful applicant for judge.

I do not intend now to discuss the merits of that amendment. I do believe that this bill is no place to discuss or dispose of that great proposition upon its merits. There is only one reason why it got enough votes on this special bill on this side of the

House to make it a serious matter, and that was that the Baltimore platform contained a commendation of publicity and indorsements for presidential appointees. When this matter was up the Baltimore platform was quoted to the majority Members of the House, and many felt that they must follow it, even at the expense of the Philadelphia judgeship.

I want to say this: That, admitting the full force of a platform declaration of that kind, I can not believe that it binds Members of this House to vote for the proposition whenever and wherever it may appear, regardless of results upon other important legislation. The Baltimore platform declared for an income tax; yet if the Committee on Appropriations had brought in an appropriation bill and fastened to it an income tax there would have been no violation of the platform pledges if the Democratic Members of this House voted to strike out of an appropriation bill a provision for an income tax. You may cite any number of cases of that character. You may be stanchly and strongly in favor of the principle of publicity of indorsements of Federal judges, and yet we will not be violating that principle by saying that you shall not apply it to a single judgeship in Pennsylvania, while no publicity will be given to every other appointment of judges in the country. You have no reason to believe that the present President of the United States is going to make any improper appointment of a judge in this particular district. You have no reason to require that publication be made of the indorsements of this particular judge and of no other. Yet that is what you are doing if you insist upon this amendment and it should become a law. You are saying that all other judges everywhere throughout the country who may be appointed shall be appointed without regard to publicity of indorsements, but that in this single case you require that it shall be done. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CLAYTON. Mr. Speaker, I hope the gentleman from Indiana will use some of his time.

The SPEAKER. The gentleman from Indiana, Judge CULLOP, is recognized for 20 minutes.

Mr. CULLOP. Mr. Speaker, I will inquire of the other side whether there will be more than one speech?

Mr. CLAYTON. Yes; my colleague on the committee [Mr. DUPRÉ] wants a minute, and the gentleman from Pennsylvania [Mr. LOGUE] wants a few moments, and also the gentleman from Pennsylvania [Mr. MOORE].

Mr. CULLOP. Mr. Speaker, this question has been before the House three times. It was voted upon in the Sixty-second Congress, indorsed on three roll calls by an overwhelming majority. It was indorsed by this House on a roll call by an overwhelming majority, and then the conferees were instructed to stand by this amendment by an overwhelming majority. I think that the House now ought to stand by it. [Applause.] The measure is meritorious. I stood for it when there was a Republican President and I stand for it now when there is a Democratic President. [Applause.]

Mr. MURRAY of Oklahoma. Mr. Speaker, will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. MURRAY of Oklahoma. Mr. Speaker, I desire to ask the gentleman if he will be willing to forego this amendment on this bill if the Committee on the Judiciary would report an independent bill for this subject?

Mr. CULLOP. Mr. Speaker, I will frankly answer the gentleman on that subject. I would not. If we stand for anything, if it is good enough to be adopted as a general law, it is good enough to be adopted upon all other occasions, wherever its application can be made, and that is the situation here.

Mr. THOMPSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. THOMPSON of Oklahoma. The gentleman from Pennsylvania [Mr. PALMER] a moment ago said that we would be selecting this particular bill if we voted for this amendment at this time. I will ask the gentleman if we did not select particular bills during the Republican Congress and vote on particular bills?

Mr. CULLOP. Certainly.

Mr. THOMPSON of Oklahoma. And if the gentleman from Pennsylvania did not vote for it at that time?

Mr. CULLOP. Certainly. Here is the situation in Philadelphia: I am opposed to the gentleman's bill. If he had a bill to retire the present judge, to retire him on a salary, I would vote for it because of the situation there; but this thing of creating two judgeships where the law only requires one is absolutely wrong, and it is setting a bad precedent in this House. Two or three precedents have already been cited. They were bad precedents. There is no justification for this action here now. The people there may be unfortunate in respect to their courts. People have been unfortunate in respect to courts as long as we have had courts. They are not entitled to any more relief now than other people who have suffered from the same inconveniences at different times throughout the history of the country.

What is the situation? They have a district judge there. He is sick and unable to discharge his duties. What do they propose? They propose to pass a law creating a new judgeship, or the appointment of a new judge, so that the people of that district will have two judges instead of one—one who is able to work and one who is not—and the people of the country have to pay the bill of both. The situation there can be relieved. The law provides relief for all such conditions. The court could designate a man from any part of the Union to go there and hold that court.

As a rule the Federal judges are not kept very busy in this country. In a great many of the districts they are not employed all of the time, and the court has a right under the present law to appoint some judge to go there and hold that court, try and dispose of those cases. They are not doing that. They could have done that if they would apply to the right channel, and this bill, it seems to me, smacks very strongly of giving some man in this country a new job; some man who wants a judgeship. [Applause.] This matter could be relieved very easily. There will be no trouble about it. The law provides how it can be done, and the court can designate another judge from some other circuit in this country to go there and hold that court and try and dispose of those cases, and yet they are not having that done. Why?

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. PALMER. I would like to say to the gentleman that has been done, and even that has not been sufficient to keep this work down.

Mr. CULLOP. Well——

Mr. PALMER. Just one moment, if the gentleman will permit me. I shall not take up very much time. Judge Singer, of Ohio, Judge McPherson, and Judge Whitmer, and other judges have sat in the court during the past six months, and——

Mr. CULLOP. I want to answer that proposition.

Mr. PALMER. And application has been made for the assignment of one of these judges from the Commerce Court bench, but it has been found that all four of these judges have already been assigned to districts in which they reside.

Mr. CULLOP. Let me answer the gentleman.

Mr. THOMPSON of Oklahoma. Just one moment, Mr. Speaker.

Mr. CULLOP. No; I can not yield.

Mr. THOMPSON of Oklahoma. I want the gentleman to explain the Democratic platform adopted in Baltimore in 1912.

Mr. CULLOP. I do not want that done in my time. It indorses this amendment, and the Democrats of this House should stand by it.

Mr. THOMPSON of Oklahoma. I want to put it in in your time.

Mr. CULLOP. I will yield you enough time to put it in the RECORD, so as to show our party indorses this proposition.

If those judges are not going there and holding that court when designated by the proper authority, they ought to be removed, because the law makes it their duty to do so. The situation can be relieved right now under the law without making this imposition upon the people of this country in requiring them to pay for an extra judge. There is no trouble about relieving that situation, and the gentlemen of the House may just as well understand that now and let the country understand what the proposition is as to putting this new judge upon the bench. [Applause.] That matter can be very easily relieved, and if they apply to the proper authority for the appointment of a judge to go and hold that court and relieve that docket, if anyone refuses to go they can bring the proper action and have some man named in his place who will go.

Now, Mr. Speaker, I hope that the motion of the gentleman from Alabama [Mr. CLAYTON] will be voted down. The Senate has just as much right to make a concession as the House, and it has no greater rights in the premises. This House has gone on record on this question, and it ought to stand by the record.

Now, Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. BRYAN].

The SPEAKER. How much time does the gentleman yield?

Mr. CULLOP. How much time have I left?

The SPEAKER. The gentleman from Indiana has used 9 minutes and has 11 minutes left. He now yields 3 minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, the Cullop amendment is Democratic medicine, put up in a Democratic capsule, and I think it is good enough for the Democratic Party to take. And I commend to the Democratic Party the position of the President of the United States on the subject of abiding by campaign pledges. According to a little newspaper clipping which I have here, a lady, Mrs. Evans, appeared with 300 followers before the President the other day attempting to get his support for equal suffrage, and Mrs. Evans said to him that during the campaign they had worked their "finger nails off" in trying to get votes for him because they thought from his expressions that he was favorable to them. The President, according to the newspaper, replied:

"I was much freer to express opinion then than I am now."

"There are 300 working women outside awaiting your answer," said Mrs. Evans.

"I want to say just this," returned the President, "I need not tell you that what you have said makes a profound impression upon me, but I have already explained my limitations. Until a party as such has taken a position on a question, I am not at liberty to speak for it. I am limited in expressing my opinion, no matter what my individual thoughts may be. I have no doubt that your visit will make a profound impression."

Now, then, I say if the President is so limited by platform utterances the Democratic Party ought to be limited by platform utterances. But to turn to the real substance of this case, the matter of creating the special judgeship up there in the State of Pennsylvania, I am opposed to it on the merits of the proposition. I do not believe that we are going to correct these evils which the Democratic Party has always talked about, life tenure and other evils that are associated with the judiciary, by palliatives and by attempting to substitute one judge for another. I think in the district up there where the judge is needed the law ought to provide for efficiency. This act is practically a request to make way for life tenure, for a $7,000 a year pension, for inefficiency on the bench. I do not believe that kind of enactment ought to go in Congress. If the judge up there is not doing his duty, and there is no law on the books for the $7,000 pension, the Judiciary Committee of this House ought not to stand for adopting a $7,000 pension for a judge, or for anybody else, unless he is entitled to it, or unless you take up the proposition directly and pass a law regularly granting the pension.

As to this particular judge, I think he ought to be so enamored of his duty and so devoted to the principles of this Government and to the judiciary that he would not stand for accepting $7,000 a year for nothing for life without law or right. He has been on the bench seven years. That is a tremendous pension to give to a man who has been only seven years in the public service. They say he is without funds on which to live; but that is not the proposition before this Congress. If that district needs a judge, according to the statement the gentleman has just made, then at the death of Judge Holland they will want to continue the judicial position created by this act, and a successor to Judge Holland will then have to be named.

The SPEAKER. The time of the gentleman from Washington [Mr. BRYAN] has expired.

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Speaker, I appreciate the feeling of some of our Democratic friends on this publicity proposition, but if they thoroughly understood the merits of this case I think they would pass this bill without question. We do not ask, in this instance, for the appointment of a Republican judge. We do not expect it. We need a judge to dispose of the congestion in that court. It is a great court, and its business has been centralized upon one judge because of the utter incapacity of his colleague. Three other judges have come into the district to aid the sitting judge. They have not been able to keep up with the current business at all, and their assistance has been temporary only. The court is two or three years behind in the matter of naturalizations alone. It will take that length of time to catch up. It is not unfair to ask that this bill be passed and that a new judge be appointed. It is only a question of time before the senior judge will pass away, much as we regret that fact. He has been a faithful judge, and to turn him out now when he is practically on his deathbed, as suggested by the gentleman from Washington [Mr. BRYAN], would be a hardship and a cruelty.

It is not fair; it is not demanded by the people of this Nation that a faithful judge should be so treated.

I ask, Mr. Speaker, that I may be permitted to extend my remarks by inserting from the Evening Bulletin, of Philadelphia, an article which covers this entire situation.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD by printing an editorial article from the Philadelphia Evening Bulletin. Is there objection?

There was no objection.

Following is the article referred to:

OUR UNITED STATES DISTRICT COURT.

The bill pending in Congress for an additional judge of the Federal Court of the Eastern District of Pennsylvania is in line with the desire of most of the lawyers and litigants who have cases pending before that court. Many complaints have been received at the court due to the increasing congestion of the docket, which includes cases in which millions of dollars are involved in disputed patent and property rights, and in view of the illness of the older judge, it is impossible for Judge Thompson to reduce the number of cases on the lists.

It seems unfair to the Federal judges, before whom are heard many cases involving questions of serious moment, although they receive no greater salary than the city pays the judiciary of the municipal court, to ask one, or even two men, to try the cases growing out of a jurisdiction embracing 10 counties and including such cities as Philadelphia, Reading, Norristown, Chester, Lancaster, and Easton.

Twenty-one hundred cases are now pending before the district court, which if disposed of at the rate of progress in the past year would require several years' steady work, not estimating the new cases which would be added at the rate of from seven to eight hundred a year. At the present time over 2,500 petitions for naturalization are awaiting hearing, and there are pending nearly 4,900 applications for leave to file petitions. For the coming term there are listed alone 51 patent and admiralty cases, 30 criminal suits, and 75 law and equity cases. The amount of work this means is enormous. Among the civil suits is the case of the Weisbach Lighting Co. against the city, which will take, perhaps, two weeks to try, and on the criminal list there is one charging a violation of the Sherman Antitrust Act that it is thought will take three weeks to try. Further, it is estimated that six weeks will be needed to clean up the patent and admiralty cases, eight weeks to dispose of the naturalization hearings, and three weeks to hear the balance of the criminal cases. Five months in all, without counting time for writing opinions or keeping the bankruptcy lists active that are now heard on three days of the week.

To write an opinion in an important Federal suit requires that the judge be secluded for from two to four days, and the amount of the bankruptcy cases is indicated by the statement that in the past 18 months 580 petitions have been filed and 1,240 arguments heard. The court aims to keep the latter class of cases active, involving as they do the distribution of funds to creditors, and also strives to grant the privilege of citizenship as speedily as possible to those who desire it. But although nearly 2,000 naturalization petitions have been granted since the summer of 1912, 6,000 now await the court's attention.

Although the framers of the Judicial Code believed they provided relief by permitting the transfer of judges from other districts or from the circuit court of appeals, in instances of docket congestion, the plan has failed in practice, due to the unforeseen increase in the amount of business. Under the new rules the district court is compelled to hear the admiralty and patent arguments that were formerly made before masters, as well as dispose of the number of Federal cases growing out of the multiplication of statutes affecting business. In the last year and a half it has been possible to assign but three judges as assistants, two of whom, Judge Sater, of Ohio, and Judge McPherson, formerly of the district court and now of the circuit court of appeals, were able to dispose of but a relatively small number of cases, while the third, Judge Witmer, presided at the seven weeks' trial of the International Lumber Co.'s case.

Thus the general growth of litigation in the Federal Courts nullifies the benefits to be derived from the shifting of the judges contemplated in the code. All are busy, although all do not have the same number of people within their Territorial jurisdiction. In the passage of the various acts during the 125 years of the court's existence, it has been necessary to observe State lines, so that there is considerable variance, such as in the jurisdiction of the Delaware court, with a population of but little more than a half-dozen of this city's wards, and the jurisdiction of the court at Ninth and Chestnut Streets. But the big centers of population, where the larger interests and corporations are located, are also the centers of litigation. Compared with the eastern district of Pennsylvania, the southern district of New York, with but 700,000 more people, is served by four judges, and the northern district of Illinois, in which Chicago is situated, has recently received the benefit of one of the judges from the abolished Commerce Court, giving that district three judges for less than three and a half million people.

Mr. MANN. Mr. Speaker, will the gentleman yield to me two minutes?

Mr. CLAYTON. I yield to the gentleman from Illinois two minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. Mr. Speaker, I shall vote for the motion made by the gentleman from Alabama [Mr. CLAYTON], to agree to the Senate amendment and recede from the disagreement.

The gentleman from Washington [Mr. BRYAN] a moment ago called attention to a statement, reputed to have been made by the President, in which he stated that he did not feel at liberty to take a position upon the suffrage question, because it was not referred to in the Democratic platform. I think the point made by the gentleman from Washington was not quite a sound one. The President has stated that he does not feel at liberty to take a position where the Democratic platform has not taken a position, but he has not stated that he did feel at liberty to repudiate the Democratic platform where it has taken a position. [Laughter.] It seems to me that the Democratic Members of the House are at as full liberty on this occasion to repudiate the Democratic platform upon this subject as the President is upon the Panama Canal tolls question. [Applause on the Republican side.]

Mr. CLAYTON. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman from Alabama has 14 minutes, and the gentleman from Indiana [Mr. CULLOP] has 8 minutes.

Mr. CLAYTON. Mr. Speaker, will the gentleman from Indiana occupy some of his time?

Mr. CULLOP. I would like to have the gentleman from Alabama occupy some of his time. I have only two more speakers on my list.

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. DUPRÉ].

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] is recognized for two minutes.

Mr. DUPRÉ. Mr. Speaker, I was unavoidably absent at the time the Cullop amendment was affixed to this bill. Had I been present, I certainly would have voted against it.

The principle that underlies it is offensive to me as a man and is repugnant to me as a lawyer. As a matter of fact, I think our party has taken an untenable position on this point and it ought to recede.

The idea of the President of the United States being required to tell why he appoints a man to office! I think it would be much more seemly and much more appropriate to require the Members of this House to tell why they appoint their private secretaries. Anyone who has respect for the judiciary, anyone who has respect for the President of the United States, anyone who has respect for the Constitution of the United States, must see the impropriety and unconstitutionality of the proposition advanced by the gentleman from Indiana, and I avail myself of this opportunity to put myself on record as being against it. [Applause.]

Mr. Speaker, I return the balance of my time.

Mr. CLAYTON. Mr. Speaker, I now yield two minutes to the gentleman from Pennsylvania [Mr. LOGUE].

The SPEAKER. The gentleman from Pennsylvania [Mr. LOGUE] is recognized for two minutes.

Mr. LOGUE. Mr. Speaker, I have assumed that, in view of the favorable report of the Committee on the Judiciary, the action of the House, and the action of the Senate, we can conclude that there is a necessity for the additional judge in the eastern district of Pennsylvania. That condition, therefore, being established by the various actions to which I have referred, I view the insistence upon the Cullop amendment as being directed to this special bill and not advanced as a general principle.

We have appointments being made at the present time which are not subject to any such investigation or exploiting of recommendations, and I think it absolutely unfair at this time that this amendment should be attached to this special bill for the purpose of doing that which it necessarily does do—defeat the administration of justice in the eastern district of Pennsylvania.

I do not attach any weight to the suggestion that an honest, faithful judge, unable by physical ailment to longer preside, a man under an income of $6,000 a year, who has given his best hours, who has no resources to fall back upon, shall be the object of dependence by asking him to withdraw from the bench under circumstances such as these.

The business of our district demands the attendance of an additional judge there. Judge Witmer was there for a period of six weeks in the great lumber case; other judges had been brought in for special trials. We are confronted with the bankruptcy business and the numerous ordinary applications. Two judges have been there for years, and they should be there. To take a judge out of another district cripples that district. We are merely asking now for a temporary provision for an additional judge, and that office will automatically cease upon the death of the judge senior in years, that judge being the present incumbent, who is ill. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CLAYTON. Mr. Speaker, I hope the gentleman from Indiana will use the rest of his time.

Mr. CULLOP. I am going to have it divided up into two or three parts. I would like to have the gentleman from Alabama use some of his time, alternating with it, if he will.

Mr. CLAYTON. It is my purpose, Mr. Speaker, to yield most of the time I have remaining to the gentleman from Pennsylvania [Mr. PALMER], and I shall want to reserve one or two minutes at the close for myself.

Mr. CULLOP. Mr. Speaker, I yield four minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for four minutes.

Mr. SAUNDERS. Mr. Speaker, whatever may have been the original attitude on the part of any Democratic Member of this House toward the proposition to require that the indorsements, and recommendations upon which presidential appointments have been made, shall be made public, there is one very sufficient reason why we should abide by the action, heretofore, deliberately taken by this body, and that is that we went before the country in the last election with one plank in our platform commending the action of the House in favoring this principle.

In the Baltimore platform, which was adopted after this House had acted upon this proposition, the course of the Democratic Party with respect to this action was specifically commended. In the ensuing election we won on that platform; and no party can hope to sustain itself with the voters, unless it affords a living exemplification of keeping the pledges upon which it has been elected.

Permit me to call the attention of the Democrats of this Chamber to this feature of our party platform. After commending the Democratic House of Representatives for quite a number of things, the platform proceeded to say:

> We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

Nor was the platform limited to a specific indorsement of the Democratic attitude in this respect, but in order to assure the country that what we had declared that we would do, would be done, if the opportunity for action was afforded, we concluded that platform in the following terms:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office, as well as relied upon during the campaign, and we invite the cooperation of all citizens regardless of party who believe in maintaining unimpaired the institutions and traditions of our country.

After emphasizing the things that we commended in the record of the Democratic Party, by reciting them in orderly succession, we held out to the people of the entire United States the assurance that if the opportunity for action was given, our party would afford to the world an exemplification of a party that not only made promises with a view to getting into power, but of a party that kept and maintained those promises when once this power was attained. [Applause.]

Mr. CAMPBELL. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. CAMPBELL. Has there been any publicity yet of any indorsements that have been made to the President either written or verbal for any appointments that he has so far made?

Mr. SAUNDERS. I do not know whether there has been or not.

Mr. CAMPBELL. I ask for information.

Mr. SAUNDERS. I can only reply that I do not know; but the proposition before the House is one which requires a recession on our part from an attitude which we deliberately and with full knowledge assumed, on several occasions. I take it that unless this House is going to make itself ridiculous before the country, we will not yield merely because the Senate stands pat. No sufficient reasons have been afforded why this recession on our part should take place. I am not discussing in this connection the right of Congress to enact a publicity law, for the simple reason that this ground has been covered heretofore. I am not even taking issue at this time—though I am ready to take issue in the forum of argument—with the gentleman from Louisiana [Mr. DUPRÉ], as to the merits of this proposition; but confine myself for the present, to the proposition that when the Democratic Party takes an attitude in a party platform they have pledged their faith to the people of the United States, and that pledge is not to be lightly withdrawn. There is too much present talk about abandoning and too much apparent readiness to abandon the principles and promises that we included in our platform of 1912. "Pledges are made to be kept when in office, as well as relied upon during the campaign." [Applause.]

Mr. CLAYTON. I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am very much in favor of the passage of this bill, because we had in the district of Maryland a situation exactly similar to that which calls for the passage of this measure. Our Judge Morris had served for many years, and very efficiently and ably, but he became ill and was unable to attend to the duties of his office, and the work of the court was tied up for a long time. Finally a bill similar to this was passed by Congress, signed by the President, and Judge Rose was appointed in that district. Judge Rose took up the work very efficiently and began clearing the calendar. Judge Morris continued ill for a long time, and finally departed this life, and Judge Rose took entire charge of the court. The matter worked out so admirably in the State of Maryland that I hope this House will pass this bill, because I believe it is

absolutely necessary for the eastern district of Pennsylvania, as it was for our district of Maryland. [Applause.]

Mr. CULLOP. Mr. Speaker, how much more time have I?

The SPEAKER. The gentleman from Indiana has four minutes and the gentleman from Alabama eight.

Mr. CULLOP. Will not the gentleman from Alabama use some of his time?

Mr. CLAYTON. I hope the gentleman will use his time.

Mr. CULLOP. I yield one minute to the gentleman from Oklahoma [Mr. THOMPSON].

Mr. THOMPSON of Oklahoma. Mr. Speaker, there are two great fundamental propositions involved in this question. The first proposition is that we have declared for a certain thing in our platform. Shall we yield that because a certain district over in Pennsylvania wants an additional judge? The second question is, Shall we yield to the Senate simply because the Senate wants to violate the Democratic platform? [Applause.] Mr. Speaker, I want to quote the Democratic platform at Baltimore in 1912, particularly the part that pertains to this question:

> And we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

Mr. Speaker, if I had it within my power, I would do away with all these Federal judges.

I do not believe in an office-holding aristocracy. If this is a Government of the people, for the people, and by the people, then all power should originate with the people, and certainly no man, be he President, Senator, Congressman, or judge, should set aside the will of the people when solemnly expressed through their Representatives in form of law. Inferior Federal judges have in the past, in the face of law, in the face of public opinion, and in violation of the expressed wish of the people, set aside the views of the people on different public questions as expressed by their Representatives. I have heretofore expressed my opinion of Federal judges, and it was that they should be subject to the wish and will of the people whom they preside over. In my opinion, the creature never becomes greater than the creator, and this is just as true of Federal officers as it is true of State officers.

Mr. Speaker, during the Sixty-second Congress when this House had under consideration H. R. 17595—during the consideration of that bill the distinguished gentleman from Indiana [Mr. CULLOP] offered the following amendment:

> Add a new section, as follows: "That hereafter before the President shall appoint any district, circuit, or Supreme Court judge he shall make public all indorsements made in behalf of any applicant."

A roll call was had on that amendment, and every Democratic Member of the House at the time voted in favor of it, with the exception of 13. The vote was as follows:

YEAS—151.

Adair	Farr	Lamb	Rouse
Akin, N. Y.	Fergusson	Lee, Ga.	Rubey
Alexander	Ferris	Lenroot	Rucker, Colo.
Allen	Finley	Lindbergh	Rucker, Mo.
Anderson, Minn.	Fitzgerald	Linthicum	Russell
Ansberry	Flood, Va.	Littlepage	Shackleford
Barnhart	Floyd, Ark.	Lloyd	Sheppard
Blackmon	Foster, Ill.	Lobeck	Sherwood
Boehne	Fowler	McGillicuddy	Sims
Booher	Francis	McLaughlin	Sisson
Brown	Garner	Macon	Sloan
Bulkley	Godwin, N. C.	Maguire, Nebr.	Smith, N. Y.
Burke, Wis.	Goeke	Maher	Smith, Tex.
Burleson	Goodwin, Ark.	Martin, Colo.	Stedman
Byrnes, S. C.	Gould	Mays	Steenerson
Callaway	Gray	Miller	Stephens, Miss.
Carlin	Gregg, Pa.	Moon, Tenn.	Stephens, Tex.
Carter	Gregg, Tex.	Moore, Tex.	Stone
Claypool	Hamlin	Morse, Wis.	Sulzer
Clayton	Hardwick	Moss, Ind.	Taggart
Cline	Hardy	Murdock	Talcott, N. Y.
Collier	Hay	Nelson	Taylor, Colo.
Cooper	Heflin	Norris	Thomas
Cox, Ohio	Helgesen	Nye	Tribble
Cullop	Henry, Tex.	Oldfield	Tuttle
Curley	Houston	Page	Underhill
Daugherty	Howard	Palmer	Underwood
Davenport	Hughes, N. J.	Patten, N. Y.	Volstead
Davis, Minn.	Hull	Pou	Watkins
Dent	Jacoway	Prouty	Webb
Denver	Johnson, Ky.	Raker	Wedemeyer
Dickinson	Jones	Randell, Tex.	Wilson, N. Y.
Dickson, Miss.	Kendall	Rauch	Wilson, Pa.
Dixon, Ind.	Kent	Rees	Witherspoon
Doremus	Kinkead, N. J.	Reilly	Woods, Ohio
Doughton	Konop	Roberts, Nev.	Young, Kans.
Dyer	Lafferty	Roddenbery	Young, Tex.
Faison	La Follette	Rothermel	

NAYS—84.

Austin	Browning	Crumpacker	Draper
Bartholdt	Burke, Pa.	Curry	Driscoll, M. E.
Bingham	Burke, S. Dak.	Dalzell	Dwight
Bowman	Calder	Danforth	Foster, Vt.
Bradley	Cannon	Dies	French
Brantley	Crago	Dodds	Fuller
Gardner, Mass.	Hinds	McKinney	Slemp
Gardner, N. J.	Holland	Madden	Smith, J. M. C.
Garrett	Howland	Mann	Smith, Saml. W.
Good	Hubbard	Moon, Pa.	Speer
Green, Iowa	Hughes, W. Va.	Morgan	Sulloway
Griest	Humphrey, Wash.	Morrison	Switzer
Guernsey	Kahn	Needham	Taylor, Ohio
Hamilton, Mich.	Kinkaid, Nebr.	Olmsted	Thistlewood
Hammond	Knowland	O'Shaunessy	Towner
Harris	Korbly	Payne	Utter
Hays	Lafean	Peters	Vreeland
Henry, Conn.	Littleton	Pickett	White
Henry, Conn.	McCall	Powers	Wilder
Higgins	McGuire, Okla.	Reyburn	Willis
Hill	McKenzie	Sherley	Young, Mich.

ANSWERED "PRESENT"—12.

Adamson	Difenderfer	McMorran	Sharp
Bartlett	Esch	Parran	Tilson
Cary	McDermott	Riordan	Weeks

NOT VOTING—143.

Aiken, S. C.	Donohoe	James	Prince
Ainey	Driscoll, D. A.	Johnson, S. C.	Pujo
Ames	Dupré	Kennedy	Rainey
Anderson, Ohio	Edwards	Kindred	Ransdell, La.
Andrus	Ellerbe	Kitchin	Redfield
Anthony	Estopinal	Konig	Richardson
Ashbrook	Evans	Kopp	Roberts, Mass.
Ayres	Fairchild	Langham	Robinson
Barchfeld	Fields	Langley	Rodenberg
Bates	Focht	Lawrence	Sabath
Bathrick	Fordney	Lee, Pa.	Saunders
Beall, Tex.	Fornes	Legare	Scully
Bell, Ga.	Foss	Lever	Sells
Berger	Gallagher	Levy	Simmons
Borland	George	Lewis	Slayden
Broussard	Gillett	Lindsay	Small
Buchanan	Glass	Longworth	Smith, Cal.
Burgess	Goldfogle	Loud	Sparkman
Burnett	Graham	McCoy	Stack
Butler	Greene, Mass.	McCreary	Stanley
Byrns, Tenn.	Gudger	McHenry	Stephens, Cal.
Campbell	Hamill	McKellar	Stephens, Nebr.
Candler	Hamilton, W. Va.	McKinley	Sterling
Cantrill	Harrison, Miss.	Malby	Stevens, Minn.
Catlin	Harrison, N. Y.	Martin, S. Dak.	Sweet
Clark, Fla.	Hartman	Matthews	Talbott, Md.
Connell	Haugen	Mondell	Taylor, Ala.
Conry	Hawley	Moore, Pa.	Thayer
Copley	Heald	Mott	Townsend
Covington	Helm	Murray	Turnbull
Cox, Ind.	Hensley	Padgett	Warburton
Cravens	Hobson	Patton, Pa.	Whitacre
Currier	Howell	Pepper	Wickliffe
Davidson	Hughes, Ga.	Plumley	Wilson, Ill.
Davis, W. Va.	Humphreys, Miss.	Porter	Wood, N. J.
De Forest	Jackson	Pray	

I note, Mr. Speaker, that the distinguished gentleman from Pennsylvania [Mr. PALMER] and the great leader of this House [Mr. UNDERWOOD] voted in favor of the Cullop amendment at that time. I do not understand with what consistency they can come before the House at this time and ask the Democrats to violate a platform pledge made at the Baltimore convention in favor of publicity. Mr. Bryan, the great leader of our party in three great national campaigns—1896, 1900, and 1908—had this to say with reference to the votes of Democrats on that Democratic amendment offered in the Sixty-second Congress by the distinguished gentleman from Indiana [Mr. CULLOP].

The Cullop amendment reads as follows:

> Hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant.

Mr. Bryan said:

> Is there anything in that amendment that an honest man can object to? Why should the President desire to conceal the recommendations upon which he appoints public servants? And why should he be permitted to conceal recommendations if he does desire to do so? The amendment does not interfere with his right to appoint; it simply asks him to step out into the daylight and let the people see to what indorsements he gives weight and what indorsements he ignores. Anything wrong about that?
>
> The opponents of the amendment say that it is unconstitutional. The objection is ridiculous, but suppose it were a doubtful question? Why not let the court decide the question of constitutionality? If the amendment is desirable, let Congress pass the bill; the Federal courts can be relied upon not to allow the people to have any more light than the Constitution permits. The 13 Democrats opposing the law give the benefit of the doubt to the predatory interests. If the 13 had their way about it, the courts would have no chance to decide the question on the side of the people.
>
> The 13 Democrats made a mistake—a grievous mistake. With some of them such mistakes are a matter of habit, but some of the 13 are new offenders. It remains to be seen whether they have been misled or have deliberately started on a downward course. Their constituents should write them, demanding an explanation. By the time they get through explaining they will know more. Those Democrats (in the districts represented by the 13 Democrats) who favor the Cullop amendment should make it an issue. It should be indorsed in the congressional platforms in these districts and the candidates should be committed to publicity or left at home. A man who really believes that the President should be permitted to make his appointments on secret recommendations can not be trusted to represent a Democratic constituency.

The distinguished gentleman from Pennsylvania [Mr. PALMER] and the leader of this House [Mr. UNDERWOOD] advise us that we have performed our whole duty in voting in favor of the Cullop amendment during the Sixty-third Congress. I am a

little slow to follow the leadership of these distinguished gentlemen, in view of the fact that they have consistently voted against publicity during a Democratic administration, while always voting for it when it was impossible during a Republican administration.

By reference to the CONGRESSIONAL RECORD of May 10, 1913, it will be found that the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Alabama [Mr. UNDERWOOD] voted against the Cullop amendment. The vote on the Cullop amendment—

that the President shall make public all indorsements in behalf of the person appointed as such district judge—

was as follows:

YEAS—170.

Abercrombie	Dixon	Hensley	Reed
Aiken	Doremus	Hill	Reilly, Wis.
Allen	Doughton	Hinebaugh	Roddenbery
Anderson	Dyer	Hughes, Ga.	Rogers
Ashbrook	Eagle	Hulings	Rubey
Austin	Elder	Hull	Rupley
Bailey	Faison	Igoe	Russell
Barkley	Falconer	Jacoway	Sabath
Barton	Farr	Keating	Scott
Beall, Tex.	Fergusson	Kelly, Pa.	Sherwood
Bell, Cal.	Ferris	Kennedy, Iowa	Sinnott
Bell, Ga.	Fess	Key, Ohio	Smith, Minn.
Bowdle	Fields	Kinkead, N. J.	Smith, Tex.
Brown, W. Va.	Fitzgerald	Kirkpatrick	Stafford
Brumbaugh	FitzHenry	Knowland, J. R.	Steenerson
Bryan	Flood, Va.	Lafferty	Stephens, Cal.
Buchanan, Ill.	Foster	La Follette	Stephens, Miss.
Buchanan, Tex.	Fowler	Langley	Stephens, Nebr.
Burke, Wis.	Francis	Lewis, Pa.	Stephens, Tex.
Callaway	Frear	Lieb	Stone
Candler, Miss.	Gallagher	Lloyd	Stringer
Cantrill	Gard	Lobeck	Tavenner
Carr	Garrett, Tex.	Lonergan	Taylor, Ark.
Carter	Gilmore	McDermott	Taylor, Colo.
Cary	Goeke	Maguire, Nebr.	Temple
Chandler, N. Y.	Goodwin, Ark.	Manahan	Thacher
Church	Goodwin, Me.	Mapes	Thomas
Collier	Gorman	Mitchell	Thompson, Okla.
Connelly, Kans.	Goulden	Moon	Treadway
Connolly, Iowa	Graham, Ill.	Morgan, Okla.	Vaughan
Copley	Gray	Murdock	Walker
Cox	Green, Iowa	Murray, Mass.	Walters
Crisp	Gregg	Murray, Okla.	Watkins
Crosser	Hamlin	Neeley	Watson
Cullop	Hardwick	Nelson	Whaley
Davenport	Hardy	Nolan, J. I.	Williams
Davis, Minn.	Hawley	Norton	Willis
Decker	Hayden	Oldfield	Wilson, Fla.
Deitrick	Heflin	Peterson	Wingo
Dent	Helgesen	Phelan	Young, N. Dak.
Dershem	Helm	Porter	Young, Tex.
Dickinson	Helvering	Rainey	
Dillon	Henry	Raker	

NAYS—84.

Alexander	Driscoll	Lee, Ga.	Post
Avis	Eagan	Lee, Pa.	Pou
Baker	Floyd, Ark.	Lesher	Powers
Bartlett	French	Logue	Rayburn
Beakes	Garrett, Tenn.	McAndrews	Reilly, Conn.
Blackmon	Gittins	McGuire, Okla.	Richardson
Booher	Greene, Mass.	McLaughlin	Roberts, Nev.
Borchers	Greene, Vt.	Madden	Rothermel
Britten	Hamill	Mann	Saunders
Brodbeck	Hamilton, Mich.	Martin	Slayden
Burgess	Hammond	Montague	Sloan
Burke, S. Dak.	Hay	Moore	Smith, Idaho
Burnett	Hinds	Morgan, La.	Sparkman
Byrnes, S. C.	Holland	Morrison	Talcott, N. Y.
Byrns, Tenn.	Howard	O'Hair	Townsend
Caraway	Humphrey, Wash.	O'Shaunessy	Tuttle
Clancy	Humphreys, Miss.	Page	Underhill
Claypool	Johnson, Utah	Palmer	Underwood
Curry	Keister	Payne	Weaver
Davis, W. Va.	Kennedy, Conn.	Platt	Wilder
Donovan	Korbly	Plumley	Young, Mich.

ANSWERED "PRESENT"—6.

Adamson	Covington	Fairchild	Garner
Clayton	Dunn		

NOT VOTING—170.

Adair	Casey	Gillett	Jones
Ainey	Clark, Fla.	Glass	Kahn
Ansberry	Cline	Godwin, N. C.	Kelley, Mich.
Anthony	Conry	Goldfogle	Kennedy, R. I
Aswell	Cooper	Good	Kent
Barchfeld	Cramton	Gordon	Kettner
Barnhart	Curley	Graham, Pa.	Kiess, Pa.
Bartholdt	Dale	Griest	Kindel
Bathrick	Danforth	Griffin	Kinkaid, Nebr.
Borland	Dies	Gudger	Kitchin
Bremner	Difenderfer	Guernsey	Konig
Brockson	Donohoe	Hamilton, N. Y.	Konop
Broussard	Dooling	Harrison, Miss.	Kreider
Brown, N. Y.	Doolittle	Harrison, N. Y.	Langham
Browne, Wis.	Dupré	Haugen	Lazaro
Browning	Edmonds	Hayes	L'Engle
Bruckner	Edwards	Hobson	Lenroot
Bulkley	Esch	Houston	Lever
Burke, Pa.	Estopinal	Howell	Levy
Butler	Evans	Hoxworth	Lewis, Md.
Calder	Finley	Hughes, W. Va.	Lindbergh
Campbell	Fordney	Johnson, Ky.	Lindquist
Carew	Gardner	Johnson, S. C.	Linthicum
Carlin	Gerry	Johnson, Wash.	McClellan
McCoy	Patten, N. Y.	Sims	Taylor, N. Y.
McGillicuddy	Patton, Pa.	Sisson	Ten Eyck
McKellar	Pepper	Slemp	Thomson, Ill.
McKenzie	Peters	Small	Towner
Mahan	Prouty	Smith, J. M. C.	Tribble
Maher	Quin	Smith, Md.	Vare
Merritt	Ragsdale	Smith, N. Y.	Volstead
Metz	Rauch	Smith, Saml. W.	Wallin
Miller	Riordan	Stanley	Walsh
Mondell	Roberts, Mass.	Stedman	Webb
Morin	Rouse	Stevens, Minn.	Whitacre
Moss, Ind.	Rucker	Stevens, N. H.	White
Moss, W. Va.	Scully	Stout	Wilson, N. Y.
Mott	Seldomridge	Sumners	Winslow
O'Brien	Sells	Sutherland	Witherspoon
Oglesby	Shackleford	Switzer	Woodruff
O'Leary	Sharp	Taggart	Woods
Padgett	Sherley	Talbott, Md.	
Parker	Shreve	Taylor, Ala.	

And when the matter was again before the House on July 15, 1913, while there was no record vote, the distinguished gentleman from Pennsylvania [Mr. PALMER] and the great leader of this House [Mr. UNDERWOOD] again voted against the Cullop amendment. I do not see, therefore, Mr. Speaker, how they can consistently at this time oppose the Cullop amendment and say to us that we ought to follow them because we have made our record, because they have always been opposed to publicity, even in the face of the Democratic platform.

For myself, I do not intend to make a promise to the people before election, and refuse to live up to it after the election. I think Mr. Bryan more clearly and forcibly stated this proposition than I possibly can when he said:

A man who really believes that the President should be permitted to make his appointments on secret recommendations can not be trusted to represent a Democratic constituency.

Mr. Speaker, I am in favor of the widest publicity of the actions of this Congress. I am in favor of letting the people know what we do in caucus as well as in Congress. If what I do does not respond to the best interests of the common people—the farmers and the laboring people—they ought to know it, and they ought to send a man here who will in truth and in fact represent their views.

In conclusion, let me say that there ought to be no secret caucus, no vote except when a record is made. The people are entitled to know what we are doing. If we do the right thing we ought to be glad to let the people know we have done right. If we behind closed doors and without a roll call do the wrong thing, the people ought to kick down the doors and find what we are doing. I for one am willing to stand or fall by what is right. Can those who vote against me say as much? I challenge them to the contest. [Applause.]

Mr. CULLOP. Will the gentleman from Alabama use some of his time now? My three minutes will be consumed in one speech.

Mr. CLAYTON. I stated to the gentleman that it was my purpose, really, to have but one more speech. That will be by the gentleman from Pennsylvania [Mr. PALMER], and I will reserve one or two minutes at the end, in order that I may make a motion.

Mr. CULLOP. Mr. Speaker, no man, except one, has raised the question this time that this proposition is unconstitutional. If it is unconstitutional, the Executives in this Republic for 135 years have failed to find out and recognize that fact. Whenever this question has been presented, no President of this Republic has ever questioned the constitutionality of this proposition. Some of the greatest controversies that have ever occurred in the entire history of the Republic have arisen over questions similar to this. This was one of the great contests that arose between President Cleveland and the United States Senate. Surely our Republican friends do not contend that it is unconstitutional. They passed the tenure-of-office act, which went further than this. It not only required the President to make public all indorsements of candidates, but to make public the grounds upon which he removed any official in this Republic; so that, when neither the House nor any Executive of this Republic has ever questioned the constitutionality of this measure, it seems to me it is too late for any Member to raise that question now. By common practice it is otherwise established. This proposition is one of fundamental principle. This Congress has a right to formulate laws governing the action of any officer in this Republic as long as it does not take from him any of his prerogatives. This takes none. It only prescribes the manner in which the appointment to a judgeship can be made. Other laws of a similar nature are upon the statute books, and the Executives of this country have followed them throughout their existence. Why should a special case be made here? Would any candidate for appointment to a judgeship feel ashamed to have the Chief Executive make public his indorsement? Would any Chief Executive of this Republic be embarrassed to give to the country the indorsements upon which he

filled any appointive office that he is called upon to fill? If either one of these reasons existed why publicity should not be made, it would be the strongest reason why the appointment itself should not be made. The fact is there have been criticisms of our courts—criticisms about the way in which the judges have received their appointments. This is an imputation against the courts. This amendment seeks to remove that imputation—to let the public know upon what indorsements the appointments of our Federal judges are made. Should any Executive, any candidate, or any man in this Republic oppose such a procedure as that? It will remove all unjust criticism of courts and purify the judicial atmosphere.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes.

Mr. CLAYTON. I yield six minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Speaker, I have found it difficult to understand the position and the conduct of the gentleman from Indiana [Mr. CULLOP] in respect to this measure. He has, however, thrown some little light upon it this morning. Originally he started out with the virtuous and patriotic attempt to keep his party in line behind a platform declaration and devoted all his efforts during the previous discussions of this measure to the merits of the so-called Cullop amendment, advocating with his usual ability and force the proposition that the widest publicity should be given to the indorsements received by the President of all candidates for Federal judges.

To-day, however, doubtless feeling that having put the House upon record twice on this proposition he has accomplished everything for his party and its fidelity to the platform pledges which may be required of him, he now says that he is against this bill on its merits, that he does not believe that there ought to be an additional judge in the eastern district of Pennsylvania. He argues that it looks to him as though it was simply an effort to find a job for some Democrat in Pennsylvania.

Mr. Speaker, I want to say that this proposition was not mine; it did not come from a Democrat; it did not come from a Democratic Member of this House. On the contrary, the Philadelphia Bar Association, officered throughout by great Republican lawyers in the city of Philadelphia, passed resolutions asking for the appointment of this judge. They sent their committee to Washington, and it appeared before the Judiciary Committee. I simply introduced the bill at their request. There is no politics in it. Philadelphia does not believe that there is any politics in it.

There is a widespread and crying demand for justice in our State, and the efforts of lawyers and business men, without regard to politics, are being made to create this additional judgeship.

Now, gentlemen, when the gentleman from Indiana was asked by the gentleman from Oklahoma [Mr. MURRAY] whether a general bill would be reported by the Judiciary Committee upon this proposition, he threw additional light upon his motives and position by declaring that even then he would not agree to give up this amendment to the Philadelphia judgeship bill. Talk about standing by party pledges. Is it possible that the Baltimore platform can be strained into a denial of the support of a piece of general legislation and twist it over when it may simply punish one judicial district in the country?

Why, that platform had no earthly reference to this particular judgeship. And yet the gentleman from Indiana refuses to give his valuable support to the general proposition before the Judiciary Committee, because, as he says, it is a proposition which will put a Democrat on the bench in Philadelphia.

Mr. CULLOP. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. CULLOP. When this amendment was offered the first time it was on a special bill for a judgeship in Chicago.

Mr. PALMER. Yes; and what happened to it? The House adopted it, the Senate disagreed to it, and the House lay down, because it had done all that it could.

Mr. CULLOP. The gentleman is mistaken, and the record shows it. The House stood by it on a roll call and defeated the bill.

Mr. PALMER. It is not in the law.

Mr. CULLOP. No; because the bill did not pass.

Mr. PALMER. The gentleman is mistaken; it went out in conference and the House agreed to the conference report.

Mr. CULLOP. In that I think the gentleman is mistaken.

Mr. PALMER. That is my recollection about it, and it is the recollection of others seated about me.

Mr. CULLOP. I still think the gentleman is mistaken.

Mr. PALMER. Now, Mr. Speaker, I want to say this in answer to the criticism of the gentleman from Washington [Mr. BRYAN]. I think it is a very ungracious position for a gentleman to take that when a man has devoted his life to the service of his country, finding that he is absolutely incapacitated for further service, to tell him that to be patriotic now he must efface himself and resign; go to the poorhouse. I say it is ungracious, it is unfair, it is un-American. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CLAYTON. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Alabama moves the previous question on his motion.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Alabama to recede and concur in the Senate amendment.

Mr. CULLOP. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 139, answered "present" 3, not voting 147, as follows:

YEAS—144.

Adamson	Dupré	Kahn	Platt
Aiken	Dyer	Kennedy, Iowa	Post
Alexander	Edmonds	Kennedy, R. I.	Pou
Allen	Edwards	Kent	Rainey
Ansberry	Estopinal	Key, Ohio	Rayburn
Baltz	Fairchild	Kirkpatrick	Reed
Barkley	Fields	Langham	Reilly, Conn.
Barnhart	Floyd, Ark.	Lee, Ga.	Roberts, Mass.
Bartholdt	Francis	Lee, Pa.	Rothermel
Bartlett	French	Lever	Russell
Beakes	Gard	Levy	Shackleford
Bell, Ga.	Gardner	Linthicum	Shreve
Booher	Garrett, Tenn.	Lloyd	Slayden
Bowdle	Gilmore	Logue	Small
Britten	Glass	McAndrews	Smith, Idaho
Brodbeck	Good	McDermott	Smith, J. M. C.
Brumbaugh	Greene, Mass.	McGillicuddy	Smith, N. Y.
Bulkley	Greene, Vt.	Mann	Stephens, Cal.
Burnett	Griest	Miller	Stevens, Minn.
Byrns, Tenn.	Griffin	Mondell	Stout
Calder	Gudger	Montague	Talbott, Md.
Campbell	Hammond	Moon	Talcott, N. Y.
Cantrill	Hardwick	Moore	Temple
Caraway	Harrison	Morgan, La.	Thacher
Carr	Heflin	Morrison	Towner
Chandler, N. Y.	Hinds	O'Leary	Treadway
Church	Hinebaugh	Padgett	Tribble
Clayton	Holland	Page, N. C.	Underhill
Conry	Houston	Paige, Mass.	Underwood
Covington	Howard	Palmer	Vare
Curry	Hughes, Ga.	Park	Walker
Danforth	Hulings	Parker	Weaver
Deitrick	Hull	Patten, N. Y.	Whaley
Dent	Humphreys, Miss.	Patton, Pa.	Whitacre
Dershem	Jacoway	Peters, Mass.	White
Doremus	Johnson, S. C.	Peterson	Williams

NAYS—139.

Abercrombie	Doughton	Lafferty	Sims
Adair	Eagle	La Follette	Sinnott
Anderson	Esch	Lazaro	Sisson
Anthony	Faison	Lenroot	Slemp
Aswell	Falconer	Lobeck	Sloan
Avis	Farr	Lonergan	Smith, Minn.
Barton	Fergusson	McClellan	Smith, Saml. W.
Bathrick	Ferris	McKellar	Smith, Tex.
Bell, Cal.	Flood, Va.	McKenzie	Stafford
Borchers	Fowler	McLaughlin	Stedman
Borland	Frear	Maguire, Nebr.	Stephens, Miss.
Brown, W. Va.	Garrett, Tex.	Manahan	Stephens, Nebr.
Browne, Wis.	Gorman	Mapes	Stephens, Tex.
Bryan	Gray	Mitchell	Stevens, N. H.
Buchanan, Tex.	Green, Iowa	Morgan, Okla.	Stone
Callaway	Hamilton, Mich.	Moss, Ind.	Stringer
Candler, Miss.	Hamlin	Moss, W. Va.	Tavenner
Carew	Hardy	Mott	Taylor, Ark.
Carter	Haugen	Murray, Okla.	Taylor, N. Y.
Cline	Hawley	Neeley, Kans.	Thomas
Collier	Hayden	Nelson	Thompson, Okla.
Connelly, Kans.	Helgesen	Norton	Thomson, Ill.
Cooper	Henry	O'Hair	Vaughan
Copley	Hensley	Oldfield	Volstead
Cox	Hughes, W. Va.	Peters, Me.	Walters
Cramton	Igoe	Prouty	Watkins
Cullop	Johnson, Utah	Quin	Watson
Davenport	Johnson, Wash.	Raker	Willis
Davis	Keating	Reilly, Wis.	Wingo
Decker	Kelley, Mich.	Rogers	Witherspoon
Dickinson	Kelly, Pa.	Rouse	Woodruff
Dillon	Kindel	Rubey	Woods
Dixon	Kitchin	Saunders	Young, N. Dak.
Donovan	Knowland, J. R.	Scott	Young, Tex.
Doolittle	Konop	Sells	

ANSWERED "PRESENT"—3.

Browning	Dies	Garner

NOT VOTING—147.

Ainey	Barchfeld	Brown, N. Y.	Burke, S. Dak.
Ashbrook	Beall, Tex.	Bruckner	Burke, Wis.
Austin	Blackmon	Buchanan, Ill.	Butler
Bailey	Brockson	Burgess	Byrnes, S. C.
Baker	Broussard	Burke, Pa.	Cantor

Carlin	Goeke	L'Engle	Richardson
Cary	Goldfogle	Lesher	Riordan
Casey	Goodwin, Ark.	Lewis, Md.	Roberts, Nev.
Clancy	Gordon	Lewis, Pa.	Rucker
Clark, Fla.	Goulden	Lieb	Rupley
Claypool	Graham, Ill.	Lindbergh	Sabath
Coady	Graham, Pa.	Lindquist	Scully
Connolly, Iowa	Gregg	Loft	Seldomridge
Crisp	Guernsey	McCoy	Sharp
Crosser	Hamill	McGuire, Okla.	Sherley
Curley	Hamilton, N. Y.	MacDonald	Sherwood
Dale	Hart	Madden	Smith, Md.
Difenderfer	Hay	Mahan	Sparkman
Donohoe	Hayes	Maher	Stanley
Dooling	Helm	Martin	Steenerson
Driscoll	Helvering	Merritt	Sumners
Dunn	Hill	Metz	Sutherland
Eagan	Hobson	Morin	Switzer
Elder	Howell	Murdock	Taggart
Evans	Hoxworth	Murray, Mass.	Taylor, Ala
Fess	Humphrey, Wash.	Neely, W. Va.	Taylor, Colo.
Finley	Johnson, Ky.	Nolan, J. I.	Ten Eyck
Fitzgerald	Jones	O'Brien	Townsend
FitzHenry	Keister	Oglesby	Tuttle
Fordney	Kennedy, Conn.	O'Shaunessy	Wallin
Foster	Kettner	Payne	Walsh
Gallagher	Kiess, Pa.	Phelan	Webb
George	Kinkaid, Nebr.	Plumley	Wilson, Fla.
Gerry	Kinkead, N. J.	Porter	Wilson, N. Y.
Gillett	Korbly	Powers	Winslow
Gittins	Kreider	Ragsdale	
Godwin, N. C.	Langley	Rauch	

So the motion to recede and concur was agreed to.

The Clerk announced the following pairs:

Commencing Saturday, the 7th, and ending Tuesday, the 10th:

Mr. DIFENDERFER (against Cullop amendment) with Mr. WILSON of Florida (for Cullop amendment).

Commencing February 6 until return from Michigan:

Mr. TAYLOR of Colorado with Mr. HOWELL.

Commencing February 6 until return from Colorado:

Mr. FOSTER with Mr. AUSTIN.

Until return from Colorado:

Mr. BYRNES of South Carolina with Mr. SUTHERLAND.

Until further notice:

Mr. CLARK of Florida with Mr. BUTLER.

Mr. SHERLEY with Mr. GILLETT.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. TUTTLE with Mr. MADDEN.

Mr. ASHBROOK with Mr. BURKE of South Dakota.

Mr. McCOY with Mr. FESS.

Mr. BAILEY with Mr. AINEY.

Mr. BLACKMON with Mr. BURKE of Pennsylvania.

Mr. BROWN of New York with Mr. DUNN.

Mr. BUCHANAN of Illinois with Mr. HAYES.

Mr. BURGESS with Mr. FORDNEY.

Mr. BURKE of Wisconsin with Mr. GRAHAM of Pennsylvania.

Mr. CLAYPOOL with Mr. GUERNSEY.

Mr. CONNOLLY of Iowa with Mr. HUMPHREY of Washington.

Mr. CRISP with Mr. KEISTER.

Mr. DONOHOE with Mr. KINKAID of Nebraska.

Mr. EVANS with Mr. KREIDER.

Mr. FINLEY with Mr. LEWIS of Pennsylvania.

Mr. FITZGERALD with Mr. MERRITT.

Mr. GODWIN of North Carolina with Mr. LANGLEY.

Mr. GOEKE with Mr. LINDQUIST.

Mr. GOODWIN of Arkansas with Mr. McGUIRE of Oklahoma.

Mr. GORDON with Mr. MORIN.

Mr. MURRAY of Massachusetts with Mr. PAYNE.

Mr. GREGG with Mr. ROBERTS of Nevada.

Mr. HAY with Mr. SWITZER.

Mr. HOBSON with Mr. RUPLEY.

Mr. GARNER with Mr. STEENERSON.

Mr. NEELY of West Virginia with Mr. WINSLOW.

Mr. PHELAN with Mr. BARCHFELD.

Mr. RUCKER with Mr. MURDOCK.

Mr. SABATH with Mr. J. I. NOLAN.

Mr. WEBB with Mr. PORTER.

Mr. TOWNSEND with Mr. POWERS.

Mr. DALE with Mr. MARTIN.

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CRISP, indefinitely, on account of serious illness.

ABRAHAM LINCOLN.

Mr. MANN. Mr. Speaker, Thursday next, February 12, is the anniversary of the birth of Abraham Lincoln. That day has already been set aside for the consideration of business of the District of Columbia, but I ask unanimous consent that the gentleman from Ohio, Dr. FESS, have leave to address the House for 30 minutes on the subject of Abraham Lincoln, immediately after the reading of the Journal on that day.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Thursday next, immediately after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Ohio [Mr. FESS] be granted 30 minutes in which to address the House on the subject of President Lincoln. Is there objection?

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

Mr. LA FOLLETTE. Mr. Speaker, I ask unanimous consent that the Committee on Irrigation and Arid Lands be discharged from further consideration of the bill (H. R. 11622) to provide water for the irrigable lands of the Yakima Indian Reservation, State of Washington, and for other purposes, and that the same be referred to the Committee on Indian Affairs. I will say that I have consulted with the chairman of the Committee on Irrigation and Arid Lands, the gentleman from Texas [Mr. SMITH], and he concurs in the request.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

RURAL POST ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11686, the good roads bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11686, with Mr. RUBEY in the chair.

The CHAIRMAN. The Chair desires to state for the information of the committee that on Saturday last when the committee rose the first section of the bill had been read for amendment under the five-minute rule.

Mr. KEATING. Mr. Chairman, I offer the following committee amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out all between the word "that" in line 6 on page 1 and the word "shall" in line 8 on page 1 and insert in lieu thereof the following:

"Of said amount there may be expended in each State in each fiscal year $65,000, and a portion of the remainder of said $25,000,000, which."

Mr. KEATING. Mr. Chairman, the amendment which has been read is a committee amendment, and has for its purpose the changing of this bill so that each State will receive at least $100,000. The theory of the committee is that the Agricultural Department can not economically administer a smaller sum than $100,000 in each State. Under this provision each State will first receive $65,000, and then the remainder of the fund will be distributed as provided in the bill. I hope the amendment will be agreed to.

Mr. LORLAND. Mr. Chairman, I want to say to the gentleman from Colorado [Mr. KEATING] that this bill is drawn upon the theory that the funds appropriated by the Federal Government be distributed one-half upon the basis of mileage of post roads and one-half on the basis of population. If the bill were a pure post-roads bill, in strict compliance with the Democratic platform, it would all be distributed upon the basis of the mileage of post roads, and therefore this amendment would not be necessary. The amendment grows out of the fact, evidently, that half of the money is distributed upon the basis of population. I want to say to the gentleman that there is not any real connection between population and rural roads, for the reason that population is largely massed in the cities, and the cities are not expected to benefit directly in the distribution of this money. It is expected to improve rural roads. I have a substitute which I intend to offer for this entire section and a substitute which I intend to offer for the bill, which is drafted upon the theory of appropriating Federal money jointly for two purposes—one half on the basis of post roads and the other half on the basis of traffic roads. In other words, not to confine it purely to post roads, as it is here in the first paragraph, but to divide the money, one-half on the basis of post-roads mileage and one-half on the proportion that the production of commodities in a State bears to the production of commodities in the Nation. Gentlemen will see the proposed substitute in the RECORD of Saturday, and it strikes me that it is a fairer division of the Federal money if we frankly and honestly acknowledge what we are seeking to obtain is to improve the rural roads for both postal purposes and traffic or market purposes.

In other words, the basis of population is not the basis on which we ought to figure. It is true our New York friends and

our other big-city friends might say that they contribute a large amount to the taxable wealth of the Nation and that that wealth is taken and used partly upon the rural routes in Montana or Missouri or Colorado. But my reply to that is, that New York, being a great market town and the metropolis of the Nation, does business with the products that are raised in Montana, Colorado, and Missouri, and she is vitally interested not only in the carriage of the mail in those States but in the production of commodities there and in their getting to market in Colorado, Montana, and Missouri. And those are the things she is interested in, and not in the question of population alone, for the large cities are doing business on commodities from States with a small and scattered population.

A true basis upon which to divide the money for Federal purposes is either on the basis of post roads purely, or make it a market-road proposition on the basis of commodities produced within the State. And I undertake to say, as I know the gentleman from Colorado [Mr. KEATING] will say, that his State will not suffer in comparison with any State west of the Mississippi River.

Mr. MOON. Mr. Chairman, of course I would not undertake the discussion of a measure like this under the five-minute rule, but I desire to express my approval of the provisions of this bill, and I am especially gratified that its terms are almost identical with those of a bill introduced in the House by myself some time ago. Some have objected to this bill on the ground that it is not constitutional. That question, however, needs no discussion. The power conferred by the Constitution to establish post offices and post roads is a direct authority to the Congress by whatever method it may deem proper in legislation to establish these roads. It was my pleasure previously in the House to discuss at length the constitutional features of the proposed road laws, at a time when the subject was not so well nor thoroughly considered as it has since been. The power of Congress can not be questioned. Whether we shall develop this dormant power under the Constitution or leave it untouched by the hand of legislation is one of the issues that we must consider. I have always believed it wise, in order that the line of demarkation between the jurisdiction of States and the Federal Government should be clear, that the Federal Government should develop completely all of its constitutional powers. I know of no better way in which one of the powers it possesses can be used for the benefit of the people than by the establishment and maintenance of post roads. This bill does not in any way deprive the States of their power or control over the roads. It only confers Federal aid for the maintenance of post roads. With the power to enact legislation settled comes the question of expediency. That all living in the rural districts may have good and rapid mail facilities ought to be a matter of great concern.

The incidental benefits that arise as the result of the exercise of this Federal power are most beneficial. It would bring the farmers' products nearer to the market; it will produce a more rapid interchange of commodities; it will make more stable and fixed prices for products; and commercially, agriculturally, and socially it would be of great benefit to the people. This question settled, the wisdom of legislation to accomplish these results is apparent. We have spent many millions of money annually upon our rivers and harbors, and we ought to continue to do so until we have completed the system of waterways in the interest of the commerce of the country, but the benefits to be derived from these waterways would be very greatly minimized if we shall not adopt some policy by which the country roads leading to them may be improved that commerce may be borne thither for transportation to the markets of the country. It may be said that the Federal Government, with its limited powers, has no right to build roads for the purpose of facilitating commerce and increasing the values of lands along the roadways. This is true if that were all that is involved in the matter, but when this comes as a necessary and inevitable result of the exercise of the constitutional power to build roads for the purpose of carrying the mails, the incidental benefits should be gladly accepted, even if in their force and effectiveness for good they are greater than the direct benefit conferred by the exercise of the power under the Constitution. It is because it is constitutional, because it is beneficial, and because we are able and capable of conferring these benefits upon the people that I most heartily approve this legislation.

Mr. SAUNDERS. Mr. Chairman, I desire to offer a substitute to the amendment of the gentleman from Colorado [Mr. KEATING] and to have it pending, so that it may be considered in connection with that amendment.

I will say in that connection that it includes the amendment of the gentleman from Colorado, which I favor, and also another amendment relating to certain administrative features of the bill.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] offers a substitute for the amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the semicolon in line 6 on page 1, down to and including the word "year" in line 6 on page 2, and insert the following:

"That out of said sum which may be so expended in any fiscal year shall be paid the expenses incurred by the Secretary of Agriculture in the administration of this act, and that to administer the provisions of this act he is authorized to employ such engineering and other assistance and incur such expenses, in the city of Washington and elsewhere, as may be necessary; that after deducting from said $25,000,000 a sum sufficient to pay the expenses of administering this act by the Secretary of Agriculture, the portion of the remainder which may be expended in any State in any fiscal year under the provisions of this act shall be determined upon the following basis, to wit:

"Sixty-five thousand dollars in each State and the balance in the respective States, one-half in the ratio to which their total population bears to the total population of all the States, as shown by the next preceding Federal census, and one-half in the ratio which their total mileage of rural post roads bears to the total mileage of rural post roads in all of the States, as shown by the report of the Postmaster General at the close of second quarter of the last preceding fiscal year.

Mr. HAYDEN. Mr. Chairman, I am like a great many other Members of this House, in that this good-roads bill does not exactly suit me. I had a bill of my own, about which I talked to the committee, but I said at that time that I was ready to support any good-roads measure reported to this House, and therefore I stand ready to support this bill. I am particularly pleased to note that in the amendment offered by the gentleman from Colorado and the substitute offered by the gentleman from Virginia some recognition has been given to the smaller and to the less populous States in the Union. There are, as the bill was reported to the House, 11 States that would receive less than $150,000 under this bill. To my mind, that was as small a sum as any State could profitably use. The committee has cut my estimate to $100,000, but I am willing to accept that, because I want to see some money appropriated out of the Treasury of the United States for the improvement of roads, and I believe now is the time to do it. Some days ago I addressed a letter to the chairman of the Committee on Roads, which I ask to have printed in the RECORD:

JANUARY 29, 1914.

Hon. DORSEY W. SHACKLEFORD,
Chairman Committee on Roads, House of Representatives.

MY DEAR SIR: The supplemental report on H. R. 11686 shows that the maximum amount of Federal aid which any of the following States can possibly receive under the provisions of this bill as reported by your committee is less than $150,000.

Arizona	$55,000
Delaware	53,750
Idaho	112,500
Montana	128,750
Nevada	42,500
New Hampshire	125,000
New Mexico	100,000
Rhode Island	83,750
Utah	88,750
Vermont	138,750
Wyoming	65,000

I am confident that your committee must have unintentionally overlooked the question of a minimum amount which any State should receive, because it is evident that the sums listed above are so small that they offer no inducement to such States to comply with the provisions of the act.

In my opinion $150,000 is the least amount that should be apportioned to any State, and I therefore suggest the following amendment, which will accomplish that result:

Amend by striking out all between the word "that," in line 6, page 1, and the word "shall," in line 8, page 1, and inserting in lieu thereof the following: "Of said amount there may be expended in each State in each fiscal year $115,000 and a portion of the remainder of said $25,000,000 which."

I realize that this bill is in the nature of an experiment and that no State can possibly receive all of the money from the Federal Treasury that it could profitably use on its roads. If in the judgment of the committee $150,000 is a larger minimum amount than can be allotted to each State, then the amount of $115,000, as given in my proposed amendment, can be reduced. If the base amount is fixed at $100,000, the State of Nevada, now receiving the smallest sum under your bill, will be entitled to $134,340. If the amount is further reduced to $75,000, the total for this State will be $111,380. Certainly the committee will not arrange matters so that any State will be allotted less than $100,000; but if you should determine that this sum is about as much as the committee can provide, then $65,000 as a basis will yield to the State of Nevada $102,196.

I sincerely trust that the Committee on Roads will favorably consider an amendment to H. R. 11686 in the manner in which I have suggested.

Yours, very truly,

CARL HAYDEN,
Member of Congress from Arizona.

Mr. BORLAND. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] offers an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

Strike out the last seven lines of the substitute and insert in lieu thereof the following:

"One-half in the proportion that the mileage of the post roads within the State bears to the total mileage of post roads in the United States, exclusive of star routes, and one-half in the proportion that the commodities produced within the State bear to the total production of commodities in the United States."

Mr. FRANCIS. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman.

Mr. FRANCIS. I would like a definition of the word "commodities" as it is used in that amendment.

Mr MONDELL. Will the gentleman yield for a question?

Mr. BORLAND. Yes; I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. What is the gentleman's idea of cutting out the star routes? They are rural routes.

Mr. BORLAND. I will answer the question of the gentleman from Ohio [Mr. FRANCIS] first. The word "commodities" does not need any definition. It is a plain English word, and the statistics are available as to the quantity of production in each State, both from State sources and from national sources, and it does not depend upon the quantity that is marketed in the State. This is confined to the quantity produced in the State, which means the total of farm products, the total of the output of the mines, the amount of live stock, the amount of lumber, and the amount of commodities entering into interstate commerce that are produced in that State. The marketing may occur elsewhere, and it is just exactly on that point that the interstate interest of the United States occurs on the movements of commodities to market. We might just as well face this question frankly. What we are here for is not primarily to improve post roads. My colleague from Missouri [Mr. LLOYD] got up here the other day—a gentleman who has served for many years on the Committee on Post Offices and Post Roads—and said that a majority of the roads in Missouri would not come up to Class C. Another member of the Post Office Committee, the gentleman from South Carolina [Mr. FINLEY], also a distinguished Member, said that the regulations of the Post Office Department forbade the carrying of a rural route over any road that was not up to Class C. Those two gentlemen were in total disagreement as to whether there were or were not classifications now proposed for post roads up to class C. So evidently we are here frankly facing the proposition of making a market road. The post-road proposition is a part of it, and I presume not more than 50 per cent of the balance is the amount needed to move commodities from the place of production to market. Most of the States which are large producing States are not large consuming States. Their commodities go to other States. Many of the States that are large consuming and exporting States are not large producing States.

Mr. HARDY. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. Yes.

Mr. HARDY. Would not the gentleman's amendment give over a half on the latter proposition by reason of manufactures which never see a public road?

Mr. SAUNDERS. And shipments of coal and iron ore?

Mr. BORLAND. No. In my judgment, the tonnage of farm products is the largest tonnage. Next to them are the products of the mine, and next to that are the products of the forest. Those are the three ranking products of our country.

Mr. HARDY. Does the gentleman's amendment say in proportion to the tonnage or in proportion to the products?

Mr. BORLAND. In proportion to quantity of the products.

Mr. HARDY. Are not the manufacturing products more than the farm products?

Mr. BORLAND. They may be in value, but certainly not in quantity.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. BORLAND. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to proceed for five minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Mr. Chairman, I do not object to that, but I am advised by the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. FITZGERALD] and other leaders in the House that we should get this little bill out of the way for the appropriations that are to come.

Mr. BORLAND. Mr. Chairman, I hope the gentleman will not object after the personal attack he has made on me.

Mr. SHACKLEFORD. It was not a personal attack. I just read the gentleman's bill.

Mr. BORLAND. Oh, no; it was not a personal attack. [Laughter.]

Mr. SHACKLEFORD. I have no objection, Mr. Chairman.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

[Mr. BORLAND addressed the committee. See Appendix.]

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. What became of the amendment offered by the gentleman from Colorado?

The CHAIRMAN. The gentleman from Colorado offered an amendment, and the gentleman from Virginia offers a substitute, to which the gentleman from Missouri offers an amendment.

Mr. MONDELL. Is another amendment in order at this time?

The CHAIRMAN. An amendment to the original amendment is in order.

Mr. COX. Mr. Chairman, we have had some fireworks on both sides, and the honors are about even. I should like to hear the gentleman from Virginia, or the gentleman from Colorado who offered the substitute, explain the reason and the necessity for it. What is the purpose of these amendments? It looks to me as though you had worked out a very nice plan. Why do you propose to disturb it? What do you propose in your amendments?

Mr. SHACKLEFORD. If the gentleman will allow me to answer that——

Mr. COX. I shall be glad to have an answer from anybody who is in charge of this bill.

Mr. SHACKLEFORD. It was considered that some of the States would receive very small sums under this apportionment.

Mr. COX. Will the gentleman enumerate those States that it is proposed to aid?

Mr. SHACKLEFORD. Nevada, Delaware, Arizona, Wyoming, Rhode Island, and Utah would receive very small sums. The committee on consideration concluded that the Secretary of Agriculture could not efficiently expend so small a sum. It was thought that $65,000 would be as small a sum as could be well handled, so we gave the flat sum of $65,000 to each State, and then apportioned the balance among all the States, according to the plan in the bill. Under the original plan one State would get only $42,000, while another State would get $1,500,000.

Mr. COX. I want to know the reason why that amendment is offered, because I am for the gentleman's bill.

Mr. SHACKLEFORD. I understand.

Mr. COX. I thought he had worked out a very complete and symmetrical plan.

Mr. SHACKLEFORD. The reason was that $42,000 was too small a sum with which to try to do anything.

Mr. COX. Would $42,000 have been the amount that these six States would have received under the plan as reported in the bill?

Mr. SHACKLEFORD. One of them.

Mr. SAUNDERS. The States which are referred to, would have variously received small sums. One of them would receive $42,000.

Mr. COX. Was $42,000 the maximum?

Mr. SAUNDERS. No; that was the minimum under the first plan of apportionment.

Mr. COX. What State would get that?

Mr. KEATING. Nevada would receive the smallest amount.

Mr. COX. That State would have received $42,000 under the bill as reported.

Mr. KEATING. Yes.

Mr. COX. Has the gentleman any figures to show whether or not this proposed amendment will destroy the equilibrium of the bill as originally reported?

Mr. SAUNDERS. I can answer that.

Mr. COX. I wish you would inform the committee on that.

Mr. SAUNDERS. This amendment will not in anywise disturb the scheme of distribution upon which the bill is made. It will take a slight amount away from some States, in order to bring certain smaller States up to the minimum that has been considered wise. This minimum will be $100,000, on a basis of $25,000,000.

Mr. COX. Let me ask you right in this connection, after you have given these various States this $65,000, will they further share in any part of this distribution?

Mr. SAUNDERS. Yes. The effect of this amendment will be to bring every State in the Union up to a minimum of about

$100,000; and we thought that this was fair, because the general purpose of the bill is to make road improvement universal throughout the United States.

Mr. COX. Then, if I understand the gentleman's theory correctly, these six States will get a lump sum of $65,000 each.

Mr. SAUNDERS. Each one of the States will in the first instance receive a lump sum of $65,000.

Mr. COX. And then, over and above that, they will receive proportionate amounts of whatever may be left?

Mr. SAUNDERS. Yes; according to the fixed scheme of apportionment prescribed by the bill.

Mr. COX. In proportion to population and also in proportion to the rural routes in each State, as compared to the total number?

Mr. SAUNDERS. Yes. If you wish to know the exact effect in dollars and cents upon the other States of this amendment I will say that under its effect all of the States in the Union, outside of six States will, in the aggregate, receive about $240,000, less than they would receive under the bill as reported. The amendment merely provides in effect that no State shall receive less than $100,000.

Mr. CARTER. Altogether.

Mr. SAUNDERS. Yes; in the aggregate.

Mr. COX. It will deduct $200,000 or $240,000 from the total amount that would otherwise go to all the States, save the six in question.

Mr. SAUNDERS. Yes.

Mr. TREADWAY. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. TREADWAY. I understood the gentleman to say that it would make $200,000 less, except from the six small States.

Mr. SAUNDERS. Yes; say about $240,000.

Mr. TREADWAY. It will change the apportionment, as shown on page 4 of the committee's report, by $200,000 in each case?

Mr. SAUNDERS. Oh, no, no. By about $240,000 in the aggregate. It will only make a difference of a few thousand dollars in the apportionment of some of the States.

Mr. TREADWAY. May I ask if the schedule of the amount has been revised in accordance with the amendment now offered?

Mr. SAUNDERS. No, it has not; but we know exactly what is necessary to be done to bring these six States up to $100,000, and it is easy enough for any Member of the House to work out the effect of this amendment upon any particular State. The amount of loss to the larger States is negligible.

Mr. TREADWAY. I want to ask one further question. It may have been answered in the questions that were put over on that side, but we could not hear everything that was said. In what way do you determine that the amount of $65,000 should be allowed each State?

Mr. SAUNDERS. It was necessary to take an arbitrary amount in order to work out the minimum of $100,000 for each State. The arbitrary amount to be given to each one of all of the States in order to secure the result I have mentioned is $65,000. The balance of the appropriation is then divided according to the scheme of distribution among all of the States. When this is done no State will receive less than $100,000. After we have given each State $65,000, then the balance, as I have said, is distributed amongst all the States, including the six States. The effect of this on the larger States is negligible.

Mr. PARKER. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. PARKER. I would like to ask the gentleman what is a post road—what is the definition of a post road?

Mr. SAUNDERS. That is defined by the United States statutes as any road over which mail is carried, whether by star or rural carrier.

Mr. PARKER. Is it not any road that is improved, whether used for carrying the mail or not?

Mr. SAUNDERS. Does the gentleman mean potentially?

Mr. PARKER. Yes.

Mr. SAUNDERS. The roads referred to may be potentially post roads. The ordinary acceptation of the term is a road used for the transportation of mail.

Mr. PARKER. I think it is important to know just what a post road is. My interpretation of the law is that it is any improved highway.

Mr. COX. Oh, no; a post road is a road over which the United States mail is carried.

Mr. SAUNDERS. So far as that is concerned, if the gentleman wants to offer an amendment extending it over these roads he can do so.

Mr. PARKER. I think the bill covers it.

Mr. SAUNDERS. In common acceptation a post road is a road over which the United States mail is transported.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. LINTHICUM. I notice by the bill that the State is to provide an amount equal to that appropriated by the United States Government.

Mr. SAUNDERS. Yes.

Mr. LINTHICUM. Suppose the State does not appropriate or provide that amount?

Mr. SAUNDERS. In such a case a State will be benefited to the extent only to which it provides an equivalent amount. If a State is entitled to $500,000 and desires to secure the full benefit of that amount, then such a State must appropriate $500,000, or at least $500,000 must be afforded by the State or otherwise.

Mr. LANGLEY. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. LANGLEY. There is no provision in this bill under which, if the State for any reason fails to act and the governor fails to act, the county can secure its pro rata share of what the State would have been entitled to if it had not failed to appropriate.

Mr. SAUNDERS. The application must be made on the part of the State.

Mr. MONDELL. Mr. Chairman, as I understand, there is an amendment offered by the gentleman from Colorado and a substitute to that offered by the gentleman from Virginia and an amendment to the substitute offered by the gentleman from Missouri.

The CHAIRMAN. The gentleman is correct.

Mr. MONDELL. Would a substitute to the amendment offered by the gentleman from Missouri be in order at this time?

The CHAIRMAN. It would not at this time. The question is on the amendment offered by the gentleman from Missouri to the substitute offered by the gentleman from Virginia.

The question was taken, and the amendment was lost.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Virginia [Mr. SAUNDERS].

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment to the substitute offered by the gentleman from Virginia, striking out all that portion of his substitute that fixes a basis for the apportionment and insert the following.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the last seven lines of the substitute and insert in lieu thereof the following:

"One-third in the proportion which the total population of such State bears to the total population of all the States; one-third in the proportion which the total number of miles of rural post roads in use in such State bears to the total number of miles in all the States; and one-third in proportion which the total area of such State bears to the total area of all the States."

Mr. MONDELL. Mr. Chairman, as the bill now stands, the proposition is to divide this fund on the basis of population and length of rural post roads. That ignores entirely the exceedingly important question of area, and would give to a small State with a few miles of road and large population a very large amount of the fund, leaving a State of vast area with a comparatively small population with little of the fund. Under the bill as it now stands, I think the State I have the honor to represent upon the floor of this House would receive less than $50,000.

Mr. HOWARD. Fifty-five thousand dollars.

Mr. MONDELL. It has 98,000 square miles of territory. An allotment of that kind is ridiculous; it is not worth while to discuss it; it would not make a start anywhere; it would not be of any benefit worth considering, and my proposition to consider area as one of the elements of the equation is entirely fair and sound, in my opinion, and I hope that the committee will adopt this amendment.

Mr. BARNHART. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] evidently does not appreciate the fact that the purpose of this road bill is that the Government shall help those who help themselves. The States in the Union that have been derelict in improving their roads—in many instances on the theory advocated by the gentleman from Wyoming—would get more money than those which have expended large amounts in the construction of good roads. The purpose of the bill, as I said before, is to encourage people everywhere to help themselves to good roads, and in communities where this has not been done they will not get so much in the beginning of this legislation, but if they show the proper spirit of enterprise the time will soon come, after they have shown a desire to help themselves, that they will get as much benefit under this bill as the most populous State in the Union.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. MONDELL. It is not because we have not spent money for roads in these great States that we are not adequately provided for in this bill, but because we have not population. I have not any question but that the people of my State have spent more money for roads every year, in proportion to population, than the people of the State from which the gentleman comes.

Mr. BARNHART. Mr. Chairman, I can answer readily by saying that I appreciate the fact that a good deal of land in the State represented by the gentleman is reserved by the Government, and such does not have any population; but the way to get more roads is to increase your population.

Mr. MONDELL. But you can not very well increase the population while the country is reserved, and we must build roads over and adjacent to the reserved area.

Mr. BARNHART. Yes; the gentleman's State is in the same condition that all the other States in the Union have been at some time during their progress. The State is comparatively new. They may have expended as much per capita out there, but not as much in the aggregate, as Ohio, New York, or Pennsylvania. Therefore, Mr. Chairman, it would not be fair to those other States that have expended so much money that a State of larger area should come in and get more money than those which have expended such vast sums on their road improvements.

Mr. HOWARD. Mr. Chairman, of course we all understand that this bill is to encourage the building of better roads in the thoroughly civilized and more thickly populated States of the Union. [Laughter.] None of this money, of course, will be expended upon trails and none of it will be expended indiscreetly through the great deserts of the West.

Mr. KEATING. Mr. Chairman, will the gentleman yield to a question?

Mr. HOWARD. Certainly.

Mr. KEATING. The gentleman has suggested that the roads should not be built in the desert country. What would the gentleman think of building roads in a country where illiteracy prevails?

Mr. HOWARD. Mr. Chairman, if they would build some roads in the State of the gentleman [Colorado] I think they would build them where a good deal of illiteracy prevails.

Mr. KEATING. But the census report would not bear the gentleman out.

Mr. HOWARD. I do not know of any other section where it prevails to a greater extent than in the gentleman's State.

Mr. KEATING. How about Georgia?

Mr. HOWARD. Georgia will compare favorably with the gentleman's State in every way. But that is beside the mark. The question to which I arose to address myself is this: The gentleman from Arizona contends that the Government should make an appropriation to aid the State, from the standpoint of area.

Mr. KEATING. The gentleman from Wyoming, the gentleman means.

Mr. HOWARD. Wyoming. I beg the pardon of the gentleman from Arizona. [Laughter.] Mr. Chairman, clearly it would not be of any benefit if the gentleman from Wyoming got more than $55,000 a year.

As a matter of fact, that would not help him any, for this reason, that if they did not have any people there they would not need any roads, and that is the trouble.

Mr. KEATING. Mr. Chairman, I rise to a point of order. I regret very much to cut off this flow of oratory, but I make the point of order that debate on this proposition has already been exhausted.

The CHAIRMAN. The gentleman from Colorado can not take the gentleman from Georgia off the floor in that manner. The gentleman from Georgia will proceed.

Mr. HOWARD. Mr. Chairman, to meet the captious objection of my good friend from Colorado, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. HOWARD. Mr. Chairman, I think under that I shall be permitted to contend for five minutes longer than I have already consumed.

The CHAIRMAN. The gentleman has consumed three minutes. He is recognized for two minutes more.

Mr. HOWARD. Mr. Chairman, the proposition resolves itself into this: This is a mere rental that the Government of the United States pays to the States for the use of the rural routes, and I assume that the gentleman from Wyoming [Mr. MONDELL] has only a sufficient number of rural routes in his State to get, under the provisions of this bill, $55,000. That is the maximum amount to which he is entitled. That is presumed to be predicated upon a basis of sixty, thirty, and fifteen dollars per mile for each mile of rural route that he has in the State.

Down in the great State of Georgia we have about 39,000 miles of rural routes, and we will get under the provisions of this bill a maximum of $771,000. Now, that is simply an illustration, Mr. Chairman and gentlemen of the committee, of what civilization and population means to a State. And when they get this population and they need roads out in the good State of Wyoming, my friend will get the roads. And when he establishes rural routes and people are living along the rural routes and it is necessary for this Government to spend money on those roads, they will spend it. What is the use of sinking any more money in the great State of Wyoming? What good would it do? Nobody would use the roads.

Mr. MANN. How can you sink it in the rocks?

Mr. HOWARD. They can not sink it. That is the truth about it, and that is the situation. [Laughter.]

Mr. J. R. KNOWLAND. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in reply to the gentleman from Georgia [Mr. HOWARD] and our other southern friends, I desire to call attention to the fact that many of the Western States have set an example that other States interested in good roads would do well to follow. We have not waited for Government aid, but have appropriated our own money, which is the best evidence of our keen interest in the subject.

The great State of California, for instance, which I have the honor to in part represent, and where, I believe, more automobiles are now owned than in any other State, in 1910 voted the sum of $18,000,000 for the construction of good roads throughout the length and breadth of that Commonwealth. The movement for good-roads legislation in California was initiated by the then governor, Hon. James N. Gillett, and the highway act has since been successfully administered by his successor. The amount carried in this bill for California—$503,750—is infinitesimal when compared with what the people of that State are doing. There may be other States which have appropriated sums as large for road building, but there is no State that has appropriated in the same manner. In most of the States the appropriation extends over a number of years, but in California the entire $18,000,000 is available just as fast as it can be utilized.

The California act, which was submitted to the people of the State and ratified by a vote of 93,297 in favor to 80,509 against, provided that the route or routes of said State highways should be selected by the department of engineering, and that the route should be so selected and said highways so laid out and constructed or acquired as to constitute a continuous and connected State highway system running north and south through the State, traversing the Sacramento and San Joaquin Valleys and along the Pacific coast by the most direct and practical routes, connecting the county seats of the several counties through which it passes, and joining the centers of population. Such branch roads as might be necessary to connect with the several county seats lying east and west of such State highway were also provided for.

While the law limits the discretion of the commission in the matter of locating the highways, it gives freedom in the matter of spending the money and the time in which the work may be accomplished.

The California highway system compels the building of about 1,800 miles of trunk roads and about 900 miles of laterals. One of these routes will, as far as practical, follow the old Camino Real, the King's Highway, connecting the famous Franciscan missions of California.

The bill now under consideration provides that the Secretary of Agriculture may aid the States in the construction and maintenance of rural post roads, such aid not to exceed $25,000,000 in any one fiscal year.

The distribution of the $25,000,000 is determined upon the following basis: One-half in the proportion which the total population of such State bears to the total population of all of the States, and one-half in the proportion which the total number of miles of rural post roads in such States bears to the total number of miles of rural post roads in use in all of the States, provided that no State shall receive less than $65,000 per fiscal year.

Section 2 provides that on or before January 1 of each fiscal year the governor of each State may elect whether Federal aid shall be given by filing a written statement of such election.

A special provision for the fiscal year beginning July 1, 1914, requires such election to be made 45 days after the passage of the act.

Section 3 authorizes the Secretary of Agriculture to cooperate with the officers of the various States and in company with them decide—between February 1 and June 30 of each fiscal year—just what improvements, and so forth, shall be made in the forthcoming year.

The United States shall in no case bear more than one-half the cost of the construction of any road and that work shall not begin until the portion of the cost which is to be provided other than by the United States is available.

Section 4 divides the classes of roads into three—A, B, and C.

Class A are roads which shall have a road track of macadam or other material of equal utility or cost.

Class B are roads which shall have a road track of shells, gravel, or a combination of sand and clay, less expensive than macadam.

Class C are roads constructed so as to quickly shed water into the side ditches. These roads must be kept reasonably passable for wheeled vehicles.

On or before the 1st day of March in each fiscal year the governor of any State may file in the office of the Secretary of Agriculture a statement showing the work to be done, with estimates and classification of the roads into classes A, B, or C.

The Secretary of Agriculture shall decide into what class the roads fall and so notify the governors of the various States.

The United States shall pay on each mile in class A, $60; on each mile in class B, $30; and on each mile in class C, $15, provided the aggregate of said sums does not exceed the amount apportioned to said State. If such is the case, the said sums per mile shall be reduced pro rata. The United States shall pay nothing for roads other than in the three classes named above.

If the State fails to meet its half of the obligations, the United States shall not pay anything.

The Secretary of Agriculture is given the power to make all needful rules for the proper carrying out of the act, which is to become effective July 1, 1914.

I support this measure not because of what my State receives, for the amount is small and will make little impression on California, but I vote for it because it gives an impetus to the general movement throughout the country for good roads. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. PROUTY. Mr. Chairman, I move to strike out the last two words.

I will say to the members of the committee that this was a problem over which the committee struggled for some time. I am frank to say that at one time I offered in the committee and advocated the principle established by the amendment offered by the gentleman from Wyoming [Mr. MONDELL]. But after a careful comparison of the benefits to be derived under that provision by the various States I was compelled in my own judgment to surrender on that proposition, for the very apparent reason that it is unfair. If you will take the pains to go through the allotment that would be made under that division you will find that many of the sparsely populated States of the Union would receive the largest amount of appropriation. For instance, Texas would receive some $200,000 more than the State of New York under that provision, and I was compelled to surrender my judgment on that matter after a careful study of the question.

Mr. MONDELL. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. MONDELL. Is it not possible that Texas needs roads more than the State of New York?

Mr. PROUTY. I do not entirely yield to the proposition that the appropriation should be made entirely upon the question of necessity. If you take that as a basis, I concede that Wyoming needs it. But I recognize an element of fairness in the distribution of these funds. I recognize the fact that funds ought to be distributed with some relation, at least, to the men who contribute them. Otherwise, taxation is wrong. It never hurts to tax people if you distribute the benefits fairly in proportion to the amount they contribute, and we have tried so far as we can, not with absolute precision, to give to the States benefits in some proportion at least, to the amount that they contribute. And if anyone will take the list which I hold in my hand and go over it he will easily satisfy himself that the proposition of the gentleman from Wyoming [Mr. MONDELL] is unfair to the men and the States that contribute a very large proportion of this fund. And I think if the gentleman will go over the list as I did—and I am revealing no committee secret when I say I advocated at one time and worked hard on this proposition—he will find that it is not tenable.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. PROUTY. With pleasure.

Mr. LAFFERTY. Under the bill as it stands Iowa would get $935,000, according to the estimate. Under the gentleman's calculation, which I understood him to say he made, would Iowa get that much if the proposition embodied in the present amendment is adopted?

Mr. PROUTY. Not quite.

Mr. LAFFERTY. I understand it is better for Iowa than it would be with the amendment.

Mr. PROUTY. Very little. But I want to resent the insinuation of the gentleman that I am standing here and voting for it because it will affect or not affect my State. I have not even looked to see whether it affected or did not affect my State. I will ask the gentleman whether he has been equally fair with himself.

Mr. LAFFERTY. I desire to answer the question.

Mr. MOSS of West Virginia. A parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. MOSS of West Virginia. Is it in order to offer a substitute at this point?

The CHAIRMAN. The Chair desires to state that the debate on this amendment has been exhausted. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the substitute offered by the gentleman from Virginia [Mr. SAUNDERS].

Mr. MOSS of West Virginia. Mr. Chairman, I move to strike out all after the enacting clause of the bill and substitute——

Mr. SHACKLEFORD. I make the point of order against that, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The question is on the substitute offered by the gentleman from Virginia [Mr. SAUNDERS].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Colorado [Mr. KEATING] as amended by the substitute.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BORLAND. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 4, strike out the words "and the civil subdivisions thereof."

Mr. BORLAND. Mr. Chairman, this proposition for the Federal Government to deal directly with the civil subdivisions of the States is a very novel proposition to me. I have heard gentlemen in their zeal to get appropriations—gentlemen who claimed to be earnest State rights' men—present very plausible theories to this House to the effect that it was not against State rights. But how on earth can any gentleman reconcile the dealing by the Federal Government with the civil subdivisions of the States as being anything else than going over the heads of the States?

The Secretary of Agriculture, in a very comprehensive statement which he made on this subject, laid down finally and conclusively the proposition that, in his judgment, the Nation should deal with no smaller unit than the State.

Now, Mr. Chairman, I desire to send to the Clerk's desk and have read in my own time an editorial that appeared in a leading Democratic paper in my own county, a paper not published in the city, but published in a county seat by a gentleman who for many years has been secretary of the Democratic Press Association of Missouri, a very independent and able Democratic editor in the State, the Hon. William Southern. His editorial relates to this very question as to whether the present system of road construction will produce better roads or whether the people need a better system of roads.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows.

ROADS AND PORK BARREL.

In big headlines a few days ago it was announced that Congressman DORSEY W. SHACKLEFORD's bill for Government aid in road building would appropriate approximately $25,000,000 a year for good roads and that it had been attached as a rider on an appropriation bill. At the magic cry of good roads everybody has a glow of self-righteousness about the heart, especially if the Government is going to furnish the money and it makes no extra taxes. There are at least a million men in Missouri who were the first good roads advocates and who have been fighting for good roads for a generation, most of whom live on a road where at any time for the past 25 years half a day's work with a team would have fixed that crossing at the creek.

If, as seems to be the case from the newspaper reports, Congressman SHACKLEFORD's bill simply appropriates $25,000,000 to be distributed among the States, and by the States among the counties, to be spent by local authorities, under local conditions, it would be a criminal waste of money. A million dollars is said to be Missouri's share. A million

dollars would give each county in the State about $8,000. This amount spent by the ordinary court, after being divided according to political pull amongst the townships where it would do the most good at the August primaries, would disappear like a frost before a hot sun and no trace be left. Jackson County alone spends nearly a million dollars on roads in a year, and after 25 years there are still some thousands of miles of road to be improved. Applied on one road the $8,000 would build about a mile of good graded rock road in Jackson County, and perhaps a mile and a half in some counties where the grades are not so heavy or the roads built so well. The proposed appropriation smells of "pork-barrel" methods clear from Washington.

The rivers and harbors appropriations and the public building appropriations ought to be an object lesson fragrant enough to warn our statesmen with votes against adding a post roads scandal to our national pork-barrel disgrace. Missouri apportioned half a million dollars in cash to the roads of the various counties a few years ago, and no man can to-day, or could the following year, show one single permanent road improvement for the expenditure of this money. The day has arrived when the people expect the men in office to use ordinary business sense in spending the money and not use it to promote personal political ambitions.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALEXANDER having taken the chair as Speaker pro tempore, a message from the Senate announced the passage by that body with amendments of bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 7951. An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture; and

H. R. 8667. An act to promote the efficiency of the Naval Militia, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3419. An act admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas.

RURAL POST ROADS.

The committee resumed its session.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

The CHAIRMAN. The Chair desires to state that all debate on this paragraph and amendments thereto is exhausted.

Mr. SAUNDERS. Mr. Chairman, I desire recognition as a member of the committee.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] is recognized, but all debate is exhausted on this amendment.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Missouri [Mr. SHACKLEFORD] can well afford to disregard the snarl of the editorial which has been read at the desk, in view of this most capital piece of legislation that has been reported from the committee of which he is the chairman. [Applause.]

The CHAIRMAN. Does the gentleman from Virginia move to strike out the last word?

Mr. SAUNDERS. Yes.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] moves to strike out the last word.

Mr. SAUNDERS. A good deal of criticism of this bill proceeds from an absolute lack of acquaintance with its contents and its purpose. Some of these criticisms are conflicting and inconsistent. For instance one gentleman has attacked its alleged extravagance, and described it as a pork barrel, of colossal dimensions. Then the gentleman from California rises to remark that this bill carries so little for his State, that really California's quota is negligible. In view of the fact that California has provided a great sum to be expended on roads in that State, the gentleman sneers at a bill which carries only $25,000,000 for the entire United States. Of course to a State that handles so many millions, the sum of $500,000 is an insignificant trifle. But both criticisms can not be well taken. If this bill is objectionable on the ground that it appropriates an unconscionable amount, then it does not deserve the criticism of the gentleman from California, that the sums which it carries for the several States are really negligible and unworthy of consideration.

I desire now to call the attention of the committee to some of the provisions of the bill. The gentleman from Missouri [Mr. BORLAND] says that we propose in this bill to deal with the local subdivisions of the States. We do not propose to do anything of the sort. There is not a line in the bill that justifies this comment.

Mr. BORLAND. Will the gentleman yield?

Mr. SAUNDERS. Certainly. I wish to get at the facts.

Mr. BORLAND. What is meant by the language—

And the civil subdivisions thereof—

That I have moved to strike out?

Mr. SAUNDERS. I will try to show the gentleman. It is the purpose of this bill to affect with its benefits these local subdivisions. It is further intended to enable these subdivisions in the ultimate to get in touch with the National Government; but this will be done by the means provided by the bill, namely through the States. They must speak through the appropriate department of the State. Under this bill no local subdivision may secure the ear of the department at Washington by direct approach.

Mr. BORLAND. The gentleman says we do not understand his bill. I want to call his attention to page 7, lines 1 to 5, in which it says:

That such payments shall be made, to such officers of the respective States as the governors thereof shall designate as being entitled to receive the same, by the Treasurer of the United States upon warrants drawn upon him by the Secretary of Agriculture.

Mr. SAUNDERS. That carries out what I said a moment ago. These subdivisions are intended to be reached by the benefits of this bill, and it is intended that these subdivisions may reach the Treasury, but they must do so through the prescribed channel, that is through the State. In other words, the unit with which the Government will deal will be the State.

I want the House to realize that this is a carefully worked out scheme of legislation. Speaking for every member of that committee, we desire to repel these continued suggestions that this bill is ill considered, or that it is in anywise a pork-barrel proposition.

Under section 3 a local subdivision of a State desiring to secure aid for the improvement of some road in that locality would apply in the first instance to the road department of that State. The road department would then take up the proposition with the Secretary of Agriculture, and in conference with a representative of his department, the merits of the proposition submitted would be discussed and settled.

If the conclusion of the conference was favorable to undertaking the project, the Department of Agriculture and the representative of the State would determine the material, character, and manner of the work of construction, or maintenance.

Thereafter the work would be conducted under such supervision as had been agreed upon by the Secretary, and the officer of the State. When the work is completed, and has been approved by the Department of Agriculture, payment will be made to the appropriate officer of the State designated by law to receive the same. Is there any man who will say that this is not an appropriate, common sense, and businesslike way in which to conduct this transaction?

If there are any further questions to be asked along the line of this local subdivision proposition, I would be very glad to have them asked in this connection.

I desire to call attention to another matter while I am on my feet. The bills which have heretofore been opprobriously described as "pork-barrel" propositions, are bills with respect to public improvements, every dollar of which is paid out of the Public Treasury. For instance, under the rivers and harbors bill, all the money is afforded and expended by the Federal Government. Under this bill not more than one-half is afforded by the Government.

Mr. BORLAND. I wanted to ask the gentleman a question on that local-subdivision proposition, but my attention was diverted at the moment. The gentleman said he wanted to know where there was anything in this bill about the Government dealing with local subdivisions. The first section says:

May aid the States and the civil subdivisions thereof.

Mr. SAUNDERS. I have covered that ground.

Mr. BORLAND. Let me ask my question. I assume that language was put in there for some purpose, and that the word "State" would not be sufficient. Is it not true that a great many States do not have the power to construct and maintain rural district roads?

Mr. SAUNDERS. I admit that.

Mr. BORLAND. And that you can only aid the States in case they have the power, and if they have not the power, you must aid the authority that has the power?

Mr. SAUNDERS. Any State that can not approach the Treasury in the manner prescribed by this bill will be unable to secure the benefits of the same.

Mr. Chairman, I ask to be allowed to proceed for five minutes longer, and will address myself entirely to the merits of this proposition.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. I should like to ask the gentleman a question.

Mr. SAUNDERS. Certainly.

Mr. LANGLEY. Does the gentleman think it would be unwise to make any provision to meet the situation in a State like California, for instance, where they regard the amount involved so small, as the gentleman from that State [Mr. J. R. KNOWLAND] intimated, that they do not care to bother with it?

Mr. SAUNDERS. Yes.

Mr. LANGLEY. Suppose some county in a State should want its pro rata share of the funds in case the State does not act, or has not the power, do you not think it might be well to have some provision for that sort of situation?

Mr. SAUNDERS. No, because our policy is to deal with the States. Let me say that we will have no trouble on the line indicated, for the reason that the States will be so greatly interested, that every State will afford the appropriate machinery necessary to enable it to come within the benefits of this bill.

Mr. LANGLEY. I hope so. There will be no question about Kentucky, I think, but I wish there were no doubt about the relief being afforded any county that does its part, if the State as a whole does not.

Mr. BARKLEY. There are a great number of States in the Union which do not appropriate money and which can not appropriate money out of the State treasury for the purpose of constructing roads unless they pass constitutional amendments.

Mr. SAUNDERS. Yes.

Mr. BARKLEY. In such States as that, where, by reason of limitations in the law, the State can not draw its share, is there anything in this bill to permit any subdivision or any county to apply for its portion of what the State would get if it could?

Mr. SAUNDERS. Yes. I am glad my friend asked me that question, because it develops a feature of the bill that has been carefully worked out. If there are any States in the Union which are unable to appropriate, out of their State treasuries, the amounts required to enable them to secure the quota going to those States, they will not be at all hindered by reason of that fact from participating in the benefits of this measure.

Mr. BARKLEY. But if that is so——

Mr. SAUNDERS. I will answer the gentleman's question. This bill does not provide that the corresponding amount to be put up against the amount coming from the Government, shall be put up by the State. You will find that the bill provides that the amount shall be afforded, and if in any State it is afforded by private, or county subscription, or in any way, just so the necessary amount is provided to match the amount afforded by the Federal Government, then that State will come within the benefits of this bill.

Mr. BARKLEY. If the amount is afforded by the State and by private subscription; but it says nothing about the great amount of money levied by the counties for road purposes.

Mr. SAUNDERS. The language used is "otherwise than by the United States," that is to say provided the amount afforded by the Federal Government, is matched with an equal amount, however raised, the Federal fund becomes available. This language was used with design, and was intended to meet the situation in those States that do not appropriate directly to roads. Money raised by local subdivisions, or private subscription will be as effective to secure Federal aid, to the extent of the State's quota, as money directly appropriated by a State.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. McLAUGHLIN. The gentleman says the Federal Government could only treat with the governor of the State. Section 2 provides that on or before a certain day the governor shall give notice of how much they want to have done under sections 3 and 4. In the event of failure of the governor to give notice, the Secretary of Agriculture shall take hold of the matter himself. That means that he may reach right down into the State and deal with the local authorities of the State.

Mr. SAUNDERS. That refers to the election whether a State will operate under section 3 or under section 4. The governor is given the power to make the election, in the absence of any law to the contrary.

Mr. McLAUGHLIN. If the governor took no action, does not that authorize the Secretary of Agriculture to deal directly with the local authorities?

Mr. SAUNDERS. Oh, no; not at all.

Mr. McLAUGHLIN. It seems to me that it is contrary to what the gentleman has stated, and that the Federal Government can deal directly with the local authorities.

Mr. SAUNDERS. If the governor does not make the election, the Department of Agriculture can make the election; that is, determine said matter. But when the department deals with the State, whether under section 3 or 4, it will do so in conformity with the terms prescribed by this law.

Mr. BORLAND. Let me say to the gentleman that section 3 makes it clear that the State is to deal with the local authorities. It says:

That the Secretary of Agriculture is authorized to cooperate with the officers of the several States, having lawful authority in that behalf, in the construction and maintenance of rural post roads.

Lawful authority in what behalf? Where is the power in the State of Missouri for the construction of post roads? In the county court. Where is it in the gentleman's State for the construction and maintenance of post roads?

The CHAIRMAN. The time of the gentleman from Virginia has again expired. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was lost.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of section 1, add the following: *"And provided further*, That the term 'rural post roads' as contained in this act shall be held to mean any public road outside of an incorporated city over which the United States regularly carries rural mail, either by free rural delivery or star-route carriers."

Mr. SHACKLEFORD. Mr. Chairman, I have not consulted with all the other members of the committee, but, as far as I am concerned, I do not think there is any objection to that amendment. I think it makes a little more certain the intent of the bill.

Mr. GOOD. May I ask the gentleman a question?

Mr. TREADWAY. Certainly.

Mr. GOOD. Would not that include all the roads in portions of the country where it has a thick population, like incorporated villages and towns, even roads improved by pavement in such villages and towns? If that is the case, why should we limit it to roads in villages of the country? If rural post roads are to mean roads in incorporated villages that are paved, why not extend it to roads in the limits of any city that are paved over which the mail is carried?

Mr. TREADWAY. I should think that would be within the judgment of the highway department of the State and the Secretary of Agriculture, in whose hands the distribution of this money is to be left. It is the intent of this bill to improve rural routes and roads. Of course the gentleman's point is probably correct that a rural carrier has to go from some central post office, and probably he does pass over paved roads for a certain distance. At the same time these routes are not the kind of routes that it is intended should be benefited by this bill.

Mr. GOOD. If the amendment is adopted, a rural post route may mean a route within an incorporated village or town.

Mr. TREADWAY. Incorporated village, but not an incorporated city.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. HAYDEN. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. HAYDEN. Does the gentleman intend to confine the appropriations in this bill to that kind of road only, or is that merely the basis?

Mr. TREADWAY. It is to define what is meant in this bill by rural post roads. As I understand it, the statute defines a post road, but in no place does it define the rural post roads.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question.

Mr. SHACKLEFORD. Very well.

Mr. MANN. Does the term "rural post roads" occur in the bill anywhere except in section 1?

Mr. SHACKLEFORD. It does—three times.

Mr. MANN. Why not limit this to a definition of the words "rural post roads" as they occur in the first section? In section 1 the purpose is to fix the basis of apportionment of the money. Now, it may be proper in other cases.

Mr. SHACKLEFORD. I think I can explain why it is proper. The purpose of the bill is to encourage the building of additional roads to be used as rural post roads. The purpose of the apportionment is to apportion it upon the basis as it now exists, but from time to time we hope to convert into rural post roads some that are not now in that condition.

Mr. MANN. But you could not do it under this definition.

Mr. SHACKLEFORD. Oh, yes.

Mr. MANN. Not until you had already converted them. If you make this definition apply to section 1, that is the basis of apportionment, but if you make the definition apply to section 3, then you can not use any money on rural post roads over which you are not then carrying the mail.

Mr. SHACKLEFORD. It is dubious; but when we come to section 3 it is easy to make it read as it does in section 4.

Mr. MANN. It would be easy to say, instead of "in this act," "in this section." Perhaps that would not cover it.

Mr. SHACKLEFORD. That would not cover the others.

Mr. MANN. That would cover the apportionment.

Mr. SHACKLEFORD. Yes. I will show the gentleman how I think this should be done.

Mr. MANN. Before the gentleman interrupts me, let me call his attention to one other thing, and the gentleman can explain that. As I understand, under the provisions of this term, it is not intended to contribute toward the support or construction of roads within either cities or villages. Am I correct or not?

Mr. SHACKLEFORD. The gentleman's amendment would allow it to be done in villages, and I will say that the reason for that is on account of the peculiarities that exist in New England, where 6 or 8 or 10 miles square are incorporated as a village but the populous part of it is not a separate incorporation. It is like a township in the gentleman's State.

Mr. MANN. I do not know that any such case exists now. Up to some years ago, when Chicago was enlarged by annexation, I lived in a village, incorporated, with a population of 75,000 to 100,000. It was 12 miles long and in some places 6 miles wide, and probably had a great many more roads than exist in the District of Columbia. I doubt whether anybody would want the Government of the United States to construct a road there, although when I lived there we would have been very glad to have the Government give us that aid. I now yield to the gentleman.

Mr. SHACKLEFORD. Mr. Chairman, all I wanted to say was that in section 3, in line 16, just before the words "rural post roads," there be inserted the following: "roads adapted to be used as."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word, in order to ask a question.

The CHAIRMAN. The gentleman is in order without that motion.

Mr. HARRISON. Mr. Chairman, I understand this amendment just embraces cities and makes no mention of towns and villages.

Mr. SHACKLEFORD. It excludes cities.

Mr. HARRISON. May I ask why we should exclude cities and in the exclusion not include towns and villages?

Mr. SHACKLEFORD. I will explain that to the gentleman. This is a place where we have to write a law rigidly, and it pinches in some places, but in all the New England States the little villages are not incorporated. They incorporate the town, or what we call the township, and if we used the word "town" it would exclude the township, and therefore exclude everything within the domain of the State. Some of them they call towns and some villages, but the incorporation corresponds to a township in the gentleman's State or in mine; and in using general terms we limited it for the sake of uniformity to cities. It amounts to very little, because these small villages have not taken care of their roads overly well, and it is a rural road from the post office to the line, anyway. It is negligible.

Mr. HARRISON. Do I understand that in the bill all cities were included?

Mr. SHACKLEFORD. There was some doubt as to whether it did not allow us to pay for streets. The amendment of the gentleman from Massachusetts was to make that clear. It was not intended to apply to streets, and the purpose of the amendment is to make it clear that we do not intend to contribute to the upkeep of city streets.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken.

Mr. HARRISON. Mr. Chairman, on that I demand a division.

Mr. PROUTY. I do not know whether it is in order, but I desire to offer an amendment to that amendment.

The CHAIRMAN. The gentleman can not offer that at this time.

Mr. PROUTY. Mr. Chairman, I ask unanimous consent, then, to strike out the word "act" in the amendment and to insert in lieu thereof the word "section."

The CHAIRMAN. The gentleman asks unanimous consent to perfect the amendment by striking out the word "act" and inserting the word "section." Is there objection?

Mr. BORLAND. Mr. Chairman, reserving the right to object, I desire to call the attention of the gentleman from Iowa to the fact that rural post roads are described in section 3.

Mr. PROUTY. I am fully conscious of that fact, and that is the reason I am trying to save the situation. I do not think we ought to give a definition that would apply to the entire act, but to this section.

The CHAIRMAN. Is there objection?

Mr. TEMPLE. Mr. Chairman, reserving the right to object, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. TEMPLE. Would the gentleman's proposal be affected at all by the fact that in section 4, on page 4, line 10, we find that the appropriations are not made for rural post roads but are made for roads which are adapted to be used as rural post roads? So that however we define rural post roads it does not affect the appropriations, because the appropriations are to be made for roads which are adapted to be used by the United States as rural post roads.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the amendment of the gentleman from Massachusetts, on which a division has been asked.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. Was not unanimous consent just given to amend the amendment?

The CHAIRMAN. It was to perfect it.

Mr. BARKLEY. Mr. Chairman, the gentleman asked unanimous consent to be permitted to offer an amendment.

Mr. LANGLEY. But the amendment has not yet been offered.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Massachusetts, as perfected by the unanimous-consent suggestion of the gentleman from Iowa.

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. The gentleman from Iowa asked unanimous consent to offer an amendment.

The CHAIRMAN. No; he asked and obtained unanimous consent to perfect the language of the amendment, and the committee is voting on the amendment now. A division has been demanded by the gentleman from Mississippi [Mr. HARRISON].

The committee divided; and there were—ayes 51, noes 1.

So the amendment was agreed to.

Mr. J. M. C. SMITH. Mr. Chairman, before I forget it, I wish to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan [Mr. J. M. C. SMITH] asks unanimous consent to extend his remarks in the RECORD.

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that debate on the substitute and pending amendment be closed in 10 minutes.

The CHAIRMAN. The gentleman will wait a moment until the Chair states the request of the gentleman from Michigan [Mr. J. M. C. SMITH]. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. J. M. C. SMITH. Mr. Chairman, I am in entire accord with the purport of the bill of the gentleman from Missouri for Federal aid in the construction and maintenance of our public highways.

The bill proposes to appropriate the sum of $25,000,000 for this purpose, and I notice by the report of the committee that Michigan will be entitled to the neat sum of $923,750.

There are in Michigan 51,185 miles of post roads and 1,721 miles of star routes, making a total of 52,906 miles. This would make an average allowance of $17.80 a mile for all such highways in the State. Allowing $3,000 for the construction of a gravel or macadam road, the total appropriation for Michigan would construct 307 miles of highways.

By the provisions of the bill the State is to expend a similar amount before being entitled to its benefits, so that under the present appropriation of $923,750 from the Federal Government, a like amount must be added by the State, making a total of $1,847,500, which amount applied to the construction of good roads at $3,000 per mile would construct 614 miles. This would construct two highways running north and south, or three highways east and west across our entire State.

The report of the honorable chairman states that it will require seven years for some of the States to put themselves in a position to annually expend this sum, which calls for immediate attention.

I take from the report of the committee the number and aggregate length of rural and star routes in Michigan in operation December 1, 1913:

Rural and star routes in Michigan.

Rural Delivery Service:		
Number of routes		2,049
Aggregate length	miles	50,183
Average length of routes	do	24.49
Star Service:		
Number of routes		167
Aggregate length	miles	1,721.2
Average length of routes	do	10.37

Table 3 shows the amount of Federal aid for each State under the provisions of the bill, and for Michigan is:

Michigan, with 3.08 per cent of total population, receives	$385,000
Michigan, with 4.31 per cent of total star and rural routes, receives	538,750
Total	923,750

It may be of interest to note the total miles of such improved highways in the United States, as shown by the report, and the classification of the same according to the material and manner of construction:

	Miles.
Class A. All water-bound macadam roads or roads with a more expensive or more durable surface	52,585
Class B. All roads built of gravel, shell, or proper combination of sand and clay	161,790
Class C. All improved earth roads with adequate side drains, compacted, with crowned surface, smooth and well maintained	222,513

The bill, it will be observed, provides for the manner of expending this Federal aid.

The first is: That the Secretary of Agriculture shall cooperate with the proper officer of each State having lawful authority in that behalf, and jointly with him consider and determine the roads in the State which may be constructed and maintained during the next fiscal year, and the material and character of construction of such maintenance, and the work shall be done under such supervision as may be agreed upon.

Under this provision, section 3 of the bill, I understand that the Secretary of Agriculture and the highway commissioner of any State may agree or determine upon the construction of any highway or highways in a State, and the entire allotment or appropriation made for any State can be expended upon the half-and-half plan, the Government paying one-half and the State one-half of the construction of the highway so determined upon, but in no case shall the United States bear more than one-half of the cost of construction and maintenance, and that construction and maintenance shall not be entered upon until a portion of the costs which are to be provided by the State has been made available.

The second provision is that contained in section 4 of the act; and by it the highways are divided into classes known as class A, class B, and class C, respectively.

CLASS A.

Shall embrace roads with a road track composed of macadam, or other material of equal utility, with a smooth, firm surface, for which the United States shall pay on account $60 per mile.

CLASS B.

Shall embrace roads well drained and with a road track composed of shell, gravel, or combination of sand and clay, or material of equal utility, with a smooth, firm surface, for which shall be paid on account by the United States the sum of $30 per mile.

CLASS C.

Shall embrace roads with drainage and side ditches, so constructed as to quickly shed water into the side ditches, kept crowned and compact, so that it shall be reasonably passable for wheeled vehicles, for which shall be apportioned the sum of $15 per mile by the Government.

And that nothing shall be paid by the United States for any road which does not come clearly within the requirements of these classes.

The payments shall be made to such officers of the State as the governor shall designate, upon warrants drawn upon the Treasury of the United States by the Secretary of Agriculture, and nothing shall be paid by the United States on account of any road upon which there has been a default in the expenditures required by the terms of the act, and that all needful rules for the administration of the law shall be made by the Secretary of Agriculture of the United States.

The appropriation itself bears with it the evidence of fairness, and includes all the States of the Republic. One-half of the appropriation which each State is entitled to is based upon the proportion which the population of each State bears to the population of all the States and the other half of the appropriation to each State is based upon the number of miles of post routes in use which each State bears to the total number of miles of post routes of all the States.

The act further provides:

That the governor of each State shall notify the Secretary of Agriculture before the 1st day of January of each year, and within 45 days after the passage of the act during the present year, whether or not his State will conform to the terms and requirements of this law, and the character of the highway to be constructed. A copy of sections 3 and 4 of the act is hereto appended.

Mr. Chairman, I think it will be a great mistake if any State fails to avail itself of the benefits of this appropriation.

The present constitution of the State of Michigan prohibits that State from contracting an indebtedness of more than $250,000, and does not provide for the issuance of bonds for internal improvements, but there is to be submitted at the next general election the question of bond issue as provided by the last session of the legislature by amending our constitution so as to provide that—

The State may also issue bonds for the purpose of raising money for the construction and permanent improvement of the public wagon roads of the State.

This is a new provision in our constitution looking specifically to the betterment of our public highways, and is an amendment to section 10, article 10, and I have no doubt that this amendment to our constitution will receive the unanimous vote of the public-spirited citizens of Michigan, or be carried by an overwhelming majority when voted upon.

The appropriation of $25,000,000, to be divided among all the States of the Union, is not a large one, compared with other appropriations.

Much is said about appropriations for other causes, but I am fully convinced and satisfied that there can be no appropriation that will serve a better purpose than this appropriation of $25,000,000 for the purpose intended.

There seems to be a general idea that this appropriation is for the sole benefit of the farmers. I do not look at it in that light, but am persuaded that the money is to be used for the general welfare of all the people and the betterment of the Republic. Highways belong to the public and are for the use and benefit of all the people.

One gentleman states that it will double the value of the farms. I can not go to such an extreme, but I concede the fact that a farm lying alongside of a beautiful, well-kept macadam or paved highway is worth more than one not contiguous to such a road.

The great Lincoln national highway, extending from coast to coast, already in process of construction, will be permanently built. It will not only beautify the country and be of great utility to the farmer, but it will also add to the rural population by its symmetry of construction, its ease of transportation, and aid in the comfort of rural life.

I hope no farmer or person who is interested in country life will fail to see the great advantage of this appropriation, and in the States where the State law does not now permit them to avail themselves of the benefits of this act that at once the machinery will be set in motion by the legislature for coming within its provisions.

In the construction of a macadam highway a fair average cost is any place from $3,000 to $6,000, according to cost of material and the contour of the surface, and while $923,750, which is the appropriation for Michigan, may look large in gross, under section 4 of the act there can not be appropriated out of this sum but $60 for each mile of highway constructed out of macadam or similar material, and there can only be appropriated $30 for a sand and gravel and clay highway, and $15 for a highway suitable for reasonable passage of wheeled vehicles.

Under section 4 of the act, if the entire sum of $923,750 were used in the construction of macadam highways, it would require the completion of 15,295 miles, or practically one-third of the entire highways of our State. If the entire amount allotted to our State were used in the construction of gravel and clay highways, and for which the Government allows $30 for each mile under class B, there must be 30,790 miles constructed to consume the appropriation, or practically 60 per cent of the highways mentioned. While to absorb the total appropriation under this bill allotted to Michigan of $923,750 in the construction of dirt roads for convenient travel by wheeled vehicles, at $15 per mile, would require the completion of 61,580 miles and 18 per cent, or 10,000 miles more than the post and star routes mentioned in the report.

Now, the policy of expending $3,000 to $6,000 per mile for good roads in order to secure a Government benefit of $15 or

$30 or $60 per mile may admit of some business tact. Sixty dollars is but 10 per cent of the cost of constructing a highway costing $6,000 a mile; $30 is but 10 per cent of a highway, constructed under class B, costing $3,000 a mile, and I set aside the business policy of whether this small appropriation limited to the construction of a mile of highway at a great expense to the State and rural community invites too large an undertaking or the construction of too many miles of such highways. But let us construct the highways and the $60, $30, and $15 will be a substantial sum for their maintenance and upkeep when once completed.

GOOD ROADS.

But about the utility, the desirability, and the benefit of the improvement of our public highways there can be no question.

Indiana and Ohio are first among the States in the construction of good roads, with approximately 25,000 miles each to their credit.

The value of improved highways to the farmer is shown in the fact that a farm is not as saleable or of a like market value situated off and away from a macadamized highway as one situated thereon, although the farms may be of equal fertility and improvements. It is also stated that farmers who are residing in those States where good roads are prevalent are eager for them; that they readily bond their townships therefor and pay their taxes willingly and readily, the important question with them being whether or not they can secure a macadam or other turnpike adjoining their premises.

The Sixty-second Congress appropriated the sum of $500,000 for the experimental construction of good highways. If any of the States received any part of this appropriation they have been more fortunate than the State of Michigan, as no part of this appropriation has crossed the State line into that territory.

The State of Michigan appropriated for the use of the State highway department for the fiscal year ending June 30, 1912, $250,000, and for the fiscal year ending June 30, 1913, a like sum of $250,000, of which $10,000 is set aside for the running expenses of the department and the balance constitutes the State reward fund, any unexpended amount being carried over into the fund for the succeeding fiscal year. Under this law the State of Michigan contributes for every mile of well-graded road not less than 20 feet wide, with a wagon track of not less than 9 feet of sand and clay, $250; for every mile of well-graded road consisting of not less than 8 inches of compact gravel, $500 per mile; for every mile of such road constructed of crushed stone, slag, or other material, not less than 4 inches thick, the sum of $750; and for every mile of well-compacted macadam road not less than 6 inches deep crowned with stone screenings, asphalt, bituminous, or other cement, the sum of $1,000. All highway taxes are paid in cash and disbursed in townships by the township highway commissioner and township board, and in the counties by the county road commissioners, under the direction of the board of supervisors.

The ancient nations of Egypt, Tyre, Carthage, China, and Greece were extensive road builders. They knew the importance of the highways. The roads constructed by them were substantial and enduring.

It is recorded that prior to the advent of the Christian era the Chinese began the construction of long, wide, durable roadways, paved with large hewn blocks of stone, perfectly fitted and well cemented, which furnished an excellent flat surface. Many of these roads are still used. Athens was connected with her harbor, Piraeus, by a highway 200 yards wide, scarcely equaled anywhere. Highways of more than 50,000 miles solidly constructed radiated from Rome in all directions out into the Provinces. In the construction of these roads the Romans laid out low grades, straight lines, built bridges, and cut tunnels to overcome natural obstacles. The foundation was always firm, composed of small stones or fragments of brick, well beaten down, upon which a pavement of large stone was next laid, set firmly in cement, upon which system we have not yet improved in highway construction. Immense sums were expended in the construction and upkeep of these roads, exceeding any other public outlay, and after 2,000 years of continual use many of these roads are in almost perfect condition; and it is worthy of note that with the destruction of its highways by the barbarians the Empire of Rome began to decline.

This mention of ancient highways is made for the purpose of showing that good highways and high civilization are closely allied. At the present day Italy constructs and takes good care of its highways as a well-preserved ancient custom.

The effect of good highways will be to enhance the culture of the people or to uplift the rural districts more than any other improvement that could be undertaken, and I find four counties in my own district will construct a total of 99 miles at a cost exceeding a quarter of a million dollars. The counties, according to information furnished to me by the clerk of each county, will construct and expend the following amounts for good roads during the present year of 1914:

Calhoun County, 29 miles; State reward, $29,300; county funds, $73,800.

Branch County, 21 miles; estimated cost, $58,616.66; and finish work of preceding year.

Kalamazoo County, 25 miles, at an expense of $75,000.

Eaton County, 24 miles, expending $45,000.

Hillsdale County, records showing no action taken as yet.

In the construction of these highways, although the State aid comes from all the property of the State, still this is but a part. The land contiguous to the highways and the community and township also bear their just proportion, and, as in other cases of development, the farmer stands in the front rank. The needs and the demands are imperative, and the benefits are clearly evident. Every argument must be in favor of good roads and better highways. As time goes on, the necessity of good roads will become more and more apparent. Vast sums of money are expended for the development of our waterways. There can be no greater utility and benefit to the farmer or agriculturist than the highways; they should be well constructed with a view to endurance and permanency. Millions upon millions have been paid out for other internal improvements; canals have been built, rivers improved, public buildings have been erected without stint or number by Federal aid. Since and including the year 1908 there has been appropriated for improvement of rivers and harbors, one of our great commercial highways, but of no more importance than our public highways, the aggregate of over $261,000,000. Alone, thus far, the farmers have practically builded the highways which have opened up rural districts, and they have enriched the country with schoolhouses and churches. Farmers are the basis of our national fabric, and for the purpose for which this appropriation is made will enter into the use of it with a spirit and fervor that has always characterized them. The great public need of better highways is now dawning, and almost within the reach of the husbandmen. It will receive their hearty support and with them be shared in by all the people of our country.

SEC. 3. That the Secretary of Agriculture is authorized to cooperate with the officers of the several States, having lawful authority in that behalf, in the construction and maintenance of rural post roads. That between the 1st day of February and the 30th day of June in each fiscal year the Secretary of Agriculture and the officer, or officers, of each State having lawful power to act for the State, may jointly consider and determine the roads in such State which, under the provisions of this section, may be constructed and maintained during the next fiscal year and the material, character, and manner of such construction and maintenance; that such construction and maintenance shall be conducted under such supervision as shall have been previously agreed upon by the Secretary of Agriculture and said officer, or officers, of said State; that in no case shall the United States bear more than one-half of the cost of the construction and maintenance of any road under the provisions of this section; that the Secretary of Agriculture shall not commence such joint construction of any road in any State until the portion of the cost thereof which is to be provided otherwise than by the United States has been made available.

SEC. 4. That certain roads in the States which are adapted to use by the United States as rural post roads shall be divided into three classes to be known as class A, class B, and class C.

Class A shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of macadam or other material of equal utility and cost, constructed and maintained in such manner that it shall have a smooth, firm surface.

Class B shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of shells, gravel, or a proper combination of sand and clay or other material of equal utility but less expensive than macadam, constructed and maintained in such manner that it shall have a smooth firm surface.

Class C shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches and kept crowned and compacted by dragging or other adequate means so that it shall be reasonably passable for wheeled vehicles.

That on or before the 1st day of March in each fiscal year the governor of any State may file in the office of the Secretary of Agriculture a statement setting forth the location and the number of miles of roads in such State which he claims to be in each of classes A, B, and C, respectively; and if such State have a State highway department, then his said statement may be accompanied by a report from such State highway department showing the total number of miles of roads in such State in each of classes A, B, and C, the location of such roads, a description in detail of their physical features, the material, manner, and, as far as may be, the cost of their construction and the manner and cost of their maintenance.

That the Secretary of Agriculture shall consider such statements and determine which of the roads mentioned therein are in class A, which in class B, and which in class C, and make a report of his said determinations to the respective governors, filing such statements, on or before the 20th day of the following June.

That no charge shall be made for so considering and determining such statement of any governor if the same shall be accompanied by a report from the State highway department of such State as hereinbefore provided; but in all other cases there shall be deducted 10 per cent of the amount which shall be payable on account of the roads in such State under the provisions of this act.

That at the end of each fiscal year the United States shall pay on account of the roads so determined to be in classes A, B, and C, as follows: On each mile in class A the sum of $60, on each mile in class B the sum of $30, and on each mile in class C the sum of $15: *Provided*, That if in any State the aggregate of said sums would exceed the amount which for that fiscal year has been apportioned to such State under this act to be expended under the provisions of this section, then said sums per mile shall be reduced pro rata so that their aggregate shall not exceed said amount.

That nothing whatever shall be paid by the United States under the provisions of this section for any road which does not clearly come within the requirements of class A, B, or C, as hereinbefore defined.

That such payments shall be made to such officers of the respective States as the governors thereof shall designate as being entitled to receive the same, by the Treasurer of the United States upon warrants drawn upon him by the Secretary of Agriculture.

That such payments of money made by the United States as hereinbefore provided shall, during the ensuing year, be applied to the construction, maintenance, or extension of the respective roads for which paid and that in addition thereto the State or civil subdivisions thereof shall, during said ensuing fiscal year, expend in the construction, maintenance, or extension of said roads an amount equal to the amount so paid by the United States; that if such sums are not so expended upon the construction, maintenance, or extension of said roads, respectively, during the ensuing fiscal year, then at the end of such fiscal year nothing whatever shall be paid by the United States on account of any road upon which there has been a default in such expenditure; that the Secretary of Agriculture shall determine whether such expenditures have been so made, and to aid him in such determinations that the proper officers of the State shall make such showing as he shall require.

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent that debate on this section and all amendments thereto be closed in 10 minutes. Is there objection?

There was no objection.

Mr. MOSS of West Virginia. Mr. Chairman, I would like to have about three minutes.

Mr. SMITH of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I shall cheerfully support the bill now before the House in aid of good roads. I shall do so not only because of the general benefit it will be to all classes throughout the country, but because of its special benefit to a long-neglected class of our people—the farmers.

It has only been within recent years that the National Government has taken any note of this worthy class of our people; and even up to this time they have not received the degree of care and attention that, it seems to me, it was the duty of the Government to bestow upon them.

However, I am glad to say that the tide is now at last turning in favor of the people who live upon the farm. Just a few years ago we gave them rural free delivery. Later we gave them the parcel post. Now we propose a plan for the improvement of the roads, in order to give them more complete enjoyment of the free delivery and parcel-post service.

Good roads are worth many times what they cost. They bring producer and consumer closer together; they open new markets to both the merchant and the farmer; they economize transportation; they enlarge the farmer's opportunities; they cheapen the cost of the farmer's improvements, greatly enhance the value of his land, and add immensely to the comforts and pleasures of farm life.

The more I study the question of goods roads the more I am amazed that it has received so little attention. Bad roads have not only been the special blight of country life, but they have exacted a toll upon commerce that is incalculable. When we consider the fact that practically the entire food supply and the bulk of the raw materials of manufacture must be transported over bad country roads before they reach the consumer we can form some idea of this enormous toll and of the individual and national loss which it entails.

While the bill is not all one could wish, it is a beginning—a step in the right direction—which will establish a national policy that in the years to come will, in my judgment, result in more practical benefit to the people than anything we could possibly do. I think it best that we should start conservatively, and this we are doing. And as the benefits to be derived from the inauguration of this policy are to be local as well as national, I believe the bill is wisely drawn to require cooperation between the local and the National Government.

Mr. Chairman, we all know that perhaps the greatest clog to the progress, development, and prosperity of this country has been the steady movement from the farms to the cities. Farm life has been neither pleasant nor profitable, hence it has not been attractive. This should be changed, and it would be in large measure by the construction of good roads. Then if a financial system suitable to the peculiar needs of the farmer shall be established, as we hope it will be before this session adjourns, farm life will in due time become what it ought to be—the most independent, the most wholesome, the most prosperous, and the happiest of all the avocations. Then will the movement back to the farm begin, and with agriculture prosperous and contented peace and plenty will reign throughout the land.

[Mr. MOSS of West Virginia addressed the committee. See Appendix.]

Mr. BARTHOLDT. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. The gentleman is recognized.

Mr. BARTHOLDT. Mr. Chairman, the gentleman from West Virginia [Mr. Moss] has just now stated it would be left to the discretion of the Government and State authority to apply a part of that fund to the construction of new roads. However, the bill provides, if I read it rightly, on page 6, lines 22 and 25:

That nothing whatever shall be paid by the United States under the provisions of this section for any road which does not clearly come within the requirements of class A, B, or C as hereinbefore defined.

Mr. SAUNDERS. You are reading from one section, and I referred the gentleman from West Virginia to another section. The section from which you are reading is a maintenance proposition. Section 3 is a section under which there may be either maintenance or construction.

Mr. BARTHOLDT. So it is possible under the bill to construct new roads?

Mr. SAUNDERS. Absolutely.

Mr. BARTHOLDT. How, then, will you secure the money from the States?

Mr. SAUNDERS. It is provided that if the money is afforded, whether by the States, or the localities, or by the localities and States in conjunction, or by private subscription,—just so the necessary amount is afforded,—that amount will be met by an equivalent amount from the Federal Government, to the extent of the State's quota.

Mr. BARTHOLDT. Let me ask the gentleman if there is anything in this bill, except the provision on page 4, from line 2 to line 9, which provides for any contribution on the part of the State or county at all?

Mr. SAUNDERS. Oh, yes.

Mr. BARTHOLDT. I can not find it. I do not see how under this section even any State could be held to contribute one penny.

Mr. SAUNDERS. To what section are you referring?

Mr. BARTHOLDT. To section 3.

Mr. SAUNDERS. It is expressly provided under section 3, that the communities or the localities in the State must provide an amount equal to that which is afforded by the Federal Government.

Mr. BARTHOLDT. But these communities and States may claim that these roads A, B, and C——

Mr. SAUNDERS. That is in another section, which has nothing to do with section 3. If you will look at the A, B, and C sections, you will find there that the States are required to maintain those roads conformable to a prescribed standard, in order to receive Federal aid. It does not make any difference what it costs to maintain these roads up to this standard. Until that standard is reached and maintained, a State is not entitled to aid under section 4. It is a very easy calculation to make to satisfy anyone that these roads can not be kept up to the prescribed standard for as much as 12 months, without spending on them fully as much, and in 99 per cent of the cases more, than will be obtained from the Government per mile after this standard has been maintained. Hence there is no danger that the State under section 4 will not expend more than it will receive per mile from the Government.

Mr. BARTHOLDT. My contention is, Mr. Chairman—if I have a minute more time—that this section which deals with the contributions by the States is very indefinite; that is, it does not say definitely and positively that the State must contribute. It only says that in no case shall the United States bear more than one-half of the cost of construction and maintenance of any road. Under that provision the State government can insist that it has already done its part in constructing the road and in bringing it up to the condition it is in at that time, and consequently that all the money contributed by the Government is in addition to what the State has already expended on it.

Mr. SAUNDERS. May I read from this section to my friend?

Mr. BARTHOLDT. Yes.

Mr. SAUNDERS. I read:

In no case shall the United States pay more than one-half of the cost of construction and maintenance of any road under the provisions of this section.

If that is so, the State can not call upon the United States Government for more than one-half of any road constructed or maintained under section 3.

Mr. BARTHOLDT. For more than one-half of what is needed in addition?

Mr. SAUNDERS. No; not more than one-half of what is required for a road constructed or maintained under this section.

Mr. BARTHOLDT. Then the State may expend nothing more?

Mr. SAUNDERS. No matter what may be expended, the United States Government can not be required to pay for more than one-half.

Mr. BARTHOLDT. In addition to what has been done by the State? It will not be duplicated by the State?

Mr. SAUNDERS. The language of the bill is that the United States Government shall in no case bear more than one-half of the cost of maintenance and construction of any road, and then the next sentence says, that joint construction of any road in any State shall not commence until the portion of the cost thereof which is to be provided otherwise than by the United States has been made available.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired. All time has expired.

Mr. BARKLEY. Is any time left? I want to ask the gentleman from Virginia a question.

The CHAIRMAN. The gentleman from Kentucky can proceed for two minutes.

Mr. BARKLEY. Is it not a fact that the A, B, C section is intended to be a maintenance section and not a construction section?

Mr. SAUNDERS. Absolutely.

Mr. BARKLEY. The previous section is the section which contemplates construction, but in that section it is provided that in no case shall the Government pay more than one-half.

Mr. SAUNDERS. Absolutely.

Mr. GOOD. If that is simply a maintenance section, then why is the language used in describing the character of the work the same as the language in section 3? It says it shall apply to the construction, maintenance, and extension.

Mr. MANN. Mr. Chairman, has the time expired?

The CHAIRMAN. One minute is left.

Mr. SAUNDERS. Where does the gentleman find the language he refers to?

Mr. GOOD. On page 7, line 8. The same language is found there as is found in paragraph 3; that is, for construction, maintenance, and extension. Certainly, the money expended for the extension of the road can not be called maintenance. The money expended for construction is not a maintenance item.

Mr. SAUNDERS. Let me call the gentleman's attention to the fact that this is the same misapprehension under which he was laboring on last Saturday. That language does not refer to use on the road that has already been maintained up to type. When a road has been maintained up to standard so that the community is entitled to receive from the Federal Government the appropriate amount prescribed by this bill, then when it is proposed to expend this amount thereafter this paragraph provides that it must be applied to extension, maintenance, or construction, of some road. It can not be applied otherwise. This language refers to the future expenditure of the money already earned by the maintenance of the roads up to the prescribed standard.

Mr. GOOD. It is unfortunate language, then, to say the least.

Mr. SAUNDERS. Not in the least.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. BARKLEY] has expired. The Clerk will read.

The Clerk read as follows:

SEC. 2. That on or before the 1st day of January in each fiscal year the governor of each State in conformity to the laws of such State, or in the absence of any law of such State on the subject, may elect whether Federal aid to the construction and maintenance of rural post roads in such State shall be given under the provisions of section 3 or section 4 of this act, or partly under both sections and the proportion under each, by filing a written statement of such election in the office of the Secretary of Agriculture: *Provided*, That for the fiscal year beginning July 1, 1914, such election shall be made within 45 days after the final passage of this act. If the governor of any State shall refuse or fail to make such election as provided by this section, then within 10 days after the time in which said governor is authorized to make such election has elapsed the Secretary of Agriculture shall determine said matter.

Mr. BARKLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The Clerk read as follows:

On page 3, line 12, after the word "matter," add the following: "If in any year the governor or other officer or department of any State shall fail or refuse to comply with the terms of this act so as to entitle such State as a whole to its proportion, herein provided, then any civil subdivision of such State not smaller than a county shall have the right, through its proper officers, to make application for and receive its proportion of the amount such State would have received under this act, the amount so received by such subdivision to bear the same proportion to the amount that the State would have received as its population and rural post-road mileage bears to the population and rural post-road mileage of the whole State.

Mr. SHACKLEFORD. Mr. Chairman, I will ask unanimous consent that the debate on this section and amendments to it be closed in 20 minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I want five minutes.

Mr. BORLAND. Reserving the right to object, Mr. Chairman, I want five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent that the debate on this section and all amendments thereto be closed in five minutes. Is there objection?

Mr. BYRNS of Tennessee. Mr. Chairman, reserving the right to object, I want to state to the Chair and to the gentleman from Missouri that I want five minutes.

Mr. SHACKLEFORD. I see only four gentlemen wanting time.

Mr. BARKLEY. Reserving the right to object, Mr. Chairman, this is rather an important amendment, to my mind, and I may want two or three minutes more than the five.

The CHAIRMAN. Is there objection?

Mr. GUDGER. Reserving the right to object, Mr. Chairman, I want one minute.

Mr. SHACKLEFORD. I suggest, Mr. Chairman, 30 minutes instead of 20 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on this section and amendments thereto be closed in 30 minutes. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, the reason I offer this amendment is for the purpose of clearing up what I deem to be a great uncertainty as to the maintenance provisions of the act as reported.

As I suggested awhile ago to the gentleman from Virginia [Mr. SAUNDERS], it is my understanding that there are at the present time 22 States in the Union which have no road funds with which they could build roads in the States. Many of those States can not provide, without an amendment to their State constitutions, such a road fund by reason of present constitutional limitations.

Now, the latter part of this section 2 provides that "if the governor of any State shall fail or refuse to make such election as provided by this section, then within 10 days after the time in which said governor is authorized to make such election has elapsed the Secretary of Agriculture shall determine said matter." That is, he shall bring an end to it. He has the arbitrary authority to determine whether that State shall receive any money or whether it shall not receive any money.

Now, the object of the amendment I have offered is to take care of the situation in which a State might be entitled to an appropriation because the taxation is levied by local counties, as in Kentucky and other States, where the State contributes nothing to the construction and maintenance of public roads, but where the localities and counties build their own roads and maintain them; and in such a place as that, if the governor, by reason of the State laws or other authority, should refuse or fail for any reason to comply with the terms of this act, so as to entitle the State as a whole to its proportionate share of the fund, then there ought to be given to the counties and the local subdivisions of the State the power to make application direct to the Secretary of Agriculture, so that they would not be deprived of their share of this road fund by reason of the failure or refusal of any State officer to comply with the terms of the act.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BARKLEY. Yes; I yield to the gentleman.

Mr. ASWELL. Does the gentleman think that a governor of one of these States would refuse to make the request for these funds?

Mr. BARKLEY. He might; but there is no provision in this bill for a State to receive any proportion of the road fund except as a whole. It must receive all of it that it is entitled to for that, and it can only receive that part to which it is entitled in the event it puts up an equal sum, either by State appropria-

tion or private subscription, or by some other channel, which is very indefinite.

Mr. ASWELL. Could not the governor request the amount for one county?

Mr. BARKLEY. He could do it; but this bill does not provide that a county could make application to the governor.

Mr. ASWELL. It does.

Mr. BARKLEY. I do not so understand it.

Mr. COX. Who has charge of the highways in the gentleman's counties?

Mr. BARKLEY. Each county elects supervisors, and they are not under any State authority except in an indefinite way. They levy taxes and control the construction of roads.

Mr. COX. As I understand, in the event that the governor neglects or refuses to do his duty as provided in this bill, the gentleman wants to give the counties the right and power to get their share of this appropriation?

Mr. BARKLEY. That is it, exactly.

Mr. COX. I think the amendment is a good amendment.

Mr. BARKLEY. This last part of section 2 provides that if the governor does not comply with the law the Secretary of Agriculture has arbitrary power in the matter. In case the governor does not comply with the law and neglects to perform his duty, I want to give the counties the right to get their proportion of the money that the State would get.

Mr. COX. By complying with this act?

Mr. BARKLEY. Yes; and their share would be determined by population and rural mail routes in proportion to the ratio that they would bear to the whole State.

Mr. COX. I think the gentleman's amendment is a good amendment.

Mr. BARNHART. By reference to section 2 the gentleman will see—

> That on or before the 1st day of January in each fiscal year the governor of each State, in conformity to the laws of such State, or in the absence of any law of such State on the subject, may elect whether Federal aid to the construction and maintenance of rural post roads in such State shall be given under the provisions of section 3 or section 4 of this act, or partly under both sections and the proportion under each, by filing a written statement of such election in the office of the Secretary of Agriculture.

It is purely up to the governor of the State whether or not the State shall ask for this aid. He has the privilege of asking for a part of it or asking for all. It gives him the broadest and most liberal powers in the matter.

Mr. BARKLEY. I know; but suppose the governor does not do it. Suppose the State, under its law, can not appropriate one cent. Then, are the counties to be denied the right to apply to the Government for their share?

Mr. SHACKLEFORD. Does not the gentleman from Kentucky believe it would be a very bad precedent to say that a citizen or a civil subdivision of a State could appeal from the sovereign authority of the State to a departmental officer down here in the Federal Government to right some wrong that that State had done to a civil subdivision of the State?

Mr. BARKLEY. This is not the righting of a wrong; it is providing the means whereby every section of the country can get its share of this appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. I ask unanimous consent that I may proceed for two minutes more in order to answer the gentleman's objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. BARKLEY. If it will meet the contention of the gentleman from Missouri, I have no objection to providing that, if the governor does not make application for the State as a whole, he may make application for any one county, provided that county requests him to do it for the benefit of the county; but I do think it is unjust to the subdivisions of States, where they bear the whole brunt of road improvement and maintenance by local taxation, to deprive them of the right to share in this fund because some State officer does not do it or has not the power under the State laws to make application for the whole State.

Mr. KEATING. As a matter of fact, this bill provides for doing the very thing that the gentleman wants to do.

Mr. BARKLEY. I have been unable to find it.

Mr. KEATING. The bill provides that this shall be done in conformity to the laws of each State. Now, if, in your State, the counties control, according to this bill we would recognize those counties through the governor. It is inconceivable that the governor of a State would refuse to make this request when the proper official applied to him.

Mr. BARKLEY. There is no provision in this bill whereby the governor can apply to the Department of Agriculture for any portion of the sum that would go to the State or for any amount except the whole portion that would be alloted to it.

Mr. KEATING. Oh, no.

Mr. BARKLEY. He can not make application for any sum less than the whole amount.

Mr. KEATING. Yes, he can; for any portion of it.

Mr. BARKLEY. He can not make a request for the portion that any county would be entitled to.

Mr. SHACKLEFORD. The policy of the committee in drawing this bill was to treat the State as a sovereign. It was not intended by it to go within the borders of a State and in any manner interfere with the sovereignty of the State. It would be a ridiculous situation if we should pass a piece of legislation here that allowed a township, which is a civil subdivision of a State, to appeal from the State authorities to a civil-service man down here in the Agricultural Department. What we intended to do was to deal with the sovereign States. When Great Britain deals with us she deals with the head of our Government, although the matter under consideration may ultimately have to go down through a Government department; and when we deal with Kentucky or Missouri we must deal with the sovereign power of that State. Furthermore, we must assume—we could not afford to do otherwise—that the State officers of Kentucky will not wrong a citizen or a municipal subdivision of that State. If he should do that, there is an appeal, not to the Secretary of Agriculture, but to the people at the ballot box in the next election.

Mr. BARKLEY. According to my idea, it is not an appeal over the head of the governor of the State, but, under this bill, the governor makes an election as to whether or not the improvement of the roads of the State, as a whole, shall be carried on under section 3 or under section 4. If he makes no election by a certain date, then the Department of Agriculture has the right to determine the matter.

Mr. SHACKLEFORD. That is right. The purpose was not to have each county auditing accounts between the United States Government and the townships in Kentucky. To do that would eat up the entire fund, just merely in auditing the accounts.

Mr. BARKLEY. Oh, no.

Mr. SHACKLEFORD. The Secretary of Agriculture has been very firm in requesting us to do that; and I think myself that to send down into some township that may have but 1 mile of road, to deal with that township and audit its accounts over the head of the State government, would be the doing of a ludicrous thing, and it would be so cumbersome that it could not be operated.

Mr. HOWARD. As I understand the gentleman's explanation, if the State of Missouri was entitled to $100,000, and the counties or subdivisions could raise $100,000, if they applied to the Secretary of Agriculture through the duly authorized and constituted State authorities, they could get $100,000?

Mr. SHACKLEFORD. That is right.

Mr. BARKLEY. If they had a like amount to expend upon the road.

Mr. SHACKLEFORD. That is right.

Mr. BARKLEY. Is it entirely discretionary with the governor and the state department, after they get the money, where they shall use it?

Mr. SHACKLEFORD. It is, under section 3, but not under section 4.

Mr. BARKLEY. Then, suppose they make application through the governor and the money is sent back, is there anything to require the governor to give the county which made the application for it its share of the fund?

Mr. SHACKLEFORD. Nothing except his oath of office and the law he has sworn to uphold.

Mr. BYRNS of Tennessee. Mr. Chairman, I have not had the opportunity heretofore to say that I am heartily in favor of this bill. I have always favored Federal aid for the construction of good roads. I have heretofore had occasion to express my views on the subject on the floor of the House. I am aware that the gentleman from Missouri and the gentleman from Virginia and other members of the committee on roads have given the subject a very careful and thorough study. I am prepared to believe that the bill presented is one of the most satisfactory that could have been presented to the House under all the circumstances. In the main, its provisions are similar to those in a bill which I introduced in this Congress and also in the last Congress. And still there are two or three amendments which I think ought to be put on the bill. The amendment offered by the gentleman from Kentucky [Mr. BARKLEY] is one of them.

I do not think it is fair or that it would be just to the counties of the various States to leave this matter altogether with the governor. It is all right, Mr. Chairman, to give to the governor and the officers of the State who are in authority the right to first say whether or not their State shall participate in the fund, but in the event that the governor and the lawful officers of the State should decline to accept or permit the State to participate it seems to me the counties and the civil subdivisions of the States in States like Kentucky and Tennessee, where the roads are built by the counties, should have a right to participate.

Mr. ASWELL. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. ASWELL. Would the gentleman provide that in that case the Federal Government might deal directly with the counties and not through the State?

Mr. BYRNS of Tennessee. I would not be in favor of that. I would not be in favor of the Federal Government dealing directly with the county, and I understand the amendment of the gentleman from Kentucky does not propose any such thing.

Mr. ASWELL. I think it does.

Mr. BYRNS of Tennessee. It provides that in the event the governor of the State should fail to accept the money, then the Secretary of Agriculture may give to the counties in the States which are prepared to use it their proportion of the appropriation. That is exactly what this bill which you and I favor provides, but it does not do so as fully as the amendment of the gentleman from Kentucky.

Mr. BARNHART. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BARNHART. Would the gentleman favor a further division and subdivision from the county to the township and then the school district? Where would the gentleman limit it?

Mr. BYRNS of Tennessee. I would limit it to the counties of the various States, as does the amendment of the gentleman from Kentucky. This bill provides that if a governor fails to accept this fund the Secretary of Agriculture may determine what shall be done, and the amendment of the gentleman from Kentucky simply makes it plainer and makes it the duty of the Secretary of Agriculture to recognize the county.

Now, Mr. Chairman, I want to give you as an illustration a fact that occurred which will illustrate the necessity of such an amendment. It is not necessary for me to mention names, but a certain county wanted to participate in the fund of $500,000 which was carried in the current Post Office appropriation bill, which gave the Secretary of Agriculture and the Postmaster General the right to use the fund in building good roads in various sections of this country for demonstration purposes. I know that the governor of a State selected two counties in the extreme eastern part of the State, away from the general travel. Those counties were expected to put up $2 for $1 received from the Federal Government, and were to get $10,000 apiece. They were notified that they must come up prepared with the pro rata amount within a certain time. They failed to do it, and thereupon the governor of the State was notified that these counties had failed to comply with the necessary requirement and asked to designate other counties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHACKLEFORD. Mr. Chairman, I ask that the time of the gentleman from Tennessee be extended one minute.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Tennessee be extended one minute. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Notwithstanding the fact that there were other counties in other sections of the State which had been demanding and asking the privilege of participating in the fund, the governor stood pat and declined to recommend them. If this law had been in effect, the Secretary of Agriculture and the Postmaster General would not have been able to recognize the request of those counties.

Mr. BARNHART. If the governor of a State refused to do his duty, what assurance has the gentleman that the county officials or the township officers would not refuse to do their duty?

Mr. BYRNS of Tennessee. I do not mean to say that the governor refused to do his duty, but he refused to recognize the request of the counties.

Mr. BARNHART. The gentleman has put up the proposition that the governor refused the request of the county. And what assurance has he that the officials of the township or the county would not refuse?

Mr. BYRNS of Tennessee. It is hardly fair to suppose that the judge of a county court or the county highway commissioners would refuse if the people of his particular county desired Federal aid.

Mr. BARNHART. Or the governor of a State? [Laughter.]

Mr. BYRNS of Tennessee. That is entirely a different proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from Kentucky was undoubtedly offered with good intent and good purpose; but it ought not to be adopted, for two good reasons: First, because it is inconceivable that any governor of any one of the 48 States would leave one penny in the Treasury that he could get out under the appropriation. So for that reason the amendment seems wholly unnecessary. The second is that it will be so cumbersome that it will detract from the workability of the bill. In support of that I call attention to the fact that there are 7,000 counties in the United States and 29,000 townships. The amendment would force the Federal Government to enter into negotiation with 29,000 townships and 7,000 counties, which would eat up all the amount that they could get out of this. This bill is a good bill. It is not perfect, but it is a long stride in the right direction. It should not be torn to pieces by undigested amendments, however well meaning the author may be. We promised this relief and the passage of such a bill in our platform and on the stump. It is now our solemn duty to do in office what we promised to do when seeking office. We are all with the people and for interior improvements on the stump while looking for votes. What the people desire is to have some one for them in action. The good-roads committee have made the start. They are keeping the faith. It is our duty to now support them and pass this bill. Some of the membership are opposing for one cause and another; but what counts now and what will count next November is not hairsplitting and technicalities, but results. I am proud to see my party keeping the faith. I am proud of the prompt methods of the Roads Committee.

MORE INTERNAL IMPROVEMENTS AND LESS TAXES ARE NEEDED.

We must spend more within and less without. Improve the conditions within and we will have no fear from without.

Internal improvements, in which the plain people have a deep and immediate interest rather than a remote one, will do more to keep us a happy, closely united, and contented people than all the subsidies paid to railroads, to mail ships and steamships, to tariff subsidies and high duties laid on the one least able to bear and for the benefit of the class least in need. I tell you, sir, the American people will not sit idly by and be ground down by inequalities and inequities for which you can give no good or adequate answer.

Four hundred millions for war and navy and not one cent for improvements of highways and post roads of the country will not satisfy them when they know, and they shall know as long as such injustice and inequality prevails.

Millions for post offices and public buildings for a few towns of the country and no assistance for the post roads and the little towns will not satisfy them, and is wrong as well.

A billion-dollar session of Congress and not one cent for post roads or internal improvements will not satisfy the producers who send abroad annually $600,000,000 in products from their toil, zeal, and industry, thereby replenishing our Treasury to the brim.

You have arranged tariff schedules for the manufacturer, so that his riches are greater than he ever anticipated. You have subsidized the railroads with land grants until they have grown corpulent with wealth. You have increased the appropriations for the war and navy until the patience of this citizenship is almost exhausted, and now, when asked to do something for the plain citizen, who produces more every year than he himself consumes, this bill will and deserves to be the most popular bill passed. It is the starting of a great improvement that will go on and on after we are gone. We shall all be proud of the beginning.

Mr. SAUNDERS. Mr. Chairman, I wish to address myself to this amendment. The committee has already been attacked, it will be observed, on the ground that it had provided in the bill that the Federal Government should deal with subdivisions of a State. I think we successfully repelled that attack. Now this is a proposition to compel the Government under certain indicated conditions to deal with these subdivisions. As a matter of principle the Government should not deal with a smaller unit than a State. On the preparation of the bill we had in mind that it was not wise to go further than we have done. Hence we provided that one sovereignty should deal with another sovereignty.

Mr. BARKLEY. Mr. Chairman, I did not attack the committee on that ground.

Mr. SAUNDERS. No, the gentleman did not. I am merely showing that the committee is between two fires in this matter. I know the difficulty that my friend from Kentucky has in mind, but it is not a substantial one. The governor of the State has merely the right to choose between two working plans. He does not select localities, or communities. He merely determines whether his State shall operate under section 3, or section 4. Even this right can be taken from him by State law.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. COOPER. It seems to me there is another provision here which strengthens the argument the gentleman is making, and that is the provision in line 21, page 2, that the governor of each State, in conformity to the laws of such State, may elect, and so forth.

Mr. SAUNDERS. Yes the gentleman is correct. I was going to call attention to that provision. This election is really not with the governor, but with the State. The election is provisionally with the governor. The ultimate power is in the State.

Mr. COOPER. Exactly.

Mr. SAUNDERS. Having in mind that the amount to which a State is entitled on a $25,000 basis, may be anywhere from $100,000, to $1,500,000, does anyone imagine, as a practical proposition, that there is any State in this Union in which election will not be made, and that State put in a position to receive the amount to which it may be entitled?

Theoretically the difficulty suggested by the gentleman from Kentucky might arise, practically such a situation will never occur.

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. BORLAND. Mr. Chairman, on this question of cooperation between the State and the Federal authorities it is just as well to get down to a little facts without any particular theories about it. We appropriated in the last Congress $500,000, to be expended jointly by the Postmaster General and the Secretary of Agriculture in cooperation with the States in improving rural post roads. Here is the report of the Secretary of Agriculture and the Postmaster General as to what they did with it:

The following States, California, Indiana, Kansas, Pennsylvania, and Utah, failed to give any attention or to reply to the joint communication of the Postmaster General and the Secretary of Agriculture. The following States, Delaware, Michigan, New Mexico, New York, South Dakota, and Wisconsin, refused to participate. This apparent apathy on the part of some and unwillingness on the part of other States to participate in the proposal contained in the act of Congress when the first offer of an equal allotment of $10,000 was submitted may indicate that the amount of the allotment was so small as to be unattractive, or it may indicate that the States are not eager to receive Federal aid except when unrestricted by Federal supervision, or it may have resulted from the fact that the State laws do not permit a joint action with the Federal Government in the matter, and that the amount offered was too small to make legislative action worth while.

The following States, Arkansas, Connecticut, Florida, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hempshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wyoming, were unable to participate because of their inability to raise the necessary fund subject to the control of Federal authority, or because, for various reasons, they failed to meet the requirements by April 21, 1913, the date fixed by the joint agreement. These results indicate, beyond reasonable doubt, the present inability of the States generally throughout the Union to act in the matter of Federal aid in their capacity of States. Only three States have so acted (Maine, Connecticut, and Vermont), and in each case it has been only after special legislation that action could be had. One State, Ohio, expects to act jointly with certain counties; and three States, Minnesota, Maryland, and Iowa, will have certain supervisory authority over the work to be done, because the State laws so require. The Government in these cases will act in conjunction with the State highway authorities in supervising the work of improvement. All action effected by the States mentioned in this paragraph was, under the second plan for distribution, devised after the obvious failure of the first plan.

The following States, Georgia and South Carolina, were unable to participate because of the limitations of the Federal statutes which provide for an eight-hour day for all laborers and mechanics on Government work and the Executive order stipulating the nonemployment of convict labor on Government work. The effect of the eight-hour law and the Executive order barring convict labor is considered at greater length at another point in this report.

The following States, Arizona, Colorado, and Washington, were unable to designate a highway on which rural mail service is or may hereafter be established.

The following States, Alabama, Iowa, and Oregon, were the only ones to accept the allotment as originally proposed by the Postmaster General and the Secretary of Agriculture, and the work of improvement in these States is now under way or provided for.

So, out of 48 States only 3 States—Iowa, Alabama, and Oregon—were able to participate in the division.

Mr. HAMMOND. What is the date of that report?

Mr. BORLAND. The date is August 26, 1913. It is House Document 204, Sixty-third Congress, first session.

Mr. HAMMOND. I think there is a gross mistake made in the statement, if it is supposed to relate to the present time. I think Minnesota has received a large amount of the money. I think that money is being expended there, and that it has been held that the eight-hour law does not apply to the construction of roads in that State, and the work is now going on, and the money has been made available, and because of the failure of certain States to take out the money they might have received, Minnesota received more.

Mr. BORLAND. The gentleman will see that by his statement he may be right, and the statement here may be right that—

Three States—Minnesota, Maryland, and Iowa—will have certain supervisory authority over the work to be done, because the State laws so require.

So they are evidently adjusting themselves to the condition.

Mr. HAMMOND. I notice from what you read before that certain States would not participate, because they have no means of raising the available sums, and Minnesota was included.

Mr. FRANCIS. Before that report was made, $120,000 of it went to Ohio, because that was fixed.

Mr. BORLAND. One State, Ohio, expects to act jointly with certain counties. One hundred and twenty thousand dollars was evidently raised by the counties.

Mr. BARKLEY. Does not the gentleman think that in case this provision had included the counties the whole amount would have been exhausted?

Mr. GUDGER. I am heartily in favor of this bill, and I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BARKLEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 53.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I move to strike out the last two words, for the purpose of asking the chairman a question.

Mr. SHACKLEFORD. You can not do it in that way, but I ask unanimous consent that the gentleman have one minute.

Mr. GOOD. I would like to ask the gentleman what the last two words in this section, namely, "said matter," refer to. If I read the sentence correctly, it provides if the governor of the State shall refuse to make an election, then within 10 days the Secretary of Agriculture shall determine said matter.

Mr. SHACKLEFORD. It means said matter of whether this act will be administered in that State under section 3 or section 4 or partly under section 3 and partly under section 4.

Mr. GOOD. I would ask the gentleman if that might not cause considerable annoyance and misconstruction?

Mr. SHACKLEFORD. I will say to the gentleman that I think he is unduly alarmed.

Mr. GOOD. Will you accept an amendment to strike out the words "said matter" and insert "the place upon which Federal aid for the construction and maintenance of rural post roads in any such States shall be given"?

Mr. SHACKLEFORD. That would mix the whole thing up.

Mr. GOOD. The Secretary of Agriculture determines the plan provided for in section 3 or the plan provided for in section 4 or a combination of the two plans; but when he says that the Secretary of Agriculture shall determine said matter, said matter refers in that sentence only to the election.

Mr. SHACKLEFORD. Would this satisfy the gentleman, that the Secretary of Agriculture shall determine the matter for said election?

Mr. GOOD. I think that inquiry raises the question I have raised, and it will be raised in the mind of the officer who administers this law. It is not the question of election the Secretary must determine, if I get the meaning of the chairman correctly. The question to be settled is what plan may be adopted—that is, the plan provided in section 3 or the plan of section 4 or a combination of the two plans.

Mr. SHACKLEFORD. I think it is all perfectly plain in these words.

Mr. HOWARD. That is only in the case where he fails to make an election at all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is authorized to cooperate with the officers of the several States, having lawful authority in that behalf, in the construction and maintenance of rural post roads. That between the 1st day of February and the 30th day of June in each fiscal year the Secretary of Agriculture and the officer, or officers, of each State having lawful power to act for the State, may jointly consider and determine the roads in such State which, under the provisions of this section, may be constructed and maintained during the next fiscal year and the material, character, and manner of such construction and maintenance; that such construction and maintenance shall be con-

ducted under such supervision as shall have been previously agreed upon by the Secretary of Agriculture and said officer, or officers, of said State; that in no case shall the United States bear more than one-half of the cost of the construction and maintenance of any road under the provisions of this section; that the Secretary of Agriculture shall not commence such joint construction of any road in any State until the portion of the cost thereof which is to be provided otherwise than by the United States has been made available.

Mr. MONDELL, Mr. SHACKLEFORD, and Mr. BORLAND rose.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] is recognized.

Mr. SHACKLEFORD. I have just received word from some of the gentlemen interested in the calendar that they would like to take up an appropriation bill. The gentleman from Texas [Mr. STEPHENS] is anxious to take up the Indian appropriation bill, and I ask unanimous consent that debate on this section close in 10 minutes.

Mr. FITZGERALD. To dispose of $28,000,000 in this way will require a vote. It can not be expedited in that manner. It will require a quorum. I object.

Mr. SHACKLEFORD. I move, then, that debate close in 20 minutes on this section.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the motion is not in order, no debate having taken place.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I offer the following amendment at the end of the section.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of section 3, on page 4, line 9, insert the following:
"*Provided*, That States having within their borders public lands, reserved or unreserved or untaxed, shall only be required to pay such proportion of one-half of the cost of construction as the lands in private ownership in such States, and taxable, bear to the total area of the State, and the remainder shall be paid by the United States."

Mr. MONDELL. Mr. Chairman, the bill provides that the States shall pay one-half of all the expenditures. That is a very wise and proper provision, in my judgment. But there are many States in which there are large areas of public lands untaxed, lands which do not contribute to the building of roads or the maintenance of governmental institutions.

My amendment provides that in such cases that half which the States shall be obliged to pay shall in public-land States be paid only in such proportion by those States as the lands in private ownership bear to the entire area of the States.

The State which I have the honor to represent on this floor has only about 20 per cent of its area in private ownership. About 80 per cent of the lands are public lands, reserved and unreserved, and they do not contribute in any way by taxes or otherwise in the building of roads. It seemed to me that the United States as a proprietor should bear such proportion of that half of the cost as its ownership of lands bears to the entire area of the State.

Mr. FRANCIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes; I yield to the gentleman.

Mr. FRANCIS. Is it not a fact that there are few States of the Union which have not public lands?

Mr. MONDELL. There are some States, I think about 20 in all, where the area of public lands ranges all the way from one-half of 1 per cent, as in the case of Missouri, up to about 85 per cent, as in the case of Nevada.

Mr. FRANCIS. There are still some public lands in the State of Ohio, and some in Kentucky, and, in fact, in almost every State of the Union.

Mr. MONDELL. There are some public lands in some of the States east of the Mississippi River, as well as in States having a large amount of public lands west of the Mississippi River.

This plan would be equitable, because it would apply to every State that has public lands. It would obligate the Government to pay a fair share of the cost of construction of these roads. The Federal Government should contribute one-half, and then such proportion of the other half as its proprietorship of public land obligates it to pay under this amendment.

The States of Colorado, New Mexico, Wyoming, Montana, Nevada, and Utah would be the greatest beneficiaries under this provision. But States like Arkansas would benefit somewhat, and Missouri would benefit in a small way, and Oklahoma, Minnesota, Wisconsin, and some of the other States would benefit. It seems to me the provision is entirely fair. The difficulty we have in our western country in the construction of roads lies in the fact that we have but a small proportion of our area that is taxable, and from that comparatively small proportion of our area we must obtain all of the funds with which we construct our roads.

This amendment would simply put us on a fair and equitable basis as compared with States whose public lands have passed into private ownership, and I hope that the amendment may be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer the following substitute.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 3 and insert in lieu thereof the following:
"SEC. 3. For the purpose of improvement, construction, and maintenance, the rural roads of the country shall be classified into three classes, on the basis of the amount of traffic which the roads carry or are capable of carrying: Class A shall embrace interstate highways connected with a general system of highways thoughout the United States; class B shall embrace State highways, main branches, and feeders for the interstate highways which shall extend into every county within the State; class C shall embrace county highways and local post roads connected with a market town and with a main interstate or State highway.

"The Secretary of Agriculture shall, with the assistance of the Office of Public Roads of the Department of Agriculture, establish standard specifications as to grades, drainage, bridges, culverts, roadbeds, and the surfacing of the various classes of roads, having in view the topography of the country, the character of the soil, the climate, the kind and accessibility of road material. The Office of Public Roads of the Department of Agriculture shall continue the investigation and classification of scientific information upon the proper location, grading, drainage, construction, and maintenance of rural roads, and shall at all times furnish to State highway departments or highway engineers expert advice and assistance on such subjects."

Mr. BORLAND. Mr. Chairman, the chief objection I have had to this bill is that it provides only a little addition, in the way of the distribubtion of Federal money, to the already plenary power of the States in making improvements of roads. I do not believe that the road problem can be solved simply by adding this little drop in the bucket, in the way of the Federal distribution of money, to the plenary power of the States. If I thought so, I would not think there was any problem to be solved, because the States would have solved it long ago.

My idea is that the roads should be improved in accordance with their utility, not in accordance with the means possessed by the people to improve them, whether by means of funds obtained from licenses, called the "dram-shop fund," or otherwise, but only in accordance with how they are needed, and that is the only scientific way on which roads should be improved. This amendment of mine substitutes that idea for the roads-rental idea.

Now, gentlemen can denounce that as a "joy-riding" proposition if they choose, but any road that permits the easy passage of wheeled vehicles going over it can also be denounced in that way.

Mr. HOWARD. Mr. Chairman, willl the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. No; not now. I will yield in a minute, when I get through.

If I am not mistaken, the politicians are about 100 miles behind the people on this road proposition. I find here a bulletin of the Missouri State Board of Agriculture describing the State highway system of Missouri, and it is said that it was instituted by Gov. Folk, now Solicitor of the State Department.

I picked up a Kansas City newspaper last Saturday, and in it I found two items of particular interest here. One was an account of an intercounty road meeting attended by representatives of Clay County, in the district represented by my colleague, Judge ALEXANDER, and by representatives of Jackson County, in my own district, where they were interested in disdiscussing the project of building an intercounty highway under the law passed by the Legislature of the State of Missouri to connect with the existing system of State highways in Missouri and in a discussion of the way in which the plans are working. Another statement in the paper that interested me was an account of a road-boosters' meeting at Excelsior Springs, in the district represented by my colleague, Judge ALEXANDER, attended by delegates from both the States of Iowa and Missouri, where they discussed a proposed road to be called the "Canada interstate highway."

That was presided over by the Democratic State highway engineer, Mr. Frank W. Buffum. That is what they are actually doing in that State toward road improvement.

Are we to turn back the hand of time and say we will only build a road from the farm to the nearest railroad station? Of course, the railroad men are in favor of that, all of them; but that is not going to solve the road problem. What is going to solve the road problem is to find out what roads need improvement to bear the traffic of the country, and classify them as to the improvement they need and their utility to the community.

In order to do that we ought to have available the facilities of the Department of Agriculture and of the Bureau of Good Roads on the question of climate, of soil, of road material, of scientific drainage, of construction of bridges and culverts, of the control of surface water, and all of those matters that are now out of the reach of the road overseer or road boss who will have to make his little road on this $15 a mile. If gentlemen want to build a Chinese wall around a little road district and to say, "You can have $15 a mile if you drag your road, or $60 a mile if you can make a macadamized road with your own resources," that is one thing. If you want to get roads where they are needed—and very often roads must necessarily traverse districts which have small means—then you will commit yourselves to this broader plan, which I have endeavored to outline, of classifying roads as to their need of improvement according to the amount of use which they will receive.

Mr. HOWARD. Would not the effect of the gentleman's bill be that 25 years after this bill passed there would be no improvements upon the highways of this country at a distance of over 6 miles from a town?

Mr. BORLAND. No; I will tell you what will be the effect.

Mr. HOWARD. If it is based on tonnage?

Mr. BORLAND. No. If this bill passes and we appropriate $25,000,000 to be expended among the little road districts, and that money disappears, as it will, and we appropriate $25,000,000 next year and it disappears, and $25,000,000 the next year and it disappears, at the end of five or six years, at the very furthest, our constituents will be saying, "Where are those roads? Where is that $150,000,000 you have spent?" Every fellow who fights what he calls a peacock road bill has a latent subconsciousness that if he votes against it the boulevard will come by his door. It is not possible for it to come by every man's door, and you have got to select some route and determine it by the amount of use that will be made of it.

Mr. FOWLER. Mr. Chairman, I rise to oppose the amendment. I am not advised from any source that roads connecting the counties or connecting the States would not be of much service, but the first duty we owe is to the people of each of the counties. This bill is intended to encourage the construction of post roads. Whoever heard of post roads leading from one county to another or through the States under the modern system of carrying the mails? Our mails come to the chief cities of the county, and the post roads lead out from these centers to the people in the county. The object of this appropriation is to construct and encourage the building of such post roads, not boulevards from State to State nor from county to county. I know that intrastate and intracounty roads would be convenient for the traveling public and for automobilists, but they will not help the rural mail carrier, neither will they help the farmer materially to get his produce from the farm to the market to which he usually delivers his products for sale.

I am in favor of carrying out the provisions of this bill, so that we may have our mail rapidly and speedily carried to the people from the various centers and so that the farmer may be relieved from road conditions which are bad enough in America to cause men to lose their religion.

Mr. Chairman, I believe this committee has done its duty, although it is the youngest standing committee of this House, being less than 1 year old. About two years ago, as I recollect, a subcommittee was appointed to investigate this subject, with the gentleman from Missouri [Mr. SHACKLEFORD] as its chairman; and he has devoted nearly the entire two years in hearings and investigations so as to arrive at the best system for the construction of post roads. During this Congress a Committee on Roads has been authorized, with Mr. SHACKLEFORD as its chairman. This committee has devoted much time in preparing this bill, which I regard as being most excellent; and if we undertake to depart from the main provisions embodied in the plan which this committee has offered us, in my opinion, we will make a mistake and we will get a much worse bill than the one which the committee has submitted to this House. We owe much to the people in presenting a measure which will not only be beneficial but sensible and practical.

I desire to say further, Mr. Chairman, that the gentleman from Missouri [Mr. BORLAND] is a very energetic, conscientious, high-minded gentleman, for whom I have always had the very highest respect; but I think he is mistaken on this proposition. I think he has not gone into the farming communities and learned the reason for this appropriation. I feel that he has not suffered the hardships of the rural mail carrier or the farmer in marketing the product of his farm over our miserable roads.

Mr. LANGLEY. He has not traveled over a dirt road.

Mr. FOWLER. No; I do not believe he has driven a wagon on a muddy road where the hubs are the only things that prevent the wheels from sinking entirely. [Laughter.]

Mr. BORLAND. I have not only driven a wagon, but have walked beside it.

Mr. FOWLER. If the gentleman has had such an experience——

Mr. BORLAND. I have had plenty of it——

Mr. FOWLER. Then he ought to join the friends of this bill and urge its immediate passage.

Mr. LANGLEY. He will join with the dirt-road statesmen. [Laughter.]

Mr. FOWLER. Yes; the quicker the better. He is a good man, and I know he wants to do the right thing.

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that debate on this section and amendments thereto close in 10 minutes.

Mr. COX. Reserving the right to object, I want two minutes. I want to offer an amendment myself.

Mr. MANN. The gentleman from Massachusetts [Mr. TREADWAY] wants five minutes, and the gentleman from Wisconsin [Mr. BROWNE] five minutes, and the gentleman from California [Mr. KENT] wants two minutes.

Mr. SHACKLEFORD. Then, I will ask to make it 15 minutes. I do not like to do this, but I am compelled to on account of the pressure for time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on this section and amendments thereto close in 15 minutes. Is there objection.

There was no objection.

Mr. BROWNE of Wisconsin. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND], in his argument both to-day and the other day, assumed that $60 per mile was the only amount of aid the Government could give a State. He seems to have overlooked section 3 of this bill, under which the system of roads and the kind of roads shall be determined by the Secretary of Agriculture and the State authorities. Now, if the State has its road system worked up in the way some of the Northern and Eastern States have, any State that desires to do so can build a road system costing any amount it desires per mile, provided the Secretary of Agriculture consents and agrees to it.

If they want a road that costs $5,000 or $10,000 a mile they can build one, and the United States Government will appropriate its half toward it. Of course the amount in the aggregate can not be more than the amount allotted to the State, but the State can determine, under this bill, whether it wants to have it all under section 3 or wants it under the reward plan, under section 4, receiving $60, $30, or $15 per mile, or it can take both systems if it so desires. In many States where we have State aid and are building good roads we will not want it under the reward plan of section 4. In States like Wisconsin and Michigan and a great many others the greater portion, at least, of the amount will be taken under section 3, and the State will unite with the Federal Government, under the direction of the Secretary of Agriculture, and map out some main-traveled roads suitable for the farmer and also roads that will form a part of a great system.

If they want to build a high-class road under this, they can build a $5,000 road or a $10,000 road. It depends on what the State and the Secretary of Agriculture agree on. The argument that $60 a mile is the largest amount that can be received by a State, if based upon fact, would be unanswerable and, of course, we would have to admit that that amount would be inadequate for States like New York that are spending a great deal of money on their highways, and Indiana and many of those States would not want to go in on that plan. But $60 per mile is not the maximum amount that a State can receive. Section 3 of the bill places no limit upon the amount per mile; the only limitation being the limitation placed by the State authorities and the Secretary of Agriculture. But there are States whose constitutions prevent any internal improvements, and where the State can not give aid to the localities, and the only system that these States could come in under would be a system like the one mentioned in section 4. So the bill gives the States a very wide latitude in using the fund, and every dollar that is expended is to be under the supervision of the State authorities and also under the supervision of the United States authorities. I do not think, unless both authorities are absolutely corrupt, that there could be a dollar wasted or any pork-barrel proposition made out of this meritorious measure.

Mr. TREADWAY. Mr. Chairman, I understood the gentleman from Virginia [Mr. SAUNDERS] to say at the beginning of the debate to-day that this appropriation was intended very largely as an incentive to States to build good roads. I appreciate the desire to create a sentiment and an incentive for road construc-

tion, and in this connection I feel that I should refer to what has been done in the State of Massachusetts. We have been building there what are known as State highways for many years. The first appropriation was made in 1894, and it has become so popular that during the session of the legislature two years ago the law was amended so that each successive year we are to expend a million dollars annually for the construction, maintenance, and repair of what are known as State highways. We have about 950 miles of State highway, and have appropriated over $14,000,000.

These roads are not solely for the benefit of through travel, nor are they elegant boulevards solely for the use of automobiles, but they go into all the local communities, the small towns, and especially are the small towns cared for under this appropriation. A certain percentage each year is devoted to construction and maintenance under what is known as the small-town act. Farmers in our rural communities realize the great value of this enactment and are greatly benefited by its provisions.

Now, I feel that in this connection such a State as Massachusetts and others to which the last speaker referred should in some way or other secure some benefit from the fact that they have so long provided this form of construction. The apportionment system, while it may be absolutely fair and the best that the committee can work out, I feel is not satisfactory to such a State as I represent. The same thing occurred about a week ago in the so-called Lever agricultural bill. We accepted the provisions of that bill, although realizing it was contrary to the best interests of our State, because it was for the benefit of rural communities in other States. I suppose by the votes of the Members of this House the same thing will be done in connection with this bill, but the time is coming when the people of the States which seem to be always discriminated against will show their resentment.

I want to show you how unfair the ratio in certain Northern States will be as based on the report of the committee which I hold in my hand.

Alabama, with a percentage of population of 2.34 of the entire United States, receives	$578,000
Georgia, with 2.85 per cent of population, receives	771,000
Indiana, with 2.95 per cent of population, receives	1,016,000
North Carolina, with 2.41 per cent of population, receives	660,000
Oklahoma, with 1.81 per cent of population, receives	572,000
Tennessee, with 2.39 per cent of population, receives	706,000
Virginia, with 2.26 per cent of population, receives	591,000

Whereas, in comparison with all these, Massachusetts, with a percentage of population of 3.68, will only receive $538,000, provided the arrangement is made whereby we can reach the maximum of apportionment, which does not seem at all likely.

I do feel, Mr. Chairman, that some change in this method of apportionment ought to be found. If we are to have a bill appropriating the Federal revenue for the benefit of the States and the local communities, we ought to discover some way to do it upon a fair ratio and a fair basis. The Lever agricultural bill was at fault in that respect. This bill is at fault in the same respect, and it seems to me that we ought to be studying to secure a remedy so that every State would be fairly treated. The burden of taxation is easily and cheerfully placed upon our shoulders, but the distribution of the results of taxation seems to be invariably turned in the direction of the homes of the Democratic majority.

Mr. COX. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On line 3, page 4, strike out "one-half" and insert "one-third."

Mr. COX. Mr. Chairman, as I announced Saturday, I am heartily in favor of the principle involved in this bill and have been for years, but I doubt seriously the wisdom of throwing one-half of the burden on the Government of the United States. I think the purpose of the bill in stimulating the States to get busy along these lines and improve the highways is a valuable purpose, and I believe if the Government contributes one-third and the States contribute two-thirds that our purpose will be fulfilled.

In the appropriation of $500,000 last year that was the regulation required by the Agricultural Department and the Post Office Department, whereby the Government put in a dollar and the State or subdivisions thereof put in $2. These appropriations are coming home to roost upon us. They are going to roost on our heads. Mark what I tell you. Even the Republican Party back in 1908 found that they did not have enough ground on which to stand and meet the expenses of the Government, and so they enacted a corporation tax which brought in $30,000,000 in the way of revenue to the United States. We have revised the tariff, and how large a revenue it is going to bring I do not know. We have enacted an income tax, and as for the amount of revenue that is an experiment, and how much it will bring I do not know, neither does anyone else. We are going to come to this point in a very few years if we adopt this policy of the Government paying half and the State paying half—we are coming to direct taxes. There is absolutely no escape from it, and whenever that time comes the people will ask us, What has become of these appropriations—what have you got to show for it? The moment we reach direct taxation for the support of the Federal Government, there will not be a Member of Congress left to tell the tale. Every man will be defeated.

Mr. KENT. Mr. Chairman, in the two minutes which have been allotted to me, I wish to state that this question of road building can not possibly be considered as a national measure. The questions of benefit to private individuals, the questions of benefit to the local communities, must be considered on their own merits.

Throughout the length and breadth of the country the question of the right of each community to regulate its taxation for local purposes is the real burning issue.

To attempt by a Federal bill to cover questions of the rights and benefits in local communities is an abstract absurdity and becomes merely a question of distributing pork, as I have before stated and for which statement I offer no apologies.

With the right to extend my remarks, I suggest some quotations from one of the great poems of Oliver Wendell Holmes, entitled "The Specter Pig," which concerns the genesis and the manufacture of pork as applied to the present bill and to its chief proponents, with all due regard to the subsequent distribution of the product resultant from the slaying and the manufacture.

It was the stalwart butcher man
That knit his swarthy brow,
And said the gentle pig must die,
And sealed it with a vow.

And oh, it was the gentle pig
Lay stretched upon the ground,
And ah, it was the cruel knife
His little heart that found.

* * * *

It was the savage butcher, then,
That made a mock of sin,
And swore a very wicked oath
He did not care a pin.

It was the butcher's youngest son,
His voice was broke with sighs,
And with his pocket handkerchief
He wiped his little eyes.

All young and ignorant was he,
But innocent and mild,
And in his soft simplicity
Out spoke the tender child:

"Oh, father, father, list to me,
The pig is deadly sick,
And men have hung him by his heels
And fed him with a stick."

It was the bloody butcher, then,
That laughed as he would die,
Yet did he soothe the sorrowing child,
And bid him not to cry.

"Oh, Dorsey, Dorsey, what's a pig,
That thou shouldst weep and wail?
Come, bear thee like a butcher's child,
And thou shalt have his tail!"

It was the butcher's daughter then,
So slender and so fair,
That sobbed as if her heart would break,
And tore her yellow hair.

And thus she spoke in thrilling tone,
Fast fell the teardrops big:
"Ah! woe is me! Alas! Alas!
The pig! The pig! The pig!"

Then did her wicked father's lips
Make merry with her woe,
And call her many a naughty name,
Because she whimpered so.

* * * *

He slept, and troops of murdered pigs
Were busy with his dreams;
Loud rang their wild, unearthly shrieks,
Wide yawned their mortal seams.

The clock struck 12; the dead hath heard;
He opened both his eyes,
And sullenly he shook his tail
To lash the feeding flies.

One quiver of the hempen cord,
One struggle and one bound,
With stiffened limb and leaden eye
The pig was on the ground!

And straight toward the sleeper's house
His fearful way he wended;
And hooting owl and hovering bat
On midnight wing attended.

Back flew the bolt, up rose the latch,
And open swung the door;
And little mincing feet were heard,
Pat, pat, along the floor.

Two hoofs upon the sanded floor
And two upon the bed;
And they are breathing, side by side,
The living and the dead!

"Now wake, now wake, thou butcher man!
What makes thy cheek so pale?
Take hold! take hold! thou dost not fear
To clasp a specter's tail?"

Untwisted every winding coil,
The shuddering wretch took hold;
All like an icicle it seemed,
So tapering and so cold.

"Thou com'st with me, thou butcher man!"—
He strives to loose his grasp,
But faster than the clinging vine
Those twining spirals clasp.

And open, open swung the door,
And, fleeter than the wind,
The shadowy specter swept before,
The butcher trailed behind.

Fast fled the darkness of the night,
And morn rose faint and dim;
They called full loud, they knocked full long;
They did not waken him.

Straight, straight toward that oaken beam
A trampled pathway ran;
A ghastly shape was swinging there—
It was the butcher man.

Which references, Mr. Chairman, go to show the ultimate fate of the man who heedlessly contends for the distribution of pork as against the careful and deliberate judgment of the people who, whether or not they own the land, desire and have reason to expect equality of treatment by the Congress of the United States.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALLEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

RURAL POST ROADS.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment, in the nature of a substitute, offered by the gentleman from Missouri.

The amendment in the nature of a substitute was rejected.

Mr. GOOD. Mr. Chairman, I offer the following amendment as a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the section add the following as a new section:
"That no money shall be paid by the United States for the construction and maintenance of any rural post roads unless there is established and enforced upon such work an eight-hour day for all persons employed upon such work."

Mr. SHACKLEFORD. Mr. Chairman, on that I make the point of order.

Mr. GOOD. But it is not subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman from Missouri on the point of order.

Mr. SHACKLEFORD. That is the law now.

Mr. MANN. If it is the law now, it certainly is not subject to a point of order.

Mr. SHACKLEFORD. Very well, go ahead. Before that is done, I ask unanimous consent that debate on the proposed new section and amendments thereto be limited to 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I understand that the gentleman from Missouri [Mr. SHACKLEFORD] contends that this is a reenactment of the law as it stands on the statute books to-day. If that is the case, I will ask the gentleman if he will not accept this amendment so as to dispel all dispute and doubt on this important question?

Mr. SHACKLEFORD. No.

Mr. GOOD. The point is, Mr. Chairman, that this House has legislated time and time again with regard to great work of this kind, and never yet, when the question has been raised, have we failed to vote in favor of an eight-hour day, and I want to ask my friends on that side, as well as on this side, now that we are commencing for the first time the building of post roads by the Government of the United States, whether or not we are going to say to the farmers who will be called upon to build those roads that a different and longer day must be established for their work than we have established for other workmen in our arsenals and in all of the other public works in the Government of the United States where we employ labor. Why should the laborer from the farm, who will be called upon to do this work, put in more hours per day than does the laborer who is hired in our arsenals and in other public works of the Government? Eight hours a day is long enough for any man to work.

After a man upon the farm performs a day's labor upon the road he must go home and do the chores upon the farm. He must take care of his stock. I am only offering this amendment in order that he may be protected and that he may not be required to work 10 hours a day upon the roads and then 3 or 4 hours a day after his day's work has ended. What good reason exists for not fixing 8 hours for the day's work upon work of this kind? Absolutely none. The gentleman from Missouri [Mr. SHACKLEFORD], who is the chairman of this great committee bringing in this bill providing for an expenditure of $25,000,000 a year, says that this is the law. If it is the law, then why not accept the amendment? But he says he will not accept the amendment. Half of those men will be called from the farms to do this work to improve our highways, and I simply ask the chairman of the committee if he will not grant them simple justice. They are entitled to this. They are entitled to every privelege that is given to other workmen employed on Government work in other lines of activity.

Mr. SHACKLEFORD. Mr. Chairman, I have no disposition to enter into an argument with the gentleman; but, if he does not object, I will call his attention to a mistake that he is making. The farmer is not required to build this road. He is required to pay for it, and if you would rather that the farmer would work 15 hours a day on his farm and pay the convicts for labor they do for only 4 or 5 hours a day, then I have nothing to say.

Mr. GOOD. But in my State we do not have convict labor.

Mr. SHACKLEFORD. Hold on——

Mr. GOOD. Oh, I do not yield to the gentleman for an argument. I will say this, that to the honor of most of the States of this Union we do not employ convicts on our public highways. Is this $25,000,000 for the benefit of convicts or for the benefit of the farm laborers in the United States? That is a question I would like to have the gentleman answer when he gets the floor.

Mr. Chairman, the gentleman says this is not in aid of the farmers. Who is going to drag the roads but the farmer? If you do not get the farmer to drag the roads and improve them, where in the name of common sense will you get your laborers? You can not get the labor at all, and the gentleman knows it. In order to drag the roads and make good roads the work must be begun just as soon as the ground commences to dry after a rain, and the farmer and a team can not drag more than a few miles of road after a rain before the roads become too dry to work.

Mr. SAUNDERS. Mr. Chairman, may I ask the gentleman a question?

Mr. GOOD. I yield for a question.

Mr. SAUNDERS. The gentleman in his State wants the work to be done under the eight-hour basis?

Mr. GOOD. That is the provision of the amendment.

Mr. SAUNDERS. There is nothing in the bill to prevent the people in Iowa working in that way.

Mr. GOOD. But what about Virginia?

Mr. SAUNDERS. We do not want this work to bear on an eight-hour basis. We want the bill, but we want our convicts to work on our roads.

Mr. GOOD. But I understand there are gentlemen on that side representing the cities of Virginia who have voted time and time again to establish the eight-hour day, and who will not now discriminate against the honest farmer.

Mr. SAUNDERS. Then, let those gentlemen come forward.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SHACKLEFORD. I want to have just one minute. The gentleman from Iowa [Mr. GOOD] has made numerous technical objections to this bill from time to time, most of which have been met, but he seems to have gotten a new one—about an eight-hour day—and he is objecting on the romantic basis that it is in the interest of the farmers of his country, who are going to help pay for building most of these roads. The farmer is not going to hire out up there to work the roads. Sometimes he goes out to aid the road building, but it is simply voluntary work; but the work that is paid for on the road will be paid

for largely by the farmers whom the gentleman professes he is trying to help. He wants the farmer to work all day and all night on the farm and hire somebody else to work on the road for a few hours.

He says that he is opposed to working convicts on the road. That may be good policy in Iowa, but there are a number of States in the Union where they are working the convicts on the roads in order that they may take them out of competitive work in the shops. We want to take our convicts out onto the roads and work them, and do not want them to work in the shops under contract in competition with the square labor in the factories and in the trades. We believe that here is noncompetitive occupation where we can work the convict and make him earn a part of what he eats and where he can be in better health and where he will compete with nobody else. And it seems to me it is a humane as well as a profitable thing to do.

If the gentleman from Iowa [Mr. GOOD] wants to keep the convicts in their cells and let them die of dry rot or work in competition with the laboring classes of his State, and if he can induce the balance of the people of Iowa to do that, we have no right to object. But in Missouri and in other States we want to take the convict out of the competition with square labor. They have got to let him lie in his cell or take him out on the road and work him, where he competes with nobody. I have no hesitation in saying that in Missouri that is what we want to do.

Mr. GOOD. Will the gentleman yield for a question?

Mr. SHACKLEFORD. For a question; yes.

Mr. GOOD. Is not the gentleman in favor, then, of doing away with the eight-hour principle for all labor that is employed on Government work?

Mr. SHACKLEFORD. We have this convict labor in Missouri, and we think the proper thing to do with it is to work it on the roads.

Mr. GOOD. I will say to the gentleman that, so far as we are concerned, we are now about to adopt a movement that will give to every man in the penitentiary a certain wage, and will try to make a better man of him instead of making a slave of him by putting him in chains on the highways.

Mr. SHACKLEFORD. I will say to the gentleman that out in Colorado they work the convicts without even a guard. They do not even wear stripes or any other badge of infamy. They put them out on their honor, and they have built hundreds of miles of roads in Colorado under that system. They have not only built the roads, but they have built up the character of the convicts. They have taken the convict out in citizen's clothes and without a guard and worked him on the road. He comes out of prison at the end of his term not like out of most of our penitentiaries where we have had the old system, a worse man, but a better one. Thanks to Colorado for pointing the way for properly taking care of convicts. I do not know whether Iowa will follow, but Missouri will and other States will, and we hope to build up our convicts by a different system than by putting a ball and chain on them or letting them lie in their cells and rot.

Mr. GOOD. The bill was drawn along that line, was it?

Mr. SHACKLEFORD. This bill shows upon its face how it was drawn, but it was drawn with a desire that we could get some of the States to take the convicts out of competition with square labor and put them at work upon the roads.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GOOD. Division, Mr. Chairman.

The committee divided; and there were—ayes 23, noes 62.

Mr. GOOD. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. SHACKLEFORD and Mr. GOOD took their places as tellers.

The committee again divided; and the tellers reported—ayes 33, noes 59.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That certain roads in the States which are adapted to use by the United States as rural post roads shall be divided into three classes to be known as class A, class B, and class C.

Class A shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of macadam or other material of equal utility and cost, constructed and maintained in such manner that it shall have a smooth, firm surface.

Class B shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, well drained, with a road track composed of shells, gravel, or a proper combination of sand and clay or other material of equal utility but less expensive than macadam, constructed and maintained in such manner that it shall have a smooth, firm surface.

Class C shall embrace roads upon which no incline is steeper than is reasonably necessary in view of the natural topography of the locality, with adequate drainage and ample side ditches, with a roadway constructed so as to quickly shed water into the side ditches and kept crowned and compacted by dragging or other adequate means so that it shall be reasonably passable for wheeled vehicles.

That on or before the 1st day of March in each fiscal year the governor of any State may file in the office of the Secretary of Agriculture a statement setting forth the location and the number of miles of roads in such State which he claims to be in each of classes A, B, and C, respectively; and if such State have a State highway department then his said statement may be accompanied by a report from such State highway department showing the total number of miles of roads in such State in each of classes A, B, and C, the location of such roads, a description in detail of their physical features, the material, manner, and, as far as may be, the cost of their construction and the manner and cost of their maintenance.

That the Secretary of Agriculture shall consider such statements and determine which of the roads mentioned therein are in class A, which in class B, and which in class C, and make a report of his said determinations to the respective governors, filing such statements on or before the 20th day of the following June.

That no charge shall be made for so considering and determining such statement of any governor if the same shall be accompanied by a report from the State highway department of such State as hereinbefore provided, but in all other cases there shall be deducted 10 per cent of the amount which shall be payable on account of the roads in such State under the provisions of this act.

That at the end of each fiscal year the United States shall pay on account of the roads so determined to be in classes A, B, and C, as follows: On each mile in class A the sum of $60, on each mile in class B the sum of $30, and on each mile in class C the sum of $15: *Provided*, That if in any State the aggregate of said sums would exceed the amount which for that fiscal year has been apportioned to such State under this act to be expended under the provisions of this section, then said sums per mile shall be reduced pro rata so that their aggregate shall not exceed said amount.

That nothing whatever shall be paid by the United States under the provisions of this section for any road which does not clearly come within the requirements of class A, B, or C, as hereinbefore defined.

That such payments shall be made to such officers of the respective States as the governors thereof shall designate as being entitled to receive the same by the Treasurer of the United States upon warrants drawn upon him by the Secretary of Agriculture.

That such payments of money made by the United States, as hereinbefore provided, shall, during the ensuing year, be applied to the construction, maintenance, or extension of the respective roads for which paid, and that in addition thereto the State or civil subdivision thereof shall, during said ensuing fiscal year, expend in the construction, maintenance, or extension of said roads an amount equal to the amount so paid by the United States; that if such sums are not so expended upon the construction, maintenance, or extension of said roads, respectively, during ensuing fiscal year, then at the end of such fiscal year nothing whatever shall be paid by the United States on account of any road upon which there has been a default in such expenditure; that the Secretary of Agriculture shall determine whether such expenditures have been so made, and to aid him in such determinations that the proper officers of the State shall make such showing as he shall require.

Mr. FINLEY. Mr. Chairman——

Mr. SHACKLEFORD. Have you read to the end of that section?

The CHAIRMAN. Yes.

Mr. SHACKLEFORD. Then I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11686, the good-roads bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. MOON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD if I so desire.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3419. An act admitting to citizenship and full naturalization George Edward Lerrigo, of the city of Topeka, in the State of Kansas; to the Committee on Immigration and Naturalization.

ADJOURNMENT.

Mr. SHACKLEFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until Tuesday, February 10, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Secretary of War, sub-

mitting a supplemental estimate of appropriations for the fiscal year ending June 30, 1915, for the prevention of destructive and injurious deposits within the harbor of New York City, and to purchase new boiler for patrol boat *Scout* (H. Doc. No. 715); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an item of appropriation for rent of offices, Board of General Appraisers, port of New York (H. Doc. No. 716); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting items for urgent deficiency bill—Georgetown, Tex., post office, $5,000; Taylor, Tex., post office, $5,000—(H. Doc. No. 717); to the Committee on Appropriations and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of the findings of fact and conclusions in the case of William H. Waters, heir at law of Thomas B. Waters, deceased, *v.* The United States (H. Doc. No. 718); to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of findings of fact in the case of Fannie Meek, heir of Mary Bailey, deceased, *v.* The United States (H. Doc. No. 719); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of findings of fact and conclusions in the case of Ella Rodman Ayres, widow of James Cooper Ayres, deceased, *v.* The United States (H. Doc. No. 720); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of findings of fact and conclusions in the case of Harwood Dudley and Alfred Dudley Dennison, executors of the will of Edgar S. Dudley, deceased, *v.* The United States (H. Doc. No. 721); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of findings of fact and conclusions in the case of George H. Burton *v.* The United States (H. Doc. No. 722); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of findings of fact and conclusions in the case of Lizzie Lynch, widow of Edward Lynch, *v.* The United States (H. Doc. No. 723); to the Committee on Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting certified copy of findings of fact and conclusions in the case of Walter S. Wyatt *v.* The United States (H. Doc. No. 724); to the Committee on Claims and ordered to be printed.

11. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting an urgent estimate of appropriation in the sum of $7,000 required by the Shiloh National Military Park Commission for rebuilding the hotel upon the Shiloh National Military Park (H. Doc. No. 725); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 4541) to consolidate the Veterinary Service, United States Army, and to increase its efficiency, reported the same with amendment, accompanied by a report (No. 239), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 2407) for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia, reported the same without amendment, accompanied by a report (No. 242), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3613) to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911, reported the same without amendment, accompanied by a report (No. 243), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9865) for the relief of the Neptune Insurance Co., of New York, submitted an adverse report (No. 241), which was ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11074) granting a pension to Edward Aldrich; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11057) granting a pension to Addison B. Burroughs; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11075) granting a pension to Benjamin E. Kneibler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11073) granting a pension to Luther L. Kauffman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 13130) to establish a fish hatchery and biological station in northwestern Texas; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Pennsylvania: A bill (H. R. 13131) granting pensions to soldiers confined in so-called Confederate prisons; to the Committee on Invalid Pensions.

By Mr. FALCONER: A bill (H. R. 13132) for the establishment of a bureau of postal highways and the extension of Federal aid in the construction and maintenance of good roads in the several States and Territories and the civil subdivisions thereof; to the Committee on Roads.

By Mr. MURRAY of Oklahoma: A bill (H. R. 13133) to provide for the payment of drainage assessments on Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 13134) to extend the benefits of the public-land laws to minors on reaching the age of 18 years; to the Committee on the Public Lands.

By Mr. TAVENNER: A bill (H. R. 13135) to authorize the construction of a bridge across the Mississippi River near Keokuk, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. FAISON: A bill (H. R. 13136) for the purchase of a suitable site and the erection of a Federal building for the United States post office, customhouse, etc., at Beaufort, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 13137) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13138) granting an increase of pension to Theodore T. McKinney; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 13139) for the relief of the estate of A. L. P. Green; to the Committee on War Claims.

By Mr. COVINGTON: A bill (H. R. 13140) granting an increase of pension to Letitia Augusta Turner; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 13141) granting an increase of pension to William Woodard; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 13142) granting a pension to Arthur R. Rennhack; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 13143) granting an increase of pension to Nancy J. Schenck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13144) granting an increase of pension to Daniel Diefenbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13145) to remove the charge of desertion from the record of Solomon Smith; to the Committee on Military Affairs.

By Mr. GRAY: A bill (H. R. 13146) granting an increase of pension to Henry C. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13147) granting a pension to Mary F. Grigsby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13148) granting an increase of pension to Catharine Kinder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13149) granting a pension to Caroline Kirman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13150) granting an increase of pension to Elizabeth A. Moore; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 13151) granting a pension to Swain M. Bunn; to the Committee on Pensions.

Also, a bill (H. R. 13152) granting an increase of pension to Carrie E. Sutton; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 13153) for the relief of Pete Jelovac; to the Committee on Claims.

By Mr. LEWIS of Maryland: A bill (H. R. 13154) granting a pension to William A. Garnett; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 13155) granting a pension to John P. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13156) granting an increase of pension to John P. Cadwell; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 13157) granting an increase of pension to Emma F. Benson; to the Committee on Invalid Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 13158) granting a pension to John C. Jackson; to the Committee on Pensions.

Also, a bill (H. R. 13159) granting a pension to William P. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13160) granting an increase of pension to Robert Meyers; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13161) providing for the refund of certain additional duties collected on pineapples; to the Committee on Claims.

By Mr. REILLY of Connecticut: A bill (H. R. 13162) granting an increase of pension to Adelia C. Augur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13163) to remove the charge of desertion from the military record of Page Lucas; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 13164) granting a pension to Frank L. Matthews; to the Committee on Pensions.

By Mr. STEVENS of New Hampshire: A bill (H. R. 13165) granting an increase of pension to Joseph Bailey; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 13166) granting a pension to Gilbert Wilson; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 13167) for the relief of the legal representatives of the estate of Robert B. Pearce; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Thomas Francis Meagher Branch of American Continental League, of Jersey City, N. J., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the Business Men's League of St. Louis, Mo., protesting against the passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also (by request), petition of the Washington (Mo.) branch of the German-American Alliance, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of merchants of Uhrichsville, Ohio, favoring amendments to interstate-commerce laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Mansfield, Ohio, protesting against Federal prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of the Central Trades Council of Dover, N. J., favoring investigation of strike conditions in Michigan; to the Committee on Rules.

By Mr. BUTLER: Petition of bankers of Phoenixville, Pa., favoring amendment of income-tax laws; to the Committee on Ways and Means.

By Mr. CALDER: Petitions of officers of Company A, Fifth Regiment of Infantry, and Company B, First Regiment, New York divisions of United Boys' Brigade of America, relative to provisions for wearing uniforms similar to the United States Army uniform; to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, protesting against passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of Liberty Bell Council, No. 22, Daughters of Liberty, and citizens of the United States, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the German-American Alliance of Oshkosh, Wis., representing 150 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 or any other prohibition measures; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Hartford, Wis., representing 25 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 or any other prohibition measures; to the Committee on the Judiciary.

By Mr. DALE: Petition of the A. Dredge Ruling Pen Co., of New York City, favoring the passage of the Ransdell-Humphreys bill; to the Committee on Rivers and Harbors.

Also, petition of San Juan Camp, No. 2, United Spanish War Veterans, Department of Oklahoma, of Enid, Okla., favoring the passage of House bill 7374, relative to pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. DANFORTH: Petitions of bankers of Warsaw, Rochester, Dansville, and Geneseo, N. Y., favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. DOOLITTLE: Petition of citizens of Kansas, favoring law to pension members of United States Military Telegraph Corps; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of the Kansas-Missouri Turnbezirk, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Louis Fisch, of St. Louis, Mo., favoring appointment of a commission to locate eastern railroad approach to the municipal bridge, St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Petitions of the Park Club and the John J. Clymes Association, of Hoboken, N. J., favoring increase of pay for letter carriers on account of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Petitions of Grommes & Bilrich and A. H. Ohelsen, of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Memorial of the Commonwealth of Massachusetts, relative to the construction of a supply ship at the Charlestown Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Norwood Board of Trade, of Norwood, Mass., relative to order for the continuance of the New York, New Haven & Hartford Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Petitions of the Real Estate Trading Co. and Quaker City National Bank, of Philadelphia, Pa., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. HARDWICK: Petition of certain banks of Augusta and Thomson, Ga., favoring amendment of those provisions of the income-tax law relating to collection at the source; to the Committee on Ways and Means.

By Mr. HINEBAUGH: Petitions of citizens of Mendota and Ottawa, Ill., favoring amendment of those provisions of the income-tax law relating to collection at the source; to the Committee on Ways and Means.

By Mr. HULINGS: Petition of citizens of Pennsylvania, protesting against the closing of the United States mails to publication called the "Menace"; to the Committee on the Post Office and Post Roads.

Also, petition of members of the Grand Army of the Republic, Department of Idaho, favoring the passage of the volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Petition of the Fourth Ward Local Socialist Party, favoring investigation of the mines of Michigan; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of citizens of Vancouver, Wash., protesting against the passage of the Sunday observance bill; to the Committee on the District of Columbia.

By Mr. KIESS of Pennsylvania: Papers to accompany a bill (H. R. 12202) for the relief of Samuel M. Wakley; to the Committee on Invalid Pensions.

Also, papers to accompany a bill (H. R. 11860) for the relief of Cora Hawkins; to the Committee on Invalid Pensions.

By Mr. LEVY: Petitions of sundry citizens and the O. J. Gude Co., of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Association of Clothiers, of New York, protesting against the passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the State of New York, relative to the deepening of the channels of the East River; to the Committee on Rivers and Harbors.

Also, petition of the A. Dredge Ruling Pen Co., of New York, and George B. Hurd & Co., of New York, favoring the passage of the Ransdell-Humphrey bill; to the Committee on Rivers and Harbors.

By Mr. LIEB: Memorial of Bement & Seitz Co., A. Bromm & Co., and Parsons & Scoville Co., of Evansville, Ind., also from other Indiana firms, protesting against the passage of the Lafferty bill (H. R. 9832), requiring certain labels on canned goods; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of the Hartford County (Conn.) bankers, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the Society of Master House Painters and Decorators of Connecticut, protesting against the passage of the Bartlett-Bacon anti-injunction bill, and German-American Alliance, of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MARTIN: Petition of Tri-State Grain and Stock Growers' Association, relative to the formation of credit associations; to the Committee on Banking and Currency.

Also, petition of the Belle Fourche Valley Water Users' Association, of Newell, S. Dak., protesting against the passage of House bill 11905, the reclamation extension act; to the Committee on Rivers and Harbors.

By Mr. MOORE: Petition of the Southern National Bank of Philadelphia, Pa., favoring amendment to the income-tax law relating to collection at the source; to the Committee on Ways and Means.

Also, petition of Henry Koch and others, of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of the National Hamilton Bank, of Hamilton; National Exchange Bank of Carthage; and Oswego City Savings Bank, of Oswego, all in the State of New York, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petitions of officers and members of Oxboro, Charmont, and Brownville auxiliaries of St. Laurence Presbyterial Society of Home and Foreign Missions, favoring the antipolygamy amendment to the National Constitution; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petitions of banks and trust companies of the State of Connecticut, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the German-American Alliance of the city of Hartford, Conn., protesting against the passage of bills for national prohibition; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petitions of the Oneida County Savings Bank, of Rome, and bankers of Booneville and Little Falls, N. Y., favoring an amendment to the income-tax law relating to collection at the source; to the Committee on Ways and Means.

Also, memorial of Local Frankfort (N. Y.) Socialist Party, relative to miners' strike in Michigan; to the Committee on Rules.

Also, petitions of citizens of Utica, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. THACHER: Petition of Massachusetts bankers, favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. WATKINS: Petition of the National Home Furnishers' Association, relative to trade-relations bill; to the Committee on the Judiciary.

By Mr. WILLIAMS: Petition of bankers of Pittsfield, Ill., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of the Union Club of Greater Cincinnati, Ohio, in favor of the passage of House joint resolution No. 168; to the Committee on the Judiciary.

Also, petition of George A. Kraner, of Marion, Ohio, against the passage of House joint resolution No. 168; to the Committee on the Judiciary.

SENATE.

TUESDAY, *February 10, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Jehovah, Father, Thou art our God. All of the excellency of life cometh from Thy hand. Not anything good of life has come from beyond Thee. The delight of life is in Thy saints, who are the excellent of the earth. Thou hast given to us a divine and personal inspiration. Thou hast quickened us also by our own meditation upon Thy name. Surely Thou wilt not leave our spirit life in the shades of death. Thou wilt deliver us with a complete and full satisfaction. Thou wilt show us the fount of life. In Thy presence there is fullness of joy. At Thy right hand there are pleasures forevermore. All the blessings of life we seek to find through the merit and mediation of our Lord and Savior Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, calling attention to an error in the report of the commission submitted to the Senate January 20, 1914, with reference to the name of Daniel G. Reid as an official of the American Creosoting Co. The communication will be printed in the RECORD and will lie on the table for the present.

The communication is as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 9, 1914.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington.

SIR: On page 55 of the commission's report of the investigation of the St. Louis & San Francisco Railroad, the Chicago & Eastern Illinois Railroad, and the St. Louis, Brownsville & Mexico Railway, submitted to the Senate under date of January 20, 1914, appears the following paragraph:

"Inquiries developed the fact that Daniel G. Reid, of the Chicago, Rock Island & Pacific Railway, is one of the officials of the creosoting company, and the information that similar contracts were executed at the same time by the Chicago, Rock Island & Pacific and the Chicago & Eastern Illinois with the American Creosoting Co."

It will be noted that this paragraph states that inquiries developed the fact that Daniel G. Reid was one of the officials of the creosoting company. Information to that effect was given to us, but witnesses examined by us were not able to either affirm or deny it.

Mr. Daniel G. Reid now writes us, stating that he has never at any time been an official of the American Creosoting Co. or of any corporation controlled by or allied with it in the creosoting business and that he has never been financially interested in said corporations in any manner whatsoever.

Mr. Reid's statement is confirmed by a telegram from Mr. A. T. Hert, president of the American Creosoting Co., to Mr. R. A. Jackson, of the legal department of the Great Northern Railway.

It seems under the circumstances appropriate and just that we should transmit this information to the Senate.

Respectfully,

E. E. CLARK, *Chairman.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 3625) to authorize the Missouri, Kansas & Texas Railway Co. to construct a bridge across the Mississippi River near the city of Hannibal, in the State of Missouri.

The message also announced that the House recedes from its disagreement to the amendment of the Senate No. 1 to the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The message further transmitted to the Senate resolutions on the life and public services of Hon. WILLIAM HENRY WILDER, late a Representative from the State of Massachusetts.

The message also transmitted to the Senate resolutions on the life and public services of the Hon. SEABORN ANDERSON RODDENBERY, late a Representative from the State of Georgia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of George Washington Branch, American Continental League, of Clifton, N. J., and a memorial of Rev. W. A. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a memorial of the German-American Alliance of Philadelphia, Pa., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Pittsfield, Chichester, Columbia, and Shelburne, all in the State

of New Hampshire, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a memorial of the board of directors of the Granite Savings Bank, of Milford, N. H., remonstrating against the enactment of legislation to amend the Postal Savings System, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Turn Verein of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Lodge No. 444, Independent Order of B'rith Abraham, of Concord, N. H., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. SHEPPARD presented petitions of the congregation of the Seventh-day Adventist Church, of Takoma Park, D. C., of sundry citizens of Lynchburg, Va., and of the Union Club, of Cincinnati, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented petitions of sundry citizens of Henderson, Bessemer City, Burlington, Rutherfordton, Bradley, Concord, Coos, and Boiling Springs, all in the State of North Carolina, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented resolutions adopted by the Savings Banks Association of Connecticut, remonstrating against the enactment of legislation to regulate interlocking directorates, which were referred to the Committee on Banking and Currency.

He also presented resolutions adopted by the Savings Banks Association of Connecticut, remonstrating against the enactment of legislation to amend the Postal Savings System, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Westville and New Haven, in the State of Connecticut, remonstrating against the enactment of legislation to prohibit the circulation through the mails of the publication known as the Menace and praying for an investigation by Congress as to such action, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Southington Branch, American Continental League, of Connecticut, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a petition of the Chamber of Commerce of Indianapolis, Ind., praying that an appropriation be made for the prevention of floods, which was referred to the Committee on Commerce.

He also presented a memorial of the Germania Maennerchor, of Evansville, Ind., and a memorial of the Harmonie Verein, of Vincennes, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Morgan County, Ind., and a memorial of sundry citizens of East Germantown, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Fort Mott, Lebanon, Trenton, Jersey City, East Brunswick, Hoboken, Camden, Vineland, Bridgeboro, Hopewell, Lambertville, Elizabeth, Beverly, Uniontown, Orange, Montclair, Passaic, Mount Holly, Newton, Mays Landing, Hackensack, Moorestown, Phillipsburg, and Ocean City, all in the State of New Jersey, and the petition of George F. Hollis, of New Haven, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. NELSON presented petitions of Nathan Johnson, of Fairmont, Minn.; of Andrew Brock, of Laprairie, Minn.; of J. C. Garlock, of Wills, Minn.; and P. S. Rudolph, of Armandale, Minn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. McLEAN presented a memorial of Rev. W. A. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., and a memorial of the American Continental League, of Southington, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a memorial of the St. Joseph's Sick Benevolent Society, of Bristol, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of sundry citizens of Woodworth, New Home, Sykeston, and Pettibone, all in the State of North Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Westhope, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Grand Forks, Manning, and Forman, all in the State of North Dakota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. BURTON presented a memorial of the Commodore Oliver Hazard Perry Branch, American Continental League, of Cleveland, Ohio, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a petition of the Retail Merchants' Association of Hamilton, Ohio, praying for the enactment of legislation imposing a tax upon the sales of the mail-order houses for the benefit of the various communities whereto the merchandise of such sales are being shipped to them, which was referred to the Committee on Finance.

Mr. SMITH of Michigan presented a memorial of the Local Order of the Polish Committee of National Defense, of Detroit, Mich., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of the Federation of Womens' Clubs of Detroit, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Rothbury, Montague, and Shelby, all in the State of Michigan, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Southwestern Michigan Retail Jewelers' Association, assembled in Kalamazoo, February 2, 1914, favoring the enactment of legislation to prohibit the placing of time guaranties on gold-filled watchcases, etc., which were referred to the Committee on Interstate Commerce.

Mr. OLIVER presented petitions of the State Council of Pennsylvania, Order of Independent Americans, of Manayunk, Philadelphia, Pa.; of Local Union No. 65, American Federation of Garment Workers, of Bridgeville, Pa.; and of sundry citizens of Norristown, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of the thirty-second congressional district of Pennsylvania, of the twenty-ninth congressional district of Pennsylvania, and the thirty-first congressional district of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Seventh-day Adventist Church of Lock Haven, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Meadville, Pa., remonstrating against the enactment of legislation making Columbus Day, October 12, a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a memorial of William McKinley Circle, No. 2, Ladies of the Grand Army of the Republic, of Washington, D. C., remonstrating against an appropriation to provide

for the erection of an inebriate asylum in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of General Herkimer Branch, American Continental League, of Philadelphia, Pa., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Ariel, Pa., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PAGE presented a memorial of sundry citizens of Richford, Vt., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. FLETCHER presented a petition of the board of directors of the Citizens Bank, of Leesburg, Fla., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Orange Lake and Lake Butter, in the State of Florida, praying for the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture and horticulture and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 9848) for the relief of the New England Steamship Co., reported it without amendment and submitted a report (No. 238) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3468) for the relief of the heirs of the late Samuel H. Donaldson, reported it with an amendment and submitted a report (No. 239) thereon.

Mr. BRYAN. From the Committee on Claims I report back adversely the bill (S. 236) to pay Charles Max Wittig $500 back bounty. I call the attention of the Senator from Iowa [Mr. KENYON] to the bill. I do not know what his wishes may be in regard to it. Otherwise I would move its indefinite postponement.

The VICE PRESIDENT. The bill will be stated by title.

The SECRETARY. A bill (S. 236) to pay Charles Max Wittig $500 back bounty.

Mr. BRYAN. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. BRYAN. I am directed by the Committee on Claims, to which was referred the bill (S. 4002) for the relief of Frank Hodges, to report it adversely. The bill was introduced by the junior Senator from Kansas [Mr. THOMPSON]. I do not see that Senator present, and I ask that the bill go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar with the adverse report of the committee.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 1366) to adjust the claims of certain settlers in Sherman County, Oreg., reported it without amendment and submitted a report (No. 240) thereon.

He also, from the same committee, to which was referred the bill (S. 1484) for the relief of J. N. Whittaker, submitted an adverse report (No. 241) thereon, which was agreed to, and the bill was postponed indefinitely.

NELLIE BOND.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 257, submitted by Mr. HOLLIS on the 2d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Nellie Bond, sister to John C. Ryan, late a messenger in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON CLAIMS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 266, submitted by Mr. BRYAN on the 7th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Claims or any subcommittee thereof be, and the same is hereby, authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ, if necessary, a stenographer, at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee or under investigation or examination thereby; that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate; the expenses thereof to be paid out of the contingent fund of the Senate; and that such committee or subcommittee thereof may sit during the sessions of the Senate or during the vacation of the Senate at any place in the United States.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 4429) authorizing the Secretary of War, in his discretion, to deliver to the Fort Totten Indian School, at Fort Totten, in the States of North Dakota, one condemned cannon, with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 4430) granting an increase of pension to Samuel Deems (with accompanying papers); and

A bill (S. 4431) granting a pension to Isabelle E. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4432) granting an increase of pension to Isaac S. Maxwell; and

A bill (S. 4433) granting an increase of pension to Charles H. Bailey; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 4434) granting a pension to Minnie Piedford; and

A bill (S. 4435) granting an increase of pension to Michael Ryan; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4436) granting a pension to Samuel M. McKinney; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 4437) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Relations.

By Mr. SHIVELY:

A joint resolution (S. J. Res. 110) authorizing the President to accept an invitation to participate in an International Commission of Phytopathology; to the Committee on Foreign Relations.

AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $50,000 toward the construction of a new building for the Central Dispensary and Emergency Hospital to be erected on the site purchased and owned by the hospital, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to increase the salaries of two clerks in the House of Detention from $900 to $1,080 each, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

COMMITTEE SERVICE.

On motion of Mr. LODGE, and by unanimous consent, it was

Ordered, That Mr. WEEKS be appointed a member of the Committee on Post Offices and Post Roads.

On motion of Mr. LODGE, and by unanimous consent, it was

Ordered, That Mr. BRADY be appointed a member of the Committee on Public Buildings and Grounds.

GOVERNMENT OWNERSHIP OF TELEPHONES (S. DOC. NO. 417).

Mr. GALLINGER. On the 22d day of January, at my request, an editorial from the London Daily Mail on the Government ownership and operation of telephone lines in Great Britain was inserted in the RECORD. It is a very brief article. I now ask that it be printed as a public document.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

TRUCK SOILS.

Mr. OVERMAN. I have a copy of an article by J. A. Bonsteel, scientist in the Soils Survey, on the subject of truck soils of the Atlantic coast region. The article is accompanied by illustrations, and I would like to have it printed as a public document. I ask that it be referred to the Committee on Printing for their consideration.

The VICE PRESIDENT. That action will be taken.

INDIAN IRRIGATION.

Mr. MYERS. I ask to have printed as a public document a brief on Indian irrigation prepared under the direction of the Board of Indian Commissioners by F. H. Abbott. I ask that the matter be referred to the Committee on Printing, and I especially request the committee to make a speedy report upon it.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing for action.

ADDITIONAL DISTRICT JUDGE FOR PENNSYLVANIA.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives, receding from its disagreement to the amendment of the Senate No. 1 to the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

Mr. OVERMAN. I move that the Senate recede from its amendment to the title of the bill. It is an amendment proposing to change the title of the bill.

The motion was agreed to.

The VICE PRESIDENT. The Senate recedes from its amendment, and the bill stands passed.

Mr. OVERMAN. In order that the clerks will understand I will state that the report sent here from the House is a little incorrect. I wish to explain it so that the clerks will understand it when it goes into the RECORD.

This bill went into conference. The Senate insisted upon one of its amendments and receded from another. One amendment was not taken up. The bill went back to the House, and the House receded from its disagreement, and asked us to recede from the amendment which provided for changing the title of the bill. I have moved that we recede as to the amendment put on in the Senate changing the title, and that we recede only from that.

Mr. GALLINGER. That probably keeps it right; but it occurs to me if it had been included in the report that the Senate recede from its amendment it would have completed the matter.

Mr. OVERMAN. It ought to have been included. It is a mistake on the part of some clerk. I make this statement in order that the clerks may understand the matter in making the report.

PRESIDENTIAL PRIMARIES.

Mr. SHERMAN. Mr. President, I desire to give notice that on Tuesday, the 17th day of February, I shall address the Senate on the presidential primaries bill and on current politics related to that subject.

FISH-CULTURAL STATION IN LOUISIANA.

The VICE PRESIDENT. The morning business is closed.

Mr. THORNTON. Before any other business is taken up I should like to ask unanimous consent for the present consideration of the bill (S. 3210) to establish a fish-cultural station at some point in the State of Louisiana. My reason for making the request is that under the provisions of the bill the Louisiana Legislature must pass certain legislation before it becomes effective. The legislature will shortly adjourn, and it will not meet again for two years, and unless the bill can be disposed of at the present session it will be two years before it can be made effective under its provisions. For that reason I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, to add at the end of the bill the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of Louisiana, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the bill read:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated for the establishment of a fish-cultural station at some point in the State of Louisiana, including the purchase of site, construction of building, and equipment, to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUXILIARY FISH-CULTURAL STATIONS IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 797) to establish a fish-cultural station in the State of Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

The amendments were, in line 1, to strike out "$25,000" and insert "$50,000; in line 5, to strike out "a fish-cultural station" and insert "auxiliary fish-cultural stations connected with the present hatchery at Duluth"; in line 7, to strike out "site" and insert "sites"; and in line 9, to strike out "point" and insert "points," so as to make the bill read:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of auxiliary fish-cultural stations connected with the present hatchery at Duluth, in the State of Minnesota, including purchase of sites, construction of buildings and ponds, and equipment, at some suitable points in the State, to be selected by the Secretary of Commerce.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish auxiliary fish-cultural stations in the State of Minnesota."

NAVAL ACADEMY CHAPEL AND AUDITORIUM.

Mr. JOHNSON. I ask unanimous consent for the present consideration of the bill (S. 2830) making appropriation for the correction of the acoustics, by the Harper system, of the United States Naval Academy chapel and auditorium.

Mr. SMOOT. The morning business has closed?

The VICE PRESIDENT. It has.

Mr. SMOOT. I am not going to object to the consideration of this bill, but I will ask that the calendar, under Rule VIII, be taken up immediately after the bill has been disposed of.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 5, after the word "acoustics," to strike out "by the Harper system"; in line 9, before the word "satisfactory," to strike out "The said Harper shall give" and to insert "A"; in line 10, after the word "bond," to insert "shall be given by the contractors for the system"; on page 2, after the word "Navy," at the end of line 7, to strike out "and"; in the same line, after the words "Bureau of Navigation," to strike out "the money shall be paid: *Provided, however*, That after the installation of the Harper system should the acoustics of the chapel and" and to insert "and a like number familiar with the problems involved to be named by the Secretary of the Navy, the final money shall be paid: *Provided, however*, That after the installation of the new system should the acoustics of the chapel and"; and in line 16, after the word "said," to strike out the name "Harper" and insert "contractor," so as to make the bill read:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $8,600 for the correction of the acoustics of the United States Naval Academy chapel and auditorium, $6,000 for the chapel and $2,600 for the auditorium; the same to be immediately available and paid out upon the order of the Secretary of the Navy. A satisfactory bond shall be given by the contractors for the system in an amount to be fixed by the Secretary of the Navy conditioned upon the successful and satisfactory accomplishment of the improvement to the acoustics of the two buildings above mentioned. When the work is done, and approved by a board composed of the chairmen of the two Naval Committees of Congress, the Secretary of the Navy, the Assistant Secretary of the Navy, the Chief of the Bureau of Navigation, and a like number familiar with the problems involved to be named by the Secretary of the Navy, the final money shall be paid: *Provided, however*, That after the installation of the new system should the acoustics of the chapel and the auditorium be not satisfactory to the above-mentioned board the said contractor shall be required to restore the chapel and the auditorium to the condition in which they were before the alterations were undertaken, without any expense to the Government.

The amendments were agreed to.

Mr. GALLINGER. Mr. President, I will inquire of the Senator from Maine, in which building is the auditorium?

Mr. JOHNSON. Though I have been there twice, I am unable to state to the Senator from New Hampshire. I think, however, it is in the same building as is the chapel. I know that the acoustic properties are very bad in the chapel, and that the authorities are compelled to hang a blanket there at the present time to improve the conditions.

Mr. GALLINGER. I have been wondering, Mr. President, as the bill was being read—I shall not object to it, of course, because the committee has examined it—whether either the architect or the builder might not be held responsible for constructing these costly buildings and leaving the auditorium and chapel in such condition that they have to be improved by an appropriation by Congress. I do not know who is to blame—possibly nobody is to blame, I do not know how that is—and yet we spent a great deal of money to erect those buildings; they were very expensive buildings; and it strikes me as rather singular that the acoustic properties should not have been properly attended to when they were being constructed.

Mr. JOHNSON. I do not know who is responsible for the present conditions, but I know they are very bad; and it is sought in this way to overcome them.

Mr. GALLINGER. I agree with the Senator on that point, because I have personal knowledge of the fact that the conditions there are very bad.

Mr. JOHNSON. After a full consideration of the matter, the Committee on Naval Affairs made a unanimous report. The amendment suggested does not limit the improvement to the Harper system, but leaves it open to the adoption of any system under these conditions.

Mr. WORKS. Mr. President, I may say, in answer to the inquiry of the Senator from New Hampshire [Mr. GALLINGER] directed to the Senator from Maine [Mr. JOHNSON], that the auditorium and the chapel are not in the same building.

Mr. GALLINGER. I was fully aware of that fact, and yet I had quite forgotten exactly the building in which the auditorium is located. I think it is a large building, if I recall it.

Mr. WORKS. Yes; it is in one of the large buildings.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making appropriation for the correction of the acoustics of the United States Naval Academy chapel and auditorium."

WOMAN SUFFRAGE.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was announced as first in order.

Mr. SMOOT. Mr. President, the junior Senator from Arizona [Mr. ASHURST] is detained from the Chamber. He has requested me to ask that this joint resolution be passed over to-day, as there are one or two Senators who have notified him that they desire to speak upon it. For that reason, I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will go over.

LEGISLATIVE REFERENCE BUREAU.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

The bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Indian Affairs with an amendment, on page 3, section 3, line 24, after the words "quantum meruit," to insert "not to exceed 10 per cent of the amount recovered," so as to make the section read:

SEC. 3. That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit not to exceed 10 per cent of the amount recovered to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

Mr. OVERMAN. Mr. President, I ask that the bill go over until I can investigate it.

Mr. CLAPP. Mr. President, I hope the Senator from North Carolina will not ask that the bill go over. It is a bill that has passed this body during each Congress since 1906, down to and including the second session of the Sixty-second Congress.

Mr. OVERMAN. I understand that the amendment proposes to strike out the words "quantum meruit" and insert "not exceeding 10 per cent." Why not let the court find the amount upon a quantum meruit?

Mr. CLAPP. The words "quantum meruit" are not stricken out. The amendment was put in as a limitation upon the court to keep the attorneys from charging more than 10 per cent of the amount recovered.

Mr. OVERMAN. I do not know whether they are entitled to 10 per cent. I know the Supreme Court of the United States has decided time and time again, and the Court of Claims has that question before it now, that the contracts of attorneys who come before the departments representing Indians are void as against public policy. I think I should like to investigate the bill. I will not antagonize it.

Mr. CLAPP. I have no objection to the Senator investigating the bill, but I want to put the Senator right on one point. The 10 per cent clause was put in there as a limitation on the court in allowing the attorneys' fees.

Mr. OVERMAN. I am willing to trust the courts of this country. If they say the attorneys are entitled to more than 10 per cent, they ought to have it; but when you say "not exceeding 10 per cent" they may recover—how much is the amount involved?

Mr. CLAPP. That is something I can not tell.

Mr. OVERMAN. It may be $10,000,000; it may be similar to the Oklahoma claim, in which the attorneys were allowed $2,000,000. I am willing to let the courts of justice say what the attorneys' fees shall be upon a quantum meruit.

Mr. CLAPP. I am willing that the Senator should strike out the limitation, if he insists upon it.

Mr. OVERMAN. I should like to look into the bill, and I ask that it go over for the day.

Mr. CLAPP. Very well.

The VICE PRESIDENT. The bill will go over.

BILLS PASSED OVER.

Mr. BRISTOW. I ask unanimous consent for the present consideration of Order of Business 120, being Senate bill 156.

Mr. SMOOT. I will say to the Senator that we are on the calendar now in regular order.

Mr. BRISTOW. Very well. I will inquire what is the next order of business?

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

The SECRETARY. Order of Business 66, being the bill (S. 654) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes.

Mr. SMOOT. Mr. President, I ask that Order of Business 66, Order of Business 67, and Order of Business 68, being Senate bills 654, 655, and 657, go over until the junior Senator from Montana [Mr. WALSH] is present, as he told me the other day he had some amendments to offer to them. I will say, however, that if the senior Senator from Montana [Mr. MYERS] knows what those amendments are and desires to offer them now, I will not interpose any objection.

Mr. MYERS. Mr. President, I, myself, was going to ask that Order of Business No. 66 go over, because my colleague [Mr. WALSH] has some amendments which he wishes to offer to that bill. I have just telephoned him and asked him to be present. I was not aware that he had any amendments which he wished to offer to Order of Business 67 or Order of Business 68. Is the Senator from Utah sure that he has?

Mr. SMOOT. I am not really positive, but on yesterday or Saturday—I forget which day—when I asked the junior Senator from Montana if he wanted the bills to go over, as he had already requested upon a previous occasion, he stated that he had some amendments which he desired to offer. The senior Senator from Montana may know better than I whether his colleague has amendments to offer only to one of the bills or to all three of the bills; I can not say positively.

Mr. MYERS. I think my colleague originally asked that the bills go over because I was absent on the day they were reached. I know that he has amendments to offer to Order of Business 66, and I was going to ask that that bill go over. He

has never mentioned to me having amendments to offer to Order of Business 67 and Order of Business 68, and I do not believe that he can have, in the nature of the case, any amendment to offer to Order of Business 68, although he may have to Order of Business 67. I ask that Order of Business 66 and Order of Business 67, being Senate bills 654 and 655, go over and that Order of Business 68, being Senate bill 657, be considered. I do not think there can be any objection to that bill.

Mr. SMOOT. If the Senator is sure that his colleague does not desire to offer an amendment to that bill, I will not object.

Mr. MYERS. I do not think my colleague has any amendment to offer to Order of Business No. 68, being Senate bill 657; and, as it is only a minor bill, I do not see any occasion for it to go over.

Mr. SMOOT. I will ask that it go over to-day, because, as I observe, the title of the bill is "to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes."

Mr. MYERS. I will say that that bill has been twice reported favorably by the Senate Committee on Public Lands—once in this Congress and once in the last Congress.

Mr. SMOOT. I will ask the Senator if the bill passed the Senate at the last session of Congress?

Mr. MYERS. I do not remember whether it did or not.

Mr. GALLINGER and Mr. CLARK of Wyoming. No.

Mr. SMOOT. I think there were a number of Senators who then objected to it. I believe the bill will lead to discussion, and therefore I ask the Senator to let it go over to-day. Meantime I will ascertain whether there is any objection to it.

Mr. MYERS. Very well; let it go over.

The VICE PRESIDENT. Senate bills 654, 655, and 657 will be passed over.

PUNISHMENT FOR CERTAIN CRIMES.

The bill (S. 2674) to define certain crimes and to provide punishment therefor was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

Mr. OVERMAN. Mr. President, this will be recognized by the Senate as some legislation which the committee found necessary, growing out of the investigation of the lobby and particularly the case of one Lamar.

The VICE PRESIDENT. The Secretary will state the amendments reported by the committee.

The first amendment of the Committee on the Judiciary was, in section 1, page 1, line 5, after the word "Member," to insert "or an employee"; in line 6, after the word "telephone," to strike out the word "or"; in line 7, after the word "telegraph," to insert "mail or otherwise"; on page 2, line 4, before the words "of Congress," to insert "or employee"; on line 6, after the word "not," to strike out "not less than three nor"; and on line 7, after the word "not," to strike out "less than $1,000 nor," so as to make the section read:

That any person who, in communicating with another by telephone or otherwise, personates or falsely represents that he is a Member or an employee of Congress or officer of the United States; or who, in communicating by telephone, telegraph, mail or otherwise, with another, the latter being in a State or district other than the State or district in which the said person then is, personates another or falsely represents himself to be some other person; or who, in any communication, oral, written, or printed, concerning any legislative matter theretofore or then pending or proposed in the Congress of the United States, falsely represents himself to be acting with the authority or in behalf of any Member or employee of Congress or officer of the United States, shall be deemed guilty of a felony, and upon conviction shall be imprisoned for not more than five years, and shall be fined not more than $10,000.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 13, after the word "any," to strike out "legislative"; on line 18, after the word "not," to strike out "less than one nor"; and on line 19, after the word "not," to strike out "less than $1,000 nor," so as to make the section read:

SEC. 2. That any person who, in any communication, public or private, shall falsely state that he has influenced, or brought to bear influence or attempted to bring to bear influence, upon any Member of Congress or officer of the United States concerning any matter theretofore or then pending or proposed in the Congress of the United States, or concerning the administration of the laws of the United States, other than lawful influence of right, reason, and justice, shall be deemed guilty of a felony, and upon conviction shall be imprisoned for not more than three years, and shall be fined not more than $5,000.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 22, before the word "matter," to strike out "legislative"; on page 3, line 1, after the word "any," to strike out "such"; on line 2, after the word "officer," to strike out "thereof" and insert "of the United States,"; on line 5, after the word "not," to strike out "less than five nor"; and on line 6, after the word "not," to strike out "less than $5,000 nor," so as to make the section read:

SEC. 3. That any person who, with respect to any matter pending or proposed in the Congress of the United States, or with respect to the administration of any law of the United States, brings to bear, directly or indirectly, or attempts to bring to bear, directly or indirectly, any influence intended to affect the action of any Member of Congress or officer of the United States, or relating thereto, other than the lawful influence of right, reason, and justice, shall be deemed guilty of a felony, and upon conviction shall be imprisoned not more than 10 years, and shall be fined not more than $10,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, LONG ISLAND, N. Y.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent to take up Senate bill 2811, to establish a fish-cultural station on Long Island, in the State of New York. I am informed that some similar bills——

Mr. BRISTOW. Unless we are going to take up the bills in their regular order, I shall have to object.

Mr. SMOOT. Regular order!

The VICE PRESIDENT. Objection being made, the Senate will proceed in the regular order.

Mr. MARTINE of New Jersey. Very well.

DWIGHT MISSION SCHOOL, OKLAHOMA.

The bill (S. 2725) authorizing the sale of certain lands to the Dwight Mission School, on Sallisaw Creek, Okla., was considered as in Committee of the Whole.

The bill had been reported by the Committee on Indian Affairs with an amendment, on page 2, line 5, after the word "therefor," to strike out "not less than," so as to make the bill read:

Be it enacted, etc., That the principal chief of the Cherokee Nation, with the approval of the Secretary of the Interior, is hereby authorized to convey to the Dwight Mission School, on Sallisaw Creek, Okla., 26 acres of land heretofore set aside in accordance with the provisions of section 24 of the Cherokee agreement, approved July 1, 1902 (32 Stats. L., 716, 720), for the use of such school for missionary and educational purposes, and now being occupied and used by the said Dwight Mission School, and the Secretary of the Interior is authorized to accept in payment therefor $10 per acre.

The amendment was agreed to.

Mr. CLARK of Wyoming. I should like to ask for an explanation of this bill. Does it refer to Indian land or Government land, or what is it?

Mr. SMOOT. I observe that there is a favorable report on the bill by Hon. A. A. Jones, Acting Secretary of the Interior, with a certain amendment; and I notice in the bill that it is amended.

Mr. CLARK of Wyoming. That does not explain the bill.

Mr. SMOOT. I am perfectly aware that that does not explain the bill, as I have not read the report.

Mr. CLARK of Wyoming. Is there a committee report on the bill?

The VICE PRESIDENT. There is a committee report; yes.

Mr. CLARK of Wyoming. I am not objecting to the bill. I am simply asking for information.

Mr. WILLIAMS. Mr. President, I should like to get some information as to what the Dwight Mission School is.

Mr. LODGE. Let the report be read. There is a full report. I suggest that the report be read, as there is nobody here from the committee to explain the bill.

Mr. WILLIAMS. I request that the report be read, then.

Mr. GALLINGER. I will ask that the bill be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

REPUBLIC COAL CO., OF MONTANA.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

The VICE PRESIDENT. The joint resolution was read as in Committee of the Whole on February 7.

Mr. LODGE. I understand that the Senator from Nebraska [Mr. HITCHCOCK] is opposed to this joint resolution. He is not present.

Mr. KENYON. I am sure there are a number of Senators who are opposed to it. I am going to ask that it may be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

BILLS PASSED OVER.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization, was announced as next in order.

Mr. THOMAS. Mr. President, I should like to inquire whether that bill would prevent a Member of Congress from serving on the Democratic or the Republican congressional committee?

Mr. GALLINGER. It would.

Mr. KENYON. Mr. President, the Senator from Minnesota [Mr. CLAPP], who has charge of that matter, is not here; but the bill does so provide.

Mr. THOMAS. Then I ask that it go over. I wish to look at the report.

Mr. KENYON. It strikes me that that is one of the best features of the bill.

Mr. THOMAS. It may be.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was announced as next in order.

Mr. THOMAS. I ask to have that bill passed over.

The VICE PRESIDENT. The bill will be passed over.

REPUBLIC COAL CO., OF MONTANA.

Mr. MYERS. Mr. President, I should like to ask how we got past Senate joint resolution 41?

The VICE PRESIDENT. There was objection to its present consideration.

Mr. MYERS. May I ask who made the objection?

The VICE PRESIDENT. The Senator from Iowa [Mr. KENYON] was one of the Senators who objected.

Mr. KENYON. I will say to the Senator from Montana that when the joint resolution was up the other day there were several Senators who desired to hear more discussion of it. The Senator from Nebraska [Mr. HITCHCOCK] was one of those Senators. He is not present. For my part I should like to hear further explanation of the resolution.

Mr. MYERS. The Senator from Nebraska, as I understand, has stated that he has no objection to the consideration of the joint resolution in his absence; that is, he has stated that he would not request that it go over if he could not be here.

Mr. KENYON. I have no authority to speak for the Senator from Nebraska. I was not making the objection on his account at all; but at the time the morning business closed, or at the time the joint resolution was laid aside for the day, there was a very interesting discussion taking place as to its merits. I was anxious to have that discussion go on, so that we might have some further light on the joint resolution. I intend to vote against it, but I do not want to put anything in the way of the Senator from Montana.

Mr. MYERS. I should like to have the Senator withdraw his objection, if he will. I have said about all I care to say about the joint resolution. My colleague [Mr. WALSH] has some amendments to offer which he thinks will put the resolution in better shape. I understand he is ready to offer them now and will explain them to the Senate.

While I do not wish to be captious about objections, I really should prefer to have the joint resolution allowed to come up on its merits, if the Senator sees fit to withdraw his objection.

Mr. KENYON. While I may be entirely wrong, I simply have a feeling that there ought to be a full attendance of the Senate during the discussion of this joint resolution.

Mr. MYERS. That we shall never get, Mr. President. If that is the case, the joint resolution never will be considered.

Mr. KENYON. The only good thing I can see about the joint resolution is that the Senator from Montana is pushing it. Personally, I do not like the looks of the measure.

Mr. MYERS. I thank the Senator for that, but I beg to assure him that there is much more merit than that in the joint resolution. That is the least of its merits.

Mr. KENYON. That is the greatest merit I have been able to see in it. However, I will withdraw my objection; but I shall insist on as full an attendance as we can have before a vote is taken upon this matter.

Mr. MYERS. I shall be very glad to have that. I thank the Senator.

Mr. SUTHERLAND. If the Senator from Iowa withdraws his objection, I will renew the objection to the consideration of the joint resolution. I should like to look through it myself before it is acted upon.

The VICE PRESIDENT. The joint resolution will be passed over.

DISPOSAL OF INDIAN LANDS.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with an amendment to strike out all after the enacting clause and insert:

That all lands containing minerals, except those hereinafter specifically reserved, within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands, shall be open to exploration and purchase and be disposed of under the general provisions of the mining and coal-land laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That all lands containing valuable deposits of oil, natural gas, phosphates, nitrates, potash, and asphaltic minerals are hereby expressly reserved from location and disposition pending future action by Congress, and lands containing fuller's earth, kaolin, china clay, and ball clay shall be disposed of under the provisions of law relating to placer mining claims, but the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits, the disposal of which is herein provided for, shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SMITH of Arizona. Mr. President, I have had a conversation with the Senator from South Dakota [Mr. STERLING], who has reported this bill. I had formerly objected to its consideration. I have withdrawn the objection because, after more careful study of it, I do not think it establishes the precedent which I thought it established at the time I made the request that it go over.

Without delaying the bill, I take this occasion to say that I do not believe any Executive order creating a reservation carries with it any mineral lands known under the general mining act of 1872; that those lands still remain open to settlement and purchase by any citizen of the United States.

It was because I felt that this bill might be considered as a precedent in the way of recognition that a Federal order could so convey the mineral lands of the United States that I made the objection that I did. However, I have withdrawn it for the reason stipulated; and my purpose in making this statement is that, as far as I am concerned, it shall not be taken as a recognition of the right of an Executive order to convey such mineral lands.

Mr. THOMAS. Mr. President, I desire to object to the consideration of this measure. There is a proviso to this effect:

That all lands containing valuable deposits of oil, natural gas, phosphates, nitrates, potash, and asphaltic minerals are hereby expressly reserved from location and disposition pending future action by Congress.

And so forth.

That seems to me to be a rider on this bill which has no limit in its application and which may be construed as a withdrawal by Congress of vast quantities of the public lands that to-day are open to location. I therefore object to the consideration of the bill.

Mr. STERLING. Of course, it may be too late to obviate the objection made by the Senator from Colorado, but I should like to call his attention to the report made by the committee, embodying, as it does, the letter of the Acting Secretary of the Interior. I call his attention to page 2 of the letter of the Acting Secretary of the Interior, where the statement is made that—

With respect to deposits of oil, natural gas, phosphates, nitrates, potash, and asphaltic minerals, it seems to be generally admitted that the present mining laws are not appropriate to their disposition, and large areas of public lands containing the deposits have been withdrawn by the President under the act of June 25, 1910 (36 Stat., 847), for classification and pending legislation by Congress.

The Assistant Secretary of the Interior seems to recognize the fact that there have been withdrawals, and that there is some legislation necessary affecting this particular class of land. Hence the reason for the reservation made in the bill that these lands shall not be open to exploration and purchase as are the other mineral lands mentioned in the bill.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. STERLING. I yield.

Mr. SHEPPARD. Does the present Commissioner of Indian Affairs approve the bill?

Mr. STERLING. I can not say as to that. It has not been submitted to the Commissioner of Indian Affairs, but it was submitted by the Committee on Public Lands to the Secretary of the Interior, and he makes this report.

Mr. SHEPPARD. The bill refers to Indian reservation lands?

Mr. STERLING. Yes. I will say to the Senator from Texas it is for the purpose of permitting the exploration and purchase of these mineral lands which are Indian reservation lands, with

the exceptions named in the bill, that land containing natural gas, oil, nitrate, potash, and lands of that kind are specifically reserved pending future legislation by Congress, while in the reference to lands containing fuller's earth, kaolin, and kaolinite special provision is made in the bill. I will say to the Senator that it is the purpose of the bill to admit really the exploration and purchase of lands containing fuller's earth, kaolin, and kaolinite, and subject them to purchase on the same terms as is provided for the purchase of mineral lands generally.

Mr. SHEPPARD. It seems to me the Commissioner of Indian Affairs ought to be consulted regarding a measure of this kind.

Mr. STERLING. It would seem to me, as the jurisdiction of the Secretary of the Interior is over this entire subject, from his examination of it and his acquaintance with it, he ought to decide the question.

Mr. THOMAS. Mr. President——

Mr. CLARK of Wyoming. If the Senator from Colorado will allow me, I should like to ask the Senator from South Dakota what significance he gives to that part of the amendment that has been spoken of by the Senator from Colorado:

Provided, That all lands containing valuable deposits of oil, natural gas, phosphates, nitrates, potash, and asphaltic minerals are hereby expressly reserved from location and disposition.

Mr. STERLING. I will say to the Senator I give to it simply the significance given to it by the Secretary of the Interior himself.

Mr. CLARK of Wyoming. May I ask what is the Senator's view of it? Would it not have the effect of withdrawing from all sorts of entry lands containing deposits of oil, natural gas, and phosphate until the further action of Congress?

Mr. STERLING. I think not. The Secretary of the Interior says it is conceded that the present mining laws are inappropriate for the disposition of this particular class of land.

Mr. CLARK of Wyoming. I do not take the Secretary's word as absolute verity in that particular, because many people believe that the present mining laws are all right. It seems to me that the portion which has been referred to by the Senator from Colorado absolutely withdraws by legislative action all lands of that sort from entry.

Mr. THOMAS. There is no question of it, Mr. President.

Mr. STERLING. If the Senator will permit me, it seems to have been recognized by Congress heretofore that there is no legislation appropriate for the disposition of this particular class of land, and there are several bills, as stated by the Secretary of the Interior, pending with that object in view.

Mr. CLARK of Wyoming. I know there are several bills pending, and yet there is legislation under which these lands may be brought to a useful purpose, and that legislation might well hold until further legislation is provided by Congress.

I want to say to the Senator that, while I have no objection at all to the subject matter which he desires to reach, yet this provision in the bill would lead to more than one day's discussion on the floor of the Senate.

Mr. THOMAS. Mr. President, this bill, I think, is a good example of many acts of legislation by Congress in which——

Mr. GALLINGER. Mr. President, I rise to a question of order. Has objection been made to the consideration of the bill?

The VICE PRESIDENT. Objection has been made and the bill has gone over. If there is further objection, the regular order, which is the next business on the calendar, will be proceeded with.

Mr. GALLINGER. Under those circumstances I think we ought to proceed with the calendar.

Mr. THOMAS. If the Senator objects, of course I shall——

Mr. GALLINGER. I do not object except that I understood the bill had gone over. I will not object to the Senator making a statement.

Mr. THOMAS. I merely wanted to say, if I may be permitted—and that is what I started to say—that the title of the bill gives no indication whatever of this proviso. The title of the bill as well as its substance has been changed in consequence of the recommendation of the Department of the Interior, and under the title of a bill "providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry" there has been introduced a proviso by way of an amendment "that all lands"—not the lands of Indian reservations, but all the public domain of the United States—"containing valuable deposits of oil, natural gas, phosphate, nitrate, potash, and asphaltic minerals are hereby expressly reserved from location and disposition pending future action by Congress." The effect of that might be to withdraw 50 per cent of the public domain of the United States from entry or from location, and the reason given, as I understand from the report——

Mr. STERLING. Mr. President——

Mr. THOMAS. If the Senator will allow me just a moment—the reason given by the Assistant Secretary of the Interior is that the existing laws are not applicable to deposits of this character, and as a consequence further legislation upon the subject is necessary.

I quite agree that it requires a great stretch of construction to make the present mineral laws, and especially those concerning this class of deposits, applicable to provisions like that; but it is nevertheless a fact that for over 30 years this law has been made applicable to the location and acquisition of title to property of this kind, and it ought to be good enough for that purpose or other purposes until Congress shall, by appropriate legislation, enact some other measure. Instead of that, this proposes to withdraw absolutely this land from occupation, purchase, and acquisition of title by private individuals.

I now yield to the Senator from South Dakota.

Mr. STERLING. I suggest the following amendment, and I think it will meet the objection of the Senator from Colorado——

Mr. THOMAS. It may be, but I understand the bill has gone over.

Mr. GALLINGER. The regular order!

The VICE PRESIDENT. The regular order is demanded.

Mr. POINDEXTER. Mr. President, I wish to make an inquiry. I did not understand that prior to the inquiry made by the Senator from New Hampshire there had been a positive objection.

Mr. THOMAS. I made the objection myself.

Mr. POINDEXTER. If the Senator made it, of course that sends the bill over.

The VICE PRESIDENT. The next business on the calendar will be stated.

TELEGRAMS SENT BY SENATORS ON PUBLIC BUSINESS.

The next business on the calendar was Senate resolution 156, submitted by Mr. SHAFROTH August 7, 1913, and reported from the Committee to Audit and Control the Contingent Expenses of the Senate by Mr. WILLIAMS November 3, 1913, as follows:

Resolved, That the expenditures for telegrams sent or received by Senators on public business, payable out of the contingent fund of the Senate, be, and is hereby, limited to a sum not exceeding $60 per annum for each Senator.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. SHAFROTH. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] made this report, but he requested me to present the matter to the Senate. I wish to say just a few words in relation to the resolution.

We had an investigation before the Committee to Audit and Control the Contingent Expenses of the Senate relative to the amount of moneys that have been charged by the respective Senators upon official telegrams. We have found that there has been a great difference in the amounts Senators have charged. For instance, the three highest sums charged for the three months of January 1 to April 1, 1913, and that was the only period which we investigated, was for one Member $210.14, for another Member $105.62, and for another Member $100.42, whereas the bills which some Senators have presented show a charge on account of official business for seven telegrams which did not exceed 54 cents for the three months, one not exceeding 97 cents——

Mr. WARREN. May I ask the Senator if he struck off an average so as to show what on the average the charges would be?

Mr. SHAFROTH. I will get to that in a moment. Another Senator charged 97 cents, another Senator 26 cents, another Senator $3.42 for the three months, another Senator $3.07, another Senator $2.66, another Senator $3.72, another Senator $2.69, another Senator $4.32. That was for the period of three months, from January 1, 1913, to April 1, 1913. Another Senator charged $2.82, another Senator $1.23, another Senator $1.34, another Senator $3.53, another Senator $1.15, another Senator $1.22, another Senator $1.43, another Senator $4.51. I think that the average charge for the telegrams which were sent by all of them amounted to somewhere near $8 a month.

Mr. WILLIAMS. If the Senator will pardon me, the average for each Senator for the three months was 45 telegrams, and the average cost for each Senator for the three months was $26.27.

Mr. SHAFROTH. That would make about $8.70 a month on the average for each Senator.

Mr. WILLIAMS. The Senator will find that in the report.

Mr. GALLINGER. If the Senator will permit me, I observe by the report that the amount expended for the three months was $2,522.

Mr. WILLIAMS. If the Senator from Colorado will pardon me, I will give the Senator the information from the report. The Senator from Colorado has not the report in his hands and I have it in mine.

Mr. SHAFROTH. Certainly.

Mr. WILLIAMS. I will ask the Secretary to read the report, and I ask the attention of Senators to it. It gives all the facts in connection with the matter and the reasons which led the committee to the conclusion at which they arrived.

The VICE PRESIDENT. The Secretary will read the report as requested.

The Secretary read the report, as follows:

[Senate Report No. 124, Sixty-third Congress, first session.]

LIMITING EXPENDITURES FOR TELEGRAMS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, submitted the following report (to accompany S. Res. 156):

The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators, having considered same, recommend that the resolution do pass.

In the bills for a period of three months we find that the average for each Senator was 45 telegrams and the average cost $26.27. The highest number sent by one Senator in that time was 313, and the highest cost $210. The lowest cost for any Senator who sent any telegrams at all was 26 cents. Nine Senators sent none at all. The total number sent during the period was 4,372, and the total cost was $2,522.13.

Some Senators seem to have substituted the telegraph for the post. Some seem never to resort to it. Others have resorted to it only on strictly official business, and then only when the occasion was emergent and a letter could not answer the purpose. All sorts of ideas seem to prevail among Senators as to what constitutes "official business." Here a Senator discloses, judging from the contents of his telegrams, that anything not private must be official; here another that legislative business of the Senate alone is official. Some telegrams are in cipher.

The system is unequal, confused, undefined, and undefinable—has a tendency to furnish material some day for the muckraker—has no legal footing upon any statute—is based on a custom which has grown by analogy to the franking privilege, and the cost is borne out of the contingent fund of the two Houses. We are informed that the same chaos and inability to bring order out of it exists in the House of Representatives.

The contract between the telegraph companies and the Sergeant at Arms provides solely for "official business." The companies take the position that they can not determine what is official business and must leave that in foro conscientiæ with each Senator. We do not see how they could well take any other position. We also see—can not fail to see—how Senators may, indeed must, disagree in their construction of the meaning of the contract.

The system started in the year 1897 under arrangements made by the Sergeant at Arms with the telegraph companies. We have found no resolution of the Senate authorizing its inauguration. For years prior to 1897 the custom existed of paying at postal rates fixed by the Postmaster General for telegrams sent by the Sergeant at Arms and the Secretary of the Senate and chairmen of committees on official business of the Senate or of the committees.

Mr. GALLINGER. If the Senator from Colorado will permit me, in justice to the late Sergeant at Arms, Mr. Bright, who was then in office when this arrangement was made, I wish to say that at that time I was acting chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, and it was submitted to the committee and the committee agreed that this arrangement might be made. I want that to go in the RECORD, so that there might be no reflection on the late Sergeant at Arms, who was a very conscientious official, and who individually made this contract.

Mr. WILLIAMS. I want to reaffirm what the Senator from New Hampshire has just said. I learned it after the report was drawn up. I got a letter from Mr. Bright to that effect. He stated that it was done under the authority of the committee.

Mr. GALLINGER. Certainly it was.

Mr. WILLIAMS. But the committee seems never to have passed any formal resolution; at any rate we could find none.

Mr. SHAFROTH. I wish to say that in the presentation of this resolution I do not want to reflect upon the Sergeant at Arms or anyone else. Under the authority which seemed to exist Senators sent telegrams, and I can readily see from every telegram that I have inspected that a Senator, under a liberal latitude which he himself could form, would consider it an official telegram. I have found, so far as I am concerned, none to which I could not give that view from the standpoint of a liberal interpretation of what they understood were their rights. Consequently this resolution was not introduced for the purpose of reflecting upon anyone who may have sent telegrams in excess of what other Senators sent, but the presentation of the matter to the committee was such that there was too great a difference between the use of the telegraph by some Senators and others. It was hardly fair to Senators themselves that the practice should continue without limit, because some Senators would regard that a telegram was not official and would not send it in this way, while another Senator would conclude that a similar telegram was official and would send it. The result was that we thought, in order to have a fair and somewhat equal rule among Senators, we ought to agree upon an amount. We had a conference with the appropriate committee—the Committee on Accounts, of the House—and they suggested the amount of $40 per annum, I believe. Believing, however, that this was a matter which should be controlled by each body, according to the views of each body, we felt that it ought to be $60 per year.

The very fact that some Senators do not use the telegraph at all on business that anyone could even suggest was not official leads to the conclusion and makes the difference between these telegrams to a large extent. For that reason we have felt that there ought to be some limit placed, so that if a Senator sent more telegrams than amounted to $60 a year he should pay for the excess number himself.

Mr. WARREN. Will the Senator permit me to make a suggestion?

Mr. SHAFROTH. I will.

Mr. WARREN. I desire to say that I, too, have served on the Committee to Audit and Control the Contingent Expenses of the Senate, and during my service there we had occasion sometimes to charge back and collect from Senators where they had in our judgment overdrawn the amount which we felt should be credited, or had sent messages not properly classed as official. The Senator from Colorado will recognize, as the Senate itself will, that a Senator who lives within a few hours of his constituents can hardly be benefited by the use or his constituents can hardly receive the benefit from the use of the telegraph, while one who lives several days' distance finds it necessary to do considerable telegraphing, time being the live issue and the essence in many matters. Of course telegraphing long distances entails larger expense.

When the Senator from Colorado shall have concluded I desire to offer an amendment, not to oppose the movement that is proposed, but to make the proposition still more equitable.

Mr. SHAFROTH. I will state, Mr. President, that there is some difference in the two cases, but not such a great difference as was indicated by the Senator from Wyoming [Mr. WARREN]. The telegrams sent in an area probably 300 or 400 miles, or it may be 600 miles from Washington, cost, I think, about 1 cent a word for 20 words, and then 1 cent a word thereafter. If you send fewer than 20 words the telegram will be 20 cents. As you go farther west the rate is increased a little. The rate to Denver is 1½ cents, I think—perhaps it is 2 cents, but my impression is that it is 1½ cents—a word for 20 words, which would be 30 cents. To California the rate is a little higher. Of course, there are inequalities, as there are bound to be in the framing of a general average, but no more than exist between the number of telegrams that will be sought from a constituency like New York, with 7,000,000 people, and one like Wyoming, which has 200,000 people. Consequently they offset each other to some extent. So it seems to me that to strike an average is better and fairer than to divide the United States up into sections, by which we would have different rates and amounts allowed to different Senators.

Mr. CLARK of Wyoming. Will the Senator from Colorado permit me to ask him a question?

Mr. SHAFROTH. I will.

Mr. CLARK of Wyoming. I want to ask whether, as a matter of fact, the Senate has a contract with the telegraph companies, or any arrangement with the telegraph companies, by which a Government rate only is charged on telegrams that may be sent on public business, no matter whether they are sent at the expense of the Senate or at the expense of the individual Senator?

Mr. SHAFROTH. My recollection is, though I have not looked at the particular provision, that when the Union Pacific Railroad Co. was incorporated and wanted a right of way over the public lands of the United States for the erection of telegraph poles, there was inserted a provision that there should be a Government rate. They have adhered to that, and the other telegraph company has met the competition by giving a similar rate.

Mr. CLARK of Wyoming. What I was trying to get at was this: The Senator from Colorado said one Senator, I think, had $210——

Mr. SHAFROTH. Two hundred and ten dollars.

Mr. CLARK of Wyoming. He might have had $210 of telegrams on public business, and I assume, of course, they were on real public business, in the strict acceptation of the term. The point to which I wished to direct the Senator's attention was that if the Senate paid $60 of that telegraph bill, whether the balance of the telegrams would be sent under the Government rate—which, as the Senator says, is about a cent a word—or whether they would be sent under the general commercial

rate, which is very much higher? I ask this question for information only.

Mr. WILLIAMS. These telegrams are sent under the Government rate, but they are charged to the contingent expenses of the Senate.

Mr. CLARK of Wyoming. Yes.

Mr. WILLIAMS. The contract is that when they are marked by the Senator "official business" they shall receive the Government rate. We wish to correct the inequalities in that respect. If we limit it to $60 a year, then each Senator when he goes above that amount would have to pay at the general rates, of course, for whatever telegrams he sent.

Mr. CLARK of Wyoming. Even though they were on public business?

Mr. WILLIAMS. Even though they were upon official business. There, again, if the Senator will pardon me, the wording of the contract is "official business," not "public business."

Mr. CLARK of Wyoming. Well, "official business."

Mr. WILLIAMS. And if the Senator will pardon me again, the trouble is not so much in a direct violation of the contract, as the Senator from Colorado [Mr. SHAFROTH] has said. There are very few telegrams, if any, which are sent by Senators that, under some construction, might not be considered public, official business. One Senator, and a very good lawyer, took the position, in discussing the matter with me, that he regarded anything as official business to be sent by telegram which could be franked if mailed. The abuse is not so much in that way; but the abuse is in this mainly, that where a Senator could have used the mail equally well, he uses the telegraph at the public expense. It would have cost the Government only 2 cents if he had used a letter, whereas his telegram would cost from 30 cents to whatever it would cost when he used his telegram. So that there was the abuse of the privilege under the law of unnecessarily using the telegraph system in substitution for the mail.

Mr. CLARK of Wyoming. Mr. President, I have no idea what my telegraph bill may have been before the committee, though I doubt if in any year since I have been here I have equaled the amount proposed in this resolution. I know, however, that other Senators find the necessity of using the telegraph more frequently. It occurred to me that some way might be devised as to this public business, which is a personal expenditure to the Senator, so that if the Senator was impelled to send this official business at his own expense it should be at the minimum cost; in other words, that he should be allowed Government rates for the transmission of public official business over the telegraph, so that if a Senator should find it necessary to send $100 worth of absolute, straight, official business telegrams, $60 of the amount would be paid out of the contingent fund of the Senate and $40 would be paid by the Senator; or, on the other hand, if telegrams costing $100 should be sent, and those on official business should cost $60, if the Senator were charged for the entire bill they might cost him $100 as an individual.

Mr. WARREN. If my colleague will yield to me for a moment, I wish to read to the Senator in charge of the bill what I think would be an amendment which would cover this case, and then offer my explanation of it. I would add to the resolution the following:

Any excess of this amount shall be charged to and paid for by Senators.

My experience has not been large—I speak of the time when I served as a member of the Committee to Audit and Control the Contingent Expenses of the Senate—but when we charged back to Senators and collected from them the excess we were only charged the Government rate. I think now, if the measure should pass with that amendment, that those who exceeded the $60 limit would still have the benefit of the Government rate; and I feel as if this were worth trying.

Mr. SMOOT. Mr. President, I suggest to the Senator that he add the words "the amount in excess of $60 to be paid from the contingent fund of the Senate," so that Senators will not pay direct to the telegraph company, and the accounts will be kept in the contingent fund.

Mr. WARREN. That is what I intended, and I think the language covers it. If it does not, I am willing that it should. For instance, in postage I have very often——

Mr. WILLIAMS. What is the exact language of the Senator's proposed amendment?

Mr. WARREN. In a moment. I very often have to pay for extra postage, which has been charged along during the month. That, of course, I know nothing of until the bill comes in. I think in this case, if the Senate pays for these dispatches from the contingent fund, the moment that the $60, or whatever may be the maximum amount, is exceeded, it should then be charged to and collected from Senators. I am of the opinion that that would be accepted by the company, and that it would greatly relieve those Senators who have a large constituency far away from the Capitol. It could not be abused, because, if it should be, the company would of course make complaint.

As to limit, I do not care whether it is $60, $75, $50, or $40.

Mr. WILLIAMS. If I understand the Senator's proposed amendment, it is that the excess above $60 shall be charged back by the committee to the individual Senator?

Mr. WARREN. That the Committee to Audit and Control the Contingent Expenses of the Senate in control of the contingent fund shall collect it, and that the amount shall go into that fund.

Mr. SHAFROTH. Will the Senator give me the exact language of his amendment.

Mr. WARREN. I have no pride in the language, but I will give the Senator what I have suggested, and he can put it into shape.

Mr. WILLIAMS. I want to say that the practical trouble about that is this: You might sometimes charge it back and not collect it.

Mr. WARREN. The accounts would be kept in the office where the amounts could be taken from the salaries of Senators.

Mr. WILLIAMS. But the Senator might in the meanwhile have died or he might have left Congress, or he might have been defeated, or he might be a Senator who is not very solicitous about paying what he owes.

Mr. WARREN. I do not think that is a contingency the prospect of which the Senate could in a dignified way feel like indulging. The charges would only amount to a trifle and could, I feel sure, be easily collected, the same as postage is now collected. I want to say to the Senator in charge of the resolution that I had written the proposed amendment in this way, adding the words:

Any excess of this amount shall be charged to and paid for by Senators.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming [Mr. WARREN].

Mr. BRYAN. Mr. President, it seems to me that if we are so suspicious of ourselves we had better repeal any allowance to Senators for sending telegrams at all. That, it seems to me, will be much fairer than this method, because if we do have to send telegrams on official business and it is understood by your constituents that you have that privilege, you could spend your allowance of $5 a month, and when that was gone you would personally have to keep on paying additional amounts, although the payments in excess of $5 would be just as legitimate as the $5. If we can not trust ourselves to send telegrams upon official business, I would favor not allowing any money to be spent for this purpose; but if you are going to make an allowance for telegrams sent on official business, whatever amount is necessary ought to be paid for out of the contingent fund of the Senate.

Mr. WILLIAMS. But can the Senator define what "official business" is?

Mr. BRYAN. I think so, and I would suggest this to the Senator——

Mr. WILLIAMS. I have found about 12 different constructions regarding it amongst the lawyers of this body.

Mr. BRYAN. I think the proper body to define that is the Committee to Audit and Control the Contingent Expenses of the Senate. It seems to me the telegram itself would show upon its face whether it was upon official business, and, if it did so show, it is perfectly right that the contingent fund should stand the expense. If it should fail to do so, then the Senator might be called on for an explanation; but I would infinitely prefer, Mr. President, to pay $5 a month myself than to say that I was unwilling to trust myself in the charging up of the expense to the contingent fund.

Mr. SHAFROTH. I will state to the Senator that some of these telegrams were in cipher. Aside from that, oftentimes you can not tell whether a telegram is on official business until you see either the telegram or the letter which called forth the telegram from a Senator. Not only that, but as to the telegrams which we examined, some members of the committee would say, "I think this should never have been sent as official business," while other Senators would say, "Yes; under a construction that I can see might be placed upon it, I think it is official business." So we would get into a question which is almost impossible of determination.

Mr. BRYAN. Then we had better abolish the whole thing, Mr. President.

Mr. SHAFROTH. No; I do not think so; but I think if you should take somewhere near the average number of telegrams that have been sent and allow each Senator that number that would be the fairest way.

Mr. WILLIAMS. We would just be computing it like we do stationery.

Mr. BRYAN. I notice by the figures given in the committee report that the average for three months was $26.27 to each Senator.

Mr. SHAFROTH. About $8 a month.

Mr. BRYAN. That amounts to about $105 a year. I do not suppose the committee would say that the telegrams for which payment has been made out of the contingent fund to that extent were private telegrams; and therefore I have a right to assume that the official business telegrams amounted to $105 per Senator. Where is the justice, then, if telegrams are sent on official business, of saying that the Government shall pay for part of them and the individual Senator shall pay for the remainder?

Mr. BRISTOW. Mr. President, I do not think the Senator should assume that the committee believed that this $105 average was all composed of telegrams sent on official business, because I do not believe anything of the kind.

Mr. BRYAN. I assume it, because the committee always did it, Mr. President, and I assume that the committee does its duty.

Mr. SHAFROTH. The assumption upon which that is based is that between the telegraph company and the Senate whatever is marked "official business" is a proper charge upon the part of the telegraph company; but as between the Senate and the particular individuals there might be a difference. To determine that as to each telegram would probably take weeks and months, and then there would be a difference of opinion with respect to telegrams as to whether or not they were on official business.

Mr. BRYAN. Well, Mr. President, it seems to me that we ought either to pay for "official business" telegrams or we ought not to pay for them, and that we ought not to divide up the amount and say that the Government shall pay part and the individual Senator shall pay the remainder. I am willing to vote not to make any allowance whatsoever to Senators for telegrams, but I am not willing to vote for this resolution saying that we will pay a proportion of the amount to be so spent.

Mr. WILLIAMS. Mr. President——

Mr. BRYAN. Let me ask the Senator a question.

Mr. WILLIAMS. I want to ask the Senator one first.

Mr. BRYAN. I want to ask the Senator a question: If Senators can not determine what is "official business," and it is necessary to limit them in the expenses incurred, why do we allow all the departments of the Government to send telegrams and charge them up to the public funds and not pay the expense themselves?

Mr. WILLIAMS. I do not think that bears on this particular question. That is provided for by law, and not by resolution of this body.

Mr. BRYAN. That does not affect the merits of the matter. If it is right in one place, it is right in the other; if it is wrong in one, it is wrong in the other.

Mr. WILLIAMS. That may be so, but it has nothing to do with the merits of this proposition. Now, the question I want to ask the Senator is this: He says that we ought to pay for whatever is official business, no matter how large the bill is and no matter how little it is, and that we ought not to pay for any telegram that is not official business, no matter how little, and so forth. That brings us to the question who is is going to determine whether it is official business. The telegraph company surely can not do so. If it attempted to do so, it would have to question Senators when they sent their telegrams. The committee can not always do it. If the Senator had been on the committee, as I have been, he would know that here will come a telegram, for example, addressed to John Smith at some place in Kansas, let us say, and the telegram says "Your wire received; all right." We do not know what evoked the telegram; we do not know anything about it.

Mr. BRYAN. Does not the committee have the telegrams to which Senators send replies?

Mr. WILLIAMS. Why, of course not. We can not demand of Senators——

Mr. BRYAN. But the company has copies of the messages.

Mr. WILLIAMS. We have the telegrams, but we have not the letters. Most telegrams are in reply to letters, and we can not demand of a Senator that he shall show us his letters to find out whether or not a telegram is official when it does not disclose upon its face whether or not it is official.

Mr. BRYAN. I believe the committee would be doing justice if it should make a requirement that each telegram shall show upon its face that it is official business, if such is the case.

Mr. WILLIAMS. Then you would very largely increase the expense to the Government, because you would increase the length of the telegrams. We are doing nothing in this respect but what was done with stationery. Years and years ago the rule was——

Mr. BRYAN. Pardon me one minute; I have said what I intended to say. The Senator can make his own speech.

Mr. WILLIAMS. I wish to call the Senator's attention to this fact—and if the Senator does not want it called to his attention I will call it to the attention of the Senate: We are doing nothing in this matter except what was done with regard to stationery. The original rule, when the Government was started, was that Senators and Representatives were allowed to have the stationery needed for their official business. After a while it was found that there was so much abuse of that privilege in one way or another, and so much difference of opinion about it, and so much inequality in connection with it, that a certain maximum was fixed above which this special arrangement does not go. At least, that is the rule in the House of Representatives.

Mr. VARDAMAN. Mr. President, I have been detained——

Mr. WILLIAMS. One word more before I sit down.

Mr. VARDAMAN. As I was about to say, I have been absent this morning on official business, and I did not hear the resolution read. In order that I may be informed about it, I ask that the Secretary may report the resolution.

Mr. WILLIAMS. Before the resolution is read I wish to conclude what I have to say, in one sentence.

So far as I am concerned, in response to a part of what the Senator from Florida has said, I do not think this system ought to exist at all. So far as my individual opinion goes, I know of no more reason why a Senator of the United States should send a telegram at the expense of the Government than why anybody else should. A Senator is getting paid for his work. He knows what accompanies his work as an incident. Telegraphing now and then is an incident to it. Writing a letter now and then is an incident to it. I can not justify either the franking privilege or the telegraph privilege upon any well-defined public principle.

So much, so far as that goes; but we do not want to interfere with that. The system has grown up, and we merely want to keep it from being abused. As I said before, the abuse is not so much in sending unofficial business marked "official" as it is in substituting the telegraph for the mail where it is unnecessary.

Mr. VARDAMAN. Mr. President, I only want to say that I heartily approve this resolution. I think it is a very good settlement of the controversy which we had here some time ago over these matters, and I sincerely hope it may be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

Mr. GALLINGER. I offer a substitute for the resolution.

The VICE PRESIDENT. The Secretary will state the substitute.

The Secretary read as follows:

Resolved, That hereafter no telegrams, on official business or otherwise, shall be sent or received by Senators at the expense of the Government.

Mr. WILLIAMS. Is that an amendment to the amendment?

The VICE PRESIDENT. No; the Senator from New Hampshire offers it as an amendment in the nature of a substitute.

Mr. WILLIAMS. I should like to hear it again.

The SECRETARY. In lieu of the resolution reported on the calendar the Senator from New Hampshire proposes to insert the following words:

Resolved, That hereafter no telegrams, on official business or otherwise, shall be sent or received by Senators at the expense of the Government.

Mr. WILLIAMS. So far as I am individually concerned, I do not object to the amendment. I can not accept it, speaking for the committee, but I do not personally object to it.

Mr. ROOT. Let us accept it, speaking for the Senate.

Mr. WARREN. Mr. President, I am willing to accept the amendment if other Senators do; but I have observed that there is a rather careless manner of handling the differences that naturally arise in the expenses of Senators in different parts of the country. It is easy for a man who lives a few miles from the city of Washington to say that he is against mileage and that he is against using the telegraph at the expense of the Government for official business; but when a man lives thousands of miles away from Washington naturally he has to go home from time to time, and naturally he has to do some telegraphing, because of the length of time it takes for letters to go back and forth, time often being, as I have said, the essence of importance in official matters; and it creates an unfairness as between Senators who are near by and those who are far away to follow this line of action. It means, if carried to its logical conclusion, that there shall be no mileage, no telegraph

expense, no franking privilege, nor sundry other expenses. Now, I am perfectly willing to adopt it if it is the wish of the majority; but if we do so, I want attention drawn to the fact that it is unfair as between Senators from the different States.

Mr. THOMAS. Mr. President, I wish to add to what the Senator from Wyoming has said, that consistency will require that we here and now abolish the franking privilege, and also make provision for paying out of our own pockets the salaries of our secretaries and stenographers.

There is a vast amount of official business that every Member of this body is required to look after. Unless he can utilize the telegraph by the arrangement which has been made, and which, I understand, has been in force for a number of years, especially when his constituency or some member of it insists upon an immediate reply, but must send the message at his own expense, if at all, then, to be consistent, we should also pay for official correspondence the postage which every other citizen is required to pay for private correspondence and which we pay for private correspondence. If the fact that we receive a certain emolument here should entitle the people of the country, without charge, to our services with reference to everything else, then let us go a step farther. Let us do away with the clerks and stenographers whose aid is absolutely indispensable on account of the vast amount of business which falls upon the shoulders of every Senator here and limit ourselves simply to the compensation given by the statute.

So far as I am concerned, I think on all official business the contract which has been made by the Sergeant at Arms should stand, either to the extent to which it has heretofore prevailed, leaving it to each Senator to determine what is and what is not official business—and I do not think that is subject to abuse—or else we should place a limitation upon it, either that reported by the committee or something else. If, however, we are going to adopt the substitute, let us also do away with the allowance for stationery which we enjoy at present, and let us strip ourselves of all these other things, and be done with it.

If we are going to be consistent, let us do that. If we are not going to be consistent, then why should we make an exception here because of fear, either of muckrakers or of somebody else?

I think the business of the Senate and the business of Senators can be better expedited, and their constituents will approve it, if they can obtain as swift communication as possible as to matters which affect their immediate interests, and about which they are constantly writing and telegraphing.

Mr. LODGE. Mr. President, I do not think the question involved is whether we are to pay, as in postage, what the other citizens of the country pay. The question is, Whether we are to have, in the legislative branch of the Government, the same privileges which are accorded to the other branches of the Government?

The other branches of the Government do all their official business by mail under a frank, and they do all their telegraphing at Government rates, and it does not cost them, individually, anything. There is necessarily a great deal of purely Government business which we have to do by telegraph—I mean, in the aggregate. I am not speaking of one Senator or another.

Mr. WILLIAMS. Mr. President, if the Senator from Massachusetts will pardon me, I do not think his analogy between the individual Senator's telegrams and those of the executive departments is quite well drawn. Originally, before this system began, a system existed which was in strict analogy with the privileges of the executive departments. That was that all telegrams relating to the business of the Senate had this privilege, whether sent by the Sergeant at Arms or whether sent by the Secretary or whether sent by the President of the Senate or whether sent by a chairman of a committee.

I just throw that out as a suggestion. I think it is better to have this system than to have that, so far as I am concerned.

Mr. LODGE. Mr. President, every individual Senator has communications connected solely with the Senate to which he has to make reply, sometimes by letter and very frequently by telegram. If a hearing is to be held, and he gets a telegram from a constituent who thinks it is of the greatest importance for him to be present at the hearing, and a letter would not reach the constituent in time, he sends a telegram. It is as purely Government business as anything that is done by the departments.

I do not believe in what has been proposed here, that we should put a limitation on the amount and then secure to ourselves the right to send at Government rates messages for which the Government does not pay. It is very proper that there should be a Government rate for Government business, for which the Government pays; but if we are going to pay for telegrams out of our own pockets there is no reason why we should have a Government rate.

I agree with the Senator from Florida [Mr. BRYAN]. Either the Senate can be trusted to say what is official business and not abuse the privilege, or it should be taken from the Senate altogether. If Senators are not fit to be trusted with it, they are not fit to be trusted with it under $60.

Mr. GALLINGER. Mr. President, having offered the substitute, I desire to say a word.

I have been scrupulously careful about charging to the Government only telegrams that I have sent on strictly official business, and I have also tried to be scrupulously careful as to the use of the franking privilege. Perhaps I have erred sometimes, but I am not conscious of it. It has cost the Government very little for the telegrams I have sent. If we are permitted a $60 latitude, I am afraid some of us may be tempted to send more than we do under existing circumstances.

I really do not think this matter amounts to much. This is the second or third time during the present Congress that the Senate has been investigating matters connected with itself, leading the country to believe that we are doing something wrong. This is so inconsequential a thing that I think we had better get rid of it.

I do not agree with the Senator from Wyoming that there is a discrimination here. There is a discrimination against those of us who live near Washington in the matter of mileage, but we are not finding fault about it. Again, so far as the franking privilege is concerned, that is established by law, while this is a mere agreement between the Sergeant at Arms and the telegraph company.

My position is exactly what the Senator from Florida and the Senator from Massachusetts have stated, which is that we must either trust ourselves in this matter, or we had better get rid of it entirely, and not haggle about it. So I hope the substitute I offer will be agreed to. That will get rid of one controverted matter, at least, and will allow the Senate to go along with its business without wasting time in inquiring into the acts of individual Senators or the Senate as a body.

Mr. WILLIAMS. If the Senator will pardon me, before he takes his seat, the very object of this resolution is to keep from having to inquire into the acts of individual Senators.

Mr. GALLINGER. Doubtless the Senator is right on that point, but we will forever get rid of the matter by adopting the substitute.

Mr. WILLIAMS. That is the very object of it. We do not want to go into any little petty washing of underclothes in connection with this matter.

Mr. BRISTOW. Mr. President, the view of some Senators seems to be that since the amount is small it is of no consequence, regardless of the character of the act.

Senators have very widely different views as to what is a proper charge and what is an improper charge; as to what is official business and what is not official business. It never has been difficult for me to determine what I thought was official business, but other men who are just as honest as I am have different views as to whether or not a certain telegram should be charged to the Government. It is a question of opinion.

I do not believe telegrams relating to political appointments ought to be charged to the public. If I am communicating with some man in Kansas who wants an appointment and who wants my indorsement, I think that is a question between him and me, in which the Government of the United States has no concern so far as paying the expense of the communication is concerned. Others hold that since the Senate has to pass upon an appointment, any communication relating to the appointment is official business.

I do not think so. Other Senators think it is. Probably a majority of the Senate would decide that it was. There are telegrams of other characters that are sent at public expense, and in considering what should and what should not be charged to the Government the committee had different views. Some telegrams have been sent at the expense of the Government that the committee all agreed were not official.

The final result was that we thought this incidental expense to which Senators are put might be placed upon the same basis as stationery. I think it is altogether far-fetched when Senators insist that we are accusing each other of dishonesty when we undertake to apply to telegrams the same rule that our predecessors have applied to stationery.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. BRISTOW. Certainly.

Mr. GALLINGER. The stationery allowance is provided by law, is it not?

Mr. BRISTOW. Yes; and why should not this allowance be provided by law?

Mr. GALLINGER. The measure before us does not propose to make a law in regard to it. It is a mere resolution of the Senate.

Mr. BRISTOW. It will be a law so far as we are concerned. It will be binding on us.

I can not see any objection myself to the limitation of $60. I think it is more than it ought to be. I understand that the limitation would bear more heavily upon Senators living in the far West than upon others.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him for a moment at that point?

Mr. BRISTOW. Yes.

Mr. LODGE. Numbers go a good way toward equalizing distance. The Senator from New York has 10,000,000 people in his State. In the aggregate they naturally have a larger body of business than a State which has perhaps 500,000 inhabitants. So, one thing largely balances the other. If you have five telegrams from one State and one from another, and the one costs $2.50 and the other five cost 50 cents apiece, they balance.

Mr. BRISTOW. A comparison between Delaware and California would not be as apt as that between New York and Arizona, we will say.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. I am one of the Members of this body who live a long ways off. It costs a good deal more for a single telegram sent by me to my constituents than it does the Senator from New York, for example. I do not know how much money of the Government I have expended in sending telegrams, but I should be greatly surprised to find that I had spent anything like $60 in a year. Certainly if the committee should find that I had sent telegrams that ought not to be sent under the rules they would do me a kindness to let me know, so that I might avoid anything of that kind in the future and meet the obligation of that one. I am not disposed to take advantage of the fact that I live in California instead of New York. I rather congratulate myself on that fact.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate bill 2860.

ELECTION OF SENATORS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Utah [Mr. SUTHERLAND], which will be stated.

The SECRETARY. On page 2, beginning at line 19, with the word "candidates," strike out all the bill down to and including the word "State," in line 1, page 3, and insert the following words in lieu:

Provided, That if the manner of such nomination or election is not applicable to the case of a nomination or election by the people of the entire State, the laws respecting the manner of nominating or electing the governor shall be followed.

Mr. WALSH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bradley	Lane	Perkins	Sterling
Bristow	Lea, Tenn.	Reed	Sutherland
Bryan	Lee, Md.	Saulsbury	Swanson
Burton	Lippitt	Shafroth	Thomas
Chamberlain	Lodge	Sheppard	Thompson
Chilton	McCumber	Sherman	Vardaman
Clapp	Martin, Va.	Shields	Walsh
Clark, Wyo.	Martine, N. J.	Shively	Warren
Dillingham	Myers	Simmons	Weeks
du Pont	Newlands	Smith, Ariz.	Williams
Gallinger	Norris	Smith, Md.	Works
Hollis	Oliver	Smith, Mich.	
Johnson	Page	Smoot	

Mr. GALLINGER. I desire to announce that the junior Senator from Maine [Mr. BURLEIGH] is unavoidably detained from the Chamber.

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement will stand for the day.

Mr. THOMPSON. I desire to announce the unavoidable absence of the Senator from Kentucky [Mr. JAMES] on official business. He is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. REED. I announce the necessary absence of my colleague [Mr. STONE]. He is absent on account of sickness. I make this announcement generally for the day. I was requested also to state that the Senator from Arkansas [Mr. ROBINSON] is absent from the Senate on official business.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Fifty Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. President, the discussion upon this amendment was had some three or four weeks ago, and it probably has been lost sight of, if any attention was paid to it at the time. I desire very briefly to restate the reasons why I offer the amendment.

The bill as it is reported from the committee in section 2 provides—

That in any State wherein a United States Senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office shall be made, the election to fill the same conducted, and the result thereof determined, as near as may be, in accordance with the laws of such State regulating the nomination and election of candidate for Members at Large of the National House of Representatives.

I stop there for the purpose of pointing out the application of the first part of the amendment which I propose.

It will be seen that it is proposed by the bill as it now reads that the laws of the State in reference to the nomination of candidates for Members at Large of the National House of Representatives shall be adopted as the rule for nominating United States Senators. The objection to that is that in many of the States the language of the statute will not apply to the election of a Member at Large of the National House of Representatives, but it will apply to the election of Representatives in Congress who are generally elected by districts. In many of the States of the Union there is no express provision made for nominating Members at Large. So I have proposed by my amendment to strike out the words "candidates for Members at Large of the National House of Representatives" and insert in lieu of it the words "Representatives in Congress."

That will apply so far as the time and places of electing Senators is concerned in every instance. The time when a Representative is elected, whether by a district or by the State at large, will always be the same so far as the election of a Senator is concerned. So the places will always be the same. The places will be the ordinary election districts of the State, and whether they are designated in a law which provides for the election of Representatives by districts or Representatives of the State at large the places where the election shall be held will always be the same.

The only confusion which could ever arise would be with reference to the manner of nominating or of holding the election. I think the question could perhaps never arise in connection with the manner of electing, but it might arise in connection with the manner of nominating a Senator. In order to obviate that in the present bill there is the proviso:

Provided, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State.

The objection to that is twofold. First, that in some of the States there will be found undoubtedly different provisions with reference to the election of different executive and administrative officers. For example, the secretary of state may be elected in one way, and the auditor, if there be such an officer, or the treasurer may be elected in a wholly different way, so that confusion would arise by providing for adopting the law respecting the ordinary executive and administrative officers. If we were to particularize some officer as the secretary of state, the attorney general, or some one else, that element of confusion would not exist.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SUTHERLAND. I yield.

Mr. OLIVER. I will ask the Senator why it would not answer the purpose to simply provide that the candidates for Senator should be nominated in the same manner as is provided for nominating candidates for governor of the State, and specify the governor. All the States elect their governors by a vote of the people. They are placed in nomination in some way in every State. Why not simply provide that the candidate for Senator shall be nominated and elected in the same manner as the candidate for governor?

Mr. SUTHERLAND. That seems at first blush a very obvious method, but the difficulty is that the bill provides not only for general elections, but for special elections as well, and no special elections are held in any State, so far as I know, for a governor. The governor is elected for a term, and if his office becomes vacant during that time it is filled automatically by another officer—in most States, perhaps, by a lieutenant governor—who at once takes his place. So if you provide that a Senator shall be elected in the same way and at the same time and place as the governor, we would only cover the case of the general election and would not cover the case of a special election.

Mr. OLIVER. But——

Mr. SUTHERLAND. If the Senator will pardon me a moment further—if we adopt as a general rule what I propose, relating to the election of Representatives in Congress, then we will cover both cases, because whenever a vacancy occurs in the office of a Representative in Congress a special election is held. The laws of all the States provide for a special election, but that is not the case with reference to any other officer. In the case of the other officers of the States generally, the provision is that when a vacancy occurs in one of those offices it is filled by appointment and not by election.

Mr. OLIVER. In all States Representatives in Congress are elected by districts. In a few States they have Members at Large, but in some States they have a method of nominating Representatives in Congress by districts and another method of nominating candidates for State offices. This law would compel a State which has no provisions for a State-wide primary to provide for a State-wide primary for the single office of Senator, when we have no provision for doing it and no machinery by which they may do it. In our State we nominate all officers in a State-wide primary, but in certain other States they nominate Members of Congress by a primary, while they nominate their State officers by means of State conventions. In those States I think it nothing but right that Senators should be nominated in the same way in which they nominate their other State officers.

Mr. SUTHERLAND. If the Senator will listen to me when I discuss the next point, he will get the reply to what he has just now suggested.

I have already stated, and I will repeat briefly, in reply to the Senator, what I have already said. The Representative in Congress is provided for in every State in the Union by statute, but generally the statute is framed so as to apply to a Representative elected in a district and not to Representatives elected at large. Notwithstanding that, no difficulty can possibly arise with reference to the place and the time of electing United States Senators, because the places which are prescribed in the law of the State for the election of Representatives by districts will be the same places where Senators must be elected, and the time when Representatives must be elected will be the same time. The only possible difficulty will arise in connection with the manner of electing. That may be different, and the proviso as I have attempted to amend it in my proposed amendment covers that phase of the difficulty.

The second objection to the proviso in the bill as reported, where the law with reference to the election of the ordinary executive and administrative officers is adopted, is that there will be no law which will cover the case of a special election in many States, because the ordinary provision of the State statute is that when a vacancy occurs in the office of secretary of state or auditor or any other of the State executive or administrative officers the vacancy is filled by appointment of the governor and no special election could be held. So, whenever we come up against a law of that kind we will meet the difficulty.

A special election for United States Senator could not be held because there will be no law in the State which covers the case of the special election of an executive or an administrative officer, and having adopted that plan there will be no law under which we can elect a Senator at a special election.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SUTHERLAND. I yield.

Mr. GRONNA. If the Senator will permit me, I simply want to suggest that that is exactly the case in my State.

Mr. SUTHERLAND. It is the case in my State.

Mr. GRONNA. The governor has no authority to call an election. The legislature has the power to call the election. Of course, so far as it applies to State officers, if there is a vacancy in the office of governor the lieutenant governor takes the place of the governor, and if there are vacancies among other State officers they are filled by the governor.

Mr. SUTHERLAND. That is the case in my State, and it is the case in perhaps a majority of the States in the Union.

Now, those are the objections which occur to me as pertinent to be made to the bill as it is proposed. I propose to remedy that, as I have already stated, by putting in the place of the candidates for Members at Large of the National House of Representatives simply the provision "Representatives in Congress." As I said, that will take care of the elements of time and place under all conceivable circumstances, and there never can be confusion with reference to those two elements of an election. The only remaining element of any election is the manner, and in order to take care of that I have substituted in my amendment for the proviso contained in the bill the provision:

Provided, That if the manner of such nomination—

Confining it to the manner—

or election is not applicable to the case of a nomination or election by the people of the entire State, the laws respecting the manner of nominating or electing the governor shall be followed.

You see the manner of electing the governor will be applicable both to a general election and to a special election, and the fact that no special election is ever held for governor will make no difference, because we are not adopting the statute with reference to the time of electing the governor, which would result in confusion, but only adopting the statute of the State with reference to the manner of his election.

Mr. GRONNA. That applies only as to election.

Mr. SUTHERLAND. It applies to the nomination and election. Whenever a case arises under the law of the State when the manner of nominating or electing Representatives would not be applicable to an election by the people or nomination by the people of the entire State, then we shall follow the manner of nominating or electing a governor, and by dovetailing those various provisions, so to speak, as I have done, it seems to me we will eliminate all elements of confusion. But if we do not do that, if we pass the bill as it is reported, I fear that a good deal of confusion will result.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I yield to the Senator.

Mr. WORKS. I remember when this bill was previously under discussion the Senator from Georgia [Mr. BACON], who is not now present in the Chamber, suggested that it only provided for nominations, and did not cover cases where one might desire to become a candidate without being nominated, as, for example, an independent candidate. The Senator from Utah may remember that at that time I suggested an amendment that might probably cover that phase of the matter.

Mr. SUTHERLAND. Yes; that amendment is pending; and I will say to the Senator that I think it ought to be adopted. I shall vote in favor of it.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. WALSH. I was simply going to remark that I should like very much to participate in this discussion if I could, but I am utterly unable to hear what is being said by the Senators who are conducting it.

Mr. SUTHERLAND. There is only one of two ways of having the Senator from Montana participate in the debate, and that is either for Senators on this side to raise their voices when speaking or for the Senators upon that side to come over here.

Mr. President, I think that is all that I care to say upon the amendment.

Mr. WALSH. Mr. President, I feel that perhaps too much time has already been taken up in the discussion as to which of these two systems ought to be adopted. I do not desire to say anything further upon the matter than to indicate for the benefit of those who may not have been here during the discussion heretofore that I do not think the substitute is calculated to remove any elements of uncertainty at all; in fact, I fear it will produce many. You will observe that it provides that the method shall be the same as that prescribed in the case of Representatives. If that is inapplicable, then the procedure with relation to the governor shall be followed. Of course that immediately precipitates a question as to whether the first is inapplicable. Some one will contend that in a certain State it is and some one will say that it is not. The officer will be troubled in starting the machinery in motion to determine whether or not it is applicable. He reaches a certain conclusion and is proceeding along the line that the procedure in relation to Representatives is applicable, and somebody else will say, "You are wrong about that," and will immediately institute proceedings to suppress that procedure and compel him to follow the other.

Again—and this is the particular objection I have to it—in many States there may be some specific provision in relation to the nomination of a governor, simply because of the peculiarities of that office, that would not be appropriate in connection with any other nomination. I want to have followed the general procedure that is laid down for the nomination of officers of the State generally. I have, however, said these things before.

Mr. SUTHERLAND. May I ask the Senator from Montana a question before he takes his seat? The difficulty which the Senator first suggested, of course, exists in the bill as it is reported. There is a proviso in the bill as reported that in the event no provision is made in the State for the case of the nomination or election of Representative at Large, then the other method shall be followed. Of course, that raises a question for determination as to whether the law of the State is applicable to the election of a Representative at Large.

Mr. WALSH. Well, hardly. If there is no provision at all in the statute for the case of the nomination and election of a Representative at Large, it ought to appear quite readily upon a mere examination. That would not be the case, however, when there is a provision there in relation to the nomination for Representatives in Congress; and the question arises as to whether you can make that particular machinery, intended primarily for the case of a district, applicable to the case of an entire State.

Mr. SUTHERLAND. Well, it is a question of the degree of the difficulty. There is a question to be determined in either case. The Senator from Montana thinks it would be less difficult to determine whether the law provided for the election of a Representative at Large than to determine whether the law provided for the case of the nomination or election by the people of the entire State. However that may be, passing that difficulty and having determined under the existing law that the statute does not apply to the election of a Representative at Large, then does the Senator from Montana not agree with me that the law of the State with reference to the executive and administrative officers in the case of special elections will not apply where the provision is that such officers in case of vacancies shall be appointed and not elected? Certainly that case might arise.

Mr. WALSH. The Senator from Montana recognizes that, if there is no provision for a special election for any of those officers, there will be no provision for a special election for Senator; he recognizes that, as a matter of course. I might say with respect to that, however, that that is another objection to the amendment proposed by the Senator from Utah. Obviously there will be no provision in any State for a special election to fill a vacancy in the office of governor, because, so far as my knowledge goes, a vacancy in the office of governor is filled in no State by an election. So it does not in any way improve the matter. It is an unfortunate condition that may exist. There may be a law in some States for the nomination and election of some officer in the State by a special election. Obviously—at least apparently obviously—there is no law in any such State in the case of the governor.

Mr. SUTHERLAND. Mr. President, the Senator from Montana is quite correct in saying that there would be no law providing for a special election for governor; I myself have already stated that. For that reason, I have carefully limited the proviso to the adoption of the manner of nominating or electing the governor, and have excluded from it the element of time and place. The manner would be the same for a special election as for a general election; the time and the place might be different. The time might be different, at any rate.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on the amendment offered by the Senator from Utah [Mr. SUTHERLAND].

Mr. WALSH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. I transfer that pair to the Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. SHEPPARD (when the name of Mr. JAMES was called). I am authorized to announce the unavoidable absence of the Senator from Kentucky [Mr. JAMES] and to state that he is paired with the Senator from Massachusetts [Mr. WEEKS]. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair, when his name was called). The present occupant of the chair is paired with the Senator from South Dakota [Mr. CRAWFORD], but he transfers that pair to the Senator from South Carolina [Mr. SMITH] and votes "nay."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence, I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. STERLING (when his name was called). I announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. If I were at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote. I vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably absent. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. If he were present, my colleague would vote "yea."

Mr. WALSH (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]; but I am informed that if he were here he would vote the same way that I intend to vote. I therefore vote "yea."

The roll call was concluded.

Mr. SHIVELY. I wish to announce the unavoidable absence of my colleague [Mr. KERN]. He is paired with the senior Senator from Kentucky [Mr. BRADLEY].

Mr. BRADLEY (after having voted in the affirmative). In view of that statement, being paired with the junior Senator from Indiana [Mr. KERN], I withdraw my vote.

Mr. BANKHEAD. I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. MARTIN of Virginia. I wish to announce that the senior Senator from Maryland [Mr. SMITH] is unavoidably absent. He is paired with the Senator from Vermont [Mr. DILLINGHAM].

Mr. MARTINE of New Jersey. I am requested to announce that the junior Senator from Oklahoma [Mr. GORE] is paired with the Senator from New Mexico [Mr. CATRON]; that the senior Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Washington [Mr. JONES]; that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]; and that the Senator from Louisiana [Mr. THORNTON] is paired with the Senator from Connecticut [Mr. BRANDEGEE].

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

The result was announced—yeas 26, nays 28, as follows:

YEAS—26.

Borah	Gronna	Page	Stephenson
Brady	Kenyon	Perkins	Sterling
Bristow	Lippitt	Poindexter	Sutherland
Burton	Lodge	Root	Williams
Clapp	McCumber	Sherman	Works
Clark, Wyo.	Norris	Smith, Mich.	
Gallinger	Oliver	Smoot	

NAYS—28.

Ashurst	Lea, Tenn.	Pomerene	Simmons
Bankhead	Lee, Md.	Reed	Smith, Ariz.
Bryan	Lewis	Saulsbury	Swanson
Chamberlain	Martin, Va.	Shafroth	Thomas
Chilton	Martine, N. J.	Sheppard	Thompson
Johnson	Myers	Shields	Vardaman
Lane	Overman	Shively	Walsh

NOT VOTING—41.

Bacon	du Pont	La Follette	Smith, Md.
Bradley	Fall	McLean	Smith, S. C.
Brandegee	Fletcher	Nelson	Stone
Burleigh	Goff	Newlands	Thornton
Catron	Gore	O'Gorman	Tillman
Clarke, Ark.	Hitchcock	Owen	Townsend
Colt	Hollis	Penrose	Warren
Crawford	Hughes	Pittman	Weeks
Culberson	James	Ransdell	
Cummins	Jones	Robinson	
Dillingham	Kern	Smith, Ga.	

So Mr. SUTHERLAND's amendment was rejected.

Mr. WORKS. Mr. President, I offer the following amendment: After the word "made," in line 16, insert "the mode of becoming a candidate determined."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 16, after the word "made," it is proposed to insert "the mode of becoming a candidate determined."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California [Mr. WORKS].

Mr. WALSH. Mr. President, I should like to hear briefly from the Senator from California what the difference is between the language offered by him and the language reported by the committee. What difference is there between "the nomination of candidates" and the mode by which candidates are determined?

Mr. WORKS. Well, Mr. President, in some of the States provision is made for becoming a candidate in other ways than by nomination; for instance, by petition, and otherwise becoming an independent candidate. That objection to the bill was suggested first by the senior Senator from Georgia [Mr. BACON], and it occurred to me to be a valid one. It makes plain a matter about which there might be some question.

Mr. WALSH. My acquaintance with this matter leads me to recognize that as one method of making the nomination.

Mr. WORKS. Then, if that be so, Mr. President, the proposed amendment could do no harm at least.

Mr. WALSH. Out in our portion of the country it is very common to speak of "nomination by petition" or "nomination by convention" or "nomination by primary election."

Mr. WORKS. Those terms are used, I concede, but I suggest to the Senator from Montana that, in any event, the amendment could do no harm, and I think it may make clear what otherwise there might be some doubt about.

Mr. WALSH. I should fully agree with the Senator, but the language recurs in various places. If you go on a little further down you meet again the subject of nominations, for instance—

That in case no provision is made in any State for the case of the nomination or election of Representatives at Large—

You would be obliged also to change the language there.

Mr. WORKS. That would not affect the proposed amendment, as it relates to a law governing the question.

Mr. WALSH. I am sure it would. If the language above is not adequate to meet the case suggested by the Senator from California, the language below is not. I feel satisfied that the present language covers the case.

Mr. WORKS. Well, Mr. President, it is a matter of entire indifference to me, if the Senator is satisfied with the language of his bill.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on the amendment proposed by the Senator from California [Mr. WORKS].

The amendment was rejected.

Mr. SHIELDS. Mr. President, I ask that the amendment intended to be proposed by the Senator from Georgia [Mr. BACON] be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 15, after the word "thereof," it is proposed to strike out "the nomination of candidates for such office shall be made"; in line 16, after the word "same," to insert the words "shall be"; and in line 17, after the word "determined," to strike out "as near as may be in accordance with the laws of such State regulating the nomination and election of candidates for Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be."

Mr. SHIELDS. Mr. President, there is no opposition of which I know to the bill under consideration, so far as it provides a temporary method for the election of Senators, pending the enactment of proper provisions upon the subject by the several States to carry into effect the seventeenth amendment to the Constitution. I believe it ought to be passed, as there are a number of the States that have not yet acted in this matter, and in case of vacancies in them it will save confusion such as resulted in the Maryland and Alabama cases.

The amendment offered by the Senator from Georgia [Mr. BACON], which I favor, merely asks that the provisions in the second section of the bill, regulating the nomination of candidates for Senator, be stricken out. This amendment was not offered by the Senator from Georgia in opposition to primary elections; on the contrary, I understand he favors the making of nominations for public officers in that way, and in this I agree with him. The opposition to the provisions in this bill upon that subject is predicated upon the want of power in the Congress to legislate upon it; and further, if such power exists, the legislation is a wholly unnecessary interference with the internal and domestic affairs of the States and a bad precedent to establish.

The States have the power to regulate the manner of nominating candidates for office, and most of them have done so by statutes providing for primary elections for that purpose. It is peculiarly a matter for domestic and local regulation—the highest form of popular government—and the States should not be disturbed in their control of it.

I do not understand anyone to deny that Congress has the power to regulate the manner of holding elections of Representatives and Senators except as to the place of choosing Senators. There is no question but what the power is given by section 4, Article I, of the Constitution, and the Supreme Court of the United States, in the case of Ex parte Seibold, reported in One hundredth United States, and others approving it, has sustained legislation of that character.

What the amendment offered controverts is that this power includes that to regulate the nomination of candidates. When the debate first began upon this amendment I undertsood the Senator from Montana [Mr. WALSH] to take the position that the word "election," used in section 4, Article I, of the Constitution, included and embraced elections held for the purpose of nominating candidates—primary elections—as separate and distinct functions; but now I understand his insistence to be that the nomination of candidates is an integral part of the election of an officer, and for this reason it is within the power of Congress to regulate them.

This I understand to be concurred in by the Senator from Idaho [Mr. BORAH]. While I have the highest respect for the opinions of both of the distinguished Senators upon constitutional questions—or, for that matter, upon all other subjects—I can not agree with them in their present contentions. I am fully convinced that both contentions are unsound and untenable. I believe that regular elections and primary devices, whether in the form of a convention or primary election, are separate and distinct things, and that the Congress has no power to regulate the latter.

It has been said, and correctly so, that constitutional provisions must receive a liberal construction in order to carry out and accomplish the principles of government, because they do not undertake with minute precision like other instruments to define their meaning. But it is equally true that the cardinal rule in the construction of all instruments, constitutions as well as statutes and private contracts, is to give effect to the intention of the authorities and parties adopting, enacting, and making them. There are certain rules which are observed in ascertaining this intention. The words employed are to be taken in their natural and popular sense at the time when used, unless they are technical legal terms, when they are to be given their technical signification. The prior state of the law and the evil intended to be remedied are to be considered. The circumstances of contemporary history may be looked to, and the practical construction placed upon the provision in question by those whose duty it was to enforce it is also entitled to much weight, if generally acquiesced in for a long period of time.

Mr. Black, in his work on Constitutional Law, says:

Whether we are considering an agreement between parties, a statute, or a constitution, with a view to its interpretation, the thing we are to seek is the thought which it expresses.

In the case of Rector of Holy Trinity Church *v.* United States (143 U. S.) it is said:

It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit nor within the intention of its makers. This has been often asserted, and the reports are full of cases illustrating its application. This is not substitution of the will of the judge for that of the legislator, for frequently words of general meaning are used in a statute, words broad enough to include an act in question and yet a consideration of the whole legislation, or of the circumstances surrounding its enactment, or of the absurd results which follow from giving such broad meaning to the words, makes it unreasonable to believe that the legislator intended to include the particular act.

And, again, applying the rule to that case it is said:

The construction invoked can not be accepted as correct. It is a case where there was presented a definite evil, in view of which the legislature used general terms with the purpose of reaching all phases of that evil, and therefore unexpectedly it is developed that the general language thus employed is broad enough to reach cases and acts which the whole history and life of the country affirm could not have been intentionally legislated against. It is the duty of the courts under those circumstances to say that, however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore can not be within the statute.

It has also been held that—

The occasion of the enactment of a law may always be referred to in interpreting and giving effect to it. The court should place itself in the situation of the legislature, ascertain the necessity and probable object of the statute, and then give such construction to the language used as to carry the intention of the legislature into effect so far as it can be ascertained from the terms of the statute itself. (People *v.* Supervisors of Columbia County, 43 N. Y., 130.)

And that—

Courts in construing a statute may with propriety recur to the history of the times when it was passed, and this is frequently necessary in order to ascertain the reasons as well as the meaning of particular provisions in it. (United States *v.* Union Pacific Railway, 91 U. S., 72, 23 L. Ed., 224.)

The rules of interpretation and construction announced in these cases are elementary and well established, and I do not think they will be controverted.

Mr. President, let us briefly refer to the origin and object of the provision empowering Congress to regulate the manner of holding elections for Senators and Representatives and the history of the times when the Constitution was framed and adopted.

It is said by Mr. Madison that the suggestion to the members of the convention of this provision arose from the failure of some of the States to elect and send delegates to the Congress of the Federation, Rhode Island being a notable case of this neglect, as it had not been represented for a number of years previous to the meeting of the convention. The provision was vigorously opposed in the conventions of the States held to ratify the Constitution, and an amendment was proposed to limit in express terms the action of Congress to cases of neglect or refusal of a State to make proper provisions for congressional elections and was supported by a majority of the 13 States; but it was finally abandoned upon the ground of the great improbability of congressional interference so long as the States performed their duty in this respect.

When the Federal Constitution was formulated and adopted organized political parties had not come into existence in this country and the nomination of candidates for public office in any form was, of course, wholly unknown. It is true that after the Constitution was framed the country was divided upon certain great political principles and policies which yet largely control the two great parties of this day, and those advocating and opposing them were generally called Federalists and Anti-federalists; but instead of political parties as we now understand these organizations the people were followers of leaders or groups of leaders who advocated or opposed those principles. Washington was elected both times without opposition, and, of course, no such thing as party organization was used in his behalf.

The first nomination of candidates by parties occurred about 1800 and was done by caucus—those for State officers by members of the general assemblies and those for President and Vice President by Members of Congress. This method of nomination continued to be used in a somewhat irregular manner until 1828, when, having become extremely unpopular, it was abandoned.

The first convention, representative in form and much like those now in use, was held by the Anti-Masonic Party at Baltimore in September, 1831, in which 13 States participated and which made nominations for President and Vice President and issued an address to the people of the United States stating the principles and policies of the party. The other parties immediately adopted this mode of making nominations, and a Democratic convention was held in the same city in the succeeding May, when Andrew Jackson was nominated for a second term, and was the first President ever nominated by a convention composed of representatives chosen by the rank and file of the party.

The Democratic Party continued to make nominations in this way, and the national convention held by it in 1840 adopted the first formal political platform in the manner of our present conventions.

But complete party organization by the election of a national committee, with a chairman and secretary, and power to call conventions, and otherwise provide for the nomination of candidates and the making of platforms was not effected until 1848, when the Democratic Party was so organized.

Primary elections for the nomination of candidates, provided for by party organization and later by State legislation, came into use, as I understand, about 1880.

Congress from the adoption of the Constitution—if the construction of Article I, section 4, is sound—has had the power to regulate the manner of nominating candidates for Members of the House of Representatives in all particulars as it is now claimed it has the power to control the nomination of Senators, but it has never attempted to exercise such power, although candidates for seats in the lower House were for many years, and in some States are now, nominated by conventions, and great abuses have for years existed in the manner of holding and conducting both primaries and conventions for this purpose.

Mr. President, this brief history of the provision of the Constitution we are discussing and of the origin and evolution of the organization of political parties and party machinery, I think, will aid in ascertaining the extent of the power over elections which the framers of the Constitution intended to confer upon Congress.

I will now call attention to the language of the provision, for if it clearly expresses the meaning of the lawmakers all discussion of that question is precluded. Mr. Black, in his work on constitutional law, says that in ascertaining the intention of lawmakers—

the first resort in all cases is the natural signification of the words employed in the order and grammatical arrangement in which the framers of the instrument have placed them. If, thus regarded, the words embody a definite meaning which involves no absurdity and no contradiction between different parts of the same writing, then that meaning apparent upon the face of the instrument is the one which alone we are at liberty to say was intended to be conveyed. In such a case there is no room for construction. That which the words declare is the meaning of the instrument, and neither courts nor legislatures have the right to add to or take away from that meaning.

It is provided that the Congress may regulate the manner of holding elections, and the extent of the power thus given seems to depend upon what was meant by the word or term "election." Whether it was used in its popular or technical sense is immaterial, because they are the same when used in connection with the choice of public officers. And when so used it means the performance by the people of the governmental function of choosing an officer to exercise certain powers which the law has conferred upon whomsoever may be elected to the office to be filled. If this definition of "election" is correct, and I do not think it can be controverted, it is conclusive of the meaning intended to be expressed. The members of the Constitutional Convention could not have used the word or term "election" in any other sense. Political parties had not then been formed and nominations for office in any form were unknown. It is absurd to say that things unknown could have been contemplated by those framing the fundamental law.

The popular meaning of the term then and now is an election of officers. We all know that when we speak of an election we mean an election of officers in which all qualified voters may participate. It was and is also the technical meaning of the term. It is so used in all State constitutions and all statutes regulating the election of officers. In a large majority of the cases decided by the courts of last resort of the States, referred to in the discussion of this bill on a former day, it is held that the term "election" refers to the election of officers, and that it does not include primary elections for the nomination of candidates for office unless so expressly stated. I will refer to these cases later in another connection. But I understand that it is not now insisted that Congress is authorized to provide for and regulate primary elections as a distinct function, and I will not further discuss the question.

The learned Senators, however, say that devices for the nomination of candidates for office are a part of the machinery of elections authorized to be held for the election of officers, and, assuming that this is true, proceed to make able arguments on the wisdom, yea the necessity, of Congress controlling them under its power to regulate the manner of holding elections in order to prevent fraud, preserve the integrity of this governmental function, and secure a fair expression of the will of the people.

I do not differ with them in regard to the flexibility of the Constitution and its adaptability to the ever-changing conditions of our country resulting from a higher civilization and the development of a greater Nation. These are among the qualities which makes it one of the greatest instruments ever conceived and framed by man and which will perhaps contribute more to sustain its influences and perpetuate constitutional government than any to be found in it. I have no quarrel with the authorities they quote upon this subject. They are elementary and familiar law.

But the adaptability and flexibility of the Constitution, however, does not permit the application of its provisions to subjects power over which has not been delegated to it by the States. It only authorizes the adoption of new means to enforce and execute the powers given required by changed conditions. The quotation made by the Senator from Montana [Mr. WALSH] from Judge Story illustrates this. I read from page 3059 of the RECORD:

How, then, are we to interpret the language of the clause? The true answer is in such a manner, as consistently with the words, shall fully and completely effectuate the whole objects of it. If by one mode of interpretation the right must become shadowy and unsubstantial and

without any remedial power adequate to the end, and by another mode it will attain its just end and secure its manifest purpose, it would seem upon principles of reasoning absolutely irresistible that the latter ought to prevail. No court of justice can be authorized so to construe any clause of the Constitution as to defeat its obvious ends when another construction, equally accordant with the words and sense thereof, will enforce and protect them.

And in section 432 it is said:

In the practical application of government, then, the public functionaries must be left at liberty to exercise the powers with which the people by the Constitution and laws have intrusted them. They must have a wide discretion as to the choice of means, and the only limitation upon that discretion would seem to be that the means are appropriate to the end.

Such is the effect of other authorities. A further illustration is that present conditions make it difficult to enforce laws to regulate interstate commerce in its relation to intrastate commerce, yet this does not authorize the Congress to enact laws to control the latter. The power to regulate interstate commerce, although it may be difficult to do so without regard to intrastate commerce, does not authorize the Congress to take charge of another subject over which it is given no power in the Constitution.

It is said by the Senator from Idaho [Mr. BORAH] that no trace can be found in the Constitution where it was intended that the Federal Government should be to any extent dependent upon the State governments for the execution of its provisions. I think he overlooked the fact that the elective franchise is entirely within the control of the legislatures of the several States, and that they have the sovereign power to fix the qualification of voters who shall elect Senators and Representatives. The Federal Government, for this reason, is entirely dependent upon the States for electors of Senators and Representatives, without which elections can not be held.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. SHIELDS. I do.

Mr. BORAH. Would it interrupt the Senator if I should ask him a question?

Mr. SHIELDS. Not at all.

Mr. BORAH. The Senator is now referring to the proposition that the States fix the qualifications of voters?

Mr. SHIELDS. Yes.

Mr. BORAH. But there is, of course, an express provision in the Constitution which states that the qualifications of voters for State officers shall be the qualifications for voting for Federal officers. Now, suppose that were not in the Constitution at all.

Mr. SHIELDS. I understand the qualifications of voters for Representatives, as prescribed in the old Constitution, to be those of voters for members of the most numerous branch of the general assembly of the State.

Mr. BORAH. That is precisely it. I say the National Constitution has provided that the qualifications of voters for Congressmen, and in this instance for Senators, shall be the same as the qualifications of voters for members of the most numerous branch of the legislatures of the respective States.

Mr. SHIELDS. Yes.

Mr. BORAH. That is fixed in the fundamental law. Suppose, however, that provision were not in the law. Suppose the National Constitution had not written that proposition into the law. Would there be anything then to prevent the Congress from providing the qualifications for voters for the election of Federal officers?

Mr. SHIELDS. Why, certainly not, if we had no constitutional provision upon the subject, provided that power was delegated to the Congress.

Mr. BORAH. That was not a power which existed to delegate. At the time of the formation of the Constitution the voters had no right to cast votes for a Federal officer. There were no Federal officers to elect. They created another government and provided for electing officers. Now, it was not delegating a power which had belonged to the States theretofore to give them the power to fix the qualifications of voters for Federal officers, because that was not a right which belonged to the States, but in organizing a national government it became necessary to have voters in order to elect the elective officers, and the National Government simply adopted as its own the qualification which the States had fixed.

Mr. SHIELDS. Mr. President, it is not necessary to discuss the case of a law that is conceded not to exist, nor to suppose what the case would be if certain provisions were or were not in the Constitution. I do not agree with the Senator that the Federal Government merely adopts the State method of prescribing the qualification of voters. The power vested in the Federal Government is the specific power that the States vested in it by the Constitution. It gets all of its power and all of its authority in this matter from the Constitution and from the powers that the States, as distinct and independent sovereignties, surrendered to it and vested in it by that instrument.

Mr. BORAH. The States did not surrender to the National Government any right with reference to fixing the qualification of voters to vote for Federal officers, did they?

Mr. SHIELDS. Certainly. There would have been no Federal officers had not the States surrendered to the Federal Government the power to elect them. All the sovereignty of the Federal Government comes from the States.

Mr. BORAH. Exactly; but here was a particular power, a particular right to cast a vote for Federal officers. That was not anything which belonged to the States prior to that time. We were creating a new Government, a Government which had to exist by virtue of elective officers, and the question arose as to who should be permitted to vote for those elective officers. The National Government said: "We will accept the qualifications which the State fixes"; but it might just as well have said: "We will fix the qualifications ourselves."

Mr. SHIELDS. Mr. President, I do not agree with the Senator. The National Government did not have anything at all to say about it. There was no National Government when the Constitution was framed and adopted. It came into existence afterwards. The framers were the representatives of the States in the constitutional convention. It was the States speaking; and the States vested in the Federal Government they created the power to have Senators and Representatives as a part of that Government. The power to fix the qualifications of voters was a power always vested in the States, and they simply did not surrender that power to the National Government.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SHIELDS. I do.

Mr. SUTHERLAND. Suppose the Constitution had simply provided for a Congress, to consist of a Senate and House of Representatives, and had not prescribed who should vote for Representatives at all, or who should vote for Members of the Senate, but had omitted all reference to that subject. Then who would have regulated the election of the Members of the House of Representatives and of the Senate—the State or the General Government?

Mr. SHIELDS. It is hardly necessary to consider a question that supposes a different Constitution from that which we have.

Mr. SUTHERLAND. I think the answer of the Senator might reflect some light on the matter which he and the Senator from Idaho have been discussing.

Mr. SHIELDS. I have prepared myself in regard to the Constitution and the provisions that we find in it. I could not, of course, anticipate what some one suggests might have been placed in it or might have been left out of it.

Mr. SUTHERLAND. But I understand the Senator from Tennessee to be insisting that the States have delegated to the Federal Government whatever power it may have to regulate elections.

Mr. SHIELDS. That is my contention.

Mr. SUTHERLAND. Then the Senator must conclude that it was a power which originally belonged to the States.

Mr. SHIELDS. I think it was.

Mr. SUTHERLAND. Then the Senator's answer to my question, I take it, would be that the power to fix the qualification of voters, if there had been no reference at all to it in the Constitution, would have been in the States and not in the Federal Government.

Mr. SHIELDS. It might have been. As I have said, I have not considered the question, because I find in the Constitution an express provision in regard to the power to prescribe the qualifications remaining in the States.

Mr. SUTHERLAND. But if provision had been made in the Constitution for the officers of the Federal Government, and nothing more had been said about it, is it not a fact that the authority of the Federal Government to prescribe the manner in which those officers should be elected would have followed as a necessary incident, and it would not have belonged to the States?

Mr. SHIELDS. I think not, under our dual form of government.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. I should like to inquire of the Senator from Utah if he will kindly favor us with his own views as to where

the power would rest, under those circumstances, to prescribe the qualifications of voters?

Mr. SUTHERLAND. I think if there had been no provision whatsoever upon the subject the Federal Government might have made its own provisions with reference to the qualification of voters.

Mr. WALSH. That is, Congress would have power to prescribe the qualifications?

Mr. SUTHERLAND. Congress would have had power to do it in that event.

Mr. BORAH. Mr. President, will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Tennessee further yield to the Senator from Idaho?

Mr. SHIELDS. I do.

Mr. BORAH. A portion of section 2 of article 1 of the Constitution, with which the Senator from Tennessee is familiar, says:

> And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Now, the question arises if that power originally belonged to the States, if they could fix the qualifications of the voters, why was it necessary to have inserted in the National Constitution a stipulation that the National Government would accept that fixing? If, as the Senator contends, it was a power which belonged to the States, if they were to fix the qualifications of the voters without any provision, then absolute silence upon the part of the Constitution would have left that power in the States, and there was no necessity for this affirmative declaration.

The very fact that there was an affirmative declaration in which the National Government accepted this qualification showed that it was in the minds of the fathers that without affirmative acceptance the power would belong to the National Government. For that reason they simply said: "We will accept the qualification which the State has fixed and not undertake to fix a qualification of our own."

The Senator will find on examining the history of the time that it was one of the theories and one of the insistences of those who believed in State rights that that qualification should be accepted and that it should be affirmatively put in the Constitution, otherwise the National Government itself could fix the qualifications of every voter who would vote for a Federal officer. The affirmative action of the framers of the Constitution was for the purpose of settling in the minds of those who were jealous of that right that the National Government never should assume to fix that qualification or assume that power, and therefore they put it in the Constitution. Otherwise it would have belonged to the National Government.

Mr. SHIELDS. There are quite a number of provisions in the Federal Constitution that were placed there to prevent all question and all doubt as to the power that was delegated and to show the limitations that were placed on it, and there was no particular reason for this except the anxiety of the States not to surrender too much of their sovereignty and to have definitely stated that which they were surrendering or delegating to the National Government.

In my opinion an answer to all arguments of that kind is that all the powers of sovereignty were vested in the 13 States which adopted the Constitution. The Federal Government was their creature. It could have and could receive no powers except through their consent. All the powers Congress is now exercising under the Constitution are a part of the sovereign powers that the States had before that instrument was adopted.

Now, to go back to the point—the subject under discussion.

I also agree with them that under the power to regulate the manner of holding elections vested in Congress by section 4, Article I, Congress may legislate in regard to every step or act in the manner of holding an election for the choice of Senators and Representatives. I have never denied this. But their arguments are all aside from the questions presented in this discussion. They are all predicated upon the assumed premises that nominating devices are a part of the election authorized by law to elect Senators and Representatives; and their premises being unsound, as I will undertake to show, their whole argument falls to the ground.

An election is a governmental function provided by law for the choosing of officers to exercise certain powers which the law confers upon the particular office to be filled, in which all the people—or, rather, qualified voters of a particular State or subdivision of the State—have the right to participate. This is the concurring popular and technical meaning of the word "election" as used in all our constitutions and statutes, when not otherwise stated.

An election has been defined to be "the embodiment of the popular will; the expression of the sovereign power of the people. In common parlance, the act of casting and receiving the ballots, counting them, and making the return." (Cyclopedia, vol. 15, p. 279; Stinson *v.* Sweeney, 17 Nev., 309, 320; State *v.* Tucker, 54 Ala., 205, 210; Ex parte Conley, Tex. Cr. App., 75 S. W. R., 301.)

"A choice of persons for public offices." (Seaman *v.* Baughman, 82 Iowa, 216.)

I call attention with emphasis to the fact that it is for a public office and by the whole people.

In distinguishing an election from an appointment it is said that "the term 'election' carries with it the idea of a choice, in which all to be affected by the choice participate." (Cyclopedia, vol. 15, p. 279, and cases there cited.)

In other words, Mr. President, in electing an officer all the people participate and all are to be affected by the result of the election.

Congressional elections—that is, those held to elect Senators and Representatives, the manner of holding which Congress has the power to regulate—it must be kept in mind, are participated in by all the citizens of the State or congressional district, who, by the laws of the State, are qualified to vote for members of the most numerous branch of the general assembly of the particular State, without regard to their political and partisan affiliations, none of whom can be excluded by an act of Congress or of the State legislature. The voter in elections of this kind also exercises a right and governmental function as a citizen—the participation in naming an officer of the Federal Government—guaranteed to him by the Federal Constitution, for it provides that the voters qualified to vote for the most numerous branch of the assembly may vote for these officers.

The result of such election is final and binding upon everyone, and vests authority upon the person elected.

Such are the elements and such are the effects of an election in the sense the word is used in the constitutional provision we are considering.

How different in every respect is a convention or primary election. Both are included in this bill, for it speaks of the method of nominating and includes conventions and primary elections, whichever may be in force in any particular State. In the words I again read from the Cyclopedia of Law, volume 15, page 279: A primary election is "purely an election of political parties and associations as a means of selecting their candidates."

In Ledgerwood *v.* Pitts (122 Tenn.), a case involving the constitutionality of a primary law and which has heretofore been referred to in this debate, it is said:

> The first inquiry therefore presented for our examination is whether or not these provisions of the Constitution have any application at all to primary elections. Admittedly no such thing could have been in contemplation by the framers of the Constitution when they came to formulate the election and suffrage clauses of that instrument, for at that time no such thing as a primary election had ever been suggested. The object of this modern invention of political parties is primarily for the purpose of permitting and requiring the entire electorate of that party to participate in the nomination of candidates for political office. The plan is simply a substitution for the caucus or convention. It is true, as stated, it is a part of the political machinery that starts the candidate on his way, and the political party is thereby enabled to crystalize and concentrate its vote on that particular candidate who is chosen as the representative, and expositor possibly, of their political views, but the limitations and safeguards of the Constitution apply exclusively to the final election when the officer is chosen in the mode required by the Constitution.

The court in this opinion, in regard to the weight of authority on this question, says:

> The right of the legislature to require that nominations shall be by primary and to prescribe additional qualifications for the voters participating in the same has been recognized by the weight of authority in the States of the Union (Runge *v.* Anderson (100 Wis., 533); State ex rel. McCarthy *v* Moore (97 Minn., 308); State *v.* Drexel (74 Nebr., 770); Hopper *v.* Stack (69 N. J. Law, 335); Healey et al. *v.* Wipf (S. Dak., 117 N. W., 521); Griffin *v.* Gesner (78 Kans., 669); Walling *v.* Lansdon (15 Idaho, 282); State *v.* Nichols (50 Wash., 508).)

An examination of many of these cases has disclosed the fact that they are bottomed on two propositions, namely:

First. That such primaries are not in reality elections, but merely nominating devices; and

Second. That they are valuable auxiliaries for the promotion of good government and are regulated by legislative enactment for the public welfare.

Mr. President, I believe these authorities clearly establish the proposition that nominating devices are no part of an election, but merely the machinery devised and used by political parties to obtain an expression of the will of the majority of the party holding it, in favor or against candidates who are asking the support of that party for office; mere devices to concentrate the members of the party on a particular candidate. They are not necessary to the holding of an election. The electors partici-

pating in them do not exercise or perform any right or function of government, but entirely a personal right, as a partisan or member of a political organization. They do not contribute to the purity or integrity of elections, nor is that the purpose for which they are held. They do not ascertain or express the will of the whole people or of all the voters entitled to vote for the officers to be elected, but only the members of a political party, composed of a part of the people, or voters, and all others are excluded from participating in them. The nominee may never be clothed with governmental authority or authorized to perform governmental functions. Nominations are not legally binding upon either candidates or voters. The candidate is not compelled to run or to cease running, and the voter may, in his discretion, vote for the nominee or against him.

All these distinctions, to my mind, clearly show that elections and nominating devices are entirely and distinct procedures, one being a governmental function for a governmental purpose and the other a political device for a party purpose, and that the latter is not included in or a part of the former. This proposition is supported by every adjudged case where this or an analogous question has been presented, except one decided by the Supreme Court of Illinois. All the other cases which were cited on a former day of this debate by the Senator from Montana [Mr. WALSH], when properly analyzed, recognized the soundness of this proposition and treat elections and nominating devices as separate and distinct matters.

These cases, while holding that primary elections are elections within the sense of that word as used in the constitution and laws of the States where decided, also hold and declare in effect that they are separate and independent functions and not a part and parcel of the regular election for the choice of officers.

The same thing is held in Hanna *v.* Young (84 Md., 184), where, in sustaining a primary law which was attacked because thought to be in conflict with a constitutional provision in regard to elections, the court, after quoting the provision relied upon, said:

> The power to enact a primary election law lies back of and beyond this provision and is not derived from it at all.

In the case of State *v.* Felton (77 Ohio Stat., 577) the primary-election law of that State was attacked because the qualifications of electors therein were different from those entitled to vote in constitutional elections. The court said:

> If this contention is sound, then every elector has the constitutional right to vote at the primary election of every party. If the election is one at which merely the candidates of a party are to be selected, it can not be an objection that electors who do not belong to that party are not permitted to take part. That was one of the evils that the legislation was intended to prevent, and, as to the test prescribed for determining an elector's partisanship, it is impossible to conceive of a political party without the possession by its members of some qualifications, and the test prescribed by the statute is the usual one and is not unreasonable.
>
> But a primary election held merely to name the candidates of a political party is not an election within the meaning of this section of the constitution. That section refers to an election of officers, and not the nomination of candidates.

And in cyclopedia, volume 15, page 332, it is said:

> Unless it is expressly made so, a general election law is not applicable to primary elections, which are merely creations of political parties and associations, and may be held at such times and places and on such terms and conditions as may seem fit. But the legislature may recognize the existence of political parties and, within reasonable limits, regulate the means by which partisan efforts shall be protected in exercising individual preferences for party candidates; and this is the general purpose of primary-election laws, which are designed to secure to individual voters a free expression of their will.

It is not designed to prevent fraud in elections or protect the electors while casting their votes or any other matter relating to or concerning an election of officers, the only matters which Congress has a right to regulate.

> While, independent of statutory authority, the courts have no inherent power to interfere in the management of purely party affairs, many abuses, such as "bulldozing," fraudulent "packing" of primaries, whereby the will of a majority of a political party is frequently defeated, have produced a general tendency to regulate primary elections by statute. A statute which provides that one who has voluntarily become a candidate for a party nomination at the primary election and has failed to secure it shall not have his name on the official ballot is neither obnoxious to the Constitution nor unreasonable, for he is still eligible to office, and the electors are at liberty to write his name on the ballot if he can induce them to do so.
>
> It has been held that an election of candidates to the position of nominees is not an election within the meaning of the Constitution, and therefore that a primary election law which makes no provision for leaving blank spaces on the ballots, to enable the voters to write in the names of persons of their choice, is not obnoxious to the Constitution.

To support this the author of the article cites a very large number of authorities, which upon examination I have found fully sustained the text.

The Senator from Montana [Mr. WALSH] and the Senator from Idaho [Mr. BORAH] have referred to what is known as the enforcement act, enacted by Congress in 1870 and amended in 1871, authorizing the judges of the Federal courts to appoint supervisors of elections held for the purpose of electing Representatives in Congress, and the decisions of the Supreme Court of the United States sustaining it. The first case in which this legislation was sustained is Ex parte Seibold (100 U. S., 371), appealed from the circuit court of the United States sitting at Baltimore, Md.—in which Mr. Justice Field filed a vigorous dissent—which was approved in that of Ex parte Yarbrough (110 U. S., 661), appealed from the circuit court of the United States sitting at Atlanta, Ga., and in some other cases.

The principle settled in these cases is that the power of Congress arises because the function to be performed or the right to be exercised—voting for a Representative in Congress—is dependent on the laws of the United States. In other words, the court held that the Constitution gives the citizen who by the laws of his State is entitled to vote for members of the most numerous branch of its legislature the right to vote for a Representative in Congress, and in so voting the elector performs a function authorized by the Federal Constitution; therefore Congress may by legislation regulate the exercise of that right and function. This is all the courts have held in any case involving the question.

The Senator from Montana [Mr. WALSH] has laid much stress on the probability of Congress providing that in congressional elections the Australian ballot shall be used, and that this would make nominations a necessary part of elections. I think his fears of this matter are groundless, as will appear from a quotation from the cyclopedia, to be found on page 288 of volume 15.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. Permit me to remark to the Senator from Tennessee that he must have very grievously misunderstood my remarks about the matter. I expressed no fear, no dread at all, of the enactment of any such law by Congress. I expressed no view about this matter at all. I merely addressed to the Senate the interrogatory as to whether Congress could pass such a law or not, and I should like——

Mr. SHIELDS. The Senator has misunderstood me. I did not mean to say that he feared the passage of the law in the sense that he was opposed to its passage or favored it, but that if Congress should pass such a law, it would create such a complication as would make a primary or some sort of a party nomination necessary in order to hold an election.

Mr. WALSH. No, Mr. President——

Mr. SHIELDS. That is what I understood the Senator to say.

Mr. WALSH. The Senator still misunderstood the matter. I address to the Senator now the inquiry as to whether, in his judgment, Congress could pass a law providing that all elections for Senators and Representatives in the various States shall be by the Australian ballot system? In other words, the first Tuesday after the first Monday in November comes along, and can Congress say when you vote then you must vote in accordance with the Australian ballot system?

Mr. SHIELDS. Congress undoubtedly, under the construction of the article of the Constitution we are discussing, and as given in the cases of Seibold, Yarbrough, and others, to which I have referred, has the power to regulate the elections in which Senators and Representatives are to be elected, and doubtless that power would extend to prescribing the form of the ballot.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield further to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. The Senator has answered with entire frankness. I am sure he is answering the question in that spirit now. The only question that I proposed was when that is done how can you frame a law by Congress prescribing that the election shall be by the Australian ballot system unless in that law you make some provision for getting the nominations of the various parties upon the ballot.

Mr. SHIELDS. Mr. President, the quotation from the cyclopedia which I was about to read fully answers the Senator's question, and I will now read it, because it is sustained by a number of adjudged cases from the several States. It is not a mere opinion of my own. The quotation is as follows:

> In general it may be said that the so-called Australian ballot acts, in the various forms in which they have been enacted in many of the States in this country, have been sustained by the courts. The distinguishing feature of this ballot system is that every elector shall be permitted to vote for whom he pleases by depositing a ticket bearing the names of the persons for whom he wishes to vote in a receptacle provided for the purpose in such a way as to secure to the elector the privilege of complete and inviolable secrecy in regard to the persons for whom he has voted. It is competent for legislatures to prescribe official ballots and prohibit the use of any other. They may also pro-

vide for printing on such ballots the names of candidates who are regularly nominated or who run as independents, provided the constitutional right of the voter to cast his ballot for the person of his choice is not violated.

Mr. WALSH. Mr. President——

Mr. SHIELDS. Let me finish the quotation.

Mr. WALSH. Very well.

Mr. SHIELDS (reading):

But it is not within the power of the legislature to restrict electors in their choice of candidates or prohibit them from voting for persons whose names are not printed on the ballots. Nominations entitle the nominees to places upon the official ballots printed at public expense, but the voter is still at liberty to vote or paste on his ballot other names than those which may be printed there, and the statutes generally recognize this right by requiring blanks for such writing or pasting next to the printed names.

That is the way it could be done if the Australian ballot system should be adopted throughout the United States.

Mr. WALSH. Exactly. Mr. President, that is the procedure outlined in very terse and clear language; but likewise the authorities are quite uniform, indeed I believe universal, that notwithstanding the names of the candidates of the various parties are printed upon the ballot an opportunity still must be given to the voter to vote for any man whose name is not upon it if he cares to do so. I call the Senator's attention to the fact that the Australian ballot law must provide that the officer of the Government shall print the ballot and shall print upon the ballot the names of the various candidates of the various political parties, and in order to do that he must know who the candidates of the various political parties are, and it must lay down a rule by which the officer can tell whether, for example, the man's name that goes on the ballot as the candidate of the Democratic Party is the candidate of the Democratic Party. You must vest him with power in some way to determine that matter, must you not?

Mr. SHIELDS. Not necessarily, Mr. President, at all. There is no law and there can be no law compelling political parties to make nominations. Suppose they are in default, suppose all the parties refuse to make any nominations, then will there be no election? Certainly there will be, because I have just read from this authority that there must be blanks and there must be provision for pasting the names of other candidates.

Mr. WALSH. Unquestionably.

Mr. SHIELDS. All of them can come in that way. The law in regard to placing the names on the ballot also provides for cases where a nomination is made by a political party in certain cases, when a certain number of citizens petition that the name of a candidate shall be placed upon it; that is, that the officers holding the election shall place his name there. It is not a law requiring the candidate to be nominated. You can not make it imperative or a duty upon them, or one for which they can be punished; nor can you prohibit a man from running if he does not get a nomination and be certified to the officers holding the election.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield further to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. There is no doubt in the world that if parties did not make a nomination the officer of the Government could not put their names upon the ballot, and all that he could do then would be, as a matter of course, to furnish blank ballots to the voter. There being no nominations, the voter would fill out the ballot as he saw fit.

That is not the question. The Australian ballot system contemplates that political parties will make the nominations, and likewise that the candidate of that political party is entitled to have his name on the ballot. The political party makes a nomination and the candidate comes to the officer of the Government and says, "I want my name printed upon this ballot as the candidate of the Democratic Party." What are you going to do about it? You have got to vest an officer with the power to determine whether he is the candidate of that party, have you not?

Mr. SHIELDS. I think I have answered that question, Mr. President. If all what the Senator says was granted, it would not make a political machine a governmental function.

I believe both upon authority and reason it must be held that elections and nominating devices are distinct and independent functions. I believe it must be held that elections are governmental functions and part of the machinery of the Government, while nominating devices are partisan political functions and part of the machinery of political parties.

It will not be asserted that conventions and primary elections held under the rules of party organizations, unauthorized and unprotected by laws, are part of the election machinery of this country.

It would be absurd to so treat such irregular proceedings, conducted by unsworn managers or officers having no authority from any branch of the Government. It must be conceded that these are mere devices of political parties. Now, the fact that they—that is, the nominating devices, primary elections, if you please, may be legalized and protected by law does not change their nature or make them part of an election. Such laws merely regulate a political function. They no more make a nominating device a part of the governmental election machinery than would the regulation of a gambling house by law—the stock exchange, for instance—make it a department of the Government.

Certainly, Mr. President, it must at least be admitted that the power of Congress to regulate the nomination of Senators and Representatives is not clear, and the conclusion that the power exists can only be reached by giving the provisions in question a forced construction not in contemplation when the Constitution was framed and adopted.

I believe a doubtful constitutional power should not be exercised, if at all, save in cases of great emergency. No such case is here presented. The bill merely provides that the State laws upon the subject of nominations shall apply and be enforced, and that will be done without any action upon the part of Congress. I believe we can safely intrust to the local governments the duty of holding fair conventions, of holding fair primaries, of seeing that the will of the people is reflected in nominations.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. SHIELDS. I do.

Mr. BORAH. Am I correct in understanding that this bill only operates in States wherein there has been no provision for primary elections?

Mr. SHIELDS. No; the Senator is mistaken. It only operates where there are laws for primary elections, and provides that nominations shall be made according to those laws. The bill has no general or universal application. It may apply in one way in one State, in another State in a different way, and in still others not apply at all, because in about one-third of the States there are complete primary laws; in about one-third there are primary laws which partially regulate nominations, leaving it to the political parties to complete the plan for that purpose; and in a number of other States there are no laws at all upon the subject.

Mr. BORAH. In other words, the bill simply provides that where the State has provided for the nomination of a Senator the Senator shall be nominated in the manner and in the way provided by that State?

Mr. WALSH. Oh, no; the Senator is quite in error.

Mr. SHIELDS. It has no reference to primaries for the nomination of Senators under existing law, but it extends the existing laws for nominating other officers, if I understand it correctly, to the office of Senator. Of course the States had no laws on that subject before the seventeenth amendment was adopted.

Mr. BORAH. We have it correct now, that the laws of the several States for nominating State officers, and so forth, shall apply with reference to nominating Senators. So that, after all, we are simply extending the method and the manner which the States adopted with reference to their own officers, to Representatives, and to Senators.

Mr. SHIELDS. That has been stated.

Mr. BORAH. We are withdrawing very little power from the States. We are practically adopting the methods which they have seen fit to adopt with reference to nominating officers.

Mr. SHIELDS. That question has been adverted to by those who have spoken on both sides of this subject. This simply provides for the application, I believe, of the State laws to the election of Senators; but it is admitted by the Senator from Montana [Mr. WALSH] and by others that if Congress has the power to provide that State laws shall be applied and followed in these nominations it has the power to enact a law for that purpose independent of the State laws. If it has one power it has both. It is the principle involved that is in controversy here. So far as my State is concerned it would have no effect at all, because we have no primary law, but we expect to have one enacted by our next general assembly.

Mr. BORAH. As I understand, then, the objection to the bill on the part of the Senator from Tennessee is purely one of power—that we ought not to interfere with the policy in the several States at all—but the Senator is of the opinion that we have no power as a National Government to say that the State laws shall apply to Senators and Representatives.

Mr. SHIELDS. My position is that Congress has no right or power to legislate upon the subject in any way; that it is not a part of an election.

And now to return to the argument.

The provision, if enacted, will be a dead letter, because there is no method provided for its enforcement and no penalties provided for failure to comply with its mandate. Why go into this new field of legislation and exercise a doubtful power when there is no demand for the legislation and no good can come of it?

But if Congress had the power to control the nomination of Senators and Representatives, I do not think it should exercise it, especially as it has failed to do so for more than a century, and the power has in a manner become obsolete. It is an unnecessary interference in the local affairs of the people of the States and congressional districts. The States are all taking care of such matters. It is also contrary to the established policy and unbroken traditions of the Democratic Party.

The principles and faith of the Democratic Party as stated by Mr. Jefferson in his first inaugural address have never been departed from, but constantly reaffirmed by the leaders of the party and in platforms adopted by the national conventions from that day to the present. One of the greatest living Democrats has said:

Jefferson's first inaugural address contained the essence of the party creed as generally accepted during the first quarter of the nineteenth century. In fact, it is still the creed of the party, and no group of men desiring to maintain an influence in the party can even now admit any essential departure from it.

Among the principles announced in that address is—

That the support of the State governments in all their rights is the most competent administration for our domestic concerns and the surest bulwark against antirepublican tendencies.

The Democratic convention held in Baltimore in 1840 was the first to adopt and promulgate a formal platform, and the first resolution contained in that platform was in these words:

Resolved, That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of powers shown therein ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

This statement of the faith of the party has been reannounced and affirmed by every Democratic national convention that has been held since that time, and the policy contained in it has been supported and upheld, vigorously and consistently, by the Democratic Members of Congress whenever occasion required.

I will quote from some of the Democratic platforms. The first clause of that adopted at Chicago in 1892 is in these words:

SECTION 1. The representatives of the Democratic Party of the United States in national convention assembled do reaffirm their allegiance to the principles of the party as formulated by Jefferson and exemplified by the long and illustrious line of his successors in Democratic leadership from Madison to Cleveland; we believe the public welfare demands that these principles be applied to the conduct of the Federal Government through the accession to power of the party that advocates them; and we solemnly declare that the need of a return to these fundamental principles of a free, popular government, based on home rule and individual liberty, was never more urgent than now, when the tendency to centralize all power at the Federal Capital has become a menace to the reserved rights of the States that strikes at the very root of our Government under the Constitution as framed by the fathers of the Republic.

The platform adopted by the convention held in the same city in 1896 contained the following statement upon this subject:

During all these years the Democratic Party has resisted the tendency of selfish interests to the centralization of governmental power, and steadfastly maintained the integrity of the dual system of government established by the founders of this Republic of Republics. Under its guidance and teachings the great principle of local self-government has found its best expression in the maintenance of the rights of the States and in its assertion of the necessity of confining the General Government to the exercise of the powers granted by the Constitution of the United States.

And the last announcement of the party, in the platform adopted at the convention held at Baltimore in 1912, is in these words:

Believing that the most efficient results under our system of government are to be obtained by the full exercise by the States of their reserved sovereign powers, we denounce as usurpation the efforts of our opponents to deprive the States of any of the rights reserved to them and to enlarge and magnify by indirection the powers of the Federal Government.

The Democratic Party when it came into power in 1893 repealed every statute upon the subject of Federal interference with elections in the States and swept from the statute books the last vestige of such legislation. After this, when the force bill legislation was attempted, every Democrat then in this Chamber voted against it, and with the aid of a number of western Senators, who entertained like views, the legislation was defeated; and since then no legislation interfering with the domestic elections of the States has been introduced into Congress. It is now proposed that the Senate, in which the Democratic Party has a majority and under a Democratic administration, enact a law controlling the nomination of candidates for the office of Senator to represent the several States, and thus go far beyond anything that has heretofore ever been even proposed in the interference of the domestic and local affairs of the States. It remains to be seen whether Senators, whose predecessors fought such measures for more than half a century, will change front upon this question and whether the Democratic Party will repudiate its doctrine that "the Federal Government is one of limited powers, derived solely from the Constitution," and that it is "inexpedient and dangerous to exercise doubtful constitutional powers."

The VICE PRESIDENT. Does the Chair understand that the Senator from Tennessee offers in his own behalf the amendment intended to be proposed by the Senator from Georgia [Mr. BACON]?

Mr. SHIELDS. I do, if it is necessary.

The VICE PRESIDENT. It is necessary. The Senator from Georgia is not in the Chamber.

Mr. SHIELDS. Then I offer the amendment of which notice was given by the Senator from Georgia.

Mr. SMITH of Arizona. Mr. President, before the Senator from Tennessee takes his seat I desire to ask him a question. Many of the States are deeply interested in the questions here involved. I have great confidence in the Senator's legal ability and in his judgment. I have not, however, had the good fortune of being able to hear all the Senator has said on the subject. Do I understand the Senator, from what I have heard of his remarks, to declare as his opinion that under the seventeenth amendment the States can proceed as they please to nominate candidates for Senator, provided only that under that amendment they elect them by the people instead of by the legislature?

Mr. SHIELDS. I do.

Mr. SMITH of Arizona. That is the contention of the Senator?

Mr. SHIELDS. And I think that primary elections should be legalized in all the States for the purpose of nominating candidates for Senator; that all candidates should be nominated in that way; and that the spirit of the seventeenth amendment can not be fully carried out in any other way.

Mr. SMITH of Arizona. I fully agree with the expression of the Senator as to that; I am in sympathy with it and believe in it, but this question comes up: For instance, in my State I was chosen at a primary election, when there was no law providing for such an election. It was merely an advisory election, as we call it, the legislature agreeing to vote for the candidate who received the most votes before the people. Under the Senator's contention we need no legislation to make a nomination under the present State law just as effective as this legislation could make it; and that is true in any State, whether it happens to have a law such as is in existence in Arizona or no law on the subject, as is the case in the State of Tennessee.

Mr. SHIELDS. I think, under the provisions of the bill as reported, which the amendment proposes to strike out, there would be no change whatever in holding elections or in nominating candidates for Senator. If the amendment is agreed to and the language is stricken out, the same result would follow until the States by their own action, through their own general assemblies, change their present method. That is what I say should be done.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. SHIELDS].

Mr. WALSH. Mr. President, I do not desire to say anything further in relation to the matter of the power of Congress to legislate on this subject. I have submitted everything that I care to say regarding it. That the power exists I entertain no doubt whatever. I desire that Senators should, however, before voting upon this question, bear in mind what the conditions will be if this amendment is adopted. The Australian ballot system is now in operation in practically every State in the Union; that is, I believe there is no State now that elects under the old system. Bear in mind that this bill, if the pending amendment is agreed to, will make applicable only that portion of the election laws of any State which bear upon the final determination, the final vote, on the first Tuesday after the first Monday in November. I dare say it is not at all unlikely that if the matter had never been debated here, the word "election," as used in the bill, would include all the machinery, but by reason of the debate it would be given the restricted significance.

Understand this thing well. If there is in a State no law at all in relation to the nomination of candidates for United

States Senator, there will, of course, be no law by which the nominees of any particular party will be able to get their names upon the ballot. Let us take——

Mr. WILLIAMS. Mr. President, I do not quite understand that. I want to understand it clearly, and I desire to ask a question for information. Does the Senator mean to say that in a State such as Mississippi, for example, which has already a law for the primary nomination and now, under the seventeenth amendment, has election of Senators, there would be no way to put upon the ticket at the general election the name of the man who had been nominated by the Democratic Party and the man who had been nominated by the Republican Party?

Mr. WALSH. Not at all, Mr. President, because this bill would have no application to the State of Mississippi.

Mr. WILLIAMS. Then let me ask the Senator another question.

Mr. WALSH. You must give me the case of a State that has no specific law in relation to the nomination and election of a Senator.

Mr. WILLIAMS. Then, let me take a State, if there be one—and I suppose there are yet some—which has the system which we had in Mississippi before the primary law. That system left it to each party to make its own nominations in its own way. There was no law governing nominations upon the statute books. The executive committee of each party called a convention of each party to meet upon a certain day to choose a nominee of that party for each office. When the convention met it chose the nominees. We had the Australian ballot for the general election at that time, and, by the way, it was the pure Australian ballot, and not the mongrel system that exists in most of the States. Does the Senator mean to say that under that condition, if it now existed in Mississippi, the officers could not go ahead and put the names of the nominees of the two conventions upon the ticket just as well as if they had been nominated by a primary election?

Mr. WALSH. Not at all, Mr. President. I do not mean to say so at all; that is not the situation. When the Senator's State adopted the Australian ballot system, but did not have any primary-election system, and the prevailing method of making nominations was by State conventions——

Mr. WILLIAMS. By party conventions.

Mr. WALSH. By party conventions—State conventions—the Australian ballot law must necessarily have provided that the candidates for the various offices therein named should be nominated by conventions or by petition, and provide how many would have to sign the petition or the procedure that would have to be gone through with by the convention in order that the nominees of that convention or the nominees of the party signing the petition would be able to go to the proper officer of the State and say, "We are the nominees."

Mr. WILLIAMS. Suppose that condition now exists, after the adoption of the seventeenth amendment, why can not the same procedure that took place before its adoption by the same party in putting upon the Australian ballot the name of the nominee of the party be still complied with?

Mr. WALSH. It will be. The law that you had there, which did not contemplate either the nomination or the election of a candidate for United States Senator, but did contemplate the nomination by convention of a governor, a secretary of state, and a State treasurer will be expanded in its operation so as to include a United States Senator. That State will go on and make its nomination for United States Senator just the same as it makes its nomination for governor and for secretary of state; and the nominee for United States Senator will, under the provisions of this bill, be entitled to have his name go on the ballot just the same as the other nominees. That is what this bill is for.

Mr. WILLIAMS. That is what I thought. Then I do not see how it could result in any possible contingency that the name of a nominee could not be placed upon the ballot.

Mr. REED. Mr. President, I want to get this point of difference between my friends here clear in my own mind. As I understand, the contention of the Senator from Montana is this: That if a State has a primary election law and an Australian ballot law governing the general election, the officers provided to be nominated under the State primary law will, having been nominated by a primary, or having been nominated by a convention, if they have that system, go upon the ballot to be voted for at the general election, and that the laws are so drawn now that they only cover State officers—they do not provide in some of the States, at least, for United States Senator—and consequently if we were now to pass this bill so that it applied only to the election of Senators there would be no law in the State to provide for the nomination of United States Senators, because the State laws have not yet covered that proposition, and there would be no law by Congress, because it would be stricken out by the terms of this bill. Now——

Mr. WILLIAMS rose.

Mr. REED. If the Senator will pardon me for just a moment, take my own State as an illustration. While I have not examined the law with reference to it, I think I may fairly use the situation as I understand it as an illustration. We have a primary election law which provides how each State officer shall be nominated and names the officers, but only the State officers, of course. Then follows an election law, providing how these officers who have been nominated in the manner provided for shall go upon the ballot. If you were to pass this bill, making it apply only to the election but not to the nomination, then we would find ourselves in this condition: That at the election, when they went to put a Senator's name on the ticket, the question would be, How was he nominated? It is provided in the State law that every man nominated in the primary election shall go upon the ballot——

Mr. WILLIAMS. How do you nominate Senators in Missouri now?

Mr. REED. Just a moment—but the candidate for Senator was not nominated by the primary, and there was no means to nominate him. Therefore we deny him the right to have his name put upon the ballot. That condition, I think, would arise in my State.

Now, the Senator asks a question which is a little aside from that——

Mr. WILLIAMS. I think not, because if the Senator is nominated at all, whether by primary or not, he goes upon the ticket.

Mr. REED. The way a Senator is nominated now in my State is under a law which clearly would not be applicable. It is this: Each candidate for the Senate who desires to run shall file his name with the secretary of state at or before a given time; he shall state whether he is a Democrat or a Republican or a Socialist or to what party he belongs; that when the tickets for the Democratic Party—and I will use that one party for illustration and not follow it into the other parties—are printed the names of all who have filed as candidates for the Democratic nomination will be printed upon that ballot, and the voter shall strike out the names of those he does not desire to vote for, leaving his choice; that then, when the votes are counted—and this all takes place at the general election—the one who has received the highest number of votes shall be entitled to the votes of all the members of the legislature of that political faith, and that it shall be their duty to vote for him.

I hardly think that method of nomination could be made applicable to a case of this kind.

Mr. WILLIAMS. In your State, then, each man who wanted to be a candidate would have his name upon the ticket, and the people would have a chance to vote for a United States Senator. If the people elected one of them by a plurality of votes, no matter how he was nominated, or no matter if he had never been nominated at all, he would be the United States Senator.

Mr. REED. I have not made myself plain to the Senator. This all takes place at a general election. You are not voting for a Senator. You are voting, under our law, to instruct a member of the legislature to cast a vote for a Senator.

To illustrate, I will assume that the Senator and myself were two Democrats residing in Missouri and desiring to have the Democratic members of the legislature instructed to vote for us for the United States Senate. At the general election the vote would take place as to which of us should be the candidate of the party. The Republicans would do the same thing upon their ticket. At the end of the election, when it was over, my friend here, we will say, would be the Democratic nominee, and then all the Democratic members of the legislature would be in duty bound to vote for him.

How would you apply that; how would it be possible to apply it to an election of this kind? For instance, the Senator gets his nomination by the political party on the very day of the election, and the day of the election is the time the people ought to be electing a United States Senator. You can not be nominated and elected on the same day.

Therefore I am perfectly clear that the law we have could not be made applicable to a case of this kind. We would have to assume, in the State of Missouri, that the candidates for the Senate should be nominated in August, at the August primary, when the rest of the State officers were to be nominated, and then, having been nominated, put their names upon the ticket.

In Missouri there is no provision expressly authorizing voting for a Senator at the August primary. On the contrary, it is expressly provided that that nomination shall take place at the

November election. So it is, at least, a strained construction of the statute to say that you could call for a nomination at the August primary.

My own opinion about it is that the only way we could get a Senator's name upon the ballots would be to have a petition filed, for there is a provision of that kind, and in some way work out an adjustment or a settlement along that line.

Mr. WILLIAMS. Mr. President, clearly the adjustment might be worked out through the petition in Missouri, but even in the case stated by the Senator from Missouri, if the names of a certain number of people would be placed upon that ticket upon the general election day, and the seventeenth amendment having meanwhile wiped out the legislature as the forum for an election and having substituted therefor a plurality of the people, I do not care whether the men whose names were upon that ballot were there as nominees of parties or why or how; the man who got the plurality that day would be the United States Senator, "elected by the people."

Mr. REED. If the Senator will pardon me, suppose that our election law now provides that no man's name shall go upon the election ballots unless he was nominated at the primary in the method spoken of. Then, when the secretary of state went to print the ballots, any man might step up and enjoin putting the names of these men on the ballots as candidates for the Senate, because they had not been nominated in accordance with the State law. If we put into this bill a provision that they can be nominated in that way, Congress, I think, having the power to do that, then the names could go on.

I do not think there is any danger in providing this temporary means, because, unless the bill has been changed since I read it—I have not read it during the last day or two—it carefully provides that this is to be effective only until the State sees fit to pass a statute on the subject. It is ad interim legislation.

Mr. WILLIAMS. Mr. President, I desire to say that I fail to be convinced, as I generally am convinced, by the statement of the Senator from Montana, reinforced by the statement of the Senator from Missouri. It seems to me that in the case the Senator from Misouri has instanced he has raised a difficulty which he himself has dissipated.

Mr. WALSH. I should like to interrupt the Senator there for a moment to add that I think I can present a case to the Senator in such a way that he will clearly apprehend my posision, at least.

I want the Senator now to consider the case of a State which has a general election law and has a primary election law, neither of which is applicable to the election of a United States Senator.

Mr. WILLIAMS. This bill would make the general election law applicable to the election of a United States Senator.

Mr. WALSH. Exactly; so it would.

Mr. WILLIAMS. Without that part of the amendment about the nomination.

Mr. WALSH. Exactly. Now, we pass this bill, making it applicable only to the election.

Mr. WILLIAMS. Yes.

Mr. WALSH. That State now has a final election law applicable to United States Senators as well as to all other officers, but it has no law at all with relation to the nomination of United States Senators. Good. Now, the chairman of the State central committee of the Democratic Party in that State says to himself, "There is no law in relation to making nominations for United States Senators; I will call a convention." Some other gentlemen feel that that is not the right thing to do, and when the primary election is held they proceed to write in on the ballot, "Democratic candidate for United States Senator, John Jones," another fellow. These two gentlemen come up to the State officers, each claiming that he is the nominee of the Democratic Party for United States Senator and each claiming the right to have his name go upon the ballot as such nominee. In such a case, what would the Senator do?

Mr. WILLIAMS. My answer to that would be that as secretary of state I would put them both on. They have a right to go there. A man need not be nominated at all in order to be elected as a United States Senator.

Mr. WALSH. There is no doubt about that; but a man can not go on the ballot as the candidate of the Democratic Party unless he is the candidate of the Democratic Party.

Mr. WILLIAMS. Oh, there is no doubt about that, also; and the secretary of state could decide that question for himself and place one man's name on as the party nominee, and then the other man's name would go on the ballot, but not as the candidate of the Democratic Party. That would give the people a chance to vote for either, and that is all that this seventeenth amendment purposes.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. WILLIAMS. I yield to the Senator for a minute.

Mr. SHIELDS. So far as I know, in all elections, especially in my State, a candidate does not go upon the ballot as the candidate of any party. There is nothing there to designate his politics.

Mr. WILLIAMS. Nor is there in my State.

Mr. SHIELDS. Further, if he is not nominated, there is a provision in our Australian ballot and in nearly all the States, just as stated in the cyclopedia as the general consensus of the laws of the States, that upon the petition of a certain number of voters in each county his name is placed on the ballot.

I know in the last race we had in Tennessee with which I had something to do, in the case of the judicial ticket in the State at large there were two Democratic candidates in the field, and both were nominated, one in a primary and one by a Democratic convention. To save all question about getting on the ticket, as to who had the right to be certified, we certified them both, and then we had the petitions of 15 voters in each county petitioning for the names to go on.

There never is any difficulty in getting the name on a ballot. The laws are all liberal for that; and if the name is not there, there are blanks to write it in and there is paste to paste it on.

Mr. WALSH. There is no trouble at all about getting your name on the ballot. That is not the question, because anybody can put any name on the ballot. The question is: How are you going to get on there as the nominee of the Democratic Party?

Now, it is no answer to say that anybody who comes up and claims to be the nominee of the Democratic Party can go into the Democratic column; and if there is a so-called Australian ballot in the State of Tennessee that does not recognize parties, it is not an Australian ballot at all, as we understand the thing.

Mr. WILLIAMS. As I understand, in that situation this officer would be required to certify that one of these men was the nominee, whichever in his opinion, under his official oath, acting under the circumstances, he thought was the nominee of the Democratic Party. He would go upon that sort of a ballot under a Democratic heading, or as a Democrat. The other man would have a right to go upon the ballot, not as the nominee of the Democratic Party but as a candidate for the Senate at the general election, and the people's right to elect a Senator would be preserved.

Mr. President, the seventeenth amendment requires an election of United States Senators by the people. In it and by it there is conferred upon the Federal Government the right to make, where the State has failed, that requirement, to wit, that the Senator shall be chosen by an election by the people rather than by the legislature. The seventeenth amendment does not delegate to the Federal Government the power to require primaries to make the nominations; and if that had been expressly asked of this body and of the people of the United States as a part of the seventeenth amendment, I, for one, do not believe the seventeenth amendment would have gotten the requisite two-thirds.

At any rate, whether my judgment be in that respect correct or not, the general principle that the Federal Government has simply the power which is delegated to it, either expressly or by necessary and proper inference, applies to this as to all other cases.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I would rather finish. I am not going to make a speech. I just want to make a few remarks and then sit down; as John Allen used to say, "a few unnecessary remarks."

If by the seventeenth amendment there is conferred in any manner at all upon the Federal Government the power to require primaries for nominations, then it must be conferred by necessary and proper implication, not expressly, because all of you admit that it is not expressly conferred. If it is conferred by necessary and proper implication, the only implication which can confer it is that a primary mode of nomination is part of a general election. So you bring it down by analysis to a single question: Is a primary a part of an election?

Now, it happens that in this case the legal authorities cited by the Senator from Tennessee seem to accord with ordinary common sense—a thing which, by the way, they do not always do.

I expect maybe the reason all of you take the position that a primary nomination is a part of an election is because you all won out at the primaries in your States, but I hazard the opinion that if you should leave it to the defeated candidates, the

men you defeated at the general election, they would not consider a primary a part of the election.

The man who holds the opinion that a primary nomination is a part of a general election—that a party primary to determine a party's choice is a part of a general election to determine the people's choice—takes the rather queer position that being a candidate is the holding of an office. I never knew any other distinguished authority to take that position except "old Aunt Maria," who belonged to John Allen's grandfather.

John told me once that he met the old darky, and she said: "Marse John, I sho' am glad to see you. I belonged to your grandpap, and you reminds me so much of him." John replied: "Why, Aunt Maria, I have always heard that I looked like my mother's side of the family." She said: "Oh, Marse John, I don't mean that you *looks* like him, but you *is* like him; you *acts so* much like him, and your calling and your work is so much like his'n." John said: "Why, in what respect?" "Well," she said, "he used to be a-going around all the time a-holding of some office or other, just like you." John, not knowing that his grandfather had ever held an office, said: "Aunt Maria, what office did my grandfather hold?" "Why," she said, "Marse John, de office of candidate—the very one that you is now a-holding of." [Laughter.]

Now, absurd as it may seem, if you will go off and think about it, and leave your law books and your legal cobwebs out of your head, no man can any more think that a party primary to select a party nominee is a part of a general election than he can think that being a candidate is holding an office.

Mr. BORAH. Mr. President, I risk a suggestion on this subject notwithstanding the old colored lady's view of what constituted an office.

The Senator from Mississippi was of the opinion that if this proposition had been suggested at the time the amendment was up for consideration it would have had some effect upon the question of its adoption. The Senator from Mississippi was not a Member of the Senate at that time, but this proposition was discussed.

Mr. WILLIAMS. The Senator misunderstood me. Of course the question was discussed and referred to in one way or another, but if there had been put into the amendment the express delegation to the Federal Government of the power to require primary party elections in the States I said I believed that would have had an antagonistic effect upon the adoption of the resolution.

Mr. BORAH. I was going to say that it was considered by some that the change which was made in the proposed amendment after it was brought onto the floor of the Senate did so provide; at least in sufficient terms to give control of primary elections. The resolution as it was first brought into the Senate had eliminated from the Constitution of the United States the provision:

> But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

When the proposed seventeenth amendment first came in its provisions eliminated that provision from the Constitution of the United States, and it was insisted by the Senator from Georgia [Mr. BACON] that that should be the amendment and that that clause of the Constitution should be eliminated. Otherwise, he said, it would give the National Government increased control over the entire method and manner of holding elections.

That particular subject was debated and discussed, as to what power the National Government would have under the proposed amendment as it came from the committee, and what power the National Government would have if what is known as the Bristow or Sutherland amendment were adopted, which placed this provision back in the Constitution. It was insisted by some that if this provision of Senator BRISTOW'S were adopted it would give the National Government the right to provide for primary elections and to control and regulate every step from the beginning to the close of the election. That matter was debated here at quite considerable length; and, notwithstanding that, they adopted the Bristow amendment.

Mr. WILLIAMS. I was one of the men who took the position that the resolution when it was brought in was better than the resolution that was finally passed, but I did not base my position upon that ground. I based it upon the ground that if the Bristow amendment were adopted, that would give to the Federal Government not power over the primary elections in the States, but power over the manner of holding the elections in the States, and might finally lead to the reintroduction of the old United States marshal supervisory system, or the system sought to be put into operation by the so-called force bill.

If there was any general admission by anybody that the passage of the resolution in the Bristow form would give any right to control the primaries, it has escaped my memory. My memory is not a very good one; but I do remember distinctly that I, for one, was very much afraid—and I have not altogether lost my fear yet—that it would lead to the Federal Government interfering in the elections in the States in the old way. Moreover, I was afraid that it might have the effect of defeating the amendment itself when it went before the people.

My fears upon that subject subsequently to the adoption of the amendment itself were allayed. I saw no spirit of that sort in the country; but it does yet give that opportunity, and I regret that it was passed in the shape it was rather than in the other shape.

One word more, if the Senator will pardon me, and then I shall yield the floor. I wish to say that I hope the part of this amendment relating to nominations in the States will be stricken out of it. I wish to add that I believe that if it is ever tested in the courts the courts will declare that it is unconstitutional. I wish to add to that, in the third place, that if it is not stricken out I shall still vote for the bill, because I think it is absolutely necessary that provision be made for the general elections, and I shall trust the courts to take care of that part of it which I regard as being contrary to the Constitution without destroying the entire law. I do not think they are mutually dependent upon one another.

Mr. BORAH. There were undoubtedly those who were of the same opinion as the Senator from Mississippi at the time we had this resolution up for discussion; that is, that by reason of the Bristow amendment it would enable the National Government to take control of the elections somewhat, and even to a greater extent than it did under the act of 1870. But there were others who contended for the Bristow amendment for the specific reason that they believed it would give the National Government the power to do what we are now proposing to do.

While I do not propose to quote at length from the debates, during the debate upon this subject it was said:

> I will state here now my exact opposition to and my reason for opposing the Sutherland amendment—

Which was the same as the Bristow amendment—

> Under this system, in my judgment, Congress could of its own motion interfere with our entire election machinery, our system of registration, our primary law, our ballot, and the entire mechanism of conducting elections. When you have said that, in my judgment you have fixed the boundary line between what the Government may do under section 4 and the line beyond which they may do all that has been claimed that ought to be done without section 4.

So, Mr. President, that matter was up for consideration.

Mr. WILLIAMS. Whom is the Senator quoting?

Mr. BORAH. I was quoting from myself.

Mr. WILLIAMS. Oh, yes. Well, the Senator is still of that opinion.

Mr. BORAH. I thought perhaps it would have more effect upon the Senator if I did not give the author. I only quoted that, however, to show that it entered into the debate; not as a controlling view at all, but that it was a subject matter which we had up for discussion.

Mr. President, I do not propose at this late hour to enter upon a discussion of this matter. I only desire to say that, as I expressed it then and as I express it now, I have no doubt in the world as to the power of Congress to provide the method of nominating Senators and Representatives.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. BORAH. I yield.

Mr. SHIELDS. The Senator was reading the debate over the seventeenth amendment?

Mr. BORAH. That is correct.

Mr. SHIELDS. I understand that the debates of conventions or of legislative bodies at the time a constitutional provision was adopted or an act was passed may be considered to ascertain the construction of it; but I can not see the relevancy of this. The bill under consideration is not proposed to be passed under the seventeenth amendment. The power here sought to be exercised is under section 4 of Article I of the old Constitution—an entirely different thing.

Mr. BORAH. If the Senator had listened attentively, the Senator would have seen that that was the particular clause of the Constitution to which he refers which we were seeking to eliminate. It is true that the seventeenth amendment does not do so, but it was proposed to do so. Section 4 was left in the Constitution by changing the proposed amendment as it came from the committee. It was section 4 to which we had reference when we were discussing the matter.

Mr. SHIELDS. Still, that was a provision already in the Constitution. You were not adopting that provision then.

Mr. BORAH. No.

Mr. SHIELDS. You were not the framers of it.

Mr. BORAH. No; but the Senator does not understand. The proposed seventeenth amendment, as it came from the commit-

tee, sought to repeal or to annul or to cancel that part of section 4 of the Constitution; and the Sutherland amendment was for the purpose of putting it back, or, rather, of eliminating it from the seventeenth amendment and leaving it as it is now. If the amendment had been adopted as it came from the committee, it would have eliminated that provision of the Constitution entirely. The seventeenth amendment did not pass the Senate as it came from the committee. It was changed as it came upon the floor of the Senate by what was known as the Sutherland or Bristow amendment. The very object of that amendment was to preserve section 4 as it had always been in the Constitution.

Mr. President, while I have no doubt as to the power of the Congress to pass this kind of a law, I have always been very much in favor of leaving the question of elections entirely to the States. It was for that reason that I opposed the Bristow amendment and the Sutherland amendment. I have always felt that the States could better deal with these matters and that they are peculiarly local matters.

If this matter stood without the hiatus which is created by the reason of the passage of the seventeenth amendment, I would see no reason for passing this law. But, Mr. President, we have the hiatus by reason of the passage of the seventeenth amendment. We have the different States providing almost invariably for the nomination of the State officers by primaries. We have the method of putting the names of the nominees upon the Australian ballot. We have in none of the States any provision for the nomination of Senators in the primary, and we have no method of putting the names upon the Australian ballot.

The real object to be accomplished by this law is to provide a method and manner of extending the State laws to Senators. If all the different States of the Union had already met in legislatures and provided a system for nominating Senators and Representatives and a method of putting their names upon the Australian ballot, there would be no occasion for passing this law. But it is to bridge over that situation, to provide a method by which we may have uniform action until the States may come up to the seventeenth amendment and act thereunder.

Therefore it is necessary to exercise this power at this time in order that we may proceed properly and in a uniform way, and that we may have some system and some method by which to nominate Senators and get their names upon the ballot. That is the real reason, as I understand it, for the passage of this law. It is to extend the State laws to the nomination and election of Senators.

Mr. SUTHERLAND. Mr. President, if I may be permitted to supplement what the Senator from Idaho has said by just a word, this bill does not attempt to prescribe a law regulating primary elections or regulating the nomination of Senators. It simply adopts the law of the State which is already in existence. I can not understand why anybody should be disturbed about that being done. The State of Tennessee has already a law which its legislature deems to be wise and proper, which regulates the nomination of Representatives in Congress, either by a primary or by a convention, I do not know which, but in one way or another. This proposed law does not seek in any way to change that or to antagonize it. It simply adopts it. It adopts the law which the State of Tennessee has already by its legislature declared to be wise to regulate the nomination of candidates for a similar office.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SUTHERLAND. I yield to the Senator.

Mr. SHIELDS. Mr. President, the basis of the objection was clearly stated by the Senator from Georgia [Mr. BACON] when he offered his amendment, and it has been, I think, stated quite a number of times since then. The objection is because a nominating device is not a part of an election. Therefore Congress has no power to legislate upon the subject, and the act would be unconstitutional whether it provided an elaborate scheme or simply provides, as it does, for the enforcement of the State law. One is embraced in the other. If it can, as it proposes to do, enforce the State laws, it could provide an elaborate scheme upon the subject of nominations. It is the principle involved that is the basis of the first ground of objection. The second is that it is an unnecessary and unwarranted interference in the local self-government of the States.

Mr. BORAH. It could not possibly be an unwarranted interference in the affairs of the State locally if it should prove to be unconstitutional.

Mr. SHIELDS. That, of course, would be true in a legal sense, but it is unwarranted by the necessities of the situation. Of course, if it is constitutional, there is a warrant in the fundamental law for it. I did not use the word in that sense. I think the sense in which I used it was apparent from the connection.

Mr. BORAH. If it is constitutional it could not be an interference in State affairs, because anything which the National Government has authority to do can not be deemed to be an interference with State affairs if it does it. On the other hand, if it is unconstitutional it could not be an interference, because it would be held to be void. If this is constitutional it can not be deemed to be an encroachment on the State powers.

Mr. SHIELDS. Yes, Mr. President; the election laws of the Federal Government have been considered to be an unnecessary interference with State elections ever since this has been a Government. The only one that ever passed was bitterly opposed on that ground, and when the force bill was up and a further interference was attempted it was bitterly opposed and defeated.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Tennessee a question before he takes his seat? Perhaps the Senator covered it in the address which he made, but I was in and out of the Chamber and I did not hear all that he said. Under a former law of Congress we regulated the registration of voters. We provided for inspectors. Does the Senator think that Congress had the power to regulate the registration of voters preliminary to the holding of an election?

Mr. SHIELDS. I do. That was held by the Supreme Court in half a dozen cases to be a valid law.

Mr. SUTHERLAND. That was sustained by the Supreme Court in at least two cases. That it seems to me is no more a part of the election than the nomination of candidates. As the Senator from Montana [Mr. WALSH] has pointed out, under the Australian ballot system it is absolutely necessary to have candidates. It is quite as necessary to have candidates to be voted for as it is to have voters to vote for them. For the life of me I can not see any distinction between a power to regulate the registration of voters preliminary to holding an actual election and a law regulating the nomination of candidates to be voted for by those voters.

Mr. SHIELDS. Mr. President, the Senator evidently was out or I failed to make myself clear. I produced and read authorities showing that there was no necessity to have nominations in order to allow candidates to be voted for under the Australian ballot system. I read at length from those authorities. Second, as to primaries or nominating devices being a part of the election, would the Senator say that the old-fashioned mass convention and the old-fashioned soap-box primaries, held under the direction of parties, and generally fraudulently held, were a part of the election machinery?

Mr. SUTHERLAND. Not necessarily, Mr. President, but——

Mr. SHIELDS. Then, Mr. President——

Mr. SUTHERLAND. Let me finish.

Mr. SHIELDS. If primaries held under party organization only, so conducted and so regulated, were party machinery, I said while the Senator was out that the mere legalizing and regulating that party organization by law does not make it a part of the election any more than the regulation of gambling would make it a department of the Government.

Mr. SUTHERLAND. Mr. President, I had not quite completed my answer. I said not necessarily, but I proceeded to say, if provision is made by law for a printed ballot like the Australian ballot, then conventions or some other methods of presenting candidates, whose names can be entered by some official authority upon those ballots, becomes a part of the election. They have become a part of the election in, I suppose, substantially every State of the American Union to-day.

The VICE PRESIDENT. The question is on the amendment offered by the Senator fom Tennessee [Mr. SHIELDS].

Mr. SHIELDS. I suggest the absence of a quorum.

Mr. WALSH. The Senator from Mississippi [Mr. VARDAMAN] has asked for a little further time to discuss this matter. I do not want to prevent anyone from having an opportunity to say whatever he wishes to say about the matter, and I ask that the bill be now temporarily laid aside for the day.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BORAH. I suppose the Senator from Tennessee desires to withdraw the call for a quorum.

Mr. SHIELDS. If the bill goes over, of course I do not call for a quorum.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The bill has been temporarily laid aside.

Mr. BANKHEAD. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 11, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 10, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for the abiding faith down deep in the heart of man, which lifts him above the animal, makes him a religious being, a child of the living God. For where faith is, there is hope; where hope is, there is progress; where progress is, there is love; where love is, there is civilization. For love is the crown of all humanity. It glorifies the individual, sanctifies the home, binds men together in friendship, and makes the world akin.

No one is so accursed by fate,
No one so utterly desolate,
But some heart, though unknown,
Responds unto his own.

And now abideth faith, hope, love, these three; but the greatest of these is love. Increase and magnify these qualities of soul in us until we all come unto the measure of the stature of the fullness of Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

RURAL POST ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of bill H. R. 11686, the good-roads bill.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me before his motion is put, I would like to ask him how much time it will probably take to complete the consideration of this bill?

Mr. SHACKLEFORD. I can hardly say. I want to get it through as fast as I can. I understand the situation the House is in, and I want to accommodate the gentleman from Alabama as much as I can, and we will do our best to push the bill along. The last section that has anything very material in it has already been read. When that is finished I think we can have a vote.

Mr. UNDERWOOD. I will say to the gentleman that there is an appropriation bill on the calendar that ought to be considered. It really was in a sense displaced by this bill. I think we ought to close this up as soon as we can.

Mr. SHACKLEFORD. Mr. Speaker, I want to say that I feel embarrassed by that situation myself. I recognize that the appropriation bill to some extent was laid aside for this bill, but it could not very well be avoided. I will do all I can to get this bill out of the way of the appropriation bill at the earliest possible moment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri [Mr. SHACKLEFORD] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11686, the good-roads bill.

The motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. RUBEY] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11686, the good-roads bill, with Mr. RUBEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11686, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11686) to provide that the United States shall, in certain cases, aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads.

Mr. SHACKLEFORD. Mr. Chairman, I would be glad if we can get along with this bill as rapidly as possible. The appropriating committees are pushing us. I will ask unanimous consent that the debate on this section and amendments thereto shall conclude in 30 minutes.

Mr. HEFLIN. How long?

Mr. SHACKLEFORD. In 30 minutes.

Mr. HEFLIN. I shall want 5 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent that debate on this section and amendments thereto close in 30 minutes. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Chairman, I see no reason why this bill should not be pushed as rapidly as possible, but if we are here to legislate on a proposition involving $25,000,000 there is very little use in hurrying it through without adequate consideration. I do not think any gentleman in the House has any disposition to delay unnecessarily the passage of this bill. I am sure I have none. But there are some points that ought to be considered. I shall not object to this request to conclude debate in 30 minutes, except that I have here two amendments to this section which I wish to offer, and I want the time in which to offer them and 5 minutes apiece in which to discuss them.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SHACKLEFORD. Yes.

Mr. MANN. I take it that the other three sections will not cause any debate at all.

Mr. SHACKLEFORD. So far as I know, they will not; but I am not informed, of course, as to what gentlemen have in their minds.

Mr. BORLAND. I will say, Mr. Chairman, that probably there will be no amendments to the last section, but I have a substitute for the entire bill which I wish to offer.

Mr. MANN. This section 4 is so very important that I hope the gentleman will give a little longer time for its consideration.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MANN. I reserve the right to object. Why not make it an hour?

Mr. SHACKLEFORD. I did not catch the suggestion of the gentleman.

Mr. MANN. I say you had better make it an hour on this section.

Mr. SHACKLEFORD. Well, the gentleman has suggested an hour and I have suggested 30 minutes. Let us split the difference and make it 40 minutes.

Mr. MANN. Make it 50 minutes.

Mr. SHACKLEFORD. No; let us make it 40 minutes.

Mr. MANN. Make it 50. I do not want any time at all myself. This is the most important section of the bill and the one that is least understood.

Mr. SHACKLEFORD. Well, then, Mr. Chairman, I will ask unanimous consent that debate on this section and all amendments thereto be concluded in 50 minutes, one half of that time to be controlled by myself and the other half by somebody else, to be designated.

Mr. BORLAND. I desire 10 minutes.

Mr. SHACKLEFORD. With that understanding, then, Mr. Chairman, I ask unanimous consent that there be 50 minutes' debate, I to control one half of the time and the gentleman from Kansas City, Mr. BORLAND, the other half.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent that all debate on the pending section and amendments thereto be concluded in 50 minutes, the gentleman himself to control one half of the time and his colleague from Missouri [Mr. BORLAND] to control the other half. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I will state that at the close of what I am about to say I am going to raise a point of order. For some reason that I do not understand, when this bill was brought up for consideration the time of debate was taken all on one side. Those who were opposed to the bill had nothing to say as to the division of time. The gentleman from Missouri very kindly took one half of the time, to be controlled by himself as chairman of the committee, and gave his supporters the other half of the time.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman permit an interruption?

Mr. DONOVAN. I appeal to the chairman of the committee [Mr. SHACKLEFORD] that he ought to do things in a parliamentary way and not set a bad example——

Mr. SHACKLEFORD. I did not address the gentleman from Connecticut. I addressed the Chair, to inquire if the gentleman from Connecticut would yield for an interruption.

Mr. DONOVAN. Not at this time. The gentleman has taken up about all the time that has been taken up in this House, and he ought to be willing to wait a moment or two. I am now about to raise the point of order that I read on page 3363, that the gentleman from New York [Mr. FITZGERALD] made the point of order that no debate having taken place, the motion to close debate is not in order. So——

The CHAIRMAN. What is the gentleman's point of order?

Mr. DONOVAN. That the gentleman from Missouri [Mr. SHACKLEFORD] can not make a motion to close debate, as no debate has taken place.

The CHAIRMAN. The gentleman has not made a motion. He has asked unanimous consent.

Mr. DONOVAN. Well, then, I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to section 4.

The CHAIRMAN. The gentleman from Missouri offers an amendment to section 4, which the Clerk will report.

The clerk read as follows:

Amend, page 6, by striking out lines 4 to 10, inclusive, and inserting: "Such statement by the governor shall be accompanied by a report by a highway department of the State having full power to locate, improve, construct, and maintain highways in the State, and to expend the road funds of the State."

Mr. BORLAND. Mr. Chairman, I am very anxious that the good-roads legislation passed by Congress shall aid in the construction of a better class of highways, and shall encourage the States in the efforts they have made rather than retard them. There has been a great deal said about the needs and sentiments of people who live in the rural districts, as though they were in some way antagonistic to people who live in sections where good roads are already established. But men who come from sections where good roads are already established are in favor of a higher type of roads. That is one advantage of the improvement of roads. It increases the interest in a higher type of roads. The present activity throughout the States has taken this concrete form, generally and uniformly: It has taken the form of a State highway commission with ample power to locate, improve, and maintain roads. The location is one thing, the style of improvement is another, and ample provision for maintenance is another. In the past many good roads have been constructed where there was no provision for maintenance, and the communities were under a heavy burden which they had to bear and under heavy bonds which they had to pay after the roads were practically worn out. That difficulty has been corrected in a measure, and the lost motion and the waste of taxation from isolated local control, working without the facilities for road improvement, have been obviated in the States by the creation of State highway commissions. So generally is that recognized that nearly every State that has embarked upon better roads has done it through the medium of a State highway commission.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. BYRNS of Tennessee. If the gentleman means to say that every State has done that, the gentleman is entirely mistaken; because there are States which have no State highway commission, and yet they have embarked on the proposition of building roads, and they build them through county commissioners.

Mr. LANGLEY. That is true of Kentucky; that is, Kentucky has no State road fund.

Mr. HOWARD. That is true of Georgia.

Mr. BYRNS of Tennessee. If the gentleman's amendment is adopted, it will serve to cut out many States in the Union from participation in this fund. I am reminded that there are 23 States in the Union to-day which do not have State highway commissioners.

Mr. BORLAND. Then that leaves 25 States that have them.

Mr. BYRNS of Tennessee. Yes; but the gentleman's proposition would give all this money to those 25 and exclude the other 23.

Mr. LANGLEY. In other words, he would be retarding the very movement that he seeks to assist.

Mr. LINTHICUM. Mr. Chairman, in my State of Maryland we have two systems, one a system for the building of local roads, and the other a system for the building of arteries from the various county seats to the city of Baltimore. Under the first system the counties share in the expense of building the road, as under this bill the States do. Under the other system we have a State road commission, and the State bonds itself and builds the main arteries throughout the State.

Mr. BORLAND. That is one system that is very prevalent; but the drafters of this bill recognize the importance of a State highway commission, because in this bill they penalize the States that do not have State highway commissions by taking away 10 per cent of their allotment.

Mr. HOWARD rose.

Mr. BORLAND. I am sorry that I can not yield to the gentleman from Georgia, because I have promised to limit my own time.

That is what this section says, that a State not having a highway commission is penalized 10 per cent. Now, I want to find out whether that is simply on the surface, or whether it means what it says. If the drafters of this bill intended to put some pressure on the States in order that they must have State highway commissions, if they believed that was one of the best ways of securing improved highways, then let us make it effective.

The way to make it effective is to say that a State not having a highway commission legally empowered to construct, improve, and maintain highways shall not participate in this fund. I do not think the provision in the bill is anything more than a bluff. It says that if the report of the governor is accompanied by the report of a highway commission it shall receive the full amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. BORLAND. I will say, for the benefit of the chairman of the committee [Mr. SHACKLEFORD] that when my two minutes have expired we will agree on a division of time. Now, under that provision in the bill, any kind of a body can be designated as a State highway commission for the purpose of avoiding this 10 per cent penalty. That is not hard to do, and the gentleman from Kentucky [Mr. LANGLEY] will probably find that his State will immediately have a State highway commission, in name, if this bill passes.

Mr. BARKLEY. We already have a highway commissioner, but he has no money.

Mr. BORLAND. He would make the report, but he has no money; and that is exactly the proposition I am talking about. What on earth is the use of a report from a State highway commission that has no control over the funds of the State or the improvement of the roads? Instead of putting in this penalty, which I say I think is a bluff and will be easily avoided, if it is necessary to have a State highway commission in order to have improved roads, then let us make the having of a State highway commission clothed with legal powers the condition upon which the money can be drawn from the Treasury.

Mr. SHACKLEFORD. Mr. Chairman, I will again ask that all debate on this section and amendments thereto be closed in 45 minutes.

Mr. COLLIER. Forty-five minutes on the bill or the paragraph?

Mr. SHACKLEFORD. On the section.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to ask if I can have five minutes of that time?

Mr. BORLAND. What was the request?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on this section and amendments thereto be closed in 45 minutes.

Mr. SHACKLEFORD. I said 45 minutes, Mr. Chairman, but I will now ask that all debate conclude in 50 minutes, 25 minutes to be controlled by me and 25 minutes by the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on this section and amendments thereto be closed in 50 minutes, 25 of which shall be controlled by him and 25 minutes by the gentleman from Missouri [Mr. BORLAND]. Is there objection?

Mr. LINTHICUM. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman if I can have five minutes of that time?

Mr. SHACKLEFORD. Is the gentleman for or against the bill?

Mr. LINTHICUM. I am in favor of the bill.

Mr. SHACKLEFORD. I will yield the gentleman the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I want to ask the gentleman from Missouri, or some other gentleman on the committee, a question in regard to the provision on page 6, which provides:

That no charge shall be made for so considering and determining such statement of any governor if the same shall be accompanied by a report from the State highway department of such State as hereinbefore provided; but in all other cases there shall be deducted 10 per cent of the amount which shall be payable on account of the roads in such State under the provisions of this act.

I want to know why that deduction is made.

Mr. SHACKLEFORD. The deduction is made because it will be more expensive for the Secretary of Agriculture to go into a State and inspect it where there is no highway commissioner than it would be in a State where they have an efficient highway department.

Mr. BYRNS of Tennessee. It seems to me entirely too much. Take the case of my own State which, under this bill, gets $706,000. Under this provision there would be $70,600 retained which otherwise would go to that State. Does not the gentleman think that is entirely too large?

Mr. SHACKLEFORD. The purpose of the committee was to do what the gentleman from Missouri [Mr. BORLAND] said was apparently the intention of the committee, although he thought it was a bluff, but it is in good faith, to get all the States to establish a State highway department.

Mr. BYRNS of Tennessee. Now, right upon that point, the State of Tennessee, under its constitution, through its legislature, has the right to pass laws providing for the construction of roads by the various counties. That has worked very well in that State—so well that there has been no change in the law up to this time. If this provision remains in the bill, it will amount to penalizing the State of Tennessee to the extent of $70,000, which is out of all reason, if that sum is expected to be used in the inspection of roads, or of the various classes of roads, by the Secretary of Agriculture.

Mr. KEATING. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. KEATING. This suggestion has been made, that it would be best for the National Government if all the States were to have some uniform system; if each State would have a State highway commissioner, the National Government could deal with that commissioner. There is nothing to prevent the State of Tennessee from designating a State highway commissioner who will expend the money as Tennessee desires, and the National Government may deal with that State highway commissioner.

Mr. BYRNS of Tennessee. I will not argue with the gentleman from Colorado the advisability of having a State highway commission. I agree with the gentleman, but I do not think that Congress ought to undertake to dictate to the States whether they shall have a highway commission or how our work shall be done under our constitution.

Mr. KEATING. I think it is desirable to have uniformity.

Mr. SHACKLEFORD. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I desire to address myself particularly to the amendment offered by the gentleman from Missouri [Mr. BORLAND]. The effect of his amendment is that the counties of the States, no matter how much money they may raise for the improvement of their roads, unless the State highway commissioner or a State highway commission, as the case may be, shall designate that particular county as an area in which the Government would expend a certain sum of money, that county could never reap any benefit of the Federal fund until the State highway commissioner should allow them to do it. I do not believe that it was the intention of the framers of the bill that any one particular person should have plenary power to say what particular county or counties should receive the benefits of this sum to the detriment of other sections in the State. For that reason I think the amendment of the gentleman from Missouri [Mr. BORLAND] would destroy in effect the provisions of the bill as to the expenditure of money. I believe those provisions are equitable that are carried in the bill.

There is one other provision I would like to call the attention of the Chair to. In the State of Georgia we very wisely work convicts on the road. We have found from experience that that was the best method of getting the convicts out of competition with other labor.

The CHAIRMAN. The time of the gentleman from Georgia has expired, and the question is on the amendment offered by the gentleman from Missouri.

The question was considered, and the amendment was lost.

Mr. BORLAND. Mr. Chairman, I offer the following substitute.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

The Clerk read as follows:

SEC. 4. The governor of each State may make, under his hand and the seal of the State, and file with the Secretary of Agriculture of the United States, a statement setting forth: First, that the State has a highway department or a highway engineer with full legal powers to improve, construct, or maintain rural highways; second, the road or roads within the State to be improved, constructed, or maintained under each of the classes hereinbefore specified; third, the amount of funds available within the control of the highway department or highway engineer of the State for such improvement, construction, and maintenance, which shall not be less than double the allotment to which the State is entitled from the funds of the United States under the terms of this act; fourth, the amount and character of the work which the State will do within the next fiscal year, and the use which is desired to be made of the funds allotted to the State by the Secretary of Agriculture under the authority of this act. Such statement may be filed at any time after the approval of this act, and an annual statement showing necessary changes for the ensuing fiscal year shall be filed on or before the 20th day of January of each year. All subsequent statements, after the first statement filed by the governor, shall show in detail the amount of the improvement, construction, and maintenance of roads accomplished by the State in the prior fiscal year, together with the specific use which has been made of the allotment from the funds of the United States under the terms of this act. The Secretary of Agriculture shall examine said statement and determine, first, whether the State has a highway department or highway engineer clothed with full legal powers over the improvement, construction, and maintenance of rural roads; second, whether the work to be done by the State is feasible and practical within the estimate, and of a proper engineering character to bring the roads within the class or classes designated; third, whether the State, under its constitution and laws, can cooperate with the United States in the improvement, construction, and maintenance of the roads; fourth, whether a proper fund is provided for the maintenance of the system of roads within the State as constructed or proposed to be constructed. If the Secretary of Agriculture be satisfied on these points, he shall adopt the location and classification of the roads as specified by the governor of the State and shall allot to the State its proportion of the road fund created by this act for the fiscal year next ensuing. If the statement as filed by the governor shows a larger amount of improvement, construction, and maintenance of roads than the funds available, including the allotment from the funds of the United States, will be sufficient to accomplish, the Secretary of Agriculture shall withhold the funds until the estimate is reduced. If in any subsequent year, after the allotment to a State of funds from the United States, the statement of the governor fails to show improvement, construction, or maintenance of roads reasonably approximate to the estimate made, subject to the judgment of the Secretary of Agriculture, he shall withhold the allotment of money under the terms of this act until the proportion of road work in the State is brought up approximately to the estimate submitted, having in view climatic conditions, increased cost of material, or any unforeseen events or factors.

Mr. BORLAND. Mr. Chairman, I yield to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a report of the senior highway engineer to the chief engineer of public roads on the condition of roads in the State of Rhode Island, and also a supplementary report.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, this amendment is a part of my substitute for the bill, which will be found printed in full on page 3160 of the RECORD of February 7. It seeks to do in this country what has been done in every other country of the world, namely, provide for a classification of roads and the improvement of them according to the utilities and necessities for improvement. It seeks further to provide that no State shall bite off more than it can chew; that no State shall undertake to improve roads by seeking Federal appropriation for the purpose unless it has funds and machinery to accomplish what it has undertaken; and that it shall not undertake the improvement of new roads unless there is provision made for the maintenance of existing roads.

Those three things are at the base of good-roads propositions. I want to show the weakness of this bill. This bill provides that the governor of the State shall first classify the roads in his State according to this rental road basis, which, I say, is the accident of how they happened to be constructed now. The big cities have good roads in their vicinity and the small towns have a minor class of roads, but the governor is required to make a statement of the existing kind of roads within the State. The bill provides that the governor shall make a statement of the number of miles which he claims to be in each of the classes, A, B, and C, respectively. He is not required to state what roads are to be improved up to classes A, B, and C, but what is there now. What is done then?

On page 6 of the bill we find a provision that at the end of the fiscal year the United States shall pay on account of the roads so determined to be in classes A, B, and C, as certified by the governor and as approved by the Secretary of Agriculture, as follows, and so forth. It is the existing roads that the governor must certify and that the Government must pay upon. If that should not be clear enough, then we find on page 7, in line 9, a provision that the money paid over by the Federal Government shall be used for the construction, maintenance, and extension of the respective roads "for which paid." In other words, if the bill means what it says, you must pay this rental money to the existing system of roads, and there is no provision anywhere in the bill which any gentleman advocating it can point out for the construction of a single mile of new road. The governor must say that he has so many miles in his State of classes A, B, and C, and the Secretary of Agriculture must say, "Yes, you have," and then the Government will pay so much for those roads, and the governor must distribute it for the respective roads for which paid. That does not provide for the construction of roads where they are needed. It provides for the payment for roads where they exist. It does not provide for the maintenance of roads where they are needed, but where they exist. There is not a single, solitary constructive idea in the bill. This bill is a maximum of politics and a minimum of roads.

I reserve the balance of my time, and now yield to the gentleman from New Jersey [Mr. McCOY].

Mr. McCOY. Mr. Chairman, I do not imagine that anybody will get any satisfaction from speaking against this bill beyond the satisfaction that comes from relieving his feelings to some slight extent. I wish that I had the eloquence to express adequately my real feelings toward this bill. In looking at the bill and trying to find what the report had to say in favor of it I found what was called a supplementary report. If the real report is a supplement, I think that the bill itself could adequately be described as an implement, but whether you would do justice to the powerfulness of the bill by calling it a jimmy or a can of dynamite, I do not know. I think by preference it would better be called a can of dynamite to blow open the strong chest of the Federal Treasury, and to do it so effectively that money will flow from year to year onto mud roads, to be washed into the side ditches every time there is a gentle summer shower. I have gone through the supplementary report and have not got any information upon which anybody could act intelligently, and the information contained in the hearings, so far as given by men of experience, is practically all against the bill.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. McCOY. Yes.

Mr. ASWELL. The gentleman lives in a city district, does he not?

Mr. McCOY. Yes.

Mr. ASWELL. The gentleman has no country roads in his district?

Mr. McCOY. I think possibly you could find one or two, but there are plenty in the State of New Jersey.

Mr. ASWELL. But none in the gentleman's district—not very many?

Mr. McCOY. I should say not.

Mr. ASWELL. I thought so.

Mr. McCOY. I should say there are no country roads.

Mr. ASWELL. I thought so.

Mr. McCOY. But I will tell you what there are. There are plenty of sidewalks in my district, and we pay for them; and if we want to get an extension of the free mail delivery service we go down to the Post Office Department and put in the application from our citizens up there, and back comes the report that we have no sidewalks and that we can not get the extension of the free delivery service until we pay for the sidewalks.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. McCOY. Yes.

Mr. SAUNDERS. I suppose the gentleman thoroughly approves of the river and harbor appropriations that are expended on the part of the Federal Government along the Atlantic coast?

Mr. McCOY. I am not very certain whether I do.

Mr. SAUNDERS. Fourteen million dollars of them in the present bill for New York harbors. That is all right, I suppose?

Mr. McCOY. I am not very certain that I think so; and I will say to the gentleman from Virginia that if he would bring in a proper measure to do away with the river and harbor appropriations and leave the expenditure of money for that purpose to the States I am inclined to think that I should be in favor of it, and I will tell the gentleman what would happen then. We in New York and in New Jersey would get some return for our money and in proportion to the amount of taxes we pay, which we do not when we pay to make those improvements in other parts of the country.

Mr. SAUNDERS. How would they get the return?

Mr. McCOY. I do not know how we should get it, except as we ought to, by spending our money under our own supervision. We would tax ourselves and get the money; and I am surprised that the gentleman from Virginia, who I suppose, by implication, disapproves of the river and harbor expenditures, should use the argument that two wrongs make a right, and I do not believe he means to do that.

Mr. SAUNDERS. I do not use that argument at all, but I say no one can justify the expenditure for rivers and harbors under our Constitution and at the same time raise his voice against a far greater work of domestic development in the way of improving the roads of the entire United States.

Mr. McCOY. I do not agree with the gentleman at all. The Federal Government has exclusive jurisdiction over rivers and harbors, and therefore they expend the money on the rivers and harbors. I say turn those rivers and harbors over to the State of New York and the State of New Jersey, and I believe those States would gladly take jurisdiction of them and spend the necessary money.

Mr. SAUNDERS. What good would jurisdiction do you? How would you get any benefit by having jurisdiction over them?

Mr. McCOY. Because, if the State had jurisdiction and exclusive jurisdiction——

Mr. SAUNDERS. Would you charge tolls?

Mr. McCOY. No.

Mr. SAUNDERS. Then what good would jurisdiction do you?

Mr. McCOY. We would get the benefit of the business done, and that is all that we ought to expect.

Mr. SAUNDERS. You get the benefit under the United States appropriation without having to pay anything.

Mr. McCOY. On the contrary, we pay more than our share—vastly more. I say that the United States appropriation for rivers and harbors is a questionable one as now made. I think that nobody can doubt the unwisdom of this bill, which provides for taking $25,000,000 this year and appropriating it—and the Lord knows how much in the coming years—to turn it into mud roads without any supervision of the expenditure of it.

This bill provides that the United States shall aid in the construction and maintenance of rural post roads under an appropriation not to exceed $25,000,000. The appropriation is to be apportioned to the several States, one-half in the ratio of post-road mileage and one-half in the ratio of population.

The post roads of the United States are grouped in three classes:

Class A, typified by a macadam road.

Class B, by a gravel or sand-clay road.

Class C, by drained, graded, and crowned earth road.

It is then provided that when the mileage of roads in each State in each class shall have been ascertained by the governor of that State and the Secretary of Agriculture, there shall be paid at the end of the fiscal year to the proper State officers designated by the respective governors for each mile of class A, $60; of class B, $30; and of class C, $15, with the condition that, in addition, the State or civil subdivision thereof shall expend an equal sum on the respective miles for which Federal aid is granted.

The resulting joint fund is therefore $120 per mile for macadam roads, $60 per mile for gravel and sand-clay roads, and $30 for earth roads.

In justification and support of this Government aid it has been argued that since the Federal Government uses country roads over which to transport mail once a day it is only fair that it should pay a rental for such use of the roads. If this argument is sound, then the Federal Government should also pay to each city in which letter carriers deliver mail and mail wagons carry mail from the post office to the railroad station an annual rental for such use of its streets and sidewalks. As no one for a moment will contend that such a payment to cities is either necessary, reasonable, or desirable, it follows at once that this argument for the payment of rental for country post roads by the Federal Government can not be taken seriously.

There is no doubt that the general plan for Federal aid to country roads is largely a result of the success of State aid in those States in which it has been adopted. When, however, the success of the State-aid movement is examined it is found that it has been undoubtedly due to reasons among which are the following:

First. There has been established adequate and continuous administration of road work upon a business basis.

Second. There has been an expenditure of money in sufficient amounts to accomplish necessary results on given work.

Third. There has been developed a corps of efficient highway engineers and inspectors, whose experience has been retained.

Fourth. State aid as operated has enabled the distribution of tax revenues from cities to country areas.

Fifth. There has been a strong educational influence due to the presence of roads built by standard methods.

Upon examination of section 4 it is seen at once that it will not provide an expenditure of Federal money along these lines. For, in the first place, it simply turns over money to local officials to expend according to their judgment; in the second place, the amount of money is insufficient to even repair roads in the respective classes, although it might, under good direction, be sufficient for annual maintenance were the roads of the respective classes in first-class repair at the outset. Local authorities will doubtless claim that their roads are in the required state of repair to draw the Federal money. By what miracle this sudden excellence is to appear no one knows. The money granted per mile would never, however, be sufficient for renewals of surface or for heavy maintenance of earth roads. With respect to a corps of efficient highway engineers, there is absolutely no reason to expect the Federal Government to reach 380,000 miles of road with an efficient corps of engineers to expend at the most $120 per mile. If engineering were to be estimated at 3 per cent, the engineering supervision could amount to but $3.60 per mile for roads of the highest class, on which the joint fund would

amount to $120. It is true that probably over 50 per cent of this fund of $25,000,000 would be raised by indirect taxation on city communities, but because of its thin distribution it will not have the effect which has resulted from State aid from the same cause. With reference to the educational influence which will result from the expenditure on highways in the three classes in question little can be expected.

The Government will inevitably be expected to establish the standard for road work when once Government money is available; actually, however, the standard will be determined largely by local authorities. It is estimated that there has been spent since 1904 by local road officials over $1,000,000,000 on local roads. This money has been spent largely by men who have had no opportunity for training and who held office, at most, but two or three years, on an average. The stimulating and educational effect of scientifically built roads or scientifically maintained roads can scarcely be expected from the expenditure provided for the three classes of post roads.

By granting this aid to local roads in this form the Government indorses most emphatically the system of local road management which has so long prevailed, and which has undoubtedly resulted in the waste of millions of dollars.

It is certainly interesting in considering the probable effect of the measure proposed in section 4 to try to imagine what would have been the result had the $160,000,000 which has been expended during the past 20 years by State highway departments been distributed on the same basis. As a matter of fact, there never was a systematic road movement in this country until the establishment of the State-aid plan for road building. There has resulted from the expenditure of $160,000,000 under this State-aid plan a total mileage of first-class improved roads which is now estimated at 25,000 miles.

It would seem that the bonus per mile offered by this bill is entirely insufficient to stimulate an expenditure which would be necessary to bring the average road of any class into a condition where the added Federal money would be of visible effect. But to increase the expenditure per mile under the proposed plan of local supervision on the job would but add to the waste that must inevitably follow.

Mr. BORLAND. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. HAMMOND].

Mr. HAMMOND. Mr. Chairman and gentlemen, it seems to me that there are two distinct propositions in this bill. The first proposition is one to make good roads. Those roads are to be constructed under the direction of the Secretary of Agriculture and the State authorities. I am in favor of that part of the bill. But section 4 provides simply a measure of the amount of money to be paid each year by the United States Government to the various States. You may call it rental, if you please. You may classify the roads, but when you get down to the bottom of the plan you are simply providing that each year the United States Government shall pay to the States a certain amount of money to be measured by the amount of money the States are expending upon certain roads within their limits. There is no provision for making better roads. Let any amount be expended upon the roads and an equal amount is contributed.

Mr. BARNHART. Will the gentleman yield?

Mr. HAMMOND. Yes.

Mr. BARNHART. The gentleman from Minnesota [Mr. HAMMOND] is certainly mistaken about there being no provision in the bill to make a road better. The fact is that the bill carries provisions all the way through that no money can be had by the States until the roads are constructed according to specifications prepared by the Department of Agriculture.

Mr. HAMMOND. Under section 4 the roads are not constructed according to the specifications of the Secretary of Agriculture.

Mr. SAUNDERS. The bill itself prescribes a standard.

Mr. HAMMOND. Yes; the bill says, for instance, as to dirt roads, that they shall not be steeper than necessary; that they shall be fairly well drained; and that there shall be ditches along the sides.

Mr. SHACKLEFORD. That they shall be "adequately drained" and there shall be ample side ditches.

Mr. HAMMOND. That is the way road work is done when there is any road work done at all.

Mr. SHACKLEFORD. Where there is no road work at all we propose to have some done.

Mr. HAMMOND. You propose to pay out of the Treasury a certain sum of money, and that amount of money is to be measured by the amount of money expended on the roads within the States.

Mr. SAUNDERS. May I ask my friend a question?

Mr. HAMMOND. Certainly.

Mr. SAUNDERS. It is just this, as a business proposition: Any road, no matter where it is located in the State, that is kept up to the specifications prescribed in section C will be a first-class road, will it not? Any road that you may select that is kept up to the standard prescribed in section C will be a No. 1 dirt road, will it not?

Mr. HAMMOND. I would not say it would be a No. 1 dirt road. I would say it would be a fairly good road.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. HAMMOND] has expired.

Mr. HAMMOND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. Is it too late to move an amendment to section 4?

The CHAIRMAN. It is not. There is an amendment pending now.

Mr. HAMMOND. Then I move that section 4 be stricken from the bill, but leaving in section 3.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend the bill by striking out all of section 4.

Mr. BORLAND. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. I understand a motion to strike out takes precedence over a motion to substitute.

The CHAIRMAN. The Chair holds that the committee has a perfect right to perfect the section by amendment, if they desire, by striking out.

Mr. BORLAND. The gentleman's motion will be pending to be voted on.

I now yield two minutes to the gentleman from Pennsylvania [Mr. CARR].

Mr. CARR. Mr. Chairman, this measure, looking to the improvement of the public highways of the United States, should have the support of the entire membership of this House. Those who have discussed the bill now under consideration have announced their interest in the cause of good roads. Thus we are all agreed on the end to be attained, but we seem to be divided as to the best means of accomplishing that end. I do not regard this bill as the best that could be prepared, but it is a step in the right direction. There are those who will support it who do not believe it is even a fairly good bill, but who do believe in the general proposition of national aid in the construction and maintenance of highways. A constitutional provision gives Congress the right to establish post offices and post roads, and Congress having established post roads, in the constitutional sense, by designating certain highways over which the mail shall be carried, is in duty bound to assist in their maintenance.

Mr. Chairman, there is another important matter presented by this bill. The reason that we do not have good roads in this country is not due to the lack of money to construct them nor the unwillingness of the people to tax themselves, and heavily, too, for that purpose. Reports have been read during this discussion showing that not more than 20 per cent of the money raised for good-roads purposes ever reaches the roads; that 80 per cent of it is lost somewhere in the process of administration. Of this 20 per cent that does finally reach the roads, some of it is lost either by reason of ignorance in road building or the negligence of those charged with this work. From my own observation I am inclined to believe that the chief trouble arises from our inability to construct good roads. Many of our highways were constructed for political exploitation. I have heard sundry and divers arguments for appropriations for intermittent creeks for political navigation, and I have concluded that many of our highways are justified upon much the same ground.

A few years ago the State of Pennsylvania constructed at great expense many miles of what it termed good roads. Some of them stood the traffic fairly well, but many of them are now worn out and are practically useless. Either the system of road building was at fault, or the roads were not constructed in accordance with the system. I watched several of these roads building. I noticed that the foundation was prepared with great care. Huge stones formed these foundations. Then came a layer of smaller ones, then a layer of gravel, and each course or layer of a lighter material until the surface was reached. Such roads would not stand rains, heavy hauling, nor automobile traffic. It seemed to me that they had been constructed upside down. What we need are roads that will stand the traffic. Shortly after this experience, Mr. Chairman, the legislature submitted a proposition to the people of Pennsylvania to raise $50,000,000 for the purpose of building roads. It was defeated by an overwhelming vote, not that the people did not desire good roads, nor that they were unwilling to provide the

funds necessary for their construction, but their experience in road building had been too expensive to permit a repetition. I am also inclined to the belief that they did not have sufficient faith in the crowd who expected to spend this money. But whatever the reason the proposed scheme went down to defeat.

In opening his address in this debate the gentleman from Missouri [Mr. SHACKLEFORD] stated that there were approximately 2,250,000 miles of public highways in the United States, and that to put these highways in first-class condition would cost approximately $45,000,000,000. This would mean about $20,000 for each of the 2,250,000 miles of road in the United States. When the gentleman from Missouri was reciting these stupendous figures I wondered what proportion of that $45,000,000,000 the people of the United States have, as a matter of fact, already expended for good-road purposes. This would be hard to estimate, and yet I have no doubt that if the money that has been raised for good-road purposes had been honestly expended and the proper system of road building adopted we would now have fairly good highways in this country.

Then, too, Mr. Chairman, we have too many roads in the United States to be maintained. As the commerce of the Nation increases these roads may all in time be necessary, but many of them are not necessary now. I have in mind a certain township in the county in which I live. This township has an area of about 15 square miles, and yet it has 160 miles of public road. This is an average of the number of miles of road in many sections of Pennsylvania and other Eastern States. It is obviously impossible by any reasonable system of taxation to maintain in first-class condition so much roadway; consequently the more important highways of travel must suffer in order that the less important ones may have a share of the taxes raised for road support.

One of the pressing problems of the present is that which relates to the high cost of living. The economic distribution of the varied products of this wonderful land of ours is a matter closely allied with this great question. The cost of transportation is the vital element in the cost of production. The farmer gets no more than a fair return, and sometimes not even that, for his products, but when they reach the consumer the original cost has frequently more than doubled. The explanation lies in the added cost of transportation. It costs the farmers of this country on an average of 23 cents a mile to haul a ton of farm products to market. Suppose the average haul is 12 miles—and this is not too high, taking the country as a whole—here is a cost of yearly $3 to market a ton of produce. But 10 per cent of the roads in this country are improved, and it has been shown conclusively that improved roads would reduce the cost of the average haul from $3 to $1 per ton. What an enormous saving this would mean to the consumer! These advantages might be multiplied many times. Nothing enters so much into the life of this Nation as the question of transportation, and the great volume of the business of the Nation passes over its public highways.

Mr. Chairman, the postal business of this country is now self-sustaining. This Government can well afford to help maintain these highways, as the postal revenues flow into the National Treasury. The rural communities should not be asked to build and maintain highways for the carrying of mails while the Government receives the revenues. National aid in good-road building should have the cooperation of us all.

Mr. Chairman, these are some of the considerations that lead me to support this bill. As I have before stated, it is in many respects defective. What these defects are have been discussed at some length by others. I hope at a later time to call your attention to some of them as I see them. But this measure will mark a beginning, and once the good work is begun we may look hopefully forward to the day when our dream of good roads throughout the Nation will have become a reality. [Applause.]

Mr. BORLAND. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I have not looked with favor on the policy of having the Federal Government make appropriations for highway construction within the States. I believe that it is not only the privilege but the duty of the States to look after local means of communication, and I am not in favor of doing anything which will detract from the dignity and importance of the States and transfer their obligations to the Federal Government. I have not favored this policy, because as an earnest advocate of the good-roads movement I believe that it will have a tendency to kill the movement. I do not believe that there is in this House a more sincere advocate of the policy of improving the roads than I am. I merely differ from some of my colleagues as to the manner in which that improvement shall be brought about. I favor what I believe to be the less expensive and more efficient system of having the roads constructed by the States, counties, and communities, and under local supervision by means of appropriations made by the people themselves in the shape of bond issues and voluntarily assumed taxes. In that way those communities which need the roads and have the enterprise and courage to go after them will get them and the backward, indolent, and unenterprising people will wait until their energies have been aroused.

For 20 years I have been an earnest and active supporter of every project looking to the betterment of the highways which has commended itself to my judgment as a practical and economical scheme. My enthusiasm has been so great that I have gone over my own State, at my own expense, addressing mass meetings and urging the people to tax themselves for the construction of roads. My own county in the last 10 years has spent a million and a half dollars in highway improvement, and it has been well spent.

I firmly believe, however, that once we begin the policy of Federal appropriations for highways no State, no county, and no community within a county will again willingly undertake such a work for itself.

The tendency is now, whenever any locality wants anything done, to appeal to Washington for an appropriation out of the Federal Treasury. This is done upon the theory that what comes from the Federal Treasury is not an expense borne by the people themselves. Some people may believe that, some people do believe it, but there is not a man in this House who does not know that all these outlays are a charge upon taxes paid by the people, on the taxes that are expensively collected; and the people not only meet all these charges, but they pay dearly for the transfer of the obligation from the States to the Federal Union. I believe that any county and any community can build such roads as they need for less than two-thirds of what the same roads will cost when constructed by the Federal Government, and as a man of moderate prudence I would never advise the purchase of anything for a dollar and a half when one can get it for a dollar. It is so generally known and admitted that the Federal Government is extravagant—that its expenditures are not looked after with a spirit of economy—that it is not necessary for me to press that point on your attention. Simply to say that a thing is being done by the Government is equivalent to saying it is being done expensively.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Michigan?

Mr. SLAYDEN. I can not yield. It is quite impossible in the time allotted to me.

I also believe that when this work is done under local direction it will not only cost less but that results will be better.

I am willing to meet any reasonable outlay for the construction of highways when the expenditure is made by the proper political organization and when the work is well done. We can not have too many good roads, and we are not likely to have roads that are too good. But we are doing very well now in the matter of road improvement in the United States. I have been informed that the people of this country are now expending approximately a million dollars a day in this line of work. That seems to me to be enough.

If we begin this policy of Federal appropriation and there is a resultant paralysis of local effort, as I confidently expect will be the case, we will have begun what, in my judgment, marks the beginning of an era of extravagance without parallel in the history of our Government. [Applause.]

There are some features of the bill which I do not like. I dare say it was drawn adroitly enough with the view of getting votes for it, but to distribute this proposed appropriation of $25,000,000 on the basis of population is not fair, because we can have and we do have, as in New York, for example, a congestion of population in a limited area. Under the terms of this bill the city of New York, which needs no roads, would, based on the population scheme of division, be entitled to receive more money out of the Federal Treasury than the whole State of Texas. On the theory that one-half of this $25,000,000 shall be distributed in proportion to the population and one-half in proportion to the total number of miles of roads, New York, which has an area of only 49,170 square miles, would receive nearly a million dollars more than Texas, which has an area of 265,000 square miles. Ohio, which has an area of only 41,060 square miles, would receive a quarter of a million more than the State of Texas, with its 265,000 square miles. Even Massachusetts, which only has 8,315 square miles, and is not much

bigger than one or two of the counties in western Texas, would receive nearly half as much as the State of Texas.

It is proposed to expend each year out of this appropriation on each mile of the class A, or first class, roads the sum of $60. On each mile of the second-class roads $30 and on each mile of the third-class roads the sum of $15. As the great bulk of the roads in the South and West would be of class C, or the third class, they would get only $15 per mile. Does any man seriously believe or contend that an expenditure of $15 a mile by the Federal Government, plus a like sum to be expended by the State, will even make a showing in the way of maintenance to roads? The suggestion is absurd.

These, sir, are a few reasons why I have not been in favor of this bill. I want to say distinctly and again that I believe in the development of the highways; that I have never been hostile to such an improvement for a moment, and I repudiate the suggestion that I am not as friendly to this work as any man in this House, but my judgment will not permit me to subscribe to the scheme which is proposed.

Mr. BORLAND. Mr. Chairman, I yield five minutes to the gentleman from New Hampshire [Mr. STEVENS].

The CHAIRMAN. The gentleman from New Hampshire [Mr. STEVENS] is recognized for five minutes.

Mr. STEVENS of New Hampshire. Mr. Chairman, there are two reasons why I am opposed to this bill. To begin with, I do not think the provisions of the bill concerning the expenditure of the money are either fair or scientific. But I am not going to argue that particular point this morning.

There is another reason why I am opposed to this bill—a reason which should appeal to every Member of this House, and particularly to every Democrat. When the revenue bill was reported at the beginning of the special session the Ways and Means Committee estimated that the revenue from the new tariff law and the income tax would give us about $18,000,000 above the estimated expenses of the Government. Now, there are two facts that have happened since that time that we are sure of. The first is that the estimated receipts from the Government are going to be less than were estimated by the Ways and Means Committee.

The second fact, which this House is proving every day, is that the estimated expenditures for the next fiscal year were altogether too low. Every general appropriation bill that will be reported and passed by this House will be above the estimates furnished by the Ways and Means Committee. We have already passed the Lever agricultural extension bill, which provides for an expenditure of $25,000,000. This bill provides for an expenditure of $25,000,000 more. The increases in the general appropriation bills that are coming later will take up every cent of that $18,000,000, and the real objection to this bill at this time is that you have not the money. [Applause.]

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. STEVENS of New Hampshire. I will.

Mr. BARKLEY. The Lever bill does not contemplate an expenditure of more than $4,800,000 at the end of 10 years. It does not carry $25,000,000, as the gentleman stated.

Mr. ASWELL. Will the gentleman please state what fact has developed that leads him to think that the revenues will be less than they were estimated to be? What is the fact?

Mr. STEVENS of New Hampshire. The revenues from the tariff law since it has been in force are less than were estimated by the Ways and Means Committee.

Mr. ASWELL. What is the gentleman's authority?

Mr. LANGLEY. If the gentleman will permit, I wish to say that the figures show that the revenues are not as much as were estimated. The gentleman could easily answer that, and he could further reply that we on this side of the House told the gentleman that that would be so. [Laughter and applause on the Republican side.]

Mr. STEVENS of New Hampshire. I have not the figures at hand, Mr. Chairman, but I understand it is a fact that the revenues are less than they were estimated to be, and it is an absolute fact that the expenditures are greater.

Now, a word as to the political considerations. This bill appeals to every man who is in favor of good roads. It appeals to every man who wants the support of his constituents. I have the honor to represent a rural community with a great many rural routes in it. If this bill were passed, we could go back to our homes and say to our constituents, "We have brought back so many thousands of dollars to be expended here for your benefit." That would be a great help to the individual Congressman seeking reelection. But, gentlemen, if you go back home to your constituents with a chunk of pork in one hand and a $50,000,000 deficit in the other hand, you will find it entirely different. [Applause.]

I yield back, Mr. Chairman, the remainder of my time.

Mr. BORLAND. Mr. Chairman, did the gentleman yield back any time?

The CHAIRMAN. The gentleman had one minute remaining.

Mr. BORLAND. Mr. Chairman, I yield one minute to the gentleman from Connecticut [Mr. LONERGAN].

The CHAIRMAN. The gentleman from Connecticut [Mr. LONERGAN] is recognized for one minute.

Mr. LONERGAN. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut [Mr. LONERGAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAMMOND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota [Mr. HAMMOND] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, will the gentleman from Missouri [Mr. SHACKLEFORD] use some time? I am down to five minutes.

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. STEPHENS].

The CHAIRMAN. The gentleman from Mississippi [Mr. STEPHENS] is recognized for five minutes.

[Mr. STEPHENS of Mississippi addressed the committee. See Appendix.]

Mr. SHACKLEFORD. I yield five minutes to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Chairman, I have been sitting at this table for two days listening to the same objections that we heard presented and discussed around the table of the committee before we reported this bill. I believe there has not been a criticism made that was not in the mind of the committee that had charge of this matter. We do not claim that this bill is perfect. We realize the fact that there are necessarily some features of injustice and inequality in it, but we have considered all of those things and have tried to present a bill that would have the least unfairness in it and would come the nearest to being workable. We started out on the broad proposition that this question is a national one. We have in this country the best system of railroads, and we have the best system of many things that are to be found anywhere in the world, but everybody admits that our roads are the poorest of any first-class nation in the world, and therefore it becomes a national duty to encourage this sort of internal improvement.

We started upon the second proposition, that under the policy of this Government since its foundation a large part of the money collected from the people at large has been spent in the cities and for the benefit of the city dwellers, and we felt that the time had honestly and fairly arrived when the men who have paid more than half the taxes of this country should have the largest part of this fund spent not only for their indirect benefit, but spent for their direct benefit, and spent among them.

During this discussion there have been many frequent references to what is called the "pork barrel." I undertake to say that there never was a measure presented to this House that was as free from that charge. [Applause.] We have so framed it that no Congressman can go home and say that he controls this much money. If an appropriation is made for some public building in his district or for the improvement of some harbor in his district, then he can go home and lay that down to his people and say, "I brought you this"; but he can not go into his State now under this bill and say, "I brought this to my district." All that he can say is, "The people of the United States as a whole have seen fit to make an appropriation for the benefit of the agricultural portion of this country, in which I had a small part." [Applause.]

The last gentleman who spoke against this bill referred to the fact that a Member may go home and make that as a plea for reelection. Have you ever thought what a small amount you would have for your particular district and what a small amount of pork you would carry home? How would that look in comparison with the pork barrel that the gentleman from Alaska [Mr. WICKERSHAM] will take home, $40,000,000 in his one district, while all over the United States, divided among more than 400 Members, there will be only the pitiful sum of $25,000,000.

Mr. DONOVAN. Mr. Chairman——

Mr. PROUTY. I refuse to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. PROUTY. Now, referring to some of the specific criticisms that have been made by the gentleman from Missouri [Mr. BORLAND], they can be easily understood when you understand the sentiment that controls him. At the very threshold of this discussion we met two contending forces, one of them in favor of appropriating a large amount of money from the Public Treasury for the construction of national highways, without any reference to the men who haul their products from the farm to the city, but for the specific purpose of creating what my friend [Mr. SHACKLEFORD] calls "peacock boulevards." We met that all the way through.

The gentleman from Missouri [Mr. BORLAND] appeared before our committee and made one of the prettiest speeches I ever heard him make, in which he tried to get us to appropriate this money for building a national highway that led through his city over the Santa Fe trail. [Applause.] And I am fair in saying that the gentleman is not here opposing this bill and offering these amendments for any other purpose than to create enough discord here to defeat the bill, simply because he did not get his peacock alley put through his town. [Laughter and applause.] That is what it was, a peacock alley, upon which these fellows would show themselves constantly. [Laughter.]

The special objection that the gentleman offers, that this does not build any highways, but simply expends the money on highways already built, grows out of the fact that the gentleman constantly confuses, either intentionally or ignorantly, the provisions of section 3 and section 4. Section 3 expressly provides for the construction and maintenance of even the kind of roads that he is advocating.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. No.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BORLAND. The gentleman was discussing the bill and I wanted to answer him.

Mr. SHACKLEFORD. I yield to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am heartily in favor of the bill before us for the improvement of the roads of the country. One of my colleagues when addressing the House a few moments ago was asked whether he did not represent a country district, the intimation being that only the country districts were interested in this legislation.

I wish to say that I represent a city district and am for the bill, and always have been for good roads. Not only do I represent a city district, but Baltimore contains about half the population of the entire State of Maryland and pays probably more than half of all the State taxes, and yet the people of my district and city have always been in favor of the construction of good roads.

Mr. McCOY. Will the gentleman yield?

Mr. LINTHICUM. I can not yield. After I get through I will.

Mr. SLAYDEN. After your time has expired? [Laughter.]

Mr. LINTHICUM. I am proud to say that my people have never looked upon internal improvements in a narrow and niggardly way, but upon a broad and comprehensive scale. In the olden days when railroads first began, it was the splendid Commonwealth of Maryland and the city of Baltimore which gave them an impetus by loans and appropriations; and when canal builders were busy, it was the State of Maryland who took her chances with other bond and stock holders. It was she whose shoulders were always at the wheel to help build up a great State and a great Nation. May I be allowed to digress a little and say that when the clouds of the impending War of 1812 hovered over the land it was the merchants of the city of Baltimore who came to the front and gave $3,000,000 to the National Government for defense of the Nation? And this loan later assumed by the city became the first and the foundation of our municipal debt. In 1814, at Fort McHenry and North Point, near Baltimore, her people rushed to the rescue, repulsed the enemy, and turned the tide of the war.

I might go on citing instances in the history of my people to show that she has ever believed in the greatest good to the greatest number, and that what helps the country people is bound to help those of the city.

In my State we have two systems. In 1904 I represented a city legislative district in the House of Delegates of Maryland and voted for a system by which the State appropriated $200,000 a year and the counties made up an additional $200,000 per year, and that money was payable to each and every county according to the road mileage. We have constructed something like 200 miles of good roads in our State under that system. It has worked admirably, and I can not help but notice the similarity between the system established in Maryland in 1904 and the provisions of this bill which we of this House are about to pass.

Mr. McCOY. Now will the gentleman yield?

Mr. LINTHICUM. I can not.

Mr. SAUNDERS. I want to say that we are working under the same system with happy results in Virginia.

Mr. LINTHICUM. I am glad the gentleman so states. In 1908 we found that the system of 1904, where the State appropriated $200,000 a year and the counties a like sum, did not build up the main arteries of the road system, but was most beneficial in building up the local roads, and therefore in 1908, when a member of the State senate, it was my pleasure to vote for a bill authorizing the issue of bonds so that we might build the main arteries to and from the city of Baltimore, the county seats, and connecting with the road systems of other States so that we might eventually have a splendid interstate system of highways.

We have at various times issued bonds for some $9,000,000 and have laid out about twelve hundred miles of roads to be improved, of which more than 450 miles have been completed at an average cost of slightly less than $10,000 per mile. We are ready to push the work this spring, and ere long our State will have completed as fine a system of improved roads as can be found in the land and with ample provision for their maintenance. We are not very large but are mighty, and we make every dollar count. In addition to that, we have constructed from this, the National Capital, to the city of Baltimore as fine a boulevard as can be built, part of it macadam and part cement. I have no doubt many of you gentlemen have tested its merit on many occasions. There has also been constructed aside from the general road system an equally fine boulevard from Annapolis, the State capital, to Baltimore, and we are constantly building good roads, and the district which I represent is constantly paying taxes toward the interest on the bonds and toward this annual appropriation of $200,000, and no one in that district has complained about it so far as I am informed.

Mr. McCOY. Will the gentleman yield?

Mr. LINTHICUM. In a moment. We believe that a system of good roads in the State is beneficial not only to the counties, not only to the farmers, not only to those who live outside and adjacent to the city, but we believe that when we build these good roads we build in the interest of the various sections of our State, and what helps enrich one section will help all. Now I will yield to the gentleman from New Jersey.

Mr. McCOY. I wanted to ask the gentleman whether the fact that Baltimore County has spent so much money in the country accounts for the bad roads in the city of Baltimore? [Laughter.]

Mr. LINTHICUM. Well, Mr. Chairman, as far as the city of Baltimore is concerned, we are expending millions of dollars in the improvement of that city. We are expending $25,000,000 in the construction of sewers and over $10,000,000 in laying good streets, but we can not lay the improved streets until we complete the sewers under the streets. [Applause.]

I am glad the gentleman from New Jersey wants to know about Baltimore. It awakens me to the necessity of saying something of that beautiful and historic city on the banks of the Patapsco.

For many years our city streets were mostly paved with cobblestones, because we did not wish to undertake the laying of the improved streets until we had solved the sewage problem; and let me say that this is no easy task for an established city of some 600,000 people. Not alone was the expense involved a problem, but the disposition of the sewage as well. It could not be dumped into the river on account of the fishing industry. We had to construct great pumps and an immense disposal plant. This, as I have said, will cost the city at least $25,000,000, and the property owners no less than that much more. This system is now nearly completed, and under the administration of an energetic and untiring mayor the improved streets are rapidly following the sewers, so that in a few years we will have one of the most modern cities in this country, and certainly the finest sewerage system in the world, and all this within 10 years from Sunday last—February 8—when the great conflagration swept the entire business section of our city out of existence.

Not many years ago I had one of the Members of this House over to Baltimore with me, and I was apologizing for the condition of our streets, when he turned on me and said: "Go along about your streets. I am not looking at the streets; I am looking at your beautiful women." Why could not my friend have done likewise.

Mr. Chairman, I desire now to return to the bill before us after having told you some few things about the city of Baltimore.

This bill provides for the expenditure of not over $25,000,000 in any one year for the construction and maintenance of post roads. It provides an equitable manner of distributing this fund. This is to be done upon two very reasonable bases. One-half of the sum of money which any State receives from the Government shall be computed in the relation its population bears to the population of the whole country. The other one-half is to be computed from the relation the miles of rural roads in any State shall bear to the whole number of miles of rural roads in the United States. These together shall constitute the amount that any State shall receive under this plan in any year.

Section 3 provides, among other things, that this sum may be expended in a half-and-half plan, and this, as I have said before, constitutes its similarity to the first system adopted in the State of Maryland. The State to which it is given shall contribute at least one-half the money so expended upon its highways, but the expenditure is limited to the rural-route roads, or this money, or any part of it, may at the option of the State be expended under the provisions of section 4, which defines the different classes of roads and fixes a standard for their construction and also provides payment of a certain sum as a rental for each class, provided, however, that they must be kept up to that standard.

In all of the States there were in operation on December 1, 1913, 42,961 rural routes, with an aggregate length of 1,042,477 miles, or an average length of 24.27 miles for each route. At the same time there were 12,257 star routes, with an aggregate length of 156,477 miles, an average of 12.76 miles for each star route.

The estimated number of miles of highways in the United States is 2,250,000 miles, of which 416,888 miles are used as post roads. This bill divides these post roads into three classes, to wit:

Class A. All waterbound macadam roads or roads with a more expensive or more durable surface, 52,585 miles.

Class B. All roads built of gravel, shell, or proper combination of sand and clay, 161,790 miles.

Class C. All improved earth roads with adequate side drains, compacted, with crown smooth surface and well maintained, 222,513 miles.

Class A will be entitled under this bill to $60 per mile per annum, class B to $30 per mile, and class C to $15 per mile. Objection has been made to this bill because the best improved roads are to receive the most money. I believe the bill is right. The people who have expended the most to improve their highways should receive more encouragement than the less improved roads. Federal aid along this line will be an incentive to build more of class A roads.

I have seen the farmers haul their products to market on both the pikes and dirt roads. On the average pike one team will haul from one and a half to two tons, make an average trip of 20 miles, and return in one day. On the dirt roads one team will haul, on an average, from one-half to three-fourths of a ton, make an average trip of 10 miles, and return in one day. Therefore, on this calculation, which is a fair one, it costs the man on the dirt road four times what it costs the man on the pike to market his products, which is conclusive proof that the mud tax is the greatest, most excessive, and most burdensome tax that the farmer pays, and as it is a well-known fact that the ultimate consumer bears all the burden, this mud tax must eventually be paid by him. So in view of the fact that the life of the Nation is dependent upon the success of the farm, can any man contend that it is not economical and that it is not profitable for the Government to expend money in the construction and maintenance of roads into and through the farming sections? The man who would make such contention is ignorant of the interest the city has, or should have, in the success of the farm.

We have been told that our great cities are merely the product of our agricultural resources. Our gold mines furnish us with a medium of exchange for the products of agriculture and manufactures. The factories change the products of field and forest to articles for the comfort of man. The progress and prosperity of our land must naturally stand upon the innumerable acres of the Union, and the great farm products produced upon this vast acreage is the great backbone of all common wealth and enterprise. Good roads reduce the cost of transportation from at least 28 cents per ton-mile to 8 cents. The experience of my State has been that where good roads are constructed property is increased in value. The taxable basis of the State is increased, the result being a great benefit to the producer, the miner, and the taxpayer. We can not separate the interests of those of the city, who earn their living by labor and manufacture from those of the country who produce the wherewithal upon which they live. We can not improve our roads without lessening the expense of transportation of the farm, and this lessened expense will eventually lessen the cost to the ultimate consumer. So with each and all of us, whether residents of teeming cities or of the country districts, good roads are of inestimable value.

There is also another phase of the subject which I think is of vast importance to the people of our State. That is the "educational benefits" derived from good roads. I have always believed, from the time when I was a public-school teacher in my native State, that better advantages can be obtained by having large graded schools; and by the assistance of good roads we may be able to organize the several public schools into groups and merge these groups into central schools. The good roads will enable us to have well-equipped wagons, or perhaps motor vehicles, by which to convey the children from their several sections to the central school. In this way the country people will get the same advantages as those the city now enjoy. This system would insure the regular attendance of the children and their continued interest in the school, and would, no doubt, prove a marvelous success in their education. I believe that the education of the children of the country districts is just as important to the people of Baltimore and other large cities as any other one thing, because it is a well-known fact that many of the country children become inhabitants of the large cities and take an active part in the general welfare and the industrial pursuits and professions of their adopted home.

Better roads mean cheaper transportation. Cheaper transportation means cheaper foodstuffs and living. The farmer feeds the people. What benefits the farmer benefits those who work in the factory, the shops, the thousands and tens of thousands who live in towns and cities. Why improve the rivers and harbors and not improve the great highways of the land over which must be transported the wheat, the corn, the cotton, the cattle and hogs, and every article we eat and wear? The Government collects its revenue from all of the people and all of the people should receive the same fair consideration and return.

A few days ago one of my colleagues asked me why I, a resident of a city district, was so interested in good roads. I replied that I had from boyhood been so interested, and recited to him how, when I was a boy, I attended public school in the city of Baltimore, which was only 6 miles from my home in the country. It was necessary for my brother, now Dr. Linthicum, of Baltimore, and I to go to the city each Monday morning and come home on Friday after school. On many such occasions the roads were so bad during the winter that it was impossible to drive a carriage over them, and we had at such times to stand up in one of the carts belonging to my father and driven by "Uncle Robert," and in that way journey from our home to the city with mud nearly to the axles; and whenever I hear of the building of good roads I can not but feel that it is the greatest benefit which we can confer upon our people. I am therefore heartily in favor of the passage of this bill and sincerely hope it may soon become a law.

Mr. SHACKLEFORD. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. TAYLOR].

Mr. TAYLOR of Arkansas. Mr. Chairman, this bill is only carrying out a pledge made by the Democratic Party to the people in its platform adopted at Baltimore in July, 1912. The platform on this subject reads as follows:

> We favor national aid to State and local authorities in the construction and maintenance of post roads.

The people of my district and of my State are enthusiastic on the subject of good roads. The people of Arkansas have always known, and now the people of the whole country are beginning to understand and know, that Arkansas is a State possessed of wonderful resources. Considering our rich cotton and corn lands, our waving fields of rice, our mineral deposits, our great peach and apple orchards, our timberlands, and with more waterways than any other State, we feel that we can fully and justly make the claim that no Commonwealth is so blessed with nature's wealth, and now with good roads, which will finally come with such aid and encouragement as we may expect under the provisions of this bill, if it becomes a law, will make the people of this country, especially those who live on the farms, prosperous and happy, because it will lighten the burden of the farmer in getting his products to the market and will benefit the dwellers in the towns and cities who consume the products because the cost of transportation will be lessened. This bill is a great step taken in a direction long wished for by the people, and which, in my judgment, will ultimately lead to more extensive improvements on our public highways, and thereby and by reason thereof will develop our great farming sections, and especially in the West and South. If there were no great agricultural South and no great agricultural West,

what would be the effect on the people of the great Northern and Eastern States? To ask the question is to answer it. These Southern and Western States represent the greatest agricultural regions in the world, and with good roads traversing them our farmers will become stimulated, young men will abandon the towns and congested cities in a large degree and seek homes on the farm and become tillers of the soil; and when such roads are constructed and maintained the man who is already engaged in agricultural pursuits will no longer dream of taking his family to dwell in the city. Good roads will bring the city and the country into closer relation.

The Government expends yearly large sums of money in the building of battleships and improvements of various kinds and for other purposes, but until this blessed day the Government has never before taken a direct step to bring itself to the construction of highways for the benefit of that great class of our fellow citizens who feed and clothe the people of this country. I promised the people of the district which I have the honor to represent on this floor that when I took my seat in Congress I would urge legislation in the way of Federal aid in the construction of post highways, and in voting for the bill I am but keeping faith with the people.

The bill carries an appropriation of $25,000,000. The system of roads such as is contemplated will make rural life more attractive and happy and will have a great bearing upon the economic, intellectual, and social welfare of the people, and a condition of greater activity and cooperation in this great question will spring up in the rural districts in this country, resulting in an era, in my judgment, of the greatest prosperity. I believe this to be true, for the reason that the people back home believe in it and believe also that their condition will be improved and blessed.

I find on this floor that men like myself, who are fresh from the people and fresh from agricultural districts, and a great many of whom are farmers, are standing for this bill because they believe that it is in demand in rural life; that is, that it will help the producer and the farmer. Not only will it help him in marketing his products and cheapening the cost of transportation to market, but with good roads the farmer can take his wife and children and quickly visit the town and go to church, either in town or country, from a long distance, and enjoy life with his loved ones the same as those domiciled in the city. It has been said on this floor that with good roads cost of transportation by wagon can be lessened from 50 to 75 per cent, and will also reduce the cost of production, resulting ultimately in reducing the now high cost of living.

Railroads can carry freight, a ton, from 150 to 200 miles for $1.25, while it costs to carry the same ton on a wagon 5 miles $1.25, and over a good road the cost of such transportation should not be more than 25 cents. This $25,000,000 is appropriated for the first year apportioned among the States that desire to participate by making appropriations in like amount in proportion to their population and total miles of rural post roads.

It is provided that the Secretary of Agriculture, in dealing with this proposition, may exercise the powers conferred upon him to deal with State officials charged with the control of public highways, and to designate roads, and to determine the manner of construction and maintenance.

Under this bill a State may elect at its option to receive its pro rata from the National Government to be expended on a system of post roads, as is set out in sections 3 and 4, or probably under both. If the State accepts under section 3, then under its lawful authority it will act with the Secretary of Agriculture in agreeing upon the roads to be improved, and the Secretary of Agriculture may require all proper inspection and maintenance. The roads will be placed in classifications called A, B, and C.

Class A is a macadam road, or its equivalent, properly constructed, graded, and so forth. As aid for this kind of a road the Government will contribute out of the State apportionment $60 per mile.

Class B is a gravel, shell, or combination of sand and clay road, or its equivalent, properly graded and constructed, toward which the Government will contribute out of the State apportionment $30 per mile.

Class C is a graded road, well drained, constructed so as to shed water, and kept crowned and compacted by dragging, toward which the Government will contribute $15 per mile.

The State or civil subdivision thereof shall expend in the construction, maintenance, or extension of any such roads an amount equal to the amount paid by the United States.

In order to show the maximum amount of Federal aid under this bill, I illustrate by reference to the States of Alabama, Arizona, Arkansas, and California.

State.	Per cent of total population.	Amount.	Per cent of total star and rural routes.	Amount.	Total.
Alabama	2.34	$292,500	2.29	$286,250	$578,750
Arizona	.22	27,500	.22	27,500	55,000
Arkansas	1.72	215,000	1.39	173,750	388,750
California	2.60	352,000	1.43	178,750	503,750

I also show a list of the same States showing the number of aggregate length of rural and star routes in operation December 1, 1913.

States.	Rural service.		Star service.	
	Number of routes.	Aggregate length.	Number of routes.	Aggregate length.
		Miles.		*Miles.*
Alabama	1,040	24,688	282	2,850.88
Arizona	14	332	84	2,344.21
Arkansas	460	10,608	598	6,684.90
California	408	9,462	421	7,999.66

As I understand the bill the Government will not aid a State, except it is prepared to contribute a like amount; to be plain, to match dollars with the Government; that is, in so far as it relates to the actual building and construction of roads, but under sections 3 and 4 of the bill the Government may contribute each year to roads now or hereafter constructed, either by improvement districts or otherwise, for maintenance and upkeep, $60 per mile as to the roads mentioned in class A, $30 per mile as to the roads described in class B, and $15 per mile as to the roads designated in class C, whether the States match dollars with the Government or not, provided these roads be acceptable to the Secretary of Agriculture as being adapted to use by the United States as rural post roads.

The bill, Mr. Chairman, does not entirely meet with my approval, neither do I believe that it exactly meets the approval of any Member of this House; but it being a new question, and the committee who framed the bill and the House considering it are now but pioneers in this great movement, time will teach the people the exact changes that should be made, and the Congress in obedience to their call may amend so as to make it equitable and correct. But the movement in the direction of good roads for the people in this country is the controlling thought, and our countrymen must understand that no new law enacted upon a new subject was ever in the beginning perfectly worked out.

For a few years it may be somewhat disappointing, even to its best friends, but the main subject will never be abandoned unless perchance it should be held to be unconstitutional by the courts, and this I do not believe can happen, for the reason that the Government has the right to aid in the building and maintaining of roads for Postal Service.

This good-roads proposition, Mr. Chairman, will be worked out in time, but the greatest thing I see in it is that the Government will be committed to the proposition of aiding in good roads throughout the country.

A great statesman once said:

The two greatest forces in the advancement of civilization are the schoolmaster and good roads.

Mr. BORLAND. Mr. Chairman, I am sorry that my friend from Iowa [Mr. PROUTY], who is usually so eminently fair, after he got through with his speech about the Peacock Boulevard, making me the goat, appealing to passion and prejudice to get the bill through, when he got down to the discussion of the bill declined to yield to me. When he got down to a discussion of the bill I wanted to ask him some questions about section 3 and section 4; but the undesirability of the provisions of the bill strongly appeals to me, and I will not ask him to yield.

Mr. PROUTY. If the gentleman will give me a minute of his time, I will answer any questions.

Mr. BORLAND. I regret that I am unable to do so, as I have promised all my time to others. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, we have been considering this bill for some time, and I was rather curious to know why some amendments that have been offered on the floor of the House—and if adopted would have greatly improved the bill—were not considered more seriously. I made some inquiry, and was told by a gentleman on the floor of this House who is rather close to the members of this great committee that we were to pass

this bill in some form, send it to another body, where Senator BANKHEAD had a bill that provided for a highway commission, and that in that form this bill would come back here, and that we would then pass that bill.

Mr. WOODRUFF. Will the gentleman yield?

Mr. GOOD. I can not yield. I think the gentleman from Minnesota struck the keynote when he said that section 4 of this bill is vitally bad. I have no objection to section 3, which provides for building good roads, but section 4 provides for a scheme whereby the States can reach their hands into the pockets of the Federal Treasury and take out $25,000,000 a year and not expend a dollar of it on the roads that they have scheduled to the Secretary of Agriculture they would improve with the money so received. That is the proposition. Read what the bill states. It states that after the State gets the money it shall then be used during the ensuing year for the construction of these roads. I refer to the first lines of the paragraph on page 7. Then the bill proceeds to provide that if the States do not so expend the money, the next year those States shall not have any money from the Federal Treasury to improve those roads. There is no provision that it shall be paid back to the Treasury. Oh, no; that was not the intention. It provides that you can bunco the Government of the United States to the tune of $25,000,000 on certain roads one year, and when you want to bunco the Government again it must come back the next year with a different system of roads. I submit that this is wrong in principle and that this very obnoxious provision should be eliminated.

Then, take the classification. This classification of roads must have been arranged for the roads of Missouri. Take the three classifications, and they provide that they shall "embrace *roads upon* which no incline is steeper than is reasonably necessary in view of the natural topography of the locality."

Take the Ozark Mountains. Standing at the foot of the mountains we look up and see a trail crowned so as to shed the water, and so forth, and we want a Government appropriation to improve that so-called road. The grade from the foot to the top may be 45 degrees, but it is no steeper than is absolutely necessary to get to the top of the Ozark Mountains. [Laughter.] It is therefore within the specification of class C, and we are going to appropriate Government money and call it a post road. My colleague from Iowa wisely objected to the provision of the gentleman from Massachusetts that would define rural post roads. He wanted it to apply to the first section only, and his amendment was agreed to. Now, we have this condition: One section defines rural post roads, while the term in other sections is not defined. The Supreme Court of the United States has declared that a railway that carries mail is a post road, and if it runs through a rural community it must be a rural post road. Are we going to appropriate $25,000,000, a part of which can be used to improve railroads?

Mr. BARNHART. Will the gentleman yield?

Mr. GOOD. I can not yield, for I have not the time. You are appropriating $25,000,000 by this bill, and a good deal of it will be expended under this section.

But you say that section 3 of the bill provides for a construction proposition of roads, and that section 4 provides for a maintenance proposition only; yet nobody but the members of the committee know that. The bill does not say so. Members of the committee have stated that over and over again. Section 3 provides—I read from the bill:

> For the construction, repair, and maintenance of rural post roads.

And section 4 provides—

> For the construction, maintenance, or extension of rural post roads.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SHACKLEFORD. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] seems to be opposed to building a system of good roads in this country.

Mr. GOOD rose.

Mr. HEFLIN. Mr. Chairman, I have not the time to yield.

Mr. GOOD. But the gentleman is not opposed to it.

Mr. HEFLIN. And he seeks to enlighten the House by telling us that they are going now to encourage the convict business in his State by giving a premium to those who enter the confines of an Iowa prison. They tell us how convicts work on the roads in Colorado without overseers and guards, and one would get the impression that it is really a pleasure to be a convict in Colorado, and a profitable business in Iowa where they pay a premium. [Laughter.]

Mr. Chairman, this Government is paying $52,000,000 a year to the railroads of the country for carrying the mail. Does the gentleman want to put himself in the attitude of opposing an appropriation of $25,000,000 to all the country or dirt roads and highways among the 90,000,000 of people in this country? This is a good bill. There are features I would like to see changed in it, and probably there will be some changes made in the conference committee or in the Senate, but gentlemen who have had this bill in charge have thought it out, and they have carefully prepared a measure that provides for cooperation between the States and the Federal Government. Every district, every county, under this bill will receive aid. We want to build the highways that will reach from the marts of trade out into the remote places of the country, out to the farm—into communities off the railroad. I would like to see the pay per mile for the use of the rural routes—class A, $50; class B, $45; and class C, $40. This can be worked out in the committee on conference, and I think it will be. Under this bill jurisdiction over these roads remains with the State and local authorities. Twenty-five million dollars can not be better expended than in the project now in hand in this House. [Applause.]

Good roads benefit everybody. They enhance the value of property all around them and contribute to the comfort and happiness of the people generally. They bring the people of the country and the people of the town and city in close touch and easy communication. They enable the farmer to get his produce to the market in a shorter time and at less expense than is now the case. Often in the cotton marketing season in the South the roads in some sections are very bad and the farmer has a hard time reaching the market at all with his cotton. Especially is this true during the rainy season. With a fluctuating price, you can readily see that the farmer in the South would be vastly benefited by having roads in such condition that he could reach the market speedily when the price best suited him. The strain and wear on the farmer's teams and the breaking and mending of his wagons and the time that he loses all constitute a tremendous tax on the farmer.

Mr. Chairman, what the farmer needs is quick and easy access to the markets of the country, and this Congress can engage in no better work than that of aiding and encouraging the building of good roads in the various sections of the United States. [Applause.] I want to see the time come when our friends from the North, the East, and the West can come over these roads down into the heart of Dixie, the garden spot of the world. [Applause.] I want to see the time come when the American people will tour this country and visit the places of interest and historic importance before they go abroad. [Applause.] I want to see the great people of the East and West and North and South get better acquainted, drawn closer together by the bonds of a mutual interest, and nothing can be more conducive to that end than the construction of a splendid system of highways in the United States. [Applause.]

Mr. SAUNDERS. Mr. Chairman, will the Chair state to the committee the amendment that is before it now?

The CHAIRMAN. All time has expired, and the question before the committee is the substitute offered by the gentleman from Missouri [Mr. BORLAND].

Mr. LANGLEY. Let it be reported again.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. All time expires on the amendment only?

The CHAIRMAN. All time expires on the section and all amendments thereto.

Mr. DONOVAN. Was that the agreement, Mr. Chairman?

The CHAIRMAN. That was the agreement. The question is on the amendment of the gentleman from Missouri [Mr. BORLAND].

Mr. DYER. Mr. Chairman, may we have it again reported?

The CHAIRMAN. Without objection, it will be again reported.

Mr. MANN. I object.

The CHAIRMAN. Objection is heard. The question is on the substitute offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the substitute was rejected.

The CHAIRMAN. There is an amendment pending offered by the gentleman from Minnesota [Mr. HAMMOND] which has not yet been voted upon and which will now be voted upon if there be no further amendments to the section.

Mr. McKELLAR. Mr. Chairman, I have an amendment which I desire to offer.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is there not an amendment pending which has been proposed by the gentleman from Minnesota [Mr. HAMMOND]?

The CHAIRMAN. That is true; but the gentleman from Minnesota has moved to strike out the entire section.

Mr. McKELLAR. My amendment is to perfect the section.

Mr. MORGAN of Oklahoma. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Chair desires to state for the information of the committee that the committee will first perfect the section before a motion to strike it out is put.

Mr. McKELLAR. Mr. Chairman, as I understand it, the committee does not oppose my amendment, and I now offer it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 1, page 7, strike out the last word "of" and insert in lieu thereof the word "in."
Line 2, page 7, strike out the word "designate" and insert in lieu thereof the word "indicate."
Line 3, page 7, insert, after the word "being," the word "lawfully."
Line 5, page 7, insert the following: "*Provided*, That this act shall not be construed as authorizing any governor to create any new office."

Mr. McKELLAR. Mr. Chairman, I am heartily in favor of this bill. I was fortunate enough at the last session of Congress to have been one of those appointed on a committee to draft a roads bill which became a rider to the Post Office appropriation bill. However, the good-roads provision was defeated in the Senate. This bill is drawn along the same lines of the bill that was introduced and passed the House at the last session; but I believe this to be a more perfect bill than that was, because the most excellent Roads Committee which we have recently created has been able to give much greater care and attention and has devoted more time to it. I believe this new committee should be congratulated upon the splendid work it has done. At the last session I made an extended argument on the subject of good roads, and shall not take up the time of the House again on this subject at this time.

However, there is an amendment which I have offered and which I think should be adopted. The first paragraph on page 7 reads as follows:

That such payment shall be made to such officers of the respective States as the governor thereof shall designate as being entitled to receive the same by the Treasurer of the United States upon warrants drawn on him by the Secretary of Agriculture.

Mr. Chairman, I believe that this language may be construed as authorizing the governor of any State to designate any person he wishes as an "officer" to receive this money. If it is capable of this construction, then, in a State situated as my State of Tennessee is, having no road commission, the governor might designate an officer in each one of the 96 counties to receive this money. Inasmuch as road funds are handled by our county authorities and not by our State authorities, it would enable the governor to build up in a small way a political machine, because it would inevitably follow that these officers would be paid for their services in some way. I know it was not the intention of the framers of this bill to give, expressly or impliedly, the governors of the States any such authority. I know it was not the intention of the framers of this bill to permit the money being handled from the standpoint of politics. I believe it was the intention of the framers of the bill to provide, in those States which do not have a road commission, that the county officials having in charge the subject of roads should disburse this money, and that such county officials lawfully entitled to receive the same should be merely indicated to the Treasurer of the United States by the governor of each State.

Thus believing, Mr. Chairman, this to be the intention of those who have framed the bill, I have offered several amendments to this paragraph, and if the amendments should be adopted by the committee then the paragraph would read as follows:

That such payments shall be made to such officers in the respective States as the governors thereof shall indicate as being lawfully entitled to receive the same by the Treasurer of the United States upon warrants drawn upon him by the Secretary of Agriculture: *Provided, however*, that this act shall not be construed as authorizing any governor to create any new office.

This amendment, Mr. Chairman, will simply require the governor of a State to indicate to the Treasurer of the United States where there is no State road commission and where road work is now entirely done by county authorities which county official is entitled to receive the same, the sole duty of the governor being to indicate the lawfully authorized officer to receive the money. It will not give him any discretion, express or implied, to appoint any officer.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Tennessee [Mr. McKELLAR].

The question was taken, and the amendments were agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, section 4, page 6, by striking out all in line 13 after the colon, and all in line 14 and all in line 15 preceding the colon, and insert in lieu thereof the following:

"For all roads which at the time of the passage of this act which shall be included in the foregoing classes, $10 per mile for each mile in class A, $7 per mile for each mile in class B, and $5 per mile for each mile in class C, and for all roads which shall be constructed subsequent to the passage of this act on each mile in class A the sum of $500, on each mile in class B the sum of $250, and for each mile in class C the sum of $150, and any balance due a State shall be paid under the apportionment provided in section 1 of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The amendment was rejected.

Mr. SHACKLEFORD. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has just called my attention to the fact that there is a word omitted at the end of line 7 on page 7, after the word "ensuing." I desire to amend by inserting the word "fiscal."

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 7, at the end of the line insert the word "fiscal."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. HAMMOND], to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Secretary of Agriculture shall have power to make all needful rules for the proper administration of the provisions of this act.

Mr. DONOVAN and Mr. GARDNER rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. May I have the attention of the chairman of the committee?

Mr. SHACKLEFORD. Before we start on that, I ask that debate on this section be closed in five minutes.

Mr. MANN. I would like to have five minutes myself.

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like to have five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent that debate on this paragraph be concluded in five minutes.

Mr. GOOD. I object, Mr. Chairman.

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that debate on this section be closed in 10 minutes.

Mr. GOOD. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The point of order is sustained. The gentleman from Massachusetts [Mr. GARDNER] has the floor.

Mr. GARDNER. Mr. Chairman, I wish to ask the gentleman from Missouri [Mr. SHACKLEFORD] a question. In reading the RECORD this morning I was unable to come to a conclusion whether or not in his opinion under the provisions of this bill the State of Alabama, for instance, would be empowered to expend the contribution of the National Government for the purpose of employing its own convict labor in the State. The State of Alabama, I am told, employs her convicts, or, at all events, her negro convicts, on her roads. I understand that sometimes she leases her convicts to contractors. Would it be possible under this bill for that State to receive an allowance of money from the United States and then turn around and award that allowance to her own penitentiary department or to some contractor in payment for the work of her own convicts?

Mr. SHACKLEFORD. Mr. Chairman, as I understand the bill, the State will build the roads under such supervision as the Secretary of Agriculture and the State highway departments may agree upon. I presume the State in doing the work may employ its convicts upon the roads if it chooses, and in those States where they do employ them, under section 3 of this bill, where the State is to put up half of the costs, the State would get credit for the convict labor that was employed.

Mr. GARDNER. I want to have this clear for the future. It is an important thing to have the intent of the House clear. As I understand it, if we appropriate $500,000 for the State of Alabama, the State of Alabama can take that $500,000 and pay it over to her penitentiary department, provided it is spent in accordance with section 3 or section 4, or both?

Mr. SHACKLEFORD. Why, I have stated all there is to it. The State of Alabama does not take the money of the United

States, but the Secretary of Agriculture expends the money of the United States.

Mr. GARDNER. Under what section of the bill does the Secretary of Agriculture expend it?

Mr. SHACKLEFORD. The whole amount of money is to be expended under the joint supervision of the State department of highways and the Secretary of Agriculture, but the warrants drawn by the Secretary of Agriculture are to be paid out by the Treasurer.

Mr. GARDNER. Yes; but I do not see where the Secretary of Agriculture has to consent to the method of spending the money.

Mr. SHACKLEFORD. That is because, Mr. Chairman, the gentleman only recently began a study of this, and he overlooked that portion of it.

Mr. GARDNER. I shall be glad to see the portion.

Mr. TOWNER. In the latter part of the section, on page 3.

Mr. SHACKLEFORD. Section 3 provides that the Secretary of Agriculture is authorized to cooperate with the State officers having power in the construction and maintenance of roads; that such construction and maintenance shall be conducted under such supervision as shall have been previously agreed upon between the Secretary of Agriculture and the State officer or officers of said State. In a previous part of that same section it is provided that they may jointly consider and determine the roads in each State which, under the provisions of this section, may be constructed and maintained, and the material, character, and manner of such construction.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. GARDNER] has expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. But the gentleman will observe that section 3 merely says that the supervision shall be previously agreed upon, not the manner of construction and maintenance.

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. GARDNER. Yes.

Mr. SHACKLEFORD. I think he has misread the text of the bill.

Mr. GARDNER. Possibly so.

Mr. SHACKLEFORD. It says that—

> Between the 1st day of February and the 30th day of June in each fiscal year the Secretary of Agriculture and the officer, or officers, of each State * * * may jointly consider and determine the roads in such States which, under the provisions of this section, may be constructed and maintained during the next fiscal year, and the material, character, and manner of such construction.

Mr. GARDNER. Yes.

Mr. SHACKLEFORD. And now that says it shall be done jointly, and if they do not jointly agree, naturally the United States expends no money on it whatever.

Mr. GARDNER. Then the gentleman would say that the Secretary of Agriculture would be expected under the provisions of the bill to go into the question of what kind of labor should be employed on those roads?

Mr. SHACKLEFORD. Well, I suppose that would be a matter largely in his discretion. If he desired to agree to it, he would, and if he did not so desire he would not.

Mr. GARDNER. It does not seem to be at all a fair supposition. Any Secretary of Agriculture, reading that bill, would say, "My duty is, first, to see what roads are to be improved; second, to see how they ought to be improved, what the grade shall be, what the surfacing material shall be; and, third, to see under whose supervision the work shall be done, whether under the supervision of persons appointed by the Secretary of Agriculture or of persons appointed by the State highway commission." But it seems to me that in no place in this bill is there any provision inserted which would enable the Secretary of Agriculture to refuse to pay a warrant drawn in favor of the State of Alabama.

I should like to have the attention of the chairman of the Committee on Roads. Will the gentleman show me anything in this bill which would authorize the Secretary of Agriculture to refuse to pay any warrant drawn on him, as provided in line 4, page 7, unless he had specifically forbidden construction of the nature for which the warrant is drawn?

Mr. SHACKLEFORD. Mr. Chairman, the clear text of the bill shows that the Secretary of Agriculture could draw a warrant for nothing except for something that had been previously agreed upon between him and the State authorities before construction had commenced.

Mr. GARDNER. But suppose the question had never been raised between him and the State authorities as to whether the State was to contract for convict labor to do all the work?

Mr. SHACKLEFORD. I suppose that would be decided upon before.

Mr. GARDNER. Is there anything in this bill to prevent the State of Alabama, for example, from taking that Government money and using it to contract with her own convict labor, provided she has enough convicts to do all the road work, State and national? Suppose that the Secretary of Agriculture agrees to the expenditure of the national contribution under the supervision of the State of Alabama. What is to prevent that State from using this contribution to pay herself for her own convict labor, which is now worked on her roads at her own expense? What is to prevent her from leasing her convicts to a road contractor, just as she has leased her convicts to the United States Steel Corporation and to other industrial concerns?

Mr. SHACKLEFORD. Whatever arrangement is made between the Secretary of Agriculture and the State authorities as to where the road shall be constructed, as to the material out of which it shall be constructed, whether it shall be done by contract or whether it shall be done by the joint employment of labor by the Federal Government and the State authorities, or whether the State authorities will build the road under a supervision that is agreed upon previously between the Secretary of Agriculture and the State officials, is not in the bill and is not intended to be. But that is all to be worked out between the Federal authorities and the States.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to proceed for two minutes. Is there any objection?

There was no objection.

Mr. GARDNER. The gentleman from Missouri will please observe this fact: As this bill is drawn, the moment the Secretary of Agriculture says "You may contract for these roads" the State of Alabama can enter into a contract with Jones, Smith & Co. for the building or surfacing of as many miles of road as may be agreed upon, the State to pay half the bill and the United States to pay half the bill. Thereupon Jones, Smith & Co. could—and very likely would—turn around and hire the State convicts to do the labor. This might be the result: Instead of the Nation's contribution being expended in improving the roads in Alabama it might readily be expended in payment for convict labor which Alabama would employ on her roads in any event. I use Alabama as an illustration without any desire to be irritating to any gentlemen from that State. It is true, however, I believe, that that State leases out her convict labor to private employers. At all events, she was in the habit of doing so two years ago when we were taking evidence before the committee which investigated the United States Steel Corporation.

Mr. SHACKLEFORD. The gentleman is drawing erroneous conclusions from his reading of this bill. He says the State of Alabama will use its convicts and build no roads and then eat up the Federal appropriation. On what basis does the gentleman build such a structure as that?

Mr. GARDNER. I do not make that statement. I ask the gentleman if there is anything in this bill which prevents it?

Mr. SHACKLEFORD. Certainly.

Mr. GARDNER. I can not see it. I have read the gentleman's discussion in the RECORD this morning, and I can not see it. If the gentleman says definitely that the bill will prevent the State of Alabama from utilizing her own convicts——

Mr. SHACKLEFORD. This bill does not try to do that. On the contrary, the people who are supporting this bill, as I said yesterday in my colloquy with the gentleman from Iowa [Mr. GOOD], intend that in all the States convicts may be used to work on the roads. It is the expectation that thereby we shall take the convicts out of the shoe shops, harness factories, and clothing establishments, and everything else in competition with the free labor of this country. That is what many expect to do.

Mr. GARDNER. I was not talking about those convicts, and the gentleman knows it. I am talking about the convicts that are already employed on the roads in Alabama, for instance. What is the meaning of this statement of the gentleman in the RECORD?—

> We want to take our convicts out onto the roads and work them, and do not want them to work in the shops under contract in competition with the square labor in the factories and in the trades.

The gentleman knows very well that all throughout the South the convicts are worked on the highroads, and practically there are no other industries where their labor is utilized except when they are contracted out to private employers.

Mr. SHACKLEFORD. Yes.

Mr. GARDNER. Now, what I want to get at is this: Suppose the people of Alabama say, "These laborers who are now working on the highroads have been a continual source of expense to us. Now we can take this Government money, and, through the medium of a contractor, we can put those same men to work, doing exactly the same work which they have been doing all along. Hitherto all we have gotten out of our convicts is better roads. Now the United States Government is willing to pay for their services." Is that prevented by the bill?

Mr. SHACKLEFORD. Yes.

Mr. GARDNER. I am sure that it is not.

Mr. SHACKLEFORD. I will show you how it is. The Secretary of Agriculture will pay out no money except for something he receives in return. Now that the gentleman mentions the State of Alabama as an illustration, I will say that where the State of Alabama uses its convicts on the roads that are being built jointly by the Federal Government and the State she will be given credit for the amount of the reasonable value of this convict labor in the distribution of the apportionment due her.

Mr. MANN. Mr. Chairman, I think no one in the House would accuse me of not giving attention to the details of ordinary bills, and often criticizing the details of those bills. In this case we are somewhat groping in the dark. No one would have been able to draw a bill entirely satisfactory to anyone else. Hence I do not stop to criticize the details of the bill. No two gentlemen would have drawn this bill alike. Probably it will not become a law in the exact form in which it passes the House.

But, after all, the broad question which confronts the House is whether the General Government, which collects all customs dues and which now proposes to collect the income tax, shall pay something toward the construction of rural roads.

Mr. Chairman, we of the cities pay the most of the Federal taxes, or, at least, the income tax. We get no direct benefit, in the way of roads, at least, out of this bill. And yet it is inevitable, under any system of taxation, that many people pay taxes who do not receive direct benefits from those taxes, the most common instance being the payment of school taxes. There is no possibility under any system by which the man who pays the taxes shall receive back directly the expenditure of the money raised by taxation. In my judgment the cities, which, at least in a way, live off the country, can well afford out of their wealth to contribute taxes which shall aid the country in the construction of roads and other improvements. [Applause.] New York, New England, Pennsylvania, and other parts of the great East pay the bulk of the income tax. They will receive comparatively small direct benefits from the expenditures provided by this bill; and yet where would the East be were it not for the South and the West? [Applause.] In the development of our country we can afford to do something out of the Federal Treasury, which has these sources of revenue in the main denied to the States, in the way of internal improvements beyond what many countries could do; and in this effort we are only following behind the other civilized nations of the world in endeavoring to make good roads. As time goes on public improvements will increase in variety and in extent. Every nation can afford as it goes along to pay something toward the public improvement of the country. I do not doubt that we may well use a portion of our taxes in constructing good and permanent roads in the country leading to and from the city. [Applause.]

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. MORGAN of Oklahoma. Mr. Chairman, in support of the amendment I offered I wish to say a few words. That part of section 1 of this bill which provides for the apportionment of the $25,000,000 appropriated for each year to the various States in the Union for the encouragement of the building of good roads and for the improvement of our public highways is as follows:

That the Secretary of Agriculture, on behalf of the United States, may aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads in an amount not exceeding $25,000,000 in any fiscal year; that the portion thereof which may be expended in any State in any fiscal year shall be determined upon the following basis, to wit: One-half in the proportion which the total population of such State bears to the total population of all the States as shown by the next preceding Federal census, and one-half in the proportion which the total number of miles in rural post roads in use in such States bears to the total number of miles of rural post roads in use in all of the States as shown by the report of the Postmaster General at the close of the second quarter of the last preceding fiscal year.

The money appropriated, however, is paid out only upon certain conditions, which are prescribed in section 4 of the bill. The provision is as follows:

That at the end of each fiscal year the United States shall pay on account of the roads so determined to be in classes A, B, and C, as follows: On each mile in class A the sum of $60, on each mile in class B the sum of $30, and on each mile in class C the sum of $15: *Provided*, That if in any State the aggregate of said sums would exceed the amount which for that fiscal year has been apportioned to such State under this act to be expended under the provisions of this section, then said sums per mile shall be reduced pro rata so that their aggregate shall not exceed said amount.

Under the apportionment Oklahoma would receive $572,500 annually; $346,250 of this amount would be apportioned on the mileage of the rural routes which are in the State and $226,250 upon the population of the State. The average amount apportioned to the various States is $520,000. It would appear from this that Oklahoma would receive about a fair share to which the State was entitled.

But the apportionment amounts to but little unless the money shall be paid to the State, and here is the difficulty with Oklahoma. Under the provisions of section 4, which I have just quoted, Oklahoma would receive no part of the money apportioned to her under section 1 of the bill, unless she is entitled to receive the same under the provisions of said section 4. All the money Oklahoma could draw would be $60 for each mile of road in class A, $30 for each mile of road in class B, and $15 for each mile of road in class C.

In the report of the Office of Public Roads of the United States Department of Agriculture on mileage and cost of public roads in the United States in 1909, issued as House Document No. 582, Sixty-second Congress, there is given the facts relative to the mileage and cost of good roads in the various States of the Union. This report shows that there is a wide difference in the mileage of improved roads in the various States of the Union. Indiana leads all other States in her mileage of improved roads which would come under classes A and B, as provided in the foregoing amendment. This State is shown by this report to have 24,955 miles of improved roads that would come under classes A and B. Ohio stands next in line with 24,106 miles. New York is next with 12,787 miles. Wisconsin follows New York with 10,167 miles. Kentucky follows next in the amount of her mileage with 10,114 miles. Illinois follows Kentucky with 8,914 miles. California has the next largest mileage with 8,587. There are many States in which the mileage of improved roads that would come under classes A and B is very limited, indeed. Among these may be mentioned the following: Arizona, 273; Colorado, 320; Delaware, 186; Idaho, 510; Kansas, 374; Louisiana, 329; Mississippi, 342; Montana, 95; Nebraska, 248; Nevada, 46; New Mexico, 104; North Dakota, 140; Oklahoma, 361; South Dakota, 286; Wyoming, 416.

Not one of these 12 States has as much as 500 miles of improved roads that would come under classes A and B. The report of the Agricultural Department to which I refer does not show the mileage of public highways which would come under class C.

In conclusion let me say, Mr. Chairman, I shall vote for this bill. I sincerely believe in the principle of giving national aid to improve the public highways of this country. I believe in that for several reasons. I believe that the future welfare of this great country depends largely upon the development of the agricultural interests, depends upon the welfare of the men and women on the farms of this country, and I believe that the alleviation of conditions in the rural districts depends largely upon three things: First, improvement in the means of transportation; second, improvement in the means of communication; and, third, improvement in the means and facilities for education. Better transportation, better communication, better education, will bring the farm up to the standard to which it should be brought.

There is this principle that I believe in, however: That in giving national aid for the improvement of our public highways we ought to keep in mind the idea not to pay for what has been done, but to encourage improvements in the future and to encourage better things to be done in the time to come. Therefore I have believed that it would be better to give aid solely for the improvement of roads in the future, and not for what has been done in the past. But even while I criticize this feature, which I believe is to some extent unjust to the West, and is to some extent a discrimination, yet on the whole here is a great bill, which, I believe, if it becomes a law, will bring blessings to the people of this great country and glory and strength to our Republic. [Applause.]

Mr. SLEMP. Mr. Chairman, the Committee on Roads, by unanimous action, presents for the consideration of the Members of the House the bill now before the committee. In doing this the committee believes it is responding to the widespread demand in the country that the National Government should take active part in the construction and maintenance of roads.

At present the activities of the Federal Government, so far as roads are concerned, is limited to testing materials, building experimental roads, and the collection and dissemination of information bearing on various phases of road building.

There were, generally speaking, three plans presented to the committee advocated each by earnest, able, and conscientious citizens:

First. A cooperative system under which the States and the National Government cooperate in the construction and maintenance of roads.

Second. A plan involving a bonus to be given by the National Government to the local road authorities for roads reaching a specified standard, the entire responsibility of the construction and supervision of which would remain with the States.

Third. A national system of highways owned, constructed, and maintained exclusively by and at the expense of the National Government.

Open hearings were held daily by the Road Committee for more than two weeks; the governor of each State was invited to send a representative to make suggestions to the committee in reference to framing a road bill; those Members of the House who had introduced bills on the subject were invited to address the committee, representatives of roads organizations appeared, officials of the Bureau of Public Roads made recommendations, all that action could be had with the fullest light possible. Interesting addresses were made, the various suggestions deliberated upon, with the result that the committee presents a dual plan—an alternative between the cooperative system and the bonus plan, the governor of each State having the right to elect to operate under either system in whole or in part.

The amount of money each State will receive is the same, whether operating entirely under one plan or in part under each. Such amount is based on the ratio that the rural mileage and population, respectively, in a particular State—one-half each—bears to the total rural mileage and total population, respectively, of all the States. The money so authorized to be appropriated is to be expended only on rural post roads in actual use. The total mileage of roads in the United States being 2,199,646 and the total mileage of rural post roads being 1,153,284, it will be seen that the application of the Government money provided in this bill is limited to about 50 per cent of the total road mileage in this country.

In limiting the application of the Government money to rural post roads, the committee had in mind, first, that such a measure would undoubtedly be constitutional, since specific authority is given in the Constitution to establish post roads; and, second, that such roads, namely, the rural free-delivery routes and star routes, in great measure would reach a class of people whose only means of connection with the outside world is these very rural roads. It is on these rural post roads that the farmers of the country reside. There are in the United States, as a whole, 6,351,502 farms used and occupied by the farmers of the country, either as tenants or owners, in whose interest this legislation is proposed. The number of families directly served by the rural free-delivery routes is 4,798,720, of which it is stated that at least 90 per cent, or more than 4,200,000, actually reside on farms. I imagine that there are not more than 5,000,000 families actually residing on the 6,000,000 farms in the country, so that the benefits of this bill will be extended in some measure at least to more than 80 per cent of those families who live on the farms of our country.

All political parties declare in their platforms and all political orators profess on the stump great friendship for the farmer; he is acknowledged to be the basis of our civilization, the bone and sinew of our country, its chief defender in time of war, and its mainstay in time of peace.

As an economic factor, he is the food provider for the Nation. He furnishes from the soil the millions of dollars necessary to carry the balance of trade between this country and the rest of the world. And, withal, he bears his burden uncomplainingly. This bill is a direct effort, if enacted into law, on the part of the Government to aid him.

Those who favor this legislation favor doing something direct, something positive, and something of immediate benefit to the agricultural interests of the country.

The enactment of this legislation into law means an extension of the system of internal improvements from rivers and harbors, public buildings, and canals to take in the means of transportation from the farms to the railway stations.

The farmer can make his crops more cheaply and the consumer of the farmer's products can have them at a lower price. The residents of the country districts will profit but little less than the residents of towns and cities, as the prosperity of each class is mutually interdependent.

But, Mr. Chairman, it is not necessary to argue for good roads. There is no argument for the construction of good and better roads that has not been better made by other and more distinguished speakers. Every civilized nation gives prime consideration to the subject, and each solves the problem according to the particular elements of taxation and traffic that enter into the situation.

The main problems with us are how much we can afford to spend as a beginning, or, rather, as a return to this feature of internal improvements, consistent with the other expenditures of the Government, and under what form the assistance shall be given.

The bill provides for an expenditure of $25,000,000 under either of the two plans. This amount, I trust, will be increased from year to year as the system of cooperation is perfected.

The amount of money each State would receive under any bill depends, of course, upon the elements entering into the computation. In the bill before the House the factors are rural post-road mileage and population.

If the amount carried in this bill were distributed among the several States in the ratio of State-road mileage to the total road mileage, or if we take a ratio based on total population alone, or if the ratio be based on rural population alone, or if assessed valuation of property be given consideration, or if in the ratio of State area to total area, or if the distribution be made based upon a combination of all the above elements or any two or any three of them, we would have a set of figures for each differing from each other in various amounts.

The true philosophy of distribution and the proper elements to take into consideration, so far as the National Government is concerned, has not been conclusively determined, but in considering the rural post-road mileage and the entire population and basing the distribution thereon we treat all portions of the country fairly equally, and certainly all will receive some material benefits.

From actual comparison of results from taking different systems the one adopted by the committee strikes a fair average of them all, and I trust will be acceptable to the membership of the House.

Certainly it can be said that there are no glaring inequalities in the plan proposed by the committee. There is no attempt in the bill to differentiate between roads respecting the valuation of property on either side thereof, nor as to the value or kind of traffic over such roads.

These are State matters primarily, and the States differ in their administration of road matters and in their fiscal and other features to such extent that it would be impossible, even if desirable, to prescribe a plan which all could adhere to without variation.

It can be safely assumed that the highway commissions or other State agencies can adjust themselves to local conditions and to the satisfaction of the Department of Agriculture.

In framing the bill, as upon almost every great public question, there were found two distinct lines of thought and policy in advocating governmental participation in the construction and maintenance of good roads. A great many very earnest and very intelligent and public-spirited citizens urge the Government to build, supervise, and maintain its own system, whether large or small, of national highways. One association of such citizens has submitted a plan embracing 30,000 miles, another a plan covering 50,000 miles, to be the main arteries of road commerce, in the belief and expectation that the States and local authorities, each or both, would build lateral branches, thus making a network of roads reaching every important section of the country.

To build such national highways would cost the Government, it is estimated, from $5,000 to $22,000 per mile, according to local conditions. The average cost would be about $15,000 per mile. On this basis a 50,000-mile system would cost, complete, about $750,000,000, almost as much as the present total outstanding indebtedness of the United States, and yet when completed less than 2½ per cent of the total road mileage of the country would thus be constructed.

Such a system would involve an annual expenditure for maintenance of about $25,000,000.

Our constitutional right to construct such a system is undoubted. This question gave us no concern. We were concerned only with the question as to how far we should recommend that Congress should go in the exercise of such great powers.

We did not permit our zeal for good roads to outweigh our caution, and we could not see our way clear to propose such an enormous expenditure on the part of the National Government from which we probably could never escape when only 2½ per cent of the roads would be constructed, and even these failing in large measure to reach the people—the farmers of the country—whom this bill is intended primarily to benefit.

The cooperative system presented as an alternative by the committee preserves to the several States the jurisdiction and sovereignty over the roads within their borders, and yet the interest of the National Government in those roads as agencies for the discharge to the people of a national function in the delivery of mails, from the standpoint of the general welfare, has not been disregarded.

Will it not also follow that as we build and maintain and extend this system or network of rural post roads better methods of construction and management will result; that through the States themselves or the local communities or through private donations and subscriptions the whole system of rural post roads will be connected, the roads of adjoining States linked together, and by degrees, as means and capital are available, a great road system will be built up by the people themselves, and thus we find ourselves accomplishing the dream of road expansionists, in having roads that "begin somewhere and end somewhere"?

In the bill we present in its alternative features we are, so to speak, feeling our way.

If it is found that its plans are defective or inadequate or that what we contemplate under its provisions are not realized after a fair trial, it will be easy to adjust the basis of Federal participation in the light of experience.

I do not speak as one versed technically on this subject, which is a very difficult as well as a very large one. Every proposed solution has in it good features, but in this initial and experimental stage of road building we feel that the bill presented to the House promises a maximum of good results with a mimimum of complications.

[Mr. McKELLAR addressed the committee. See Appendix.]

[Mr. SIMS addressed the committee. See Appendix.]

[Mr. DECKER addressed the committee. See Appendix.]

[Mr. STEENERSON addressed the committee. See Appendix.]

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. KAHN. Mr. Chairman, I favor this bill. The building of roads by the Government is not a new proposition. As early as 1806 Congress appropriated money for the construction of the Cumberland Road, and the arguments urged in its favor were very similar to the arguments presented in favor of the present bill. The appropriations for that road continued for over 30 years. Later on, when railroads were being constructed in the various States of the Union, it was deemed that thereafter they would be the means of bringing the products of the farm, the factory, and the workshop to the urban centers and the seaboard of the Nation. Therefore Congress made no further appropriations for road construction. But, in my judgment, the time has come when the Government can well afford to take up that policy once more. I do not look upon the expenditure of money for this purpose as being in the nature of a "pork barrel." The Government has been very liberal toward railroad corporations in developing the great western areas of the United States. Those railroads would probably not have been built until a much later period if the Government had not lent its valuable assistance. There can be no question as to the great factor the Government land-grant railroads have been in the upbuilding of the West. The roads provided for in this bill will enable the rural letter carriers to bring the mail to the residents of the rural districts with much greater facility than they do at present. They will prove of inestimable value as military highways if the occasion for such use should ever arise. These roads will enable the farmer to bring his crops of garden truck to the urban centers with greater facility. In that way it will probably have a very important bearing upon the question of the high cost of living. I hope that the time will come when the Government will also undertake to construct canals in the various sections of the country so as to afford additional facilities for the farmers of the United States to market their crops without too much reliance upon the railroads.

In Europe there is scarcely a stream of any consequence that is not paralleled by a canal. The result is that in European countries the questions of exorbitant rates and fares for railroad transportation are seldom heard. The good roads and the canals afford the needed competition to keep down excessive railroad rates. In our own country no State has done more for good roads and for canals than the Empire State of New York. That State has secured a direct benefit for its shippers by reason of its great expenditures for these public utilities. The rates of fares and freights in New York are probably lower, and have always been lower, than in any other State in the Union. It may be asserted that this is due largely to the great number of passengers and the volume of freight carried by the railroads. But I feel quite confident that if the Erie Canal and the excellent roads that are found throughout the entire State of New York were nonexistent the railroad rates would be materially higher there than they are to-day. For these reasons I believe that this bill ought to be enacted into law. My own State of California is at present expending millions of dollars for the improvement of its roads. It has always been ready to do its share toward improving conditions of transportation for its inhabitants. Many other States have also expended large sums for good roads. What with the effort on the part of the States themselves and the aid given by the Government under this bill the good roads throughout this country will multiply enormously and will conduce to the comfort, the enjoyment, and the happiness of the American people.

Mr. LAFFERTY. Mr. Chairman, I said a few words in favor of this bill while it was under general debate. And now, being inspired to do so by the valuable suggestions of a distinguished Oregonian who sits by my side, and who served as a Member of this House 30 years ago, and for many years thereafter, Hon. Binger Hermann, I desire to add just a word of historical data which seems appropriate.

Oregon and Missouri are historically linked together upon the subject of good roads. It was from Missouri, then the western frontier of the Nation, that a band of heroic men and women set out in 1843 for Oregon. It was due to that courageous band of emigrants that the first wagon crossed the continent to the Pacific Ocean.

It was the Applegates, the Waldos, the Nesmiths, and the Burnetts of Missouri, with the martyred Dr. Marcus Whitman, who blazed the way and laid out the pioneer wagon trail, thus becoming the actual pathfinders in advance of Fremont. It was due to the inspiring eloquence of Senator Benton, of Missouri, in picturing the possibilities of the Pacific Northwest, that these hardy Missourians were moved to go to Oregon 71 years ago. Their going saved the Oregon country to the Nation, as against the rival claims of Great Britain.

The measure now before us was written and is championed by another distinguished Missourian [Judge SHACKLEFORD]. It is but the beginning of a great national undertaking, which will make travel and transportation by wagon a comfort and a delight. From the Pacific coast I extend a hand, as would all our people if they could, to the author of this great measure.

Mr. BRUMBAUGH. Mr. Chairman, we are now considering this great measure, known as the good-roads measure, under the five-minute rule. It is not my intention to attempt any speech upon this occasion, as the measure is so manifestly beneficial to all our citizens and to the entire country that I do not consider that the measure needs any speech in its defense or in its behalf. I am very heartily and earnestly in favor of this bill. I simply rise to make a few observations which this measure suggests, showing its far-reaching, beneficial effect.

The passage of this bill will have a far-reaching influence in many directions, and it is this feature that I shall briefly allude to rather than attempt any discussion in defense of the bill.

GOOD ROADS AND FLOOD PROTECTION RATHER THAN WARSHIPS.

Our actions to-day in passing this measure, as I feel confident we shall by an immense majority pass it, speaks in thunder tones of that growing sentiment for peace—that peace that is soon to be—for when we, as Members of Congress of the United States, prefer to vote the people's money for building good roads for the benefit of the humblest of our citizens and all our citizens, and also for the fortification of our rivers and streams to prevent floods and overflows and to protect the homes of all the people, and particularly the homes of the humblest of our people who most frequently reside in the danger portions along our streams and rivers, rather than vote to appropriate this money for the building of great battleships that float in idleness the seas at great expense to challenge quarrels; I repeat our action, thus expressed, indicates the oncoming of a growing demand, not only for peace, but for a wiser expenditure of the people's money.

GOOD RESULTS FOLLOWING GOOD ROADS.

In the few moments which I have at my disposal I can only note a few of the good results that will follow from this bill. One fine effect that must be apparent to all is the growing sentiment of brotherhood among our citizens, or sisterhood among the States, so to speak. This spirit is manifest when

States that possibly need help for good roads least and will, in addition, pay most of the appropriation, are willing to vote this help to States that need it most and will pay least for the benefits that flow therefrom.

Another benefit to all the people, regardless of citizenship in any State, will be the good effect in inducing our young people to stay on the farm, thus helping solve the ever-important question of supply and demand and high prices of food supplies, for when we have good roads, such as I feel that in a few generations we will have, few, I take it, but what would prefer the freedom and enjoyment of residing outside of the cities rather than in them, and the attraction to stay on the farm will be very materially increased.

Another great benefit that will come from this bill, and one that appeals to me very strongly indeed, is this: It presents better facilities and better opportunities to the people in the country for school-going and church-going privileges, and this means, of course, a stronger, better citizenship and a stronger, better, greater United States of America. [Applause.]

We are making better roads for the little feet that travel the dirt roads to the country schoolhouse; we are making better roads for people who attend their places of worship in the country; and the country schoolhouse and the country church, in my estimation, should always be maintained and encouraged. By this means we are giving to all the people the greatest boon which Heaven can vouchsafe to man—the opportunity for that culture of mind which should lift mankind nearer his Maker.

Mr. Chairman, if it shall turn out in the years that lie before us that our efforts in behalf of good roads shall have this effect in the life and development of our people, then we can look back and see that we have not only been building a highway of trade and commerce but a highway of righteousness through the lives and hearts of all our people as well. I trust this may be so, and I therefore most cheerfully give my support to this bill. [Applause.]

[Mr. THOMSON of Illinois addressed the committee. See Appendix.]

[Mr. TEMPLE addressed the committee. See Appendix.]

Mr. KIRKPATRICK. It is evidently manifest that the Congress of the United States will hereafter pave the roads of the country with other than good intentions, and I am in hearty accord with the main provisions of the bill. It is a long stride in the right direction.

President McKinley said, "We can not continue selling our products to the outside world and never purchase the wares of other countries in return." By this act of legislation we are surely returning to the people at least some of the taxes wrung from honest toil. The people in a great measure are to come into possession of their own. The advantages to be derived are not local or sectional—they are national. We do not segregate the interests of townfolk from those of the people living in rural districts; on the contrary, we now are solidifying and harmonizing the interests of all. This bill offers facilities for a better and more rapid distribution of the mail, and affords a speedier and better means to the farmer for transporting the products of his toil to the consumer. It is an admirable working out of the old adage, "You tickle me, and I'll tickle you."

The bill may possibly be crude in some of its formalities, but of these the future Members of Congress will be cognizant, and in nowise unmindful of their solemn obligations. This is one of the few measures introduced here that is completely shorn of all partisan objection or party fealty. It is an awakening to better promise of bringing all the people into stronger commercial relations, and, better still, it will insure fraternal greetings such as have never before been exercised by citizens of both town and country.

Then let us by all means try out the provisions of this bill from a broad and liberal viewpoint, so that bad roads will in the future no longer burden us as we advance along the lines of new and progressive ideas.

[Mr. HAMILTON of Michigan addressed the committee. See Appendix.]

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent to return to section 3 for the purpose of introducing a committee amendment which was overlooked.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to section 3 for the purpose of offering a committee amendment. Is there objection?

There was no objection.

Mr. SAUNDERS. Mr. Chairman, I send to the desk a committee amendment which was inadvertently overlooked in the consideration of the bill on yesterday.

The Clerk read as follows:

Page 3, line 24, after the semicolon, strike out the following language:

"That such construction and maintenance shall be conducted under such supervision as shall have been previously agreed upon by the Secretary of Agriculture and said officer or officers of said State."

And insert in lieu thereof the following:

"That the several States shall afford such inspection and supervision of said construction and maintenance as shall be required by the Secretary of Agriculture."

Mr. SAUNDERS. Mr. Chairman, this amendment was voted by the committee and was intended to be offered yesterday.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SAUNDERS].

The amendment was considered and agreed to.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. SHACKLEFORD. Mr. Chairman, I ask that all debate on the bill be concluded in 10 minutes.

Mr. DONOVAN. Mr. Chairman, I think the gentleman from Missouri must mean the section and not the bill.

Mr. SHACKLEFORD. I will ask, Mr. Chairman, unanimous consent that debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, there is a very natural and widespread desire on the part of the American people for some action by the Federal Government toward the improvement of rural highways, and that desire is joined in as much by the people of the cities as by people in the rural sections. This country is one whole—it is one Nation in its interests, in its sentiment, and in its destiny. There is no divison of sentiment on the subject of good roads between those who live in the city districts and those who live in the country. [Applause.] The cities realize that the work and improvement of the roads directly benefits the commerce of the Nation, raises the standard of American citizenship, makes a higher plane of living all over the land, and improves the means of communication and transportation into the country, making it one indissoluble Nation. There is no chain so powerful as transportation to combine all sections of the country together. In this great matter of good roads any attempt to make an issue as to the different interests of the city and the country must necessarily fail before the judges of an impartial Nation.

When we come to appropriate $25,000,000 of the people's money it is the money of the people of the cities as well as the money of the people of the country. We are charged with the duty of finding a way to expend that money to accomplish the result which the people want, and that duty we can not shirk or abdicate. We can not say that our intentions were good; that we had good sentiment behind us in advocating a certain law that we are so in favor of that we do not care about the details of it. That is no answer to the responsibility which the Members of this House are put under. The Member is here not to express a sentiment, but to legislate. There is some place which is said to be paved with good intentions, but I never saw a road paved with good intentions that was satisfactory to the people. No road in this country paved solely with good intentions will be satisfactory to the people if it costs $25,000,000 of the people's money.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MANN. If the country roads were paved with good intentions, the gentleman would be willing to have that done by the Federal Government, but if it is to cost money he does not want it done?

Mr. BORLAND. I am in favor of having the roads paved by Government money if it can be properly done.

Mr. MANN. I am glad to know it, for I did not suppose that was the case.

Mr. BORLAND. The gentleman has not heard what I have said.

Mr. MANN. I have been watching the gentleman closely for several days, and I did not think he was in favor of it.

Mr. BORLAND. I think that a great many of these country roads have been paved with good intentions, and the time is coming when the people's money, which is expended therefor, must be expended on the roads. In this House that is true, and we face the responsibility for the expenditure of this money.

Now, section 5 is the one saving clause of the bill. It says that the Secretary of Agriculture shall have the power to make all needful rules for the proper administration of the provisions of this act. He will make them. In the absence of any workable

rule in the bill the Secretary of Agriculture will make them. In the absence of a workable rule in the $500,000 appropriation we made at the last session the Secretary of Agriculture made the rules. In other words, the executive will legislate and we will abdicate, as we have frequently in the past.

The CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent for half a minute.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to address the committee for half a minute. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman, I believe I have made the best speech that has been made on this bill, because I have not said a word.

Mr. MANN. Stick to it. [Laughter.]

Mr. THOMAS. I would say that the gentleman from Illinois [Mr. MANN] could profit by my example. [Laughter.]

Mr. Chairman, the people of this country may want a speech from me and may want to read it, therefore I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

That in computing the amount each State has contributed to the improvement of its rural post roads no credit shall be given any such State for the employment of convict labor on such roads, unless the amount charged by such State for each convict so employed shall be placed to the credit of each convict, less a reasonable amount charged such convict for subsistence when so employed.

Mr. GOOD. Mr. Chairman, I believe public sentiment in this country is opposed to convict labor.

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I believe that in writing this law upon as great a subject as we are now legislating upon Congress ought to put its stamp of disapproval upon convict labor, unless the convict is given credit for his labor that may be used for the support of his family. The gentleman from Alabama [Mr. HEFLIN] referred in a rather uncomplimentary way to an experiment that is being attempted to-day in the State of Iowa with regard to caring for convicts, and I want to say to the gentleman from Alabama that the great State he represents in the House could, with credit to itself and honor and glory to this country, follow in the footsteps of Iowa in the care of its convicts. [Applause.] We are doing simply this: We are permitting the convicts to work that they may become useful citizens when they leave the reformatory or the State's prison. When they work they are given credit for the labor they perform; they are paid a reasonable wage and are charged a reasonable amount for subsistence, and the money they thus earn goes to the support of the family of that convict, which is too often left in destitute circumstances, and a part of it is saved to give the convict when he leaves the prison a free man, so that he will not be turned out destitute.

The men who are foremost in the study of this question say that it is the greatest step yet taken by any Commonwealth of the country in the care of its unfortunates who are confined in prison.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I can not yield.

The greatest hardship that arises in a community because it has imprisoned some one is found in the misfortune that falls upon the family of the convict. We punish the convict, the criminal, and while doing so we are also adding greater penalties and punishment to the family of that unfortunate person. This provision, if adopted, will simply provide this: If convict labor is employed upon our public highways, and States are to reach their hands into the Federal Treasury because of that employment, then the unfortunates shall be given the credit for their employment. What objection can there possibly be to this plan? Why does the great State of Alabama want to use this entire amount that would be allotted to that State and then employ convicts to do the work and not pay them a penny for their labor? That State would then receive about $580,000 to expend upon its roads, but by employing convicts it would not be obliged to expend any of it. It is not fair. It is not fair to honest labor; it is not just to the convicts; and it will be a disgrace upon a great body such as this to so legislate in the face of the statement of the gentleman from Missouri that that is one of the objects of the measure. He says that in the State of Colorado they employ their convicts on the public highways without guards. They simply turn them out in the morning, and they work until night and then go back into the penitentiary. That kind of an argument is about in keeping with some of the provisions of the bill.

Mr. Chairman, I submit that this amendment ought to be adopted. It is in line with the best thought in the country in respect to the care of convicts, and it will do injury to absolutely no State.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GOOD) there were—ayes 44, noes 82.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. That necessary bridges and culverts shall be deemed to be a part of the respective roads constructed, improved, or maintained under the provisions of this act.

Mr. TREADWAY. Mr. Chairman, I have an amendment which I desire to offer.

Mr. SHACKLEFORD. Mr. Chairman, before the gentleman offers his amendment, I ask unanimous consent that all debate on this section and all amendments thereto conclude in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the paragraph and all amendments thereto conclude in five minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, the Chair ought to know by this time that a motion of that kind is not in order before there has been debate.

The CHAIRMAN. But the gentleman asked unanimous consent.

Mr. SHACKLEFORD. I ask unanimous consent.

Mr. BRYAN. Mr. Chairman, I ask that it be made 10 minutes.

The CHAIRMAN. Does the gentleman from Washington object?

Mr. BRYAN. I object.

Mr. SHACKLEFORD. Mr. Chairman, then I ask unanimous consent that it be concluded in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, I object.

Mr. TREADWAY. Mr. Chairman, the amendment I offer is in the nature of a new section, to come in after line 3, on page 6, and the conclusion of section 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 3, after the word "act," as a new section, insert the following:

"That one-half the amount of the first appropriation under this act shall be distributed among the States which have made appropriations for improved highways in proportion that the mileage of improved highways in each State bears to the improved mileage in all the States."

Mr. TREADWAY. Mr. Chairman, this amendment is offered following along the line of the remarks I made yesterday, wherein I stated it appears to me that certain credit ought to be given States for work that has been done previous to the adoption of this bill. There are many States in the Union, and the one I have the honor in part to represent is one, where they have for years been making appropriations for improved highways. It seems to me a hardship that no credit should be given the States for the work that has been done previous to the adoption of this bill. I have tried very hard to find in this bill any place where any credit is to go to the States for any previous construction. I find we can secure from $15 to $60 per mile for maintenance of roads previously constructed, but that we have no credit whatever for the work of construction already done. The committee can not show us where any credit does exist for any previous construction, and it is quite evident that it is not so intended. I hope the bill will be so construed, but I fear it will not be.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Therefore, Mr. Chairman, I ask that this be designated as part of the purposes for which the first appropriation shall be made.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. TREADWAY. Mr. Chairman, I yield to the chairman of the committee.

Mr. HOWARD. Mr. Chairman, as I understand it, the chairman of the committee desires to make a motion to close debate, and I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor.

Mr. TREADWAY. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. HOWARD. Mr. Chairman, I want to ask the gentleman if he does not interpret the provisions of this bill to mean that as long as there are any roads in Massachusetts to improve Massachusetts will get the benefit under the classification for the roads already constructed.

Mr. TREADWAY. Mr. Chairman, I do not so construe it, and the committee does not seem to explain it in that way—that any road that has previously been constructed as an improved highway receives any credit under this bill. It does not, other than the fifteen to sixty dollars per mile for maintenance of the road. I have always been an advocate of good roads and have been especially interested in those reaching outlying rural communities, of which there are many in my district. No class of our people can use good roads to better advantage than those in our smallest rural communities. As it has been the policy in Massachusetts to benefit such sections, I hope when this bill becomes law those in charge of carrying out its provisions will find a way to construe the act so that our State may share in its benefits in proportion to the interest its citizens have had in the cause of good roads. While there are features of the bill I would change, if possible, and while I do not consider that the State I in part represent is treated fairly, I shall vote for the bill on the theory that part of a loaf is better than none.

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto conclude in seven minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the section and amendments thereto conclude in seven minutes.

Mr. MANN. Mr. Chairman, the amendment pending is to insert a new section, and I suppose the gentleman desires to close debate on section 6 and on this new section?

Mr. SHACKLEFORD. Yes; let that be included.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on section 6 and the pending amendment, and all amendments to section 6 and to the pending amendment, conclude in seven minutes. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, I have received a letter from the governor of the State of Washington in respect to this legislation, and I would like to have that letter read in my time.

The Clerk read as follows:

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, February 5, 1914.

Hon. J. W. BRYAN,
Washington, D. C.

MY DEAR MR. BRYAN: I received your letter of December 30, in relation to the road bills now pending before Congress. I have withheld answering the letter until I could become a little better informed regarding the bills before you and also so that I might have an opportunity of talking the matter over with our State highway commissioner.

In Washington we are doing more systematic road work than ever before. The State, from its public highway fund, is undertaking to do a large part of the work on main highways connecting the different counties of the State together. With the permanent highway fund, expended by the county commissioners of the several counties, commissioners are doing work on main highways through the counties and also upon the more important roads within the counties. The road and bridge and other funds are used for extending and repairing the country roads.

I believe that our State would receive more real benefit from a Federal appropriation if it were based upon a fixed amount per mile, to be turned over to the highway department of the State, and to be expended in places where the State expends an equal amount. Personally I would have no objections to the provision calling for the State expending twice the amount that would be appropriated by the Federal Government. Some such plan as this followed would be of material assistance to the State highway department in carrying out the general plan for the construction of main highways throughout the State. It would also avoid the possibility of parallel roads being constructed—one by the Federal Government and one by the State.

This is just made to you as a suggestion. The bill that comes most nearly fitting such a condition as this would, in my opinion, be the bill that would be most acceptable to the State of Washington.

Yours, very truly,

ERNEST LISTER, *Governor.*

Mr. PROUTY. Mr. Chairman, I think the criticism made by the gentleman from Massachusetts [Mr. TREADWAY] is not well founded. This is a proposition and a question that we considered early in the framing of this bill. If you will read the bill carefully, you will find that under the third section the States, if they desire to adopt that method, will get the same amount of money whether they have any improved roads or not. It makes no difference whether they have improved or unimproved roads under section 3. And so long as they have any roads in their State which they desire to improve, and are willing to put up their money to meet it, they will get the benefit under the provisions of this bill. Under the plan provided in section 4 we were careful to make an equitable allowance and provision for taking care of the situation called to our attention by the gentleman from Massachusetts [Mr. TREADWAY]. Where a State has improved its own roads and made them of macadam they get $60 a mile; when they have improved them in another way they get $30 a mile; and when they have improved them in another way they get $15 a mile; and in that way every State can secure equitable and fair treatment of the situation as it is.

Mr. MANN. Will the gentleman yield?

Mr. PROUTY. With pleasure.

Mr. MANN. Under this provision are they not authorized to expend this money for the extension of any of these roads?

Mr. PROUTY. Yes; or the improvement of them.

Mr. MANN. I mean, taking a macadam road that is built, they get $60 a mile. Now, they are authorized to extend that road, and the extension, I suppose, comes under this provision?

Mr. PROUTY. Surely. I think the bill, as it is drawn carefully, takes care of the general criticism the gentleman raises.

Mr. GOULDEN. I would like to ask the gentleman if that $60 on the macadam road can be used for maintenance?

Mr. PROUTY. Yes.

Mr. PARKER. Do you consider that $60 a mile for the maintenance of macadam roads that cost $8,000 or $10,000 a mile is an equitable division with $15 a mile for the maintenance of a dirt road when it has been demonstrated time and time again that it costs from $1,000 to $3,000 a mile to repair a macadam road?

Mr. PROUTY. The question that the gentleman asks me would lead me to a question the discussion of which would not be parliamentary at this time.

Mr. PARKER. The gentleman made a statement that he thought that was an equitable division.

Mr. PROUTY. I will say that the distribution that is made in the bill is as nearly equitable as you can get it. I do not say that always and under all circumstances it is equitable, but it is a pretty fair division.

Mr. WOODRUFF. Will the gentleman yield?

Mr. PROUTY. I will.

Mr. WOODRUFF. Is it not a fact that the purpose of the provisions of this bill is to promote the proper maintenance of roads?

Mr. PROUTY. Yes.

Mr. WOODRUFF. Now, is it not a fact that it does not cost $1,500 to $3,000 per mile to maintain a macadam road if the proper work is done on that road annually as it should be? In my county we have something like 125 miles of macadam road, and we aim to put the proper amount of work on those roads each year. And I say to the membership of this committee that when the proper amount of work is put upon those macadam roads each year it does not cost to exceed $150 per mile.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent for one minute in order that I may ask the gentleman from Iowa one more question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TREADWAY. It is this: He said that this matter which was proposed in my amendment has been carefully considered, namely, for credit for money already spent by a State, and that it is included in the bill in some way.

Mr. PROUTY. I did not say that. I beg the gentleman's pardon.

Mr. TREADWAY. My proposition is this: Massachusetts has spent $14,000,000 for improvement of highways, and will we under the bill get any credit for that sum, in proportion, as you are distributing this $25,000,000?

Mr. PROUTY. I think you will get the same credit that any other State will get for postal roads.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill, as follows:

SEC. 7. That this act shall be in force from and after July 1, 1914.

Mr. BORLAND. Mr. Chairman, I offer a substitute for the bill by striking out all after the enacting clause and inserting the following. I want to say in offering this that inasmuch as I offered the substitute section by section I am going to ask unanimous consent that it be not read. I offered a substitute section to each section of the bill.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] offers a substitute to the bill, and, for reasons stated by

him, he asks unanimous consent that it be not read. Is there objection?

There was no objection.

The substitute is as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of Agriculture is hereby authorized to expend an amount not exceeding $25,000,000 in any one year in cooperating with the States of the Union in improving, constructing, and maintaining rural highways available for use by the United States for post roads, military roads, and interstate-traffic roads. Such funds shall be apportioned among the several States as follows: One-half in the proportion that the mileage of the post roads within the State bears to the total mileage of post roads in the United States, exclusive of star routes, and one-half in the proportion that the commodities produced within the State bears to the total production of commodities in the United States.

SEC. 2. For the purpose of improvement, construction, and maintenance, the rural roads of the country shall be classified into three classes, on the basis of the amount of traffic which the roads carry or are capable of carrying. Class A shall embrace interstate highways connected with a general system of highways throughout the United States; class B shall embrace State highways, main branches, and feeders for the interstate highways, which shall extend into every county within the State; class C shall embrace county highways and local post roads connected with a market town and with a main interstate or State highway.

SEC. 3. The Secretary of Agriculture shall, with the assistance of the Office of Public Roads of the Department of Agriculture, establish standard specifications as to grades, drainage, bridges, culverts, roadbeds, and the surfacing of the various classes of roads, having in view the topography of the country, the character of the soil, the climate, the kind and accessibility of road material. The Office of Public Roads of the Department of Agriculture shall continue the investigation and classification of scientific information upon the proper location, grading, drainage, construction, and maintenance of rural roads, and shall at all times furnish to State highway departments or highway engineers expert advice and assistance on such subjects.

SEC. 4. The governor of each State may make, under his hand and the seal of the State and file with the Secretary of Agriculture of the United States, a statement setting forth: First, that the State has a highway department or a highway engineer with full legal powers to improve, construct, or maintain rural highways; second, the road or roads within the State to be improved, constructed, or maintained under each of the classes hereinbefore specified; third, the amount of funds available within the control of the highway department or highway engineer of the State for such improvement, construction, and maintenance, which shall not be less than double the allotment to which the State is entitled from the funds of the United States under the terms of this act; fourth, the amount and character of the work which the State will do within the next fiscal year, and the use which is desired to be made of the funds allotted to the State by the Secretary of Agriculture under the authority of this act. Such statement may be filed at any time after the approval of this act, and an annual statement showing necessary changes for the ensuing fiscal year shall be filed on or before the 20th day of January of each year. All subsequent statements after the first statement filed by the governor shall show in detail the amount of the improvement, construction, and maintenance of roads accomplished by the State in the prior fiscal year, together with the specific use which has been made of the allotment from the funds of the United States under the terms of this act. The Secretary of Agriculture shall examine said statement and determine: First, whether the State has a highway department or highway engineer clothed with full legal powers over the improvement, construction, and maintenance of rural roads; second, whether the work to be done by the State is feasible and practical within the estimate, and of a proper engineering character to bring the roads within the class or classes designated; third, whether the State under its constitution and laws can cooperate with the United States in the improvement, construction, and maintenance of the roads; fourth, whether a proper fund is provided for the maintenance of the system of roads within the State as constructed or proposed to be constructed. If the Secretary of Agriculture be satisfied on these points, he shall adopt the location and classification of the roads as specified by the governor of the State and shall allot to the State its proportion of the road fund created by this act for the fiscal year next ensuing. If the statement as filed by the governor shows a larger amount of improvement, construction, and maintenance of roads than the funds available, including the allotment from the funds of the United States, will be sufficient to accomplish, the Secretary of Agriculture shall withhold the funds until the estimate is reduced. If in any subsequent year after the allotment to a State of funds from the United States the statement of the governor fails to show improvement, construction, or maintenance of roads reasonably approximate to the estimate made, subject to the judgment of the Secretary of Agriculture, he shall withhold the allotment of money under the terms of this act until the proportion of road work in the State is brought up approximately to the estimate submitted, having in view climatic conditions, increased cost of material, or any unforeseen events or factors.

SEC. 5. The Secretary of Agriculture is authorized to make rules and regulations for the purpose of carrying into effect this act, which rules shall include reasonable provisions for the proper scientific maintenance of the roads of the various classes as the same may be constructed. He shall not approve any estimate for the improvement or construction of roads without adequate provision for the maintenance of the roads so improved or constructed in the class to which they belong. The governor of the State may, with the approval of the Secretary of Agriculture, in any annual statement change the classification of particular roads.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the substitute was rejected.

Mr. SHACKLEFORD. Mr. Chairman, I ask that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11686, entitled "A bill to provide that the United States shall, in certain cases, aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads," and had instructed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHACKLEFORD. Mr. Speaker, I move the previous question.

The SPEAKER. The previous question has already been ordered under the rules. Is a separate vote demanded on any particular amendment? [After a pause.] If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SAUNDERS. Mr. Speaker, I ask for the yeas and nays.

Mr. LANGLEY. The yeas and nays, Mr. Speaker.

The SPEAKER. The question is on the passage of the bill, and on that the gentleman from Virginia [Mr. SAUNDERS] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 284, nays 42, answered "present" 5, not voting 101, as follows:

YEAS—284.

Abercrombie	Dillon	Humphreys, Miss.	Reilly, Wis.
Adair	Dixon	Igoe	Roberts, Mass.
Adamson	Donohoe	Jacoway	Rothermel
Aiken	Doolittle	Johnson, Ky.	Rouse
Alexander	Doremus	Johnson, S. C.	Rubey
Anderson	Doughton	Johnson, Utah	Rucker
Ansberry	Dupré	Johnson, Wash.	Russell
Anthony	Dyer	Keating	Saunders
Ashbrook	Eagle	Keister	Scott
Aswell	Edmonds	Kelly, Pa.	Seldomridge
Avis	Elder	Kennedy, Iowa	Sells
Baker	Esch	Key, Ohio	Shackleford
Baltz	Estopinal	Kiess, Pa.	Shreve
Barkley	Faison	Kinkaid, Nebr.	Sims
Barnhart	Falconer	Kirkpatrick	Sinnott.
Bartholdt	Farr	Kitchin	Sisson
Bartlett	Fergusson	Knowland, J. R.	Slemp
Barton	Ferris	Konop	Sloan
Bathrick	Fess	Kreider	Small
Beakes	Fields	Lafferty	Smith, Idaho
Bell, Cal.	Finley	La Follette	Smith, J. M. C.
Bell, Ga.	FitzHenry	Langley	Smith, Md.
Booher	Flood, Va.	Lazaro	Smith, Minn.
Borchers	Floyd, Ark.	Lee, Ga.	Smith, N. Y.
Britten	Fowler	Lee, Pa.	Smith, Saml. W.
Brockson	Francis	Lenroot	Smith, Tex.
Brodbeck	Frear	Lever	Sparkman
Broussard	French	Lieb	Stedman
Brown, N. Y.	Gard	Linthicum	Steenerson
Brown, W. Va.	Garner	Lloyd	Stephens, Cal.
Browne, Wis.	Garrett, Tex.	Lobeck	Stephens, Miss.
Bruckner	Gittins	McAndrews	Stephens, Nebr.
Brumbaugh	Glass	McClellan	Stone
Bryan	Good	McDermott	Stout
Buchanan, Tex.	Gordon	McGillicuddy	Stringer
Burgess	Gorman	McKellar	Taggart
Burnett	Goulden	McKenzie	Talbott, Md.
Butler	Graham, Ill.	McLaughlin	Tavenner
Byrns, Tenn.	Green, Iowa	Maguire, Nebr.	Taylor, Ark.
Callaway	Greene, Vt.	Manahan	Taylor, N. Y.
Candler, Miss.	Gregg	Mann	Temple
Cantrill	Griest	Mapes	Thomas
Caraway	Gudger	Mondell	Thompson, Okla.
Carlin	Guernsey	Montague	Thomson, Ill.
Carr	Hamilton, Mich.	Moon	Towner
Carter	Hamilton, N. Y.	Morgan, La.	Treadway
Chandler, N. Y.	Hamlin	Morgan, Okla.	Tribble
Clancy	Hammond	Moss, Ind.	Underhill
Clark, Fla.	Hardwick	Moss, W. Va.	Underwood
Claypool	Hardy	Murray, Okla.	Vare
Clayton	Harrison	Neeley, Kans.	Vaughan
Cline	Hart	Neely, W. Va.	Volstead
Collier	Haugen	Nelson	Walker
Connelly, Kans.	Hawley	Nolan, J. I.	Wallin
Cooper	Hay	Norton	Walters
Copley	Hayden	Oldfield	Watkins
Covington	Heflin	Padgett	Watson
Cox	Helgesen	Page, N. C.	Weaver
Cramton	Helvering	Paige, Mass.	Webb
Crisp	Henry	Park	Whaley
Crosser	Hensley	Parker	Whitacre
Cullop	Hinds	Patton, Pa.	White
Curry	Hinebaugh	Peters, Me.	Williams
Dale	Holland	Peterson	Willis
Davenport	Houston	Pou	Wilson, Fla.
Davis	Howard	Prouty	Wingo
Decker	Hughes, Ga.	Quin	Winslow
Dent	Hughes, W. Va.	Rainey	Woodruff
Dershem	Hulings	Rauch	Woods
Dickinson	Hull	Rayburn	Young, N. Dak.
Dies	Humphrey, Wash.	Reed	Young, Tex.

NAYS—42.

Borland	Gardner	McCoy	Sherwood
Bulkley	Garrett, Tenn.	Metz	Stafford
Calder	Gerry	Mitchell	Stephens, Tex.
Cantor	Gilmore	Mott	Stevens, Minn.
Carew	Greene, Mass.	O'Leary	Stevens, N. H.
Conry	Griffin	O'Shaunessy	Talcott, N. Y.
Danforth	Kennedy, R. I.	Phelan	Thacher
Deitrick	Kindel	Platt	Townsend
Donovan	Kinkead, N. J.	Post	Witherspoon
Eagan	Korbly	Reilly, Conn.	
Fitzgerald	Lonergan	Rogers	

ANSWERED "PRESENT"—5.

Allen	Browning	Moore	Morrison
Bowdle			

NOT VOTING—101.

Ainey	Foster	Levy	Porter
Austin	Gallagher	Lewis, Md.	Powers
Bailey	George	Lewis, Pa.	Ragsdale
Barchfeld	Gillett	Lindbergh	Raker
Beall, Tex.	Godwin, N. C.	Lindquist	Richardson
Blackmon	Goeke	Loft	Riordan
Buchanan, Ill.	Goldfogle	Logue	Roberts, Nev.
Burke, Pa.	Goodwin, Ark.	McGuire, Okla.	Rupley
Burke, S. Dak.	Graham, Pa.	MacDonald	Sabath
Burke, Wis.	Gray	Madden	Scully
Byrnes, S. C.	Hamill	Mahan	Sharp
Campbell	Hayes	Maher	Sherley
Cary	Helm	Martin	Slayden
Casey	Hill	Merritt	Stanley
Church	Hobson	Miller	Sumners
Coady	Howell	Morin	Sutherland
Connolly, Iowa	Hoxworth	Murdock	Switzer
Curley	Jones	Murray, Mass.	Taylor, Ala.
Difenderfer	Kahn	O'Brien	Taylor, Colo.
Dooling	Kelley, Mich.	Oglesby	Ten Eyck
Driscoll	Kennedy, Conn.	O'Hair	Tuttle
Dunn	Kent	Palmer	Walsh
Edwards	Kettner	Patten, N. Y.	Wilson, N. Y.
Evans	Langham	Payne	
Fairchild	L'Engle	Peters, Mass.	
Fordney	Lesher	Plumley	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. HOWELL (for road bill) with Mr. DUNN (against).

Mr. HAYES (for road bill) with Mr. MADDEN (against).

Mr. PLUMLEY (for road bill) with Mr. PAYNE (against).

Mr. BROWNING (for road bill) with Mr. SCULLY (against).

Mr. MOORE (for road bill) with Mr. SLAYDEN (against).

Mr. LOGUE (for road bill) with Mr. PETERS of Massachusetts (against).

Mr. SHERLEY (for road bill) with Mr. GILLETT (against).

Mr. PALMER (for road bill) with Mr. PATTEN of New York (against).

Mr. KAHN (for road bill) with Mr. KENT (against).

Mr. HELM (for road bill) with Mr. BOWDLE (against).

Mr. STANLEY (for road bill) with Mr. ALLEN (against).

Mr. GOEKE (for road bill) with Mr. GOLDFOGLE (against

Until return from Colorado:

Mr. BYRNES of South Carolina with Mr. SUTHERLAND.

Commencing February 6, until return from Colorado:

Mr. FOSTER with Mr. AUSTIN.

Until further notice:

Mr. BURKE of Wisconsin with Mr. CARY.

Mr. CASEY with Mr. BURKE of South Dakota.

Mr. CHURCH with Mr. GRAHAM of Pennsylvania.

Mr. DIFENDERFER with Mr. KELLEY of Michigan.

Mr. EDWARDS with Mr. LEWIS of Pennsylvania.

Mr. EVANS with Mr. LINDBERGH.

Mr. GODWIN of North Carolina with Mr. LINDQUIST.

Mr. GOODWIN of Arkansas with Mr. MCGUIRE of Oklahoma.

Mr. KETTNER with Mr. MACDONALD.

Mr. LEVY with Mr. MARTIN.

Mr. MORRISON with Mr. MERRITT.

Mr. MURRAY of Massachusetts with Mr. MILLER.

Mr. RAKER with Mr. PORTER.

Mr. SABATH with Mr. POWERS.

Mr. SHARP with Mr. ROBERTS of Nevada.

Mr. CONNOLLY of Iowa with Mr. RUPLEY.

Mr. TAYLOR of Alabama with Mr. MORIN.

Mr. TUTTLE with Mr. BARCHFELD.

Mr. TAYLOR of Colorado with Mr. SWITZER.

Mr. BAILEY with Mr. AINEY.

Mr. BLACKMON with Mr. BURKE of Pennsylvania.

Mr. BUCHANAN of Illinois with Mr. CAMPBELL.

Mr. HILL with Mr. LANGHAM.

Mr. JONES with Mr. FORDNEY.

Mr. BEALL of Texas with Mr. MURDOCK.

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a general pair with my colleague Mr. SCULLY, who is opposed to the bill, and I wish to withdraw my vote and be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BROWNING, and he answered "Present."

Mr. ALLEN. Mr. Speaker, did the gentleman from Kentucky, Mr. STANLEY, vote?

The SPEAKER. He did not.

Mr. ALLEN. I voted "nay," Mr. Speaker. I am paired with the gentleman from Kentucky, Mr. STANLEY, and I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ALLEN, and he answered "Present."

Mr. MOORE. Mr. Speaker, did the gentleman from Texas, Mr. SLAYDEN, vote?

The SPEAKER. He did not.

Mr. MOORE. I have a pair with Mr. SLAYDEN, and I voted "yea." Mr. SLAYDEN is opposed to the bill. Therefore I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MOORE, and he answered "Present."

Mr. BOWDLE. Mr. Speaker, did the gentleman from Kentucky, Mr. HELM, vote?

The SPEAKER. He is not recorded.

Mr. BOWDLE. I wish to withdraw my vote, as I had a pair with him. I voted "nay." I desire to answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BOWDLE, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. SAUNDERS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days in which to print remarks on this bill.

Mr. MANN. Reserving the right to object, will the gentleman limit his request to those who spoke upon the bill?

Mr. SHACKLEFORD. I had to deny time to so many Members who wished to discuss this subject that I should like to include all Members of the House. Some who wanted to be heard on this bill are out in Colorado and some are away up in Michigan.

Mr. MANN. They can make the request when they return. It is an exceedingly bad practice to grant general leave on such bills as this.

The SPEAKER. Is there objection?

Mr. MANN. I object to the request in its present form.

Mr. SHACKLEFORD. Then I ask unanimous consent that all Members who have spoken on this bill have leave to extend their remarks in the RECORD.

The SPEAKER. For five days?

Mr. SHACKLEFORD. No; that those who have spoken have leave to revise and extend their remarks on the subject of the bill.

The SPEAKER. The gentleman asks unanimous consent that those who have spoken on the roads bill have leave to revise and extend their remarks in the RECORD on that subject. Is there objection?

There was no objection.

Mr. RAKER. I ask unanimous consent that I may be recorded in favor of this bill. I had some work down at one of the departments, and rushed up here as quickly as I could. I hope the House will give me unanimous consent to be recorded in favor of the bill.

Mr. MANN. That is not possible under the rules of the House. The Chair can not even submit such a request.

Mr. RAKER. It has been done. I tried to get up here as soon as I could.

Mr. MANN. If the gentleman had started before 12 o'clock, he would have been here before the vote was taken.

Mr. RAKER. I was here, and stayed here until I understood the matter was not to be voted upon until later. We had a lot of men from California before the Attorney General, and we went down to the meeting.

Mr. MANN. This has no business to go into the RECORD.

Mr. RAKER. Will the Chair submit my request?

The SPEAKER. That would be an extremely hazardous practice to enter upon.

NAVAL MILITIA.

The SPEAKER laid before the House the bill (H. R. 8667) to promote the efficiency of the Naval Militia, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. PADGETT. Mr. Speaker, I move that the House agree to the Senate amendments. They are purely verbal and do not change at all the essence of the bill as it passed the House, but simply correct the verbiage.

The SPEAKER. The gentleman from Tennessee moves to agree to the Senate amendments.

The motion was agreed to.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the good-roads bill.

Mr. FARR. I make the same request.

Mr. REILLY of Connecticut. I make the same request.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON], the gentleman from Pennsylvania [Mr. FARR], and the gentleman from Connecticut [Mr. REILLY] ask unanimous consent to extend their remarks on the good-roads bill. Is there objection?

There was no objection.

LEAVE TO WITHDRAW A REPORT.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to withdraw the report of the Committee on Military Affairs upon House bill 8479, for the purpose of amending it.

Mr. MANN. May we have a statement of what the bill is?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 8479) to repeal section 3 of article 110 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks unanimous consent to withdraw the report of the Committee on Military Affairs on this bill and to file another report. Is there objection?

There was no objection.

DALLAS CORN EXPOSITION.

The SPEAKER appointed as the committee to attend the Dallas (Tex.) Corn Exposition, Mr. SLAYDEN, Mr. SUMNERS, Mr. GARRETT of Texas, Mr. HENRY, Mr. BEALL of Texas, Mr. WINGO, Mr. TAGGART, Mr. SCOTT, Mr. MCKENZIE, Mr. SLOAN, and Mr. BRYAN.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915; and, pending that, I ask gentlemen on the other side if we can agree on the time for general debate. I do not see the gentleman from Kansas [Mr. CAMPBELL], the ranking Republican member of the committee, in the Hall at this moment.

Mr. MANN. I think the gentleman from North Dakota [Mr. NORTON] is the ranking Republican member of the committee present.

Mr. NORTON. This side desires at least four hours for general debate.

Mr. STEPHENS of Texas. Two hours on a side?

Mr. NORTON. No; we desire four hours on this side.

Mr. STEPHENS of Texas. I hoped that we could get along with four hours, two hours on this side and two hours on that, and I hope the gentleman will agree to that.

Mr. MANN. We absolutely need four hours on this side, I will say to the gentleman.

Mr. STEPHENS of Texas. Will the gentleman then agree to five hours, if we take two hours on this side and give to gentlemen on that side three hours?

Mr. MANN. We will agree to four hours.

Mr. STEPHENS of Texas. We will concede you one hour of our time.

Mr. MANN. The gentleman had better make it six hours, and give us four hours and take two for his side. Gentlemen who have speeches to make might as well have the opportunity at one time as another.

Mr. CARTER. I think there are several Members on this side who have speeches that they want to get out of their systems. I would not care to agree to take less time on this side than is given to the other side. If the gentleman from Texas [Mr. STEPHENS] will permit, I think we had better agree to four hours on a side.

Mr. STEPHENS of Texas. I am sure we will not need all of that time on our side, and we will give some of it to that side.

Mr. MANN. Well, give it to us now.

Mr. STEPHENS of Texas. I think it would be hardly the fair thing to do, not knowing what direction the debate may take, to give you double the time we have.

Mr. MANN. We do not ask that. Suppose you give us four hours and you take four hours. You are not required to use it; and if we can get along without it, we will not use it.

Mr. STEPHENS of Texas. That is a long while for general debate; but I would rather agree to it than leave the matter open.

Mr. MANN. The gentleman had better agree to it. That is a short general debate.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I ask unanimous consent that the general debate be confined to eight hours, four hours to be controlled by myself and four hours by the ranking Republican member of the committee.

Mr. MANN. By the gentleman from North Dakota [Mr. NORTON].

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Texas asks unanimous consent that the general debate on this bill be limited to eight hours, four hours to be controlled by himself and four hours by the gentleman from North Dakota [Mr. NORTON]. Is there objection?

There was no objection.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, this bill has been carefully prepared by the Committee on Indian Affairs; in fact, we spent the holidays through a subcommittee in the preparation of the bill. We gave extensive hearings on the bill, and they comprise 700 pages that cover every feature of the bill.

The estimates on which the bill is based are found on pages 333 to 353, inclusive, of the Book of Estimates, and aggregate the sum of $11,784,865.60. The amount carried in this bill is $9,619,737.82, being $2,165,127.24 less than the estimates submitted by the department.

The bill carries gratuity appropriations payable from the Federal Treasury, aggregating $6,874,737.82; reimbursable from the Indian fund, $932,740; in Treasury items, $850,560; and of Indian trust funds in the Treasury to the credit of the Indians we appropriate $962,000.

The amount carried in the last Indian appropriation bill for the present fiscal year for all the above stated purposes aggregated $10,049,394.74. The amount recommended by the committee herein is $9,619,737.82, which is $429,656.92 less than the amount carried in the last Indian appropriation bill, and is also $2,165,127.24 less than the department's estimate for the next fiscal year.

In this report by the committee on this bill we have stated at length the changes that we have made from the last Indian appropriation bill. We have carefully taken from the bill all the legislation that was put upon the bill in the shape of private claims of persons who had claims against the Indians. Several of these were recommended by the department. The committee is intending to have a general claims bill. We expect that all the private bills on our calendar will be taken up in a proper way, each one will be heard separately, and then laid aside, if the committee so determines, with a favorable report. Then we will prepare an omnibus bill and present it to the House and include all of these private bills, including those recommended by the department. Hence no man will have a claim on this bill. We consider private bills in a general appropriation bill very bad legislation. Your committee therefore refused to adopt any of these claims. We have reduced many items estimated by the department where the estimates materially increase the number of students and permanent improvements on nonreservation schools. The system has been growing for some time of building up nonreservation schools—that is, schools outside of the reservation, boarding and industrial and other schools—for the reason that we believe that better work can be

done by making the expenditures of the Government only in boarding schools on the reservation. We have adopted the policy, and think it is the proper policy, of taking the schools to the Indians and educating them near home instead of carrying them away a hundred miles from their homes to educate them. This policy has been the policy of the Government for some time, but we find in every annual appropriation bill that they continue to estimate for more buildings for nonreservation schools, and they continue to estimate for 50 or 100 more pupils, which would carry a larger appropriation. In every case we have cut down the amount.

During the last extra session a special committee was appointed under a resolution of the House and the Senate whereby three Members of the House and three Members of the Senate were organized into a committee, with Senator ROBINSON, of Arkansas, as chairman, charged with the duty of ascertaining whether or not we should have a general hospital for tuberculosis and trachoma patients found among the Indians on various reservations. We went to the Pacific coast, New Mexico, and made a thorough investigation of this question. We ascertained that it would be impossible to get the Indians, especially in the Northwest, to go so far away from home to be treated in hospitals.

We ascertained that they would have to be forced to go, and that the injury to the patients would be much greater than the benefit derived from the climate in the southern part of the United States.

We therefore reported that in our judgment we should build hospitals on the reservations, and you will find that this bill carries a sufficient amount for that purpose. We changed the language of the bill. They estimated for a specific sum, and we have made a lump-sum appropriation for the purpose of enlarging the hospitals. In one instance we have asked that the fort at Spokane, an abandoned fort in Washington, shall be used for the purpose of creating a building there, or enlarging the building, for a hospital for the Indians of the Northwest. We find quite a number of Indians on the reservation, and this fort has some very valuable land attached to it, and has 20 or 30 good buildings that can be used for that purpose; and we regard it as bad legislation to let the property be sold and not used for hospital purposes.

We have investigated thoroughly the question of the Yakima Indian irrigation matter. That was one of the special subjects your committee was charged with investigating and reporting upon. We have filed a report, House Document No. 505 of the present session. We have investigated the conditions among the Indian tribes on these reservations, and we find that the matter has not been overstated, in our judgment, as to the amount of sickness and disease among the Indians. Some of the tribes are as free from disease as the whites in the surrounding country. Many of them are in worse condition than the whites in the surrounding country.

Mr. FERRIS. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. FERRIS. I want to ask if the committee took any interest in the duplication of work in Muskogee, Okla.? I think it is apparent that for a number of years Muskogee has been carrying on a dual administration that seemed to be unnecessary. I wondered if the committee had taken any means to remedy that.

Mr. STEPHENS of Texas. We have an appropriation in the bill that provides that the President shall appoint a commissioner to the Five Civilized Tribes, and that that office so created by this bill will utilize all of the records of the two departments that the gentleman speaks of—the Union Agency and the Dawes Commission. There is only one member of the Dawes Commission, Mr. J. George Wright, at the present time, and these two offices will be merged. We will save $4,500 salary and a much larger amount by combining the records of the two offices and dispensing with many clerks.

We believe we will have much more efficient administration than the old administrations under the dual system which the gentleman has mentioned.

Mr. FERRIS. Mr. Chairman, the chairman of the Committee on Indian Affairs well knows that I am not any longer a member of that committee, but that I still retain a very large interest in these matters. The gentleman will remember that last year there was quite a good deal of controversy, and some of it has even extended to the present time, regarding the administration of the probate estates down there. I wondered if the chairman would let the House know if they are making any effort to remedy that, and what the administration is doing and what the committee is doing in reference to appropriations with respect to that.

Mr. STEPHENS of Texas. Mr. Chairman, I will say this to the gentleman from Oklahoma, that the present commissioner, Mr. Sells, has recently visited that part of the country—Oklahoma—with a view of looking into these matters. He has had numerous conferences, according to statements we have here in the hearings, and after those conferences with the county judges, with the various county attorneys of that State, and with the attorney general and with the governor of the State, they have come to an agreement with reference to the matter by which they have new rules and regulations promulgated for the government of these estates in the county courts, which are the probate courts of that county; and we feel justified in the conclusion that the matters heretofore complained of will be looked after at once, and that it will be impossible to have any great recurrences—of course it is impossible to keep down individual cases—of complaints that have heretofore been made.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. It is admitted now that there were some evils there?

Mr. STEPHENS of Texas. No man has ever denied that. Of course there have been some inequalities in the administration of justice down there.

Mr. MANN. Does the gentleman recall the very able speech of my distinguished friend from Oklahoma [Mr. FERRIS] made last year, which I think was never inserted in the RECORD for permanent embalmment, wherein he denied there were these inequalities?

Mr. STEPHENS of Texas. The gentleman from Oklahoma is able to speak for himself.

Mr. MANN. That is the reason I asked the question.

Mr. FERRIS. If the gentleman will yield, I will be very glad to answer that.

Mr. STEPHENS of Texas. I yield to the gentleman for that purpose.

Mr. FERRIS. Mr. Chairman, I want to state to the gentleman from Illinois that I did make quite an extended speech upon that last year, and I did feel keenly some of the things that were said about our State, and I will say now in all frankness that some of the charges then made were true, though not all of them. I am proud to say that our State government and our new Indian Commissioner and the committee itself have brought in an appropriation, and there have been already appointed some seven or eight attorneys, whose duty it shall be to look after these matters. I am also exceedingly sorry to say that all of these tumultuous conditions concerning which the gentleman smilingly makes comment came up while there were 508 Federal employees there on the job safeguarding the Indian's welfare.

Mr. MANN. Mr. Chairman, the gentleman in his speech last year took the liberty of referring in rather pointed language to myself as well as to the gentleman from South Dakota [Mr. BURKE], and I wondered if the gentleman from Oklahoma could tell us where we would be able to find a copy of that speech in the RECORD.

Mr. FERRIS. I can tell the gentleman where to find it, but not in the RECORD.

Mr. STEPHENS of Texas. Mr. Chairman, I will ask unanimous consent to extend my remarks in the RECORD.

Mr. FERRIS. Just one moment before the gentleman yields the floor. I am not intending to speak upon this subject. The chairman of the committee and the House will doubtless remember that last year just before President Taft went out of office he sent the House a long message, which was very well received, indeed, and the gentleman from Wisconsin [Mr. COOPER] and others gave it quite a little attention.

The message concerned the health of the Indians in respect to trachoma and other diseases among them. I vividly recall the remarks of the gentleman from Wisconsin [Mr. COOPER], and I wondered if the committee had taken any action regarding that matter. The chairman has partially answered that in speaking about the hospitals. I wondered if the committee had increased the appropriation any, so that trachoma and other diseases could be properly treated.

Mr. STEPHENS of Texas. Mr. Chairman, we have given a large lump sum—I think $150,000—in advance of what was given last year, and it is to be used on the reservation in accordance with the report made by the special committee, which has investigated and which has filed its report. They ask for hospitals to be built on reservations nearest to where there is the most disease among the Indians, and this matter, with the one exception of that at Fort Spokane, is left with the depart-

ment and the Secretary of the Interior. We think we have sufficient funds for them to originate and carry into effect the hospitals; but I desire to state here that we had before us one or two physicians in the Indian Service with whom we disagreed as to the amount that should be expended and as to how it should be expended, for the reason that we do not believe in building large expensive hospitals for the treatment of tuberculosis. We believe it can better be treated by the camp system, as it is called in the West, and we have a model system of that kind at the school in Phoenix, Ariz., where we are prepared to take care of 70 tuberculosis cases, although sometimes we do not have that many there. It is a very efficient, cheap, and splendid way of taking care of these cases.

The same thing can be said about trachoma, and with that disagreement to which I have referred we have the bill in such shape that the Secretary of the Interior and the Commissioner of Indian Affairs can provide these hospitals. I think that answers the question.

Mr. FERRIS. It does, and I am happy the Chairman has given that information. I want to ask one further question. Out in my district there is a school called the Rainy Mountain Indian School, and while I was home last year a committee of Indians came down and stated that conditions were in pretty bad shape in that school, and that there ought to be an appropriation made for dormitories, that the children were not properly housed.

Mr. STEPHENS of Texas. As I remember, that is a reservation school, and there is a lump-sum appropriation of $1,440,000. I think we increased it $40,000.

Mr. FERRIS. It was as to that that I wanted to ask the Chairman. Last year the appropriation was $1,120,000, and this year it was increased to $1,140,000, and I wanted to know if that extra money was intended to remedy that trouble there?

Mr. CARTER. I think a part of it was. I can not recall just how much, but the building of that dormitory, I think, was taken into consideration when the increase of $20,000 was granted.

Mr. STEPHENS of Texas. I think the hearings will disclose the exact condition of that Rainy Mountain school.

Mr. CARTER. I called it to the attention of the Commissioner of Indian Affairs, and he told me he would remedy it.

Mr. SELDOMRIDGE. I want to ask the chairman to what extent the committee on investigation went into the matter of food supply on the reservation. I am interested in that, because of an interview I had with one of the Army surgeons who was visiting a reservation in southern Colorado regarding that matter, and he stated that the Indians were not receiving sufficient food of a nourishing character from the Government, and that their condition of health was largely affected by it.

Mr. STEPHENS of Texas. Were they the southern Utes?

Mr. SELDOMRIDGE. Yes, sir; and the Jacarilla Apaches, who were taken from Arizona and brought into northern New Mexico.

Mr. STEPHENS of Texas. There was no report filed with our committee in regard to that matter. And we would thank any gentleman of the House or of the Senate to give us any information along these lines. That is the reason for our creation, and that is exactly what we are doing.

Does some other gentleman wish to speak on this side?

Mr. MANN. I thought you were going to yield to us?

Mr. STEPHENS of Texas. What time?

Mr. NORTON. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. HAMILTON].

Mr. STEPHENS of Texas. I will yield to the gentleman from Oklahoma [Mr. MURRAY] after that.

Mr. MURRAY of Oklahoma. I can come after that or wait longer, if you choose.

Mr. NORTON. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HAMILTON] one hour.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON of Michigan. Mr. Chairman, four years ago for the thirteenth time we counted ourselves and took an inventory of our possessions.

In political campaigns since that time everyone, whether he had a dollar ahead or not, has been invited to take pride in the fact that we have increased in wealth and population. But it takes altruism beyond the reach of the average man to derive satisfaction from averages in which he participates as a minus quantity, and even the well-to-do are seldom satisfied.

Neither census lists nor party lines define the public mind.

The man to-day who says he is a Republican or a Democrat or a Progressive or a Socialist, and thinks that he thereby wholly classifies himself, is a superficial thinker; and if he happens to hold a political job as a result of the last general election, he holds it not as a concrete result of a crystallization of conviction among a certain number of people but as a fortuitous emergence out of a haze of compromises, prejudices, predilections, personal popularity, and political accidents, except in the South, where Democrats are elected from force of habit.

To define the present state of politics or to draw a line around any particular phase of it and define it in its relation to the whole is to try to define an unclassified, unsettled, kaleidoscopic state of public mind, influenced by various so-called leaders of thought leading in various directions, many of them leading nowhere.

The people themselves are being hurried along before they have reached reasoned conclusions, and Members of Congress frequently represent a confusion of thought of which they are truly representative.

But notwithstanding all the back currents and cross currents and whirlpools of this period of rash speech, headlines, moving pictures, and dissolving views, in which old ideas are encountering new ideas, there is a clear trend toward more direct governmental control by the people and larger individual responsibility.

Here in America we are in the midst of a tangled and difficult industrial and political evolution.

Party lines are zigzag and blurred, and party slogans have lost their old significance.

The maxim that "that government is best which governs least" is obsolete, but at the same time there is a constant tendency to expect too much from government and we are flooded with a multiplicity of statutes.

Constitutional limitations are more and more regarded as constitutional obstructions.

State constitutions are being reduced to the level of statutes, and it is now proposed to overhaul the Federal Constitution and amend it from time to time to meet the public fancy.

CITY PROBLEMS.

Sociology is becoming more and more a part of politics. City problems have become national problems, and the people at large are more concerned about city slums, city pauperism, and city crime than ever before.

The people are concerned about city problems, and city problems have become national problems because 50 per cent of our population is congested in great cities and because this is a Government by majorities, and in a government by majorities one man's judgment at the polls is presumed to be as good as another man's judgment at the polls; and a movement is on foot to nominate Presidents by popular vote.

City problems have become national problems, because there are slums in great cities where criminals, tramps, paupers, prostitutes, and drunkards are reproducing themselves in an atmosphere of crime and squalor, and these slums furnish part of the city vote.

City problems have become national problems because there are crowds in great cities, and crowds breed demagogues, and the words of demagogues breed tempests in the minds of crowds, and crowds will do collectively what no man will do alone.

DISTRIBUTION OF HAPPINESS AND PROPERTY.

Human nature, some advanced thinkers say, is too much hampered by constitutions anyway, and the Constitution of the United States should be so changed that the "inalienable rights of life, liberty, and the pursuit of happiness" should no longer be considered a mere theoretic endowment by the Creator, but should be apportioned and distributed from time to time to all the people by all the people.

Meanwhile, since the majority are not ready for this universal distribution, they say the best way is to elect Presidents who will appoint and Senators who will confirm judges who will feel and respond to the "psychological impact" of public opinion and hold the "general welfare" clause of the Constitution to be an open door for "complete democratization."

These advocates of change are busy promoting innovations, while the average man is busy about his own affairs.

Unless the views of a Cabinet member are held to be negligible the recent declarations of Mr. Wilson, Secretary of Labor, at Seattle, are significant of a possible breach in the supposed safeguards of property erected by Magna Charta, the common law, and the Constitution of the United States.

Mr. Wilson, speaking to the Federation of Labor, as reported by the press, said whenever the owner of property—

> Fails to take into consideration the fact that the title has only been conveyed to him as a trustee for the welfare of society, then society has a perfect right to modify or change these titles to property whenever, in its judgment, it deems it for the welfare of society to do it.

This is in somewhat startling contrast with the views of Mr. Justice Story that—

> In a free government almost all other rights would become utterly worthless if the government possessed an uncontrollable power over the private fortunes of every citizen. One of the fundamental objects of every good government must be the due administration of justice; and how vain it would be to speak of such an administration when all property is subject to the will or caprice of the legislature and the rulers.

A REPUBLICAN FORM OF GOVERNMENT.

Down to recent times the Constitution has been regarded as a thing to fight for. It was supposed to be the last and greatest of the landmarks of liberty.

Through all the years of our unprecedented progress stability under a written constitution has been thought essential to the security of life, liberty, and property.

Stability under a written constitution has been supposed to protect the weak and the poor from the encroachments of the rich and the strong.

The Federal Constitution was ordained, published, and ratified as the Constitution of a representative democracy—

> which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period or during good behavior. (The Federalist, 302.)

The direct democracy of the old New England town meeting could reach no further than a man's voice, and when the Constitution was adopted the thirteen States had long outgrown direct democracy except in local matters.

The writings and speeches of the men who voted to ratify the Constitution in the assemblies of the several States demonstrate the purpose of the framers and the ratifiers of the Constitution to organize a representative form of government and to guarantee to the States a representative form of government.

Therefore, it has been supposed that the constitutional guaranty of a "republican form of government" to every State in the Union meant a guaranty of a representative form of government; and it is laid down by Cooley, in his Constitutional Limitations, as elementary that it would be revolutionary for a State to abolish a republican form of government.

But now that communication over large areas has become almost instantaneous by telegraph, telephone, and modern mail facilities, and now that the printed word reaches millions almost instantly and constantly, it is claimed that these modes of communication form a substitute for the old town meeting direct-communication method, and a modern adaptation of direct democracy is being inaugurated.

As a result of it legislators, some of whom at least were formerly supposed to be leaders of thought and framers of policies, are tending more and more to be mere political phonographs and punctuators of bills, elevated for a little while upon a diminishing eminence as convenient marks for political missiles.

A GOVERNMENT MUST HAVE ORGANS.

What, then, constitutes a republican form of government? A representative government.

What constitutes a representative government? A government in which the people are represented in the performance of the functions of government.

Mr. Woodrow Wilson, in his work on "Constitutional Government in the United States," puts it this way:

> A government must have organs; it can not act inorganically—by masses. It must have a lawmaking body; it can no more make law through its voters than it can make law through its newspapers (p. 191).

It is obvious that 100,000,000 people can not assemble and make laws for one another; therefore we have a Congress, composed of representatives of the people vested with legislative powers; and since it is obvious that all the people of a State can not assemble and make laws for one another, we have State legislatures. This is the legislative branch of Government.

It is obvious also that 100,000,000 people can not sit in civil and criminal judgment upon one another; therefore we have Federal courts, in which judges, learned in the law, interpret the law and juries pass upon facts.

It is obvious also that the people of a State can not sit in civil and criminal judgment upon one another; therefore we have State courts. This is the judicial branch of Government.

It is obvious also that 100,000,000 people can not all be Presidents of the United States and that all the people of a State can not be governors; therefore we elect Presidents and governors. This is the executive branch of Government.

And these executive, legislative, and judicial branches of Governments are the indispensable "organs" to which Mr. Wilson refers.

THE RECALL.

It becomes necessary at times to remove men from official positions, and Federal and State Constitutions prescribe for their removal after impeachment and conviction; but the process of impeachment is now deemed slow, and has been supplemented by what is known as the recall.

By the recall is meant the right of the electors in any State or municipality to end, by an adverse vote, the services of any officer before the expiration of his term.

It is applied to judges, however, in only two States, California and Oregon, and in cities it is mainly used in conjunction with the commission form of government.

It is generally set in motion by a petition of 25 per cent of the qualified voters and has never been used against a State officer.

It is an agency of administration, not of legislation, and its constitutionality has been invariably upheld by the courts.

It existed for a long time in certain Swiss Cantons, was proposed in America first in the Populist platform of 1892, and first took legislative shape in the charter of Los Angeles in 1903.

It is claimed to be most useful when applied to officials like aldermen, whose duties require them to particularly reflect public sentiment; that it is of doubtful value when applied to officials required to exercise judgment and executive discretion; that it is harmful when applied to judges; that "at its best it has great potentialities for good, but at its worst it contains endless possibilities of political demoralization and harm." (The Initiative, Referendum, and Recall, edited by William Bennett Munro, pp. 47–51.)

THE INITIATIVE AND REFERENDUM.

The initiative and referendum are in operation now in 17 States and are pending as proposed amendments to the constitutions of 5 States.

> By the initiative is meant the right of a stated percentage of the voters of any State or municipality to propose both constitutional and ordinary laws to State or municipal legislative bodies and to require that if these be not enacted forthwith by the State or municipal legislature, they shall be submitted for ratification to the whole body of voters. (Munro.)

In Maine and Montana constitutional amendments are excepted from the scope of the initiative.

By the initiative, therefore, constitutions and constitutional amendments may be originated from time to time and laws may be framed or repealed in accordance therewith from time to time upon petition and popular vote.

By the referendum is meant the right of a stated percentage of the voters to demand that measures passed by State and municipal legislative bodies shall be submitted to the voters for acceptance or rejection.

The referendum is not new. Its use for the submission of constitutions and constitutional amendments for ratification or rejection by the people runs back to the submission by Massachusetts of her first constitution in 1778, and the referendum of proposed organic laws has become a custom.

Not only has it been customary to submit proposed organic laws for ratification or rejection, but for more than 50 years it has been customary to submit bonding questions and questions as to location of State capitals and county seats and the prohibition of the liquor traffic.

About this use of the referendum for the determination of large elementary questions of policy and procedure, which can be answered by yes or no, there has been but little controversy.

But the submission of proposed laws with fine and intricate shades of meaning, requiring legal knowledge and research to comprehend their scope, purpose, and effect, has been objected to as a usurpation of legislative power inconsistent with "a republican form of government."

While the initiative and referendum are logically related, their joint use was first authorized by an amendment to the South Dakota constitution in 1898.

These are the agencies of popular government, the extended use of which has become a part of our governmental system; and the time has gone by for argument as to whether they should or should not be a part of that system. They are here.

In discussing them we can not measure their effect by what people say they mean to do with them, but we must measure their effect by what the laws themselves propose to do. Law is a rule of action, and its power is bounded by itself.

COMMENTARIES.

That voters without legal and legislative knowledge should have difficulty in grasping the intricacies of some legislation

proposed to them under the initiative and referendum is not surprising in view of the difficulty that eminent statesmen have had in defining what ought to be the scope and limitations of the initiative and referendum themselves.

For illustration, Mr. Wilson, in his work on Constitutional Government, insists that "a government must have organs"; that "it can not act inorganically—by masses"; that "it must have a lawmaking body." (Page 191.)

He further insists that—

It is because we do not look into it and understand it, though it lies at the very heart of our whole practice of government; that we sometimes allow ourselves to assume that the initiative and the referendum, now so much talked of and so imperfectly understood, are a more thorough means of getting at public opinion than the processes of our representative assemblies. (Page 104.)

And he further insists that—

It is this loss of confidence in our local legislatures that has led our people to give so much heed to the radical suggestions of change made by those who advocate the use of the initiative and the referendum in our processes of legislation, the virtual abandonment of the representative principle. (Page 188.)

In these statements, then, the President declares that a government "must have a lawmaking body"; that—

It is because we do not look into it and understand it that we sometimes allow ourselves to assume that the initiative and the referendum are a more thorough means of getting at public opinion than the processes of our representative assemblies.

And finally he declares that "the initiative and referendum are a virtual abandonment of the representative principle."

But in an article called "The issues of reform," published in the North American Review, May, 1910, the President says:

These measures—

The initiative, referendum, and the recall—

are supposed to be characteristic of the most radical programs, and they are supposed to be meant to change the very character of our Government. They have no such purpose; their intention is to restore, not to destroy, representative government. * * * The most ardent and successful advocates of the initiative and referendum regard them as a sobering means of obtaining genuine representative action on the part of legislative bodies. They do not mean to set anything aside; they mean to restore and reinvigorate rather.

The proposition that direct legislation is a means of restoration and reinvigoration is difficult to reconcile with the proposition that it is "a virtual abandonment of the representative principle."

In an article in the Outlook, January 21, 1911, Mr. Roosevelt, in discussing the recall, says:

It is sometimes very useful, but it contains undoubted possibilities of mischief, and, of course, it is least necessary in the case of short-term elective officers.

As to the initiative and referendum, he says:

I think that the anticipations of their adherents and the fears of their opponents are equally exaggerated. The value of each depends upon the way it is applied and upon the extent and complexity of the governmental unit to which it is applied.

He says he believes—

it would be a good thing to have the principle of the initiative and referendum applied in most of our States, always provided that it be so safeguarded as to prevent its being used wantonly or in a spirit of levity. In other words—

He says—

if the legislature fails to act one way or the other on some bill as to which there is a genuine popular demand, then there should unquestionably be a power in the people through their initiative to compel such action.

Similarly in any bill important enough to arouse genuine public interest there should be power for the people to insist upon the bill being referred to popular vote, so that the constituents may authoritatively determine whether or not their representatives have misrepresented them. But if it is rendered too easy to invoke either process, the result can be only mischievous.

Mr. Roosevelt adds:

There are plenty of cases in which on a given issue of sufficient importance it is better that the people should decide for themselves rather than trust the decision to a body of representatives, and our present-day acceptance of this fact is shown by our insistence upon a direct vote of the State when the State adopts a new constitution.

Mr. Roosevelt states the case clearly and convincingly, but he encounters difficulty in indicating at what point the law ceases to be wholesome and begins to be "mischievous."

When he argues that we indicate our willingness to have important issues submitted to the people by submitting constitutions to the States for direct vote, he might have gone further and said that constitutions and constitutional amendments have been submitted to the people for more than a hundred years and bonding questions and questions of location of State capitals and questions of location of county seats and questions of prohibition of the liquor traffic have been submitted for more than 50 years.

No one has doubted the wisdom of submitting these large, elementary questions, although everybody knows that the provisions of constitutions and the scope of amendments proposed are not, as a rule, fully understood by any considerable number of those who vote on them.

The difficulty arises in connection with less simple and elementary legislation, and Mr. Roosevelt proceeds to discuss this difficulty in these words:

But ordinary citizens in private life—such as the present writer and most of his readers—neither can nor ought to spend their time in following all the minutiæ of legislation.

This work they ought to delegate to the legislators who are to make it their special business, and if scores of special bills are habitually presented for popular approval or disapproval at every election it is not probable that good will come, and it is certain that the percentage of wise decisions by the people will be less than if only a few propositions of really great importance are presented.

It is necessary to guard not only against the cranks and well-meaning busybodies with fads, but also against the extreme laxity with which men are accustomed to sign petitions.

Mr. Roosevelt then suggests that—

Those who anticipate too much from the new system, however, would do well to study its workings in Switzerland.

And then cites a case where the people demanded certain legislation on the initiative, and all the legislature voted for it except one man, who was beaten at the polls for voting against it, and then on the referendum the people defeated the bill itself and vindicated the judgment of the one man.

After citing this illustration of the eccentricities of direct legislation, Mr. Roosevelt says:

Unquestionably an ideal representative body is the best imaginable legislative body. Such a body, if composed of unusual courage, intelligence, sympathy, and high-mindedness, anxious to represent the people and at the same time conscientious in their determination to do nothing that is wrong, would so act that there would never come the slightest demand for any change in the methods of enacting laws.

ANALYSIS.

Apparently neither President Wilson nor ex-President Roosevelt has reached any clear conclusion as to how far these laws should go. It would probably be impossible for them to do so, except in general terms, and the working out and final perfection of the system must be left to the good sense of the people after practical trial.

Mr. Roosevelt regards the recall as "something very useful," but as containing "undoubted possibilities of mischief." He would "have the principle of the initiative and the referendum applied in most of our States," but "so safeguarded as to prevent its being used wantonly or in a spirit of levity."

That is, as he explains, he would have the initiative as a reserve power to compel legislation in matters where "there is a genuine popular demand," and he would have the referendum ready to enable the people to determine "whether or not their representatives have misrepresented them," and to this I think most of us will agree.

But he says:

If it is rendered too easy to invoke either process, the result can be only mischievous.

He would restrict the use of the initiative and the referendum to "issues of sufficient importance" and leave to the legislators "the minutiæ of legislation," because private citizens "neither can nor ought to spend their time in following" them, and because "it is certain that the percentage of wise decisions of the people will be less if scores of special bills are habitually presented" to them "than if only a few propositions of really great importance are presented."

But it is amazing how men differ on what constitutes "issues of sufficient importance"; and Mr. Roosevelt has already reminded us of the propensities of cranks and well-meaning busybodies with fads and how easy it is for men to sign petitions.

There is no middle ground between a law that goes too far and a law that does not go far enough. There can be no limitation upon the power of the law except the law itself and the Constitution.

If you have a recall law, it is a recall law, and has both the possibilities for good and the possibilities for mischief which Mr. Roosevelt describes.

Whether it is used for good must depend upon the good sense of the people who use it. Upon their good sense, then, would depend the tenure of officers and "the fearlessness and independence of judge, governor, Senator, and Congressman" which Mr. Roosevelt eulogizes, might easily get them into trouble, and get them recalled by people who might want to take advantage of "the powers of mischief" which Mr. Roosevelt describes.

Mr. Roosevelt would have the principle of the initiative and the referendum "so safeguarded as to prevent its being used wantonly or in a spirit of levity," and he would not apply it to small matters, but only to large matters.

But a law is a law and contains within itself its own limitation, subject to the Constitution.

You can say that the principle of the initiative and the referendum shall be applied specifically only to constitutions and constitutional amendments, to bond issues, capital locations, county-seat locations, and to the liquor traffic, just as it is now; but you can not say that it shall be applied only to big laws and not to small laws, to laws that seem simple and not to laws that seem complex.

The application of a law must be definite, just as the law itself must be definite.

You can say that a petition for the initiative and the referendum shall be started by a large or a small percentage of voters, but you can not say in what spirit, whether of levity or otherwise, it shall be started.

RELIANCE UPON THE COMMON SENSE OF THE PEOPLE.

It is clear also that intelligent legislation requires study and deliberation and that when a multitude of matters are presented to the people, few of whom are skilled in legislation, only large matters, where lines of policy and lines of right and wrong are clearly drawn, are likely to receive adequate and discriminating attention. Most men are busy about their own affairs and consider public problems vaguely, intermittently, and on the run.

The solemnity of an oath helps to steady legislators to their task. The Constitution of the United States provides that Members of Congress and members of State legislatures shall be bound by oath to support the Constitution, and objection is made that under the new system no oath is required. But there is a difference between representative legislation and direct legislation. The representative holds a commission from the people. Direct voters are the people. Men do not have to be sworn to determine what they want or do not want and can be trusted to vote for what they conceive their interests dictate when they understand them.

Objection is made that the Federal and certain State Constitutions provide that a man shall reach a certain age before he shall be deemed old enough to know how to legislate, but that this new system presumes that every voter 21 years old is old enough and wise enough to make laws, whether he is fully naturalized or not.

There is force in this, and yet this system involves the same old majority proposition upon which our Government rests, and the average of common sense must still be relied upon to steady us to just conclusions.

The Federal Constitution was ordained, published, and ratified as the Constitution of a representative democracy.

The power of the people to make or amend constitutions is defined by the Constitution, and they "must not abolish the republican form of government, since such act would be revolutionary in its character and would call for and demand intervention on the part of the Government of the United States." (Cooley's Constitutional Limitations, p. 44.)

But the Supreme Court has held that the question of whether direct legislation is in conflict with a republican form of government is a legislative and political question and not a judicial question (Luther *v.* Borden, 7 How., 1; Pacific States Telephone & Telegraph Co. *v.* Oregon, 223 U. S., 118); and whether direct legislation is constitutional or not, and without considering whether the people have considered the question of constitutionality, the fact remains that direct legislation has so gained in popularity that a great body of the people have already practically foreclosed the question.

Discussion of direct legislation therefore is discussion after the fact, and I am referring to it now only as part of an attempted judicial analysis of an evolution so rapid that even we who are a part of it scarcely realize it.

NEED OF PATRIOTISM AND STEADINESS OF JUDGMENT.

We have already reached the point where the average man, with or without knowledge or training, is more and more being called upon to weigh, analyze, and understand his own relation to government.

We have reached this point at a time when the Congress of the United States and the legislatures of 48 States, 2 Territories, the District of Columbia, the Canal Zone, Porto Rico, and Philippine Islands are constantly making new laws and when Federal, State, Territorial, and other courts are constantly rendering new decisions, the scope and underlying principles of which even the ablest lawyers understand only in part after exhaustive study.

We have reached this point when all thinking men recognize as never before the need of more uniformity of State and Territorial laws.

For men to weigh, analyze, and understand legislation and court decisions and their own relation to government now requires a knowledge which comparatively few lawyers and students of history adequately possess. Even superficial knowledge in this respect, in a large and complicated government like our own, requires a studious consideration, a steadiness of judgment, and a sobriety of patriotism which has never yet been required of the average man in any nation, and this judgment and patriotism are required of a population of mixed elements, not yet fused, nearly 50 per cent of whom are congested in great cities.

To achieve even remotely this high requirement all voters should vote on proposed legislation, and vote intelligently; but, so far, voters have not shown a just appreciation of their high responsibility as legislators.

To achieve even in part this high requirement all voters should vote, and vote intelligently, for or against candidates at the primaries and at elections; but, so far, easily 50 per cent of voters have been in the habit of staying away from the polls and allowing minorities and congested centers to dictate nominations and elections.

In this connection the length of a ballot is a matter of no small importance. Few voters know or can know, even in a general way, the character and qualifications of candidates whose names appear upon the ballots handed them when they enter the voting booth.

To achieve even in part this high requirement all offices should be open to the aspirations of poor men as well as rich men, but it is a well-known fact that the cost of a double election constantly deters poor men from becoming candidates.

THE CHURCHES AND THE SCHOOLS.

It is a conservative statement to say that we have already entered upon a crisis that will test the capacity of government by majorities to govern itself as never before.

In this test the churches and the schools—the preachers and the teachers—are exercising and must exercise an influence which may be for the salvation of this Republic.

Governmental science studies ways and means of government. Philosophy groups scientific facts, considers our present tendencies, and speculates upon ultimate results. The schools fit us for intelligent citizenship and the church instills in men and women morality, just treatment of one another, and helps them to understand that clean and honest lives not only make us better and happier citizens here, but give purpose and nobility to human existence in its relation to the hereafter.

Our Government, if it continues to be a Government, must reside in the brains, hearts, and consciences of our citizens. We are a Government in which one man's judgment at the polls is presumed to be as good as another man's judgment at the polls, and this presumption is being extended to legislation.

So long as the best in man is uppermost and so long as the best men are uppermost, we shall continue to go forward on the upgrade, but if we fail the hope of the world fails.

Therefore the moral and intellectual instruction of men and women is a matter of supreme importance in a supremely important time.

CORRUPTION NONPARTISAN.

In spite of all the writings of specialists in corruption, I am one of those who believe the world is growing better.

I know the average man wants to do right, and the rank and file of political parties are not corrupt. To say they are would be to indict a whole nation.

The man temporarily intrusted with power here in Washington, or in any State capital, makes a mistake if he supposes the people as a whole are not keenly alive to the moral questions involved in politics.

For some time it has been the custom in political campaigns for country audiences to be told by city talkers that they are being oppressed and misled by bosses, but the political boss is not a country product and fortunately the country can not be gauged by city standards.

If a half dozen big cities in this country could be induced to clean up, it would raise the level of political decency throughout the country by more than 50 per cent.

We are told that the purification of politics can be achieved by the translation of old corrupt bosses from old associations which they themselves have corrupted into new associations of their old associates, and that by translation both bosses and associates will become incorruptible.

I hope so. But corruption is nonpartisan. It has no partisan prejudices.

It came into the world when the snake first crawled through the garden fence and commenced a conversation with the first woman on the subject of fruit.

There is an invisible line somewhere on the sides of mountains above which snakes and vermin can not live, and there is an altitude of morality and decency in which crooked things can not live, but it is well up toward heaven, and no part of its population derives sustenance from political jobs.

SOCIALISM.

Travelers for a day, we are carried along in a vast movement, the end of which no one can foresee.

The irresistible current of time is sweeping us away from the old order of things into new regions of thought and action.

In his "Democracy and Liberty" Mr. Lecky observes that—

In any forecast that may be attempted of the probable influence of democracy in the world a prominent place must be given to its relation to labor questions, and especially to those socialistic theories which during the last 20 years have acquired a vastly extended influence on political speculation and political action.

Mr. Lecky wrote that 18 years ago, and since that time Socialism has not ceased to extend itself.

The thinking Socialist is not to be confused with the little man in politics who floats on movements hoping to float into a job, and he is not to be confused with his follower, the ranter on the curb, who mistakes his prejudices for principles and his emotions for public movements.

He is a man with a purpose, a student of history, a student of constitutions, and he has no great reverence for antiquity.

Socialism was first called socialism in 1836, but it existed long before it received its name—in Plato's ideal republic; in the dreams of the Hebrew prophets of a government built on religion; in the equality of prince and pauper in the monasteries; in the preachings of John Ball, of Kent; in More's "Utopia"; in Campanella's "City of the Sun"; in Bacon's "New Atlantis"; in the promises of Jack Cade; in the experiments of Robert Owen; and the philosophy of Rousseau, St. Simon, Comtè, and Fourier.

So-called modern scientific socialism was generated out of ideas about property and the State toward the close of the eighteenth century in France in the course of speculations then in vogue on the origin and objects of civil society, and was finally reduced to systematic form by Karl Marx and Ferdinand Lassalle and formulated in many programs.

It covers many sects and many shades of opinion from the extreme views of Marx about property and the family to the milder form of so-called democratic socialism, and is not capable of precise definition.

John Morley says it is—

An aspiration for the destruction of inequalities in social conditions by an economic transformation.

Speaking broadly—

Dr. Lyman Abbott says—

the socialist is one who believes that the present social system is wrong and needs to be radically changed. He is not content merely with teaching the wage earner and his employer to treat each other with justice and consideration; he believes that the wage system is wrong and must give place to a better system. (Outlook, Mar. 7, 1908.)

But when the question is asked, What system will be put in its place? socialists divide into different groups.

And Dr. Abbott agrees with other writers in describing these groups as Christian socialists, democratic socialists, and radical or state socialists.

Commenting upon Mr. R. J. Campbell's definition of radical or state socialism, in his book on Christianity and the Social Order, that—

the Nation should be one great producing firm with every citizen as a shareholder—

Dr. Abbott says state socialism—

is unjust because it takes the whole of the product for the community. It is a form of slavery, with the community for the master.

The difference between state socialism and what we have called democratic socialism—

He says—

is exactly this: Democratic socialism is voluntary cooperation in industry, and is to be encouraged; state socialism is compulsory cooperation in industry, and compulsory cooperation is unjust, whether the compulsion be enforced by despotic capital, compelling the labor by threat of starvation, or by a labor union forbidding free labor under the same penalty, or by the State owning all the implements of industry and controlling all its activities.

Democratic socialism—

He says—

proposes to substitute for individualistic industry and unlimited competition associated industry, cooperating for mutual benefit. First steps toward the realization of this ideal are now being taken by men who would resent indignantly the title of socialists.

He quotes Mr. Thomas Kirkup in his book, An Inquiry Into Socialism, as saying:

Education, post office, telegraphs, highway, and water have all passed or are passing from private to public control, and in some countries railways.

And adds:

Corporations are in this sense essentially socialistic contrivances by which a great many persons combine in the ownership and control of enterprises too great for any one man's ownership or administration. By the corporation capital is concentrated for the purpose of administration, but divided as to profits. A next and not unnatural step will be taken when the laborers under the corporation become themselves the stockholders in the corporation.

As bearing upon the program of Democratic socialism, Prof. Weyl, in his book The New Democracy, says:

The industrial goal of the democracy is the socialization of industry. It is the attainment by the people of the largest possible industrial control and of the largest possible industrial dividend. The democracy seeks to attain those ends through Government ownership of industry; through Government regulation; through tax reform; through a moralization and reorganization of business in the interest of the industrially weak.

He proceeds then to file a bill of particulars of "industrial developments in the general direction of this goal."

Government—

He says—

goes into business. The Post Office embarks upon the banking business and threatens to engage in the express business.

The Forestry Bureau raises and sells timber. The Reclamation Service goes into many separate businesses in connection with the building of dams and the selling of water.

In the construction of the Panama Canal the Government builds roads and railroads and conducts dozens of separate enterprises.

At the same time the States and cities greatly extend the sphere of their direct participation in business and buy and manufacture and sell on an enlarging scale.

He then proceeds to show the growth of Government regulation of railroads and corporations generally and dwells upon the "new insistence" which is being "laid upon the social interest in all manifestations of our industrial life."

It is part of the program of what Prof. Weyl calls "the new Democracy."

1. That a large majority of our people are owners of "some little wealth," and that this is a guaranty of social order and binds everybody over to keep the peace while a peaceful revolution is being brought about by the ballot. (Page 256.)

2. That violence is clumsy, and that revolution must proceed along constitutional and legal lines, making its own constitutions and laws as it goes. (Page 267.)

3. That this movement does not favor confiscation, because its own majority has property, but that it does involve a gradual but rapid transformation, to be brought about by the uniting of various "groups" for the "crowding out" of an undesirable minority. (Page 256.)

4. That by this method it proposes to attack "swollen" fortunes; monopoly, which leads to "swollen" fortunes; "special privilege," which increases them; unequal taxation, which conserves them; and business oligarchy, which perpetuates them. (Page 264.)

5. That "by such indirect means, which after all are the means adopted by the people, even a revolution may be safe, sane, and conservative," and "we may change the very bases of our government, law, and business." (Page 268.)

In this way, he says, "We may jump the hurdles of the Constitution and circumvent the obstacles of a mass of antiquated judicial decisions."

SAFEGUARDS.

These movements mark the course of currents which run deeper than the loud humbug of surface politics, deeper than political administrations, with their distribution of patronage, their shuffling of political cards, and their rearrangement of political stage furniture; deeper even than the forms of government. "Governments are but the mechanism of the modes in which nations exist."

Whether we shall live and go on—whether we shall permanently endure—depends not primarily on what kind of Presidents we have, not on what kind of Congresses we have, not on what kind of courts we have, except as Presidents, Congresses, and courts express what kind of people we are.

The good sense and conscience of the people are our title deeds and police force.

Upon their wisdom and self-restraint our permanence depends. Revising laws does not revise society. On the contrary, society revises laws. Laws and forms of government are necessary, but the spirit of the people gives vitality to law and character to civilization.

No constitution can hold us together as a national entity unless we uphold and sustain it. Mexico has a constitution.

What I am trying to say here to-day will not be entirely without value if I can impress upon the average man his increasing responsibility for the welfare and stability of our Republic.

Bryce likens our States, in what Cooley calls our "indestructible Union composed of indestructible States," to the water-tight compartments of an ocean-going ship, and argues that one compartment after another may be stove in and the ship ride out the storm; but our danger is not so much from without as from within.

Humanity on its long journey down the ages has come at last to this Republic, where the ideals of former times have passed into the enacted laws of liberty.

And liberty is still developing greater liberty, but in the eternal aspiration of mankind for something better let us be careful not to take down the safeguards which separate liberty from license.

Let us be careful not to take down the safeguards by which we ought to guard ourselves against our own impulses.

Time and again in history we have seen reaction swing to revolution and back again. Time and again we have seen the people swept beyond excess and then fall back into indifference.

Men make good resolutions to strengthen themselves against their own impulses, and nations make laws in times of calm judgment to restrain themselves in times of violence.

We need, too, to guard against insidious and indirect encroachment upon our governmental structure.

Washington warned us in his Farewell Address that—

> One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus undermine what can not be directly overcome.

The tendency to the loosening of constitutional restraints is a state of mind which few who are influenced by it stop to analyze—an intangible thing which slips through our fingers when we try to grasp it.

It will not do to delude ourselves about the "popular voice."

Lieber has analyzed the "vox populi." Le Bon has analyzed "crowd psychology." Bishop Butler has commented on the "insanity of States."

Hooker, in his Ecclesiastical Polity, warned us against "the demagogue who goes about to convince the multitude that they are not as well governed as he himself would govern them."

We have a moving object lesson in every campaign of "people's friends" whose ideas of political economy are bounded by a party platform and who pronounce the word "people" with hypocritical unction.

We know that we are apt to draw hastily formed conclusions from a superficial examination of the more prominent features of questions, and our omnipresent journalism is constantly spreading before us every hour of every day moving pictures of human credulity.

Discussing crowd psychology, an editorial writer of the Chicago Tribune, November 26, 1911, said:

> It is no disparagement of the democratic principle to take this vital fact (crowd psychology) into account. Just as the individual is capable under its influence of doing things not natural to him, to his great regret thereafter, and therefore must wish for a check upon himself, so a wise nation, truly democratic in its ideals, must desire in its institutions provisions based on the known facts of our psychology, individual and collective, to protect itself against dangers arising from its inherent nature. We have the loose-tongued politician or circulation-seeking journalist who takes the other extreme—that the popular voice is always right; that popular opinion is sacred; that government should express immediately every fluctuant impulse of popular thought or emotion. This flattering of the voters and of readers is supposed to be very effective, but it is the method of the demagogue and not the real friend of popular government.

THE GENERAL WELFARE MUST MEAN THE INDIVIDUAL WELFARE.

Whether the millennium is a mirage that always moves before us or an ultimate fact, I do not doubt that if 500 years ago mankind had been told that there would come a time in 1900 when torture would be impossible among civilized men; when there would be a court for the settlement of international disputes; when the weak would be protected against the strong; when the scales of justice would be held impartially; when brute strength and mailed privilege would no longer dominate mankind; when printing would unfold knowledge to all, high and low, to be acquired in proportion to diligence and talent; when the average of human honesty would be as high as now; when the brotherhood of man would begin to be a working fact; when organized benevolence and humanitarianism would be a part of social life; when the sick, the weak, the unfortunate, the feeble-minded, the insane, the deaf, the dumb, and the blind would be cared for by organized society—if 500 years ago men had been told that such a time would come, I do not doubt that they would have hailed it as the millennium.

In spite of this there are men, like Dr. Alfred Russel Wallace, who insist that "the result of man's power to utilize the forces of nature has been almost wholly evil"; that "the increase of the world's wealth has been distributed with gross injustice"; and that "huge cities have grown up with overcrowded insanitary slums, where men, women, and children die prematurely as surely as though a body of secret poisoners were constantly at work to destroy them."

And yet for this very condition the people who suffer from it are in part responsible.

Throughout this Nation, stretching from the Atlantic to the Pacific, there is healthy, wholesome work to do upon the farms. It is the constant complaint of farmers that the people in cities will not come out and work, and there ought to be some means of systematic inducement to the distribution of surplus city population throughout the country. There are thousands of acres in the South and West that can still be bought cheap, on easy terms, where men and women can build homes of peace and plenty and rear their children in sight of the American schoolhouse under the American flag.

Notwithstanding evils which we admit and decry, the world is growing better.

Humanity makes mistakes—tragic mistakes—makes apologies in one age for the wrongs it did in a former age, and builds monuments to martyrs out of the stones wherewith it stoned them.

But in the long sweep of time the universal aspiration of mankind is upward, and the universal prayer of mankind going up to the throne of God is for better things.

Reading the signs of our times in the light of the eternal purpose running through the ages I can not doubt they mean continued human advancement, although with our finite faculty groping in the midst of change we may not understand just how.

But this much is certain, that the comfort and happiness of all mean the comfort and happiness of each. No rightly constituted man can close his senses to the troubles of others.

The general welfare must mean the individual welfare, and it must continue to be in the future, as it has been in the past, that the welfare of the great mass of mankind is paramount and that the interests of the few can not be weighed in the scales of God against the interests of the many.

Mr. NORTON. Mr. Chairman, I now yield five minutes to the gentleman from Massachusetts [Mr. PAIGE].

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. NORTON. Five minutes.

Mr. STEPHENS of Texas. I desire to yield to the gentleman from Oklahoma [Mr. MURRAY] after that.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PAIGE] is recognized for five minutes.

Mr. PAIGE of Massachusetts. Mr. Chairman, I desire to say at this time, in reply to the statement of the gentleman from Georgia [Mr. HARDWICK], that I am not a calamity howler, nor a bird of ill omen, as referred to by the distinguished gentleman from Alabama. I am anxious to see the business of the country prosperous whether under a Democratic or a Republican administration, but the statement of the gentleman from Georgia, who, on February 4, in this House, referred to the conditions of business in some of the towns in my district, is misleading.

He stated that in the town of Webster 1,000 hands had received a raise of wages. I have taken pains to ascertain the facts of that statement, and I desire to read from a letter that I have received from a woolen manufacturer of that town:

> Not over 50 per cent of the total woolen and worsted looms running in Webster and Dudley. (By way of parenthesis I wish to say that the town of Dudley mentioned here is the adjoining town of Webster.)
>
> Orders on hand compared with last year not over 30 per cent.
>
> No increase in wages by anyone. Never for years so many people seeking work personally and by letter asking for employment for themselves and family. Business has not been so slow in Webster and Dudley and surrounding towns for years.
>
> This mill employs, running full, about 220 hands; pay roll about $130,000 a year; present rate about $100,000 a year. Unless times improve we will not be employing more than 100 hands next fall; pay roll for the year about $70,000. If this is so, we shall run out the stock, shut down, and when we start up start on Grover Cleveland wage list, as we are now selling our goods below the prices we received then.
>
> Our help averaged under Grover Cleveland a little less than $240 per year.

My colleague from Georgia also stated that in the adjoining town of Grosvenorsdale, Conn.—Webster being near the Connecticut State line—the employees there had had their wages raised equal to 25 per cent. Now, the facts of the case are these: They did have their wages raised 5 per cent, but a law went into effect in Connecticut on January 1 reducing the hours of labor from 60 to 54 hours per week, which, figured on that basis, would make about 15 per cent rather than 25 per cent.

I also desire to read a letter from Orange, Mass., which town is in the district I represent, in which the writer says:

> We are enjoying a sample of Democratic prosperity, as business is very poor in all the factories here, and the New Home Sewing Machine Co.'s works, one of the largest in the country, are running four days per week and eight hours per day.

I refer to these facts for no other reason than I feel it a duty that I owe my constituents, who, I can not believe, would desire me to remain silent and allow the statements of the gentleman from Georgia to go unchallenged without stating the facts as they exist.

I want to be fair in the matter and to state that in my own town of Southbridge, a large manufacturing town, I consider business at the present time about normal, but in many of the

towns of the district which I represent the business is far below normal.

The distinguished Speaker of this House, for whom I have the greatest admiration, is reported to have said a short time ago in Boston, speaking, as I suppose, for the Democratic Party, of which he is one of the most able and likable members, that if the tariff and currency bills work out all right, "we are all right," but if they work out wrong, "we are all wrong."

That I believe to be true, and I think the point has not been reached where any man on the floor of this House, belonging to either party, can absolutely state how they are going to work out.

The Republicans believe that the present tariff bill will work disaster to our industries as has been the case every time this country has gone upon a low-tariff basis, and the fact that our Democratic friends cite instances, here and there, where business is normal or where there may have been an increase in wages does not alter the fact, in my opinion and judgment, as to what the final outcome will be, although I trust I may be mistaken in my impressions. I desire to insert in the RECORD an article from the Boston Weekly Globe of February 4, 1914:

[From the Boston Evening Globe, Feb. 4, 1914.]

FOR UNEMPLOYED OF BOSTON—MORRISON I. SWIFT AND OTHERS APPEAL TO MAYOR CURLEY, WHO LIKES IDEA OF STATE HIGHWAY CONSTRUCTION.

Morrison I. Swift, accompanied by Patrick Flynn, Caleb F. Howard, and Anthony Ivas, called on Mayor Curley in regard to the unemployed of Boston, who, according to Mr. Swift, number 20,000.

In the first place, the mayor granted them a permit for the use of the Parkman Memorial Bandstand on the Common for speech making at 2.30 p. m. on Saturday.

In regard to a request to start the making of State highways to give employment to the unemployed, the mayor promised to confer with Gov. Walsh in regard to the matter and urge such construction.

In regard to having the city furnish meals to the unemployed, the mayor assured them that the condition of the city's finances at present is such that he is thankful to be able to pay wages to those who are working for it.

The mayor promised to look further into the request that the armories of the city be thrown open to the unhoused among the unemployed of Boston.

Mr. STEPHENS of Texas. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Chairman and gentlemen of the committee, the speech I intend making, you will discover, is not for "home consumption," but I do not doubt that it will have a home discussion. I am going to make this speech because I think what I am going to say ought here to be said, as necessary to convince you of a right program of legislation as relates to the Five Civilized Tribes.

Some transactions in our State for the past 12 or 15 years have been subject to much criticism—a reflection upon the people of the State, upon the tribes interested, and upon the chief executives of those tribes who are directly responsible.

Before going into the subject, however, I want to take the liberty of calling the attention of Congress to the difference between Indian tribes as being quite as great as between other races. The Five Civilized Tribes of Oklahoma are quite distinct from the prairie tribes on the west side of the State or in other sections of the country, who wear blankets and who are the subject of hero stories of the wild West of which you read. Three of these tribes were never savages—the Chickasaws, the Choctaws, and the Cherokees. There is only one other civilized tribe, and that is the Pueblo, and possibly the Navajo. The Five Civilized Tribes and the Pueblo Tribe are the only Indian tribes that hold their land in fee simple. The Pueblos of Arizona and New Mexico were given a grant by Spain, ratified later by Mexico, and then by the United States. The Five Civilized Tribes have held their land in fee simple since long prior to the Civil War. They have had civil governments fully officered with chief executives, legislatures, courts, and public schools, operated by themselves, controlled without any supervision of the Government or of Congress, ran ad libitum by themselves. Their courts, while crude in a measure, gave manifest justice. I hold in my hand a printed copy of the Chickasaw statutes, enacted by their legislature, and enforced in their court.

Three of these tribes have produced three very great men. The Cherokees produced Sequoyah, a great genius, who made a logarithmic table and an alphabet of 86 letters to represent the 86 sounds of their language, in which no letter represented more than one sound, and there were no silents. It was so perfect that a man who knew the alphabet could not miss spelling a word. Very shortly his statue will be in the Hall of Fame in this building, placed there by the people of the State of Oklahoma.

The Chickasaw Tribe can claim merit for the production of Tishomingo, a statesman and patriot, the father and George Washington of the tribe.

The Choctaws can claim credit for the great and renowned executive, statesman, general, orator, and philosopher, Apush-ma-ta-ha, who, according to the Alabama Historical Records, died in Washington City while on a visit as a delegate representing his people, near 12 o'clock p. m., December 23, 1824, and that he was succeeded in the early part of the following year by his nephew, Oklahoma, from whom the name of our State was derived. I may add that Apush-ma-ta-ha's body now rests in the Congressional Cemetery at Washington City, surrounded by the remains of many of the notables of this Republic, and that a monument marks his resting place bearing appropriate inscription.

First side:

Apushmataha, Choctaw chief, lies here. This monument to his memory is erected by his brother chiefs who were associated with him in a delegation from their nation in the year 1824 to the General Government of the United States.

Second side is blank.

Third side is marked:

He died in Washington on the 24th day of December, 1824, of the croup, in the sixtieth year of his age. Among his last words were the following: "When I am gone let the big guns be fired over me."

(It may be noted that his request was granted by the Secretary of War, because "Push" had been an officer in the United States Army.)

Fourth side is marked:

Pushmataha was a warrior of great distinction. He was wise in council, eloquent in an extraordinary degree, and on all occasions and under all circumstances the white man's friend.

If we judge from the standpoint of executive ability, from courage and self-reliance in battle, from an intuitive knowledge of the rights of men, Apush-ma-ta-ha was the greatest Indian, although a full blood, who ever lived. Upon making the purchase of the southern half of Oklahoma, the records show that he had a better understanding of the possessions of the United States than existed in the records of the Government itself, and pointed out to Gen. Jackson that he was trying to sell them the Panhandle of Texas, then Mexican territory. He also pointed out that there lived within that region many white men of property, who could not be removed on account of vested interests in the section.

It is of interest to learn how Apush-ma-ta-ha got his name. No one knew of his origin, and when the chief wanted to bestow upon him a war name for brave achievements, he declined until all such names in the beaded list of the medicine man, or priest, were exhausted, and then was told, "None left in the bag," by which he was called Apush-ma-ta-ha, meaning that he had won all war names and was entitled to more.

He was in the Battle of New Orleans, and an officer in the United States Army, and executed the plans of campaign against the Creeks and Seminoles in Florida.

As a further undisputed proof of the services of the Indian in the wars of the United States you will find in the treaty of October 18, 1820, in the eleventh article of that treaty, a stipulation that the "Choctaw chiefs and warriors who have not received compensation for their services during the campaign to Pensacola in the late war shall be paid whatever is due them."

You will find again in the treaty with the Choctaws in 1825, article 6, a second promise to pay these soldiers and an acknowledgment that payment had been delayed; and then again in the treaty of 1830, known as the treaty of Dancing Rabbit Creek, you will find in article 21 this statement: "A few Choctaw warriors yet survive who marched and fought in the army with Gen. Wayne [no doubt the American Revolution] and who number not exceeding 20. These it is agreed shall hereafter, while they live, receive $25 a year."

Nor is this all the evidence of their services to their country in the wars of the United States. While in the Civil War the Five Civilized Tribes, for the most part, and especially the Chickasaws and Choctaws, joined the Confederacy, the historian J. B. Thoburn has discovered and written in the history of Oklahoma the startling fact that Capt. Tandy C. Walker, a quarter-blood Indian and a half brother to Gov. D. H. Johnston, was the youngest brigadier general in the Confederate Army. His son, Theodore Walker, is an expert gunner now in the naval fleet constituting the Pacific squadron.

Mr. Clayborne, a historian, once a Member of Congress, in 1830 said that he had heard all the orators of this Republic, but that Apush-ma-ta-ha was the greatest of them all; that on account of the music of his voice the Indians called him "Waterfall;" that he would have adorned the United States Senate, and that had he been a Member his sayings would have gone down to posterity, and that future generations would have looked upon him as we look upon the Greek statesmen.

I give this bit of history in order that Congress may understand that there ought to be a distinction between these tribes

and others in the matter of legislation. And now I am going to call attention to some very delicate matters. You have often heard criticism of the $750,000 fee paid Mansfield, McMurray & Cornish and other supposed graft. The Indians paid this; they got value received and are satisfied with it.

This began in the Chickasaw Nation. In my opinion that tribe surpassed all others:

First. For the reason, as Thomas Jefferson said, the Chickasaws were the only tribe of Indians that would fight in open field of battle.

Second. They can manage public business, and have managed their public business better than the United States.

Third. To show their business ability, when the Civil War closed they had more slaves than there were men, women, and children in the tribe, showing their ability to accumulate; and this, too, not by the aid of the Government but by its positive noninterference, as the result of their savings in a western *country surrounded* by hostile tribes.

Fourth. They had the cleanest citizenship rolls, clean of fraud and graft, and better than the rolls made by the Government for the other tribes.

Fifth. They created a more nearly perfect equality of government. When the break-up came in 1896 there were neither millionaires nor paupers in that tribe. When the break-up came they had more than $1,000,000 of trust funds to their credit under Government control, under the Indians' direction, as I will show you in a moment. That million dollars has been squandered since 1896 by this Government.

Sixth. They expend more money for education than any other people on this globe. They established primary schools and maintained them with their own funds until the break-up came in 1896. They gave every child who attended the school $8 a month to go, based upon actual attendance—the greatest compulsory educational law in the world. They furnished free textbooks, and when the child left that grade they had two male and two female colleges, and when they passed that stage they gave them $30 a month to go into the States or anywhere and become further educated. Congressman CARTER was educated in one of those higher institutions of that tribe. In addition, they had an orphan's home, all maintained out of their own funds, without the interference or supervision of the United States Government.

They have made treaties with the Government since 1786. I hold in my hand a copy of the treaty of 1834; and, mind you, the first suggestion ever made to educate the Indian at public expense was made by Apush-ma-ta-ha on the part of the Choctaws on October 18, 1820, wherein he wrung from Gen. Jackson an agreement that 54 sections of their land in Mississippi should be sold by the Government, with the principal held in trust in perpetuity and the proceeds applied to the education of their children. And he said when the treaty was made:

> I predict the time will come in this country when the Indian will be holding offices in the white man's government and fighting in the white man's wars.

How true that prediction. B. H. Colbert, of my town, a Chickasaw-Choctaw Indian, became the orderly of Theodore Roosevelt in the Spanish-American War. There were 25 of these Indians who were Rough Riders in my section.

The next step in education was the treaty of 1834 made with the Chickasaws, at their suggestion, whereby funds should be set apart for education.

Now, with these preliminary remarks, I want to show what they have done for themselves and what the Government has "done to them." Here is a treaty made in 1852. In the second article of that treaty—notice this astounding language—when these Indians moved from near Memphis to the West they agreed when they traded a portion of that land that the remaining land should be sold and the proceeds invested by the Government. After they moved west and turned that property over wholly to the Government we find this treaty of 1852. I quote from article 2 as follows:

> The expense attending the sale of the lands ceded by the Chickasaws to the United States under the treaty of 1832 having for some time past exceeded the receipts, it is agreed that the remaining land so ceded shall be disposed of by the Government as speedily as possible—

And an accounting made to the Indians.

Then, in article 4:

> The Chickasaws allege that in the management and disbursement of their funds by the Government they have been subject to losses and expenses which properly should have been borne by the United States. * * * It is therefore agreed that the United States shall make an accounting of these funds—

Giving the Indians an opportunity to test the claim.

In article 7 we find again:

> No claim or account—

Think of the astounding necessity of this Government, the Congress and the Senate agreeing that they could not manage this property without being audited by the Indians, and stipulating in the law this expression:

> No claim or account shall hereafter be paid by the Government of the United States out of the Chickasaw fund unless the same shall have been first considered and allowed by the Chickasaw Legislature.

That remained the law until the Atoka treaty of 1897.

We find similar language repeated again in article 8 of the same treaty, as follows:

> It is further agreed that regular semiannual accounts of the receipts and disbursements of the Chickasaw fund held by the Government shall be furnished to the Chickasaw Council by the Government of the United States.

Imagine, my friends, the absurdity of this Government managing a fund and that management costing more than 100 per cent to do it. Why, it reminds me again of the management of the Choctaw fund. The Choctaws traded with the Government 4,000,000 acres of land in Mississippi for the land out West that the Government thought was a barren waste, but, as Apush-ma-ta-ha said:

> They skinned the Government in the trade of the fairest possessions west of the Mississippi River.

They left with the Government the selling of the residue of the land in Mississippi. When the Government sold it they got $8,000,000 for it, but it cost the Indians $6,000,000 for the Government to sell it, leaving the Indians a residue of $2,000,000, and then the Indians had to pay 25 per cent of it to attorneys to fight the Government for the $2,000,000, and won, but it was 55 years before they got that $2,000,000.

This, my friends, brings us to the proposition, Why is it that those Indians employ attorneys? They employ attorneys because it has never cost them more than 25 per cent, but when they have left it to the Government they have had to pay from 75 to 100 per cent plus. They employ attorneys because it is good business sense.

You have often heard of a $750,000 fee; and before I came to Congress I noticed that when Indian legislation was offered for our State some one would raise that cry or the name of McMurray, and the bill would go off the board, hence this speech. The implication contained in that question was a reflection upon our people, upon the tribes, and upon the governors of those tribes who made the contract. I say to you that the present governor of the Chickasaw Nation, who has held the office 14 years, Gov. Douglas H. Johnston, a relative of Albert Sydney Johnston, of Confederate fame, is the equal of any governor of the surrounding States and surpasses in his judgment of men and measures, in his long-headed foresightedness, and good common sense the chief executive of the State of Oklahoma. Such charge is a reflection upon him. But let us analyze it. When the Government took charge under the Atoka agreement it was with the understanding that the Government was going to make the rolls and manage affairs. The Government made a criminal "botch" of it. They began on their rolls, and they admitted to those rolls upward of 4,000 fraudulent claimants. Johnston came into office and found them on the rolls. I was his private attorney and confidential adviser at that time.

When he selected the firm of Mansfield, McMurray & Cornish, I questioned him as to why he did it, and he said to me, "You have told me as a lawyer that no man can represent one side of a question and with honesty and professional ethics represent the other side. These are the only men of ability in these Nations who have not handled claims against us." Then he gave the other reasons. I approved his choice, and have never had cause to regret it. They went into the fight with a judgment for $20,000,000 of property against the tribes, which judgment had been affirmed in the Supreme Court of the United States. All the other attorneys of the two nations derided the idea that by any means a judgment of the Supreme Court could be overturned; it had never been heard of before, but the firm of Mansfield, McMurray & Cornish performed the unheard-of supposed impossible task. After seven years' battle, in the meantime inducing Congress to create the citizenship court to try the cases over, they wiped from the rolls all but 133 of the 4,000 names. This court had no parallel in the annals of the judiciary of this country. Their contract with the governor was for 9 per cent, and the attorneys were to pay the court cost, which amounted to $75,000. They took a desperate chance in this contract in a hope to win big fees. But under the law the court was to fix the fee. When the court, composed of Judge Adams, of North Carolina; Judge Weaver, of Ohio; and Judge Foote, of California, fixed the fee, they agreed on $750,000, or 4½ per cent. The claimants had contracts of from 25 to 50 per cent of all they recovered with nearly all the lawyers in the Chickasaw and Choctaw country.

These lawyers, of course, were swept off their feet. They saw a fortune slip from them. Some of them began to announce in the press that these attorneys had bought the court, and appealed to Congress to reopen those rolls. They were given aid by Secretary Hitchcock, who joined the cry in a vain attempt to rid himself of criticism for mismanagement of his department and in an effort to strike Gov. Johnston, whose policies for the Chickasaws did not suit him. To illustrate the frauds in those cases, there is one that I remember distinctly now who was admitted with 87 claimants, taking nearly $400,000 worth of property. When they found their written evidence, the testimony that they were Indians was sworn to by five of the most prominent men of the State of Arkansas. Mr. Cornish went to Arkansas and asked one of the judges of that State who was supposed to have been a witness, "What do you know about this testimony?" The judge ejaculated, "I never heard of it; I never swore to that." Then Cornish went to a prominent lawyer whose deposition was in the case, and that lawyer protested, "I never heard of it." So with all the others of these five witnesses. Then he hunted up the notary public who had certified to the depositions and jurat and found that the notary had died five years before the depositions were taken. Not only the testimony but the jurat of the notary public were forged in the office of the lawyer representing these 87 claimants. The entire case was manufactured out of blue sky. Of course, they were wiped from the rolls. So with the balance of them.

Then the cry went up, the "press dope" of the attorneys representing the other side, through the press of our State, the press of Washington, and everywhere, that this $750,000 was divided between the three judges and the three attorneys. Ex-United States Senator Butler, of North Carolina, being now employed as attorney by the claimants, made the charge in his paper, the Caucasian. Judge Adams, then Republican chairman of North Carolina, sued ex-Senator Butler for libel. I went voluntarily from my State to North Carolina to testify. Butler was convicted on the charge, and that stopped that slander against the court. Some of my friends warned me, "You are making a mistake to go to North Carolina in that case. This will injure you in politics." I said, "I do not care. I will go around this earth to testify for an honest man who has done his duty." [Applause.] I realize, too, that it is not politic for me to make this speech. I know, gentlemen, we have men in our State, as you have in yours, whose only claim to character, to integrity, and honesty is based upon denunciation of some man who happens to be unpopular. It is a dirty, cowardly method. We have others whose claim to character and to public applause is based upon a spectacular effort in a moment of moral excitement, just as we have recently had in some prosecutions in probate matters. But the really honest man, the honest, brave man, stands at the threshold of every transaction, and pushes and fights back every attempt at graft, whether it is the work of an unpopular man or the work of the strongest man in the Government. [Applause.]

I believe that Congress ought to understand this situation. We are not through with this slander yet, but it has been removed from Judge Foote and Judge Weaver by death. They have passed "over the river to rest under the shade of the trees," and are far removed forevermore from the foul and slimy slander of cowardly character assassins. Judge Adams had to bear it alone for awhile. Maj. STEDMAN, now a Member of this House, will recall that he was attorney for Judge Adams in the suit against Butler, of which I speak.

It is just for me to say that immediately all the Oklahoma lawyers of character and integrity who represented these claimants abandoned them, and now firms in St. Louis, in Texas, and in this city have undertaken the dirty job by use of slandermongers using the name of McMurray as the "goat" for their raids upon Oklahoma Indians.

But against the Indians' faithful and successful attorneys the slander continues. Now, I want to say, my friends, I have no defense for any Indian lobbyist or Indian lawyer; but lobbyist or lawyer, or whomsoever he may be, who is trying to aid the speedy settlement of our Indian problems, will have my aid so long as I am a Member of Congress. When he does the wrong thing, he has my condemnation. I recite these things to show you the reason.

Now, as to the reflection upon the Chickasaw and Choctaw Tribes. Why should they employ these lawyers and give them 10 per cent? They remembered that the Government charged them all the way from 75 to more than 100 per cent. They remembered that with the handling of other cases these attorneys never charged more than 6 per cent and always winning their cases. In the claim against the Government for the negro lands the Government attempted after the Civil War to force amalgamation between those tribes and their ex-slaves. The Chickasaws declined. The Government held over them a reward or bounty if they would make citizens of their former slaves, but they would not adopt them. They still declined and told the Government to keep their money. When the break-up came the rolls showed that with 6,000 Indians and a little more than 6,000 negroes there are only 12 individual family mixtures, and that is a better record than you find between whites and negroes anywhere in the South, anywhere in the District of Columbia, or anywhere else in this Government. After that attempt to amalgamate them failed they made the Indians agree, in order to get certain concessions, to let the negroes have each 40 acres of land with the privilege of testing the question in the Supreme Court.

And when they agreed to that 40 acres—and almost a mule—then Gov. Johnston wanted to contest with the Government for it; but the Secretary of the Interior opposed him, and the Attorney General of this Government stood in the Supreme Court fighting them. Gov. Johnston employed J. F. McMurray, of the old firm of Mansfield, McMurray & Cornish, who went into court and won it over the protest of the Government; but he has never yet received his fee. There are other like claims against the Government, rightly due these Indians, and it shall be my purpose in Congress to stand behind anybody that is trying to do the right thing to the people of my State, or any portion of them. I shall do this at the risk of being misrepresented.

When I retire to private life I shall carry with me that calm consolation of a man at peace with his mind and conscience. Legislation sometimes goes off on the absurd notion that somebody else is for it or opposed to it. The Indian can recall that he wiped out the court claimants, costing $750,000, to recover $20,000,000 and to correct the mistake of the Government, which cost but 4½ per cent. He can recall again all the other claims successfully terminated without costing exceeding 6 per cent. That, my friends, is the reason why the Oklahoma Indians employ attorneys. They have realized the difficulty of political hazard; they have realized the sad experience in the past, and yet you have propositions offered to this House to make it a criminal offense, as was proposed in the last Congress, for any attorney to engage his service to an Indian tribe without the consent of Congress, even when the Indian is seeking a claim against the Government. Imagine the fallacy if you and I, having a suit at law, for me to determine who your lawyer shall be. This is the issue, and this is the question involved in such proposed restriction. I opposed this restriction, and was misrepresented for it, but the slander availed the author of the restriction nothing.

No greater frauds nor perjuries were ever practiced upon a people or imposed upon a nation or disgraced the judiciary than the citizenship frauds of the Chickasaw and Choctaw Nations, and yet the Government is urged to a repetition of this crime. This Congress is surrounded by an attorney—W. Ballinger—of Washington City, and Cantwell & Crewes, two attorneys of St. Louis, who have given to the Senate Committee on Indian Affairs a list of more than 8,000 claimants, and are seeking to reopen the rolls and take from these tribes forty-odd millions of dollars. They admit that they have from 25 to 50 per cent contingent fees if they enroll these claimants, or an aggregate sum of from eight to twelve millions of dollars; and while you are talking about the $750,000, have you ever stopped to think that possibly these attorneys, whose names are not mentioned by the press—but had you stopped to think that they have more contingent money with which to bribe than all the money or contracts ever held by Mansfield, McMurray & Cornish, or either of them? This may explain why these claims persist. The reopening of these rolls would wipe out these Indian estates, becloud titles, and disturb business, to say nothing of the delay of a final settlement, beyond the power of man to estimate on the east half of our State. It would be no less than a crime.

We will have not only in this bill but in other bills that will come before this body questions of great moment, and I want you to remember these tribes understand their business and have managed it successfully, and we hope you will understand when you legislate for them that that legislation ought to be different from that for other tribes that have yet a degree of savagery. Because, I repeat again, three of these tribes were never savage; they may not have had a Christian civilization, but they had at least a pagan civilization equal to that of the Chinese or the Japanese when Perry executed his treaty.

If the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles have not always been civilized, what is that dynamic force that persists in engrafting itself upon our civilization? No less than four States have their names from their vocabularies. From

Virginia to Colorado the map of the Republic is plastered with the nomenclature of these tribes. We find them on the hilltops, in the canyons and valleys, towns, cities, and hamlets, among the names of our citizens and everywhere—we find them in all three of the branches of our State government, in both Houses of Congress, even our money bears the name of Gabe Parker, Registrar of the Treasury, a Choctaw Indian. What is this force, this influence? Is it civilization or is it something, though akin to civilization, but beyond it, a moral force, a divine decree?

Moreover, in addition to all this force their blood must have mingled with ours. Did you ever ask yourself the question what became of all of the four or five millions of Indians on this continent when European settlement was made. We would scarcely care to admit that we have killed all except 327,425, which is the exact number identified by the Indian Bureau of the Government. The last census shows 265,683, which is less than the Indian Bureau number. We have of these 101,170 in the Five Civilized Tribes in Oklahoma and 16,274 on the west side of the State, or over one-third of all Indians in the United States. Nor can we believe that 4,000,000 Indians died of disease, since there has never been any great epidemic, contagion, or pestilence to carry away any great numbers of them. In view of the fact, notwithstanding their contamination with white men with congested population creating diseases for many years, they are growing in number. I ask what became of them? We can but conjecture that they have been amalgamated and assimilated by the American people. In the making of the various treaties for the past 130 years, the references to provisions made for white men who lived among them give color to this conjecture; and if true, how absurd it would be to reopen the Indian rolls to admit persons because of Indian blood. Hence the necessity of holding the rolls to those who have remained a part of the tribe or Nation, and who have never expatriated by becoming citizens of some other State and thereby losing their property rights, just as an American citizen by expatriation would lose his interest in the common American property, including the public domain, by swearing allegiance to the Crown of England or any foreign government.

I see that my time is flying. I would be glad if all the Members of Congress could understand that we have not altogether the grafter on one side and the Indians on the other. The question of graft does not run with the race. Some of the worst grafters we have in the State are mixed-blood Indians, used as interpreters between the full bloods and whites, and also that some of the best friends the Indians have are white men. The Indians themselves understand that. There is no conflict between honest white men and honest Indians in the State of Oklahoma. The average merchant, the average farmer, with the Indian—or 85 or 90 per cent of the Indians—stand together shoulder to shoulder for the settlement of these affairs. There is no conflict. The only conflict is against the organized graft and greed, and sometimes it is difficult to defeat them. Why? Because they are always organized, and because in a moment of lull the politician and the demagogue, especially the cowardly politician, will use denunciation of some unpopular man to deceive the people about his purpose, thereby goes into office without declaring a policy on any question, with a view to exciting the admiration of the honest men. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask for three minutes more.

Mr. STEPHENS of Texas. I yield to the gentleman three minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman, our people realize the unsavory things that have been said about them since the advent of Statehood. But, my friends, you must remember that Oklahoma did not grow. Every other State was settled, and you can mark its colonization period, its period of development, its period as a Territory, and, finally, the development to statehood as it grew with "an idea" on becoming a State. Our State did not grow; it was made—manufactured. Within one man's lifetime two-thirds of it—that portion not embracing the Five Tribes—within the memory of men has been settled and a full government established.

So in the very nature of things we did not know one another; we have made mistakes. We have sometimes elected dishonest men. We have sometimes elected incompetent men, but our people have reached the period when they look not so much for what a man may stand for, but for men who will fill the only true definition of a good officer—an honest, wise, and brave man. Above everything else with them is honesty, truthfulness, integrity, and morality—character. In the future you will find this to be the hope of our people. This is best shown in the matter of the recent visit by the Commissioner of Indian Affairs when the county judges all over the east half of the State were eager for cooperation with the commissioner; they unanimously adopted proper rules to govern probate procedure, anxious to do the right and honest thing. Our people are honest, are men of integrity, and men of character; although they may differ on fundamental and general issues, they stand for a speedy settlement of our Indian problems. [Applause.]

Mr. NORTON. Mr. Chairman, I yield 40 minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, to many men in Congress the service at Washington, the political market place of the Nation, affords the first and perhaps the only opportunity of their lives to observe at close range and at first hand the attitude of mind which men representative of the various subdivisions of the country entertain toward each other. No student of the great facts of American history can fail, when such opportunity is presented, to search into the feeling which exists between the North and the South to-day, nearly 50 years after the close of the great struggle between them. I can freely say that it has been one of the pleasantest discoveries of my brief service here to find how completely—so far, at least, as I can observe—the old personal sectional bitterness and hatred have passed away. The Nation is happily again a Union indeed.

This is not the only result of the passage of the years. No longer is the South wholly pastoral or agricultural. In the industrial and commercial life of the Nation it has taken a place undreamt of a generation ago. And with these new fields of activity has naturally come an ambition for yet greater achievement for the future. So it has come to pass to-day that in place of the wretched sectional hatred between South and North there has sprung up a keen, vigorous, and, I believe, in the main, a wholesome rivalry in manufactures and in trade between these two portions of the country.

Competition, then, is here. But this competition, like all other, should be fair. As has so often been said by our courts in dealing with restraints of trade, competition may be—indeed, almost necessarily is—selfish; but it must nevertheless conform to the rules of the game. Applying this principle to the business strife between the States of the South and those of the North, it is but human nature that the contention for the mastery should be keen. Just as in matters affecting the Union as a whole, we seek to have our country paramount, and call that aspiration patriotism; just as among individuals there prevails the spirit symbolized by such expressions as "Self-preservation is the first law of nature," "Look out for number one," "Charity begins at home"; so, between States and groups of States having community of interest a similar spirit prevails. I do not commend this spirit, nor claim for it altruism; but I think we can agree that it is at least well-nigh universal human nature and that it must be reckoned with as such.

As we all know in a general way, but as I shall attempt to develop more in detail in the course of my remarks, the South is to-day supreme in the Congress of the United States. That being true, it is not for her to lose sight, in the natural anxiety for the material prosperity of her people, of the responsibility which she owes to the Nation as a whole; and it is for us who represent the States of the North to be zealous that she shall not lose sight of this national duty and obligation.

My remarks will be addressed in some detail to the problems suggested by these considerations. I desire to emphasize that what I shall say is uttered in no narrow spirit of sectionalism or of criticism, in no desire to wave the bloody shirt, but in the confidence that to the personal bitterness of days gone by between the North and South has succeeded a keen, yet friendly, business rivalry which we should all strive to foster along right lines. I shall avoid, so far as may be, expressions of personal opinion and shall seek to make plain, by reference to accessible publications, the different steps of my argument.

Oftentimes a man who feels that injustice is being done, intentionally or otherwise, to him or to what he represents is deemed to acquiesce therein if he does not make such vigorous protest as lies in his power. I do not desire hereafter to be considered estopped, because of previous silence, from making such protest against much of the legislation which has, since the Democratic Party took control of the Government, been put upon our statute books. I purpose, then, to take up, one by one, as briefly as may be, perhaps half a dozen instances of recent legislation which seem to me to work a clear discrimination in favor of the States of the South and against the constituency which I represent.

I. THE INCOME TAX.

Section 8 of Article I of the Constitution of the United States provides in part that—

All duties, imposts, and excises shall be uniform throughout the United States.

The Supreme Court of the United States has construed this language to prohibit an income tax levied upon large incomes, regardless of State lines, and to require a tax apportioned among the several States in proportion to population. To overcome this situation, an amendment to the Constitution was adopted a year ago, and, pursuant thereto, the tariff act, which became operative October 3 last, contains an income-tax section imposing a tax upon incomes, wherever found, in excess of a stated minimum.

It is difficult to ascertain just the proportion of the total amount to be raised under this new law which will be borne by the several States. I have made inquiries of the Treasury Department's experts and of the statisticians connected with the Finance Committee of the Senate and the Ways and Means Committee of the House, but have been unable to obtain from any of them even a guess on this point. About all they are able to tell me is that approximately 500,000 men will, for the first year when a full tax is levied, pay about $82,673,000. See Senator SIMMONS's remarks on the conference report on October 2, 1913, page 6055 of the CONGRESSIONAL RECORD. In an effort to determine what the share of Massachusetts would be in this eighty-odd million dollar amount I have assembled figures showing the relative developed resources of Massachusetts, the relative amount upon deposit in all banks of Massachusetts, its savings deposits, and the amount which it contributed to the income tax in Civil War times. While it is impossible to say positively just what Massachusetts' share will be, I feel perfectly confident in my own mind that it will approach $6,000,000. I feel equally confident, after similar computations, that the seven States of West Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, and Louisiana will altogether pay about the same sum. Yet these seven States have a population of over three times that of Massachusetts and an area of about thirty-eight times that of Massachusetts.

I do not adduce these facts in an attempt to criticize the enactment of an income-tax law, in the principle of which I fully believe. I do, however, desire to lay stress upon the tremendous burden to which Massachusetts is thus subjected as compared with that borne by seven great Southern States whose representatives here in Congress, as I shall show later more in detail, are largely responsible for this legislation.

In this connection I desire to quote at some length the words of a great publicist discussing this very matter:

> The provision of the Constitution which requires direct taxes to be imposed according to the rule of apportionment was a shield provided for each State to protect it against oppression by any combination of other States. In entering into the Constitution every State was surrendering its own several powers to impose taxes upon its citizens and to enjoy the proceeds of taxation; it was surrendering that power to a body in which it was manifest there might easily arise a combination or a community of interest and opinion which would lead to taxation injurious to the State which was surrendering its power. In order to guard against that surrender ever being used to the vital injury of any State, this shield was set up before every State—the requirement that direct taxes should be levied in accordance with the rule of apportionment. It is certainly true that the voluntary surrender of this protection, which was a part of the terms of union, imposes a very high responsibility upon the representatives of the country at large in whose hands this vast and now uncontrolled power is vested. Remember that the protection of the rule of apportionment was a part of those compromises in the Constitution which gave to the smaller States the same representation in the United States Senate that the greatest State has; remember that when the States of New York and Pennsylvania and New Jersey and Massachusetts gave their consent to having the smaller and least populous States represented by as many votes in the Senate as any State was represented by they did it with this protection. So the State of Nevada, with 84,000 people, has as many votes in the Senate as has the State of New York, with 10,000,000 people, and the State of New York has voluntarily relinquished its constitutional protection against unfair taxation without asking any increase of its representation to correspond to its responsibility and to the possibilities of the contributions which may be required of it. So the assent of the great industrial communities, mainly in the East, to the imposition of an income tax, without regard to the rule of apportionment and without any increase of their representation in the Senate, casts upon the representatives of other States the highest obligation of consideration, moderation, and fairness toward those great States that trust in their sisters to be fair and not to the protection of the old constitutional provision.

We must remember that if Massachusetts has more taxable incomes than the States of the South, it has vastly more demands in other directions which it must also meet. This Nation can not endure, nor can a truly free government be maintained, unless the representatives in Congress feel that responsibility and duty of moderation which will lead them to be just to every section of the land.

II. THE TARIFF.

Can it be said that the schedules of the recent tariff act in all respects reflect that sense of fairness, that moderation toward all sections of the country which we of New England have a right to expect and demand in our legislation? I prefer not to answer this question directly, but to put before you a few specific instances out of many which might be cited which seem to me to have a bearing upon this problem. The numbers following the commodities mentioned refer to the paragraphs of the tariff act.

Wheat and wheat flour (644), corn or maize (465), corn meal (466), all flour except rice (435, 589, 590, and 644), and fish (483), are articles of food in general use, are all raised primarily in the North, and all come in duty free. Rice and rice flour (193); lemons, limes, oranges, and grapefruit (220); peanuts (225); and pineapples (222), are also articles of food in general use, are all raised primarily in the South, but are all protected.

Wool of the sheep (650), raised mainly in the North, comes in free of duty; hair of the Angora goat (305), raised almost wholly in Texas, is protected.

Bags or sacks of jute (281), used mainly in the North, are, on the other hand, subject to a duty, while bagging for cotton (408), used almost altogether in the South, is free.

Band iron for cotton ties, used in the South for baling cotton (509), comes in duty free. All other hoop, band, or scroll iron, and barrel hoops of iron or steel (107), used in the manufactures of the North, are subject to a duty.

Smooth wire (114) and wire rods (113), the raw material manufactured in the factories of the North, are dutiable, while, curiously enough, the finished product, such as wire nails (554), barbed wire, galvanized wire fencing, and baling wire (645), used largely in the South, come in free. A member of the Ways and Means Committee, discussing these very paragraphs, said in the course of the debate on the bill:

> Perhaps the most peculiar of the political classifications is that which puts smooth wire on the dutiable list, but when it is further developed by being twisted and barbed to make barb wire it is made free, as another bid for the farmer's vote. Is it any wonder that a bill containing such provisions is framed in secret caucus and behind closed doors?

The instances above cited are by no means exhaustive. There are similar ones to be found in the cotton schedule and in almost every other schedule of the bill. Is it not an almost hopeless strain upon our credulity to assume that all these inequalities are merely coincidences rather than the result of careful calculation and design?

III. RIVER AND HARBOR APPROPRIATIONS.

Under this heading I desire to make a rough tabulation of the amount which Massachusetts will contribute to the resources of our National Treasury, as compared with the share borne by the States of Florida and Texas. I do not take these two States because they are, to my knowledge at least, exceptional, but because I think they are fairly representative of great States to which liberal appropriations for rivers and harbors have in recent years been made.

The income of the United States Government will be derived, when the income tax is fully in operation, from three great sources: Customs duties, internal revenue, and the income tax. Florida will probably pay about one-eleventh of the amount paid by Massachusetts to the income tax, or about $550,000. For the year ending June 30 last, its customs receipts amounted to about two and one-half million dollars and its internal-revenue receipts to about one and one-half million dollars. Thus, its total contribution, assuming the same general customs and internal-revenue returns in the future as in the past, will be about four and one-half million dollars.

The contribution of Texas to the income tax will be about one-half that of Massachusetts, or $3,000,000; its customs receipts, about $4,000,000; and its internal-revenue receipts, about $75,000; a total of a little over $7,000,000.

Massachusetts' share of the income tax will be, as we have seen, about $6,000,000; its customs receipts $25,000,000; and its internal-revenue receipts, $7,000,000; a total of $38,000,000. Of course, it may be argued that the customs receipts collected at Massachusetts ports are not wholly attributable to State consumption, and that is true; but doubtless the same condition prevails with regard to the two Southern States cited—to a considerable extent at least—and it is not probable that the disparity is of sufficient consequence materially to affect the comparison.

How did these three States fare in river and harbor appropriations during the Sixty-second Congress, which was under Democratic control? Massachusetts' rivers and harbors received $884,442; Florida's rivers and harbors received $2,550,000; and Texas' rivers and harbors received $5,198,000; and this in spite of the fact that Massachusetts will contribute to the Treasury of the Nation about eight and one-half times as much as Florida and about five and one-half times as much as Texas. Stated in another way, Massachusetts received 26 cents per capita; Texas, $1.33 per capita; and Florida, $3.38 per capita. Still again, Massachusetts received one-fifth of a mill per dollar of developed resources; Texas, 2 mills per dollar of developed resources; and Florida, 7 mills per dollar of developed resources.

Perhaps it will be argued by some uninformed person that this disparity is due to the fact that Texas, for example, has great rivers of deep potential draft which are crying aloud for development, while Massachusetts, an older State, has received her millions in the past, so that all her rivers are now developed. I am informed by an expert on this subject that the fact is that in the history of the Nation Massachusetts has received for her rivers and harbors $19,000,000, while Texas has already received $37,000,000.

Mr. STEPHENS of Texas. Is not Texas about thirty times as large as Massachusetts?

Mr. ROGERS. In area, perhaps, but that is not a proper basis for determining the division among the States.

We who live on the banks of the Merrimac River and who hope to see the wonderful possibilities of that stream developed so that the readily obtained 18-foot channel may bring our coal, lumber, and foodstuffs to our doors were obliged to content ourselves in the Sixty-second Congress with an appropriation for the whole course of the river of $10,000. The treatment of the Connecticut River has also been wholly inadequate.

Let us turn to two rivers in the State of Texas—the Trinity and the Brazos—to see what treatment was accorded them.

I quote from the report of the Chief of Engineers of the United States Army for 1913, pages 824–830, passim:

> Boats drawing 6 feet of water can be brought from the ocean to the mouth of this (the Trinity) river. The river above tidal action is a narrow stream with a low-water depth insufficient for even light-draft navigation. Snagging operations were carried on by means of one snag boat and two quarter boats. The expenditures made in cleaning the river have resulted in no increased depth, but the removal of snags and drifts has improved the drainage condition. Owing to the fact that the river is not yet navigable to Dallas (a city of 92,000 people, 511 miles from the sea), the only place at which it can come into active competition with the railroads, no effect on freight rates has been produced.

If this language did not occur in a serious Government report one might be excused for thinking the description a bit of sarcasm. Yet the same report tells us that the amount expended to last June already exceeded one and one-half million dollars. Nearly $400,000 was spent on the river during the year ending June 30 last, and $710,000 was appropriated for the work by the Sixty-second Congress.

Let us turn to the Brazos River (see pp. 792–798, passim, of the same report). The report says:

> A navigable channel of 4 feet exists only when the river is at a stage of about 4 feet, or possibly four months per year in intermittent periods. No advantage has been taken of the improvement above Columbia, 35 miles above the sea. The operations during the year consisted in the removing of obstructions by snagging and the cutting of trees on banks between mile 103 and mile 154. No work was done in the nature of jetty construction or repairs, and the work of that nature that has been done has either been obliterated or is of no further use. No commerce of any note has developed, nor can any be expected until the Brazos River is improved from its mouth up to Waco, a city of 26,000 people 424 miles from the sea, or until the territory about the lower portion is given over more to agriculture than it is now. The improvement has so far caused no effect on freight rates, and no effect is looked for until the river is improved throughout. Amount required to be appropriated for completion of existing project, indefinite.

Over a million and a half dollars has already been expended on this so-called river; $730,000 was appropriated for it by the Sixty-second Congress, and $275,000 was expended during the fiscal year ending June 30 last.

Instead of a teeming population of several hundred thousand which lines the banks of the Merrimac River from its mouth to Lowell, some 25 or 30 miles above, we find as the principal characteristics of these creeks of Texas snags, stumps, and overhanging trees. No industries are reflected in their waters, no commerce awaits the opening up of the 4-foot or 6-foot channel. If it were not for the generosity of a complacent Congress, these rivers would go on in their primeval obscurity to the end of time; but the fertile brain of the able Texas delegation in Congress has discovered here an opportunity for the expenditure of public money, and we in Massachusetts must pay the piper.

IV. PUBLIC BUILDINGS.

In two public-buildings appropriation bills passed by the Democratic Sixty-second Congress 10 Massachusetts projects carried a total appropriation of about $1,000,000.

Oklahoma, less than half as large in population and but one-eighth the size in developed resources, also had 10 projects carrying about an equal amount. Alabama, with but two-thirds the population of Massachusetts and with about one-fifth of its developed resources, received almost half again as much. Tennessee, with about two-thirds of the population and one-fifth of the developed resources, also received a considerably larger appropriation. The South as a whole was given money for 224 projects, carrying appropriations of eleven and one-quarter millions of dollars. New England as a whole was given money for 33 projects, carrying appropriations of about $3,000,000. It is, perhaps, not necessary to pursue this illustration further; and it is difficult to account for the result, except in one way. It certainly can not be said that the States of the South are growing so much faster that they need additional help either for their rivers and harbors or for public buildings out of all proportion to their actual size. The 1910 census discloses that Massachusetts increased 20 per cent in population during the 10 years preceding; Rhode Island, 26.6; and Connecticut, 22.7. Only 4 of the 15 Southern States increased more than Massachusetts, and most of them much less, during the same period. Nor can it be said that the people of the South are so much thriftier than Massachusetts. Massachusetts' savings deposits average $246 per capita, and New England's, $237. The Southern States average $9.89 per capita.

V. AGRICULTURAL EXTENSION.

On the 19th of January of this year the House of Representatives passed the Lever agricultural extension bill. When this bill becomes fully operative each State will receive $10,000 a year from the Nation, and in addition the sum of $3,000,000 yearly will be allotted among the several States in the proportion which their rural population bears to the total rural population of the United States as determined by the next preceding Federal census. So far as Massachusetts is concerned there is a "joker" concealed in this language: The Census Bureau defines as "urban population" that which resides "in cities and other incorporated places of 2,500 inhabitants or more, including the New England towns of that population." Only the portion of the population which is not "urban" under this definition is to be treated as "rural," and hence is legally permitted to receive assistance under this bill. We all know that in New England there are many towns of which the population is almost wholly given over to agriculture or other rural pursuits, and yet which have a population, taking the town as a unit, of well over 2,500 people. Take the fifth district of Massachusetts, which I represent. The following towns, Andover, Methuen, Ayer, Billerica, Chelmsford, Concord, Dracut, Hudson, Maynard, Pepperell, Reading, Tewkesbury, and Westford, as well as the cities of Lowell and Woburn, all have a population of more than 2,500, and hence, although in very large measure "rural" in any true sense of that word, are absolutely excluded in the computation prescribed by the bill. Indeed, out of the 209,000 people in the fifth district, 189,000, or over 90 per cent, are so excluded.

The table prepared by the authors of the bill shows that of the $3,000,000 less than one-half of 1 per cent, or $14,700, will go to Massachusetts. Yet probably Massachusetts will contribute, through income tax, customs, and internal revenues, from $150,000 to $200,000 of the total $3,000,000. In other words, this provision of the bill is actually costing Massachusetts somewhere between $135,000 and $185,000. We like to be philanthropic and charitable, but can it be expected that we shall be especially enthusiastic over such legislation as this?

But 7 per cent of the total population of Massachusetts is "rural" under the arbitrary definition adopted by the census; but 3 per cent of Rhode Island is thus "rural," and but 10 per cent of Connecticut. Yet the Southern States range from 70 to 88 per cent "rural," and grow fat accordingly under this bill. South Carolina, the home of Mr. Lever, the author of the bill, for example, has a "rural" population of 85 per cent. It is not surprising that he is cordial about the proposed plan.

There is a further argument, so far as Massachusetts and the fifth district of Massachusetts are concerned, against the Lever bill. Its avowed purpose is the desirable one of "diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics." This is, of course, laudable; but there are also large industrial interests in Massachusetts which are not connected with farms but yet which are in need of instruction in domestic economy. Massachusetts has a very large mill population, where the need of domestic economy in managing the home is acute. Yet there is absolutely no provision for these people in the Lever bill. Why should it not be so applied as to do justice to all classes in the community? Even the 10 per cent of the fifth district people who live in towns within the purview of the bill may largely, as individuals, find themselves outside its scope because not engaged in the sort of occupation which entitles them to apply; and, on the other hand, very many people making up the 90 per cent excluded ought, except on this arbitrary distinction, to be welcomed and aided among the first.

It is perhaps to be expected that the older, more densely populated and wealthier States should contribute to the Lever bill more than they receive; but it does seem as if the discrepancy in this particular case was out of all reason and, being in the first place founded upon an absurd premise, ought not to be tolerated.

VI. RURAL POST ROADS.

House bill 11686, which passed the House to-day, carries a provision for the expenditure for rural post roads of $25,000,000 a year. One-half of this amount is distributed among the several States in the proportion which the total number of miles of rural post roads in use in each State bears to the total number in all the States. It is a pork-barrel measure of the most extreme kind, with the South the distributor and consumer of the pork.

We saw that in the case of the agricultural extension bill. Massachusetts, contributing 6 or 7 per cent of the revenues of the United States, is to receive back less than one-half of 1 per cent. Under this bill it will receive two-thirds of 1 per cent, or $78,000, out of the twelve and one-half million dollars, but will turn into the Treasury nearly a million dollars for the fund. No one claims that Massachusetts roads are what they should be, but everyone knows that they are vastly better than in most parts of the country. Furthermore, while, of course, road *improving* will properly be one of our great tasks of the future, yet it is equally true that the road *making* of Massachusetts is largely a thing of the past, while in the States of the South it is largely a thing of the future. And yet Massachusetts is to pay its own way and that of some of the other States as well. Massachusetts, which has tried throughout its history to do its full duty in connection with roads, is for its pains to have to bear a huge share of the burden of the States which have been less public spirited in this respect. Under this bill, for example, out of the twelve and one-half million dollars Alabama gets $286,000; Georgia, $415,000; Virginia, $308,000; Tennessee, $407,000; South Carolina, $207,000; Oklahoma, $346,000; North Carolina, $358,000; Missouri, $568,000; Mississippi, $227,000; Kentucky, $270,000; Texas, $593,000, and so forth.

The figures which I have cited are taken from the report which accompanied the introduction of the bill into the House. I am not entirely certain that as a result of some of the amendments offered during the debate the figures as given will not be somewhat altered, but I am entirely clear that the proportion will be maintained, and that, therefore, the figures as shown fairly represent the general effect of the bill as it leaves the House and goes to the Senate.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. For a question.

Mr. McKELLAR. Does the gentleman in his figures take into consideration all those vast sums of money that the United States, or that Congress, has been, by means of the tariff, legislating into the pockets of New England?

Mr. ROGERS. The gentleman has just come into the Hall?

Mr. McKELLAR. Yes.

Mr. ROGERS. I have attempted to cover that suggestion in the early part of my remarks. Of course, Massachusetts is an older State, and because of its age has necessarily received more in some respects than the newer States; but I have tried to show—and I will refer the gentleman from Tennessee to the early part of my remarks—that it has not in any aspect received the proportion of appropriations in the past which were rightfully its own.

Mr. McKELLAR. Has the gentleman prepared any figures showing the amount that has been legislated into the pockets of the people of Massachusetts by means of the tariff legislation in the last 40 years?

Mr. ROGERS. Mr. Chairman, the gentleman knows that sort of a computation could not be obtained from any books or derived from any source whatever. Massachusetts has undoubtedly prospered under Republican rule. Is that anything to be ashamed of? We have, moreover, always been willing and eager to share that prosperity with the gentleman's own State of Tennessee and with every other State. All we ask to-day is that our generosity of the past shall not be wholly forgotten.

Some people seem to think that there is a kind of magic in a Federal appropriation; that it, with a Midas-like touch, creates the sum appropriated. The fact is that every cent must come out of our pockets, through direct or indirect taxation; and, as I have reiterated, the pockets of Massachusetts are emptied faster in proportion than any theory of reason or logic can defend.

THE EXPLANATION.

The question has occasionally been asked me, Why does the South so dominate the counsels of the Democratic Party in Congress? Is it not a fact that the 15 Southern States have but 132 Members in the House of Representatives as against 167 Members contributed by the northern and western Democracy?

The explanation is simple. Long service in the House means chairmanships, and chairmanships mean a power out of all proportion to the numerical strength of those wielding it. There are 58 committees in the House of Representatives. Of these 26 may be disregarded for our purpose as not especially important along legislative lines. Of the 32 remaining chairmanships—all of important committees—31 are held by Representatives from the following Southern States: Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Oklahoma, Texas, Arkansas, Tennessee, Missouri, and Kentucky. The only exception is Mr. FITZGERALD, of New York, chairman of the Committee on Appropriations. These 12 Southern States represent but 15 per cent of the developed resources of the United States, but 23 per cent of the area, but 28 per cent of the population, and but 28 per cent of the membership of the House; yet these 31 men have a power of enacting or of preventing legislation which is almost supreme and which it is difficult to overemphasize.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield there?

Mr. ROGERS. Very briefly.

Mr. McKELLAR. Does not the gentleman think that if Massachusetts had been doing her duty by sending Democratic Congressmen here for the same period of time that the South has been she would have fared just as well?

Mr. ROGERS. I recognize that from the standpoint of every Member who is seated in the House at the present time the argument is that he ought to be returned again and again, whether from the North or the South, whether of the Republican or the Democratic persuasion.

Mr. Chairman, how did these 32 men gain their appointment as chairmen? Was it by reason of signal ability or of preeminent public service in Congress or elsewhere? Not at all. Their elevation is almost wholly due to the fact that they were senior in point of service. Of the 32 men, one has served 12 terms in Congress, two have served 10 terms, seven have served 9 terms, four have served 8 terms, five have served 7 terms, three have served 6 terms, two have served 5 terms, five have served 4 terms, and three have served 3 terms, making a total of 219 terms, or an average of about 7 terms per man. Perhaps I may add in passing that 8 of the other 26 chairmen of the committees which I have designated as minor are also southerners.

The 145 Members of Congress from the 15 Southern States have served an average of 3.13 terms prior to the Sixty-third Congress; the 205 Representatives from the Northeastern States of the Union have served an average of 1.38 terms prior to the Sixty-third Congress. Thus the southern Members have served almost two and one-half times as long, on an average, as the men from the Northeastern States. As I indicated at the outset, this fact is responsible for chairmanships, and chairmanships are largely responsible for the power wielded by the South. Thus, of the 132 southern Democrats, 40, or about 30 per cent, are chairmen of committees, while of the 167 northern and western Democrats but 18, or a little over 10 per cent, are chairmen of committees. The Philadelphia North American, perhaps the leading Progressive Party organ of the United States, referring in a general way to the conditions here outlined, said on January 21 last:

> Since the issue is put before us, it may be well to state the reasons why we do not favor the election of Democratic candidates to Congress.
>
> With only here and there an exception, the representatives of that party differ from us respecting vital economic policies. We reject their view of the tariff; we believe in true protection; they do not, but advocate a tariff for revenue only, or, in many cases, something more akin to free trade.
>
> We dissent from their position upon the control of money and credit; they are for lodging that control in the hands of the bankers; we hold that it should be a public matter—that the power is one which should never be surrendered to private interests.
>
> We believe in the "new nationalism," as against their worn-out doctrine of State rights. We believe in the sovereignty of the Nation as a whole respecting all matters essentially of national concern; they believe in the sovereignty of the several States—a doctrine which has done much to make impotent public control of far-reaching evils, and to create "twilight zones" wherein powerful interests have operated with impunity against the public interest.
>
> For these reasons we look with apprehension upon the rapid concentration of the control of the governmental machinery in the hands of the southern Democracy. We believe, further, that they are actuated by patriotic motives, while many of their northern colleagues are but soldiers of fortune. But on political and economic questions they hold views and strong convictions diametrically opposed to those which we share, and perilous, we believe, to the interests of the Nation.
>
> They are, many of them, the sons and grandsons of the old aristocratic rulers of the South; they have inherited, and sincerely hold, a sympathetic attitude toward plutocracy and special privilege.
>
> Readers of this paper know better than to suspect us, in this, of sectional prejudice. We are not discussing the war, but the economic issues which caused it. That conflict was the result of adherence to principles economically wrong, yet still exhibited by potent leaders of the South. It is for this reason that we regard with genuine alarm the possibility of this Government's passing into complete control of these men, however pure in motive and honest in conviction they may be.
>
> Anyone who imagines that we express a far-fetched view should consider the evidences that it is widely shared throughout the Nation, even though it is seldom formulated in words. Surely it is significant that all political writers and competent observers agree on one point:

The Democratic Party is not growing; during the first year of a triumphant Democratic administration the party is, if anything, losing in strength. The party is not attracting the recruits that might have been expected to flock to its standard. Every by-election emphasizes this condition.

The reason for it is that the people of this Nation are progressive and that they are distrustful of the growing domination of the Democratic Party by its southern leaders, who, able as they are, hold a political and economic philosophy which has not changed for 50 years and is completely at variance with the spirit of the times.

It must not be overlooked that the southern conception of the obligations resting upon the voters and upon the candidates for and holders of public office is materially and strikingly different from that entertained in the North. For example, in South Carolina it is provided that "the managers at the primary election shall require every voter in a Democratic primary election to pledge himself to abide the results of the primary and to support the nominees of the party, and to take the following oath and pledge, namely, 'I do solemnly * * * pledge myself to support the nominees of this primary.'" The result of this provision obviously is that every voter in a South Carolina Democratic primary, which is the only primary held in the State, even including the unsuccessful candidates, is shackled beyond hope of escape to the successful nominee; is bound to support such nominee, and can not properly seek even to contest a nomination improperly gained. I need not dwell upon the difference between this point of view and that of Massachusetts, where the fullest independence of thought and action is permitted—yes, even encouraged—both by law and by custom. And this is not all. Every South Carolina candidate for the United States Senate or for the United States House of Representatives is legally obligated to take the following additional pledge: "I will support the political principles and policies of the Democratic Party during the term of office for which I may be elected, and work in accord with my Democratic associates in Congress on all party questions." We Members of this House, before taking our seats, have each taken the following oath: "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter." Yet the South Carolinian oath squarely and unblushingly puts party above country. If the two obligations conflict, which will the South Carolinian in Congress choose to break?—for choose he must. Can it be truly said that in taking the required oath in this House April 7 last the South Carolinian Members did so "without any mental reservation or purpose of evasion"?

While I am upon this subject perhaps I may be pardoned for a brief digression while I refer to another provision of South Carolina law which would be amusing if it were not tragic. Every negro offering to vote in the primary must, besides fulfilling all other requirements imposed upon the whites, produce written certificates of 10 reputable white Democratic voters "who shall swear that they know of their own knowledge that the applicant or voter voted for Gen. Hampton in 1876, and has voted the Democratic ticket continuously since." O glorious Constitution of the United States, which decrees that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude!

Such is the condition which confronts us. As I have more than once pointed out, it is even less pleasant for Democratic Members of Congress representing the Northern States than for us Republican Members. For they are tied hand and foot by caucus action dictated by the southerners who control their party. The northern Members of Congress of the Democratic faith are, I believe, as patriotic as the Republican Members, and yet through party exigency they are repeatedly forced to surrender their preferences, to vote against their convictions, and to swallow medicine which they know will be detrimental to the best interests of those they serve. This is a time of keen striving for business supremacy. We can not perhaps criticize the southern Representatives for seeking to gain the lion's share for their people. But on what ground, conditions being as they are, can we of the North, either from the standpoint of conscience or of good sense, give away our birthright and surrender to others the things we most value? I repeat that I am not seeking to raise any issue of sectionalism, but I also declare with all emphasis that every dictate of prudence, of fairness, and of sound patriotism demands that we be accorded what is rightfully our own. [Applause on the Republican side.]

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

INTERNATIONAL COMMISSION OF PHYTOPATHOLOGY.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to consider at the present time House joint resolution 211, authorizing the President to accept an invitation to participate in an International Commission of Phytopathology.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I hope the gentleman will not call that up until there are more Members present.

Mr. FLOOD of Virginia. Mr. Speaker, I will say to the gentleman that the resolution authorizes the President to accept an invitation to appoint a delegate to this commission, which meets on the 24th of February, 1914, in the city of Rome. Unless the resolution goes through Congress this week, the delegate could not get to Rome by the time the commission met. It is a matter that the Department of Agriculture considers of very great importance with reference to the shipment of plants to this country, many plants being shipped here that have diseases. The President and the Secretary of State and the Secretary of Agriculture have all written letters asking this authority be given the President, and I can not see that there is any serious objection to it. If the gentleman from Illinois [Mr. MANN] does not object, I do not think anybody else will, even if there be a full House present.

Mr. MANN. I do not know. I have no doubt that this is an emergency matter and that the Speaker will treat it as such, but the gentleman will see that from the number of Members here to-night that no one expected that this would be called up.

Mr. FLOOD of Virginia. This is a House resolution, and it has to go through the Senate. I was visited to-day by some gentlemen from the Agriculture Department, and they thought unless it got through to-day it would not be likely to get through the Senate this week. Unless it gets through Congress this week they could not reach Rome until after the meeting of the commission.

Mr. MANN. That is probably true, and yet that is not our fault. It is only recently they have called this matter to the attention of Congress.

Mr. FLOOD of Virginia. That is very true; but I hope the gentleman will not object.

Mr. MANN. Well, I will have to object to-night.

Mr. FLOOD of Virginia. That ends it.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EDWARDS, for five days, on account of death in his family.

To Mr. GRAY, for three days, on account of illness.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned until Wednesday, February 11, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Charles A. Varnum *v.* the United States (H. Doc. No. 727), was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 3988) for the purchase of a building and lot as a mine-rescue station at McAlester, Okla., reported the same without amendment, accompanied by a report (No. 244), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HENSLEY: A bill (H. R. 13168) to prohibit the importation and entry of goods, wares, and merchandise made in

whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor; to the Committee on Labor.

By Mr. STEDMAN: A bill (H. R. 13169) to provide for the erection of a public building at Mount Airy, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 13170) to provide for furnishing buoys and appendages to be used for aids to navigation in Lake Tahoe, Cal. and Nev., and for the maintenance of such aids to navigation; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 13171) to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the revenue marine, and for other purposes; to the Committee on Naval Affairs.

By Mr. DIES: A bill (H. R. 13172) fixing the tenure of civil-service employees; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 13173) to provide for the election of postmasters and fixing their term of office; to the Committee on the Post Office and Post Roads.

By Mr. FALCONER: A bill (H. R. 13174) to provide for the repayment of certain fees, commissions, excess payments, and purchase moneys paid under the public-land laws; to the Committee on the Public Lands.

By Mr. RAINEY: A bill (H. R. 13175) to purchase and erect in the city of Washington the group of statuary known as The Indian Buffalo Hunt; to the Committee on the Library.

By Mr. CARR: A bill (H. R. 13176) to provide for improving the exterior of the Frankford Arsenal, Philadelphia; to the Committee on Appropriations.

Also, a bill (H. R. 13177) appropriating $77,000 for improvements at the Frankford Arsenal, Philadelphia, Pa.; to the Committee on Appropriations.

Also, a bill (H. R. 13178) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia, including the right of way owned in fee simple by the railroad crossing this land, etc.; to the Committee on Appropriations.

By Mr. TALBOTT of Maryland: A bill (H. R. 13179) to promote efficiency of instruction at the Naval Academy by providing for the systematic appointment and compensation of professors and instructors on the teaching staff; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 13180) to amend the act of March 4, 1913 (37 U. S. Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office, land office, forest service, weather bureau, and Indian agent; to the Committee on Public Buildings and Grounds.

By Mr. THACHER: A bill (H. R. 13181) authorizing the sale of the lighthouse reservation at Scituate, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 13182) making an appropriation for the construction of a highway through the Targhee National Forest from Warm River, Idaho, to Yellowstone, on the edge of the Yellowstone National Park; to the Committee on Agriculture.

By Mr. MONDELL: A bill (H. R. 13183) providing for the payment to Fremont County, Wyo., in lieu of taxes, of certain sums received on coal leases; to the Committee on Claims.

By Mr. GLASS (by request): A bill (H. R. 13184) to provide a new method of collecting revenue from tobacco, etc.; to the Committee on Ways and Means.

By Mr. NEELY of West Virginia: A bill (H. R. 13185) to provide for the erection of a public building at Weston, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. MURRAY of Massachusetts: A memorial requesting the Secretary of the Navy to award the contract for the construction of a supply ship to the Charlestown Navy Yard; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13186) granting an increase of pension to John H. Blessing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13187) granting an increase of pension to George S. Smith; to the Committee on Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 13188) for the relief of Jessie W. Graham, sole heir of Jesse Graham, deceased; to the Committee on War Claims.

By Mr. BROWNE of Wisconsin: A bill (H. R. 13189) granting an increase of pension to Didama Colby; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13190) granting an increase of pension to William P. Gwin; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 13191) granting an increase of pension to Mrs. Lucien Young; to the Committee on Pensions.

By Mr. GERRY: A bill (H. R. 13192) granting an increase of pension to Mary E. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13193) granting an increase of pension to Frederick D. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13194) for the relief of Roy S. Shepard; to the Committee on Claims.

Also, a bill (H. R. 13195) to remove the charge of desertion now existing on the records of the War Department against William E. Smith; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 13196) granting an increase of pension to Thomas F. Stevens; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 13197) granting an increase of pension to John P. Hinkel; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 13198) for the relief of Bybee & Beard, of Lander, Wyo.; to the Committee on Claims.

By Mr. REILLY of Wisconsin: A bill (H. R. 13199) granting a pension to John H. Wynn; to the Committee on Pensions.

Also, a bill (H. R. 13200) granting an increase of pension to Alfred F. Stier; to the Committee on Pensions.

By Mr. ROTHERMEL: A bill (H. R. 13201) granting an increase of pension to George W. Rank; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13202) granting a pension to Thomas Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13203) granting an increase of pension to Samuel F. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13204) granting an increase of pension to Cephas S. Stover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13205) authorizing the Secretary of War to donate condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 13206) granting a pension to William P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting a pension to Joseph Reynolds; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 13208) for the relief of W. H. Neal; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 13209) granting an increase of pension to John Right; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 13210) granting a pension to Charlotte R. Thornton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting a pension to Mary H. De Waine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13212) granting a pension to Susan M. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13213) granting a pension to Daniel Updike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13214) granting an increase of pension to Albert H. Shears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13215) granting an increase of pension to James D. Gload; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 13216) granting an increase of pension to Amos Baccus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13217) granting a pension to Julia A. Doolan; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 13218) granting a pension to Joseph H. Ransom; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of certain citizens of Missouri, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the General Society of Mayflower Descendants, favoring "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. AINEY: Petition of the Grange National Bank, of Troy, Pa., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Bradford and Wayne Counties, Pa., favoring pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petitions of E. L. Lord and 3 other citizens of Newark, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of Seventh-day Adventist Church, of Killbuck, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of O. H. Martin and 4 other merchants of Holmesville, Ohio, favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. BALTZ: Petition of bankers of Belleville, Marissa, and Waterloo, Ill., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of citizens of McKees Rocks and borough of Duquesne, Pa., against national-prohibition amendment; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of the West Jersey Trading Co., Security Trust Co., and National State Bank of Camden, and Collingswood National Bank, of Collingswood, N. J., favoring amendment to the income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. BRYAN: Memorial of Carpenters' Union, No. 131, of Seattle, Wash., favoring an investigation of the trouble in the mines of Michigan; to the Committee on Rules.

By Mr. CALDER: Petitions of various banks and trust companies of the State of Massachusetts, favoring amendment to the income-tax law relative to collections at the source; to the Committee on Ways and Means.

Also, petition of the National Association of Clothiers, of New York, protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the Order of Railroad Telegraphers, of Brooklyn, N. Y., favoring the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the General Montgomery Branch of the American Continental League, of Brooklyn, N. Y., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, petition of citizens of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of the General W. T. Sherman Post, Grand Army of the Republic, of Michigan, protesting against passage of bill for monthly payment of invalid pensions; to the Committee on Pensions.

Also, petition of banks in the seventh district of Michigan, favoring amendment to the income-tax law, relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the General W. T. Sherman Post, Grand Army of the Republic, of Michigan, protesting against any change in the United States flag; to the Committee on the Judiciary.

Also, petitions of citizens in the seventh congressional district of Michigan, protesting against legislation barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. DALE: Petition of General Eugene Griffin Camp, No. 1, Schenectady, N. Y., favoring House bill 7374; to the Committee on Pensions.

By Mr. DAVIS: Petition of citizens of Gaylord and Arlington, Minn., against House joint resolution 168; to the Committee on the Judiciary.

By Mr. DYER: Petitions of citizens of St. Louis, Mo., against House joint resolution 168; to the Committee on the Judiciary.

Also, petition of P. E. Chapman, of St. Louis, Mo., against Bartlett-Bacon bill; to the Committee on the Judiciary.

Also, petition of Lodge No. 41, International Association of Machinists of St. Louis, Mo., favoring Bartlett-Bacon bill; to the Committee on the Judiciary.

Also, petition of American Type Founders Co., St. Louis, Mo., favoring House bill 11321; to the Committee on Patents.

By Mr. EAGAN: Petitions of the Firemen's Mutual Benevolent Association, Branch No. 3, and Local Union No. 381, Journeymen Barbers, both of Hoboken, and Second Ward Democratic Club of North Bergen, N. J., favoring increase of pay for letter carriers on account of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. EDMONDS: Petition of the Boy Scouts of Philadelphia, Pa., favoring amendment to Senate bill 3777, relative to uniforms similar to United States Army uniforms; to the Committee on Military Affairs.

By Mr. FRANCIS: Petition of citizens of Steubenville and Cadiz, Ohio, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GARDNER: Petitions of the Naumkeaga Trust Co.; Merchants National Bank, of Salem; and Merchants National Bank, of Newburyport, Mass., favoring amendment to the income-tax law, relative to collection at the source; to the Committee on Ways and Means.

Also, memorial of the Harry C. Norton Camp, No. 129, Sons of Veterans, of Haverhill, Mass., protesting against any change in the flag of the United States; to the Committee on the Judiciary.

Also, memorial of the General Court of the State of Massachusetts, relative to the construction of a supply ship at the Charlestown Navy Yard; to the Committee on Naval Affairs.

By Mr. GARNER: Petition of the McAllen Business Men's Club and citizens of McAllen, Tex., relative to the Government constructing a highway along the north bank of the Rio Grande; to the Committee on Military Affairs.

By Mr. GERRY: Petitions of S. M. S. Barbriri Italiani Society, Court Libis Society, F. of A., protesting against the passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Nathan Hale Branch of the American Continental League, Riverpoint, R. I., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: Petition of citizens of Springfield, Ill., against Sabbath observance bill; to the Committee on the District of Columbia.

Also, petition of banks and bank customers of twenty-first congressional district of Illinois, favoring amendment to income tax law; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of Adolf Woohr and others of the first congressional district of Vermont, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 13107; to the Committee on Invalid Pensions.

By Mr. HENSLEY: Petition of members of Womans' Christian Temperance Union, of Piedmont, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Utah: Petition of the State Horticultural Commission of the State of Utah, favoring the passage of House bill 11178; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorial of Sidney F. Hoar Camp, No. 4, United Spanish War Veterans, of Providence, R. I., favoring House bill 7374; to the Committee on Pensions.

By Mr. LONERGAN: Petition of the Canton Trust Co., of Collinsville, Conn., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petitions of B. Ratner and others, of Bristol, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Reverend W. A. Harty Branch of the Ancient Order of Hibernians, New Britain, Conn., and the Southington Branch of the American Continental League, of Southington, Conn., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. MAHAN: Memorials of the Reverend W. A. Harty Branch of the Ancient Order of Hibernians, of New Britain, Conn., and the Southington (Conn.) Branch of the American Continental League, against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petitions of national and other banks of Middletown, Conn.; Moodus Savings Bank, of Moodus, Conn.; banks of Willimantic, Conn., and Jewett City (Conn.) Savings Bank, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Petition of various financial institutions of the State of Maine, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. McGUIRE of Oklahoma: Petitions of sundry citizens of the State of Nebraska, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MERRITT: Petition of business men of Canton and Gouveneur, N. Y., favoring House bill 5308; to the Committee on Ways and Means.

By Mr. MOORE: Memorial of the Moses Montefiore Lodge, No. 21, Independent Order B'rith Sholem, protesting against the passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of the First National Bank; Broren & Co.; Reilly, Brook & Co.; Seeler & Co.; Pennsylvania Warehouse & Safe Deposit Co.; and Richard Y. Cook, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. MOTT: Petition of Oneida Valley National Bank, Oneida County, N. Y., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petitions of officers and members of the First Presbyterian Watertown Auxiliary of St. Lawrence Presbyterial Society of Home and Foreign Missions, favoring the anti-polygamy amendment to the National Constitution; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of citizens of Providence, R. I., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of Sidney F. Hoar Camp No. 4, United Spanish War Veterans, of Providence, R. I., favoring House bill 7374; to the Committee on Pensions.

By Mr. REILLY of Wisconsin: Petitions of 28 citizens of Oshkosh, Wis., protesting against the passage of the Sabbath observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. ROGERS: Petitions of banks and trust companies of Lowell, Mass., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. SCULLY: Petitions of officers of the Bismarck Lodge, Order Sons of Liberty, and of the New Brunswick Turnverein, New Brunswick, N. J., and Fred H. Quad, of Middlesex County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also petition of Robert Fulton Council, No. 274, Junior Order United American Mechanics, protesting against barring from the mails the Menace; to the Committee on the Post Office and Post Roads.

Also, petitions of the Keyport (Monmouth County) Banking Co., of Keyport, N. J., and New Jersey Mortgage & Trust Co., of Long Branch, N. J., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of Kilbourne Post, No. 361, of Sherwood; Colgrove Post, No. 166, of Marshall, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, papers to accompany House bill 7868, for the relief of Rose G. Houchen; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of the Hamlin Fortnightly Club, St. Paul, Minn., favoring the passage of bill prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Papers to accompany a bill (H. R. 13209) granting an increase of pension to John Right; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: Petitions of various banks and trust companies of the State of New York, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, relative to deepening the channels of the East River; to the Committee on Rivers and Harbors.

Also, petition of National Association of Clothiers, of New York City, protesting against the passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. VARE: Petition of the Southwestern National Bank, of Philadelphia, Pa., favoring amendment to income-tax act; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of various banks in the thirtieth New York district, favoring an amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Cyrus Zimmerman and 75 other citizens of Plain City, Ohio, favoring the passage of House bill 13166, granting a pension to Gilbert Wilson; to the Committee on Pensions.

Also, papers to accompany a bill (H. R. 13166) granting a pension to Gilbert Wilson; to the Committee on Pensions.

SENATE.

WEDNESDAY, *February 11, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou dost not separate Thyself from us, but Thou dost shepherd us with an infinite tenderness and compassion. Thou dost lead us into the fullest achievements of life, the largest and most abundant provision for life. So close is God to man that, though he walk through the valley of the shadow of death, he shall fear no evil, because Thou art with us and Thou dost comfort us. Thou dost bring us at last into the fuller revelations of life that Thou hast made known unto men in Him who came as the only begotten Son of a Father full of grace and truth. To-day let His blessing rest upon the mind and heart of these Thy servants. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury transmitting, pursuant to law, schedules and lists of papers, documents, and so forth, on the files of the department which are not needed in the transaction of public business and having no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 11686) to provide that the United States shall in certain cases aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8667) to promote the efficiency of the Naval Militia, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8667) to promote the efficiency of the Naval Militia, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. OLIVER. I have received telegrams in the nature of petitions from various patriotic fraternities in the State of Pennsylvania, requesting favorable action on the so-called immigration bill. I ask that one of the telegrams may be read and referred to the Committee on Immigration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The telegram was read and referred to the Committee on Immigration, as follows:

[Telegram.]

PITTSBURGH, PA., *February 10, 1914.*

Hon. GEORGE T. OLIVER,
Washington, D. C.

HONORABLE SIR: The Federation of American Patriotic Fraternities of Allegheny County, Pa., is a body consisting of representatives from 188 lodges, who are authorized to take action in behalf of said lodges, which lodges represent more than 30 per cent of the voting population of Allegheny County. By unanimous resolution, we urge your every effort to secure the passage of bill H. R. 6060, commonly known as the immigration bill, in the form passed by the House of Representatives, without alteration, and that you request the printing of this telegram in the RECORD.

W. G. COLE, *President.*
L. O. HANCHER, *Secretary.*

Mr. OLIVER. I have received two telegrams in the nature of petitions, one from the Dakota Club of Allegheny County and the other from Bunker Hill Council, Junior Order of United American Mechanics, of Crafton, in favor of the pending immigration bill. I ask that the telegrams be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the telegrams were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

[Telegram.]

PITTSBURGH, PA., *February 10, 1914.*

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.

HONORABLE SIR: Dakota Club, No. 1, of Allegheny County, Pa., is a body representing 1,200 members, who are authorized to take action in behalf of said lodge. By unanimous resolution, we urge your every effort to secure the passage of bill H. R. 6060, commonly known as the

immigration bill, in the form passed by the House of Representatives, without alteration, and that you request the printing of this telegram in the Journal.

W. K. PITCAIRN,
Secretary Dakota Club No. 1.

[Telegram.]

CRAFTON, PA., *February 10, 1914.*

Hon. GEORGE T. OLIVER,
Washington, D. C.:

At regular meeting of Bunker Hill Council, Junior Order of United American Mechanics, an organization of 150 men, a motion was unanimously passed that we request you to vote and use your influence for the passage of the immigration bill; also to prevent the making of October 12 national holiday.

O. B. THORNBERG, *Secretary.*

Mr. BRANDEGEE presented a petition of the board of directors of the Thames National Bank, of Norwich, Conn., and a petition of the board of directors of the Merchants' National Bank, of Norwich, Conn., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

He also presented a memorial of Horeb Lodge, No. 25, Independent Order of B'nai B'rith, of New Haven, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. SIMMONS presented a petition of sundry citizens of Elm City, N. C., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURTON presented a petition of the board of directors of the First National Bank and the Dollar Savings & Trust Co., of Youngstown, Ohio, praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

Mr. SHIVELY presented a memorial of sundry citizens of Madison County, Ind., and a memorial of sundry citizens of Owen County, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Citizens' Protest Committee of Chandler, Ind., and a petition of the Citizens' Protest Committee of Newburg, Ind., praying for an investigation into existing conditions in the mining districts of Michigan and Colorado, which were referred to the Committee on Education and Labor.

He also presented a memorial of Star Spangled Banner Council, No. 11, American Continental League, of Indianapolis, Ind., remonstrating against the removal of the right of free tolls through the Panama Canal to American coastwise shipping, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of George H. Thomas Post, No. 17, Department of Indiana, Grand Army of the Republic, of Indianapolis, Ind., remonstrating against the enactment of legislation to change the form of the flag of the United States, which was referred to the Committee on Military Affairs.

Mr. BRADLEY presented a memorial of sundry citizens of Louisville, Ky., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a petition of sundry citizens of Rockdale, Leander, and Royce City, all in the State of Texas, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the congregation of the Presbyterian Church of Arlington Va., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the memorial of Frederick J. Martin, of Nashua, N. H., remonstrating against the adoption of the provision in the pending immigration bill proposing to exclude political refugees from entering this country, which was referred to the Committee on Immigration.

Mr. DU PONT presented a memorial of the United Polish Societies of Wilmington, Del., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. O'GORMAN presented a memorial of Star Spangled Banner Council, No. 11, Continental League of America, of Indianapolis, Ind., remonstrating against the removal of the right of free tolls through the Panama Canal to American coastwise shipping, which was referred to the Committee on Interoceanic Canals.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 4263) to increase the maximum limit of the official bonds which may be required of United States marshals and clerks of United States district courts in certain cases, reported it with an amendment and submitted a report (No. 242) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., reported it without amendment and submitted a report (No. 243) thereon.

He also, from the same committee, to which was referred the bill (S. 1854) for the relief of Nelson D. Dillon, submitted an adverse report (No. 244) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. POMERENE, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 97) authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists, reported it without amendment and submitted a report (No. 245) thereon.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 4247) to increase the efficiency of the United States Navy by the appointment of six vice admirals, reported it without amendment and submitted a report (No. 246) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 4438) authorizing the Secretary of War to donate to the Wadsworth Post, No. 7, Grand Army of the Republic, Council Grove, Kans., two cannon or fieldpieces; to the Committee on Military Affairs.

A bill (S. 4439) granting an increase of pension to John Walker (with accompanying papers); and

A bill (S. 4440) granting an increase of pension to Edwin R. Partridge (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana; to the Committee on Public Lands.

A bill (S. 4442) for the relief of Thomas W. Williams; to the Committee on Military Affairs.

By Mr. MARTINE of New Jersey:

A bill (S. 4443) for the relief of settlers upon certain lands within recent reservations in the county of Tulare and State of California; to the Committee on Public Lands.

By Mr. STERLING:

A bill (S. 4444) to amend section 413 of the Postal Laws and Regulations of 1913, being a part of the act approved August 24, 1912, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on Post Offices and Post Roads.

By Mr. SHIVELY:

A bill (S. 4445) granting an increase of pension to Frank Boone (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4446) providing for the purchase of a portrait of Abraham Lincoln; to the Committee on the Library.

A bill (S. 4447) granting an increase of pension to Francis E. Stevens; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 4448) for the relief of the Daly & Hannan Dredging Co.; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4449) for the relief of Frank Austin and others; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 4450) to provide for the construction of a bridge across the Salt Fork of the Arkansas River in Kay and Noble Counties, State of Oklahoma; to the Committee on Commerce.

A bill (S. 4451) for the relief of the estate of Sylvester Y. Hall, deceased;

A bill (S. 4452) extending the provisions of the act of March 3, 1891 (26 Stat. L., 851), to the claim of the estate of Montford T. Johnson, deceased; and

A bill (S. 4453) for the relief of John T. Taylor (with accompanying papers); to the Committee on Claims.

A bill (S. 4454) granting a pension to Mary B. Horn (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. OWEN submitted an amendment proposing to pay $5,000 to Mrs. Eva M. Bowman, widow of Robert Lee Bowman, who was killed in the discharge of his official duties, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

OMNIBUS CLAIMS BILL.

Mr. SHIELDS submitted two amendments intended to be proposed by him to the omnibus claims bill, which were referred to the Committee on Claims and ordered to be printed.

TEXAS STATE CLAIMS.

Mr. SHEPPARD. For my colleague, Mr. CULBERSON, I submit an amendment intended to be proposed to the general deficiency appropriation bill, which I ask may be read and referred to the appropriate committee.

There being no objection, the amendment was read and referred to the Committee on Appropriations, as follows:

Amendment intended to be proposed by Mr. SHEPPARD (for Mr. CULBERSON) to the bill (H. R. ——) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, viz, add the following:

"To reimburse the State of Texas in full payment of all claims of any nature whatever on account of expenses incurred by that State prior to February 9, 1861, the payment of which was provided for in appropriation acts enacted by the Legislature of the State of Texas, and approved on February 13, 1858, February 3, 1860, and February 8, 1861, respectively, for the pay and maintenance of State volunteers or rangers called into service by authority of the governor of Texas in defense of the Texas frontier against Mexican marauders and Indian depredators, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March 3, 1905, and certified in House Document No. 551, Sixty-second Congress, second session, $217,693.39."

Mr. SHEPPARD. In connection with the amendment I submit a statement prepared by Mr. A. J. Clopton, assistant clerk of the Judiciary Committee, of which Senator CULBERSON is chairman. I ask that the statement be printed in the RECORD and referred to the Committee on Appropriations to accompany the amendment.

There being no objection, the statement was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

STATEMENT AS TO ADDITIONAL CLAIM OF THE STATE OF TEXAS FOR REIMBURSEMENT OF MONEYS EXPENDED IN FRONTIER DEFENSE PRIOR TO FEBRUARY 9, 1861.

Senator CULBERSON presented the matter of the additional claim of the State of Texas for reimbursement of moneys expended in frontier defense to the Senate July 17, 1911. (S. Doc. 67, 62d Cong., 1st sess.)

The Adjutant General of the United States Army, acting under Mr. CULBERSON'S former resolution of February 1, 1905, investigated the claim so presented, and on February 17, 1912, the Secretary of War transmitted a report to the House of Representatives, showing that, exclusive of interest, the claim of the State for which it had not been reimbursed aggregated $198,628.80; and with interest, which the Adjutant General stated should probably be allowed, as the State had paid 10 per cent interest for varying periods on the debt, it was $217,693.39. (H. Doc. 551, 62d Cong., 2d sess., p. 7.)

Mr. CULBERSON accordingly prepared an amendment to the general deficiency appropriation bill (62d Cong., 2d sess.) calling for an appropriation of the latter and larger amount stated by The Adjutant General, and this amount was added to the bill by the Senate Committee on Appropriations and passed by the Senate, but was rejected, together with several other State claims, by the House conferees, after a prolonged conference lasting many hours (Aug. 22 to 26, 1912).

In view of the fact that the Senate has heretofore agreed to the larger amount and The Adjutant General of the Army was of the opinion that it should be allowed, it is suggested that that amount should now be asked. The amendment is accordingly prepared in that view.

It will be noticed that the final date of expense incurred by the State for which reimbursement is asked is fixed at February 9, 1861, although a few of the items aggregating only a small amount are shown not to have been paid until subsequent thereto. (H. Doc. 551, pp. 56–60.) It is apparent, however, that all these items accrued before that date. This date is fixed since the secession convention of Texas sent delegates to the Confederate Congress, February 11, 1861, and about the same date the Texans captured and paroled some of the Federal troops then stationed in the State, although the ordinance of secession was not ratified by vote of the people until February 23, 1861. The amount involved in the interim, February 9 to March 4, is so small, however, that it was thought safe to fix a final limit, i. e., February 9, 1861, about which there could be no cavil.

HEARINGS BEFORE COMMITTEE ON MINES AND MINING.

Mr. WALSH submitted the following resolution (S. Res. 270), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining or any subcommittee thereof be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

THE PREFERENTIAL BALLOT.

Mr. HOLLIS. I ask leave to have printed as a Senate document an address on the preferential ballot, delivered in Washington in December last by Lewis Jerome Johnson, professor of civil engineering in Harvard University. I assume that under the rule it will have to be referred to the committee.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

MISSISSIPPI RIVER BRIDGE, HANNIBAL, MO.

The VICE PRESIDENT laid before the Senate the bill (S. 3625) to authorize the Missouri, Kansas & Texas Railway Co. to construct a bridge across the Mississippi River near the city of Hannibal, in the State of Missouri, returned to the Senate in compliance wtih its request.

Mr. SIMMONS. I move to reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed.

The motion to reconsider was agreed to.

Mr. SIMMONS. I move that the bill be postponed indefinitely.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 11686. An act to provide that the United States shall in certain cases aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

GEORGE W. HOYT.

The VICE PRESIDENT. The morning business is closed and the calendar under Rule VIII is in order.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 54) for the relief of George W. Hoyt. It is a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster General to credit the accounts of George W. Hoyt, postmaster at Cheyenne, Wyo., in the sum of $11,236, due to the United States on account of money-order funds embezzled by Joseph Kingman, late assistant postmaster at Cheyenne, Wyo., in the year 1911.

The bill was reported to the Senate without amendment.

Mr. WALSH. Let me ask the Senator from Wyoming to give a brief statement as to the bill.

Mr. WARREN. The bill is one that passed the Senate in the last Congress but reached the House too late for consideration. It is a matter for which the Post Office Department has not asked a settlement, but the postmaster has gone out of office and desires to have the account closed.

It has had the consideration twice of the Committee on Post Offices and Post Roads, once in the last Congress and once in the present Congress, and I think the committee was unanimous in reporting it favorably. It is a case where relief should be extended. The assistant postmaster was a civil-service man whom the postmaster found there in office when he himself was appointed and whom the department asked him to keep in place. He seems to have become obsessed years afterwards. The peculations covered the receipts of only a few days and were accomplished by holding out money and making altered and belated reports. The postmaster discovered that something was wrong and immediately asked the department to examine into it, which it did through an inspector. There was a shortage of something like $23,000. The postmaster immediately took over the property that the man had, and has disposed of it and paid the claim down to the amount proposed in the bill.

Mr. WALSH. Let me inquire, Was not the assistant under a bond?

Mr. WARREN. He was, but his bond was insufficient. It was a small bond. The business of the office had, of course, greatly enlarged during a few years. I may say that he was duly prosecuted, was sentenced and has served his term, and is now, I believe, out on parole and in charge of his brothers-in-law.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION ON LONG ISLAND, N. Y.

Mr. MARTINE of New Jersey. I ask unanimous consent for the consideration of the bill (S. 2811) to establish a fish-cultural station on Long Island, in the State of New York. I make this request in the interest of the Senator from New York [Mr. O'GORMAN]. It is similar to a bill which was passed yesterday.

Mr. SMOOT. I am not going to object to the consideration of this bill, but after its passage I shall ask for the regular order.

Mr. MARTINE of New Jersey. That will be all right. I ask that the Senate proceed to the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Fisheries with an amendment, to add at the end the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of New York, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the bill read:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-cultural station on Long Island, in the State of New York, including the purchase of site, construction of building, and equipment, at some suitable point to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act—

And so forth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN SUFFRAGE.

Mr. SMOOT. Regular order, Mr. President.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States, extending the right of suffrage to women, was announced as first in order.

Mr. ASHURST. Mr. President, a number of Senators on both sides of the Chamber have signified a desire to speak on this joint resolution. In view of such statements, manifestly I can not urge the consideration of the joint resolution at this time. I therefore ask that it may go over, in order that Senators may have an opportunity to deliver their addresses on the subject.

The VICE PRESIDENT. The joint resolution goes over.

LEGISLATIVE REFERENCE BUREAU.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

The bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. OVERMAN. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

JURISDICTION OF LANDS IN GLACIER NATIONAL PARK.

The bill (S. 654) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, was considered as in Committee of the Whole.

Mr. WALSH. Mr. President, I have several amendments to offer to this bill, two that are of substance, to which I shall advert, and the others are perhaps verbal in character.

On page 4 of the bill are provisions which make the violation of any rule or regulation which may be established by the Secretary of the Interior for the government of the park a criminal offense, and they impose as penalty a fine of not more than $500 or imprisonment not exceeding two years, or both, and the costs of the proceedings. A commissioner is to be appointed under the provisions of this proposed act to try all violations of any rules or regulations, of course limited by such jurisdiction as he can exercise; any other offenses, over which he can not exercise jurisdiction, are to be tried in the United States District Court for the District of Montana. So it is with reference to any violations of law whatever. All violations that fall within his jurisdiction are tried by him, and any other violations of the law, that do not fall within his jurisdiction, are tried before the United States court.

Now, you will observe that this proposed act imposes a penalty which may be as much as imprisonment in the State prison for a period of two years for violations of rules established for the government of the park. A commissioner thus appointed does not constitute a court within the meaning of the Constitution of the United States; no jury can be impaneled as a part of the machinery of his court; and yet, Mr. President, you will observe that the mere violation of the rules that are laid down for the government of the park, outside of transgressions of the statutory law, may be punished by imprisonment for a period of two years. That characterizes them as felonies, and accordingly the commissioner could exercise no jurisdiction whatever; he would have nothing whatever to try, except petty offenses against the State law, which are by the provisions of the bill made punishable. Accordingly, if the commissioner is to exercise any jurisdiction whatever, you must very materially reduce the penalty that is to be inflicted under the provisions of the bill, so that he shall exercise jurisdiction.

The fifth amendment to the Constitution provides that:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury.

Likewise the sixth amendment guarantees to anyone thus accused the right of trial by jury. The question as to whether it is within the power of the Federal Government to constitute any kind of a tribunal before which any person may be brought to trial without having the issues of facts submitted to a jury is one involved in considerable obscurity. The Supreme Court of the United States has held that it is within the power of Congress to create the office of judge of the municipal court of the District of Columbia, who shall exercise jurisdiction over petty cases, civil and criminal, which cases may be tried in his court without the interposition of a jury. Just exactly how far Congress may go in thus vesting jurisdiction in these inferior tribunals is not very settled by the authorities; but it is clearly established that these tribunals have no jurisdiction whatever to try felonies; and, by statutory definition, any offense the penalty for which is imprisonment for a longer period than one year constitutes a felony.

Accordingly, Mr. President, it will become essential, in order to vest this officer with any jurisdiction at all, to reduce the penalty very materially. I may say in this connection that the bill follows in this respect the act providing for the government, for instance, of the Yellowstone National Park, but in the administration of the laws there they have found exactly the same difficulty, and the superintendent of that park has invited the attention of the department to the condition of the law and has suggested a reduction in the penalty prescribed, in order that petty violations of the rules for the government of the park may be tried before the commissioner and not be relegated for trial to the district court, where the expense of having it first heard before a grand jury and then afterwards before a petit jury may be considerable.

Then, Mr. President, a second objection is this: You will observe that under the provisions of section 4 the Secretary of the Interior is authorized to make rules and regulations, and a violation of any rule or regulation made "with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park," makes the offender liable, under the terms of the bill, without the amendment, to a fine of not more than $1,000 or to imprisonment for not more than two years.

Section 6 provides "that any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood," and so forth, shall be held to be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $500 or to imprisonment for not more than 12 months, or both, in the discretion of the court.

The provisions of section 6 are entirely inconsistent with and repugnant to the provisions of section 4, and there is no reason at all why there should be any difference. You will observe that if a rule is made by the Secretary of the Interior for the government of the park for the preservation of the objects of natural beauty and that rule is violated, the offender is punishable by imprisonment for not more than two years; but, according to the provisions of section 6, if he does destroy any of the things he is made punishable by imprisonment not to exceed 12 months. I do not know of any reason why

there should be any distinction there at all and why one penal provision should not be made applicable to all offenses which are calculated to destroy the beauty of the park.

I intend, therefore, to propose an amendment by which the two sections shall be thrown into one and one penalty shall be imposed for either a violation of the rules or for the actual vandalism which operates as a violation of the rules, and I propose to make the penalty with respect to all of those matters so low that it will fall within the jurisdiction of the commissioner and that the offenders may be brought before him and tried and punished if found guilty.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SUTHERLAND. I entirely agree with the criticism which the Senator from Montana has made, but I want to direct his attention to this phase of the bill. The provision in section 4 is:

> That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein—

And so on. There is a further provision that any person found guilty of violating any rule or regulation which may be promulgated by the Secretary of the Interior with reference to the management and care of the park shall be deemed guilty of a misdemeanor and shall be punished as provided.

I know there has been great contrariety of opinion with reference to the authority of Congress to devolve upon an administrative officer the power to make rules and regulations which will be given the force of a criminal statute. I do not know whether or not the Supreme Court has finally passed upon the question.

Mr. WALSH. I think the Senator will find that it has.

Mr. SUTHERLAND. But it seems to me, independent of any decision, that it is for Congress to legislate, to declare what acts shall constitute a criminal offense, and to fix the punishment; and that when Congress directs an administrative officer by regulation in effect to enact a criminal statute, that is going beyond the authority of Congress and is an attempt to delegate legislative power to an administrative officer. As I have said, I am not familiar with any decision of the Supreme Court upon that subject. I know that the question has been up from time to time in connection with regulations made for the government of the forest reserves, the herding of sheep and cattle, the cutting of timber, and so on, and there has been, as I recall, a difference of opinion with reference to the validity of a statute which will authorize such regulations to be made, and giving them the force of a criminal statute. Now, what is the Senator's view of the power of Congress in that respect?

Mr. WALSH. Mr. President, I am very sure the question has been determined by the Supreme Court within the last two years; and the forest-reserve statute which authorizes the Secretary of Agriculture to make rules and regulations and provides that violations of those rules and regulations shall constitute a criminal offense has been sustained by the Supreme Court of the United States. It was so held in the case of United States against Devastergines—my recollection is that that is the title of the case—but that is not the case that went to the Supreme Court. It involved the same principle that was contended for, however, in the case to which I have adverted. I am very sure it has been justified; so, although I was myself disposed to doubt the power of Congress, I am obliged to yield to the view taken of the matter by the Supreme Court of the United States.

Mr. SUTHERLAND. I think it presents a very nice question. I know that the line is sometimes a very narrow one. Here, of course, we are dealing with the property of the United States. I would have no doubt whatever that Congress could not devolve upon an administrative officer of the Government the power to make regulations governing the conduct of a citizen generally that would have the force of a criminal statute; but whether, in dealing with the property of the United States, Congress may not authorize the administrative custodian of the property to make rules and regulations for the government of the property and then annex punishment to a violation of the rules, presents a rather different question, and rather a nice question.

Mr. WALSH. I feel very sure that upon investigation of the recent decision of the Supreme Court of the United States the Senator will find that that has been removed from the realm of debate. I shall be very glad to call his attention to the case.

I am, accordingly, proposing now just one other matter. I invite the attention of Senators interested to the provisions of the sentence found at the bottom of page 3, line 23:

> Any person or persons, or stage or express company, or railway company receiving for transportation any of said animals, birds, or fish so killed, caught, or taken shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding $300.

That is to say, any animals, birds, or fish killed or caught or taken in the park. It is very proper to involve the transportation companies in the penalties that are imposed for killing these animals; but obviously the transportation company ought not to be made answerable unless it receives the carcasses with knowledge that they were killed within the park.

For instance, you will understand that the Great Northern Railroad right of way is the southern boundary of the park. The territory immediately to the south of the railroad is practically the same kind of country as that immediately to the north of it, and it is all a most wonderful game country. A man comes in with the carcass of a deer and delivers it to the railroad company. They have no means of knowing whether it was killed within the park or killed without the park; and we ought not to thrust upon the railroad company the duty of determining at its peril whether it was killed within or without the park. So I believe railroad companies or any transportation company, for that matter—because the stage lines run in there as well—ought not to be held answerable unless they receive game knowing it to have been killed within the park.

Mr. CLARK of Wyoming. What would be the view of the Senator as to how far their knowledge should extend, and how they should acquire it? It occurs to me that this property, so received, should be considered somewhat, at least, in the light of stolen property—property acquired contrary to law.

Mr. WALSH. So it is.

Mr. CLARK of Wyoming. You would require a receiver of stolen property to ascertain, at some degree of peril to himself, at least, whether or not the property was stolen. Otherwise I do not see how the law can be enforced.

Mr. WALSH. The illustration used by the Senator is very apt, indeed. Of course you would not try to hold a transportation company liable for transporting stolen property unless it knew or had some reason to believe it was stolen.

Mr. CLARK of Wyoming. No; surely not.

Mr. WALSH. So I propose to cut out the word "receiving," at the end of line 24, page 3, and the beginning of line 25, and to insert in lieu thereof the following words:

> Who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3 of the bill, lines 24 and 25, it is proposed to strike out the word "receiving" and in lieu thereof to insert:

> Who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives.

The amendment was agreed to.

Mr. WALSH. Then, Mr. President, I see no reason why any distinction should be made in the penalty. If the transportation company knows or has reason to believe that the game was taken or killed contrary to the provisions of the act, it ought to suffer exactly the same penalties as the man does who actually killed or took the game.

Accordingly I move to amend by striking out the words "shall be deemed guilty of a misdemeanor and shall be fined for every such offense not exceeding $300. Any person found guilty of violating any of the," appearing in lines 1, 2, 3, and 4, on page 4, and to substitute therefor the words "or who shall violate any other," and to strike out the "s" in the word "provisions," so that, if amended, it will read:

> Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any other provision of this act or any rule or regulation—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Then, Mr. President, I move to strike out all of section 6 and to insert in lieu thereof——

Mr. SUTHERLAND. What does the Senator do with the remainder of section 4? Has that been stricken out?

Mr. WALSH. I am going to insert something in section 4 in lieu of section 6.

I move now to strike out all of section 6, and in lieu thereof to insert, after the word "park," in line 13, on page 4, the following:

> or who shall, within said park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood,

underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located as aforesaid, natural curiosities, or other matter or thing growing or being thereon, or situated therein.

That is to say, I am transferring the end of section 6 over into section 4, so that section 4 will make criminal the doing of these acts, and will likewise make criminal the violation of any rule or regulation intended to prevent the doing of these acts.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 6 and, on page 4, line 13, after the word "park," to insert the following words:

Or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located, as aforesaid, natural curiosities, or other matter or thing growing or being thereon, or situated therein.

The amendment was agreed to.

Mr. WALSH. I now move to strike out, in line 15, on page 4, the figures "$1,000" and to insert in lieu thereof "$500."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 15, it is proposed to strike out "$1,000" and to insert in lieu thereof "$500."

The amendment was agreed to.

Mr. WALSH. In the same line I move to strike out the words "two years" and to insert in lieu thereof "six months."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 15, it is proposed to strike out "two years" and in lieu thereof to insert "six months."

Mr. WALSH. I am not entirely satisfied that you can confer upon a commissioner appointed as provided in this act jurisdiction to imprison for so long a period as six months without trial by jury, but I am satisfied that that is at least the limit to which jurisdiction can be imposed upon him. I should like very much to hear the views of the Senator from Wyoming [Mr. CLARK] and the Senator from Utah [Mr. SUTHERLAND] with respect to that matter, because it is eminently desirable that a real jurisdiction should be vested in this officer.

Mr. SUTHERLAND. Mr. President, there is a provision farther along, as I understand, allowing in all cases an appeal from the decision of the commissioner to the United States district court for the district of Montana, in which court there would be, of course, a right of trial by jury. I venture the opinion with some hesitation, but it seems to me that that would come within the rule that has been laid down by the Supreme Court in the Hof case (174 U. S.), where it was held that it was sufficient to meet the provision of the Constitution guaranteeing the right of trial by jury if provision was made for a jury in the appellate court, or if provision was made so that an appeal could be had to an appellate court in which a jury would be allowed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole, and subject to further amendment.

Mr. CLARK of Wyoming. Mr. President, a verbal amendment. In view of the change in section 8, there should be a change in the language on page 6, lines 21 and 22. The reference to section 6 of this act should be stricken out, I suppose.

Mr. WALSH. The amendment should be to substitute "four" for "six." Just a minute, however.

Mr. CLARK of Wyoming. I think that does not refer to the ordinary crime or misdemeanor. I think the substitution of the word "four" for "six" would remedy that.

Mr. WALSH. I think so.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, line 22, after the word "section," it is proposed to strike out the word "six" and in lieu thereof to insert the word "four."

The amendment was agreed to.

The VICE PRESIDENT. The sections will be renumbered in accordance with the amendments made. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

Mr. SUTHERLAND. Mr. President, I wish to call the attention of the Senator from Montana to one other phase of this matter of the jurisdiction of the commissioner.

The Constitution vests the judicial power of the United States in the Supreme Court and such inferior courts as Congress may from time to time ordain and establish. I think it has been held that a commissioner of a circuit court or district court of the United States does not possess any part of the judicial power of the United States. He exercises judicial functions, but he does not exercise any part of the judicial power, and ordinarily his authority is limited to taking bail, to conducting preliminary examinations, and either discharging or binding over the accused person to await the action of the grand jury, and matters of that character. Now, query: Whether or not, that being so, we can confer upon such an officer the power to try and adjudge the guilt or innocence of any person, that being obviously an exercise of judicial power. I am not certain about it, but I suggest it for the consideration of the Senator.

Mr. WALSH. I will say, for the information of the Senator from Utah, that that subject has had my consideration. The Senator has in mind, of course, the office of a circuit court commissioner.

Mr. SUTHERLAND. Yes.

Mr. WALSH. This officer has a similar designation, but the two officers are essentially different. It has been held by the Supreme Court, at least by a long line of cases in the circuit courts and the circuit courts of appeals, that a portion of the judicial power can not be vested in a court commission, that all the power that can be vested in it is such as has been suggested by the Senator from Utah.

The office here created approximates very much more closely, however, to that of judicial offices created to exercise jurisdiction in places within the exclusive jurisdiction of the United States, as, for instance, the District of Columbia. If the question arose in connection with powers that might be exercised by a justice of the peace or a municipal judge of the District of Columbia, I would myself have said that he exercises a part of the judicial power of the Federal Government. I would myself have said that no one could be tried in his court or any other court for any felony at least, and perhaps for any crimes triable by a jury at common law without the interposition of a jury, and that you really could invest no judicial power in such an officer as that.

It will be observed that the officer appointed in this case is not appointed by the President of the United States; he is not confirmed by the Senate; while the Constitution of the United States provides that all judges of the courts shall be appointed by the President and confirmed by the Senate. It does not fall apparently within that power, but the Supreme Court has held that you can not do that; that in courts over which the Government of the United States exercises exclusive jurisdiction you can constitute inferior tribunals vested with power to finally try and determine petty civil and criminal cases; that that was the practice at the common law; and that the Constitution must be read in view of that established practice in England, where these petty cases were tried before inferior tribunals, and not having a jury as a part of the machinery of the court.

Mr. SUTHERLAND. The Senator thinks, then, that this commissioner is really an inferior court within the meaning of the Constitution?

Mr. WALSH. I should say so, but I find it a little difficult to harmonize that view with, I think, at least three decisions of the Supreme Court on the officers to whom I referred.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

NANNIE P. DIGGS.

Mr. REED. I ask unanimous consent to call up Senate resolution 253. I do not think it will require any discussion at all. It is simply a resolution to pay to the widow of an employee the usual sum.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses with an amendment, in the name "Anna Diggs," to strike out "Anna" and insert "Nannie P.," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Nannie P. Diggs, widow of the late John H. Diggs, a mail carrier in the Senate post office, out of the miscellaneous-items fund of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death; said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

FORT ASSINNIBOINE MILITARY RESERVATION LANDS.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. WALSH. I desire to say, with respect to this bill, that the Department of the Interior is considering the advisability

of suggesting some amendments to it. I called up the department this morning and they have not yet determined what recommendation they will wish to make. I accordingly ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

RESERVATION OF PUBLIC LANDS.

The bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes, was read.

Mr. GALLINGER. I ask that the bill may go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

Mr. MYERS. May I ask the Senator from New Hampshire to hear me for a moment?

Mr. GALLINGER. Mr. President, I asked that the bill might go over for the purpose of looking into the matter. Perhaps if the Senator will make a statement it may satisfy me that the bill should be acted upon. It looks to me as though it was a pretty comprehensive scheme.

Mr. MYERS. Of course, if the Senator wants a day or two in which to look into it, I am always glad as far as I can to coincide with such a request. The bill is such a simple little bill I thought a word of explanation might satisfy the Senator without taking further time.

Mr. GALLINGER. Instead of being a simple little bill it seems to me as though it might be a very large bill, and that these reservations might be of any extent. I did not notice that there was any restriction as to the amount of land that could be taken for the purpose of establishing parks and playgrounds in irrigation districts.

Mr. MYERS. On page 1, lines 7 and 8, the Senator will see that there is an amendment proposed by the committee which says "not exceeding 20 acres in any one township." I do not see anything complicated about the bill.

Mr. GALLINGER. That is a proposed amendment with which I was not familiar. I had not examined the bill.

Mr. MYERS. It is printed in italics.

Mr. GALLINGER. I simply listened to the reading of the bill. I did not know that there was an amendment reported.

Mr. MYERS. It is very carefully limited, I think, and it has been reported favorably twice by the Committee on Public Lands. I think the wording is simple. I do not see anything complicated or abstruse about it.

The object is simply within the discretion of the Secretary of the Interior to let people who settle on these reclamation projects in the West have a very small tract not exceeding 20 acres in any one township set aside as a community center where they can have Fourth of July celebrations, picnics, barbecues, and meetings for community purposes and social purposes, cultivating acquaintance with each other and patriotism and the improvement of the civic status of the community. I think, with the amendment which is suggested by the committee, the Senator will see that the bill is limited to a very small acreage, and it is in the discretion of the Secretary of the Interior.

Mr. GALLINGER. Mr. President, I will ask the Senator why we should not have these playgrounds and community centers in every township of the United States as well as in townships where we have reclamation projects?

Mr. MYERS. We ought to have them, Mr. President, but the United States does not control the land in the townships of New Hampshire, Massachusetts, or Missouri. All the public lands are gone in those States.

Mr. GALLINGER. If the United States, which does own this land, assigns it for this purpose, why might not the United States purchase land in other parts of the country to enable the people to have social meetings and picnics where they are now isolated?

Mr. MYERS. The land would have to be purchased at a very high price, and I do not know of any authority in Congress to make such a purchase. This is simply reserving a small piece of land before it is disposed of by the United States.

Mr. GALLINGER. Mr. President, I will content myself by saying that if the Senators from the Western States think it is a desirable disposition to make of the public lands, I will not object. I think the scheme is utterly chimerical and will come to very little.

I will say to the Senator that had I observed that there was a restriction as to the number of acres in each township I very likely would not have made an objection at all, but I heard simply the original bill read and observed that there was not any restriction in the original bill and that they might have taken a hundred acres or 500 acres or any number of acres that the Secretary of the Interior in his wisdom or unwisdom might have determined.

Now, Mr. President, as I said a moment ago, if the Senators representing the Western States think this is good legislation I certainly will withdraw my suggestion that the bill should go over and will let it be acted upon.

Mr. MYERS. The Senator having observed the restriction in the bill now has really no objection to it.

Mr. GALLINGER. I withdraw my suggestion that the bill should go over if it is agreeable to Senators from the western section of the country. We New Englanders rarely ever interfere with anything that the great West wants, and I should be unwilling to be a stumblingblock in the way of anything that would aid those people in having a good time.

Mr. MYERS. Mr. President, I hope the Senator from New Hampshire will give us the evidence of his esteemed appreciation of the people of the West by voting for the measure.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BORAH. Mr. President, I do not intend to object to the bill, and for the reason that I presumed the Secretary of the Interior can be safely intrusted to reserve whatever park ground is necessary; but of all things which I supposed the West did not need it was great parks. One-third of my State now is a park, practically. While I presume this will not be refused, I do not see the necessity of reserving more ground in the agricultural regions for park purposes when we have a vast amount of territory out there which can be utilized in no other way than for park purposes.

I have never yet observed one of these irrigation projects in which there were not many acres of land which were not to be utilized for agricultural purposes and that were only fit for this purpose, which would never be occupied by anyone. If this is going to take out more agricultural land, and is not limited to that kind of land which is nonagricultural, I think it is a very bad precedent.

We are creating parks all through the West—hunting grounds and those things which are of no particular benefit to the country. I presume our eastern friends will come with their hunting hounds in after years to chase the festive hare. Of course if there were no parks, if there were no opportunities to create parks otherwise, it would be a very wise thing to have them to a limited extent and in proper places. That is true in the settled communities, and so forth. I had not supposed there was any necessity for creating parks out of the agricultural land of the West.

Mr. MYERS. Mr. President, I am really surprised at the attitude of the Senator from Idaho in decrying the extent to which parking is carried in the West, because only a short time ago there was a measure before the Senate, known as the Hetch Hetchy bill, to take a few acres—4 or 5 acres, I believe—out of the Yosemite National Park in California for a more useful and substantial purpose, and the Senator from Idaho at that time very eloquently and powerfully portrayed the need of that park for park purposes and decried as almost a crime the taking of it away from that use and despoiling it.

I will just say to the Senator from Idaho that I do not believe when he understands the bill he will seriously oppose it. The demand for this bill, the request for it originally, came from the people. Settlers under the Tongue River irrigation project in Montana, new settlers gathered from all over the United States, unacquainted with each other, settling up a new country, conceived the idea that they would like to have a meeting place to meet each other occasionally, where they could have picnics and addresses and farm institutes and different things in the summer time. They thought it would add to their comfort and their edification and their elevation. Certainly the very trivial quantity of land to which it is limited can not do any harm. If the people under these projects want this little protection and favor from the Government, I do not believe that it will do anybody harm. It is no grand scheme of spoliation or withdrawal. We have withdrawn thousands of thousands of arable acres from the public domain. It is a very small matter, and I believe the object these people have in asking for it is worth more to them and to the people of the country than the little tract of land necessary to be used.

I will say to the Senator that the bill was considered by the subcommittee of the Committee on Public Lands, composed of western Senators; they joined in recommending it, the committee recommended it, and I think there is some merit in it.

Mr. BORAH. I see the bill is not limited to Montana in its operation. Of course, if Montana wants more parks, I should not want to object.

Mr. MYERS. Will the Senator permit me to make a suggestion at this time? The bill originally drawn and introduced by

me was confined to Montana, but the Department of the Interior objected to that provision and said it should be general. They sent to the Committee on Public Lands a recommendation that the provision limiting it to Montana be stricken out and that it be made general, and that was done on the suggestion of the Department of the Interior.

Mr. BORAH. Was that the suggestion of the present Secretary of the Interior?

Mr. MYERS. No; it was the former Secretary.

Mr. BORAH. I am not surprised that prior Secretaries of the Interior have favored making parks out of agricultural lands.

Mr. MYERS. The bill was originally introduced in the Sixty-second Congress, and that suggestion came from the then Secretary of the Interior.

Mr. BORAH. We have had Secretaries of the Interior in the *past few* years who would have created parks of the country west of the Mississippi. If they had had an opportunity, they would have included the whole country in parks.

Mr. MYERS. I know, Mr. President; but this bill does not carry out that spirit.

Mr. BORAH. No; perhaps not. But I wish to say to the Senator, in order that he may not be misled as to the facts, that the Senator from Idaho did not object to the Hetch Hetchy proposition so much upon the ground of protecting a park, but for the reason that it was doing what, in my judgment, this bill is doing—withdrawing a little more of the agricultural lands of the West from actual use; that is to say, it was destroying certain agricultural portions of California. That was my prime objection to that bill. I want to protect the agricultural lands of the West and dedicate it all—every acre—to the use of the home builder.

Mr. MYERS. If the Senator will pardon me, that is a mere pleasantry. I do not want to get this bill complicated with the Hetch Hetchy bill.

Mr. BORAH. No; I should not think the Senator would. Mr. President, I only express regret that the Senator from Montana did not pursue his original proposition and confine this bill to Montana.

Mr. FALL. Mr. President, I can voice the same regret that this bill is not confined to Montana. I am perfectly willing to vote for any park that the people of the State want. If they want playgrounds in agricultural lands, I shall favor it; but we have had a little experience, Mr. President. A little over a year ago in New Mexico, without consultation with the Senators or the Representative from that State, 280,000 acres of land were withdrawn by proclamation on the recommendation of the Secretary of the Interior; and 270,000 acres out of the 280,000 acres were turned over to a private individual, without the payment of one cent to the Government or to the State, to enable him to run a cattle ranch.

Mr. BORAH. Mr. President, it now appears to me that possibly this bill has a merit in it that had not before occurred to me, and that is that it is an enlargement of the Chautauqua opportunities of this country and gives an opportunity for Chautauqua meetings, lectures, and so forth. If so, I should not want to object to it. [Laughter.]

Mr. MYERS. Mr. President, as a number of the associates of the Senator from Idaho on the other side of the Chamber are engaged a large part of their time in Chautauqua work, I agree with the Senator that he should not object to the bill.

Mr. FALL. Mr. President, I do not know to just which Senator on this side of the Chamber the Senator from Montana has reference. I have not heard recently of the Senator who has just spoken being engaged in lecturing on the Chautauqua platform. My services have not been sought in that capacity, I can certify, and if they were, Mr. President, I would not be willing to have the few remaining acres of agricultural land in my State set aside that I might entertain an audience thereupon, even if that were the only opportunity which I might ever have to engage in lecturing either for or without compensation upon the Chautauqua circuit.

But, Mr. President, I am opposed to this general policy. It is going to result in this, in so far as we are concerned, that I shall be compelled, I think, within the course of a year or two at any rate, to ask that New Mexico be created a national park. If the lands of New Mexico are to be taken from the settlers; if they are to be reserved by Executive order or by order of the Secretary of the Interior; if that country which remains undeveloped is to be fenced in by the Government so that it can not be used for local taxation for the support of municipal governments and for the support of the State government, why, then, Mr. President, we shall either be compelled to ask to be included within an Indian reservation or a national park or be created into a national monument. [Laughter.] If this policy is continued we shall not be able to support ourselves, and if the Government is going to take our property, or the property to which we think we are entitled, then necessarily the Government must assume the responsibility and we shall have to be included in the appropriations for the Interior Department hereafter, so that the salaries of our State officials and those of our county officials may be paid.

Undoubtedly they have sufficient agricultural land in the magnificent State represented in part by the Senator who is proposing this bill to devote possibly a few thousand or a few million acres to Chautauqua purposes or, as the Senator has said, to barbecues and the eating of meat thereon. Mr. President, we have not had so far much time in New Mexico, I am sorry to say, to gather together and enjoy picnics, Chautauqua lectures, and Fourth of July speeches; we do occasionally have a Chautauqua there; in fact, we do every year, I think, but we pay for it ourselves, and we hold such meetings upon lands which we have wrested finally from the United States Government at the peril of our liberty; for to-day, while we, without hesitation, vote lands back to the Government to be perpetually reserved, any man in undertaking to make a homestead upon the public domain, either under the homestead act or under the desert-land act, lays himself liable to prosecution and to the penitentiary. The special agents who have charge of those little reserves of the public lands generally pursue every homesteader; every man who undertakes to make a patent and final proof upon a homestead entry is pursued by some special agent of the department, because such agents think that they want such lands for Chautauqua exercises or for Swiss yodlers or for picnic purposes or for some similar purpose.

Mr. SMITH of Arizona. Or for forest range headquarters.

Mr. FALL. Or for forest range headquarters, as is suggested by the Senator from Arizona, who is as thoroughly familiar with this abuse as am I.

But, Mr. President, so far as New Mexico is concerned, we want no reserves in New Mexico. We simply ask an opportunity to work out our own salvation. We are here under an enabling act and constitutional provisions such as were never forced upon any other State coming into this Union. We were not allowed, nor was Arizona, to come in on an equality with the other States of the Union, because of the so-called conservation policy of this Government as carried out by former administrations. I do not believe that the present Secretary of the Interior, if asked to report upon this bill, would report favorably upon it. I have confidence enough in his good judgment or his knowledge of conditions, I think, to speak for him, while not authorized to do so, upon this subject.

As has been said by the Senator from Idaho [Mr. BORAH], I am not surprised that a former Secretary of the Interior reported favorably upon this bill, or asked that it be made general, because he is the same Secretary of the Interior who recommended to the President of the United States that he should withdraw, as I have said, 280,000 acres of land in New Mexico, 10,000 acres of which were by order set aside and fenced up—nothing done to it except simply to be fenced up—for the purpose of ascertaining what character of grasses would best grow upon those 10,000 acres; and by a contract made with the department the remaining 270,000 acres were turned over in perpetuity to an individual in New Mexico, without one dollar being received by the Government or without a contract upon his part that he was to perform any work or do anything whatsoever in consideration. He has those 270,000 acres perpetually to himself as a cattle ranch.

Mr. MYERS. Will the Senator yield to me?

Mr. FALL. Yes, sir; with pleasure.

Mr. MYERS. Mr. President, I will say to the Senator that this bill was introduced on April 9, 1913; that it was recommended favorably with amendments by the present Secretary of the Interior; and I think the report is signed by the Assistant Secretary of the Interior, who is from the State of the Senator who is speaking.

Mr. FALL. I have always had very great confidence in the Secretary of the Interior, and I have known the Assistant Secretary of the Interior for many years. We know how reports come from the offices of the Interior Department as well as from the other departments of the Government; that they are frequently pro forma reports, made by some clerk; and I am sorry to say that there yet remain in the office of the Secretary of the Interior many of the clerks who have been there for years, who have been inoculated with certain ideas, which I do not believe are entertained, to that extent at least, by the present incumbent of the office of Secretary of the Interior. If it is true that this is his policy or that of the Assistant Secretary of the Interior, then I may say that I have lost in a great measure the confidence which heretofore I have reposed in the ability, at

least, and the knowledge of affairs in the West which I had supposed was held by those officials.

Mr. President, if this bill is indorsed by the Secretary of the Interior and by the Assistant Secretary of the Interior, for both of whom I have heretofore, at least, had great respect and admiration, nevertheless it does not change my opinion, nor does it in my mind affect the policy which I propose to pursue without respect, if necessary, to the present incumbent of that high office or to any former incumbent of that office. I am perfectly willing, Mr. President, to go just as far as any Senator here or any man in the United States in the proper conservation of the natural resources which should be conserved for future generations, but I am not going to the extent of voting for anything of this kind which will tend to restrict the use by the people of the public domain belonging to them.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. FALL. Certainly.

Mr. BRANDEGEE. Mr. President, I was interested in the statement of the Senator as to some Secretary of the Interior turning over to an individual 270,000 acres of land in perpetuity, for which the "turnee" paid not a dollar, as the Senator has said. I want the Senator to explain that further and tell us when it was done and who was then the Secretary. The Senator can not mean that a patent was issued to the gentleman?

Mr. FALL. No.

Mr. BRANDEGEE. Did he pay anything for the privilege of occupying this land?

Mr. FALL. Nothing whatsoever.

Mr. BRANDEGEE. Will the Senator expand that and tell us the circumstances of the transaction?

Mr. FALL. I will with pleasure outline the matter a little more fully, and at a later date, if opportunity offers itself, I will be glad to present the official records up to a certain point.

The Secretary of the Interior himself did not enter into the contract. The matter was arranged in this way: Certain gentlemen in the Agricultural Department outlined a tentative proposition to go along with the policy of the Government in the restoration of the range lands—the grass lands—in the Southwest. Growing out of that, apparently, came a proposition to reserve in the State of New Mexico 280,000 acres. This I knew nothing about, nor did my colleague in the Senate, nor, I am assured, did the Representative, or the two Representatives at that time, in the House. None of us were consulted and none of us knew anything about it until we heard through our local papers of the withdrawal of this land.

The Secretary of Agriculture recommended the withdrawal of 280,000 acres of land, and the Secretary of the Interior recommended to the President the withdrawal and prepared the proclamation withdrawing this land. I have been assured——

Mr. SMOOT. For what purpose, will the Senator state?

Mr. FALL. For no purpose, so far as we know, except the purposes that I am undertaking to detail, and I will go more fully into this matter when I have the records here. I have them in my office, or at least some of them.

Mr. BRANDEGEE. All I wanted——

Mr. FALL. I am trying to explain——

Mr. BRANDEGEE. All I wanted was to find out when it was done.

Mr. FALL. It was done under Mr. Fisher, Secretary of the Interior.

Mr. BRANDEGEE. In what year?

Mr. FALL. Less than two years ago—about a year and a half ago, I think.

Mr. BRANDEGEE. In what county is the land?

Mr. FALL. In Dona Ana County, in New Mexico, about 20 miles north of Las Cruces, and a little east of the present Government irrigation enterprise on the Rio Grande known as the Engle or Elephant Butte project.

The Secretary of the Interior prepared the proclamation, and the President signed and issued it. When the two Senators from New Mexico sought information about it the Secretary of the Interior said that he knew nothing whatsoever about it, but had made the recommendation upon the request of the Secretary of Agriculture. The Secretary of Agriculture said that he knew nothing whatsoever about it, but had made the recommendation upon the suggestion of a certain gentleman in his department. The President of the United States knew nothing about it except that it had come to him with the proclamation prepared by the Secretary of the Interior.

The fact of it is that in undertaking to get at the root of the matter, as to what this land was to be used for, how it was to be used, and by whom it was to be used, I was promised a copy of a tentative agreement entered into by some gentleman in the Department of Agriculture with a certain cattleman in New Mexico, who, I may say, Mr. President, is personally a friend of mine. I knew nothing, however, about it, and had not been approached upon the subject at all.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. FALL. I do.

Mr. THOMAS. May I inquire if the name of that gentleman is Jastrow?

Mr. FALL. No; that is not the name.

Mr. President, as I was saying, I was promised a full statement of the agreement which had been tentatively entered into, but I have never been able to obtain it. I did secure, though, when this promise was made a memorandum of the proposed agreement; and when I next went to New Mexico I met the gentleman who was holding the land and asked him what he was trying to do. The same day I was approached by another gentleman, who had some connection with the Agricultural Department of the United States, who very excitedly wanted to know if the contract that "we made" was not going to be carried out; that he was interested in this proposition, and that, if he was not going to be protected, he was going to overthrow the whole business. I do not know whether or not he has been protected, but the "whole business" has not been overthrown. This cattleman holds 270,000 acres fenced in from the public domain, and is using that land for his own purposes.

Mr. BRANDEGEE. The Senator says that man holds it under contract; that he holds it in perpetuity; and that he holds it without having paid any compensation for it or any rent for the use of it?

Mr. FALL. Yes.

Mr. BRANDEGEE. If he has a contract from the Government giving him the right to hold it in perpetuity, rent free, it is better than a fee simple, because he does not have to pay any taxes on it.

Mr. FALL. No; he has to pay no municipal taxes and no taxes of any kind to the Federal Government.

Mr. BRANDEGEE. And it is a fee to all intents and purposes, except that he can not sell it.

Mr. FALL. Yes; he can not sell it nor, I presume, could he sublease it. I do not know as to that, for, as I have said, I am not thoroughly familiar with the contract, because after it had been promised me I was never able to secure it.

Mr. BRANDEGEE. The gentleman was a friend of the Senator?

Mr. FALL. Yes.

Mr. BRANDEGEE. I should assume from the circumstances that pertain to the transaction that he was also a friend of the other gentleman with whom he made the contract?

Mr. FALL. I might assume, further than that, that he might have been a partner of some other gentleman whom I do not know.

Mr. BRANDEGEE. He might have been; but what I am trying to get at is whether the Senator is able to say, even upon hearsay, whether there is anything in the contract that provides that this gentleman, who must be very attractive and have winning ways, shall do anything at all for the Government?

Mr. FALL. Nothing at all, except the terms provide, I think, that he shall not graze upon these 270,000 acres more than 5,000 head of cattle continuously; so, I presume, that some expert might ascertain whether or not the grazing of 5,000 head of cattle on 270,000 acres was good for the range.

Mr. BRANDEGEE. Mr. President, as the Senator states this matter, of course it is a most remarkable transaction.

Mr. FALL. It is, indeed—the most remarkable transaction I have ever known.

Mr. BRANDEGEE. It is so perfectly unheard of that I can hardly credit it; but I hear what the Senator says, and, in view of his promise that in the future he will amplify the statement he has made——

Mr. FALL. I will go as far as I can; and if I can not secure any more information in the future than I was able to secure then by my unaided efforts, I have it in mind to ask the assistance of this body in investigating the matter a little more fully.

Mr. BRANDEGEE. If the Senator goes as far as he can, and can not go far enough, I think he will have no difficulty in getting all the help he wants from this body.

Mr. FALL. I am glad to have that assurance. There is one Senator who, possibly, will agree with my view that these reservations should not be made, anyhow, merely within the discretion of some Secretary of the Interior.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit an interruption there, I wish to have him make an exception as to that being the most outrageous thing that has been heard of in connection with this subject. I think, on a little reflection, several instances will occur to his mind that are much worse than that, even. One is where, in order to create a forest reserve, they take the denuded sections of railroad lands and give the railroads scrip for those denuded lands, and permit them to locate the scrip on the best lands of the United States. I think that is even worse than this.

Mr. FALL. That, of course, is a matter of judgment. At least, the United States got back some acreage; it retained something in the way of acreage, even if it were only upon the lava flows which ornament some portions of our country. It got back an acreage, even if it lost the timber.

Mr. MYERS. Mr. President, will the Senator from New Mexico yield to me?

Mr. FALL. Certainly.

Mr. MYERS. I will ask the Senator if he considers that there is any similarity between the instance he has related and the provisions of this bill?

Mr. FALL. Well, if not by blood relationship, at least by consanguinity.

Mr. MYERS. It is a very strained consanguinity, is it not, and very remote—so much so that you have to have a microscopical examination to discover it? It is a very remote degree of consanguinity, is it not?

Mr. FALL. Yes; but under the old civil law, which we still have in our southwestern country, marriage is prohibited even where the relationship is very remote.

Mr. MYERS. One thing more, Mr. President. Will the Senator yield just for a moment?

Mr. FALL. Yes.

Mr. MYERS. I desire to call the attention of the Senator from New Mexico to the provisions of section 3, by which it is made purely optional with the people of each reclamation project, in each State, as to whether or not they want this. It is not compulsory. If the people of New Mexico, under a certain reclamation project or any reclamation project there, do not want it, they do not have to have it.

I desire to call the Senator's attention to this language:

SEC. 3. That for the purpose of carrying out and effecting the objects of this act the Secretary of the Interior is authorized to enter into a contract with the organization formed by the owners of the lands irrigated within said project or project unit pursuant to section 6 of the act of June 17, 1902, stipulating and providing that the organization will maintain and use such of the lands so reserved for the purposes prescribed in this act as such organization may desire, and that upon failure to so maintain and use such lands—

That is, if they do not want to use them in that way, they do not have to do so—

or in the event that same shall be permitted to be used or occupied for other purposes than those stipulated in this act, the control of the lands shall revert to the United States, and same shall be thereafter disposed of in accordance with the public-land laws applicable thereto.

So if there were a reclamation project in the Senator's State, and the people under that project, or in any one unit of that project, did not desire this little tract of 10 or 20 acres, all in the world they would have to do would be this: In the first place, to avail themselves of it, they have to form an organization and enter into a contract with the Secretary of the Interior. If they do not want to do that in the first place, they do not have to. If they do it and later change their minds and do not desire to have this benefit, all in the world they have to do is to fail to keep it up or maintain it according to the provisions of this bill; or, better still, if they do not desire it in the beginning, they do not have to enter into the contract.

So I think the Senator will see that it is optional with the people of each community; and if the people of any community in his State do not want it certainly it is not going to be forced on them against their will.

Mr. FALL. I can not imagine that the present Secretary of the Interior would use any coercion on those people; but when a highwayman sticks a pistol to your head and demands your money or your life, you have the option, of course. In that sense these people would have the option. It would be optional with them. If, however, the Secretary of the Interior, through his agents in connection with the reclamation projects, were just mildly to suggest to the water users' associations organized under the different irrigation projects that it would be well for them to consider a matter of this kind, I think very likely his suggestion might be carried out, although the idea might not have been previously entertained by the water users themselves or the owners of the land.

Let me call the Senator's attention to the fact that different conditions exist in different States. I have no earthly objection to voting for this bill if the Senator will confine it to his own State; or, if there are any other Senators here who think they would like to have the provisions of the bill apply to their States, I shall vote for it with a great deal of pleasure, as far as they are concerned; but I am one Senator who objects to having the provisions of the bill applied to his State.

Speaking of the reclamation projects, allow me to call the Senator's attention to some facts that possibly he does not know. Under one of the great irrigation enterprises in course of construction to-day in the United States—and I think this applies to more than one irrigation project—the rights of owners of lands under that enterprise to their acreage have been adjudicated in the courts, in some instances for the reason that before the proposition would be entertained by the Government they were compelled to go into the courts and settle the acreage of water to which each was entitled. Under those circumstances, even to-day, those people are being told that they must agree with the Government of the United States to surrender the greater portion of the acreage which they have an absolute contract with the Government to have water for, notwithstanding the fact that they are lands which have been in them and in their predecessors in interest for many years. In one case, involving thirty, forty, or fifty thousand acres, they have been in the present owners and their predecessors in interest for approximately 300 years. They have had an irrigation system of their own. They have been irrigating their lands.

Men who, with their predecessors, have irrigated 160 acres of land for 100 or more years continuously, and are so irrigating them to-day, have been notified recently that it was the policy of the Reclamation Service of the Department of the Interior to require them to surrender all but 40 acres of their lands; that they must sell these lands to some one else; that it was the policy of the Government to divide up these lands into holdings of not more than 40 acres. That has been done as to lands which were held under grants made by the Spanish Government, recognized and confirmed by the Mexican Government, recognized by solemn treaty with this Government of ours when those people came in in 1848, recognized by the Congress of the United States, finally passed upon by the court especially designated by the Congress of the United States to take these matters in charge and ascertain the true interest of the people in these grants, and settled by suits in court brought to quiet title to the water for certain acres of land. Now they are told: "Before we finally give you the benefit of this water, although you have obligated yourselves to pay so much for every acre of it, you must surrender all but 40 acres."

What is the Government going to do with it? Constitute it into a Chautauqua park, where the people may hold barbecues? If we are going to be compelled by the Government to turn over to some one else these lands which we own and have paid for, and for which we have contracted with the Government, surrendering our prior water rights to the Government and giving it a basis to hold up Colorado and other States in the use of water, it can constitute national parks of them or do with them what it pleases.

As I say, Mr. President, I presume the Senator understands the conditions existing in his own State. I will at least join with him upon that theory, and I will cheerfully vote for this bill, provided the Senator will accept an amendment of just a word or two; say, for instance, that on line 4, after the word "withdraw," he will insert the words "in the State of Montana."

If that will suit the Senator, I will cheerfully vote for the bill; and if any other Senator desires to put his own State in it, I will vote for that. If the Senator from Utah wants to make it applicable to Utah, I will vote with him; if the Senators from Arizona desire to make it applicable to Arizona, I will cheerfully vote with them; but I object to its being made applicable to New Mexico.

Mr. MYERS. Mr. President, will the Senator yield to me for a moment?

Mr. FALL. Certainly.

Mr. MYERS. I will ask the Senator if it would meet with his approval and satisfy him to have an amendment put in providing that it should not apply to the State of New Mexico?

Mr. FALL. Yes, sir; I will accept that proposition. If the Senator will, after the word "withdraw," insert the words "except in New Mexico," that will be satisfactory to me.

Mr. MYERS. I accept that amendment, so far as I am concerned.

Mr. SMITH of Arizona. Mr. President, before the Senator takes his seat, I wish to say that section 1 of the bill provides:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from other disposition and reserve for country parks, public playgrounds, and community centers, for the use of the residents upon the lands, such tracts as he may deem advisable, not exceeding 20 acres in any one township in each reclamation project or the several units of

such reclamation projects undertaken under the act of June 17, 1902, known as the reclamation act.

In the construction of the first sentence of the first section of the bill I should like the Senator from Montana to explain what limitation there is on the Secretary of the Interior, in the case of unpatented lands, to make the withdrawal under any reclamation project now in effect. For instance, take the Yuma or Phoenix projects in my State; there is no limitation on him.

Mr. MYERS. He can not, in any event, withdraw more than 20 acres in any one township.

Mr. SMITH of Arizona. I know; but in both of those projects there is not any 20 acres that is not much more desirable for a farm, for people crowding for homes, than for any other purpose which could possibly be accomplished by the segregation of as much as 20 acres of land.

Mr. MYERS. In view of the attitude of the Senator from Arizona, if the Senator from New Mexico will permit me to offer an amendment at this time, and yield the floor for that purpose, I move to amend the bill by inserting, after the word "withdraw," in line 4 of page 1, the words "in the State of Montana."

Mr. SMITH of Arizona. All right.

Mr. FALL. That is what I suggested at first.

Mr. MYERS. If anybody else does not like the idea, we do in our State. The only reason I introduced this bill was because it was strongly petitioned for and requested by settlers in such projects in my State.

Mr. FALL. I have no doubt in the world that the Senator represents the wishes of the people of his own State.

Mr. MYERS. I offer that amendment.

The amendment was agreed to.

The VICE PRESIDENT. The committee amendment will be stated.

The SECRETARY. On page 1, line 7, after the word "advisable," it is proposed to insert the words "not exceeding 20 acres in any one township."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Arizona. Let the title be amended, Mr. President.

The title was amended so as to read: "A bill to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes."

BILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 2725) authorizing the sale of certain lands to the Dwight Mission School, of Sallisaw Creek, Okla., was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let that go over, too.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. THOMAS. I ask to have that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was announced as next in order.

Mr. BRYAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. WALSH. I assume that does not prejudice the position of the bill as the unfinished business?

The VICE PRESIDENT. No. The Chair will state to the Senator that it will go over for only about two minutes.

The resolution (S. Res. 84) providing that any Senator, upon his own request, may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3403) to abolish the office of receiver of public moneys at Springfield, Mo., and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

MOSES CHAUNCEY.

The bill (S. 3149) to remove the charge of desertion from the military record of Moses Chauncey was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Moses Chauncey, who was a private of Company M, Eighth Michigan Cavalry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 25th day of December, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Moses Chauncey."

ELECTION OF SENATORS.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate bill 2860.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Tennessee [Mr. SHIELDS].

Mr. VARDAMAN. Mr. President, I am not going to consume very much time in the discussion of this amendment. It is so manifestly correct that it does not need much discussion from my viewpoint to commend it to the favorable consideration of this body. I think it should be adopted because I do not believe it is the proper function of the Federal Government to interfere with, regulate, and control political parties in the States, even in the nomination of United States Senators and Members of Congress. I do not think it was ever dreamed by the framers of this Government that such a power should be exercised by the Congress. It is an encroachment upon the reserved rights of the States which if carried to its logical extreme would destroy the autonomy of the States and leave State lines only a faint recollection. This bill under consideration within itself is a harmless measure. It provides that the nomination of Senators shall be made by the machinery in vogue in the States for the nomination of Members of Congress. Its provisions are entirely secondary and subordinate to State legislative enactment, but the danger, Mr. President, which lurks in this measure is insidious. It involves a declaration of policy, an arrogation, or usurpation of authority by the General Government, which was never intended by the framers of the Constitution to be delegated to the General Government. If Congress has the right to say that the nomination of Senators shall be made in the manner provided in this bill, it has also the authority to prescribe an entirely different method from that now in vogue in the States—a method which the people of the States might not want, but, on the contrary, disapprove. I do not want the Congress to prescribe or to regulate the party machinery in the different States. The people in the States, or in any one State, are just as capable of managing their own affairs, nominating Senators and Members of Congress, as the people of all the States in their legislative capacity are capable of prescribing this machinery. I believe in popular elections.

If I had my way about it, I would fill every office from constable to President by direct vote of the people, but, Mr. President, I would also preserve the autonomy of the States inviolate. I believe every community is more capable of governing itself—I know that I am better prepared to speak for the people of my State and to say what they desire, and what they need, than a man who does not live within the State. I repeat, I do not believe that it was ever contemplated by the wise men who framed this Government that party nominating conventions and primary elections should ever be controlled or prescribed by Federal law. For these reasons I shall vote for the amendment offered by the Senator from Tennessee [Mr. SHIELDS].

The PRESIDING OFFICER (Mr. ASHURST in the chair). The pending question is on the amendment offered by the Senator from Tennessee [Mr. SHIELDS].

Mr. VARDAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Overman	Smith, Mich.
Bankhead	Kenyon	Owen	Smith, S. C.
Borah	Lane	Page	Smoot
Brady	Lea, Tenn.	Perkins	Stephenson
Bristow	Lewis	Pittman	Sutherland
Chamberlain	Lippitt	Reed	Thomas
Chilton	McCumber	Saulsbury	Thompson
Clapp	McLean	Sheppard	Vardaman
Clark, Wyo.	Martine, N. J.	Sherman	Walsh
Dillingham	Myers	Shields	Warren
du Pont	Newlands	Shively	Williams
Fall	Norris	Simmons	
Gallinger	O'Gorman	Smith, Ariz.	
Hollis	Oliver	Smith, Md.	

Mr. SHEPPARD. I am authorized to announce the unavoidable absence of the Senator from Kentucky [Mr. JAMES], and to state that he is paired with the Senator from Massachusetts [Mr. WEEKS]. This announcement may stand for the day.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by illness. I make this announcement for the day.

Mr. THOMAS. I desire to announce the necessary absence of my colleague [Mr. SHAFROTH]. This announcement may stand for the remainder of the day.

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND].

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague the senior Senator from Texas [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. SHIVELY. I wish to announce the unavoidable absence of my colleague [Mr. KERN]. It is illness that detains him from the Senate. He is paired with the senior Senator from Kentucky [Mr. BRADLEY]. I desire this announcement to stand for the day.

Mr. GALLINGER. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH].

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum of the Senate is present.

Mr. WALSH. I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CLAPP. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the pending amendment.

The SECRETARY. On page 2, lines 15 and 16, strike out the words "the nomination of candidates for such office shall be made"; in line 16, after the word "same" and before "conducted," insert the words "shall be"; in lines 17 to 23 strike out the following words: "as near as may be in accordance with the laws of such State regulating the nomination and election of candidates for Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the nomination or election of Representatives at Large the procedure shall be."

Mr. REED. Mr. President, one word upon the amendment. The effect of the amendment is to take out of the bill the provisions regulating the nomination of candidates for the Senate. If the amendment prevails, in my humble judgment the bill will only be partially effective. It will leave a condition of uncertainty and chaos not quite so bad as it is without any bill, but still sufficiently deplorable.

When we enacted the seventeenth amendment it was not contemplated that so many questions and difficulties would arise in regard to the selection of Senators as have already confronted us. I presume that those Members of Congress and the State legislatures that gave consideration to the seventeenth amendment contemplated the early meeting of State legislatures and the early creation of the necessary machinery to elect a Senator. But already in two or three cases we have found that an election was upon us before the legislature had been assembled. In some of the States there will be no meeting of the legislature prior to the time when the candidates for the Senate must be nominated, and even in some cases there will be no meeting of the legislature prior to the election at which Senators must be chosen.

It seems highly desirable that this temporary condition should be met, and in such a way as to remove all doubt and uncertainty, and we ought not to allow a mere feeling that it is a possible technical invasion of the rights of the States to interfere, unless the objection be more than merely technical and is one of substance and gravity.

It is admitted that Congress has the right to provide with reference to the election. No one seriously challenges that proposition. No one objects to that portion of the bill. The objection comes only to the provision which provides how candidates may be nominated.

The first observation I make is that a mere provision that candidates for the Senate may be nominated in the same way and by the same machinery which the State has already provided for the nomination of its own principal officers clearly can not impose any condition which is unfriendly to the State or which is the exercise of an arbitrary power over the State——

Mr. VARDAMAN. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. When I conclude this sentence, if the Senator will pardon me.

Mr. VARDAMAN. Certainly.

Mr. REED. We merely say to a State: "You have already in your own way devised a means for nominating your governor, for nominating your other State officers, for nominating your Representative at Large. It is a method that you yourself devised. It is one which is satisfactory to you. Now, until you see fit to provide otherwise you may nominate your candidates for the Senate by that machinery and that method which has already been adopted by you as a State for the purpose of nominating other officers."

That ought not to be, and it seems to me it can not be said to be, doing anything which would be obnoxious to the State, because we are not saying to the State how it shall conduct primaries, how it shall make nominations; we are simply saying that in this one case you shall pursue the method which you have voluntarily laid down as to other cases.

I will yield now to the Senator from Mississippi.

Mr. VARDAMAN. I was about to ask the Senator from Missouri, Mr. President, if this proposed statute directs the State to make the nomination according to the State law now in effect for the nomination of governor or Members of Congress, if the announcement of that fact is not arrogating to Congress the right to prescribe the method of making the nomination? If Congress has a right to say you may nominate them as you nominate your governor, then could not the Congress prescribe some other method if it should see fit?

Mr. REED. I think the Senator is correct that——

Mr. VARDAMAN. And I want to add that that is the very thing we object to—that Congress should assume or arrogate to itself the right to direct the State, or the political parties of the State, in a matter of that character. If you have a right to say that the Senator shall be nominated as you nominate your governor, then you have a right to say who shall participate in the nomination primary or prescribe an entirely different method. I do not believe it was ever contemplated by the framers of this Government that party machinery should be directed from Washington. I am afraid we are drifting far away from the original purposes of the Constitution builders if we pass this bill as it came from the committee.

Mr. REED. In part I agree with the Senator and in part I am obliged to disagree. I agree to the proposition that if Congress has the power to say that a candidate for the Senate shall be nominated in the same manner that the State has provided for nominating a governor Congress therefore must have the power to say the Senator shall be nominated in accordance with any other rule, and to lay down the rule, subject to the qualifications contained in the seventeenth amendment itself.

That is a question of power; and that Congress does possess the power to regulate as a part in the nomination I entertain not the slightest doubt whatever. I am discussing now the naked question of power, not the question as to what ought to be done or ought not to be done, but the question of power alone.

It is abundantly settled by the authorities that a nomination is a part of an election.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. As soon as I conclude the sentence.

Mr. SHIELDS. I should like the Senator to state those authorities and cite us to them.

Mr. REED. Very well. I will conclude my sentence and then I will respond to the Senator's interrogatory. I say it is abundantly settled by the authorities that in creating the power to govern an election that power can be exercised as to all things necessary to or incident to the election, and that therefore a constitutional power to hold an election embraces the power to prescribe the method of nomination, embraces the power to make it a crime to vote at a primary election, embraces the power to make it a crime to interfere even at a mass convention with a proper expression of the will of that convention.

The Senator from Tennessee asks me to name the specific authorities. I say to him frankly that I can not call the names of cases, for I have not given this question an examination along that line since the debate began, and I have been absent for a week from the Senate and out of the city; but my reading of the books in the past has left that impression with me as an undoubted principle of law, and I will undertake, if this debate lasts until to-morrow, to furnish the authorities, and, if I can not furnish them, to withdraw my statement. I affirm that as my judgment of the law, and I think there is no question about it being well settled. It has been decided in my own State, unless my recollection is clearly in error.

Mr. President, I think the power exists beyond any doubt. The question that I think ought to be discussed is one as to the desirability or the undesirability of the amendment. I am as great a stickler for the rights of States not being interfered with, that the local self-government of the people shall be allowed to remain always as full and complete as possible, as any of my colleagues on this side. If it was proposed in this bill to prescribe a rule by which the States of the Union were to be governed in the nomination of their candidates for the Senate, to assume that prerogative on the part of Congress and to fasten that upon the States, I would oppose the bill—I would vote for the amendment which is now offered; but no such thing is proposed. It is not contemplated that we shall say to the States of this Union, you shall nominate your Senators by any given method; it is not even said, "You shall nominate as you now nominate your principal State officers"; all that is said is, "Until you see fit to otherwise provide, you shall nominate in this way; if you have made no provision in the past, then you shall nominate in this way"; but the moment the State sees fit to prescribe a different method of nomination, its power so to prescribe remains absolutely intact.

What harm are we doing the States when we simply say "Until you act, there shall be a certain rule laid down by which candidates for the Senate can be nominated"? We are not taking away from a State a single right it possesses; we are not depriving it of a single privilege which it has; we are not imposing upon it an obligation that will rest upon it one day beyond the time that the State sees fit to exercise its own power and prescribe its own method. It is for that reason that I think we can safely vote for this bill without the amendment.

If we do adopt this amendment and emasculate this bill and let it apply only to the election, we shall not have remedied the defect which now confronts us at all; and for this reason: In State after State it is provided that candidates, in order to have their names placed upon the ticket, shall be nominated at a primary held at a certain time and under certain regulations. In a State of that kind, where they have no provision for the nomination of a Senator at that primary, how are the officers of that State to determine who the candidates are, and how are those candidates to get their names upon the ticket? Manifestly, they can not get their names upon the ticket in a State which provides that all candidates shall be nominated in a certain way.

A party convention might be held, but if the law provides that candidates to be upon the ticket must be nominated at a primary, then the candidate nominated at a convention could not have his name put upon the ticket. On the contrary, if a State should undertake to nominate at a primary and the primary election law was drawn specifying the officers to be there nominated—which is the case in State after State, and not specifying the Senator, for none of them up to this time do specify the Senator, unless it be the single State of Georgia, that has enacted a law in conformity with the seventeenth amendment—then there is no way to nominate at the primary. We shall be left with a condition in the States of this Union where we shall have provided how Senators can be elected, but we shall have an absolute condition of chaos with reference to their nomination. That ought not to be; not for the sake of any mere prejudice or fear that we are invading the power of the State merely technical in its nature; not for such a reason as that ought we to leave the election of Members of the Senate in doubt and obscurity and uncertainty. Certainly we ought not to jeopardize the personnel of this body merely because we technically are doing something that gentlemen feel might be an invasion of the power of the States, when they also must know that the law itself is so drawn that the State on the instant can prescribe any means, any method, it sees fit to employ.

I think that this bill with the amendment adopted would be an emasculated thing; that it would not perform the office for which it was intended. I certainly hope that the bill will pass and that we may have a rule established which will be as wide as the country, and provide for the method of nomination and election, leaving to the State, as this bill does, the full right to prescribe by law the exact method the State may desire to follow. Any State that feels wronged by being required to nominate its Senators as it has already provided that it shall nominate its other officers can get rid of that wrong by taking it up at the first meeting of the general assembly of the State.

Mr. President, my attention has been called by the Senator from Montana [Mr. WALSH], who has given this subject a great deal of consideration, to the fact that he has the authorities at hand which were called for by the Senator from Tennessee, and that in his own time he will put them in.

Mr. SAULSBURY. Mr. President, it gives me no pleasure to differ from my friend the Senator from Missouri [Mr. REED], but it seems to me that here we are embarking upon a course of legislation which is very dangerous to the people of this country. I remember very well when the laws of the United States undertook to regulate elections in the States; I remember the abuses that grew up; and I think that every patriotic citizen of this country thanked God when those laws were finally repealed under the first Democratic administration that existed in the two Houses and in the White House after the Civil War, when the last vestige of Federal legislation affecting elections in the States was finally repealed.

Great abuses do not spring up overnight; they always exist because of insiduous beginnings. I shall vote against the Federal Government undertaking to interfere with the nomination of Senators in the States, and I shall vote against it undertaking to interfere with or to control the elections in the States so far as the Senators themselves are concerned. The first I very much doubt the constitutionality of; as to the second, while I must admit that the decisions of the Supreme Court have justified it, yet I do not believe it is sound public policy to reinaugurate that system which was abandoned, and abandoned, I think, by the general consent and in accordance with the good judgment of all the people of this country.

The pending amendment, Mr. President, removes one very objectionable feature of this bill, to wit, the control or the attempted management, even though it be in a slight degree, of the nominations of United States Senators. The bill itself undertakes to provide how Senators can be elected. Admittedly, the only reason for this bill is a temporary one; admittedly, for only a very few months—not more than 12 months or 24 months at the outside—will the provisions of this bill be needed. I do not believe that the thin edge of this wedge of Federal legislation as affecting the elections in the States should ever be permitted to be used; and, so far as I can by my vote, I intend to break off the edge of that wedge and make it forever useless.

That is my position in voting against the nomination provision of the bill and in favor of the amendment submitted by the Senator from Tennessee [Mr. SHIELDS]. I think it is the logical one for any man who has seen the effects of Federal legislation when attempted heretofore to be applied to the States. I think it is the safe and sound course for one to follow.

Mr. WALSH. Mr. President, I sympathize in the very warmest way with the views expressed by the Senator from Delaware [Mr. SAULSBURY]. Obviously he does not join with others upon this side who are opposing this measure in the view that the Constitution does not authorize Congress to enter this field of legislation at all. He argues against the unwisdom of Congress doing so, based upon the unfortunate experience which attended the only effort that it ever made of any considerable consequence in this direction.

With all that I am in full and entire accord; and yet, Mr. President, when once we admit the power of Congress to legislate upon this subject at all we ought not, as it seems to me, be frightened by a specter of the past. Out in the western part of the country we have suffered most grievously by the abuse of

the power of the executive officers of the Government to withdraw lands from entry, and many of us have got into such a frame of mind that the least suggestion about empowering the officers of the Government to withdraw even a little bit of a tract of 20 acres of ground for the most necessary public purpose throws us into a state of panic. I understand fully, as I think, the sentiment actuating the esteemed Senator from the State of Delaware, who I am proud to number as one of my friends. His State was thrown into the midst of a controversy which arose out of the unfortunate legislation which all agree was happily swept away 20 years ago.

But, Mr. President, here we are confronted with a situation that may involve us in a great deal of embarrassment, touching the membership of one-third of this body. Controversies innumerable may arise over those who shall claim to have been elected as Members of this body at the election next fall unless legislation of this character is enacted. In the face, Mr. President, of such a situation as that, it does seem to me that the principle is given too serious a cast by the gentlemen who admit the power of Congress to enact it and yet deny the wisdom of this legislation.

Mr. SAULSBURY. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH. Certainly.

Mr. SAULSBURY. I want to call the Senator's attention to the fact that while I think this bill in its present appearance seems to be about as harmless as any bill that could be drawn on this subject and proposed to be enacted by Congress, yet, in regard to the nomination of candidates for Senator or for officials who are to be voted for in the States themselves, it goes far beyond any statute with which I am familiar which existed during those evil days, which, fortunately, we have survived. Never in the history of the Federal legislation of this Government did the Federal Government undertake to control, affect, manage, or in anyway supervise the nominations of political parties in the States. This is an enunciation for the first time, so far as I know, of the right of the Federal Government to enter into that domain, which is one entirely of party organization. For that reason, Mr. President, I regard this particular provision, the constitutionality of which I do not admit, in regard to nominations, as one of the worst features—indeed, I think as the worst feature—of the bill, so far as that is concerned, and it is one which I believe should be challenged and most strenuously opposed.

Mr. WALSH. Mr. President, at an earlier stage in this debate I took occasion to invite Senators to follow me step by step backward from the final act by which the voter expresses his choice among the various candidates so as to let us understand where the line is which separates what is claimed to be the power of Congress to legislate in relation to this matter from that domain which is beyond its power. I pointed out at that time that it had been determined that a registration law is a valid law; I pointed out that away back in the year 1870 Congress legislated that the votes for Members of Congress must be given by a written ballot and could not be given viva voce. I inquired at that time whether it was not within the power of Congress, if it saw fit to do so—not suggesting now the wisdom of legislation of that character—whether it was not within the power of Congress to provide that elections for Senators and Representatives should be by the Australian ballot system. Along all these suggestions the eminent gentlemen and distinguished lawyers who have have been combating the existence of this power have followed me and have admitted that Congress has that power.

Now, Mr. President, when you assert that Congress may prescribe the Australian ballot system for the election of Members of Congress, you of necessity say that Congress has the power to regulate the nominations, because you can not have an Australian ballot system unless there is some regulation by law of the system of making nominations. I am going to advert to that directly; but I did not want this debate to close, Mr. President, with the inference that might be drawn from the challenge given by the distinguished Senator from Tennessee [Mr. SHIELDS] to the Senator from Missouri [Mr. REED] to cite some authority which holds that the word "elections" embraced within its meaning the nominating machinery provided by law for placing the candidates before the people upon the final ballot.

At an earlier stage of this debate—we forget these things—I took occasion to invite the attention of the Senate to the fact that it had repeatedly been determined that the word "elections" is sufficiently comprehensive in its scope to embrace every step provided by law leading up to the final act of the choice of the people and intended to safeguard that choice and to see that it really was the reflection of the wishes of the people, including the method by which candidates are nominated, as well as the final choice between the various candidates. I am going to repeat it now in the RECORD, lest anybody should make any mistake about it at all, and assume, by reason of the question now addressed to the Senator from Missouri by the Senator from Tennessee, that even the weight of authority is in support of his contention that it does not.

I refer you now to the eighteenth volume of the Lawyers' Reports Annotated, new series, at page 412, where will be found a note containing a reference to practically all the cases decided up to that time upon the question as to whether the word "elections," as used in constitutions and statutes generally, will be held to embrace a primary election held for the purpose of choosing candidates of a political party. I read:

A primary election for the purpose of placing in nomination candidates for public offices is an "election" within a constitutional provision prescribing the qualifications of electors at "all elections authorized by law." (Spier *v.* Baker, 120 Cal., 370.)

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, does that authority hold that, although the word "election" includes a primary election as well as a general election, the primary election is a part of the general election?

Mr. WALSH. Mr. President, it holds that a primary election falls within the meaning of a constitutional provision which prescribes the qualifications for voters at all elections authorized by law.

Mr. WILLIAMS. There can be no doubt of that position; nobody ever expressed a doubt of that.

Mr. WALSH. Excuse me; the doubt is expressed, because the Senator from Tennessee has invited our attention to an adjudication of a court in his own State which holds directly to the contrary.

Mr. WILLIAMS. But the Senator from Tennessee took the position that the weight of authority was that a primary election or any other device for nominating officers was not, and could not be, a part of the general election, and that a law which merely referred to the general election—not a law which referred to all elections, but that a law which merely referred to the election of an officer at a general election—did not give authority to regulate the method of nominating the officer.

Mr. WALSH. Mr. President, the introduction into this debate of the subject of "general elections" is entirely unwarranted. We have no such language in the Constitution. The Constitution provides that "the times, places, and manner of holding elections"——

Mr. WILLIAMS. I will change my language to suit the Senator. I was merely describing a thing. Where I said "general" I will substitute "the election to the office," and where I said a "nominating election" I will substitute the language "the nomination by election within the party."

Mr. WALSH. It seems to me that we are getting away from the question we are considering—the scope that is to be given to the word "elections." In the language of the Constitution:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof——

Mr. WILLIAMS. Mr. President——

Mr. WALSH. Now, wait a moment—

but the Congress may at any time by law make or alter such regulations.

Mr. WILLIAMS. Yes.

Mr. WALSH. Regulations in relation to holding elections.

Mr. WILLIAMS. In relation to the times, manner, and so forth, of holding elections. Now, I ask the Senator from Montana, in all candor, if that does not apply to what I a moment ago designated, not in legal terms, as a "general election," meaning by that an election in which all the people participated, the result of which was to give the office to somebody? In other words, does not the language of the seventeenth amendment refer, and refer solely, to the election, the result of which is to seat a man in this Chamber? Is not the question here whether a different sort of election, an election within a party solely, the result of which is merely to fix who the nominee is, can be referred to in the amendment which refers only to an election the result of which is to settle who is to be a Member of this body? In other words, whether an election to nominate within a party can possibly be a part of an election of a totally different character which gives the right to a seat in this body?

Mr. WALSH. Mr. President, that would open up, as a matter of course, this debate from its beginning, and I do not propose at this time to repeat what I have said to this body in the course of this debate, in which I have participated perhaps too often already. I simply rose to demonstrate that it had been adjudicated by courts of the very highest character that the word "elections," as used in constitutions, is not to be given

that restricted significance; and, particularly, simply to show that the inference that might be drawn from the question addressed by the Senator from Tennessee to the Senator from Missouri that it was universally so held was an entirely unwarranted one. On the contrary, I undertake to say that the great weight of authority is to the effect that the word "elections" as used in constitutions, when not restricted by attendant language, embraces as well beyond question primary elections held anticipatory of the final election.

Mr. VARDAMAN. I will ask the Senator whether it also embraces party nominations?

Mr. WALSH. Let me answer that from the authorities. I want to call your attention to the authorities. I have referred to the California authority. Next, I read this:

> Or within a provision of the State bill of rights, providing that "all elections shall be free and equal." (People ex rel. Breckon *v.* Election Comrs. Chicago, 221 Ill., 9.)

The word "elections" there embraces primary elections.

> Or within a constitutional provision prescribing the qualification of voters at "any election." (Johnson *v.* Grand Forks County, 16 N. Dak., 353.)
>
> Or within a constitutional reference to "any election." (Leonard *v.* Com., 112 Pa., 622.)
>
> So a primary election is within the letter and spirit of a statute prohibiting the sale of intoxicating liquors on "the day of any election." (State *v.* Hirsch, 125 Ind., 207.) The court said: "The words 'primary election,' we may say, are as well understood to mean the act of choosing candidates by the respective political parties to fill the various offices as the word 'election' is to mean the final choice of all the electors of the persons to fill such offices. So that the words 'any election' clearly include primary elections, and such elections come within the letter of the statute."

I have right before me here—and I am sorry the Senator from Texas [Mr. SHEPPARD] is not here—a decision of a court of his State to the same effect. I may as well read it as I pass. I refer to the case of Ashford against Goodwin, reported in One hundred and third Texas, 491:

> A constitutional provision conferring original jurisdiction in the matter of "contested elections" (constitution of Texas, art. 5, as amended in 1891 by sec. 8) is applicable to primaries, and therefore a statute providing that certificates of nomination shall be reviewable and prescribing the procedure therefor (acts thirty-first legislature, ch. 26) is constitutional.

Let me read further:

> But, on the other hand, it has been held that a primary election is not an "election" within a constitutional declaration of the necessary qualifications of electors. (State ex rel. Gulden *v.* Johnson, 87 Minn., 221.)

Let me explain that decision. Where a statute prescribed that only the members of a particular political party could be permitted to vote at a primary election held to name nominees of that particular party, and it was contended that under the provisions of the constitution anyone having the qualifications prescribed by the constitution could vote at any election, and so Democrats claimed the right to vote at a primary election held for the purpose of nominating Republican candidates for office, the court said, "We can not give that meaning to the constitution." Therefore they held that it was inapplicable to a primary election.

So, Mr. President, when you come to consider these cases, you will find that in practically every instance in which the restricted meaning has been given there were circumstances and conditions which so restricted it.

In the course of this debate I invited your attention to a Kentucky decision which held that the word "election" in the Constitution did not extend to primary elections, because the Constitution also provided that there should be only one election each year; and they said, "You have got to have the primary election close by, and therefore it does not fall within the meaning of the Constitution," it being held that the word "election" in the Constitution was restricted by the actual circumstances to the other election.

Mr. SHIELDS rose.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. Let me go through with these authorities, if the Senator from Tennessee will pardon me.

Mr. SHIELDS. Certainly.

Mr. WALSH. Here are the authorities on the other side of the question:

> Nor within a statute making it a misdemeanor to place any bet or wager upon any election.

That is a Tennessee authority. I think that decision is wrong. This is the case of Lillard *v.* Mitchell (37 S. W., 702). That case was an authority in the Federal court of the State of Tennessee before the case of Ledgerwood against Pitts, to which the Senator has referred, reported in One hundred and twenty-second Tennessee, came before it.

Let me show you some comments upon the case of Lillard against Mitchell.

I read from the note to the case of Ashford against Goodwin, reported in Twenty-sixth American and English Annotated Cases, beginning at page 699. I read from page 701:

> The case of Lillard *v.* Mitchell, decided by the court of chancery appeals of Tennessee (37 S. W., 702), uses language which, if not examined with reference to the facts, might be held to be in conflict with our holding in this case; but in that case it appears that the primary election which was then under investigation before the court was not one which was authorized by the statute of Tennessee, but was a voluntary arrangement by the members of the political party, by which they undertook to secure an expression of the opinion of members of the party as to the nomination of certain persons for election to office in that State. It is evident that the two cases are so dissimilar as to render the Tennessee case wholly inapplicable to the facts of this case.

This is a later note found in the report to which I advert, and it carries the cases down to that time. You will observe that in both of them the rule is said to be that the word "election" does extend so as to embrace the primary election, but that there are authorities to the contrary.

I continue reading the note from which I was reading originally:

> Nor within a statute prohibiting a wager upon the result of, or success of, any candidate at "any election." (Com. ex rel. Directors of Poor *v.* Wells, 110 Pa., 463; 1 Atl., 310.)
>
> Nor within a statute disqualifying a person from holding office during the term for which he may have been elected where he shall have given a bribe, threat, or reward to secure his election. (Gray *v.* Seitz, 162 Ind., 1; 69 N. E., 456.)

Now let me call the attention of the Senator from North Carolina—I see he is not in his seat, however—to the fact that very recently the supreme court of his State has had this matter under consideration. I read from the note in the American and English Annotated Cases, as follows:

> There is some conflict among the decisions relating to the question whether a constitutional or statutory provision relating to elections is applicable to a primary election, although some decisions have turned on the question whether the particular provision is adapted to a primary election. (Line *v.* Election Canvassers, 154 Mich., 329; 16 Ann. Cas., 248.) The recent cases on the subject are likewise conflicting.
>
> From a recent case the inference is that a statute prohibiting fraudulent conduct at an election would be applicable to a primary election. The court said: "This primary election was a public election, and any conduct which interferes with the freedom or purity of the election is punishable at common law."

I submit that that is a good deal better reason and a good deal better sense than is expressed in those opinions which hold that the selling of liquor on the day of a primary election, or the making of a bet upon the outcome of an election, does not fall within the inhibition of criminal statutes. It certainly falls within the evil that was intended to be remedied by those statutes.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH. I do.

Mr. SAULSBURY. May I ask the Senator from Montana whether the decision to which he has just referred decides that the primary election was included under the term "election" because the term "election" was originally broad enough to cover all classes of election, or because the term "election" in the statute or in the Constitution referred to an election at which there would be voted for the candidates at the primary to which the law was applied? I ask because I think I can see a distinction there.

Mr. WALSH. I do not know. I dare say, Mr. President, that in considering what the word "election" meant in the criminal statute the court considered what the evil was that was to be remedied, what purpose was to be accomplished by the statute, and whether it fell within the provisions of the statute for that reason. That is what we ask here. We ask here to consider what was the purpose of this grant of power to Congress to make regulations in relation to elections. It was unquestionably for the purpose of securing the purity of those elections.

We recognize to-day that in the old times—the Senator has spoken to us about what happened 30 years ago—practically all the fraud was perpetrated right at the polls on the day of the last election; but we circumvented that, and the operators simply transferred their operations to the nominating machinery and effected the evil in that way. It is contended, and I think with abundant reason, that the power of Congress reaches as well to that character of violations of good morals and good policy.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana further yield to the Senator from Delaware?

Mr. WALSH. I do.

Mr. SAULSBURY. I do not understand, however, that the Senator would contend that where either a constitutional provision or a statute referred to what has been termed "a general election" the opinion just read from would necessarily be an authority for continuing the control over that general election back to the primary at which the nominations were made.

Mr. WALSH. I contend that these authorities clearly establish the proposition that the law is not, as might have been gathered from the question of the Senator from Tennessee, that the word "election" never has been held to include the primary election, the nominating machinery. I insist that in the construction of statutes containing this word it has been repeatedly so held and that the weight of authority is that way, and that those cases which hold to the contrary hold so by reason of other language in the Constitution which restricts the general significance.

I merely desire at this time to supplement what has been *heretofore said*, and particularly by the Senator from Missouri a little while ago, about the absolute impossibility of putting an Australian ballot system into operation without a provision in relation to nominations, by reading again to the Senate from the decision of the Supreme Court of the State of Illinois an excerpt which I read in an earlier portion of this debate. I read from the RECORD, at page 1375. This is from the opinion of the Supreme Court of Illinois, in the case of People versus Board, Seventy-seventh Northeastern, page 321. Speaking of the Australian ballot law, the court says:

> That act provides for an official ballot, and in connection with it regulates the nomination of candidates whose names shall be placed on the ballot, the filing of nomination papers and certificates of nomination, and for the printing and distribution of ballots at public expense.

Now, how can you have an Australian-ballot law, I ask, without provisions of that character?

I continue:

> No other ballot can be used, and the provisions and restrictions of the act as to what parties and names and other matters shall appear upon it are regulations of elections equally with those provisions which relate to the actual conduct of the election on election day—

I do not see how we can escape that conclusion.

But let me continue. The court says:

> No other ballot can be used, and the provisions and restrictions of the act as to what parties and names and other matters shall appear upon it are regulations of elections equally with those provisions which relate to the actual conduct of the election on election day. It is manifest that, if an official ballot must be used, nominations of candidates whose names shall appear upon the ballot must be regulated in some way, otherwise the whole scheme would become incapable of execution. The right of the legislature to provide for an official ballot is not questioned, and it follows that the legislature may prescribe reasonable requirements concerning it which will not subvert or injuriously restrict the right of suffrage or conflict with the provisions of the Constitution. The act of 1905, which is now under consideration, makes further extensions and regulations for choosing candidates whose names shall be printed on the official ballot, and the legislation is of the same character as the ballot law. All these acts relate to the same subject, and in combination are designed to constitute a single and harmonious system, under which the people may exercise the elective franchise and make their choice between the candidates for public offices. They all relate to elections and are within the meaning of that word as used in the Constitution.
>
> It seems clear that the elections protected by the Constitution are all such elections as are held under authority of law at which qualified electors may vote.

In the Tennessee case, reported in Thirty-seventh Southwestern, it was held that the primary election law was not under the protection of the Constitution, because there was no law for holding it at all; it was simply a party contrivance, having the justification of no statute.

> And when statutes are enacted which regulate the form of the ballot to be used, what shall appear upon the ballot, and how the candidates whose names shall so appear shall be chosen, the provision of the Bill of Rights applies to the new condition.
>
> The right to choose candidates for public offices whose names will be placed on the official ballot is as valuable as the right to vote for them after they are chosen, and is of precisely the same nature. There is scarcely a possibility that any person will or can be elected to office under this system unless he shall be chosen at a primary election, and this statute, which provides the methods by which that shall be done and prescribes and limits the right of voters and of parties, must be regarded as an integral part of the process of choosing public officers, and as an election law.

Mr. President, the restricted meaning has, indeed, been given to the word "election"; but I did not want anybody to labor under the impression that there was no division in the authorities nor that the weight of authority was to the contrary upon the construction of this word.

Mr. BRANDEGEE. Mr. President, I did not hear all of the Senator's address; but does he claim that there is any decision or authority going to show that the nomination of a candidate in a party convention is a part of the election over which Congress would have jurisdiction?

Mr. WALSH. Unquestionably I claim that it would.

Mr. BRANDEGEE. As well as the nomination by the primary?

Mr. WALSH. Undoubtedly. I sent down here yesterday to get the Montana Political Code for the year 1895. It gives our first Australian ballot law. It recognized nominations by political conventions, and it provided that whenever such a convention was held for the purpose of nominating candidates the officers of the convention should certify up to the proper officer of the State the result of their work there. Thus the statute stepped in and regulated the method by which parties could nominate their candidates. I may say, further, that the same statute provided for nomination by petition, and provided that a man's name could be gotten upon the ballot in that way.

Mr. BRANDEGEE. If I understand the Senator correctly, that was the procedure in the State of Montana.

Mr. WALSH. Yes.

Mr. BRANDEGEE. Did I understand the Senator correctly?

Mr. WALSH. Yes. I say we have abrogated that procedure now, however, by a primary-election system.

Mr. BRANDEGEE. What I meant to direct the Senator's attention to was this: Where the Constitution gives Congress control over the election of Senators, has the Senator any authority to show that in those States which nominate their Senators in party conventions the use of the word "election," as defined by the authorities which are so ably presented here, would include the party convention, provided the laws of the State do not provide in any way how the candidate for Senator shall be nominated?

Mr. WALSH. I will answer the Senator by saying that I have just invited his attention to a case in Tennessee in which there was no statute at all in relation to the nomination of candidates, and it was held that the word "election" as used in the Constitution did not extend to a primary election which was held simply by the party authority without any right at all under the law. I will also, however, call his attention to the fact that the cases to which I have referred likewise say that any machinery provided or authorized by the local law—primary election, convention, petition, or anything else prescribed by the local law—leading up to and constituting a part of the process by which the final election is reached, is likewise a regulation in relation to the holding of elections within the meaning of the Constitution.

Mr. BRANDEGEE. I think I understand the Senator's contention in that respect. What I do not understand, however, is this: The bill before us provides how Senators shall be nominated.

Mr. WALSH. No, Mr. President; it simply makes applicable to Senators whatever State statutes there are applicable to State officers. If there is a State which has no statute at all in relation to the nomination of State officers, then it will likewise be without any statute in relation to the nomination of Senators.

Mr. BRANDEGEE. Does the Senator claim that the Congress can provide a law to regulate the nomination of Senators in States which have no law as to their nomination?

Mr. WALSH. The bill does not attempt to do so.

Mr. BRANDEGEE. I wanted to get at whether the Senator claimed or thought that the authority of Congress under the Constitution to regulate the election of Senators would extend to such cases?

Mr. WALSH. I entertain not the slightest doubt about it.

Mr. BRANDEGEE. The Senator thinks it would under the decisions he has cited?

Mr. WALSH. I do.

Mr. BRANDEGEE. Although there is no State law controlling the nomination at all?

Mr. WALSH. Exactly. We could go right in. We might feel that some States were away behind the times, and that they were allowing men to be sent as Members of this body who got their nominations by fraudulent practices or otherwise, and that the character of this body was deteriorating by reason of the fact that those States had not proper nominating laws. We could step in then and make a nominating law applicable to the entire Nation or to any States that did not have nominating laws, or generally upon the matter, and require the nominees in the various States to be nominated in accordance with that law.

I apprehend, of course, that no such condition will ever arise. It seems to me an extraordinary state of affairs must exist before such a power as that should be exercised; but that the Congress has that power I do not entertain any doubt at all.

Mr. THOMAS. Mr. President, I listened with a good deal of interest this morning to the remarks of the Senator from Delaware [Mr. SAULSBURY] when he made an objection to the provisions of this bill. As a result of his discussion I have very carefully reread the bill with a view of ascertaining in my own mind, at least, whether the parallel really existed which he

attempted to draw between the old Federal regulation of elections of Members of Congress and the provisions of this measure, because I have a very lively and disagreeable recollection of the operation of the statute to which the Senator adverts and which I think now is unanimously condemned by an enlightened and dispassionate public sentiment. I am, however, unable to perceive any analogy between the present condition, which makes some legislation of this kind necessary, and the Federal statute concerning the election of Federal officers which was in existence so long.

The old regulations consisted of positive enactments whereby the statutes of the United States were made directly applicable to the machinery of elections, ostensibly designed to protect every man in the casting and counting of his vote, but carried out in practice in such a way as to control and many times to defeat the popular will. This is nothing but an emergency measure, a bill providing for the selection of Members of this body by adopting, through national legislation, the existing local statutes until some affirmative action shall have been taken by the States themselves under the provisions of the seventeenth amendment.

The State which I in part represent here is not very much concerned in this discussion, since it has anticipated the passage of a bill of this kind by the enactment of appropriate legislation relative to the subject.

My construction of this bill is such that if the word "nomination" were entirely excluded from its language the effect would be the same. I believe that the exposition of the law which includes the legal definition of the word "election" as presented by the Senator from Montana is absolutely unanswerable. In fact, ever since the introduction into the United States of the Australian ballot system of election the courts have been filled with controversies which have necessitated an interpretation of the constitutional provisions concerning elections; and I think the general consensus of judicial opinion is that the term "election" is sufficentiy broad to include the machinery which is essential to the perfection of the Australian ballot system, from its inception to its end. Of course, as is well said by the Senator, you can not conceive of any system whereby the final expression of the voter is made manifest through the casting of the so-called Australian ballot that does not include every step leading up to the official publication of that ballot and placing it in the hands of the voter.

So, if the bill read as I think the amendment now under consideration provides that it shall read, so that the word "nomination" should be stricken out of its body entirely, the word "election" would cover everything here that was feared or that seems to be feared from the addition of the word "nomination."

Let us suppose that the bill simply made provision for the election of Senators, without the use of any other word upon that identical subject. What would be the procedure?

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. THOMAS. Certainly.

Mr. WALSH. Let me suggest this idea to the Senator: I fully agree with him that if this debate had never taken place at all, if the bill had been originally framed in that way and the matter had never been mooted, the word "election" in the bill would embrace the machinery for nomination as well. But does not the Senator feel that in view of the proposed amendment and the discussion that has taken place the adoption of the amendment now would operate to make the court give to the word "election" the restricted meaning?

Mr. THOMAS. Well, it is possible. I hardly think so, because I think the proposed statute would be so clear in its purposes and in its expression as to make it unnecessary for the courts to refer to the matter of contemporaneous discussion or interpretation. But upon the assumption, Mr. President, that the language of the statute is confined to the word "election," what would be the result of it in any State? By way of illustration, what would be the result in the State of Colorado?

The first step in the process of an election would be the selection of a candidate. In what manner would the selection be made manifest? Certainly by the existing statute, which includes primary elections. Would a nomination in any other manner than that provided by the statute be lawful? If not, then the use of the term "election" would be amply sufficient for the purpose.

It is to be observed, too, that this statute is merely designed to meet an emergency. It is not affirmative legislation in the strict sense of the term. Congress does not propose by this measure to prescribe its own method of procedure. It simply declares that the existing machinery of the States shall be made applicable for the selection of Senators of the United States. That machinery may be changed by the States just as completely and with as little restriction after this bill becomes a part of our legislation as before.

If the Congress of the United States were prescribing an elaborate system of election of Senators, beginning with the nomination and ending with the casting of the ballots, I would sympathize most heartily with and doubtless vote in conjunction with those who challenge the power of Congress to provide all the machinery for the selection of a United States Senator from the initial period of nomination down to the final casting of the ballots. I am inclined to think it would have that power, but I am perfectly willing to waive it and solve the doubt in favor of those who contend against its exercise. But, suffice it to say, that is not the purpose of this law at all. Congress is not occupying the attitude which it occupied when it enacted legislation to regulate and control the election of Representatives in Congress. It is merely saying, affirmatively, that the proceeding which the States have provided for certain other defined offices shall be applicable to the election of a Senator until the States themselves shall otherwise provide, and when they do otherwise provide, then the machinery which they enact becomes immediately effective and supersedes the provision that is here set forth.

It seems to me, therefore, Mr. President, that this debate is based upon assumptions which really have no existence in fact, upon apprehensions which may never materialize, upon conditions that are entirely imaginary, or almost entirely so, and that we have overlooked the fact that this is merely designed to tide things over, so to speak, until all the States shall have regulated and adjusted their own legislative machinery to meet and harmonize the conditions and requirements of the new constitutional amendment.

Mr. REED. Mr. President, the California case, which has been referred to simply by reference to the digest of the opinion, I think is so thoroughly in point that I might be pardoned for calling attention to it again. In the State of California they had a provision in the constitution which read as follows:

> Every native male citizen of the United States, every male citizen who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote 90 days, and in the election precinct 30 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law.

I call special attention to the language "at all elections which are now or may hereafter be authorized by law." The Legislature of California proceeded to pass a primary election law and to provide that all candidates should be nominated at the primary election, but in prescribing the qualifications for the voters at the primary election they placed in the statute different qualifications for the voters at the primary election than were specified in the constitution in this that the constitution provided that voters must reside within the State for one year prior to the election and that condition was left out of the primary-election law. The question came before the supreme court of the State whether or not that primary-election law was unconstitutional, because it had undertaken to prescribe the qualifications for voters and had prescribed a different qualification for a voter at a primary election than the constitution prescribed for voters at elections, which, of course, raised the question whether a primary election was embraced within the term "elections provided by law." The supreme court of the State held this:

> The primary election provided for in the present act is an election "authorized by law" under the foregoing provision of the constitution.

I do not intend to read the decision, but that one sentence embraces the whole of its spirit. Because there was a different qualification prescribed at the primary election than was named in the constitutional provision which regulated the election, and because a primary election was an election within the meaning of the constitution, the supreme court held that the statute was an unconstitutional statute.

Mr. President, if the sacred right of the State has been invaded by this proposed statute, it is an invasion which is innocuous because of two propositions—first, it is merely temporary, and, second, it has already been more thoroughly accomplished by the seventeenth amendment itself. The seventeenth amendment expressly undertakes to specify the qualifications of the electors by stating that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." If we can say that as to the election itself and say it properly, and it has been said, it is the supreme law of this land. If that can be done without danger to the rights of the State, what danger is involved in

simply providing that candidates shall be nominated according to the law which the State itself has adopted for the nomination of its own candidates? How can any State be wronged or outraged by that kind of a statute? It can change its law as it sees fit at any moment. It is only required to apply to Senators the same rule that it has already seen fit to apply to its own governor, to its own Representatives at Large, and to its other principal State officers.

If, therefore, there is a peculiar condition existing in any State making it necessary for them to have peculiar laws, they have already such laws upon the statute books, and the very laws they have chosen to make to meet their peculiar condition are simply made to apply to the election of a Senator.

Now, suppose we do not enact this statute; then the whole field is left open, and I can show Senators how great wrongs might be perpetrated. Let me take for illustration the State of Mississippi. I am informed that in the State of Mississippi they have a method of nomination which requires a man to receive the majority of the votes of the electors who have been created for the purpose of casting a vote by way of nomination, and also shall have the majority of the votes of the people in some manner with which I am not familiar. I take it that was for the purpose of guarding against some evil. It is the plan they have already adopted and successfully adopted.

Suppose, now, that we do not enact this statute. Suppose we strike out the method of nomination, and suppose then the governor of that State or some other State, seeing that there is no law, being in control of the State officers who print the ballots, should seek arbitrarily to call a rump convention of some kind without any of the safeguards that the legislators of that State have wisely put into the law, and should cause a satellite or himself to be nominated in that way and order the name upon the ballot, cutting out his opponent, would not that opponent and the people of that State have just cause to complain because the very laws they have enacted to safeguard against that kind of wrong have been set aside and disregarded? This law as it is proposed gives to every one of the States the power to utilize; nay, it makes it their duty to utilize, with reference to the election of a Senator, all the safeguards of the laws that were enacted for the purpose of safeguarding their ballot.

Let us assume the case of a governor in a State with perhaps the secretary of state closely allied with him, a governor who sees fit to exercise arbitrary power, who does not care so much for the law, who wants to get himself elected to the Senate. The people of the State have provided a machinery for nominating their State officers, but neither the people of the State nor Congress have provided any means of nominating a Senator. Whereupon they proceed by any kind of irregular method they see fit, by any kind of unfair method they see fit, to nominate or go through the form of nominating some one, perhaps the governor himself, and they put his name on the ballot as a candidate before the people under the law, when if they were given a chance to vote under the law—that is, if the machinery that applies to the nomination of State officers should be applied to the Senate—there might be 10 votes for an opponent to that governor's 1 vote, but still by that arbitrary act the opponent is deprived of any chance to have his name go upon the ballot.

It is well for Senators to think before they vote upon this question. It is important that we should have men in this body who come here really bearing the credentials of their people.

Mr. President, it seems to me that it is a shortsighted policy to say that nominations and elections to the Senate should be left without any rule to govern and upon the theory that a nomination is no part of an election. That is equivalent to saying that by indirection you can defeat the very purpose of the seventeenth amendment. You can provide as often as you please in the seventeenth amendment or in any other constitutional provision that a man shall be elected by voters possessing certain qualifications, yet if you never give those voters a chance to express their opinion as to who shall be the candidate, you can render the section as dead as though it never had been written at all.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. Yes.

Mr. VARDAMAN. I wish to suggest to the Senator from Missouri that the position he assumes in the discussion of this bill is that it is necessary in order to protect the citizens of the States in the enjoyment of the full and free exercise of the franchise that a law must be enacted by Congress. If the Senator will stop for a moment and think, he will remember that the States first acted in favor of elections of Senators by the people. Long before the seventeenth amendment was adopted the States were nominating their Senators by primary elections. The thing I want to do is to leave the matter of party management and control to the States. They can be relied upon to protect themselves. They have done so in the past, and it requires no Federal interference to guarantee to the voter of the State the full and free exercise of the suffrage.

Mr. REED. Mr. President, it seems to me that the argument of my very good friend is quite aside from the question. This provision which we are now discussing does not undertake to interfere with the right of the State for a single minute of time.

Mr. VARDAMAN. Does the Senator——

Mr. REED. The provision which we are now discussing simply states that until a State has acted the rule which it has laid down with reference to the nomination of other officers shall apply here, but the moment the State sees fit to act, if it be the day after this law is enacted or if it be long before the law shall be enacted, this rule ceases to be of any binding force in that State. We do not take away from the States the right to act. We simply act until the States see fit to act, and when the State sees fit to act this law ceases to be so far as that State is concerned.

Mr. VARDAMAN. Mr. President, if the Senator——

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from Mississippi?

Mr. REED. Yes, sir.

Mr. VARDAMAN. By the terms of this bill, the Federal Government assumes the right to say how the nomination shall be made, how to control and manage party primaries, party conventions, and other methods of selecting candidates.

Mr. REED. No; the Senator is in error. We assume nothing in this law. The right has already been assumed by the Federal Government in the seventeenth amendment to conduct elections; that is, it has prescribed that Senators shall be elected by a vote of the people, and it has prescribed that the qualification of the voters shall be the same as that required by the State law for voters.

Mr. VARDAMAN. Mr. President, I do not want to interrupt the Senator, but——

Mr. REED. Let me finish my sentence—

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That has already been assumed. That means unquestionably, to my mind, that the power exists here to prescribe every rule and regulation if we desire.

Now, if the power already exists, we are assuming nothing when we pass this statute in the way of an assumption of power. We are acting under that provision of the Constitution. But I am replying to the Senator's suggestion in the sense that he, I think, makes it, that by the exercise of this power we are impinging upon a power which the States have the right to exercise.

Mr. VARDAMAN. Undoubtedly.

Mr. REED. I affirm that I am not depriving the Senator of his seat for an instant if I give it to my friend to occupy until the Senator comes to take it, but the Congress is not impinging upon the authority of a State to make any regulation it sees fit, so long as it states that the regulation of Congress shall only be effective in the event the State has not acted, and it shall only be effective until the State shall act. We deprive them of nothing. The State of Mississippi, which is so splendidly represented here by the Senator, can to-morrow, if it sees fit, enact a statute providing that the Senators shall be nominated by what we commonly call mob primaries, or by any other method.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. Yes.

Mr. VARDAMAN. I realize that. I understand that the bill permits the nomination of Senators by the machinery in vogue in the State, which was enacted and prescribed by the legislature. But here is the point I make. When the Federal Government assumes the right to say it may be done in a certain way, it at the same time arrogates to itself the right to prescribe another method and one contrary to the wishes of the people of the State, and possibly against their better interest. It simply permits the people of New York, New England, the Middle West, the extreme West—in a word, the General Government—to prescribe the method by which the Senator from Missouri may receive the nomination from the people of his State. That is what I object to. That is the insidious poison in the bill.

Now, a large majority of the States—my State, for instance—have for 18 years had a primary for the nomination of United States Senator. It was authorized by the constitution of 1890.

Other States had primaries long before the seventeenth amendment was adopted, and I maintain that the States can be relied upon to protect their citizens in the enjoyment of the franchise without Federal interference.

Mr. REED. This leaves the States open to protect their citizens without Federal interference, because it expressly provides that the minute the State gets ready to protect its citizens the State shall have the supreme right to do it. It is a distinct recognition of that right in the State. It is a step in the direction the Senator wants to go, because we have already put into the Constitution the right to regulate.

After the exposition of the Senator from Montana [Mr. WALSH], I think there is but little doubt about the law. I thought there was none before. I am strengthened in that conclusion. If, then, the right has already been conferred by the seventeenth amendment, clearly this statute does not confer it or usurp it, because it already exists. If it already exists, then this statute is, in fact, a recognition of the thought that Congress should never exercise this power if any State sees fit to exercise its own power.

But, Mr. President, this is ending largely in a repetition of the same matter. As far as I am concerned, I would be among the last men in the Senate to take away from the States the full control over their elections and election machinery. If this bill did undertake to invade the States and take away their right of control. I would vote against it; but I am decidedly in favor of a bill which will give us an orderly and clear method by which Senators can be elected and sent to this body and until the various States shall see fit to enact laws suitable to themselves.

It seems to me there ought to be no opposition to the bill, but of course it seems with equal clearness to other Senators that there is a great question involved. I can not agree with that view.

Mr. VARDAMAN. Mr. President, just one moment——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I was yielding the floor, unless some one desires to say something which will call for a reply.

Mr. SIMMONS. I wish to ask the Senator a question.

Mr. VARDAMAN. I simply want to say that I believe the right to make nominations, to regulate parties, belongs inherently to the people of the States, and I do not want the remark made by my good friend, the eloquent and able Senator from Missouri, to go unchallenged, that the Federal Government is yielding to the States the right to regulate their internal affairs. That is what I object to about this bill. It is a recognition of a superior right vested in the Congress of the United States to say to the people of Mississippi or Missouri or any other State in the Union how they shall regulate their primaries or party nominating conventions. That is the point I desire to make.

Mr. REED. But the bill does not say how you shall regulate your primary elections. The bill simply says to you, "You have a primary election law or you have a method which you yourself devised for the nomination of your other State officers. Until you make some change yourself, you may follow in the nomination of a Senator the method you have already provided." My language may have been subject technically to the criticism the Senator makes, but certainly I had no such thought in view as I think he concludes I had from what I said.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I do.

Mr. SIMMONS. I wish only to ask the Senator from Missouri if, under the bill as brought in by the committee, which I understand him to be advocating, in case there was no provision in a State prescribing the manner of nominating a Representative at Large or prescribing the manner of nominating a governor or executive or administrative officer, that part which relates to nominations would have any effect at all?

If a State has not prescribed any method for the nomination of a Representative at Large, or if it has not prescribed in any manner for the nomination of what are termed the ordinary executive and legislative officers of the State, would the provision of this bill with reference to the nomination of candidates have any effect at all?

Mr. REED. I would answer the Senator in this way: As I understand this bill——

Mr. SIMMONS. If the Senator will let me finish——

Mr. REED. I thought the Senator was through with his question.

Mr. SIMMONS. I want to add that it occurs to me—and I want to see whether the Senator agrees with me—that the provisions of this bill with reference to nominations would only be effective in a State where there was already or should be hereafter prescribed a particular method for the nomination of candidates for Representatives or for State officers, and that if a State does not prescribe any manner at all, then this bill would not affect the right of nomination in that State in any way whatsoever.

Mr. REED. Mr. President, I think that the answer is perfectly clear, and upon the face of the bill. If the State has provided a method by which to nominate candidates at large for the National House of Representatives, that method would be followed in nominating a Senator; and if it has made no such provision, but has made provision for the nomination of the ordinary executive and administrative officers of the State, that method would be followed. If it has not made any provision for the nomination of any of the officers I have referred to, which are the ones named in the bill, then this clause in the bill with reference to nominations would be utterly inoperative, and party candidates would then be selected for the Senate in accordance with party usage, just as they now select in some States a candidate for governor or for the House of Representatives by party usage. This would only become operative and binding when there is a law passed by the people of the State regulating that.

Mr. SIMMONS. That is to say, if there is no law now, it would not be effective, and it would not become effective until the State had provided a law for the nomination of these prescribed officers.

Mr. REED. I think that is undoubtedly correct.

Mr. SIMMONS. That being so, the contention of the Senator from Missouri is that it would not in the least interfere with the right of the State to regulate and control that question.

Mr. REED. Not only for the reason given by the Senator from North Carolina, but because the very language of the bill with reference to all cases, even where the States do have laws providing for nominations, still the effect of this bill is limited to such time as the State may otherwise provide; so that it interferes with nobody. If there is a State that is going along in the old-fashioned way of years ago, nominating its candidates by party conventions, they will still go on in the same way; the bill does not apply. If there is a State that has a primary election law which provides a method by which nominations shall be made and that men must be nominated in that way in order to get upon the ticket, then this bill provides the machinery by which candidates for the Senate can have their names placed upon the ticket.

Mr. SHIELDS. Mr. President, I am astonished at the gloomy picture which the Senator from Missouri [Mr. REED] has drawn here. I do not know whether it applies to Missouri or other States, but I have no apprehension of any fraud or of any usurpation of that kind taking place in the State which I in part have the honor to represent. I have confidence in the integrity of my people and the honesty of their elections. I have confidence in their belief in popular government, in their sincerity in adopting the seventeenth amendment, and that they propose to give effect by electing Senators who will represent their will and interest. I have such confidence in them that I am not here urging that Congress take charge of our primary elections in order to prevent such usurpations and the defeat of the popular will as the Senator fears. Anyone lacking confidence in the people of his State may want this law. I do not. The people of Tennessee are honest and law-abiding. The Democratic Party of Tennessee is a party of law and order. The Democrats of my State believe in popular government, and they are able to take care of it without the aid of the Federal Government. We do not want Federal supervisors and deputy marshals interfering in the nomination of Senators and Representatives. We are able to take care of our own affairs.

Mr. REED. Mr. President, I hope my friend the Senator from Tennessee will not in any way put into his remarks anything that would indicate that he thinks I referred to my State as a State that could not properly govern itself or a State the governor of which would be likely to be guilty of any improper act.

Mr. SHIELDS. Certainly I do not wish to charge the Senator with any want of confidence in his people. If he takes that view of what I have said, I withdraw it.

Mr. REED. I used the illustration simply as a general one which might happen in any State. It might happen in Tennessee; it might happen in Missouri; it might happen in Massachusetts. We all hope it will not happen, but we have always to consider the possibilities of it.

Mr. SHIELDS. Mr. President, I have no apprehension of it happening in Tennessee.

I am not going to rehearse and repeat the argument I have heretofore made. I wish briefly to refer to the third review of the authorities made by the Senator from Montana [Mr.

WALSH]. When this discussion first began, I understood this bill to be predicated upon the theory that a primary election was an election; I mean a distinct election or function from the election of officers recognized by the Constitution of the United States, and that, under the authority to regulate the manner of holding elections, Congress had the right to regulate nominating conventions and nominating primaries as a distinct function; and that the authorities that were read to-day were cited in support of that proposition.

In answer to that I cited quite a number of authorities holding to the contrary and stated that the great weight of authority was against the proposition that a nominating device, a primary election, was an election in the sense of the constitutions of the States. We have no authority directly construing the word as used in the Constitution of the United States. I especially referred to a case from my own State, not that spoken of to-day by the Senator from Montana, decided by the court of civil appeals, but a case decided by the court of last resort in that State, the supreme court, that of Ledgerwood against Pitts. In that case, in an able, well-considered, and elaborate opinion by Judge McAllister, all the cases are reviewed; and it is there stated that the great weight of authority was that primary elections were not elections in the sense of the term as used in the Constitution.

Later, when we came to discuss this question again, the position of the Senator from Montana, concurred in by the Senator from Idaho [Mr. BORAH], as I understood them, was different; was that a convention or primary was an integral part of an election to elect officers of the law, and for that reason that Congress had the right to regulate it just as it had the right to regulate the preparation or casting of ballots and the return of the result.

Mr. WALSH. Mr. President, before the Senator passes from that, I invite his attention to the fact that the very language which he now uses—"an integral part of the election"—is found in the very first case I cited before this body—the Illinois case.

Mr. SHIELDS. I am coming to that.

Mr. WALSH. So that it was not a second position which I took after another position had been abandoned.

Mr. SHIELDS. Now, upon the question as to whether it is an integral part of the case the Senator from Montana cited an Illinois case, and it is the only one in all the books which sustains that position. It is true that case was cited and read from by the Senator in the first discussion of the question; but, as I understood his position then, the two elections—the primary and that for the election of officers—were treated as distinct functions. In the Illinois case it is held that the nominating device is simply a part of the regular election.

All the cases which were cited to sustain the proposition that a primary election was an election within the sense of the Constitution as a distinct function are authorities for holding that such an election and such a nominating device is not an integral part of an election to elect officers, because every one of them treats the primary election as a distinct function from the general election. The Illinois case is the only authority that has been presented here holding, or protending to hold, that a primary election or nominating device is part of an election. That is my reading of the authorities and my analysis of them.

Of course the Senator's opinion is worth as much as mine; but I read the same authorities, and I took another view of them; I construed them differently; and I respectfully submit that an examination of them will show that I am correct. The great weight of authority—case law and textbook law—is against the contention of the advocates of this bill, and sustain my position that nominating devices are not elections within the meaning of constitutional provisions on the subject, and are no part of elections, but mere parts of the machinery of political parties.

Mr. SIMMONS. Mr. President, I am inclined to agree with the position taken by the Senator from Colorado [Mr. THOMAS]. If the contention of the Senator from Montana [Mr. WALSH] and the Senator from Missouri [Mr. REED] is correct—and I am not prepared to say that it is not correct; indeed, I am rather inclined to think that it is correct—I am rather disposed to believe that when we conferred upon Congress the power to prescribe the manner and time of holding elections for Senators, we also conferred upon it the right to prescribe all of the preliminary steps which lead up to and are essential elements in that election. That is, however, quite a big question, and one which I expect a little later we will be called upon to legislate on somewhat broader lines, and when that happens I expect the powers of Congress in this behalf will be the subject of much controversy on the part of those entertaining different views of the proper construction of the power conferred upon Congress by the seventeenth amendment with respect to this matter. If, however, the contention of the Senator in charge of this bill is correct and the power to prescribe the manner of holding the elections includes the power to prescribe the manner of nomination, all that is necessary would be to provide that the election of Senators should be as is prescribed by the States for the election of certain State officials. The bill will be just as effective in accomplishing the purpose the Senator from Montana and the Senator from Missouri say they have in view if that part of it which relates to the nomination of candidates is eliminated.

Mr. REED. Mr. President, will the Senator permit me to put this case to him?

Mr. SIMMONS. Yes.

Mr. REED. Not for the sake of provoking argument, but to get his views, for I have great respect for his views. Take this sort of a case: A State has a primary election law and a general election law all in one, the law providing that all candidates shall be nominated at a general primary election to be held on the 1st day of August of each election year; that the ballots shall be counted, and the persons receiving the highest number of votes in the Democratic primary shall be placed upon the Democratic ticket, and those receiving the highest number of votes in the Republican primary shall be placed upon the Republican ticket, and that the secretary of state shall print the ballots for all the electors, containing the names of those who are chosen, and no other names shall go upon the ballot unless by petition, and then provisions for nomination by petition are made. Assume those facts. There is no provision in the law to nominate a candidate for Senator at this primary, and there is an absolute inhibition of law of any name going on the general ticket unless the candidate has been nominated at the primary or nominated by petition. In such a case, will the Senator tell us, if we do not pass this bill, how a man can receive a party nomination and how he can get his name upon the ballot? I do not see.

Mr. SIMMONS. This bill, as I understand, provides that, until the States act otherwise, candidates for the Senate shall be nominated and elected according to the method prescribed in the States for the election of candidates for Members at Large of the National House of Representatives.

Mr. REED. But the very proposition now is to strike out the clause relating to nominations.

Mr. SIMMONS. Yes.

Mr. REED. And if we take that out, then we will have a bill saying they shall be elected, but omitting all reference to nominations.

Mr. SIMMONS. But have I not understood the Senator from Montana as contending that when we say that candidates for the Senate shall be elected as the State law prescribes for the election of Representatives at Large, it means that he shall also be nominated in the same way as prescribed for the nomination of Representative at Large?

Mr. REED. I did not so understand the Senator from Montana, but he can answer that better for himself.

Mr. WALSH. Mr. President, as this discussion involves my own views about the matter, I will say to the Senator from North Carolina, as I said to the Senator from Colorado [Mr. THOMAS], that if this question had never been mooted in this debate, and if the bill had been drawn and had come in here before this body using only the word "election," providing that the manner of election should be just the same as is prescribed for the election of State officers, I should say unquestionably that it would embrace all the preliminary machinery.

Mr. SIMMONS. That is exactly what I understood the Senator to say.

Mr. WALSH. But this bill has not been so drawn; it has been drawn so that there would appear to be a difference in the significance of the word "election" as used in the proposed statute; that is to say, it would seem that the draftsman of the bill gave it a restricted significance.

Mr. SIMMONS. That is as I understood the Senator.

Mr. WALSH. In view of the amendment which has been proposed and in view of the discussion which has ensued, I am simply apprehensive that if we should adopt the amendment, the court might give to the word "election" the restricted significance.

Mr. SIMMONS. Then, as I understand the Senator's position, it is this—and it is just as I understood it in the first instance—that the term "election" is so broad that when we give the power to prescribe the manner of election, that includes the power to prescribe the manner of nomination, and when we say that a Senator shall be elected in a particular way, in such manner as a particular candidate in a State is elected, that carries with it the requirement that he shall be nominated in the same way as such State official is required by State law to be nominated. That is what I understood the Senator to say a

little while ago in reply to the Senator from Colorado. Now, the Senator has just said, as he has said heretofore, that he would have no doubt about that construction, but for the fact that the bill as reported contained a provision for the nomination as well as for the election; and if that provision should be stricken out upon consideration here, he fears the court would accept that action as an expression of opinion on the part of the Congress that the term "election" should receive a restricted construction and one not including the nomination machinery.

Mr. WALSH. I should be apprehensive that the court might so hold.

Mr. SIMMONS. That is what I understood the Senator to say. I want to say to the Senator that, while it is a well-known rule of construction that the court will attempt in various and sundry ways to ascertain what was the intent of the Congress with respect to its enactments, that rule only applies when the meaning and the intent of the legislation, gathered from the language employed, is involved in serious doubt. As I understand the Senator, he has very little, if any, doubt about it, and I am inclined to believe his confidence is well founded.

Further, Mr. President, if the fact that the provision with reference to nominations as originally incorporated in the bill is stricken out on the floor by amendment should be taken into consideration by the court in passing upon the meaning of the law, the discussion contemporaneously with the elimination of the provision would also be taken into consideration by the court in determining what force and effect it should give to the fact of the elimination of that particular clause from the bill. The discussion here, if it were construed by the court in this connection, would show that there were diverse opinions; it would show that there was an expression of opinion on the part of the manager of the bill in behalf of the committee presenting the bill that the language with reference to nominations was not necessary in order to carry out the purpose which he, which the committee, and which Congress probably had in view. It would show, furthermore, that Senators who participated in the debate asked for its elimination on the ground that it was not necessary to accomplish the purpose of the proponents of the legislation. Therefore I maintain that the fact of its elimination could not possibly, in these circumstances and conditions, have any influence upon the mind of the court in reaching a conclusion as to what would be the meaning of the word "election" as used in this particular statute.

Mr. REED. Mr. President, if it will not interrupt the Senator at this point——

Mr. SIMMONS. I yield to the Senator.

Mr. REED. If the Senator thinks that the word "election" does embrace primary elections, and if he thinks that even with the word "nominations" stricken out the bill still will include the nominations; that, notwithstanding this debate, that construction will be given, then what use is there in striking the word out and injecting a matter of doubt or debate into the bill? If the same result is to be obtained, why amend the bill to get a result that is going to be obtained anyway?

Mr. SIMMONS. Mr. President, the Senator is somewhat anticipating me. I said in the beginning—and I am going to speak further as to that—that I expected this very question of the power of Congress under the Constitution over nominations of candidates to be voted for in the States would shortly be presented to Congress in a very much broader aspect than it is presented in this bill; that there was divergence of opinion with respect to that question; and that it is not necessary for us to pass upon it in this bill when it is not essential from the standpoint of the mover and supporters of the bill. Under these circumstances I suggested that it might be well to postpone the ultimate and final decision of that question until it is raised directly and a decision was necessary to the legislation.

I want to say for myself that I strongly incline to believe the seventeenth amendment conferred the power contended for by the Senators from Montana and Missouri upon the Congress of the United States. In fact, I am inclined to think that the Congress had that power before the adoption of the seventeenth amendment. Having adopted this amendment, having conferred upon the people the power to elect Senators by a direct vote of the people, I do not believe we ought to attempt in any way to abridge any of the rights incident to the exercise of the new power we have conferred upon the people, and I am not myself going to attempt to do it. I am going to meet that issue squarely.

I wish to say to the Senator, however, that there are Senators here who feel that this question has not yet been fully considered; that it is a very big and a very important and a very far-reaching question, and that it is not necessary to inject it into this bill. From the standpoint of the Senator from Montana it does not seem to be necessary, so I see no reason why it should be done. I wish to say, however, so far as this particular measure is concerned, that outside of the fact that it impliedly recognizes a power that some of my colleagues, with whom I do not altogether agree, do not think we possess, I think the bill is the least objectionable method of the exercise of the power, if such power has been conferred upon Congress.

This bill does not attempt to take from the States the right to control the manner of nominating candidates for the Senate. It does not attempt to prescribe any method of nomination or any method of election. It simply says that if the States of the Union have already prescribed a method of nomination or a method of election, that method shall be followed in the nomination and election of United States Senators.

The meaning of that is that if the States have prescribed any method of nomination of candidates for Representatives at Large or for executive and administrative State officers, that method shall be followed. It means that if a State has not already prescribed a method of nominating Representatives at Large or nominating administrative and executive officers, that when it does prescribe a method it shall be followed. The Congress does not attempt to prescribe any method. It leaves that to the States.

I think the Senator from Missouri agrees with me as to that construction. I do not think you could put it in a more innocent form, so far as State rights are concerned. My only contention is that it is not necessary to enter upon this question now; that it is going to arise later; that the question of power is going to be one of serious debate and difference of opinion among Senators; and that in this bill, where it is not necessary, according to the contention of Senators favoring it, to pass upon that question.

Mr. REED. Mr. President, a while back I asked the Senator a question which was not then answered, because the Senator was going on with some observations he had to make. I wish to renew that question, in view of his statement that it is not necessary to provide any method for nominations; and lest it may have escaped the Senator's attention, I will state it again.

Mr. SIMMONS. I wish to qualify that. I wish to say that from the discussion I have heard, and the limited investigation I have been able to make, I am inclined to entertain that opinion, along with the Senator from Montana.

Mr. REED. That is to say the Senator's position now is that he thinks that with the word "nomination" stricken out it means just the same as it does with the word "nomination" in, and that we ought to strike out the word out of consideration for the feelings of those who fear that the word does mean something. I have great respect for the opinions of Senators who have said that the word "nomination" means a great deal.

Mr. SIMMONS. The Senator could not have quite understood me about that. I said that was a very big question, and I thought we had not thoroughly investigated it and considered it up to this time, and I expected it to arise very soon in a way in which we would have to meet it directly.

Mr. REED. As to the matter of necessity, of course, if it is perfectly clear that the word "nomination" in this bill is without any significance or meaning, that the bill means the same without the word as it does with the word "nomination" in it, then the States would be compelled to make their nominations for Senators under the rules they have already laid down for the nomination of Congressmen at Large. Suppose, however, that is a mistake. I must assume that it may be a mistake when Senators like the Senator from Tennessee [Mr. SHIELDS], lawyers of great ability, including himself, who have spoken upon that side of the question, say that in their opinion there is a great difference. Assume that they are right, and that we should find that the bill would not include nominations, then what would the Senator do in the case which I stated to him before, which was in substance this:

Assume that a State has a law which provides that no name shall go upon a ballot unless the candidate is nominated at a primary election, and that the law relating to primary elections provides how each particular officer shall be nominated, naming the officer, and not naming a Senator. How, then, would we get the name of a Senator upon a ballot?

I am confident that that situation exists in State after State; and if it does, we ought to remove the difficulty. It is my opinion that if this bill is amended so that you strike out the word "nomination" you have stricken out the very vitals of the bill. It is my opinion, after this debate, that if the amendment which is now offered should be adopted any court would be compelled to rule that Congress, by its express action, had expressed the intent and the purpose not to include primary elections.

What other construction can a court give? Here is a bill brought in with the word "nomination" in it. A motion is made to strike out the word "nomination." The reasons advanced in support of that motion are that by leaving in the word "nomination" you have invaded the rights of the States. Thereupon, after full debate, those views prevail and the word is stricken out. It seems to me, then, that any court, in construing this act, would say that Congress had plainly shown its purpose to limit the act simply to the election itself and not to the means by which the names of the candidates were to be placed upon the ticket at that election.

I do not think there is a question of doubt now about the proposition that if this amendment were adopted a court would be compelled to say that we had cut out of the act all questions relating to nominations.

I do not know what my friend refers to when he says that this matter may come up in a more serious form. It is sufficiently serious now. One-third of the Members of this body go out of this body in less than a year from this date. Their successors must be elected in the natural course of affairs at the next general election, to be held next fall. If you have one-third of the Members of this body here with doubtful titles to their seats, you can not prophesy what chaos may be introduced.

It is true that State legislatures may be assembled in extraordinary session; laws may be passed; but the very purpose of this bill is to make it unnecessary to assemble the general assemblies of States in extraordinary session. Assume that one-third of the seats are vacated; assume that that leaves one party in control here by a few votes; assume that party feeling runs high, and that some advantage would be gained by declaring all or a large part of these elections void because the candidates were not nominated in accordance with the laws regulating the nominations of other candidates in the States, and those men are thrown out of office, thus depriving the people of their States of representation here. Shall we permit a thing of that kind to occur, and if so, for what reason? Because the distinguished Senator from North Carolina says the act means the same with the word "nomination" out that it does with the word in?

I can not think that is wise. Why not make the act perfectly clear by leaving the word in?

Mr. SIMMONS. The Senator will do me the justice to say that in saying that I thought it meant the same, I was following the lead of the able lawyer who in part represents the State of Montana in this body, who said he had no doubt that it would mean the same.

Mr. REED. I think that is not quite a fair statement of the position of the Senator from Montana. The Senator from Montana said, and he has said it two or three times now with great clearness, that if the bill as brought in had simply used the word "election," and had not used the word "nomination," then when it came to be construed by a court, he was very clear that the court would have said that the word "election" was broad enough to cover the nomination, because the nomination was a necessary incident to the election; but when the bill is brought here with the word "nomination" in it, and that word is stricken out, the act of striking it out is indicative of the legislative intent to give to the word "election" a narrower meaning; and the Senator from Montana states with very great clearness that it is now, in his opinion at least, a matter of grave doubt.

There are enough doubts which arise in the construction of every law that is made. After you have drawn it with all possible care and have eliminated all possible doubts that occur to you, there is always enough doubt arising, so that the wise drafter of a law seeks in every possible way to remove all doubts he can think of or conceive of. Here, however, we are asked by the Senator from North Carolina to draw a law which will certainly contain a doubt as to its construction, because the doubt has been already suggested and raised, and minds differ on it.

Let us face this matter squarely. Let us either vote with the Senator from Tennessee upon the ground he so ably presents, namely, that Congress ought not in any way to assume power to legislate with reference to a nomination, or let us vote squarely for the other proposition and assert that Congress does have that power and that we propose to exercise it candidly and fairly. Let us not take the view that the act means the same thing anyway and that we can save somebody's feelings by doing something that is meaningless. That does not seem to me to be the part of wisdom.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Tennessee to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. LEA of Tennessee (when his name was called). I announce my pair with the senior Senator from South Dakota [Mr. CRAWFORD] and withhold my vote.

Mr. NELSON (when his name was called). I am paired with the senior Senator from Georgia [Mr. BACON]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. NORRIS (when his name was called). I am paired for the day with the junior Senator from New Jersey [Mr. HUGHES]; but I am reliably informed that, if present, he would vote the same as I would on this question, and I therefore feel at liberty to vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Sentaor from Rhode Island [Mr. COLT], which I transfer to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. STERLING (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the senior Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the senior Senator from Vermont [Mr. DILLINGHAM] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], which I transfer to my colleague [Mr. SHAFROTH] and will vote. I vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. If my colleague were present, he would vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES], which I transfer to the senior Senator from Ohio [Mr. BURTON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I have been requested to announce a pair between the senior Senator from Connecticut [Mr. BRANDEGEE] and the junior Senator from Virginia [Mr. SWANSON].

Mr. FLETCHER. I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. CHILTON. I wish to announce the necessary absence of the junior Senator from Virginia [Mr. SWANSON] and his pair, as already announced, with the senior Senator from Connecticut [Mr. BRANDEGEE].

Mr. SMOOT. I desire to announce the necessary absence of the senior Senator from Delaware [Mr. DU PONT]. He has a general pair with the senior Senator from Texas [Mr. CULBERSON].

Mr. KENYON. I desire to announce the absence from the city of my colleague [Mr. CUMMINS]. If present, he would vote "nay."

Mr. RANSDELL. I desire to announce the unavoidable absence of my colleague [Mr. THORNTON] on account of sickness. If present, he would vote "yea."

The result was announced—yeas 16, nays 37, as follows:

YEAS—16.

Ashurst	Lewis	Sheppard	Smith, Ga.
Bryan	Overman	Shields	Smith, S. C.
Fall	Ransdell	Simmons	Vardaman
Fletcher	Saulsbury	Smith, Ariz.	Williams

NAYS—37.

Borah	Johnson	Norris	Smoot
Brady	Kenyon	O'Gorman	Sterling
Bristow	Lane	Oliver	Sutherland
Chamberlain	Lee, Md.	Page	Thomas
Chilton	Lippitt	Perkins	Thompson
Clapp	Lodge	Pomerene	Walsh
Gallinger	McCumber	Reed	Weeks
Gronna	Martine, N. J.	Sherman	
Hitchcock	Nelson	Shively	
Hollis	Newlands	Smith, Mich.	

NOT VOTING—42.

Bacon	Culberson	Lea, Tenn.	Smith, Md.
Bankhead	Cummins	McLean	Stephenson
Bradley	Dillingham	Martin, Va.	Stone
Brandegee	du Pont	Myers	Swanson
Burleigh	Goff	Owen	Thornton
Burton	Gore	Penrose	Tillman
Catron	Hughes	Pittman	Townsend
Clark, Wyo.	James	Poindexter	Warren
Clarke, Ark.	Jones	Robinson	Works
Colt	Kern	Root	
Crawford	La Follette	Shafroth	

So Mr. SHIELDS's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question recurs upon the amendment of the committee.

Mr. WALSH. I have some amendments to the amendment which I desire to submit. I move to substitute for the word "time," in line 2, page 2, the word "term," so as to read:

That the regular election held in any State next preceding the expiration of the term for which any Senator was elected.

The amendment to the amendment was agreed to.

Mr. WALSH. It has been repeatedly asserted that the bill provides that the act should be enforced only in those cases which have made no specific provision for the nomination or election of a United States Senator, and likewise that as soon as any such State should make provision specifically to cover the case it should be of no further force and effect. The committee intended that that idea should be expressed in the language found in lines 12 and 13, on page 2:

Until or unless otherwise specially provided by the legislature thereof.

The senior Senator from Georgia [Mr. BACON], however, expressed to me his doubt as to whether that language sufficiently met the case. He did not express in any particular way why it did not or how it did not. I said to him that I would ask to amend by striking out that language and offer a separate section, which would leave the matter in no doubt whatever. I accordingly move to strike out the language of the bill as it appears on page 2, lines 12 and 13, as follows:

Until or unless otherwise specially provided by the legislature thereof.

And to add to the bill the following:

SEC. 3. If any State shall have made, or whenever any State shall in the future make, provision by appropriate legislation for the nomination or election of United States Senators, this act shall be of no effect therein so far as it shall conflict with any provision so made.

Mr. NORRIS. I should like to call the Senator's attention to the word "or." It seems to me that that ought to be "and."

Mr. WALSH. I gave attention to that, and I put in the word "or" "with malice aforethought."

Mr. NORRIS. With that word in, if some State should provide for the nomination and no provision for election, or, vice versa, if it should provide for the election and do nothing about the nomination, this law would have no effect in that State, as I understand the reading of the Senator's amendment.

Mr. WALSH. It could not possibly, in any case, even if the word "and" were used. The idea that occurred to me was that with the word "and" used the law would be in force and effect until the State had provided for both the case of nomination and of election. That was not the purpose, and so we do not want the act to so read. Whenever a State shall provide a statute in relation to the election, then this act shall be no longer in force or effect in relation to the election. If it shall provide a method for the nomination, it shall be no longer in force or effect so far as nominations are concerned, but shall remain in force so far as the election is concerned.

Mr. NORRIS. Does the Senator think that would be the effect of it?

Mr. WALSH. I think so.

Mr. NORRIS. I, of course, never examined the amendment, and I only know of it from having heard it read by the Senator; but suppose a State should provide for the election and not for the nomination; in that case this law would have no effect in that State, as I understand the amendment.

Mr. WALSH. Yes; indeed, it would. There is now in a State, we will say, a general law in relation to the general administrative and executive officers for both elections and nominations. The legislature of that State passes a law in relation to the election of United States Senators that will govern. But it does not do anything at all about the nomination of United States Senators. The nomination for United States Senators would then, in pursuance to the provisions of this act, be governed by the State law in relation to the nomination of the general administrative and executive officers.

Mr. NORRIS. In other words, if I understand the Senator's construction, in the case he puts this law would be in effect as to nominations, but not as to elections in that particular State.

Mr. WALSH. Exactly; and whenever the State makes specific provision for the election——

Mr. NORRIS. Does the Senator want to do that?

Mr. WALSH. Certainly.

Mr. NORRIS. That is not what the Senator was trying to accomplish, as it seemed to me, by the amendment.

Mr. WALSH. Undoubtedly it is. The legislature of the State deems it wise to make some specific provision in relation to the ultimate election of United States Senators, and it makes that provision. It does not say a word about nominations, but it has a general law in relation to the nomination of general officers. Now the specific provision in relation to elections governs the final election, but the general law applicable to nominations generally governs the nomination of United States Senators.

Mr. NORRIS. But as I understand the amendment, in the case the Senator puts it would not bear the construction he places on it. In other words, it seems to me from the reading of the suggested amendment that in the case he put it would be just the same as though we had not legislated. I should like to hear the amendment read again.

The VICE PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. On page 2, lines 14 and 15, strike out the words:

Until or unless otherwise specially provided by the legislature thereof.

And at the end of the bill add a new section as follows:

SEC. 3. If any State shall have made, or whenever any State shall in the future make, provision by appropriate legislation for the nomination or election of United States Senators, this act shall be of no effect therein so far as it shall conflict with any provision so made.

Mr. SUTHERLAND. Mr. President, I think it would be better to leave the bill as it is than to adopt the amendment proposed by the Senator from Montana. It is perfectly clear, under the original provision as contained in section 2, that the moment any State legislature makes provision for the nomination or election of United States Senators section 2 will cease to be operative in that State. The language is very precise. It is:

That in any State wherein a United States Senator is hereafter to be elected, either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office shall be made—

And so on.

Obviously the moment provision is made, or if provision be now made in any State, the provision which follows will not apply in that State.

I think there is this danger in adopting the amendment proposed by the Senator from Montana: The provision of his amendment is that whenever State legislation of the character described shall be adopted, then the act in so far as it conflicts with the legislation shall cease to have effect in that State. There are other provisions in the act than those contained in section 2. For instance, section 1 provides a general rule that we shall never want to have interfered with by any State legislature. That provision is:

That at the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 4th day of March next thereafter.

That is a general provision with reference to the election of United States Senators, and it fixes a uniform date for the election, just as Congress fixed a uniform date for the election of Representatives in Congress. Certainly we do not want to interfere with that provision. We want that provision to continue in operation, no matter what the State shall legislate. The uniformity provision with reference to the Members of the House of Representatives was passed for the very purpose of getting rid of the differing provisions of the State legislatures. We want that uniformity to continue.

Then there is at the end of section 2 a proviso:

And provided further, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

That ought to be continued as the rule, no matter what any State may legislate upon the subject, because if we do not have that rule continue it is apt to result in confusion. For example, suppose that in the State of Vermont no candidate for the Senate should receive a clear majority of all the votes cast. Under their statute there is, I think, a requirement that when no candidate for a particular office receives a majority of all the votes cast the authority to elect devolves upon the legislature. Of course, that would be, so far as a United States Senator is concerned, in the very teeth of the seventeenth amendment, which requires an election by the people; and it is necessary that there should be a rule declared by Congress which will make it certain that in every election the Senator will be elected. Unless we so declare there may be doubt as to whether it will require a majority of all the votes cast or only a plurality.

So we put into the law the provision which I have read, that in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

There are these two provisions in the bill which we do not want to disturb by any subsequent legislation which may be enacted by a State, and I fear that some such result as that might come about if we adopt the amendment which is sug-

gested by the Senator from Montana. If we leave the bill as it is, then the limiting clause "until or unless otherwise specially provided by the legislature thereof" applies only to that part of the bill we desire it to apply to.

I hope the amendment will not prevail.

Mr. POMERENE. Mr. President, I have felt and feel now that the amendment of the committee as originally drawn embraces everything that is contained in the proposed section 3, and for that reason I shall vote to retain the amendment as submitted by the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. SUTHERLAND. I suggest a change in the phraseology of the bill. In the print I have—the composite print—at line 19, page 2, the language now is:

Regulating the nomination and election of candidates for Members at Large—

And so forth.

While we nominate candidates, we do not elect candidates. We elect Members. I suggest that it should be changed so as to read:

Regulating the nomination of candidates for and election of Members at Large.

Mr. WALSH. The amendment is quite agreeable to me, Mr. President.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the desk print, line 19, page 2, after the word "nomination," strike out the words "and election," and before the word "Members" insert the words "and election of," so as to read:

Regulating the nomination of candidates for and election of Members at Large of the National House of Representatives.

The amendment to the amendment was agreed to.

Mr. SUTHERLAND. I wish to ask the Senator from Montana what was done with the amendment proposed by the Senator from New York [Mr. ROOT], in the first section to strike out the words "was elected" and insert in lieu of these words the language "has been chosen"?

Mr. WALSH. I will state to the Senator that no action has been taken upon that amendment. I rather understood the Senator from New York, at the time he tendered it, that the substitution of the word "term" for "time" would meet the purpose he had in mind in offering the amendment. I think that the language suggested by the Senator ought not to be inserted, because the Senator from Utah will recall that section 1 was intended to cover only the case of an election occurring at the conclusion of the entire term for which a Senator was elected.

Mr. SUTHERLAND. I only called attention to it in order that it might not be overlooked. I have not any suggestion to make about it.

Mr. WALSH. Lest there should be any question about it, I think perhaps the question ought to be put on the amendment. I suggest that the condition is met by the amendment already adopted.

The VICE PRESIDENT. The amendment submitted by the Senator from New York must be formally offered if it is to be voted upon.

Mr. SUTHERLAND. I do not offer it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION OF PHYTOPATHOLOGY.

Mr. SHIVELY. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (S. J. Res. 110) authorizing the President to accept an invitation to participate in an International Commission of Phytopathology, and I submit a report (No. 247) thereon. I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to accept an invitation extended by the Republic of France to the Government of the United States to be represented by delegates in an International Commission of Phytopathology, to be held in Rome, Italy, February 24, 1914; but no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with the commission.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD C. REED.

Mr. O'GORMAN. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 3997) to waive for one year the age limit for the appointment as assistant paymaster of the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy, and I submit a report (No. 248) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I wish to ask the Senator from New York a question.

Mr. O'GORMAN. I will state that this person took his examination, but the examination was not passed upon until a few days after he had passed his twenty-fifth year. He would not be eligible, though he had successfully passed his examination, in the absence of this enabling statute, which we have considered favorably at the suggestion of the Navy Department, and which we report favorably.

Mr. SMOOT. Did the applicant fail in his examination?

Mr. O'GORMAN. No; he was eligible when he took the examination.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 12, 1914, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate February 11, 1914.

CONSUL.

Otis A. Glazebrook, of Elizabeth, N. J., to be consul of the United States of America at Jerusalem, Palestine, vice William Coffin, appointed consul general at Budapest.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1914.

SECRETARIES OF EMBASSIES.

Thomas Hinckley to be second secretary of the embassy at Vienna, Austria.

Fred Morris Dearing to be secretary of the embassy at Madrid, Spain.

Arthur Mason Jones to be second secretary of the embassy at St. Petersburg, Russia.

Arthur Hugh Frazier to be second secretary of the embassy at Paris, France.

Henry Coleman May to be second secretary of the embassy at Tokyo, Japan.

Roland B. Harvey to be second secretary of the embassy at Berlin, Germany.

SECRETARIES OF LEGATIONS.

George T. Summerlin to be secretary of the legation at Santiago, Chile.

William Spencer to be secretary of the legation at Caracas, Venezuela.

William Whiting Andrews to be secretary of the legation at Berne, Switzerland.

James G. Bailey to be secretary of the legation at Lisbon, Portugal.

Franklin Mott Gunther to be secretary of the legation at Christiania, Norway.

Sheldon Whitehouse to be secretary of the legation at Managua, Nicaragua.

M. Marshall Langhorne to be secretary of the legation to the Netherlands and Luxemburg.

Francis Munroe Endicott to be secretary of the legation at San Jose, Costa Rica.

Gustave Scholle to be secretary of the legation at Habana, Cuba.

Hugh S. Gibson to be secretary of the legation at Brussels, Belgium.

Frederick A. Sterling to be second secretary of the legation at Peking, China.

SECRETARY OF LEGATION AND CONSUL GENERAL.

Henry F. Tennant to be secretary of the legation and consul general at San Salvador, Salvador.

PROMOTION IN THE NAVY.

Medical Inspector William C. Braisted to be Surgeon General and Chief of the Bureau of Medicine and Surgery.

POSTMASTERS.

ALABAMA.

David A. Hughes, Attalla.

ALASKA.

John F. Henson, Douglas.

FLORIDA.

Willie C. Caldwell, Jasper.

ILLINOIS.

Charles J. Mullikin, Champaign.

INDIANA.

William H. Bennett, Monon.
Frederick A. Emerson, Angola.
Leonard L. Graves, Thorntown.
L. B. Humphries, Rockville.
Francis A. McMullen, Elnora.
Frank W. Macoughtry, Attica.
Albert S. Mingle, Pendleton.
Arthur C. Ronk, Ladoga.
Clarence P. Wolfe, New Harmony.

IOWA.

N. C. Butler, West Branch.
W. H. Robb, Creston.

KANSAS.

Joseph J. Landes, Kirwin.
T. J. Martin, Wetmore.
C. W. Spencer, Sedan.
Owen C. Wasson, Peru.

MAINE.

Richard P. Harriman, Bucksport.

MICHIGAN.

William G. Mehrens, Kearsarge.
Ira G. Metcalf, Morenci.

MINNESOTA.

A. T. Archer, Kerkhoven.
Frank F. Clifford, West Concord.
W. J. Heaney, Olivia.
M. W. Keeley, Janesville.
John L. King, Jackson.
Peter P. Maurin, Cold Spring.
Herman R. Meisch, Argyle.
William Mueller, Springfield.
Elmer A. Orth, North St. Paul.
Harry P. Phillips, Mahnomen.
James Sammon, Graceville.
J. H. Towey, Stewartville.
Elliott A. Upson, Lake Crystal.
F. W. Watkins, Clinton.

MONTANA.

P. M. McLean, Ekalaka.

NEBRASKA.

J. I. Corley, Weeping Water.
G. R. Eno, Collegeview.

NEW HAMPSHIRE.

Arthur J. Holden, Keene.

NEW JERSEY.

Thomas J. Foley, Gloucester City.
William Slattery, Raritan.

NEW YORK.

Charles L. Doolittle, Montour Falls.
Francis J. Mulgannon, Hempstead.
George Thomas, Pittsford.

NORTH CAROLINA.

Luther E. Huggins, Marshville.

NORTH DAKOTA.

Grace E. Dumont, Antler.
Martin O. Hagenson, Scranton.
Henry E. Stoskoff, Wildrose.

OHIO.

Frank Bookman, Westerville.
Charles L. Ritz, Holgate.

OKLAHOMA.

O. E. Butler, Grove.
A. L. Davenport, Holdenville.

PENNSYLVANIA.

Joseph S. Cole, Millville.
J. F. Lauffer, Export.
Isaac Lowe, Starjunction.
James R. Mowry, Derry.

SOUTH CAROLINA.

J. Elizabeth Meehan, Chesterfield.

TEXAS.

R. C. Crane, Sweet Water.
Elmer T. Gilbert, Carbon.
J. W. Hoff, Yorktown.
W. H. Mercer, Mineral Wells.
L. A. Meiners, Moulton.
Edna Overshiner, Valley View.
B. F. Shepherd, Memphis.
W. E. Thompson, Celeste.

WASHINGTON.

L. A. Dale, Brewster.
Lutetia M. Fields, Woodland.

WYOMING.

G. C. Forsythe, Lusk.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 11, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art ever in the light, by day and by night, in the seedtime and in the harvest, in the laws which environ us, in the still, small voice ever speaking to us, in Holy Writ which has come down to us out of the ages—

A glory gilds the sacred page,
Majestic, like the sun:
It gives a light to every age;
It gives, but borrows none—

strengthens the weak, lifts up the fallen, comforts the sorrowing, cheers the dying; may it be a light to our feet, illumine our homes, and guide us as a Republic on our way. This we ask in the name of Him who revealed Thy loving heart and tender mercies, and glory and honor and praise be Thine forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8667. An act to promote the efficiency of the Naval Militia, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910; to the Committee on the Public Lands.

RAILROADS IN ALASKA.

The SPEAKER. The House resolves itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, with the gentleman from Mississippi [Mr. HARRISON] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 48, the Alaskan railroad bill, with Mr. HARRISON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 48, the Alaskan railroad bill, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

The CHAIRMAN. Under the special rule adopted by the House, all general debate having closed, the Clerk will read the bill under the five-minute rule for amendment.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that we read the House bill as a substitute in lieu of the Senate bill.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the substitute be read instead of the Senate bill.

Mr. MANN. Mr. Chairman, would not the gentleman make his request so that the substitute be read as an original bill, because the substitute is an amendment, and there could be only one amendment? If an amendment were proposed, there could be no amendment to the amendment.

Mr. HOUSTON. Yes. I will put my request in that form, that the substitute be read as an original bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the substitute be read as an original bill. Is there objection?

Mr. MANN. That would be read, then, by sections.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, would not the Chairman think we would have a better procedure if the bill were read by paragraphs rather than by sections? We have had instances of the reading of bills by sections under the five-minute rule. This is not a long bill, but when a bill is read by sections it adds to the confusion.

Mr. HOUSTON. I would be perfectly willing to do that.

Mr. STAFFORD. Would the gentleman embody that in his request?

Mr. HOUSTON. Yes. Mr. Chairman, I request that the bill be read by paragraphs instead of by sections.

The CHAIRMAN. Does the gentleman from Wisconsin object?

Mr. STAFFORD. No. I modify my request so as to provide that the bill be read by paragraphs instead of by sections.

Mr. DAVENPORT. Reserving the right to object, Mr. Chairman, I want to understand the parliamentary status of it. If the substitute is read, as I understand the gentleman's request, the substitute will be considered as an original bill in the House?

Mr. MANN. Yes; and the same rule as to amendments.

Mr. DAVENPORT. It would not be governed by the rule as to an amendment to an amendment, but would be subject to amendment as any other bill?

Mr. MANN. Yes. That is the reason we are trying to do it in that way.

Mr. DAVENPORT. That is the reason why I asked, so that there would not be any parliamentary complications.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the House bill be read by paragraphs instead of by sections, in lieu of the Senate bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

That the President of the United States is hereby empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of this act; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of this act, such officers, agents, or agencies to be appointed or designated by him, or under his direction; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of this act; to detail and require any officer or officers in the Engineer Corps in the Army or Navy, or any official in the civil list of the United States, to perform service under this act; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of standard-gauge railroad in the Territory of Alaska not to exceed 1,000 miles, to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields yielding coal sufficient in quality and quantity for naval use, so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, of troops, arms, munitions of war, of the mails, and for other governmental and public uses, and for the transportation of passengers and property; to construct and build a standard-gauge railroad or railroads, with the necessary branch lines, feeders, sidings, switches, and spurs along such route or routes as he may so designate and locate; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of this act; to exercise the power of eminent domain in acquiring property for such use, which use is hereby declared to be a public use, by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; and to exercise all the powers granted to railroad companies under and by virtue of the act of Congress entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, and all amendments thereto, to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads for the transportation of passengers and property; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to fix, change, or modify rates for the transportation of passengers and property subject to the supervision of the Interstate Commerce Commission, as hereinafter provided; to receive compensation therefor, and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations, not in violation of law, for the control and operation of said railroad or railroads; to employ officers, agents, and employees for the conduct of the business of said railroad or railroads, and to fix and provide their compensation; to lease the said railroad or railroads, including telegraph and telephone lines, after completion, upon such terms as he may deem proper, but no lease shall be for a longer period than 20 years, or in the event of failure to lease, to operate the same until the further action of Congress; to lease, purchase, condemn, or otherwise acquire any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him in the first instance, upon such terms as he may deem proper; to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property, and to make such other contracts as may be necessary to carry out any of the purposes of this act; to transfer any tools, equipment, or other property belonging to the United States and used in the construction of the Panama Canal or other Government work for the use of such railroad and railroads in Alaska; and no charge shall be made therefor.

The authority herein granted shall include construction, maintenance, and operation of telegraph and telephone lines so far as they may be necessary or convenient in the construction and operation of the railroad or railroads as herein authorized, and they shall perform generally all the usual duties of telegraph and telephone lines for hire; and the Interstate Commerce Commission shall have as full power and authority over all matters connected with such telegraph and telephone line or lines, whether engaged in transmitting messages from one place in the Territory of Alaska to another place therein, or to any other State, Territory, or District of the United States, or to any foreign country, as it has by law over other telephone and telegraph lines engaged in sending messages from one State, Territory, or District of the United States to any other State, Territory, or District of the United States, or to any foreign country.

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all lawful acts and things in addition to those specially authorized in this act necessary to enable him to accomplish the purposes and objects of this act: *Provided*, That the President is hereby authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for town-site purposes as he may from time to time designate.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

The Clerk read as follows:

Amend, section 1, by striking out all after the semicolon in line 22, on page 11, down to and including the word "lease" in line 1, on page 12.

Mr. DAVENPORT. Mr. Chairman, what I desire to do is to amend this so that the following language will be stricken from the bill:

To lease the said railroad or railroads, including telegraph and telephone lines, after completion, upon such terms as he may deem proper, but no lease shall be for a longer period than 20 years, or in the event of failure to lease.

That is the language I desire to strike out, so it will provide that if this law is passed and the railroad is constructed the Government shall continue to operate the line until Congress takes up the subject of leasing and permits it to be leased. If the Government makes this appropriation, I am opposed to the Government leasing the line until it is first shown what the probabilities are of the Government making a success of its operation; and I believe, if we are going to vote this appropriation, the Government ought to be required to operate it, at least to make the experiment, if we are going into the experiment, so that we can ascertain whether the Government can make a success of it or not, and not lay the foundation now for a leasing contract that would probably be entered into as soon as the road was constructed.

Mr. STAFFORD. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. STAFFORD. Is the gentleman acquainted with the policy pursued by the French Republic in the operation of its railroads?

Mr. DAVENPORT. Historically, I am.

Mr. STAFFORD. I only have a slight knowledge of it; but as I recall, the French Government provided the right of way and other utilities, but leased the lines for long-term periods. Can the gentleman inform the committee as to the successful operation of that policy by the Republic of France?

Mr. DAVENPORT. I can not, Mr. Chairman; and I take the position that whether success or failure may have been accom-

plished by the French Government, the case would not be a parallel one; and therefore when we start in this policy we ought to carry it far enough, by direct operation by the Government, to see whether or not it can be made a success. That is why I believe this amendment should be adopted.

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. DAVENPORT. Yes.

Mr. HARDWICK. If the gentleman's amendment were to prevail, the Government would be compelled to operate this railroad, would it not?

Mr. DAVENPORT. Until further directed by Congress.

Mr. HARDWICK. I want to see what it means. So we will be committed not only to Government ownership, but to Government operation if the gentleman's amendment prevails.

Mr. DAVENPORT. If my amendment should prevail, that would be the effect of it.

Mr. BRYAN. Will the gentleman yield?

Mr. DAVENPORT. I yield to the gentleman from Washington.

Mr. BRYAN. If we adopt this amendment, will the gentleman then favor the bill?

Mr. DAVENPORT. I suggest to the gentleman that I have a right to try to perfect the bill, and then I will pursue my own course when it is perfected.

Mr. BRYAN. I do not question the gentleman's right.

Mr. DAVENPORT. I think this amendment is a good amendment.

Mr. HARDWICK. I agree with the attitude of the gentleman from Oklahoma on this bill, as I have understood it, up to the present moment. I agree with him entirely that this bill ought not to pass. I do not believe the Government of the United States ought to undertake the construction or operation of a railroad whether that railroad be located at the Equator, at the Pole, or in this country. I do believe, however, that if we could take it in the alternative it would be better to construct a railroad and lease it than it would be to own the railroad and operate it. So that I find myself utterly opposed to this particular amendment of the gentleman from Oklahoma.

I want to say a few words about this measure, because the gentleman's proposition brings us to a discussion of every phase of this bill. I want to say, in the first place, that if this bill were presented to a business man, in my judgment there is not a good business man in the United States who would favor it. I doubt if there is a business man in this country who would undertake either to spend or obligate himself to spend $36,000,000 on the amount of information that either the President, the Secretary of the Interior, or this House has on this question. I doubt if any private business company or corporation would authorize the construction of more than 1,000 miles of railroad when the great part of it has never yet been surveyed even. While the gentleman from Alaska [Mr. WICKERSHAM] was making his six-hour speech he stated, in answer to some questions that I propounded to him, that most if not all of this proposed railroad had been surveyed, or the country through which it was to run, under the terms of this bill, had been surveyed.

When I pressed him to know exactly by whom and how the survey was made the gentleman from Alaska [Mr. WICKERSHAM] said that most of it, pointing out on the map, had been surveyed for dirt roads. And yet, without any engineer's report that this thing is feasible, that it is practicable, that a railroad can be built at all, or if built ought to be built from an economic standpoint, with no preliminary survey upon which to rest it, we propose to enact this legislation.

Now, I want to ask the gentlemen in charge of the measure how they can insist, as a practical proposition, upon any such course as that. It is no answer to say that the President of the United States is not bound to build this railroad; it is no answer to say that we have merely delegated to the President the authority to construct this railroad, that he need not exercise that authority unless and until these necessary preliminary steps are taken. The burden is on us here and now to perform our own duty, not to enact this bill in any event until these things are done. We can not shift every burden to the shoulders of the President of the United States.

One of the planks in the platform on which you and I were elected was a declaration that the three branches of the Government—the executive, legislative, and judicial—are independent and coordinate, not subordinate one to the other; that each of us have our duties to perform to the constituency we represent and to the people of the United States.

Now, I imagine it will be an inadequate answer if any Member undertakes to say that he voted for this bill with the idea that it would do no harm, because the President of the United States would have manhood and wisdom enough not to do it if it was unwise. We are discharging duties, not delegating powers; we are, or ought to be, acting for the people of the United States, and not passing our responsibilities and burdens over to another branch of this Government.

Why should we have this bill at all? Is it to reach the coal mines? From my reading, which is somewhat cursory, it is true, but as far as my limited opportunity would permit, I have been convinced that the construction of thirty-odd miles of railroad would reach all the coal fields in Alaska that are known. And yet gentlemen who urge the bill in public and private are insisting that it is necessary to reach these great coal fields in order to supply the Navy of the United States on the Pacific coast. I want to ask these gentlemen how they can urge this contention, in view of the fact that it will only take 33 miles of railroad and a small amount of money, compared with what the bill carries, to do the thing on which they rest their whole bill. Not only that, but how can you insist on it, in view of the recent test on the *Maryland*, in which it was proved that the coal was not what it is claimed to be; in which the naval officers contended that the coal was so inferior that it clogged up the engines so that they would not work, and that the Navy could not use it?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HARDWICK. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HARDWICK. Now, Mr. Chairman, I want to ask how they can urge it in the interest of the Navy of the United States when in his last annual report the Secretary of the Navy himself says that oil and not coal is to be the great future motive power of the Navy; when he calls attention to the fact that every great power on this earth is going to oil instead of coal, and that the motive power of the Navy is to be oil, and when he says that such must necessarily and wisely be the policy of the United States.

This is a great question, you say; you are building for the future. If you are building for the future and rest your argument on the military necessity or the naval necessity, what do you say about the report of our own Secretary of the Navy, who says that in the future coal is not to be the motive power but oil is to be the motive power, not only of our Navy but of every other navy in the world?

Now, I want to go one step further. What did we do in the campaign just ended? We went before the American people and said "private monopoly is intolerable and indefensible, and we will abolish it by law." What will we substitute for it? Will we substitute for it public monopoly? No; that was not our promise. That was the promise of the Roosevelt Progressives. But we said we would substitute for it Jeffersonian doctrine, pure and simple, competitive conditions, and a return to the day of individual opportunity. What do we find? These bills are presented one after the other, wherever a public question arises, wherever private monopoly is to be abolished, and we are required to present a constructive remedy. What do we do? We substitute, or some gentlemen wish to substitute, upon every occasion public monopoly as the remedy.

As far as I am concerned I do not believe in that doctrine. I was not reared in that school. I have not supported those principles. Others may go that far if they like, but as for me, my vote has never supported it and never will.

I believe, with Jefferson, that the individual citizen is the great corner stone of this Republic. I believe our laws must be so constructed and affairs so administered that the blessings of this country will flow from the citizen up to his Government rather than from the Government down to its subjects. [Applause.]

I can not find it in my heart to support any of these measures that rest on the other doctrine. I could not find it in my head to support any of these propositions that are based on the things I have always been taught were not democratic. I can not find it anywhere in the teachings of the fathers of my party nor the great principles upon which our party rests to support bills of this character; and I predict here and now that unless a halt is called somewhere on this sort of thing it will not be long before we will not only be building railroads in Alaska but also be mining radium in America. We will also be mining coal, and it may be gold, in Alaska, and next be manufacturing clothes in Dayton and food in Milwaukee.

A MEMBER. Does not the gentleman mean beer? [Laughter.]

Mr. HARDWICK. Yes; beer in Milwaukee. I accept the amendment. I was thinking about the great grain elevators of Minneapolis and said Milwaukee inadvertently.

Mr. STAFFORD. Oh, we have very good food manufactured in Milwaukee as well as very good beer.

Mr. HARDWICK. Mr. Chairman, it will not be long before we will get to all this sort of thing if we lose sight of our principles and forsake the paths that our fathers trod. Once we depart from principle, once we embark on enterprise simply because it is popular, once we do a thing simply because there seems to be a temporary demand for it, and ignore the great cardinal principles of our party and forsake the great doctrines of our faith, even for a moment, there is no safety for us.

What about this bill? Is it necessary; is it wise; is it a step in the right direction, or is it a step in the wrong direction? If you are to spend $36,000,000, why spend it at the North Pole? Why not spend it at home? Have we so much money, are we so rich, that we would rather send it to the North Pole than send it to the people of our districts? Are we so rich that we can afford to develop Alaska while America languishes? Are we so rich that we can not build battleships and yet can develop a possible coal mine in Alaska, with a view to future Government ownership and operation of coal mines as well as railroad and telegraph lines? I challenge any gentleman who favors this bill to point out, either now or later, what Democratic platform, what Democratic principle, he pins his faith to when he advocates this measure. You can not point it out in the last platform on which we were elected. That platform demanded the opening up of Alaska. That platform when it came to the railroad question was, as it should have been, silent as the tomb. If we want justification for this bill we can not go to the platform of either one of the great parties—oh, yes; I will take that back. You must go to the platform of the so-called Progressive Party and to the propaganda of Theodore Roosevelt, because nowhere else——

Mr. FERRIS. And the Socialists?

Mr. HARDWICK. Yes; except the Socialists. You get it from their principles, though, not from their platform, but you get it from Roosevelt's platform, and we find it nowhere else.

Mr. PAYNE. How about the Socialist platform?

Mr. HARDWICK. It is Socialist propaganda. It rests on the same principle that the Socialists advocate; it rests on the same foundation stones on which they build; but so far as the platform declarations are concerned, I challenge anybody, either now or later, to show a Democratic platform on which it rests. Oh, but they say, the Democratic Party gave subsidies in the past of either money or lands to the great transcontinental railroads. So we may have done. Whether it was wise or not I can not say.

There were then, as there are now, two great sides to that question; but this question is not involved in that question at all, because even when we gave money under our broad powers to appropriate, or land under the power to dispose of the public domain, there was not any question of Government building or leasing or operating a railroad. Not only that; none of these propositions to which gentlemen have referred in this debate contemplated even the remote possibility that there should be added to the ever-increasing army of Federal employees another army mightier than the hosts that followed Xerxes across the Hellespont into Greece. I want to say that when to your ever-growing host of Federal employees you add Federal employees not only at the Equator but at the Pole and all through this country, for you need not think that the people are going to be content with letting you build railroads in Alaska and at Panama and not build them at home. So I say when you add to the ever-growing host of Federal employees, the potency of which we have every one of us felt in the performance of our official duties, another and greater host of railroad men and their connections everywhere through this Republic, you will find the Federal Government so augmented in power that the rights of the States will be of little avail whenever there is conflict or desire of authority; and you will find the Federal Government so great, so powerful, and the administration of whatever party is in so well intrenched in power that nothing short of actual revolution will ever displace it. Mr. Chairman, I know not what others may do, I care not what others may think. I have no criticism for any man or set of men here or elsewhere who can not and do not see this question as I do; but as for me, it is not the democratic faith that I learned at my father's knee; it is not the democratic faith that Jefferson taught; it is not the democratic faith that has been taught by all the fathers of this Republic and all the founders of our great party, and for one I can not and will not support this bill. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that I may be permitted to address the committee for 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I have listened with much interest to the remarks of my friend from Georgia [Mr. HARDWICK], and I recognize the gentleman from Georgia as one of those men in the House who is sound in the Democratic faith, but I do not think he has gone far enough in his reasoning or followed the history of his party closely enough to bring this proposition in conflict with the great history and principles of the legislation of our party. I have seen a good many truly progressive measures in the interest of the development of this great country of ours come before the Congress since I have been a Member of it, and I have always heard the same arguments advanced against these measures, when it has come down to the Federal Government in any way aiding in the development of our material resources. I heard the interruption of my friend from New York [Mr. PAYNE] a while ago, suggesting that this proposition carried in it the germs of socialism, and it carried me back some 12 years, or possibly longer, ago when I saw a great bill in the process of construction in this House, to give the public domain in 18 arid States to the Secretary of the Interior, as trustee, to develop a great irrigation system and build homes for those who lacked homes, to build an empire in a desert. My friend from New York [Mr. PAYNE] and other gentlemen who took the same view of these questions at that time opposed the irrigation bill, when some of us on this side of the House and some on that side were battling that those vacant lands of the West might be given by the Government to create a fund to develop that great western country. They predicted at that time disaster, they predicted that the Government giving up its territory for that purpose would lead to political disaster and would seriously impair the Treasury of the United States. But what has been the result? Many men at that time said it was impossible of accomplishment by Government engineers; that it should have been left to private enterprise; but what has been the result?

I do not say that the Government engineers have made no mistakes. If mistakes have been made, it has possibly been in building these irrigation works too well and at too great a cost; but we have built homes for thousands where no homes could be if it had not been for this bill that we passed 12 years ago. We are raising food for hundreds of thousands where food could not be raised to-day if the Congress had not taken idle desert lands and created a trust fund by which they could be developed. I said then, as I say now, that there has always been a great distinction from the beginning of this Government——

Mr. HENSLEY. Mr. Chairman——

Mr. UNDERWOOD. Just let me finish my sentence—a great distinction from the beginning of this Government between the public lands of the United States, which is the private purse of the Nation, and the money that is raised from taxation of the people. I now yield to the gentleman.

Mr. HENSLEY. Does the gentleman from Alabama undertake to say that such kind of work as the Reclamation Service—from a careful study of it is he able to declare that in every particular it has been a success?

Mr. UNDERWOOD. No; I said just the other thing.

Mr. HENSLEY. Does not the gentleman realize——

Mr. UNDERWOOD. I ask the gentleman not to interrupt me with an argument; I have only 15 minutes.

Mr. HENSLEY. Just one brief statement.

Mr. UNDERWOOD. I ask not to be interrupted for a statement. If the gentleman desires to ask a question, I will yield.

Mr. HENSLEY. Let me put it in this form: Does the gentleman realize that the engineers' estimate of the project at Phoenix, Ariz., when they induced the farmers to enter into that project, was not to cost more than $15 an acre to the farmers, and to-day it has reached the enormous sum of from $50 to $60 per acre, and the end is not yet?

Mr. UNDERWOOD. Well, I will state to the gentleman, as I said a while ago, I do not pretend that mistakes have not been made, but notwithstanding some mistakes have been made the great scope of the work has been a success and in the interest of the American people, and I have been over that very ground in Phoenix, and when the gentleman says that the original land cost the owner of it $50 per acre by reason of this improvement, I will say to the gentleman that the land is worth more than twice $50 an acre to the man who owns it. [Applause.]

Mr. HENSLEY rose.

Mr. UNDERWOOD. I ask not to be interrupted. I was at Phoenix before the Roosevelt Dam was built and I have seen the land and I saw tracts of land you could not buy for $50 an acre in the same valley. Now I want to say this, that in the very beginning of the Government the Democratic Party, in the day of its greatest supremacy, gave lands and money to the

development of a great road system to connect the eastern and western sections of the country. That road is still in existence to-day. That system of road building would have gone on if the railroads had not supplanted it temporarily. So that to say that the Democratic Party—controlling this House and standing for legislation of this kind is contrary to the history of our party—flies in the face of the history of past legislation is not sustained.

Mr. HARDWICK. Will the gentleman yield?

Mr. UNDERWOOD. I will yield.

Mr. HARDWICK. Is the gentleman able to point out where the Democratic Party undertook to build a railroad or to either operate or lease it?

Mr. UNDERWOOD. I have just stated where the Democratic Party——

Mr. HARDWICK. Oh, we made an appropriation to aid the building; that is a different thing.

Mr. UNDERWOOD. The Democratic Party—that is, the Congress when it was controlled by the Democratic Party, in every branch, when the bill was signed by Democratic Presidents Jefferson, Madison, and Monroe—built turnpike roads to aid in the development of the country.

Mr. BURNETT. Will my colleague yield to me?

Mr. UNDERWOOD. I do.

Mr. BURNETT. Does the gentleman think that authorized the President or would authorize the Government to go and build railroads all over this country?

Mr. UNDERWOOD. No; I am not in favor of building railroads all over the country.

Mr. BURNETT. Then why make an exception in favor of Alaska and build there?

Mr. UNDERWOOD. I will tell my colleague why I would make an exception. I would not be in favor to-day of the Government aiding in building roads in continental United States. Why? Because it is not necessary.

Mr. HARDWICK. If it was necessary, then, the gentleman would favor it?

Mr. UNDERWOOD. I should if it was within the power of the Constitution and it was necessary to build up and develop our country. Any party which assumes the responsibility of Government must live up to that responsibility. [Applause.]

Now, what I say is this: There has been no wild country ever developed by railroad building except when there was governmental aid behind it of some kind. We developed continental United States in that way. We gave the public lands to develop railroad building at a time when the land grant was needed to accomplish the result.

Mr. CALLAWAY. You do not intend to defend the Government giving the public lands in this country to the railroads, inasmuch as it got nothing?

Mr. UNDERWOOD. I do not attempt to defend it at all. I say it was a proper thing to do.

Mr. CALLAWAY. You and I differ in regard to that.

Mr. UNDERWOOD. It does not require an argument.

Mr. CALLAWAY. Will the gentleman yield for another question?

Mr. UNDERWOOD. Yes.

Mr. CALLAWAY. On this Alaskan railway proposition, it occurs to me if Congress is going to build a railroad, it should know where it is going to build it, where it should begin, and where it should go to, instead of just delegating the power to the President to go into the railroad business, which necessarily will have to be delegated by him to somebody else, because he is not going to build any railroads in Alaska.

Mr. UNDERWOOD. I want to ask my friend from Texas [Mr. CALLAWAY], because I believe he is the same kind of a Democrat that I am and we are generally together, when we gave great grants of land—which is the same proposition as we have here—toward building the transcontinental railroads, where was the survey that was made before the passage of the act of Congress?

Mr. HARDWICK. They were surveyed, every one of them.

Mr. UNDERWOOD. Not the survey of the direct location of the line.

Mr. BRYAN. The acts particularly show the survey had not yet been determined upon.

Mr. UNDERWOOD. If the gentleman will examine, he will find that the general direction of the roads was indicated, and that was all that was had at that time. Now, the purpose of this act is similar in purpose to those acts that gave the public lands for the development of this western country. It is the only way in which you can develop Alaska.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. UNDERWOOD] has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman have time in which to conclude his remarks.

Mr. UNDERWOOD. I will not ask that, but I would like about 10 minutes more.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent for 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, I want to say this to the gentleman, you can not develop this Alaskan country except in one of two ways. Private enterprise unassisted can not build this road, and without reasonable means of transportation you can not carry a population in there that will make a permanent development. Of course you may have the gold miner going there and speculating on finding a gold field, and when he digs the gold out will come away. But this Alaskan country is capable of sustaining a permanent population, and should have permanent and lasting development, and the only way that you can accomplish that result is to provide means for transportation. No private individual without assistance of some kind can go there and develop that country.

Mr. FERRIS. Will the gentleman yield?

Mr. UNDERWOOD. I will ask my friend to let me finish this thought. But there are two ways in which you may do that. You might make a grant of the public lands of Alaska to a private corporation to develop the Territory or, on the other hand, you can do what this bill proposes to do, namely, the Government can build a railroad and turn back into the Treasury the proceeds of the sale of public lands to compensate the Government for its expenditure.

Now, that is what is proposed to be done here.

Mr. FERRIS. Will the gentleman yield right at that point?

Mr. UNDERWOOD. Yes.

Mr. FERRIS. I think the gentleman is dealing with the very crux of the whole proposition, and I wanted to ask him if he thought private enterprise had had a fair chance to extend the nine fragmentary railroads which are now there, when the Government went up there and withdrew the land to such an extent that only 2 coal claims have been patented and only 163 homesteads have been patented. And did he know that the Secretary of the Interior and the chairman of the Committee on Mines and Mining of the House, and the chairman of the Committee on the Public Lands of the House, and the chairman of the Committee on the Territories, and the three corresponding committees in the Senate have agreed on a leasing bill which will give the Territory a fair chance to progress and improve and develop? And I wondered if the passage of this bill first would be a fair test as to whether or not private enterprise would go in there.

Mr. UNDERWOOD. I will say to my friend from Oklahoma that I am uninformed on that proposition, because I have not had a chance to investigate it.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Just let me finish this. I think the great difficulty that confronts us all in reference to Alaskan legislation is the lack of information which we all have in reference to the subject matter.

Now I will yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. The question I wanted to ask the gentleman was whether he did not think it would have been better for the Government to have constructed railroads in this country many years ago, instead of giving away lands amounting to several times the cost of construction?

Mr. UNDERWOOD. In the end we might have profited by it. But this is no new proposition. Ten years ago, and more than 10 years ago, we had before this House the proposition of whether we would turn the building of the Isthmian Canal over to a private corporation, with Government aid, or whether we would build the canal ourselves. The Government has built it as one of the greatest monuments to the genius and enterprise of this generation. [Applause.]

Now, just before I close I want to ask the House this question: Why should we develop Alaska? There are a number of reasons. In the first place, as a great Government, as the Government of those people—because we are not only the National Government, but we are to-day the local government of the people of Alaska; we stand both in the shoes of the State and of the Nation—to those people we owe the responsibility of giving them a chance to develop their country and grow as we have grown in Continental America.

But, more than that, there is a greater governmental reason why we should open that country and develop it. Here is a great Territory of the United States, filled with storehouses of

wealth; a Territory that, if it is necessary, we must lay down our treasure and our blood to protect and defend against a foreign enemy. By reason of conditions that exist, by reason of lack of transportation facilities, there is but a scattered population there, a sparsely settled community, without strength or power to defend itself.

That country is no barren waste. That country is no "frozen north." It is capable of sustaining as good a population as Scotland, Sweden, or Norway. A strong, vigorous American people can be builded up in that Territory; a people ready to fight and defend themselves, to defend our flag; and the day may come when that population will be strong enough to protect itself against a foreign foe without the necessity of our maintaining battleships and troops on Continental America to defend it. We can not do it without the population; and I say it is a matter not only of patriotism, but it is also a matter of economy to take the necessary steps to open up that country and invite the American population to take care of it and make an asset of a great Government instead of a liability. [Applause.]

Mr. PAYNE. Mr. Chairman, I have been interested in Alaska ever since that great act of statesmanship of William H. Seward, of whose town I was a resident when a boy, in purchasing the Territory. I remember those jokes about his having bought icebergs, and the prospect that the Senate would not ratify the treaty of purchase. I remember that he went to that great Senator from Massachusetts, Charles Sumner, and laid before him the facts in regard to Alaska; and if some of these gentlemen would read that great speech of Sumner's, they would find that the material riches of Alaska which are known so well to-day were discovered by Sumner by a study of the records and given to the world in that great speech he made at that time.

Now, there was all that wealth of mines and of fisheries and of furs, all the wealth of Alaska that we know of to-day, placed before the American people then, and still private enterprise never went far enough to build railroads during all the years until these latter years, when a few railroads were built; and then we had this wave—and I sympathize with it—this wave of sentiment in opposition to men exploiting too much the Government domain, making great fortunes out of it and destroying those great assets for posterity, and Alaska was closed up, completely closed up.

Three years ago, as my friend from Wyoming [Mr. MONDELL] said the other day, I suggested to him the wisdom of drawing up a bill allowing people to go in there, on a royalty or on a lease, to open up those mines of Alaska in order that we might go on with the development; to open those riches to the people and still not give too much to the people who opened them up and exploited them. But that bill has not yet passed, and now we come to this proposition of the Government building a railroad up there in Alaska.

Gentlemen seek to justify it on the ground that we voted 10 years ago to build the Isthmian Canal, the wonder of the world; and I never could see how we could build it in any other way except through the Government. We could not give any body of men a chance to levy tolls on what went through that canal, to remunerate them for the capital they put into it, and still preserve commercial peace with the Governments of the world and get treaties by which we could build that canal.

It was a great undertaking. We were fortunate in getting the one man who had been raised up equal to that enterprise, and now it has become a success and the Government is simply to collect the tolls and keep the canal in repair. What comparison is there between that and a few miles or a thousand miles of railroad in Alaska? Oh, gentlemen say that it is not socialistic, because it is such a little thing. Still the camel got his nose under the tent, and you know the result. A little thing! And still one man high in the civic life of the Nation advocates a railroad connecting the Atlantic and the Pacific, to be built by the Government of the United States, as a regulator of freight between the two sections. A little thing! And still you will find Members of this House who do not belong to the Socialist Party saying they believe that the Government ought to own all the railroads and all the public utilities. You find a Postmaster General advocating the investment of $000,000,000 to take up the telephone service in the United States. What excuse there can be, after passing this bill, against taking up the telegraphic service no man can explain, and no one can tell what the difference would be in the two propositions.

Mr. HARDWICK. Will the gentleman yield?

Mr. PAYNE. I would rather not be interrupted. I have not much time. So you go on progressing from one thing to another, railroads to come in next, and then you will have carried out every socialistic platform ever adopted by any body of Socialists in the United States, for Government ownership of all the utilities everywhere. And what excuse have you to offer?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I should like 10 minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. PAYNE. The gentleman from Illinois spoke the other day about a number of things that have grown on us that were first opposed, but which got into the House and grew upon us. That ought to be a warning instead of an argument in favor of this.

Much has been made of the irrigation system and of the fact that some of us opposed that. Why did we oppose it? We were making great progress in irrigation under private ownership and private enterprise. We were putting the charge where the charge belonged, upon the men who used the ditches and used the water, and compelling them to pay for bringing it there. But that was not going quite fast enough. Our friends were impatient. They could not get it through by direct appropriation out of the Treasury of the United States, and they came in with this other proposition, that all the money received for the sale of public lands and no more should be devoted to that enterprise. They assured us that the thing would be self-sustaining; that all we would ever lose was the millions that we received from the sale of Government lands, because the irrigated lands would pay the expenses. Four or five years ago they came in here with a proposition for a loan by the Government. The enterprise was bankrupt. They had got to have $15,000,000. People had gone on there who could not make their payments, notwithstanding the boasted success of the enterprise. Well, we let them have the $15,000,000 to go on with the enterprise; and now to-day we find we must put in more money to help out the people who are struggling to pay what the United States is collecting out of them; sometimes, as my friend from Alabama [Mr. UNDERWOOD] says, because the works have been built too well, too much has been spent in ornamentation, and the Government has spent the money extravagantly in those schemes. The thing now must have an appropriation. And that is the way we go on.

Is there not a better way to build this road? Is it not better to keep the camel's nose out of the tent? Why not pass a law similar to that recommended by Secretary Lane, and said to have been introduced into this House in the last day or two, leasing these coal mines to whoever will pay the rental? Perhaps the terms of it might be amended a little bit, or a good deal in some instances, but it is entirely feasible and practicable. It is just what every private owner of coal land does in the United States. He leases the right to operate, generally on a royalty per ton.

Mr. FERRIS. If the gentleman will allow me, an exactly parallel enterprise is being carried on now in my State for the Indians as a tribe. In other words, their tribal coal lands are being leased on a royalty basis and it is a success.

Mr. PAYNE. It is entirely practicable. It is said there is not capital enough and enterprise enough in the United States to go in there and build these railroads and open up these mines. "Oh," you say, "they have not come before the committee and said that they would do it." I think they would naturally be a little wary about it from what they have got from Congress for the last six or eight years. Why, they have been cut off from the mines; they have not had any offer as to what the United States would do in the matter of opening up the mines. Of course they are not going to enter into any enterprise of this kind unless they see some way of getting the interest on their money or getting the investment back. But if you open up these mines as suggested I have no doubt but that men will come forward and build this road, and if it is necessary, and they could not get the credit, I would go further than that and guarantee the payment of the interest on the bonds that they issue at a fair rate of interest to help float the bonds, because I believe firmly that the money would all come back to the Government of the United States. And then we would keep out of the Government railroad business and would not follow in the wake of any nation that owns its railroads. What has been the result there and what would be the result here? Why, every member of the legislature would want to build a railroad in his district. They would not build them for the necessities of commerce, but they would build them for the necessities of political commerce in each district in the United States. You know how the thing goes; and so it would go in every congressional district; there would be a railroad from Podunk to some place, and from nowhere to nowhere, simply because it would help the Congressman in his district and set some men at work.

You would have the same results with the failure to operate—roads not kept in repair, roads subject to accidents, roads where they get to the destination sometime but never on sched-

ule time, roads where the rate of freight is high for the little freight that is carried.

Oh, gentlemen, let us keep out of this proposition and keep our proper functions. Have you thought what the result would be when you get a million employees of the United States into the politics of the United States? Why, I have seen gentlemen here of the highest character follow one another in a rush between the tellers in order to raise the salaries of the city letter carriers, and then when you came to the rural letter carriers everybody went through. [Laughter.] I have voted against that myself when too extravagant, and felt it in my district afterwards.

I know what the result would be. If the United States owned the telegraph lines, the telephone lines, and the railroads and put a million employees upon the pay roll, where would you be?

Oh, but you say up in Alaska these men will not be in any congressional district, except the one represented, perhaps, by my friend Mr. WICKERSHAM. How many of you will try to get a man in there, and then another, and then another? And so it goes. The whole political system will be turned into a race after jobs and places and graft. We are a Republic. This Government is a Republic. Every man is a sovereign. Why put the individual sovereign in where his very bread and butter may depend on the way he votes? [Applause.]

Mr. BURGESS. Mr. Chairman, some wit is credited with saying that, politically speaking, a Progressive means a man who is for anything that anybody wants, and a reactionary is a man who is against anything that anybody wants. I am just a plain Democrat without prefix or suffix. I believe in constitutional, representative government as the best and only hope for the perpetuity of this Republic. I believe that parties arose as a necessary means to preserve constitutional, representative government, and I am profoundly convinced that party organization is absolutely essential under present conditions. I have never regarded the platform expressions of my party, or any party, as a thing to be disregarded. All Democrats were nominated and elected upon the Baltimore platform, and each is equally bound by all of its declarations.

I find under the general heading of "Conservation," in the Baltimore platform, the following:

> We believe in the conservation and the development, for the use of all the people, of the natural resources of the country. Our forests, our sources of water supply, our arable and our mineral lands, our navigable streams, and all the other material resources with which our country has been so lavishly endowed constitute the foundation of our national wealth.
>
> Such additional legislation as may be necessary to prevent their being wasted or absorbed by special or privileged interests should be enacted, and the policy of their conservation should be rigidly adhered to. * * *
>
> Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska under conditions that will be a perfect guarantee against their falling into the hands of monopolizing corporations, associations, or interests.

It seems reasonably clear to my mind that these declarations lead irresistably to building a railroad in Alaska. It is true that the word "railroad" does not occur, but I submit that the railroad is the only way of opening and developing Alaska under the conservation policy declared for in the platform. If there were any question at all in my mind, it would be solved by the quotation from the address of the President of the United States delivered at a joint session of the two Houses of Congress on December 2, 1913. The President, like Congressmen and Senators, is elected on the same Democratic platform, and it is his duty, which he is endeavoring with splendid ability to discharge, to carry out all the promises to the people contained in the platform.

You will remember that recently the suffragettes have been urging the President to favor them, and his answer was that that question had not been passed on by the Democratic Party. It was outside the program of carrying out the platform promises, and he could not speak thereon. This gives mighty force to the declaration which I will now quote from his address. He says:

> A duty faces us with regard to Alaska which seems to me very pressing and very imperative; perhaps I should say a double duty, for it concerns both the political and the material development of the Territory. The people of Alaska should be given the full Territorial form of government, and Alaska as a storehouse should be unlocked. One key to it is a system of railways. These the Government should itself build and administer, and the ports and terminals it should itself control in the interest of all who wish to use them for the service and development of the country and its people.
>
> But the construction of railways is only the first step; is only thrusting in the key to the storehouse and throwing back the lock and opening the door. How the tempting resources of the country are to be exploited is another matter, to which I shall take the liberty of from time to time calling your attention, for it is a policy which must be worked out by well-considered stages, not upon theory, but upon the lines of practical expediency. It is part of our general problem of conservation. We have a freer hand in working out the problem in Alaska than in the States of the Union, and yet the principle and object are the same, wherever we touch them. We must use the resources of the country, not lock them up. There need be no conflict or jealousy as between State and Federal authorities, for there can be no difference of purpose between them. The resources in question must be used, but not destroyed or wasted; used, but not monopolized upon any narrow idea of individual rights as against the abiding interests of communities. That a policy can be worked out by conference and concession which will release these resources and yet not jeopard or dissipate them I for one have no doubt, and it can be done on lines of regulation, which need be no less acceptable to the people and governments of the States concerned than to the people and Government of the Nation at large, whose heritage these resources are. We must bend our counsels to this end. A common purpose ought to make agreement easy.

This, I submit, is a clear and emphatic declaration for the pending bill, and I shall, therefore, as a Democrat, give it my support. [Applause.] I am not troubled about the constitutional question, because all men who are informed will admit that under section 3, Article IV, of the Constitution of the United States, which says:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

And hence, as Alaska is a Territory that belongs to the United States, it is entirely a distinct proposition under the Constitution from the question of the national ownership of the railroads of the country, which rests upon distinct and, I think, indefensible grounds not necessary now to discuss.

Nor do I think it wise or necessary to consider Government ownership of telephone and telegraph lines in connection with this bill. That also rests upon distinct grounds entirely apart from this propcsition, as well as the national ownership of railroads.

We have to face in Congress each distinct proposition upon its own merits when it arises, and we must not stop the wheels of progress. Democrats have always been and always will be, I trust, in favor of every sort of wise legislation authorized by the Constitution and commanded by the platforms of the party.

Mr. THOMAS. Will the gentleman yield?

Mr. BURGESS. Yes.

Mr. THOMAS. I want to ask the gentleman if it is not a fact that the Baltimore platform specifically declares that the President shall make public all indorsements for district judge?

Mr. BURGESS. Oh, that has nothing to do with this question. I want to talk about the Alaskan railroad.

Mr. THOMAS. Is it not a fact?

Mr. BURGESS. I will not yield for that.

Mr. THOMAS. In other words, the gentleman will not yield when he is asked about anything that violates the Democratic platform.

Mr. BURGESS. Mr. Chairman, I want to say that every Democrat must be bound by every declaration in his platform. If he is not bound, then nobody is bound; and what is the use of making it? [Applause.]

Now, in regard to the national ownership of telegraphs and telephones. I hold no brief for Albert S. Burleson, who has been called into the Cabinet and who is making such a splendid Postmaster General. But I do feel that I ought to say this much in defense of his recommendation to Congress for the ownership of the telegraph and telephone lines. It is within the constitutional power of the Government to do that, and no Democrat can make any objection to it on that ground, but only to question the policy of it.

The question of the national ownership of railroads rests on an entirely different and distinct ground from that of the ownership and construction and operation of a railroad in a Territory of the United States because of this fact: To build a railroad you must condemn the land, and the ownership of land is in the State and in the individual, and this Government, in my judgment, has no power to go in there and condemn the land of a citizen of a State for any such purpose as to build a railroad. In brief, that is the chief objection to the national ownership of railroads.

But in the Territories it is an entirely distinct proposition. We own the lands in Alaska. We have that right, and it is our duty to legislate in any way to further and develop it in the interest of the people who reside there. That is all there is to this proposition. You have heard Mr. UNDERWOOD explain fully what it means to the country to develop Alaska, and I agree most cordially with all he said on that subject. [Applause.]

Mr. OGLESBY. Mr. Chairman, I hope this amendment will not prevail. The President should have the right to lease this road, and not be compelled to operate it. The operation of the road would require the organization and maintenance of a special department at great expense. It may be that opportunity will be presented to lease the road on favorable terms, and I do not think the President's hands should be tied in that matter.

Mr. Chairman, it can hardly be said that those who have undertaken to enlighten us on Alaska are in entire accord as to all the facts about that Territory. But they do agree that the two great rivers of that country, the Yukon and the Kuskokwim, which afford means for internal transportation by water in summer and ice highways in the winter, enter the Bering Sea at points north of the southern limit of winter ice, and are therefore not available as aids to transportation in connection with ocean steamers for more than four or five months in the year. The route via Skagway, White Horse, and Eagle to Fairbanks is many hundreds of miles out of the way, is through foreign territory, and at best is only a means of ingress and egress, and a very tedious and expensive one at that. The topography, great distances, and unfavorable climate make commercially impossible the transportation of freight and passengers from points on Alaska's Pacific coast, where the waters are always free from ice, to the interior, except by railways.

I concur with the majority of your committee in the opinion that it is not possible to make any material progress in the development of Alaska unless a railroad be constructed from some usable harbor on her southern coast to one or more of the inland waterways and with connecting spurs to one or both of her known deposits of high-grade coal.

I also concur in the belief that the resources of Alaska are well worth developing. By resources I mean her known wealth that is not under present conditions available. Of course the comparatively small advantage of such railways to her fisheries and her fur industry would not warrant such expenditure, nor do her much-heralded agricultural possibilities give promise to serious-minded men of relief from the present high cost of living through imports of foodstuffs produced from her soil. But, Mr. Chairman, even the opponents of this measure admit that the agricultural resources of Alaska will enable her to abundantly support any number of men who at any time may be engaged in mining her coal, her copper, and her gold.

It is extremely difficult for one who has never seen a country to speak convincingly of her resources. But as a member of your committee having this matter under consideration I have devoted considerable time to a study of the available evidence and to ascertaining to what extent many apparently conflicting statements therein might be reconciled, and have endeavored in forming a conclusion to give weight to such testimony only as appears convincingly corroborated.

There is abundant evidence that there are large areas in Alaska of gold placers and almost unlimited quartz gold, much of it of low-grade ore, which under present conditions costs more than its value to mine, but with transportation at fair rates hundreds of millions of gold can be profitably mined from ground now profitless. Transportation is necessary, not as has been absurdly suggested, to freight out the gold, but to lessen the cost of mining by cheapening the cost of machinery, supplies, and labor. If a man mine a million of gold at a cost of $500,000 and has plenty of similar ore left, he will continue to mine. If the cost be $2,000,000 and there be no apparent prospect for richer ore or a reduction in the cost of production, he will abandon his mine, although certain it contains a hundred millions more of gold.

The coal mines will furnish freight both ways, supplies in and coal out. Such tonnage, according to the estimates of the Taft Commission, will provide about one-quarter of the revenue for the road.

I have never attached any particular importance to the possible use of this coal by the Navy. I have believed had it been so available ample proof would have been forthcoming long since. But it is unquestionably good coal and of great value for the railways, mining, and for domestic use. None would ever find its way very far east, but we hope it might help supply the West, so the pressure from this source on our eastern mines might be lessened, and we in New York would not be kept on starvation allowance on the plea of a heavy demand from the Northwest.

The most extensive of the known copper deposits are reached by existing railways, but many rich mines are yet untouched for lack of transportation facilities.

I am fully convinced that Alaska is worth developing, and equally certain that no railroad that will accomplish this purpose will ever be built by private capital without Government aid.

No railroad has ever been built in the United States through large areas of undeveloped territory without Government aid. This aid has usually been in the form of land grants from the Federal Government, or railroad-aid bonds by the States or counties through which the road was to pass. In some instances the promoters of the roads obtained and sold the bonds and the roads were never built. But these grants of land, worth more in some instances than the total cost of the roads, were often of little real assistance in building the roads. Cash was what was needed, and the land did not then have a cash market value at all commensurate with its real value, largely because alternate adjoining sections, retained by the Government, were open for homesteading and also were for sale at a very small price per acre. In time the land became enormously valuable, but this was years after the roads were built and had enough traffic to be self-supporting.

Of course, the time for land grants and railroad-aid bonds has long since passed in this country, although State and local assistance is yet, absurd as it may seem, being donated to rich roads in congested sections of the country for the elimination of grade crossings.

But no roads are being constructed in this country at the present time, and none are probable under existing conditions. No private capital will be invested in the construction of railways in Alaska or in the States unless it has the promise of a return at least closely approximating ten per cent.

There appears to be a general impression that there is an abundance of money in New York seeking investment and willing to accept low interest returns. There is no such money—at least there is none for investment in any business enterprise involving even a legitimate business risk. There are trust funds belonging to estates and moneys in savings banks to be had for five and even four per cent, but this is on loans to be secured by first mortgage on local real estate worth practically double the amount loaned, or for investment in certain State, municipal, or other bonds specified by law. There is also money to be had on call loans, upon so-called stock-exchange collateral, for rates of interest running at times as low as one per cent; but these in the main are surplus funds of out-of-town banks on temporary deposit with their New York City correspondents likely to be withdrawn at any time, and therefore unsafe to place on time loans and are loaned subject to call for any price the market happens to command. Money for investment in business enterprises comes only from individuals, and is not to be had for such purposes unless there is at least promise of a return sufficiently in excess of six per cent to provide a premium for the risk always incident to any business enterprise. No such promise can honestly be held out as an inducement to capital to engage in railroad building in this country at the present time.

I would not undertake to enter into a defense of the estimates made by the Taft Commission of the probable amount of traffic that would be available for the railroads contemplated in this bill, if and when constructed, nor am I inclined to quarrel with them over their statements of alleged facts, premises assumed, or their conclusions. Possibly their guess is as good as could be made by anyone having only one guess. But it is the experience of railroading in this country that an average service rate which will produce a revenue of fifty per cent in excess of operation and maintenance, and available for dividend on capital invested, is about the maximum permitted. Where operation and maintenance cost are unusually high, as would surely be the case in Alaska, such excess could not reasonably be expected to exceed thirty-three and one-third per cent. The estimates of the Taft Commission numbers "3" in their report (pp. 118 and 119), which are based on traffic rates they hold would not be prohibitive or produce a deficit with a capital charge of three per cent, show a revenue return of sixty-six and two-thirds per cent in excess of "operation cost." This is a net return exactly twice what I believe may be reasonably expected from the gross business estimated, assuming their estimate of "operation cost" to include maintenance or ordinary upkeep, which it surely must to be of any value. But if we adopt this very optimistic estimate as a result possible of attainment, with an interest charge of three per cent on the cost of construction, it requires little calculation to discover that to meet a charge on construction cost of nine per cent—and no less will tempt any investment of private capital in such an enterprise—would necessitate an average increase of eighty per cent in the freight and passenger rates fixed by the Taft Commission as the maximum that could be charged, and that could not, in their opinion, be exceeded without "defeating the immediate object of the railroad, namely, the expeditious development of the interior of Alaska." Wherein, then, does the hope lie that private capital may be induced to enter this field on terms that would assist in the development of that Territory?

The passage of this bill does not mean a start on the road to Government ownership and operation of railroads. That is a problem we may be called upon to solve in the near future, and unless conditions undergo a decided change its consideration may be forced upon us at a much earlier date than most of us now expect. But the passage of this measure will neither hasten nor retard its approach.

I have always been opposed to paternalism in our Government, and while Government ownership is a matter of expedience and not of principle, yet whenever any question has arisen of a choice between public and private ownership I have, unless persuaded that the advantage lies clearly on the side of public ownership, cast my small influence on the side of private ownership largely because an extension of public ownership usually means an extension of paternalism in Government. I say usually, but not always, and not necessarily. Every proposition for Government ownership is a separate and distinct question of expedience, and is always debatable. We own our public buildings in the District and throughout the country, even though rented quarters might be less expensive, because permanency, stability, and certainty of being housed are more important considerations than the small difference in expense. We favor public ownership by each municipality of its water supply, because through such ownership the adequacy and purity of such supply can best be insured. Who now but favors public ownership and control of our waterways, harbors, docks, and terminal facilities, or the public operation of our Postal Service, now gradually but surely absorbing, through its parcel-post extension, the express business, so long enjoyed as a private monopoly by a few individuals whose principle investment was pull and favoritism?

Some of the principal objections to Government ownership were clearly and forcefully set forth by the able chairman of the Senate Committee on Territories in an address, a portion of which was put in the record of the Senate hearings by one of the witnesses who appeared in opposition to this bill; and since it so well states some of the views I have always held on the subject I will, with the permission of the House, read here a short extract:

> The foundation principle of socialism is Government ownership of natural resources and public utilities and Government operation of all industries.
>
> Such a theory of government is the antithesis of our present theory, which is based on individual ownership and operation of natural resources, public utilities, and industries, except in a few instances wherein by the very nature of the use of the resources, utility, or industry such use is a monopoly. In other words, we believe that individualism tends to the advancement of man and the perfection of government, where fair competition is capable of being assured by law.
>
> Such a form of government as is advocated by the Socialist Party is without precedent, so we must indulge our imagination in determining the probable results.
>
> Let us, for instance, consider the operation of railroads. We must assume that the division of labor would be somewhat similar to what it is at present; that is, some one would have general charge, and some one would have to grease the cars; some one would be conductor and some one would be brakeman. Now, granting that the greaser received just as much as the general manager, would he be just as well satisfied with his position as with that of the general manager? Would the brakeman just as lief be brakeman as conductor? Would the general manager be willing to become the greaser or the conductor the brakeman?
>
> Why, to admit such a condition is absurd. It could only exist by the total elimination of the most prominent characteristics of man—ambition, vanity, greed, and selfishness.
>
> * * * * * * *
>
> Why, if there were no such thing as ambition, vanity, selfishness, and greed, we would be even worse off, because those traits of character are essential to desire, and without desire evolution would cease, degeneracy set in, and decay and death of all things would necessarily follow.
>
> It was the desire of man to better his condition above that of his neighbor that originated every comfort we now enjoy.
>
> To the Socialist principle we can not subscribe, and if ever our Government were threatened with such dire calamity, every intelligent, thinking man would abandon every other cause and join in the fight for the life of our country.

Two witnesses before the Senate committee in opposition to this bill, alleging their opposition to be on the ground that its enactment would embark the United States upon a troublous voyage on the dangerous sea of Government ownership and operation of railroads, quoted with commendable eloquence the following well-known saying by a distinguished ancestor of a distinguished Member of this House hailing from the great State of Texas:

> I know of no light by which to guide my feet but the lamp of experience.

Mr. Chairman, from what period in our history shall we select the fashion of this light to guide our footsteps in the pathway of the solution of the present-day railway problem? Shall we use the pine knot, the tallow dip, or the tungsten electric?

Self-interest and pride of ownership are the greatest incentives to that industry and alert attention so necessary to efficiency and success in any enterprise.

A few years ago our great railway systems were controlled by the men of genius, who built them up by the investment of their money, their brains, and their untiring energy. Here, indeed, was the pride of ownership and the interest of enlightened selfishness.

To-day, with one notable exception, the officials of the great railways of the country are scarcely more than paid employees, with little or no financial interest in their prosperity beyond the retention of their names on the pay rolls. The managements are supposed to be highly systematized on scientific principles. Many departments have been created, each headed by men alleged to be experts in their line, always jealous of their own prerogatives and quick to resent any encroachment; each anxious to make a good surface showing for his own department, but having no real interest in that standard of efficiency which makes for the general welfare and prosperity of the road. I have had opportunities personally to observe the workings of one of the great present-day systems and have been unable to discover either in its officials or other employees any greater manifestation of enterprise, personal interest, or desire for curtailment of expenses than is usually found in those performing work of equal grade in our Federal service. I have found an alertness on the part of some of these men to serve their personal interests and an eagerness to line their own purses at the expense of the road, and many opportunities are open to them to accomplish this end that could never exist, or that they would never dare attempt to avail themselves of, were the road Federal property or they employees of Uncle Sam.

But it is not necessary for me to rely upon my own limited observation for evidence that, with respect to the present-day management of our railways, there does not exist among the officers that pride of ownership which makes for the protection of the property intrusted to their keeping. Is there a Member of this House unfamiliar with the complaint of the coal operators a few years ago that they could not obtain cars from that boasted model for all the great roads—the Pennsylvania—to carry their coal, and that it was shown plenty of cars were being furnished to coal companies in which certain officials of the road were interested?

Mr. Chairman, where is the pride of ownership, and how has it been manifested by the officials of the New York, New Haven & Hartford, and of the Frisco, and of the Boston & Maine?

These are only a few of the known present-day experiences by whose light our feet are being guided to a determination of these questions.

Ambition, vanity, greed, and selfishness are abundantly in evidence, but where in the realm of modern railroading is the pride of ownership?

The attempt to build up, develop, and operate roads by private capital but under rates and regulations fixed by the public is still an experiment which has never been successfully worked out to the end, and if that regulation and supervision is to extend not only to the dealings between the roads and their patrons, between the roads and their employees, between the roads and their security holders, but also between the roads and their officials, would the actual ownership and operation of these roads by the Government present a condition of materially greater seriousness or appreciably more complex?

These present-day pride-of-ownership-of-other-people's-property magnates are laying out a hard task for those of us who, in the fight to stay the advance of paternalism, are opposing Government ownership and operation of railways, persevering in the hope that supervision, regulation, and publicity may yet prove a better and safer solution of this problem.

But, Mr. Chairman, this proposed road for Alaska is in a class by itself. It is not, in my judgment, a question between a Government-owned road or a privately owned road; it is a question of a Government-built road or no road, with the consequent continued neglect amounting to a practical abandonment of that great Territory of undoubted marvelous resources. We own Alaska, and we owe it to our people who are there, to our people at home, and to the people of the civilized world to develop those resources. Ownership imposes this duty, and we should discharge this obligation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CARAWAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2674. An act to define certain crimes and to provide punishment therefor;

S. 2830. An act making appropriation for the correction of the acoustics of the United States Naval Academy chapel and auditorium;

S. 3210. An act to establish a fish-cultural station at some point in the State of Louisiana; and

S. 797. An act to establish auxiliary fish-cultural stations in the State of Minnesota.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in act of

February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

The message also announced that the President of the United States had approved and signed bills and joint resolution of the following titles:

S. 234. An act to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof;

S. 4094. An act authorizing the construction of a bridge and *approaches* thereto across the Columbia River at or near Vancouver, Wash.; and

S. J. Res. 107. Joint resolution relating to supervision of the Lincoln Memorial.

RAILROADS IN ALASKA.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, before I begin I ask unanimous consent that I may be permitted to continue for 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] defends his support of this legislation partly upon the proposition that he supported the reclamation law, and that this is a proposal somewhat along the lines of that contained in that legislation. It seems to me the gentleman's comparison is not happy.

The national reclamation law simply borrows the proceeds from the sale of all the public lands for the improvement of a part of the public lands, and all of the moneys expended under the national reclamation law must be returned to the fund. There is no possibility of the loss of any of the sums used under the reclamation law, unless the value of the lands that are irrigated prove to be less than the sum expended in their reclamation, and that is not likely to occur. This is a very different proposition. This bill proposes to pledge the credit of the people of the United States; in other words, to take the public money and to start in Alaska a great national system of transportation. I think anyone familiar with the situation in Alaska and with the terms of this bill, who is entirely frank, will admit that if we begin with this work of construction as proposed under the bill there never will be any construction of railways in Alaska by private enterprise. In other words, this is the beginning of an Alaska-wide system of Government-owned and Government-operated railways, for if the Government is going to own these railways, if there is any argument in favor of expending the Government money for building them, there is much more argument in favor of the Government operating them. The gentleman from Alabama [Mr. UNDERWOOD] says that Democrats may support this legislation, because it is not contrary to Democratic doctrines. He is an authority on that point, and I am not. I believe, however, that, so far as Republicans are concerned, there is nothing in Republican principles that would prevent a Republican from supporting this legislation if he believes it to be wise and necessary. With the gentlemen on this side, at least those of the Republican household, this is simply a question of policy. If, having a great Territory up yonder in the Northwest, it can never be developed as it should be developed and its resources utilized for the benefit of all the people except by the aid of all the people, then it is a good policy, and it is Republican policy, to extend whatever aid may be necessary.

I oppose this bill because, first, it is the beginning of Government ownership and operation of railways. That is not a Republican doctrine. Second, because, if I were in favor of that sort of thing, I would not want to try it in a country where it will not be a success. But I am particularly opposed to the legislation because, in my opinion, it is entirely unnecessary. There is no justification for expending the people's money in Alaska upon the theory that it is necessary in order to develop the resources and the industries of Alaska. On the contrary, it seems to me that a thorough knowledge of the situation of Alaska that a reading of all of the hearings before the House and in the Senate committees makes it very clear, indeed, that so far as the development of Alaska coal mines are concerned, so far as railroads to the coal mines or from the coal mines to the coast are concerned, if the coal mines are opened those roads will be built by private enterprise as promptly, if not more promptly, than by the Government, if this bill became a law.

Private enterprise stands ready to build the 25 or 38 miles, as the case may be, from Controller Bay or from Mile Thirty-eight on the Copper River & Northwestern to the Bering River coal field. Private enterprise stands ready to build the 115 miles from Kern Creek, on the Alaska Northern, to the Matanuska coal fields, and private enterprise must, if these extensions are made, ultimately build two lines of railway into the Yukon Valley, one from the end of the Copper River & Northwestern and the other from Matanuska, which will be the end of the Alaska Northern. If these extensions are not built it will be because there are not sufficient resources to warrant their building. In my opinion there are sufficient resources to warrant their building, and if we give private enterprise proper encouragement the railroads to the coal fields will be built, and eventually the valley of the Yukon will have two lines of railroad instead of one.

We spend thirty-five millions of the people's money mostly for the benefit of the owners of the Copper River & Northwestern and of the Alaska Northern. After having spent all of this money we will give the people of the Yukon Valley one line of railroad, whereas if private enterprise were left free to act they will eventually secure two lines of railroads. Now, what is it that Alaska needs? All the gentlemen admit that she needs the opening of her coal resources. The gentleman from Texas read from the Democratic platform a few moments ago, but he did not read it, I regret to have to say, as it seems to me, with a very great amount of understanding. What the Democratic platform says is:

> That immediate action should be taken by the Congress to make available the vast and valuable coal deposits of Alaska under conditions that will be a perfect guarantee against their falling into the hands of monopolizing corporations, associations, and interests.

And having read that, the gentleman from Texas takes that to be an indorsement of a bill that has not a line or a word or a syllable in it that in any way would tend to make available the coal resources of Alaska. They would be as completely locked up after the legislation is passed as they are to-day.

Mr. MOORE. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. MOORE. The gentleman is on the Committee on Appropriations and he is familiar with the financial status of the Government just now. Does the gentleman think this is the time for the Government to embark upon a business enterprise involving the risk of thirty-five millions of money to begin with for the benefit of, say, 35,000 people?

Mr. MONDELL. The gentleman disclaims any responsibility at all in the matter of income. The gentleman has had nothing to do, no influence whatever over questions of income, and therefore he feels entirely free to view questions of expenditure entirely on their merits, without regard to the question of income. I might almost be tempted to vote this thirty-five million in view of the certain deficiency staring our Democratic friends in the face, but I will not yield to that sort of temptation.

Mr. MOORE. There is a deficit staring the country in the face now, is there not?

Mr. MONDELL. The gentleman reads the returns of revenues and expenditures every day and understands the conditions as well as I do, and probably better than I do. My understanding is we are facing a deficit for this year of about $25,000,000.

Mr. MOORE. In view of that fact, would this be the time to start such a business enterprise, which is purely an experiment?

Mr. MONDELL. If I were on the other side, that would be an added argument against the legislation, but occupying the position I do, with no responsibility for governmental income, I view the question entirely separate and apart from the question as to whether there is to be money to carry on this work, and I would not be any more in favor of it if there were millions of surplus in the Treasury.

Mr. TALCOTT of New York. I take it from the wording of the bill that payment is not made from the current revenues, but is to be by means of bonds.

Mr. MONDELL. If current revenues are lacking, we may have some difficulty in selling Alaska railway bonds, 3 per cent, at par. I think there might be some such difficulty.

Mr. MOORE. It is a fact that the Philippine railroad bonds are selling at a discount now.

Mr. MONDELL. That is true.

Mr. MOORE. There is a falling off of at least 35 per cent of the par value of those bonds, and they are, to a certain extent, Government-controlled bonds; that is, controlled by the Philippine Government.

Mr. FERRIS. What interest do they pay?

Mr. MOORE. Four per cent; and the Philippine Government is paying that.

Mr. MONDELL. I enjoy all this very much, Mr. Chairman, but my time is passing rapidly.

Mr. OGLESBY. I am sorry to interrupt the gentleman, but may I ask him a question?

Mr. MONDELL. A real question.

Mr. OGLESBY. Where does the gentleman get his information that if this bill is not passed, or if the coal situation was opened up, that there would be two railroads built in Alaska?

Mr. MONDELL. I get that from the logic of the situation. If I had a little more time I could illuminate the mind of my friend from New York on that point.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have 10 minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The gentleman from New York [Mr. OGLESBY] knows that the Copper River & Northwestern now extends to Chitina on the Copper River. It belongs to the Alaskan Syndicate. The people who own that railroad must eventually build it through to the Yukon, whether they want to do it or not. As a business proposition, that line must be built on in order to secure business to make the present line, now unprofitable, profitable. Second, with a line built to the Matanuska coal fields, the distance to the Tanana is less by way of the Alaskan Northern than it is from Chitina by way of the Copper River, and, therefore, ultimately, if any of these glowing stories we have heard of agricultural possibilities have any foundation in fact, a line would be built north from Matanuska through the valley of the Susitna through the lignite coal fields and over the divide and into the valleys of the Tanana and Yukon. And so there would be two lines of railroad eventually in the Yukon Valley, where if this bill passes there never can be but one.

Mr. LANGLEY. Is the Republican Party on record in favor of this legislation?

Mr. MONDELL. No. With Republicans this is entirely a question of policy. I do not think it good policy to spend the people's money in this way.

Now, Mr. Chairman, the fact is there is no argument for this bill on the ground of necessity. Assuming that we have the right to do it, assuming that there is no principle in the way, and that is true so far as the gentlemen on this side are concerned, and it is purely a question of policy, the question is, Are we justified in spending $35,000,000 of the people's money as the beginning of an expenditure ultimately amounting to hundreds of millions for the development of Alaska? I say no, because it is not necessary; because, in my opinion, private enterprise will develop Alaska as rapidly as her resources will warrant.

Gentlemen who have read the hearings and who are familiar with the situation, know that private enterprise stands ready the moment you open the coal fields to build to the coal fields. Men who claim to speak by authority say they are in a position to build from Matanuska and from Chitina on into the valley of the Yukon, and stand ready to do so whenever the resources of Alaska are opened. What Alaska needs is a law that will open her coal fields. We will be no further along after this bill passes than we are now. If the Interior Department will insist on suspending the two coal laws that now apply to Alaska; persist in its refusal to issue any patents to the claims which have been heretofore initiated in Alaska, and we provide no further legislation, we will have appropriated $35,000,000 of the people's money for no purpose, because it will be utterly impossible to develop any of that coal, and thereby give tonnage to these railroads. And the gentlemen in Alaska who do not want leasing legislation, who hope ultimately we will go back to the old system against which there has been so much hue and cry in the last few years as to private ownership of coal lands, want this legislation passed without any leasing legislation attached to it.

At the proper time I shall offer an amendment in the form of a coal-leasing bill, and if such an amendment be adopted, we will then, at least, be in a position to do something after we shall have appropriated $35,000,000 of the people's money for the purpose of building railroads. We will then, at least, be in a position where the Government can secure some coal for the railroads that it proposes to build. But if you pass this legislation in its present form, the Government agents will go up into Alaska authorized to build hundreds of miles of road and with no legislation operating, under which a pound of coal can be taken from either the Matanuska or the Bering River field, for the operation of the railroad you propose to build. To me it is as extraordinary a proposition in legislation as I ever heard of. I can not understand the frame of mind of gentlemen who for years have been insisting that in Alaska, at least, we shall depart from the system of private ownership of coal lands; that we shall establish a leasing system; and now are supporting this legislation and refusing to take advantage of this opportunity to put upon the statute books a law which will establish a leasing system. On the contrary, they are supporting a law which, if it is placed upon the statute books, will prevent the passing of any leasing legislation so far as Alaska is concerned.

The result of this legislation will be to make the Puget Sound country temporarily very prosperous, to load upon the country $35,000,000 of indebtedness, to establish a condition under which the people of central Alaska will never have more than one line of railroad, and to establish a condition under which, after all of the agitation over the Cunningham coal claims, which has kept the country stirred up all these years, we shall return to the very system which led to that scandal. Many gentlemen are supporting this bill in the belief that its passage will put an end to all hope of the enactment of leasing legislation, of securing legislation which will establish a leasing system in Alaska. I hope that these gentlemen that believe in a leasing system in Alaska, who do not want to have the system of private ownership of coal lands reestablished there, will join hands with us in placing upon this bill an amendment which will establish a leasing system.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. BOOHER. I would like to inquire of the gentleman whether he thinks it requires any legislative action by Congress to open the coal mines of Alaska?

Mr. MONDELL. Not at all. I do not know what the views of the gentleman are, but perhaps he has the same views that some other gentlemen have, that if this bill passes without any new coal legislation the President will be compelled to withdraw his embargo on the coal laws now on the statute books, so that while the Cunninghams will not secure valuable coal claims other individual claimants will secure them. I will say to the gentleman that if you do not provide leasing legislation in this bill you will return to the very system that, I have no doubt, my friend from Missouri has been preaching against for years in connection with the so-called Ballinger-Pinchot controversy.

Mr. BOOHER. I am afraid the gentleman does not know what I have advocated on that subject. I do not think it is necessary to enact legislation to open these mines, but, as a matter of fact, it would require but an order of the President of the United States, revoking the order of a former President, to open the mines.

Mr. MONDELL. That is true. All that is necessary now is for the President of the United States to say that the two coal-land laws relating to Alaska may operate. If that is done, we would return to the very same condition of affairs that led to the Ballinger-Pinchot controversy, which gave his party a useful political slogan for some time.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. I am sure the gentleman from Missouri [Mr. BOOHER] does not want to pursue that policy.

Mr. BOOHER. I understood the gentleman from Wyoming [Mr. MONDELL] to say that it would require action by Congress in order to get coal to run the cars while they were building the railroad. I do not understand that it requires any action. The President simply could declare the embargo off, and run the mines to get the coal to build the railroad.

Mr. MONDELL. I have heretofore stated the situation. If the President should say so, the laws allowing individuals to locate and secure title to coal lands in Alaska would again operate. If we do not now provide some other coal legislation, the President would ultimately be compelled to allow private ownership of coal lands in Alaska, a system which led to the Alaska controversy which agitated the country for years.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Chairman, it is unfortunate for the Republican Party that the gentleman from Georgia [Mr. HARDWICK], in opening the debate this morning against this bill, did not represent the Democratic Party, for if he did the Republican majority in the next Congress would be as large as the Democratic majority is in this. But it is fortunate, Mr. Chairman, for the Republican Party that the gentleman from New York [Mr. PAYNE], in expressing the sentiments that he did, did not represent the Republican Party. Both of these gentlemen undertook to condemn this proposition of a Government railroad in Alaska by calling it socialistic.

Mr. Chairman, nowhere in the United States, other than in this Congress perhaps, can any matter or measure be condemned by calling it names, even by calling it socialism. The people of this country are thinking for themselves, and you may

call a measure what you choose, but they are going to examine the proposition, and they will decide whether or not it is in the public interest and for the public welfare. And if they decide it is, they will be for it.

Now, Mr. Chairman, so far as this proposition is concerned, it does not involve the Government ownership of railroads in the ordinary sense at all. I am frank to say that I am against Government ownership and operation of railroads, generally speaking, Government ownership and operation in the States, especially so long as the Democratic Party shall be in power [laughter] and takes the attitude that it now does with reference to the civil-service question. [Applause.]

If it shall ever come—and I am one of those who believe that it may not be far distant—it can only be successful if we shall have a civil service that is honestly administered, and that shall be taken out of politics entirely. And yet you gentlemen across the aisle to-day, a large majority of you, if you had the power and dared to do it, would wipe out the civil-service system in this country from top to bottom. It is only because you fear the President of the United States and the wrath of the people of the United States in the next election that you do not do it.

But this question of a Government railroad in Alaska does not involve that question, because the people of the United States own all of the property in Alaska. We are in practically the same *position* with reference to Alaska that the directors of a private corporation are in with reference to their duty to the property owned by the stockholders of that corporation. It is their duty to administer that property for the best interests of the stockholders.

Mr. FERRIS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FERRIS. I am very deeply interested in the gentleman's statement; but in order to have his statement true, clear on down to the last analysis, would not the Federal Government have to go on and operate every form of our property up there?

Mr. LENROOT. Not at all.

Mr. FERRIS. Why not?

Mr. LENROOT. I will come to that. If a private corporation owned Alaska, what would that private corporation do in order to get the best return for their stockholders? Does the gentleman say that that private corporation would continue to own every foot of land in Alaska and to operate every foot of the land? The gentleman knows better than that. But the gentleman knows that if a private corporation owned it, the first thing they would do would be to build a railroad into it.

Mr. FERRIS. Does the gentleman think the Government, in the disposition of their homestead land, in the disposition of their coal lands, and in the disposition of their mineral lands, could use the same scrutiny and the same judicious methods in disposing of it as a private corporation would, and does the gentleman think the public would tolerate that?

Mr. LENROOT. No, sir; they could not use the same scrutiny and they could not use the same judiciousness with reference to the disposal of it; but it is their duty to do the best they can, and the policy in the past and the policy that the opposition would pursue, whether you wish it or not, with reference to Alaska, is that there will be practically no judgment used, because the Government can not dispose of the property of the people of this country in Alaska to as good advantage as they can if it owns the railroad.

Mr. FERRIS. Just a word right there. The gentleman presents his proposition with seductive words, and he is clear headed, as he always is; but here is the proposition: In order to maintain what the gentleman now says and the assertions he now makes, we would have to withdraw every acre of public land—370,000,000 acres—up there from homestead entry. Otherwise the gentleman, myself, or any other citizen can go there and take up the property; so that, instead of spending $35,000,000 for all the people, you would spend $35,000,000 for the few selfish people who go up there and enter that land. That is the proposition.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. I ask that the gentleman have 10 minutes more.

Mr. FERRIS. I ask that the gentleman have more time, for I feel that I have trespassed upon his generosity.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Wisconsin be extended 10 minutes. Is there objection?

There was no objection.

Mr. LENROOT. In reply to the gentleman from Oklahoma, I will say that, with reference to homestead lands, with reference to those things he has just suggested, it is proper to consider what is for the best interests of the people of the United States; and I believe, acting as one of the trustees of the people of the United States in the administration of this property, that it is for the best interest of the people of the United States that we give free access to homesteads in Alaska for agricultural purposes.

Mr. FERRIS. Does not that drive the gentleman from his original premises, wherein he said we occupy a position identical with that of a private corporation? At least for the moment does not that drive him away from that proposition?

Mr. LENROOT. *It does not.* It is the duty of the directors of a private corporation to administer the property for the greatest and best benefit of its stockholders.

Mr. FERRIS. But they usually administer it for themselves and for their own investment, do they not?

Mr. LENROOT. That is beside the question. I am speaking of what is the duty of the directors of a private corporation.

Mr. MANN. Will the gentleman from Wisconsin yield for a suggestion or a question, I want to get his point of view, which I think is largely mine.

Mr. LENROOT. Certainly.

Mr. MANN. Take the coal proposition; we own the coal and the ground there. No one can mine the coal or dispose of it without railroad facilities. If we offer leases now, no one could make use of the coal and dispose of it, unless they had a railroad built by some one. How can anyone build a railroad except the Government, unless they know that the coal will be available for transportation; how can anybody mine the coal unless they know that the railroad will be there? How is it possible, unless we turn it all over to a private corporation, for anyone to bring the two things together except ourselves, because we can build the railroad and lease the coal? [Applause.]

Mr. LENROOT. That is exactly the situation I was trying to present to the gentleman from Oklahoma. Now, pursuing our colloquy a little further, I think the gentleman from Oklahoma will admit that our duty to the people of the United States in the administration of their property is like unto that of the duty of the directors of a corporation with reference to administering the property of the stockholders.

Mr. FERRIS. I realize that I am using up a good deal of the gentleman's time, but we are developing the point.

Mr. LENROOT. I will yield.

Mr. FERRIS. If that is true, we ought to let the proposition alone, because it is not a paying investment. The hearings will show that Secretary Fisher said it would be a lean investment for many years.

Mr. LENROOT. The gentleman is speaking now of the railroad?

Mr. FERRIS. Yes.

Mr. LENROOT. In response to that I will say that if a private corporation has property worth a hundred million dollars with a railroad—and it is absolutely worthless without a railroad—and it is certain at the beginning of the operation of that railroad that it would not be a paying investment, but in the end would secure the vast amount of a hundred million dollars to that corporation, does the gentleman think that that corporation would hesitate to build a railroad because during the first three or five years it would not be a paying investment?

Mr. FERRIS. That is merely a business proposition whether it would or not.

Mr. LENROOT. A business proposition, exactly; and that is what the gentlemen on the other side are not doing with reference to this proposition. We are asking that it be considered as a business proposition.

Mr. FERRIS. The gentleman and I are together on the coal-leasing proposition?

Mr. LENROOT. We are.

Mr. FERRIS. We both believe that it should be leased, and we are going to pass a bill to that effect. But does not the gentleman think that it would be a little safer to pass the coal-leasing bill first and see how it works and whether or not it will be sufficient, and then, after a few years, try this if it does not accomplish it?

Mr. LENROOT. If the gentleman will apply to this proposition a few elementary business principles, he will know that that proposition can not and will not work out the way that he suggests. The gentleman from Oklahoma knows now that railroads in the United States that are gilt-edged propositions, concerning which there is no question as to the security behind the bonds, can not borrow money to-day for the purpose of making proper and necessary extensions and improvements. The gentleman knows as well as I know that you can not get capital to go to Alaska with the coal-leasing bill passed that I am in favor of, as he is, unless in addition you give to them such inducements that, instead of there being an ordinary and fair or even a handsome return, they will be demanding enormous and exorbitant returns or they will stay out.

Mr. FERRIS. What the gentleman says may be true, but I hope he will not say that I know it, because I do not know it.

Mr. MONDELL. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. MONDELL. Upon what does the gentleman base his statement? I do not so read the hearings. On the contrary, I find many things in the hearings containing assurances on the part of private capital that they stand ready to go into Alaska. Mr. Ryan, for instance, said that his company stood ready to spend $1,700,000, if necessary, to build to the Bering fields if the coal was open. Does the gentleman doubt that the Copper River people would build 38 miles if the Bering fields were open?

Mr. LENROOT. I will say in reply to the gentleman I have no doubt whatever that if these coal fields were open under the present law that this Alaskan syndicate will build.

Mr. MONDELL. The gentleman knows that I am myself in favor of their being opened under the leasing power.

Mr. LENROOT. But that is conditioned upon the building of the railroad.

Mr. MONDELL. I think not.

Mr. LENROOT. The gentleman knows that every one of the gentlemen who attempted to give assurances to the House committee or the Senate committee refused to give the names of their financial backers.

Mr. MONDELL. Well, Mr. Chairman, there is not time to discuss that, but the gentleman must not insist that I believe that to be a fair statement, because I can not agree to it.

Mr. LENROOT. The record shows for itself as to that. Now, with reference to the question of private capital building, I will say to the gentleman from Wyoming that except the statement of Mr. Ryan that his company would build to the Bering coal fields, there is not a word in the record of several hundred pages, either in the hearings before the Senate committee or the House committee, to give any assurance whatever as to the building of a railroad unless you give them the coal fields, too.

Mr. MONDELL. Mr. Chairman, does not the gentleman recall that those interested in the Alaska Northern, the Seward Railroad, said before the Senate committee, and I think before the House committee, that they would build to the Matanuska fields within a year if the fields were opened?

Mr. LENROOT. If the fields were opened under the present law.

Mr. MONDELL. Oh, no.

Mr. LENROOT. But those gentlemen never said, and there was never one before the committee who had authority to speak for them, that they would ever build to the Matanuska coal fields, and the gentleman knows that so far as the present railroads are concerned, pointing toward the Matanuska field, the Alaska Northern Railroad, the first thing that Frost and Osborne, its previous owners, did in building that railroad was to get 73 or 74 coal claims in the Matanuska field, and it was their plan to consolidate the railroad and the coal lands and put them together and have a monopoly.

Mr. MONDELL. Mr. Chairman, of course I do not read those hearings as the gentleman does, and therefore I can not agree with his conclusion.

Mr. LENROOT. But both of us understand the English language.

Mr. MONDELL. Because I understood the owners of the Alaska Northern to say that under any law that would make it possible to take coal out of the ground and ship they would build within a year, but the gentleman does not so understand it. The gentleman does not believe in the private ownership of coal lands in Alaska. Then why not, when we are proposing to build railroads to the coal fields, put into the law a provision that will open the coal fields in the way they ought to be opened.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to continue for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, in reply to the gentleman from Wyoming as to putting a leasing proposition on this bill, I would say that I would be in favor of that if that matter had been thoroughly considered by the committee, if we were prepared to act upon it now, but I am not in favor of doing it. I am not in favor of the gentleman's bill, because I do not believe his bill, which I assume he is going to offer as an amendment to this bill, properly guards the public interests, and it is a question of so much and so great importance that before we enact any legislation with reference to these coal lands it should be most carefully considered.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. LENROOT. Certainly.

Mr. MONDELL. The gentleman said he did not believe in my bill three years ago.

Mr. LENROOT. Yes.

Mr. MONDELL. But those who agree with him that we ought to open Alaska and ought to open it under a leasing bill have not in three years proposed anything else; and why?

Mr. LENROOT. Mr. Chairman, I will say to the gentleman that there is a bill now pending before the Committee on the Public Lands, and while the gentleman from Oklahoma [Mr. FERRIS] and I are very much apart on this proposition, we are entirely together on that proposition, and I do not believe there is any question but that the Committee on the Public Lands will report at this session of Congress a leasing bill.

Mr. MONDELL. What assurance has the gentleman, if this becomes a law, that a leasing bill with the opposition there is against it will be passed through the two bodies?

Mr. LENROOT. I have the assurance of applying a little common sense to the subject. The gentleman knows full well that if we build a railroad in Alaska such as is proposed in this bill we are not going to open the coal fields under the present law, and the gentleman knows that if we expend this money we will have to provide for the development of Alaska and justify the building of the railroad. Therefore it is as certain as that night follows day that legislation will follow the enactment of this bill properly opening those coal lands, and in such a way as to safeguard the public interest.

Mr. MONDELL. But what are you going to do and what is going to happen if this bill becomes a law and you are not able to pass a leasing bill?

Mr. LENROOT. Mr. Chairman, I am not going to assume, and the gentleman has no right to assume, that when we have directed the building of a railroad in Alaska the Congress of the United States is not going to follow it up with the necessary steps to make that a proper undertaking.

Mr. MONDELL. Congress may believe in spending $35,000,000 in Alaska, but a majority of both bodies will not believe in leasing coal lands, and then the country would be in this position, that after having agitated for years against private ownership of coal lands in Alaska, and having expended $35,000,000 to build railroads, it will be necessary to go back to those laws providing for private ownership in order to get the coal to operate the railroads which it is now proposed to build.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. GRAHAM of Illinois. I would suggest that if this bill passes and the railroad could not be built in a year, nor perhaps in two, that would give ample time for the preparation and the passage of a proper leasing law, even if the one now before the Committee on Public Lands does not pass at this session.

Mr. LENROOT. Certainly.

Mr. GRAHAM of Illinois. And that in the meantime the President has ample power to withdraw from the coal fields, under the present Executive order, 40 acres, 80 acres, or any other amount he wants to withdraw, necessary for the operation of the railroads and the building, or even when completed.

Mr. OGLESBY. I desire to ask the gentleman if it is not a fact that the testimony shows that Mr. Ryan's proposition in regard to these coal fields was coupled with the proviso that he should contract with the Government for the sale of 400,000 tons of coal a year?

Mr. LENROOT. I think so; there were many other conditions attached to the passage of it.

Mr. SAUNDERS. If I understood the gentleman from what he said he is apprehensive that private capital would not build to these coal fields under a leasing law.

Mr. LENROOT. I am.

Mr. SAUNDERS. Suppose the Government should build a railroad into these coal fields, and they are not far from the coast and that expenditure would not be very great, it would be a tentative experimental road to try out Alaska as it were, does not the gentleman think if we built into those coal fields and operated the railroads and afforded the facilities for transportation and then the Government has such a leasing law as the gentleman has in contemplation, that private capital will go in and work the mines?

Mr. LENROOT. I think they would.

Mr. SAUNDERS. So we can try out even the value of the Alaskan coal fields without concerning ourselves with what most of the advocates of this bill seem to regard as an absurd agricultural proposition.

Mr. LENROOT. So far as the coal fields are concerned, that is true; but what I really think is, the Matanuska coal fields, about probably halfway to the Yukon——

Mr. SAUNDERS. It is about 100 miles.

Mr. LENROOT. One hundred and eighty miles.

Mr. FERRIS. Seventy and one hundred and ten.

Mr. LENROOT. One hundred and eighty miles, about halfway——

Mr. GRAHAM of Illinois. If the gentleman will permit another suggestion. In reply to what the gentleman from Virginia has stated I would say that the railroad to the Bering coal fields touches and taps absolutely nothing but the Bering coal. It does not reach any agricultural or other mineral opportunities other than the Bering coal field.

Mr. SAUNDERS. I understand that. I am speaking about the development of the coal fields, and suggest we can develop those coal fields at very little expense, and in connection with that ascertain if there is anything else of value in Alaska. My friend from Wisconsin has suggested that we should look at this thing in the light of common sense, and it looks to me that would be eminently the common-sense way of viewing it.

Mr. LENROOT. I want to say in reply to the gentleman that if we built to Matanuska, practically half way to Fairbanks, if the gentleman has read the reports of the railway commission he is aware of the fact that there is now certain to be a tonnage of 50,000 tons of coal to the interior of Alaska, and the gentleman must be aware that that tonnage upon those 180 miles will reduce the cost of operation, and, in addition to that, upon this other portion of the 180 miles as to its being a paying proposition we do not know and we can not know what the mineral possibilities are up in the interior until we have better facilities for transportation.

Mr. MONDELL. A moment ago the gentleman from Illinois [Mr. GRAHAM] suggested——

Mr. LENROOT. If the gentleman will reply to the gentleman from Illinois in his time——

Mr. MONDELL. I merely want to understand the gentleman from Wisconsin. The gentleman suggested if we did not pass a lease law and pass this bill and no lease law should follow, the President could allow the present law to operate partially or as regards a limited acreage. I want to ask if the gentleman from Wisconsin believes that the President of the United States has authority to say that a law of general application made by Executive order be made to apply locally and not generally?

In other words, could he let Tom, Joe, and Dick file without letting the balance of the world file?

Mr. LENROOT. I understand what the gentleman has in mind, and, without expressing myself definitely on that, I will say I think it would be in the power of the President of the United States to restore very limited areas if he chose to do so. It certainly would be within the power of the President to permit the mining of such coal upon the Government land as would be necessary for Government purposes.

Mr. MONDELL. But the President has withdrawn all of the land. Now, the gentleman from Illinois suggests that the President relieve the embargo to a certain extent. In other words, he could allow a few individuals to make filings, but not allow filings generally.

Mr. LENROOT. I understand the gentleman from Illinois [Mr. GRAHAM] to make the suggestion, that pending the construction of the road sufficient coal could be provided without restoring the lands to entry.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Now, I want to say a few words about the pending amendment, which has been largely lost sight of in the general discussion. I did not expect to agree with the gentleman from Oklahoma [Mr. DAVENPORT] with reference to any phase of this bill after I read his minority report, but I am glad to say that I do agree with him with reference to this proposition of Government operation of railroads until Congress shall otherwise order.

Now, the gentleman from New York [Mr. OGLESBY] a few moments ago, in opposing this amendment, put it upon the ground that it would be necessary for the Government to organize and maintain a separate department for the operation of this road. Now, the gentleman must be aware, as well as every other member of the committee, that in the construction of this road it is going to be necessary in the construction itself to maintain a department of operation. Did you ever stop to think that in the construction of this road there will be more operation, there will be more men employed, than there will be for several years after the railroad is completed? Because, under the report of the railway commission, it is estimated that three trains a week will be sufficient to afford the transportation that it is expected will immediately follow. And, therefore, those who are in favor of leasing say that when this road is completed, when we have the road equipped, and we have it in actual operation, the moment the last spike is driven the President can not go on any further, although operation may have been eminently successful, but must stop there and find somebody to whom to lease the railroad.

Now, there are gentlemen who shudder at Government operation of railroads. We have heard during the general debate how wasteful and how extravagant Government operation of railroads is. Well, if that is true, and if those gentlemen are in good faith in that position, they have a splendid opportunity here to demonstrate that Government ownership is a failure, and they could furnish no stronger argument in the future than to be able to point to its failure in Alaska. They could say, "We tried Government operation there, and it failed." But I am suspicious, Mr. Chairman, that some of those gentlemen are opposed to Government operation of this railroad not because they fear it will be a failure but because they fear it will be successful.

Now, as to a leasing proposition, we can not expect to lease it for a less term than 20 years. And, again, I say, as a business proposition, you are not going to be able to get capital to come in when that road is completed, when it is unknown as to what the volume of traffic will be extending through the years, and make such a proposition to the Government as the Government ought to have later on if it shall then choose to lease the road after it has been developed as to what the traffic will be. So, from every standpoint, Mr. Chairman, until Congress shall otherwise order, the President himself ought to operate the road as well as construct it. And Congress can at any time afterwards take care of the matter of leasing the railroad. Now, Mr. Chairman, this same objection was made to the operation of the Panama Canal Railroad. When we started to construct the Panama Canal these same dire predictions were made. I hold in my hand, Mr. Chairman, the last annual report of the Panama Railroad Co., from which it appears that the gross revenue from operation last year was $4,509,000. Their operating expenses were $2,770,000, leaving a net revenue from operation last year of $1,828,000.

I find further, Mr. Chairman, from this report, that during the time the Government has owned this Panama Railroad, up to last June, this is the condition of its financial affairs: It has a capital stock of $7,000,000. Their other liabilities, including reserves for depreciation, are about $7,000,000. Their total assets are $29,000,000, and they now have in assets $15,000,000 over and above all liabilities. So that the operation of the Panama Railroad——

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. LENROOT. Certainly.

Mr. FITZGERALD. Can the gentleman state how much of those revenues have been derived from payments made by the Isthmian Canal Commission for the haulage of materials in connection with the construction of the canal?

Mr. LENROOT. I can not. I only secured this report this morning. I have been trying to get it for a considerable time.

Mr. FITZGERALD. I will say to the gentleman that the Isthmian Canal Commission pays a lump sum to the Panama Railroad for work done by it for the commission. My recollection is that the arrangement is very liberal, so far as the railroad is concerned.

Mr. LENROOT. That amounts to about $800,000 a year, as I read the report, out of a revenue of $4,000,000.

Mr. FITZGERALD. The amount is very large.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the time of the gentleman from Wisconsin [Mr. LENROOT] be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. If the gentleman has those figures at hand, I would be glad if he would state them. The Panama Railroad Co. makes an arrangement with the Isthmian Canal Commission by which a lump sum is paid for services rendered to the commission by the railroad company.

Mr. LENROOT. This is the item, "local," which I assume is the character of the work the gentleman refers to.

Mr. FITZGERALD. "Local" is on the Isthmus.

Mr. LENROOT. The Isthmian Canal Commission last year paid $342,293 on tonnage going from the city of Panama toward Colon, and on tonnage going from Colon to the city of Panama, $127,936.

Mr. FITZGERALD. Is there any statement there of the amounts paid for freight coming from New York?

Mr. LENROOT. No. That all seems to be bulked. There does not seem to be anything distinguishing Isthmian Canal Commission tonnage. I understand that pays the same rate as other freight does. I assume it does.

Mr. MANAHAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Minnesota?

Mr. LENROOT. I yield.

Mr. MANAHAN. I want to call the attention of the gentleman to the fact that the gentleman from New York [Mr. FITZGERALD] is utterly mistaken in the suggestion that the Isthmian Canal Commission gives a favorable rate to the railroad. On the contrary, the Isthmian Canal Commission compels the Panama boats, belonging to this railroad company, to haul concrete to the Isthmus for a dollar a ton, while they have allowed other steamships $2.40.

Mr. LENROOT. I will say to the gentleman that the rate on the local tonnage on the Panama Railroad, as I recollect it is stated here, is about $1.50 a ton.

Mr. FITZGERALD. The gentleman from Minnesota [Mr. MANAHAN] in the statement he makes seems not to be familiar with the facts. The United States Government purchased two vessels at a cost of nearly $1,400,000 and turned them over to the Panama Railroad Co. without cost, if I recall correctly, and put them into that service. The provision is that they are to be turned over to the Navy Department when the work on the canal shall have been finished.

Mr. MANAHAN. I will say to the gentleman that all of the boats that haul concrete—Panama Railroad boats—haul the concrete at the standard rate of $1 a ton. They have five boats, and they take a stupendous tonnage. When the rush is too heavy for those boats to get enough tonnage they allow other boats $2.40 per ton, and instead of the Isthmian Canal Commission giving a liberal rate to the railroad company they hold the railroad company down to the cost.

Mr. FITZGERALD. Oh, the gentleman is mistaken. I think the Panama Railroad has made money off the work done for the Isthmian Canal Commission.

Mr. LENROOT. You could take out all the money that the Isthmian Canal Commission has paid to the Panama Railroad, suggested by the gentleman from New York [Mr. FITZGERALD], and it still leaves a profit of about 20 per cent on the capitalization of the Panama Railroad. In other words, they might have done this work for the Isthmian Canal Commission for nothing and still have made a handsome profit. [Applause.]

Mr. FITZGERALD. The Government paid more than the par value of that stock when it purchased it, according to my recollection.

Mr. LENROOT. I do not know as to that.

Mr. MANN. If the gentleman will permit me, I will say that the Panama Railroad before we acquired it was a very profitable enterprise. I think the last stock we bought we paid $500,000 a share for it, although that is no criterion to judge by.

Mr. FITZGERALD. No; that is no criterion.

Mr. MANN. While that is no criterion, yet we bought it very profitably in the main. The gentleman must remember that the Panama Railroad Co. does not do as much through business as it did before the canal was started, and much of the money that comes to the Panama Railroad Co. does not come at all out of freight. The lump sum that the gentleman from New York [Mr. FITZGERALD] speaks of is on account of the carriage of the spoil from the canal.

Mr. LENROOT. Yes; I so understood the gentleman, and I said we could take that out entirely.

Mr. MANN. The figures the gentleman from Wisconsin refers to were on freight.

Mr. LENROOT. I thought that referred to freight purely. I did not know.

Mr. MANN. Yes; that was freight.

Mr. LENROOT. I so understand it.

Mr. MANN. The gentleman can say, however, that the Panama Railroad Co., managed as it is as a separate corporation, owned by the Government and managed by Government officials, is as well managed as any railroad anywhere in the world. [Applause.]

Mr. LENROOT. That is the only point I desired to make with reference to that subject.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. Mr. Chairman, if I believed in the Government ownership and operation of railroads, I would be body, breeches, and all a Socialist; but not believing in that fundamental doctrine of socialism, I am naturally opposed to the Government ownership and operation of railroads.

But the mere proposition of building a railroad in Alaska does not commit this Government, or those who favor it, to the proposition of Government ownership. There may be some special exigency that will warrant the Government in pursuing a policy of either bonding or building the road itself. Now, we know of the policy of the Canadian Government. Instead of pursuing the reckless policy that this Government pursued in giving away its national domain in land grants, that made these roads possible and also very profitable, the modern idea, the later policy of the Canadian Government has been to subsidize them. As a member of the Mann committee, the pulp and paper investigating committee, it was my good fortune to make a visit into the wilds of Canada, up into the Hudson Bay country, over what is known as the Temiscamingue Railroad, which I was surprised to find was built as if it were a Government trunk line; built for the freight of the future, and not according to the policy followed by some of our privately owned lines of the West, which were built merely on the prairie without ballast, with nothing but ties and rails.

Most of us agree that if there were no coal deposits in Alaska there would be no warrant and no demand for the Government to build a railroad there. There might be some demand, but there would be no favorable support for the building of this road from the seacoast up into the Yukon district.

Mr. FERRIS. Will the gentleman yield right there?

Mr. STAFFORD. I yield to my friend from Oklahoma.

Mr. FERRIS. If the statement of the gentleman is correct, $10,000,000 will build the 110-mile extension clear into the Matanuska field and the 25-mile road complete up to the Bering field, which would be the $48,000 per mile estimated for by the railroad commission. So that no one here contends, I think—at least I do not and, I assume from what the gentleman says, he does not contend—that there is any tonnage beyond there that will warrant any railroad.

Mr. STAFFORD. The tonnage stated by my colleague who has preceded me, of 50,000 tons——

Mr. FERRIS. Of what will that 50,000 tons consist?

Mr. STAFFORD. I can not say; but assuming that there is this tonnage——

Mr. FERRIS. We can not assume it. It is not there.

Mr. STAFFORD. He said that the hearings justified the assumption that there were 50,000 tons.

Mr. FERRIS. That is only a guess.

Mr. STAFFORD. I think it is more chimerical than real; but that would only amount to a trainload of 2,500 cars of 20 tons each, or 100 trains of 25 cars each. And how can you justify the building of a railroad for the accommodation of only 100 trains of 25 cars each for an entire year?

If no other Member of the House is going to offer an amendment, I intend to offer an amendment, when the time comes, to strike out that part of the bill which provides for the extension of this railroad from navigable waters to the interior, and only provide for the building from the ocean to the coal fields.

Mr. FERRIS. That is all.

Mr. WILLIS. Will the gentleman yield?

Mr. STAFFORD. I yield to my friend.

Mr. WILLIS. Does the gentleman agree with the contention made just a few moments ago by the gentleman from Wyoming [Mr. MONDELL] that if we let this thing alone there is sufficient business to warrant private capital in extending the railroad from Chitina and from the Matanuska on to the Yukon Valley? Does the gentleman agree to that?

Mr. FERRIS. He does not say that.

Mr. STAFFORD. I might agree with it, and yet I do not approve of it; for the reason that while there may be sufficient private capital to build these railroads to the coal fields, they would have to be conducted with the expectation of getting inordinate returns. It is the very question that we had up before the Interstate and Foreign Commerce Committee some years ago when we were considering the regulation of the stock and bond issues of railroads. But that would be a digression. Permit me merely to say that we recognize that in a new country it would be rather impracticable to limit the stock and bond issues for the building of railroads. It would be a check to their development and extension.

Mr. WILLIS. What I want to get the gentleman's opinion about is this: If it is a fact that there are sufficient resources in the Yukon Valley and in the Tanana Valley to make it profitable for private capital to extend these two lines from Chitina and from the Matanuska, then why is the gentleman opposed to allowing the extension of the Government lines into that territory, if they are bound to be profitable?

Mr. STAFFORD. I understood the gentleman's query to be based merely upon the conditions in the coal fields. I misconceived the purport of the gentleman's question. If there are plenty of resources in the interior, and if we build these lines up to the coal fields because they are necessary as a naval adjunct, then naturally the lines will be extended by private capital if there is sufficient to warrant their extension. But why should we go into this frozen north up to the Yukon where there is no tonnage, except maybe a cargo of gold to *which my friend* has referred—ten millions or even a hundred millions of gold—that would be accommodated in one or two carloads?

Mr. Chairman, I have listened attentively to the debate; I deprived myself of a luncheon to follow every word of the exhaustive speech of the distinguished Delegate from Alaska. I listened attentively to the remarks of the chairman of the Committee on Territories, and to the speech of the distinguished gentleman from Oklahoma [Mr. FERRIS]. After listening attentively to those speeches I can not agree that the country up there is suitable for agriculture just because the Scandinavian Peninsula has produced large returns in agriculture. We can not say that a territory in a like latitude will yield the same agricultural products, because climatic and soil conditions may be entirely different.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HUMPHREY of Washington. The gentleman does not claim that they are different?

Mr. STAFFORD. We have no information to show that they are the same. We do have information from the Agricultural Department showing it is impossible to profitably raise agricultural products there.

Mr. HUMPHREY of Washington. I want to say to the gentleman that it has been brought before the House time and again that so far as the climatic conditions are concerned they are as favorable in Alaska as they are in Norway or Sweden.

Mr. STAFFORD. I listened to the remarks about the temperature and the climatic conditions, and I have read carefully the report of the representatives of the Agricultural Department, from which I conclude that it is chimerical to expect any great cultivation of agricultural products in Alaska.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HUMPHREY of Washington. I want to ask if the gentleman had seen a statement anywhere to the effect that the conditions in Norway and Sweden are more favorable for agricultural purposes than they are in Alaska, except the single exception of southern Sweden? Take it in the interior, is it not the same as it is in Alaska and even more favorable?

Mr. STAFFORD. The proponents have presented no proof as yet as to the relative conditions of the Scandinavian Peninsula and the frozen fields of Alaska. But we had the direct testimony of the disinterested representatives of the Agricultural Department, who claim that it is impossible to grow profitably any kind of agriculture up there in the frozen north. What is the use of launching into this wild proposition of building over the ice fields over 700 miles to the Yukon, with no tonnage and little other traffic in sight?

That leads me to the proposition before the committee, and that is whether we should vest in the President the discretion to lease this railroad any time he sees fit, whether after the road has been built, after the rolling stock has been obtained, after an experiment has proven that it may be rather unprofitable for the Government to operate the road, whether we should vest the authority in the hands of the President to lease. As I read the bill I put a different construction on it from what my colleague does who has just preceded me.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GRAHAM of Illinois. The gentleman stated that the Government representatives had practically stated that agriculture was impossible or at least impracticable in Alaska. What representatives of the Government so stated?

Mr. STAFFORD. I listened attentively to the statement of my friend, the gentleman from Oklahoma [Mr. FERRIS], in which he gave the names, and that is my authority. I will yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. The names of the representatives of the Agricultural Department are Prof. Chubbock, Prof. Piper, and Prof. Georgeson, and a gentleman by the name of Mann that went up as the personal representative of the President.

Mr. HOUSTON. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. Yes.

Mr. HOUSTON. I want to state to the gentleman from Wisconsin that there is no authority from any governmental officer to justify the comparison between Norway, Sweden, Finland, and Alaska as to the agricultural possibilities. I want to call his attention to this paragraph from Mr. Evanston.

Mr. FERRIS. Who is Mr. Evanston?

Mr. HOUSTON. He is one of the Government officers in charge of the agricultural station there.

Mr. FERRIS. He is not. Prof. Georgeson, Prof. Piper, and Prof. Chubbock are the three officers.

Mr. HOUSTON. I do not say that he is superintendent of an experiment station, but he is an official and made an official report.

Mr. FERRIS. He must be a subordinate.

Mr. STAFFORD. Does it show that he is acquainted with the agricultural conditions?

Mr. HOUSTON. I will read the report.

Mr. STAFFORD. Oh, no; the gentleman can not take up my time to do that. He can do that in his own time. It was the report of some subordinate.

Mr. HOUSTON. Each one of those officials quoted by my friend the gentleman from Oklahoma [Mr. FERRIS] have stated that agriculture can be successfully carried on in the Territory.

Mr. STAFFORD. Oh, yes; and we can raise tea and coffee in the United States by hothouse methods. We can raise potatoes in Alaska, but can we raise them economically and profitably? This is a wild scheme to spend millions of dollars to get into the interior, way beyond the coal mines, with only conjecture to support it.

My colleague interpreted this phraseology to mean that it was mandatory upon the President of the United States to lease this railroad. As I read the phraseology, he is merely authorized and permitted to lease. It vests that discretion in him. If he thinks it is better under favorable terms to lease it to a private party, he can do so; but if he thinks it is not better, he need not lease it. Gentlemen say that we are afraid of Government ownership. In this case I favor the Government building the road, and then, if practicable, leasing it on favorable terms, the rates to be subject to the regulatory powers of the Interstate Commerce Commission. I do not wish ever to cite a railroad in the frozen fields of Alaska as a fair example of the futility of Government ownership. Great emphasis has been laid upon the successful operation of the Panama Railroad.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Mr. Chairman, I told the gentleman that I would yield later. I would like to finish this statement. The gentleman has cited the Panama Railroad, which is the most favorable instance that can be cited; but that railroad is operated under military authority. It is not contended that this railroad in Alaska is going to be operated under military authority. Further than that, the Panama Railroad is the case of a short-line railroad, 45 miles in length, with a great density of traffic, where they have been obliged, ever since the Bates-Chesboro Line was established from San Francisco to Panama, to discourage shipments by way of the Isthmus because the Panama road lacked the facilities to carry it. If there is a density of traffic on 45 miles of railroad so great that it can not be handled, it may show a profit; but in the case of Alaska there is a tonnage to the great Yukon of only 50,000 tons for the year—125 trains of 20 carloads each—and you are going to ask the Government to build that road up there in the frozen north as an example of Government ownership. It will necessarily prove a failure. What is the practical business proposition that is before the House? It is to vest the discretion in the President to lease this railroad if, in his judgment, he believes it can be more economically operated and managed under private control than by Government officials direct. The only objection I have to this clause is to the provision limiting it to 20 years. Gentlemen here who have had any knowledge or acquaintance with the operation of railroads know that it will be rather difficult to get a proper organization—men, equipment, and the like—to operate this successfuly,

and I think the term should be at least 10 years longer than it is. I would say not to take away from the President, whoever he may be—and I am willing to trust any President on this question—the discretion of leasing this railroad in case, in his best judgment, he thinks it proper.

Now, if there is any gentleman who desires to ask me a question, I would be very glad to yield to him.

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BRYAN. The gentleman says that he does not believe in taking away from the President the power to lease. I desire to call attention to the fact that the matter under discussion compels the President to lease.

Mr. STAFFORD. I wish the gentleman would kindly point out that language.

Mr. BRYAN. The wording of the bill is that the President of the United States—

is hereby empowered, authorized, and directed—

And then on further there is the language:

to lease the said railroad or railroads, including telegraph and telephone lines, after completion, upon such terms as he may deem proper, but no lease shall be made for a longer period than 20 years.

The only way under which he can operate the road is that he can not lease it.

Mr. STAFFORD. Then I would prefer to have words incorporated in the law so as to have it read that he is empowered and authorized to lease, and leave out the matter of direction. But even if there be left direction, I am not certain that I would not favor that. That would be in harmony with the policy of some modern Governments which grant to railroads aid in building them and leave the operation to private parties, subject to control as to rates and operation by a governmental commission. In a word, Mr. Chairman, I favor Government aid for the building of the Alaskan roads to the coal fields, and to have them operated under lease, if a favorable lease can be made, the management, rates, and control to be subject to the Interstate Commerce Commission.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. GREEN of Iowa. Mr. Chairman, I am not, as a rule, in favor of either Government ownership of railroads or Government operation thereof, but the proposition which is embodied in this bill rests on circumstances so exceptional as to be quite extraordinary. The American people believe, and correctly, that these railroads which it is proposed to construct by this bill are the keys which will unlock the stores of hidden treasures which Alaska possesses. I know there is a dispute as to the extent of these resources, but I shall not at this time discuss that question. I know, also, that those grasping hands that have sought to throttle Alaska have stopped at nothing, not even murder itself, in order to gain possession of these treasures. And when they set such an estimate upon them we can believe that their value is beyond calculation.

Mr. Chairman, there are three things that we can do in relation to this matter: We can bar the door to these treasures, as we have been doing; we can engage some private corporation or individual to build these railroads, at the price of their monopolizing these resources; or we can take up their construction ourselves. To continue to deprive Alaska of these resources is something we will not do. To turn these resources over to monopolies is something we must not do. The price they ask is too great. To take up the construction of these railroads is something that I believe is quite possible and reasonable under the circumstances, and the only proper procedure. The gentleman from Wyoming [Mr. MONDELL] has stated here that we can not assume that these coal fields will subsequently be opened to lease—that we do not know—but that the President will allow them to be opened under the present law; but why should we make such an assumption? What ground is there for believing that after we have constructed these railroads we will not preserve for ourselves the resources which others have thought sufficient to make them profitable?

What other plan could be open to us? What can we expect otherwise? The proposition seems to me entirely without foundation that there should be any danger of the old plan being adopted of opening this region to anyone who saw fit to take up these mining claims, so that they would eventually pass into the hands of some combination or monopoly—such a procedure is to me inconceivable. Nor do I think under the circumstances that the President has been vested with too great a discretion——

Mr. FERRIS. Will the gentleman yield?

Mr. GREEN of Iowa. Railroads can not be operated by debating societies. We can have no better illustration of that than we have had in the part taken in the debate this afternoon by the gentleman from Oklahoma, who has taken up more time than anybody else asking questions and submitting propositions that have been discussed over and over again——

Mr. FERRIS. Will the gentleman yield for a short question?

Mr. GREEN of Iowa. For a question, but not for an argument.

Mr. FERRIS. I want to ask the gentleman—he was saying the President was not given too wide authority—has he observed, on page 10, lines 6 and 7, it forces the President to build clear up into that barren Territory, so there is not so much discretion given him after all.

Mr. GREEN of Iowa. We ought to decide in a general way where this railroad should go, how far it should be built, and through what territory, but ought not to attempt to prescribe every rule for its operation. I do not think that the President is vested with too wide a discretion. Mr. Chairman, I am in favor of this bill and shall give it my vote. [Applause.]

Mr. RAKER. Mr. Chairman and gentlemen of the committee, the general issues of this bill have been fully thrashed out in the Senate committee and in the Senate report, and likewise in the House committee and here before us in their report. Both of those committees, in whom we all have the utmost confidence, have seen fit to report favorably upon these bills. There are a few splendid men on the committee of the House who have seen fit to differ with the committee, and I believe those men are honest absolutely, but they do not understand the situation. It is like practically all early legislation that has been enacted in the country, where we find a great many of our very best men like Daniel Webster in reference to California, when he considered it nothing but a desert waste from the Mississippi River to the Pacific coast. Now these friends of ours say that there is nothing but a frozen desert waste from the ocean in through Alaska. They are without personal knowledge, but they believe this great enterprise ought not to be carried out. In other words, that this great Territory that so many men have been seeking to open—have been seeking to open the gold mines, have been seeking to open the coal and the timber lands—that the Government should not now step in, owning the land which has absolute control of the entire situation; that the Government should not be permitted to go in there and open it up, not even a trail or a road as are made in our reserves; but here is a proposition that, instead of an ordinary road or a trail, we should give the people a roadbed—make a construction on which they can put ties and rails and run trains instead of making a road on which to take a wagon. That is all. Just a difference in degree.

It is a business proposition, and that country is worth it. It has been shown by the reports of the committee and by the statistics as to the produce that has come from Alaska that there is no more worthy part of the United States, and that we ought to develop it. The same objection will come in practically all of these great matters, and I am afraid that some of our dear brothers here have not had an opportunity to go over this question. They do not really know what it means to have this country developed by a railroad. It has been said repeatedly here that the West could not have been developed if it were not for the railroads. We can see within the last few years, as the branch lines have gone from the main lines into these mountains and valleys, that where a few years ago land was worth $1.25 an acre—in other words, you could not sell it for the Government price—to-day it sells for $100 to $150 an acre, with prosperous homes scattered all over that country. And this in sections of the country where men have said, even out in my State, that the land was not worth the Government price and would not produce grain or fruit. But we find the finest of grain grown there now in abundance, as well as the finest of fruits. On that land is grown alfalfa which is worth $70 an acre.

We need transportation in Alaska, we need to have that country developed, and now is the time to develop it by providing for a railroad.

Mr. Chairman, I have an article here that is taken from the Washington Post favoring this proposition, and it so clearly presents the subject and the question of this legislation and the necessity for it and the right of the Government to step in and build the roads, and also states that the same objections have always been urged against the development of the outregions of this country, and harmonizes so closely with my views, and, in fact, clearly voices my idea on this great subject, that I ask unanimous consent to have the article inserted as a part of my remarks.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent that the article referred to may be inserted in the RECORD as a part of his remarks. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I am in favor of the bill and shall vote for it.

Following is the article referred to:

THE ALASKA RAILROAD.

The House of Representatives will have an opportunity this week to approve and make possible a work of real statesmanship. It can share with the Senate and the President the credit of providing for a railroad in Alaska, thereby opening up that vast and opulent Territory to settlement.

There need be no hesitation in favoring the Alaska railroad bill because of its provision for Government ownership. Alaska is a Territory, wholly within the jurisdiction and control of the National Government. It is not only within the power of Congress to "dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States," but it is the duty of Congress to develop Alaska. There is no other authority with power to act.

Alaska is the property of the United States. Congress could sell it outright if it wished. Its power over Alaska is more absolute than its *power over the* Canal Zone. No question of State rights is involved.

The agricultural possibilities of Alaska have been demonstrated. The development of Siberia, a much colder country, is evidence of what could be done in Alaska with proper means of communication. Following the completion of the Siberian railroad, thousands of families flocked into the country and began the raising of wheat and other cereals. Siberia is now one of the great wheat-producing regions of the world, and its foodstuffs are marketed even in the United States. Railroad extension is going on in Siberia, and plains similar to those of Alaska are being transformed into wheat fields. In the interior of Alaska the climate is no more severe than in northern Canada, where thousands of American farmers are pouring in and developing the country.

Forty years ago the purchase of Alaska was ridiculed as a waste of money. Forty years from now the objectors to Alaskan development will have been proved to be as shortsighted as the Senators who opposed the acquisition of Oregon.

When Alaska shall have been developed and its people shall have demanded the right to erect a State of the Union, the question of the Government ownership of the pioneer railroad can be settled. There will be statesmanship in that day, we may be assured. The duty that confronts statesmen of this day is to look ahead and provide for present and future needs on a broad and liberal scale. The United States in building a railroad in Alaska will be building prosperity for itself and for its own people. It will be providing homes for home seekers. It will be opening up a great storehouse of wealth on equal terms to all.

A great opportunity is presented to the Members of the House—an inspiring opportunity to do a big thing in a big way.

Mr. HOUSTON. Mr. Chairman, I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, in view of the discussion as to the profits of the operation of the Panama Railroad Co., I desire to call the attention of the committee to some facts developed in 1911 during the investigation of the estimates for the construction of the Panama Canal. It then appeared that the Panama Canal Railroad Co. apparently was earning money, and some inquiry was made regarding the expenditures that had been made in behalf of the company by the Government of the United States, for which no credit had been given and upon which no return was being made. I asked this question of Col. Goethals. I read from the hearings held on the Isthmus on November 20, 1911, in connection with the investigation into the estimates for the construction of the canal:

The CHAIRMAN. How much money has the Government spent on behalf of the Panama Railroad?

Col. GOETHALS. The commission expended on a second main track, in consideration for which spoils are hauled over the line free of charge, $1,123,477.93. The commission purchased the Panama and Colon at a net cost to October 31 of $1,235,754.70. The Government bought under specific appropriation and loaned to the Panama Railroad the steamships *Cristobal* and *Ancon* at a cost of about $1,444,000. The commission purchased outstanding Panama Railroad stock at a cost of $157,118.24, and also purchased the bonds at a cost of $2,148,217.50. In addition, Congress appropriated and charged to canal construction $4,835,000 for reequipment, etc., of the railroad. The Panama Railroad Co. was in such bad financial stress that we asked that they be relieved from the payment of the interest two years ago, and since then they have not paid it.

For the past four years the Panama Railroad Co. has not even been required to pay into the Treasury of the United States the interest upon the indebtedness incurred by the Government on behalf of the railroad, much less attempt to reimburse it for its expenditures, in the neighborhood of $9,000,000. In that connection, Col. Goethals was asked:

Now, they have accumulated a surplus, but instead of applying it to the account of the United States Government they are investing it?

And that appeared to be the fact.

In that year it appeared that the gross receipts of the Panama Railroad were $6,600,000, of which $1,400,000 was received from the Canal Commission; so that it not only received that much in money, but the Government had equipped it and purchased the vessels which the company is operating, bought in the bonds, and did other things which must be taken into account and must be stated in the accounts of the railroad company before any accurate knowledge can be had as to whether the railroad company is actually earning the money.

It would be easy to equip a railroad and relieve it of all responsibility for the cost of equipment and start it operating and then have it earn money. That is what is now being done by the Panama Railroad Co., because it has been relieved of responsibility for many expenditures on its account, including the cost of considerable equipment. While over $9,000,000 of expenditures were made on its account, about $1,200,000 was expended in return for services; but at least $8,000,000 at that time, and since then, if I recall correctly, over $3,000,000 additional, has been expended for it by the Canal Commission. So that in the neighborhood of $10,000,000 has been expended by the Federal Government on account of the Panama Railroad Co., for which the company has not been compelled to make any reimbursement and for which it is not even making payments in the nature of interest. If such elements be eliminated in stating its accounts, it is easy to show a profit.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York be extended two minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] asks unanimous consent that the time of the gentleman from New York [Mr. FITZGERALD] be extended two minutes. Is there objection?

There was no objection.

Mr. LENROOT. I want to ask the gentleman whether or not that has not all been accounted for in assets—whether it has been returned to the Government or not?

Mr. FITZGERALD. The gentleman asks if these sums are included in the assets of the company? Of course the Government owns the assets.

Mr. LENROOT. Yes.

Mr. FITZGERALD. But the gentleman can see that if the Government pays $10,000,000 for equipment and various services for a railroad, and in computing the earnings no account is taken of that investment, the showing would be materially different in the statement of its profit-and-loss account from what it would be if such investment were taken into consideration.

Mr. LENROOT. If the Government has not contributed anything in a given year, and it is not shown in the value of the property, and the net earnings are a certain amount, that will show what the earnings are on the property, will it not?

Mr. FITZGERALD. I am not certain, because if the Panama Railroad Co. had borrowed this money instead of having it advanced by the United States Government, and if the Panama Railroad Co. were required to pay the interest on the amount invested, instead of being relieved of that burden by an act of Congress, it would show a materially different result in its earnings.

Mr. LENROOT. It would not show any difference in the earnings; only in the disposition of the earnings?

Mr. FITZGERALD. It would show a difference in the earnings, because there would first be charged off the amounts required to pay the interest on loans to the company and the operating expenses, and what was left would be profit. There is now shown in the profit account a very large sum of money that does not belong there. It should go into the Federal Treasury for advances made to the company, and the company should be charged with many millions of dollars of debt which apparently it has not.

Mr. CALDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. FITZGERALD. Certainly.

Mr. CALDER. Was not most of the money the gentleman has referred to used for relocating this railroad?

Mr. FITZGERALD. No. I have not spoken of the relocation.

Mr. CALDER. Did we not buy new equipment?

Mr. FITZGERALD. No; the Isthmian Canal Commission agreed to relocate the railroad for the Panama Railroad Co., because it would be wiped out when the canal work was finished.

Mr. CALDER. Have we not now an entirely new equipment, both rails, and cars, and engines, and everything else there?

Mr. FITZGERALD. Well, we have an up-to-date, modern equipment.

Mr. CALDER. Does not that account for most of the expense my colleague has referred to?

Mr. FITZGERALD. No. The price of four ships—the *Panama, Colon, Cristobal,* and *Ancon*—is not included. The $2,148,257 for the purchase of outstanding bonds is not included. These items alone aggregate $5,000,000. These facts should be in the RECORD for comparison with any estimate of the reported earnings of the Panama Railroad Co.

Mr. HOUSTON. Mr. Chairman, this discussion has wandered far from the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT], and I shall not discuss that amendment at any great length, further than to say that as a practical proposition the committee thought, and I believe justly so, that it would be well to put this in the alternative, to provide for the leasing of these roads, or for Government operation in the event of failure to lease advantageously. Individually I would prefer to see this road leased to a company that would take charge of it and conduct it and carry it on without the Government itself having to operate it. Whether or not an advantageous lease could be made, especially during the first period of its existence, is a matter concerning which there may be considerable doubt. In that event, the Government can operate this road.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOUSTON. Yes.

Mr. MANN. The language of the bill is—

In the event of failure to lease, to operate the same.

Mr. HOUSTON. Yes.

Mr. MANN. And the language in reference to leasing is not "in his discretion to lease," but "to lease."

Mr. DAVENPORT. It is absolutely mandatory.

Mr. MANN. Under that language, if it remains in the bill, has the President the discretion to operate the road? Is he not required to lease the road if anyone will lease it?

Mr. HOUSTON. In answer to that, I would say that the bill provides for the leasing of the road, but it provides the alternative; and that simply means that unless the President could make a lease that would be advantageous, that would be for the best interests of the people of the United States, then he should operate it. It gives him that discretion to exercise.

Mr. MANN. That is the question. The gentleman reads that language into the bill itself. I do not find anything in the bill that says if it is to the advantage of the United States to lease it he shall lease it, or that the President has any discretion about it. I think it is very important, at least, to have an expression of opinion from the gentleman and the committee as to what this means. The language of the bill authorizes the President to construct the road. I take it that the President would consider it binding upon him to start the construction of the road, at least. Then it authorizes him to lease the road. As I take it, under that, it is not left in his discretion to lease the road, but he is obliged to make some effort to lease it. How far he has discretion to refuse to lease it, I do not undertake to say. Of course, if he fails to lease it, then he can operate it; but, under the language of this bill, is he not required to advertise for bids for leasing, and to accept the bid if anyone will operate the road?

Mr. HOUSTON. Mr. Chairman, in response to that I would say that he would be required, I take it, to attempt to make a lease; but that certainly no construction could be put upon the language that would compel him to accept a lease that he thought was not advantageous. Supposing somebody should offer an insignificant sum, $1 or $5, or something of that sort. He would not be compelled to accept that. That would not be a lease that would take into consideration the interests of the Government; and, of course, this language contemplated that. That was the intention of the committee. I think every member of the committee who favored this bill desired that the leasing proposition should be put in the alternative; and while the majority of the committee favored that the leasing should be given preference, that that was the most feasible and most acceptable plan, yet in the event of a failure to lease then the Government was to operate it. And of course that meant the making of a lease that would protect the interests of the people of the United States. I think no other construction would be justified. If it would, no one would be more ready than I to correct that language.

Mr. SCOTT. Does not the bill as drawn vest in the President the discretion as to the terms upon which the road may be leased?

Mr. HOUSTON. The language of the bill is:

Upon such terms as he may deem proper.

Mr. SCOTT. Then, does not that carry the discretion of accepting or rejecting the proposition?

Mr. HOUSTON. Unquestionably, to my mind.

Mr. MANN. Does not the gentleman think that the President would have to determine in advance the terms upon which he would lease?

Mr. HOUSTON. Before the lease was consummated, of course.

Mr. MANN. Before he offered the opportunity for people to bid upon it.

Mr. HOUSTON. I take it that would simply be a business matter, and he would investigate fully and carefully, to know the value of the road and the amount that he ought to get in order properly to protect the interests of the Government. That would all be considered as part of the discretion, and would put the responsibility upon him of knowing the conditions and knowing what profitable amount should be accepted and what should not be.

Mr. BRYAN. Will the gentleman yield for a further question?

Mr. HOUSTON. Yes.

Mr. BRYAN. By a further section the operation of the railroad is put in the hands of the Interstate Commerce Commission. Would not any lessee be perfectly safe in leasing the road and paying any reasonable amount for it because of the fact that he could appear before the Interstate Commerce Commission and get rates that would give him a return for the amount that he was paying?

Mr. HOUSTON. I do not see how the Government would be protected unless the terms or rate paid by the lessee would be sufficient.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman be allowed 10 minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Tennessee be extended 10 minutes. Is there objection?

There was no objection.

Mr. HARDY. Will the gentleman yield for a question?

Mr. HOUSTON. Certainly.

Mr. HARDY. As I understand it, the whole House, those in favor of this bill and those not in favor of the bill, desire that if it be passed the President shall have the discretion to lease if it is desirable that a lease can be made, and to operate if a lease can not be made?

Mr. HOUSTON. That is the case.

Mr. HARDY. Now, having that purpose in view in common with the gentleman from Illinois, can not the committee thrash out the clause and relieve it of any ambiguity in that respect?

Mr. HOUSTON. The committee would only be too glad to do it.

Mr. HARDY. If the committee will bring in a committee amendment so as to clarify that, I think we need not bother about it any longer.

Mr. HOUSTON. Mr. Chairman, I shall not dwell longer upon that question, but I must be pardoned for discussing some of the main features of the bill, for the reason that some direct questions have been addressed to the chairman of the committee by the gentleman from Georgia [Mr. HARDWICK], in which he stated that he would like to know what engineer had reported on the feasibility of this route. This question is asked after making the statement emphatically that no engineers had surveyed this route, that no engineer had reported whether it was feasible or practicable to build the road.

On that point I will say that the gentleman from Georgia must be aware of the fact that in the Sixty-second Congress they provided for a railway commission to investigate and report as to the feasibility of a railroad from the southern coast of Alaska into the interior. That commission was composed of four distinguished engineers—one from the Army, one from the Navy, one from civil life, and one from the Geological Survey. They reported a feasible route.

Mr. HARDWICK. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. HARDWICK. They did not make any survey at all.

Mr. HOUSTON. They reported the routes that had been surveyed; the route from Chitina to Fairbanks that had been surveyed by Government engineers.

Mr. HARDWICK. For dirt roads.

Mr. HOUSTON. Yes.

Mr. HARDWICK. Does the gentleman think that is sufficient for a railroad survey?

Mr. HOUSTON. They gave all the data necessary for engineers to determine whether a railroad could be built. In addition to that, I think the railroad company that built from the coast to Chitina and the Copper River had a survey made through to Fairbanks. All of these were in the possession of the commission.

Mr. HARDWICK. Oh, I have read all that.

Mr. HOUSTON. They had all this data that showed the surveys that had been made.

Mr. HARDWICK. Let me ask the gentleman, How much of these thousand miles of proposed railroad has ever been surveyed for railroad purposes—that is, a survey made to determine the practicability and feasibility of the route?

Mr. HOUSTON. The engineers have not surveyed this line. Nobody knows yet where this line will be. We do not know,

and we have not found it out from the Alaskan Commission; there are three or more routes, but a survey will be had.

Mr. HARDWICK. It is all guesswork.

Mr. HOUSTON. Not at all; there is no guesswork about it. Four distinguished engineers have said that it was a feasible route.

Mr. HARDWICK. I beg the gentleman's pardon; they have not said that.

Mr. HOUSTON. I think they have said that.

Mr. HARDWICK. We are all familiar with the report, and, while it recommends it, they do say it in a general way. I state, without fear of contradiction, that only a few miles of this proposed railroad has been surveyed in any way that any business man or any concern that ever contracted for a railroad would require it to be surveyed before any money was spent on it.

Mr. HOUSTON. Does the gentleman think that these distinguished railroad engineers would go over a route that had been surveyed by a commission, lay out a road from Chitina to Fairbanks, and not be able to give a correct answer?

Furthermore, as I stated, the Copper River Railroad has a survey to Fairbanks, and the same thing exists from Seward to Fairbanks by the Alaska Northern. They have made a survey that the engineers have reported feasible and practicable. The gentleman asked another question, and that is, What Democratic doctrine justifies this expenditure? I desire, in answer to that question, to read him what I think is really good Democratic doctrine, and that is the last platform adopted at Baltimore by the Democratic Party.

Mr. HARDY. Mr. Chairman, would it interrupt the gentleman there if I asked him a question along the line of the survey?

Mr. HOUSTON. No.

Mr. HARDY. Was not the Alaska Northern Railroad surveyed with a great deal of minute detail for a long part of the way?

Mr. HOUSTON. That is my understanding.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. HUMPHREYS of Mississippi. Did not the Alaska Northern Railroad survey the right of way from the seacoast up to Fairbanks make a preliminary location of a road?

Mr. HOUSTON. That is, the Northern Alaska?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. HOUSTON. All the way to Fairbanks—it did.

Mr. HUMPHREYS of Mississippi. And they filed their maps of definite location for quite a distance—I have forgotten the number of miles—and then asked that the time be extended within which they could file their maps of definite location a little farther on. Congress did not pass that bill. The House did, but the Senate did not. So that they did not file their maps of definite location all the way through, but they made the preliminary examination, the preliminary survey, and did locate the route to that extent.

Mr. HARDWICK. It was only preliminary in that case.

Mr. HUMPHREYS of Mississippi. They never filed their maps of definite, final location.

Mr. HOUSTON. Mr. Chairman, I read now from the Democratic platform adopted at Baltimore, in answer to the question as to what Democratic doctrine will justify this expenditure, and I think this answers the question:

> We believe in the conservation and the development, for the use of all of the people, of the natural resources of the country. Our forests, our sources of water supply, our arable and our mineral lands, our navigable streams, and all the other material resources with which our country has been so lavishly endowed constitute the foundation of our national wealth. Such additional legislation as may be necessary to prevent their being wasted or absorbed by special or privileged interests should be enacted, and the policy of their conservation should be rigidly adhered to.

Mr. Chairman, I think that is authority and justification.

Mr. HARDWICK. Mr. Chairman, will the gentleman read the Alaskan provision?

Mr. HOUSTON. Mr. Chairman, I am going to read that now. It furthermore says:

> Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations, associations, or interests.

Mr. Chairman, I believe that both of those paragraphs constitute direct authority. You can not carry out the provisions of the paragraph I have just read and develop the valuable coal deposits of Alaska under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations in any better way than by the passage of this bill. Furthermore, that is the construction to be given to both of those paragraphs.

The Democratic President considered that platform, and in construing that pledge and what it pledged the Democratic Party to decided it as meaning the support of a bill for the construction of railroads in Alaska, and he believes that would be in accordance with that platform, and in his interpretation of that plank and carrying out of that pledge he advocates the construction of this road.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield further?

Mr. HOUSTON. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HARDWICK. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDWICK. Mr. Chairman, why could we not—and I ask this question sincerely for the purpose of information——

Mr. HOUSTON. Oh, I do not want to yield for anything except a question.

Mr. HARDWICK. If the gentleman will not bother me, we will get through a great deal quicker. Why could we not open up all of these minerals and everything else for actual settlers without building a railroad, and then, as the business of the country justified it, why would not that itself induce the construction of a railroad when there was enough of it to warrant it?

Mr. HOUSTON. Mr. Chairman, that is a question that we have discussed a good deal during the general debate. I spoke upon that subject for an hour and forty minutes myself, and if I did not make myself clear at that time I will not be able to do it now.

Mr. GARNER. Mr. Chairman, does the gentleman believe the Government ought to go into the coal-mining business in Alaska?

Mr. HOUSTON. No; unless it becomes necessary.

Mr. GARNER. How are you going to keep this out of the hands of monopoly any more by building the railroad than if you did not build a railroad?

Mr. HOUSTON. As has been stated already, a bill has been introduced in the Senate and in the House providing for the leasing of the coal lands in Alaska under such terms and provisions as will make it impossible for any corporation to monopolize that coal.

Mr. GARNER. If that bill were passed now and we did not build the railroad, would not that open up the coal mines?

Mr. HOUSTON. That will open up a few mines, and that is the theory upon which men stand who have opposed this bill. Talk about building a railroad by private interests! You can get some private corporation to build a road to some coal mine and exploit that one mine for its own benefit, but, then, what have you done for the development of the great Territory of Alaska? You may exploit private interests and let private interests go on and develop the mine, but that does not open up this great Territory for the purpose for which we advocate it, the building of homes for American citizens, for the rearing of families for the patriotic men and women of this great Republic of ours. We want Alaska developed along all lines.

I believe the conditions are such there as to support and justify that, but gentlemen oppose it here by making extravagant statements, calling it an absurd proposition. Why, the gentleman from Virginia just talked about absurd agricultural possibilities, and others have made quotations from some Government officials as to what conditions are up there, and those statements were made so as not to encourage the settlers to go there expecting too much, yet every one of those officials stated that agriculture can be successfully carried on there. They talk of agricultural exports from Alaska, and would have you infer that we claim that Alaska could raise products that would make exportation profitable. Our claim is that you can go there and make out of the soil of this great interior valley enough to support families; that a man can go there and clear up a home, and he can support himself and feed those who come in to work. It will sustain a large population. That has been proven. You do not have to take guesswork for that. We have the proof that farmers have gone in there and are at work now making a living. One farmer has 90 acres under cultivation. The figures are on record as to how much hay, potatoes, wheat, oats, rye, barley, and vegetables are raised. The contention is that the people can go there and make enough in that country to live upon. If one farmer can do this, a thousand can do so. That is what we contend. We have the statement of the agriculture

officials here—I called attention to it awhile ago—and I want to read further from it. This is what Mr. Walter H. Evans, chief of the division of insular stations and officer of experimental stations—he has supervision of this work, and he says:

In order to further establish the possibility of agriculture in Alaska a comparison has been made of the countries of Norway, Sweden, Finland, and the Russian Provinces of Archangel, Vologda, and Olonetz. All these countries lie between latitudes 58° and 70° north, and for the most part they are north of 60°, the approximate latitude of the northern reach of the Gulf of Alaska. In Europe within the above limits are embraced over 985,000 square miles, or about 599,450,000 acres. Alaska, with its 570,390 square miles, or 365,049,000 acres, extends from latitude 54° 30′ in southeastern Alaska to more than 71° at Point Barrow. A study of the topography, climate, native plants, etc., shows that the conditions are not very dissimilar in the two regions, whatever advantage there is in climate being probably slightly in favor of the European countries. In these countries of Europe more than 11,000,000 people are living, while the census of 1910 reports 64,356 as the population of Alaska. Recent statistics show in the three countries and three Provinces in Europe, which lie mostly north of 60°, that 8,373,000 acres of land were producing cereals of all kinds, the total yield being: Wheat, 6,683,840 bushels; rye, 36,509,640 bushels; barley, 26,246,545 bushels; oats, 109,036,780 bushels.

Now, this report was made in 1913. That is a statement of an official among the very last that has been made. Now, this report from this experimental station officer shows what can be done. Gentlemen are continually talking about its being a cold country and talking about frost there every month in the year, when the facts are that frost does not come as late on the average at Fairbanks as it does in the United States in many parts of the Northwest. The figures are all here. You can pick out exceptional instances everywhere, as, for instance, the thermometer fell below zero in Florida at one time. Some men who oppose this bill say we are talking about raising bananas in Alaska. There is no such thing as that being claimed. Nobody maintains anything of that kind.

Then there was a proposition referred to that you can not clear this land for less than $200 an acre. Now, I would like to invite the attention of thoughtful, reasonable men to that proposition. One statement has been made that it costs $125 an acre, another statement that it costs $200, and that the labor costs $7.50 a day and $10 a day. Now, think about that for a moment. The labor cost is $10 a day, and it costs $200 to clear an acre of land; that is simply 20 days' labor—20 days' work in the clearing. What better opening for a hardy pioneer than to go into that country, clear an acre in 20 days, and put it in condition—just such condition as this land at this experimental station.

That is the cost when they went into it in the spring of the year. It was heavily timbered, and they paid an enormous price to clean it up in the spring, to get it ready for work that season. How did they clear the land of the West and of the Mississippi Valley? Men went in there and deadened the timber, and they let the trees fall; and perhaps the next year they burned up as much as they could, and they rolled the logs, and in a few years the man had a farm cleared up with but little cost. They can clear this easier, perhaps, than they could there.

My friend talks about the tundra or moss up there as though that were an estoppal of the agricultural possibilities in Alaska. It is shown here in this statement that if you set fire to tundra at the right time of the year, in the dry season, and burn it off smooth, it leaves the ground absolutely ready for cultivation. Not only that, but the roots run into the ground deeply, and it leaves an ash there that fertilizes.

They warn people from going there by saying that they do not want to cultivate the North Pole. But here are statements that show that men can live there in comfort and in health.

Mr. SAUNDERS. Can I ask my friend a question?

Mr. HOUSTON. Yes, sir.

Mr. SAUNDERS. How many people are there in Europe who live in the latitudes that correspond to Alaska?

Mr. HOUSTON. Eleven millions.

Mr. SAUNDERS. What countries does that include?

Mr. HOUSTON. Norway, and Finland, and Sweden, I believe.

Mr. SAUNDERS. If you will look at the census with respect to the population of those countries——

Mr. HOUSTON. It adds to that Archangel, Vologda, and Olonetz.

Mr. SAUNDERS. Have you ever looked at the parallel of latitude that goes through southern Alaska and see what countries it strikes?

Mr. HOUSTON. I have looked into this somewhat.

Mr. SAUNDERS. I want to point out to you that all the populous portions of Sweden and Norway are above those parallels of latitude.

Mr. HOUSTON. These figures are all right, because they are taken from official authorities.

Mr. SAUNDERS. St. Petersburg is in the latitude of 60, and that is way above the populous portions of Norway and Sweden.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized.

Mr. HUMPHREY of Washington. Mr. Chairman, I hold in my hand a table of the temperatures in Alaska, and I want to read three or four of them. I find that the lowest temperature at Metlakatla is 5° below zero; at Juneau, 10° below; at Sitka, 4° below; and at Valdez, 2° below. A few moments ago, when my distinguished friend from Wisconsin [Mr. STAFFORD] was talking about the frozen North, I walked out into the lobby and looked at the weather map, and I find that it is 12° below in Wisconsin this very day. And in Wyoming it is colder than it is to-day in southeastern Alaska.

Mr. MONDELL. Are these railroads to be built in southeastern Alaska?

Mr. HUMPHREY of Washington. They all start in southeastern Alaska, but they do not end on deserts that are inhabited by rattlesnakes and tarantulas, coyotes, and jack rabbits, like they have in Wyoming. [Laughter.]

Mr. STAFFORD. I hope the gentleman from Washington does not claim that Wisconsin raises any cereals in midwinter. I would rather have him compare the temperature in Wisconsin——

Mr. WICKERSHAM. Why did not the gentleman from Wisconsin [Mr. STAFFORD] do that?

Mr. STAFFORD. Do what?

Mr. HUMPHREY of Washington. Mr. Chairman, I have the floor.

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. HUMPHREY of Washington. I refuse to yield. The gentleman from Wisconsin ought to be an expert on temperature. There is colder weather in Milwaukee than they have out at Nome, up on the Bering Sea.

Mr. STAFFORD. Not in summer.

Mr. HUMPHREY of Washington. He has asked as to whether they raised cereals up there in Wisconsin in the wintertime. I wish to say that they do not propose to raise them in Alaska in the wintertime, either.

Mr. STAFFORD. What is the average temperature during the growing period?

Mr. HUMPHREY of Washington. It is a little bit lower than it is in Wisconsin. If I may be permitted to proceed for a moment, I wish to say that these men who talk about that land ought to look at the weather map occasionally and see what the conditions are. It so happened that I visited Alaska at one time myself. Once, when I was over on Kodiak Island, I saw sheep there that had gone through the entire winter, and they had never been fed. I was there in the spring of the year.

Mr. STAFFORD. They were mountain sheep.

Mr. MONDELL. Does the gentleman have any doubt about sheep wintering on the ranges in Wyoming?

The CHAIRMAN. The gentleman refuses to yield.

Mr. HUMPHREY of Washington. I was talking the other day with a gentleman who had been up in Alaska, in the Tanana Valley, and he told me that in the fall two of his pack horses had gotten way from him and escaped, but that they found them the next spring, and they were in good condition. Now, you ask why there are no more people in Alaska engaged in agricultural and other pursuits, and I will tell you briefly some of the troubles. In the first place, as we know, the coal fields have been closed for several years, and they can not get the fuel they want. In the next place, the homestead law in Alaska makes it practically impossible for any man to take up a homestead. It requires him to do an amount of clearing that he can not do in that or any other country. In the next place, there is no way in which you can lease the pasture land of Alaska. For two years there has been a gentleman in Seattle urging me to find some way by which he could pasture sheep and cattle in that Territory.

I took it up with the distinguished gentleman from Alaska, Judge WICKERSHAM. We knew of no way that it could be done. He was ready for two years to go into the sheep and the cattle business if he could only find the way.

Now, take up the question in regard to other products. Take it in regard to forestry. I remember about four years ago a gentleman from Seattle came to me and told me that he had a million dollars of his own which he was ready to put into the wood-pulp business in Alaska. He really had it, and I went down to the Forest Service and tried to get some arrangement made so that he could go up there and manufacture that forest into pulp. I asked the Forester on what terms he would allow that gentleman to invest his money and manufacture wood pulp,

I told him he would buy it outright or lease it, or do it in any way the Government said. I said to the Forester, "What will you do?" He said, "I will give it consideration." We waited another year, and then I went back——

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. I asked the Forester again if there was not some way by which he would permit this forest to be manufactured into wood pulp. I told him that it was rapidly decaying. He said he would take it under advisement. He did take it under advisement, and then he said he would do what was right. But this man said he refused to invest his million dollars on any such statement as that. He could get nothing definite from the Forest Service.

A year ago I wrote to that same gentleman and asked him if he was still thinking of going into the wood-pulp business in Alaska. He wrote me that he had abandoned the project. He said they had waited so long that a large part of the timber had died and the country had been reforested by timber that was not fit to be manufactured into wood pulp. He refused to consider the proposition further.

Now, those are some of the conditions that you meet in Alaska. Of course people are not going to go up there if they can not take up farms, if they can not get pasture lands, if they can make no use of the coal fields or of the forests. Why would anyone go into Alaska under those conditions? And what would anyone go up there for except only to mine gold?

Now, you talk about the agricultural possibilities and about all that is going to happen in that line. It is all in the realm of prophecy. You do not know anything about what is going to happen in Alaska when the railroads are built there, so far as agriculture is concerned. When I went to Washington, 20 years ago, I rode over the Great Northern Railroad from Spokane to Seattle, and from Spokane down to Wenatchee, a distance of 150 miles, there was scarcely a dwelling to be seen along the line of that railroad. That land was selling for 50 cents an acre. They said it was a barren desert covered with sagebrush. They said that it could never be farmed. Yet to-day that is one of the greatest wheat-producing regions in the world, and tens of thousands of acres of that land which even the people who lived out there thought 15 years ago was worthless is to-day as valuable as any equal number of acres of land in Oklahoma. And so far as that is concerned, they now have garden patches in that country which will produce as much agricultural stuff as any county in Wyoming. [Laughter.]

What are we going to do in the way of agriculture in Alaska? We do not know; but those who have been there and studied this question know something about it. My distinguished friend from Wisconsin [Mr. STAFFORD] is usually very careful in his statements, and usually studies the questions he speaks on; but he made the statement awhile ago that there had been furnished no comparison between the agricultural possibilities of Alaska and Norway and Sweden. Why, it is written right in the report itself.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Wisconsin?

Mr. HUMPHREY of Washington. Yes.

Mr. STAFFORD. I will say to the gentleman that I have read that report, and it is based upon hypotheses and mere conjectures. Will the gentleman read the language?

Mr. HUMPHREY of Washington. I have read it, and I know what the report says. I can quote the language of it now, and the gentleman can see whether I am correct or not. It says that the conditions between the two countries, from an agricultural standpoint, are not dissimilar, and it says, if anything, there is a slight disadvantage in the agricultural conditions of Europe.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. MANN. I shall not object, but I would like to know if we can reach some agreement about this amendment.

Mr. HUMPHREY of Washington. Which amendment?

Mr. MANN. About striking out the leasing clause. There are other amendments that will be offered. We ought not to spend all our time on this single amendment.

Mr. HOUSTON. Mr. Chairman, does the gentleman from Washington want five minutes more?

Mr. HUMPHREY of Washington. Yes; I would like to have five minutes. After that I shall not talk any more to-day.

Mr. HOUSTON. I think we have given nearly enough time on this amendment already.

Mr. MANN. I myself would like to have five minutes on the amendment. The amendment itself has not been discussed very much. The gentleman from Ohio would like to have five minutes.

Mr. DAVENPORT. Mr. Chairman, I would like to have five minutes. I expect to address myself to the amendment.

Mr. HOUSTON. I ask unanimous consent, Mr. Chairman, that the debate on this amendment close in 20 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on the pending amendment close in 20 minutes. Is there objection?

Mr. PAYNE. Mr. Chairman, this question of agriculture is very interesting to me, but I shall break into it later. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the debate on this amendment close in 20 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I thought my distinguished friend from New York [Mr. PAYNE] had already broken in to-day. [Laughter.]

Mr. PAYNE. Of course no one who is against this project for the benefit of the great city of Seattle, of which I am very proud, has a right to say anything. [Laughter.] The gentleman is from that city. I wonder if the gentleman has spoken before to-day?

Mr. HUMPHREY of Washington. No; the gentleman has not.

Mr. PAYNE. I mean in the discussion of the bill before to-day. Has the gentleman broken in before? [Laughter.]

Mr. HUMPHREY of Washington. I have. Has not the gentleman from New York?

Mr. PAYNE. No.

Mr. HUMPHREY of Washington. I enjoyed the gentleman's speech to-day, only I hope this is not to come out of my time.

Mr. PAYNE. I hope the gentleman may have the whole five minutes.

Mr. HUMPHREY of Washington. As far as its benefiting the city of Seattle is concerned, I never noticed the gentleman from New York [Mr. PAYNE] opposing anything simply because it happened to benefit his community.

I want to say just a word in regard to the report which has been made upon this project. There has been considerable criticism here that we are acting without information. We have more information now in regard to the location of these railroads than we ever had when we voted a land grant to a railroad to be constructed. I happen to be a member of the Rivers and Harbors Committee, and we vote annually a good many millions of dollars upon reports; and the report that has been furnished in regard to this railroad is about as definite and about as certain and furnishes as much exact information as the majority of reports that we act on in the Rivers and Harbors Committee. I think that the criticism that we have no information and have not investigated this question, when compared with other questions upon which we vote money, is not well founded.

Just one more proposition. I want to go back to agriculture a moment, since my genial friend [Mr. PAYNE] has mentioned it, and that is in regard to the cost of clearing the land that has been mentioned here. I picked up a paper from Seattle to-day and I discovered that we have cleared an acre of land near Seattle and it has cost us $10,000; but that was cleared under what we call the lazy-husband law, under which they sentence a man to jail and try to make him work to help support his family. You might just as well say that that is a fair measure of what it costs to clear land in the State of Washington as to say that $200 is a fair measure of the cost of clearing land in Alaska where it is done by the Government under an eight-hour contract when the timber is green. My distinguished friend from Tennessee [Mr. HOUSTON] stated the fact about it. If you will run a harrow over that tundra in certain seasons of the year, you can burn it off, and the average cost of clearing in Alaska in the way a farmer would clear it would amount to not more than $20 an acre. [Applause.]

Mr. WILLIS. Mr. Chairman, I wish to discuss the amendment that has been offered by the gentleman from Oklahoma [Mr. DAVENPORT]. I am glad to find myself in accord with him

on at least one proposition in the consideration of this bill. I think his amendment ought to be adopted; but in view of some discussion that has taken place here, and in view of what I have heard gentlemen say in private conversation, I believe there is some misunderstanding as to the provisions of the pending bill and the purpose of the amendment introduced by the gentleman from Oklahoma [Mr. DAVENPORT].

I understood the gentleman from New York [Mr. OGLESBY] to say that he was opposed to the amendment because he wanted to leave the matter discretionary with the President. I want to invite the attention of the gentleman and of the committee to the fact that if you defeat this amendment you do not leave it discretionary with the President at all. In order that that may be perfectly clear——

Mr. OGLESBY. I should just like to say that a few moments ago the gentleman from Texas [Mr. BURGESS] asked the chairman, if there was any ambiguity on that subject, whether the committee would be willing to take the matter up and insert such language as to make it perfectly clear that it was intended to leave the matter discretionary with the President, and the chairman of the committee replied that they would. If the gentleman thinks it is not clear, I am sure the committee will be very glad to consider any suggestion as to amendment.

Mr. WILLIS. I certainly think that the language does not clearly convey the meaning that the gentleman from New York [Mr. OGLESBY] thinks it conveys. Let me read what it says here. It says:

The President of the United States is hereby empowered, authorized, and directed—

Now go over to the next page. He is authorized, empowered, and directed—

to lease the said railroad or railroads, including telegraph and telephone lines, after completion upon such terms as he may deem proper, but no lease shall be for a longer period than 20 years, or in the event of failure to lease, to operate the same until the further action of Congress—

And so forth.

In other words, this bill as it stands says that it is the duty of the President of the United States, after we build this railroad, to lease it, and that he shall have authority to operate the road only in the event of the failure to lease. Now, we want to have a perfectly clear understanding as to what we are doing here. If we adopt the amendment of the gentleman from Oklahoma—and I am in favor of that amendment—it does not give the President any discretionary power at all. If that amendment is adopted—and I think it ought to be adopted——

Mr. HOUSTON. Will the gentleman yield?

Mr. WILLIS. I yield to the chairman of the committee.

Mr. HOUSTON. Does not the gentleman think that the language which provides that he shall lease the road upon such terms as he deems proper gives him the absolute right to accept or decline to accept any lease that he thinks advantageous?

Mr. WILLIS. In response to that very pertinent and proper suggestion of the chairman of the committee, let me say this: I think if we pass this bill as it has come from the committee, we shall have given instructions to the President. We shall have said to him, "It is the opinion of Congress that this road that we have built ought to be leased, and it is your duty to lease it, and you shall not operate it unless you are unable to lease it." In other words, the bill as it stands takes the discretion away from the President and compels him to lease it. If we adopt the amendment proposed by the gentleman from Oklahoma [Mr. DAVENPORT], we take the discretion away from the President and compel him to operate the road. I think that is what ought to be done. There is no good reason why, after building this road and paying for it, the Government should be compelled to lease it to anybody; let the Government operate it as it does the Panama Railroad, for the benefit of the people of the United States. I am in favor of the amendment; but if gentlemen think it ought to be left discretionary, there ought to be still a different amendment proposed than any one that has been suggested. I hope the amendment will be adopted just as it has been presented by the gentleman from Oklahoma [Mr. DAVENPORT]. But I want to call attention——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I ask for one minute more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. WILLIS. In that minute I want to call attention simply to this peculiar situation: We have got to a place where the arguments of the gentlemen who are opposing this bill are knocking each other down. The gentleman from Wyoming [Mr. MONDELL] is opposed to this bill because he says he is confident that there are sufficient resources up in central Alaska to induce private capital to build railroads if you let them alone. The gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Oklahoma [Mr. FERRIS] are opposed to the bill because they say that is a frozen region inhabited only by polar bears, icebergs, and ptarmigan, and that there is nothing there which will furnish tonnage.

Mr. STAFFORD. Will the gentleman yield?

Mr. WILLIS. Yes.

Mr. STAFFORD. I am not opposed to the bill, but only to certain features of it.

Mr. WILLIS. The gentleman is opposed to the extension of the railroad to the Yukon. In other words, gentlemen are basing their arguments on exactly opposite and conflicting premises. I am in favor of this bill because I believe in the development of Alaska. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATSON. Mr. Chairman, the question propounded by the gentleman from Illinois, to which the chairman of the committee has made reply, and which question has also been asked by the gentleman who has just taken his seat, addresses itself to a very important provision in this bill. I wish to call the attention of the committee to the fact that the language sought to be amended by the gentleman from Oklahoma [Mr. DAVENPORT] is a very important part of this bill, and in the judgment of many members of the Committee on Territories embraces an important principle.

Mr. Chairman, some gentlemen are willing to support this proposition to build a railway in Alaska because they are honestly in favor of embarking the Government upon a great many activities which heretofore have been confined to individuals. Other gentlemen are willing that this railroad should be built, notwithstanding the Government is to build it, because they feel that a great public obligation is due to the people of Alaska and to the people of the United States in regard to this proposition.

I think I am right in saying that the chief objection to this bill has been waged by gentlemen who object to Government operation of railroads; and as one of those interested in the particular language employed in this provision of the bill, I will say that the language employed was for the express purpose of making a declaration of preference on the part of this Congress that the President of the United States, before he undertook to operate this railroad on Government account, should first try to lease it.

I would say to the gentleman from Illinois [Mr. MANN] that there is nothing in the language employed which makes it obligatory on the President to lease it in the absence of reasonable terms. The Congress tells him to lease it, provided it can be done under such terms as he may deem reasonable and just, not, as the gentleman would construe it, as if it authorized the President to operate the road only in the event of his inability to lease; but in the event of his failure to lease upon reasonable terms he shall operate it as a Government institution.

If the language had been that the President was authorized to lease the railroad upon such terms as he deemed reasonable and proper, and that in the event of his inability to lease, then it should be operated by the Government, there would be no question that what the gentlemen say is true, and their objection to this provision of the bill would be legitimate.

As I construe this proposition, it is an expression of preference on the part of Congress that this railroad when constructed should be committed to private hands for operation, provided the President is able to find an operating company which is willing to undertake it on terms which to him may seem reasonable and proper. But in the event he shall be unable to find private operators who are willing to take the conduct of this business upon terms he deems reasonable and just, then he shall operate it for the Government.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman have three minutes more.

Mr. DAVENPORT. And I ask that it shall not be taken out of the 30 minutes that was allowed for debate upon this amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Virginia may have three minutes more by unanimous consent, and that it shall not be taken out of the 30 minutes allowed for debate on the amendement. Is there objection?

There was no objection.

Mr. WATSON. Mr. Chairman, I dislike to be ungracious to the gentleman who has taken his seat and to whom I am somewhat indebted for the privilege of further addressing the committee on this amendment; but I deem it my duty to call the attention of the committee to the fact that this amendment comes from a gentleman who is opposed to this bill and who wishes to see it defeated on this floor. I must express some surprise when I find a gentleman, opposed to the Government operation of railroads in every particular, offering an amendment which makes it absolutely necessary for the President to operate this road whether he deems it wise to do so or not.

Turning to the committee report signed by the gentleman from Oklahoma [Mr. DAVENPORT] I find in section 6 of his report this language:

> We are opposed to launching the Federal Government into private enterprises at all too extensively, for the reason that we do not believe it properly belongs to the functions of a republican form of government, and we believe that constantly launching the Federal Government into private enterprises will finally undermine, overload, capsize, and ultimately destroy the real functions of a republican form of government if not the overthrow of the Government itself.

Mr. LEWIS of Maryland. What is the gentleman reading from?

Mr. WATSON. I am reading from the report of the minority of the Committee on the Territories, where the gentleman from Oklahoma [Mr. DAVENPORT] states that the exercise of this function by the Federal Government will ultimately destroy the Government; and yet he comes in here to-day with a proposition that the President of the United States shall be deprived of all discretion in the premises and compelled to operate this railroad on Government account.

I look upon this amendment as playing the part of the wooden horse that the Greeks carried into Troy; and I fear that this offer of the gentleman from Oklahoma is armed with weapons intended to destroy the bill, and I hope the committee will vote the amendment down. [Applause.]

Mr. MANN. Mr. Chairman, I shall offer two amendments to perfect the text of the bill which the gentleman from Oklahome [Mr. DAVENPORT] moved to strike out. One is to insert after the word "lease" the words "in his discretion," so as to leave it discretionary with the President. The other is to insert, after the word "railroads," line 23, the words "or any portion thereof," so that the road may be operated in some fashion before it is entirely completed. Under the terms of the bill if they built 50 miles of railroad and they had 60 to build they could not lease or operate the part that they had constructed, and I think no one desires that.

Mr. Chairman, after all, in dealing with these questions, one of the most important is to so provide as not to involve the Government in scandal. The most dangerous thing with which we have to deal in connection with enterprises of this character is the danger of graft or charges of graft. I do not believe that we ought to put any such burden upon any administrative officer or upon the President. When this road is constructed, if it is desirable to lease it, as very likely it may be, it ought to be leased when the proposition is submitted to Congress, and we ought not to put upon the President the responsibility of making a lease, if he makes one, so that some one will charge him with ulterior motives, or so that if he declines to make the lease some one will charge him with ulterior motives. Suppose he has the authority to lease the road that touches the Guggenheim road. He makes a lease to the person who can best afford to take the lease, and that is to the Guggenheim road owners, and if he be a Democratic President, which is rather unlikely, Republicans will charge him with attempting to back up the Guggenheims, and if he be a Republican President, the Democrats of the country will charge him with selling out Alaska to the Guggenheims. Why do we fear to take the responsibility when it arises in Congress of determining the terms upon which the lease can be made? There is time enough; the road is not built yet.

If they go ahead building the road there and can operate what is being built as it is constructed, when the road is completed far enough so that it reaches the coal fields and we have opened up the coal mines, under leases or otherwise, so there is business for the road, the President may make a recommendation to Congress as to the terms upon which a lease is desirable and we can act upon that in the open, and not put the President in the position where whatever he does he will be damned for it. [Applause.]

Mr. BRYAN. Mr. Chairman, I shall not take up even five minutes' time. Ever since this matter has been under consideration on every occasion I have asserted I was going to oppose this lease proposition. I do not believe it is right. I do not believe for a moment that we ought to construct the railroad and then direct the President to lease it. If upon compromise it is concluded that we may authorize the President to lease it in his discretion it would not be so bad, but to direct him to lease it if he receives a good offer, I think, is absolutely wrong, and would be destructive of the policy we wish to institute in Alaska in building the road.

Mr. MANN. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Amend, on page 11, line 22, after the word "lease," by inserting a comma and the words "in his discretion."

Mr. DAVENPORT. Mr. Chairman and gentlemen of the committee, you will pardon me for referring to some of the references to the Democratic platform. I only want to say this to gentlemen on both sides of the House, that I am not unmindful of the language in the Democratic platform which was adopted at Baltimore. When any national issue purely of Democratic principles is involved I want to say to you that you will find me every time standing by Democratic principles. I challenge any man on this floor or any man in the United States to show where I when a Democratic candidate was nominated on a Democratic platform where I was a legal voter I was not in favor of him and that I did not stand by him, and I have never bolted my ticket on any occasion, nor did I ever run on any independent ticket in any place where I was a legal voter. I dismiss the matter with that. I want to say to the gentleman further that when national issues are involved the President of the United States, my President, will have no more ardent supporter than I will be for him and his principles, but I concede to every man the right if he honestly disagrees on a local matter that is not in continental America to present his views upon it and he should not be condemned or damned for it.

I know the influence at work, and yet I will be found fighting in the ranks, and it will not cause me to deviate one way or the other or to accept an independent nomination or anything else.

I want to say one word in conclusion upon the amendment which I offer. My friend from Virginia [Mr. WATSON], one of the most genial men, and one of the most pleasant that I have had the pleasure to meet in this Congress, said that he was surprised at my offering the amendment. I am sorry that I surprised him, yet I offered the amendment for this purpose: If the Government of the United States is going into the construction of a railroad, then let the Government have a little bit of business experience and operate it until we can tell whether it is successful. I agree with the gentleman from Illinois [Mr. MANN] that if the Congress of the United States is not competent after a report of the operation of the road has been made to it, to say whether or not it shall be leased or operated by the Government of the United States, we better go out of business; and if the amendment that I offer prevails, it will require the Government to operate it until when? Until Congress otherwise directs; and if Congress has sense enough, and if the Members of this body have sense enough to pass a law authorizing the President to construct a railroad, is it not reasonable to believe that they are intelligent enough when the report is presented to them to act wisely and lease it if it is deemed best to do so?

The message says to administer the road. How are you going to administer it? What is the English interpretation of that? It means in the English interpretation to run it. I do not know how the gentlemen of this House feel. Since this discussion began, and since Mr. FERRIS and I along last fall, before the report was made, notified the committee that we were sorry we could not agree with them, I have never gone voluntarily to any man a Member of this House and asked him to vote against this measure. I have never gone to him and asked him to do one thing against it other than as his conscience dictates, according to the investigation that he has made. If any gentleman desires to campaign and try to get men to support the bill, be he an officer or a layman in the ranks, it is his privilege to do so, and I love him for it. I love any man who is honest and conscientious in what he advocates. Take sinister motives out of it, and I say to him, even though I can not agree with him, "My brother, there will be no ill feeling when it is through," and if this bill passes and becomes a law, as a citizen of the United States I shall do my best to make it a success; but I am going to urge, as long as I have the opportunity, that if we undertake to construct that road by Government aid, under Government supervision, that we undertake to operate it under the same supervision until we have succeeded or failed.

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I will ask to have that amendment go before the words "to lease."

Mr. DAVENPORT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVENPORT. I want to have the amendment of the gentleman from Illinois reported again in order that I may get the exact status.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. MANN. I ask to insert the language of the amendment before the words "to lease," so it would read "in his discretion to lease."

The CHAIRMAN. The Clerk will report the amendment as modified.

Mr. GRAHAM of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Illinois. My colleague, Mr. MANN, also suggested an amendment, in line 23, after the word "railroad."

Mr. MANN. I shall offer that later.

Mr. GRAHAM of Illinois. It is not pending now?

Mr. MANN. No.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 11, line 22, before the words "to lease," insert the words "in his discretion."

Mr. HOUSTON. I do not think there will be any objection to that amendment at all.

Mr. COOPER. Will the gentleman permit me? Could that be construed as leaving it optional with the President to lease or operate or to do nothing, in his discretion?

Mr. HOUSTON. This leaves it in his discretion to lease the road. It carries out the idea as we intended to have it in the committee.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 23, after the word "railroads," insert "or any portion thereof."

Mr. HOUSTON. That is all right.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, on page 10, line 6, I move to strike out "one thousand" and insert in lieu thereof "two hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 6, strike out "one thousand" and insert "two hundred."

Mr. FERRIS. Now, Mr. Chairman, I do that with the intention of later, when we reach section 3, to move to strike out "$35,000,000" and insert in lieu thereof "$10,000,000," which would be the amount required, at $48,000 per mile, to build up to the only two known coal fields, to wit, the Bering and the Matanuska coal fields. The record from one end to the other teems with testimony to show that the only two known coal fields in Alaska are the Bering and the Matanuska coal fields. The record also teems with the fact that the interior of Alaska has nothing of value other than a low-grade lignite coal, which can not stand the shipment from the interior, a distance of 300 and more miles, to the coast, and the additional shipment of from twelve to fifteen hundred miles by water down to the Puget Sound country in the States. The testimony of ex-Secretary Fisher also discloses the fact that any railroad which passes beyond those two known coal fields on into the interior of Alaska will go through a lone, lean, long period that can not be justified by any sort of reason on the part of this House, this Congress, or anyone else. I do not know how the House may feel. It is possible they may vote down this amendment. I know my views are not indorsed by perhaps a majority of this House, but what I ask the Members to keep close in mind is that if they are going to build the railroad at all they ought to build it somewhere to justify it from the standpoint of tonnage.

The elementary consideration in this, as in every other railroad scheme, is one of tonnage. The fact that somebody wants to build a railroad in order to promote some town-site scheme ought not to move this Congress to reach their hand into the Treasury and drag out $35,000,000. If we do anything, we ought to appropriate only enough to build to the Bering field and the Matanuska field.

Now, one word as to what it will cost. It will not be disputed by either friend or foe of this bill that within 25 miles from deep water on the coast they can reach the Bering coal fields. It will not be disputed, because the record discloses, and it is not disputed anywhere, that by the construction of 110 miles on the end of the 70-mile spur that now reaches up from the town of Seward to a place called Knik Junction, you can go clear up there to the Matanuska coal field. If these coal fields are of any value to the Navy, although the record teems with the fact, and a recent report says, that the Navy does not want the coal, that it is no good, but if it was they are no longer using coal in the Navy. But even if you are going to thrust aside these reports of your own Secretary of the Navy, these two lines, embodying 125 miles, at $48,000 per mile, will constitute all that need be appropriated for. If my friends in this House, on both sides of the Chamber, are right on the proposition that Government ownership is a good thing, this amendment ought to be in their interest.

If you launch out on this Government ownership proposition and carry this railroad up through a barren, treeless, and worthless country, that costs from $100 to $200 an acre to clear, then Government ownership, from necessity, from reason, and from common sense, as well as other reasons, will fall flat. The real friends of Government ownership ought to vote for this amendment, for if this amendment is adopted it will be the end of public ownership. I am personally opposed to Government ownership, but, if I was for it, this is not a feasible proposition, to go beyond Bering coal fields and beyond Matanuska. So, for those who are opposed to Government ownership nothing need be said; this ought to be enough to induce them to support the amendment. For those who are in favor of it, it is nonfeasible and should not be supported by them, if they hope to preserve the principle.

Mr. WILLIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Ohio?

Mr. FERRIS. I do.

Mr. WILLIS. Does the gentleman concur in the view of the gentleman from Wyoming [Mr. MONDELL] that private capital would extend these roads up to the Tanana Valley?

Mr. FERRIS. I do not think they would at the present time, nor do I think it now justifies it.

Mr. WILLIS. The gentleman differs, then, with the gentleman from Wyoming?

Mr. FERRIS. I do not think the gentleman said that.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. FERRIS] has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I hold no brief for the gentleman from Wyoming, but I think, at least, what he ought to have said was that private enterprise under a leasing law would develop Alaska as long as her resources would entitle her to be developed.

Mr. LENROOT. Is the gentleman aware that 200 miles would not reach either coal field under any possible calculation?

Mr. FERRIS. One hundred and twenty miles on the end of the spur will go clear to Matanuska, and 25 miles will go clear to the Bering field.

Mr. LENROOT. The gentleman contemplates, then, the combination of the Alaskan Syndicate with the Alaska Northern?

Mr. FERRIS. If they do not want to do it for the extension of 110 miles, some 20 miles farther will connect with deep water at a better point than Seward and about 70 miles of railway could be saved.

Mr. LENROOT. But 200 miles would not reach tidewater.

Mr. FERRIS. It will reach tidewater and you will have mileage to spare.

Mr. LENROOT. It will not.

Mr. FERRIS. It will.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I wish to take the floor particularly in order to ask the gentleman from Oklahoma [Mr. FERRIS] a question.

Mr. FERRIS. I am not going to set myself up as a bulletin board, but if I can answer you I will be happy to do so.

Mr. HUMPHREYS of Mississippi. The gentleman has studied this question and I am sure he has valuable information to give. The gentleman's statement was that Mr. Fisher was opposed to building the roads beyond the coal fields?

Mr. FERRIS. I did not say that.

Mr. HUMPHREYS of Mississippi. I understood the gentleman to say that Secretary Fisher said it would be impossible to build through that barren and treeless waste?

Mr. FERRIS. He did say it would not be profitable, but let me give the gentleman the circumstances under which he said it. I can turn to it in a moment. He was before the committee which was considering this bill at the Senate end of the Capitol, and they asked him to consider the matter from the viewpoint of their being a board of directors, and they asked him, assuming that they were sitting as a board of directors of a private corporation, what he would say to them that would induce them to go beyond the coal fields.

His reply was that you would have to go through a long lean period, and that he could not say anything to you except to advise you to build it from patriotic motives, expecting to lose on it for a considerable time. That is the substance of what he said.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, my recollection of Secretary Fisher's statement was that he was very much in favor of building railroads in Alaska; and when Congress passed a law extending the time in which the Alaska Northern Railroad might file its maps of definite location, Secretary Fisher induced the President to veto the bill, because he thought the Government ought to construct a road from a point on Cook Inlet up the Tanana Valley to Fairbanks, through this treeless waste.

Mr. Chairman, since I have been in Congress I have heard many speeches here in opposition to the admission of States into this Union for numerous reasons, and some of them in the cloakrooms, to the effect that the people of the Territories seeking admission to statehood were not capable of maintaining self-government. That argument was made in regard to Oklahoma, for instance. [Laughter.]

Mr. MANN. And it was true, too. [Laughter.]

Mr. HUMPHREYS of Mississippi. And in all the history of the past, in answer to pleas for the development of the vast areas west of the Mississippi River, we have been met with the argument that it was a barren and treeless waste, and a useless undertaking, and a waste of the public funds. Just as a matter of interest I want to refer to some of these speeches.

When, for instance, the question was up as to whether or not we should acquire the territory known as the Louisiana Purchase, one distinguished gentleman, a Representative from the State of Massachusetts, the Hon. Josiah Quincy, opposed it, and he used these words—and in view of the fact that the Speaker is not in the chair, I make bold to read them. I might not read them if the Speaker occupied the chair. He said, among other things:

> It was not for these men that our forefathers fought. It was not for them this Constitution was adopted. You have no authority to throw the rights and liberties and properties of this people into hotchpot with the wild men on the Missouri—

[Laughter.]

Mr. BRYAN. That is good sense. [Laughter.]

Mr. HUMPHREYS of Mississippi. And in view of the fact that my colleague, Mr. HARRISON, is now occupying the chair, I hesitate somewhat to read the balance of it, but I will take my chances:

> nor with the mixed though more respectable race of the Anglo-Hispano-Gallo-Americans who bask on the sands in the mouth of the Mississippi.

[Laughter.]

He said further:

> I oppose this bill from no animosity to the people of New Orleans, but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. * * * This bill, if it passes, is a deathblow to the Constitution.

[Laughter.]

> It may afterwards linger; but, lingering, its fate will at no very distant period be consummated.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Is the gentleman reading from an old speech in Congress or from a recent speech by the gentleman from Oklahoma [Mr. FERRIS]? [Laughter.]

Mr. FERRIS. Mr. Chairman, I suggest that the gentleman from Illinois is rather a new recruit in this class himself.

Mr. HUMPHREYS of Mississippi. A distinguished Senator from South Carolina, Senator McDuffie, referred to Oregon as "a vast and treeless waste, where agricultural development is impossible."

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman be given 10 minutes longer.

Mr. MANN. Mr. Chairman, I think we had better reach some agreement as to how long this debate shall run on this amendment.

Mr. HOUSTON. I ask unanimous consent, Mr. Chairman, that the debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the debate on the present amendment be closed in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] will proceed.

Mr. HUMPHREYS of Mississippi. Senator McDuffie, speaking of Oregon, said:

> Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole territory.

[Laughter.]

> Who are we to send there? Do you think your honest farmers in Pennsylvania, New York, or even Ohio or Missouri, will abandon their farms to go upon any such enterprise? God forbid.

[Laughter.]

> What will they return us for this enormous expense, after we have tempted them by this bill to leave their pursuits of honest industry, to go upon this wild and gambling venture, in which their blood is to be staked?

[Laughter.]

Then Senator Dickerson, of New Jersey, said:

> We have not adopted a system of colonization, and it is to be hoped we never shall. Oregon can never be one of the United States. If we extend our laws to it, we must consider it as a colony. * * * Is the Territory of Oregon ever to become a State, a member of the Union? Never! The Union is already too extensive.

[Laughter.]

Later on Daniel Webster said this, speaking of Texas in this instance, and of California and of New Mexico:

> I have never heard of anything, I can not conceive of anything, in itself more absurd and more affrontive to all sober judgment. Mexico and California are not worth one dollar.

[Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GRAHAM of Illinois rose.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized.

Mr. GRAHAM of Illinois. Mr. Chairman, I can not agree with the gentleman from Oklahoma [Mr. FERRIS], that the question of Government ownership or Government operation of railroads is in any way involved in the question now before us.

We are dealing with an exceptional case, and we must meet it with an exceptional remedy, and we would not meet the situation fairly if we stopped at the Matanuska coal field. The situation requires that we shall go on to the navigable streams and tap the Tanana Valley and the Yukon.

I happen to have at hand the words of Secretary Fisher when he returned from his trip to Alaska. It was not a haphazard statement. It is a written one. He said:

> What Alaska needs more than all else is a trunk line from the ocean to the great interior valleys of the Yukon and the Tanana, opening the country so that its future development may be really possible.

He went further, and advocated the building of the road by the Government. It is as clear and plain as anything can be that if it is to be built, the Government must build it, and that unless it is built, that great valley will not and can not be developed. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time has expired; and the question is on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was rejected.

Mr. FERRIS. Mr. Chairman, I move to strike out, on page 10, line 8, the following language:

> With the navigable waters in the interior of Alaska and—

So that there will not be words of limitation upon the President in the event he deems it unwise to go on.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 10, lines 8 and 9, strike out the words "with the navigable waters in the interior of Alaska and."

Mr. FERRIS. Mr. Chairman, much has been said about this bill with reference to giving the President an absolutely free hand. No one trusts the President more than I do. No bill was ever drawn or presented to this House that gave the President such wide latitude. The words undertaken to be stricken out are words of limitation and even words of compulsion that really force the President to do something which may or may not be feasible when he reaches it. All through the bill it is formulated on the theory that the President may quit at any

time. I call attention to the fact that if this language is left in the bill the President can not quit at any time. The President has no discretion in the matter, but must build clear up through into the Tanana Valley, irrespective of what the tonnage or other conditions may warrant at the time.

Mr. LENROOT rose.

Mr. HOUSTON. Does the gentleman from Wisconsin desire any time?

Mr. LENROOT. I should like about two minutes.

Mr. HOUSTON. I ask unanimous consent that all debate on this amendment close in three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this amendment close in three minutes. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS] is most ingenuous indeed in this amendment, but when he says that it will strike out a limitation imposed upon the President and give to him a free hand he certainly does not mean that.

Mr. FERRIS. I do.

Mr. LENROOT. For if the gentleman's amendment be adopted, the President of the United States will have no authority whatever to build a railroad to the interior of Alaska, but we will limit his authority to building railroads to the coal fields.

Mr. FERRIS. I do not agree with the gentleman about that at all.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was rejected.

Mr. FERRIS. Mr. Chairman, on page 10, line 17, I move to strike out the words "standard gauge."

Mr. MANN. Why does not the gentleman also move to strike out those words in line 5.

Mr. FERRIS. In line 5 also. My first amendment is on page 10, line 5, I move to strike out the words "standard gauge."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 5, strike out the words "standard gauge."

Mr. FERRIS. Mr. Chairman, this bill authorizes the President not only to build railroads anywhere and everywhere he desires to do so, but it also authorizes him to buy any fragment of railroad that he desires to buy. It also authorizes him to build any main-line railroad, any spurs, any sidetracks, or any other railroad that he may see fit to build under this $35,000,000. I submit that in many instances there may be cases where he could practice great economy by building a short spur or a short track up to a small coal field, and give additional advantages to a community if he could build a narrow-gauge railroad, which would cost only $18,000 or $20,000 a mile, instead of building a standard-gauge railroad at a cost of $48,000, or ever more, per mile.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. If the gentleman's amendment is adopted, it does not preclude the President from building a standard-gauge road.

Mr. FERRIS. Not at all. It simply means that he is not obliged to build them all of standard gauge.

This amendment should be adopted.

Mr. MANN. How long does the gentleman from Tennessee want to debate this amendment?

Mr. HOUSTON. Two minutes will be all I care for. How much time does the gentleman from Illinois want?

Mr. MANN. I can say all I know in two minutes.

Mr. HOUSTON. I ask that debate on this amendment be closed in five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I hope this amendment will prevail. The bill confers enormous powers upon the President of the United States, which he will exercise, of course, through competent men employed by him. We give to him the location of the railroad. We give to him complete jurisdiction of everything, except to say to him that he must build a road of a certain width. I can not imagine anything which seems to me more ridiculous than to say to engineers who start out to determine where a road shall be built, "You can have your way about everything except the width of a road in a country where there are practically no railroads to deal with."

Mr. HOUSTON. Will the gentleman yield for a question?

Mr. MANN. I have only two minutes.

Mr. HOUSTON. I give the gentleman one of my two minutes. I merely want an expression from the gentleman on this. Does the gentleman understand that if this amendment is adopted the gauge of the road will be left entirely to the discretion of the President to determine?

Mr. MANN. Absolutely; and I have no doubt that he would build a standard-gauge road, unless at some particular place it was practically impossible to build a standard gauge, in which case he might build a narrow gauge. I think the President and his engineers, who are to be given complete authority over everything else, ought to be trusted as to the gauge of the road.

Mr. OGLESBY. I should like to ask the gentleman a question.

Mr. MANN. Certainly.

Mr. OGLESBY. The gentleman has stated that he believes the President will build this road of standard gauge.

Mr. MANN. Yes.

Mr. OGLESBY. But that it might be necessary at some place to build a narrow-gauge road.

Mr. MANN. Yes.

Mr. OGLESBY. Does the gentleman realize that that would require a separate equipment, and that the equipment of a narrow-gauge road could not be used on a standard-gauge road?

Mr. MANN. The gentleman is not familiar with narrow-gauge roads, or he would know that there is no difficulty about that. Why, you propose to build this road with Panama Railroad equipment, and that is not standard-gauge equipment at all.

Mr. OGLESBY. I do not think there is any serious disposition to build this with Panama equipment.

Mr. MANN. What have you got it in the bill for?

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. FERRIS. Mr. Chairman, I assume that it is not necessary to offer the same amendment below, but I will offer the following amendment.

The Clerk read as follows:

Page 13, line 18, after the period——

Mr. MANN. Mr. Chairman, we have not read the full section yet.

The CHAIRMAN. Only the first paragraph. The Chair will state to the gentleman from Oklahoma that it is agreed that the bill shall be taken up by paragraphs instead of sections.

Mr. FERRIS. That is perfectly agreeable to me. I thought the first section had been read. I ask to withhold the amendment.

Mr. HELGESEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 2, strike out the word "lease."

Mr. HELGESEN. Mr. Chairman, I hope I shall be able to vote for this bill. I believe that the Government ought to build this railroad, but I have never believed that there was any excuse for building a railroad in Alaska unless the Government operated its own road. Therefore I hoped the amendment of the gentleman from Oklahoma would prevail, but the committee has seen fit to vote otherwise, and so there is no use of further discussing that feature. I think the amendment striking out the word "lease" is an important amendment. The bill says:

To lease, purchase, condemn, or otherwise acquire any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him in the first instance, upon such terms as he may deem proper.

Now, as soon as the President goes to Alaska to build a railroad, the Alaskan Syndicate finding it is going to be built will say, "We do not want to compete with the Government in the railroad business. We have harbors, docks, and wharves and a line of railroad, and we are going to turn them over to you, as the bill says, upon such terms as you may deem proper." That seems perfectly fair. The President makes the lease on his own terms. The syndicate accepts the terms for 20 years. And then the President may lease it or not, as the case may be. It will be operated for 20 years. Then what happens? If there are such resources in Alaska as has been stated, after 20 years there is going to be developed an immense business, and at the end of 20 years the syndicate will still own the harbor, the docks, and the wharves, and their roads, and they will have an immense business there developed by the Government.

Mr. HOUSTON. Will the gentleman yield?

Mr. HELGESEN. Certainly.

Mr. HOUSTON. The gentleman understands that this applies to some other road. For instance, the road built by the President might arrive at some point where it might be profitable to join in with some other line of road.

Mr. HELGESEN. I understand that, but it also embodies the lines owned by the Alaskan syndicate.

Mr. HOUSTON. It authorizes the President to lease any road that he thinks profitable.

Mr. HELGESEN. At the end of 20 years the syndicate is in control of the terminals, the docks, the wharves, and the harbor, which would be of immense value, and whether at that time, if it be taken by condemnation proceedings or otherwise, you would have to pay its value then. It would be a business of immense value, and after the Government had built up that immense business the syndicate would take charge of it or else the Government would have to pay enormous prices. Now, if you would strike out the word "lease," they would buy existing lines, if they buy them at all, at their present value. As the existing lines are practically bankrupt, they can no doubt be purchased now for not to exceed the physical value of the property involved, but if the purchase is delayed for 20 years, we would at least have to pay a price based on the value of the property after being developed by the Government at Government expense. It looks to me absolutely ridiculous after the Government has built up this business that we should place ourselves in a position where we will have to pay for the values we have put into the property at our own expense. If we are going to take it, now is the time to do it.

Mr. HOUSTON. Will the gentleman yield?

Mr. HELGESEN. Certainly.

Mr. HOUSTON. I have no objection to the word "lease" alone going out.

Mr. MANN. Mr. Chairman, I move to amend the bill by striking out all after the word "Congress," page 12, line 2, down to and including the word "proper," in line 7, page 12. I would like to have the language reported.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 2, strike out all after the word "Congress," down to and including the word "proper," in line 7, which is the following language: "to lease, purchase, condemn, or otherwise acquire any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him in the first instance, upon such terms as he may deem proper."

Mr. MANN. Now, Mr. Chairman, if we did not have the power to compel through rates and through routes on railroads it would be necessary to have this provision in the bill. All the terms of this bill are expressly under the jurisdiction of the Interstate Commerce Commission. That commission has the power to require any two railroads in Alaska which meet to carry on through business upon terms to be named by the Interstate Commerce Commission. Why should we buy a railroad to make the end of a line; why should we buy more of a railroad after we build one? We can require the other road, upon terms fixed by the Interstate Commerce Commission, to carry on business with the road that we build; or, if we lease it, with the lessee of the road. Why should we put more money into a road than necessary when nothing good can come out of it? We all know that this road for years will be operated at a loss. Why should we put money into the purchase of a road to operate when we know it will be of no benefit?

Mr. OGLESBY. Will the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. OGLESBY. I want to ask the gentleman, assuming that the other road which you might connect with was not being operated, the Interstate Commerce Commission would have no power to compel it to.

Mr. MANN. If they are not operating the road, and refuse to operate it under the direction of the Interstate Commerce Commission, we can take it away from them. The gentleman might as well assume to me that the moon is made of green cheese, and, therefore, this amendment should not prevail.

Mr. OGLESBY. Does not the gentleman know that already there are one or two roads that are in the line contemplated that are not being operated?

Mr. MANN. I know this, that if there is any business there to run on our roads or their roads, both roads will be operated, or they will lose their rights. We can require them to operate, if we furnish any business to them, under the interstate-commerce law.

Mr. OGLESBY. Could we take their property away from them?

Mr. MANN. We can take their property away from them; certainly.

Mr. OGLESBY. Without authority in this bill?

Mr. MANN. Without authority in this bill.

Mr. OGLESBY. I do not agree with the gentleman.

Mr. MANN. We have power over all those railroads in Alaska. If anybody seeks to build a railroad there and not run it, then he loses his rights.

Mr. COOPER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Illinois [Mr. MANN], but am strongly in favor of the amendment proposed by the gentleman from North Dakota [Mr. HELGESEN]. In my judgment, the word "lease" should be stricken out and the rest of the sentence left unchanged.

Mr. HOUSTON. Is the gentleman directing a question to me?

Mr. COOPER. No; I have taken the floor in my own right. I say that I am opposed to the amendment offered by the gentleman from Illinois, but strongly in favor of the amendment of the gentleman from North Dakota [Mr. HELGESEN].

Mr. OGLESBY. The chairman of the committee intended to say to the gentleman that the committee had no objection to striking out the word "lease."

Mr. MANN. The Guggenheims would rather have you buy it than lease it.

Mr. COOPER. I think that the gentleman from Illinois is entirely mistaken in his suggestion. If the word "lease" be stricken out, the President will be authorized to "purchase, condemn, or otherwise acquire" any other line or lines of railroad in Alaska "which may be necessary to complete the construction of the line or lines of railroad designated by him in the first instance." It is my opinion that the reasons urged by the gentleman from North Dakota in support of his amendment are unanswerable.

Mr. HOUSTON. Mr. Chairman, I think the amendment of the gentleman from Illinois [Mr. MANN] ought not to be adopted. I think it better to leave this discretion with the President to purchase, condemn, or otherwise acquire any other line or lines of railroads to make this connection. I can see no reason why, if they should come up to a given point and connect with another road, they should not have the right, if it was thought advisable or if he deemed it proper to purchase that road to make it one connecting line rather than to have part of a line owned by the Government and part owned by a private corporation. If an advantageous deal could be made, it would be better for the Government to own it all.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. STAFFORD. A few moments ago we adopted the amendment offered by the gentleman from Illinois [Mr. MANN] to put the power in the prior clause in the discretion of the President by inserting the words "in his discretion." As I follow the argument of the gentleman he believes that this power should also be in his discretion. Should we not have the words "in his discretion" precede the word "to" in line 2, because in fact this paragraph dates back to the beginning, which directs the President to lease, purchase, condemn, or otherwise acquire. I think the same argument applies and that the words "in his discretion" should precede this clause as in the prior one.

Mr. HOUSTON. I would have no objection to that amendment, though I do not think it is necessary.

Mr. STAFFORD. If it were necessary in the prior clause, it is necessary here.

Mr. HOUSTON. The end of this sentence is "under such terms as he deems proper."

Mr. STAFFORD. But there is positive direction here as the phraseology now stands for him to lease, purchase, condemn, or otherwise acquire. When this question was being debated in general debate, it was stated by gentlemen connected with the committee that the President was not directed in this bill to purchase these lines. I think it should be left to his discretion to purchase these existing lines.

Mr. HOUSTON. I have no objection to that.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. HOUSTON. I yield to the gentleman from Virginia.

Mr. WATSON. Mr. Chairman, I want to say to the gentleman from Wisconsin that if he will inspect that clause carefully, he will see that it was simply intended to authorize the President to purchase, condemn, or otherwise acquire such railroad or railroads as might be found necessary to complete a connecting line. The necessity of purchase, of course, is in the discretion of the President.

Mr. STAFFORD. But previous language directs him to lease, purchase, or condemn. There is a positive direction on the part of Congress. It is the intention of Congress to leave it discretionary with the President whether he should purchase these

existing lines or not. To insert the words "in his discretion" will meet that difficulty.

Mr. WATSON. The necessity of the purchase is bound to be within the discretion of the President.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SCOTT rose.

Mr. STAFFORD. Mr. Chairman, I desire to offer that amendment.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. LENROOT. Mr. Chairman, I wish to speak to the amendment offered by the gentleman from Illinois.

Mr. HOUSTON. Mr. Chairman, is not the amendment offered by the gentleman from North Dakota now pending?

The CHAIRMAN. That is true. The gentleman from Iowa [Mr. SCOTT] rose and obtained recognition.

Mr. HOUSTON. Mr. Chairman, will the gentleman pardon me until I can make a request for unanimous consent that debate on this amendment close in 10 minutes?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, it seems to me that the amendment offered by the gentleman from North Dakota should prevail, and the amendment offered by the gentleman from Illinois [Mr. MANN] should not prevail; that they each essentially involve one proposition, one the converse of the other. The amendment of the gentleman from North Dakota, if it prevails, will take from the President the discretion and power to lease from the owners the existing roads, and the adoption of the amendment of the gentleman from Illinois will not only relieve the President of that power but takes away the power of the President to acquire any of the existing roads.

I have prepared an amendment which I expect to offer later which contains a clause identical with the amendment of the gentleman from Illinois, but it was in connection with another provision, which is in the nature of a substitute and identical with an amendment that was adopted in the Senate and is known as the Bristow amendment, making it mandatory upon the part of the President if any line located and designated by him, taken together with an existing line, shall constitute a continuous through line from tidewater to the inland waters before beginning construction to acquire the existing line. In other words, it goes directly to the argument which I made upon the floor of the House three weeks ago, namely, that if the Government goes into the railroad business in Alaska it should acquire a continuous line from tidewater to the interior and not a portion of a line commencing at Chitina or at some other point, leaving the present trunk lines, harbors, terminals, and so forth, in the possession of the Alaska Syndicate. The amendment of the gentleman from Illinois takes even the poor privilege that now exists in the bill on the part of the President away from him. The President under the existing conditions of the bill may, in his discretion, acquire an existing line if he decides to extend his line from a point at an inland terminal to one or the other of these lines, but he would not have that discretion if the Mann amendment should carry. Now, the amendment offered by the gentleman from North Dakota merely operates to this extent: It takes away from the President the discretion and power to lease the Guggenheim roads for the Government, or the same with respect to the Alaska & Northern if that route should be adopted. Now, I am fully in accord with the gentleman from North Dakota, and I believe that if the Government is to own the railroads in Alaska we should not own a road beginning nowhere and ending nowhere, but we should own a road down to the harbor; that we should control the harbor and terminals as well. That question was argued out in the Senate after a full discussion, and the Bristow amendment was adopted——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. May I ask for one minute additional?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to continue for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Which is in the following language:

If any railroad now in existence shall, with any line which may be designated and located hereunder, constitute a continuous main line of railroad from the interior to tidewater, such existing railroad, with its appurtenances, shall be acquired by purchase or condemnation as hereinafter provided before construction is entered upon, or the line to be constructed hereunder shall be so relocated as that construction shall begin at tidewater and be carried forward so that, in any case, the United States will at all times be the owner of a continuous line or lines from tidewater.

That ought to be the case. [Applause.]

Mr. LENROOT. Mr. Chairman, I am entirely in sympathy with the views just expressed by the gentleman from Iowa, and I have myself prepared such an amendment as he expects later on to offer. I am opposed to the amendment proposed by the gentleman from Illinois, and I am very much surprised at the position that he has taken which, if I understand it, is that a railroad because of the power of the Interstate Commerce Commission to enforce through rates or joint rates is in as good a position if it did not own the terminals as if it did. Why, Mr. Chairman, there is not a railroad management in the United States that would think for a moment that it was in as good a position not owning the terminals as if it did.

We know there are a great many ways in which a railroad may discriminate, notwithstanding the power of the Interstate Commerce Commission, if it owns wharves and owns the terminal facilities. And for that reason it seems so clear to me that this amendment should not be adopted that I do not think there can be any question concerning the attitude of the committee.

The CHAIRMAN. The question is, first, on the adoption of the amendment offered by the gentleman from North Dakota [Mr. HELGESEN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] offers an amendment, which the Clerk will report.

Mr. TOWNER. I desire to ask the attention of the committee to this amendment.

The Clerk read as follows:

Amend by striking out, on page 10, line 3, all after the semicolon following the word "him" in said line, down to and including the word "locate," in line 20, on said page, and to insert in lieu thereof the following:

"To locate and designate a route for a main line of railroad in the Territory of Alaska, from Resurrection Bay on the southern coast, or from Portage Bay (sometimes designated as Passage Canal), opening into Prince Williams Sound, or using both such points for its southern termini, thence running in a northerly direction into and through the valley of the Susitna, thence into and through the valley of the Chulitna, thence through Broad Pass, thence following generally the course of the Nenana River into the valley of the Tanana to the city of Fairbanks as the northern terminus of said line; also to locate and designate a route for a branch line of said railroad from the main line thereof to the Matanuska coal fields; also, if necessary, to locate and designate a route for a branch line of said railroad from the main line thereof to the Nenana coal fields; also to construct and build a standard-gauge railroad, with the necessary branch lines, feeders, sidings, switches, and spurs, along such route as he may so designate and locate, said main line and the branches thereof to provide transportation for coal for the use of the Army and Navy of the United States, for the Postal Service, and for other governmental uses, and for other National, State, Territorial, or other public uses, and for the use of the people for general transportation purposes."

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 10 minutes.

Mr. TOWNER. I want to use that time myself.

Mr. HOUSTON. Well, I will make it 15 minutes.

Mr. MANN. And let the gentleman from Iowa [Mr. TOWNER] have 10 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that debate on this amendment be closed in 15 minutes, 10 minutes of the time to be used by the gentleman from Iowa [Mr. TOWNER].

Mr. DAVENPORT. Mr. Chairman, reserving the right to object, I would like to inquire of the chairman how late he expects to run this afternoon?

Mr. MANN. I hope the chairman will run until we get through with this paragraph.

Mr. DAVENPORT. I think that will be impossible. We have other amendments, and one which I propose to offer will provoke 40 minutes if not an hour's discussion.

Reserving the right to object, I would like to suggest to the chairman that when the debate is finished on this amendment the committee rise.

Mr. HOUSTON. I do not think I could agree to that now, but after this amendment is disposed of I will confer with the gentleman and see if we can reach an arrangement about that.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee that debate on this amendment be closed in 15 minutes?

There was no objection.

Mr. TOWNER. Mr. Chairman, I desire to speak as a friend of the bill. I desire to see some legislation pass this House in reference to this matter. The object of this amendment, as I believe, will materially assist not only in the passage of the bill here, but in the other Chamber. I desire to call the atten-

tion of the members of the committee especially to this fact, that after a long debate in the Senate and after a careful examination of this question the Senate determined that they would not allow these contemplated fractions of a road to be built. They determined that they would at least require that if any railroads were built in Alaska they should constitute an entire system from tidewater to the interior. And yet this bill as it now stands, as reported from the committee, is practically the same proposition and is substantially the report of the Alaskan commission. It contemplates the building of 733 miles of railroads at a total cost of $35,611,000. One of these lines consists of a line from Chitina to Fairbanks of 313 miles. The other is a branch, leaving the main line of what has been called here the "Guggenheim line," 38 miles north of Cordova and reaching to the Bering coal fields. It will be seen by the gentlemen of the committee that this consists of two parts of lines, neither of which can be completed without some arrangement being made with what is known as the Guggenheim line. The northern end is 132 miles north of Cordova, on the seacoast, at the little mountain village of Chitina, and thence extends on to Fairbanks.

The other line leaves the Guggenheim line 38 miles north of Cordova and extends to the Bering coal fields. So it is impossible to build these two fractions of line and make them effective unless we either lease or purchase or condemn or enter into partnership with the Guggenheim line, and the same is true with regard to the other proposition. It consists of three sections. The first extends from Kern Creek to the Susitna Valley, a distance of 115 miles. The second consists of a 38-mile extension to the Matanuska coal fields, and the other consists of a line from the Susitna Valley to the Kuskokwim, a distance of 229 miles, at a cost of $12,760,500.

There are three separate lines, none of which can be made effective or useful to the people because all of those lines end 72 miles from the seacoast. The proposition is that in some way, after those lines are built, we shall secure the right to use the 72 miles of road that are now built by the Alaskan Northern Railroad. We must either lease that line or purchase it or make some kind of an arrangement or enter into some kind of a partnership with the Alaskan Northern Railroad in order to make this effective.

I submit to the gentlemen of the committee that that is not contemplated by the bill. None of those lines reach from the seacoast to the interior without the use of other lines, and there is no provision made here, so far as the cost is concerned, to acquire them. To acquire the one line that is now owned by the Guggenheims, with their terminal facilities, from Cordova up to Tanana, will cost about $20,000,000, according to their estimates. To acquire the other line will cost between $6,000,000 and $7,000,000 if it is purchased, according to their estimates. So that we are left with all of these propositions high and dry—hung up, as it were—and something must be done in order to make them effective. That condition was seen by the Senate, and they made this amendment which has been read to you by my colleague from Iowa [Mr. SCOTT], and they put into the bill a provision to the effect that no line should be built unless it was a complete line. I embodied that proposition in this amendment, that we shall build one complete line and only one.

The best one that can possibly be built will have for its southern terminus either Resurrection Bay or this newly discovered bay, Portage Bay, which opens into Prince William Sound. Either one of them offers a good opportunity for a southern terminus.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNER. Yes.

Mr. HAMILTON of Michigan. What survey is the gentleman following?

Mr. TOWNER. The Government surveys, all of them; and this last survey that I have is made by the Geological Department as of this year. The report upon it is of date January 14 of this year, as I remember it.

If this amendment is adopted we will provide a line that will carry out every proposition that gentlemen have advocated on the floor of this House—a line that will reach the best harbors on the coast; a line that will reach the Matanuska coal fields; a line that will go through the Nenana coal fields; a line that will open up the best land in Alaska, the Susitna Valley and the Tanana Valley, and the waters of the Yukon and the Tanana. All of those objects can be accomplished by the building of this one line, and the cost will be only $20,000,000 instead of $35,000,000 or $40,000,000.

Why should we build these various branches of roads unless we expect to enter upon the building of a large general system? Certainly that is not the desire of Members of this House. They desire, they all say, to do the things that this bill provides, and only those things, and you can accomplish them by building this one proposition that every one favors.

Gentlemen will say, of course, "We leave that to the discretion of the President." But ought we to leave this to the discretion of the President? He will think, if this bill as it is is passed, based upon the recommendation of the Alaska Commission, that what the House really desired was to do this thing; and if we know now what we want, why do not we do what we ought to do? Why not act here and now, without leaving it to the discretion of the President? We did not leave to the discretion of the President the selection of a route for the Panama Canal. We determined it here in the House. When we make other appropriations we do not leave it to be determined at the discretion of the President what we shall do, except in a most general way. Here we are called upon to vote an enormous amount of money, and it will be for you gentlemen who really favor this bill, as I do, if it can be limited, to determine whether it shall be subject to criticism or not.

As was well said by the gentleman from Illinois [Mr. MANN] in his remarks a short time ago, if you do not want to involve the President in action which may subject him to criticism, if you say now that you will build these parts of roads which can not be used and operated unless you make some kind of terms and conditions with the Guggenheims and the Alaskan Syndicate, you do that which will cast upon the President the duty of doing the thing that will almost certainly bring reproach upon him.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The gentleman from Virginia [Mr. WATSON] is recognized for five minutes.

Mr. WATSON. Mr. Chairman, many of the members of this committee have perhaps reached the conclusion that in the consummation of the plans provided for in the bill there will be a single line of railway constructed from the seaboard to navigable waters of the interior of Alaska. But I have not yet had the good fortune to be associated with any Member of this body who has been able to settle satisfactorily for himself the exact route upon which that line should be projected or the termini of that route.

The situation in Alaska is largely one of engineering, and I take it that scarcely any Member of this body has sufficient information respecting the topography and the geography of the country to guide him safely to a conclusion upon this very important question.

Mr. TOWNER. Mr. Chairman, will the gentleman allow an interruption?

Mr. WATSON. Yes.

Mr. TOWNER. If we can not do it with all of these reports before us and the testimony taken by these two committees, can we expect the President to do it?

Mr. WATSON. Mr. Chairman, in reply to the gentleman's question, I would say that it would surprise me very much if in the execution of this authority the President should undertake to construct a railway into the interior of Alaska without a very much more elaborate and extensive report upon the subject than any available record in this case furnishes. I take it that the first step he would take in this matter would be to select men with scientific experience to make a thorough investigation of the situation, and to locate a route which would be not only practicable from an engineering standpoint, but which in his judgment also would fairly develop the resources of the country in such a way as would be of most benefit to the population of the Territory present and future.

If I understand the amendment of the gentleman, it is to fix one terminus of this railway, and from that fixed point proceed into the interior. I humbly submit, gentlemen, that we ought not to undertake to limit the discretion of the President in this manner. We have no sufficient information at present by which to determine what port on the seaboard ought to be the starting point on the south; and I would have great hesitancy in selecting Portage Bay or Resurrection Bay as the only terminus on the southern seaboard.

In addition to that I have not discovered that the action of the other branch of Congress indicates that it has taken the view of this matter which the gentleman has expressed. The Senate bill, as I read it, provides for "the construction of such main line or lines of railroad from a point or points on the seaboard to the navigable waters of the interior as shall," and so forth.

There has been no adjudication by the Senate of this proposition advanced by the gentleman. The bill as passed by that body, like the one under consideration, provides for the construction of one or more than one road, as the exigencies of the case may require.

Mr. TOWNER. If the gentleman will pardon me, I will make the suggestion that it can not be done if they build two lines.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. DAVENPORT. Mr. Chairman, I was hoping that when we got through with this amendment the chairman would move that the committee rise. We began the consideration of this bill at 10 minutes after 12, and it is now 20 minutes before 6. I myself feel like quitting before we finish this paragraph, because we can not finish it unless we run beyond 6 o'clock.

Mr. LENROOT and Mr. SCOTT rose.

Mr. HOUSTON. I think we might run 20 minutes longer—until 6 o'clock.

Mr. STAFFORD. There is not a very large membership present here at this time.

Mr. BUCHANAN of Illinois. Mr. Chairman, I think we ought to try to push this bill to a conclusion. It has occupied the time of the House during four or five Calendar Wednesdays now, and there is other legislation on the calendar.

Mr. STAFFORD. I think we can undoubtedly finish it next Wednesday.

Mr. DAVENPORT. If gentlemen desire to stay here until a quorum appears, all right. I make the point that there is no quorum present.

Mr. HOUSTON. I hope the gentleman will not make that point.

Mr. DAVENPORT. If the chairman of the committee desires to move that the committee rise, I withdraw the point.

Mr. LENROOT. Mr. Chairman, I have an amendment, but I yield to the gentleman from Iowa [Mr. SCOTT], who wishes to offer a similar amendment.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to print in the RECORD at this point in the proceedings a bill introduced in the Thirty-first Congress by one of the greatest Democrats and greatest statesmen who ever lived in this country, Thomas Hart Benton, a bill providing for the building and equipping of a railroad from St. Louis to San Francisco, to be owned by the Government.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting the bill which he has indicated. Is there objection?

Mr. FERRIS. Reserving the right to object, what action was ever taken on that bill?

Mr. BOOHER. I will tell the gentleman, when we get around to talk about it.

Mr. FERRIS. Was the bill ever acted upon.

Mr. BOOHER. No, sir; it never was acted on. It was debated.

The CHAIRMAN. Is there objection?

Mr. FINLEY. I object.

Mr. HOUSTON. Mr. Chairman, it seems that we have gone as far as we can this evening, and if the gentleman from Iowa [Mr. SCOTT] will yield to me, I will make a motion that the committee rise.

Mr. SCOTT. I should like to offer my amendment and have it pending.

Mr. BRYAN. I ask that it be considered pending without being reported.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the amendment be considered as pending, but not reported.

Mr. HOUSTON. I think the amendment had better be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. SCOTT].

The Clerk read as follows:

Page 12, after line 15, insert:

"*Provided*, That if any railroad now in existence shall, with any line which may be designated and located hereunder, constitute a continuous main line of railroad from the interior to tidewater, such existing railroad, with its appurtenances, shall be acquired by purchase or condemnation as hereinafter provided, before construction is entered upon or the line to be constructed hereunder shall be so relocated, as that construction shall begin at tidewater and be carried forward so that in any case the United States will at all times be the owner of a continuous line or lines from tidewater."

Mr. TAVENNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. On what topic?

Mr. TAVENNER. On the pending Alaska railroad bill.

Mr. STAFFORD. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. GRAHAM of Illinois having taken the chair as Speaker pro tempore, Mr. HARRISON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. J. I. NOLAN, for 10 days, on account of important business.

To Mr. BURKE of Wisconsin, for 4 days, on account of sickness.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 797. An act to establish auxiliary fish-cultural stations in the State of Minnesota; to the Committee on the Merchant Marine and Fisheries.

S. 2674. An act to define certain crimes and to provide punishment therefor; to the Committee on the Judiciary.

S. 2830. An act making appropriation for the correction of the acoustics of the United States Naval Academy chapel and auditorium; to the Committee on Naval Affairs.

S. 3210. An act to establish a fish-cultural station at some point in the State of Louisiana; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 8667. An act to promote the efficiency of the Naval Militia, and for other purposes.

ADJOURNMENT.

Mr. HOUSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Thursday, February 12, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting a supplemental estimate of appropriation to continue the work of collecting or copying and classifying the naval records of the Revolutionary War (H. Doc. No. 730) was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution (H. J. Res. 204) authorizing the Secretary of Agriculture to make exhibits at forest products expositions to be held in Chicago, Ill., April 30 to May 9, inclusive, and in New York May 21 to May 30, inclusive, 1914, reported the same without amendment, accompanied by a report (No. 248), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (S. 3439) appropriating funds for the pur-

pose of the investigation, treatment, and eradication of hog cholera, reported the same with amendment, accompanied by a report (No. 246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries, reported the same with amendment, accompanied by a report (No. 247), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 963) for the relief of Mrs. Andrew Riganopolous, reported the same without amendment, accompanied by a report (No. 245), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1180) granting an increase of pension to Ida M. Fiala; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12616) granting an increase of pension to Andrew Pletz; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10772) granting an increase of pension to Susan Stewart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13220) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW. through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13221) to authorize the opening, widening, and extension of highways within and adjacent to the subdivision of the Barry farm, and for other purposes; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13222) to regulate the use of public-school buildings and grounds in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13223) relative to special policemen in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. KALANIANAOLE: A bill (H. R. 13224) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies, and franchises in the Territory of Hawaii, and amending the laws relating thereto; to the Committee on the Territories.

By Mr. HOWARD: A bill (H. R. 13225) to promote the efficiency of the Marine Band; to the Committee on Naval Affairs.

By Mr. OGLESBY: A bill (H. R. 13226) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren, and Sisters of Moses, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENSLEY: A bill (H. R. 13227) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor; to the Committee on Labor.

By Mr. McGILLICUDDY: A bill (H. R. 13228) granting compensation for injuries sustained by civilian employees of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. L'ENGLE: A bill (H. R. 13229) to fix the rates of postage on seeds, cuttings, bulbs, roots, scions, and plants; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Maryland: A bill (H. R. 13230) to provide for an examination and survey of Piscataway Creek, Prince Georges County, Md., and the entrance thereto, with a view of increasing the depth and width of the channel to the Potomac River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13231) to provide for an examination and survey of Smiths Creek, St. Marys County, Md., and the entrance thereto, with a view of increasing the depth and width of the channel to the Potomac River; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: Resolution (H. Res. 409) authorizing the Interstate Commerce Commission to investigate the condition and operation of the Pere Marquette Railroad Co.; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 13232) granting a pension to William P. Tierney; to the Committee on Pensions.

By Mr. BAILEY: A bill (H. R. 13233) granting a pension to Gertrude Clites; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13234) granting a pension to William W. Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13235) granting an increase of pension to Baxter Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13236) granting an increase of pension to James T. Murty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13237) for the relief of Henry H. Bagley; to the Committee on Military Affairs.

By Mr. BROWN of West Virginia: A bill (H. R. 13238) granting a pension to William C. Shaffer; to the Committee on Invalid Pensions.

By Mr. CANTOR: A bill (H. R. 13239) for the relief of Nathan Van Beil; to the Committee on Claims.

By Mr. CANTRILL: A bill (H. R. 13240) for the relief of James S. Clark; to the Committee on War Claims.

By Mr. DECKER: A bill (H. R. 13241) granting a pension to James M. Pendleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13242) granting a pension to James A. Hillhouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13243) granting a pension to John H. Mooney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13244) granting an increase of pension to William H. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13245) granting an increase of pension to Almus Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13246) granting an increase of pension to Thomas Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13247) granting an increase of pension to John C. Hollingshead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13248) granting an increase of pension to Luke Lea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13249) for the relief of Ed. P. Ambrose; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 13250) granting a pension to William J. Chester; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 13251) for the relief of Clyde F. Wood; to the Committee on Claims.

By Mr. GITTINS: A bill (H. R. 13252) granting an increase of pension to Otto C. Fredericks; to the Committee on Pensions.

By Mr. GOULDEN: A bill (H. R. 13253) granting an increase of pension to Joseph Jacobs; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 13254) granting an increase of pension to Jasper Blain; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 13255) granting an increase of pension to Wallace Barnes; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13256) to place the name of Capt. George W. Peters upon the unlimited retired list of the United States Army; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 13257) for the relief of Annie E. White and the heirs of Patrick White, deceased; to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 13258) granting an increase of pension to Elizabeth J. Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13259) granting an increase of pension to Alexander Mattison; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13260) for the relief of the heirs of John H. Waters, deceased; to the Committee on War Claims.

By Mr. KEY of Ohio: A bill (H. R. 13261) granting a pension to Ruben Riley; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 13262) granting an increase of pension to Benjamin Cloyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13263) to remove the charge of desertion against Henry C. Williams; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 13264) granting an increase of pension to John Breeding; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 13265) granting an increase of pension to Ernest F. Slater; to the Committee on Pensions.

Also, a bill (H. R. 13266) for the relief of Hattie C. Derrenbacher; to the Committee on Claims.

By Mr. LONERGAN: A bill (H. R. 13267) granting a pension to Charles Malley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13268) granting a pension to Conrad C. Kalber; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 13269) for the relief of Thomas Debuke; to the Committee on Military Affairs.

By Mr. OGLESBY: A bill (H. R. 13270) for the relief of Frederick B. McGuire for damages on account of the change of grade due to the construction of the Union Station; to the Committee on the District of Columbia.

By Mr. O'LEARY: A bill (H. R. 13271) granting an increase of pension to Joseph H. Dawson; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 13272) granting an increase of pension to Frances Haney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13273) for the relief of Solomon Bryfogle; to the Committee on Military Affairs.

Also, a bill (H. R. 13274) admitting to citizenship and fully naturalizing Attilio J. Clementi, of the city of Pittsburgh, in the State of Pennsylvania; to the Committee on Immigration and Naturalization.

By Mr. RAUCH: A bill (H. R. 13275) granting a pension to Thomas A. Humphrey; to the Committee on Pensions.

Also, a bill (H. R. 13276) granting an increase of pension to Adam H. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13277) granting an increase of pension to Mary A. Ginther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13278) granting an increase of pension to Alvin M. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13279) granting an increase of pension to Charles Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13280) for the relief of I. S. Shideler; to the Committee on Claims.

Also, a bill (H. R. 13281) to correct the military record of Valentine Durkes; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 13282) granting an increase of pension to George Armer; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 13283) granting a pension to James R. Sage; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13284) granting a pension to E. R. Roberson; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 13285) granting an increase of pension to John L. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13286) granting an increase of pension to John W. Rawley; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 13287) to remove the charge of desertion from the military record of Solomon M. Bennett; to the Committee on Military Affairs.

By Mr. THACHER: A bill (H. R. 13288) granting a pension to Lucy J. Dix; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 13289) granting a pension to Grace A. Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13290) granting an increase of pension to Lewis C. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13291) granting an increase of pension to Louis Champaigne; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Mrs. L. L. Seamen, of New York City, favoring the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petitions of the General Washington Branch, American Continental League, of Woonsocket, R. I.; the Lexington Branch of American Continental League, and the Andrew Jackson Branch of American Continental League, of Butte, Mont., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of Mrs. G. F. Tuttle, of Plattsburgh, N. Y., favoring the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), memorial of the board of supervisors of Del Norte County, Cal., favoring the building of a harbor at Crescent City, Cal.; to the Committee on Rivers and Harbors.

Also (by request), petitions of citizens of Watervliet, N. Y., and the National Society of the Sons of the American Revolution, favoring the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), memorial of Division No. 2 of Ancient Order Hibernians of St. Louis, Mo., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the Society of Colonial Daughters of America, favoring the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of J. Frederick & Co. and 11 other merchants of Wooster, Ohio, favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, memorial of the Wayne Post, Department of Ohio, Grand Army of the Republic, protesting against a change in our flag; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of the First National Bank of Spangler, Pa., favoring amendment to the income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. BRODBECK: Petition of the National Bank of York, Pa., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Adams County, Pa., favoring prohibition amendment; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of the Camden Safe Deposit & Trust Co., and of First National Bank of Camden, N. J., and the First National Bank of Elmer, N. J., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petition of the Chamber of Commerce, State of New York, favoring House bill 11173; to the Committee on Rivers and Harbors.

Also, petition of the Kaiser Friedrich Lodge, No. 10, Order B'rith Abraham, New York City, against immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BRYAN: Memorial of the German Central Verein of Spokane, Wash., protesting against national prohibition; to the Committee on the Judiciary.

Also, resolution of the joint immigration conference representing 75 civic organizations, favoring the literary test in the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the German-American Alliance of Superior, Wis., representing 87 American citizens, protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures; to the Committee on the Judiciary.

Also, petition of the German-American Alliance, of Neenah, Wis., representing 63 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any prohibition measures; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of various banks and trust companies of Brooklyn, N. Y., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the Francis Scott Key Branch of the American Continental League, of Brooklyn, N. Y., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petitions of J. T. K. Walsh, Ludwig Stamm, and Louis Leidinger, of Brooklyn, N. Y., veterans of the Civil War and now on the retired list of the United States Army, favoring the pas-

sage of House bill 4897, relative to the pay of retired men of the United States Army; to the Committee on Military Affairs.

Also, petitions of the National City Bank of Brooklyn and the East Brooklyn Savings Bank, favoring amendment to the income-tax law relative to the collection at the source; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petitions of the Atlantic National Bank, of Jacksonville, Fla., and various other banks of Jacksonville, Fernandina, and Gainesville, Fla., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. COOPER: Petition of the German Veterans' Society of Racine, Wis., against prohibition amendment to Constitution; to the Committee on the Judiciary.

Also, petition of the Bank of Hartland, Wis., and State Bank of East Troy, Wis., favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of the First National Bank of Hoboken, N. J., and the Hudson Trust Co., of Hoboken and West Hoboken, N. J., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. ESCH: Petitions of the Jackson County Bank, Black River Falls, and the National Bank of La Crosse, Wis., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, memorial of the National Wholesale Dry Goods Association of New York City, protesting against the passage of bills requiring manufacturers' name to be placed on goods; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Petition of the First National Bank of Cadiz, Ohio, favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of the Farmers' National Bank, of Nokomis, Ill., favoring amendment of the income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Rittenhouse Trust Co., of Philadelphia, Pa., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. HAWLEY: Petitions of sundry citizens of the State of Oregon, protesting against the passage of bills for national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Memorial of the German-American Alliance, of Spokane, Wash., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the General Washington Branch of the American Continental League, of Woosocket, R. I., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. LANGHAM: Petition of citizens of Pennsylvania, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. LEWIS of Maryland: Petition of residents of Takoma Park, D. C., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of A. G. Thomas, of Sandy Springs, Md., and 10 others, favoring a change in the income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Street Safety Association of the District of Columbia, favoring labor safety bill (H. R. 10735); to the Committee on Labor.

By Mr. LONERGAN: Petition of the Southington Branch of the American Continental League, of Southington, Conn., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. MAHAN: Petition of the Merchants' National Bank, of Norwich, Conn., favoring a change in the income-tax law; to the Committee on Ways and Means.

Also, petition of the German-American Alliance of New Britain, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAHER: Petition of the Francis Scott Key Branch of the American Continental League, of Brooklyn, N. Y., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. MANN: Petitions of the Pearsons-Taft Land Credit Co., of Chicago, Ill., and the State Bank of West Pullman, of Chicago, Ill., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. MOORE: Petitions of Wolf Bros. & Co., the Ninth National Bank of Philadelphia, the Union National Bank & People's Trust Co., Cassatt & Co., and sundry citizens, all of Philadelphia, Pa., favoring an amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. MOTT: Petitions of the First National Bank of Mexico and the Cazenovia National Bank, of Cazenovia, N. Y., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. O'LEARY: Petitions of the New York State Fruit Growers' Association, at Penn Yan, N. Y., protesting against the passage of the McKellar cold-storage bill; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of the Concord Quarterly Meeting of Friends, at West Chester, Pa., protesting against building of more battleships; to the Committee on Naval Affairs.

Also, memorial of the Concord Quarterly Meeting of Friends, at West Chester, Pa., favoring the passage of bills for national prohibition; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of various banks of the State of New York, favoring a change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petitions of citizens of Weedsport, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. QUIN: Petition of the Southern States Association of Markets, favoring legislation relative to cotton exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Papers to accompany a bill (H. R. 11217) for the relief of Andrew M. Dunlop; to the Committee on Claims.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., favoring appropriation for a breakwater at Kahului Harbor, island of Maui, Hawaii; to the Committee on Rivers and Harbors.

Also, memorial of Oakland City Council, Oakland, Cal., favoring House bill 5139, providing for the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of Southern California Congregational Conference, relative to Mormanism and polygamy; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Papers to accompany a bill (H. R. 12716) for the relief of James Woods; to the Committee on Military Affairs.

Also, papers to accompany a bill (H. R. 12717) granting a pension to Rufus H. Hopkins; to the Committee on Invalid Pensions.

By Mr. SCULLY: Petitions of sundry citizens of New Brunswick, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of various banks and trust companies of the State of Florida, favoring a change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. STEENERSON: Petition of A. R. Stephens, of Crookston, Minn., favoring a change in the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. SUTHERLAND: Petitions of the Bank of Mount Hope and the First National Bank of Elm Grove, W. Va., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. TAYLOR of New York: Petition of the Village Improvement Association of Mamaroneck, N. Y., favoring retention by United States of the custody and control of Niagara Falls; to the Committee on the Public Lands.

Also, petition of the Chamber of Commerce of Poughkeepsie, N. Y., favoring deepening of Haverstraw Bay; to the Committee on Rivers and Harbors.

By Mr. TEMPLE: Papers to accompany a bill (H. R. 12656) granting a pension to Oliver C. O. Pollock; to the Committee on Pensions.

By Mr. THACHER: Petitions of the First National Bank and New Bedford Institution for Savings, of New Bedford, Mass., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. TRIBBLE: Petition of citizens of Georgia, against House joint resolution 168; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of B. H. Lichtman, of Montgomery County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WALTERS: Petitions of citizens of Johnstown, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WEAVER (by request): Petition of citizens of Oklahoma City, Okla., favoring pension to members of the United States Military Telegraph Corps; to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 12, 1914.*

Rev. John McNeill, pastor of Cooke Memorial Presbyterian Church, of Toronto, Canada, offered the following prayer:

O God our Father, Thou art the fount of all grace and strength and wisdom. We look to Thee. Look upon us, and in that look we are lightened and our faces shall not be ashamed. Grant Thy blessing to Thy servants. Uphold them this day in all they may do and say. May we seek Thy glory, and through our labors here may this day write its own chapter in the great history of Thy redeeming purposes in this land. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

SUPPLY OF OIL FOR NAVAL USES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, stating, in response to a resolution of the 13th ultimo, that the Interior Department has had some correspondence with the Secretary of the Navy with respect to the acquiring by the Navy Department of Indian oil lands in the State of Oklahoma and giving the opinion that such an investigation as is proposed in the resolution would be of great benefit in arriving at a satisfactory conclusion and in working out a definite plan, and suggesting that an appropriation of at least $5,000 be provided for the purpose; which was referred to the Committee on Naval Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of General Washington Branch, American Continental League, of Woonsocket, R. I.; of Andrew Jackson Branch, American Continental League, of Butte, Mont.; and of Lexington Branch, American Continental League, of Philadelphia, Pa., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of the Young People's Society of Christian Endeavor of the North Reformed Church of Watervliet, N. Y., praying for an appropriation for the celebration of the so-called "One hundred years of peace among the English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Hebrew Protective League, of Newark, N. J., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. FLETCHER presented a petition of the board of directors of the Central National Bank, of St. Petersburg, Fla., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

Mr. MYERS presented a memorial of Andrew Jackson Branch, American Continental League, of Butte, Mont., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a resolution adopted by the Colorado and Wyoming Lumber Dealers' Association in annual convention assembled at Denver, Colo., January 21, 1914, favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a memorial of Star of New Bedford Lodge, Order of B'rith Abraham, of New Bedford, Mass., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Melrose and Saugus, in the State of Massachusetts, praying for the enactment of legislation to permit the wearing of uniforms similar to those of the United States Army by members of the United Boys' Brigade of America, which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented a memorial of the German-American Alliance of New Britain, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Wallingford, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. NELSON presented a petition of the Trades and Labor Assembly of Minneapolis, Minn., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture and horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Polish Committee of National Defense of Duluth, Minn., and Superior, Wis., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of the board of directors of the Farmers and Merchants' State Bank of Arlington, Minn., and a petition of the board of directors of sundry banks of Red Wing, Minn., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

Mr. SHIVELY presented petitions of sundry citizens of La Fayette, Rensselaer, Muncie, Hammond, Westfield, Noblesville, Salem, Indianapolis, Foster, Covington, Richmond, Orleans, and Deputy, all in the State of Indiana, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of Local Union No. 299, Iron Molders' Union, of Marion, Ind., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture and horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of Union Council, No. 9, Daughters of Liberty, of Whiting, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Elberfield, Ind., praying for an investigation into the conditions existing in the mining regions of Michigan and Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Alliance of German Societies of the State of Indiana, remonstrating against the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of the German-American Alliance of New Britain, Conn., and a memorial of the Arion Singing Society, of Danbury, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the National Bank of New England, of East Haddam, Conn., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

He also presented a memorial of Horeb Lodge, No. 25, Independent Order of B'rith Abraham, of New Haven, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Wallingford, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. NORRIS presented a memorial of the German-American Alliance of Omaha, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the Bank of Holbrook, Holbrook, Nebr., and a petition of sundry citizens of Danbury, Nebr., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

Mr. SMITH of Michigan presented memorials of sundry citizens of Allen and Quincy, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia,

which were referred to the Committee on the District of Columbia.

He also presented a petition of Local Lodge No. 95, International Association of Machinists, of Jackson, Mich., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture and horticulture and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the congregation of the Seventh-day Adventist Church of Carlisle, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Fayette County, Carbondale, Easton, Pittsburgh, and Johnstown, and of the nineteenth congressional district, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Washington Camp, No. 799, Patriotic Order Sons of America, of Bridgeville; of William Penn Council, No. 64, Order of Independent Americans, of Pittsburgh; and of Pennsylvania State Court, Guardians of Liberty, of Pittsburgh, all in the State of Pennsylvania, remonstrating against the enactment of legislation making the 12th day of October, Columbus Day, a legal holiday, which were referred to the Committee on the Judiciary.

He also presented memorials of Dr. L. S. Dunn Lodge, No. 222, Independent Order of B'rith Sholom, of Chester, Pa.; of Pride of Chester Lodge, No. 413, Independent Order of B'rith Abraham, of Chester, Pa.; and of the Local Allegheny County Socialist Party of America, of Pennsylvania, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented petitions of Washington Camp, No. 799, Patriotic Order Sons of America, of Bridgeville, Pa.; of William Penn Council, No. 64, Order of Independent Americans, of Pittsburgh, Pa.; and of Pennsylvania State Court, Guardians of Liberty, of Pittsburgh, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BRISTOW presented a petition of sundry citizens of Winfield, Kans., praying for an investigation into the existing conditions in the mining districts of Michigan and Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Leavenworth, Kans., remonstrating against the enactment of the so-called pure-leather bill, which was referred to the Committee on Manufactures.

He also presented a memorial of sundry citizens of Holton, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

IMPORTATION OF EGGS FROM CHINA.

Mr. WORKS. Mr. President, a good deal has been said in the newspapers of late about the large importation of eggs into this country from China. It is a matter of public interest and is likely to affect very seriously some of the industries in my own State.

I have here a short letter from the Chamber of Commerce of Petaluma, Cal., bearing upon the question that I would like to have printed in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
Petaluma, Cal., February 4, 1914.

Senator JOHN D. WORKS,
The Kenesaw, Washington, D. C.

DEAR SIR: There have arrived recently in the markets of the coast cities large shipments of eggs imported from China. These eggs cost the importers, we are informed, about 15 cents per dozen at this season of the year, enabling the importer to market them freely and at a handsome profit. They have been selling in San Francisco, Portland, Los Angeles, and other coast cities at a few cents under the price of American eggs and are used largely by restaurants and bakeries.

The continued importation of Chinese eggs at the low cost quoted will, we are convinced, seriously affect, if not entirely destroy the very great poultry industry of this section of California. Poultrymen in the Petaluma district alone produce annually upward of 12,000,000 dozen eggs, having a market value of $3,000,000.

Our poultrymen have established the fact that the average cost of producing 1 dozen of the highest quality, large white eggs is 18 cents. To this cost must be added profit for the poultrymen as well as for the retailer. Thus it will be seen that whenever the producer has to sell his eggs under 20 cents he is losing money. He therefore can not compete with the Chinese eggs, and unless some means is found of preventing their importation, the California poultrymen must face bankruptcy.

Our information is that the Chinese eggs are produced under conditions that render them unfit for human consumption. The object of this letter is to invite your cooperation in an investigation of this allegation, the purpose being, if the Chinese eggs are found to be unfit for use by the white race, to invoke the pure-food laws and have their importation prohibited.

This is a matter that affects the people of this community vitally, and your active cooperation in the movement here outlined will be fully appreciated.

Very truly, yours, J. E. OLMSTED.
President Petaluma Chamber of Commerce.

LANDS IN MISSISSIPPI.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 785) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi, reported it with amendments and submitted a report (No. 249) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 4455) granting an increase of pension to Emma Mallory (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 4456) for the relief of R. B. Whitacre & Co.; to the Committee on Claims.

By Mr. WILLIAMS:

A bill (S. 4457) granting a pension to Eva A. Trager (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4458) for the relief of the legal representatives of George J. Campbell; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 4459) to amend chapter 360S of volume 34 of the United States Statutes at Large; to the Committee on the Judiciary.

By Mr. SHIVELY:

A bill (S. 4460) granting an increase of pension to Richard Riggs (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4461) to correct the military record of Isaac Cogswell; to the Committee on Military Affairs.

A bill (S. 4462) granting an increase of pension to Morton B. Fitts;

A bill (S. 4463) granting a pension to Julia J. Bishoff; and

A bill (S. 4464) granting an increase of pension to Charles F. Reed; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4465) for the relief of Joshua C. Mastin;

A bill (S. 4466) for the relief of the heirs of William E. Mastin;

A bill (S. 4467) for the relief of Thomas S. Marden;

A bill (S. 4468) for the relief of Dennis McCormick, executor of the estate of John Morgan, deceased;

A bill (S. 4469) for the relief of Howard Clements; and

A bill (S. 4470) for the adjustment of damages and legislative enactment, repudiating the treatment of certain Confederate officers, to which they were subjected by the military authorities of the United States Government while being held as prisoners of war during the late Civil War between the States, 1864–65; to the Committee on Claims.

A bill (S. 4471) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Relations.

By Mr. NEWLANDS:

A bill (S. 4472) to provide for the erection of a statue at the Panama Canal to be symbolic of universal peace, and to appropriate money therefor; to the Committee on the Library.

A bill (S. 4473) to provide for the purchase of land and the establishment of homes for the Indians of the Washoe Tribe, and making appropriation therefor; to the Committee on Indian Affairs.

By Mr. BRADLEY:

A bill (S. 4474) to correct the military record of Alfred Dunn (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4475) granting an increase of pension to Mary F. Helmer (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4476) granting a pension to Thomas Jordan; to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to increase the appropriation for support and civilization of the Indians at the Fort Belknap Agency, Mont., from $20,000 to $25,000, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

BOARD OF RIVER REGULATION.

Mr. NEWLANDS. I ask for the adoption of a resolution to have printed as a Senate document, for the use of the Senate document room, 10,000 copies of the substitute for Senate bill 2739, for which there is a great demand. The printing will cost $49.

Mr. SMOOT. If the Senator will have the resolution referred to the Committee on Printing, the committee will report it back as quickly as possible.

Mr. NEWLANDS. Very well; I make that request.

The resolution (S. Res. 271) was read and referred to the Committee on Printing, as follows:

Resolved, That there be printed, for the use of the Senate document room, 10,000 copies of the substitute for Senate bill 2739, the Newlands-Broussard river-regulation bill, and that title be printed at the top of said bills.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. SMOOT. I ask unanimous consent that the Senate proceed with the consideration of Order of Business 120, the bill (S. 156) for the relief of R. W. Branson, that being the number on the calendar that we reached at the close of its consideration under Rule VIII yesterday. In this way it will not be necessary to go over the bills that were objected to on yesterday, but it will allow us to finish the calendar to-day.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Utah?

Mr. MYERS. I will not object to that particular measure being called up by the Senator from Utah, if he is interested in it, but there were some other matters passed over——

Mr. SMOOT. I think the Senator from Montana will agree that we ought at least to go through with the calendar, and then we can return to the bills he desires to have considered. He will remember that the calendar has been up within the last week three times, and we have reached about Order of Business No. 120 each time.

Mr. MYERS. I will state the circumstances, Mr. President. Yesterday, at just about 2 minutes of 2, we reached Order of Business No. 85, the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation. As it evidently could not be disposed of in that short length of time, and would require more argument, it was passed over because the time was not sufficient. I would request that we call at least Order of Business No. 85, and then begin at Order of Business No. 120, for Order of Business No. 85 has been passed over several times because there was not time left in the morning hour to consider it.

Mr. SMOOT. I ask the Senator if he will not allow us to begin at least with Order of Business No. 120. I do not believe it will take very long to go through the calendar from that point, and he can then ask that the Senate take up Order of Business No. 85. I think that is the sensible and the just way of proceeding this morning.

Mr. FLETCHER. What was the request of the Senator from Utah?

Mr. SMOOT. That we begin the consideration of the calendar, under Rule VIII, with Order of Business No. 120, the bill which was reached yesterday when 2 o'clock arrived. I will say to the Senator that during the three days we have been on the calendar under Rule VIII we have reached about Order of Business No. 120 and then the hour of 2 o'clock arrived, and all beyond that point on the calendar has never been considered at all.

Mr. KENYON rose.

Mr. CLAPP. I desire to state to the Senator from Montana that if we now take up Order of Business No. 85, it will probably lead to debate and some one will insist that it go over. If we can first go through with the calendar and dispose of cases that will not lead to debate, there will be no difficulty, all unobjected cases will be considered in that way, and if we then take up Order of Business No. 85 no one would object on the ground that it would lead to debate.

Mr. MYERS. I am willing to consider the views of others. I will ask the Senator from Iowa what he rose to say.

Mr. KENYON. I was trying to get an opportunity simply to say that there would be debate on Order of Business No. 85, and also there will be a larger attendance of the Senate. There will have to be a quorum here, and the bill will take some time.

Mr. MYERS. Order of Business No. 85 has gone over for some time. I hope that it will be reached soon.

Mr. KENYON. I wish to say to the Senator from Montana that as far as I am concerned the consideration of it will not be delayed at all, but if it comes up now it will certainly be debated.

Mr. SMOOT. I ask unanimous consent to begin with Order of Business No. 120, which is Senate bill 156.

The VICE PRESIDENT. There being no objection, the calendar will be proceeded with at that point.

R. W. BRANSON.

The bill (S. 156) for the relief of R. W. Branson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 12, to strike out "$250" and insert "$230," and on page 2, line 1, to strike out "$250" and insert "$230," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to R. W. Branson, of Blackland, Okla., formerly postmaster at Cherokee, State of Kansas, to reimburse said R. W. Branson for damages suffered by him on account of the destruction caused by the blowing open of the safe in which were deposited the postal funds, stamps, etc., of the post office at Cherokee, State of Kansas, it appearing that said loss was without fault or negligence on the part of the said postmaster, the sum of $230; and the sum of $230 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. THOMAS B. M'CLINTIC, DECEASED.

The bill (S. 661) for the relief of the legal representatives of Thomas B. McClintic, deceased, was considered as in Committee of the Whole.

The preamble recites that Thomas B. McClintic, late passed assistant surgeon and a commissioned officer in the United States Public Health and Marine-Hospital Service, contracted the Rocky Mountain spotted fever while performing his duty as assistant surgeon in the special work of investigating the causes of Rocky Mountain spotted fever in the State of Montana, and in which special work he had been exclusively engaged for the best part of two years last past, and in which he was engaged when he contracted the disease of Rocky Mountain spotted fever, of which he died in Georgetown University Hospital, in the city of Washington, on the 13th day of August, 1912.

The bill proposes to pay to the legal representatives of Thomas B. McClintic, deceased, $5,760, being the amount of salary and allowances for two years.

Mr. SMOOT. I should like to ask the Senator who reported the bill if the Committee on Claims has any report from the department in relation to this particular case?

Mr. MYERS. Yes. I am not upon the Committee on Claims, but the Senator from Florida [Mr. BRYAN] reported the bill from that committee and he can doubtless speak of the departmental report.

Mr. BRYAN. The bill was referred to the department and the department reported the facts stated in the report which accompanies the bill.

Mr. SMOOT. Can the Senator state how the sum appropriated, namely, $5,760, was arrived at?

Mr. BRYAN. Yes; it is equal to the salary and allowances which Dr. McClintic would have received for two years. It is two years' salary and allowances.

Mr. SMOOT. That is, the salary and the expense of his illness?

Mr. BRYAN. No; the allowances that went with the salary. He was brought from Montana to Washington. I am of the opinion that the department paid for the hospital expenses here. He was brought back by the Government after having been stricken in Montana.

Mr. SMOOT. I have no objection to the bill.

Mr. BRYAN. I was going to make a suggestion to the Senator from Montana, and I should like to call the attention of the Senator from Utah to it. It is on page 2, line 2, to strike out the words "legal representatives" and insert "widow," so as to read "to the widow of Thomas B. McClintic, deceased."

Mr. MYERS. I will offer that amendment. I move, in line 2, on page 2, of the bill, to strike out the words "legal representa-

tives" and insert in lieu thereof the word "widow." I believe that is better, as suggested by the Senator from Florida, because the circumstances of this case are very lamentable and deplorable. The doctor was a comparatively young man, and he left a young widow with only one child; I believe an infant in arms.

Mr. SMOOT. Does the Senator know the given name of the widow?

Mr. MYERS. I do not know her given name; but there can be no mistake, as certainly she is the only widow. I offer that amendment.

Mr. BRYAN. That will identify her, undoubtedly.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, lines 2 and 3, strike out the words "legal representatives" and insert in lieu thereof the word "widow."

The amendment was agreed to.

Mr. SMOOT. I believe after the bill is passed the preamble ought to be stricken out.

Mr. WALSH. I should like to inquire of the Senator from Utah why he desires to have the preamble stricken out?

Mr. SMOOT. Because I do not believe any bill is passed in the Senate of the United States with a preamble.

Mr. MYERS. It is put in merely by way of explanation.

The VICE PRESIDENT. The Chair is informed that preambles to Senate bills have been passed for the information of the House, and they have been stricken out in the House.

Mr. SMOOT. That may be the case, but I can not recall such a case in my time. I know that in my early experience in this body I brought in bills with preambles attached to them and invariably they were taken out of the bills before they passed the Senate.

Mr. MYERS. If there is no strict requirement about the procedure, I believe it would be better to pass the bill with the preamble and let the preamble go to the House so as to be explanatory to the House, and let it be stricken out by the House.

Mr. SMOOT. When the bill has passed I shall move that the preamble be stricken out.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the widow of Thomas B. McClintic, deceased."

Mr. SMOOT. I move to strike out the preamble.

Mr. MYERS. I would ask the Senator from Utah what is his reason for making that motion? Is any good to be accomplished by it?

Mr. SMOOT. Mr. President——

Mr. BRYAN. Mr. President, if the Senator from Utah will pardon me, I think that it is proper to have the preamble stricken out. After that motion is carried, if it shall be carried, then I shall ask that the bill be printed in the RECORD, so that Members of the other House by reading the RECORD may ascertain all of the stages in the consideration of the bill.

Mr. MYERS. Will the Senator ask that the bill be printed in the RECORD with the preamble?

Mr. BRYAN. Yes.

Mr. SMOOT. Mr. President, I make this request because of the fact that the other House would not pass this bill unless there was a report from the department giving the absolute facts in the case. Therefore there is no reason why there should be a preamble in the bill as it passes the Senate. That is why I ask that the preamble be stricken from the bill.

Mr. MYERS. The preamble, however, was in the bill when the bill was referred by the Senate to the department, and it seems to me that it would be better for the House to have the information contained in the preamble.

The VICE PRESIDENT. The question is, Shall the preamble be stricken out?

The preamble was rejected.

Mr. BRYAN. Mr. President, I ask that the bill, including the preamble, may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill, together with the preamble, is as follows:

Whereas Thomas B. McClintic, late passed assistant surgeon and a commissioned officer in the United States Public Health and Marine-Hospital Service, contracted the Rocky Mountain spotted fever while performing his duty as assistant surgeon in the special work of investigating the causes of Rocky Mountain spotted fever in the State of Montana, and in which special work he had been exclusively engaged for the best part of two years last past, and in which he was engaged when he contracted the disease of Rocky Mountain spotted fever, of which he died in Georgetown University Hospital in the city of Washington on the 13th day of August, 1912: Therefore

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of Thomas B. McClintic, deceased, the sum of $5,760, being the amount of salary and allowances for two years.

TELEGRAMS SENT BY SENATORS ON PUBLIC BUSINESS.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President. Was Calendar No. 101, being Senate resolution 156, limiting expenditures for telegrams sent or received by Senators, called this morning?

The VICE PRESIDENT. It was not called this morning, for the reason that, by unanimous consent, the Senate began the consideration of the calendar with Order of Business No. 120.

Mr. WILLIAMS. Of course, that resolution could not be interfered with. It was under consideration and under discussion the last time we were sounding the calendar, and was the unfinished business.

Mr. SMOOT. Not the last time we considered the calendar. It was under consideration last Tuesday; but yesterday we considered the calendar, and the resolution was passed over, I will say to the Senator from Mississippi.

ELLA O. RICHARDSON.

The bill (S. 388) for the relief of Ella O. Richardson was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue patent to Ella O. Richardson for the east half of the southwest quarter of section 36, township 19 north, range 10 east, of the Louisiana meridian, in the State of Louisiana, containing 68.00 acres, upon payment to the United States of the sum of $1.25 per acre, the purchase to be made within one year from the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES ON COAL LANDS IN ALASKA.

The bill (S. 2511) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was to strike out section 1, as follows:

That from and after the passage of this act unreserved public lands of the United States in Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, and all applications to make entry under the homestead laws upon such lands shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

And in lieu thereof to insert:

That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal deposits, or that may be valuable for the coal contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act: *Provided, however*, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal in character, the patent issued on such entry shall contain the reservation required by this act.

Mr. GRONNA. Mr. President, I am very much interested in this kind of legislation; but I have not had time to examine the bill, and so I ask that it go over.

Mr. SMOOT. I can state to the Senator in a very few words what the bill is. The bill simply provides as to coal lands in Alaska which have been withdrawn, that entrymen may enter those lands for agricultural purposes, and that they may receive title to the surface of the land, but that the coal shall be reserved to the United States. A similar law has been passed affecting all the States in the Union.

Mr. GRONNA. It does not in any way dispose of the coal?

Mr. SMOOT. It reserves the coal to the United States, but disposes of the surface of the agricultural lands.

Mr. GRONNA. Then I have no objection to the consideration of the bill.

Mr. SIMMONS. Mr. President, I wish to ask the Senator from Utah a question. I notice this bill was reported by the Committee on Public Lands. I ask the Senator if it was a unanimous report?

Mr. SMOOT. It was, as I remember, Mr. President.

Mr. SIMMONS. Can the Senator state that the reservation of the coal rights is the same as is usual in such cases?

Mr. SMOOT. The reservation is the same as is usual in such cases in the United States. I will say to the Senator from North Carolina that the bill is recommended by the Secretary

of the Interior. It simply gives entrymen in Alaska the right to enter agricultural lands that have been withdrawn as coal lands, but it does not give them the right to the coal. That is reserved to the United States.

Mr. THOMAS. Mr. President, I shall not oppose this measure. At the same time, however, I wish to record the statement that, in my judgment, the reservation here is one which the Government of the United States ought not to make. If a citizen of the United States settles upon a piece of land which is agricultural in its classification and he complies with the statutes of the United States concerning it, he ought to have a title in fee simple for everything contained within the boundaries of that entry, whether it be on the surface or underneath the surface.

Mr. SMOOT. I will say to the Senator from Colorado that this bill only applies to lands that have already been withdrawn as coal lands.

Mr. THOMAS. I understand. I was simply making a statement. I shall not oppose the enactment of the measure, but I do not think it is one which does justice to the man who has bona fide sought to take advantage of the privilege given by the land laws of the country for the acquisition of 160 acres of land.

Mr. CLARK of Wyoming. Mr. President, I desire to call attention to the fact that in some legislation of this sort which has been passed by Congress it has been provided that a determination may be had as to whether or not the land withdrawn is actaully coal land or whether it is more valuable for coal than for agriculture; and in the event that the hearing should result in the establishment of the fact that it is not coal land, then the law allows the full patent.

Mr. SMOOT. Mr. President, there is a bill which, I think, has been reported from the Committee on Public Lands that is now on the calendar with reference to North Dakota covering the very subject matter of which the Senator from Wyoming speaks.

Mr. CLARK of Wyoming. Does not the Senator from Utah think that in sections where there are very large areas of land withdrawn for classification and appraisement as to coal, when it shall be determined that there is no coal or that the land is more valuable for agriculture, the full fee title ought to be granted to the land, and that where there is, as a matter of fact, no coal underlying the land, there ought not to be a limited title, but that the entryman should have full title, the same as to other land which has not been withdrawn for coal?

Mr. SMOOT. I fully agree with the Senator from Wyoming; and when that question is determined in Alaska—which I believe will be in the far-distant future—then, of course, there could be a bill passed removing any limited title that the entryman may have received; and I think that will be done, Mr. President, the same as it has been done by the committee in cases in North Dakota.

Mr. CLARK of Wyoming. Mr. President, I look with a good deal of suspicion upon the possibility of voluntarily restoring lands to full entry. I think they can only be restored when there is an actual hearing had to determine whether or not they are agricultural lands or whether or not they are more valuable for coal. It does seem to me when these great withdrawals are made—and of course they must be made from a superficial examination—and when it is afterwards determined that, as a matter of fact, they are not valuable for coal lands, that in every such bill there ought to be included a provision that the full title should pass. Certainly the easiest way and the best time to determine that question is when the hearing is being had for the patent. It seems to me that the withdrawal under the possibility that the land might contain coal might be determined then and there by competent evidence given by the entryman and opposed by the Government if it so desires.

I shall not oppose this bill, Mr. President, even in its present form, but when any other bills of that nature come up for consideration I shall hope to submit amendments which will cover the point suggested. I think it just and right that some such provision should be made.

Mr. SMOOT. In this connection, Mr. President, I desire to say that it is admitted that some of the very best agricultural lands in Alaska are underlain with coal, and the people there thought that such lands should not be withheld from agricultural entries on account of the coal underneath. It was to accomplish that purpose that the bill was drawn, and for that reason it was hoped that the bill, after its passage, would allow people to enter such land for agricultural purposes, reserving the coal underneath to the United States.

Mr. CLARK of Wyoming. Mr. President, if the Senator will bear with me, I shall not object to the passage of this bill at this time or offer an amendment for the very reason the Senator has urged. While I am not much of a prophet, I do not think I would risk anything in hazarding the guess that after the passage of this bill very large areas will be withdrawn for coal in Alaska in addition to those already withdrawn.

Mr. THOMAS. Mr. President, can that be done in the absence of affirmative legislation in view of existing law?

Mr. CLARK of Wyoming. Oh, yes.

Mr. THOMAS. Then I think the sooner we, by affirmative legislation, inhibit the exercise of such power the better.

Mr. CLARK of Wyoming. We have already given to the President, by affirmative legislation, that very right. That was done two years ago; but even if we had not given that power to him, he would have had it, so far as Alaska is concerned.

Mr. THOMAS. My purpose in making the inquiry was because of my understanding that there can be no withdrawal of lands for the purpose of carrying out the present intention of securing a complete supply of radium in the absence of affirmative legislation by Congress. I am very glad that that is so; and I only regret that such is not the provision with reference to all land on the public domain.

Mr. CLARK of Wyoming. In view of the fact that the right of the President to withdraw lands without affirmative legislation was questioned, we passed an affirmative act in 1910, as the Senator from Utah [Mr. SMOOT] informs me, authorizing the President, in his discretion, to withdraw temporarily for classification and appraisement coal and other mineral lands of the United States upon the public domain.

Mr. THOMAS. May I inquire if that was before or after the enactment of a measure between the passage and the signature of which the President of the United States withdrew about 11,000,000 acres of the public domain?

Mr. CLARK of Wyoming. No; it was long after that.

Mr. SMOOT. I will say, however, that in that same law the question of the withdrawal of lands for forest purposes was prohibited in certain States, among which was the State of Colorado.

Mr. GRONNA. Mr. President, I shall not oppose the passage of this bill; but I simply want to state that the bill referred to by the Senator from Utah [Mr. SMOOT], which was passed by the Senate the other day, applies to the whole United States and not to North Dakota alone. The bill which was drawn by me provides that where lands have been withdrawn as coal lands and patents have been issued giving a limited title to homesteaders, and it has later on been discovered that the land does not contain coal, full patent shall be given to such land. That bill was passed the other day by the Senate and is now before the House.

Mr. SMOOT. The reason I spoke of North Dakota was that the bill had particular reference to North Dakota.

Mr. GRONNA. Yes.

Mr. SMOOT. And North Dakota was the only State, as I remember from the evidence, that was involved in the proposition.

Mr. WALSH. Mr. President, I think some change should be made in the language of this bill. It provides:

> And any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act.

But the act does not make any reference to any patent at all.

Mr. SMOOT. Section 2, I think the Senator will find, if he will read it, provides for that.

Mr. WALSH. I do not see it there.

Mr. SMOOT. If the Senator will read section 2 of the bill he will find this provision:

> SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of this act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal in the land so patented, together with the right to prospect for, mine, and remove the same.

Mr. WALSH. I have before me simply the report.

Mr. SMOOT. Yes; the Senator was reading from the report.

Mr. LANE. Mr. President, does the bill allow a patentee to mine and sell coal?

Mr. SMOOT. No; the bill provides that the "patent shall contain a reservation to the United States of all the coal in the land so patented, together with the right to prospect for, mine, and remove the same."

Mr. LANE. Then it reserves to the Government the control and ownership of the coal under the surface?

Mr. SMOOT. The bill simply grants a patent to the surface, and reserves the coal underlying the surface to the Government of the United States.

Mr. CLARK of Wyoming. Except so far as the patentee may desire to use it for himself.

Mr. SMOOT. There is, of course, that provision in the bill.

Mr. WALSH. Then, Mr. President, I desire to call the attention of the Senate to another feature. I again refer to the report, which gives us section 1 of the bill as it is proposed to be amended, and recites:

That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal deposits—

Then follows:

or that may be valuable for the coal contained therein—

That is to say, there are two classes of land that come under the provisions of the act. Then it continues:

And any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal may perfect the same under the provisions of the laws under which the claim was initiated.

Leaving the other class of lands entirely unprovided for so far as perfecting title is concerned. The settler may initiate a claim to two classes of land, but he can have a patent only if his land falls within one class. I therefore move to amend the amendment by inserting after the word "coal," in line 13, page 2, the words "or that may be valuable for the coal contained therein."

Mr. SMOOT. I have no objection to that.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2 it is proposed to amend the amendment reported by the committee in line 13, after the word "coal," by inserting the words "or that may be valuable for the coal contained therein."

The amendment to the amendment was agreed to.

Mr. WALSH. I likewise invite the attention of the Senator to the second amendment proposed by the committee, the concluding clause of the bill:

Provided further, That nothing herein contained shall be held or construed to authorize the entry or disposition of withdrawn or classified coal lands or lands valuable for coal under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto commonly known as soldiers' homestead entries.

Really, you are referring to the soldiers' homestead law.

Mr. SMOOT. No, Mr. President; I want to say to the Senator that this would be the entry itself. The homestead entries, of course, would not apply to this. The department recommended that. I will say that in all of the other laws passed for the same purpose here in the Senate that provision has not been inserted, but the department felt that it was necessary as far as Alaska was concerned.

Mr. WALSH. The Senator will understand that I am in entire accord with the idea of preventing the utilization of the soldiers' additional homestead rights under the pretended protection of this act. That is not the point I am speaking of. The word "entries" there has no proper place, however, because you are referring to the making of an entry or the disposition of these lands under the provisions of the sections which are appropriately referred to as the soldiers' homestead law, not soldiers' homestead entries.

Mr. SMOOT. I agree with what the Senator says, and I think the department was wrong in that. I am perfectly willing to have the word "entries" stricken from the bill and the word "law" inserted.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the word "entries" in the committee amendment in section 2, page 4, line 10, and to insert in lieu thereof the word "law."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment in section 1 as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3863) granting lands to Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, of Hot Springs, Ark., was announced as next in order.

Mr. SMOOT. I notice that the Senator from Arkansas [Mr. ROBINSON] is not in the Chamber, and I wanted to ask him if he would not accept an amendment to this bill. For that purpose I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RECONVEYANCE OF LANDS IN NATIONAL FORESTS.

The bill (S. 2904) for the relief of certain persons, their heirs or assigns, who heretofore conveyed lands inside national forests to the United States, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 2, to strike out lines 10, 11, 12, 13, 14, 15, and 16, in the following words: "*Provided*, That such person or persons, their heirs or assigns, make satisfactory proof of the conveyance of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands and the deed of conveyance of the same to the United States, which deed and abstract or abstracts shall be retained in the files of the General Land Office," and to insert in lieu thereof:

Provided, That such person or persons, their heirs or assigns, shall within five years after the date of this act make satisfactory proof of the conveyance of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands and the original deed of conveyance of the same to the United States, or, if such deed should be lost or destroyed a true copy of the record thereof, which deed or copy and abstract or abstracts shall be retained in the files of the General Land Office.

The amendment was agreed to.

Mr. CLARK of Wyoming. Mr. President, I wish to ask the Senator from Oregon [Mr. CHAMBERLAIN] a question with reference to this bill. As I understand, where under former acts of Congress lands within forest reserves have been deeded to the Government and the former owners have not received the lieu lands the remedy lies in this bill. Is that it?

Mr. CHAMBERLAIN. Yes. The purpose of it is to have the Government deed back to the former owners the lands which were conveyed to the Government with the expectation that the parties would be entitled to indemnity selections, but they never got anything.

Mr. CLARK of Wyoming. It seems to me this proviso is a little uncertain. It seems to indicate that the land mentioned in it never was conveyed.

Mr. CHAMBERLAIN. Yes.

Mr. CLARK of Wyoming. That is what the proviso indicates—that the land was not conveyed.

Mr. CHAMBERLAIN. The proviso is intended to require that proof of the conveyance of the lands by the individuals to the Government shall be submitted as a condition precedent to having the lands deeded back to them.

Mr. CLARK of Wyoming. Yes; but if the land was deeded to the United States, in order to make the conveyance the United States must have accepted the conveyance and the deed itself must be in the hands of the United States. This proviso presupposes that there is no record anywhere of any such deed or conveyance having been made.

Mr. FALL. And, if the Senator will permit me a moment, it presupposes that the deed executed must have been recorded by the man executing it, instead of the United States receiving it, and it is going to hold the man executing the deed responsible for its nonrecord. He can not furnish a certified copy of it if the United States, by its negligence, did not record it.

Mr. CLARK of Wyoming. It presupposes that there never has been a conveyance, because there can not be a conveyance without the delivery of either the land or the deed.

Mr. CHAMBERLAIN. I do not agree with the Senator's contention about the construction of the proviso. Where land is conveyed to the Government, the deed is supposed to be placed on record in the county where the land lies; otherwise, the United States does not get any title.

Mr. CLARK of Wyoming. I beg the Senator's pardon. The United States gets title whether the deed is recorded or not.

Mr. CHAMBERLAIN. As against anybody but an innocent purchaser for a valuable consideration.

Mr. CLARK of Wyoming. Yes.

Mr. CHAMBERLAIN. If I convey a piece of land to the United States, and the United States does not put its title on record, I can go to you, who may not have any notice of my transfer to the United States, and sell you a perfectly good title.

Mr. CLARK of Wyoming. Yes; but you can not convey land simply by making out a deed and putting it on record. You must convey it to me; you must give to me the deed, and I must protect myself by putting it on record.

Mr. FALL. If the Senator will permit me, the abstract of title will show whether the individual has deeded the land to anybody else or not.

Mr. CLARK of Wyoming. The title does not pass without the conveyance being consummated by delivery. This language would seem to indicate that there are some of these convey-

ances, at least, as to which there is doubt whether or not they ever did convey the land. It seems to me it ought to be amended in some way.

Mr. CHAMBERLAIN. I have no objection to any amendment which will carry out the purpose of the act. The purpose of the act is simply to require the individual to furnish proof of the transfer; that is all.

Mr. SMOOT. Mr. President, it seems to me that we can rectify it if we will strike out the following words, beginning with the word "lands," on page 2, line 21:

And the original deed of conveyance of the same to the United States.

If those words were stricken out, I do not see that there could be any objection to it. If the original deed were delivered to the United States, and the United States has recorded the deed, of course it would show on the abstract of title, and there would be no necessity of having the deed delivered.

Mr. CLARK of Wyoming. There would be no necessity of having this proviso in that case.

I wish to ask the Senator from Oregon if he knows anything about the facts upon which the proviso is based. Has there been a dispute as to the conveyance, or have some of the deeds been lost? The report itself does not show.

Mr. CHAMBERLAIN. I do not know. The only information I have in reference to the matter is from the department.

Mr. CLARK of Wyoming. The department say nothing about it in their letter.

Mr. CHAMBERLAIN. Mr. President, it does seem to me that the individual who is seeking now to have the Government reconvey these lands to him ought to be required to present an abstract of title which will satisfy the authorities of the Government that the lands really had been deeded to the Government. He is coming to the Government and making a request. That request is: "Heretofore I deeded to you some land in the hope that I might get land somewhere else. I did not get that land. Now I come to you as an applicant to have you deed back to me the land which I deeded to you in the hope that I might better my condition."

If a man makes that request, it seems to me there is nothing unreasonable in the Government saying to him: "As a condition to having this land conveyed back to you, you must give me a chain of your title in the form of an abstract. You must show to me that you have deeded to me the land which you claim to have deeded to me. Then, on that contingency, I will execute a deed to you." That is all the bill does.

Mr. CLARK of Wyoming. That is not what this proviso says, however.

Mr. CHAMBERLAIN. That is the way I understand it.

Mr. CLARK of Wyoming. Why, no. The proviso says that the man must present the original deed which he has already given to the Government, and which, in the regular course of business, would now be in the hands of the Government.

Mr. CHAMBERLAIN. Yes; "or, if such deed should be lost or destroyed, a true copy of the record thereof."

Mr. CLARK of Wyoming. I am only seeking to protect the people.

Mr. CHAMBERLAIN. The Senator and I both have in view the same purpose. We both want to protect these men. The Senator knows, however, as a resident of a public-land State, that when these transfers were made to the Government by the individuals who were seeking the benefits of the indemnity selection law, the deeds were not placed on record, as a matter of fact. They were sent, with the abstracts of the individuals' titles, to the Attorney General of the United States or to the Land Department before the deeds were recorded. In most of the cases the deeds and the abstracts of the individuals' titles had been sent to and were in the hands of the Interior Department or the Department of Justice when the indemnity selection law was repealed.

The Government may have possession of those deeds. It probably has. It ought to have if they have been cared for. Suppose, however, the deeds have been recorded and the originals have been lost. This provision is intended to protect cases where the deed has been lost.

Mr. CLARK of Wyoming. I can not imagine how the entryman can furnish to the Government a deed which is already in the hands of the Government. If the Senator is satisfied with the provision, however, I am.

Mr. CHAMBERLAIN. It is barely possible that to strike out the words suggested by the Senator from Utah might meet the objection of the Senator. We have the same object in view.

Mr. CLARK of Wyoming. Yes.

Mr. CHAMBERLAIN. There is no question about that. I know the Senator wants to protect these individuals. They are entitled to have the land back. There is no question about that, either. They deeded the land to the Government. We want to protect them and we want to have the Government deed the land back with as few restrictions as possible—just enough to protect the Government.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield.

Mr. WALSH. I confess that I do not like the provisions of section 2 of this bill, and I very much fear that the admirable purpose which is embodied in section 1 has blinded the Senator from Oregon to the very great significance and consequence of the later provision of the bill.

Mr. CHAMBERLAIN. Is the Senator discussing the section we were discussing a moment ago?

Mr. WALSH. No; but I am now going to say a word with respect to it.

I do not know why such language as is found in the proposed substitute for the proviso should be therein. I think there is a very well established presumption of law that the grantee accepts a grant made to him when the deed evidencing the grant is placed of record; so, if there is a deed upon record, the presumption is that the Government of the United States has accepted that deed. In any case, if a grant has been made at all, the original deed naturally will be found in the hands of the officers of the Government and not in the hands of the man who made the deed. When he is called upon to assert the fact that he has made a conveyance of the land to the Government, why should he be called upon to present to anybody the original deed? It is not available to him unless he goes to the Government and by some means or other extracts it from the files of the Government and gets it into his possession and then delivers it back into the hands of the Government. Of course he can furnish an abstract of title; but why, under any circumstances, require him to deliver to the Government the original deed, which, presumably, has been delivered to the Government already and is now in the possession of the Government?

Then, if you strike that out, why do you want to assume that there are any lost deeds? If the man has made a conveyance and that conveyance is of record, it does not make any difference whether the deed is lost or not. What reason have we for assuming that the Government receives deeds and that those deeds have been lost? I should think we might very well await the occurrence of such a condition of affairs, which might possibly justify the enactment of a special act. I do not see why you want to make a provision upon the assumption that a deed of property conveyed to the Government is not on file with the proper Government officer.

Mr. CLARK of Wyoming. I want to say to the Senator that I think this presupposes that these deeds have been lost, but there is nothing in the report of the committee or from the General Land Office or from the Secretary of the Interior to state that fact. For that reason I made my inquiry.

Mr. WALSH. That is what I am afraid of. I am always fearful about a claim of a conveyance of land by a lost deed, because then you have to have parol evidence that the deed at one time was in existence, and then you are always confronting an embarrassing situation. Indeed, centuries ago these acts were passed requiring conveyances of real estate to be evidenced by instruments in writing, because it was recognized that it was not safe to intrust the transfer of title to oral testimony. So I do not think there ought to be any provision there at all in relation to lost deeds.

But, Mr. President, I want to invite the attention of the Senate to the provision of section 2, which is really the one that ought to have our special attention and care. The provisions of section 1 are absolutely all right. A man has made the conveyance of his land to the Government of the United States upon the expectation under the forest-reserve act that he would have a right to go upon the public land and select an equal number of acres of land in lieu of it, but before he got around to it the act was repealed. Now, the Government has the land and he has nothing in return, and of course the Government ought to give him back the land. But under the provision of section 2, if the Government has in the meantime devoted that land to public uses, he is then permitted in the same way to go anywhere upon the public domain and select any public land in the place of that.

I object to that, Mr. President. We had a bitter experience with the act, in the first place, under exactly such a provision. We had a further bitter experience in connection with the more or less notorious act creating the Mount Rainier National Park, under which the Northern Pacific Railroad Co., the owner of every alternate section in that park, was authorized to go any-

where upon the public domain and select lands in lieu of the lands surrendered by it within the bounds thereof. For the greater part the lands surrendered were located along the sides and tops of high peaks of the Cascade Mountains, worth on an average, it is said, not to exceed 2 cents an acre. Under the provisions of that act that company came down into my State and selected the richest agricultural lands within our borders, lands of immense value, because of the timber upon them, and even undertook, under the authority of the Secretary of the Interior, to grab up some of the most valuable coal lands in our State. I had the honor to have a part in procuring a decree of the Supreme Court of the United States for the annulment of patents issued to them for lands of the last-mentioned class. So that was saved.

But I object now, Mr. President, to granting to anyone who conveyed under the provisions of the act of 1897 to the Government of the United States the right to go anywhere upon the public domain and gather up anything he may be able to find in exchange for lands that may possibly have been absolutely worthless, giving those situated to take advantage of the act the free scope of the whole public domain to select lands in lieu of lands originally surrendered.

But if you are going to do it at all, Mr. President, I submit, sir, that you do not want to do it upon any such general proposition as that lands surrendered have been by the Government of the United States devoted to public purposes.

What does that mean, Mr. President. The forest reserves themselves are created for public purposes. These lands which have been surrendered are of course within the exterior bounds of a forest reserve, and the Government of the United States has been making use of the forest reserve during all of this time for public purposes.

So the bill really means, as I read it, that any man who has conveyed to the Government of the United States prior to the date named in the act any land and has not been enabled since to select lands in lieu thereof is entitled to go anywhere upon the public domain and select such land.

Mr. President, if the Government of the United States has not put those lands to any other purpose than forest-reserve purposes, I submit that they ought to be conveyed back. The parties ought to be placed simply in statu quo. The donor simply granted to the United States a certain tract of land within a forest reserve. He was denied the opportunity to go and select the lieu land, and, being so denied, he ought to get his land back.

Mr. CLARK of Wyoming. Will the Senator permit a question?

Mr. WALSH. Certainly.

Mr. CLARK of Wyoming. I should like to ask the Senator if he is informed, or if the Senator from Oregon [Mr. CHAMBERLAIN] is informed, as to how much land would be subject to the provisions of this act; that is, how many acres or how many thousand acres or how many hundred thousand acres, and by whom it is held? I suppose there is probably some record in the Land Office, some list of those who deeded the land to the Government who had not received other land instead. My recollection is that there was at one time a report made to the Committee on Public Lands.

Mr. SMOOT. I will say to the Senator from Wyoming that the Committee on Public Lands had this question up for consideration, not in this form but on a bill granting to all those who had transferred their lands to the Government by actual deed, the right of lieu selection. At that time, as I remember, there were some 45,000 acres involved from one railroad company, and, as I remember, the other parties involved, I believe, brought the amount up to over 100,000 acres. I have not the figures and I have not thought of the matter for some four or five years, but, as I remember it, the amount was nearly 100,000 acres.

Mr. THOMAS. Will the Senator state why?

Mr. SMOOT. The reason was this: The deeds had been already transferred to the Government under the old lieu land-selection law, and before the Government could receive the same and check it up and pass upon it the law repealing lieu selections passed Congress, and the Government could not do that which would have been done if the law had not been passed.

Mr. WALSH. So, Mr. President, I submit that if the land has been put to any other public purposes than forest-reserve purposes no restitution of any kind should be made except the return of the land; but, however, if the land has been put to some other public purpose, as, for instance, it has been set apart for a military reservation or for a naval reserve or for experimental purposes in connection with the work of the Forestry Bureau, or any other purpose of that character, and it is desired to continue to use it for that purpose, then, of course, we should pay for it. But I submit that we should pay what the land is actually worth, and we should not give the owner a roving privilege to go anywhere over the public domain and select any land that he may find available in exchange for land that may be for all practical purposes simply worthless.

Accordingly I think that section 2 should be stricken from the bill.

Mr. CHAMBERLAIN. Mr. President, there is much force in what the Senator from Montana suggests in reference to section 2. There might possibly be some danger that it would practically revive the old indemnity-selection act which was intended to be repealed by the act of 1905; that is, to the extent of the lands which are now hung in the air, so to speak, between the original owner of the land and the department, which has not yet acted upon the applications for indemnity selections because of the repealing act of 1905.

This section 2 was prepared by the Land Department itself, and the bill in its general purposes and scope had the indorsement of the department. In reading it I supposed that the words "public use" had reference only to the actual use of the lands for some active governmental purpose, not in the way of a national highway.

I do not know but that at least that portion of the amended section 2, from line 21 to the end of the section, might safely be stricken out. Then if a refusal were made by the head of any department to convey the lands back to the individual the matter would be open to subsequent action by Congress.

So, Mr. President, to that extent I am in accord with the suggestion of the Senator from Montana. I think there would be danger of reviving the indemnity-selection law if that provision is left as it is.

For the purpose of bringing the matter to the attention of the Senate, I move that lines 21, 22, 23, et sequitur to the end of the bill be stricken from it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 20, after the word "reconveyance," strike out the semicolon and the remainder of section 2, down to the period at the end of the section.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. WALSH. That is on page 2?

Mr. CHAMBERLAIN. Page 3, section 2.

Mr. WILLIAMS. It is the latter part of section 2, including the proviso on page 4.

Mr. CLARK of Wyoming. That leaves in section 2, down to the end of line 20?

Mr. CHAMBERLAIN. Yes; down to the end of line 20.

Mr. CLARK of Wyoming. Does that meet the view of the Senator from Montana?

Mr. WALSH. That meets my objection fully, I think.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. In order to meet the objections of the Senator from Wyoming [Mr. CLARK] and the Senator from Utah [Mr. SMOOT]—and we all want to accomplish the same thing by the bill—we should help these Western States. I think possibly those objections might be met by striking out, commencing on page 2, in line 21, after the word "lands," near the middle of the line——

The VICE PRESIDENT. That has been agreed to.

Mr. CHAMBERLAIN. I did not understand that it had been agreed to.

The VICE PRESIDENT. Is it to be reconsidered?

Mr. THOMAS. I move to reconsider, if necessary.

The motion to reconsider was agreed to.

Mr. SMOOT. I think it ought to go further than the original amendment. I think in striking out the words that were stricken out, down to the words "United States," we ought also to strike out the words following:

Or if such deed should be lost or destroyed a true copy of the record thereof, which deed or copy.

So that it would read:

That such person or persons, their heirs or assigns, shall within five years after the date of this act make satisfactory proof of the conveyance of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands, and abstract or abstracts shall be retained in the files of the General Land Office.

If that is agreed to, then I think the word "the" ought to be inserted after the word "and," in line 24, so as to read:

And the abstract or abstracts shall be retained in the files of the General Land Office.

Mr. CHAMBERLAIN. I think that would meet the objection that is made. I have no objection to it myself.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 2, line 21, after the word "lands," strike out down to and including the word "copy," in line 24, and in line 24, before the word "abstract," insert the word "the," so as to read:

By submitting to the Commissioner of the General Land Office an abstract of title to such lands, and the abstract or abstracts shall be retained in the files of the General Land Office.

The amendment to the amendment was agreed to.

Mr. CLARK of Wyoming. There ought to be another amendment made there. After the word "lands," in line 21, there should be inserted the words "showing title in the United States."

Mr. CHAMBERLAIN. I have no objection to that.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2, after the word "lands," in line 21, insert the words "showing title in the United States."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. WALSH. Recurring now to section 2, it reads:

That if it shall appear that any of the lands conveyed to the United States for the purpose stated in the preceding section have been appropriated to a public use.

And so forth.

I suggested a while ago that the mere incorporation of the lands within the forest reserve constituted a devotion of those lands to a public use, at least in a very large sense. If the act is given that meaning, you could not reconvey at all, because all the lands would have been devoted to public use. I suggest to the Senator from Oregon that after the word "use," at the end of line 17, the following language, or language equivalent thereto, ought to be incorporated:

Other than the general purposes for which the forest reserve within the bounds of which they are situate was created.

Mr. CHAMBERLAIN. I have no objection to that amendment, because all these lands are within forest reserves.

The amendment to the amendment was agreed to.

Mr. CLARK of Wyoming. I move to insert after the word "use," in line 17, the words "or otherwise disposed of."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "use," at the end of line 17, preceding the amendment just agreed to, insert the words "or otherwise disposed of."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN THE STATE OF WASHINGTON.

The bill (S. 824) to establish a fish-cultural station in the State of Washington was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, on page 1, line 7, after the words "sum of," to strike out "$25,000" and to insert "$50,000," so as to read:

That the Secretary of Commerce be, and he is hereby, authorized and directed to establish a fish-cultural station in the State of Washington on the Quiniault River or its tributaries, or on Lake Quiniault, and for said purpose the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of site, construction of buildings and ponds, and equipment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4167) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill goes over.

DUTIES OF REGISTERS OF LAND OFFICES.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 8, after the word "on," to strike out "some certain stated day" and insert "Saturday," and in line 10, after the words "issue for," to strike out "such day" and to insert "each Saturday," so as to make the bill read:

Be it enacted, etc., That whenever the law requires the register of a United States land office to publish a notice for a certain period of time in a newspaper to be designated by him, such publication may be made by publication each week, successively, in a weekly newspaper of general circulation for the prescribed period of time, or by publication once a week on Saturday of each successive week in the daily issue for each Saturday of a daily newspaper of general circulation until such prescribed period of time shall have elapsed from the first day of publication in such daily newspaper.

Mr. WALSH. Mr. President, I see this bill was introduced by my colleague [Mr. MYERS] and reported by him from the Committee on Public Lands. My colleague is not here, and I should like some explanation of the bill.

Mr. SMOOT. I will ask that the bill go over at this time, because I was not altogether satisfied with the bill when it was reported out of the committee. I therefore think that the chairman of the committee ought to be here to answer questions in reference to it.

The VICE PRESIDENT. The bill goes over.

CONDITION OF TRADE IN CHINA.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America was announced as next in order.

Mr. OVERMAN. Let that go over for the present, until I can look into it.

The VICE PRESIDENT. The joint resolution goes over.

Mr. OVERMAN subsequently said: Mr. President, I desire to withdraw my objection to Order of Business 144, Senate joint resolution 94, and ask that it be taken up. I objected to its consideration when it was reached in regular order, as I did not understand it at that time.

The VICE PRESIDENT. The joint resolution has been read.

Mr. SMOOT. Mr. President, I have not read the report in that case, and if there is no real necessity for the immediate passage of the joint resolution, I wish the Senator in charge of it would allow it to go over, so that I may look into it and read the report.

Mr. SIMMONS. Certainly, Mr. President; there is no urgency about it, if the Senator desires that it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

AIDS TO NAVIGATION IN LIGHTHOUSE SERVICE.

The bill (S. 789) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, on page 1, line 8, after the name "California," to strike out "$75,000" and to insert "$80,000," so as to read:

Light and fog-signal station at or near Point Vincente, Cal., $80,000.

The amendment was agreed to.

The next amendment was, on page 1, line 9, after the name "California," to strike out "$30,000" and to insert "$29,000," so as to read:

Necessary improvements at Point Pinos Light Station, Cal., $29,000.

The amendment was agreed to.

The next amendment was, on page 1, line 12, after the name "California," to strike out "$40,000" and to insert "$43,000," so as to read:

Repairs and improvements to Goat Island Lighthouse Depot, near San Francisco, Cal., $43,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. Mr. President, I ask that the report in reference to the bill just passed be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The report referred to, which was submitted by Mr. PERKINS January 26, 1914, is as follows:

The Committee on Commerce, to whom was referred the bill (S. 789) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes, having considered the same, report it with an amendment, and as amended recommend its passage.

The bill thus amended has the approval of the Department of Commerce, as will appear by the annexed report, the amendment referred to therein having been incorporated in the bill as reported.

The amendments are as follows:

In line 8 of the bill strike out the figures "75,000" and insert the figures "80,000."

In line 10 strike out the figures "30,000" and insert the figures "29,000."

In line 12 strike out the figures "40,000" and insert the figures "43,000."

DEPARTMENT OF COMMERCE,
Washington, January 7, 1914.

MY DEAR SENATOR: Receipt is acknowledged of letter, dated December 30, 1913, from the Committee on Commerce, inclosing, with request for suggestions thereon by this department, a copy of Senate bill 789, Sixty-third Congress, first session, "to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes."

LIGHT AND FOG-SIGNAL STATION AT OR NEAR POINT VINCENTE, CAL.

Point Vincente is the most prominent point of the California shore line between Point Loma and Point Conception, a distance of 220 nautical miles. Practically all steamer traffic on the Pacific coast south of San Francisco, both domestic and foreign, passes this point. Point Fermin Lighthouse, 6½ miles to the southeastward, is cut off from steamers approaching on the usual courses from the northward until within 4 miles of Point Vincente by that point itself. This leaves an unlighted gap of 32 nautical miles on the usual courses of coasting vessels between Point Hueneme Light Station and Point Fermin Light Station. Freight and passenger traffic is very heavy along this part of the coast and will be materially increased with the opening of the Panama Canal. Point Vincente is a bold rocky point, and practically no warning can be had by the lead in approaching it in foggy weather, as the 100-fathom curve lies within one-half mile of the shore. The importance of this point is increased by the fact that it is a point of change of course for all passing traffic. Petitions dated September 21, 1907, September 3, 1909, and October 28, 1909, signed by masters and shipowners, requested that a light and fog signal be established at this point. It is proposed to establish a flashing light at an elevation of 170 feet and a first-class compressed-air fog signal.

Detailed estimate.

Tower, including site and water supply	$31,000
Illuminating apparatus	5,500
Fog-signal apparatus and building	9,800
Dwelling for 3 keepers	19,000
Outbuildings, fences, oil storage, piping, etc	7,000
Contingencies	7,700
Total	80,000

This item is included in the estimates for the Lighthouse Service for 1915, group 1, item No. 2, Book of Estimates, 1915, page 466, among works considered urgently necessary for the safety of navigation. As the cost of the project is estimated at $80,000, it is recommended that line 8 of the bill be modified by striking out the figures "75" and inserting in lieu thereof the figures "80."

NECESSARY IMPROVEMENTS AT POINT PINOS LIGHT STATION, CAL.

Improvements to the combined tower and dwelling at this station are required to keep them in a serviceable condition. Fog is of frequent occurrence at this point, and a first-class compressed-air signal, together with quarters for two additional keepers, is urgently required. Traffic into Monterey Harbor is steadily increasing, and a number of large oil-carrying steamers now run regularly to this port, where oil is piped from the oil fields in the interior of the State.

Detailed estimate.

Fog-signal building	$3,000
Fog-signal apparatus	7,000
Dwellings for 2 keepers	12,000
Improvements to present station	4,500
Contingencies	2,500
Total	29,000

This item is No. 33 of group 3, Book of Estimates, 1915, page 472, being included among works considered essential for the needs of navigation and the equipment of the Lighthouse Service, and which is recommended be undertaken as resources permit. On account of the expense involved and the greater urgency of many other items, an estimate covering this work was not submitted by this department for the fiscal year 1915. The work, however, is deemed worthy, and if Congress, considering the needs in other localities, should appropriate necessary funds for this item, this department could expend the money advantageously in the interests of navigation. As the cost of the proposed work is estimated at $29,000, it is suggested that line 10 of the bill be changed by striking out the figures "30" and inserting in lieu thereof the figures "29."

REPAIRS AND IMPROVEMENTS TO GOAT ISLAND LIGHTHOUSE DEPOT, NEAR SAN FRANCISCO, CAL.

The depot occupies a small area gained by cutting down the steep bluff at the southeast point of Goat Island, in San Francisco Bay, and filling in along the shore line with the material thus secured. This area and that afforded by the present wharf is now inadequate to afford a proper disposition of the property required to be stored there. This is the only depot in the district. An additional area should be filled in with excavated material to afford room for new storehouses and additional room for storing buoys. The present storehouses are merely wooden sheds, old and poorly constructed.

The present wharf should be extended to afford room for working two tenders alongside at the same time and to permit landing and loading supplies without having to shift material already stored on the wharf. The quarters provided for the depot force are old and insanitary in arrangement and location. New quarters should be provided on higher ground and the site of the present quarters utilized for the needs of the depot proper.

Detailed estimate.

Retaining wall and fill	$5,000
Storehouse, reinforced concrete	18,000
Wharf, additional, on iron piles	12,000
Dwelling	8,000
Total	43,000

This item is No. 35 of group 3, Book of Estimates, 1915, page 473, being included among works considered essential for the needs of navigation and the equipment of the Lighthouse Service, and which is recommended be undertaken as resources permit. On account of the expense involved and the greater urgency of many other items, an estimate covering this work was not submitted by this department for the fiscal year 1915. The work, however, is deemed worthy, and if Congress, considering the needs in other localities, should appropriate necessary funds for this item, this department could expend the money advantageously in the interests of navigation. As the cost of the proposed work is estimated at $43,000, it is suggested that line 12 of the bill be changed by striking out the figures "40,000" and inserting in lieu thereof the figures "43,000."

It is recommended that the bill be passed subject to the amendments suggested herein.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate, Washington, D. C.

SANTA BARBARA LIGHT STATION, CAL.

The bill (S. 790) to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 6, after the word "exceed," to strike out "$23,000" and to insert "$29,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to improve the Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling, at a cost not to exceed $29,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SANTA CRUZ LIGHT STATION, CAL.

The bill (S. 791) to provide for improvements at the Santa Cruz Light Station, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 5, after the words "sum of," to strike out "$35,000" and to insert "$32,000," so as to make the bill read:

Be it enacted, etc., That there be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $32,000 for improvements at the Santa Cruz Light Station, Cal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE DALLES (OREG.) POWER PROJECT.

The joint resolution (S. J. Res. 86) authorizing the Secretary of War to detail two Engineer officers to cooperate with engineers of the Interior Department or the States of Oregon and Washington in investigating The Dalles (Oreg.) power project was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the word "authorized," to insert the words "and directed"; in line 4, before the word "officers," to strike out "Engineer"; in line 5, before the word "Engineers," to strike out "Army," and, after the word "Engineers," to strike out "to" and to insert "United States Army, who, as part of their regular duties, will," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and is hereby, authorized and directed to detail two officers from the Corps of Engineers, United States Army, who, as part of their regular duties, will act with the engineers from the United States Department of the Interior or the States of Oregon and Washington as a board of consulting engineers in connection with the investigation of the Columbia River power project, near The Dalles, Oreg., for which investigation $15,000 has been appropriated under chapter 374, Laws of Oregon for 1913, and an equal amount allotted by the Secretary of the Interior from the United States reclamation fund; the intent being to have the States and the various interested departments of the United States Government join in the conclusions, to the end that the final plans for development may take into account the various uses of water for navigation, irrigation, and power purposes.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DAM ACROSS ROANOKE RIVER, VA.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River, in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

Mr. MARTIN of Virginia. I ask the Senator from Utah why he objects to the present consideration of the bill?

Mr. SMOOT. I want to look at the report in that case, and I have not had time to do so.

SEVERIN AND BERTHE L. EVENSEN.

The bill (S. 135) for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 12, after the words "sum of," to strike out "one thousand" and insert "three hundred and sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Severin Evensen and Berthe L. Evensen, dependent parents of Sigurd Evensen, who was killed on the U. S. S. Neptune while employed in coaling the same at Melville, R. I., on the 18th of October, 1911, through an accident which occurred without negligence or misconduct of said Sigurd Evensen, the sum of $360.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILWAY BRIDGE ACROSS MISSISSIPPI RIVER.

The bill (S. 1618) granting to the Inter-City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River was announced as next in order.

Mr. VARDAMAN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

HEIRS OF SAMUEL H. DONALDSON.

The bill (S. 1881) for the relief of the heirs of the late Samuel H. Donaldson was announced as next in order.

Mr. BRYAN. Mr. President, I ask unanimous consent that Order of Business 196, being House bill 3468, be substituted for Senate bill 1881. The bill as passed by the House has been reported by the Senate Committee on Claims with an amendment, making the bill identical with the Senate bill reported by the committee.

The VICE PRESIDENT. In the absence of objection, the House bill will be substituted for the Senate bill on the calendar. Is there objection to the present consideration of the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3468) for the relief of the heirs of the late Samuel H. Donaldson, which had been reported from the Committee on Claims with an amendment.

Mr. SMOOT. Mr. President, I have not before me the report on House bill 3468.

Mr. BRYAN. House bill 3468, as passed by the House, carries an appropriation of $1,500. Senate bill 1881, as reported by the Committee on Claims, carries an appropriation of $840. When the House bill passed and came to the Senate the committee reported the House bill back with an amendment, making it identical with the Senate bill.

Mr. SMOOT. The Senator proposes to offer an amendment decreasing the amount from $1,500 to $840?

Mr. BRYAN. That is the amount reported by the amendment of the committee.

The VICE PRESIDENT. The amendment reported by the committee will be stated.

The SECRETARY. In line 8, after the words "sum of," it is proposed to strike out "$1,500" and to insert "$840," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of the late Samuel H. Donaldson, who died from injuries received in the performance of his duties under the appraiser of merchandise at the port of New York, the sum of $840.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. I move that Order of Business 153, being the bill (S. 1881) for the relief of the heirs of the late Samuel H. Donaldson, be indefinitely postponed.

The motion was agreed to.

JOEL J. PARKER.

The bill (S. 2226) for the relief of Joel J. Parker was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

LAWSON RENO.

The bill (S. 175) for the relief of Lawson Reno, collector for second district of Kentucky, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to credit Lawson Reno, collector of internal revenue for the second district of Kentucky, and his accounts, with $96, being the value of 19,200 1-ounce tobacco stamps totally destroyed by fire in the office of Stamp Deputy George R. Mayo, in the Warren County Hardware Co., in the McCormack Building, in Bowling Green, Ky., by reason of the accidental burning of the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'QUADE.

The bill (S. 1922) for the relief of Margaret McQuade, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, after the words "sum of," to strike out "$2,500" and insert "$840," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret McQuade, widow of the late Edward McQuade, alias Edward Quade, out of any money in the Treasury not otherwise appropriated, the sum of $840, as compensation for the death of the said Edward McQuade, alias Edward Quade, caused by and in the performance of his duties as an employee in the Government service in the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLEVADORAH STEELE.

The bill (S. 3843) for the relief of Bellevadorah Steele was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$10,000" and to insert "$1,248," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bellevadorah Steele, out of any money in the Treasury not otherwise appropriated, the sum of $1,248, in full compensation for injuries received by Horatio N. Steele, husband of the said Bellevadorah Steele, while performing his duties as a master mechanic in the gun-carriage shop of the navy yard at Washington, D. C.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Florida if in all these cases the committee had a report from the department giving a description of how the accident occurred?

Mr. BRYAN. Yes, sir.

Mr. SMOOT. I notice that a copy of the letter from the department is not set forth in the report, and I wondered whether the chairman had actually received a report from the department.

Mr. BRYAN. The Senator will notice the report states that the Acting Secretary of the Navy, Mr. Winthrop, writes, among other things—

That the accident was clearly without his fault, and the Government was negligent.

We did not insert the entire letter, but that was taken from the letter.

Mr. SMOOT. In reading the report of the committee I did not take the statement "that the accident was clearly without his fault, and the Government was negligent," to be from the report of the Acting Secretary of the Navy. I thought that was a statement made by the Senator who wrote the report.

Mr. BRYAN. That is probably so. I notice that I was mistaken as to that; but if the Senator will read the paragraph preceding that he will see that the case was referred to the department and that they reported on it.

Mr. SMOOT. If the Senator says that a report was made by the department showing the facts to be as the report states, I have no objection to the bill.

Mr. BRYAN. That is my recollection. I do not think a bill of this character is ever reported by the committee without a report from the department.

Mr. HUGHES. Mr. President, I should like to ask the Senator from Florida a question. I notice that in a bill just passed the amount of $840 was fixed for the death of the husband of the beneficiary under the bill, while under a bill passed just prior to that the amount was $5,000.

Mr. BRYAN. The larger amount was carried by the bill when it was introduced, but it was reported with an amendment reducing the appropriation. In the case of accidental death of departmental employees due to the fault of the Government, and without negligence on the part of the employee, the amount is fixed at one year's salary. That was the amount allowed in the case to which the Senator refers and the amount allowed in this particular case.

Mr. HUGHES. Yes; I see that $5,000 was the amount originally carried by the bill to which I had reference, but a smaller amount was substituted by amendment.

Mr. BRYAN. Five thousand dollars was the amount asked for.

Mr. HUGHES. Is it the fixed policy of the committee not to allow more than a year's salary?

Mr. BRYAN. It is.

Mr. HUGHES. Even if the death is without negligence on the part of the employee?

Mr. BRYAN. The committee follow the act of 1898, allowing a year's salary to Government employees on certain works of the Government. Departmental employees, of course, are not covered by that act; but it has been the custom of the committee for a number of years, almost ever since that act was passed, in meritorious cases to apply it to other employees.

Mr. SMOOT. The act to which the Senator from Florida refers is the act granting the relief of a year's salary to those employed on the Panama Canal.

Mr. BRYAN. On the Panama Canal, in navy yards, and places of that character.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES C. CROWELL.

The bill (S. 2590) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SAMUEL HENSON.

The bill (S. 1171) for the relief of Samuel Henson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel Henson, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, as compensation for injuries received while employed under the Superintendent of the United States Capitol on the 19th day of September, 1911.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SNARE & TRIEST CO.

The bill (S. 1369) for the relief of the Snare & Triest Co. was considered as in Committee of the Whole. It proposes that the claim of the Snare & Triest Co. for reimbursement for all losses to them, including damage to pier growing out of a collision by the U. S. S. *Colorado* on the night of February 9, 1905, at League Island Navy Yard, be referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment and provided the petition is filed within six months from the date of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. SMOOT. I should like to ask the Senator from Montana if he is particularly interested in the passage of this bill to-day. If not, I should like to have it go over.

Mr. MYERS. I should not mind having it go over for one day.

Mr. SMOOT. I will ask that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

JACOB WIRTH.

The bill (S. 2069) for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Jacob Wirth, of Poplar, Mont., $180, in compensation for two horses lost while hired by the United States Geological Survey.

Mr. SMOOT. I should like to ask if the Government was in any way responsible for the loss of these horses?

Mr. MYERS. Oh, yes. There is an exhaustive report here on the matter from the department, with affidavits, and it is recommended by the department.

The facts, briefly stated, are that officials of the Geological Survey hired these horses and entered into a contract for hiring them in the usual form, executed in the same manner that other contracts are executed. It is a matter of frequent occurrence, I am informed. While the horses were in the possession of the Government officials and agents they were either stolen or strayed away. It would appear that the Government, at least, did not exercise sufficient prudence and precaution if the horses were stolen or strayed away, and acknowledges the liability.

Mr. SMOOT. Did the Government hire Mr. Jacob Wirth with his horses, or did it just hire the horses from him?

Mr. MYERS. It just hired two horses from him, and was, of course, responsible for their return. The letter from the Director of the Geological Survey fully admits the liability of the Government and the fact that the bill ought to be paid. It has passed the scrutiny of the Committee on Claims. I think the Government was responsible for the horses while it had them in its possession. At least, that liability is admitted by the Government, through its officers.

The PRESIDING OFFICER (Mr. HUGHES in the chair). If there be no amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Montana a question. I see the bill is for reimbursement for the loss of two horses hired by the United States Geological Survey.

Mr. MYERS. Yes.

Mr. WILLIAMS. Is there any claim made that the horses were lost by overdriving, or underfeeding, or anything of that kind?

Mr. MYERS. They were stolen or strayed while in possession of the Government officials.

Mr. WILLIAMS. Oh, they did not die?

Mr. MYERS. Manifestly the Government officials did not exercise the degree of precaution and care necessary to keep them from straying or being stolen.

Mr. WILLIAMS. It was not a case of death, then?

Mr. MYERS. No. It happened a long time ago, and the country has been thoroughly searched and advertised.

Mr. WILLIAMS. I asked the question because the word "lost" is pretty broad, and I thought if they had been killed by overdriving the individual who overdrove them ought to pay for them.

Mr. THOMAS. Mr. President, from this report, which I have read hurriedly, it would seem that Mr. Bauer, of the Geological Survey, is the man who ought to be held responsible for the stealing or straying of the horses.

Mr. MYERS. That is a matter between the Government and Mr. Bauer.

Mr. THOMAS. I do not think so. He was the custodian of these horses, and the contract for their keeping was made with him.

Mr. WILLIAMS. Suppose the man had stolen them. Would the Senator think the United States Government ought to pay for them?

Mr. MYERS. Why, yes. He was not in charge of the horses.

Mr. WILLIAMS. Then, even if he had stolen them, the United States Government ought to pay for them?

Mr. MYERS. Certainly; if the agent of the Government did not exercise sufficient precaution to keep people from stealing them. Perhaps I misunderstood the Senator. The Senator said suppose who had stolen them?

Mr. WILLIAMS. The man who was employed by the Geological Survey, and had them in his custody.

Mr. MYERS. Oh, no; but there is no such contention as that.

Mr. WILLIAMS. I say, I am putting the case. Then, if the Government is to be held responsible because somebody stole horses while the horses were in the custody of this man, the Government could be equally held responsible if he had stolen them himself, because his criminality and negligence would have been still greater.

Mr. MYERS. I will concede that.

Mr. WILLIAMS. Then I contend, the Senator having admitted that the Government would not pay for them if the man himself had stolen them, a fortiori, it ought not to pay for them merely because he was negligent enough to let somebody else steal them.

Mr. MYERS. The department to which this matter was referred admits the liability of the Government, and the legal part of the matter has passed the scrutiny of the Committee on Claims.

Mr. SMOOT. I wish to call the Senator's attention to the statement that the Director of the Geological Survey has made. It is very short.

Mr. MYERS. I should like to have it read.

Mr. SMOOT. I do not think it admits the liability of the Government.

He says, in a letter addressed to the chairman of the Committee on Claims of the United States Senate:

> In reply to your letter of May 20, regarding bill (S. 2069) for the reimbursement of Jacob Wirth for two horses lost while hired by the Geological Survey, there are inclosed herewith affidavits submitted by Mr. Wirth in support of claim, and affidavit prepared by C. M. Bauer, assistant geologist, United States Geological Survey.
>
> The bill as submitted for $180 is, in my opinion, a fair value for the horses, and merits approval.
>
> Respectfully, GEO. OTIS SMITH, *Director.*

That is only an approval as to the value of the horses. There is not any question about that.

Mr. MYERS. What is it that merits approval? He says, "The bill * * * is, in my opinion, a fair value for the horses, and merits approval." That is to say, the bill merits approval. I can put only one construction upon it.

Mr. SMOOT. I will ask that the bill go over until I can learn a little more about it.

Mr. MYERS. Perhaps the Senator from Oregon [Mr. LANE], who reported out the bill, and is on the floor, can tell us more about it.

Mr. SMOOT. If the Senator from Oregon has not any objection, I should like to have the bill go over, and I will write to the Director of the Geological Survey and find out just what responsibility the Government has.

Mr. MYERS. I simply wanted to hear what the Senator from Oregon had to say, if he wished to say anything.

Mr. LANE. Mr. President, I examined this bill very carefully. There is no question but that these horses were hired by the agent of the Geological Survey, and that he took them from the place where the owner kept them, and used them as pack horses, and lost them on the trip. The man who owned the horses has never seen them since. They were put in charge of a Government agent, and he lost them. He hobbled them, and lost them. He could not or did not find the horses after he hobbled them, and the Government has never returned the horses.

I have hired a great many horses for pack trips, and have gone up into the mountains with them, and hobbled them, staked them out, and treated them in other ways. If I lost them while I was gone, whether they went over a bluff and killed themselves, or somebody stole them, or they strayed and got out of the country, I always felt that I was responsible to the man who hired them to me for their safe-keeping and for their return in good order.

Mr. WILLIAMS. While that is true, does not that simply prove that the man who was in charge of the horses, and whose negligence led to their being lost, ought to pay for them and not that the Government ought to pay for them?

Mr. LANE. That is another question. If it is a matter of holding him responsible, if you are going to send out on the trail in the mountains pack trains under the charge of a geologically informed gentleman who, perhaps, does not know how to hobble a horse, and hold him responsible for the care of the horses, and, in addition to that, require him to do scientific work, you are asking something of him that perhaps he is unable to perform.

Mr. WILLIAMS. Then, if that is the case, we ought to pass a law to forbid geological gentlemen from hiring horses in the name of the Government.

Mr. LANE. Perhaps that would be the better way out of it; but you have not passed such a law up to this time.

Mr. THOMAS. Mr. President, if the Senator from Oregon will permit me, I should like to say just a word.

Mr. LANE. I will.

Mr. THOMAS. My criticism of this bill is that it sets an extremely dangerous precedent. If the Government of the United States is responsible to the owner of property which its agents and representatives throughout the country have occasion to use or to employ, it will certainly tend to a decrease of diligence in looking after and caring for that property. It may perhaps promote or encourage just the contrary course with reference to its care and its custody.

In view of what has been set forth here—and this seems to be an ordinary case of disappearance—I think that if by passing a bill of this kind we admit the responsibility of the Government for losses under those circumstances, we will be simply overwhelmed here with bills of a similar character from all sections of the country; and there are enough demands now upon the Treasury of the United States to swamp it, without creating this fresh liability.

Mr. SMOOT. I ask that the bill may go over for to-day.

Mr. MYERS. Mr. President, I will consent that the bill may go over for a few days. I hope we shall get it up again soon, however.

I simply want to say in this connection that if the man who is in charge of the horses is not financially responsible, and his superior is not responsible, you will have a hard time hiring horses in the West. That is not the fault of the man who rents the horses.

The PRESIDING OFFICER. The bill will be passed over.

C. E. MOORE.

The bill (S. 3610) for the relief of C. E. Moore was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HOMESTEAD AND DESERT-LAND ENTRIES.

The bill (S. 2068) to authorize the allowance of second homestead and desert entries was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, in line 5, after the word "entry," to insert "or entries"; in line 9, after the word "entry," to insert "or entries"; and in line 13, after the word "entry," to insert "or entries," so as to make the bill read:

> *Be it enacted, etc.,* That where any person, otherwise duly qualified to make entry of public lands under the homestead or desert-land laws, has heretofore made or may hereafter make entry or entries under said laws, and has forfeited or abandoned the same, such person may be permitted to make another entry upon showing to the satisfacton of the Secretary of the Interior that the prior entry or entries was made in good faith, was forfeited or abandoned because of matters beyond his control, and that he has not speculated in his right nor otherwise committed a fraud or attempted fraud in connection with such prior entry or entries.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LEAVE OF ABSENCE TO EMPLOYEES OF LIGHTHOUSE SERVICE.

The bill (S. 1262) authorizing 15 days' leave of absence with pay to per diem employees of the Lighthouse Service of the Department of Commerce was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

> That hereafter employees of the Lighthouse Service compensated at a per diem rate of pay may be granted 15 working-days' leave of absence each year without forfeiture of pay during such absence, under rules prescribed by the Secretary of Commerce: *Provided,* That no employee of the class herein mentioned shall be entitled to any leave until he has served 12 consecutive months, when he may be granted 15 days' leave, and that during the second or any subsequent year 15 days' leave at the rate of 1¼ days per month, as earned, may be granted from the beginning of the second service year: *Provided further,* That the in-

spectors of the several lighthouse districts shall have discretion as to the time when the leave can be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting the bill whether the department has made a report on it, and whether the report from the committee is a unanimous one or not?

Mr. SHEPPARD. The bill is unanimously reported by the committee and is favorably recommended by the Department of Commerce.

Mr. SMOOT. I see no report here from the committee; and I should like the Senator to explain to me, if he will, in a few words, just what the bill seeks to accomplish and what expense will result to the Government from its passage.

Mr. SHEPPARD. I call the Senator's attention to the letter of the Secretary of Commerce, Mr. Redfield, describing the bill in detail. He says:

Legislation for the granting of 15 days' leave of absence to per diem employees of the Lighthouse Service is recommended in the estimates for the Lighthouse Service for the fiscal year 1915, in the Book of Estimates, 1915, at page 591, under the heading "General expenses, Lighthouse Service," to which your attention is invited. It is believed that the granting of the leave as proposed in the estimates would be of benefit to both the employees and the Lighthouse Service, but in order that the work of the service may not be delayed it would be necessary to provide funds to meet this expense, and the estimates referred to make provision for an increase of $15,000 in the appropriation for "General expenses, Lighthouse Service," to take care of this additional expense.

I think that will give the Senator the particular information he desires.

Mr. SMOOT. Mr. President, I shall not object, but I believe legislation of that class ought to be pretty thoroughly considered before its passage. I suppose, however, we can take the report for granted—that it will accomplish some good—and I sincerely hope it will.

Mr. SHEPPARD. I do not think there is any more faithful or any more devoted class of employees than these people of the Lighthouse Service.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1759) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

F. J. FEARIS.

The bill (S. 3307) for the relief of F. J. Fearis was considered as in Committee of the Whole. It proposes to pay to F. J. Fearis, postmaster at Richland, Iowa, the sum of $64.80, to reimburse him for $9.80 in postal savings funds and $55 in postal savings stamps and cards which were stolen when the post office at Richland, Iowa, was robbed on the 1st day of May, 1913, and which sum was thereby lost without fault on the part of the postmaster, and which sum has been made good from the personal funds of the said postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE JOURNALS OF STATE AND TERRITORIAL LEGISLATURES.

The bill (S. 1701) to admit legislative journals of State and Territorial legislatures to the mails as second-class mail matter was considered as in Committee of the Whole.

The bill was reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 3, before the word "legislative," to insert "daily," and in line 4, after the word "legislatures," to strike out "not exceeding 100 copies to each member of any such legislature," so as to make the bill read:

Be it enacted, etc., That daily legislative journals of the several State and Territorial legislatures, when mailed from the State or Territorial capitals during legislative sessions, shall be accepted as second-class mail matter.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERMS OF THE PRESIDENT, VICE PRESIDENT, ETC.

The next business on the calendar was the joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives.

The PRESIDING OFFICER. The joint resolution was reported adversely from the Committee on the Judiciary.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The joint resolution will go over.

OFFICE FURNITURE, ETC., OF IMMIGRATION COMMISSION.

The joint resolution (S. J. Res. 44) transferring office furniture, equipment, etc., heretofore used by the Immigration Commission to the Department of Labor was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The next bill on the calendar was the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BRYAN. That bill and the two following pensions bills have just been reported, and the reports have not been printed. Not for the purpose of delay, but in order that Members may have an opportunity to study the reports, I ask that the three bills may go over.

The PRESIDING OFFICER. The three pension bills, S. 4352, S. 4353, and H. R. 10138, will go over.

DOCUMENTARY HISTORY OF THE CONSTITUTION.

The next business on the calendar was the joint resolution (S. J. Res. 104) for printing as a public document the publication of the State Department known as the Documentary History of the Constitution of the United States.

The PRESIDING OFFICER. The joint resolution was reported adversely from the Committee on Printing.

Mr. SMOOT. There was an adverse report on it, and I ask that it be indefinitely postponed.

Mr. WALSH. I desire to inquire of the Senator if there is a compilation of these documents?

Mr. SMOOT. Yes; there is a compilation of them. The first three volumes have been issued, and there are some 300 copies now at the Government Printing Office. I have not the report here, and I forget the exact amount of the cost.

Mr. WALSH. It is sufficient for my purpose to know that the document is available.

Mr. SMOOT. It is.

Mr. SHEPPARD. May I inquire who introduced the joint resolution?

Mr. SMOOT. I think it was introduced by the Senator from Kansas [Mr. BRISTOW].

The PRESIDING OFFICER. The Senator from Kansas [Mr. BRISTOW] introduced the joint resolution.

Mr. SHEPPARD. I suggest that before it is indefinitely postponed that Senator should be given a chance to be heard.

Mr. SMOOT. I ask that it may go over. I will say to the Senator that the reason why I did not ask that it go over in the absence of the Senator from Kansas was because he said he would like to have it go over for one day, and it went over once before.

Mr. SHEPPARD. I suggest that it go over now.

Mr. SMOOT. There is no objection whatever to that course.

The PRESIDING OFFICER. The joint resolution will go over.

INSPECTION AND GRADING OF GRAIN.

The bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. SMOOT. No doubt this bill ought to be explained. The Senator who is particularly interested in its passage is not here, and I ask that it may go over for to-day.

The PRESIDING OFFICER. The bill will go over.

LEAVE OF ABSENCE TO HOMESTEAD SETTLERS.

The bill (S. 2316) authorizing leave of absence to homestead settlers upon unsurveyed lands was considered as in Committee of the Whole. It provides that any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed lands of the United States with intention, upon survey, of entering same under the homestead laws

shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding five months in each year after establishment of residence; but he shall have plainly marked the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT POPLAR, MONT.

The bill (S. 656) granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of Christ Church On-the-Hill, at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana, was read and considered as in Committee of the Whole.

Mr. WARREN. May I ask the Senator from Montana how it happens that a part of the town site is under the control of the United States? I am not objecting to the bill, but I want just a word of explanation.

Mr. MYERS. It is on an Indian reservation. That is my understanding.

Mr. WARREN. There is nothing in the bill to show that that is the case. I wanted to have it made clear.

Mr. WALSH. I desire to inquire of my colleague whether similar requests have not heretofore been made from other religious denominations?

Mr. MYERS. Yes; a number of such requests have been granted and granted free of charge in those cases; but in this case the committee recommended as an amendment to insert the words "upon payment by them of the appraised value thereof," so that these gentlemen will simply pay the price of the lots.

Mr. WALSH. I think, Mr. President, it is regrettable that such an amendment should be incorporated in the bill.

Mr. SMOOT. Mr. President, I wish to say that the bills which have passed Congress, referred to by the Senator from Montana, must have passed many years ago. In the last 10 years I can say that no such bills have passed that I remember without the payment of the appraised value being provided for in the bills. The department takes the same position, and unless that is put in a bill submitted to them they report against it. I myself believe that it would be a rather dangerous precedent to establish.

Mr. MYERS. I will state that the bill as originally introduced provided for the donation of the lots; and it is my information that quite a good many years ago other lots were donated to several other religious denominations free of charge. While I opposed the amendment, the majority of the Committee on Public Lands saw fit to recommend it, and I can do nothing but support the bill with that amendment. Personally I do not think the amendment is just. The committee recommended it, and I had to submit to the will of the majority of the committee.

The PRESIDING OFFICER. The amendment of the Committee on Public Lands will be stated.

The SECRETARY. On page 1, line 7, after the word "Church," insert "upon payment by them of the appraised value thereof."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEW ENGLAND STEAMSHIP CO.

The next bill on the calendar was the bill (S. 2786) for the relief of the New England Steamship Co., owner of the American steamer *Commonwealth*, which had been reported from the Committee on Claims with amendments.

Mr. BRYAN. I move to substitute for this bill Order of Business No. 197, the bill (H. R. 9848) for the relief of the New England Steamship Co.

Mr. SMOOT. That is the House bill?

Mr. BRYAN. It is.

Mr. SMOOT. For the same purpose?

Mr. BRYAN. For the same purpose, and it corresponds exactly with the Senate bill as amended by the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9848) for the relief of the New England Steamship Co. It provides that the claim of the New England Steamship Co., owner of the American steamer *Commonwealth*, alleged to have been injured in collision with the United States battleship *New Hampshire*, on or about July 7, 1912, in or near Newport Harbor, for and on account of the alleged damage to said steamer *Commonwealth* by reason of said collision, may be submitted to and cross libel against the United States filed in the United States district court in the district in which suit has been or shall be commenced by the United States to recover for the damage to the said battleship *New Hampshire* resulting from said collision, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties and with the same rights of appeal, but said cross libel shall be filed not later than four months after the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BRYAN. I move that the bill (S. 2786) for the relief of the New England Steamship Co., owner of the American steamer *Commonwealth*, be indefinitely postponed.

The motion was agreed to.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

The bill (S. 4407) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver to the city of Prescott, Ariz., the condemned brass cannon now at Fort Whipple, and known as the sunset gun, together with carriage and limber and suitable outfit of cannon balls;

To the city of El Paso, in the county of Woodford and State of Illinois, for the use of S. T. Rogers Post, No. 531, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Morrow, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the town of Warren, in the State of New Hampshire, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the proper authorities of the city park in the city of Aberdeen, in the State of Washington, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the proper authorities of the city of Albany, Oreg., five condemned bronze or brass cannon and a suitable outfit of cannon balls;

To the order of the Dan McCook Post, No. 105, of the Grand Army of the Republic, at Wenatchee, Wash., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the town of Somerset, Ky., of one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Blue Earth, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the proper authorities of Columbia County, in the State of Washington, two condemned bronze or brass cannon and a suitable outfit of cannon balls;

To the city of West Point, Miss., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Salisbury, Md., one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the county of Uinta, in the State of Wyoming, two condemned bronze or brass cannon.

To John A. Logan Post, Grand Army of the Republic, Salina, Kans., two condemned bronze or brass cannon and a suitable outfit of cannon balls;

To the city of Tucson, in the State of Arizona, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the United Spanish War Veterans, Camp Lee Forby, No. 1, of Omaha, Nebr., two brass or bronze cannon or fieldpieces: *Provided*, That the donation be of cannon or fieldpieces used or captured in the War with Spain if any such are available for this purpose;

To the city of McPherson, State of Kansas, two condemned cannon or fieldpieces:

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *And provided further*, That each and every article of condemned military equipment covered by this act shall be subject at all times to the order of the Secretary of War.

Mr. THOMAS. I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

To the high-school district Holyoke, Phillips County, Colo., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

Mr. SMOOT. I suggest to the Senator from Colorado that it would be much better to have his amendment follow after line 21, on page 3, because the proviso that comes in at the end of the bill begins at line 22.

Mr. THOMAS. I will accept that suggestion.

The PRESIDING OFFICER. The amendment will come in on page 3, after line 21. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. I also move to add after the amendment just agreed to the following:

To the city of Durango, Colo., for the use of the public park thereof, two condemned bronze or brass cannon.

The amendment was agreed to.

Mr. SMOOT. I offer an amendment to follow the amendment just adopted.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. Insert the following:

To the University of Utah, in the State of Utah, two condemned bronze or brass cannon and a suitable outfit of cannon balls.

The amendment was agreed to.

Mr. WARREN. Mr. President, I am not going to object to the bill, but some two years ago, the supply having been exhausted, an act was passed by Congress providing that there should be no more donations of this kind except where, first, it had been condemned, and, second, at a price per pound which would be equal to what could be realized from breaking up the ordnance and using it again.

I apprehend that there may be some shortage of condemned cannon. I do not think there is anywhere near the number of pieces called for. It is possible that the report may show.

I am not going to object to the bill, as I said, because before it passes the House undoubtedly that will be ascertained, if it has not been ascertained already; but it would be a little difficult if there should be only three or four condemned cannon to provide for the requirements of a bill that carries so many. It would be difficult for the officers having charge of the ordnance to know to which towns they should apportion the cannon.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY FULLER AND PETER DUCHANE.

The bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller was announced as next in order.

Mr. THOMAS. The bill was reported adversely, and I ask that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, that action will be taken.

The bill (S. 3594) to correct the military record of Peter Duchane was announced as next in order.

Mr. BRYAN. That bill was adversely reported, and I move that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

Mr. SMOOT. I did not notice the names in the bills reported adversely. I call the attention of Senators to the fact that the senior Senator from Michigan [Mr. SMITH] made a personal request that these bills go to the calendar, as he desires to make a statement on the bills before they are indefinitely postponed.

Mr. THOMAS. Then I withdraw the request I made.

Mr. BRYAN. Of course the only object I had in making the motion was to save the time that would be taken in reading the bill when it is left on the calendar.

Mr. SMOOT. I realize that that was the purpose.

The PRESIDING OFFICER. Without objection, the bills will go over.

BYRON W. CANFIELD.

The bill (S. 1044) for the relief of Byron W. Canfield was considered as in Committee of the Whole. It provides that in the administration of the pension laws Byron W. Canfield, late captain Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on the 30th day of January, 1863; but no pension, bounty, pay, or other pecuniary emolument shall accrue prior to the passage of this act.

Mr. BRYAN. I should like to ask the Senator in charge of the bill what is the report from the department upon it?

Mr. CLAPP. The Senator in charge of the bill is not in the Chamber, and I hope that the Senator will not insist upon that. I suggest that the bill be temporarily passed over.

Mr. WARREN. It will be perfectly proper to lay it aside until the Senator reporting it is present.

Mr. CLAPP. The Committee on Military Affairs reported the bill favorably.

Mr. BRYAN. I should like to find out what the department has to say about it.

Mr. CLAPP. That appears in the report, of course.

Mr. BRYAN. Let it be passed over for the present.

Mr. CLAPP. Not passed over, but the bill is simply laid aside until the return to the Chamber of the Senator from Iowa [Mr. KENYON].

The PRESIDING OFFICER. The bill will go over temporarily.

ERNEST C. STAHL.

The bill (S. 3488) for the relief of Ernest C. Stahl was announced as next in order.

Mr. BRYAN. I do not see the Senator who reported the bill in the Chamber. I should like to have some explanation of this bill also.

Mr. WARREN. I think it should be laid aside until the Senator reporting it is present.

Mr. MYERS. I can explain it, and my explanation might shed some light on the measure. I would much rather that the author of the bill, the Senator from New Jersey [Mr. MARTINE], were present, but as he is not here I dislike to have the bill go over on account of his absence.

Mr. BRYAN. I am not asking to have it go over, but it can be laid aside until someone is here to explain it.

Mr. MYERS. I will undertake to explain it.

Mr. BRYAN. Very well.

Mr. MYERS. Col. Stahl was a valiant soldier in the Union Army during the war from the State of New Jersey, and he served for four years. About the close of the war he was stationed down here at Alexandria. He was in the Army stationed down there after the war had ended, several months after Gen. Lee surrendered. He was a private, I believe, or a noncommissioned officer. He went home on a visit by leave of his officer or his tacit approval and just simply did not go back. There was no demand made for him to go back. I have an acquaintance with the gentleman. He says he was told by superior authority, an official, that he did not need to go back. The war was over and the regiment was about to be mustered out and to disband. When they made up the rolls and found out who was absent for the purpose of disbanding the regiment he was simply marked as being absent without leave. That is my understanding of the case.

Mr. BRYAN. That is what he said?

Mr. MYERS. Yes.

Mr. BRYAN. What does the War Department say?

Mr. MYERS. That I can not state.

Mr. BRYAN. That is what I want to know.

Mr. MYERS. Of course. To complete what I have to say in a word or two, the object of the bill is simply, I understand, to remove the charge of desertion from his record. It carriers no increase of pension and no emoluments whatever.

Mr. BYRAN. It carries no increase, but it gives him a pension.

Mr. CLAPP. No.

Mr. BRYAN. I think that the other side, the War Department, ought to have been heard. The War Department ought to have been asked as to whether the story he tells corresponds with the records of the department and the statements of the soldier's comrades.

Mr. MYERS. Of course, that is all I can say, and if anyone wants a further explanation, I can not give any more.

Mr. BRYAN. I ask that the bill may go over.

The PRESIDING OFFICER. On objection, the bill will go over.

FRANK HODGES.

The bill (S. 4002) for the relief of Frank Hodges was announced as next in order.

The PRESIDING OFFICER. The bill was adversely reported from the Committee on Claims.

Mr. SMOOT. I notice that we have not a report on that case on the files, and I ask that it and the remainder of the bills on the calendar be passed over for the day.

Mr. THOMPSON. I trust the Senator from Utah will not object to the consideration of the bill.

Mr. SMOOT. This bill is the one I really wanted to look into.

Mr. THOMPSON. It will require only a moment's explanation.

Mr. SMOOT. I want to know whether it would establish the precedent that when a man buys a hunting license, because of the fact that he does not use it the Government is to refund the money.

Mr. BRYAN. That is what the report shows, I will state to the Senator.

Mr. SMOOT. I want to know whether the Government proposes to undertake to refund the money in such a case.

Mr. BRYAN. The Senator from Kansas was about to explain it to the Senator.

Mr. THOMPSON. It is a small matter, and——

Mr. SMOOT. It is an adverse report?

Mr. THOMPSON. Yes, sir. I trust the bill will be passed. It is a just claim, and I think Senators will agree with me when I make a little explanation in regard to it. I am sure if it was a transaction between individuals there would be no question on earth about it. I think the Government ought to be as fair with one of its citizens as its citizens would be between themselves.

Frank Hodges intended to go to Alaska for a little hunt. He wrote up there for a license and sent $50, the charge. Before the license was returned to him he became seriously ill. The facts in the case are undisputed. He immediately returned the license and asked the governor of Alaska to return the money. The governor of Alaska stated that the money had been transmitted to the Treasury.

Mr. BRYAN. I will ask the Senator for how long a time the license was good?

Mr. THOMPSON. I can not answer as to that.

Mr. BRYAN. For the season?

Mr. THOMPSON. I presume so.

Mr. BRYAN. How long was Mr. Hodges sick?

Mr. THOMPSON. He was sick for several months, and dangerously ill, so that it was impossible for him to make the trip.

Mr. BRYAN. The record does not show that.

Mr. THOMPSON. That is my understanding of the facts. Mr. Hodges is a very reputable person in our State. He is a brother of our present governor. He wrote to the governor of Alaska, returning the license. The governor simply stated that he would be glad to return the money, or words to that effect, but that he had sent it to the Treasury Department, and that he should apply there for the money. He applied to the Treasury Department. They stated that they had no authority, after the money reached the Treasury, to pay it out, and that his recourse then was simply by a bill in Congress, which I have introduced.

It does seem to me that, under these circumstances, the passage of the bill would establish no dangerous precedent and that the Government could well afford to return the money, exactly as we would do in a transaction amongst ourselves.

Mr. SMITH of Arizona. Will the Senator from Kansas permit me a mere suggestion?

Mr. THOMPSON. Yes, sir.

Mr. SMITH of Arizona. I am one of those who have paid enough for hunting licenses in different States to have a kind of sympathy with this man. If he in good faith secured a license for the hunting season in Alaska; if he was taken sick and was unable to go to Alaska; if he has not yet been there on his hunting trip; if he is like those of us who love to spend what little leisure we have in the fields in innocent sport; and if sickness prevented his little recess and the Government got $50 of his money and he did not shoot anything in the whole magnificent Territory of Alaska, he ought to have his money returned. No matter how many committees have reported adversely on a claim as plain as this, the money ought to be refunded. The governor covered it into the Treasury of the United States, the applicant could not have the enjoyment and the benefit of that trip, and he was told that he must apply to the United States Government to get the money on account of its being buried in the Treasury. I hope the committee will withdraw any objection to a claim so evidently just and proper.

Mr. BRYAN. Mr. President, I should like to ask the Senator from Arizona a question. First, I ask him how long is the hunting season in Alaska?

Mr. SMITH of Arizona. I am not able to say, but I imagine—I was on a committee in the other House and had something to do with the matter at that time in the House—Alaska is like other sections of the country, in that it has its open and closed seasons for shooting, and the licenses usually in the States run for one year, subject, of course, to the season in which game can be killed.

Mr. BRYAN. Does the Senator from Arizona think that if Mr. Hodges had gone to Alaska and had failed to kill any game his license money should be returned?

Mr. SMITH of Arizona. If that were true, I would have claims against certain Southern States, by the payment of which I would be recouped a great deal of my lost fortune.

Mr. BRYAN. Is the Senator from Arizona here trying to establish a precedent, so that he may make claims against some States for the payment of his loss?

Mr. SMITH of Arizona. No; the Senator from Arizona has been here long enough to be aware that nothing that he could do here would establish a precedent and a rule for a right thing; but I should think a State unconscionable, if I should write from Washington and get a license from the State of North Carolina, for instance—a State in which I have enjoyed many a pleasant season—and the officials should take my money and I should be taken sick and could not go within the season and they should refuse to refund it on application. I think in that case they should certainly return me my money from that State if I should make a demand for it, and not conditioned on the question as to whether I got game or not, if I did go hunting.

Mr. BRYAN. Mr. Hodges states, in his affidavit, that a dangerous illness caused him to abandon the trip and that he did not use the license, but the license was good for a year.

Mr. SMITH of Arizona. I know, but the time within which to hunt was not good for a year.

Mr. BRYAN. I do not know how long Mr. Hodges was sick. Does the Senator from Arizona think that, having the right to hunt for a year, the Government having provided a place for him to hunt, and the beasts of the field and the fowls of the air being there for Mr. Hodges to shoot at if he wanted to go, Mr. Hodges having abandoned his trip, the Government really ought to return that $50?

Mr. SMITH of Arizona. Unquestionably it ought. The license was given for a season to shoot. The man was taken sick. It is a great distance from Kansas to Alaska, and he did not have an opportunity to go at that time. He started to go on a hunting trip in the only season he probably would have from that day until the day he died.

Mr. BRADLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. SMITH of Arizona. Yes.

Mr. BRADLEY. I should like to inquire whether there is evidence filed with this claim showing that this man had a gun; that he had the necessary ammunition; and that he was ready, willing, anxious, and waiting to go and hunt if he had not been taken sick?

Mr. SMITH of Arizona. I should think the fact of his having paid $50 for a license would indicate that he was not going up there without having his gun with him.

Mr. BRADLEY. He may have had an arrangement with some man by which he was to loan him a gun and did not do it. [Laughter.]

Mr. SMITH of Arizona. That might be, but such a license is not transferable; nobody else could use it except this particular man.

Mr. BRADLEY. How long was this man sick?

Mr. THOMPSON. Mr. President, I think I can answer the Senator's question. To my personal knowledge this man was dangerously ill and nearly died in 1909. He returned the license immediately upon its receipt and requested the return of his money. I have the letter here from the governor of Alaska, if the Senator would like to see it, stating that if he could he would return the money, and would use every possible endeavor to get it returned to the claimant, but that it was in the Treasury. I have also a letter written by the governor to the Secretary of the Treasury asking that the money be returned, and also a letter written by the Secretary of the Treasury acknowledging the receipt of the governor's letter, and stating that—

> This department can, therefore, afford no relief in the matter, and it will be necessary for Mr. Hodges to apply to the Congress.

Mr. Hodges has taken the course which the Government has designated. It does seem to me that there ought not to be any objection to a bill of this character, unless it is on account of the size of the claim. I sincerely hope the smallness of the claim will not prejudice the rights of the claimant. It seems that the larger a claim is in the Senate the easier it is to get it allowed.

Mr. BRYAN. I want to ask the Senator from Kansas a question. Can the Senator explain why the amount in the bill is placed at $50, in view of the fact that the license cost $49? Is the claim for the extra dollar on account of interest?

Mr. THOMPSON. No. I am going to make a motion to amend the bill at the proper time, by reducing the amount from $50 to $49.

Mr. BRYAN. I think he is entitled to interest, if he is entitled to anything.

Mr. THOMPSON. And, with that understanding, I hope the Senator from Florida will withdraw his objection.

Mr. BRYAN. No; Mr. President.

Mr. THOMPSON. By a simple wave of the hand a few days ago the Senator from Florida raised the amount of the naval appropriation bill from $900,000 to $2,000,000. Now, it does

seem to me that a $49 claim, which is honest and legitimate in every way, and would be so treated as between citizens, should be paid by the Government when it has suffered no loss at all. It simply has Mr. Hodges's money for which it has paid nothing and has parted with nothing.

Mr. SHEPPARD. The Senator from Kansas refers to the fortifications appropriation bill and not to the naval appropriation bill.

Mr. THOMPSON. I believe it was the fortifications appropriation bill.

Mr. THOMAS. It was a raise, anyway.

Mr. THOMPSON. It was a raise from $900,000 to $2,000,000 by simply a twist of the wrist.

Mr. SMITH of Arizona. If the Senator from Kansas will permit me, I wish to say that I am not attempting to censure the Committee on Claims at all, nor any other committee which attempts to guard the Treasury against unjustifiable assaults. It has become now very well known all over the country that of all the miserable, defaulting creditors on earth the United States Government takes the palm. A just claim can be pending in this Chamber for 25 or 30 years and its payment be denied. I know of one such claim myself for money now in the Treasury to the credit of a dead man, whose daughter is teaching a little school—a just claim, for over a hundred thousand dollars, with not a thing on earth against it except the willing, strong voice of some man able to defeat it by an objection.

In this case the Government confessedly got this man's $49, for which he got no return on earth. The committee reports that he can not get it back, because he did not go on and shoot when he was lying sick in bed. A trip to Alaska would probably take as much as the man was worth, with the $49 which he had to pay for his license. He had only this particular time in which he could go there, but he was prevented from going by the act of God, as we call it in law; he could not carry out his intention, and the Government is unconscionable enough to say that it will keep his money, when he was not permitted to enjoy the very outing for which he had paid that much as a privilege. The claim ought to be paid.

Mr. MYERS. Mr. President, I think that in all right and fairness this bill should pass. It seems to me it is a very small attitude for the Government to take, under the circumstances which have been detailed here, to refuse to refund this money and give back to the man something which in good faith and justice belongs to him. I would think it a shame to refuse to return this money if it were a private transaction between me and this man. Under the circumstances, I would not have his money; I would not keep it; I would send it to him, whether he asked for it or not, and I believe the Government ought to be as conscionable in these matters as are private citizens.

Mr. BRYAN. Mr. President, I hope, if the bill is to pass at all, that it will be allowed to pass for $50 instead of the $49 which Mr. Hodges paid, because I would hate to deprive him of the interest to which evidently, under the view of some Senators, he is justly entitled.

Mr. THOMPSON. I do not want any mistake about this. The amount paid by Mr. Hodges was $50, but $1 was charged by a clerk; so the Government has really been out that much and is therefore entitled to $1 credit. I am willing to change the amount to $49.

Mr. MYERS. I suppose that was the fee for issuing the license.

Mr. THOMPSON. That was the fee for issuing the license. Mr. Hodges paid $50. I do not want any mistake about that; but so long as the Government only has $49 of the $50 in its Treasury, for which it has been out nothing, and which by all that is fair and right belongs to Mr. Hodges, I shall amend the bill to that extent.

Mr. BRYAN. I think he ought to be paid full interest if we are going to pay anything at all. The position taken by the Senator from Montana [Mr. MYERS] and by the Senator from Kansas [Mr. THOMPSON] has surprised me. I have never understood, Mr. President, that the Government guaranteed to Mr. Hodges that he should go upon those lands or that his money would be paid back to him if he abandoned his trip. He does not claim in his own affidavit that he was kept from going on the trip. He was taken sick and abandoned the trip. It was open to him for a year, as I understand from my distinguished friend from Arizona [Mr. SMITH], to go there.

I am not surprised that the Senator from Arizona would take that position, but I think he did so in a spirit of fun, and that the Senator from Montana and the Senator from Kansas thought he was in earnest about it. If we are going to have that sort of a plan inaugurated here, then, Mr. President, if in a State a lawyer takes out a license to practice and does not have any practice the State ought to return him his license fee; or if a man pays for an automobile license and gets sick the Government ought to pay the money back to him. It occurred to the committee that the claim was so absurd that it created surprise that any reasonable man would ever present such a claim to the Congress of the United States. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Florida moves that the bill be indefinitely postponed.

Mr. THOMPSON. Mr. President, since this matter has become so serious, especially with the Senator from Florida [Mr. BRYAN], I desire to read the proof in the case, and then I am willing to submit it to any fair man who wishes to do justice as between men and let it be decided by the Senate whether this claim is ridiculous or absurd, as it is sought to make it appear. I will first read the affidavit of Mr. Hodges himself:

Frank Hodges, of lawful age, being duly sworn, under oath states that he is and has been a resident of Olathe, Kans., 43 years; that he is engaged in the lumber business in Olathe, Kans., and has been for more than 20 years last past; that in March, 1909, he paid to W. B. Hoggatt, governor of Alaska, $50 in lawful money for a hunting license to hunt bear; that a dangerous illness caused him to abandon the trip and that he did not use the license; that he has never received any part of the said $50 or any benefit from said license.

(Signed) FRANK HODGES.

I have here the letter of the governor of Alaska sent to Senator Curtis, who once introduced a bill in regard to this matter, but who ceased to be a Senator before it came up for final consideration. That letter is as follows:

DEPARTMENT OF THE INTERIOR,
DISTRICT OF ALASKA,
EXECUTIVE OFFICE,
Juneau, Alaska, June 25, 1909.

Hon. CHARLES CURTIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am just in receipt of your letter regarding repayment of license fee to Mr. Frank Hodges, of Olathe, Kans., and have written the Secretary of the Treasury requesting that this money be repaid to Mr. Hodges. The money paid by Mr. Hodges has been transmitted to the Treasury Department, and must be repaid by that department. As this case will establish a precedent, it may take some time to secure repayment, but I shall do whatever is within my power to secure repayment to Mr. Hodges. I inclose herewith copy of letter to the Secretary of the Treasury regarding the matter.

Very truly, yours,

W. B. HOGGATT, *Governor of Alaska.*

Then the governor of Alaska wrote a letter to the Treasury Department requesting that this money be returned. That letter is as follows:

JUNE 25, 1909.

Honorable SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: On March 10, 1909, a hunting license was issued to Mr. Frank Hodges under the provisions of section 5 of an act entitled "An act for the protection of game in Alaska, and for other purposes," of May 11, 1908, and the sum of $50 was paid by Mr. Hodges therefor. Under the provisions of this act the sum of $49 was deposited with the First National Bank of Juneau to the credit of the Treasury of the United States, on account of miscellaneous receipts account of fee for issuing hunting license under game law.

Mr. Hodges was unable to take advantage of this license by reason of illness and did not visit Alaska and avail himself of the privileges granted by the license. I have therefore to request that the sum of $49, which was paid to the Treasury of the United States by Mr. Hodges for this license, be refunded to him.

I inclose herewith copy of letter of Mr. Hodges and the license which was issued to him by the acting governor of Alaska.

Very respectfully,

W. B. HOGGATT,
Governor of Alaska.

The Secretary then wrote to the governor of Alaska, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 7, 1909.

Hon. W. B. HOGGATT,
Governor of Alaska, Juneau, Alaska.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, in which you request that the sum of $49, which was deposited on March 10, 1909, by Mr. Frank Hodges with the First National Bank of Juneau, Alaska, to the credit of the Treasurer of the United States on account of "hunting license," be refunded, as he was unable to take advantage of this license by reason of illness.

In reply you are informed that the amount in question was technically covered into the Treasury by miscellaneous warrant No. 2671, third quarter, 1909, and can not be withdrawn, except in consequence of an appropriation made by law.

This department can therefore afford no relief in the matter and it will be necessary for Mr. Hodges to apply to the Congress.

Respectfully,

C. D. HILLES,
Acting Secretary.

I therefore submit this entire case to the Senate, and ask them to take such action as they see fit between this citizen and the Government. There is not a Senator present who, if he had received money under such circumstances, would not return the money without anybody asking for it. I can not see why the Government should not do likewise, especially as the claim is undisputed as to amount, and it is clear that there is absolutely no graft in the proposition, but that a citizen is

simply asking the Government to return to him what rightfully belongs to him.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. THOMPSON. I do.

Mr. NORRIS. Does the Senator know how long this man was sick?

Mr. THOMPSON. The greater part of a year, according to my recollection.

Mr. NORRIS. There is not any evidence so far to disclose what was the matter with him or how he happened to get sick or how seriously he was sick.

Mr. THOMPSON. My recollection is that he had typhoid fever, and was sick most of the year.

Mr. NORRIS. The evidence on file does not disclose that.

Mr. THOMPSON. The affidavit may be a little meager in that respect, but the Government officials, the governor of Alaska, and all parties interested admit that Mr. Hodges could not and did not take advantage of the license; and, besides, the Government lost nothing by the transaction.

Mr. NORRIS. They admit that he did not go; but I do not know that they admit that he could not go.

Mr. THOMPSON. I am sure that he did not go, and I am as certainly sure that the Government has lost nothing, but that they have $49 of the money of a good citizen of Kansas, and that the Government officials having the matter in charge have directed that he pursue this very course in getting the money returned.

Mr. NORRIS. I would like to ask the Senator if he has any personal knowledge of the man's sickness?

Mr. THOMPSON. Yes; I have a personal recollection of it. He was stricken with typhoid fever. This man is a prominent citizen of Kansas and is a brother of the governor of our State. He lives at Olathe.

Mr. BRYAN. Mr. President, I desire to ask the Senator if the assumption by the Senator from Arizona is correct, that Mr. Hodges is a man in very needy circumstances.

Mr. THOMPSON. No; I would not state that. It is not a question of whether or not the man needs it; it is a question as to whether it is right that the Government should keep $49 of his money.

Mr. BRYAN. But the Senator would not have that plea of sympathy by the Senator from Arizona exercise its influence upon the Senate?

Mr. THOMPSON. How is that?

Mr. BRYAN. The Senator would not have the plea of poverty put forth by the Senator from Arizona influence the Senate?

Mr. THOMPSON. I am not asking it on a plea of poverty, and would not ask for it upon that ground. I am asking it on the plain question of whether it is right for the Government to take $49 of the man's money and keep it, when he received absolutely nothing, through no fault of his, in return.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me in that connection, I did not say that this particular man was needing any sympathy on account of his poverty. I was speaking somewhat in a personal sense, having in mind my condition if I had been the victim of such circumstances. I am a little surprised, however, in view of the fact that the opposition to this very reasonable bill has become so pronounced, that the committee did not find some real reason for objecting to it. Why did they not plead that his sickness saved his life, and that if he had gotten to Alaska he might have met, to his sorrow, the embrace of the "monarch of the frozen north"? [Laughter.]

Mr. BRYAN. Why does not the Senator put that in now?

Mr. SMITH of Arizona. I say the committee might have made such offset as that, claiming that probably the man's fever saved his life from a bear, and that therefore he ought not to get his money back.

The PRESIDING OFFICER. Does the Senator from Kansas offer an amendment?

Mr. THOMPSON. I am perfectly willing to submit the matter to the Senate.

The PRESIDING OFFICER. The Chair understood the Senator to say that he desired to offer an amendment reducing the amount carried by the bill.

Mr. THOMPSON. I move to amend the bill by striking out "$50" where it occurs and inserting "$49."

The SECRETARY. In line 5, before the word "out," it is proposed to strike out "$50" and to insert "$49"; in line 6, after the words "sum of," to strike out "$50" and to insert "$49," and in line 12, after the words "sum of," to strike out "$50" and to insert "$49."

Mr. BRYAN. Mr. President, a parliamentary inquiry. I do not think that that can be done until the pending motion is disposed of. I have made a motion to indefinitely postpone the bill. If that motion is defeated, then the bill comes up for consideration and amendment.

The PRESIDING OFFICER. The Chair is of the opinion that it would be proper first to amend the text of the bill and then to see if the Senate desires to indefinitely postpone it.

Mr. SMOOT. The Senator from Florida has moved that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Chair is of the opinion that perhaps, in view of the reduction proposed to be made in the amount carried by the bill, the Senate might not desire to postpone it indefinitely.

Mr. SMITH of Arizona. Let the bill go over and remain on the calendar until we have a quorum here, and then, if the Senator from Florida so desires, he can make his motion to postpone it.

Mr. BRYAN. I realize that it is a very important bill, and perhaps we ought to have a full attendance before we act upon it.

Mr. SMITH of Arizona. Yes; I insist upon that.

Mr. THOMPSON. Mr. President, I am perfectly willing to submit the matter to the Senators who are present.

Mr. SMOOT. Of course, the bill can not pass without a quorum here; and I want to say, Mr. President, that I would very much prefer to have it settled to-day, if possible, because it has probably already cost the Government for printing in the CONGRESSIONAL RECORD all that has been said upon it about $400 or $500, although the bill only involves a $49 claim. I am not going to say anything further about it, but I think it ought to be settled to-day.

Mr. CLARK of Wyoming. Let us vote upon it.

Mr. SMITH of Arizona. The Senator from Utah himself says it can not be settled without a quorum.

Mr. SMOOT. We can get a quorum.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida that the bill be indefinitely postponed.

The motion was agreed to, and the bill was indefinitely postponed.

Mr. SMOOT. I renew my request that the remaining bills on the calendar be passed over.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent to dispense with the further consideration of the calendar under Rule VIII. In the absence of objection, it is so ordered.

LAND AT POPLAR, MONT.

Mr. MYERS. Mr. President, I move that the vote whereby Order of Business No. 185, being the bill (S. 656) granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of "Christ Church On-the-Hill," at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana, passed the Senate be reconsidered. I am informed by the Senator from Minnesota [Mr. CLAPP], who has been here a long time and has had a great deal of experience in Indian affairs, that the Government has never made any charge to religious denominations for necessary lots for their buildings on Indian reservations. I am quite sure that other religious denominations on this same reservation have had lots donated to them without charge, and I do not believe it is right to discriminate in this instance. To sell them the lots at the appraised price is doing nothing for them or for the cause that the church represents. Anybody could buy the lots at the appraised price. The church is a very small, weak, and struggling one—it is really a mission church for the benefit of the Indians—and I do not believe the church authorities could ever raise the money to pay the price for the lots. While the department has recommended that the amendment be put in the bill, we are not bound by the recommendations of the department. I make the motion to reconsider the vote whereby the bill was passed, and I submit that motion to the Senate.

Mr. CLARK of Wyoming. Mr. President, I desire to ask the Senator a question. Is not this the bill which gave the preference right to the church to purchase certain lots, and are not the church authorities themselves willing to pay the appraised price for the lots?

Mr. MYERS. No, sir; I do not know——

Mr. CLARK of Wyoming. Of course, if the lots were sold in a different manner, a price higher than the appraised price might be obtained, and when the Senator said that anybody could get the lots at the appraised price, of course, he spoke inaccurately. The appraised price would be the lowest price for which they could be sold.

Mr. MYERS. It is a little town, and there is no likelihood of competition in selling lots in that town.

As to the real question of the Senator from Wyoming, the church has never expressed any willingness to pay the value of these lots. That was not the request that was made of me. I was requested to introduce the bill as I did introduce it, providing that the lots be donated to the church, as I am told lots have been donated to other religious denominations in the same town site and on the same reservation.

The church authorities are totally unaware of this provision. It was put in by the committee, on the recommendation of the department, without consultation with the church authorities. Knowing the circumstances, as I do, I know they are not expecting any such condition, and I do not believe they could ever raise the money to pay the price.

Mr. CLARK of Wyoming. But the Senator certainly agreed to the condition, and said it was perfectly satisfactory.

Mr. MYERS. I do not think I said that. I know in the committee I did not want the condition. I was against it; but others on the committee urged it; and what could I do? I had to submit; but I have the privilege here of voting against it.

Mr. CLARK of Wyoming. The Senator's recollection is very different from mine.

Mr. MYERS. I have no particular recollection on the subject.

Mr. SMOOT. I recollect very well, Mr. President, when the bill was under consideration in the committee, and my recollection is exactly the same as that of the Senator from Wyoming.

Mr. MYERS. The Senator will not tax me with saying that that was perfectly agreeable to me.

Mr. SMOOT. The Senator did not say "perfectly agreeable," but, as I understood, he said that it was agreeable to him.

Mr. MYERS. I had to accept it. The majority of the committee voted for it, and I had no alternative. Of course if two Senators tell me that I said a certain thing and I have no recollection about it, I can not deny it.

Mr. CLARK of Wyoming. There seems to be a question of veracity.

Mr. MYERS. I do not know of any question of veracity.

Mr. CLARK of Wyoming. Perhaps not a question of veracity; but the Senator is insisting that other members of the committee insisted on this provision being put into the bill.

Mr. MYERS. It certainly did not come from me.

Mr. CLARK of Wyoming. I wish to ask the Senator if he did not present the bill himself and ask for its consideration, including the amendment proposed by the department, and whether any question arose there as to whether or not it was satisfactory, and if the committee did not pass favorably upon the bill as presented by the Senator from Montana?

Mr. MYERS. I certainly did present the bill, and called it up, and the amendment recommended by the department was adopted by the committee. If the Senator says that I said it was agreeable to me, I can not deny it, because I have no recollection on the subject; but it certainly was not agreeable, although I had to submit. The majority of the committee voted that way.

Mr. CLARK of Wyoming. Why, Mr. President, the Senator knows very well that he is one of those who votes against many members of the committee who always say that these things ought not to be charged for.

Mr. SMOOT. I wish to call the Senator's attention to what the Secretary of the Interior said in relation to this matter.

Mr. WALSH. If I may interrupt the Senator, I desire to say to the Senator from Utah that I trust this motion to reconsider will prevail, and then that the bill may go back on the calendar, and that some time later, when the facts are available and we have an opportunity to inform ourselves about the matter, it may be taken up again.

Mr. SMOOT. If the Senator from Montana makes that request, of course, I am not going to object at all; but I wish it distinctly understood, in withdrawing any objection to it, that I do so upon the request of the Senator and not because I think it advisable to reconsider the bill.

Mr. CLAPP. Mr. President, I do not know that I would want to say that there have been no cases where churches have been required to pay for their sites, but I do not recall such cases. It has been, I think, the uniform custom, as we have done away with reservations, to grant to the churches that have been established upon the reservations the title to the land upon which they stood, and a small amount of land, varying, of course, with the character of the land, of the reservation, upon the theory that the churches had been of some benefit to the Indians.

Technically, perhaps it would be a question whether the Government could make such a grant, although, exercising the broad powers of trustee, under the authority of the decisions of the courts the grants would be valid.

In this situation, as I understand, there is a small village there, and this church is a small, struggling church. It strikes me it is going out of our way to require them to pay for a site for a church under those circumstances.

I hope the motion to reconsider will prevail and that the amendment will be rejected when we again consider the bill.

Mr. CLARK of Wyoming. I wish to say to the Senator that I do not understand that this particular bill falls into the same category as those suggested by the Senator from Minnesota.

Mr. CLAPP. Not exactly, although I understand—and I must say I depend for that understanding upon the statements that have been made here—that this is still Indian land, and the objection of the department is that we have no right to give away the land.

Mr. CLARK of Wyoming. No; that is not it. As I understand it, this is a town site.

Mr. CLAPP. Well, it is a town site, but the town site is to be sold for the benefit of the Indians.

Mr. CLARK of Wyoming. The town site is laid out, and I do not understand that there is any church upon the land which they wish to occupy.

Mr. CLAPP. I will ask the Senator whether, as he understands, the title is now in the United States without any subsequent obligation to reimburse the Indians?

Mr. CLARK of Wyoming. I do not know about that.

Mr. CLAPP. I understand that is the claim of the department, that the Government would have no right to give this land away, because it belongs to the Indians.

Mr. CLARK of Wyoming. A price has been fixed upon the lots. There are certain particular lots in this town site which this particular church wants to obtain, and it desires the preference right of purchase. What we were led to infer from this bill was that it wanted the preference right only to purchase those lots at the appraised price.

Mr. CLAPP. We often grant a preference right under these circumstances, for instance, to some lodge, or for the purpose of some general public affair of the town.

Mr. CLARK of Wyoming. Yes.

Mr. CLAPP. I do not recall any instance, although I would not say there have not been any instances, where we have required a church to pay for a lot. I recall a great many instances where we have not required it. In fact, nearly always, as we extinguish a reservation, we provide in the act that the churches which have been established in the midst of the reservation may retain the land they have with some land about them.

Mr. CLARK of Wyoming. That is true; but that is not this case.

Mr. CLAPP. That is not exactly this case; but I have been led by this debate to understand, and it has been stated on the floor here to-day, that the department objected upon the ground that this was still Indian land, and, consequently, the Government could not make this disposition of it. Now, an entire Indian reservation is Indian land, and perhaps technically, in extinguishing the reservation, we would have no authority to grant a portion of the reservation to a church; but we have always assumed that authority, upon the broad ground that it was to the general benefit of the Indians in that section as well as to the white men.

I simply state that as a matter of practice heretofore. I think it is as little as we can do for this church, in a little town like that, surrounded, as I understand it is, by these Indians, to give it a site.

Mr. CLARK of Wyoming. I am not objecting to giving a site to the church, and I do not want to be put in that position at all.

Mr. CLAPP. Oh, no.

Mr. CLARK of Wyoming. But I do not want the committee to be put in the position of having bulldozed this amendment into the bill. The bill was passed before the committee with full and free and complete knowledge of all the circumstances.

Mr. CLAPP. Nothing I have said warranted the suggestion that there was any reflection upon the committee in my statement. I certainly can not see how that deduction can be drawn from it.

Mr. SMOOT. Mr. President, these two lots are in a town site, and that town site was created under the provisions of section 14 of the act of May 30, 1908. The town site is situated in the Fort Peck Indian Reservation, and the bill says that the proceeds of the sale of the lands shall be deposited to the credit of the Indians. That is the fact of the matter. They have already been appraised. Lots 5 and 6 have been appraised at $55, and lot 7 at $60. As the Senator from Wyoming says, the

bill confers upon this church the preference right of entry of these lots, and that is what the department say in their report. They say they are perfectly willing that the church authorities shall have the preference right of selecting those lots, providing they pay the appraised price, which will go to the credit of the Indians.

Mr. CLARK of Wyoming. The result of it is that if, upon reconsideration, the bill is passed, Congress will be voting a donation of $180 to this church.

Mr. WALSH. Mr. President——

Mr. CLAPP. Mr. President, I want to say that there is no distinction in principle between that and what the department recommends. If it is a privilege to get these lots at the appraised value, it is because, otherwise, the lots would sell for more than the appraised value. If the lots would sell for more than the appraised value, by allowing this church to take them at the appraised value, we are invading the right of the Indians in principle just as much as though we should grant the lots free of charge to the church.

In principle there is no difference. There could be no excuse for granting the preference right, except upon the theory that others might come in and bid for the lots more than the appraised value. The moment we grant that we have granted something, I care not how small the amount, as against the resultant rights if the statute as originally enacted were carried out. So it is only a question of amount, and not a question of principle, as between granting the lots free to the church and giving it the privilege of buying the lots for less than other people would pay for them.

Mr. WALSH. Mr. President, I sought to obtain the attention of the Chair for the purpose of expressing exactly the idea that has been put before the Senate, in a better way than I could hope to do it myself, by the distinguished Senator from Minnesota.

If it is a violation of the trust reposed in the Government of the United States to devote these lands to the use of the church organization for church purposes, it is equally a violation of the trust reposed in the United States for the benefit of the Indians to give the church a preference right to purchase at the appraised value lots which may command, upon an auction sale or otherwise, a price considerably beyond the appraised value. But, Mr. President, whatever view the Interior Department may take with respect to the duty and obligation of the Government of the United States as trustee for the Indians, as the guardian of the Indians, I venture the opinion, and with some deference to the views that are held by the Interior Department, that neither act would be in any just sense a transgression of the trusteeship on the part of the Government of the United States.

It holds the title to these lands, it is true. It holds the title to these lands for the benefit of the Indians. It is the guardian of the Indians, the guardian of their property, because in the estimation of the people of the United States the Indians are not themselves competent to handle their own business affairs. Therefore the Government of the United States is called upon to administer this trust in exactly the same way that a prudent, cautious, businesslike man would handle his own affairs.

Mr. President, I submit to you that if this were a private owner who owned all of the land of the Fort Peck Indian Reservation, and if he were expecting, as the Government has a right to expect, that there would be a large amount of immigration to that region; and if he were expecting, as the Government has a right to expect, that there would be a considerable influx of people into the town site of Poplar, he would be consulting his own individual business interests to offer free to any church organization lots in the town site of Poplar upon which to erect a house of worship.

I undertake to say that no man who located a town site anywhere in that part of the country would be so blind to his own interests as to refuse to say to two or three church organizations, "Come in here and select any one of these lots, and I will be glad to give you a deed to them." Why, those who go to this region for the purpose of finding homes will seek their homes—at least we hope they will—in the neighborhood of churches and schools. Thus, sir, I can not conceive how anyone can assert or attempt to maintain the proposition that it is any violation of the trust reposed in the Government of the United States for the benefit of the Indians, or any disregard of its obligations to them as guardian, to devote a small portion of this town site without charge to a church organization for the purpose of erecting a church thereon. I undertake to say that it will be more than made up to the Indians by the added value of the adjacent property, and indeed of the property of the entire town site.

Unless some better reason may be advanced in the future with respect to this matter, I should feel that this action ought to be reconsidered and the amendment stricken out. I trust, therefore, that the motion to reconsider will prevail, and that the matter may lie here until the Senate may be further advised concerning it.

Mr. CLARK of Wyoming. Mr. President, what I have said was not because of a desire to exclude the good influences of a church in this locality, but it was because the Government of the United States entered into a solemn contract with the Indians, when they took their allotment upon this Indian reservation, that the lands upon that reservation should be sold at a certain price and the money given to the Indians, and that upon town sites the lots should be sold at not less than the appraisement and the money given to the Indians. Now, it would be a queer rule of law that would allow the trustee of property to dispose of his ward's property, either to a church or to anybody else, without authority being given from the court.

Mr. WALSH. Mr. President, of course I should very fully and readily agree with the Senator from Wyoming that if provisions so specific as that are found in the convention with the Indians, as gladly as we might pass an act of this character, we would be violating our contract to do so.

Mr. CLARK of Wyoming. I have not before me the convention with the Indians, but I have before me the law carrying the convention into effect.

Mr. WALSH. Of course the Senator will recognize that if that was a mere voluntary act on the part of Congress, prescribing that they should be disposed of in that way, Congress would have the power, without any violation of its obligations, to amend that act and make a different disposition of the matter.

Mr. CLARK of Wyoming. That, of course, would give rise to another question; but I am assuming, as is the practice, so far as I know, in the opening up of all these reservations, that the distinct, plain features embodied in the law are also embodied in the convention.

Mr. WALSH. If that is the case, as a matter of course the Senator's position can not be assailed.

Mr. CLARK of Wyoming. The law which carries the convention into effect gives the price per acre at which the land shall be sold or given to settlers under the homestead or other acts of Congress, and fixes the disposition which shall be made of town sites platted on the reservation, and says that they shall be appraised at not less than so much per acre. So, I say, if the Congress of the United States wants to donate to that church the amount which will have to be paid to the Indians for these lots, $170, of course Congress has a right to donate the public money for that purpose; but if to that church, then why not to any other church; and if to one church, where will you draw the line?

I have no objection, of course, to the reconsideration of the bill. I should like to look up that convention.

Mr. MYERS. I hope, then, that the motion to reconsider will prevail, and that this matter may be more fully discussed when the bill comes up again.

The PRESIDING OFFICER. The Senator from Montana [Mr. MYERS] moves to reconsider the votes by which the bill S. 656 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. MYERS. I wish to make a parliamentary inquiry: Is it not required, when a motion to reconsider prevails, that the original measure shall be voted on again within a certain length of time?

SEVERAL SENATORS. Oh, no.

Mr. MYERS. I desired to know whether I must not, at my peril, call it up at some stated time.

The PRESIDING OFFICER. No; the bill goes back to the calendar.

Mr. MYERS. If it goes back to the calendar and resumes its rights there, that is all I wish.

The PRESIDING OFFICER. The bill will be returned to the calendar.

C. E. MOORE.

Mr. MARTINE of New Jersey. Mr. President, during the consideration of the calendar I was called into the lobby by some of my constituents, and during my absence Senate bill 3610, Order of Business No. 163, was passed over. It is a bill for the relief of C. E. Moore. I ask unanimous consent that it may be taken up.

Mr. SMOOT. Perhaps the Senator from New Jersey will withhold his request until I ask him a question or two about the bill, as it was upon my request that it went over.

Mr. MARTINE of New Jersey. Very well. I was absent from the Chamber when it was reached.

Mr. SMOOT. I desire to ask the Senator the cause, if he knows it, of the failure of the Cherryvale National Bank?

Mr. MARTINE of New Jersey. The failure of the Cherryvale National Bank was the cause of this loss. The postmaster at this town, C. E. Moore, had no proper place to deposit his funds, and on the advice of the post-office inspector he was induced to place them in this bank for safe-keeping. The bank failed, and the result was the loss to the postmaster of an amount which I do not precisely recall, but which I think was in the neighborhood of $100 or $140.

I ask for the passage of the bill to relieve the postmaster of that burden. It was no fault of his. The bank was the only place in which he could with even halfway safety place his money. This was not only done on his own judgment, but it was done at the instigation of the post-office inspector. It seems to me that it is manifest justice that the postmaster should be reimbursed.

Mr. SMOOT. I notice that in the report there is no letter of any kind from the department giving a history of the case. Does the Senator remember whether or not the department reported upon the case?

Mr. MARTINE of New Jersey. That is my impression from my service on the Post Office Committee.

Mr. SMOOT. Does the Senator say that the Post Office Department instructed Mr. Moore to place his money in this bank?

Mr. MARTINE of New Jersey. The post-office inspector advised him that it was not safe to keep the Government money in the way he was keeping it.

Mr. SMOOT. But was this the only bank in the town?

Mr. MARTINE of New Jersey. I think it was the only bank in the town. At all events, there was no evidence that he did otherwise than use his best judgment.

Mr. SMOOT. Upon the assurance of the Senator that the history of this particular case was reported by the department, and it was agreeable to the department, I have not any objection at all.

Mr. MARTINE of New Jersey. That is my best knowledge.

The PRESIDING OFFICER. Does the Senator from New Jersey make a motion?

Mr. MARTINE of New Jersey. I ask unanimous consent to take up Senate bill 3610, for the relief of C. E. Moore.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster General to cause the accounts of C. E. Moore, late postmaster at Cherryvale, State of Kansas, to be credited with the sum of $130, and to cause the credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of the loss of $130 in postal funds lost by the failure of the Cherryvale National Bank, of Cherryvale, Kans., it appearing that the loss was without fault or negligence on the part of the late postmaster; and appropriates the sum of $130 out of any money in the Treasury not otherwise appropriated to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF JAMES HAMILTON LEWIS, TO THE STATE DEPARTMENT ON CERTAIN CONDITIONS IN JAPAN AND CHINA, MADE AS INVESTIGATOR, JANUARY AND FEBRUARY, 1909.

Mr. LEWIS. Mr. President, I desire to ask the Senate for consent for the publication of a document, but I wish to present the request in such manner that it may be subject to objection under certain rules. Therefore I ask the attention of the Members of the Senate, and particularly the distinguished Senator from Utah [Mr. SMOOT], whose experience here will justify him in giving me a suggestion; and the senior Senator from New York [Mr. ROOT], if he can give attention without inconvenience to other matters.

In the early part of 1909 there arose an occasion which permitted certain officers of the administration then in power to commit to my keeping an insignificant trust discharged through the investigation of certain matters in the Orient—in Japan and China—upon which matters, upon my return from the Orient, I made a full report. I addressed the report to the Hon. P. C. Knox, who was then Secretary of State. The distinguished senior Senator from New York [Mr. ROOT] was then just retiring as the Secretary of State. The Acting Secretary of State, Mr. Bacon, after such conference as necessary, gave to me the expression of authority that had been committed to him, no doubt, by those for whom or under whose direction he acted. I have conferred with the Senator from New York and presented to him that which I intend now to do. This was to obtain from him his judgment as to whether I was doing anything that might partake of the nature of a violation of propriety, he having been the Secretary of State, with knowledge of the proper course in such matters.

This is my request:

In the report made by me on these particular matters there is much that relates to the manner in which the shipping of the United States was discriminated against in the ports of Yokohama, Japan; Shanghai, China; and other ports of the Orient. I pointed out, sir, certain municipal regulations which were responsible for such discrimination, or which were reported to be so responsible. They were legal and not subject to charge of treaty violation between our countries, as the regulations were wholly municipal. They become important at this point, in that if the question of the Panama tolls shall be brought up in this honorable body there should come forth such information as may be had as to how the municipal bodies of Europe might regulate the shipping of our country at their docks in retaliation for any general doctrine we might enforce against their vessels.

In this report, Mr. President, after reporting certain matters touching that question it fell as my duty, unpleasantly, after investigating certain charges which were previously intimated and made respecting certain consuls in service—in this report I included certain evidence concerning the conduct of those consuls and drew conclusions from them respecting their conduct, so far as it affected our shipping and the duty of certain consuls.

Mr. President, I am desirous of having my report printed now as a public document, in so far as that report shows and sets forth the operation of these municipal regulations upon our shipping in the form of retaliation upon the United States for certain real or imagined affronts upon their people or commerce by our country or our people, but I do not desire that other portion of my report respecting certain consuls and what had transpired to be published, because some have gone to their reward, some are out of the service, some are still in the service, and I have no desire that a matter shall be at all revived that may make public the reflections made upon any human being necessarily made at the time purely for the service of the State Department. I ask if I may publish the document, eliminating from the document as a whole the portions that relate to their personal conduct.

Mr. SMOOT. May I make a suggestion to the Senator?

Mr. LEWIS. I made the opening observation to have the suggestion of learned Senators. The Senator from New York suggested to me to make such a motion, assuring me he saw no impropriety in such providing—I neglected to say, as suggested by the Senator from New York, that in view of the private nature of certain features of my report, I should get consent of the Secretary of State or the State Department to allow it to be printed.

I yield to my learned friend from Utah.

Mr. SMOOT. I was going to suggest to the Senator that he submit the report and have it referred to the Committee on Printing, and they in turn will take the question up with the Committee on Foreign Relations; and if there is nothing in the report that would interfere at all with the relations between this country and Japan I am quite positive there will be no objection at all to having the report printed.

I will say to the Senator that personally I should like very much to see it printed, and I think that would be the proper way. Then there would be nothing for future criticism of not only those of our own Nation but perhaps those of a foreign country.

Mr. LEWIS. If I understand the Senator correctly—as my only desire is to have particular matters relating to what effect on shipping municipal regulations might have, whether by retaliation or otherwise—the Senator suggests that I have the full report sent from the State Department to the Committee on Foreign Relations and from the Committee on Foreign Relations obtain my consent.

Mr. SMOOT. I would suggest that the Senator himself prepare that part of his report which he desires printed and just submit that part to the Committee on Printing, and they in turn will ask the Committee on Foreign Relations if there is any objection to its being printed. If there is no objection, there will not be any question about the printing.

Mr. LEWIS. And there is no need of its coming back to the Senate?

Mr. SMOOT. Oh, yes. Then the Committee on Printing will report as to whether it should be printed or whether it should not be printed.

Mr. LEWIS. I am willing to submit to that course, and yield to the suggestion of the Senator from Utah.

The PRESIDING OFFICER. The matter when received will be referred to the Committee on Printing.

REPUBLIC COAL CO., OF MONTANA.

Mr. MYERS. Mr. President, I wish to make a motion and to state my object in doing it. It will take but a minute.

I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

My object in making the motion is simply to get the joint resolution before the Senate, and then if any Members of the Senate wish to proceed with other business I am perfectly willing to have it laid aside. I want to have it made the unfinished business, so that it will come up to-morrow when we get to the point where it would come before the Senate as unfinished business. I do not wish to press it this afternoon, and if my motion carries and anyone wishes I will ask to have it laid aside.

Mr. KENYON. I wish to state, for my own part, that I shall feel under the necessity of calling for a quorum. There should be a full Senate when the joint resolution is considered.

Mr. MYERS. I expressly stated that if the motion should prevail and anybody wishes, I will ask to have it laid aside.

Mr. SMOOT. I hope the Senator from Montana will not try to make the joint resolution the unfinished business to-day. I will say to the Senator that a number of Senators were called out of the city upon this particular day, it being President Lincoln's birthday, and I am quite sure that if the Senator from Iowa should ask for a quorum it would be very difficult to secure one.

Mr. MYERS. I have just stated that I have no desire to consider it this afternoon.

Mr. SMOOT. I will state to the Senator that he will not lose anything by letting it go over until to-morrow, because immediately at the close of the morning business to-morrow he can move to take it up. He will lose nothing by letting it go over to-day.

Mr. KENYON. I wish to state to the Senator from Montana that there are a number of Senators who are interested in opposition to the joint resolution who are not present here to-day. I really think the Senator will gain nothing by trying to push it to-day.

Mr. MYERS. I have expressly stated several times that it was my intention immediately, if the motion should carry, to ask that the joint resolution be laid aside for the day, but as that does not seem to satisfy some Senators, I will withdraw the motion.

READING OF PRESIDENT LINCOLN'S GETTYSBURG ADDRESS.

Mr. KENYON. Mr. President, it has seemed to some of us that on this day, the birthday of the great emancipator, it would not be out of place for the Senate to pause a moment to pay some tribute to his memory.

I ask unanimous consent that the Senator from Kentucky [Mr. BRADLEY] may read at this time Lincoln's Gettysburg Address.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the Senator from Kentucky may read at this time Lincoln's Gettysburg Address. Is there objection? The Chair hears none, and the Senator from Kentucky will proceed.

Mr. BRADLEY read Lincoln's Gettysburg Address, delivered at the dedication of the cemetery at Gettysburg, November 19, 1863, as follows:

"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth."

Mr. OVERMAN. Mr. President, I move that the Senate do now adjourn in honor of the memory of Abraham Lincoln.

The motion was unanimously agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 13, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 12, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God our Father, make us worthy of the memory of Abraham Lincoln, a great soul whom thou didst send into the world with a destiny to fulfill, not only for his people but for all the world; a superb intellect; a heart of love; a divination which enabled him to see far beyond the vision of his contemporaries; a courage which swept him on without fear where others faltered; a faith which in the darkest hours failed him not. Surely he belongs to the ages, will live in the ages, and while he lives this Republic will live to bless mankind. "O Lord, God of hosts, be with us yet, lest we forget" his sublime example and the stupendous work he accomplished, "That government of the people, by the people, for the people shall not perish from the earth." For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ABRAHAM LINCOLN.

Mr. RUSSELL. Mr. Speaker, this is the anniversary of Abraham Lincoln's birthday, and I ask unanimous consent to have read at the Clerk's desk his speech delivered at Gettysburg nearly 51 years ago.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Abraham Lincoln's speech at Gettysburg be read at the Clerk's desk. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the gentleman from Missouri [Mr. RUSSELL] to read it.

Mr. RUSSELL, from the Clerk's desk, read Lincoln's Gettysburg Address, delivered at the dedication of the cemetery at Gettysburg, November 19, 1863, as follows:

"Four score and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth."

[Prolonged applause.]

The SPEAKER. By special order, the gentleman from Ohio [Mr. FESS] is permitted to address the House for 30 minutes on the life and character of Abraham Lincoln. [Applause.]

Mr. FESS. Mr. Speaker and Members of the House, I esteem it no small privilege or little honor to be permitted to speak to this group of legislators upon what I regard as one of the most remarkable characters in human history. Just 53 years ago yesterday, standing upon the platform of a train that was to bear him to Washington, Abraham Lincoln addressed a large concourse of people in his city of Springfield, in which address he said:

Will you not pray for me that the same Arm that supported the great Washington may be my support? For with that support I can accomplish my duty; without it I can not do anything.

The train stopped at the little town of Tolono, where, as in every town through which the train passed, a large concourse of people gathered. The train stopped for the engine to take water. Mr. Lincoln was not expected to speak, but finally he did respond to the great cry of the people who had gathered, and came out on the platform and said:

I am upon a journey fraught with a great deal of concern to you and to me. May the words of the poet still be true, "Behind the clouds the sun is still shining." Good-by. God bless you!

He then resumed his seat in the train.

Some men make their place in history by notable utterances, others by notable deeds. Few in the world's history have the credit of both, and to that class belongs Abraham Lincoln. At an early time in his political career, speaking upon the most sensitive question before the country then or since, he showed his courage by saying:

Broken by it I, too, may be; bow to it, I never will. The probability that we may fail in a worthy cause is not a sufficient justification for our refusing to support it.

In 1855, in a letter to Judge Robertson, of Kentucky, he said:

The one question that wears upon me is, Can our country permanently endure half slave and half free? It is too much for me. May God in his mercy superintend the solution.

Three years later, in 1858, in a convention in Springfield, Ill., where he was nominated for the position of Senator—for the seat then occupied by Douglas—he announced the same principle, "I do not believe that this Government can permanently endure half slave and half free." This announcement sounded like a fire bell would sound at the hour of midnight in a country village. It was taken up by the entire country. It was quoted in the London Times and other publications of Europe. It was pronounced by many of our statesmen as revolutionary. Stephen A. Douglas, one of the brainiest men of the country, and one of the most courageous as well as patriotic, believed that it was a dangerous doctrine, and announced that he would reply to it in his home city of Chicago on the 9th of July.

Mr. Lincoln went to Chicago to be present on that occasion. He heard one of the most powerful arguments against his position that probably could be made. At the close of that meeting he arose and, in substance, said:

I shall be here to-morrow night, at which time I will pay my respects to my friend, the judge, who has charged me with an attempt to array one section of the country against the other. I hope some of you will come out to hear my side of the story.

The next night Mr. Lincoln greeted a great audience, upon which he made a profound impression. When Mr. Douglas went to Bloomington, Ill., to speak, Mr. Lincoln followed him. Mr. Douglas noticed while he was speaking that Mr. Lincoln was in his audience again. He referred to the fact with some feeling. On the afternoon of the 17th of July Mr. Douglas spoke in Springfield, and on that night Mr. Lincoln also spoke. Then Mr. Lincoln wrote a challenge to Mr. Douglas; asked him to go on the same platform with him, divide the time, and discuss the question. The result of this was that a series of debates, seven in number, the most notable in American political history, was arranged. In the debate, when Mr. Douglas propounded a series of questions to Mr. Lincoln, Mr. Lincoln replied to them categorically, and then propounded a series, and dwelt upon one as the key to the entire situation. That question was:

Can the people of a Territory in any lawful manner, against the wishes of the citizens of any of the States, exclude slavery from within its limit prior to the adoption of a State constitution?

He pressed it. Mr. Douglas was the author of the popular sovereignty scheme, as you all know, the authority of control of such questions must be left to the people of the States. The friends of Mr. Lincoln went to him and said, "Do not press that question; if you insist on an answer you can never be elected to the senatorship in this country." Mr. Lincoln replied, "If Mr. Douglas answers my question, yes or no, he can never be elected President of this Nation, and I am looking for larger game." That did not mean that Mr. Lincoln was at that time looking for himself to the Presidency, because that debate was in 1858, and as late as 1859 Mr. Lincoln replied to a letter written to him by a friend about being Vice President, "I am not fit to be Vice President of the United States." Mr. Lincoln in 1858 was simply stating that if Mr. Douglas answered that question he, Mr. Douglas, could never be elected to the highest position in the gift of the people of the country. In 1859 Mr. Lincoln made that notable speech in Columbus, Ohio, one of the greatest contributions to the political literature of his day. Then in February of 1860, speaking in the heart of New York City at Cooper Union he gave, I think, the finest type of the periodic sentence in a long speech to be found anywhere. From the standpoint of the rhetorician as a critic this long speech is a gem in American political literature. This is the meeting over which the eminent poet Bryant presided and introduced Lincoln as a "distinguished citizen of the United States." I believe, gentlemen, that the Cooper Union speech is the finest exposition of the sensitive issue, and that it was put in the most rhetorical form of any long speech in our literature, and he did it with such magnanimity. He said:

If slavery is right, then all that the South asks we can readily grant. If slavery is wrong, then all that the North asks the South can readily grant. Their thinking it right and our thinking it wrong is the precise point upon which turns this whole controversy; but thinking it wrong, as we do, we can afford to leave it where it now exists by virtue of the law, but can we afford to allow it to go into new territory?

There, for the first time the real issue was presented by Mr. Lincoln; not the issue of the abolitionist, but the issue of Mr. Lincoln of the constitutional power of the Congress to control property in a Territory, which was to give rise to an organization of public opinion that was not to abate until slavery was no more. That was in 1860. In 1861, in his famous inaugural, he said:

Friends can make laws easier than enemies can make treaties. We must not be enemies; we must be friends. Though passion may have strained, it must not break the bonds of our affection. The mystic chords of memory stretching from every battle field and patriot's grave to every heart and hearthstone all over this broad land will swell the chorus of the Union when again touched, as it surely will be, by the better angels of our nature.

With his keen perception of the mighty issue he was also wonderfully magnanimous.

This magnanimity that was uttered at that time had been uttered in the town of Steubenville, Ohio, a little while before, when on his way to Washington, looking across to the State of Virginia, his father's native State, he said to that concourse of people on the Ohio side:

Only the river divides us, and you on the other side are just as sincere in your contention as we on this side.

On this trip he addressed the Legislatures of Indiana, Ohio, New York, and Pennsylvania, all notable speeches, teeming with evidence of his grasp of the situation facing him. When he reached Philadelphia, out in front of old Independence Hall, he said on the occasion of raising the American flag over the hall:

What principle has kept our States so long together? It is not the mere fact of separation from the mother country, but it is the principle found in the Declaration of Independence, penned by the immortal Jefferson and adopted in this hall, that gave promise not alone to the people of our own country but to all the people of all the world that ere long the weight shall be lifted from the shoulders of all men and all shall have an equal chance. Now, my fellow citizens, can the Nation be saved upon that basis? If it can and I can help to save it I am the happiest man in it, but if it can not I was about to say I would rather be assassinated on this spot than to surrender it.

That was on the 22d day of February, 1861, in the famous Independence City, out in front of Independence Hall. I mention these historical utterances, so notable and significant in their meaning, because I would like to have this body recall this wonderful ability in expression, the like of which probably is not known in any political orator or figure in our country. Why, it was none other than Prof. Bailey, a professor of rhetoric in a famous American college, who had been so charmed with the pure English of this plain statesman of the West that he sought an interview to ascertain the secret of his power. Mr. Lincoln at first expressed surprise that he had any power in utterance, but when pressed he substantially said: "Well, all I can remember is that when neighbors would come to my father's house and talk to father in language I did not understand, I would become offended, sometimes, and I would find myself going to bed that night unable to sleep. I bounded it on the north, south, east, and west until I had caught the idea, and then I said it myself, and when I said it I used the language I would use when talking to the boys on the street." Prof. Bailey said: "That is one of the most splendid educational principles I have ever received from any man." To which Mr. Lincoln expressed great surprise.

Mr. Lincoln's ability to express the English language consisted in the use of the small word. Eighty-five per cent of his words are monosyllabic. He never employed a big word when a little one would do. He never clouded his thought by a multiplicity of words. His sentences were always short and their meaning never involved. In a word, he never spoke to be heard, but always to be understood; and therefore he was not always elegant from the standpoint of the rhetorician, but wonderfully expressive. For example, he would say, "I dumped it into a hole"; but Douglas, the rhetorician, would say, "I deposited it into a cavity," which is a good deal better from the standard rule of expression. Lincoln would say, "I dug a ditch"; Douglas would say, "I excavated a channel." Lincoln said, 'My defeat by Douglas in 1858 was due to bad luck; I ran at the wrong time"; Douglas said, "It was due to a strange fortuitous combination of inopportune contingencies that nobody could have foreseen." Here stands Stephen A. Douglas, a master of rhetoric; Abraham Lincoln, a

master of logic; Stephen A. Douglas, eloquent in words; Abraham Lincoln, eloquent in thought; Stephen A. Douglas, appealing to expediency; Abraham Lincoln, appealing to right. Douglas said, "I do not care whether you vote slavery up or vote it down." Lincoln said, "I care very much about what most people care most about." He turned his back upon his audience and spoke to Douglas, "Is it not a false philosophy to build a system upon the basis that you do not care anything about what most people care most about?" It was for that sentence that Mr. Douglas paid him such a tribute in three weeks after the close of those debates. Mr. Lincoln was powerful in this series of debates, and it was here that his wonderful ability as a thinker and debater was first disclosed to the public. I say to you men of Congress that Abraham Lincoln had not an equal on the American platform in the use of pure Anglo-Saxon.

If you think that I am overstating, I have two items of evidence that any lawyer will accept as fairly conclusive. In Oxford University, England, you will hear the finest English taught and spoken of any place in the world. An American visiting this great seat of learning will be led to a corridor where can be read one of the famous letters written by this man, known to the world as unlettered, or illiterate, because he was not a collegiate, the letter to Mrs. Bixby, the mother of five sons, all of whom gave their lives for their country:

DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I can not refrain from tendering to you the consolation which may be found in the thanks of the Republic they died to save. I pray that our heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice on the altar of freedom.

Yours, very sincerely and respectfully,

ABRAHAM LINCOLN.

This letter, thus permanently preserved, is pronounced by the savants of Oxford as one of the finest letters of condolence ever written in our language. Note its beauty, its purity, its sublimity.

If that is not sufficient evidence, then go to the British Museum, where can be found books enough, if put on a single shelf, to reach 40 miles. Ask the authorities there what their judgment is as to the finest short speech in the English language. You will be handed at once this splendid piece of rhetoric and high mark of literary appreciation, as well as statesmanlike delivery, at Gettysburg, November 19, 1863:

Fourscore and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

When he finished, the orator of the day, Edward Everett, walked over to the President, took his hand, and in substance said: "Mr. President, if I could congratulate myself upon the belief that in two and a quarter hours I had been enabled to put the issue as clearly as you have done it in two and a quarter minutes, I would regard myself as a happy man."

This speech the British Museum authorities regard as one of the finest short speeches uttered in the English language. Who is this man that he could thus speak and write? Born in a hut, of the most humble surroundings, at the age of 7 he accompanied his parents and sister into Indiana, where they lived one winter in an open camp with but three sides to it. And yet, without ever having, as a pupil, a lead pencil or a piece of paper, a slate pencil or a slate, without having gone to school but six months all told, according to his own statement, here is a man thus starting with no convenience who has reached a plane, an ability to speak the English language, not yet reached by scholars of the day. Where is the secret? I think that it might be found in the sort of books he read. What are they?

The one book with which he was quite familiar was King James's version of the Bible. I once heard Parks Cadman, pastor of the greatest Congregational Church in the world, say that Abraham Lincoln's verbal knowledge of the Bible was not equaled by the theologians. I would not state that upon my own authority, but I cite it upon his authority. He knew Shakespeare, and in the darkest hours of the Nation's life, in the midst of great depression, often when the Cabinet was in session, Mr. Lincoln would throw himself back in an armchair and quote page after page of Shakespeare, until the scholarly Seward would turn to him and say: "Why, Mr. President, our understanding has been from the beginning that you have never gone to school, and yet you quote Shakespeare as I do not, and I am regarded as somewhat of a Shakespearean scholar."

Bunyan's Pilgrim's Progress was another book that he read. Feed a growing mind upon the English of these texts and you will have a choice of English. I concede the speeches before mentioned to be a high rank of expression, but I think the high-water mark was reached on another occasion, when looking back over four years of awful war, a period of the bitterest hatred and almost vicious calumny, on the part of his foes at least, and during which period no man's heart was bleeding more than his, he said:

Both read the same Bible and pray to the same God, and each invokes His aid against the other. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. If we shall suppose that American slavery is one of those offenses which in the providence of God must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled up by the bondsman's 250 years of unrequited toil shall be sunk and until every drop of blood drawn with the lash shall be paid by another drawn by the sword, as was said 3,000 years ago, so still it must be said: "The judgments of the Lord are true and righteous altogether." With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are now in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Here is one of the finest prose poems in the literature of our language, and, in my judgment, is the highest reach in refinement of utterance we have from this remarkable leader of men not only in thought but as well in deed.

And I think of how he suffered in the White House as the head of the Nation, so distracted by civil war and he helpless to end the strife. One night he said to Frank Carpenter at the dead hour of midnight, standing with his hands in this shape [indicating]: "Oh, Carp, Carp, what would I give to-night in exchange for this wearisome hospital of pain and woe that they call the White House for the place that is occupied by some poor boy that sleeps under the sod in a southern battle field? I can not stand this thing much longer. I have got to have some relief." When I read from Carpenter, the painter of the famous emancipation picture, I instinctively say: "Oh, Jerusalem, Jerusalem, how oft would I have gathered thee as a hen gathereth her chicks under her wings, but ye would not."

Oh, my dissatisfied countrymen, you who can not understand the suffering and the heartbeats, the great distress of the head of the Nation, how changed would be your attitude if you could but see him in his agony for the Nation. If we could have understood his sufferings, we would not have had the feelings of bitterness that were so often expressed. My friends, this hatred was not confined to any one section of the country, as you well know. I was rocked in a cradle over which was sung the lullaby:

Old Abe Lincoln is dead and gone.
Hurrah! Hurrah!

And I am not the only one in the State of Ohio who was taught that he was not a patriot. But when I come to look into his words and to study his acts and with regard for his magnanimity, together with his intellectuality, I can easily understand why, in the lapse of half a century, there is such universal approval now of the characteristics of that great man in all parts, not only of our Nation but of the world.

I once asked one of the best editors in this country or in any other, Charles A. Dana, who knew Mr. Lincoln as perhaps no other man knew him during the period that covered the war, what he thought was Lincoln's secret of greatness. Quickly he said: "His control of men." And then he added: "If a man can not control other men, then his power is limited to what he can do alone. On the other hand, if he can control men his power is multiplied just to the number of men he controls."

Mr. Lincoln had that ability to differ from men and yet to win them. Note how he struggled with the great commoner, Thaddeus Stevens. When Lincoln insisted upon his method of reconstruction, which Stevens denounced as his shorthand method, destined to swamp the American Congress by Confederate leaders, Lincoln put it in this homely way, or substantially in these terms: "Stevens, you want what I want, but we do not go after it in the same way. Concede that my policy, which you criticize, is now in its beginning to what the policy is when it is finished, as an egg is to the chicken when it is hatched, do you not think you will get that egg quicker by hatching it than by smashing it?" A homely illustration that carries in it a sound philosophy.

That is an example of the way he had of reaching Mr. Stevens. He had his own way of dealing with the leaders of the day, such men as Mr. Seward, and especially Mr. Stanton, both of whom he regarded as the greatest Secretaries of their respective departments. In the early part of the administration the country looked upon Mr. Lincoln as a much inferior man to Mr. Seward. None knew this better than the great Secretary. This explains the strange suggestion of Seward.

He reminded Lincoln that after so long the Government was still without a policy, and said that while he did not seek it, if the President desired, he would assume the responsibility. The reply by Lincoln is historic, and discloses his rare talent to control men. The policy was forthcoming, but it was not that of any Cabinet officer. A similar instance is when he rejected Seward's proposed adjustment of the Trent affair and directed it himself by taking Seward's proposed plan and blue-penciling two-thirds of it as useless and dangerous. In spite of this wide difference between them, the time came when Mr. Seward said, "I know the men of my time, and I believe Mr. Lincoln was truly the best man I ever met in public life."

On the night of the second election quite a scene took place between Lincoln and Stanton. Dana said, "Whitelaw Reid came in, and I, as a matter of courtesy, withdrew and went into another room, where Stanton was. It was not long before I noticed that Stanton was quite indignant. He was walking the floor greatly disturbed. I said to him, 'What troubles you, Mr. Secretary?' and he pointed his hand through the door toward Lincoln." Dana said that Lincoln at that moment was a very comical figure. He was sitting leaning back against the wall, his legs crossed, and laughing convulsively. He had just read to Reid something from the writings of Petroleum V. Nasby, the editor and humorist of the Toledo Blade, at that time almost as popular a writer as was Mark Twain later. "Stanton noticing that he was reading Petroleum V. Nasby seemed so angry," says Mr. Dana, "that he turned to me and said. 'Look there. There sits the man around whom the heartstrings of this Nation are wrapped to-night, being amused over a damned mountebank.'" Evidently Mr. Lincoln must have heard him, for he immediately called to Mr. Stanton, "Mr. Secretary, have you ever read anything written by Petroleum V. Neesby?" And Whitelaw Reid, who was sitting by, said, "Nasby; Mr. President, Nasby," when Mr. Lincoln repeated Nasby. Mr. Stanton replied, "No; I haven't time for such buncombe." Mr. Lincoln said, "Here is some buncombe that you would enjoy." He added, "Nasby says there are three kinds of fools. There is the natural fool and the educated fool, and when you take a natural fool and try to educate him you have a damphool." [Laughter.] Dana said Stanton did not enjoy the joke at all. [Renewed laughter.]

Mr. Stanton seemed so different from Mr. Lincoln, and people are speculating now as to whether they were friendly to one another. The difference was one of temperament. They were equally sincere and patriotic. The brusk demeanor of the Secretary was ever in sharp contrast with the childlike kindness and affectionate regard of the great President. The two men quite frequently clashed for the moment over policies. These differences usually grew out of Lincoln's pardoning habit. You will recall that Lincoln ordered some persons that had been imprisoned at Baltimore upon the charge of treason for the sale of goods to the Confederacy to be liberated, against the wishes of Stanton, and Judge Holt——

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. YOUNG of North Dakota. The gentleman from Ohio [Mr. FESS] should have an extension of an hour.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that my colleague be allowed to proceed to the conclusion of his remarks.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent that his colleague [Mr. FESS] be permitted to proceed without limit. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I thank you and the Members of the House for this courtesy, and I shall certainly respect it enough not to keep you very long. [Cries of "Go on!"] That gavel knocked out of my mind what I was saying. [Laughter.]

A MEMBER. You were talking about certain kinds of fools. [Laughter.]

Mr. FESS. It was the incident over in Baltimore. It was said that Judge Holt, of Kentucky, went over in confidence on the order of the President and made some arrangement to let the people out without regard to Mr. Stanton's wishes. Mr. Stanton was very much enraged, and he called Mr. Holt, a subordinate, "on the carpet"; but Judge Holt defended himself on the ground that the President had ordered him to do it. It is reported that Mr. Stanton said, "Did Lincoln order you to do that?" Holt said he did. Stanton hesitated a moment and then said, "Holt, the only thing left us is to get rid of that baboon in the White House."

That is a very serious statement to make on the floor of this House when regarded from the standpoint of the relation between chief and subordinate, but it is in the reminiscences. When the matter came to the notice of Mr. Lincoln he said in good humor, "Did Stanton say that?" He was assured that he had, and another person speaking with him said, "I would not endure the insult." Lincoln said, "Insult? That is no insult. All he said was that I was a baboon, and that is only a matter of opinion, sir," and then added, "and the thing that concerns me most is that Stanton said it, and I find he is usually right." [Laughter and applause.]

Oh, such magnanimity, when a difference clothes itself in language of insult as well as ridicule, in such a great soul; to differ from men and still hold their respect to the last was a quality possessed in abundance by the great Lincoln.

On one occasion when Stanton chided the President for allowing a mother-in-law to impose upon him on behalf of her daughter whose husband was to be shot for desertion, in which the Secretary expressed a doubt whether the old lady really cared about the fate of the man, Mr. Lincoln replied, "It may be she did not. I did not see the lady while she was speaking. I only saw the poor young woman who was so soon to become a widow unless I interposed."

Here is but one of scores of incidents to show his magnanimous spirit to his inferior, and at the same time that beautiful temper of mercy of which many were beneficiaries.

In evidence of this power over men note this incident: A retired Presbyterian minister said to me recently, "My inspiration and success as a preacher came from Lincoln, when after I had made my report to Congress of the work of the Sanitary and Christian Commission, Mr. Lincoln said to me, 'The good God has blessed you, young man, with power to influence men. Go on in the way you have started. Pay more attention to the hearts of men rather than to their heads.'" That became my guiding principle.

What is the secret of Mr. Lincoln's ability to control men like Seward and Stanton and Stevens, and other men who were so wonderfully different in temperament and eminently superior to him in all that went to make up modern standards? I think I can give a solution to the mystery. It is in a combination of two qualities that are usually found in leadership. The one is that wonderful fund of humor and the other is that deep sense of pathos. At one moment Mr. Lincoln would make you laugh. At another moment you would want to cry. Strange as it may seem, these seeming contradictories are generally present in the same person. If Lincoln was the most comical man in public life, he was certainly the saddest. The world tires of the person who plays on but one string.

I distinctly recall an incident that is told by Carpenter. Mr. Lincoln frequently went out here to the hospital near Washington, not simply to be in the presence of sorrow but to comfort the wounded soldiers, many of whom were dying by the inch. On one occasion he had spent a good deal of time out there—most of the day. Just as he was ready to get into the carriage to return, somebody rushed out and said to one of the men with him, "I wish you would tell the President that in a part of the hospital that he did not visit there is a Confederate soldier, and he is dying; he wants to see the President." The matter was referred to the President, and he said, "I shall go back." He excused himself for a moment, and was led back to where the Confederate soldier was lying upon the cot, and when he came to the sufferer all that he could hear the soldier say was, "I knew they were mistaken; I knew they were mistaken."

Evidently he had been told that Mr. Lincoln was the sort of a man that I had been taught he was, and he had found that he was not. When Mr. Lincoln took his hand and asked him what he could do, he said, "The surgeon says I can not get well; I do not know anybody here, and I wanted to see you

before I died." When Mr. Lincoln asked him what he could do, there was something said by the poor boy in regard to what he wanted sent home, and then Mr. Lincoln stooped and took his hand in his two. The President, standing in that fashion, said, "Now, my boy, is there anything else I can do? I have been here most of the day; I am busy, and I must go." The boy said, in broken tones, "Oh, I thought, if you did not mind, you might stay and see me through." And there stood the President bending over the dying soldier and copious tears dropping upon his coat sleeve.

Men of this House, that is the most beautiful picture in American history. If I were a painter and wanted to paint Lincoln, I would have to seize upon some particular moment of time, because you can not paint duration in a picture, and I would seize the moment when the President of this Nation, the mightiest Republic on earth, stooped and wept over a dying Confederate soldier, dying away from home. That is a most beautiful representation of the real Lincoln. [Applause.]

He has been misunderstood in regard to the slavery agitation. Mr. Lincoln's greatest work, gentlemen, was in the preservation of the Union. Do you not remember in 1863 what a bitter letter he received from Horace Greeley, published in the New York Tribune as an open letter to the President, in which Greeley called him "an opportunist"? Mr. Lincoln replied to it—and I want to give you exactly his reply; and, therefore, you will allow me to read that reply. It is one of the suggestive utterances of his life. He replied:

As to the policy I seem to be pursuing, I have not meant to leave anyone in doubt. I would save the Union. I would save it in the shortest way under the Constitution. The sooner the national authority can be restored the nearer the Union will be the Union as it was. If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless at the same time they could destroy slavery, I do not agree with them. My paramount object is to save the Union and not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it. If I could save it by freeing all the slaves, I would do it.

Then he added:

I am ready to accept new views as soon as they are proved to be true views.

I do not mean here to minimize the title of the "great emancipator." I simply mean that the one supreme purpose of his career was to preserve the Union. This does not and should not detract from his achievement as the leader who, by the stroke of his pen, lifted a race out of human chattelhood into the atmosphere of American citizenship. But that achievement was destined to take place; if not by his hand, then by another's. The institution of slavery was indicted by the civilization of the centuries and had to succumb. However, this could not be said of the preservation of the Union. The greatest single achievement in the history of civil government in the world is the preservation of republican form of government. Since the close of the Civil War this idea has spread over the world like the waters cover the sea. There is not a single country that is not feeling the mighty impulses for self-government, the finest example of which is our own Republic. In fixing Lincoln's place in history it will not be so much the emancipator of a race as the savior of a nation and republican government on the earth. Both of these accomplishments demanded the best talent of head and heart.

He had other elements of statesmanship. His heart throbs for liberty never carried him to the shoals of license. On the other hand, reverence for law was fundamental with him. On one occasion he said:

Let reverence for the law be breathed by every American mother to the babe that prattles on her lap; let it be taught in schools and colleges; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation, and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars.

When he was criticized for the appointment of Stanton, who had not supported him, a friend said to him, "Why, Stanton has not been in your favor." Mr. Lincoln said, "That is no matter. I met him down in Cincinnati in a lawsuit where I tested his mettle, and I know his power." And then the interested party said, "But you are the first President of a new party, and you would have a splendid opportunity to build up a political organization." Members of Congress listen to Lincoln in reply: "We will save the Union first and build a party out of what is left." That is another element of statesmanship, it seems to me.

On the other hand, notice the humor. May I give you an incident that Dana gave me? Lincoln was pestered with office seekers, strange to say, in that day as we are not so much (?) in this. These office seekers came from every place. One day Mr. Lincoln saw three men coming up the walk toward the White House. At the time he seemed in exceptional spirits with humor bubbling over. Lincoln was looking out of the window. He said, "Dana, look. Those three men have been here before. This is the third or fourth time they have come. They want an office. I do not know even where it is. I do not know whether it is in Missouri or Illinois. It would not make any difference whether Tom, Dick, or Harry had it. It will not pay over $180 a year." Dana urged him not to receive them, when Lincoln replied, "Oh, yes; I will receive them." About that time the man whose duty it was to announce callers to the President came in and told him there were three men from the West who wanted to see him, and asked what he should say to them. Lincoln said, "Bring them in and let them sit down here." I wish I could tell this story as Dana told it, but I can not. Dana said the three men came in and took their seats, and Mr. Lincoln, after greeting them, said to them, "Excuse me, gentlemen, until I finish a story I was telling Dana." He had not been telling any story at all, but he began: "I think I was about 13 years old. Our fashion was to meet in Sunday school, where we would read sometimes in the Old Testament and sometimes in the New. On this particular day we were reading in the Old about the three Hebrew children. In that class we always would stand in line; the first boy would read and then the next, and if anybody made a mistake the fellow next to him would correct him, turn him down, and go up. There was one fellow in the class, about as tall as I was, who never had learned to read, and he always stood at the foot. (Just excuse me, gentlemen, in a few minutes I will be through with this.) When it came this fellow's turn to read, he read something like this, holding his finger on the page to keep the place, and reading in a loud monotonous tone, hesitating on every word: 'And — a — part — of — the — kingdom — was — to — be — ruled — over — by — by — by ——' 'Well,' said the teacher, 'read on, read on.' 'By — Meshach, —— Shadrach, —— and —— Abed-nego.' (Just excuse me, gentlemen, in a few minutes I will be through.) Then the next boy read, and then the next one, and it came around to this boy at the foot again, and the feacher said to him, 'Read that fourteenth verse.' It was the same verse. So he read the same verse again, and in the same hesitating way: 'And — a — part — of — the — kingdom — was — to — be — ruled — over — by — by — by —— well, if there don't come them same three gol durned fools again.'" [Laughter.]

The leader said, "Mr. President, we will come some time when you are not so busy." As soon as they were out Lincoln said to Dana, "Didn't we fetch 'em this time?"

If you link the quality of humor, which is always present, to the other quality of pathos, which was instinctive with him, you have the elements in combination that made him the leader of men. It would be easy to illustrate the two qualities by the great number of incidents similar to these I have mentioned in his life.

Then there are two other abiding qualities in the man that I find in my study of him that I think this House ought now to think about. They are the fundamental qualities that make his name an increasingly important one in our history. The first one is faith in the people. I do not believe America shows in her history any man who had equal faith in the common goodness of mankind. It welled up in both word and deed upon every hand, in season and out of season. I have the greatest admiration for Samuel Adams, of Massachusetts—the man of the town meeting and one of the country's most distinguished democrats, past or present. I have also the greatest admiration for Thomas Jefferson, of Virginia, the author of the Declaration of Independence and the founder of the Democratic Party.

As a man who has lived all his life in the study of history, I have a wonderful admiration for the hold those men had upon the people, in their faith in the people. But, Members of this House, with due regard for the faith of the fathers, I think Abraham Lincoln was in the truest sense a man of the people, one among the people, and in sympathy with the people beyond any man in our history. I do not think any man can come to his shoulders in this attribute if measured by what he said, by what he did, by what he really was in that respect. When a man said to him, "The people will go wrong on this matter," he replied, "Intellectually, probably they may; morally, never." The collective wisdom expressed in morals is always better than individual wisdom. "In the multitude of counsel there is safety," said he, quoting it from the Good Book. I could give you numerous suggestions falling from his lips, expressions like these: "God must have loved the common people, for He made so many of them." "You can fool all of the people some of the time, some of the people all of the time, but you can not fool all of the people all of the time." You know people have said it was Barnum who said that. It was not. It was Lincoln. It is Lincolnian. He believed in the people. In other words, he did not think the Government was going to the bow-

wows if attempts were made at some innovation, or changes were inaugurated in the interest of the public. He never failed to see the distinction between an attempt to suppress public opinion and to direct public opinion. The first is unwise; the second is rational. He fearlessly indicted the cowardice of such procedure. After the fugitive-slave law was made a part of the Compromise of 1850, both of the leading platforms, Whig and Democratic, declared that the Compromise was the settlement of the slavery issue and forbade its further discussion. Lincoln knew such cowardice was like resolving the tide should cease to flow. Our business is to direct public opinion in the right channels, and not to attempt to suppress it. That was Lincolnian.

Another quality of his nature was his deep religious convictions. I do not believe we ever had any man in the presidential chair who was so profoundly religious in nature as Abraham Lincoln. Prof. Brooks, who was at the head of the educational movement in Illinois, came to him with the query, "Mr. Lincoln, we have been discussing your religious convictions." Mr. Lincoln said, "Well, what about it?" "We wondered how much time, if any, you devote to your relationship with your God." Mr. Lincoln turned to him and said, "Professor, I spend more time upon the thought of my relationship with my God than upon all other questions combined." That was Lincoln at a time when he had no reason to assert anything untrue about his belief. You will remember that when the brilliant, peerless leader, Stonewall Jackson, was almost within reach of this Capital City and the Cabinet was very much alarmed, Mr. Lincoln said, "The thing I fear about Stonewall Jackson is that he is a praying general; he prays before he goes into battle." A high tribute by the head of the Nation to that peerless soldier.

Mr. Lincoln had an abiding faith in God. Notice his statement at Springfield when he bade farewell to his neighbors on February 11, 1861, and called upon them to give him their prayers. Notice his statement in his first inaugural:

Is not a firm reliance upon Him who has never yet forsaken our favored land sufficient to adjust our differences?

Notice him in his second inaugural. His judgments are righteous altogether. Hear him saying to Brooks, "I would be the veriest blockhead if I thought I could get through with a single day's business without relying upon Him who doeth all things well."

I want to say to this body of legislators, from the standpoint of a close study of the life of Mr. Lincoln, that his was the most profoundly religious nature of any of our great Presidents. Why, then, you ask, did he not belong to a church? I answer you, I hope as a consistent member of the Methodist Episcopal Church, Abraham Lincoln was too great a soul to be circumscribed by the narrow denominational lines of the day in which he lived. [Applause.] I say it not in antagonism to churches, for I believe in them and I am a member of one of them. But the bitterness that was then felt between branches of the Christian church was such that it was pretty hard for a man of that great heart of his to subscribe to a good deal of this bitterness. But let no man, because of this, quote him as against religion. He was profoundly religious, and always gave his voice and influence to the things for which the church stands.

He once said:

Show me the church which writes over its portals "Thou shalt love thy God with all thy strength of heart and mind, and thy neighbor as thyself," and I will join that church.

I close with this suggestion: As Mr. Lincoln was closing his career he was more concerned about the Reconstruction of the Seceded States than any other one subject. He made his last speech from the Executive Mansion on the 11th of April. He spoke about Reconstruction, and said that that was one of the things that had most deeply impressed his heart during all these years, and then he said, in substance:

Let us not now enter into a controversy as to whether the States are in the Union or out of the Union. That question can only have the mischievous effect of dividing our friends. We all admit that the States are out of their practical relations with the Union. Let us strive to reinstate the relation as it existed before the war, and when that is done, then let us each one alone take pleasure, if there is any pleasure in it, in seeing whether they were ever away from home. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us not bring that up now, for it can only end in mischief.

To the South he said:

It may be my duty to make some new announcement to the people of the South.

That announcement was never made. Four days later the bullet of the assassin closed his lips forever, and he was not to make an announcement on that or any other great subject. But the one situation he yearned so much to see adjusted was the preservation of the Union as it had been before 1861. His death removed the one insurmountable obstacle to the success of radical measures in Reconstruction. As I once said before, his rare magnanimity, illumined by an intellect equally rare, peculiarly fitted him to pilot the ship through the rough breakers that hugged the shore of nationality as he had safely brought it through the stormy Civil War. He was broad enough to know that too much national prerogative was despotism, and too much State rights might lead to anarchy among the States. I want to say that when the bullet of the assassin laid him low the best friend the South had in authority had fallen. [Applause.] Jefferson Davis said that next to the fall of the Confederacy the death of Lincoln was the greatest stroke the South ever received.

What a beautiful thing it is to contemplate the change of attitude toward him. Fifty years ago many a child of that day in the North was rocked in the cradle over which was sung the lullaby:

Old Abe Lincoln is dead and gone.
Hurrah! Hurrah!

Then, the people were divided. To-day, 50 years after, our differences, born in the heat of a great national issue that precipitated war, are no more. His name is spoken in reverence by a reunited Nation, whose finest product is embodied in the great war President.

His yearning for the cessation of strife was in his every impulse. When the scene of Appomattox had passed, no one was so happy over the prospects of a return to peace as he.

But in a moment of rejoicing all was changed. Another tragedy was to be added to the series of tragedies. It was not his to live to see the fruits of the war, and to so guide its reconstruction as to rebuild safely with the highest honor to all our people. No. It was his to die. He was surrounded by friends, including his official family, as his spirit went home to its God, with whom it had kept so closely throughout the dark hours of civil war.

Stanton, at the head of the bed, now virtually the head of the Nation, Seward having been attacked in his sick room, broke the silence of death when he said, "Now he belongs to the ages."

The next day the great Secretary, who had so often differed from his great chief, looked upon his face now asleep in death, and pointing his hand toward him said, "There sleeps the mightiest man that ever ruled a nation."

It was thus left to one of his critics, who differed with and yet loved him, to pass the highest encomium upon him.

In my judgment Abraham Lincoln is the truest type of the American statesman, the broadest in comprehension, the sweetest in disposition, the deepest in humanity of secular history. And now as we are facing to-day as great problems as ever faced him in his day, let us renew our obligations to our common country by pledging ourselves in his words our last full measure of devotion in the hope that the Government of the people, by the people, and for the people shall not perish from the earth. [Applause.]

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GOULDEN. Mr. Speaker, I feel that I should apologize to the House, as well as to the distinguished gentleman from Ohio, who has just completed his splendid patriotic address. Perhaps I am the only man on the floor of the House who heard Lincoln's famous speech at Gettysburg. [Applause.] That is my excuse for injecting myself at this time. By the grace of God and the will of the Speaker, nine veterans of the Civil War, six who wore the gray and three who wore the blue, all that are left of that memorable struggle, were honored by an appointment to accompany the Vice President and himself to the fiftieth anniversary of the great Battle of Gettysburg last July. While standing there on the memorable spot on which Mr. Lincoln stood 50 years before, I heard that famous speech of his. I first heard—and I can assure my colleagues that I was tired and weary—the splendid oration of Edward Everett, a brilliant speaker of that day, which lasted two hours. I know, in my youthful impatience, I hoped that he would finish quickly so that the great war President might be heard, but he did not. He made a truly magnificent speech. I want to ask, Mr. Speaker and gentlemen of the House, how many of you can recall or could repeat even portions of the beautiful oration of Edward Everett on that occasion, while on the other hand the brief, touching speech of President Lincoln is known to every schoolboy and every schoolgirl, not only in this country but in many others. I stood within 30 feet of the platform and heard the President. As Mr. Lincoln stepped to the front, with that pathetic, sad look upon his face, the great audience of 25,000 people started an applause loud and long. A smile went over

his countenance, and when he smiled you forgot its homeliness and its ruggedness. He then made that famous address of his, which lasted less than three minutes, making a most profound impression on his listeners, at least one-half of whom could hear him distinctly. I saw Edward Everett step over and shake his hand. I could not hear what he said, but we are told what he did say was that he would give his two hours of effort for the three minutes of Mr. Lincoln; and he was right. That was a great occasion, upon a battle field that more than 200,000 as brave men as ever lived fought three days for what they thought was right. It was one of the greatest in the history of this or any other nation, marked to-day by more than 500 splendid monuments.

We do well, Mr. Speaker, to call to mind the deeds of our great men, those who have so greatly aided in making the Nation a world power, respected everywhere, and I think none carries with it a greater lesson of patriotic sentiment so worthy of emulation than that of the lamented martyred President of the United States—Abraham Lincoln. [Loud applause.]

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, last Monday, which was District day, was substituted for to-day for the transaction of business pertaining to the District of Columbia. Upon the House Calendar is Senate bill 1294. That bill should properly be upon the Union Calendar, and I ask that it be transferred to that calendar as of the date when it was reported to the House.

The SPEAKER. The gentleman from Kentucky moves that the bill S. 1294 be transferred from the House Calendar to the Union Calendar.

Mr. MANN. It does not require a motion, Mr. Speaker. The gentleman from Kentucky, as I understand, asks to have the bill transferred to the Union Calendar, because it is a Union Calendar bill, so that he can go into Committee of the Whole.

The SPEAKER. The Speaker will transfer it, then. Mr. Speaker Carlisle decided that all required in such a case was the request that the bill be transferred to its proper place.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District business, with Mr. LLOYD in the chair.

HOURS OF EMPLOYMENT OF FEMALES IN DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (S. 1294) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia.

The CHAIRMAN. The gentleman from Kentucky calls up the bill S. 1294, which the Clerk will report.

The Clerk proceeded to read the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection, and it was so ordered.

Mr. JOHNSON of Kentucky. Mr. Chairman, a bill similar to this, perhaps an exact copy of it—I have not compared them—passed the Senate during the Sixty-second Congress and came to the House during the last days of that Congress. That bill took the regular course, and was referred to the Committee on the District of Columbia. The engrossed copy of the bill was sent to the House District Committee. During the last day or two of that Congress—I do not now recall which—some gentlemen on the floor of the House who were in favor of its passage endeavored to call it up. At that time, as I have just said, the engrossed copy of the bill was before the District Committee. There were only two ways in which it could get back to the House. One was by the action of the committee directing it to be reported to the House. The other was by having the committee discharged by the House from further consideration of the bill, and having the bill in that way reported to the House. During the last day of the Sixty-second Congress, I think it was, although I do not now pretend to be exactly accurate about that, some Members of the House addressed a note to me as chairman of the committee and asked me to send the bill to them; not to the House or to the Clerk of the House, but to them. I answered their note, in substance, by saying that I could not let the bill go, bearing in mind that it was a misdemeanor under the law for me to let the bill go in that way. Instead of sending them the bill, I came to the floor of the House with it. The gentleman from Oregon [Mr. LAFFERTY] was quite active in having the bill brought up. I came to the gentleman from Oregon [Mr. LAFFERTY] upon the floor of the House and explained to him that because of the law making it a misdemeanor to surrender the bill in the manner I have indicated I did not comply with the request. I informed him then that I had the bill in my pocket, and that when the House would discharge the committee from further consideration of it I was ready to produce it, so that it might be considered any minute that it was brought up. In some way or other my action in that matter at the time has been misconstrued. I care very little about that. I have been so frequently misquoted and my motives so frequently misconstrued that I have become rather callous on the subject. But in order that a correct understanding may be had by those who have misrepresented or misconstrued my motives, I am saying what I am at this moment.

I stayed upon this floor as long as I could during two days and two nights, if I remember correctly, of continuous session, ready at any moment to produce the engrossed bill, that it might then and there be considered, whenever it was called up. At one time I remember the gentleman from Oregon [Mr. LAFFERTY] did call it up, when I was occupying the next chair to him. He called it up with the full knowledge that I had the bill in my pocket, then and there ready to produce it. However, before he succeeded in getting his motion acted upon the gentleman from Alabama [Mr. UNDERWOOD] made a motion of some sort, which I now do not recall, but which had precedence of the motion made by the gentleman from Oregon [Mr. LAFFERTY], and in that way the bill did not come up. I understand that the bill was called up by either the gentleman from Oregon or some other gentleman who had an interest in it during the night, when I was in the cloakroom asleep. It was beyond human endurance for any man to stay here during those many hours of the day and night sessions. I certainly was not equal to it, and during those times I had to get something to eat and some time to sleep. Once, during an all-night session, when I was asleep, I understand the bill was called up, and for that reason it was not gotten before the House for consideration.

To be perfectly frank about the matter, I have never undertaken to put the slightest obstacle in the way of the passage of this bill. It had my hearty approval at that time, and it has it now, and, as far as I myself am concerned, I can go further than the provisions of this bill go. Left to me, I would fix it so that no woman or girl would be permitted to go into any shop or factory and go to work. I think her place is at home, and I deplore the fact that women and girls have driven men out of employment by accepting a lower wage. If those for whose benefit this bill is to be passed would decline this sort of employment and go home to become the wives of men who are now thrown out of employment, the country would be far better off. So with these few explanatory remarks I desire to yield the remainder of my time to the gentleman from New York [Mr. O'LEARY], who is chairman of the subcommittee of the District of Columbia from which this bill comes.

[Mr. O'LEARY addressed the committee. See Appendix.]

Mr. O'LEARY. I now yield, unless some gentleman of the committee desires to speak, to the gentleman from Massachusetts [Mr. PETERS].

The CHAIRMAN. How much time does the gentleman yield?

Mr. GARDNER. Is the gentleman going to yield at all to this side of the House?

Mr. O'LEARY. Yes.

The CHAIRMAN. How much time is yielded to the gentleman from Massachusetts [Mr. PETERS]?

Mr. O'LEARY. Ten minutes; or fifteen minutes if he requires it.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] is recognized for 15 minutes.

Mr. PETERS of Massachusetts. Mr. Chairman, I rise a second time for the purpose of urging the passage of the pending bill, which is entitled—

A bill to regulate the hours of employment and safeguard the health of females employed in the District of Columbia.

In brief, this bill establishes 8 hours a day, or 48 hours a week, as the maximum length of time which any woman can be employed in factories or mercantile establishments, and prohibits night work for all girls under 18 years of age in the District of Columbia, for which Congress legislates in much the same manner as State legislatures enact local laws.

My agreeable and distinguished colleague from New Jersey [Mr. TOWNSEND] just asked a question relative to its protection of people who were engaged in other occupations. I wish to say that there is already a child-labor law which was passed three Congresses ago—in the Sixtieth Congress, I think—which

would no doubt cover some of the provisions which he has in mind.

When I made my first speech last March on this bill I said:

Though we are hopeful of immediate action, if, in the general congestion of business during the closing hours of the session this bill is not reached and finally disposed of, I shall reintroduce the bill at the opening of the next Congress and continue to press it for favorable consideration.

HISTORY OF THE BILL.

Let me recall briefly the history of this important measure.

The Senate bill (S. 1294) and my bill in the House of Representatives (H. R. 29), which are now pending, are twin bills, identical in form and both introduced in this and the last Congresses.

One year ago this month my bill, after extended hearings, was favorably reported to this body by the House Labor Committee, of which the honorable William B. Wilson, now Secretary of the Department of Labor, was chairman. Senator LA FOLLETTE'S bill, similar to my bill, was passed by the Senate two days after my bill was reported to the House.

The Sixty-second Congress adjourned March 4 last without either of these eight-hour bills coming to a vote in this House, due to the pressure of a variety of legislation, including important appropriation bills, which consumed all available time during the closing days of the session.

Both Senator LA FOLLETTE and myself reintroduced our bills in this Congress, as you already know. For the convenience of the House I will insert a copy of my bill, together with certain explanations interpolated between the paragraphs stating the different States where similar provisions are now in effect.

A bill (H. R. 29) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia.

Be it enacted, etc., That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than 8 hours in any one day or more than 6 days or more than 48 hours in any one week.

The limitation of hours to 8 in one day and 48 in one week follows the statutes of California (Stat. of 1911, act 1537) and Washington (Acts of 1911, ch. 37). No industry or occupation is included which is not included in some State laws. There is also an eight-hour law for women in Colorado and in Arizona.

SEC. 2. That no female under 18 years of age shall be employed or permitted to work in or in connection with any of the establishments or occupations named in section 1 of this act before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening of any one day.

The night work of girls up to 18 years is prohibited in 12 States, with slight variations in the terminal hours. These States are: Arizona, California, Indiana (include all adult women employed in manufacturing); Louisiana, Massachusetts (include all adult women employed in manufacturing); Michigan, Mississippi, Nebraska (include all adult women employed in factories, stores, hotels, and restaurants); Ohio, Oklahoma, New York (include girls up to 21 years in factories and stores); Pennsylvania.

SEC. 3. That no female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in section 1 of this act in which three or more such females are employed without an interval of at least three-quarters of an hour, except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past 1 o'clock in the afternoon and if she is then dismissed for the remainder of the day.

This provision was first enacted and is now in effect in Massachusetts. (R. L., 106, par. 37.)

It is also in effect, with slight modifications, in other States, such as New York (same statute as above, sec. 89) and Maryland. (Acts of 1912, ch. 79.)

SEC. 4. That every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 1 of this act in which any females are employed a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished by the inspectors authorized by this act. The employment of any such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspectors authorized to enforce this act may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

The provision which requires the posting of a printed notice stating the hours of labor required each day is necessary for enforcement, and is required in all effective laws.

SEC. 5. That every employer shall keep a time book or record for every female employed in any establishment or occupation named in section 1 of this act, stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record, or makes any false statement to an official authorized to enforce this act, in reply to any question put in carrying out the provisions of this act, shall be liable for a violation thereof.

This section follows the Illinois act regulating women's hours of labor (act of 1911). It has been found an additional aid to enforcement and is required also, in a slightly different form, in New York (C. L., ch. 31, art. 6, par. 77, subdivision 5) and in New Jersey (acts of 1912, ch. 216).

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to appoint three inspectors, two of whom shall be women, to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

SEC. 7. That the inspectors authorized by this act may in the discharge of their duties enter any place, building, or room where any labor is being performed by females which is affected by the provisions of this chapter whenever such inspectors may have reasonable cause to believe that any such labor is being performed therein.

SEC. 8. That the inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section 1 as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein, and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

SEC. 9. That any person who violates or does not comply with any of the provisions of this act shall, upon conviction, be punished for a first offense by a fine of not less that $20 nor more than $50; for a second offense, by a fine of not less than $50 nor more than $200; for a third offense by a fine of not less than $250.

These sections follow the provisions of the District of Columbia child-labor law as to the appointment of inspectors, procedure, and so forth.

PRESENT STATUS OF THE BILL.

The Peters bill was referred a second time to the House Committee on Labor and it was again reported favorably without amendment.

Action was also taken on the La Follette bill. The Senate Committee on the District of Columbia reported the bill unamended. The Senate again passed the bill, which then came to the House and was referred to the District Committee. This committee has sent the bill back with the recommendation that it pass, and it is now called up for final action. It should receive our immediate consideration.

Mr. SAMUEL W. SMITH. May I ask the gentleman a question?

Mr. PETERS of Massachusetts. Certainly.

Mr. SAMUEL W. SMITH. I was not altogether satisfied with the reply to the question which I submitted to the other gentlemen of the committee. I stated a case in this city of a woman who had been at work in a hotel as a cook for 20 years and who was working seven days in a week, and who is perfectly willing to work seven days in a week as cook. Is there anything, as you see this bill—and I ask it because the suggestion has been made to me by another gentleman—by which a party like that, and I understand there are a good many of them in the city of Washington, can work seven days in the week. I mean, for instance, could she cook a breakfast and then have, for instance, an hour or two in the forenoon, and then be there at lunch and have two or three hours off in the afternoon, and in that way work the seventh day in the week?

Mr. PETERS of Massachusetts. It depends entirely upon whether the employee is a domestic servant or is an employee of a hotel. If she is employed by a hotel, she will come under the provisions of this act. If she is a domestic servant, she will not come under the provisions of this act.

Mr. SAMUEL W. SMITH. May I ask the gentleman what would he say if she was employed as a cook at the hotel?

Mr. PETERS of Massachusetts. I can not tell.

Mr. SAMUEL W. SMITH. What would be your opinion?

Mr. PETERS of Massachusetts. I am not familiar with the apartment house to which the gentleman refers and do not know whether it would come under the definition of a hotel or not. But if it is a hotel, she does come under the provisions of this act. I have no time to argue the point of whether it is a hotel or not.

Mr. SAMUEL W. SMITH. I do not want to argue it. I was simply asking for information.

Mr. PETERS of Massachusetts. I will try to give it to the gentleman.

The provisions which we have here before us are identical with the provisions of the bill that was reported by the House committee.

HOURS OF LABOR FOR WOMEN IN THE STATES.

The provisions of the bill now under consideration are not untried. Thirty-seven States to-day have laws designed to limit the hours of employment for women. There is, of course, a wide variation in the 37 different State laws. Some of the States have laws which are limited to comparatively few industries. Other States, for example, Georgia, Maine, Mississippi, and Tennessee, have laws which affect women employed in factories, but not in mercantile establishments. In other States all factories and mercantile establishments are included. In a number of instances a single exception is made of some seasonal occupation. Michigan and Delaware and several other States except the canning industry. Discriminations of this nature often excite criticisms of favoritism and tend to encourage a continuation of inefficient business methods. While nature may glut the market with perishable vegetables or fruits at certain seasons of the year and may demand overtime work, it is probably true that the privilege of long hours must at least share the responsibility for the long-hour day.

In most States where the daily hours of labor are limited for women the wise precaution has also been taken to fix a definite limit for the maximum hours of labor which may be permitted in any one week. These weekly limits vary from 48 to 60 hours.

Four States have the eight-hour day. Two of these States have a 48-hour week. Eleven States, including Massachusetts, have the 54-hour week. In all the States comprising this group the industries affected cover both factories and mercantile establishments with but few occupations excepted. Four States have the 55-hour week, three the 58, and seven the 60-hour week. Delaware, Maryland, and New Hampshire, with 10-hour days, limit night work to eight hours. But 10 of the 37 States limiting the daily hours have neglected to provide for a weekly as well as a daily limit.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PETERS of Massachusetts. Certainly.

Mr. MOORE. Section 6 provides for the appointment of three inspectors, at $1,200 apiece, one to be a man and two to be women. Can the gentleman give any estimate of the number of establishments that will come under this law in the District of Columbia?

Mr. PETERS of Massachusetts. That estimate was submitted. I do not like to delay the House to find it in the evidence taken at the hearings.

Mr. MOORE. But this is not a manufacturing city, and I was wondering to what extent these three inspectors would be busy. How many establishments would be covered, if the gentleman can tell?

Mr. PETERS of Massachusetts. Well, all manufacturing, mechanical, and mercantile establishments. I will refer the gentleman to page 5 of the hearings on the bill reported to the Sixty-second Congress, second session.

Mr. GARDNER. That is the Lewis report on the gentleman's bill, is it not? It is not the gentleman's report on the gentleman's bill.

Mr. PETERS of Massachusetts. It is a report on this identical bill made in the Sixty-third Congress.

Mr. GARDNER. Would it not be well to send for some copies of those reports?

Mr. MOORE. The question is, Will there be work sufficient for these three inspectors to do? This is not a manufacturing city.

Mr. LEWIS of Maryland. Mr. Chairman, if I may volunteer an answer in the time of the gentleman from Massachusetts, I suggest that the official information is that there are about 40,000 employees who would come under the operation of this act.

Mr. MOORE. The large department stores, such department stores as there are in this city, would come under it, and telephone and telegraph employees, and employees in laundries and hotels.

Mr. MANN. Would the employees of the Government come under it?

Mr. LEWIS of Maryland. No; they would not.

Mr. MOORE. Take those, for instance, in the Bureau of Engraving and Printing and the Government Printing Office.

Mr. PETERS of Massachusetts. I will say that there is a law now covering all Government employees. This would cover only those not in the Government service. If the gentleman will look on page 5 of the report that I have referred to, he will see that of the women in the District of Columbia 16 years and over there are 52,488; from 16 to 20 years, 7,177; from 21 to 44 years, inclusive, 34,064; from 45 years upward, 11,147.

Mr. MOORE. Is the number of establishments given?

Mr. PETERS of Massachusetts. It is not given in the report which I have here, but it is given in the evidence taken at the hearings.

Mr. MOORE. Can the gentleman approximate it? Is it 100, or 400, or 500? I ask that question because it would give us an idea of the duties to be performed by the three inspectors.

Mr. PETERS of Massachusetts. The duties would depend not only upon the number of establishments, but also upon the number of people. I can not stop to go into the hearings in the limited time that has been allotted to me.

Mr. MOORE. Another question. Would this apply to stenographers employed in the offices of Members of Congress?

Mr. PETERS of Massachusetts. It would apply to stenographers in the mercantile establishments and in those mentioned in the provisions of section 1.

Mr. MOORE. It would not apply to those engaged in the service of Members of Congress?

Mr. PETERS of Massachusetts. No; I should say it would not any more than it would apply to domestic servants.

Mr. MANN. Why not?

Mr. MOORE. They work, many of them, longer than eight hours.

Mr. MANN. I do not think they work more than eight hours a day.

Mr. MOORE. Oh, yes, they do. I would like to ask the gentleman from Massachusetts [Mr. PETERS] how long he works, and whether his stenographer does not work as long as he does? Why should not this be made to apply to the employees of the Government, to stenographers of Members of Congress, as well as to those who work in the department stores? I am pointing out one of the inequalities of the bill.

Mr. PETERS of Massachusetts. There is a larger field, and I hope we shall reach a time when over the entire United States no woman shall be employed under any conditions over eight hours a day.

Mr. MANN. Would this bill apply to the Bureau of Engraving and Printing? I ask to see whether that matter has been taken into consideration or not.

Mr. PETERS of Massachusetts. I should think it very doubtful; but as the bureau comes under the general law relating to Government employees, I should think the employees of the bureau would already have some of the protection which is here contemplated.

Mr. MANN. This bill goes further than the general law on the subject?

Mr. PETERS of Massachusetts. It goes further than the general law.

Mr. MANN. Would it apply to any Government positions where manufacturing or mechanical work is done?

Mr. TOWNSEND. So far as the employment of women is concerned?

Mr. PETERS of Massachusetts. I should say it might apply to some of them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. O'LEARY. I yield to the gentleman 10 minutes more.

Mr. SAMUEL W. SMITH. May I ask the gentleman a question?

Mr. PETERS of Massachusetts. Certainly.

Mr. SAMUEL W. SMITH. Would the gentleman object to an amendment to provide that if a woman elected to do so, she could work overtime for double wages?

Mr. PETERS of Massachusetts. I should object to that.

Mr. WALLIN. Under this bill would a woman be allowed to work more than eight hours in one day to make up for a shorter day in the week?

Mr. PETERS of Massachusetts. No.

Mr. WALLIN. Provided the total was not more than 48 hours in the week?

Mr. PETERS of Massachusetts. I should not wish to see that done, and this bill will not permit it. I will remind the gentleman that a woman gets tired, not by the week, but by the day, and it is to protect her from that daily weariness that we provide a limit of eight hours.

Mr. WALLIN. Does not the gentleman find that most employees like a half holiday, especially in the summer, and should they not be allowed to make up that time rather than lose that amount of money?

Mr. PETERS of Massachusetts. Not by working more than eight hours in any day in the week.

Mr. FOWLER. Will the gentleman yield?

Mr. PETERS of Massachusetts. Certainly.

Mr. FOWLER. What reason did the committee have for limiting the provisions of this bill to females?

Mr. PETERS of Massachusetts. Because the bill is particularly for the protection of females employed in the establishments here, and it was felt that to extend it into any other field would result in accomplishing nothing. It would defeat the entire measure.

Mr. FOWLER. Why not extend the provisions of the bill to men as well as women?

Mr. PETERS of Massachusetts. And so defeat any bill at all.

Mr. FOWLER. No; not defeat any bill, but in order to preserve equality and justice.

Mr. LENROOT. Will the gentleman yield?

Mr. PETERS of Massachusetts. Certainly.

Mr. LENROOT. Did I understand the gentleman to say he would be willing to vote for an amendment that would permit a woman to work longer than eight hours, provided she had double pay?

Mr. PETERS of Massachusetts. No; I indicated the contrary.

Mr. LENROOT. Is it not true that the very underlying principle of this bill is the conservation of health, and not of wages?

Mr. PETERS of Massachusetts. Most decidedly; and I intended to give a very decided negative to the former question.

Following is a detailed table showing the names of the 37 States and hours of labor for women, which was prepared for me by the Chief of the Bureau of Labor Statistics:

Hours of labor of women.[1]

State.	Factories.		Mercantile establishments.	
	Per day.	Per week.	Per day.	Per week.
Arizona	8	56	[3]8	56
California	[2]8	[2]48	[3]8	[3]48
Colorado	8		[3]8	
Connecticut	10	55	10	58
Delaware	[2][4]10	55	[4]10	55
Georgia	10	60		
Idaho	[2]9		[3]9	
Illinois	10		[3]10	
Kentucky	10	60	[3]10	[3]60
Louisiana	10	60	10	60
Maine	[2]10	[2]58		
Maryland	[2][5]10	[2][5]60	[3]10	[3]60
Massachusetts	10	54	10	54
Michigan	[2]10	[2]54	10	54
Minnesota	9	54	10	58
Mississippi	10			
Missouri	9	54	[3]9	[3]54
Montana	9		[3]9	
Nebraska	9	54	[3]9	[3]54
North Carolina		60		
New Hampshire	[6]10½	[6]55	[6]10½	[6]55
New Jersey	[2]10	[2]60	10	60
New York	9	54	[7]10	[7]60
Ohio	10	[2]54	[3]10	[3]54
Oregon	9	54	[3][9]8½	[3]50
Pennsylvania	[2]10	[2]54	[3]10	[3]54
Porto Rico	8	48	[3]8	[3]48
Rhode Island	10	54	10	54
South Carolina	10	60	12	60
Tennessee	10½	58		
Texas	10	54	[3][10]10	[3]54
Utah	[2]9	[2]54	[3]9	[3]54
Vermont	11	58		
Virginia	10		10	
Washington	[2]8		[3]8	
Wisconsin	10	55	10	55

[1] Indiana prohibits night work of women in manufactories between 10 p. m. to 6 a. m. North and South Dakota and Oklahoma can not compel more than 10 hours.
[2] Canneries excepted.
[3] Including hotels and restaurants.
[4] Eight hours if any work is done between 11 p. m. and 7 a. m.
[5] Eight hours if any work is done between 10 p. m. and 6 a. m.
[6] Eight hours per day and 48 per week if any work is done between 8 p. m. and 6 a. m.
[7] In cities of the second class, 9 and 54 hours, respectively.
[8] Restaurants only.
[9] By ruling of Industrial Welfare Commission September, 1913.
[10] Laundries, 11 hours.

THE DISTRICT OF COLUMBIA UNPROTECTED.

The District of Columbia is one of the few divisions of our country which still lags behind in this class of legislation. In fact, the only provision of any kind, so far as I have been able to learn, which we have here in the District for the protection of employed women is one requiring a reasonable number of seats for clerks when not engaged in waiting on customers.

It is this state of affairs—this surprising inertia on the part of the Federal Government which legislates for the District of Columbia—which caused the National Consumers' League to start a campaign of enlightenment here in this city and to ask for immediate action on the part of Congress. The officers of the National Consumers' League prepared the bill which is before us after a careful study of the provisions of the laws of this nature existing in the several States. I am especially interested in being sponsor for this bill in the House, for when I was in the Massachusetts State Senate I was on the committee on relations of employer to employee and sat in extended hearings relative to a law which was before us for the protection of women in mercantile establishments in the city of Boston, a bill very similar to this one, but one which, I am frank to say, was not as good a one as this. This bill has been a help to the women of my home city, and the mercantile establishments themselves recognize its justice and say that they would not care to go back to the conditions which prevailed there before this bill was enacted.

California, Colorado, Arizona, and Washington have already adopted the eight-hour law for women, and I wish to say that the bill now under consideration was drafted with special reference to the laws in these four States where the eight-hour day has proven a decided success.

There can be little question of the attitude which Congress should take toward a bill of this nature when 37 of the 48 States represented here already have laws along the lines now proposed. Moreover, we have even more convincing proof that Congress takes a favorable attitude toward legislation of this nature. During nearly 20 years men employed by the Government as laborers or as mechanics have had the eight-hour day, and in the last Congress a law was enacted extending this limitation of hours for men to laborers and mechanics employed by contractors doing work for the Federal Government.

CONSTITUTIONALITY.

There may be some question of constitutionality in the minds of those who have not given this bill close consideration, but this mist of apprehension can be quickly dispelled. Let me call your attention to the fact that during the last five years the right of States under their police powers to limit the hours for women has been affirmed by the Supreme Court of the United States (Muller *v.* Oregon, 208 U. S., 412, decided in 1908) and by the supreme courts of five States: Illinois, in two decisions (244 Ill., 509, 1910; 98 N. E. Rep., 982), decided in 1912; Michigan (163 Mich., 419), 1911; Ohio (98 N. E. Rep., 1126), 1912; Washington, 1912; and California (124 Pac. Rep., 427), 1912.

In the Muller case the Federal Supreme Court upheld the validity of the Oregon 10-hour law for women. It was the first case in which the highest tribunal of the country had been called upon to render a decision as to the validity of a law limiting the hours of labor of adult women. It was the most sweeping decision ever rendered by the Federal Supreme Court in relation to working hours. It left to the States liberty to determine what working hours were wholesome and reasonable and took the broad ground that the physical organization of women and the necessity of protecting their health, in behalf of the health of the whole Nation, justified legislation to protect them from exhaustion due to excessive hours of labor.

The reasoning of the Muller case has been uniformly followed in all subsequent decisions of the courts regarding legislation of this character. In the last two cases decided in 1912 by the Supreme Courts of Washington and California, the laws limited the employment of women to eight hours in one day, and this limit was also in each case held to be a reasonable one.

NEED OF PROTECTION FOR WOMEN.

I have given but a brief discussion of the constitutionality of this question, because I believe that the facts in the case are so conclusive and so generally known that there is no need to take any great amount of your time, nor do I propose to question the intelligence of the membership of this body with a long discussion of the general advisability of limiting the hours of work for women. This is largely a physiological question, and I do not anticipate that the relation between fatigue and efficiency and between overwork and the health of women is unknown to you. Since we consider it wise to protect by an eight-hour day, so far as we can, the men working directly and indirectly for the Government, how much more necessary is it that we make every effort to give similar protection to as large a proportion as possible of the future motherhood of the citizenship of this country. In this connection I wish to quote you from the report submitted by the District Commissioners indorsing this bill:

Careful research, made both in this country and in Europe, has established the fact that where women are compelled to labor long hours under either physical or mental strain it results in impairment of their health. Where the employment is of a physical nature, organic changes occur which physicians have long recognized as causing much of the chronic invalidism among women. It is likewise true that prolonged mental strain has its injurious effects. The evil result of overwork is

not confined to the women themselves, but is an important factor in infant morbidity and mortality.

There are no large factories in the District of Columbia, and therefore there is not the demand for female employees that exists in some of the larger cities. But the employment of women is on the increase here as elsewhere, and legislation enacted now will not only tend to correct such abuses as exist, but to prevent their further development.

The last paragraph of this report introduces a subject which has been materially enlarged upon by local opponents of the bill. It is stated that Washington is not a manufacturing city, and it is therefore concluded that there is no need for a law of this nature; that the good which we seek to do by protecting the health of women is practically nullified because there is no necessity for such protection.

Mr. GOULDEN. Will the gentleman yield for one question?

Mr. PETERS of Massachusetts. Certainly.

Mr. GOULDEN. What is the estimate of the committee as to the number of people who will be affected by this bill if it becomes a law?

Mr. PETERS of Massachusetts. There were about 52,488 females over 16 years of age in the District of Columbia in 1910 employed in gainful occupations.

This is, in part at least, a misstatement of the case. In the first place, there are more establishments here than one at first surmises, and, in the second place, it is the case that certain abuses exist which demand our attention. It must be kept in mind in this discussion that this law will not materially affect employment where the hours are reasonable, but it is aimed only at those cases where there are excessive hours and where they may become even more excessive if a law similar to this is not enacted.

Mr. BARTON. Did the hearings show that they are working over eight hours a day now?

Mr. PETERS of Massachusetts. The hearings showed that in many instances they were working over hours and working under conditions which were very bad. The only provision which we have to-day in the District of Columbia for protecting women is that under certain conditions women shall be provided with seats to rest themselves.

It has further been suggested that 48 hours a week would be a sufficient limitation without a daily limitation of 8 hours. People do not get tired by the week; they get tired by the day's work; and it is the very exhaustion of the day of 10 or 12 hours' continuous work that we want to protect the women against. The only efficient way to do it is the provision of 48 hours a week, with a maximum of 8 hours a day.

Mr. DYER. Will the gentleman yield?

Mr. PETERS of Massachusetts. I will.

Mr. DYER. What is the object of providing that one inspector shall be a man? Would not the purpose of the legislation be better served if the inspectors were all women?

Mr. PETERS of Massachusetts. It was thought better to have the judgment of both men and women inspectors. Some investigations might be better conducted by a man.

Mr. DYER. Section 2 provides that no female under 18 years of age shall be allowed to work before or after certain hours. Is there any provision in the bill whereby a female under 16 years of age is protected?

Mr. PETERS of Massachusetts. No; that comes under the child-labor law of the District of Columbia, enacted three or four years ago.

Mr. DYER. They are fully protected under that law?

Mr. PETERS of Massachusetts. Yes; by the law that we previously enacted.

Mr. STAFFORD. Will the gentleman yield?

Mr. PETERS of Massachusetts. I will.

Mr. STAFFORD. I am deeply concerned in this bill and heartily approve of its principles; but the penalty clause only relates to a fine and not to any imprisonment. You provide in the bill that if a person is guilty of three offenses he shall be fined not less than $250. It seems to me that persons who deliberately break the law ought to suffer a severer penalty.

Mr. PETERS of Massachusetts. Much could be said in favor of the gentleman's point; but in drawing the act we followed out the present child-labor law in the District of Columbia; we tried to have exactly the same provisions for the violation of this as for the violation of the child-labor law, so as to bring them as near as we could with regard to inspectors and everything else on the same line.

Mr. GARDNER. Will the gentleman yield?

Mr. PETERS of Massachusetts. Certainly.

Mr. GARDNER. As a matter of fact, in the execution of the child-labor law these penalties have been found to be sufficient to be deterrent, have they not?

Mr. PETERS of Massachusetts. They have; and they have worked very well.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. O'LEARY. Mr. Chairman, I will yield the gentleman five minutes more.

Mr. PETERS of Massachusetts. Mr. Chairman, in my speech in support of this bill in the last Congress I took considerable pains to outline to you present industrial conditions in the District of Columbia. My statements were based on a report which the Department of Commerce and Labor—now the Department of Labor—had just compiled relative to hours, earnings, and duration of hours of wage-earning women in the District of Columbia. This report was one of a series which have been compiled on the subject of employment of women and children.

I will not trouble you with a rehearsal of all the facts which I brought to your attention at that time. It is only necessary to remind you that in the stores, laundries, and hotels it was shown that conditions were not the best, either from the point of view of wages, hours, or pay for overtime. In manufacturing establishments the conditions for women employed seemed, on the whole, fairly good, but with the neighboring States enacting laws limiting hours of labor and with the rapid growth of this city the need for precautionary measures was apparent.

IMPROVEMENT ALREADY NOTICED.

Credit must be given not only to the efforts that have been made to secure the passage of this bill but to the local merchants that one of the chief sources of criticism which was afforded by the recent report of conditions here in the District has been materially lessened. Hours for women employed in retail stores during the Christmas rush were shown to be excessive. Approximately 70 per cent of all the women examined by the investigator who were employed in the stores here worked overtime during the week before Christmas; approximately 69 per cent of those examined who worked overtime at Christmas were employed 70 hours or over during that week; 31 per cent of this number worked from 75 to 80 hours. This investigation further showed that the hours of some of these employees were from 14 to 15 hours on the day before Christmas.

In a part of the stores, at least, this condition was improved upon during the last Christmas shopping season.

Conditions here are not, I dare say, as deplorable as in certain other cities; but that does not free us from responsibility when there are numerous instances where women are employed for excessive hours and, in many cases, particularly in the retail stores and laundries, with no extra pay for overtime.

OPPOSITION TO THE BILL.

At the hearing on this bill before the House Labor Committee a few merchants and manufacturers and laundrymen, on the whole representing the smaller class of establishments, appeared in opposition to the bill, and in the main advanced four objections: First, that this bill would result in replacing women by men; secondly, that the bill would work a hardship to seasonal businesses; thirdly, that certain work would be sent to neighboring cities; fourthly, that the wages of women would be reduced.

These objections are on the whole negligible. They are the stock objections which have been made to all movements to limit the hours of labor, and while it is true that in certain instances some few might be temporarily hampered, it is unquestionably the case that in the greater proportion of them it is merely a question of settling upon some new arrangement for planning the work or of the hire of extra help to do work which is now done in overtime hours. On the other hand the employees are benefited materially.

Mr. BOOHER. Will the gentleman yield?

Mr. PETERS of Massachusetts. Certainly.

Mr. BOOHER. What is the necessity of having three inspectors?

Mr. PETERS of Massachusetts. It is impossible to have the law carried out unless we have inspectors go about and see that the law is obeyed, see that the notices prohibiting women from working longer hours are posted, and to take up any questions of violation and investigate them. There should be some one who is familiar with the conditions in the District, who may be sent to investigate any violation of the provisions of the act.

Mr. BOOHER. Why would it not be a good plan to strike out all these provisions in relation to inspectors and leave it to the police department? We have a good police department, and it seems to me that they would be able to take care of the situation.

Mr. PETERS of Massachusetts. The necessity for inspection under factory laws has been recognized for years. We have had for many years factory inspectors in Massachusetts—in-

spectors under the laws for the protection of women and children. We need inspectors whose business it shall be to investigate. The child-labor law enacted a few years ago in this District provided for inspectors whose duty it was to look up the questions of the violations of the labor laws. They make their report directly, upon which prosecutions are based.

Mr. BOOHER. If the gentleman will yield, I am not objecting to inspectors or inspection; but why not leave it to the police department to make the inspections and the investigation instead of appointing special inspectors every time we pass a law?

Mr. PETERS of Massachusetts. The necessity has been shown by all modern legislation connected with factory inspection and legislation protecting children and women. You must have people who have a particular knowledge of the conditions. The police do not have that knowledge; it is not along their lines. They do not have the experience. We want men and women whose particular judgment and experience gives them some knowledge of the situation, and whose sole duty it is to investigate violations of this law. It is essential that we have particular people to take up this inspection.

Mr. BOOHER. Mr. Chairman, just one question further. If we have these inspectors, will it not be necessary for them to have an office and place of business for the office force? That is not provided for here. It seems to me that if you are going to provide for the inspectors and they are to be efficient, you ought to provide for an office and an office force and to fix the salary.

Mr. PETERS of Massachusetts. Mr. Chairman, it is not necessary to have that force. A room in the Municipal Building could be provided. I have no doubt it will be provided for them. There must be some place and some people to whom objections may be made, and who can be told of alleged violations of this law.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PETERS of Massachusetts. Mr. Chairman, do I have the right of recognition in my own right for an hour?

The CHAIRMAN (Mr. GARRETT of Tennessee in the chair). The gentleman will have that right later, but at the present the time is in the control of the gentleman from Kentucky, and he has yielded time to the gentleman from Massachusetts and the gentleman from New York [Mr. O'LEARY].

Mr. PETERS of Massachusetts. Mr. Chairman, I desire only five minutes more.

Mr. BOOHER. Mr. Chairman, inasmuch as I interrupted the gentleman, I ask unanimous consent that he be permitted to continue for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Massachusetts be permitted to proceed for five minutes. Is there objection?

Mr. GARDNER. Mr. Chairman, does that extend the time of the gentleman from New York [Mr. O'LEARY] for five minutes also?

Mr. BOOHER. Oh, no.

The CHAIRMAN. The Chair was about to put the request in the form of not interfering with that time.

Mr. BOOHER. Very well.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Massachusetts be permitted to proceed for five minutes without interference with the time under control of the gentleman from New York [Mr. O'LEARY]. Is there objection?

There was no objection.

Mr. PETERS of Massachusetts. These objections have been current since 1837, when the first shorter-hour law was adopted in England, and the experience of time has been that in actual practice these laws have worked a great blessing and a negligible hardship. The commissioner of labor for the State of California reported last spring that the eight-hour law for women was being enforced in that State with practically no reduction in wages. In fact, the general experience has been that a reduction in hours has been accompanied with slightly increased wages. It is evident that no great difficulty will be experienced here in the stores and in many other trades where a day of eight or slightly in excess of eight hours already exists. This bill merely protects the employee from the inconsiderate employer and removes the advantage which certain less scrupulous and less enlightened employers now possess. Wages will continue to be controlled by supply and demand.

LOCAL SUPPORT OF BILL.

The interest which has been taken in the success of this bill here in the District was recently evidenced by a mass meeting held at the Columbia Theater, on F Street, at which several well-known women, including Mrs. Florence Kelley, secretary of the National Consumers' League, and Miss Constance D. Leupp, head of the local organization, spoke. I am pleased to say that the opposition to the bill has been, on the whole, trivial, while the disinterested support which it has received from the citizenship has been very gratifying.

CONCLUSION.

I believe that it must be granted that women need the protection of the eight-hour day on the general principle of protecting their health and the health of the whole Nation. Neither individuals nor courts will now give heed to the plea heard in the past that the protection of women constituted class legislation. Quite on the contrary, I have no doubt that the majority of this House would be willing to pass this bill solely on the ground that the recent investigation here in the District has shown that there are women whose physical and mental condition is being threatened because of the excessive strain placed on them by long hours of work.

NEED OF A MODEL LAW.

But there is one other form of responsibility which rests upon us as Members of Congress. The District of Columbia is dependent upon Congress for laws, and we have up to this time taken no action on this very important subject. We have remained idle while three-fourths of our States have been enacting laws for their own and the Nation's protection.

I wish to impress this upon the House, which I believe to be one of the strongest arguments in favor of this bill, that the District of Columbia now stands in the unenviable position of being far behind the majority of the States of the Union in enacting legislation for the protection of women and children, and that we as Members of Congress, who have placed on us the responsibility for legislating for this District, should provide for it the best code of laws possible and the greatest protection for its citizens, not only in justice to them, but so that the laws of the District of Columbia can be pointed to with pride and will in themselves form a stimulus and encouragement to enact laws of this kind in the various States.

Samuel Gompers, the president of the American Federation of Labor, and the local secretaries of the Retail Clerks' Union, the Central Labor Union, and the Maryland State Federation of Labor have already appeared before the Labor Committee in support of this bill. It has the indorsement of the National Consumers' League, the National Child Labor Committee, and numerous societies and individuals, and I feel confident that it will shortly be passed by Congress and thereby receive the indorsement of the great mass of the people of this country through their elected Representatives.

When this law is once placed in effect, as it promises to be within the coming month, no one will presume to stand up in this House and ask its repeal any more than he would, if it were in his power to do so, abolish the parcel post or the Federal Children's Bureau or bring to an end any other form of governmental activity which acts as a help and inspiration to the mass of our citizens. What more fitting day than on Lincoln's birthday could have eben chosen for the passage of this humane measure to free employed women from the bands of excessive hours of labor. [Applause.]

Mr. O'LEARY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 15 minutes remaining.

Mr. O'LEARY. I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, this bill that we are now considering is exactly the same bill that was considered last summer by the Committee on Labor. At that time I appeared in support of the bill, but I criticized two of its features; not very materially, however. One of them was alluded to by the gentleman from Missouri [Mr. DYER]. Personally, I feel that it would result in better inspection if the appointing power were permitted to decide for itself how many women ought to serve on this board of three inspectors.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. STAFFORD. Why could not the inspectors employed to enforce the child-labor law perform this same character of inspection service?

Mr. GARDNER. I do not know. Mr. Chairman, I am very much in favor of this bill, although it is true that we have no 8-hour law for women in the State of Massachusetts. Our law there is a 54-hour law. When I ran for governor last autumn I regretfully abstained from advocating a reduction of the hours of labor for women below 54. Nevertheless, I believe in the 8-hour day for women. But we shall never get this matter into proper shape, never in this world, until we have a constitutional

amendment permitting the National Congress to prescribe maximum hours of labor throughout the United States.

Now, the reason why I am advocating an eight-hour day for women here and did not as a candidate for governor advocate an eight-hour day for women in my own State is this: Massachusetts has large textile industries, large cotton and woolen mills, where many women are employed. Our textile industries come into competition with the cotton mills and the woolen mills in those States where women are permitted to work 56 hours, 58 hours, 60 hours, and in some cases, I understand, a good many more hours per week. We have a very restrictive child-labor law in Massachusetts. In my opinion it is a good law. We also have a good child-labor law here in the District of Columbia. But all such laws, excellent though they surely are, handicap manufactures in States where they are enforced and make competition difficult against manufactures in those States where such laws do not exist. So, Mr. Chairman, while I take great satisfaction in voting for an eight-hour day for women in this city, where the question is not complicated by competitive textile industries, I think it right to point out the fact that we can not arrive at the result which we seek as readily as some people suppose.

In my opinion, if we desire a uniform eight-hour day for women throughout the United States, we must amend the Constitution. I advocate an amendment to the Constitution of the United States which shall permit Congress to prohibit child labor and excessive working hours throughout the entire country.

Mr. O'LEARY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, the State of Pennsylvania has enacted a law which, I presume, is along the same line as mentioned by the gentleman from Massachusetts, placing the maximum at 9 hours a day, or 54 hours a week. It is a step in the right direction, and is proving of splendid service. After listening to the address of the gentleman from Ohio [Mr. FESS] on that heroic American, Abraham Lincoln, who stood for humanity first of all, it seems to me especially fitting that on his natal day we should enact this legislation, which puts human rights above property rights. If he could come back to-day, he would look past the stores and mills and factories, and see the men and women and little children who are doing the work of the Nation. He would align himself on the side of humanity as embodied in this bill, and his great heart would approve its purpose.

There have been many objections made to this bill and the principle upon which it rests. The gentleman from Georgia [Mr. HARDWICK] the other day took occasion to denounce interference on the part of the Government with what he termed private enterprise, even though that enterprise tended to promote the public interest. That argument of noninterference is outworn and outgrown to-day, and the advocates of it are having only the encouragement of themselves as they applaud their own speeches. Progress demands not that the Government keep its hands off everything but preserving the peace, but that it put its hand on everything that will promote the common welfare. That will come in spite of those who adhere to the old customs and the old traditions, and their little boat can not stay the mighty tide of progress.

The bill under consideration gives the women in industry a right to leisure, without which the right to life is empty and void. The arguments have been summed up in the hearings, and I have read them carefully and with great interest, because they give both sides of this question.

One of those who appeared before the committee, a lady from California, said that this bill is substantially like the law in force in California at the present time. She mentioned in the hearings the four arguments made against it in California: First, that it displaces women workers; second, that it sends work out of the State; third, that it means disturbance in seasonal business; and, fourth, that it lowers wages. Everyone of these have been proven groundless by the experience of California.

Mr. Harris Weinstock, of San Francisco, one of the prominent merchants of that city, said:

> In some of the mercantile enterprises in which I am interested we have been working on an eight-hour basis for women with every satisfaction to them and to ourselves. If the eight-hour day in mercantile establishments is made a common condition in California, including the Christmas holiday season, it will work no hardship upon the employer, it will be a blessing to the woman worker, and will tend to make for a higher degree of efficiency on her part.

The bill introduced by the gentleman from California [Mr. J. I. NOLAN] and modeled on the California statute has had the unanimous support of the Progressive group of this body, but since it is impossible to pass that bill, I believe I can say that they are a unit in the support of this measure. They will give it their support because it means social justice; it means industrial justice; and it hastens the coming of the day when all workers shall be entitled to a little more of life and leisure and a little less of dirt and drudgery as their portion. Believing that, we will be a unit in the passage of this bill, hoping for the time when it shall become general and when the eight-hour day in all industries shall be the rule in this Nation, that consummation being the prophecy contained in this bill recognizing the right to leisure as regards the 52,000 women workers in the District of Columbia. [Applause.]

Mr. O'LEARY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. LOGUE].

Mr. LOGUE. Mr. Chairman, my special thought in connection with legislation of this character is in the line of preservation of the home in that branch of the human family whose energies ought to be directed there. As a resident of a large city, it has always appealed to me as a condition that, if possible, should be relieved or lessened by preventing the young girls from being taken out of the home and placed in workshops, manufactories, or stores for unreasonable hours, instead of being compelled, or allowed, rather, to give a proper amount of time to the home in the pursuit of those domestic duties for which they appear to be ordained. Therefore, when we undertake to limit the hours that they will be kept away from the home, it is, at least, something in the right direction.

My colleague from Massachusetts [Mr. GARDNER] has referred to the fact that we will be unable to do any great good until we have a constitutional amendment that enables us to pass a general law. However, I feel that the passage of this law will do a great deal of good. It will be an announcement from the National Legislature that they believe in a principle of this character. Unfortunate as it may be that one State contiguous to another has a law which the other does not, I feel that this widespread announcement coming from the national body of lawmakers will give notice throughout the length and breadth of our country that such laws should be enacted. I feel that the enactment of the law in the State of Pennsylvania will cause those interested in such legislation in other States to become active in the way of having similar laws placed upon their statute books.

I am anxious and desirous that the domestic condition of the home shall be maintained. The girl was intended for the home. The girl was intended for the companionship of the mother. The girl was intended for that line of training and that line of work, relieved from the activities of commercial pursuits, and not intended to be burdened with the hardships which the male portion of the human race must assume. I therefore feel that all legislation directed to the preservation of the girl as an aid to the mother, of the girl as an assister in the home, is good. I never desire to see women compete with men in mercantile pursuits. I do not desire to see the young girl placed in competition with the men for the purpose of making her living.

Therefore, Mr. Chairman, I feel that this is a step in the right direction for the relief of the weaker portion of the family, to give us the benefit of their services more than we have them at the present time, so that their good influence may be scattered around the home to the benefit, to the uplift, to the looking after and assisting of the home life, and not to be thrown out in competition with men in purely commercial plants. And while that be the height to which we would seek to reach in the future, perhaps far distant, still this is a step; and steps like this will lead us on to the culmination of improved conditions which we all desire. [Applause.]

Mr. O'LEARY. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has half a minute.

Mr. O'LEARY. Then I will yield that to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. I thank the gentleman; but I will take time yielded to me by the gentleman from Illinois [Mr. MANN].

Mr. MANN. I yield to the gentleman from Idaho [Mr. FRENCH].

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized.

Mr. FRENCH. Mr. Chairman, this measure is entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia." It provides that no woman shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telephone or telegraph establishment or office, or by any express or transportation company in the District of Columbia more than 8 hours in any one day, or more than 6 days or more than 48 hours in any one week.

It provides that no girl under 18 years of age shall be employed or permitted to work in, or in connection with, any of

the establishments or occupations that I have mentioned, before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening. It further provides that no women shall be employed or permitted to work for more than 6 days continuously in any establishment or occupation mentioned in which three or four women are employed without an interval of at least three-quarters of an hour, with the exception that one may be so employed for not more than six and one-half hours contiuously in such employment and not till later than half past 1 o'clock in the afternoon if she is then dismissed for the remainder of the day.

The other parts of the bill have to do with the provisions necessary for the carrying into effect of that which I have outlined as the real purpose of the measure—the providing of inspectors, the fixing of penalty for violation of the law, the posting of notices touching hours of labor, and such other matters as may be necessary for giving full force to the measure itself. I want to say at this time that I am in favor of the measure.

LONG HOURS AND UNDUE STRAIN IN THE ABSENCE OF LAW.

During the last few years thoughtful people in our country have been waking up to the terrible punishment that is being inflicted not only upon women but upon the human race through women, by long hours of toil, by lack of proper hours for rest, by the fatigue and strain that our modern industrial life have brought to those who toil.

No one can examine the reports that have been made by the Bureau of Labor, the hearings that have been recorded from the committees of the Congress, the writings of such students and authors as Josephine Goldmark, in "Fatigue and efficiency," without being impressed with the idea that perilous conditions have been permitted to exist that ought to be corrected by legislation.

The Bureau of Labor not long ago conducted an inquiry into the conditions surrounding women in the District of Columbia who are engaged in labor similar to that recognized in this bill, and hundreds of women and girls were interviewed. Of 465 employed who were interviewed, some were working reasonable hours. Of 269 interviewed, 90 per cent were required to work overtime during the holiday seasons, and 40.5 per cent labored on an average of 12 hours every day for six days in the week. Some even labored more hours than this.

In the stores of the city in which hundreds of women and girls are employed 8.3 per cent were paid for the services they performed over time, while 91.7 per cent performed these services without compensation. Of 147 women employed in laundries and other mechanical establishments in the District, 45 per cent labored from 60 to 70 hours a week, while more than 25 per cent labored from 70 to 75 hours per week.

What I have said is suggestive of conditions that exist or have existed throughout the United States. In the volume on Fatigue and Efficiency, by Josephine Goldmark, the author has pointed out that in telephone offices careful students of the question regard 225 calls per hour as the breaking point of efficiency, while in numerous cities the operators are required to handle many more calls than this.

In the office of one company in Kansas City, Mo., 281.7 calls were handled; in an office in Los Angeles, Cal., 285.2, 303, and 317 calls; in an office in San Francisco, Cal., 279 calls; in another one in San Francisco, 308.3; in an office in Seattle, 283.2; in another office in Seattle, 283.2; and in another office in Birmingham, Ala., 301.5 calls.

Turning to another occupation, the Bureau of Labor, in Bulletin No. 96, September, 1911, points out that in Baltimore in 10 canneries employing 2,214 women, the hours of labor reported by the employers themselves include days of 17½, 16½, and 15½ hours, and weeks include 93, 91½, and 81 hours.

In California it is pointed out that certain employers report for women days of 18, 15, and 13½ hours, and weeks of 96½, 90, and 83 hours. These figures are merely suggestive of labor conditions.

I can not hope to give even an outline of the conditions that exist throughout the country or in the District of Columbia. I have mentioned what I have to merely suggest that the hours of labor and the conditions under which women are required to toil are such that they must appeal to the most careless person as utterly unreasonable. No one can deny that such hours of toil wear out the person engaged in the toil. No one can deny that the strain that such workers undergo lowers the vitality, lowers the ability of the employees to perform the functions of womankind, imperils and impoverishes generations that are being born, and that will be born, and, in short, contribute a cost to that which is sold in the public for dollars and cents, a something that can not be measured because of its value—human life.

Other examinations are of intense interest in connection with long hours and arduous employment. Take the question of accidents. It has been pointed out by careful students that nearly four times as many accidents occur between 11 and 12 o'clock in the morning as occur between 6 and 7 o'clock. Why? The reason is apparent that the accidents that occur between 11 and 12 o'clock are after continuous employment and strain of five hours in comparison with employment amidst vigor and strength in the early part of the day.

In the afternoon it has been pointed out that between the hours of 5 and 6 there are about two and one-half times as many accidents as between the hours of 12 and 1, and, of course, for a similar reason. Unreasonable employment in length of hours per day or in length of hours without rest produces havoc and economic waste, not only upon the ones employed but upon others who may be associated with them, upon property, upon the character of goods and quality of workmanship, and these elements, it seems, should appeal to all thoughtful people.

THE MEASURE MEANS JUSTICE FOR WOMEN EMPLOYED.

I am in favor of this bill because it will mark a substantial step looking toward justice to women employed in the District of Columbia. I am in favor of the bill because its passage will have a wholesome effect upon the legislatures of the several States and upon public opinion that ought to bring about a movement looking to similar laws in all the States of the Union.

THE HONEST AND DISHONEST EMPLOYER.

I am in favor of this bill because it will help the honest employer in the District of Columbia to do justice by his employees as it is his heart's desire to do. The question has been suggested during this debate that a law of this kind ought to be national, and so it ought. This, however, must come through the legislatures of the States, unless the Constitution shall be amended so as to confer upon the Federal Government authority that is now vested with the States. It has been pointed out that a law of this character in one State will drive certain business concerns to States that have no such law, and that operators there will produce and compete to the distinct disadvantage of those engaged in similar lines in States where the laws obtain. This very fact should lead the people of all States to demand uniform legislation upon the subject. That which is true among the States is also true in the District of Columbia, and it is true in every city and State within our country.

Here is an employer who desires to do right by those engaged in his service. His competitor across the street has no intention of doing anything more than he can possibly help in the way of bettering conditions of his employees or in the payment of wages. He presses down until he can extract from them the last ounce of strength, and he converts it into coin to satisfy his own greed. The business man who would do right is necessarily placed at a disadvantage, because he is compelled to compete with a rival who cares not at all for the betterment of conditions of those in his employ. We need a law of this kind for the protection of the honest employer; for the protection of the company that is controlled by those who seek to better the conditions of those engaged under its direction and in its service. We need a law of this kind to coerce the employer of labor who does nothing for humanity that he is not required to do, whose world centers around his own selfishness, and who must be forced to adjust himself to an equitable basis of competition.

CONSTITUTIONALITY OF MEASURE.

The question of whether or not the measure is constitutional has been raised, and I have no hesitancy in saying that, in my judgment, there is no question but that it is constitutional. Our courts are more and more recognizing the necessity of interpreting our laws in the light of economic conditions that have changed vastly since our Constitution was framed and that have changed vastly during the lifetime even of the Members of this body. Courts at first were inclined to decide adversely in the matter of legislation such as that which is suggested in this bill.

I shall not at this time call attention to the many decisions of the courts to which I could refer that indicate that there has been a modification of judgment upon the part of our courts touching the very principle that lies at the foundation of the pending measure. I shall call attention to but one case that has been decided within the last few years by the Supreme Court of the United States that very plainly indicates the approval of that court of legislation similar in character to that which we are now seeking to enact.

The Legislature of Oregon a few years ago passed a law limiting the hours of employment of women in laundries to not more than 60 hours per week. The question of the validity of this law was carried to the Supreme Court in the case of Muller *v.* Oregon (208 U. S., 412), and the Supreme Court sustained the Supreme Court of the State of Oregon upon the validity of

the statute. The court recognized the wisdom of laws of this character as applied to women from the standpoint of health.

In that decision the court said:

Her physical nature and the evil effects of work upon her and her future children justify legislation to protect her from the greed as well as the passion of men.

I have no doubt that the courts will place their stamp of approval upon this measure and will recognize the same principle and the justice that is due the women who are engaged in the various employments mentioned in the bill in the District of Columbia.

"WOMEN AND CHILDREN FIRST."

I am in favor of this measure because of the effect that the passage of the measure will have in directing public attention to other economic conditions that need to be considered by the Federal Congress and by the legislatures of the several States.

Men who labor through their organizations have aroused public sentiment to the point that it stands behind them in every just and rightful cause. The women toilers of the country are scarcely organized at all. It is difficult to maintain an effective organization among women. It is difficult because they can not be as independent as their brothers. It is difficult because many of their numbers are constantly being separated from the ranks of those who toil through assuming the responsibilities of the home. Because it is difficult, the Congress must be prompt to meet the situation that confronts our women toilers and to meet it by proper legislation.

Josephine Goldmark says in her work on "Fatigue and efficiency," to which I have referred:

The industrial overstrain of women is commonly reacted in three visible ways: In a heightened infant mortality, a lower birth rate, and an impaired second generation.

This terrific conclusion but confirms the judgment of students of this question that industrial overstrain is working havoc upon women themselves.

Two years ago the *Titanic* sank in midocean. The command of the captain of that ship that governed the control of the actions of brave men who went down with her, was "Women and children first." It was that policy that was carried out with a heroism never excelled. It was the command, "Women and children first," that was given by the commander of the ill-fated *Monroe* two weeks since that resulted in the saving of most of the lives of women and children on board a vessel that sank off our own coast. "Women and children first" is the sentiment that at heart is accepted and believed in by every citizen of this country who is worthy of the name, not only because of what it means at once, but of what it means in the evolution and development of our race.

This bill should pass because it embodies that idea and because it will have a part in focusing and directing public conscience and public attention to economic evils that exist in the occupations with which it deals and to other economic problems that concern every State, that concern all our people, and that have vital bearing upon the future.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MAPES].

The CHAIRMAN. The gentleman from Michigan [Mr. MAPES] is recognized for five minutes.

Mr. MAPES. Mr. Chairman, I am in favor of the passage of this bill. It prohibits the employment of any woman more than eight hours in any one day, or more than six days, or more than 48 hours, in any one week in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia. It also prohibits the employment of any girl under 18 years of age in any of said establishments or occupations before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening. The bill has already passed the Senate, and was reported unanimously by the House Committee on the District of Columbia.

The advocates of this measure feel that Congress should take the lead and set a good example to the legislatures of the States in progressive legislation of this character. But instead of Congress being in the lead, many of the States are far in the lead of Congress in this particular class of legislation. It is a significant fact that there is no law regulating the hours of labor or the conditions of employment of women in the District of Columbia, where Congress has exclusive jurisdiction, with the single exception of a law requiring employers of women in stores and other enumerated places to provide seats for them when not actively at work.

Three States, California, Colorado, and Washington, have adopted laws prohibiting the employment of women for more than eight hours in any one day, as provided in this bill. Such a law has been in effect in California for nearly three years, and is said to work well, and that the employers do not now object to it.

We have had a law in the State of Michigan for nearly five years prohibiting the employment of women "for a period longer than an average of 9 hours per day, or 54 hours in any one week, or more than 10 hours in any one day." This law was objected to at first by certain employers, such as proprietors of laundries, retail merchants, and others, but they have had no serious difficulty in living up to its provisions. This bill goes further than the Michigan law, in that it prohibits the employment of females more than 8 hours in any one day, or more than six days in any one week.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MAPES. Certainly.

Mr. YOUNG of North Dakota. Did any manufacturing establishments move out of Michigan after that law was passed?

Mr. MAPES. I never heard of any.

It is no longer necessary to argue the merits of this class of legislation, as far as it relates to the welfare of the employees. The legislation in the different States limiting the hours of labor and providing for better sanitary and improved conditions of factories gives ample testimony to this fact.

In the hearings before the committee that had this bill in charge in the last Congress is a copy of a paper prepared by Dr. Rosalie Slaughter Morton, of New York City, on the "Effects of industrial strain on the working woman." This paper was read by the author before the International Congress of Hygiene held in the city of Washington in the fall of 1912, and in it she makes this startling statement:

The regulation of work to an eight-hour day has proved necessary for men, in order that they may retain their efficiency, and such regulation of hours for women is equally necessary. Shorter hours and fairer pay would lessen the effects of industrial strain upon the working woman, both individually and eugenically, to an extent which would raise the health and efficiency of our race at least 70 per cent.

As was well said by another witness before that committee, page 20 of the hearings:

It does not require expert medical testimony to convince you of these evil effects. You can see the effect of this strain even in the department stores, where the labor is presumed to be light, and certainly it is light as compared with many other occupations; but as you observe the physical condition of the women engaged there you will be impressed with the fact that their health is by no means robust. They do not compare with the average farm girls, who, as you know, work probably considerably over eight hours per day, but there is a great difference in the physical environment.

This legislation is objected to in behalf of those establishments which are obliged to continue in operation every day of the week, such as telegraph, telephone, and transportation companies, hotels and restaurants, by retail merchants, because there is no exception for certain rush seasons of the year, such as Christmas time, and on the part of laundries and others on account of the peculiar nature and the necessities of the business. These objections have all been urged in the States where the law has been passed, but it has been demonstrated in those States that they are not at all insurmountable.

Other objections have been that it would have a tendency to reduce the wages of girls and women workers, throw them out of employment, and substitute men in their places. The exact opposite, however, has proved to be the case. Instead of putting the women out of employment, it has made it necessary to employ and has actually given employment to more women, and in very few cases have the wages been reduced. The increased efficiency of the workers has more than offset the reduction in the hours. As was said by Mr. Samuel Gompers, president of the American Federation of Labor, before the committee in advocating the passage of this bill, page 34 of the hearings:

It is a law as invariable as the law of gravitation that wherever the hours of labor are reduced wages are increased. You can compare any one country with another country and you will find it to be an absolute fact that where the hours of labor are least there the wages are highest. * * *

I am speaking of a normal workday. You compare any two States in our country and you will find that where the hours of labor are longest that wages are lowest. Let us carry the illustration still further. In two industries in any one State you will find the same thing will obtain. Compare any two factories in any one industry, or any two occupations in any one locality, and you will find where the hours of labor are longest there the wages are lowest.

On the possibility of the men taking the place of the women, Mr. Gompers said, page 37 of the hearings:

Nothing like that is likely to arise, because the men in the year 1913 will not work 16 hours.

Mr. Gompers also makes this interesting statement:

I regard the women workers and minors as particularly the concern of the Government. I want the men to secure the eight-hour day by their own effort, by their own individual and their associated effort.

The objection which is often raised to this class of legislation, that if it is passed in one State the employers of labor will move to another where the law does not apply, and in that way injuriously affect the workers and the industry of the State, can not be urged against this bill because of the fact that there is practically no manufacturing within the District of Columbia. As was well stated in the hearings:

The employment of women here is chiefly in industries which in the nature of things can not move away, such as hotels, telephone service, laundries, and stores; nearly all the industries which are characteristic of the District of Columbia would be obliged to stay where the people whom they serve are, whether the working-day is eight hours, as the Government guarantees to its employees, or whether it is unlimited.

The Federal Government does not allow the employment of men working for it for more than eight hours per day; certainly it should not allow the employment of women for a longer period within the District of Columbia, where it has full and exclusive power to regulate such employment. [Applause.]

Mr. MANN. I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I take very great pleasure in supporting this measure. I want to say that it is not an ill-considered piece of legislation. I had the honor to be a member of the Committee on Labor in the last Congress, and we held exhaustive hearings upon this bill. I believe it was the unanimous opinion of the committee that this legislation ought to pass. It was recommended to the last House.

There is one phase of this measure that has been partially overlooked by those who have spoken upon it, and I think it one of the best features of this bill. Under the provisions of the bill we limit not only the hours of labor, but we say when these girls must stop work in the evening, and we fix the hour at 6 o'clock. The result is that girls of tender age will reach their homes and be under the protection and care of their parents and not be turned loose upon the streets of this city in the late hours of the night. That is one feature of this bill that I think is very wholesome.

Mr. Chairman, I have always been an advocate of all child-labor movements in my State. I happened to be in the Georgia Legislature in 1900, when we initiated the law for the protection of children in Georgia. I am sorry to admit that that law to-day is not what it should be, but we are making great progress upon the lines of prohibiting children from working in the mills of our State. To my mind the ideal condition in this country would be that we would prohibit children under 14 years of age working under any conditions, and coupled with that there should be a compulsory-education law. [Applause.]

Mr. WOODRUFF. I will ask the gentleman from Georgia if he does not believe it would be a good thing to compel the community to furnish support to all orphans under 14 years of age, and allow them to gain an education?

Mr. HOWARD. I think it would be a splendid idea, but there are certain conditions under which that idea can not be carried into effect in every instance. But my experience in life has been that whenever you find children or girls of tender age in gainful employment you find one of three conditions existing. You find either a no-account father, who is not worth the powder and shot it would take to kill him, who is living off the lifeblood of his little children; or you find some poor woman upon whom the hand of Providence has been heavily laid; or you find that the family itself is of such a low grade of intelligence that it takes the concerted efforts of the whole family to make a living. I have found that to be the condition where I have found children working. It is a sad commentary on the manhood of this country that women should have to work at all. I wish to the good Lord that no woman had to work. I wish they could all stay at home and raise their families, for upon the mother's training in the home depends the future of our Nation. But in some cases they are forced to work, because all men do not make ideal husbands and ideal fathers. But if we were all ideal husbands and ideal fathers, not only would the women not have to work, but they would not even want to vote in this country. [Applause and laughter.]

Mr. WOODRUFF. Will the gentleman yield again?

Mr. HOWARD. With pleasure.

Mr. WOODRUFF. I confine my question entirely to the orphans who have no fathers, worthless or otherwise.

Mr. HOWARD. My reply to that is this: In the great State of Georgia we take care of hundreds of orphans in our homes. Coupled with their care is every educational facility. But where they are not in these homes I agree with the gentleman that there ought to be some method by which these boys and girls who are orphans could be picked up and given an education and taught how to earn a livelihood and make of them useful men and women. [Applause.]

Mr. MANN. I yield five minutes to the gentleman from Minnesota [Mr. MANAHAN].

Mr. MANAHAN. Mr. Chairman, I concur in the hope expressed by the gentleman from Georgia [Mr. HOWARD] and other gentlemen that the time will come when no woman will be compelled to work for wages. Work at a fair wage should be optional with her if she desires personal independence. I do not agree with the gentleman from Georgia [Mr. HOWARD] that it would necessarily follow that if she were not working, woman would not care to vote. I think one of the most hopeful conclusions that can be drawn from the larger leisure that this bill will give women who are compelled to work lies in the fact that the leisure will give them an opportunity to read more and to understand better the conditions under which they live. When the proper time comes this better understanding will enable them to make better citizens, as expressed by their suffrage, which is inevitable. [Applause.]

Mr. Chairman, I am in favor of this bill also for the reason that it is, as expressed by the gentleman from Pennsylvania [Mr. MOORE], a humane bill. It is all well enough to say that women ought not to work at all, but while industrial conditions are as they are, while men who are not of the "no-account sort," but real men, earnest, ambitious, industrious men, are compelled, through no fault of theirs, to work for less than a living wage, it becomes necessary for the women depending upon them to go out and toil for sustenance and to help support the family. If the men of this Nation, in the exercise of the suffrage which they have had for a long time, would exercise patriotic intelligence and refuse to yield to the pleadings of the selfish and greedy great in this Nation; if, in other words, the laws of the country were what they ought to be, and the laws relating to taxation did not do injustice to the ordinary man, the ordinary woman would not have to toil; and if she did toil, it would be at a decent wage. But while the laws are as they have been so long, enabling men with greed and cunning to appropriate and absorb the wages of the toiling masses, men and women, and to take an unfair portion of the products of the field as well as the products of labor, then it becomes necessary for women and little girls to work for food to eat and clothing to wear and a place to live. I trust that this proper step, which is proper because it recognizes the sacred rights of womanhood, childhood, and manhood as well, for a right to live, think, study, read, and enjoy life, as well as the right to labor, will receive the overwhelming support of the Members of this House. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. SELDOMRIDGE].

Mr. SELDOMRIDGE. Mr. Chairman, I am glad that I come from a State, one of the first in the country to pass legislation to regulate the hours of labor for women. This legislation was not secured through the usual channels. The legislature, unlike this House, I trust, heeded the wishes of those who were opposed to the legislation, and the bill did not pass the general assembly. Owing to the fact that we enjoy the benefits of the initiative and referendum in our State, the people initiated a law, and by a tremendous majority it was placed on the statute books. It is no longer a matter of experiment.

We have tried it for two years, and business conditions in our State have been adjusted to meet its provisions without any inconvenience, and to-day the people of the State are in entire sympathy with the purpose and object of the law.

The bill in my opinion, however, is not quite as broad as it should be. There is some ambiguity in the language. I believe that it should apply to those employments of women that are not altogether confined to mechanical and mercantile establishments. There are many women employed in professional offices where the hours of labor are as long and as strenuous and as difficult as some of those who are employed in mercantile establishments.

Mr. MOORE. Will the gentleman yield?

Mr. SELDOMRIDGE. I will.

Mr. MOORE. Does the gentleman think it ought to apply to stenographers?

Mr. SELDOMRIDGE. Yes; I do.

Mr. MOORE. And to other young women who train themselves for professional pursuits?

Mr. SELDOMRIDGE. Is a stenographer training herself for a professional pursuit?

Mr. MOORE. She is required to attain a certain degree of proficiency before she can be employed. I call attention to the

stenographers in the service of Congressmen. Their hours are not limited.

Mr. SELDOMRIDGE. I believe that the stenographer's work performed by women is strenuous and difficult, and in a certain sense inimical to health, and that it would be beneficial if we could by this act provide for eight hours employment for all women stenographers in Government, professional, or mercantile employment.

Mr. MOORE. What does the gentleman say about the young women employed in the Bureau of Engraving and Printing?

Mr. SELDOMRIDGE. I am not familiar with the conditions that prevail in the Bureau of Engraving and Printing. This Government could well improve the sanitary conditions of women's work in many of the Government offices in the District. It has been a shame and a reproach for the Government to force women to work in some of the offices in this city under insanitary conditions that obtain there.

Mr. MOORE. The gentleman from Massachusetts [Mr. PETERS] thought this bill would apply to women working in the Bureau of Engraving and Printing. What is the gentleman's idea?

Mr. SELDOMRIDGE. I am not a constitutional lawyer; I am a business man; and I am not prepared to pass upon points of law.

Mr. CURRY. Will the gentleman yield?

Mr. SELDOMRIDGE. Certainly.

Mr. CURRY. Does the gentleman know that a similar law prevails in his State, and that it covers the stenographers of Colorado?

Mr. SELDOMRIDGE. Yes; I do.

Mr. CURRY. What is good enough for your State is good enough for the District, is it not?

Mr. SELDOMRIDGE. Yes. So, Mr. Chairman, I have no hesitancy in giving my vote to the passage of this legislation. The only thing I object to is the limited provisions of the bill, and I wish it might be made of more general application.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, the gentleman from Kentucky, chairman of the committee, this morning, when he started the debate on this matter, expressed regret that women had to be engaged in these employments and blamed the women for accepting conditions that put the men out of employment; he blamed them for engaging in the gainful pursuits, working in the factories and the restaurants, where they now work for wages. The necessary conclusion would be that there was an economical injustice done to the men and all the human race by women engaging in the various occupations.

Now, if there is anything that the women claim that they are entitled to in this country, it is, like other human beings, that of equality. They do not want to be placed on a pedestal and given unusual privileges and unusual rights; all they want is that they shall be considered exactly as they are; they want to have the right to work if they want to work. They want to have the right to engage in all these things, if they care to, and they do not want to be subjected, and the human race does not want them subjected, to the rules and conditions that make it impossible for them to maintain themselves when they do elect to work.

A woman is entitled to work if she wants to work for wages. The suggestion that women be required, or permitted, to do nothing in this world except to live in their homes is a misconception. There are women who can not be confined in the walls of a home. I know of a woman in this city, a splendid lady she is, whose husband is entirely worthless, a drunkard; she has several children to support. How can she maintain herself and children except by work? She wants to work, she ought to be given an equal right to work with any man and in any position that she is fitted for. She wants the right to apply for any job wherever she is qualified for it.

Out in the West we have adopted suffrage and secured the aid of women in legislation. It is said if you give to women this right, that you take away at once the chivalry, the respect they are entitled to. Women do not want to lose that respect and consideration to which their sex entitles them, and indeed they do not. But when we frame the laws and the rules under which women must work we ought to consider, we ought to have regard and respect for their mental and physical condition, and ought to make it so that they can work and earn their wages, so that they can engage in these occupations if they want to or if they are compelled to and not have to rely upon a man, if they so desire.

And that whenever they are thrown on their own resources they can exercise their choice and go on about the work of sustaining themselves and their children and those dependent upon them in an independent way and as any American citizen would desire. I am certainly in favor of this 8-hour law for women workers. We have it in my State of Washington, and it works well. It accomplishes good results. It does not throw women out of employment, but it enables more women to work. It puts a condition on employment so that women can engage in it with respectability and some degree of independence, and they can be efficient and at the same time can return to their homes and spend a part of the time in their homes and have recreation and be better citizens and be more useful in the community. We believe that without such laws women and all employees are reduced to a form of economic servitude that is not fair or right.

WOMEN IN GOVERNMENT CIVIL SERVICE.

I recently made an investigation of the opportunity for women to gain employment offered by the Government as compared with the opportunity offered to men. I notice the census of 1910 showed that in post offices in cities of 75,000 or more in population in the United States there were 1,646 male clerks and 12 female clerks. Such a contrast proves conclusively that opportunity is not equal between the sexes in these offices. To begin with, the examinations are all conducted by men under rules provided by men. Then it is especially provided that femininity may be held a bar to service in almost every department of governmental activity. Color is not to be a bar; but no female can get a job in the average Government position unless the particular boss in charge wants a woman. Thus any woman who holds such a job does not have to thank the Government for her job, like the man clerk, but generally she is under obligation to some man for waiving the sex bar.

Salaries of men and women are not equal. Women invariably are paid a lower salary, especially in Government service. The following is an illustration of advertisements issued by the Civil Service Commission in seeking stenographers and others:

SEC. 276. Stenographers and typewriters who are competent and willing to accept the usual salaries offered (men $900, women $720) have much greater prospects for appointment than applicants for other clerical positions. The supply of male eligibles willing to accept the usual entrance salary is not equal to the demand. An excellent opportunity is therefore open to competent stenographers and typewriters from States which have not received their full quota of appointments.

So we see a discrimination as to amount of salary as well as to sex. Recently out of 368 examinations, 314 of them only were open to women. The following is an illustration of the average advertisement for civil-service help issued by the Civil Service Commission:

No. 1234.

UNITED STATES CIVIL-SERVICE EXAMINATION—STENOGRAPHER AND TYPEWRITER (MALE)—NOVEMBER 25, 1913.

The United States Civil Service Commission states that notwithstanding its efforts it has been unable to secure a sufficient number of male stenographer and typewriter eligibles to meet the needs of the service in the departments at Washington. Examinations are held every month except December. The next examination will be held in the larger cities throughout the United States on November 25, 1913. This will be the last opportunity that applicants will have to be examined until the fourth Tuesday in January. Young men who are willing to accept entrance salaries of $840 and $900 per annum have excellent opportunities for appointment. While the entrance salary is small, promotion is reasonably rapid for those who merit it.

Application forms and information in regard to examinations may be secured from the commission at Washington or from any of the district secretaries who are located at the post office, Boston, Mass.; Philadelphia, Pa.; Atlanta, Ga.; Cincinnati, Ohio; Chicago, Ill.; St. Paul, Minn.; Seattle, Wash.; San Francisco, Cal.; customhouse, New York, N. Y.; New Orleans, La.; old customhouse, St. Louis, Mo.

Issued November 10, 1913.

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No. 1167.

UNITED STATES CIVIL-SERVICE EXAMINATION—LABORATORY ASSISTANT IN CERAMICS (MALE)—DECEMBER 10, 1913.

The United States Civil Service Commission announces an open competitive examination for laboratory assistant in ceramics, for men only, on December 10, 1913, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill several vacancies in this position in the Bureau of Standards, Department of Commerce, at salaries ranging from $900 to $1,200 per annum, and vacancies as they may occur in other branches of the service requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

The person or persons appointed to this position will be stationed at the Pittsburgh (Pa.) laboratory of the Bureau of Standards, and will assist in original investigations in the chemistry and physics of clay and clay products.

As few applications are received for the examination for this position, qualified persons are urged to enter this examination:

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. Practical and technical questions on ceramics, including also questions on geology and mineralogy	30
2. Elementary physics	15
3. General inorganic chemistry	15

Subjects—Continued.	Weights.
4. Thesis or report (to be submitted to the examiner on the date of the examination)	15
5. Education and technical experience (in ceramics)	25
Total	100

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Issued October 31, 1913.

I ask if there is any reason why women should not have the right to enter this examination and receive this employment.

No. 1165.

UNITED STATES CIVIL SERVICE EXAMINATION—LABORATORY ASSISTANT IN CHEMISTRY (MALE).

December 10–11, 1913.

The United States Civil Service Commission announces an open competitive examination for laboratory assistant in chemistry, for men only, on December 10 and 11, 1913, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill vacancies in this position in the Bureau of Standards, Department of Commerce, at salaries varying from $1,000 to $1,440 per annum, and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

The duties in connection with these positions will be of a routine nature for the most part of the first few years. Promotions are made to the more advanced work, involving original investigations, as opportunities arise and fitness is shown.

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. General physics	25
2. General chemistry	50
3. Education and experience	25
Total	100

Applicants must show that they have been graduated or that they are about to be graduated from colleges or technical schools, or that they have attained an equivalent education or training.

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Issued October 31, 1913.

Is there any reason why the positions mentioned in this order should not be open to women as well as men?

Here I would like to call to the attention of this House the fact that each of these orders contains in their first paragraph the words:

And vacancies as they may occur in positions requiring similar qualifications.

The effect of this is to keep women out permanently, both as to the position, in the first place, and as to the filling of vacancies which may occur later.

I now cite the following further orders, which I will abbreviate as much as possible:

No. 1154.

UNITED STATES CIVIL-SERVICE EXAMINATION—AID (MALE)—NATIONAL HERBARIUM, NATIONAL MUSEUM.

December 3, 1913.

The United States Civil Service Commission announces an open competitive examination for aid, for men only, on December 3, 1913, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill a vacancy in this position in the Smithsonian Institution, National Herbarium, Washington, D. C., at $1,200 per annum, and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

The duties of this position will consist of general work about the herbarium, including the preparation of material and its arrangement in the herbarium.

It is desired to secure persons having a fair knowledge of systematic botany and who are familiar with taxonomic methods and with herbarium work in general, including collecting, preserving, mounting, and labeling of plant specimens and their care in the herbarium. It is desirable that applicants have a fair knowledge of Latin, and preferably French and German also.

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. Practical questions	60
2. Education, training, and experience	40
Total	100

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Issued October 23, 1913.

No. 1153.

UNITED STATES CIVIL-SERVICE EXAMINATION—AID, QUALIFIED IN CHEMISTRY (MALE).

December 3, 1913.

The United States Civil Service Commission announces an open competitive examination for aid, qualified in chemistry, for men only, on December 3, 1913, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill a vacancy in this position in the Pittsburgh laboratory, Bureau of Standards, Department of Commerce, at a salary ranging from $720 to $840 per annum, and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. Elementary algebra, geometry, and trigonometry	25
2. General physics	25
3. Elementary chemistry	30
4. Training and experience	20
Total	100

Special consideration in rating the element of training and experience will be given to graduates of mechanical training, technical, or scientific schools, or to those who have had equivalent training in scientific or technical laboratories.

Statements as to training and experience are accepted subject to verification.

The Bureau of Standards furnishes excellent opportunity for young men having preliminary training in technical schools who wish to fit themselves for advanced scientific work. The work of the bureau includes scientific and technical work in physics, chemistry, and engineering. The aids are expected to assist those engaged in laboratory work and testing.

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Issued October 21, 1913.

Note the fall in salary in the following, although there is no material difference in the required qualifications. The word "female" is added and the salary is cut "accordingly."

No. 1146.

UNITED STATES CIVIL-SERVICE EXAMINATION—LABORATORY AID IN PHYSICS (MALE AND FEMALE).

December 3, 1913.

The United States Civil Service Commission announces an open competitive examination for laboratory aid in physics, for both men and women, December 3, 1913, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill seven vacancies in this position in the Bureau of Plant Industry, Department of Agriculture, Washington, D. C., at salaries ranging from $600 to $720 a year, and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

It is desired to secure persons who have had at least two years' college training and who are interested in physics.

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. Elementary algebra, geometry, and trigonometry	30
2. General physics	30
3. Elementary mechanical drawing	20
4. Education, training, and experience	20
Total	100

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Issued October 23, 1913.

No. 1143.

UNITED STATES CIVIL-SERVICE EXAMINATION—CHEMIST IN FOREST PRODUCTS (MALE).

December 3, 1913.

The United States Civil Service Commission announces an open competitive examination for chemist in forest products, for men only, on December 3, 1913, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill vacancies in this position in the Forest Service, for duty at Madison, Wis., at salaries of from $1,600 to $2,500 per annum, and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

The minimum salary is usually paid at entrance, and only in exceptional cases of unusual qualifications, including a large amount of valuable experience, will a higher entrance salary than $1,600 be paid.

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. Organic chemistry	15
2. Chemistry employed in industries utilizing forest products	25
3. Thesis of not less than 1,000 words or publication on some subject bearing upon the work of the position (to be submitted to the examiner on the date of the examination)	20
4. Education, training, and experience	40
Total	100

An educational training equivalent to that required for the degree of bachelor of science or chemical engineer from a reputable college or university, and at least three years' actual experience in research or industrial chemical work, is a prerequisite for consideration for this position. It is desired to secure as applicants for this position persons who have a special knowledge of the chemistry of wood distillation, pulp manufacture, tannins, and gums derived from wood, and wood preservation.

Statements as to education, training, and experience are accepted subject to verification.

Applicants must have reached their twentieth but not their fiftieth birthday on the date of the examination.

The thesis may be either typewritten or in the handwriting of the applicant.

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This examination is open to all men who are citizens of the United States and who meet the requirements.

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Issued October 23, 1913.

The following is open to men and women. Note the subjects involved and see also the drop in salary offered:

No. 2.

UNITED STATES CIVIL-SERVICE EXAMINATION—LIBRARY CATALOGUER.

January 7, 1914.

The United States Civil Service Commission announces an open competitive examination for library cataloguer, for both men and women, on January 7, 1914, at the places mentioned in the list printed hereon. From the register of eligibles resulting from this examination certification will be made to fill a vacancy in the position of library assistant in the Bureau of Education, Department of the Interior, Washington, D. C., at $1,000 a year, and vacancies as they may occur in both permanent and temporary positions of library cataloguer in the departmental service at Washington, D. C., at salaries ranging from $720 to $1,000 a year, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

For the specific vacancy in the Bureau of Education, mentioned above, it is desired to secure a person qualified for bibliographical and reference work in educational literature.

Competitors will be examined in the following subjects, which will have the relative weights indicated:

Subjects:	Weights.
1. Library economy	30
2. Bibliography (including cataloguing and indexing)	35
3. German, and either French or Spanish	10
4. Education, training, and experience	25
Total	100

At least one year's training in a library school or one year's experience in actual library work in a library where modern methods are employed is a prerequisite for consideration for this position.

Statements as to education, training, and experience are accepted subject to verification.

Applicants must have reached their eighteenth, but not their fortieth birthday on the date of the examination.

Under an act of Congress applicants for this examination must be examined in the State or Territory in which they reside and have been actually domiciled in such State or Territory for at least one year previous to the date of the examination.

This examination is open to all citizens of the United States who meet the requirements.

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Issued November 17, 1913.

I might continue here a very long list of orders carrying out the same rule.

No. 1219. Laboratory aid, for men only, on December 10, 1913. Salary, $600 to $960.

No. 1086. Assistant metallurgist, for men only, on November 10, 1913. Salary, $2,000 to $3,000.

No. 7. Laboratory assistant in physics, January 7, 1914. Salary, $900 to $1,200.

No. 1228. Manual training teacher, for men only, December 10 to 11, 1913. Salary, $900.

No. 1164. Food and drug inspector, for men only, December 10 to 11, 1913. Salary, $1,400 to $2,000.

The following data will be of interest and will present some very interesting facts:

Examinations open to women during fiscal year ending June 30, 1912, and certain results, compiled from statistics in the annual report and the Manual.

	Examined.		Passed.		Per cent that passed.		Appointed.		Salary.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
DEPARTMENTS IN WASHINGTON.									
Assistant examiner, Patent Office	249	2	87	1	35	50	24	.....	$1,500
Bookkeeper (now closed to women)	651	1	165	.....	25	.....	72	.....	$840-1,200
Botanical artist	3	5	1	.....	33	.....	1	.....	1,200
Cataloguer, National Museum [1]	6	15	5	12	83	80	2	1	600- 720
Chemist, assistant, Department of Agriculture	232	12	84	3	36	25	18	.....	1,000-1,600
Chemist, bacteriological	6	3	4	1	67	33	2	.....	1,200
Clerk	1,806	783	510	304	28	65	37	41	600-1,000
Colorist	.....	9	.....	4	.....	44	.....	3	900
Computer, miscellaneous	5	4	.....	.....	.....	.....	.....	.....	(2)
Draftsman, entomological	17	30	1	4	6	13	1	.....	1,080
Draftsman, mechanical, Patent Office	31	1	8	1	26	100	.....	.....	1,000-1,200
Draftsman, topographic, and copying topographer	208	49	40	12	19	25	7	.....	900-1,500
Editorial clerk	66	55	14	9	21	16	14	2	900-1,400
Laboratory aid, Bureau of Plant Industry [1]	159	20	11	3	7	15	9	2	600- 720
Laboratory assistant, Bureau of Standards (now closed to women)	82	1	35	.....	43	.....	6	.....	900-1,200
Library cataloguer [1]	3	14	.....	8	.....	57	.....	4	600- 720
Preparator [1]	29	13	11	11	38	85	5	11	600- 720
Scientific assistant, Department of Agriculture	351	38	154	24	44	71	18	11	600-1,620
Stenographer	879	327	152	93	17	28	8	.....	700-1,080
Stenographer and typewriter	1,525	671	514	320	34	48	230	36	480-1,200
Telegraph operator [1]	57	6	11	.....	19	.....	5	.....	900-1,000
Telephone operator [1]	15	84	8	56	53	67	1	5	660- 720
Typewriter	1,170	471	741	279	64	59	99	5	480-1,200
Xylotomist	2	1	1	1	50	100	1	.....	900-1,200
Total appointed	.....	.....	.....	.....	.....	.....	.....	121	.....
OUTSIDE OF WASHINGTON.									
Assistant custodian (stenographer and typewriter)	86	2	30	1	35	50	1	.....	720
Clerk	7,208	437	1,773	149	25	34	335	15	360- 900
Clerk, assistant, Indian Service [1]	8	12	7	8	88	67	6	3	360- 480
Clerk, post office (clerk-carrier) [1]	16,174	2,411	10,393	2,079	64	86	2,742	250	600- 800
Clerk, field [1]	180	19	114	16	63	84	10	.....	480- 720
Coin counter [1]	2	1	1	.....	50	.....	1	.....	720
Draftsman, architectural (now closed to women)	3	1	3	.....	75	.....	1	.....	900- 1,600
Fish culturist [1]	94	6	62	4	66	67	23	.....	600
Flat-bed billing-machine operator [1]	24	40	8	13	33	33	.....	.....	840- 1,200
Geologic aid	82	2	34	1	41	50	.....	.....	(3)
Assistant geologist	68	1	16	.....	24	.....	2	.....	
Interpreter (usually closed to women)	7	1	1	1	14	100	3	.....	720- 900
Land-law clerk	120	6	27	.....	23	.....	4	.....	900- 1,600
Map colorist [1]	10	29	1	7	10	24	.....	1	600- 720
Matron (interpreter), Immigration Service [1]	.....	13	.....	7	.....	54	.....	1	600- 720
Matron, Indian Service [1]	.....	202	.....	169	.....	84	.....	53	400- 600
Matron, assistant, Indian Service [1]	.....	10	.....	7	.....	70	.....	5	400
Minor clerk, Indian Service [1]	105	50	75	38	71	76	35	27	400- 500
Minor typewriter [1]	24	53	8	15	33	28	2	6	420- 600
Fourth-class postmaster [1]	1,084	331	1,031	303	95	92	616	197	.....
Rural carrier (now closed to women) [1]	20,140	108	12,273	100	61	93	2,257	7	600- 800
Stenographer and typewriter	756	533	365	273	48	51	421	110	480- 1,200
Teacher, Indian Service	84	128	57	88	68	69	29	54	540- 840
Teacher, assistant, Indian Service	3	9	1	8	33	89	1	2	480- 500
Teacher, business, Indian Service	2	1	2	.....	100	.....	.....	.....	840- 800
Teacher, domestic science, Indian Service	.....	10	.....	9	.....	90	.....	3	600- 720
Teacher, kindergarten	.....	24	.....	21	.....	88	.....	9	600
Telephone operator [1]	.....	3	.....	2	.....	67	.....	1	660- 720
Trained nurse	33	108	28	106	85	98	6	37	600- 1,080

[1] Below the grade of clerk. [2] $80 per month. [3] $60 per month to $1,000 per annum.

Also helpers in Bureau of Engraving and Printing and Government Printing Office, 266, $36 per month.

Examinations open to women.

In Washington:	
Clerical and technical	18
Below the grade of clerk	6
Total	24
Out of Washington:	
Clerical and technical	14
Below the grade of clerk	16
Total	30
Total clerical and technical	32
Total below the grade of clerk	22
Grand total	54

Appointments of women.

In Washington:	
Clerical and technical	98
Below the grade of clerk	289
Total	387
(Total number of men, 1,233.)	
Out of Washington:	
Clerical and technical	230
Below the grade of clerk	551
Total	781
(Total for men, 12,010.)	
Total clerical and technical	328
Total below the grade of clerk	840
Grand total	1,168

(Grand total of men, 13,243.)

The following sections of instructions to applicants would probably be called jokers by women applicants for Federal jobs:

CUSTOMS SERVICE.

73. In the customs service women are, unless otherwise specified, eligible for appointment to the following-named positions only: Deputy collector, clerk, stenographer and typewriter, inspectress, and cashier.

POST OFFICE SERVICE.

82. Married women will not be examined for the Post Office Service. This prohibition, however, does not apply to women who are divorced or to those who are separated from their husbands and support themselves.

CUSTODIAN SERVICE.

105. The custodian service covers positions the duties of which relate to the care and management of public buildings outside of Washington, D. C. Women are not eligible for appointment in the custodian service, except for the positions of clerk (stenographer and typewriter) and charwoman.

STENOGRAPHERS AND TYPEWRITERS.

139. Women are not admitted to examinations for the Isthmian Canal and Philippine services, and they are admitted to the departmental service examinations only twice a year, in the spring and fall.

140. Application forms may be obtained, and applications may be filed, at any time, except that applications from women for the departmental service are accepted only when the spring and fall examinations have been announced, unless the needs of the service require otherwise.

142. The demand for male stenographer and typewriter eligibles usually is greater than the supply. Promotion to the higher grades is reasonably rapid for those whose services prove satisfactory.

CERTIFICATION.

183. Separate registers are established for men and women, and certification is made according to the requisition of the nominating officer.

There is a rule of the Post Office Department that when a woman who holds a position as postmistress marries while holding office she loses her position, although she may be reappointed under her new name.

I understand that in the position of editorial clerk women who do the same work as men in the same position receive $900 per year while men receive $1,400 per year.

We are coming upon a time when women are demanding and will receive fairer consideration in the making of laws and in the administration of economic and moral affairs.

The Democratic Party has gone on record against permitting a committee in this House on the suffrage question. That party has thus arrayed itself against 4,000,000 women voters in the West, and in my opinion these women voters will be heard from at the next election.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. J. R. KNOWLAND].

Mr. J. R. KNOWLAND. Mr. Chairman, as the gentleman from Colorado [Mr. SELDOMRIDGE] so well stated, the Western States, the suffrage States, if you please, are the States which have taken the lead in legislation of this character. California has a law similar to this upon her statute books, enacted in 1911 and amended in 1913. The constitutionality of the California act was upheld by the supreme court of that State in 1912 (124 Pac. Rep., 427).

The California law is, in my opinion, more far-reaching. For instance, I notice that in the classes of employment the California law includes public lodging houses, apartment houses, and places of amusement, which should not have been excluded from this bill, particularly places of amusement. In regard to the penalties imposed, the California act is more drastic. For the second offense an employer can be imprisoned. I believe this bill should carry similar penalties. The law in California up to this time has worked entirely satisfactorily. While it was first thought it might have a tendency to prevent women from obtaining employment, lower wages, and drive industries out of the State, so far the effect has not been as feared in some quarters.

California, Colorado, and the State of Washington have set an example that the Capital of the Nation may well follow. Let this be a model law for those States which have not seen fit to enact similar laws in the interest of the women compelled to toil. It speaks well for the manhood of the Nation that this meritorious measure has practically the unanimous support of the Members of this House.

It is a well-established fact that where women are subjected to the physical and mental strain of long hours their health is necessarily impaired. Not only do the women suffer ill effects, but even more serious is the influence upon future generations. It seems that argument should be unnecessary. I have, while a Member of this body, taken an active interest in the enactment and enforcement of laws to prevent the terrible white-slave traffic. Effective laws have been enacted, and Congress is generous in providing funds for the enforcement of the white-slave traffic laws now upon the statute books. But I consider laws of this character fully as important. They have a tendency to lessen the burdens of the girl compelled to labor, and there is perhaps less temptation to yield to those who, taking advantage of the situation, might attempt to lure by promises of an easier life.

My colleague and namesake from California [Mr. J. I. NOLAN], a consistent friend of the man and woman who toils, introduced a bill early in the session modeled after the California law. The pending measure includes many of the provisions of his bill.

Mr. Chairman, I ask unanimous consent to place in the RECORD a copy of the California law.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting the document referred to. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, before the gentleman takes his seat, I desire to ask him a question.

The CHAIRMAN. Does the gentleman yield?

Mr. J. R. KNOWLAND. Certainly.

Mr. FOWLER. I want to know when the California law was passed?

Mr. J. R. KNOWLAND. In 1911.

Mr. FOWLER. The reason I want to know is because I have read a report of the canneries in the gentleman's State and in Maryland, and I find that they were in the habit of working women and children as long as 17 hours a day in those canneries.

Mr. J. R. KNOWLAND. I do not think the gentleman will find that condition prevailing in California to-day.

Mr. FOWLER. I trust it has not been done recently or that it will not be done any more.

Mr. J. R. KNOWLAND. I do not think such conditions prevail in California.

Mr. FOWLER. I do not mean to say that there was a law to that effect, but there was a practice to that effect, and also that they even worked for less than $5 a week.

Mr. J. R. KNOWLAND. I do not think that is true in an enlightened State like California. I sincerely hope it is not true.

Mr. FOWLER. I can put a report of that character in a little speech I can make on the floor of the House.

Mr. J. R. KNOWLAND. Well, do not put it in my speech.

The following is the California law limiting the hours of labor for women:

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company, compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, is hereby amended to read as follows:

"SECTION 1. No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, public lodging house, apartment house, hospital, place of amusement, or restaurant, or telegraph or telephone establishment or office, or by any express or

transportation company in this State more than 8 hours during any one day or more than 48 hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than 8 hours during the 24 hours of one day or 48 hours during any one week: *Provided, however,* That the provisions of this section in relation to hours of employment shall not apply to nor affect the harvesting, curing, canning, or drying of any variety of perishable fruit or vegetable nor to graduate nurses in hospitals.

"SEC. 2. Every employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female shall provide suitable seats for all female employees and shall permit them to use such seats when they are not engaged in the active duties of their employment.

"SEC. 3. The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies, and agents shall have all powers and authority of sheriffs or other peace officers to make arrests for violations of the provisions of this act and to serve all processes and notices thereunder throughout the State.

"SEC. 4. Any employer who shall permit or require any female to work in any of the places mentioned in section 1 more than the number of hours provided for in this act during any day of 24 hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this act during any day of 24 hours, or who shall fail, neglect, or refuse to provide suitable seats, as provided in section 2 of this act, or who shall permit or suffer any overseer, superintendent, foreman, or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for a first offense by a fine of not less than $25 nor more than $50; for a second offense, by a fine of not less than $100 nor more than $250, or by imprisonment for not more than 60 days, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this act shall be paid into the State treasury and credited to the contingent fund of the bureau of labor statistics."

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Chairman, immediately after the Supreme Court of California upheld the constitutionality of the eight-hour law for women in that State, which was in the spring of 1912, I wrote to Sacramento to the secretary of state for a copy of the law, and, changing it merely to make it applicable to the District of Columbia, I introduced it into this House. So far as I have been able to find, that was the first bill ever introduced in this Congress providing for an eight-hour day for females in the District of Columbia. The following December the senior Senator from Wisconsin [Mr. LA FOLLETTE] introduced a substantial copy of the bill in the Senate, and two days later the gentleman from Massachusetts [Mr. PETERS] introduced substantially the same bill in the House.

The bill of the gentleman from Massachusetts was favorably reported during the last Congress, and an effort was made to pass it through this House during the closing hours of the Sixty-second Congress, in which effort I had some little part. That is the history of the legislation. I do not think there is any doubt but that the law would have been passed long ago if we could have brought it to a vote in the House—that is, a record vote. That the bill is going to pass now, there is not any question.

The people of the United States favor an eight-hour law not only for women, but if the question were submitted to an initiative vote, they would enact the same kind of a law for men, women, and children. I favor such a law and have a bill pending for an eight-hour day for both men and women in this District. Eight hours is long enough during any 24 for any human machine to be diligently applied to any occupation. It is much longer than any Member of this House would continuously apply himself——

Mr. MANN. Speak for yourself, speak for yourself. [Laughter.]

Mr. LAFFERTY. To any occupation if he has any regard for the health that God Almighty put inside his skin, or if he has any regard for posterity that he may bring onto this earth.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. GREEN of Iowa. Without determining what regard the gentleman from Illinois [Mr. MANN] may have for his health, which I think is not what he ought to have, I am very certain that he puts in more time than this law provides, or twice as much.

Mr. MANN. And I shall be very glad to put my health up against the health of the gentleman from Oregon, and I make proffer now. [Laughter.]

Mr. LAFFERTY. I would be willing to pose for a photograph with the gentleman from Illinois at any time.

Mr. BRYAN. Mr. Chairman, I would like to be referee.

Mr. LAFFERTY. At the time I introduced this legislation I was living over here at the Willard Hotel in a little cuddy hole of a room, for which I paid $3 a day—$90 a month—and there were some old Irish women who were chambermaids there in that hotel looking after 30 rooms a day each.

They worked from 7 o'clock in the morning until 6 o'clock at night. They worked 11 hours each day. They worked every day in the week, Sundays and holidays, and never got a vacation. And two days out of each week they worked 17 hours, or from 7 o'clock in the morning until 12 o'clock at night. And they received the munificent sum of $15 a month for that service. And during the same year that corporation, so I am informed, paid a dividend to its millionaire owners of 40 per cent. You can not trust this matter to the owners of these great institutions. You can not trust the greed of mankind to treat humanity fairly when it comes to the matter of employment of men, women, or children.

I remember of speaking to an old lady employed over there at that hotel the day I introduced the bill, telling her that I had introduced it, and I said: "It will probably be a long time before it ever sees daylight out of the committee to which it was referred and probably a long time before such a bill becomes a law." But I am not a pessimist. I have always said that this country is growing better, and I want to congratulate the committee which reported this bill, and I want to congratulate the Democratic Party, which is in control of this House now, for having brought legislation of this kind to a vote. [Applause.]

Mr. MANN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. THACHER].

Mr. THACHER. Mr. Chairman, I give my hearty support to this excellent bill. It provides that in the District of Columbia, over which Congress has jurisdiction, no women shall be employed in any factory or mercantile establishment more than 8 hours in any one day, or 48 hours a week, and prohibits night work for girls under 18 years of age. Congress several years ago provided a child-labor law for the District of Columbia, and the present bill has been under consideration for more than a year, so that it is not a hasty piece of legislation.

We have listened to-day to eloquent tributes to one of our greatest Presidents, and it seems highly appropriate that on this day, rich with the memories of this beloved President, this bill, drawn to protect the health of the working women of the District, should come up for consideration. This bill has the support of Republicans, Democrats, and Progressives of this House, and I trust that it will pass unanimously.

Reference has been made to the fact that Congressmen are sometimes obliged to work for more than eight hours. The distinguished gentleman from Oregon [Mr. LAFFERTY] has just laid down the golden rule that eight hours ought to be the limit of a day's work. I presume that he would exempt Congressmen. At all events, I plead guilty to the soft impeachment, for I frequently find that I need more than eight hours to finish the day's job. There may even possibly be on some busy days 16 hours of employment for me; but of these I consider that eight hours are given up to work and eight hours to play, for, you see, I spend half of this time in my office and the other half in the House, and I will leave it to the imagination of the Members to guess which half I consider work and which half play.

No, Mr. Chairman; even if Congressmen are required to exceed the speed limit in the number of hours which they must work daily, I believe that there should be a proper legal limit for the hours of labor for men, women, and children. We ought particularly to protect and safeguard by humane laws our women and children, for they are the greatest blessings which we have.

As regards the eight-hour labor law for women, California, Colorado, Arizona, and Washington already have this law. Eleven States, including Massachusetts, have the 54-hour-per-week law. Twenty-two other States have set a limit of some kind to the hours of labor for women, but much still remains to be done, for there are States where little or no progress has been made in providing proper laws limiting the hours of labor. In Massachusetts there is a 54-hour law for women and a 56-hour law for men, and our textile mills of New Bedford, Fall River, and other cities of the Bay State have to compete with mills in other parts of our country where women work 58, 60, and, in some cases, more than 60 hours, while the men work, in some cases, in these mills from 60 to 66 hours. This seems to me uneven competition.

Furthermore, regardless of any other considerations, I believe that it is unfair to these women and men that they should be called upon to work for these extremely long hours. I believe that the children should also be protected. I stand for just labor laws for the protection of the men, women, and children of our country. If, under existing conditions, it is impossible constitutionally for Congress to enact a national labor law to protect the women and children of our land, I favor an amendment to the Constitution of the United States which will secure this desired legislation. I am ready to work for this end.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, this bill is to prevent the overwork of women in specified avocations in the District of Columbia. It follows the line of progress, of justice, and of rational economics.

We must realize, if we have any knowledge at all, that society can only be served by the productive enterprise of society. We must also realize, and we are forced to realize, that those who are producers in society must be protected in their production against waste of life, against risk of life, and against the strain of life. In other words, production may be increased temporarily by overworking our people, overstraining and destroying our people; but we must pay for it all in the end. Production is the chief factor. There can be nothing to divide or to distribute unless we first pay heed to encouraging production. This bill, to my mind, is wise, because it recognizes productive *labor and provides* for conserving the human forces of production.

I have no sympathy whatever with the idea of those men who believe that women ought to do nothing except to purr by the fireside and ought not to engage in productive labor. We are continuously demanding from society a recognition of the claims of those who can not be self-supporting. We ask more and more help for children, we ask recognition of the self-respecting claims of the aged, and we ask more and more help for the cripples and those inherently incapable. All this means that the adult efficient members of society must produce more and more. All is contained in the quest for adequate production, and then of rational distribution, with full recognition of the fundamental human right to live decent and adequate and broad lives, with due time for recreation.

I believe that women ought to work. I believe their first and fundamental duty is to reproduce the species. But when that duty is performed, they have a further duty, to help to sustain and to support society under such conditions as are wholesome, inspiring, and livable.

We must realize that all of us are forced to produce enough to supply all of us, and that means that we must support the aged, the infant, the crippled, the sick, and must provide for dependent motherhood out of the effort of the efficient. There is no room for idleness among the competent, or we shall all starve together. This bill, which is in the line of the conservation of human life and efficiency, is destined to aid toward a better society, and therefore toward the creation of better individuals, who can lead better lives. It should be passed. [Applause.]

Mr. MANN. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Chairman and gentlemen of the committee, I have asked my distinguished friend from Illinois [Mr. MANN] for a moment in which to record myself in favor of this bill. I am thoroughly and heartily in favor of this bill, because I believe it to be an act of long-delayed justice to the working women of this city. I might say, further, it is so obviously a just act that I believe if women had had the right to vote they would have had such a law on the statute books long ago. Men have had an 8-hour law in nearly every State of the Union—probably in every State of the Union—and men who work for the Government here work only 8 hours, and yet here in Washington, the seat of government, we have no law regulating the hours during which women may work. It is needless for gentlemen to talk about what women ought to do or what they ought not to do, whether they ought to work for a living or whether they ought not to work for a living. That is beside the question. It is a condition and not a theory that confronts us.

The fact that confronts us in the face is that they do work, and they are made to work longer than men work, ordinarily, and that we owe it to them to fix for them reasonable hours. This law is, as I stated before, but an act of long-delayed justice. I am delighted to know that the District Committee has reported out the bill.

I want to say further here that I doubt if there is a gentleman in this Hall who would be guilty of any act of discourtesy toward any woman, and I hope there will be no gentleman in this Hall to-day who will be guilty of being unfair to the women who work by recording a vote against this bill.

Mr. Chairman, I hope that the bill will pass unanimously. [Applause.]

Mr. MANN. Mr. Chairman, I yield just three minutes to the gentleman from Minnesota [Mr. SMITH].

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] is recognized for three minutes.

[Mr. SMITH of Minnesota addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, according to my count I have eight minutes remaining.

The CHAIRMAN. The gentleman has really 10 minutes remaining. The gentleman from California [Mr. KENT] did not use all of his time.

Mr. MANN. Mr. Chairman, I will yield a portion of that to anyone who desires to address the committee. I suggest to the gentleman from New York [Mr. O'LEARY] that he might ask unanimous consent to close debate at the end of that time.

Mr. O'LEARY. Mr. Chairman, at the end of the time suggested by the gentleman from Illinois [Mr. MANN] I will ask unanimous consent that all general debate close.

The CHAIRMAN. The gentleman from New York [Mr. O'LEARY] asks unanimous consent that general debate on this bill close at the end of 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. PHELAN].

The CHAIRMAN. The gentleman from Massachusetts [Mr. PHELAN] is recognized for five minutes.

Mr. PHELAN. Mr. Chairman, I believe in the present movement, the spirit of which is embodied in this bill, to limit the number of working hours for women. In recent years women have in vastly increased numbers engaged in outside work of various kinds. I believe the door should be open to women and that they should be given every opportunity for employment for the purpose of bettering themselves or for the purpose of providing for those dependent upon them. I feel, however, that women in particular should not be required to spend too many hours in hard work. The number of hours which men have been compelled to labor in order to obtain a livelihood has been gradually decreased. Whatever argument applies for the shortening of the working hours for men applies with much greater force with reference to women. As a rule when a man completes the daily work at which he is employed he goes home for rest or recreation, as his choice may be. With women, however, in a majority of cases, their work is never done. A mother, in particular, can never say when her day's work is completed. After toiling all day to earn money to provide for her family she is obliged when she reaches home to care for her children.

We ought to have in this country such conditions that any industrious woman who works eight hours a day can earn enough money to provide the necessities of life and also at least some few comforts. The country is rich enough and resourceful enough to supply these women with necessities and comforts of life if the resources and wealth of the country receive the proper distribution. When a man by his individual effort, even though he may be a genius, can by his labor, physical and mental, pile up a fortune of several millions, a woman should be enabled in a modern civilized country to earn a livelihood by working eight hours a day.

Women employed by the Government are not obliged to work over eight hours a day. This bill, by establishing the eight-hour day in the District of Columbia, is but following the lines laid down by Congress in reference to Government employees. I believe legislation like this goes a good deal further than merely benefiting the women to whom it applies. It means a distinct aid in the mental, physical, and moral development of the children of this generation and the generations to come.

We must not tax the strength of women nor compel too continuous labor by women if their children are to be strong and good. The mother must be enabled to have time to give some care to her physical condition and some care and proper attention to her children. The spirit of this bill is the spirit of progress. Slowly but surely we are coming to realize that while human beings are compelled to work in this world, it was not intended that their destiny should be nothing but work. Every human being has a natural right to have some time for rest and recreation.

The passage of this bill, while its provisions are restricted to a limited area, is a step in the right direction.

I yield back the remainder of my time. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PHELAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DONOVAN. Mr. Chairman, reserving the right to object——

Mr. CURRY. The time for objection is past.

Mr. DONOVAN. I would like to ask the gentleman from Massachusetts if he would like to have incorporated in his remarks a statement that the gentlemen from Massachusetts

should be required to work eight hours a day at least once a month? [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. PHELAN]?

There was no objection.

Mr. MANN. I yield, Mr. Chairman, to the gentleman from California [Mr. CURRY].

The CHAIRMAN. The gentleman from California [Mr. CURRY] is recognized.

Mr. CURRY. Mr. Chairman, the agitation for the enactment of legislation to limit the hours of labor of both men and women started in the East, but was first accomplished in the West.

In 1887 the then governor of Connecticut addressed a message to the legislature of that State advocating the enactment of a 10-hour day, 6 days in the week, labor law. The law was not enacted at that session, but the idea permeated the whole country, and to-day many States have on their statute books the 8-hour day labor law.

At the legislative session of 1911 a woman's 8-hour day, 48-hour week, labor law was enacted in California. The provisions of the law were much more stringent and included more callings than the bill now under discussion applying to the District of Columbia. In 1912 the Supreme Court of California upheld the constitutionality of the act, and in 1913 the legislature broadened the act and included a number of callings not contained in the original act. The women of California vote; they exercise the franchise with discretion and judgment. They have a good influence on governmental matters. The men of California, however, did not wait until the women had a vote before enacting the women's eight-hour labor law. That law was enacted by the men before the women voted in California, but there is no doubt whatever but that the influence of women, even before they possessed the ballot, caused that law to be enacted.

One of the honorable Members in the course of this debate stated that he knows of an instance where a woman cook for a 40-room hotel has worked continuously every day for 20 years for a wage of $50 a month; that from appearances she is able to work for 10 years more, or longer, and that she is willing to so continue to work and is not asking for the enactment of this law, and he asked the question whether this law, if enacted, would apply to her and such cases as hers. In reply, I will say that in my opinion it does; but if it does not apply the bill should be amended so as to include such cases. Such continuous employment, without rest or holiday, is the refinement of cruelty and almost as bad as slavery. Most humane and considerate employers of labor have voluntarily and without legislative action installed the eight-hour-a-day system. Others have been forced to do so through the influence of the labor unions. It is the general custom now to give even domestic servants one day a week off from their labor.

I believe the conservation of American manhood and womanhood should be considered before the conservation of property, and that this Congress should at least give it as much consideration as it gives to the conservation of the natural resources of the country. The conservation of womanhood means the conservation of the vitality, health, and mental vigor of the race. The overworking of the young womanhood of the country who are and will in time become the mothers of its future citizens will deteriorate the race mentally, physically, and morally. I am in favor of this bill. I am glad that Congress will pass it to-day almost unanimously. I hope the good example set by a number of the Western States and that will be set by Congress to-day in the enactment of this law will result in the enactment of a similar law by those States that have not already placed it on their statute books.

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. CURRY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARDNER. I make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I yield one minute to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I am certainly delighted that in the Congress of the United States the right to life and health are regarded as above the so-called rights of property. The so-called rights of property to destroy, if necessary, the life of the people in order to increase its earnings has been regarded almost sacred in this country in the past. I am certainly delighted to see the solid delegation from Massachusetts, with that of New York, the States that perhaps own more investment securities than any other two States in the Union, by their representatives in this body unanimously saying, "We propose to conserve human life and health rather than dividend payments on investment securities." I think we ought to congratulate them. I think it is the right spirit. "Radicalism" is breaking out in the East, and may it never cease its efforts until there be no East, no West, no North, no South where the right to health, the right to live as God intended us to live, is not placed above the right to earn dividends upon fixed capital investments. I want to congratulate the House upon this opportunity to thus place ourselves upon record, and I hope there will not be a vote in this House against the principle of this bill even if we do differ as to some of its details.

Mr. MANN. Mr. Chairman, a legislator ought to be a philosopher and a student of history and of the times. It is only in recent years, with the multiplication of machinery, that the abuse of long hours in factories has become so acute. Of course women always worked longer hours than men, when they kept house and raised children at home. I am sure my good mother worked 16 hours a day raising nine sons and taking care of a houseful of boys and other people. I do not know whether that can be avoided in many cases. But as we go on multiplying machinery, increasing factories, and increasing the intensity of manufacturing establishments, it is inevitable that the Government must step in and exercise its control for the purpose of preserving the health of the people and of those who are yet unborn; and second, for the purpose of protecting the amount which people shall receive as compensation. It is not wise for us to say that those who went before were wrong because they did not enact this legislation.

It is not wise for us to say that every State that has not enacted such legislation is therefore way behind the times. There was no difficulty in passing an eight-hour law like this in Colorado. No women worked in factories there. It is quite a different problem where great numbers are employed, and it takes time to adjust the relations not only between the employer and the employee in a particular place, but to adjust the relations between different parts of the country engaged in rivalry. I had hoped that this bill, for instance, might have included the Government establishments; and I have sometimes wondered at the generosity of the gentlemen who propose that women employed in private establishments shall have time for luncheon, and other time that they do not require in public establishments, and then Members of Congress, out of their generous souls, provide that stenographers in hotels shall only work eight hours a day, but that stenographers employed by themselves may work 16 hours a day. [Applause.]

The CHAIRMAN. The time for general debate is closed. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than 8 hours in any one day or more than 6 days or more than 48 hours in any one week.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 3, by striking out the word "female" and inserting in lieu thereof the word "person."

Mr. FOWLER. Mr. Chairman, if this amendment passes, it will not only protect the women in various employments enumerated in the bill but it will protect the men. During the Sixty-second Congress we had no trouble in passing an eight-hour law for those employed on Government works, and we have that law enforced to-day throughout the entire country, unless it is in a few instances on contract labor; and we passed a law for the purpose of reaching that character of work during the Sixty-second Congress.

In my opinion it is just as easy to pass this bill with this amendment, which gives relief to both sexes, as it is to pass it as it now stands. I stand here in the interest of labor, not for one class of people alone, but in the interest of labor throughout

the country. And if this Congress will take this step and fix the hours of employment in the District of Columbia, it will be a precedent to be followed by the legislatures of the various States of the Union; and instead of working men and women for long hours there will be a fixed day with a fixed number of hours.

In the canneries of Maryland and California women and children have been worked as long as 17 hours a day on a wage of less than $5 per week. In the steel works of Pennsylvania and other States men have been worked as long as 17 hours a day for 7 days in the week.

Mr. MOORE. Will the gentleman yield?

Mr. FOWLER. I yield, Mr. Chairman.

Mr. MOORE. As long as the gentleman refers to the steel works of Pennsylvania, I will call his attention to the farms in Illinois. Do they work on the farms in Illinois more than eight hours a day sometimes?

Mr. FOWLER. I am glad to say that the farmers in my State have caught the spirit of reform, and they go to work——

Mr. MOORE. With the sun.

Mr. FOWLER. About the hour of 7 or 8 o'clock in the morning, and they quit when the sun goes down.

Mr. MOORE. If the gentleman confines that to Illinois, I am satisfied.

Mr. FOWLER. Mr. Chairman, they do better than that now. That used to be the custom, but men on the farms in Illinois, and, as I understand, throughout the country have taken up this labor movement, and have extended to labor that humanitarian spirit which is pushing reform throughout this country.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FOWLER. I will.

Mr. GREEN of Iowa. Does the gentleman consider that the Government has the same power over contracts made between individuals in the District of Columbia that it has over the work performed under Government contracts?

Mr. FOWLER. Mr. Chairman, the District of Columbia is in a sense a territory belonging to the United States, and Congress sits as its lawmaking body, and it must submit to any law that is passed that is constitutional.

Mr. GREEN of Iowa. Then the gentleman considers that there will be no question about the constitutionality of the amendment he has proposed?

Mr. FOWLER. None whatever.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection?

Mr. O'LEARY. I object.

Mr. FOWLER. Mr. Chairman, I hope the gentleman will not object. I have taken no time in the discussion of this bill, and when I am through on this proposition I am through with the bill.

Mr. O'LEARY. My only object is to get this bill through without unnecessary delay.

Mr. FOWLER. I hope the gentleman will not force me to make a point of order of no quorum.

Mr. O'LEARY. Well, Mr. Chairman, I will withdraw the objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman and gentlemen, I would not do anything to hinder or check the passage of this bill, for I have in my bosom a feeling for all people who are tied to the wheel of toil, and certainly woman has borne the brunt of manual labor in the past. Yes, borne the brunt, because in semi-barbarous times she did all the work while the men lay around fishing ponds angling. [Laughter.] Since the dawn of civilization woman has done her part of manual labor. I dare say that she has put in more hours of toil than man.

My experience teaches me that that is true. My mother worked as long as my father during the daytime, and when his day's work was over she cooked our frugal meal, supper, then cleaned up the dishes and righted the kitchen for the next day. I dare say nine-tenths of the good women in the past have been subjected to the same ordeal. I not only stand for the relief of the women of this country, but I stand for the relief of labor, wherever it may be. To say that man should be placed on a level with the beasts of burden to toil for long hours a day is to say to him that he hath a less degree of manhood in his make-up than the masters of wealth.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. FOWLER. I will.

Mr. STEPHENS of Texas. Are not the men protected now under union-labor organizations all over the United States while women are unprotected?

Mr. FOWLER. Mr. Chairman, if there is such a condition, which I do not doubt, that has been brought about by union labor, a much better condition could be brought about by the organization of women into labor unions, because if there is anything that a woman can do better than a man it is that which can be accomplished by the use of the tongue. There she is certain to excel. She can go to capital and labor conferences and outtalk any man any time in the day. [Laughter.] If she will organize as man has organized, in my opinion, she can get better terms than any labor organization has ever secured heretofore.

Mr. BRYAN. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. BRYAN. I wanted to ask the gentleman if any labor union or organization has requested him to offer this amendment at this place?

Mr. FOWLER. Mr. Chairman, my honor as a Member of this House and the interest I have in labor has prompted me to offer this amendment. I would like to see the color of the man's hair that can stand up and vote against it and go back and face his constituents. We can pass this bill with this amendment and get a double benefit, but you defeat this amendment and you defeat the laboring men of this District, who are doing as much and more labor to-day than the women in the lines of business which are dealt with by the terms of this bill.

Although I want relief for the women as badly as any other man, I say now, gentlemen, that if you want to get a full measure of relief vote for this amendment, and it will not only be a relief in the District of Columbia, but it will sound the keynote throughout the land for relief from long hours of toil and for an eight-hour law in the States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER had leave to extend his remarks.

Mr. TOWNER. Mr. Chairman, if the gentleman from Illinois [Mr. FOWLER] had desired to defeat this bill, he could not have done so more effectually than by asking Congress to pass this amendment. The courts have uniformly held that a general eight-hour law was unconstitutional, and, in fact, it has been so held by the Supreme Court of the United States. A general law has always been held unconstitutional.

Gentlemen will remember that the law passed by the State of New York making an eight-hour day for bakers was held unconstitutional because of the fact that it was held that that would be a general interference; if allowed for bakers, it would not be safe for any other vocation.

The ground upon which all of these eight-hour laws have been sustained has been because of exceptional circumstances. They have held laws providing for eight-hour law for minors and for those who work on railroads, dangerous occupations, were constitutional for that reason. They have held most State laws constitutional that provided an eight-hour day for women because of the exceptional circumstances, because of the fact that in order to protect their health it might be necessary to make an exception in their favor.

So I have no doubt that if we pass this law with the amendment offered by the gentleman from Illinois it would be held unconstitutional. If we pass this law, it will be held constitutional. But if we pass it and apply it to all, there will be no question that it will be held unconstitutional under the decisions of practically all of the States and under the decision of the Supreme Court of the United States.

I can not refrain from saying in this case that I never believed that the doctrine upon which these laws were declared unconstitutional, as stated by the courts, rested on good grounds. I believe that the State and the United States ought to have the right to pass a law, if they desire to do so, regulating hours of labor. However, I have not time to defend that position. I can only say that that is now the law, and that if we should pass an amendment such as the gentleman from Illinois suggests, we would merely make this law of no avail to anybody within the District of Columbia. Therefore, of course, it is the duty of all of us who desire to see this legislation made effective to vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I think no true friend of this bill can afford to vote for this amendment, outside of the constitutional question involved, looking at it only from the legislative point of view. The questions of the hours of labor in private employment for females and the hours of labor in private em-

ployment for males are entirely separated, one from the other. This is a Senate bill now before the House. I had thought at one time of offering some amendments to the bill, which I thought might possibly improve it, but I came to the conclusion I would not. If we pass the bill without amendment, or without any substantial amendment, it is very quickly disposed of. If we should enact in this bill the amendment proposed by my colleague, every man in the House, except my colleague, knows that the bill, when it goes back to the Senate, is as dead as a door nail [applause] and will never be heard from again, because it will require an entirely new consideration of the subject matter, to govern the hours of labor of male employees in these establishments, whereas the other matter is disposed of. I do not believe that those of us who wish to pass this bill governing the hours of employment of women ought to kill it by claiming, or being in earnest in claiming, that we want to govern the hours of labor of men. The whole bill would have to be remodeled. Every paragraph in it uses the word "female." The whole bill would have to be rewritten, and it might as well be thrown in the wastebasket as to require that it be rewritten.

Mr. O'LEARY. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I feel that the speech just made by the gentleman from Illinois [Mr. FOWLER] ought to be replied to. If this were the only occasion where a speech of that character were made in this House I would think little of it, but it has become too common for men in this House to offer amendments and speak upon them either in total ignorance of the law—and in that case it is inexcusable—or if they are not ignorant of the law, then because they are, in effect, the greatest enemies of the cause which they seemingly are attempting to advance. In this case it ought to be clear to the gentleman from Illinois that in the adoption of this amendment he would not help labor at all, but that on the contrary he would deny to the class of labor that is included in this bill any of the benefits of the bill at all. I would not say this of the speech of the gentleman from Illinois if I did not know that he is a lawyer himself, and if the gentleman is not ignorant of the decisions of the courts upon this question then to get upon the floor and urge the amendment he does, knowing its consequences, I must say that he is an enemy of labor and not a friend of it.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LENROOT. I yield.

Mr. FOWLER. I will be very glad for the gentleman to show wherein an amendment of the character I have offered would affect the labor in this District which is provided for by this bill.

Mr. LENROOT. Mr. Chairman, if the gentleman had listened to the remarks of the gentleman from Iowa [Mr. TOWNER] just a moment ago, it would have been entirely plain to him.

Mr. FOWLER. I disagree with the remarks of the gentleman from Iowa.

Mr. LENROOT. If the gentleman is familiar with the almost uniform decisions of all of the courts of this country and of the Supreme Court of the United States, he would have been compelled to agree with him when he stated the law as laid down in the decisions.

Mr. FOWLER. There is no decision so idiotic on the statute books in any State of the Union or of the United States Supreme Court.

Mr. LENROOT. Mr. Chairman, there is no arguing a proposition of that kind with the gentleman, if he is either so ignorant of the decisions of the courts of the country or if he pays no attention to them.

Mr. FOWLER. I know the decisions of the courts, and the gentleman from Wisconsin is the enemy of labor if he votes against this amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 1, noes 56.

So the amendment was rejected.

Mr. BOOHER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 4, after the word "hotel," insert the words "boarding houses."

Mr. BOOHER. Mr. Chairman, I think it must have been an oversight on the part of the committee not to include those words when they were considering the bill. It seems to me that if we include the female employees of a hotel we should include those of boarding houses. I think it is just as important that the help in boarding houses should be given advantage of this law as that female help in a restaurant should be, and I hope that the amendment will be adopted.

Mr. O'LEARY. Mr. Chairman, while I agree with what the gentleman from Missouri says, I hope the amendment will not be allowed to govern the minds of gentlemen present. The committee felt that there might be many occupations that could be very rightfully brought in here, but this is a Senate bill and, as has well been said by the gentleman from Illinois [Mr. MANN], if we encumber it with an amendment we will lose all. The committee therefore felt they ought not to encumber it with amendments, and I hope the House will not.

Mr. GREEN of Iowa. Mr. Chairman, I am opposed to this amendment, while in sympathy with its purpose. My only objection to this bill is that it does not go far enough; that it does not reach down to the lowest scale of female labor, the ordinary house servant, as she is called; the woman who works the longest hours, the woman who works the hardest, the woman who has the most disagreeable and obnoxious task. It is unfortunate that in this age and at this time the committee could not have brought in a bill that would have included this much-deserving class that needs sympathy and help far more than some of those who are so fully provided for in the bill.

The CHAIRMAN (Mr. CARTER). The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3149. An act for the relief of Moses Chauncey;

S. 2811. An act to establish a fish-cultural station on Long Island, in the State of New York;

S. 54. An act for the relief of George W. Hoyt;

S. 657. An act to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes;

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators;

S. 1032. An act to amend section 1342 and chapter 6, title 14, of the Revised Statutes of the United States, and for other purposes;

S. 654. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes; and

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of landsman for Electrician Richard C. Reed, United States Navy.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3149. An act for the relief of Moses Chauncey; to the Committee on Military Affairs.

S. 2811. An act to establish a fish-cultural station on Long Island, in the State of New York; to the Committee on the Merchant Marine and Fisheries.

S. 54. An act for the relief of George W. Hoyt; to the Committee on Claims.

S. 657. An act to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes; to the Committee on the Public Lands.

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators; to the Committee on Election of President, Vice President, and Representatives in Congress.

S. 1032. An act to amend section 1342 and chapter 6, title 14, of the Revised Statutes of the United States, and for other purposes; to the Committee on Military Affairs.

S. 654. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes; to the Committee on the Public Lands.

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy; to the Committee on Naval Affairs.

HOURS OF EMPLOYMENT OF FEMALES IN DISTRICT OF COLUMBIA.

The Clerk read as follows:

SEC. 8. That the inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section 1 as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

Mr. TOWNER. Mr. Chairman, I desire to call the attention of the committee to some amendments which, I think, ought to be made to this section. Gentlemen will notice that this section, being section 8, relates to the duty of inspectors. The terms of the bill provide that it shall be the duty of these inspectors to make a daily report to the Commissioners of the District of Columbia. It will be noted that two of these inspectors are to be women. It occurs to me there can be no question but that will be an impairment of their duty, not only adding considerable to their obligations, but it probably would be useless and valueless as a record of their work. I therefore have drawn an amendment that that word "daily" shall be made "weekly," and, following the report, have suggested that these reports should be in writing. Following that, there is a provision for the reporting by these inspectors to the corporation counsel of the District of Columbia. I think that these reports as to any violations of the law ought to be made at once, as soon as the violations are discovered, and for that reason I have asked to insert "at once," preceding the words "any cases," so that it will read "at once any cases of illegal employment."

The CHAIRMAN. The Chair will suggest to the gentleman from Iowa [Mr. TOWNER] that his amendment should be reported in the regular order.

Mr. TOWNER. Have they not been reported?

The CHAIRMAN. No.

Mr. TOWNER. I beg the pardon of the Chair. I thought they had been reported.

The CHAIRMAN. The Clerk will report the amendments offered by the gentleman from Iowa.

The Clerk read as follows:

Page 4, line 23, strike out the word "daily" and insert in lieu thereof the word "weekly."

Also insert the words "in writing" following the word "report."

Also, in line 25, insert at the commencement of said line the words "at once."

Mr. TOWNER. Gentlemen will see that, if it is required that these inspectors shall make a report every day to the Commissioners of the District of Columbia, it will probably be a report orally made, or at least hastily made, and will put upon them a burden that, I think, they ought not to be compelled to carry, if the reports are to be made daily.

Mr. STAFFORD. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. STAFFORD. Does not the gentleman necessarily place a forced construction upon the word "daily" when he says they are to make a "daily report"? Is it not entirely within the proper purview of the word "daily" that it may be in writing? It is presupposed it will be in writing, but not necessarily sent to the commissioners or presented formally to the commissioners each day. Now, as we view the bill, there will be no substantial amendment, I assume, because we have got next to the last section. I hardly think the gentleman's amendments are of serious enough import to warrant sending this bill to conference.

Mr. TOWNER. That is for the committee to determine. I admit it may not be of sufficient importance.

Mr. BOOHER. What objection would the gentleman have to making his amendment broad enough to strike out all that part of the section that requires any report to the Commissioners of the District of Columbia? We will have three different reports of violations of the law if that remains in.

Mr. TOWNER. I think the gentleman misapprehends the object of these reports. If the inspectors visit an establishment and find the conditions are satisfactory, that fact ought to be reported as well as a violation. I think that those reports should be made in writing. I think, however, they ought not to be more than once a week. I think to require the inspectors to make them daily is to make their work too hard, and will impair their usefulness.

Mr. BOOHER. I agree with the gentleman on that. Now, the inspectors keep a record, do they not, in their office? If an establishment is found to be running in accordance with law, that is the end of it. I do not see why you want it recorded in another office.

Mr. TOWNER. They are not required to keep a report themselves. The inspectors have no office. They will have no office except, perhaps, as it may be granted to them in the department building. They are not officials of that kind, but they are inspectors sent out on duty by the commissioners for the purpose of inspecting these various establishments. If they are required after a days work to make a report of that transaction, I think it will be imposing upon them a needless hardship sufficient to impair their usefulness.

Mr. MANN. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman from Illinois.

Mr. MANN. In making this daily report, is it not simply to file a blank in their own office as to what they discover during the day?

Mr. TOWNER. I think they will have no office.

Mr. MANN. Undoubtedly they will have an office provided by the District Commissioners, and will file a blank of that which they discover.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. There is nothing in this bill to imply that they will have either an office or keep records at all.

Mr. BOOHER. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. BOOHER] is recognized.

Mr. BOOHER. Mr. Chairman, I agree in part with what the gentleman from Iowa [Mr. TOWNER] says. I can not agree with him that these inspectors will not have an office. They will have an office, and have stenographers and clerks, and some of them will have private secretaries. They will keep a record of everything they do, and it is right that they should keep a record. A record will be found in their office, as the gentleman from Illinois [Mr. MANN] says. They will have blanks printed. They will go out and inspect the establishments and come in and fill the blanks in accordance with the conditions that exist. Why transfer a copy of it to another office? You are duplicating this record all the time. When they find a violation of law they will report the violation to the corporation counsel. He has a record then of the violation, and it will also be a record in their office.

Mr. MANN. Can the gentleman conceive from the reading of the report that they have got to take these to the commissioners and hand them to them?

Mr. BOOHER. They have got to file their reports in the office of the commissioners, as I understand it.

Mr. MANN. I should say not. In form it is, at least, to the commissioners, but filed in their own office.

Mr. BOOHER. Then it ought not to be in here. They will have an office, and it ought to be filed in their own office and kept there.

Mr. MANN. The District Commissioners are the ones that it is provided they should report to in the District of Columbia; but that does not imply that the commissioners see these reports or that they are handed to the commissioners.

Mr. BOOHER. They are filed in the office.

Mr. MANN. In the office of the inspector who makes the report.

Mr. BOOHER. This compels them to be filed in the office of the District Commissioners.

Mr. MANN. It provides for a daily report to the commissioners.

Mr. STAFFORD. If the gentleman will permit, this provision is merely duplicating what every good mercantile establishment requires of their outside sales agents, namely, to report the establishments they have called on during the day. That is a question of accounting for their services, on a formal blank, stating the places they have visited, and these reports made daily, in a week or a month will be handed over to the commissioners, and properly so, because the commissioners are these inspectors' employers.

Mr. BOOHER. Why hand them over to the commissioners if they are never going to look at them?

Mr. STAFFORD. The commissioners are the heads of this municipality, and they are the proper persons to whom they should report.

Mr. BOOHER. I sincerely hope, Mr. Chairman, that the amendment offered by the gentleman from Iowa will prevail, anyhow.

Mr. PETERS of Massachusetts. Mr. Chairman, it is very unfortunate at this time to place any amendment whatever on this bill. An amendment means that the bill would go back into

conference, and that its passage will be seriously impaired, or that it will be entirely defeated.

Now, the matter of these reports having been brought up, the last few sections of the bill dealing with the appointment and reports of the inspectors is taken, word for word, from the child-labor law of the District of Columbia. These reports are to be similar to the reports that the inspectors appointed under the child-labor law are required to make and are making to-day. These sections were drawn for the purpose of making reports in identically the same manner and by the same methods relative to the employment of women under this bill as they are made with reference to the employment of children under the child-labor law, and it follows out the provisions of the child-labor law passed a few Congresses ago.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. PETERS of Massachusetts. Certainly.

Mr. TOWNER. Is it a provision of the child-labor law that the inspectors under the child-labor law shall make daily reports to the Commissioners of the District of Columbia?

Mr. PETERS of Massachusetts. Sections 8 and 9 are taken, word for word, from the child-labor law.

Mr. TOWNER. Are the inspectors required to make daily reports to the commissioners?

Mr. PETERS of Massachusetts. Those sections are taken, word for word, as I understand it, from the child-labor law, and I understand that the inspectors under that law make daily reports.

Mr. MANN. Mr. Chairman——

Mr. O'LEARY. Mr. Chairman, unless the gentleman from Illinois [Mr. MANN] has something to suggest, I was going to ask that all debate close on this paragraph.

Mr. MANN. I shall want only two or three minutes. After I have concluded the gentleman can make that request.

Mr. O'LEARY. Mr. Chairman, I ask unanimous consent that debate on this paragraph close in three minutes.

The CHAIRMAN. The gentleman from New York [Mr. O'LEARY] asks unanimous consent that debate on this paragraph close in three minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Chairman, all I wanted to ask about was in regard to a provision in section 5. I wanted to ask the gentleman from Massachusetts [Mr. PETERS] whether it is an offense when a person makes a false statement to the official in question. Is that intended to cover an oral reply? I should think the language would imply that. Does this make an offense of a conversation?

Mr. PETERS of Massachusetts. This is copied from the Illinois act of 1911. It is, word for word, copied from that law.

Mr. MANN. If such a law was passed by the Legislature of Illinois, then it is certainly a rotten piece of legislation—to make a conversation an offense.

Mr. PETERS of Massachusetts. New York and New Jersey have similar laws.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Chair would state that there is one minute remaining.

Mr. BURKE of Pennsylvania. Mr. Chairman, is this amendment disposed of?

Mr. O'LEARY. Not yet.

The CHAIRMAN. The Chair would state that the gentleman from Iowa [Mr. TOWNER] really proposed three amendments, and the vote should be taken on each separately.

Mr. TOWNER. Without objection, Mr. Chairman, I ask that they be voted on together, in order to save time.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that the three amendments moved by him be voted on together. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments offered by the gentleman from Iowa [Mr. TOWNER].

Mr. BOOHER. Are we voting on them all together?

The CHAIRMAN. Yes; on all three amendments together. The question is on agreeing to the amendments.

The question was taken, and the amendments were rejected.

Mr. BURKE of Pennsylvania. Mr. Chairman, I presume that all debate has closed?

The CHAIRMAN. One minute remains.

Mr. BURKE of Pennsylvania. The last section has been read, as I understand it?

The CHAIRMAN. No. The last section has not been read. The Clerk will read.

The Clerk read as follows:

SEC. 9. That any person who violates or does not comply with any of the provisions of this act shall upon conviction be punished for a first offense by a fine of not less than $20 nor more than $50; for a second offense by a fine of not less than $50 nor more than $200; for a third offense by a fine of not less than $250.

Mr. BURKE of Pennsylvania. Now, Mr. Chairman, I move to strike out the figures "250," and for this purpose to call the attention of the gentleman in charge of the bill to the word "chapter" in section 7, line 11. There the word "chapter" is used instead of the word "act."

The importance of that, in my mind, lies in this: That the effectiveness of this act depends upon the power of these inspectors to enter upon these various premises. If they have no power to invade the premises against the wishes of the proprietors and managers, then this act amounts to very little, so far as those particular authorities are concerned.

Now, you confine the right of the inspector to entering the premises wholly to his suspicion with reference to the labor that is affected by this chapter. There is no labor described in this chapter, and your provision really would be a dead letter.

I would suggest to the gentleman in charge of the bill that he refer back to that, and move to strike out the word "chapter" and insert in lieu of it the word "act."

The CHAIRMAN. Does the gentleman ask unanimous consent?

Mr. BURKE of Pennsylvania. Yes. I will ask unanimous consent to return to that.

Mr. O'LEARY. Mr. Chairman, I ask unanimous consent to return to line 11, section 7.

The CHAIRMAN. The gentleman from New York [Mr. O'LEARY] asks unanimous consent to return to line 11, section 7, for the purpose of offering an amendment.

Mr. O'LEARY. Yes; for the purpose of offering an amendment as suggested by the gentleman from Pennsylvania, which the committee will accept.

Mr. BOOHER. Mr. Chairman, reserving the right to object, that is a dangerous thing to do. This is a Senate bill, and you must not amend it. It is holy. [Laughter.] It will go into conference if you amend it, and if it goes into conference it may never get out. I hope the gentleman from Pennsylvania will withdraw his objections to this bill and let it go.

Mr. BURKE of Pennsylvania. I have no objection to the bill.

Mr. BOOHER. We have been told time and time again not to make any amendment to this bill, because otherwise it would go into conference, and the conference would prove to be its failure. Let us do nothing of that kind. Let us keep our unholy hands off this act [laughter] and let it be passed, good, bad, or indifferent. In view of that situation, Mr. Chairman, I object.

The CHAIRMAN. The gentleman objects.

Mr. TOWNER. I desire to reserve the right of objecting for the purpose of saying to the gentleman who is in charge of the bill that this use of the word "chapter," while unfortunate, will not in any way tend to involve the bill in the slightest degree, as my friend from Pennsylvania [Mr. BURKE] well knows, and I am quite sure that he would not desire that so slight a verbal change should be made at this time if it will result in sending the bill back to the Senate.

Mr. BURKE of Pennsylvania. If the gentleman will yield, I do not contend that it would invalidate the bill; but I do contend that all the rights of the inspectors being based upon the power given them in that particular chapter, there is no reference whatever to any labor in that chapter 7, and if there is no reference to any labor being performed, they would have no right to enter, because there can not be any labor performed on those premises, because there is no reference to any labor in chapter 7.

Mr. TOWNER. The gentleman will remember that the courts will interpret these matters in order to carry out and effectuate the intention and purpose of the law, and the intent and purpose of this bill is so clearly expressed that I do not think the use of the word "chapter" there will be at all dangerous.

Mr. MANN. Mr. Chairman, reserving the right to object, may I interject this remark? The gentleman talks about sending the bill back to the Senate, and so forth. This bill will go back to the Senate as soon as it is passed, whether there is any amendment to it or not. It will be messaged back to the Senate.

Mr. MANAHAN. Reserving the right to object, I call attention to the fact that all the acts as they are printed in the Revised Statutes are marked "chapter," and it does not seem to me that any court would construe this act in the way suggested by the maker of this request.

The CHAIRMAN. Is there objection.

Mr. BOOHER. Mr. Chairman, I do not think I will object.

Mr. COOPER. I object, Mr. Chairman.

Mr. THOMSON of Illinois. I move to strike out the last two words. I do so for the purpose of asking the gentleman in charge of the bill what would happen, under the terms of the bill, to one who commits an offense for the fourth time?

Mr. O'LEARY. As far as I can see, he would be punished as for a third offense.

Mr. THOMSON of Illinois. I take it that under the language of the bill, after a man has violated the provisions of the law three times, and has paid his fine, he can then proceed to violate it as often as he likes.

Mr. O'LEARY. I would not advise the gentleman to enter into business in the city of Washington with that idea in mind.

Mr. THOMSON of Illinois. Mr. Chairman, I think, notwithstanding the admonition of the gentleman from New York, I would be fairly safe if I did. The section provides that for a first offense there shall be a fine of not less than $20 or more than $50, for a second offense a fine of not less than $50 or more than $200, and for a third offense a fine of not less than $250. It seems to me that the bill provides for three specific offenses and then stops, and practically says that thereafter the law may be violated with impunity.

Mr. COOPER. What is the maximum penalty for the third offense? It says not less than $250, but what is the maximum?

Mr. THOMSON of Illinois. Such an amount as the court may consider reasonable under the circumstances.

Mr. COOPER. Has the gentleman ever heard of a statute leaving it to the discretion of the court to fine a man any amount that he pleases?

Mr. MANN. Our criminal code does it all through.

Mr. COOPER. I never noticed it.

Mr. THOMSON of Illinois. It would be limited by the jurisdiction of the court, anyhow.

Mr. COOPER. The maximum above which a court could not go in imposing a fine in a criminal case always is fixed by statute. The suggestion made during the debate that our present criminal code does not fix the maximum possible fine but leaves it to the court to fine a defendant as much as he pleases is an entirely mistaken one. The fact is that as to each offense the criminal code provides in so many words that the court may impose a fine of not more than a certain amount which is specifically named. The minimum is in his discretion, but not the maximum.

Mr. THOMSON of Illinois. Mr. Chairman, I ask to withdraw the pro forma amendment and to insert after the word "third" and before the word "offense" the words "or any further."

The CHAIRMAN. If there be no objection, the gentleman will be allowed to withdraw the pro forma amendment. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 5, line 7, after the word "third," insert the words "or any further."

Mr. MANN. Mr. Chairman, I hope that amendment may be agreed to. I do not know who really drew this bill. I am very sure that my distinguished friend from Massachusetts [Mr. PETERS], who first introduced it, could not have drawn the bill entirely, because there are so many crudities in it. I presume some distinguished gentleman from outside, who never had any experience whatever in the preparation of bills in Congress, drew this. The gentleman from Pennsylvania [Mr. BURKE] called attention a moment ago to the use of the word "chapter" instead of "act." There are many other things in this bill which are not wholly satisfactory. There is no limit as to the hours of labor, except theoretically. A woman can commence at 5 o'clock in the morning and be working at 10 o'clock at night under this bill, and nothing to prevent it. We will have bills after awhile that may perfect these imperfections; but it having been established that the bill is sacred because some unknown drew it, and because it is backed up by some very good women, whose hearts are in the right place but whose judgment of legislation is not perfect, there is nothing we can do, I think, but pass it and take the chances on the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. THOMSON].

The question was taken; and on a division (demanded by Mr. THOMSON of Illinois) there were—ayes 28, noes 43.

Accordingly the amendment was rejected.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANAHAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'LEARY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1294) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia, and had directed him to report the same to the House, with the recommendation that it do pass.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. O'LEARY, a motion to reconsider the last vote was laid on the table.

COMMISSION OF PHYTOPATHOLOGY.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 110, authorizing the President to appoint a delegate to a commission which meets in Rome upon the suggestion of the French Government to study the diseases of plants.

Mr. CARTER. Reserving the right to object, I should like to ask the gentleman how long this will probably take.

Mr. FLOOD of Virginia. It should not take more than a minute.

Mr. MANN. It will take about a minute. It does not require unanimous consent. The gentleman can call it up.

Mr. FLOOD of Virginia. I call up the joint resolution, Mr. Speaker.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read Senate joint resolution 110, authorizing the President to accept an invitation to participate in an international commission of phytopathology, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to accept an invitation extended by the Republic of France to the Government of the United States to be represented by delegates in an International Commission on Phytopathology, to be held in Rome, Italy, February 24, 1914: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said commission.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. CARTER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The SPEAKER. The gentleman from Oklahoma moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. CARTER. Mr. Chairman, I yield one hour to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, the distinguished gentleman from Illinois [Mr. MANN], in a speech which appears in the CONGRESSIONAL RECORD of December 18, 1913, at pages 1169 and 1170, respectively, and certain other remnants of the shattered Republican Party who remain to echo what their distinguished leader says, have begun, both in and out of Congress, to make their usual attacks upon the Democratic legislation enacted for the people. Certain standpat and reactionary newspapers of the country have begun to utter their weird and denunciatory

prophecies regarding the work of the Democratic Party since they were restored to power. They have begun to challenge the good faith of the Democratic President and the legislation already enacted and the Democratic program yet to be carried out. If the conditions in the country were ordinary and if the legislation already enacted could have before the next election sufficient time to be tested, I would not trespass upon the time of the House to make reference to these charges. However, the statements made by them are not without purpose, but are pursuant to a well-laid plan to instill doubt, fear, and disaster in the minds of our business men and the people of this country, when in truth and in fact there is nothing wrong or to be alarmed about.

To arrive at a just conclusion, and in order that we may make an intelligent prophecy as to what effect on the country the legislation the Democrats have passed will have, what method could be so wholesome as to examine one by one the bills passed and the votes had upon them? We can then better observe whether or not the legislation is tinged with playing politics, broken faith, broken promises, or of blasted rights. Again, what more wholesome method could be adopted than to observe if the bills passed first by a Democratic House and later by a Democratic Congress are not in strict accord with the party's pledges to the people on the stump; second, in strict accord with their platform pledges; third, in strict accord with the earnest wishes, hopes, and desires of the great bulk of the American people; and, fourth, their best interests as well. Let us again observe and see if the legislation and bills we have passed are bills that should be scoffed at and smothered by the Republican Party, and if they are bills that will in any manner disturb progress, true advancement, true accomplishment, true success, and the ultimate aggrandizement of the Republic itself.

On these propositions the Democratic Party joins issue with the remnant of the Republican Party and asserts that our bills are good bills and that the Democratic Party has kept well the everlasting faith.

In dealing with the accomplishment of our party since its return to power I shall first deal with the activities of the Democratic House when it came into power during the Sixty-second Congress, when the Senate and the Presidency were controlled by the Republican Party. I shall seek to stand side by side and compare, if you please, the votes and activities of the two national parties and try, if we may, to ascertain who was keeping the faith and who was faltering, halting, and trampling upon the people's rights.

ELECTION OF SENATORS BY DIRECT VOTE.

House joint resolution No. 39, providing for election of Senators by direct vote, passed the Democratic House on April 13, 1911. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 243.) The vote stood 295 for, 17 against. Sixteen of the seventeen votes against the bill were cast by Republicans; I pause to express a regret that one Democrat failed to keep the faith.

It will be observed that the passage of this resolution on April 13 was one month and nine days after the Democrats came into power and was nine days subsequent to the convening of Congress in extraordinary session. The promptness with which the Democratic Party acted on a matter of such supreme importance to the people is simply significant of the fact that the Democratic Party is willing to do in office what it agreed to do while trying to secure office. The passage of this resolution in office was simply permitting the people to do well for themselves what had theretofore too often been poorly done for them by the too often inferior legislatures of the country. It was simply permitting the people to do well and openly and aboveboard for themselves what legislatures had too often been doing poorly, dishonestly, and clandestinely for them.

This legislation has been an issue in every campaign since my early childhood; yet, while the Republican Party was in full control of both branches of Congress and the White House for 16 years, they had each time promised the people this legislation on the stump while securing votes, but each time broke their pledges and turned the people away while in power.

Can the passage of this resolution by the Democratic House in 1911, and later passed by the Senate, approved by the States, and now the law be our undoing? Can this be the rock on which we must shipwreck and strand? Can this be one parcel of legislation that would disturb business or the country or its progress? Does legislation of this sort blast the progress and hope for advancement of this Republic? Can this be the legislation to which the gentleman from Illinois [Mr. MANN], the leader of his party, refers? If this legislation is so unworthy, why was it that only 16 Republicans could be induced to vote against it? Is it possible that from a membership of 391 Members only 17 patriots could be found who would vote against the election of Senators by popular vote? No; this can not be the bill to which the genial gentleman from Illinois refers. No; this can not be the legislation that will be our undoing. No; this legislation is the legislation promised by our party and delivered by it while in office; it is the legislation long sought at the hands of the Republican Party by the people, who have been grieved because they found it not. I feel that we can rest our cause with the people, so far as this one piece of legislation is concerned, and await their verdict. Let me pause to reiterate that this is not legislation promised but is legislation already enacted and delivered. Election of United States Senators by the votes of the sovereign people is now the law of the land.

PUBLICITY OF CAMPAIGN EXPENSES, SO THE PEOPLE MAY KNOW.

On the 14th day of April, 1911 (see CONGRESSIONAL RECORD, 62d Cong., 1st sess., p. 268; 307 voted for this bill; no one voted "no"; absent and not voting, 82), the Democratic House, just 10 days subsequent to the convening of the first session of Congress after the Democrats were restored to power in the lower branch of Congress, passed by a unanimous vote a bill providing that in the future the American people might know who paid the expenses and who received the money for the election of their Congressmen and Senators.

PRESIDENTIAL PUBLICITY.

Later, on the 20th day of April, 1912, the Democratic House passed again without a roll call or division a bill requiring candidates for the Presidency to make known the names of their contributors and to file a full and complete itemized statement thereof. (See CONGRESSIONAL RECORD, 62d Cong., 2d sess., p. 5061.) These companion bills make it possible for the American people to know who furnished the money to control election; this lets them know who will control their Congressman after his election. These companion bills again take the people into their confidence.

Again, the Democratic Party is doing in office during the first year of its restoration to power what it promised to do while securing office. Again, the party was rendering substantial service to the people, which the Republican Party had steadfastly refused to do, although in full control of the Government for 16 long, weary years.

Can the passage of such bills, inaugurated by the Democratic House, which later became the law and are now on the statute books, enacted pursuant to a valid pledge, be playing politics? Can such bills that apply to every Democrat and every Republican Congressman here be denominated political bills and the playing of politics? Are these some of the bills that our opponents on the other side of the aisle are telling the country are poorly digested, are unworthy, untried, and phantomlike? No; in the last analysis their charges can not be true, for why should the people not know precisely what we do while trying to secure office and how we secure it? Has the time come when the party which is willing to have the X ray of publicity thrown on its every act to be characterized as demagogues, socialistic, and unworthy? Is this a bill that any Democrat is ashamed of, when no one of the 391 Members dared to vote against it? No; it is not possible that every Republican and every Democrat in the House would vote for a bill that was totally without merit; no, it is not possible that a bill with such a wholesome purpose, so strongly in the interest of the people who send us out here, can blast our party, either now or in the future, nor can it interfere with the country or its advancement and welfare. I pause to ask where is that Member of the present House who will print in language plain and unequivocable his opposition to the bill?

FARMERS' FREE-LIST BILL.

This bill passed the House on the 8th day of May, 1911, by a majority of 127. Democrats voting for, 209, and no Democrat against; Republicans for, 27, and 109 against; not voting, 37. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 1121.) This bill later passed the Senate; was vetoed by your then Republican President, William Howard Taft, on the 18th day of August 1911. This bill passed the Democratic House a second time during the Sixty-second Congress; was passed a third time during the first session of the Sixty-third Congress as part of the tariff bill which was approved October 3, 1913, by President Wilson, and is now a law. [Applause.] This bill places on the free list every tool the farmer uses, from a garden hoe to the threshing machine. This bill removes the burdensome tariff taxes from the lumber with which American homes are built; this bill removes the burdensome taxes from the boots and shoes we wear on our feet; this bill removes the tariff taxes from all wagons, buggies, vehicles, and implements used by the farmer, so that he may purchase in an honest market in open competition, free from tariff, free from the special interests hiding behind tariff walls, the implements he must neces-

sarily have to carry on his industry. This bill is openly admitted to be a blow at the Harvester Trust, giving the farmer an equal chance and advantage and justice to every producer who feeds the world. Can the passage of this bill render us unworthy? With the increased cost of living and the manifest clamor for the bright lights and the crowded city, can such relief to the American farmer blast, ruin, and destroy the confidence of the American people in the party that was responsible for this legislation? Is this emphatic, well-directed stroke at the American Harvester Trust, the most vicious of them all, to be our complete undoing? Is this the bill that the shattered remnants of the Republican Party complain of, cry out against, and denounce? Who is there here, when he comes to the parting of the ways, where one vote leads to the interest of the American producer and the other vote leads to the interest of the Harvester Trust, can long doubt which is the proper course to pursue? Can the Republican Party, shattered and torn though it may be, longer bolster up the fallacies that have been its undoing? Can they longer cry out against such legislation and expect to inspire confidence for themselves or their party? It will be remembered that President Taft, on the 18th day of August, 1911, vetoed the free-list bill. It will also be remembered, for it is still fresh in the minds of all of us, that he was cartooned, harpooned, stoned, and destroyed politically from one end of this country to the other. It will be remembered that he was then receiving the advice of the distinguished gentleman from Illinois [Mr. MANN] and the then ex-Speaker Cannon, for whom the gentleman from Illinois has long served as an understudy. It will still be remembered what an almost pitiable plight that veto brought to him. It will be remembered that as a result of that veto and others like it he and his party crumbled to pieces and fell like weeds before the sickle. What is there left of the Republican Party that can longer cling to the fallacies of old? Who is there here, on either side of the Chamber, who could be expected to listen to the advice or prophecies of those so recently discredited, scorned, and shorn of power?

STATEHOOD FOR NEW MEXICO AND ARIZONA.

It will be remembered that the bill admitting fair Arizona and New Mexico into the Union passed the Democratic House May 23, 1911. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 1529.) It will be remembered that during the long appeal that those two bright, new Territories had made to the Republican Party each Congress had heard them and had turned them away. I am proud the Democratic Party has to its credit the admission of these two bright, new States into the Union. It had long been the duty of the Republican Party to admit them. Who is there to-day who is ashamed of fair Arizona and New Mexico; who is there to-day who is not proud of them as new States; and who is there to-day who is not proud of their membership in both branches of this Congress? Can the admission of these two new States, either now or in the future, bring any blight upon the accomplishment of the Democratic Party? Can the admission of these fair, new States retard the onward march of progress in this Republic? Was there anything connected with the passage of this bill admitting these new States that would warrant the Republican Party in challenging our good faith or our desire to render faithful and patriotic service to the people? What cloud could the admission of these States into the Union bring upon the otherwise prosperous conditions enjoyed in the Republic? No; charges of this sort must fall. It was the solemn duty of Congress to admit these States; their population was sufficient, and under such favorable conditions it was the solemn duty of Congress to admit them. Who is there here now who will rise in his place and say they were admitted too soon, and who is there now who will condemn the Democratic Party for doing this patriotic service?

INCOME TAX.

The income-tax bill passed as a separate measure through the Democratic House on March 19, 1912, by a majority of 213. Democrats voting for the income tax, 178; Democrats voting against the income-tax bill, none. Republicans for the income-tax bill, 75; Republicans against the income-tax bill, 40; present, 6; not voting, 97. (See CONGRESSIONAL RECORD, 2d sess. 62d Cong., p. 3637.) This bill was later vetoed by President Taft. It again passed and became law as a part of the tariff act of October 3, 1913, and is now the law of the land.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MURRAY of Oklahoma. That is when we tore the mask from the face of the Republican Party, was it not?

Mr. MANN. No; that is where you followed the Republican Party that put the constitutional amendment through.

Mr. FERRIS. Oh, not at all; it was the Democrats that put it through. They begun it with resolution No. 39. They also ended it. It is now the law of the land.

Mr. FERRIS. This bill merely subjects the incomes of the rich to taxes, so that they will bear the expenses of government in proportion to the benefits derived from the Government. It is to-day, and has always been, a large component part of the expenses of the Government to protect the millions of the rich, and surely each citizen should contribute to his protection and the protection of his property in proportion to the benefits he enjoys. Can the passage of legislation of this sort by the Democratic Party during the first year of its return to power be treason that will bring about our undoing? Can the passage of this bill, which has been one of the first hopes of the Republic, be the rock on which we must strand and flounder? Can this be the bill that will amount to the complete displacement of the Democratic Party in the confidence and respect of the people? Is this the legislation that has in the past or will in the future make the task of the humble more difficult or unjust? Can the enactment of such legislation as this be an indicia of bad faith, broken promises, or blasted hopes? Is this in any sense tampering with the people's confidence and esteem? No; I do not believe the American people will accept your decree. I do not believe the American people will believe you or receive you; but, on the contrary, I think they will spurn you and scorn you and will withhold from you the power that you frittered away.

I assert that the Democratic Party from the day it was returned to power on March 4, 1911, down to this good day has kept the everlasting faith. Again, I assert that it will keep the faith while intrusted with the people's problems.

THE COTTON SCHEDULE.

The bill reducing the tariff on cotton cloth and cotton fabrics passed the Democratic House on the 3d day of August, 1911—yeas 202, nays 90, present 7, not voting 88; Democrats for the bill, 172; Democrats against the bill, none; Republicans for the bill, 30; Republicans against the bill, 90. The bill passed by a majority of 112. [Applause.] This bill was vetoed by President Taft on the 22d day of August, 1911. (See CONGRESSIONAL RECORD of Aug. 3, 1911, 1st sess. 62d Cong., p. 3584.)

Taft vetoed 30 bills during his four-year term, which are as follows:

THIRD SESSION, SIXTY-FIRST CONGRESS, VETOES.

H. R. 5015. A bill for relief of Clarence Frederick Chapman. (Page 1209, RECORD, Jan. 20, 1911.)

H. R. 25569. A bill to issue land patents to Margaret Padgett. (Page 2483, RECORD, Feb. 25, 1911.)

H. R. 30969. A bill for relief of William Parter White. (H. Doc. 1419; p. 4333, RECORD, Mar. 4, 1911.)

S. 10172. A bill for relief of Ten Eyck De Witt Veeder. (S. Doc. 865; p. 4290, RECORD, Mar. 4, 1911.)

S. J. Res. 94. Joint resolution to reinstate certain cadets dismissed for hazing at Military Academy. (S. Doc. 918; p. 2473, RECORD, Feb. 14, 1911.)

SECOND SESSION, SIXTY-FIRST CONGRESS, VETOES.

S. 1751. A bill to amend act creating Mesa Verde National Park. (S. Doc. 515; p. 5483, RECORD, Apr. 28, 1910.)

S. 4671. A bill to amend military record of Aaron Cornish. (S. Doc. 464; p. 3848, RECORD, Mar. 28, 1910.)

S. 5752. A bill to correct military record of Charles J. Smith. (S. Doc. 472; p. 4207, RECORD, Apr. 4, 1910.)

FIRST SESSION, SIXTY-SECOND CONGRESS, VETOES.

H. J. Res. 14. Joint resolution to admit Arizona and New Mexico as States. (H. Doc. 106; p. 3964, RECORD, Aug. 15, 1911.)

H. R. 11019. A bill to reduce duties on wool and manufactures of wool. (Page 4103, RECORD, Aug. 17, 1911.)

H. R. 4413. A bill to repeal duties on agricultural implements and other articles. (S. Doc. 102; p. 4171, RECORD, Aug. 18, 1911.)

H. R. 12812. A bill to reduce duties on manufacture of cotton. (S. Doc. 108; p. 4393, RECORD, Aug. 22, 1911.)

SECOND SESSION, SIXTY-SECOND CONGRESS, VETOES.

H. R. 8853. A bill for relief of John L. Baird. (H. Doc. 574; p. 2528, RECORD, Feb. 27, 1912.)

S. 4862. A bill to investigate and settle certain accounts growing out of construction of Carbet Tunnel in Wyoming. (S. Doc. 878; p. 9230, RECORD, July 18, 1912.)

H. R. 9845. A bill authorizing sale of burnt timber on public lands. (H. Doc. 656; p. 4067, RECORD, Mar. 29, 1912.)

H. R. 18642. A bill to revise duties on iron and steel. (H. Doc. 908; p. 10931, RECORD, Aug. 14, 1912.)

H. R. 18956. A bill making appropriation for the Army. (H. Doc. 835; p. 8282, RECORD, June 17, 1912.)

H. R. 20347. A bill to allow Dixie Power Co. to dam White River. (H. Doc. 899; p. 10318, RECORD, Aug. 6, 1912.)

H. R. 21195. A bill to reduce duties on wool. (H. Doc. 903; p. 10603, RECORD, Aug. 9, 1912.)

H. R. 24023. A bill making annual appropriation for legislative, executive, and judicial expenses. (H. Doc. 910; p. 11025, RECORD, Aug. 15, 1912.)

H. R. 26321. A bill making annual appropriation for legislative, executive, and judicial expenses. (H. Doc. 910; p. 11472, RECORD, Aug. 21, 1912.)

S. 67. A bill for relief of Joseph Herring. (S. Doc. 950; p. 11866, RECORD, Aug. 26, 1912.)

S. 4948. A bill relating to inherited estates in the Five Civilized Tribes in Oklahoma. (S. Doc. 899; p. 10261, RECORD, Aug. 6, 1912.)
S. 7343. A bill authorizing construction of dam across Coosa River, Ala. (S. Doc. 949; p. 11796, RECORD, Aug. 24, 1912.)
H. J. Res. 178. Joint resolution to create commission to investigate relative to establishment of permanent military camp grounds at Anniston, Ala. (H. Doc. 657; p. 4067, RECORD, Mar. 20, 1912.)

THIRD SESSION, SIXTY-SECOND CONGRESS, VETOES.

S. 2600. A bill to prevent public exhibitions of obscene pictures. (S. Doc. 1066; p. 2897, RECORD, Feb. 10, 1913.)
S. 3175. A bill to regulate immigration. (S. Doc. 1087; p. 3156, RECORD, Feb. 14, 1913.)
S. 4043. A bill to divest intoxicating liquors of their interstate commerce character in certain cases. (Page 4291, RECORD, Feb. 28, 1913.)
H. R. 28775. A bill making annual appropriation for sundry civil expenses. (H. Doc. 1451; p. 4838, RECORD, Mar. 4, 1913.)
H. J. Res. 210. Joint resolution authorizing President to appoint a member of New Jersey and New York Joint Harbor Line Commission. (H. Doc. 1339; p. 2553, RECORD, Feb. 4, 1913.)

Such a vast number of vetoes within a single presidential term signified a total disregard of the legislative branch of Congress, indicated strongly a wanton desire to ignore the wishes of the people, which resulted in his undoing from one end of the country to the other. His vetoes and his reactionary tendencies, bolstered up by the then discredited leaders of the Republican Party, will go down in history as the rock on which the Republican Party stranded and sunk. Let the vetoes and the total disregard and the rebuke administered to him by the American people in the election of 1912 be a word of warning to his successors of all political parties in the future. The rebuke was complete, his political future blasted, his party swept from power and left disgruntled, demoralized, disorganized, and alone.

Why did President Taft veto all these bills, enacted by large majorities in each case, when they were so universally desired by the people of this country? Why should his party leaders and advisers cause him to turn his back upon those who had given him power? How could he be justified in taking a stand on a matter so vital to the American people as to strip the legislative branch of its power and its very mission of service under the Federal Constitution? Had it been a bill that was of doubtful propriety from a constitutional standpoint, or one where the equities even partially balanced, it might be better understood, but for him to look on the one side and see America's poor asking for better cotton clothes, cotton bedding, and asking to be better clothed for less money, and on the other side the Cotton Trust asking to be let alone was inconceivable, unfathomable, and almost treason to any proper conception of justice. The only solution that could be advanced by those outside of his confidence would be that he was listening to the siren song and the advice of those who believe to do justice would bring panic and to do equity would be disastrous. Another solution might be advanced, and that is that the gentleman from Illinois [Mr. MANN] and the various understudies of his party had been making speeches behind closed doors similar to those made in a speech recently by the gentleman from Illinois [Mr. MANN], in the CONGRESSIONAL RECORD of December 18, 1913, heretofore referred to. The veto was abused more in the last two years of Taft's administration than could have been dreamed of in a Republic like ours, operating under a Constitution made for the benefit of all the people. It made us all shudder then to see the Chief Executive strip Congress totally of its allotted task under the Constitution. Our Republic has been pointed to as one that should blaze the way for all the rest, but Taft's veto robbed us of much of that halo of glory we have heretofore been able to claim. A king in a kingdom would have been more cautious than he; a king in a kingdom would have fared worse even than he. A king in a kingdom would have suffered violence to his person, while a Taft in a Taftdom suffered violence in political retirement from office, in disintegration of party, and a complete transformation of the political alignment of this country. [Applause.]

CHEMICAL BILL, IN THE INTEREST OF THE AFFLICTED, VETOED BY TAFT.

This schedule went to the President the first time as an amendment to the cotton schedule and was vetoed. The Democratic House passed it a second time, on the 21st day of February, 1912. Democrats for the bill, 177. No Democrat voted "no." Republicans for the bill, 2. Republicans against the bill, 127; answering "present," 11; not voting, 77. (See CONGRESSIONAL RECORD of Feb. 21, 1912, 62d Cong., 2d sess., p. 2294.)

Can it be possible that there yet remains sufficient of the dying embers of the stand-pat Republican Party who are willing to castigate and criticize the Democratic House for trying to strip the Drug Trust of their power to extort inhuman prices from the afflicted of this country? Will it not require more than bald charges of infidelity on the part of the progressive Democratic administration to secure from the people a verdict of unfaithfulness for the passage of this act? Can the fast-vanishing Republican Party longer cling to their benighted faith that it was right for President Taft to veto such a bill?

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I will.

Mr. BRYAN. The gentleman used the words "fast vanishing." Would he object to using the word "vanished"? It would suit the progressives better.

Mr. FERRIS. I think I have used fairly comprehensive language with reference to them.

Mr. GREEN of Iowa. Mr. Chairman, does the gentleman from Washington use the word "vanished" with reference to the Progressive Party?

Mr. BRYAN. Oh, no; the Republican Party.

Mr. FERRIS. The Democrats will vanish both of you when the time comes.

Can anyone wonder, when the Republican Party had even turned its back upon the afflicted of this country, that the voters of this country should have scorned them and turned them away? Is it any wonder that the conditions have changed since the Sixtieth Congress, when I first came to Congress, with reference to the majorities in this House? Can any of you wonder, when you observe that in the Sixtieth Congress the Republicans were in power in the House, with a majority of 57, while in the Sixty-second Congress there was a Democratic majority of 71, and in the Sixty-third Congress a Democratic majority of practically 2 to 1, with a Democratic Senate and a Democratic President? The people delivered their first verdict in the fall of 1910, when the Sixty-second Congress was elected. They delivered their verdict again in the fall of 1912, when you were shorn of power in the White House, in the Senate, and in the House branch of Congress. Still you are defiant; still you are denunciatory; still you are unwilling to do in office for the people what they have long asked for at your hands. What the verdict will be in the fall of 1914 none can tell, but judging the future by the past your ranks will again be thinned until you will be an object of pity rather than one of censure. Can there be no awakening of the smoldering embers of a once powerful though fallen party? Can there be no red blood corpuscles in the party of Lincoln and the sainted McKinley? Must a rebuke be administered to you more fitting and complete than the one received by you at the hands of the people at the election one year ago last November?

THE STEEL SCHEDULE.

This bill first passed and went to the President as an amendment to the cotton bill. It received the President's veto on the 22d day of August, 1911. The Democratic House passed it a second time on January 29, 1912—yeas 212, nays 110, present and not voting 8, absent and not voting 62; majority, 101. Democrats for the bill, 188; Democrats against the bill, 2; Republicans for the bill, 24; Republicans against the bill, 108. (See CONGRESSIONAL RECORD of Jan. 29, 1912, 2d sess., 62d Cong., p. 1502.)

We had, prior to this vote, assumed that a revision of the tariff taxes and a reduction of the same to a marked degree and a curbing of the Steel Trust in general was agreed to by men of all parties. The vote above shows 21 Republicans who kept the faith and 107 who faltered and voted no. The Steel Trust, with all its viciousness, in all its ramifications, is so powerful in the country, is so obnoxious to the country, that it seems inconceivable that the Republican Party would ignore what seemed to be the wishes of every man. So patent and so true is the statement just made that in his testimony before the Ways and Means Committee Andrew Carnegie, the steel king of the world, asserted that there is no longer needed any tariff on steel to protect the American manufacturer, as no other country on earth could compete with us, anyway. In the face of the testimony of such a high authority, in the face of what must be so nearly any agreed statement of facts, what could have induced President Taft to veto such a bill? Shall we conclude from the grumblings, the croakings by a standpat press or a standpat party that if they again had power they would repeal this bill? Is this one of the grounds on which they base their bland prophecy that we are one-termers; that we are not in good faith; that we are playing to the galleries; that we are not keeping the faith. No; we passed this bill and others pursuant to our platform pledges. We promised the people, while securing their vote, that we would pass such a law; it was our solemn contract to perform in office what we agreed to perform while trying to secure office. Here was a bill where the Steel Trust stood on one side with their briefs and high-salaried attorneys clamoring for a retention of the rates in the Payne law and fighting revision. They then prophesied, as you now prophesy, that such legislation would bring

ruin and disaster to the country. President Taft and your party took up their cudgel and their fight. We, on the contrary, of the Democratic faith, took up the people's cause and their fight and passed the bill. Both parties went to the country and asked approval of their work. The people approved the work of the Democratic Party. The people banished you from power and rejected your work; and they not only banished your party from power, but they banished it from its very existence itself. It lives in tradition; it is a remnant of history. There is nothing left of it to build to, to bolster up. It may well be termed the vanishing party that lives in its history of long ago; that can point to nothing of immediate accomplishment that will recommend it to modern conditions.

FREE SUGAR FOR EVERY BREAKFAST TABLE.

The free-sugar bill passed the Democratic House on the 15th day of March, 1912, by a majority of 95 votes. (See CONGRESSIONAL RECORD, 2d sess., 62d Cong., Mar. 15, 1912, p. 3457.) Yeas 199, nays 104, answering "present" 5, not voting 86. Democrats voting for the bill, 175; Democrats against the bill, 7. Republicans for, 24; against, 97. This bill is a curbing to the Sugar Trust and a benefit to the American people who need cheaper food, and has since become a law as a part of the tariff act of October 3, 1913. The people have long been held in the firm grasp of the Sugar Trust. Surely the Democratic House did right in liberating the people from their unjust grasp; surely the Democratic House was not playing politics in passing this legislation, but, on the contrary, were helping every American citizen throughout every State in the Union. Here the equation stood out in bold-faced type in the American Congress: "Which shall you choose, the Sugar Trust on one hand, cheaper food for the American people on the other?" You of the Republican faith chose the Sugar Trust's fight, and we of the Democratic faith chose the people's fight and voted for the reduction. The verdict of the people was rendered last November. We assert it was a just verdict; you probably assert it was an unjust verdict; but in either event, how divergent our contentions may be, it was the last word on the subject. It was a court from whence no appeal can be granted. It at least discloses that both have sought the people's confidence; that we of the Democratic faith have found it and that you of the Republican faith have lost it, and the case is summarily closed.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. MORGAN of Oklahoma. I do not wish to interrupt my colleague who is making, I am sure, a splendid speech.

Mr. FERRIS. I agree to that. [Laughter.]

Mr. MORGAN of Oklahoma. The gentleman is discussing the tariff, and has got to the sugar question, which his party said would provide cheaper food for the American people. I would like to know whether or not the gentleman is in favor of all the provisions of the Underwood tariff bill, especially those that relate to placing farm products generally on the free list.

Mr. FERRIS. I voted for the Underwood tariff bill, and I think it is the best tariff bill that was ever passed. How did the gentleman vote on free sugar?

Mr. MORGAN of Oklahoma. I think I voted both ways. [Laughter.]

Mr. FERRIS. Which way did he vote the most? [Laughter.]

Mr. MORGAN of Oklahoma. I am opposed to putting sugar on the free list, and that is the way I voted.

Mr. FERRIS. The gentleman is probably one of the 96.

Mr. MORGAN of Oklahoma. Just one more question. Does the gentleman think the farmers of Oklahoma believe in having farm products of South American States come into the United States and compete with their home products?

Mr. FERRIS. I do. I think that our soil is so rich and the climate is so good that nobody can compete with the farmers of Oklahoma. The tariff, as the gentleman knows, is a myth to get the farmer to vote for high tariff on steel and sugar and lumber. How did the gentleman vote on farm implements?

Mr. MORGAN of Oklahoma. I got over onto the Democratic side on that item. [Laughter.]

Mr. FERRIS. Well, the gentleman has got some good left in him, but he did not get over on the Democratic side when we voted on the bill, so he faltered and failed when the people needed him the most. [Laughter and applause.]

GOOD ROADS.

The Democratic House on May 2, 1912, on a separate vote on the Shackleford good-roads amendment, adopted the same by the following vote: Yeas, 240; nays, 86; answered "present," 4; absent and not voting, 61; majority, 154. The Democratic House again passed a similar bill appropriating $25,000,000 from the Federal Treasury for aid to good roads, on a cooperative plan with the States, on February 10, 1914, by a vote of 284 to 42; answered "present," 5; not voting, 101; majority, 242. Party lines were not adhered to on this vote, most of the city Members voting "no," irrespective of party. (See daily RECORD of Feb. 10, 1914, p. 3432.)

Good roads are the property of all of us; all should therefore contribute to their upbuilding. Every civilized country in the world has done something toward the improvement of their highways save and except our own. In our Denver platform of 1908 we promised Federal aid to public highways; in the Baltimore convention of 1912 we solemnly pledged ourselves to Federal aid for the improvement of the public highways. In each case we did precisely in office what we promised to do while trying to secure office. You of the Republican faith have arranged tariff schedules for the manufacturer so that his riches have grown greater than he could have anticipated; you of the Republican faith have subsidized railroads with land grants until they have grown arrogant, powerful, and corpulent with wealth; you of the Republican faith have increased the appropriations for the Army and Navy until the patience of the tax-paying citizenship is almost exhausted. We of the Democratic faith have preferred to give the aid of the Federal Government first to the plain citizen who produces more every year than he himself consumes. We will again go to the country next November with an agreed statement of facts—you on the one side and we on the other. I shall not fear the verdict. I ask you, in the light of the recent past, will you fear yours?

CONVICT-LABOR LEGISLATION FOR AMERICAN LABOR.

On March 4, 1912, we passed our convict-labor bill under suspension of the rules; no roll call was demanded, two-thirds voting in the affirmative on a viva voce vote. (See CONGRESSIONAL RECORD of Mar. 4, 1912, 62d Cong., 2d sess., p. 2807.) No one on either side of the Chamber voted against the bill.

This bill, stripped of all its verbiage, declares that American labor shall not be compelled to compete with convict labor in this country. Can it be the playing of politics to exempt our American young manhood and womanhood from such competition? Is it bad faith to lift aloft and brighten the future of our men and women who toil? Is it unpatriotic or unfair to do for the toilers of this country what we would have done for our boys and girls? Is it lacking in good faith to do in office what we promised we would do while we were securing office? The equation again presented itself to the Democratic Party, and on the one hand stood the flower of our country, comprising the young men and women who toil, asking to be exempted from competition with convict labor; on the other hand stood grasping monopoly and special interest, asking to continue to employ contract labor, convict labor, and cheap labor in competition with our American boys and girls.

For 16 long years you of the Republican Party had every time taken your stand with the interests and with the employer and turned away from the one employed. For me and mine, I am proud that my party took its stand on the right side of this question; for me and mine, I cast my lot with the young men and young women who ask only to honorably toil in open competition with free labor and to be exempted from convict labor [applause]; we went to the country on this agreed state of facts and we received a verdict. For me and mine, I am willing to go on the battle field of American politics and meet you again and let the verdict be what it will.

EIGHT-HOUR DAY FOR AMERICAN LABOR ON ALL GOVERNMENT WORK.

This bill passed the Democratic House on December 14, 1911. (See CONGRESSIONAL RECORD, Dec. 14, 1911, 62d Cong., 2d sess., p. 396.) No one even demanded a roll call; no one voted no.

This bill has long been the hope of labor; has long been the request of labor, with bowed-down head; is the hope of labor in the morning as he goes to his daily task; is the dream of labor as he returns at night with tired muscles but with rested brain. Can the passage of this bill be the bill referred to by our opponents across the aisle and the reactionary Republican press of this country? Can this be the Waterloo of the Democratic Party? Is this one of the fallacies and crimes within our party of which you complain? Is this legislation, enacted in the interest of labor, to make the man who toils forever turn his back on the hand that caresses him and gives him what he wants? Is this to be the iceberg of disaster that will sweep the Democratic Party to an unknown, unmarked, and watery grave? Pray tell us where do all these weird and spectacular prophecies hail from? What has happened that encourages you to make them? What moved the gentleman from Illinois [Mr. MANN] to make his speech prophesying trouble and disaster on December 18 last? Which bill is it that has so outraged the morals and the pledges to all the people? What bill is it that renders us political acrobats in the eyes of a just constituency? If the keeping of our word to labor and the keeping of faith

with men who can not enter upon this floor and make their appeals known to us, can never get our ear or look into our face, is playing politics, let us all embrace it together, for surely such playing politics is golden in the eyes of every man.

ANTI-INJUNCTION.

The anti-injunction bill passed the Democratic House May 14, 1912, with 243 for and 31 against; present, 6; not voting, 113; majority, 212; no Democrat voted no. Thirty-one Republicans refused to allow this one request to American labor; no Democrat faltered and failed to do his duty. This may well be termed the one supreme wish of labor. This is their everlasting hope by day, their uninterrupted dream by night. This bill is the resurrection of their blasted rights. This is the one bill that guarantees to every laborer his solemn rights and will lift aloft the standard of his manhood and the improvement of his future. We of the Democratic faith promised the people of this country that we would pass this law if given power. Shall the fulfillment of that pledge to American labor in office be our undoing with labor? Would the Republican Party and the Republican President have us promise one thing and give another? Would the Republican leaders uphold us to kiss and then betray? No. The American people have never in the past, with their clear heads and grateful hearts, exacted any such toll as that, and it is my belief that they will not so exact it in the future. The American people are thinking, and labor is organizing for themselves to-day as they have never done in the past, and I thank the God that directs the destinies of men for it. They are not less patriotic than before, and they will not be less true to the men and parties that befriend them. To trust the people in the past has been but to inspire patriotism in their breasts and patriotic sentiments in their heads. To doubt them and to refuse to trust them has been your undoing and should in the future prove the downfall of parties and men who practice deceit, broken promises, and fraud upon them.

The anti-injunction bill has been the hope and the one wish of the toilers of this country since my boyhood. And all these years, with the Republican Party in full control, they have first heard them and then refused them. Have scorned them and then turned them away. Now, when the time has at last come when the Democratic Party is doing in office precisely what they said they would do while trying to secure office, must we bear the stigma of being called demagogues, hypocrites, slandered, abused, and considered unworthy of confidence and faith? No; it shall not be so. Lay on your charges, grumblings, croakings, and complaints mountain high and American labor will remove them and efface them with the closing of each day. [Applause.]

WOOL BILL.

This bill, reducing the tariff on wool and woolens, passed the Democratic House the first time on the 20th day of June, 1911; yeas 220, nays 100, present 6, not voting 61, majority 120. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 2356.) It was vetoed by President Taft on the 17th day of August, 1911. The bill passed the second time on April 1, 1912, by a majority of 98—yeas 190, nays 92, present 9, absent and not voting 101; Democrats voting yes 171, Democrats voting no 1, Republicans voting yes 19, Republicans voting no 91. (See CONGRESSIONAL RECORD of Apr. 1, 1912, 2d sess. 62d Cong., pp. 4141, 4142.) This bill was again passed as a part of the tariff act of October 3, 1913, and is now the law.

This bill was a curbing of the Woolen Trust and is an aid to every man, woman, and child in the country who wears woolens in the daytime or sleeps under woolen blankets at night. This was the one schedule in the Payne-Aldrich tariff act that President Taft said was indefensible in his Winona speech. This is the one schedule that everybody agreed to vote for a revision of on the stump, but only 19 Republicans would keep the faith after their induction into office; 91 of them voted no; the balance of them took to their heels and failed to vote at all.

By your false advice and garbled statements of the facts you forced your then already discredited President to walk in the valley of political death when you forced him at the special session in 1911 to veto these bills. You forced him to oppose in office precisely what he had stood for on the stump. You crucified his political destiny on an altar of broken promises and blighted faith. You surrounded him with conditions that caused him to go on the stump and defend himself as the criminal stands at the bar of justice charged with fraud, deceit, and crime. You humiliated this Republic in marshaling your then President to do a series of un-American tasks. Pitiable was it, indeed, to see him lose his own State in the primary for a second term. It is but Judas-like for the Republican Party to kiss and then betray. He vetoed the wool bill amidst your plaudits, kisses, and caresses, while most of your leaders took to their heels for personal safety.

OWEN-GLASS CURRENCY BILL.

This bill passed the House September 18, 1913—yeas 286, nays 85, majority 201; 251 Democrats voted yes, 3 Democrats voted no, 35 Republicans voted yes, 82 Republicans voted no; present 2, not voting 56. (See daily CONGRESSIONAL RECORD, 1st sess. 63d Cong., p. 5505.) The bill went to the Senate, was passed by them, later came back to the House; the conference report was agreed to on December 22, 1913, there being 298 yeas, 60 nays, 76 not voting; total majority for the bill 238. (See daily CONGRESSIONAL RECORD, 2d sess. 63d Cong., p. 1476.)

This is conceded to be the greatest piece of constructive legislation that has passed Congress in a generation. It was conceded on every hand that our currency laws were antiquated, inadequate, and out of harmony with the spirit of modern times. It is a distinguished triumph for the people in every respect. The provision in regard to the Government issue of notes to be loaned to the banks is the greatest triumph in currency legislation in a generation. Again, the bill provides for the Government control of the issue of money through a board composed of Government officials selected by the President, by and with the consent and advice of the Senate, this being an additional triumph for the people.

Second. State banks are permitted to share with the national banks the advantages of the currency system. So advantageous and so popular was the enactment of this legislation that not a murmur is now heard from the banks or the press in opposition to it. The people of all classes and creeds everywhere feel that the shackles are now stricken from their feet; that business may go on in an untrammeled way; that the wealth of the country will be more properly distributed for crop-moving purposes; that hording in the large centers will be prevented, to the great benefit of our rural communities and good results will flow from it in every avenue.

Surely it will not be condemned by the leaders of the Republican Party and the standpat press, who are yet willing to carry the grumblings, rantings, and forbodings of disaster and panic, for the Republican Party will not contend that this legislation was not needed, and that it has not brought great relief to business and the people in general.

BILL CREATING CHILDREN'S BUREAU.

This bill passed the Democratic House April 2, 1912. Yeas, 177; nays, 17; present, 8; not voting, 190. (See CONGRESSIONAL RECORD, 2d sess. 62d Cong., pp. 4226–4227.) This bill created a bureau to care for the children of tender years and unfortunate circumstances and conditions who come into the world to find circumstances and conditions more unfortunate than human flesh and blood were intended to indure. It provides a bureau that will care for unclaimed children, infanticide, orphanage, desertions, and lift aloft the standard of employment that is now being pursued by dangerous and deleterious methods; to prevent blight and disaster being heaped upon the boys and girls of to-day, who will on the coming morrow be the men and women of the day and the flower of our Nation. In fact, this Government is to supply discretion and exact justice for those of tender years and slight understanding of their own welfare.

I can not think the opposition can mean that bill, so wholesome and full of merit. I can not believe that the rank and file of the Republican Party would indulge their leader on the floor of this House to condemn such a bill. The future holds too much for us all to adopt any such narrow view. I can not believe that a just and scrutinizing public will ever believe we are guilty of the crime of playing politics when we seek to care for frail humanity and those who from infancy can not care for themselves. Every nation's success must of necessity depend upon the virile, strong, clear-headed individuals who make it up. Therefore this bill, conceived for the sole purpose of lifting aloft manhood and womanhood, seems to be charged and pregnant with patriotism rather than politics. So it seems if this be one of the bills referred to, their charges and complaints must again fail. If such be playing politics, let us all pray that the God of the universe quicken the understanding of all mankind until he may play politics, for such politics are as golden as the doctrine of the Christian religion itself. In fact, it is the religion of human sympathy, human justice, and equal rights, which is to-day and ever should be a towering element for good in this Republic.

THE LEVER AGRICULTURAL-EXTENSION BILL.

This legislation passed the Democratic House on the 19th day of January, 1914. (See CONGRESSIONAL RECORD, 2d sess. 63d Cong., p. 2001 of the daily RECORD.) So meritorious was this measure that not even a roll call was demanded. The viva voce vote showed 177 ayes and 9 noes. Surely under this statement of facts this legislation can not be attacked by men of any political faith.

THE UNDERWOOD TARIFF ACT.

This bill passed the Democratic House on May 8, 1913, by a majority of 142—yeas, 281; nays, 139; present, 1; not voting, 12. (See CONGRESSIONAL RECORD, 1st sess. 63d Cong., p. 1380, daily RECORD.) The conference report, embodying the Underwood bill plus the Senate amendments, was adopted September 30, 1913, by a majority of 151. Democrats for the bill, 250; Democrats against the bill, 1; Republicans and Progressives for the bill, 5; against the bill, 103. (See daily CONGRESSIONAL RECORD, 1st sess. 63d Cong., p. 5818.)

Mr. BRYAN. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. BRYAN. Where the gentleman said the Republicans and Progressives voted for the bill to the number of 5, does he mind noting that there was one Republican and four Progressives?

Mr. FERRIS. I have not the data; I will accept the gentleman's statement.

This legislation from the first line to the last one was in the interest of the American people. It was passed in strict conformity to platform and party pledges. It was legislation that the American people demanded at the hands of the Taft administration that was by him and that party denied them. This is the legislation, the refusal of which by the Republican Party drove them from power. This is the legislation for the American people which demonstrates the willingness and readiness of the Democratic Party in office to keep the everlasting faith. The American people are so conversant with this legislation and it was given such great and unusual consideration both by Congress and the American people that further consideration of this legislation seems unnecessary.

FREEDOM OF PETITION FOR CIVIL-SERVICE EMPLOYEES.

On the 31st day of January, 1902, Theodore Roosevelt, then President, issued the following order placing a gag in the mouth of the 400,000 civil-service employees in this country:

FIRST EXECUTIVE ORDER.

All officers and employees of the United States of every description serving in or under any of the executive departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 31, 1902.*

On the 26th day of November, 1909, Theodore Roosevelt, then President for a second term, issued the following order:

SECOND EXECUTIVE ORDER.

The Executive order of January 31, 1902, is hereby amended by adding "or independent Government establishments" after the word "departments" in the third and ninth lines.

As amended the order will read as follows:

All officers and employees of the United States of every description serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way, save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 25, 1906.*

The Democratic House, on May 2, 1912, by the passage of the Post Office appropriation bill containing a provision repealing those gag orders, repealed those orders and made the civil-service employees, numbering 391,350, free men under the Constitution, returned to them the rights that the Constitution guaranteed to them and that Theodore Roosevelt and Taft had taken from them. Was it wrong for the Democratic House to repeal it? Is this alienating the rights of the people in our employ? Is the repeal of those orders cowardice or demagogy under our Constitution? Is this one of the bills that you condemn? Is this one of the acts for which our unworthiness is forever established? Must we, because we uphold the constitutional rights of men, women, and children in the employ of the Government to be sacred and permit them to speak as free men, be scandalized and abused? I assert the Democratic House did right in repealing it. I prefer to believe Presidents Roosevelt and Taft did wrong when they established them. They were not just to our people. The restoration is what the fathers who wrote the Constitution said our people should have. Let us rest our cause here with the people.

ABROGATION OF BOSSISM IN THE HOUSE.

The Democratic House on April 5, 1911, abrogated Cannonism, bossism, and one-man power by a record vote of yeas 200, noes 135, present 1, not voting 52. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 57.) Democrats, yeas 198; no Democrat voted "no"; Republicans for, 2; Republicans no, 135.

The Democratic Party promised, if given power, that they would remove bossism from the American Congress and again make the House a deliberative body, as was intended by the fathers who wrote our Constitution. I think there will be few, indeed, who will say in this regard that we have not kept the everlasting faith. Under the old régime the Speaker appointed all committees. To-day they are elected by the House. Every section of the country gets representation and a square deal. Under this plan there are fewer pets and no man has all the power. I think a true statement of the situation would be that every man in the House has power in proportion to his experience and his ability. No one man has power to destroy another; no one man would be permitted to accomplish it. There is no longer strife and insurrection, but an era of good feeling, of great accomplishment, of short delays and good results flowing to the country in the way of wholesome legislation.

The Discharge Calendar makes it possible for the House at any time to call from an unwilling committee any bill that has been put to sleep by such committee. The Unanimous Consent Calendar and the Calendar Wednesday have removed all criticism of too much power being reposed in the Speaker. We have, in truth and in fact, restored the Congress to its deliberative function, and bossism no longer prevails among us.

The weird prophecies of our Republican opponents on the other side of the aisle as to our early falling out and our early disruption and disintegration seems to have fallen into disuse. I pause to ask what has become of these vague prophesies? Each year since the Democrats have been in power they have accomplished more nation-wide legislation than was accomplished by the Republican Party during its reign of power in a dozen years. How interesting it is to observe and to know that on every one of these bills which are asserted to be vicious from 25 to 90 per cent of the Republican membership have supported these bills above referred to. I ask, if our bills are bad bills and are bringing disaster to the country, what has become of the leadership of that Roderick from Illinois that he can not hold together the shattered remnants of that once boastful band? Where is the magic wand of that chieftain of old from the Danville district, who was here during the entire Sixty-second Congress and could hold only a small per cent of his own party in line on any proposition? What has become of the party of Lincoln and the sainted McKinley? Will the party, full of tradition, both beautiful and devoid of beauty, the party of many promises and few fulfillments, in the face of this voting record still persist in attacking everything that is good because it does not emanate from their own party? Will they still persist in attacking good things when they are so shattered and so torn that they can not vote as a unit even on adjournment? Will they continue to fight, oppose, and neglect legislation that the people need and spend all their time trying to discredit those who are moving steadfastly on toward the fulfillment of our promises made before election?

No; it is my abundant belief now, as it was then, that the people do approve of what we have done, and that they eagerly await what we expect to do in the future, as outlined by our President and our Congress.

The program to come may fairly well be defined as follows:

First. A rural credit system, where the farmer may, for the first time, come into his own by fair dealing with reference to procuring of loans at decent rates of interest.

Second. To remove the artificial restrictions to business that have grown up with the rapid development of the Nation's resources, and thereby curb, regulate, and, if necessary, to the end that justice may be done, destroy every trust within the Republic.

Third. To complete the physical valuation of railroads and other corporations, and thereby squeeze the water from the stock, so that the people may come into their own by decent rates and fair dealing.

Fourth. The prevention of interlocked directorates or duplication of directorships, which renders it possible for interlocked and interwoven institutions to oppress the public and retard the advancement of business development.

Fifth. The opening of Alaska and the development of her resources by lease laws, carefully safeguarded to prevent monopoly, and the early development of the country.

Sixth. The national enlarged grazing homestead law, so that in the arid sections of the West a home builder may take up a sufficient area of land on which to raise cattle and stock, and thereby maintain himself and his family without resorting to the ordinary channels of agriculture in an arid country where agriculture is not feasible.

Seventh. The solution of the Indian problem, involving 330,000 Indian allottees, scattered over the several States, with their millions of cash and property.

Eighth. An intelligent handling of the 700,000,000 acres of public domain in continental United States and Alaska, the millions of acres of forest reserve, and the untold millions of dollars worth of coal and mineral lands of the country, which have up to this time scarcely been scratched.

Ninth. The suppression of gambling in farm products, stocks, and bonds, insuring an open and honest market for the American producer.

Tenth. The solution of the Philippine question by their early liberation and ultimate independence.

REPUBLICANS NO LONGER THE PARTY OF PROGRESS.

Much has been said and much more written that the Republican Party was the party of progress and accomplishment, but lately we have heard little of this party slogan. What a spectacle it is for them longer to lay claim to being a party of progress and a party of accomplishment. Their recent record for progressive performances consists of the Payne bill. This bill has already been shot so full of holes that there is little sport in longer shooting at it. Its only genuine claim to progressiveness is that it traveled up instead of down. The passage of that bill progressed your party from Uncle Joe and 58 Republican majority in the Sixtieth Congress to Woodrow Wilson, a Democratic Senate, and CHAMP CLARK and a majority of two to one behind him in the Sixty-third Congress. The recent progressiveness of the Republican Party progressed them in Illinois from Lincoln in 1860 to Lorimer in 1909. This Republican progressiveness progressed them from a McKinley in 1896 to a Taft in 1912. They have traveled from Pinchot to Ballinger, from success to defeat, and they are still on the toboggan.

In the light of your scattered votes in this House, in the light of your recent disgraceful contest for the Presidency, where does this bland complaisance hail from? Be not too staunch in your doughty prophecies that the people will frown upon legislation enacted for their benefit. Be not too staunch in your reliance upon the lack of understanding of the American people. It is my belief, and the recent election but corroborates it, that the people are looking for action, not reaction. Their faces are turned toward the rising sun. They are facing toward the east, not toward the west.

No; it is my abundant hope that neither my party nor the representatives of my party on this floor will be frightened or retarded in their patriotic task of, first, standing by the good bills and good laws we have passed; and second, passing more of them as fast as the people demand. I pin my faith to the fact that we promised, if given power, that they would be passed. I pin my faith to the fact that the great bulk of the people of this country want them passed. I pin my faith to the fact that the people know better to-day than they have ever known before what they really want. I pin my faith to the further fact that they are going to have these bills passed some way, some where, and in the near future.

Let the reactionaries and political bosses go on in their weird unsound croakings of abuse. Let them slander the Democratic House in press and on this floor. Let them challenge our good faith, for surely the people are an intelligent people, for surely the people are a just people, and surely the people are our people. I shall not fear them; I do not fear them, but, on the contrary, I shall trust them and my vote shall be theirs. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I desire to know how the time stands.

The CHAIRMAN. The gentleman from Texas has 2 hours and 10 minutes remaining and the gentleman from South Dakota 2 hours and 20 minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BOOHER having assumed the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Friday, February 13, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting estimates of additional appropriations for fish-cultural stations in the State of Kentucky and the State of South Carolina (H. Doc. No. 731); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting an estimate of appropriation for authority to reimburse from the unexpended balance for depots for coal, fiscal year 1913, certain contract employees of the Navy Department who lost their personal effects through the loss of the lighter on which they were being transported from the steamship anchorage off Katalla, Alaska (H. Doc. No. 732); to the Committee on Claims and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting schedules and list of papers, documents, etc., on the files of that department which are not needed in the transaction of public business and have no permanent value or historical interest (H. Doc. No. 733); to the Committee on the Disposition of Useless Executive Papers and ordered to be printed.

4. A letter from the Secretary of War, transmitting a letter from the Chief of War College Division, General Staff, in charge of the distribution of War Department documents, accompanied by a report of the documents distributed by the War Department during the fiscal year ended June 30, 1913 (H. Doc. No. 734); to the Committee on Expenditures in the War Department and ordered to be printed.

5. A letter from the Acting Secretary of Commerce, transmitting a detailed statement of the number of documents received and the number distributed by the Department of Commerce during the calendar year 1913 (H. Doc. No. 736); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting the paragraph of legislation for the urgent deficiency appropriation bill for the public building service, for compensation and traveling expenses of agents to select and recommend sites (H. Doc. No. 735); to the Committee on Appropriations and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of William B. Booker *v.* The United States (H. Doc. No. 737); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 249), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11659) granting a pension to Tomasita M. Bustos; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8721) granting an increase of pension to Joseph C. Bell; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARR: A bill (H. R. 13292) fixing the salaries of the United States attorney for the western district of Pennsylvania and his assistants; to the Committee on the Judiciary.

By Mr. NORTON: A bill (H. R. 13293) appropriating funds for the purpose of investigation, treatment, and eradication of dourine, and for the payment to the owners of indemnity for animals destroyed; to the Committee on Agriculture.

By Mr. HAMLIN: A bill (H. R. 13294) to abolish the office of receiver of public moneys at Springfield, Mo., and for other purposes; to the Committee on the Public Lands.

By Mr. SELDOMRIDGE: A bill (H. R. 13295) to establish auxiliary fish-hatching stations in the State of Colorado; to the Committee on the Merchant Marine and Fisheries.

By Mr. CANTOR: A bill (H. R. 13296) for the enlargement, etc., of the Wall Street front of the assay office in the city of New York; to the Committee on Public Buildings and Grounds.

By Mr. NEELY of West Virginia: A bill (H. R. 13298) to provide for the erection of a public building at Mannington, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. GITTINS: A bill (H. R. 13299) authorizing the Secretary of War to donate to the city of Niagara Falls, N. Y., two brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 13300) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Affairs.

By Mr. STEDMAN: A bill (H. R. 13301) to provide for the erection of a public building at Greensboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. KINKEAD of New Jersey: A bill (H. R. 13302) to provide for the appointment of commercial attachés; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13303) to promote and develop the commerce of the United States with Central and South America; to the Committee on Interstate and Foreign Commerce.

By Mr. CARR: A bill (H. R. 13304) providing that in certain cases defendants may enter pleas of guilty, and be sentenced forthwith, without a bill of indictment being presented to a grand jury; to the Committee on the Judiciary.

By Mr. STEVENS of New Hampshire: A bill (H. R. 13305) to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Illinois: A bill (H. R. 13306) to amend an act entitled "An act to regulate commerce," as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 13307) to promote the efficiency of the civil service; to the Committee on Reform in the Civil Service.

By Mr. WATSON: A bill (H. R. 13308) to extend to certain publications of the State departments of agriculture admission to the mails free of postage; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON: A bill (H. R. 13309) to authorize the purchase of a site and the erection and completion of a public building thereon at Waseca, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. LIEB: A bill (H. R. 13310) to establish the rates of postage on seeds, cuttings, bulbs, roots, scions, and plants; to the Committee on the Post Office and Post Roads.

By Mr. HOWARD: A bill (H. R. 13311) to cede a certain parcel of land to the county of Fulton, State of Georgia; to the Committee on Public Buildings and Grounds.

By Mr. MANN: Concurrent resolution (H. Con. Res. 32) to print regulations No. 33, United States internal revenue, as a House document; to the Committee on Printing.

By Mr. BORLAND: Joint resolution (H. J. Res. 218) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. FLOOD of Virginia: Memorial from the General Assembly of the State of Virginia, relative to the establishment of a dry dock at Norfolk, Va.; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. BURNETT: A bill (H. R. 13312) granting a pension to William P. Guin; to the Committee on Pensions.

Also, a bill (H. R. 13313) granting an increase of pension to Sarah J. Nelson; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13314) granting an increase of pension to Henry F. Blakey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13315) granting an increase of pension to George W. Hendricks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13316) granting an increase of pension to Alexander C. Morris, alias John Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13317) granting an increase of pension to James Rush; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 13318) granting an increase of pension to Espy Ann Austin; to the Committee on Pensions.

Also, a bill (H. R. 13319) granting an increase of pension to Mary K. Lewis; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 13320) granting a pension to Eliza Jane Buckles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13321) granting an increase of pension to David M. Bedwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13322) granting an increase of pension to Louisa Hedrick; to the Committee on Invalid Pensions.

By Mr. DEITRICK: A bill (H. R. 13323) to pay to Bernice L. Blair the sum of $12,470 with interest; to the Committee on War Claims.

Also, a bill (H. R. 13324) to pay Bernice L. Blair the sum of $36,000 with interest; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 13325) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park; to the Committee on the Public Lands.

By Mr. FLOOD of Virginia: A bill (H. R. 13326) for the relief of the heirs at law of James I. A. Trotter, deceased; to the Committee on Claims.

Also, a bill (H. R. 13327) for the relief of the heris at law of James I. A. Trotter, deceased; to the Committee on Claims.

By Mr. GARDNER: A bill (H. R. 13328) granting a pension to Mary A. Dow; to the Committee on Pensions.

By Mr. GITTINS: A bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 13330) granting an increase of pension to William D. Smith; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13331) granting a pension to Rachel Savage; to the Committee on Pensions.

Also, a bill (H. R. 13332) granting a pension to Martha A. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13333) granting an increase of pension to William C. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13334) for the relief of the legal representatives of Milton Taylor; to the Committee on War Claims.

Also, a bill (H. R. 13335) for the relief of Samuel W. Morris; to the Committee on War Claims.

By Mr. JONES: A bill (H. R. 13336) granting a pension to James D. Setliff; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 13337) granting an increase of pension to Myron T. Spencer; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 13338) authorizing payment for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 13339) granting a pension to William M. Sanders; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 13340) to correct the military record of James Montgomery; to the Committee on Military Affairs.

By Mr. MORGAN of Oklahoma: A bill (H. R. 13341) granting an increase of pension to Marion N. Purdy; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 13342) granting a pension to Caleb Saint Clair; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 13343) granting a pension to Elmer E. Phillips; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 13344) granting an increase of pension to Joseph G. McNutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13345) granting an increase of pension to Justus N. Stillman; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 13346) granting an increase of pension to Clarissa J. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13347) granting an increase of pension to Jacob Woodruff; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 13348) granting an increase of pension to Charles F. Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13349) granting an increase of pension to Albert Young; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 13350) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased; to the Committee on Claims.

By Mr. STOUT: A bill (H. R. 13351) granting a pension to Eddy J. Workman; to the Committee on Pensions.

Also, a bill (H. R. 13352) to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent; to the Committee on Claims.

By Mr. WILLIS: A bill (H. R. 13353) granting an increase of pension to Julius R. Brace; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Anaconda Branch of American Continental League, protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ADAMSON: Petition of bankers of Columbus, Ga., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. ANSBERRY: Memorial of the Delaware County (Ohio) Farmers' Institute, favoring appropriation to combat hog cholera; to the Committee on Agriculture.

By Mr. ANTHONY: Petition of the Troy State Bank, of Troy, Kans., favoring amendment to income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. ASHBROOK: Memorial of the Dalaware County (Ohio) Farmers' Institute, favoring appropriation to combat hog cholera; to the Committee on Agriculture.

Also, petition of P. Lanning & Co. and 10 other merchants of Dennison, Ohio, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petitions of citizens of the nineteenth congressional district of the State of Pennsylvania and other citizens of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), petition of the First National Bank of Johnstown, Pa., favoring amendment to income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BELL of California: Memorial of the Los Angeles (Cal.) Chamber of Commerce, transmitting resolutions of the San Francisco Chamber of Commerce against any amendments to the Kahn bill; to the Committee on Patents.

By Mr. BRODBECK: Petition of nine banks and trust companies of York, Pa., favoring amendment to income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BROWNE of Wisconsin: Petition of citizens and bankers of Hancock, Wausau, and Grand Rapids, Wis., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. CARY: Memorial of the board of supervisors of Del Norte County, Cal., relative to construction by the United States Government of a harbor of safety of navigation of the Pacific coast; to the Committee on Rivers and Harbors.

Also, petition of the German-American Alliance, Branch Stadtverband Merrill, of Merrill, Wis., representing 380 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 or any other prohibition measures; to the Committee on the Judiciary.

By Mr. CARR: Petition from 122 citizens of Berlin, Somerset County, Pa., asking favorable consideration of bill providing for the extension of rural free-delivery service to all towns and villages in the United States of 1,000 population; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Petition of the First National Bank, of St. Augustine, Fla., and other banks of St. Johns County, favoring change in the income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. CRAMTON: Petition of citizens of Mount Clemens, Mich., favoring amendment to the law relative to shooting of migratory birds; to the Committee on Agriculture.

Also, petition of the Captain Hiram Barrows Post and the William Sanborn Post, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. DAVIS: Petitions of the Security Loan & Trust Co. and others, of Red Wing; the Citizens State Bank, of Cannon Falls; the Sibley County Bank, of Henderson; Stock Yards National Bank, of St. Paul; and Farmers and Merchants' State Bank, of Arlington, all in the State of Minnesota, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of the Minnesota Employers' Association, St. Paul, Minn.; the Chamber of Commerce of the United States; and the St. Paul Association of Commerce, all in the State of Minnesota, favoring appropriation for extension of activities of the Bureau of Foreign and Domestic Commerce, Department of Commerce; to the Committee on Appropriations.

By Mr. DONOHOE: Petitions of officers and directors of the Wayne Junction Investment Co., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. EAGAN: Petition of officers and directors of the Weehawken Trust Co., of Weehawken, and Hoboken Bank for Savings, of Hoboken, all in the State of New Jersey, favoring amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the State Bank, of La Crosse, Wis., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of the Union Deposit Bank, of Steubenville, Ohio, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. FRENCH: Petitions of sundry citizens of the State of Idaho, protesting against the passage of the Sabbath-observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. GARDNER: Petitions of sundry national banks of the State of Massachusetts, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Pennsylvania Arbitration and Peace Society, favoring appropriation for entertainment of delegates to the Conference of the Interparliamentary Union; to the Committee on Foreign Affairs.

Also, petition of the Lumbermen's Exchange of Philadelphia, Pa., favoring certain improvements in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. GREENE of Vermont: Petitions of F. R. Dickerman and other citizens of the first congressional district of the State of Vermont, favoring amendment to income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of the First National Bank, Strasburg, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of officers and members of Lancaster County Liquor Dealers' Association, of Lancaster, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of Mankato Lodge, No. 20, Sons of Herrun, of Mankato, Minn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petition of the Exchange State Bank of Linn, Kans., and the State Exchange Bank of Barnes, Kans., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. HULINGS: Petition of the Johnsonburg National Bank, of Johnsonburg, Pa., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. LEVY: Petition of Watzelhau & Speyer, of New York City, favoring Randell-Humphreys bill; to the Committee on Rivers and Harbors.

Also, petition of the Board of Supervisors of Del Norte County, Cal., favoring certain harbor improvements along coast line of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

Also, petition of the Bank of the Metropolis, of New York City, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. LEWIS of Maryland: Memorial of the mayor and aldermen of Annapolis, Md., favoring appropriation for street improvement in lieu of taxes; to the Committee on Appropriations.

By Mr. LIEB: Memorial of officers of the American Trust & Savings Bank, of Evansville, Ind., urging the amendment of the income-tax law to provide for a method of "information at the source" in lieu of the present provisions of "collection at the source"; to the Committee on Ways and Means.

By Mr. LONERGAN: Petitions of the Savings Bank of Tolland, Tolland, Conn., and the Manchester Safe & Trust Deposit Co., of South Manchester, Conn., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the German-American Alliance of New Britain, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAHAN: Petition of the National Bank of New England and of East Hadden and Rockville banks, all in the State of Connecticut, favoring a change in the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. MACDONALD: Petitions of sundry citizens of Ludington and of the State of Michigan, favoring an investigation of the strike on the Pere Marquette Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Gogebic National Bank, of Ironwood; the First National Bank of Calumet; and the Marquette National Bank, of Marquette, all in the State of Michigan, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. MCCLELLAN: Petition of the National Union Bank, of Monticello, and other banks of the State of New York, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. MOORE: Resolutions adopted by the Lumbermen's Exchange of Philadelphia, Pa., approving the plans of the park commission committee of the Washington (D. C.) Board of Trade relative to the city of Washington; to the Committee on the District of Columbia.

By Mr. MORGAN of Oklahoma: Petition of citizens of Shattuck and Beaver County, Okla., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. PARKER: Evidence to accompany claim of Justus N. Stillman for increase of pension; to the Committee on Invalid Pensions.

By Mr. PAYNE: Petitions of the E. D. Mather Co. and bankers and mutual banking companies, of Shortsville, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of citizens of the county of Wayne, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petition of bankers of Middletown, Warwick, Port Jervis, and Chester, all in the State of New York, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. RAKER: Memorial of the Los Angeles Chamber of Commerce, protesting against any amendment to the Kahn Act; to the Committee on Patents.

Also, petitions of the Oakland Mazda Lamp Division, R. R. Swayne Schmidt Lithographic Co., and Scott & Moore Iron Works, all of San Francisco, Cal., protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petition of the Southington (Conn.) Branch of the American Continental League, against celebration of "One hundred years of peace"; to the Committee on Foreign Affairs.

Also, petition of the German-American Alliance of New Britain and of Meriden, Conn., and citizens of Danbury, Conn., against House joint resolution 168; to the Committee on the Judiciary.

By Mr. ROGERS; Petition of citizens of Ayer, Mass., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the National Bank of Methuen, Mass., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. ROUSE: Petitions of 300 citizens of the State of Kentucky, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of David C. Ward and 4 other citizens of New Market, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the First National Bank of South Amboy, N. J., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petitions of Cigar Makers' Union No. 146, of New Brunswick, N. J., and sundry citizens of Red Bank, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of Rico Miners' Union, No. 36, Western Federation of Miners, of Rico, Colo., favoring passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the Colorado and Wyoming Lumber Dealers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petition of J. B. Baden, of Kalamazoo, Mich., favoring free press and free speech; to the Committee on the Judiciary.

Also, papers to accompany a bill (H. R. 7868) for the relief of Rose G. Houchen; to the Committee on Invalid Pensions.

Also, petition of Loomis Post, No. 2, Grand Army of the Republic, of Quincy, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of bankers of Utica, N. Y., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of citizens of McDonald, Monongahela, New Castle, New Wilmington, and Woodlawn, all in the State of Pennsylvania, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. TREADWAY: Petitions of national banks, savings banks, and trust companies of the cities of Pittsfield, North Adams, and Home National Bank, Haddon Falls National Bank, of Holyoke, all in the State of Massachusetts, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. VARE: Petition of citizens of Philadelphia (Pa.) Congregation of the First African Seventh-day Adventist Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petitions of John Parlette and 25 other members of Carman Post, No. 101, Grand Army of the Republic, of Ada, Ohio, and A. P. Scott and other members of Boggs Post, No. 518, Grand Army of the Republic, of Huntsville, Ohio, protesting against the passage of House bill 6581, relative to pensions for Confederate veterans; to the Committee on Pensions.

Also, petition of Farmers' Institute of Jefferson Township, Logan County, Ohio, favoring appropriation for the destruction of hog cholera; to the Committee on Agriculture.

Also, petition of the Farmers' Institute of West Liberty, Logan County, Ohio, favoring an appropriation by Congress for the eradication of hog cholera; to the Committee on Agriculture.

Also, petition of the Delaware County (Ohio) Farmers' Institute, favoring an appropriation of a half million dollars for the extermination of hog cholera; to the Committee on Agriculture.

By Mr. WILSON of New York: Memorial of the board of supervisors of Del Norte County, Cal., relative to the construction by the United States Government of harbor improvement for safety of navigation of the Pacific coast; to the Committee on Rivers and Harbors.

Also, memorial of sundry citizens of the United States relative to uniforms similar to those of the United States Army for the United Boys' Brigade of America; to the Committee on Military Affairs.

SENATE.

FRIDAY, *February 13, 1914.*

Rev. William Souper, M. A., of London, England, offered the following prayer:

O God, the God of wisdom, grace, and truth, be with us now at this time and enrich with Thy Spirit. Bless, we beseech Thee, this great Nation and lead them in Thy truth. Bless these Thy servants, the Senators, and grant unto them spirit of power and of love and of a sound mind. In Thy light may they see light clearly, and in Thy wisdom be made wise. Glory be to the Father and to the Son and to the Holy Spirit; as it was in the beginning, is now, and ever shall be, world without end. Amen.

The Journal of yesterday's proceedings was read and approved.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 597, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the annual report of the Chesapeake & Potomac Telephone Co. for the year 1913, and stating that this report contains the actual figures for the year, and is to be substituted for the report submitted to Congress on January 14, 1914, in which the results of the operations of the company for the month of December, 1913, were estimated, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 1294. An act to regulate the hours of employment and safeguard the health of females in the District of Columbia; and

S. J. Res. 110. Joint resolution authorizing the President to accept an invitation to participate in an international commission on phytopathology.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Anaconda Branch, American Continental League, of Anaconda, Mont., and a memorial of the Edward Duffy Club, of Philadelphia, Pa., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. NELSON presented memorials of Plasterers' Union No. 65, of Minneapolis; of the St. Anthony Turner Damen Verein; of Minneapolis Musicians' Association, No. 73, American Federation of Musicians; of Bridge and Structural Iron Workers' Local Union No. 19, of Minneapolis; of the Minneapolis Bartenders' Beneficial and Protective Association, No. 152; of the Twin City Waiters' Association, of Minneapolis; of the Auto Owners and Drivers' Club of Minneapolis; of the Horseshoers' Union of Minneapolis; of the Deutscher Kriegerverein of Minneapolis, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Gordon Ferguson Co., of St. Paul, Minn., praying for the enactment of legislation to amend the law providing for the remission of a portion of the Chinese indemnity fund, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Trades and Labor Assembly of St. Paul, Minn., praying for an investigation into the strike in the mining district of Michigan, which was referred to the Committee on Education and Labor.

Mr. DU PONT presented a memorial of Local Union No. 634, Brotherhood of Painters, Decorators, and Paperhangers of America, of Wilmington, Del., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIELDS presented a memorial of the Holy Congregation of the Assembly of Israel, of Nashville, Tenn., and a memorial of Nashville Lodge, No. 495, Independent Order B'rith Abraham, of Nashville, Tenn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

Mr. WEEKS. I present resolutions by the General Court of the Commonwealth of Massachusetts, favoring the construction of the proposed naval supply ship at the Charlestown Navy Yard. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the resolutions were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1914.

Resolutions relative to the construction of a supply ship at the Charlestown Navy Yard.

Whereas a new ship, to be known as a "supply ship," is to be constructed by the United States Government; and
Whereas bids for the construction of said ship have been submitted by various shipbuilding concerns; and
Whereas a bid has been submitted by the Charlestown Navy Yard for the construction of said ship which appears to be considerably lower than the lowest bid received from contractors: Therefore be it

Resolved, That the Secretary of the Navy is respectfully requested by the General Court of Massachusetts to award the contract for the construction of said supply ship to the Charlestown Navy Yard.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the Secretary of the Navy and to the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted, January 14, 1914.
In senate, adopted, in concurrence, January 30, 1914.
A true copy.
Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. WEEKS presented a memorial of sundry citizens of Boston, Mass., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented sundry papers to accompany the bill (S. 6303) granting a pension to John Ryan, which were referred to the Committee on Pensions.

He also presented a petition of the directors of the Massachusetts Indian Association, praying for the passage of the so-called Carter Indian Code bill, which was referred to the Committee on Indian Affairs.

He also presented a petition of Leslie F. Hunting Camp, No. 12, United Spanish War Veterans, of Cambridge, Mass., praying that pensions be granted to widows and orphans of soldiers who served in the Spanish-American War and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Milford, Mass., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

He also presented a memorial of the German-American Alliance of Clinton, Mass., and a memorial of Bartenders' International League, No. 82, of Westfield, Mass., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of the Board of Aldermen of Chelsea, Mass.; of Star of New Bedford Lodge, No. 547, Independent Order of B'rith Abraham, of New Bedford, Mass.; of Star of Boston Lodge, No. 209, Independent Order of B'rith Abraham, of Boston, Mass.; and of Samuel Sheinfein Lodge, No. 507, Independent Order of B'rith Abraham, of Boston, Mass., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented a petition of the Massachusetts Peace Society, of Boston, Mass., praying for the suspension for one year of the naval programs of the great powers, which was referred to the Committee on Naval Affairs.

Mr. BRANDEGEE presented a petition of Gilbert W. Thompson Post, No. 13, Department of Connecticut, Grand Army of the Republic, of Bristol, Conn., praying for the enactment of legislation preventing the desecration of the American flag, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of sundry citizens of Ithaca, N. Y., praying for the enactment of legislation to provide for the closing on Sunday of the Panama-Pacific Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of the board of directors of the Corinth National Bank, of Corinth, N. Y., and a petition of sundry citizens of Glens Falls, N. Y., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

He also presented a memorial of Local Branch No. 39, Glass Bottle Blowers' Association of the United States, of Lockport, N. Y., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRADLEY presented memorials of the Deutscher Landwehr-Verein, of Covington, Ky., and of sundry citizens of Herndon, Jefferson County, of the fifth Kentucky district, the third Kentucky district, and the sixth Kentucky district, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of the Ministerial Association of North Yakima, Wash., praying for the enactment of legislation authorizing an increase in the number of chaplains in the Navy, which was referred to the Committee on Naval Affairs.

Mr. LODGE presented a petition of Leslie F. Hunting Camp, No. 12, United Spanish War Veterans, of Cambridge, Mass., praying that pensions be granted to widows and orphans of veterans of the Spanish War, which was referred to the Committee on Pensions.

He also presented a memorial of Local Branch, Bartenders' International League, of Westfield, Mass., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented the petition of Thomas W. Gardiner and 19 other members of Company K, Eighth Regiment Massachusetts Division United Boys' Brigades of America, praying for the enactment of legislation permitting the wearing of uniforms by members of the United Boys' Brigade of America similar to those worn in the United States Army, which was referred to the Committee on Military Affairs.

He also presented memorials of Board of Aldermen of Chelsea, of the Socialist Club of Revere, and of Samuel Sheinfein Lodge, Order of B'rith Abraham, of Boston, all in the State of Massachusetts, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

Mr. SWANSON presented sundry papers to accompany the bill (S. 4465) for the relief of Joshua C. Mastin, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4467) for the relief of Thomas S. Marden, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4468) for the relief of Dennis McCormick, executor of the estate of John Morgan, deceased, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4469) for the relief of Howard Clements, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 2553) to provide for the relief of certain enlisted men in the United States Navy, reported it with amendments and submitted a report (No. 251) thereon.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 270 providing for a stenographer to take hearings before the Committee on Mines and Mining, reported it with amendments.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 3672) for the cession to the State of New York, in exchange for the lands required for the project approved by Congress March 4, 1913, of certain lands in the bed of the Harlem Ship Canal, heretofore ceded to the United States free of cost and now to be abandoned for the more direct channel, reported it without amendment and submitted a report (No. 252) thereon.

Mr. KENYON, from the Committee on Military Affairs, to which was referred the bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, reported it with amendments and submitted a report (No. 253) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 2538) to repeal sections 1538 and 1539 of the Revised Statutes, reported it without amendment and submitted a report (No. 254) thereon.

BRIDGE ACROSS ST. ANDREWS BAY.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11283) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay, and I submit a report (No. 250) thereon. The report is on an ordinary bridge bill, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT TO MAJ. GEN. HENRY W. LAWTON.

Mr. ROOT. From the Committee on the Library I report back favorably, without amendment, the bill (S. 2440) providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton in Arlington National Cemetery, in the State of Virginia, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $5,000 to be expended, under the direction of the Secretary of War, in the purchase and erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton in Arlington National Cemetery, in the State of Virginia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE SOUTH CENTRAL TEXAS FLOOD (S. DOC. NO. 422).

Mr. FLETCHER. On the 3d instant the junior Senator from Texas [Mr. SHEPPARD] submitted the report of S. I. Kimball, General Superintendent of the Life-Saving Service, as to the services performed by the Galveston, San Luis, and Velasco life-saving crews, coast of Texas, relative to the south central Texas flood, and it was referred to the Committee on Printing for consideration. I report back favorably the matter with the request that it be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY HON. B. B. HARE (S. DOC. NO. 421).

Mr. FLETCHER. From the Committee on Printing I report back favorably a copy of an address by the Hon. B. B. Hare, assistant in agricultural education and rural economics, Department of Agriculture, on a plan to aid farmers in obtaining long-time loans at low rates of interest to buy and improve homes, and I am directed by the committee to request that the address be printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

ADDRESS BY HENRY LITCHFIELD WEST (S. DOC. NO. 420).

Mr. FLETCHER. From the Committee on Printing I report back favorably with the request that it be printed as a public document the manuscript of an address delivered by Henry Litchfield West, former Commissioner of the District of Columbia, before the du Pont Civics Class, Wilmington, Del., on the National Capital, submitted by the senior Senator from New Hampshire [Mr. GALLINGER] on the 9th instant.

The VICE PRESIDENT. Without objection, the address will be printed as a public document.

BOARD OF RIVER REGULATION (S. DOC. NO. 418).

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate resolution 271, to print 10,000 copies of the substitute for S. 2739, submitted by Mr. NEWLANDS on the 12th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed as a document for the use of the Senate document room 10,000 copies of the substitute for S. 2739, the Newlands-Broussard river-regulation bill.

GOVERNMENT OWNERSHIP OF ELECTRICAL MEANS OF COMMUNICATION.

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 272), which was considered, by unanimous consent, and agreed to:

Resolved, That Senate Document No. 399, Sixty-third Congress, entitled "Government Ownership of Electrical Means of Communication," be reprinted with the accompanying papers and illustrations submitted by the Postmaster General in response to Senate Resolution No. 242, and that 1,000 additional copies be printed, of which 500 shall be for the use of the Senate document room and 500 for the superintendent of documents at the Government Printing Office, to be sold by him as provided by law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING (for Mr. CRAWFORD):

A bill (S. 4477) granting an increase of pension to Benjamin A. Hey (with accompanying papers); and

A bill (S. 4478) granting an increase of pension to Ormiston C. Wing (with accompanying papers), to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4479) for the relief of the estate of A. L. P. Green; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 4480) granting a pension to Mary Carpenter; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 4481) for the relief of John J. Flynn; to the Committee on Military Affairs.

By Mr. BRYAN:

A bill (S. 4482) to provide for Federal aid to good roads, to permit the several States to utilize the superior credit of the United States in raising road-construction funds, to aid the States in maintenance of roads, to establish a national academy of highway and bridge engineering, and to create a national highway commission; to the Committee on Post Offices and Post Roads.

By Mr. KERN:

A bill (S. 4483) for the relief of Woodell A. Pickering; to the Committee on Naval Affairs.

A bill (S. 4484) for the relief of Lake B. Morrison (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4485) for the relief of Lemuel Stokes (with accompanying papers); to the Committee on Claims.

A bill (S. 4486) granting an increase of pension to Noah W. Carr;

A bill (S. 4487) granting a pension to Henry Kiefer (with accompanying papers);

A bill (S. 4488) granting an increase of pension to Henry Schlobohm (with accompanying papers);

A bill (S. 4489) granting a pension to Henry Hays (with accompanying papers); and

A bill (S. 4490) granting a pension to Frances H. Robertson (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 4491) granting a pension to Thacher T. Baxter (with accompanying papers); to the Committee on Pensions.

A bill (S. 4492) to authorize James F. Barbour and his successors in title to permanently maintain and use siding from the tracks of the Philadelphia, Baltimore & Washington Railroad in the city of Washington; to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 4493) granting an increase of pension to Torgus Haraldson (with accompanying paper); to the Committee on Pensions.

COMMITTEE SERVICE.

On motion of Mr. KERN, it was—

Ordered, That THOMAS J. WALSH, junior Senator from Montana, be appointed a member of the Committee on Irrigation and Reclamation of Arid Lands to fill the vacancy occasioned by the resignation of Senator MYERS.

On motion of Mr. KERN, it was—

Ordered, That HENRY L. MYERS, senior Senator from Montana, be appointed a member of the Committee on Canadian Relations to fill the vacancy occasioned by the resignation of Senator WALSH.

WITHDRAWAL OF PAPERS—GLADYS E. RODNEY.

On motion of Mr. DU PONT, it was—

Ordered, That the papers in the pension case of Gladys E. Rodney (S. 3875, 62d Cong.) be, and the same are hereby, withdrawn, no adverse report having been made thereon.

THE INCOME TAX.

Mr. SIMMONS submitted the following concurrent resolution (S. Con. Res. 17), which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That Regulations No. 33, United States Internal Revenue, being a compilation of the income-tax law and all regulations, with index, be printed as a Senate document, and that in addition there be printed for the use of Congress 62,000 copies in pamphlet form, to be apportioned as follows: Forty thousand copies for the use of the House document room, 10,000 copies for the use of the House folding room, 10,000 copies for the use of the Senate document room, and 2,000 copies for the use of the Senate folding room.

WORKMEN'S COMPENSATION LAWS (S. DOC. NO. 419).

Mr. FLETCHER. The Committee on Printing reports back favorably with an amendment Senate resolution 268. The amendment proposes to strike out the provision for printing as a Senate document additional copies of the report of the commission appointed by the National Civic Federation and the American Federation of Labor to study the operation of State workmen's compensation laws.

Mr. SUTHERLAND. If I may have the attention of the Senator from Florida, what modification has been made in the resolution?

Mr. FLETCHER. We propose to eliminate the provision for additional copies and simply print the report of the commission as a Senate document.

Mr. SUTHERLAND. How many copies are provided for in the resolution?

Mr. FLETCHER. The resolution calls for the printing of the report as a document and for 5,000 additional copies.

Mr. SUTHERLAND. What was the proposition with reference to additional copies? I am not familiar with the language of the resolution.

Mr. FLETCHER. The resolution provided for printing the report as a Senate document and also for printing 5,000 additional copies. The committee acted favorably on the resolution, but eliminated the provision for additional copies, so that the usual number of copies will be printed as in every case of the printing of a Senate document. The matter of additional copies is not provided for in the report.

Mr. SUTHERLAND. Mr. President, that document is an exceedingly valuable one and one which will have a very wide circulation. I am personally very sorry that the committee has not provided for printing a larger edition. I suppose the cost of printing 5,000 more copies would not be very great. I wish it might be possible that the Senator would agree to the printing of 5,000 extra copies.

Mr. FLETCHER. I would have no objection, as far as I am concerned, to amending the report of the committee and providing for 5,000 additional copies. The cost of the additional copies would be $441.

Mr. SUTHERLAND. It is a subject which is engaging the attention of nearly all the States and has had the attention of Congress as well. The investigation made by the joint committee of the Civic Federation and the Federation of Labor was a very thorough one. I do not know of anything upon this subject more useful that has been produced; at any rate, nothing more useful in recent years. If the Senator feels warranted in doing it, I hope he will agree to amend the resolution before it is passed so as to provide for 10,000 copies.

Mr. SMOOT. Mr. President, I will say to my colleague that this question was very carefully considered by the Committee on Printing and the amendment agreed to striking out the provision for printing 5,000 extra copies. There was some question as to whether the report should be printed at all as a public document. I wish to read now a letter from the Commissioner of Labor Statistics in the Department of Labor on this very matter and then refer to the letter in a brief way afterwards. This was written by the Commissioner of Labor Statistics:

I see by the CONGRESSIONAL RECORD of the 7th instant that a resolution (S. Res. 268)—

That is the resolution just reported—

I see by the CONGRESSIONAL RECORD of the 7th instant that a resolution (S. Res. 268) has been introduced in the Senate and referred to your committee providing for the printing of a report of a commission appointed by the National Civic Federation and the American Federation of Labor on the operations of State workmen's compensation laws, together with an appendix. I am venturing to remind you that the Senate is at the present time printing a report on this general subject, Senate Document No. 336, which has as an appendix all the laws of the States on workmen's compensation and insurance. This report is in page proof at this writing, and it occurs to me that if, as I am informed, the appendix to the proposed report contains the State laws, you would not care to duplicate this rather large body of identical matter.

I will say to my colleague that that report is now ready to be printed, and it no doubt will be printed, and the committee thought it unwise to order extra copies of this report until we find out really which of the two reports is the better one to circulate or for which the greater call will be made.

Mr. SUTHERLAND. If I understand the situation, they cover different matters. Of course it is of importance to have the text of the laws of the various States, but it will be found upon an examination of those various laws—and I think there are some 24 States which have adopted workmen's compensation laws—that they differ very materially one from another. The purpose of the investigation which was had by this joint committee was to compare those various laws and analyze them to some extent, and I understand that has been done.

Mr. SMOOT. It has been done in both the reports, but in the report now before the Senate it is a little more exhaustive, perhaps, than in the other report. But both reports are very lengthy, indeed.

Mr. FLETCHER. I think the Senator from Utah [Mr. SUTHERLAND] is correct in his statement that they covered quite different fields. The report to which the Senator from Utah [Mr. SMOOT] refers as having been referred to the Committee on Education and Labor and ordered printed is a compilation of the various laws of the States and of other countries, and it merely sets forth the acts, whereas the report which we are now considering analyzes and discusses the various laws. As I said, I think they cover different fields. This report does not undertake to set out in hæc verba the laws of the different States, but it is an analysis and a discussion and a consideration of all the various provisions in the different States of the country.

Mr. SUTHERLAND. That is my understanding of it.

Mr. SMOOT. The Commissioner of Labor Statistics does not so report, because he reminds us that the Senate is at the present time printing a report on this general subject——

Mr. FLETCHER. Of course.

Mr. SMOOT. Which is Senate Document 336, with an appendix giving all the laws of the States on workmen's compensation and insurance. In other words, it is a complete report made on this subject, and in connection with the report there is an appendix which includes all the laws of the different States, and that is what this report is.

Mr. SUTHERLAND. The difference between the two reports is that one simply gives the provisions of the various laws without attempting to analyze them and compare them one with another. The great value of the report which has been presented by the committee is that it takes up these various laws and enters into a discussion of their operation in the various States; and the great usefulness of it will be that it will have a tendency to bring about a uniformity of legislation upon this subject which is very sadly wanting at present. There are almost as many different kinds of workmen's compensation laws in this country as there are States that have passed upon the subject. One deals with it from the standpoint of State taxation and State adjustment, as in Washington and Ohio; other States, as New York, from an entirely different standpoint; Michigan from another standpoint, and so on. It is a comparatively new subject in this country. It is one which we are concerned in. I mean by "we" Congress itself. It is exceedingly important that we should have all the light we can upon this subject.

Mr. SMOOT. If the resolution is adopted as reported now by the Senator from Florida, it will make of the report a public document. Then, if there is a great demand for copies after that, the Senate can act upon it.

Mr. SUTHERLAND. Except that it will cost more to print a new edition than it would to enlarge this edition.

Mr. SMOOT. All the plates will be preserved, and it will cost very little more than if the additional copies were printed at the present time. It may cost a little more, but the extra cost will be very little and we will know what demand there is for copies. I feel quite positive that the best way to proceed would be to adopt the report as submitted by the committee.

Mr. SUTHERLAND. There can not be the slightest doubt about there being an exceptionally large demand for this document. It is a subject that is engaging the attention of nearly every State of the Union. Commissions are at work, and there are hundreds of people who are investigating it in its various phases. There is not the slightest doubt that an edition of 10,000 can be well placed without any difficulty whatever.

Mr. SMOOT. I understand that the associations which have made this examination and report are contemplating presenting an order for the printing of a number of copies that they may desire themselves. What they desired particularly was that it be made a public document, so that it could be passed through the mails without postage. That we propose to do. We propose to make it a public document, and it seems to me that if any of the railroads wanted to distribute 50,000 copies they should pay for the printing of them. I know that they are to be distributed through the railroads in some instances, and I believe that they ought to pay for whatever copies they desire to distribute. Then, if Senators want more than the usual number, of course we can consider the printing of those extra copies hereafter.

Mr. FLETCHER. I will say, Mr. President, that the resolution as introduced called for 5,000 additional copies, which is as many as the Senate can print, because we are limited to $500. The 5,000 additional copies would cost $441. We could not therefore, under the resolution, print 5,000 copies instead of 10,000, as suggested by the Senator from Utah [Mr. SUTHERLAND].

I am disposed to agree with the Senator that we are going to have calls for it and that it would be economy really to provide for those now, while the document is in press; but the committee thought otherwise, and I have reported the resolution as the committee instructed me. If the Senator desires to amend the report by adding 5,000 copies, that is a matter entirely with him.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 268), as follows:

Resolved, That the report of the commission appointed by the National Civic Federation and the American Federation of Labor to study the operation of State workmen's compensation laws be printed as a Senate document, together with the appendix accompanying said report, and that 5,000 additional copies be printed for the use of the Senate.

The VICE PRESIDENT. The amendment of the committee will be stated.

The SECRETARY. The Committee on Printing reports to strike out, after the word "report," the words "and that 5,000 additional copies be printed for the use of the Senate."

Mr. SUTHERLAND. Let me ask the Senator from Florida another question. How many copies will be provided for the Senate if the amendment of the committee is adopted?

Mr. FLETCHER. The printing of the regular number would provide about two copies for each Senator.

Mr. SUTHERLAND. Mr. President, it seems to me that it is a perfect absurdity as to a document of this character and of this value to simply print two copies for the use of each Senator, and I very much hope the amendment reported by the committee will be disagreed to.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

The amendment was rejected.

The resolution was agreed to.

APPOINTMENT OF VICE ADMIRALS.

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. BRYAN. I move that the Senate proceed to the consideration of the bill (S. 4247) to increase the efficiency of the United States Navy by the appointment of six vice admirals.

The motion was agreed to.

Mr. ASHURST. Mr. President, is it too late to object to the consideration of this bill?

The VICE PRESIDENT. The bill has already been laid before the Senate on motion. The Secretary will read the bill.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HITCHCOCK. Mr. President, I should like to inquire what is the pay at present of rear admirals in the upper class or rank?

Mr. BRYAN. Rear admirals of the upper nine now get $8,000 and those of the lower nine $6,000.

Mr. HITCHCOCK. What is the reason for increasing the pay of vice admirals to $11,000?

Mr. BRYAN. It is supposed, Mr. President, that vice admirals will be in command of fleets, and should, therefore, be entitled to increased pay. I will say to the Senator from Nebraska that I have here a copy of the hearings held before the Committee on Naval Affairs of the other House in December last, in which there is a comparison made of the pay for officers of the grade of vice admiral in our Navy and in other navies. The statement is sometimes made that the pay of officers of the different grades in the American Navy is larger than in other navies. While that may be so in some instances, when you compute the allowances made in addition to the salaries I do not believe it will be found to be true.

Mr. HITCHCOCK. I should like to know what is the pay of vice admirals in the other navies of the world?

Mr. BRYAN. I will say to the Senator that the pay of vice admirals in the English Navy on the home fleet is $13,766; on the China station it is $15,098. Even rear admirals in the English Navy, with their allowances, get $13,322. The rear admiral of the first home battle squadron gets $8,881; the rear admiral of the first home battle cruiser squadron gets $10,657; the rear admiral of the second home battle squadron gets $8,881; in the next class the pay is $10,657, and in another class $8,881.

Mr. HITCHCOCK. I should like to ask the Senator in charge of the bill what reason there is for creating six new naval officers of this rank, with a very large increase in pay over the highest pay now given to rear admirals, aside from the assumed necessity of providing a rank for naval officers that shall equal the rank of the naval officers of other fleets with whom they may happen to come into temporary relations or contact? Is there any need in the Navy proper for the creation of these six additional officers?

Mr. BRYAN. Mr. President, that is a subject that has been considered for quite a number of years. The United States is the only power in the maintenance of navies that has not this grade of officers. The vice admiral of any other navy outranks any officer in the American Navy, and in case of combined action by the fleets of different nations the vice admiral of a very small power takes precedence over any officer in the American Navy.

I will say to the Senator that on February 2, as appears in the House hearings, the Secretary of the Navy was present, and made this statement:

In the recent situation in Mexico, when we requested Admiral Craddock to let Admiral Fletcher have command and leadership there, we had to cable to England and ask permission for that. They granted it, but they did not seem to think that this Government should have made the request.

Mr. HITCHCOCK. Mr. President, I am somewhat familiar with the supposed need for having naval officers of higher rank than those we now have, and there may be such need; but it seems to me very doubtful whether there is any public need for giving to those officers a salary of $3,000 a year greater than we now pay to any other naval officer.

Mr. BRYAN. I will say to the Senator that it would not be $3,000 greater, considering the fact that rear admirals when at sea have an increased allowance which amounts to $800 a year, making their salary $8,800 instead of $8,000.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I do.

Mr. KENYON. My inquiry is aroused by the suggestion of the Senator from Nebraska. Can the Senator from Florida tell us, in addition to the salary, what perquisites these vice admirals will enjoy?

Mr. BRYAN. At sea, my understanding is, they do not get anything in addition to their $11,000, and when they are not on sea duty they will only draw the pay of a rear admiral. We have three fleets—the Atlantic, the Pacific, and the Asiatic—and it is desired to have in command of each of these three fleets officers who will outrank the rear admirals of other navies or rank along with vice admirals of other navies. It is assumed that at some time or other it will be necessary to send a vice admiral to replace one on duty; and so provision is made for six for the three fleets, with another provision that when not on sea duty they will get the pay of rear admirals.

The Navy Department thought that it was rather a niggardly policy to say to a vice admiral, "When you are not on sea duty and come back on shore we will reduce you to the rank of rear admiral for the single and sole reason of reducing your pay"; but the objection has been made that we do not desire to pay more to vice admirals on shore than we do to men in actual service. So the Navy Department yielded that point. The bill has been drawn so that when not on actual sea duty and when in the United States a vice admiral will only receive the pay of a rear admiral.

Mr. KENYON. It would seem to me that the pay is rather large—$11,000. Is there any particular reason why a vice admiral should receive more than a rear admiral?

Mr. BRYAN. In comparison with what other countries pay, I do not think the salary is too large.

Mr. HITCHCOCK. Mr. President, I also feel that the pay is excessive. We may concede that a necessity exists for raising the rank so as to prevent our officers from being superseded when our fleets come in contact in American waters with fleets of other great countries, but there certainly is no public necessity for making the salary as great as is provided in this bill; so I move as an amendment that the salary be fixed at $9,000. If that shall be adopted, I will also move that when these officers are upon land they shall not be demoted temporarily either in salary or in rank. I think it ought to be——

Mr. OVERMAN. Would it not cost the Government much more money than under this bill if we should provide that these officers should not be demoted in salary when they are on land, so that when on shore duty they would get $9,000?

Mr. BRYAN. It would cost more, of course.

Mr. HITCHCOCK. Then I shall leave that as it is and simply move that $9,000 be substituted for the figures in this bill.

Mr. BRYAN. Then it will amount to an increase of only $200 for vice admiral over rear admiral.

Mr. BRISTOW. Why is not that enough? The rank is what the officers want. It seems like these fellows want to rank ahead of somebody else when they go to a party somewhere. Now, let us give them the rank without the increased pay, for $9,000 is a pretty good salary for men who are life officers and retire on three-quarters pay. We are now paying more than a million dollars a year to retired officers, who are the ornaments of the military establishment.

Mr. THOMAS. I should like to inquire what necessity exists for the addition to our Navy of six vice admirals?

Mr. BRYAN. Mr. President, I can not better answer that than by asking the Secretary to read a memorandum prepared by Paymaster Gen. Cowie, of the Navy Department.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The United States is the only naval power on earth that confides the command of a powerful battle fleet to a rear admiral, who is prevented, whatever his individual capacity, by the very limitations of his low rank from rendering the most efficient services. Personal ability is handicapped by official status. The recognition of this fact should truly give us pause. Even the Chinese, Portuguese, and Danish navies, which are negligible in comparison with ours, have vice admirals, who take precedence over the commanders in chief of our great Atlantic Fleet, in the handling and fate of which is wrapped up so much of the hope, of the pride, and the destiny of the people. Such a condition of affairs lowers the prestige of the American Nation. The matter is a broader one than the feeling of personal slight and indignity bound to be experienced by any particular flag officer. That phase of the question, however intrinsically just and needful of correction, is entirely lost in the larger ones of national standing and national interests, which must inevitably continue to suffer so long as suitable rank is denied to the commanders of our fleets. It is bitterly humiliating to realize that in any combined operations or international functions where naval forces are involved, the flag officers of our mighty Republic are predestined to take the lowest place, and thus, under the working of world custom and agreement as strong practically as law, prohibited from exercising the degree of control and influence to which, in their representative capacity, they are rightfully entitled. The blush of shame invariably arises with the knowledge that only American flag officers must always submit, with what grace possible, to having their commands placed to the rear in lines of march and fleet formation; must always fire the first salute, always pay the first call, and always yield general precedence to foreign officers at state and social functions or other occasions of public demonstration. The Stars and Stripes are automatically assigned to inferior position. Such surely is not to the liking of our proud people. These relegations have to be acquiesced in without regard to the comparative superiority or dignity of the nations represented. It is merely a truism to assert that the rank of our commanders in chief is altogether incommensurate with the importance of their duties and of the country which they serve. It is also true that this lack of fitting representation of our country by naval officers of a rank commensurate with its own position as one of the foremost in the world is frequently and freely commented upon by the higher officials of other nations, many of them expressing their great surprise at the failure of Congress to have long since supplied this to them glaring omission in the personnel of our Navy.

Mr. LODGE. Mr. President, this matter of giving increased rank to naval officers is not a new question. It has been recommended by successive administrations of both parties as being necessary for the greater efficiency of the service, as it is now recommended by the present Secretary of the Navy, and very wisely recommended, as I think.

Of course it is very easy to say that this is to be done simply because it will give the officer a little more rank, and he personally wants to take a higher place at social functions; but we overlook the fact that these men abroad represent the United States, and some people, though they care nothing in the world about the officer, do not like to see the representative of the United States put in that position. However, that is probably a mere personal idiosyncrasy.

The real thing is that in any serious operations it becomes a matter of great practical importance, as it did in the Mexican case, which the Senator from Florida [Mr. BRYAN] cited. If I may quote a historical instance, when France sent out the army under Rochambeau to cooperate with our forces, Rochambeau had a rank equal to that of Washington; and the French Government directed Rochambeau to pay to Washington, when he appeared in their camp, the military honors accorded to a marshal of France, which at once recognized that he was to be in command of the united forces. From that grew the common story that Washington was a marshal of France. Of course he never was; but they directed that there should be paid to him the military honors that were paid to a marshal of France, in order to make sure that there could be no dispute as to the command of the allied forces. It was very essential, as I think you will all agree, that Washington should be in command of those allied forces.

We can not, by sneering at them, get rid of these military ranks which are recognized all the world over among civilized nations. It is a practical question. If we are in the presence of trouble, as we are in Mexico, and have our ships there, it is a matter of practical importance that the commander of our vessels, who probably will command twice or three times the number of ships that any other nation will have there, should have military precedence over the officer in command of perhaps a single ship or two ships from some other power. That has been recognized by the Navy Department, and I think by every one who has given any consideration to the question.

This bill contracts it to the smallest possible point by making the rank temporary and not retiring officers as vice admirals, as I understand. Of course, it must give them some increase of pay. The amount of that increase is for Congress to determine; but I believe the bill arranges that the increased pay shall cease when they are not on actual duty.

Mr. WARREN. That is not exactly right, is it? It is when they are at sea or on land in parts of the Government possessions other than the continental United States. That is to say, in Hawaii, Porto Rico, or the Philippines they would have the same rank as on sea, according to the bill as I read it.

Mr. LODGE. I do not understand that. They would have the rank at sea, of course. If they had a vice admiral's command they would have the rank wherever the fleet happened to be; but the pay is not to continue when they are on shore duty, as I understand.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly; with pleasure.

Mr. WILLIAMS. If the object is to secure for American naval officers proper precedence and proper consideration, why could it not be just as well secured by giving them increased rank without any increased compensation?

Mr. LODGE. Undoubtedly it could be. I suppose the increased compensation was suggested by the Navy Department because they did not wish to seem unreasonably mean.

Mr. WILLIAMS. It would look very much more as though they were trying simply and solely to serve the country if they should ask only for increased rank and not for increased compensation.

Mr. LODGE. They are not asking for it. It is the department which is asking for it. No officer is asking for it. The Secretary of the Navy is asking for it, and I suppose he thought it was only decent that with the increased rank there should go somewhat increased pay.

Mr. WILLIAMS. If the sole object is that we may be properly represented, it seems to me the bill might provide for the increased rank while providing that they should receive the pay of the former grade. It strikes me it would have more the appearance of being absolutely altruistic and national in its purpose if that were the case.

I do not propose to make any objection to the passage of the bill; but I notice that in all these cases where we are taking care of our dignity we also take care of the financial representative of our dignity.

Mr. LODGE. In every bureau in the departments of the Army and the Navy, when an officer is appointed he is given during his tenure of the bureau a certain rank and pay. Of course when his service in the bureau ceases the rank ceases and the pay ceases; but the pay has always gone with the increased rank, and it seems to me not unreasonable to give some increased pay. The increased rank undoubtedly will bring an increase of expense.

Mr. WEEKS. Mr. President, I would like to suggest to my colleague that the increased rank, and the necessity for it, presupposes that the fleet will be doing duty with the naval organizations of other nations. This adds materially to the expense which the admiral incurs, because he must do more or less entertaining which is not personal in any sense; it is official. There is no allowance made in our Navy for such purposes except for special occasions. An allowance is made for such purposes to the commanding officers of fleets, I think, in every navy in the world. Therefore this increased compensation will quite likely be used for purposes which in other services would be provided by an appropriation made directly for it.

Mr. LODGE. That is very true, Mr. President. In other services a large allowance, or a very substantial allowance, is made to the officers in command of fleets for entertaining, because there is a great deal of official entertaining which they have to do, and which they can not avoid. They are not men of large means and it falls pretty heavily on them.

Mr. WARREN. It is not important, Mr. President, but I think I am right in what I said before. I will read section 2:

That the annual pay of vice admirals when on sea duty, or on shore duty beyond the continental limits of the United States, shall be $11,000.

Mr. LODGE. I am not aware that I said anything to contradict that—and it is not important if I did—because I was not trying to argue that point. I think they should have some advance in pay.

We have given the rank of ambassador in a good many cases. In the case of Turkey we rather forced it upon them, for the simple reason that while the ambassadors of the other powers had the entrance at any moment to the Sultan or to the Vizier who had charge of foreign affairs our minister, with only the rank of minister, was kept dangling in the anteroom until the ambassadors had been satisfied.

You may say that that is all an absurdity and all ridiculous, and that, according to our ideas, it should not exist; but it does exist. The position of ambassadors was settled by the treaty of Vienna, and they have a recognized rank in every nation on earth. Therefore we found it profitable to confer the rank of ambassador; and in Turkey, where it was really specially needed, we increased the pay of the ambassador by the purchase of an embassy, so that he gets the rent of his house.

I think they all ought to have better pay. I am not at all interested in the individual nor in his social aspirations nor in his desire to take position, nor anything of the kind, but wherever a man represents the United States, either diplomatically or in a military way, I am interested in seeing my country properly represented, without ostentation, but properly and with dignity.

It seems to me it is necessary and wise to give this additional naval rank. While an officer is in command of a fleet at sea he certainly ought to have it, and I should be inclined to give him not a large but a reasonable increase of pay while he occupies that position, just as we give an increase of pay to a bureau chief while he occupies that position.

Mr. THOMAS. Mr. President, I trust that I am as sensible of the necessity of doing what is required for preserving and maintaining the dignity and character of the Government of the United States as any other Member of this body. I have the most profound respect for the opinion of the Senator from Massachusetts [Mr. LODGE], and I am sure he has given the best and most cogent reasons for the creation of this new line of naval officers.

Of course, I am quite aware of the fact that what is generally known as precedence involves a condition that is universal among the nations as regards both their own affairs and their mutual intercourse. It is one thing that is common to civilization, and extends from Timbuctoo to Washington.

I am also sensible of the fact that, whether we will or no, we must to some extent conform to the requirements which custom, both in official and in social lines, has prescribed, and which has crystallized into unwritten law. But I think that wherever we can properly and consistently we should place restrictions upon this custom; and this country, republican in form, where all men are theoretically supposed to be equal, should take the lead in so doing.

We have gotten along for a good while with our present complement of officers for the Navy. We have done away with active admirals and with vice admirals, and to-day rear admirals constitute the highest form of official service in the Navy. How long that has been the case I can not say; but whether for a long or a short time, we have not up to this moment experienced any inconvenience or embarrassment by reason of the fact.

It may be and probably is true that other countries whose naval strength is insignificant compared to our own have an official staff, comprising vice admirals and perhaps admirals, without any designation or adjective attached to their names, in consequence of which the social customs of nations require that the commander of an American vessel should walk or stand behind some of the functionaries of some of the other navies at social or official functions. But I can not conceive that any disgrace or any reproach or any sort of reflection can grow out of that situation, unless we are willing to proclaim it against ourselves.

For my part, I have never been much of a stickler for precedence. It makes no difference to me whether in social or other matters any particular line of distinction is observed. It is all artificial and perhaps meaningless. It certainly should not possess the importance that it seems to possess both socially and officially.

Now, is there any necessity for increasing the efficient staff of our Navy at this time by the creation of 9 or 11 vice admirals?

Mr. WARREN. Six.

Mr. THOMAS. By the creation of six vice admirals or any number of vice admirals for any of the reasons which have been so far assigned to raise the efficiency of the corps? I confess I perceive none. Yet it may be that the matter is of sufficient importance to require the passage of this act, but I can easily imagine how, if we created a half dozen vice admirals, it might be very easy for other countries to create the rank of admiral, if, indeed, that position does not already exist, in consequence of which we would be confronted directly with the same situation officially, and what is more important, perhaps, socially.

Mr. WARREN. We have an Admiral now, but the rank is of a personal nature, and it dies perhaps with the person holding it.

Mr. THOMAS. Then, if we have an Admiral now, I assume that he takes precedence of everybody in the Navy.

Mr. LODGE. He does.

Mr. THOMAS. Good.

Mr. LODGE. I believe he takes precedence in every service in the world. I think no one ranks above him.

Mr. THOMAS. Very good. Then, if trouble occurs in Mexico whereby the conjoint action of our fleet and others is necessary, we might draw out this Admiral from his retirement and send him down there to take command of the whole fleet.

Mr. BRYAN. Perhaps the Admiral is not physically able to go.

Mr. THOMAS. Perhaps Admiral Dewey is not physically able to go. Of course, I appreciate the fact that he holds that position by virtue of his great services to the Nation, and justly deserves the distinction conferred upon him.

Mr. LODGE. He holds it, of course, by virtue of an act of Congress.

Mr. THOMAS. Yes; but in view of that suggestion, Mr. President, for the purpose of meeting and discharging our social obligations, for that is what they amount to, whereby the dignity of the United States can be upheld upon all social and other occasions, why not just create one Admiral by statute? I do not suppose that because a man is a vice admiral he is any better commander than if he were simply a rear admiral. Why not take the rear admirals that we have at present, or some portion of them, and make them vice admirals?

Mr. BRYAN. That is exactly what the bill provides.

Mr. THOMAS. Yes; do away with the rear admirals entirely. If the rear admiral is an official who must bring up the rear whenever put in official or social intercourse with other nations, let us call him something else, so that our naval officials may be like the officials of some more experienced navy and give them the highest possible rank without reference to the extent of our naval equipment.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I do.

Mr. HITCHCOCK. I think the Senator from Florida made a mistake in replying to the interrogatory of the Senator from Colorado. The bill does not simply give to our rear admirals

the temporary rank of vice admiral, but it creates six new officers. We will still have the same number of rear admirals that we have now, but we add to the list of officers six new vice admirals.

Mr. BRYAN. If the Senator from Colorado will permit me, I did not intend to say that the number in the grade of rear admiral would be reduced, but I said to the Senator from Colorado that vice admirals would be taken from the grade of rear admirals. Why not let some of the rear admirals be vice admirals? That is what I meant.

Mr. HITCHCOCK. But the real fact is the bill does increase the present list of officers of the United States Navy drawing $11,000 each, if they are at sea all the time. It makes that addition to the present force without any apparent need for it.

Mr. THOMAS. I am obliged to the Senator from Nebraska for calling my attention to that fact. My reading of the bill was somewhat hasty and my first impressions were entirely consistent with the statement of the Senator from Nebraska, but I accepted that of the Senator from Florida because he is much more familiar with the bill than I am, and as a consequence is presumed to know more about the details.

I do not know that I care to occupy the time of the Senate any longer in the discussion of this matter beyond adding to what I have said the statement that, in my judgment, we are incurring an entirely needless expense and creating a line of officers for which there is, at present at least, no necessity. I am perfectly willing to take chances with the commanders we now have, who, I think, will maintain the dignity of the Navy and assert its power and precedence wherever and whenever necessary; and if, forsooth, they should come in conflict with some custom whereby in the course of events they should be placed one yard in the rear of somebody else, I am unable to perceive how it will complicate our affairs, how it will detract from our dignity, or how it will affect our prestige or interfere with the laws of progress. There is so much that is personal about matters of this kind that it is extremely difficult for me to separate the gold from the dross. I believe that in all these matters we should act as a republican Government should, leaving it to the good sense of our rulers and to the wise judgment of those who come in contact with others to determine whether or not we comply with all that any sensible rule of dignity or courtesy may require.

Mr. WARREN. Mr. President, I will say very frankly that I am sorry that the bill has come up for consideration this morning. I have no intention of blaming the Senator in charge of the bill, because I know how important these matters are. Nevertheless, the bill was reported only a couple of days ago, and those of us who are interested in certain matters have not had an opportunity to look up the case as we would like to look it up.

There is a good deal to be said along the line of maintaining precedence and rank. It is something that enters into our diplomatic life and military life. It is important in a way in the Army and in the Navy. I am one of those who were in the Senate before we had ambassadors, and I remember the debates against our aping the habits and customs of other countries, and that it was belittleing in us that we should conform to their methods. I am not one of those who rail at the observance of rank, precedence, and so forth. I do not object to having vice admirals.

We have admirals under the law on the Navy side of the Military Establishment, or we can have them; and vice admirals and rear admirals as well. We have in the Army, or did have, in its original framework, general, lieutenant general, major general, and brigadier general. A brigadier general stands equal to a rear admiral of the lesser rank; the major general with the rear admiral of the upper rank. We now have no lieutenant generals to correspond with vice admirals, and no general to correspond with admiral. I am of the opinion that we ought to have in the Army one or more lieutenant generals. I am of the opinion that when some great general has distinguished himself, his grateful Nation may reward him by making that particular officer a general the same as they made Dewey the Admiral of the Navy.

Mr. THOMAS. If the Senator will allow me——

Mr. WARREN. I yield.

Mr. THOMAS. I wish to say that I am in hearty accord with that sentiment. I believe these distinctions should be conferred upon men who have earned them. My objection to this bill is that it creates by wholesale, as it were, a distinct line of officials, the purpose of which, as I gather it from the report, is one that does not commend itself to my judgment as being necessary. There is no question but that our Government should at all times utilize its high places by conferring them upon men who have justly earned them.

Mr. WARREN. Now, the Senator from Colorado touches a point on which I agree with him. I do not believe that we need, in addition to the present number, six extra admirals in the Navy at the present time at a salary of $11,000 when on shore duty abroad or on sea duty, with the rank, to make it plain, of lieutenant generals. It is my own opinion that if we should have one, two, or three vice admirals and should take them from the nine present rear admirals of the first rank, without filling their places, we would have enough.

I notice that the bill itself mentions admirals that are not doing duty now—that is to say, admirals on the extra list. With the 18 admirals, for all of whom it seems they can not find places, I certainly object to making 24 or 25 in number altogether.

I was sorry to see the bill come up, because I wanted time, and I thought others might, to place themselves right upon this question. Our Navy is one of which we have a right to be proud. It is one which we have built up at great expense, and we propose to build it still larger. I believe the only time I have ever cast a vote against any proposition that was recommended after full investigation for the Navy was when I voted for two battleships instead of four. I want to vote for every well-considered measure for the benefit of the Navy, and I do not want to vote against things for the Navy because the Army does not have them. However, I wish to say in all seriousness that those who vote for this measure must expect, of course, to resurrect the office of lieutenant general in the Army, either for one or more, and have officers of that rank. The Army is the older or senior arm out of which the junior arm was taken, and to place the Army where there is not a single officer in that entire body but who must go away to the foot of the table, speaking socially, or must be in the rear everywhere is hardly fair. I believe we ought to have right now vice admirals of the Navy and also lieutenant generals of the Army, one to three of each, as circumstances demand, and perhaps one general of the Army.

The very argument that was made, and so well made, why there should be higher rank in the Navy—and I indorse it—is equally applicable to the Army. It is not that I propose to vote to defeat this bill because of increased rank, but I am one of those who certainly expect that those who believe we should provide sufficient rank for the Navy should also believe in provision of equal rank for the Army.

The point that I make now is that, with the light I have, I am utterly and absolutely opposed to adding six admirals to the number we now have.

Mr. OVERMAN. Mr. President, the Senator from Colorado [Mr. THOMAS], in his remarks, said that he had never known of any embarrassment that this Nation had had by reason of the lower rank of our naval officers. I remind him that this Nation was not only embarrassed but was absolutely humiliated in the Boxer rebellion, when Lord Seymour had charge of the American soldiers as they went into Peking, and this Nation had to send over Gen. Chaffee in order that our troops could be commanded by an American. Germany, it will be well remembered, in order to get charge, sent a field marshal there. We have got to recognize the fact that the nations of the world lay a great deal of stress on rank.

What is the condition in Mexico to-day? There is England with 2 little cruisers. There is our admiral with 26 battleships. Yet England, by reason of the fact that she has a vice admiral, would take charge in case we had to go into Mexico with our marines and we would have to take a back seat.

Mr. THOMAS. If my friend will yield for a moment, I want to repeat that I know of no cause for embarrassment resulting from this discrepancy in rank. If we invite it, if we submit to it, that is a different proposition. But take the last instance suggested by the Senator from North Carolina. If I understand him correctly, Great Britain has a couple of cruisers in the waters of Mexico and we have 26 battleships; that the commander of the cruisers in the British Navy has a higher rank than the commander of our 26 battleships; and because of that fact we would be obliged to surrender the command of our Navy to the British officer, or at least submit to his leadership, in the event of mutual hostilities against Mexico. If we did so, it would be of our own volition and consent. In other words, we would take off our hats to the commander of the smaller allied force, simply because he holds a higher rank than the officer who commands the larger one. That may be military tactics or naval strategy, but to my mind it smacks of absurdity.

Mr. OVERMAN. Mr. President, I am informed that in case we had to send marines into the City of Mexico this officer would take charge and define the policy to be pursued. Whether we surrender to it or not, we do not want friction with England. England would not submit to it for a moment that the vice

admiral should be commanded by an American rear admiral. We could demand it if we had an officer there of equal rank, but when we have an officer of a lower rank the officer of the superior rank takes precedence; the English officer takes rank over the American officer, although we have 26 battleships and England has 2 little cruisers.

Mr. THOMAS. That simply reduces the science of war to matters of punctilio; that is all.

Mr. ROOT. Mr. President——

Mr. OVERMAN. I yield to the Senator from New York.

Mr. THOMAS. Just a moment. I want to make this suggestion. Let us carry the matter still further. Suppose when the Panama Canal is opened we are down there with 26 battleships. The Panama Canal is ours. A single vessel of the Chinese Government, with its complement of admirals, vice admirals, rear admirals, captains, lieutenants, ensigns, and midshipmen, is also there. Will the Senator contend that because of this custom we must allow the Chinese vessel to enter and head the procession through our own canal?

Mr. OVERMAN. I did not say that.

Mr. THOMAS. That is the legitimate consequence of the Senator's contention.

Mr. OVERMAN. Not at all.

Mr. THOMAS. It is the legitimate deduction.

Mr. OVERMAN. I spoke of the nations acting together, engaging in a joint operation.

Mr. THOMAS. But we propose to act together jointly at the opening of the canal. The first procession of vessels through the canal will be composed of ships from all the world's navies. If this matter of precedence is so supreme that it can not be set aside or avoided even in war, then certainly it follows that if a smaller vessel in the canal procession has the officers of highest rank it must take precedence of everybody else, and if our fleet is commanded by an officer of the lowest rank we must bring up the rear in the march of the navies through the great canal. I confess that these matters do not appeal to my sense of propriety or fairness.

Mr. OVERMAN. I yield to the Senator from New York.

Mr. ROOT. Mr. President, we never subject our officers to the command of anybody, except the officers of the United States, but there are certain recognized commands, both in the armies and in the navies of the world, and the persons who exercise those commands, according to the recognized use of language, receive certain designations. What seems to me to be the plain sense of this subject is that when we have an officer to exercise a given command we should call him by the title that in accordance with the ordinary use of the English language indicates the command that he holds. I think that is all there is to it.

Mr. THOMAS. Mr. President——

Mr. ROOT. Wait a moment. If an officer is to command a regiment, we call him a colonel; if he is to command a brigade, he should be called a brigadier general, he should not be called a colonel; if he is to command a division, he should be called a major general, and he should not be called a brigadier general; if he is to command a corps, he should be called a lieutenant general; if he is to command a fleet, he should be called a vice admiral.

We have somehow got into the habit of being afraid to give to our officers the proper title which indicates the command they exercise. I have not examined this bill, but I understand——

Mr. OVERMAN. I want to ask the Senator from New York if it is not true that by reason of the fact that we did not have a vice admiral Lord Seymour did take charge of the troops entering Tientsin?

Mr. LODGE. When they made the first advance.

Mr. OVERMAN. When they made the first advance; and did he not take charge by reason of his rank?

Mr. ROOT. That is probably the case; not that he commanded, but that the American marines acted in cooperation with the English forces, and the general movement was under the direction of the English officer.

Mr. OVERMAN. Of course the English officer directed the whole policy. While our officers immediately commanded the marines, they acted under Seymour's orders.

Mr. THOMAS. Mr. President, I think that the Senator from New York, in his usually clear and concise manner, has expressed the whole situation in a nutshell. Why can we not give that designation to the officer which he ought to have in connection with the command which at the time he exercises? That is the whole thing. Why create a fleet of admirals, if you please, for the purpose of meeting this difficulty, if it is one? It would be much better, and more in consonance with the fitness of things, to provide by law that the commander of a fleet shall be a vice admiral during the period of his command, and that that smaller body which is appropriate to a rear admiral shall be commanded by an officer bearing that title at that time. There is a great deal in that proposition. Of course an officer ought to bear the designation of the thing that he at the time represents. Here we are going to create by this bill six vice admirals; we are going to add them to our list of officials supposedly because it is necessary to maintain the dignity of the Nation and shield its precedence in the event of social or official intercourse with other nations. The price is too great for the object in view.

Mr. OVERMAN. Mr. President, we have a great fleet on the Pacific coast. According to the argument of the Senator himself we ought to have a vice admiral to command there. We have a great fleet down on the Atlantic; we ought to have a vice admiral to command there, according to the Senator's argument; and according to his argument we also ought to have a vice admiral in command of the Asiatic Fleet.

Mr. THOMAS. Yes. Now, let us provide by law that when such an officer——

Mr. OVERMAN. This bill, as I understand, provides that whenever a rear admiral or a vice admiral, as the case may be, comes home he loses his rank; that is, he only holds his rank when he is in command. That is the way I understand the bill.

Mr. THOMAS. That is one of the phases of the bill, but this proposition is not necessary. When one of our rear admirals is in command of a fleet and exercises the powers of a vice admiral, we should provide by law that he shall be a vice admiral, and not create a number of them, as it is now proposed to do.

Mr. OVERMAN. I should like to ask the Senator how much money is involved in this proposed appropriation?

Mr. THOMAS. Eleven thousand dollars a year for each one of the vice admirals, in the way of salaries.

Mr. OVERMAN. Oh, no.

Mr. THOMAS. As I understand it, $11,000 is provided for each one of them.

Mr. OVERMAN. The Senator does not understand the bill as I understand it.

Mr. THOMAS. It may be that I do not understand it at all.

Mr. OVERMAN. The Senator may be right; but let us see whether he is right or whether I am right. I understand that the rear admiral is to be promoted to vice admiral, but that increases the salary only $1,000 a year. How much is the whole amount involved in this bill? I will ask the Senator in charge of the bill that question.

Mr. BRYAN. I think it is about $4,000 or $5,000 a year.

Mr. OVERMAN. The whole amount involved is only about four or five thousand dollars a year. We are haggling here over that amount which is involved in placing our commanders on an equal rank with officers of the other navies of the world.

Mr. THOMAS. Mr. President, it may be, although I think otherwise, that only four or five thousand dollars are involved here; but many items of four or five thousand dollars amount to a great deal at the end of the year.

Mr. OVERMAN. If the Senator please, I think he misunderstood me. It is only an addition of $1,000 a year.

Mr. THOMAS. If the Senator will allow me, I shall now read the bill, which will probably settle our controversy. It provides:

That the active list of the line of the Navy is hereby increased so as to include the grade of vice admiral, which grade shall consist of six officers, four of whom shall be appointed within one year from the passage of this act and the remainder shall be appointed as soon thereafter as practicable. Appointments to the grade of vice admiral shall be made by selection by the President, by and with the advice and consent of the Senate, from among officers on the active list—

If you are going to "increase" the list of the Navy officials, you must add to it the six more officers who are called vice admirals.

Mr. OVERMAN. If the Senator please——

Mr. THOMAS. Just a moment, if the Senator will permit me. The second section of the bill provides:

SEC. 2. That the annual pay of vice admirals when on sea duty, or on shore duty beyond the continental limits of the United States, shall be $11,000; when not on such duty they shall be entitled to the pay and allowances of a rear admiral of the upper nine.

Six times eleven are sixty-six—$66,000, subject to the deduction which comes from the proviso of the section which relates to these officers when they are not upon the active list.

Mr. OVERMAN. I think the Senator does not understand it.

Mr. THOMAS. That may be.

Mr. LODGE. I only wish to ask a question. It seems to me that on the face of the bill we keep the present number of rear admirals and add six vice admirals.

Mr. THOMAS. Precisely.

Mr. LODGE. I do not think that is necessary.

Mr. OVERMAN. I do not so understand it.

Mr. LODGE. I think what we ought to do here is to give the President authority to select six men from the rank of rear admiral and make them vice admirals.

Mr. OVERMAN. That is what I understand the bill does.

Mr. LODGE. Then we add two or, say, three thousand dollars a year to their pay when on this duty.

Mr. OVERMAN. I think that is the intention of the committee, and that is the way in which I understand it.

Mr. LODGE. I do not remember the exact number of admirals we now have. How many are there?

Mr. WARREN. There are 18.

Mr. LODGE. As I understand, there are 18 rear admirals, and adding 6 rear admirals will make the number 24. I did not help prepare the bill, but I do not understand that it was the intention to make 24 admirals, vice and rear.

Mr. OVERMAN. I do not so understand.

Mr. LODGE. It seems to me, if you take one-third of the existing rear admirals and have the number stand 12 rear admirals and 6 vice admirals that we shall reach our point. I am not aware that the Navy is asking for more rear admirals.

Mr. THOMAS. The Senator from Massachusetts, I think, is exactly right.

Mr. OVERMAN. I think the department understands this bill as I understand it, and I want to see whether the chairman so understands it.

Mr. BRYAN. The Senator is mistaken.

Mr. WARREN. Before the Senator proceeds, will he allow me to make a suggestion?

Mr. OVERMAN. I yield with pleasure to the Senator.

Mr. WARREN. This bill provides, in the first place, an increase as to the active list of the Navy. It says:

That the active list of the line of the Navy is hereby increased so as to include the grade of vice admiral, which grade shall consist of six officers.

Then it later goes on to provide how they shall be retired at 62 years of age, or at 65 if continued in the service by special order. There seems to be another matter here—I will not say it is a joker, because I am inclined to think that everyone connected with the legislation is working in good faith—but the fact remains that, after providing—and it is a good provision—

that no officer shall be appointed a vice admiral until his physical fitness to perform all the duties of that grade has been established to the satisfaction of a board of medical officers appointed by the Secretary of the Navy,

It continues:

Provided further, That any officer now or hereafter carried in the grade of rear admiral as an extra number shall cease to be an extra number if appointed a vice admiral.

The facts are that we have so many rear admirals now, and four extra numbers in that grade, that it is rather odd that the President can appoint four the first year and the others when convenient; but there is not a thing in this bill anywhere that repeals the present law, which provides for nine rear admirals of the first grade and nine rear admirals of the second grade, and if any of those rear admirals are appointed to the grade of vice admiral there is nothing in the law to hinder the places of the rear admirals of the first grade being filled as they go up to the higher rank—the rear admirals in the second grade going up into the first grade, and so on. If the intention is not to increase the Navy, let us say so in the bill.

I do not object to the appointment of vice admirals; I wish to be understood as to that. But with four extra rear admirals now, what is the reason for creating six additional vice admirals and not reducing the number of rear admirals correspondingly?

Mr. BRYAN. Mr. President, it was not the intention of the Navy Department to reduce the number of rear admirals from 18 to 12. It was their intention that the number of rear admirals should remain the same as at present, with nine in the upper grade and nine in the lower grade. I assume that they would prefer, rather than to have the bill fail, to have the number of rear admirals reduced. I asked the officer who was sent here by the Secretary of the Navy the specific question, and he said it was because they need more admirals than they have to-day; that they could not afford to reduce the number, which is 18.

I think I have some information here that might be of value: The number of rear admirals in the British Navy is 56; in the German Navy, 22; in the French Navy, 30; in the Japanese Navy, 38; in the Russian Navy, 28; in the Italian Navy, 14; in the Austrian Navy, 67; in the Spanish Navy, 8; in the navy of Holland, 8; and so forth.

As I have said, it was not the intention of the Navy Department to reduce the number of rear admirals. If Congress sees fit to do that, it is for the Congress to say.

Neither can I see, Mr. President, that this adds to the expense of the Navy the amount of the salary of each vice admiral, because the men who would be promoted to that rank are now drawing salaries as rear admirals, and you would certainly not add, therefore, the total amount of the salary of vice admirals to the expenses of the Navy. You must, if you add the $66,000, subtract from that what the officers advanced would have received in the lower rank.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Florida yield to the Senator from Nebraska?

Mr. BRYAN. I do.

Mr. HITCHCOCK. Let me ask the Senator from Florida is it not a fact that if six rear admirals are promoted to be vice admirals their places would be also filled, so that the net result would be the addition of six naval officers with the rank of vice admiral, and each one would have the salary of a vice admiral when at sea or on foreign shores, and the salary of a rear admiral, with his allowances, when on shore duty in the United States?

Mr. BRYAN. That is true.

Mr. HITCHCOCK. So that it does add six high-salaried officers?

Mr. BRYAN. There is no question about that.

Mr. HITCHCOCK. That is exactly what I have been contending.

Mr. BRYAN. In regard to the question as to the increase involved, of course the total salaries of the six vice admirals would not be added——

Mr. HITCHCOCK. There may be a little fraction of difference.

Mr. BRYAN. Because you must deduct the amount of salary the officers are now drawing in the lower grade.

Mr. THOMAS. At what would the Senator put the aggregate increase?

Mr. BRYAN. I have not estimated it. It would be a very difficult thing to figure it out, because if you should promote six rear admirals to the grade of vice admiral, and should then promote six captains to the grade of rear admiral, certainly you would not ignore the fact that they were drawing salaries as rear admiral or captain, as the case might be, before the promotion occurred. The aggregate increase, therefore, is a mathematical proposition which the Senator from Colorado can figure out as well as I.

Mr. THOMAS. Oh, yes; I can figure it out, but I thought perhaps the Senator, being in charge of the bill, had made the computation, or that it had been made by the department for him.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. Certainly.

Mr. SMOOT. I was simply going to say to the Senator, if I understood his statement correctly, that there would be six vice admirals added to the Navy list; there certainly would be the expense of paying those six vice admirals over and above the present cost.

Mr. BRYAN. Oh, no.

Mr. SMOOT. It could not be otherwise, Mr. President.

Mr. OVERMAN. You would have to subtract the amount of the salary the rear admiral was drawing before his promotion to the grade of vice admiral.

Mr. SMOOT. Not at all, because the law provides that there shall be nine rear admirals; and, if you advance those rear admirals to the grade of vice admiral, some officers of lower rank will have to takes the places of the rear admirals.

Mr. BRYAN. But those other officers are also drawing a salary now.

Mr. SMOOT. That does not make any difference.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. BRYAN. I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized by the Chair.

Mr. O'GORMAN. Mr. President, I desire to say, in response to the suggestion made by the Senator from Colorado [Mr. THOMAS], that, as I view the provisions of this bill, its passage will involve an additional expense of $57,000 a year. It provides for the designation of six vice admirals, three of whom shall receive $11,000 a year, or $33,000, and the other three of whom shall receive the salary of a rear admiral, $8,000 a year, making a total of $24,000, which added to $33,000 makes a gross amount of $57,000. I take it that it would be very difficult for

the Senate of the United States to justify its rejection of this measure because of such an expenditure.

The objections that I have heard to-day with reference to this measure are not novel ones. As has been stated by the Senator from Wyoming [Mr. WARREN], they were heard in Congress when an attempt was made to raise our legations abroad to embassies. That involved, as this legislation does, a recognition of rank for which the United States is not responsible. I can well understand that, as between individuals, a citizen of the Republic may have respect for precedence or he may disregard it; that is his privilege; but a matter such as this which is now before the Senate affects the pride of the Republic, if it does not really touch its honor, and as one Member of this body I should never cast a vote which would tend to lower the dignity of the United States in its relations with other powers simply to save $57,000.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. O'GORMAN. Just as soon as I conclude.

It makes a great difference with respect to the prestige of the United States whether its representatives, be they diplomatic officers or officers of the Navy or the Army, have to stand aside while representatives of other nations move on and take precedence over them. If I understand the sentiment of the American people, they would disapprove of opposition to legislation of this kind.

I think we owe it to our country, we owe it to our flag, we owe it to the prestige which all of us should be eager to maintain and sustain, to see that in foreign relations the representatives of the public service of the United States shall be at least on a par with the representatives of other nations.

Mr. WARREN. I wish to ask the Senator a question. I entirely agree with the Senator in the sentiments he has expressed, but if I understood his figures correctly, I can not subscribe to his computation.

Mr. O'GORMAN. The bill provides for the creation of a grade known as vice admiral. It will consist of six members. The salary of each will be $11,000 a year, only, however, while the vice admiral is on sea duty, or on shore duty beyond the continental limits of the United States. When not on such duty, the vice admiral will receive the pay of a rear admiral.

Mr. WARREN. Yes; that is true.

Mr. O'GORMAN. It is estimated that of the six vice admirals provided for by this bill, only three will be entitled to the larger compensation.

Mr. WARREN. There are six admirals, whatever their salaries may be, in addition to the present ones. So many of them as are doing sea duty, or shore duty in the noncontinental parts of the United States, will draw $11,000 each. The balance will draw $8,000 each. So you must multiply 6 by $8,000 to start with, and then add the difference. Is that the way the Senator arrives at it?

Mr. O'GORMAN. That would produce the result of $57,000.

Mr. WARREN. And, of course, in addition to that, there will be the allowances that accrue to the officers of higher rank.

Mr. O'GORMAN. Whatever the allowance may be.

Mr. WARREN. I simply wanted to be sure the figures given were correct.

Mr. O'GORMAN. I should go as far as any Member of the Senate in promoting economy in public expenditures; but when I have seen bill after bill go through, against my protest, providing large appropriations for post-office and Federal buildings in obscure corners of this continent, each one of them involving amounts largely in excess of this amount of $57,000, I marvel that there should be one Senator willing to deprive this country of the recognition it ought to receive in every part of the globe.

Mr. LODGE. Mr. President, I agree most cordially with all the Senator from New York has said, and I certainly should not allow a question of $57,000 to stand in the way. I am perfectly ready to vote for the bill as it is. I agree with the Senator from New York that we ought to do this for the dignity of the Nation. It is not a question of the individual admiral or the individual ambassador; it is the credit of the representative of the United States that is involved; and though we all cheerfully recognize our own superiority in morals and manners to all the rest of the world, at the same time we do not want to appear, as a Nation, like either a boor or an outlaw.

I should think 18 officers of flag rank were enough, because I understand some of our admirals are not at the present moment employed. If the department feels that we need 6 more officers of flag rank, I shall be only too glad to support the Secretary and the department in granting them, and they can be added in the appropriation bill; but until that time it seems to me it would be well to amend this bill so as not to increase the total number of officers of flag rank. We can do that by adding another proviso:

Provided further, That the total number of vice admirals and rear admirals shall not exceed the number of rear admirals of both grades now provided by law.

Mr. WARREN. That is all right.

Mr. LODGE. That would reduce the expenditure, which to me does not seem very important in a matter of this sort.

Mr. O'GORMAN. Will the Senator repeat the last amendment?

Mr. LODGE (reading)—

Provided further, That the total number of vice admirals and rear admirals shall not exceed the number of rear admirals of both grades now provided by law.

That would mean simply an increase of $3,000 to each of the vice admirals on sea duty.

Mr. SMOOT. Or a total of $18,000 at the most.

Mr. LODGE. Or a total of $18,000 at the most.

Mr. BRYAN. Of course, ordinarily it would not be that much.

Mr. LODGE. No; ordinarily it would not be as much as that, but that would be the outside figure. In that way we get the rank—which I deem of great importance, for the reasons stated by the Senator from New York, upon which statement I can not possibly improve—and we leave the admirals properly graded. If we need to provide in the future additional men of flag rank, it can be very easily done.

I offer that amendment.

Mr. THOMAS. Mr. President——

Mr. O'GORMAN. Mr. President, in connection with the amendment offered by the Senator from Massachusetts I wish to suggest that lines 3 and 4 should be modified so as to meet the purpose of the amendment by striking out the words "is hereby increased so as to" and inserting the word "shall," so that the language will read:

That the active list of the line of the Navy shall include the grade of vice admiral.

Mr. LODGE. Yes.

Mr. WILLIAMS. Does the Senator mean to strike out——

The PRESIDING OFFICER. Senators will please let the Chair ascertain the parliamentary status. Does the Chair understand that the Senator from Massachusetts offered an amendment?

Mr. LODGE. I did; yes.

The PRESIDING OFFICER. Does the Chair understand that the Senator from New York offers a substitute for that amendment, or that he offers an amendment to the amendment?

Mr. O'GORMAN. I offered, first, a suggestion to the Senator from Massachusetts, which he has accepted.

The PRESIDING OFFICER. Does the Senator from Massachusetts——

Mr. LODGE. The Senator from New York offers an amendment to another part of the bill, in order to make the whole bill conform to the amendment which I offered.

Mr. WARREN. That is right.

Mr. LODGE. That is, in the third and fourth lines of the first page, he proposes to strike out the words "is hereby increased so as to," and to insert the word "shall."

Mr. O'GORMAN. That is correct.

Mr. LODGE. So that it will read:

That the active list of the line of the Navy shall include the grade of vice admiral.

The amendment offered by the Senator from New York is made necessary by my amendment and should be acted on first, and then it will make the whole bill harmonious.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Chair will have to rule that the amendment tendered by the Senator from Massachusetts goes to one portion of the bill, and the amendment tendered by the Senator from New York to another portion, and therefore that the amendment first proposed will be first for the consideration of the Senate. The Chair recognizes the Senator from Colorado to address himself to the pending first amendment, namely, the amendment of the Senator from New York.

Mr. BRISTOW. Mr. President, will the Senator from Colorado yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield for an inquiry?

Mr. THOMAS. I yield.

Mr. BRISTOW. I wish to make a parliamentary inquiry. I understand that the pending amendment is the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK], to strike out "$11,000," in line 9, page 2, and insert "$9,000."

The PRESIDING OFFICER. The Chair will confess ignorance on that subject, having come in in the meantime; but the Chair accepts the statement that such is the pending amend-

ment. Does the Chair understand that the Senator from Kansas desires that first to be disposed of?

Mr. BRISTOW. I do; yes.

The PRESIDING OFFICER. That being the pending question, the Senator from Colorado is recognized under that amendment.

Mr. THOMAS. Mr. President, I shall support with a great deal of pleasure the amendment offered by the Senator from Massachusetts [Mr. LODGE]. My present purpose, however, is to reply to some of the suggestions made by the junior Senator from New York, which seem to reflect upon the position I have taken concerning this bill.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. I do.

Mr. O'GORMAN. I am sure the Senator from Colorado must have misunderstood the spirit in which I referred to him or his remarks a few moments since. What I said was not at all a criticism of his attitude, and did not imply any want of respect for his opinions. Few Senators have been more consistent than the Senator from Colorado in advocating economy in public expenditures.

Mr. THOMAS. I very cheerfully accept the statement of my friend the Senator from New York, and, of course, I acquit him of any intentional reflection upon either the motive or the substance of my statement; but I feel impelled, nevertheless, to say that this is not a matter of dollars and cents with me if the dignity of the United States or the necessities of its Navy are actually involved. To my mind, however, we can save this additional amount of money and at the same time do no injury whatever either to the dignity or to the prestige of this country.

The amount itself, relatively speaking, is, of course, insignificant. As an item in the ordinary appropriation bills which we enact every year it would hardly be noticed. It is a fact, however, as to small as well as to many large appropriations, that we are prone to support them, in many instances, upon the spur of the argument that to oppose them is to reflect upon the dignity and prestige of the Government of the United States. It has been one of the most prolific bases of extravagant appropriations by the Congress of the United States, perhaps the most prolific of all so-called arguments in support of them.

Referring to the criticism of the Senator from New York, I am aware that enormous appropriations, which perhaps were not so important as this, have been put through the Senate and the House, and that it looks somewhat inconsistent to haggle over a small matter in view of the record which we have made in that regard. I believe, however, that during the short time I have been here I have contributed in some degree toward a limitation of the expenditures of this Government to the actual requirements of the hour. To my mind, unless every reasonable limitation is enforced, not only as to large but as to small appropriations, we are soon going to reach a volume of expenditure which will subject us to the just criticism of being a four-billion-dollar Congress instead of a two-billion-dollar Congress, as has been the case for so long.

I was amazed at the statement made the other day by the senior Senator from Arizona [Mr. ASHURST] to the effect that from the organization of this Government down to the present hour we have spent $700 upon aggressive and defensive wars, paying for wars that have been fought and preparing for wars that are anticipated, where we have spent $1 for other purposes of administration. In other words, the ratio of our expenditures upon military and naval affairs upon wars fought and wars anticipated is to expenditures for other purposes as 700 is to 1. Of course a great proportion of this vast outlay has been made up of small items like this one, which in the aggregate always amount to millions; they also become fixed charges, and provision has to be made for their payment, not only when they are initiated and enacted, but for all time thereafter.

Mr. O'GORMAN. Mr. President, will the Senator yield to me for a moment?

Mr. THOMAS. Certainly.

Mr. O'GORMAN. I simply wish to observe that it is perhaps unfortunately true, as the Senator from Colorado has stated, that a very large proportion of our Federal expenditures goes for the maintenance of the Army and Navy, but I know the Senator from Colorado will admit that in that respect our showing as a Nation is far more satisfactory than that of any other great nation on earth.

Mr. THOMAS. If the Senator has reflected upon the subject and has come to that conclusion, I should hardly dare to dispute it, because, generally speaking, I find his views to be sound and reliable.

Mr. O'GORMAN. I have only to suggest that surely Germany contributes a far larger proportion of her federal expense to her army and navy than we do.

Mr. THOMAS. She does.

Mr. O'GORMAN. Great Britain also does the same thing.

Mr. THOMAS. She does appropriate a larger proportion of her revenues; but, so far as the actual amount is concerned, I think the Senator will find that our appropriations equal, if they do not exceed, those of Germany, whereas our Army is scarcely one-tenth, perhaps not one-tenth, the strength of her's, while our navies are about of equal size. In other words, they have more to show for their expenditure than we do.

I do not know that it would be possible to put a stop to or even place a limitation upon the progressive expenditures for these purposes, because the nations of the earth are running a mad race in the effort to outstrip each other in the extent and character of their naval armament. We are building vessels which become obsolete before they are completed. We have today a fleet which, I am credibly informed, is short in men and officers to the extent of 3,000 officers of the line and 6,000 men.

Hence, in regard to this matter, I felt and I still feel that we can in all things keep in view and preserve every element of dignity, of prestige, and of honor to which this Nation is entitled and at the same time largely limit our expenditures, and whether the amount be great or whether the amount be small, it is our duty to do so. I therefore have been unable to perceive—and I am delighted that so many of the Senators seem to coincide with that view—any necessity whatever for adding to our roll of staff officers of the Navy an additional number of vice admirals.

In that connection, of course, the matter of increased expenditure becomes an item for consideration, and I am glad that what now seems to be a compromise has been reached whereby the opposing views of all Senators here may be reconciled upon the amendment which has been offered by the Senator from Massachusetts.

The PRESIDING OFFICER. The question still is upon the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. BRISTOW. Mr. President, I shall support the amendment of the Senator from Nebraska, which would fix the salary of these vice admirals at $9,000 instead of $11,000.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. I do.

Mr. BRYAN. If the Senator will permit me, I will state that so far as the members of the Committee on Naval Affairs are concerned, after a consultation, we have agreed, so far as we may do so, to accept the amendment of the Senator from Massachusetts.

Mr. BRISTOW. I have no objection to the amendment of the Senator from Massachusetts provided the amendment of the Senator from Nebraska is accepted.

Mr. BRYAN. Oh, no; I thought the Senator was referring to the number of officers of the grade of rear admiral in the Navy.

Mr. BRISTOW. I am opposed to creating another set of naval officers and fixing the salary at $11,000 a year and incidental perquisites, because I do not think it is necessary. Our Government has gotten along very well——

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. I do.

Mr. MARTINE of New Jersey. I should like to ask the Senator how large an increase this makes?

Mr. BRISTOW. Six vice admirals, and the increase over the salary of the rear admirals would be $3,000 per annum, a rear admiral's salary being $8,000 and the salary of the vice admiral being fixed at $11,000.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New York?

Mr. BRISTOW. I do.

Mr. O'GORMAN. May I be permitted to say a word in answer to the inquiry of the Senator from New Jersey?

The PRESIDING OFFICER. Does the Senator from Kansas yield for that purpose, he having the floor?

Mr. O'GORMAN. I will take but a moment.

Mr. BRISTOW. I yield to the Senator.

Mr. O'GORMAN. I desire to say to the Senator from New Jersey that in a few moments, according to my mode of calculation, I figured that the passage of the bill and the creation of six vice admirals would involve an expenditure of $57,000. I am still under that impression, but I may be in error, because I have

been advised by the Senator from North Carolina [Mr. OVERMAN] that he was informed by the department that it would really involve an expenditure not to exceed $12,000 a year.

Mr. OVERMAN. I wish to say that I was not informed officially by the department, but I was talking with one of the chiefs of bureau about the bill, and he told me, not officially but in conversation, that the increased expenditure would be only about $12,000.

Mr. BRISTOW. That, of course, is all right, and I do not question the accuracy of the information, but I make the prediction that it will result in six naval officers drawing $11,000 a year perpetually and continually from the day that it is authorized by the law. There is an effort made on the part of the officers of the United States Government insidiously to work into law increases of salary at every session of Congress and almost every month that Congress is in session, and this is another effort along the same line.

I would like to have some Senator, if he has any leisure moments, to look up the number of salaried officers that have been added to the pay roll of the United States Government within the last 10 months.

We have been pursuing a system of the most astounding extravagance in the creation of additional offices of high rank and in a time of profound peace. I believe it is safe to assert that there has not been such a period of increase in the civil pay roll since the Government was established as during the period since the 4th of March last. Still we are pursuing a campaign country-wide seeking some means by which we can reduce the cost of living, and at the same time we are piling up taxes on the American people without limit and without the slightest hesitation. Here it is proposed to create another set of officers drawing salaries aggregating $11,000 a year, with perquisites double the amount that is earned by the average citizen of the United States, and you are taxing the people to pay the bills.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. KENYON. I inquire of the Senator or any other Senator as to what these perquisites are. I am just curious to know. Does the Senator from Kansas know what they are?

Mr. BRISTOW. I am not advised; but I have been told by members of the committee that they aggregate about $1,600 a year. I do not know how accurate it is, but that is the statement made to me by another Senator.

Mr. HITCHCOCK. I understand that they are not perquisites; they are allowances that are received by the admirals when on shore duty to take the place of what they receive at sea. Is not that true?

Mr. WARREN. They receive extra pay on sea duty.

Mr. WEEKS. There seems to be a good deal of confusion about this question. I should like to clear up this particular point at this time. The bill provides that vice admirals shall receive only $11,000 when they are at sea in command of three specific fleets. Therefore, there can be only three of them at sea at any one time, with an added salary of $3,000. So the total additional cost, if my colleague's amendment is accepted, under the most extreme circumstances would amount to only $9,000. An admiral at sea has no perquisites whatever. It is only when he is on shore that he has allowances, and they are an allowance for rooms, for heat, and for light. Therefore, as his salary goes back to $8,000 when he is on shore, this act does not add anything to his pay.

Mr. WARREN. May I ask the Senator from Massachusetts a question?

The PRESIDING OFFICER. Does the Senator from Kansas yield further for the colloquy?

Mr. BRISTOW. I do.

Mr. WARREN. The officer at sea draws additional pay?

Mr. WEEKS. Under this bill?

Mr. WARREN. Under the law.

Mr. WEEKS. Under the law they have an increase in their pay when at sea of 10 per cent.

Mr. WARREN. That applies not only to sea duty but to shore duty.

Mr. WEEKS. To sea duty and outside the limits of the continental United States.

Mr. WARREN. Ten per cent is allowed extra when they are at sea, and when they are at home it is not allowed. That is the allowance the Senator speaks of.

Mr. WEEKS. Ten per cent will be allowed in that grade.

The PRESIDING OFFICER. The Senator from Kansas will proceed.

Mr. BRISTOW. Whatever insidious efforts may be used to establish this rank in the Navy, it means in the end the creation of a rank, with the full expense it will possibly incur upon the Government. We usually start in these innovations in the most insidious manner possible; but ultimately the expense mounts up year by year, as I have indicated it will. There is not any doubt about that.

Some criticism of the expenses for the construction of Federal buildings throughout the country has been made, principally by the Senator from New York. I believe he declared it to be extravagant. I am willing to admit that there have been public buildings erected where, in my opinion, they were not needed or where there have been larger amounts expended in the construction of public buildings at places than were necessary; but I invite this to the attention of the Senate, and if any Senator will inquire he can verify the fact. The public buildings of the United States which are owned to-day by this Government will invoice for more money than the United States Government has paid for them. You can take the expenditures for public buildings since the Government was created down to the present time and take an inventory of the property of the United States Government in those buildings with its value at the present time, and I make the prediction that they are worth more to-day than they cost. I invite any doubter of that statement to inquire into the facts and he will find his doubts will be removed.

Mr. KENYON. I do doubt it, Mr. President.

Mr. BRISTOW. I know the Senator from Iowa doubts it, but that is because he has not looked into it.

Mr. KENYON. I know of public buildings that were amply good for all purposes of the Government with perhaps a little addition which might have been built that were absolutely torn down and the foundation had to be dynamited in order to use another appropriation that Congress had made. What I had in mind is where the money has been wasted in that manner.

Mr. BRISTOW. I will admit, as I said, that there have been buildings erected where they should not have been erected, in my opinion, and money has been expended in excess of what was necessary. But I repeat the statement. Take the property of the United States to-day in its public buildings as they are now and take an inventory of the value, and it will amount to more than the Government has expended for public buildings since it was created.

Mr. KENYON. I am not going to quarrel with that, because in cities like New York, Chicago, and Boston there has been a great addition by reason of the increased value of the land. What I had in mind was where a public building has been torn down as being inadequate and an expenditure made for the construction of a new building in order to help send men back to Congress. That has been done many times.

Mr. BRISTOW. I am not saying, and I do not pretend to say, that all the expenditures that have been made for public buildings have been justified, but I do say that the expenditures have been wiser and better than the expenditures that have been made for either branch of the military establishment. We will spend ten or fifteen or twenty million dollars for a battleship that in 10 years goes onto the scrap heap. We keep that up year by year under the pretense that they are great agencies of peace. The time has been when a man would put a gun in his pocket and walk around the streets or travel through the country and allege that he was taking the firearm with him to protect himself. It was just as much an agency of peace with him as a battleship is to a Government.

Mr. President, I think that there is creeping into the military establishment of the United States——

The PRESIDING OFFICER. The Chair asks for order.

Mr. BRISTOW. I know this is all a matter of amusement to those who have the responsibility of expending the public money and levying taxes on the people to secure the money to pay these bills, and then, after voting for these extravagances, they will go out and make great speeches about reducing the cost of living.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. BRISTOW. I do.

Mr. ASHURST. It may be a matter of amusement to some Senators, but it is not a matter of amusement to me. The Senator from Kansas [Mr. BRISTOW], in my judgment, is entirely correct in his position on this question.

The PRESIDING OFFICER. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, I have said about all I care to say. I intend to support the amendment of the Senator from Nebraska reducing the salary of these officials that it is proposed to create here and fixing it at $9,000 per year instead of $11,000.

Mr. WEEKS obtained the floor.

Mr. HITCHCOCK. I ask the Senator from Massachusetts to yield to me for a moment. I ask the consent of the Senate to withdraw my amendment, for the reason that the amendment which was offered by the senior Senator from Massachusetts [Mr. LODGE] and accepted by the Senator from Florida [Mr. BRYAN] rather obviates the objection which I had in mind that the bill would add six high-salaried officers to the Navy. The limitation which the amendment offered by the Senator from Massachusetts has made removes, to my mind, the objection as far as that is concerned.

The PRESIDING OFFICER. The Senator from Nebraska asks leave to withdraw his amendment. Does the Chair hear objection?

Mr. BRISTOW. I shall object to its withdrawal; or, if it is withdrawn, I shall myself renew it.

The PRESIDING OFFICER. There being objection to the withdrawal, the amendment remains before the Senate. The Chair so rules.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. Will he yield?

Mr. WEEKS. I yield to the Senator from Arizona.

Mr. ASHURST. I would not ask the Senator to yield for the purpose for which I rose, because it is my purpose to make a motion, and would not impose on the Senator's courtesy to that extent.

Mr. WEEKS. Mr. President, I intended to discuss this question of expense. It has always been amusing to me, since I have been in Congress, to hear either body take an hour or two hours or three hours discussing a matter that involves a few thousand dollars when they frequently vote away millions of dollars without what seems to me sufficient consideration.

The total possible additional expense, as I have already stated, if the amendment offered by my colleague is accepted, will be $9,000 under this proposed act. Even as the bill was presented to the Senate the increased expense could be only $55,800, less the possible increases every five years which are paid to officers who serve five years or more in a grade; that is, there is a 10 per cent increase if an officer serves five years in a grade, and 20 per cent if he serves 10 years in a grade. So $55,800 would be reduced by such increases as might arise from this length of service. But under this proposed amendment the increase is $9,000, nothing more and nothing less, and it does not increase the emoluments that go to officers under any circumstances.

The main point to be considered in this legislation is whether it is desirable to revive the grade of vice admiral in the Navy. On that point I want unhesitatingly to assert that it is desirable from many viewpoints, but it is especially essential, Mr. President, because our fleets are frequently serving in cooperation with other fleets.

It is not any great burden to place on the rear admiral in command of our fleet to call first on the vice admiral of some other fleet or the rear admiral of some other fleet; but when we come to cooperate with landing parties, as may be frequently necessary in the service, so that our men are serving in cooperation with the men of other navies, then it is of vital importance, if we are furnishing the larger number of men, especially, that our commanding officers shall rank the officers of the other services.

The only possible objection I can see to the bill as amended by my colleague will be to the increase of $9,000 a year in the expense. I believe it is desirable from the standpoint of the service and the standpoint of the country, and therefore I hope the bill may be passed as amended. I am not entirely satisfied that we would not be justified in somewhat increasing the number of admirals. There are now, as I figure it, 24 admirals on the active list, but 6 of those, at least, are extra numbers, some of whom are men who do not go to sea because they were educated as engineers, and they were made extra numbers because they were engineers and had not served in the line, and therefore they could not be put in command of a fleet.

There are actually at sea with the fleets at this time eight rear admirals and there is one rear admiral in command of the reserve fleet, or nine admirals actually in command, so that unless we increase the number of admirals they are going to be at sea at least half the time.

Senators may say that that is not a hardship and that that is not an argument for an increase in the number of admirals. I am not quite sure that it is, and yet the argument that has been made that we have a large number of rear admirals who are idle, performing substantially no service, is entirely without justification. I think we might properly increase the number of admirals by three; that is, by the number of vice admirals who will be actually in command of the fleet; but as the amendment which has been offered has been accepted by the committee, I am content to leave the matter, as far as I am concerned, in that form.

The PRESIDING OFFICER. The question now recurs upon the amendment of the Senator from Nebraska [Mr. HITCHCOCK], to the withdrawal of which the Senator from Kansas [Mr. BRISTOW] objected. Is the Senate ready for the question?

Mr. BRISTOW. I should like to have the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not present, and I withhold my vote.

Mr. LEA of Tennessee (when his name was called). I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Louisiana [Mr. THORNTON] and vote "nay."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. As he did not respond, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and I withhold my vote.

Mr. SAULSBURY (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am advised, however, that if he were present he would vote upon this amendment as I would vote. I will therefore vote. I vote "nay."

Mr. STERLING (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Ohio [Mr. BURTON] and vote. I vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. WILLIAMS (when his name was called). I wish to transfer the pair which I have with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Maine [Mr. JOHNSON]. I vote "nay."

The roll call was concluded.

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH], but as he would vote on this question as I have voted, I will allow my vote to stand.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. REED. I wish to inquire if the Senator from Michigan [Mr. SMITH] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Michigan has not voted.

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH] which applies, I think, under the circumstances. I therefore withhold my vote.

I desire to state that my colleague [Mr. STONE] is still detained from the Senate by illness.

Mr. RANSDELL. I desire to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness.

Mr. KERN. I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. In his absence, I withhold my vote.

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague, the senior Senator from Texas [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

I wish to further announce the absence, on official business, of the Senator from Kentucky [Mr. JAMES]. He has a general pair with the Senator from Massachusetts [Mr. WEEKS].

I wish also to announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN].

Mr. SMOOT. I desire to announce the necessary absence of the senior Senator from Michigan [Mr. SMITH] and the junior Senator from Michigan [Mr. TOWNSEND].

Mr. DU PONT. I transfer my general pair with the senior Senator from Texas [Mr. CULBERSON] to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay."

Mr. MARTINE of New Jersey. I desire to announce a pair existing between the Senator from Arkansas [Mr. ROBINSON] and the Senator from Michigan [Mr. TOWNSEND]. The Senator from Arkansas is absent on official business.

I have also been requested to announce a pair existing between the Senator from Oklahoma [Mr. GORE] and the Senator from New Mexico [Mr. CATRON].

Mr. SMITH of Maryland (after having voted in the negative). Since voting I realize that I have a pair with the senior Senator from Vermont [Mr. DILLINGHAM], but I understand that he would vote as I have voted, and therefore I will let my vote stand.

The result was announced—yeas 13, nays 40, as follows:

YEAS—13.

Ashurst	Kenyon	Smith, Ariz.	Works
Bristow	Norris	Sterling	
Gronna	Shafroth	Thomas	
Hollis	Sheppard	Thompson	

NAYS—40.

Brandegee	Lea, Tenn.	Page	Smith, Md.
Bryan	Lee, Md.	Perkins	Smith, S. C.
Chamberlain	Lewis	Pittman	Smoot
Chilton	Lodge	Poindexter	Stephenson
du Pont	Martin, Va.	Pomerene	Sutherland
Fall	Martine, N. J.	Ransdell	Swanson
Fletcher	Newlands	Root	Walsh
Hitchcock	O'Gorman	Shields	Warren
Hughes	Oliver	Shively	Weeks
Lane	Overman	Simmons	Williams

NOT VOTING—42.

Bacon	Colt	Kern	Saulsbury
Bankhead	Crawford	La Follette	Sherman
Borah	Culberson	Lippitt	Smith, Ga.
Bradley	Cummins	McCumber	Smith, Mich.
Brady	Dillingham	McLean	Stone
Burleigh	Gallinger	Myers	Thornton
Burton	Goff	Nelson	Tillman
Catron	Gore	Owen	Townsend
Clapp	James	Penrose	Vardaman
Clark, Wyo.	Johnson	Reed	
Clarke, Ark.	Jones	Robinson	

So Mr. HITCHCOCK's amendment was rejected.

Mr. BRISTOW. On page 2, line 16, before the word "years," I move to strike out "sixty-two" and to insert "sixty-five."

The PRESIDING OFFICER. The Chair begs to request the Senator from Kansas that he withhold his amendment until the pending amendment of the Senator from Massachusetts [Mr. LODGE] shall be disposed of.

Mr. BRISTOW. The pending amendment was a simple announcement that the Senator from Massachusetts intended to move an amendment. Two amendments can not be pending at the same time.

The PRESIDING OFFICER. The Senator from Kansas is of the same judgment as is the Chair. Will the Senator from Massachusetts allow the Chair to inquire whether his amendment was offered?

Mr. LODGE. My amendment was offered and comes next in order for disposition.

Mr. BRISTOW. Let me inquire how it comes next in order for disposition when it was not pending at the time the amendment just disposed of was adopted, and then, immediately, I obtained the floor and offered an amendment?

Mr. LODGE. Mr. President, I do not care to bicker over it. I think the amendment is in order, because the Chair recognized me when I offered it, not knowing of the previous amendment.

The PRESIDING OFFICER. The Chair was of the same opinion that——

Mr. LODGE. But if the Senator from Kansas wants to offer his amendment now, he is perfectly welcome to do so.

Mr. BRISTOW. It is purely a question of parliamentary procedure, and my contention is that my amendment is now in order.

Mr. LODGE. It is not a question of parliamentary procedure that is worth contending for.

The PRESIDING OFFICER. The Senator from Massachusetts, as the Chair understands, is content to have the amendment proposed by the Senator from Kansas first considered and then his own amendment to follow. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. In section 3, page 2, line 16, before the word "years," it is proposed to strike out "sixty-two" and to insert "sixty-five," so that if so amended it will read:

SEC. 3. The vice admirals shall be placed on the retired list at the age of 65 years.

Mr. BRISTOW. Mr. President, I can not see why it is necessary to retire the admirals or the vice admirals of the Navy, or the rear admirals, at the age of 62. It is simply for the purpose of getting them out and permitting others to come up and enjoy the high grade, so that, sooner or later, they will all be on the retired list in the highest grades that are available. In my opinion, it is becoming a burden to the American people to carry such a large number of retired Army and Navy officers. Army officers are retired at 64 years of age and naval officers at 62 years. I do not believe that there is occasion to retire these officers at so early an age as the law provides. I want them to remain, in these high grades at least, until they are 65 years old.

Mr. LODGE. Mr. President, one word on the amendment. The age of 62 years is the age established by law, and it has been for many years the age for the retirement of naval officers. In the Army an officer may retire at 62, and must retire at 64 years of age. That age was adopted long ago, on the general proposition that, though there might be here and there a man who would be fit for the highest commands at sea at the age of 62 years, the chances were that it would not be so, and that it was the part of wisdom to have the officers in command of the great fleets of the Nation less than 62 years of age. Whether or not that proposition is correct—and I am inclined to think it is—it does not seem to me that it is a question which ought to be settled in a bill of this character, which merely deals with a question connected with one grade. The age of retirement affects the entire service of the Navy and of the Army; and I think it is too large a question to be dealt with at this time in this bill.

Mr. BRISTOW. Mr. President, we are creating a new grade. When we create a new grade, there is no reason why we should not fix the age at which the officers of that grade shall retire. It can be done in this bill; and in this bill is the place to do it, if we believe that it is proper legislation. I do not believe that we ought to load the retired list of the military establishment with these high-grade officers now. As I have said, it is becoming a burden to the American people; it is mounting up until it amounts to millions of dollars.

Mr. REED. Mr. President, the amendment offered by the Senator from Kansas proposes to raise by three years the age limit at which officers of the Navy shall be forced to retire. Upon that amendment I want to be very briefly heard. The Senator from Massachusetts [Mr. LODGE], who opposes any change, has stated, in his usual clear and lucid manner, his reasons for antagonizing the amendment. The reasons given are those which were advanced when the retirement law was enacted, namely, that only young men are capable of managing fleets and armies. The public for many years has listened with astonishing patience to that dictum. I have never believed it was a good-faith statement. I believe now that the real reason for fixing an early age for retirement was to make room for promotions. We have by this law established an endless chain, every link of which brings its burden of taxation, to be borne by the people. We graduate as many young officers as we can; we promote them as rapidly as possible; we force them out of the service by law. When we get rid of them it is upon the basis of a retirement at large pay. Unable to restrain our impatience, we establish plucking boards to make vacancies. When neither death, disease, nor time make vacancies fast enough, the plucking board gets busy and the retirements and promotions go gaily on. What wonder that the expense of the Army and Navy mounts from year to year and continues to mount. Every bill that is brought in adds a little to the sum total. No bill takes off anything. Once create a position and it enjoys eternal life; once increase a salary and it remains stationary until it is again raised. The old illustration of the snowball that grows constantly as it is rolled over applies, with this difference: The snowball will melt beneath the rays of the spring sun, but the salary list possesses the quality of perpetual growth.

Mr. President, there may have been a time in the history of the Navy and Army when so many officers had passed the period of activity that it was necessary to do something to temporarily relieve the situation. In my opinion that condition no longer obtains. To my mind it is, under any circumstances, utterly ridiculous to lay down the hard-and-fast rule that the officers of the Army and Navy shall be retired at 62 and 64 years willy-nilly. About one-third of the membership of this body far exceeds those ages. In my judgment no man ought to be retired from the Army or the Navy merely and only because he has arrived at some certain age. An officer should be retired only when a board honestly passing upon his case can say that by reason of the infirmities of nature he has passed the point of efficiency.

I do not know where this system of pensioning by "retirement" is going to end. We appoint judges of courts, and we

retire many of them when their brains teem with knowledge and their opinions, ripened by experience, are of the greatest value. We make Army officers, and we retire them in the full flood and bloom of their days of usefulness. We create officers of the Navy, we educate them at enormous expense, and I do not begrudge that expense, but having thus educated them we proceed to retire them when years of mental activity and physical power are stretching before them. I maintain that all this is only a part of that philosophy which seems to be universally accepted by those who work for the Government, viz, that the fundamental maxim to be observed is "the greatest amount of money for the least possible labor."

If these men were engaged in any line of business activity, they would not retire at the age of 62 or of 64; they would continue their exertions for many years. What man in private life is permitted to retire on full pay or half pay at a fixed age limit? In private life men do not think of throwing away the ripest and best years of their lives. Why not apply the rule to Senators and retire them, say, at the age of 60 at full pay? One reason is that the people get a chance to retire Senators, and do retire them when they cease to be of any use, and that rule ought to be universal. Men ought to be retired when they cease to be of value. If you retire the Army and Navy officers when no longer able to serve efficiently, no one will complain about the pay. My opinion is that we are carrying this system to an extreme, which is becoming not only ridiculous but dangerous.

The proposition that is now being forced upon the attention of the country is that we ought to retire the civil employees of the Government upon half pay or some other kind of pay. These men who come here to Washington soliciting positions, desiring them because they were better positions than they could obtain at home, who hold on to them with a grimness and determination that is admirable, at least for its tenacity and force, now claim that because the Government of the United States has furnished them snug berths for many years, it should therefore pension them for life.

I know how unpopular it is to protest against giving away the public money, but, Mr. President, I say to the Senate and to the country that if we ever establish a civil pension list in this country it will continue to grow, until ultimately it will be a burden equivalent to the war pensions of the land. If the people who have desired and obtained positions under the Government of the United States, who have clung to them with tenacity and pertinacity, were working for private individuals, they would expect to lay by before old age came on enough to take care of themselves. Once, however, they secure a place under the Federal Government they insist the job is theirs as long as they can work, after which they must be carried on the roll as pensioners. The civil pension is the next thing that will be forced upon Congress. When it is, you will find plaintive appeals made on behalf of these governmental employees; and once you establish the system, I make you this prediction, that those who now are willing to make affidavit that they are sound in limb, wind, and eyesight will produce equally conclusive evidence that they are utterly unable to do an hour's work. They will stand in line to sign the pension rolls, and the people's money, raised by taxation of the people, will be devoured as the lice devoured Egypt.

I believe an individual working for the United States Government in the civil service or in the Army or Navy ought to be treated fairly. He ought to receive a just compensation, but he ought to have no special privileges. He has no right to a pension. He has no right to be insured and looked after by the Government—not a whit more than a person working for a private citizen. I except, of course, soldiers and sailors who are injured in the line of duty.

Accordingly, I am in favor of the amendment of the Senator from Kansas, because it is a step in the right direction. I hope to see the day when we will retire no man on account of his age, but shall retire him only because of inability to longer serve efficiently. So far as my poor voice goes, I am protesting now, and will continue to protest, against this modern heresy of taking every man who works awhile for the Government of the United States in the civil service out of the class of earners and making him the beneficiary of a pension, to be voted to him out of the taxes of the people. The people who draw no pensions must bear all their own burdens and, in addition, the burdens of pensions paid to others.

Who pensions the laborer in his old age? Who retires the mechanic at half pay? Who provides for the farmer after he has passed his sixtieth milestone? Who grants public largess to the vast multitude who have never held a public berth and who have never even seen Washington? Who looks after those who, not being so fortunate as to be educated at the public expense in a military school, educated themselves or went without? Who provides all these with years of slippered indolence? Who bring them pipe and rocker and bids them sit in the sunshine? Who says to them, "Rest you here and feed at the public crib until death do you part"? These have no advocates in the Capitol to insistently proclaim their woes or push their pension bills. They never tugged the public pap, and hence must make shift of necessity. In the winter of their lives they must bear their own burdens and also bear the weight of pensions laid for the benefit of those who hold the jobs they never could hope to obtain.

If we are going to pension everybody and retire everybody who is in the governmental service, let us extend the beneficent system to all of those people who never yet were successful in getting a Government job. I am in favor of the amendment offered by the Senator from Kansas.

Mr. BRISTOW. Mr. President, two years ago I asked the Secretary of the Navy for a list of the retired officers of the Navy with their various ranks, and on March 18, 1912, a report was made. I suppose the number of officers on the retired list is certainly no less now than it was then, and probably it is greater now. This was the summary: "Number of rear admirals on the retired list, 210."

Mr. REED. How many on the active list?

Mr. BRISTOW. I have that somewhere and will find it in a moment.

Mr. WARREN. There are 18 on the active list.

Mr. BRISTOW. Eighteen, I am told.

Mr. REED. I want to ask the Senator——

The PRESIDING OFFICER (Mr. WORKS in the chair). Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. How long does the Senator think a business could be run that had 18 active men and 210 retired men, all drawing salaries?

Mr. BRISTOW. I think that needs no answer; it answers itself.

In addition to the 210 rear admirals, there were on the retired list 49 commodores, 102 captains, 100 commanders, 63 lieutenant commanders, 79 lieutenants, 61 lieutenants (junior grade), 110 ensigns, and 123 warrant officers. The expense of maintaining the retired list of the officers of the Navy for that year was $2,898,901. That is growing year by year; and I think it is time we were putting a stop to the mounting up of this number of retired officers, that is a burden upon the American people, and, as the Senator from Missouri [Mr. REED] has said, it is increasing the taxes year by year to keep it up, and the taxes are being paid by men and women who do not earn one-third of the pension which these retired officers are receiving in many instances.

Mr. REED. Mr. President, one remark of the Senator from Kansas recalled to my mind a specific case, that of Capt. Chambers, of the Navy. This man, who had charge of the aerial service and had perfected many improvements in the hydroaeroplane, who invented the device by which the hydroaeroplane could be put in flight from the deck of a vessel, a man of the keenest intellect, in the very perfection of his powers, capable, so far as appearance went, of 20 years more of labor, who did not desire to be retired, was arbitrarily taken out of the service. At the time he was probably in better physical vigor than any man in this Chamber. This retirement system is in vogue to make more officers and not for the purpose of improving the service. I say that it has risen to the point of a scandal, and I intend on some other occasion to have something more to say about it. At the present time I am in favor of adopting the amendment offered by the Senator from Kansas.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. SMOOT. Mr. President, just a word. I am rather inclined to support the amendment offered by the Senator from Kansas, but I do not know what effect it might have upon the laws we have already passed controlling our Navy. Therefore I would say to the Senator that I would very much prefer that this whole question should be brought before Congress and be dealt with in a way that will not only reach this question of retired officers, but other questions that are just as vitally important.

Mr. BRISTOW. Mr. President, I desire to say to the Senator from Utah that if we wait until that time we will never get anything done. I have had this matter before the Senate upon several occasions during the last five years, and the best way is to start now. The amendment can not affect anybody except the new officers we are now creating, and we certainly can fix a rule, so far as they are concerned, that will not affect

anybody except these men, and then we will see if we can not bring up the retired list, as a whole, to the standard we are setting here in the creation of these new places.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. BRISTOW].

The amendment was agreed to.

Mr. BRYAN. Mr. President, in view of the adoption of the amendment of the Senator from Kansas, I suggest a further amendment to strike out the first proviso and to strike out the word "further" in the second proviso, because that provision will be useless with the adoption of the amendment of the Senator from Kansas.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, lines 16, 17, and 18, it is proposed to strike out "*Provided*, That the President may continue them on the active list until the age of 65 years"; and in line 18, after the word "*Provided*," to strike out the word "*further*."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Massachusetts [Mr. LODGE], which will be stated.

The SECRETARY. On page 2, line 9, after the words "vice admiral," it is proposed to insert:

Provided further, That the total number of vice admirals and rear admirals shall not exceed the number of rear admirals of both grades now provided by law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. SMOOT. Mr. President, I should like the Secretary to again state the amendment. I did not quite catch it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary again stated the amendment.

Mr. SMOOT. In other words, the amendment has reference to the personnel act of March 3, 1899, in which it is provided that there shall be 18 rear admirals; and the amendment provides that whenever a vice admiral is appointed the number of rear admirals shall be reduced.

The PRESIDING OFFICER. The Chair understands that to be the effect of it. The question is on the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. Now, Mr. President, the amendment of the Senator from New York [Mr. O'GORMAN] is necessary to make the bill conform to the amendment just adopted.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the Senator from New York, which will be stated.

The SECRETARY. On page 1, line 3, after the word "Navy," it is proposed to strike out the words "is hereby increased so as to" and in lieu of those words to insert the word "shall," so that if amended it will read:

That the active list of the line of the Navy shall include the grade of vice admiral—

And so forth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISVILLE & NASHVILLE RAILROAD.

Mr. WILLIAMS. Mr. President, on behalf of the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with amendments, Senate resolution 254.

Mr. LEA of Tennessee. Mr. President, I ask unanimous consent for the present consideration of the resolution. It is a matter of great urgency, as will be shown by certain correspondence with the Interstate Commerce Commission, which I am going to send to the desk and ask to have read.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Whereas under Senate resolution 153 the Interstate Commerce Commission was instructed and directed to investigate and report certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and the ownership of certain subsidiary railroad companies by the Louisville & Nashville Railroad; and

Whereas the investigation instituted by the Interstate Commerce Commission pursuant to said resolution has in some of its phases been suspended on account of the refusal of H. L. Stone, general counsel of the Louisville & Nashville Railroad, to permit the examiners, acting under the authority of the Interstate Commerce Commission, to have access to certain files and records, as has been communicated to the Senate by Hon. E. E. Clark, chairman of the Interstate Commerce Commission: Therefore be it

Resolved, That a special committee, consisting of five Senators, be, and the same is hereby, created for the purpose of assisting the Interstate Commerce Commission in said investigation, and that said committee be, and hereby is, authorized to subpœna and examine witnesses, to hear testimony, require the production of papers, documents, and records that may be pertinent to the investigation; and to this end the said committee be, and is hereby, authorized to employ such legal and clerical assistance as may be necessary.

Mr. LEA of Tennessee. The resolution is merely reported favorably with amendments. No formal report has been written.

Mr. SMOOT. I will ask the Senator whether this resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. LEA of Tennessee. Yes; and it is reported by it favorably, with amendments.

Mr. SMOOT. And this is the report from that committee?

Mr. LEA of Tennessee. This is the report from that committee.

Mr. SMOOT. When was the resolution submitted?

Mr. LEA of Tennessee. I think on the 23d of January.

Mr. SMOOT. I will say to the Senator from Tennessee that I thought the resolution was just introduced by him, and that is the reason why I made the inquiry.

Mr. LEA of Tennessee. No; it was submitted on the 23d of January.

Mr. WILLIAMS. It has been pending in the committee for some time.

The PRESIDING OFFICER. The amendments proposed by the committee will be stated.

The SECRETARY. On page 2, line 1, after the word "witnesses," it is proposed to insert the words "to administer oaths."

The amendment was agreed to.

The SECRETARY. In line 5, after the word "legal," it is proposed to insert the words "assistance at a compensation of not to exceed $50 per day and expenses, and in the aggregate of not exceeding the sum of $3,000."

The amendment was agreed to.

The SECRETARY. Before the word "clerical," in line 5, it is proposed to insert the word "such."

The amendment was agreed to.

The SECRETARY. At the end of the resolution it is proposed to insert: "such compensation, assistance, and expense to be paid out of the contingent expenses of the Senate."

The amendment was agreed to.

Mr. LEA of Tennessee. I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert after the word "Senators," in line 2, page 1, the words "to be appointed by the Vice President," so that it will read, if amended:

That a special committee, consisting of five Senators, to be appointed by the Vice President.

And so forth.

Mr. HITCHCOCK. I should like to have the resolution read as amended.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That a special committee, consisting of five Senators, to be appointed by the Vice President, be, and the same is hereby, created for the purpose of assisting the Interstate Commerce Commission in said investigation, and that said committee be, and hereby is, authorized to subpœna and examine witnesses, to administer oaths, to hear testimony, require the production of papers, documents, and records that may be pertinent to the investigation, and to this end the said committee be, and is hereby, authorized to employ such legal assistance at a compensation of not to exceed $50 per day and expenses, and in the aggregate of not exceeding the sum of $3,000, and such clerical assistance as may be necessary, such compensation, assistance, and expense to be paid out of the contingent expenses of the Senate.

Mr. CHAMBERLAIN. Mr. President, it seems to me it is a little bit unusual for a committee to be appointed from the Senate to assist an organized body in an investigation which falls clearly and entirely within the jurisdiction of that body. I should like to have some explanation from the Senator as to the necessity of the appointment of a senatorial committee to assist the Interstate Commerce Commission.

Mr. LEA of Tennessee. I will say to the Senator from Oregon that this resolution was introduced as the result of correspondence with the chairman of the Interstate Commerce Commission and grows out of the fact that the Louisville & Nashville Railroad is refusing to give access to certain records which the Interstate Commerce Commission believes to be necessary for it to make a report to the Senate in accordance with Senate resolution 153.

A very unusual condition exists. The Louisville & Nashville Railroad is about the last of the large railroad systems to ad-

here to the old policy of "the public be damned." The Louisville & Nashville Railroad is clearly out of step in the march of progress. It is not attempting to meet the conditions that exist to-day by becoming law-abiding, but is continuing to defy the law and to challenge its power. Only recently it has denied the duly appointed examiners of the Interstate Commerce Commission access to certain files which the Interstate Commerce Commission believed necessary to examine in order that the investigation ordered by the Senate might be completed.

Mr. HITCHCOCK. I should like to ask the Senator from Tennessee whether the Interstate Commerce Commission has not by law the power to require access to those files?

Mr. LEA of Tennessee. We believe, and the Interstate Commerce Commission evidently believes, that it has that power; and it has instituted a mandamus proceeding looking toward that end.

Mr. HITCHCOCK. Then why not leave to the processes of the law the natural operations of the Interstate Commerce Commission under its conceded powers?

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. LEA of Tennessee. I do.

Mr. WILLIAMS. I suggest that the Senator from Tennessee permit to be read the letter from Mr. Clark to me, together with the memorandum thereto attached signed by Commissioner Meyer.

Mr. LEA of Tennessee. Yes; I ask that they may be read, and they will answer the question of the Senator from Nebraska.

The PRESIDING OFFICER. In the absence of objection, the matter referred to will be read.

Mr. NEWLANDS. Before that statement is read, as I am called away from the Senate, I should like to make a statement on behalf of the Interstate Commerce Committee.

That committee is now in session with reference to important trust legislation. This resolution was passed, calling upon the Interstate Commerce Commission to make this investigation. The commission has been obstructed in the investigation, and it is thought that the most expeditious way of getting at the facts the commission seeks is to have the cooperation of a committee of the Senate which, under its general powers, can pursue the inquiry and can punish for contempt.

The usual course would be to refer this matter to the Interstate Commerce Committee. It has been very properly referred to the Committee on Contingent Expenses, for it would have to go there also. I have consulted the members of the Interstate Commerce Committee, and while they feel that in due course all these resolutions should go to that committee for consideration, they feel that this is a matter of exigency. Therefore the committee does not demand the reference to it of this matter.

Mr. OLIVER. Mr. President, I did not understand the Senator from Nevada to say that he had consulted all the members of the Interstate Commerce Committee.

Mr. NEWLANDS. No; I have not been able to consult all of them. The matter came up very suddenly. I should have been glad to present it to the committee at its session this morning if I had known it was coming up.

Mr. WILLIAMS. Mr. President——

Mr. LEA of Tennessee. If the Senator will wait a moment, I think it would be well to have the memorandum read.

Mr. WILLIAMS. Just one word, because this is relevant to what has just been said. It is in explanation of the fact that it is proposed to create a special committee.

In that connection I wish to say that as a rule I am very much opposed to the creation of special committees to make inquiries and investigations. Under ordinary circumstances the Committee to Audit and Control the Contingent Expenses of the Senate would have amended the resolution by substituting the Interstate Commerce Committee for the special committee. When, however, we got to thinking about the fact that at this time the Interstate Commerce Committee is occupied, and very soon it will be overwhelmingly occupied, with very important work in connection with antitrust legislation and other things, we really did not think it would have the time to attend to the work properly and expeditiously. Therefore we reported out that part of the resolution without amendment, as it appears.

Mr. BRANDEGEE. Mr. President, I do not quite understand the provisions of the resolution, and therefore I will ask the Senator from Tennessee or the Senator from Mississippi, if he has charge of the resolution, whether it contemplates having the committee of Senators proceed to make this investigation in their own way, or as mapped out from time to time by the Interstate Commerce Commission?

Mr. WILLIAMS. In their own way.

Mr. BRANDEGEE. And does it contemplate that the Interstate Commerce Commission shall be discharged from further investigation under the prior resolution of the Senate?

Mr. WILLIAMS. It does not. The Interstate Commerce Commission is still, through the Department of Justice, following up the mandamus which has been granted to force the production of these papers.

Mr. LEA of Tennessee. If the Senator from Connecticut will permit this memorandum to be read, I think he will understand it.

Mr. BRANDEGEE. With great pleasure. I wanted some information on the subject.

The PRESIDING OFFICER. The matter called for will be read.

Mr. BRANDEGEE. I hope it will.

The Secretary read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 11, 1914.

Hon. JOHN SHARP WILLIAMS,
United States Senate, Washington, D. C.

DEAR SIR: Further replying to your favor of the 31st ultimo, relative to Senate resolution 254, I inclose you copy of a memorandum to the commission from Commissioner Meyer, who has immediate charge of the investigation into the affairs of the Louisville & Nashville Railroad Co.

The memorandum indicates clearly the general situation, and the commission feels that the investigation can be facilitated and expedited if, in some such way as is proposed in the resolution above referred to, the Senate should exercise its power to secure information which apparently we will be unable to secure except as a result of the mandamus suit referred to in the memorandum.

Yours, truly, E. E. CLARK, *Chairman.*

MEMORANDUM TO THE COMMISSION.

FEBRUARY 10, 1914.

In order that the commission might fully respond to Senate resolution No. 153, several of our examiners were sent to Louisville, Ky., to inspect and examine certain accounts, records, and memoranda kept by the Louisville & Nashville Railroad Co.

Section 12 of the resolution directs the commission to secure information concerning the amounts of money subscribed, expended, or contributed for "maintaining political or legislative agents, or contributions to political campaigns, and for creating sentiment in favor of any of the plans of any of said railroads." Section 13 calls for data concerning pass issues.

Information from our examiners has been to the effect that Wible L. Mapother, first vice president of the Louisville & Nashville Railroad Co., was the official under whose direction any of the subscriptions, expenditures, or contributions contemplated by section 12 of the resolution would be made, and that data in regard thereto, especially records of subscriptions and not yet paid, would most probably be found in Mr. Mapother's files. On account of the peculiar manner in which requests for passes have been recorded by this company, I am advised that the same office would have to be consulted to secure the information desired under section 13 of the resolution. Our examiners have reported that Mr. Mapother refused to permit an inspection of the files under his charge before they were examined either by himself or his chief clerk, claiming that they might contain private or privileged communications which he wished to remove before the examiners made their inspection.

Following this action on the part of Mr. Mapother, our examiners were instructed to keep a close watch on the files under his jurisdiction to ascertain, if possible, to what extent they were being altered. It soon developed, according to their report, that entire files were being removed and substantial portions of other files extracted. Two of the examiners endeavored to remain in the file room during the course of the revision, apparent secretion, and destruction of those records when Mr. Mapother entered and with an oath forcibly ejected each of our representatives. I am advised that this official of the principal railroad company against which the Senate resolution is directed referred to our examination as "police surveillance," denounced our examiners as "spies," and in a threatening manner warning our representatives that they would have to "lick" him before they could obtain his files. He refused access to them. He also denied them access after regular working hours to the building containing these files and boasted that his company had hitherto refused to furnish files to the commission without serious consequences, saying, "We refused files to you people before and are not in jail yet."

The solicitor for the commission has proceeded to Louisville, and in cooperation with the Department of Justice instituted a mandamus proceeding in the courts. Realizing the time that must elapse before a final judicial decision can be rendered and the futility of attempting a complete collection of the data called for by the resolution until these memoranda and records can be examined intact, or as nearly so as is now possible, I wish to suggest the advisability of calling this matter to the attention of the Senate, which body may be able to adopt some more expeditious method of procuring the necessary files and of obviating the obstruction encountered by the commission's representatives.

(Signed) MEYER, *Commissioner.*

Mr. LEA of Tennessee. There is attached thereto a telegram from Mr. Mapother, vice president of the Louisville & Nashville Railroad. From reading the telegram, I think he confesses all and avoids very little of the accusations made by Commissioner Meyer; but in fairness to him I ask to have the telegram printed in the RECORD.

Mr. WILLIAMS. Let us have it read now.

Mr. LEA of Tennessee. Very well; I ask that it may be read now.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). The Secretary will read the telegram.

The Secretary read as follows:

LOUISVILLE, KY., *February 12, 1914.*

Hon. JOHN SHARP WILLIAMS,
Chairman of Committee to Audit and Control Contingent Expenses of the Senate:

The memorial of the Interstate Commerce Commission to the Senate concerning the examination of the Louisville & Nashville Railroad Co., based as the memorial is on reports to the commission by its examiners, does the Louisville & Nashville Railroad Co. and me personally a very great injustice.

The statement that when I ejected two of the examiners I did so with an oath is absolutely false. The ejection was from a file room and not from my office, and was not until the conduct of the examiners had become such that no self-respecting man could submit to it any longer. I did denounce their methods as "Russian-spy tactics," and such they were; and as I am a free-born American and not a Russian serf, I demanded that I be treated as a gentleman.

I have endeavored in every reasonable way to facilitate the work of the examiners, having turned over to them the directors' room for their exclusive use, and they have examined hundreds of the files of my office during the six weeks of their presence here, but they have, however, demanded the right to take possession of all the files of my office of every character, whereas I was advised that communications between the company's representatives and its attorneys were by the law privileged, these having been the subject of the correspondence between General Counsel Stone and the commission, and I insisted upon the right to see the files they desired to examine, so as to see if they contained any such communications.

As to files relating to passes, will say that every file in every department bearing upon this subject has been promptly turned over to them as requested, until yesterday, when I informed them that as the matter was now in court, each side should stand upon its rights and they could only examine files relating to passes since January 1, 1911, the date fixed by the thirteenth paragraph of the Senate resolution. The statement that I boasted that we had refused files before and were not jailed yet is wholly untrue. I never said this nor anything like it. The only thing I said on any kindred subject was that, in referring to the general counsel's refusal to turn over the law department's files, I said this had been submitted to the Senate and nothing further had been done, meaning simply that no disposition had been made of the matter.

The examiners attempted, practically, to take possession of my office and watch every movement of myself and clerks. To this I refused to submit, saying that I did not consider myself a crook, and had never permitted a guard to stand over me while I worked, and I did add that they would have to "lick" me before they could stand over my desk and supervise my work; and I believe you would have done the same.

The press report announces that the effect of this memorial has been to induce you to decide upon bringing at once out of the committee the resolution providing for the appointment of a Senate committee to aid the commission in this investigation. I respectfully ask that you will not do, on account of the ex parte and unfair report of these examiners, what you would not otherwise have done, as you know this matter is now in court where the extent of the powers of the commission in reference to a wholesale search and seizure of a citizen's private papers will be determined. I trust you and your committee may see your way clear to allow the matter to be settled there.

W. L. MAPOTHER,
First Vice President L. & N. R. R. Co.

Mr. LEA of Tennessee. Mr. President, Mr. Mapother's position is merely that he will submit to the Interstate Commerce Commission such files as he, and not the commission, deems relevant and pertinent to the investigation.

There is nothing surprising in this attitude of the Louisville & Nashville Railroad. It is typical of the policy of that company and its subsidiary companies. One of its subsidiary companies, the Nashville, Chattanooga & St. Louis Railroad Co., began after the passage of this resolution to destroy and burn some of its records. I hold in my hand a report by one of the examiners of the Interstate Commerce Commission, showing that he has been at Nashville, at the main office of this company, and has witnessed there the burning of certain records dating back as far as 1865. While it was the insistence of the railroad company that they were burning records only up to 1906, the examiner states that he has found certain records among those being burned that should not properly have been destroyed; that the company had a force of 10 men employed in burning the records, and that it was admitted that these men were not expert accountants, and therefore were not competent to discriminate as between the records which under the law they are entitled to burn and those which they are not entitled to burn.

It is our belief that if this committee is raised by this resolution it can stop some of the lawlessness which is now being committed, and can give material assistance to the Interstate Commerce Commission in making an accurate report to the Senate at an early date of the matters upon which it has been requested to report.

Mr. SUTHERLAND. Mr. President, I am not very familiar with the proceedings which have already been had in this matter, and I should like a little information on the subject.

As I understand, the Interstate Commerce Commission were directed by a resolution of the Senate to make an inquiry, and they were proceeding through their agents to make it, and in the course of the proceedings some agent of this railroad company refused to produce certain papers or books. Am I correct thus far?

Mr. LEA of Tennessee. That is true.

Mr. SUTHERLAND. As I understand, under the interstate commerce act when a case of that kind arises, assuming the power of the Interstate Commerce Commission to engage in the inquiry at all, the remedy is to apply to a court and proceed against the contumacious witness, or the witness who refuses to produce papers. Have any proceedings of that kind been instituted?

Mr. LEA of Tennessee. Proceedings of that character have been instituted by the Interstate Commerce Commission through the Department of Justice. A petition for mandamus has been filed requiring the officials of the railroad to produce these records and files; but it is evidently the belief of the Interstate Commerce Commission, as indicated by the correspondence between the commission and Senator WILLIAMS, and of those of us who have investigated the question, that if a Senate committee can proceed along the same lines of investigation the desired facts may be obtained more expeditiously, and thus without waiting for three or four years to elapse, which will be necessary to try the constitutional questions raised in that lawsuit, access to these files may be obtained while they are almost, if not entirely, intact.

Mr. SUTHERLAND. What interests me in the matter is to determine what power a Senate committee would have in such a matter.

Mr. LEA of Tennessee. It would have the power to subpœna witnesses and order the production of these papers and files, and if the railroad wrongfully or illegally refused, it could punish for contempt.

Mr. SUTHERLAND. Does the Senator think a committee of this body would have the power to summon witnesses in a case pending before the Interstate Commerce Commission, and, if the witnesses refused to appear, to punish those witnesses for contempt?

Mr. LEA of Tennessee. Such is not this situation; but in this matter I think the committee could make a report to the Senate and the Senate could punish for contempt.

Mr. SUTHERLAND. Would not that depend upon what was the purpose of the Senate inquiry?

Mr. LEA of Tennessee. Of course if it were on matters that were not relevant, that would be true; but as a practical matter I do not believe even the Louisville & Nashville Railroad would show the same contempt for this body that it has apparently expressed for the Interstate Commerce Commission.

Mr. SUTHERLAND. The inquiry which is instituted by the Interstate Commerce Commission, I assume, is for the purpose of ascertaining whether or not there has been a violation of law on the part of this railroad company. Is that correct? It is to ascertain whether passes have been issued in violation of law, and so on. That, of course, would be clearly within their jurisdiction; but I can not understand upon what theory it would be a matter within the jurisdiction of the Senate.

Mr. LEA of Tennessee. I take it the Senate can appoint a committee to investigate and to get possession of certain facts on any subject upon which it is competent for us to legislate. It is upon that theory that all Senate investigations are made.

Mr. SUTHERLAND. If a citizen or a corporation were charged with a crime and the matter was being investigated by a United States district attorney or by the Attorney General or by a grand jury, does the Senator think that the Senate could step in and compel the attendance of witnesses to investigate that matter?

Mr. LEA of Tennessee. I think the Senator ought to reverse that proposition. Does the Senator think an investigation of the Senate could be halted because certain court proceedings grew out of it?

Mr. SUTHERLAND. It would depend upon what——

Mr. LEA of Tennessse. If the Senator will pardon me, the Senate started this investigation, and the agency it originally chose was the Interstate Commerce Commission instead of one of its committees. It is believed that if the Senate, too, investigated the question that that investigation could be pursued more expeditiously, at least, by the action of both the commission and a committee.

Mr. SUTHERLAND. I am not at all certain that the Senate or both Houses of Congress have any power to investigate the subject as to whether or not a law of Congress has been violated. That question is one which belongs peculiarly to the executive department. Of course the Senate and the House have the power to investigate a question, to ascertain facts to enable it to determine whether or not legislation shall be passed, but merely to investigate to determine whether or not a crime has been committed it seems to me would not be within the competency of the Senate at all.

Mr. LEA of Tennessee. In the simple question of an investigation as to whether certain facts are true or false, it may

follow that if the alleged facts are true, then crimes may have been committed.

Mr. SUTHERLAND. Then the statute already passed by Congress has been violated.

Mr. LEA of Tennessee. And the further question whether legislation that has already been enacted is effective or whether additional and supplementary legislation is necessary.

Mr. SUTHERLAND. If they ascertain that the statute has already been violated, of course the only thing then remaining to do is to institute a prosecution under the statute.

Mr. LEA of Tennessee. That is true if the statute is effective.

Mr. SUTHERLAND. With that matter of course Congress would have something to do. Was that the purpose of the original resolution?

Mr. LEA of Tennessee. That was a part of the resolution wanted. The part of the investigation that has been halted was whether certain facts exist, whether as a question of fact certain abuses had been committed.

Mr. SUTHERLAND. May I ask to have the resolution read. I was not in the Senate when it was read.

Mr. WILLIAMS. Before that is done I wish to say that as chairman of the committee I sent this resolution to the Interstate Commerce Commission and asked their advice upon its expediency, feasibility, and all that, and added that I especially would like to know whether there was any power which could be exercised by the Senate which they could not themselves exercise under the authority already conferred upon them by law. In response to that letter, without directly answering the last question, they say they think that the ends of justice can be aided and the course of this investigation can be expedited by the passage of the resolution.

I simply wished to make that statement before the Senate got away from the consideration of the immediate point. When they made that statement to the committee the committee felt disposed to follow their advice, especially as there was evidence set out in the memorandum and in some other papers tending at any rate to show that this railroad is at present engaged in the business of destroying and concealing its records, and perhaps the very records that are wanted in this case. This is a matter to secure certain documents and papers rather than to punish for certain crimes.

Mr. BRANDEGEE. Mr. President, if I heard correctly the memorandum submitted by the member of the Interstate Commerce Commission, it contained a statement, or in the telegram of the vice president of the road there was a statement, that the ground upon which the officials of the road have declined to turn over certain papers or books in their custody to the agent of the commission was that they claim that those books or papers contain privileged communications; that they were at least communications from the railroad officials to their attorneys; and they claimed that they were privileged, confidential communications to the attorneys; that such communications that a client makes to his attorney are privileged and can not be compelled to be testified to in certain cases.

A proceeding has been brought by the Attorney General of the United States in a circuit court of the United States to determine whether the documents can be lawfully compelled to be produced or not. The commission or somebody else not being willing to wait for the lawful process of the courts to take place, proposes to raise a special committee of the United States Senate to subpœna witnesses; and as the Senator from Tennessee says, if they decline to answer the very questions that are now undetermined in court by due process of law they are to be committed for contempt of the Senate.

Mr. LEA of Tennessee. If the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BRANDEGEE. I do.

Mr. LEA of Tennessee. We think that the attitude of the Louisville & Nashville Railroad upon this matter in attempting to force a resort to the court is plainly a subterfuge. The principle involved, I think, has been decided by the Supreme Court of the United States, and it is our belief, from the information before us, that the refusal to give access to certain files, forcing resort to the court, is not in good faith but for delay; that records have been and are being destroyed for the purpose of preventing the truth from being known. The issue that we present this afternoon by this resolution is whether we are going to get at the truth and obtain the facts that we want to lay before the Senate or whether we are to be hampered in that effort.

Mr. BRANDEGEE. Mr. President, I am discussing this question without any opinion upon the guilt or innocence of the railroad company, without any opinion as to whether the Interstate Commerce Commission has acted lawfully or unlawfully, and without any opinion as to whether they have exhausted the authority conferred upon them by the interstate commerce act. I do not propose to prejudge this case. These gentlemen may be villains; and, if so, I hope they will be convicted of their crimes and punished, but I decline to presume in advance that they are villains or that they are now convicted, or that they are not entitled to their rights under the Constitution and the laws of this country.

When Congress has conferred on the Interstate Commerce Commission the authority to meet this very condition, to provide for the compulsory production of all the testimony which the commission may think to be relevant to a case, and if it is refused to apply the strong arm of the United States court to compel them to produce it, under a penalty of committing them for contempt of court or any other penalty that the courts can lawfully prescribe to anybody who ignores the lawful process of the court, it is a remarkable proceeding; with that law at the disposal of the commission, and the commission having filed its bill, and a suit is now pending and there is an application for a peremptory mandamus to compel the production of this testimony; that because the courts may not operate so quickly as the commission or somebody else would like to have them, and may not give consideration to this question of law which is brought before the court, the Senate is to rush in and appoint a coordinate investigating committee of its own to decide a question which is now pending before the lawful courts of the country.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Mississippi?

Mr. BRANDEGEE. I yield to the Senator for a question.

Mr. WILLIAMS. Without disputing the correctness of the reasoning which is being pursued by the Senator from Connecticut, and without admitting it either, it seems to me that he has not got the facts quite right. He seems to be assuming that the Interstate Commerce Commission are trying to get certain communications between the railway and its attorney. Now, the fact is the Interstate Commerce Commission——

Mr. BRANDEGEE. If the Senator will permit me there, I do not assume any such thing. I am stating the fact, as I understand it, that was stated by the official of the road, to wit, that the books and documents which the commission wanted to get, which I understand were all the books and papers in his office, might contain some privileged communications to his attorneys, and before he turned them over to them he wanted to see whether they did or not, and I think he has a right to do it.

Mr. WILLIAMS. The situation actually is this: The company by its own agency has mixed up its privileged communications with its unprivileged communications, and it refuses to let the Interstate Commerce Commission examine its unprivileged communications upon the ground that they are mixed up. They refuse to turn over the unprivileged communications upon the ground that they are in files with the alleged privileged communications, and they insist, in that condition of a mixing up of the two characters of communications, that they should be the judge and not the agent of the Interstate Commerce Commission as to what is privileged and what is not.

Mr. BRANDEGEE. Mr. President, if they should swoop down upon me and demand all the books and papers that I ever had in my possession, I should demand the right to exercise my own judgment. I should think that I was as capable of deciding that question as some special examiner of the Interstate Commerce Commission.

Mr. WILLIAMS. They have not demanded all the papers the company ever had. They have demanded a certain character of papers, and the company will not let them have those because they say they are all mixed up in the files.

Mr. BRANDEGEE. I speak from what I know about it. Of course the Senator has alluded to some other document here that I have not had access to. So I can not speak with the full knowledge the Senator may have.

Mr. WILLIAMS. No.

Mr. BRANDEGEE. I was referring to what was read at the desk.

Mr. WILLIAMS. The Senator is drawing one inference from what was read at the desk and I another. I am merely stating my view of it.

Mr. BRANDEGEE. I can not, of course, say what inference the Senator has drawn. I have drawn the inference that there was a dispute between the agents of the commission and the officers of the railroad as to whether the commission had authority to compel the production of certain papers or not.

Mr. LEA of Tennessee. I think, if the Senator will pardon me, he is in error in regard to that particular fact. There has been such a dispute with regard to certain other phases of this investigation; but the issue presented now is whether the railroad shall be allowed to examine certain records and files, which it is conceded the commission is entitled to have, before they turn over to them those files, so as to ascertain whether there are any privileged communications in the unprivileged part.

Mr. BRANDEGEE. Very well, Mr. President, if that be the matter—assuming the Senator is correct about it—there is a dispute as to the legal rights of the railroad company between the railroad company's officials and the agents of the Interstate Commerce Commission. The Interstate Commerce Commission naturally stands by its views, and has gone to the United States court to determine its right.

Now, Senators appear here in the Senate and say, "Oh, no; do not let the court interpret the legal rights of these people. Let us appoint a special investigating committee and summon the men, and if they will not give us the information we want to get, irrespective of the question whether we have a legal right to it or not, we will commit them for contempt and we will try out afterwards whether they ought to have produced the evidence or not."

Mr. LEA of Tennessee. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BRANDEGEE. I will for a question, Mr. President. Of course I do not want Senators to make speeches in mine.

Mr. LEA of Tennessee. I merely want to ask the Senator if the adoption of the resolution would take away from the railroad company any of their legal rights. Could they not make the same resistance to contempt proceedings that they make to the other? I will say it is my opinion that they could. But I do not believe that the Louisville & Nashville Railroad would show the same contempt for the Senate that it has, apparently, for the Interstate Commerce Commission.

Mr. BRANDEGEE. Mr. President, if the Senator goes on much further he will get in so deep that even he can not advocate the passage of the resolution. He admits that until a court shall have decided that they are violating the law in refusing the production of the papers the Senate could not commit them for contempt, but because they——

Mr. LEA of Tennessee. If the Senator will pardon me, I said nothing of that kind.

Mr. BRANDEGEE. The Senator, if I understood him correctly, said that if the Senate attempted to commit them for contempt the same resistance could be put up by the railroad company against the enforcement of the contempt proceedings then that they could make at any other time. If that is so, it shows the futility of the whole proceeding, because when you get them here under the resolution and ask them to produce the documents and they refuse, and then we undertake to commit them to jail for contempt, they go to court and find out whether the Senate of the United States has a right to commit a man for contempt. They bring a proceeding in court, and if the court says that the man was not legally obliged to produce those papers the enforcement of the Senate decree can not be executed. So what is gained?

Mr. President, it seems to me that this is an attempt, it may not be a conscious attempt, by those who are advocating the resolution to scare those people into the production of the papers voluntarily, under the threat of an investigation by the Senate, and into a surrender and abandonment of the attempt to ascertain what their legal rights are under the laws of the land and in the duly constituted judicial tribunals. They may be as guilty as hell and they may deserve hanging and imprisonment for life; as one Senator remarked to me, they may deserve to be hung as high as Haman, but the courts of the country are constituted for the purpose of determining those questions. I do not feel that resolutions should be sprung upon the floor like this. It was purely by accident that I happened to come in at the time it was up. I know nothing about it except what has been presented on the floor. It is the first time I ever heard of it. It shows to me at least the desirability if not the vital importance of referring resolutions to investigate this, that, and the other, which are introduced here daily upon ex parte statements, to the duly constituted committees of this body for some deliberation and examination. I for one regret that these things are brought up and acted upon without reports of committees.

Mr. WORKS. Mr. President, to me this seems to be a very extraordinary proceeding. Congress has provided by law for a commission to make the investigation. It has been proceeding along lawful lines in the accomplishment of that duty. Meeting with an obstruction, the commission comes here now and asks the Senate of the United States to appoint a committee to help it perform its duty.

I recognize the fact that it is necessary that these great corporations should be regulated. We have provided the means by which that may be done. I sometimes think we are going to extraordinary lengths in the investigations that are being made of these corporations. I can understand very well why a man in charge of the business of one of the corporations should become resentful of proceedings taken to examine the private correspondence and proceedings of the corporation. For that reason I can make some allowance for the course that was taken by the president or vice president, whatever his office may have been, of this corporation. He may have stood in the way of the legitimate performance of duty on the part of the representatives of the Interstate Commerce Commission. They claim that he has, and they have resorted, I think, to the proper tribunal to determine that question, namely, one of the regularly constituted courts of the country.

Now, why should the Senate of the United States step in under those circumstances and attempt to determine this question or help the Interstate Commerce Commission to determine it? Suppose this committee upon investigation should actually find that the officer of the corporation was in the wrong about it, that he had refused to allow the examination of the papers the commission had the right to examine, what would the committee do then? It would have no power to render any judgment with respect to it. The Senate of the United States would have no such power, Mr. President.

Suppose they should find that this officer of the corporation had improperly refused to permit the examination of these papers, the Senate committee could not punish him for contempt for that act. It would not be an act against the Senate of the United States. The Senate could not punish him for contempt for any such act as that.

If the committee should undertake to investigate this question, and he should refuse to appear or refuse to disclose proper facts before the committee, then the committee might report him to the Senate and ask that he be punished for contempt, but the committee could not go back and determine whether he was right or wrong in refusing the Interstate Commerce Commission the permission to examine the books and papers. That is a matter which is now regularly and in proper course submitted by the Interstate Commerce Commission to one of the courts of the United States. Why, under those circumstances, should the Interstate Commerce Commission come here and ask the Senate to appoint a committee to interfere with this matter in any way that is now submitted to the ample tribunals of the country?

The claim is made that it would expedite the proceeding to compel the examination of the papers. But, Mr. President, we have no right to deny to a citizen of this country the right to resort to the courts. We have no right to take away from the courts the duty which rests upon them to give this matter such an investigation as it properly calls for. We could not, in any event, if we should try, take away from the court the jurisdiction that belongs to it to determine whether this man was right or wrong in his effort to prevent the examination of the papers.

Mr. President, I think it is an entirely improper proceeding on the part of the Senate. I think it ought not be permitted. It is an interference, in my judgment, with the orderly conduct of the affairs of the courts in dealing with such a question. I should be exceedingly sorry to see the Senate of the United States set a precedent of this kind.

This may possibly be an aggravated case; I have no doubt the Senator from Tennessee regards it as such. But that ought not to alter the principle that should govern the Senate in dealing with questions of this character. There is a remedy provided by law. The Interstate Commerce Commission is seeking that remedy, and I think the Senate of the United States should leave the courts to determine this question without interference.

Mr. SUTHERLAND. Mr. President, I may be quite wrong about this matter, because I have not had an opportunity heretofore of looking into it, but I have the resolution under consideration and it is now before me. To me it has a very peculiar look. If we pass the resolution and a committee is appointed, and an attempt is made by the committee to subpœna witnesses, and an order is made to produce these documents, and witnesses refuse to respond and refuse to produce the documents, I am inclined to think in the end the Senate will find itself in a somewhat humiliating position, because I do not see upon what theory the Senate could enforce an order made under this resolution, an order of the committee to produce papers or to compel

the attendance of witnesses. This matter is pending before the Interstate Commerce Commission. Therefore it must be assumed that it is a matter within the jurisdiction of that commission, else it would have no business to deal with it at all.

The act which creates that commission and the amendments which have been passed from time to time provide, among other things, that—

For the purposes of this act the commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

Therefore, if this is a proper matter to be investigated by the Interstate Commerce Commission, it has the power which is conferred by the section of the statute which I have read, namely, to compel witnesses to produce all "books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation."

It was recognized that the ultimate power to compel the production of documents, if the witness refused to produce them, and to punish the witness for contempt of court, was a judicial power, and therefore it was not committed to this administrative body. But the statute continues:

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said commission—and produce books and papers if so ordered—and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Now, it will be seen that ample power is given by that statute to the commission, first of all, to require the production of the books and papers which are mentioned, always assuming that it is a matter within the jurisdiction of the Interstate Commerce Commission, and, as I have already said, we must assume that; otherwise the commission would have no authority to proceed at all.

The commission having proceeded to a point where it has required the production of certain documents and papers, and the witness ordered to produce them having declined to do so, the commission not only resorts to the court, as it has authority under this statute to do, but it comes to the Senate of the United States to assist it in enforcing an order of that kind. The commission, of course, must be inquiring into this matter with a view to determining whether or not a crime has been committed and whether or not this statute has been violated. If it has been violated, then it is for the executive department to prosecute. We have made the statute; we have declared what constitutes the crime. There our duty and responsibility and our business cease.

We are continually passing resolutions here which invade the responsibilities and duties of the executive department, and they are passed because they happen to involve some great corporation, some railroad company, the Tobacco Trust, the Standard Oil Trust, the Steel Trust, or some of those great organizations which are not popular. Why, Mr. President, if a resolution were to be presented in this Senate which proposed to investigate the affairs of a private citizen who was thought to be guilty of an offense—of having violated a statute—we would not dream for one instant of passing it; yet I undertake to say that the power of the Senate to deal with violations of law is no greater in the case of unpopular corporations than it is in the case of a citizen.

This is not a new question. Since I have been sitting here I sent to the Library for the case of Kilbourn against Thompson, reported in One hundred and three United States Reports, and I want to read to the Senate a few paragraphs from that decision. I will first read from the syllabus. It is as follows:

The resolution of the House, under which K. was summoned and examined as a witness, directed its committee to examine into the history and character of what was called "the real estate pool" of the District of Columbia, and the preamble recited, as the grounds of the investigation, that Jay Cooke & Co., who were debtors of the United States and whose affairs were then in litigation before a bankruptcy court, had an interest in the pool or were creditors of it. The subject matter of the investigation was judicial and not legislative. It was then pending before the proper courts—

Just as this case is pending before the proper court—

and there existed no power in Congress, or in either House thereof, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, to investigate the affairs of that partnership, and consequently no authority to compel a witness to testify on the subject.

It follows that the order of the House declaring K. guilty of a contempt of its authority and ordering his imprisonment by the Sergeant at Arms is void, and affords the latter no protection in an action by K. against him for false imprisonment.

Now I go for a moment to the body of the case, on page 189:

We are of opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament nor from the adjudged cases in which the English courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later cases on which we have just commented, is much aid given to the doctrine that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.

This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or nonexistence of such a power in aid of the legislative function.

So it was not even clear that, in aid of its legislative powers, either House of Congress possessed any such power.

As we have already said, the Constitution expressly empowers each House to punish its own Members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.

Then I omit a portion and continue at the lower part of page 190:

It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to Government, whether State or National, are divided into the three grand departments—the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department, and no other. To these general propositions there are in the Constitution of the United States some important exceptions. One of these is that the President is so far made a part of the legislative power that his assent is required to the enactment of all statutes and resolutions of Congress.

Mr. President, in my view one of the most important things in this Government of ours is the distribution of the sovereign powers among these three great departments, and it is no less important that those sovereign powers having been distributed in this way should be kept entirely separate; that neither department should be permitted to invade the other. I would resent any attempt upon the part of the Executive to invade the lawmaking powers of this body or of the other House of Congress, and I would object just as strongly, and I do object just as strongly, to Congress, the legislative department of the Government, attempting in any way to invade the powers either of the executive or of the judicial department. If I understand this resolution, it does both. It invades the executive authority in that it attempts to investigate whether or not a crime has been committed, which is purely an executive function; and it invades the judicial authority when it undertakes in that investigation to call witnesses, to demand the production of documents, and to enforce its orders by proceedings for contempt, if they are not complied with. The court continues:

This, however, is so only to a limited extent, for a bill may become a law notwithstanding the refusal of the President to approve it, by a vote of two-thirds of each House of Congress.

So, also, the Senate is made a partaker in the functions of appointing officers and making treaties, which are supposed to be properly executive, by requiring its consent to the appointment of such officers and the ratification of treaties. The Senate also exercises the judicial power of trying impeachments, and the House of preferring articles of impeachment.

It will be observed that in every instance where the Senate or the other House, or both combined, exercise what are in their nature either executive or judicial functions, it is only done under some express provision of the Constitution. Congress has no general power except the legislative power. When outside of these express provisions of the Constitution we ascertain that a thing is of a judicial nature, we must at once determine that we have nothing to do with it; when we determine that it is an executive matter, we must at once determine that we have nothing to do with it. Executive power, by the precise language of the Constitution, is vested in the executive, and all the judicial power is vested in the courts.

The court continues:

In the main, however, that instrument, the model on which are constructed the fundamental laws of the States, has blocked out with singular precision and in bold lines in its three primary articles the allotment of power to the executive, the legislative, and the judicial departments of the Government. It also remains true, as a general rule, that the powers confided by the Constitution to one of these departments can not be exercised by another.

It may be said that these are truisms which need no repetition here to give them force.

I used to think so. A great many of the things that we are saying to-day were very obvious a few years ago, but they have ceased to be quite so clear to-day, and it seems to be necessary,

now and then, to remind not only some of the people of the country but the Senate itself of some of these obvious truisms.

But while the experience of almost a century has in general shown a wise and commendable forbearance in each of these branches from encroachments upon the others, it is not to be denied that such attempts have been made, and, it is believed, not always without success. The increase in the number of States, in their population and wealth, and in the amount of power, if not in its nature to be exercised by the Federal Government, presents powerful and growing temptations to those to whom that exercise is intrusted to overstep the just boundaries of their own department and enter upon the domain of one of the others or to assume powers not intrusted to either of them.

Again, further on, after discussing the character of the resolution of inquiry, the court says:

The preamble then refers to "the real estate pool," in which it is said Jay Cooke & Co. had a large interest, as something well known and understood, and which had been the subject of a partial investigation by the previous Congress, and alleges that the trustee in bankruptcy of Jay Cooke & Co. had made a settlement of the interest of Jay Cooke & Co. with the associates of the firm of Jay Cooke & Co., to the disadvantage and loss of their numerous creditors, including the Government of the United States, by reason of which the courts are powerless to afford adequate redress to said creditors.

That is substantially the plea made here, that, while the courts may not be powerless, great delay is resulting from appealing to the usual and orderly processes of the judicial department. So we are asked to intervene in order to hasten the process.

Several very pertinent inquiries suggest themselves as arising out of this short preamble.

How could the House of Representatives know, until it had been fairly tried, that the courts were powerless to redress the creditors of Jay Cooke & Co.?

How do we know that great delay is to result in this proceeding until it has been tried out? We have a provision in one of the later statutes which expressly provides for expediting cases under the interstate-commerce act, and I am not certain, but I think, that statute could be resorted to in this very case.

Again the court says:

Again, what inadequacy of power existed in the court, or, as the preamble assumes, in all courts, to give redress which could lawfully be supplied by an investigation by a committee of one House of Congress, or by any act or resolution of Congress on the subject? The case being one of a judicial nature for which the power of the courts usually affords the only remedy, it may well be supposed that those powers were more appropriate and more efficient in aid of such relief than the powers which belong to a body whose function is exclusively legislative. If the settlement to which the preamble refers as the principal reason why the courts are rendered powerless was obtained by fraud, or was without authority, or for any conceivable reason could be set aside or avoided, it should be done by some appropriate proceeding in the court which had the whole matter before it and which had all the power in that case proper to be intrusted to any body, and not by Congress or by any power to be conferred on a committee of one of the two Houses.

The resolution adopted as a sequence of this preamble contains no hint of any intention of final action by Congress on the subject. In all the argument of the case no suggestion has been made of what the House of Representatives or the Congress could have done in the way of remedying the wrong or securing the creditors of Jay Cooke & Co., or even the United States.

I may pause there to say that in this case whatever may have been done of a criminal nature, of course, must be determined by the statute as it exists. If something has occurred that we, after investigation, do not approve, we can do nothing about it; we can not pass a statute affecting that, because our statutes can only speak, so far as criminal matters are concerned, in the language of the future. If we should find that this railroad company had been guilty of all sorts of moral delinquencies and yet had not violated any subsisting statute, all the inquiries that we could make between now and next Christmas would not enable us to enact legislation to punish a single one of them.

Was it to be simply a fruitless investigation into the personal affairs of individuals? If so, the House of Representatives had no power or authority in the matter more than any other equal number of gentlemen interested for the government of their country. By "fruitless" we mean that it could result in no valid legislation on the subject to which the inquiry referred.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I yield.

Mr. KENYON. I desire to suggest to the Senator that the Senate has made an investigation where they had no power to do anything to correct a moral abuse which they might find.

Mr. SUTHERLAND. Oh, yes.

Mr. KENYON. Take the West Virginia investigation. There was apparently nothing the Senate could do at the completion of the investigation.

Mr. SUTHERLAND. That is quite true, Mr. President. We have undertaken investigations for the express purpose of ascertaining whether or not conditions existed in regard to which we ought to pass legislation; but we never have met with the question which is the vital question under this resolution. If we undertake to call before us a witness and compel him to produce his private papers, the question as to whether or not we can punish for contempt never has been authoritatively determined, as I understand.

Mr. LEA of Tennessee. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SUTHERLAND. Certainly.

Mr. LEA of Tennessee. There is no question involved in this resolution in regard to the production of private papers.

Mr. SUTHERLAND. I will ask the Senator to repeat his suggestion.

Mr. LEA of Tennessee. I understood the Senator to say that the question was whether or not the Senate had the power to require the production of private papers.

Mr. SUTHERLAND. Yes.

Mr. LEA of Tennessee. I do not think that is an accurate statement——

Mr. SUTHERLAND. Why not?

Mr. LEA of Tennessee. Of the issues involved, because these are matters of record, files and documents that come within the meaning of the statute.

Mr. SUTHERLAND. They are the papers of the railroad company.

Mr. LEA of Tennessee. Yes.

Mr. SUTHERLAND. They are their books.

Mr. LEA of Tennessee. Yes.

Mr. SUTHERLAND. Are they public documents?

Mr. LEA of Tennessee. No; they are not public documents in the sense that they are statutes or anything of that kind.

Mr. SUTHERLAND. Then, are they not private documents?

Mr. LEA of Tennessee. I do not so consider them.

Mr. SUTHERLAND. What are they?

Mr. LEA of Tennessee. I do not consider any paper or record that is open to inspection or required to be filed with a commission or public body a private paper.

Mr. SUTHERLAND. If they are not private or public, how would the Senator from Tennessee classify them?

Mr. LEA of Tennessee. I would classify them, in the sense the Senator is using the term, as public papers.

Mr. SUTHERLAND. I do not know how the Senator can see into my mind and understand in what sense I am using the term. I am using it in the ordinary sense. They are not governmental papers—I mean by "governmental papers" the papers of an official body—and in that sense the papers of a railroad company are just as much private as are the papers of an individual.

Mr. LEA of Tennessee. But it is admitted that they are subject to inspection and to be filed with a public body. Now, the only question, as I understand the facts, is whether these papers also include certain other papers, and the railroad reserves the right to say whether they shall inspect these records first or whether the commission shall inspect them to determine whether or not they contain private papers.

Mr. SUTHERLAND. It involves the question as to whether we can compel the production of papers of this corporation. If we require them to produce the papers or if the proposed committee orders them to produce the papers and refusal is still made, then, to say the least, there is exceedingly grave doubt as to the power of the Senate to proceed any further.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I do.

Mr. WORKS. I want to ask the Senator from Utah what he thinks this committee could do with the papers if they were produced?

Mr. SUTHERLAND. Nothing, except to act as a go-between, and, after getting them from the railroad company, hand them over to the Interstate Commerce Commission, I suppose.

Mr. WORKS. Well, Mr. President, what right has a committee of the Senate, having procured papers by this process for its own uses, to then turn them over to some other body?

Mr. SUTHERLAND. I think none.

Mr. LEA of Tennessee. I think the Senate could do the same thing with these papers that the lobby committee did with the papers that came before them. They made them the basis of a report to the Senate on which legislation was enacted by this body. Of course, there is no suggestion in this discussion that any legislation should be retroactive.

Mr. SUTHERLAND. If the committee should get into its custody any papers, of course it will then do with the papers as it pleases; but I am speaking of a case where the committee can not get the papers, where the person in charge of them refuses to deliver them to the committee, just as he has refused to deliver them to the agents of the Interstate Commerce Commission.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I do.

Mr. WORKS. I wonder if the Senator from Utah means just what he says, that a committee of this body, when it gets possession of papers, can do what it pleases with them? That is a pretty broad statement.

Mr. SUTHERLAND. I do not know whether I am inclined to qualify that or not. Of course, in a sense it can not do as it pleases, but it can do with papers as the Senate pleases after it has got them, I presume. It has the physical power to do it.

Mr. WORKS. I am not so sure about that. The power of the courts might intervene in a case of that kind and certainly prevent an improper use of the papers.

Mr. SUTHERLAND. That is true.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SUTHERLAND. Yes.

Mr. OLIVER. I should like to ask the Senator from Utah whether, if this committee is appointed and makes a demand for these papers, it would not be a complete answer to that demand for the custodian of the papers to say that a court of competent jurisdiction has already taken jurisdiction in the case; that the papers are subject to the control of that court; and that he could not produce them?

Mr. SUTHERLAND. I think that ought to be sufficient.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from California?

Mr. SUTHERLAND. Yes.

Mr. WORKS. I should like to suggest to the Senator from Utah that this resolution is proposed to be adopted at the request of the Interstate Commerce Commission.

Mr. SUTHERLAND. Yes.

Mr. WORKS. And the obvious purpose of it is to assist that commission to get possession of these papers—not that the Senate shall get possession of them for its use, but that this committee shall aid the Interstate Commerce Commission to get possession of them.

Mr. LEA of Tennessee. Mr. President, if the Senator from Utah will yield to me for a moment, an investigation as to the facts alleged was originally instituted by the Senate. The Senate selected as its agency the Interstate Commerce Commission, so that, if the Senate should raise a special committee to assist in that investigation, it would only be for the purpose of assisting its own agency, an agency of its own selection.

Mr. SUTHERLAND. Mr. President, the Senate can not employ the Interstate Commerce Commission as its agent. The Senate has the physical power to pass a resolution directing the attention of the Interstate Commerce Commission to a state of affairs which may or may not constitute a violation of the law and to suggest to that commission that it ought to investigate it; but when the commission acts, it acts upon its own responsibility; it acts as a principal; it does not act as the agent of the Senate. We have not any more power to constitute the Interstate Commerce Commission an agent of ours to discharge one of our functions than we have to go out and select the first person that we might meet upon the street.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SUTHERLAND. Yes.

Mr. ROOT. Is not the test to be found in the question, What jurisdiction is the Interstate Commerce Commission exercising when it gets these papers before it?

Mr. SUTHERLAND. Certainly.

Mr. ROOT. Is it exercising the jurisdiction of the Senate? Certainly not. If it has any jurisdiction at all, it is the jurisdiction conferred upon the Interstate Commerce Commission by law, which has been invoked by resolution of the Senate; and, therefore, if under this resolution we appoint a committee for the avowed purpose of assisting the Interstate Commerce Commission, that committee would be exercising not the jurisdiction of the Senate, but merely acting as an assistant to the exercise of the jurisdiction of the Interstate Commerce Commission.

It seems perfectly clear to me that such a resolution is wholly beyond our powers, wholly void, and can have no legal effect whatever. It can have no effect, except to bring the Senate, its power, and its authority into contempt and subject the Senate to a mortifying failure in an attempt to exercise power it does not possess.

Mr. SUTHERLAND. Mr. President, I entirely agree with the Senator from New York, and I have been attempting to say some of the things he has said very much better than I have said them. I call his attention to the language of the resolution itself:

Resolved, That a special committee, consisting of five Senators, be, and the same is hereby, created for the purpose of assisting the Interstate Commerce Commission in said investigation—

Not to assist the Senate——

Mr. LEA of Tennessee. Mr. President——

Mr. SUTHERLAND. Just a moment—not to ascertain the facts for the use of the Senate in passing legislation, but in this matter to assist the Interstate Commerce Commission, which is acting, and can only act, under the law which creates it and which confers upon it the jurisdiction which it possesses. Now I yield to the Senator from Tennessee.

Mr. LEA of Tennessee. Mr. President, I never suggested that the Interstate Commerce Commission, after it began this investigation, was acting other than as on its own motion and with the powers conferred upon it by statute; but what I said in that connection was said in answer to a question of the Senator from California [Mr. WORKS], namely, that the Senate originally desired certain information, and it requested the Interstate Commerce Commission to obtain that information. Now, in the process of obtaining it, acting within its own powers, that body has been unable to obtain the desired information on account of the destruction of certain documents and the threatened destruction of other records. It would seem, therefore, competent for the Senate to order an investigation of its own, and to obtain these facts, if it be desirable to obtain them, through a committee of its own instead of through the Interstate Commerce Commission.

Mr. SUTHERLAND. Mr. President, let us take an illustration. Suppose that the Senate should so far forget itself—and I should not be surprised to have that happen almost any day—as to recite in a resolution that there was information to the effect that one John Doe had robbed the mails of the United States; that the Attorney General and his aids were not paying any attention to that alleged violation of the statute, and thereupon directing or requesting the Attorney General to investigate the matter and bring it before a grand jury, to the end that John Doe might be indicted and properly prosecuted, and, if guilty, convicted and punished. Suppose, after the receipt of that resolution passed by the Senate, the district attorney should enter upon that investigation, should call witnesses before the grand jury, that he should order some witness to produce documents, that the witness should decline to produce them, and that the district attorney should go to court—of course, the grand jury would have no more power to punish for contempt than the Interstate Commerce Commission has—the district attorney should go to court, get an order to compel the production of the papers or punish the recalcitrant witness for contempt, and the proceedings were moving a little bit slowly, and the Senator from Tennessee should become impatient, as he very often does about these matters, and insist that we ought to proceed with greater haste, and ask to have a committee of five appointed by the Senate to aid the district attorney and the grand jury to get this information about which this proceeding was already going on in the court——

Mr. WORKS. Mr. President——

Mr. SUTHERLAND. Does the Senator pretend that the Senate would have any business with such a resolution as that? Yet it is only different from the one under consideration in degree. There is absolutely no difference in principle.

I yield to the Senator from California.

Mr. WORKS. I suppose if this committee should be appointed to assist the Interstate Commerce Commission it would not be acting independently and as representing the Senate of the United States, but would be under the direction and control of the Interstate Commerce Commission as its assistant?

Mr. SUTHERLAND. Oh, undoubtedly. The resolution says so. The resolution says it is "created for the purpose of assisting the Interstate Commerce Commission in said investigation."

Mr. BRANDEGEE. And the Senator from Mississippi, in charge of the resolution, stated that it was his idea that it was to act under the instructions of the Interstate Commerce Commission from time to time, and investigate contemporaneously with it.

Mr. SUTHERLAND. If it has become the business of the Senate of the United States to be a sort of a society for furnishing first aid to the injured in cases of this kind, I have totally misunderstood its functions.

Mr. KERN. Mr. President, I ask the Senator from Tennessee if it would be agreeable to him to have this matter laid aside for the present?

Mr. LEA of Tennessee. It will be entirely agreeable to me to have the resolution go over. I desire to add that when it is again taken up I believe I shall be able to show that the resolution is not so unusual as the Senator from Utah represents it to be, but that it is along the lines of precedent and is usual; and not only that, but that it is necessary to meet the conditions which exist.

BUSINESS CONDITIONS IN THE UNITED STATES.

Mr. SIMMONS. Mr. President, I send to the desk and ask unanimous consent to have read an editorial from the New York Herald of to-day, entitled "The business 'boom.'"

The PRESIDING OFFICER. Without objection, the editorial will be read.

The Secretary read as follows:

[From the New York Herald of Friday, Feb. 13, 1914.]

THE BUSINESS "BOOM."

In this country, in spite of croakers, the upward movement of American securities continues steadily. This steadiness is a most encouraging feature. The improvement in Wall Street is no mere flash in the pan. On the contrary, it is continuous, irresistible, and general. It is based on the increasing prosperity of our business conditions all around, to which the Herald has repeatedly called attention.

A few disappointed speculators and disgruntled politicians have shown a disposition to cavil at the Herald's optimistic reports, and, as might be expected, the bears remain as active as ever and, like wolves in a hard winter, are more than usually enterprising in their campaigns.

But the public refuses to be intimidated by either bear raiders or political croakers, and improvement in every department of American business activity continues unabated.

Workshops all over the country are returning to full-time conditions. The latest monthly report of the United States Steel Corporation shows that the unfilled orders on the books at the end of January amounted to 4,614,000 tons, an increase of 332,000 tons as compared with the unfilled orders on the books at the beginning of the year. Indications that such satisfactory conditions are improving still further is contained in the fact that while the daily average of orders booked in January amounted to 40,000 tons the daily average since the beginning of February has increased to 50,000 tons.

Big manufacturing concerns are assured of working to the full extent of their capacity for two and in some cases four months. The railways, the country's business barometer, also show that a great development of traffic is at hand by the extensive measures they are taking to increase their supply of rolling stock.

PRICES RISING ALL ALONG THE LINE.

Another detail of great significance is the enormous trade balance in favor of this country that is disclosed in the official report just issued for the six months ending December 31. It shows an increase, as compared with the same period of 1912, of $38,401,934, or a little more than 10 per cent. It is noteworthy also that this increase is not due to greater exports of foodstuffs, but to greater exports of manufactured articles. This indicates not only great industrial activity at home, but also the steady development of American markets abroad.

Still another indication of the business prosperity now existing in this country is the general advance of American securities. Since the beginning of the year this movement has been gaining strength, and almost without exception securities to-day stand from 5 to 7 points higher than at the end of December. Then Atchison was quoted at 93¼; to-day it stands at 98⅜. Central New Jersey closed the year at 290; now it is 305. Delaware & Lackawanna has risen in six weeks from 382 to 394, Great Northern from 126½ to 131¾, Illinois Central from 106½ to 111, Northern Pacific from 109 to 115⅜, Pennsylvania from 109⅛ to 112⅜, Union Pacific from 154⅜ to 162⅛, United States Steel from 58⅞ to 65¼, Amalgamated Copper from 73¼ to 76½, and American Tobacco from 243 to 248.

Improvement, in fact, reveals itself in every branch of industry and commerce, and the boom is only just beginning.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, February 14, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 13, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of life and love, home and happiness, government, justice, and mercy, the Church, peace, and good will. Incline our hearts to Thee that we may lean with more confidence upon Thee moment by moment.

We need Thee every hour.
Teach us Thy will,
And Thy rich promises
In us fulfill.

When the body has spent itself and the earth is slipping beneath our feet, we may turn to Thee for succor and will not be disappointed, for Thou art ever present and Thy love will be responsive to our call. But we need Thee, O our Father, when health is at its height, when we are pressing forward in the everyday conquests of life, when temptations assail us and promise victory. These are illusive and lead to defeat. Thou alone can support, sustain, and guide us over the rugged ways of the now and fit us for the great beyond. In the name of Him who taught us the way and the truth and the life we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. WINGO, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Henry M. Forgay (H. R. 3312, Sixty-third Congress), no adverse report having been made thereon.

LEE MONUMENT.

Mr. POU. Mr. Speaker, on yesterday the ground was broken to begin the work of the erection of a monument in honor of the Nation's martyred President, Abraham Lincoln. In reading an account of the exercises in the morning paper I was struck with some remarks made by one of the members of the commission which has that work in charge. This gentleman, a former Senator, a southern man, and a Confederate soldier, alluded to Mr. Lincoln as the greatest of all American Presidents, and I could not help thinking how fine it is to hear such words from a southern man and a Confederate soldier. [Applause.]

Another monument, Mr. Speaker, is being erected at the base of Capitol Hill in honor of the memory of that great man, the soldier, Ulysses S. Grant. It is well that we should pay tribute to the memory of these men in this way, for a land without monuments is a land without memories.

Mr. Speaker, sometimes I think how vain are many of the things we do here—how soon they are forgotten. We see the flag flying at half-mast and then we ask ourselves who will be next. Shall it be I or shall it be you? Who can tell? Surely no one; but this we do know: The only things that are worth while, the only things which will endure, are not selfish, narrow, or partisan things, but the big, broad, noble thoughts which find expression in our acts. [Applause.]

Mr. Lincoln's Gettysburg speech was an inspiration. I verily believe when those words were born in his great soul Abraham Lincoln was very close to his God. So it was with Ulysses S. Grant when, surveying this Nation wet with blood and tears, he uttered those immortal words, "Let us have peace." So it is, Mr. Speaker, with every man when he does any really great thing. It must be in a moment when his soul is yearning to be a little nearer to God. [Applause.] We fight here for party advantage. You Republicans put us in a hole, so to speak, one day. We try to find an opportunity to pay you back on to-morrow in the same kind of coin. [Laughter.] These partisan battles are soon forgotten. The things a man does which are remembered are the big, broad, patriotic things, done in the moment when party strife is forgotten. [Applause.]

But, Mr. Speaker, I did not rise to moralize. I asked permission of the House for a few moments to make a practical suggestion. Yes, the ground was broken yesterday to lay the base of the great Lincoln memorial. The Grant Monument at the base of Capitol Hill will, I trust, soon be completed. Now, as Americans, thankful to Almighty God for the greatness of this Nation, feeling in our hearts charity for all and malice toward none, can we not well afford to pass a bill appropriating from the Treasury of all the people a sum sufficient to erect a similar monument to the memory of another man equally as great as Lincoln or Grant? When you recall those four years of blood and tears, what are the names of the men who always appear? Lincoln, Grant, and Lee. [Applause.] Yes, these three names are flashed upon the canvas whenever you recall the sad drama which had its beginning at Sumter and its ending at Appomattox. Whatever may be your opinion of the wisdom of the part any one of these men performed, upon this point we all agree—we reverently thank God that this is a united Nation; that each one of these men did his duty as the good God gave him light to see; that they were all great because they were good; that in this respect each is deserving of the greatest monument human skill can build. [Applause.]

In the last Congress, Mr. Speaker, I introduced a bill appropriating money to erect a monument to Gen. Lee just across Pennsylvania Avenue from the monument now being erected to the memory of Gen. Grant. I have not introduced that bill in this Congress because I cherished the hope it would be introduced and pressed by some gentleman on the other side of the aisle.

Oh, Mr. Speaker, what a splendid hour it would be if we would on the next suspension day pass such a bill without a dissenting voice. [Applause.]

We of the South are glad to see the Grant monument rise. We shall be glad to see the work on the Lincoln monument rapidly progress. We love the flag. Our manhood is always

ready to fight for the flag. If I remember correctly, we furnished 35 per cent of the Army in the War for Independence, 52 per cent in the War of 1812, 65 per cent in the War with Mexico, while in the War with Spain we offered all the Nation would accept. Many of our young men offered their services, but were not accepted, because the quota allotted to the respective States was full.

Let us pause here for a moment. Go with me to the *Winslow's* shattered deck. Go with me to Santiago's burning heights. What beautiful boy lies here; what manly officer is this? Speak, silent lips, and tell us which one of the sister States did yield ye up, a sacrifice for thy country's honor? No answer comes from the dead, but we, the living, are proud to tell the world that one of the States of the South—the State which in part I have the honor to represent; the same State which was first at Bethel and last at Appomattox; also in defense of the flag of a nation forever united was first at Cardenas and last at Santiago. [Applause.]

If an echo could come from the grave of Abraham Lincoln, what think you the martyred President would say? Do you doubt for one moment it would be in approval of the suggestion to honor Lee, just as we are proposing to honor Grant?

If some message could come to us from the tomb of Gen. Grant, do you doubt for one moment what that message would be? If the Grand Army of the Republic were called upon to vote "aye" or "no" upon such a bill, I do honestly believe it would overwhelmingly pass. I may be mistaken in expressing this opinion, but I do not believe I am.

Let these three monuments be erected here in Washington. Let them stand forever to tell the world in eloquent silence that there is truly no North, no South, no East, no West; that each and every State is equal in degree in loyalty to the flag; that deep in our hearts we all believe that whatever is ordained of God is for the best; that it is His providence that this Government of the people and for the people and by the people shall not perish from the earth. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9848. An act for the relief of the New England Steamship Co.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 135. An act for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen;

S. 156. An act for the relief of R. W. Branson;

S. 175. An act for the relief of Lawson Reno, collector, second district of Kentucky;

S. 388. An act for the relief of Ella O. Richardson;

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased;

S. 790. An act to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling;

S. 791. An act to provide for improvements at the Santa Cruz Light Station, Cal.;

S. 824. An act to establish a fish-cultural station in the State of Washington;

S. 1171. An act for the relief of Samuel Henson;

S. 1262. An act authorizing 15 days' leave of absence with pay to per diem employees of the Lighthouse Service of the Department of Commerce;

S. 1369. An act for the relief of the Snare & Triest Co.;

S. 1922. An act for the relief of Margaret McQuade;

S. 3307. An act for the relief of F. J. Ferris;

S. 3610. An act for the relief of C. E. Moore;

S. 3843. An act for the relief of Bellevadorah Steele;

S. 4407. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls;

S. 1701. An act to admit legislative journals of State and Territorial legislatures to the mails as second-class mail matter;

S. 789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

S. 2068. An act to authorize the allowance of second homestead and desert entries;

S. 2316. An act authorizing leave of absence to homestead settlers upon unsurveyed lands;

S. 2511. An act to provide for agricultural entries on coal lands in Alaska;

S. J. Res. 44. Joint resolution transferring office furniture, equipment, etc., heretofore used by the Immigration Commission, to the Department of Labor; and

S. J. Res. 86. Joint resolution authorizing the Secretary of War to detail two engineer officers to cooperate with engineers of the Interior Department or the States of Oregon and Washington in investigating The Dalles (Oreg.) power project.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2511. An act to provide for agricultural entries on coal lands in Alaska; to the Committee on the Public Lands.

S. 1369. An act for the relief of the Snare & Triest Co.; to the Committee on Claims.

S. 1262. An act authorizing 15 days' leave of absence with pay to per diem employees of the Lighthouse Service of the Department of Commerce; to the Committee on Interstate and Foreign Comerce.

S. 824. An act to establish a fish-cultural station in the State of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 791. An act to provide for improvements at the Santa Cruz Light Station, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 790. An act to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling; to the Committee on Interstate and Foreign Commerce.

S. 4407. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

S. 789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1701. An act to admit legislative journals of State and Territorial legislatures to the mails as second-class mail matter; to the Committee on the Post Office and Post Roads.

S. 2316. An act authorizing leave of absence to homestead settlers upon unsurveyed lands; to the Committee on the Public Lands.

S. 2068. An act to authorize the allowance of second homestead and desert entries; to the Committee on the Public Lands.

S. 156. An act for the relief of R. W. Branson; to the Committee on Claims.

S. 135. An act for the relief of Severin and Berthe L. Evensen, dependent parents of Siguard Evensen; to the Committee on Claims.

S. 3843. An act for the relief of Bellevadorah Steele; to the Committee on Claims.

S. 1922. An act for the relief of Margaret McQuade; to the Committee on Claims.

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased; to the Committee on Claims.

S. 1171. An act for the relief of Samuel Henson; to the Committee on Claims.

S. 388. An act for the relief of Ella O. Richardson; to the Committee on the Public Lands.

S. 3307. An act for the relief of F. J. Fearis; to the Committee on Claims.

S. 3610. An act for the relief of C. E. Moore; to the Committee on Claims.

S. 175. An act for the relief of Lawson Reno, collector second district of Kentucky; to the Committee on Claims.

S. J. Res. 44. Joint resolution transferring office furniture, equipment, etc., heretofore used by the Immigration Commission to the Department of Labor; to the Committee on Immigration and Naturalization.

S. J. Res. 86. Joint resolution authorizing the Secretary of War to detail two engineer officers to cooperate with engineers of the Interior Department or the States of Oregon and Washington in investigating The Dalles (Oreg.) power project; to the Committee on Rivers and Harbors.

GOOD ROADS.

Mr. ADAIR. Mr. Speaker, I call up the bill H. R. 12914, Private Calendar No. 33, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. WOODRUFF. Mr. Speaker, will the gentleman suspend for just a moment?

Mr. ADAIR. I will.

Mr. WOODRUFF. I would like to ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Michigan [Mr. WOODRUFF] asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. WOODRUFF. Last Friday evening, in addressing the House on the subject of good roads, I felt impelled to criticize the organization known as the National Highways Association. I have since that time received a letter from their president, in which he and his organization take exception to what I had said. I would like to ask unanimous consent to extend my remarks in the RECORD by inserting his letter and my response thereto.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?.

There was no objection.

Following are the letters referred to:

ELMWOOD, CAMBRIDGE, MASS.,
February 9, 1914.

Hon. ROY O. WOODRUFF,
Care of House of Representatives, Washington, D. C.

MY DEAR MR. WOODRUFF: I have had called to my attention your remarks in Congress at the evening session Friday, February 6, 1914. The part that especially interests us is your reference to the National Highways Association, and particularly your apparent misapprehension as to our position, the character of the association, and the purpose for which we are working. We feel it is only a misapprehension, and that as such, you will be very glad to change your view and to make such correction as the facts warrant.

First. You have made the public statement that our suggested system of 50,000 miles of national highways touched "not more than 15 per cent of the counties in each State." As a matter of fact they pass through 43 per cent of the counties; 41 per cent more counties abut these counties, but can reasonably be considered as being served by a system of national highways. As a matter of fact the entire country is served, just as a State is served by its system of State roads, irrespective of whether they go through a particular county or not.

Second. We are not interested in the expenditure of money for the leisure or pleasure-seeking classes of the Nation, but we pass by this argument for the moment.

Third. The road map of Michigan to which you refer was furnished our association as the latest record of the results of "State aid." We have understood since that date that Michigan has changed this plan and is now building, or about to build, State highways. This is what our association has advocated, and we understand Michigan is following the other and more advanced States in this respect. Since receiving this information we have so stated in all our publications.

Fourth. You make the statement that "The form of literature sent out by the National Highways Association should be condemned as the worst form of lobbying." We deem it both a right and a duty in a democratic form of government to exercise the privilege of free speech. We believe that every man has a right to his own individual opinions. We believe that he has a right to express them if he does so in a liberal, courteous, and kindly manner, and we believe that this does not lay him open to invidious charges. We furthermore believe that the Representatives whom he sends to Congress, or to other legislative halls, above all others, are in duty bound to listen and pay attention to the views expressed by any member of society on any subject, and to do so courteously and considerately. We do not believe that the business man, associations, individuals, or otherwise should be debarred from expressing their views to any Member of Congress, nor when so expressed should they be classed as you have classed our association. I think furthermore that you share this view.

Fifth. You also state in your remarks that this association asks "that this Government enter jointly into the expenditure of $25,000,000 for the purpose of building great concrete highways." I think you will also be glad to correct this misstatement. You can not find anything in the publications of our association that advocates any particular kind of a highway, whether it be concrete, macadam, oil, dirt, sand, clay, shell, or otherwise. We simply stand for a system of national highways as we stand likewise for a system of State highways, county highways, and town highways.

We are not quarreling with any difference of opinion that may exist in your mind, or any one else's, as to the method to be followed to attain "good roads everywhere," for which, I take it, we all stand; but we do demand, and we believe rightly, a correction of statements which are not according to the fact, and we trust that you will accord us this correction with as great publicity as that given to the charges.

We shall be very glad to have you, or anybody, examine carefully into our work and our plans. We believe in the utmost publicity in connection therewith and are quite content to abide by the decision of the Nation as to whether we are right or wrong.

Yours, very truly,

CHARLES H. DAVIS, *President.*

FEBRUARY 11, 1914.

MR. CHARLES HENRY DAVIS,
Elmwood, Cambridge, Mass.

MY DEAR MR. DAVIS: Yours of the 9th, in which you take exception to certain things I had to say in my discussion of the good-roads bill in the House, has been received.

You state the part that especially interests you is my reference to the National Highways Association, and particularly my apparent misapprehension as to your position, the character of the association, and the purposes for which you are working. I wish to assure you that it is my intention at all times to approach any subject in a spirit of fairness.

You state, first, that I have made the public statement that your suggested system of 50,000 miles of national highways touched not more than 15 per cent of the counties in each State. From my inspection of the map sent to me, which apparently has been mislaid, as I can not now find it, I concluded that that was a very liberal estimate. However, you state that these proposed roads pass through 43 per cent of the counties, and that 41 per cent more counties could reasonably be considered as being served by a system of national highways, and that, as a matter of fact, the entire country is served.

On this I differ with you very materially, and I assure you that it is an honest difference, inasmuch as I maintain that a road passing through one county can not in any way add to the convenience of farmers living in an adjoining county in marketing their crops. You must appreciate the fact that rural highways of the Nation can not by any manner of means be considered competitors of the railroads, and that the farmer invariably draws his produce to the nearest railroad station. The average haul in this country is nine and a fraction miles, so you can not argue reasonably that the farmers living in a section through which one of your national highways extends would travel to this highway from each side for more than 5 miles, which in most cases would be at right angles from the direction in which the railroad station lies, in as much as it would increase their haul to too great an extent.

I am prepared to accept your statement that the roads, as proposed by your association, would pass through 43 per cent of the counties. However, for the reason I have just stated, I deny that 41 per cent more counties about these counties can reasonably be considered as being served by your proposed system, inasmuch as the people outside of the immediate sections of the counties through which your roads would run could use these roads only in case they wished to travel from city to city or from State to State by automobile or otherwise. To my mind it would in no way assist the farmers of these several communities in marketing their crops.

Secondly. You state you are not interested in the expenditure of money for the leisure or pleasure-seeking classes of the Nation. I am willing to accept your statement for this.

Thirdly. Your explanation in regard to the road map of the State of Michigan—the State you have so generously belittled in all your circulars—is quite in accord with my remarks on the same. In this paragraph you state that Michigan has since that date changed this plan of State aid, and is now building, or is about to build, State highways. In this you are in error, as I understand it, for the reason that Michigan has not changed her system of improving highways, but has only added thereto.

Personally I feel that much greater benefit could be derived by the people of the State at large had the moneys about to be expended for State highways been extended in the manner prescribed under the provisions of the original law.

In your publications you neglect to state that the system under which Michigan has been working is gradually working out a complete system of macadam and gravel trunk lines everywhere throughout the State. As this aid is extended and the system developed, the counties are building their roads from the county seats and their market towns to the county lines, connecting up with other improved roads in the adjoining counties.

To my mind, every community knows which particular roads should be improved first to serve the greatest number of people. And a satisfactory system could not be worked out for all the communities and States by a board of strategy located in any one particular State.

Fourthly. You quote from me that the form of literature sent out by the National Highways Association should be condemned as the worst form of lobbying. You add: "We deem it both a right and a duty in a democratic form of government to exercise the privilege of free speech." I agree with you perfectly. "We believe that every man has the right to his own individual opinions." In this we agree. "We believe that he has the right to express them if he does so in a liberal, courteous, and kindly manner, and we believe that this does not lay him open to invidious charges." I absolutely agree with this, and had you couched your language in a "liberal, courteous, and kindly manner," instead of in the following terms: "If the people of the United States have saddled upon them 'Federal aid'—whatever it is made to mean—they will later awaken to the fatal error and their ignorance in permitting such extravagance, incompetence, and graft as the result thereof. And 'by the Eternal,' we will provide so-called statesmen responsible therefor 'with a long and much-needed vacation,'" I would not have mentioned the association except in a commendatory way in my speech in the House. If you can conscientiously call the above quotation "liberal, courteous, and kindly," I have nothing further to say.

However, I think you will be as fair as I am trying to be and ac nowledge that this is and should be unmistakably termed insidious lobbying.

I want you to know that I appreciate more than I can say all your association has done in arousing public sentiment in favor of good roads. If I have misunderstood your position in regard to the kind of roads you advocate or have misunderstood your purposes, I am very glad, indeed, to be corrected. I think, from your letter, that our differences lie mainly in the manner in which the roads of the country are to be improved.

I stand, as you know, for Federal aid. I know it to be a fact that this system working under the Michigan law has been of immense value to the State at large. Whatever assistance is given by the National Government in the building of roads I believe should be given to all equally. I do not believe that the people of any one community should be taxed to pay for the roads in any other, unless they in turn can receive like treatment.

My ideas on this subject I have incorporated in the bill which I have introduced in the House and a copy of which I inclose.

I assure you that I shall undertake to give as much publicity to your letter and to this one as was accorded my speech in the House. I shall ask unanimous consent to extend my remarks in the RECORD and to include in the same this correspondence. I shall also give a copy of the same to the press.

With kind personal regards, I am,
Very sincerely, yours,

ROY O. WOODRUFF.

THE RULES.

Mr. BOWDLE. Mr. Speaker, will the gentleman from Indiana withhold his request for just a few minutes?

Mr. ADAIR. I will withhold, Mr. Speaker, for two minutes.

Mr. BOWDLE. I would like to ask unanimous consent, Mr. Speaker, to make a statement to the House, not to exceed two and one-half minutes.

The SPEAKER. The gentleman from Ohio [Mr. BOWDLE] asks unanimous consent to address the House for two and one-half minutes. Is there objection?

There was no objection.

Mr. BOWDLE. Mr. Speaker, Mark Twain it was, I believe, who, on looking at our House manual, said that a knowledge

of it was probably the greatest consummation the human mind was capable of consuming.

When one looks at it, as well printed as it is, with its minute annotations, it does seem to be a consummation he is not likely to consume.

After coming to this House I undertook the work of reducing our House rules to question-and-answer or catechism form. Of course, this was undertaken for my own edification only. But on finishing it I laid it before one of our able parliamentarians, Mr. Bennett Clark. His criticisms were promptly carried into the text. Later I had a conference with Mr. CRISP with regard to our Committees of the Whole House, and his suggestions were adopted. Still later I had the boldness to submit my work to the able Republican leader [Mr. MANN], and he, with characteristically kind consideration for younger Members, went over my work and made some 15 criticisms, which were carried into the text. But what I have said is not intended to bind any of these gentlemen to the full integrity of the text.

Since then a few copies have been given to Members, and I now have on hand many requests for additional copies.

And now, Mr. Speaker, what I want to say is simply that I dedicate my work to my colleagues of this Congress. Anyone wanting a copy may have it.

I can not ask the House to print it. In all the comic papers Uncle Sam is depicted as a benevolent old gentleman with very long legs—pulled out long on the rack of this world paying for printing the CONGRESSIONAL RECORD and thousands of documents of doubtful value. I can not and will not ask him to print anything for me.

Let me say, Mr. Speaker, that the work is modestly offered to the House. Its production, needless to say, required no genius—industry simply.

On coming to this House I found myself rather disliking the precise parliamentary attitude of the distinguished Republican leader [Mr. MANN]; but later, on examining my thought, I found it based on the fact that he knew so much more than I about parliamentary law; but the more I studied the rules the more I admired his attainments, and I can better understand the genius of his leadership.

And now, gentlemen, if you will acquit me of immodesty, you can have my work.

PENSIONS.

Mr. ADAIR. Mr. Speaker, I now renew my request.

The SPEAKER. What is the gentleman's request?

Mr. ADAIR. To call up the bill H. R. 12914, No. 33 on the Private Calendar, and consider it as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill H. R. 12914 be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws——

Mr. ADAIR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAIR. Am I not entitled to one hour on recognition?

The SPEAKER. The gentleman is entitled to five minutes.

Mr. ADAIR. I addressed the Chair when I thought the first reading of the bill was dispensed with.

The SPEAKER. There is no general debate. The gentleman deprived himself of an hour when he asked that the bill be considered in the House as in Committee of the Whole. The Chair will recognize the gentleman to suggest any amendment when the Clerk reads the first section.

Mr. ADAIR. Very well, when we reach the section.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The name of Benjamin F. Fronfield, late of Company D, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. ADAIR. Mr. Speaker, in view of an understanding that I had with the gentleman from Texas [Mr. DIES], I ask unanimous consent that the gentleman from Texas may proceed for 45 minutes.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that the gentleman from Texas [Mr. DIES] be permitted to proceed for 45 minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Texas is recognized for 45 minutes.

Mr. DIES. Mr. Speaker, looking at the question of pensions simply from the standpoint of the two hundred and odd bills now under consideration, known as war pensions, I doubt if I should test the endurance of the House by a speech of any length. But in view of the general propaganda throughout the country for civil pensions, and the fact that a former President of the United States recommended, in a message to this House, the adoption of a civil-pension policy, and the further fact that such a policy, if current newspaper reports are to be believed, is at this time being considered by the present Chief Executive of the Nation, in order that gentlemen may get a better grasp and conception of what will happen when we embark upon the policy of civil pensions, I may be pardoned if I call attention to a few things which have happened in the case of war pensions.

And in that connection I wish to insert in my remarks a table from the most recent annual report of the Commissioner of Pensions. Reading just a moment from that table, I may be permitted to say that in 1866—omitting the right-hand figures for the sake of brevity—there were 126,000 names on the pension rolls, at an expense of $15,000,000. Proceeding now by decades, in 1876 there were 232,000 names, at an expense of $28,000,000; in 1886 there were 365,000 names, at an expense of $67,000,000; in 1896 there were 970,000 names on the rolls, at an expense of $142,000,000; in 1906 there were 985,000 names, at an expense of $142,000,000; and according to the last report of the Commissioner of Pensions we have 820,000 names, at an annual expense of $176,000,000.

Disbursements for pensions and maintenance of pension system, 1866 to 1913.

Fiscal year.	Total.	Number of pensioners.
1866	$15,857,714.88	126,722
1867	21,275,767.04	155,474
1868	23,654,529.70	169,643
1869	29,077,774.08	187,963
1870	29,952,486.64	198,686
1871	29,381,871.62	207,495
1872	30,703,999.81	232,229
1873	27,985,264.53	238,411
1874	31,173,573.12	236,241
1875	30,253,100.11	234,821
1876	28,951,288.34	232,137
1877	29,217,281.05	232,104
1878	27,818,509.53	223,998
1879	34,502,163.06	242,755
1880	57,624,256.36	250,802
1881	51,655,464.99	268,830
1882	55,779,408.06	285,697
1883	63,019,222.10	303,658
1884	60,747,568.47	322,756
1885	68,564,513.46	345,125
1886	67,336,159.51	365,783
1887	77,506,397.99	406,007
1888	82,465,558.94	452,557
1889	92,309,688.98	489,725
1890	109,620,232.52	537,944
1891	122,013,326.94	676,160
1892	144,292,812.91	876,068
1893	161,774,372.36	966,012
1894	143,950,702.48	969,544
1895	144,150,314.51	970,524
1896	142,212,080.07	970,678
1897	143,937,500.42	976,014
1898	148,765,971.26	993,714
1899	142,502,570.68	991,519
1900	142,303,887.39	993,529
1901	142,400,279.28	997,735
1902	141,335,646.95	999,446
1903	141,752,870.50	996,545
1904	144,942,937.74	994,762
1905	144,864,694.15	998,441
1906	142,523,557.76	985,971
1907	141,464,522.90	967,371
1908	155,894,049.63	951,687
1909	164,826,287.50	946,194
1910	162,631,729.94	921,083
1911	159,842,287.41	892,098
1912	155,435,291.03	860,294
1913	176,714,907.39	820,200
Total	4,586,966,346.09	.....

For whatever historical value it may have, I wish to say that the 820,000 names on the pension roll at the present time consist, in round numbers, of 503,000 persons who rendered service in some of the wars and that 316,000 are the names of widows and dependents.

For whatever historical value it may possess, I may also say that since 1861 the Congress has passed, in round numbers,

42,000 special pension bills. Up to the passage of the Sherwood pension bill the Congress had passed something like 40,000 special bills, or at the rate of about 2 a day. We were led to believe—at least I was, although that did not affect my position upon the question—that with the passage of the Sherwood bill, giving more liberal pensions to the soldiers and their dependents, there would be a vast falling off, if not a complete abandonment, of the practice of passing special pension bills. Yet from the average rate of 2 a day, which Congress passed from 1861 to the date of the enactment of the Sherwood bill, we began to pass an average of 12 a day after that bill went into effect; that is to say, from June 30, 1912, to the end of the Sixty-second Congress we passed some 2,800 private pension bills, which would be practically 12 a day.

Of course, there is not any justification under heaven for a private pension bill under our laws. Aside from the question of its unfairness to other persons entitled to draw pensions, if a system of private pension bills for the purpose of relieving particular cases that especially appeal to Congress was a wise system, we have a statute which would cover cases of that sort in an equitable and a fair manner. Let me read you this statute:

That the heads of departments who may severally be charged with the administration of the pension laws of the United States of America be, and they hereby are, respectively directed and required, as soon as may be after the opening of each session of Congress, to present to the Senate and House of Representatives a several list of such persons, whether Revolutionary, invalid, or otherwise, as shall have made application for a pension or an increase of pension, and as in their opinion respectively ought to be placed on the pension roll or otherwise provided for, and for doing which they have no sufficient power or authority, with the names and residences of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the ground thereof, to the end that Congress may consider the same.

So that in the selection of a list of persons out of a total of 820,000 to receive the favor to flow from a private pension bill we do not proceed in that systematic and regular way provided for in the law, but they are selected by the Pension Committee upon a plan which they have worked out for themselves. And under the working out of this plan by the Pension Committee some very unhappy and incongruous things constantly occur. In the modest little private pension bill which I have before me there are embraced some two hundred and odd names. I do not know how many bills we are passing. I doubt if there is a gentleman even on the Pension Committee who could tell us the exact number of private pension bills we are now about to enact into law; but I do find, on page 26 of this report of the committee, the name of James A. Galloway, aged 73 years, the helpless and dependent child of John S. Galloway.

I have no doubt in my own mind that this gentleman is in needy circumstances. He is 73 years old. He was 22 years old when the war between the States began. He is now to be pensioned as a helpless child of a soldier of the Civil War. I call your attention to it, not for the purpose of seeking to defeat it, because I know that is perfectly hopeless. But if a man 73 years old now, who was 22 years old when the war began, is to be placed upon the pension rolls as a helpless and dependent child of another man who served in the war and received a pension during his lifetime, and after his death a pension was given to his widow, then is not the pension system a perpetuity in this Republic of ours?

As I pointed out to the House on a recent occasion, we are carrying on the pension rolls now 199 widows of the War of 1812. But if this pension system, so constantly expanded and extended as applied to the Civil War, continues to be enlarged by Congress, you will have a pension roll of practically a million names, carrying almost $200,000,000 for a century to come.

Last year we added, in round numbers, 20,000 names to the pension roll that had not been previously upon the roll. They were not soldiers. They were not engaged in that great war. They were either the widows or the dependent children of soldiers, who came within the provisions of the law or appealed to the tender mercies of the Committee on Invalid Pensions.

The general law provides that the provisions of the pension laws shall not apply to widows who married soldiers subsequent to June 27, 1890. You are repealing that law every two weeks for the benefit of widows who appealed to the charitable spirit of the Pension Committee.

At page 75 in this report you will find that Mary K. Bell, aged 51, is to receive a pension. This good woman, no doubt in needy circumstances and quite as deserving of a gratuity as millions of others, married the soldier in 1891. At that time she was 28 years old. She had no connection with the War between the States. She married the soldier when she was 28 years of age, and the law says you shall not give her a pension. But you select her and single her out in this bill and give her a pension in violation of the pension laws of the United States. If you will turn over to page 91 of this report—and I am only selecting a few of the most glaring cases, because I must hurry on—you will find that you are giving a pension to Katherine Reardon, aged 48, the widow of a soldier. She was born in 1866, and she married the soldier in 1892, when she was 26 years of age.

To that extent you are amending the law of the United States upon the pension question, the most liberal pension laws ever enacted by a civilized government. Of course, no man need go far or reason long to know what the result of this will be. You select a widow to-day who does not come within the law, and another to-morrow in that place, and next day you select a dependent child 73 years old in this city, and to-morrow you select one who does not come within the 16-year provision of the general law in another city, and presently the cry will be raised that you are not treating the old soldiers and their dependents fairly because you give a pension here to a widow who married a soldier subsequent to 1890; that you are not treating dependents fairly because you give the dependent a pension here who does not bring himself within the law; and the final result must be an agitation for an enlargement of the provisions of the general law.

Mr. Speaker, I have said this much with respect to war pensions because it fairly introduces to you this propaganda for civil pensions. It is a serious propaganda and has the earnest support of many powerful persons. It is not merely being advocated and urged in distant places and in obscure ways in the country. So recently as 1912 the then President of the United States, in a message to this body, used this language with respect to civil pensions:

It has been referred to in several messages which I have sent to the Congress and in many reports of the heads of departments. It is conceded by everyone acquainted with the situation that some action must be taken. Under present conditions the loss to the Government will continue to increase. Some method other than the summary discharge of employees when they become inefficient on account of age must be adopted. The present practice of retaining such employees on the rolls and, as they grow older, expecting from them a smaller quantity and lower grade of work can not continue indefinitely without seriously impairing the efficiency of the entire service and imposing upon the Government a cost that will be in excess of the expense to be incurred by the adoption of a reasonable plan for remedying existing conditions.

That language from the message of the President is made even stronger in a report from the committee appointed by the then President upon efficiency and economy in the public service. This committee went out among the departments of Washington and made a very careful investigation of the question of the superannuation of employees of the Government. That committee used this language:

The Commission on Economy and Efficiency has made a thorough investigation of the personnel of the civil service in the District of Columbia and is convinced that the service can never be brought up to the highest possible standard of efficiency until a satisfactory plan for the retirement of the aged employees is adopted by the Government. Any comprehensive scheme for the improvement of the civil service must include a proper plan of retirement for civil servants. While it is true that the laws regulating the civil service do not insure a permanent tenure of office, but on the contrary specifically provide for the removal of the inefficient, the fact is well known that this provision of law is disregarded whenever inefficiency is the result of old age; nor does this commission believe that Congress will insist upon administrative officers removing inefficient old people from the service so long as no retiring allowance has been provided for them. The work of the Government offices must therefore continue to be retarded by the inefficiency of aged clerks until such time as a retirement law is put into operation. The commission feels, therefore, that it can not lay too great emphasis on the fact that, without a provision for retiring aged employees, it is idle to expect either thorough efficiency in the public service or the closest economy in the expenditure of salary appropriations.

In order that those who feel an interest in this great and growing question may not underestimate its importance, I want to read this further significant statement from this commission, showing the great loss to the Government at this time on account of the inefficiency resulting from the superannuation of civil employees of the Government:

It is believed that the statistics justify the adoption of age 70 as the proper age of retirement for employees in the departmental service in Washington. This belief is based on three grounds: (1) The foregoing table shows that at age 70 the loss from superannuation is considerable (14.26 per cent); (2) an inquiry covering the employees in one of the large offices of the Government in which the work is of such a character as to be capable of accurate measurement, both as to quantity and quality, and where it is known that the officer at the head of the bureau undertook to answer the commission's inquiry by basing the returns on an accurate record of work performed, shows that employees 70 years of age and over earn but 56.31 per cent of the salaries paid them. In this office there are 33 employees 70 years of age and over, the total salaries paid them amount to $40,600, and of this amount they are reported as not earning $17,740.

I wanted to call your attention to this question upon this occasion because I recently introduced a measure providing for a fixed tenure of 10 years for civil-service employees of the Government. I did not introduce that measure as a last word even from myself upon that great question, but I introduced it tentatively, as a basis for investigation and discussion.

Mr. Speaker, we face in this country one of two situations: We must either fix a tenure for civil employees of the Government or we must provide a pension when they reach an age where they can no longer render the service for which they are employed. For myself, I believe that a 10-year tenure for the civil employees would solve the question. I believe that if those who engage in the civil-service employment of the Government knew that the tenure of office was for 10 years the result would be as it now is with officers elected or appointed for a fixed term throughout many branches of public and private employment.

A county clerk elected for two years, and knowing that custom forbade him to hold the office for a longer term than four years, practices frugality and economy, so that he may have something when he retires at the end of four years. If you were to enact a law prescribing a tenure for civil-service employees, those who entered the service of the Government, knowing the tenure was fixed by law, would adjust themselves to that employment as persons in private employment adjust themselves, and would practice a degree of economy and frugality which would insure them against poverty upon their retirement.

Mr. HARDY. Will the gentleman yield?

Mr. DIES. With pleasure.

Mr. HARDY. If we are to have an old-age pension, is there any reason why it should apply only to officeholders? If we are to have this kind of a civil pension, why should it not apply to all men?

Mr. DIES. My colleague states the case fairly. If we are to pension old persons who have worked for the Government, why not pension old taxpayers who support the Government? When you say to a man who is engaged in the civil service of the Government that you will pension him upon his retirement at the age of 70 years, you make a child out of him. You take away from him the incentive to industry, the incentive to economy, the incentive to frugality, prudence, initiative, and individualism, which has made the people of America great.

There are two ways that you can do it. You can tax the balance of the people to pay pensions or you can have a compulsory contributory plan whereby the Government at the end of each month will, by compulsion, take from each employee a given sum of money, invest it for him, hold it for him, compound the interest for him, and then when he reaches a certain age dole it out to him in annual payments.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. DIES. Certainly.

Mr. BRYAN. If you place the Government in the position of making an investment for employees, as the gentleman suggests, would you not have paternalism tripple compounded?

Mr. DIES. Oh, yes; the system of pensioning civil employees has run the same course in every Government that ever initiated it. The straight pension plan is soon regarded by the employees of the Government as an addition to their salaries, and then they refuse to be dismissed from the service, because they say the Government is holding back part of their salaries and that in good conscience it can not discharge them.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. DIES. With pleasure.

Mr. CLINE. I would like to inquire of the gentleman from Texas how he arrives at the conclusion that without a limited civil-pension service, limited to, say, 10 years' service, we must provide a pension fund for the employees. Does the gentleman consider, in arriving at that conclusion, that we are not paying sufficient salaries to the employees?

Mr. DIES. Mr. Speaker, I need only refer to the message of the President, to the report of the Efficiency Commission, and to a state of facts which every informed person knows exists in the city of Washington and throughout the country, namely, that many old men and women are in the departments who have grown old in the service and who have neglected to provide for old age, and the heads of these departments will not kick them out in the streets to starve, and Congress would not allow them to do it if they wanted to. So that you are carrying on the pay rolls of the Government to-day inefficiency as a result of superannuation, amounting to many hundreds of thousands of dollars per year. Of course, the amount can only be estimated. One estimate is that it amounts to $220,000 a year among the 25,000 civil-service employees in the city of Washington.

The civil-service league estimates that throughout the country to-day more than $1,200,000 is being paid indirectly as a gratuity by the Government on account of inefficiency growing out of superannuation.

But I must come back now to the suggestion of my colleague with regard to the amplification of the doctrine that the Government should take charge of the affairs of the individual and protect him from his own extravagance and want of care and frugality. As I said, there are only two plans proposed, one the straight pension plan and the other the compulsory contribution plan.

Mr. YOUNG of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. DIES. I will, but I am admonished that my time is rapidly passing.

Mr. YOUNG of North Dakota. Would the last plan which the gentleman mentioned mean about the same thing as annuity insurance?

Mr. DIES. Oh, yes; it is worked out upon the actuary tables, just as annuity insurance is worked out. The only difference is if a man stands on his own manhood, and takes a part of his earnings and goes out and buys annuity insurance, he preserves his self-respect, he does not bind his arm to his side to perish and wither away, but he goes forward with individualism and private initiative, and does his work with efficiency, practices economy with fidelity and continuity, and grows to a graceful old age, not as the ward of the Government, but as an independent citizen, dignified in his manhood, and, proud of his victory over poverty and want.

Mr. YOUNG of North Dakota. Would the gentleman make that kind of Government insurance available to all of the citizens of the country, whether employed in the Government service or not?

Mr. DIES. No; I would not make it available to anybody. I would let every man in this Government have laws which would give him an equal chance in the race of life, and then I would make the Government take its hands off him and let him have a fair chance in life, and I would not have this Government make children out of any set of employees or any set of old, aged persons or any set of persons within the Government. Of course, we all make an exception of soldiers who render service in times of war.

Here is the trouble about the civil pension: Here is a man working for the Government; he is practicing frugality and economy; he is an efficient employee; he gets his salary at the end of the month, and he invests some part of it in a way that will bring him 8 per cent or 10 per cent or 6 per cent, or maybe 15 or 20 per cent, in wise investments; he is forging ahead, as an American citizen determined to succeed in this great Government of opportunity. Just behind him is lagging back another who, on account of his indifference, his extravagance, his carelessness to provide for an old age, is saving nothing out of his salary received from the Government. The effect of civil pensions is to say to the man who is forging ahead, "Hold on, and wait until this fellow can catch up with you," and the proposition of the man behind is that the Government will take him by the ear and pull him forward in order that he may come up with the man who is forging ahead. The result is that you hold back the man who is striving, upon his own resources, to be a success in the world, and to that extent you deaden his initiative and his energy and his opportunity and you try to pull forward a man who does not seek and strive to attain success, and of course you but further deaden his ambition.

Mr. CLINE. Mr. Speaker, will the gentleman yield?

Mr. DIES. Certainly.

Mr. CLINE. I want to ask the gentleman from Texas this question: Assuming that we must have and that it is proper to undertake to provide a civil pension roll, does the gentleman put it upon the basis of valuable services rendered, or does he put it upon the necessities of a man in old age and poverty?

Mr. DIES. Oh, no; I never put any pension upon the question of valuable services rendered. When a person is employed by the Government—and I am addressing a body of men who fix salaries, and if salaries were not high enough, I take it that those gentlemen who advocate civil pensions would come forward with a proposition to increase the salaries—I take it that this Government does now or, at least, will very promptly pay all of its employees that which amounts to a fair value for the services rendered. I have heard it suggested that certain railway companies throughout the country have adopted the system of civil pensions, and that therefore the Government of the United States should follow in their wake. If I had the time I would read to you an article from Mr. Vanderlip, the president of the National City Bank of New York, upon the question of workingmen's pensions. I wish I had the time to point out to you the reason given for it by those who advocate it throughout the country. These are the reasons: They declare that it enables them to have more effective discipline among their employees; they declare that it is worth all they pay as strike insurance to prevent their employees from going on strikes; and, note you, the railways and other corporations of the country who adopt the civil list for their superannuated

employees always adopt the straight pension plan, and why? Because if an employee is dismissed, because if at any time they seek to dispense with the services of an employee, he can not say, "You owe me on account of pension."

So that a man working for a railroad company, and who had been working until he was 50 years of age, has suspended before his vision a pension, and that restrains him from going upon a strike or quitting his job. The railroad company, as all other industrial concerns, is operated upon a vastly different principle than that upon which the Government of the United States is operated. A railroad company is operated for profit. Therefore, if it is a profitable system to the railroad companies to inaugurate a sort of insurance for the benefit of their employees in order to hold them fast to their jobs and prevent them from going upon strikes, it grows out of the desire of the railroad company to make further profits for their shareholders.

The Government of the United States is not operated for profit. Therefore, the rules which govern employees of industrial or other corporations do not apply to the Government of the United States. Take the Illinois Central, at the head of which is my friend C. H. Markham. He receives a salary of $50,000 a year. But Mr. Markham must produce results or he will lose his position. Under him is another gentleman and another and many others, and they all face the same condition, and that is that they must show a profit; they must show efficiency; they must show results to their stockholders or they lose their positions. The result is that they procure great efficiency in the employees of railroad corporations. But how is it with the Government of the United States? The President of the United States occupies its highest office. There are 435 Members of Congress and almost 100 Senators, and all of us are bosses of the heads of the departments operating this great corporation known as the United States.

Great extravagance has resulted, let us assume; there is a deficit in the Treasury, let us assume; a railroad is built in Alaska and does not pay, let us assume; the telephones are bought and paid for with bonds, and the wires are crossed and the operators are indolent and insulting and the people are dissatisfied, let us assume; and I go back to my district and you go back to your districts and the President goes to the country and the Senators go to their States. A constituent of mine says to me, "DIES, you are spending too much money in Congress," and he shakes his finger at me for the inefficiency in government and for the extravagance of administration. I can and will shake it back at him and declare: "Shake not thy gory locks at me; thou cans't not say I did it." And the President, when the people charge him with permitting extravagance and paternalistic legislation in the Congress, can assure the electorate of the country that they need not shake their gory locks at him, for he did not do it. And so each Senator and Congressman can assure his constituents that he is not the particular person who is responsible for the great extravagance of the Government. And that proceeds from the old, homely adage that "what is everybody's business is nobody's business." You place employees under the heads of departments without consulting the heads. The employee, in the first place, does not feel that loyalty and dependence upon the graces of his superior that is felt in private employment. The head of the department, or his chief, does not feel that responsibility for results that Mr. Markham, at the head of the Illinois Central Railroad, feels. He did not get his job like Mr. Markham got his. He got his job upon the indorsement of his Congressman, upon the indorsement of his Senator—by political influence. Mr. Markham got his job by working his way up from a section hand to the presidency of the Illinois Central Railroad Co., because he rendered efficient service and because he saw to it that those under him rendered efficient service in the various positions he occupied.

Jumping briefly from this, Mr. Speaker, there is another reason why I hope we will not enter upon this system. I note that the first proposition is to take in the 25,000 civil-service employees in the city of Washington. How can you justify taking them into the pension system without taking in the entire 290,000 employees of the Post Office Department? If you take in the 25,000 who are near you here in the Capital, you will never hear the agitation cease until you take in the entire 400,000 that serve the Government in civil-service employment throughout the United States. And when you take in the civil-service employees of the Government, you will do what we are going to do here presently, and you will do it speedily and hastily, namely, that if an employee is not entitled to a pension under the general law you will give it to him in a special bill. First, you will give it to the employee when he is 70 years old, under the general law, and then somebody will introduce a special bill to give it to him if he is 69 years old. If he dies at the age of 68, some man will rise and say the family of this man is in dependent circumstances, and his widow ought to receive the pension which he would have received if he had lived two years longer. And presently, with the growth of the system, you will be giving it to the children, the helpless, the dependent children, who appeal to your compassion—the children of the employees of the Government. And then when you get all of the civil-service employees safely provided for, without a thought or care for the morrow, there will rise up the old mothers, the old widows, the old men, the old farmers, the old laborers upon the streets, and claim that they, too, have given great service to the Government of the United States.

Mr. Speaker, my heart goes out in sympathy to every aged man who has reached that period of his life without making some provision for his old age. But I am unwilling to embark upon this socialistic proposition, because it follows along a way the end of which is death to individual liberty and to our institutions under which we have grown so great. [Applause.]

The SPEAKER pro tempore (Mr. HOWARD). The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

The name of Zachariah T. Alexander, late of Company I, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] moves to strike out the last word.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to ask somebody in charge of this bill if there is any rule for fixing the amount to be awarded to a claimant?

I find here in this bill that one pensioner who served one year and seven months and some days, who is reported to be totally disabled, is given a pension of $40 per month. I turn right over on the next page and I find that a man who is totally disabled and who served for a longer period of time in the Army is pensioned at the rate of $30 a month. Now, what kind of method is there, or is there any method about it? Do you just give a man what he asks for or what the bill asks for? What method is there in fixing these pensions?

Mr. ADAIR. I will say to the gentleman from South Carolina that the committee takes into consideration all the facts and all the evidence submitted in each case. Sometimes there is a soldier, for instance, who served only for a few months, and who is helpless and totally disabled. We do not give that soldier as high a rate as we would give him if he had served a much greater length of time. Then, again, there are some soldiers who require attention, care, and nursing by another person, and if their services were long we would give them a higher rate in order that in each case they might hire some one properly to care for them. So that we take into consideration their condition, their length of service, their ability to take care of themselves, and all such matters as that in reaching or agreeing upon the amounts that we will allow.

Mr. RUSSELL. And the financial condition of the applicants.

Mr. ADAIR. Yes; and the financial condition, and all that.

Mr. JOHNSON of South Carolina. Now, I call the gentleman's attention to the fact that George W. Rogers served 1 year, 10 months, and 29 days. The claimant is stated to have no income but his pension. His limbs are partially paralyzed, and he is totally disabled. That is on page 5, and it is recommended that he be given a pension at the rate of $40 a month. Now I turn over to the bottom of page 6, and I find there a soldier who served 3 years, 8 months, and 17 days, who is also totally disabled. The testimony is that he is unable to walk across the room, and the prospects are that he never will be any better, and you therefore recommend that he be given a pension at the rate of $30 a month.

Now, where are the facts that will justify any such discrimination as that? One man serves three years and more and you give him $30 a month. He is totally disabled. Another man, who served a little more than a year and is totally disabled, is given $40 per month.

Mr. ADAIR. It may be possible that the soldier mentioned at the bottom of page 6, Mr. Albert Smith, does not need the care and attention of another person, or he may be financially able to employ such care and attention himself, while the other soldier may not be able to do so. I could not answer the gentleman's question fully unless I took all the papers in the cases and read the evidence submitted in connection with each claim.

The SPEAKER pro tempore. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired.

Mr. ADAIR. I will say this, Mr. Speaker, that if the gentleman will take the papers in both of these cases and read

them carefully, I think he will agree with the committee that justice has been done.

The SPEAKER pro tempore. With objection, the pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

The name of Harriet E. Perkins, widow of Edwin C. Perkins, late of Company E, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. ANTHONY. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ANTHONY] moves to strike out the last word.

Mr. ANTHONY. Will the gentleman inform me whether it is the policy now to consider bills of soldiers who served less than 90 days?

Mr. ADAIR. I will say to the gentleman that since I have been on the committee there have been a few bills passed by the committee and passed by this House where the service was a little less than 90 days. The committee adheres as nearly as possible to the rule that 90 days' service must have been rendered.

Mr. ANTHONY. If the idea is to pension soldiers who served less than 90 days, on what theory do you give pensions to the widows of such soldiers?

Mr. ADAIR. I will say to the gentleman that these cases are dependent entirely on the evidence submitted. If the gentleman has a case of a soldier or of a soldier's widow where the service was a few days less than 90 days, the committee will consider all the facts and be ready to do justice in such a case.

Mr. ANTHONY. I will say to the gentleman that I have submitted such cases heretofore for soldiers and soldiers' widows, and they have been uniformly turned down, and I am surprised to see in the report to-day recommendations of such cases where the service has been less than 90 days. The committee ought to have one policy or the other and ought to stick to it.

Mr. ADAIR. In a few cases the soldiers were shot out of the service, and we think consideration should be given in such cases.

Mr. ANTHONY. There are cases in which the soldier was shot out of the service, and cases of widows whose husbands were shot out of the service.

Mr. ADAIR. Can the gentleman give an instance?

Mr. ANTHONY. I have had such cases. Can the gentleman state a case in this bill of a soldier whose widow is pensioned where the soldier was shot out of the service and served less than 90 days? What service did these soldiers render?

Mr. ADAIR. I can not answer that question, because it is impossible, with 250 claims in the bill, for me to carry the facts in mind as to each case.

Mr. ANTHONY. I think, Mr. Speaker, it is very important that such facts should be set out for the guidance of Members of this House. If not, there will be discrimination.

Mr. ADAIR. I will say to the gentleman from Kansas, Mr. Speaker, that it is very difficult for this committee to have a hard and fast rule, because there are so many different circumstances that will enter into each individual case. If the gentleman will come before our committee on any Monday at 10.30 o'clock a. m., we will be glad to hear him, and if he has a meritorious case in the line he speaks of we shall be glad to give it careful consideration.

Mr. ANTHONY. I want to assure the gentleman that it is not only my individual cases; but I think the committee, for the protection of the Members of this House, ought to have hard and fast rules and live up to them, so that we may all be guided by them.

Mr. ADAIR. It would be a very difficult matter for the committee to do that in all cases.

The Clerk read as follows:

The name of Joseph J. Wolfe, late of Company A, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. ADAIR. Mr. Speaker, I move to strike out the word "Joseph," in line 19, page 4, and to insert in lieu thereof the name "John."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 19, strike out the word "Joseph" and insert in lieu thereof the word "John."

The amendment was agreed to.

The Clerk read as follows:

The name of Permelia Lewis, widow of William T. Lewis, late of Company A, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

Mr. ADAIR. Mr. Speaker, I move to insert, after the word "Permelia," in line 19, on page 5, the initial "J."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, line 19, after the word "Permelia," insert the initial "J."

The amendment was agreed to.

Mr. ADAIR. Mr. Speaker, I also offer the following amendment.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, at the end of line 22, strike out the period and insert a colon and the following proviso:

"*Provided*, That in the event of the death of Joseph S. Lewis, helpless and dependent son of said William T. Lewis, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Permelia J. Lewis, the name of said Joseph S. Lewis shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 a month from and after the date of the death of the said Permelia J. Lewis.

The amendment was agreed to.

The Clerk read as follows:

The name of Mary A. Farmer, widow of Graham Farmer, late of Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. DIES. Mr. Speaker, I want to ask a question just for the purpose of obtaining the facts. I understand that the law provides that no widow of a soldier who married such soldier subsequent to June 27, 1890, shall receive a pension.

Mr. LANGLEY. That depends.

Mr. CANTOR. We can pass any act we please.

Mr. ADAIR. I will say to the gentleman that if death was the result of military service, his widow, even though she lived with him only one day, can be pensioned at $12 a month, the same as though she had married him prior to June 27, 1890.

Mr. DIES. If he died from injuries received in the service?

Mr. ADAIR. Yes.

Mr. DIES. That is what I thought, and that is the reason I want to interrogate the gentleman with reference to H. R. 1305. The report, on page 5, says:

H. R. 1305. Georgianna Peabody, aged 68 years, is the widow of William R. Peabody, who served as a first lieutenant in Company A, Twenty-eighth Regiment Maine Infantry, from October 13, 1862, to August 31, 1863 (10 months and 18 days). Post-office address, Farmington, Franklin County, Me. The soldier was pensioned at $10 per month under act of June 27, 1890.

The claimant and soldier were married August 13, 1895, and lived together as husband wife until date of soldier's death, June 30, 1901.

No former or subsequent marriage of the claimant.

She has been denied pension on the ground of her inability to show that the soldier's death was in any way the result of his military service.

The testimony filed in this action indicates the claimant is in indigent and necessitous circumstances, and incapable, by reason of physical infirmities, including deformity and limitation of left arm and wrist, result of a fracture, from earning a livelihood.

A pension of $12 per month is recommended.

I want to ask the gentleman in charge of the bill how far the provisions of the law which fixes the date at June 27, 1890, have been abrogated in the practice of the committee. I see this one brings the date down to 1895, or five years subsequent to 1890. I want the gentleman from Indiana to enlighten me, if he will, how much further the Committee on Invalid Pensions have stretched the provisions of the general law.

Mr. ADAIR. I will say to the gentleman from Texas that I am unable to say how much further the committee has stretched the law, or how much further it will stretch the law; but from the evidence submitted to the committee they were of the opinion that the Bureau of Pensions was in error in refusing a pension upon the ground that the death of the soldier was not the result of his military service. From the testimony submitted to the committee, we believed that the Bureau of Pensions erred in its decision, and that under the law this widow was entitled to a pension. Believing that, we granted her $12 a month.

Mr. DIES. Does not my friend from Indiana think that the Committee of the Whole House, who are considering these bills for the appropriation of money out of the Public Treasury, should have the facts upon which the committee report in favor of allowing this pension?

Mr. ADAIR. Certainly, and if the gentleman wants to have the facts, he has access to the papers. He can go to the committee room and get the papers in this case and examine them, and if he believes the committee has erred in its action, he has the right to move to strike out the paragraph of the bill granting this pension.

Mr. DIES. Does my friend from Indiana think we ought to be compelled to leave our duties here and go over to the committee room to get this data? Does he not think the committee in its report ought to advise us of the circumstances?

Mr. ADAIR. I do not think it would be advisable for the committee to have printed in its report all of the documents and proofs filed with each individual case. It would make a book as thick as Webster's Unabridged Dictionary; and I am satisfied that the gentleman from Texas, with all his great duties and responsibilities resting upon him, which he performs so carefully and so well, would not have the time to go through all this evidence and inform himself as to the facts in all these cases.

Mr. LANGLEY. It would cost a great deal to print it, too.

Mr. ADAIR. Besides, it would cost an immense sum to print all the testimony filed in support of these cases. I think, if the gentleman from Texas, in going through this report, finds a claim about which he does not feel fully satisfied, it is better that he examine the papers in that particular case. It would be very little trouble indeed for him to step downstairs to the committee room and ask for the papers and go through them. It would be much less expensive.

Mr. DIES. I accept the gentleman's statement. In this case the committee think the widow is entitled to a pension because her husband, the soldier, died as the result of infirmities incurred in the service?

Mr. ADAIR. Yes.

Mr. DIES. Does that apply to all of the cases in which the committee have abrogated the law that fixes the date at June 27, 1890?

Mr. ADAIR. No; I would not say that it does. We have allowed claims to widows of soldiers who married subsequent to June 27, 1890, where the widow had lived with the soldier a number of years and had cared for him; and we took into consideration the labors she performed and the service she rendered, and things of that sort, in determining these cases.

Mr. DIES. As a matter of fact the general law does not give it with regard to this case?

Mr. ADAIR. We allow claims of this character when we think it is just, notwithstanding the law of June 27, 1890.

The Clerk read as follows:

The name of Henry C. P. Roebling, late of Company C, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

Mr. DIES. Mr. Speaker, I am not sure but that the gentleman from Kansas, in his question, got the information that I want. In this case of H. R. 4331, Henry C. P. Roebling, a pension is allowed by the committee, notwithstanding the fact that the soldier did not render the 90 days' actual service required by the general law. I would like to ask the gentleman from Indiana in charge of the bill what is the smallest number of days' service he knows upon which a pension has been based by the committee?

Mr. ADAIR. I will say to the gentleman I can not answer that question. I do not remember the smallest number of days. It is evident from the facts, however, in this case that this man must have been shot out of the service, as he was pensioned under the general law. That prevented him from rendering the full 90 days' service. He was discharged after eight or nine days on a surgeon's certificate of disability.

Mr. DIES. Does not the gentleman think that our pension laws would be less subject to the charge of special favors for certain persons if the law requiring the 90 days' service should be conformed to by the rules of the Pensions Committee with regard to the term of service?

Mr. ADAIR. I scarcely think so. I think the gentleman will agree that if a man serves 85 days and is shot out of the service which made it impossible for him to serve the full 90 days, is in financial straits, is in need and helpless, that he is entitled to consideration at the hands of the committee as much so as if he had served 5 or 10 days longer. I do not believe that the committee should be confined to a hard and fast rule.

Mr. DIES. I am afraid if the man was shot outside of the service——

Mr. ADAIR. Oh, I did not say he was shot outside of the service. I said he was shot out of the service.

Mr. DIES. I was going to say that he was not doing his whole duty if he was shot outside of the service and if he had been doing his whole duty he would not have gotten into this position.

Mr. ADAIR. He was shot while in the service and had to quit on that account.

The Clerk read as follows:

The name of John Williams, late of Company F, Seventh Regiment Pennsylvania volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. DIES. Mr. Speaker, I do not profess to be as familiar with the pension laws as I perhaps ought to be, but my understanding is that the children of deceased soldiers are not under the general law pensionable after they arrive at the age of 16 years.

Now, in this case James A. Galloway, aged 73 years, helpless and dependent child of John S. Galloway, who served as a private in Company D, Eighty-third Regiment Illinois Volunteer Infantry, from July 24, 1862, to March 17, 1863—eight months—and was a pensioner under the act of July 14, 1862, at $12 per month on account of rheumatism and resulting disease of heart. Soldier died March 31, 1892; he and the mother of this child were married September 4, 1838; this child was born June 28, 1839. The mother was pensioned under the act of June 27, 1890, at $8; she died September 18, 1901.

Now, is this child 73 years old entitled to a pension under the general law or not?

Mr. ANSBERRY. No.

Mr. DIES. He is entitled to receive this pension from the Government by reason of the course of the Pensions Committee?

Mr. ADAIR. He became helpless prior to the age of 16, and it has been the practice of the committee to allow $12 a month in such cases.

The Clerk read as follows:

The name of Jane C. Parrott, widow of ————, late of Company D, Seventeenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. ADAIR. Mr. Speaker, there seems to be some error in the print of the bill. I am not prepared at this time to say to the House what the name of the soldier is that should be inserted. I ask unanimous consent to pass over this paragraph for the present.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to pass over this paragraph for the present. Is there objection?

There was no objection.

The Clerk read as follows:

The name of Louvina Mays, former widow of Alexander S. McLean, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. DIES. Mr. Speaker, I think this case—H. R. 7090, Louvina Mays—is such that the report should go into the RECORD for the guidance of the 820,000 who are on the pension rolls. Naturally, when the other pensioners of the Government find out that persons are getting pensions from Congress who are not entitled to them under the general law they will feel like we are not living up to the doctrine of equal rights to all and special privileges to none. As was said by a former President of the United States, if the old soldiers of the country knew the favoritism that Congress practiced every two weeks in private pension bills, they would rise up and scourge the system of private pensions. It is because the old soldiers do not know that that thing is being done, that fish is being made of one and flesh of another; it is because they do not understand that 200 are being singled out to-day from the mass of 820,000 and are to be made the favorite objects of our solicitude—I say it is because they do not understand that favoritism that they allow this system of private pensions to exist. Therefore I think every Member of this body who is a friend of the old soldier and wants to enlighten him in regard to this system of favoritism ought to place the more glaring inequalities in the RECORD, so that those on the rolls who can bring themselves within the provisions of any of the private pension bills may come and be admitted to equal justice at the hands of Congress.

Therefore I want to place in the RECORD page 28 of the report, a record of the case on the bill H. R. 7090. Unless there is some objection, I will not read it, because I do not want to take up the time of the Committee. I only want to get it into the RECORD for the enlightenment of those who can bring their cases within its terms.

The SPEAKER pro tempore. What is the gentleman's request?

Mr. DIES. Mr. Speaker, I ask unanimous consent to insert in the RECORD a report on H. R. 7090, as a part of my remarks, without reading it to the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The report referred to is as follows:

H. R. 7090. Louvina Mays, aged 74 years, is the widow of Alexander S. McLean, who served as corporal in Company K, Seventeenth Regiment Illinois Volunteer Cavalry, from January 19, 1864, to May 19, 1865 (1 year, 4 months, and 1 day). Soldier was not pensioned. Claimant is not pensioned.

Address, New Hope, Mo.

Claimant and soldier were married March 15, 1860.

Soldier died January 4, 1895.

Dr. A. M. Taylor testifies that the claimant, by reason of old age, an injured hip, and chronic indigestion, is unable to earn a support.

The claimant has no income except from charity.

Nine years after the marriage of the claimant to the soldier he deserted her, leaving her with two children by him, one 7 years old

and the other a child at the breast. Both these children are dead. After waiting many years for the soldier to return, and having finally come to the conclusion, based upon what she believed to be reasonable and reliable evidence of his death, she remarried to one Elias B. Mays, September 17, 1882. Elias B. Mays died August 12, 1901.

In view of all the facts of this case, and in particular the facts that the claimant is old, poor, and a "war widow," it is recommended that she be pensioned at $12 per month.

The Clerk read as follows:

The name of Joel M. Morgan, late of Company K, Ninety-first Regiment Indiana Valunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. DIES. Mr. Speaker, I ask unanimous consent to insert in the RECORD the report with reference to H. R. 9094, being on page 43 of the report, for the enlightenment of those widows of soldiers who did not marry the soldier as early as June 27, 1890, in order that other widows who can not get a pension under the general law may use this special favor as a cloud by day and a pillar of fire by night to guide their feet toward the Public Treasury.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection, and it was so ordered.

The report referred to is as follows:

H. R. 9094. Susan Zeck, aged 73 years, is the widow of Ruben Zeck, who served as a private in Company D, One hundred and sixty-sixth Regiment Pennsylvania Infantry, from October 24, 1862, to July 28, 1863 (9 months and 4 days). The soldier was pensioned under the act of June 27, 1890, at $12 per month for disease of left arm and rheumatism; formerly pensioned under the general law at $6 per month for disease of left arm. Post-office address, York, York County, Pa.

He and this claimant were married December 25, 1890, and lived together as husband and wife to the date of his death, June 11, 1905. She has made no claim for pension under the general law and has no title to pension under other existing laws.

Medical testimony filed in this action shows she is in bad physical condition by reason of deafness, weak eyes, and disease of heart, which is supplemented by the testimony of others, indicating she has no property of any description, except a small home, valued at $900 and incumbered at $600, or income from any source except what she is able to earn by taking in washing and rent of rooms in her home.

It is recommended she be granted a pension of $12 per month.

The Clerk read as follows:

The name of James T. Taylor, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. DIES. Mr. Chairman, I also ask unanimous consent to insert in the RECORD the report on H. R. 9636, being found on page 50 of the report, being a case where the report says that the claimant's application under the act of April 19, 1908, was rejected upon the ground of no title under that act.

Mr. LANGLEY. Why not insert the whole history of the case?

Mr. DIES. Oh, I am going to. My desire is that other widows of soldiers may see this in the CONGRESSIONAL RECORD and demand of their Congressman that they be not held to the strict letter of the general law. In other words, Mr. Speaker, there are 820,000 pensioners. We select a few of them, who survive, from the harshness of a general law upon the subject of pensions. I have maintained since I have been a Member of this body that if you give a special pension to one soldier under one state of facts, you ought to be willing to give it to every other soldier who brings himself within that state of facts. Your general law provides a 90-day service. If you repeal the general law and give it to a man who has rendered 89 days of service, then, I say, give it to every soldier who rendered 89 days of service. If you pass a special pension bill and you give it to a widow who marries a soldier subsequent to June 27, 1890, to wit, in 1891 or 1892, then, I say, every other widow who can bring herself within the terms of that private pension bill ought to have as a matter of right under the law equal treatment at the hands of this body, and that has always been my objection to private pension bills, because it violates that fundamental principle of the Government under which we live of equal rights to all and special privileges to none.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to insert certain statements in the RECORD. Is there objection?

There was no objection.

The statement referred to is as follows:

H. R. 9636. Rachel Markcauro, now Millerte, aged 70 years, is the former widow of Pleasant Markcauro, who served as a private in Company E, One hundred and twentieth Regiment Illinois Volunteer Infantry, from August 14, 1862, to April 19, 1863 (8 months and 6 days). Soldier was not pensioned. Claimant was formerly pensioned under the act of July 14, 1862, and subsequent acts at $8. This pension was discontinued April 5, 1873, the date of her remarriage to Joseph Millerte.

Address, Roodhouse, Ill.

Claimant and soldier were married February 25, 1864. The soldier died February 28, 1868. Claimant's second husband, Millerte, died in March, 1878.

Claimant's application, under act March 3, 1901, was rejected on the ground that claimant has no title under that act, as she was not the soldier's wife during the period of his service, which terminated April 19, 1863, and she having married him February 25, 1864.

Claimant's application under the act of April 19, 1908, was rejected upon the ground of no title under that act, claimant having remarried prior to the date of filing her claim thereunder.

It is testified that claimant is physically unable to earn a support, and it is further testified that claimant has no means of support and no income from any source.

It is recommended by this committee she be granted a pension of $12 per month.

The Clerk read as follows:

The name of Thomas C. Goforth, late of Company E, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. DIES. Mr. Speaker, I ask unanimous consent to insert in the RECORD the report on the bill H. R. 10956, to be found at page 68 of the report, being the case of Judson N. Pollard, who is now receiving a pension under a special act of Congress, and who is to receive the benefits of a second special act, in order that those pensioners throughout the country who have succeeded in getting one bill introduced and enacted into law exempting them from the provisions of the general law may avail themselves of this opportunity to have introduced a second bill in derogation of the general statute, and as a guide to persons throughout the country who may wish to avail themselves of this repeal every two weeks upon the general law upon the subject of pensions.

Mr. LOBECK. Mr. Speaker, reserving the right to object——

Mr. DIES. Oh, Mr. Speaker, if the gentleman is going to object, then I withdraw the request for unanimous consent, and I will read it into the RECORD.

Mr. LOBECK. Oh, I just wanted to state that I would be glad to have this record of Judson N. Pollard go into the RECORD. I will read in my own time the last three paragraphs, which are as follows:

Claimant was discharged for being under size and age.

Medical testimony is that claimant is confined to his bed most of the time; he has locomotor ataxia, and is totally blind.

Claimant has no property and no income but his pension. Lives at a soldiers' home.

In view of blindness a rate of $30 per month is allowable. A higher rate is not recommended in view of service and that claimant is cared for at a soldiers' home.

Mr. Speaker, I think the claimant is entitled to the amount. He is a blind man.

Mr. DIES. Mr. Speaker, if my colleague from Nebraska had listened patiently to what I have had to say and had been in sympathy with my remarks, he would have known that I was predicating my remarks with reference to this case upon the fact that the soldier has already had his case excepted from the 820,000 and has already received a special act of Congress and is now about to receive a second special act of Congress in contradistinction to the four or five hundred thousand other pensioners. I wish only to insert it, not for the purpose of showing that he can not use all the money you are giving him or that he is not in needy circumstances, but to hold it out as a ray of hope to the other four or five hundred thousand old soldiers who have never received even one private pension bill, to let them know that here is a man who has been the beneficiary of two private pension bills, that they may hope on and write on and expect on to receive at least one in the course of their lifetime from the Pension Committee. In other words, that as long as the light holds out to burn and one soldier gets two private pension bills all soldiers may reasonably hope on and expect to get at least one during their lifetime.

Mr. LOBECK. Mr. Speaker, in this case "the light did not hold out to burn," and I am willing to let the 820,000 pensioners in this country know that when a veteran of the Civil War becomes blind the Government will take care of him if it takes half a dozen increases in pensions. [Applause.]

Mr. DIES. And the gentleman from Nebraska [Mr. LOBECK] would not apply that magnanimous rule to all the soldiers of the war, but such as the Pension Committee can pick out and handle every other Friday?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. DIES. Mr. Speaker, I ask unanimous consent for a minute more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DIES. The only difference between the gentleman and myself is this: He would pick out by private legislation the man who appeals to the sympathy and to the gratitude of the Congress and this committee and give that one soldier relief, when I would make one law under which every honorable soldier of this Republic might walk up to the Treasury and demand as a right that he receive equal and exact justice along with every other man, and not have to go to his Congressman to get a bill

introduced. He need only assert his right under the general laws of the country.

Mr. LOBECK. If ever opportunity comes to me and I find that an old soldier who has rendered service to his country has become blind, and he comes to me, I will try to have him assisted in the latter days of his life, with the greatest of pleasure. And so would the gentleman from Texas under the same circumstances, because I know the goodness of his heart.

Mr. DIES. Would not the gentleman extend that to all blind soldiers?

Mr. LOBECK. If he was an old soldier and had become blind, I would be willing that he should have $30 a month.

Mr. DIES. The thing to do is to give it to all of them in a general law.

Mr. LOBECK. And you would vote for it.

The SPEAKER. The gentleman from Texas [Mr. DIES] asks unanimous consent to insert the report which he has referred to in the RECORD. Is there objection?

There was no objection.

Following is the report:

H. R. 10956. Judson N. Pollard, aged 67 years, served as a private in Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, from May 14, 1864, to June 10, 1864 (27 days). Subsequently served under Gen. Thomas, as a scout and spy. He is now a pensioner under special act at $20 per month, No. 1056415. Address, National Military Home, Leavenworth, Kans.

No board of surgeons report on file.

Claimant was discharged for being under size and age.

Medical testimony is that claimant is confined to his bed most of the time; he has locomotor ataxia, and is totally blind.

Claimant has no property and no income but his pension. Lives at a soldiers' home.

In view of blindness a rate of $30 per month is allowable. A higher rate is not recommended in view of service and that claimant is cared for at a soldiers' home.

Mr. MANN. Mr. Speaker, I have a great deal of admiration for the gentleman from Texas [Mr. DIES], and I always like to hear him speak, whether I agree with him or not. I have a good deal of sympathy with his views on the subject of personal legislation. Yet the gentleman from Texas is a very distinguished member of the Committee on Claims, which deals all the time with personal legislation and private bills. The Committee on Claims constantly reports bills to pay compensation or gratuity, whichever you may call it, to persons who are injured in the Government service, persons who have no legal claim against the Government and think they have a moral claim against the Government in various directions.

I am not criticizing the gentleman from Texas for not opposing all of those bills, because I have no doubt that he attempts to or does oppose those that he thinks are not meritorious. It is, however, impossible to always provide by general legislation for every case which may appeal to us, where the persons can be taken care of by private legislation. I expect that it is probably as fair to all the parties, including the Government, and undoubtedly more economical, for the Government to pay an increased amount to pensioners under peculiar conditions that are brought to the attention of Congress than it is to pass a general law applicable to everybody, regardless of the peculiar merits in the case.

Now, I would prefer, as to the question of claims, to have a general law that would reach everybody, if that is practicable, and yet we have somebody coming in with a hard story that appeals to the hearts of everybody, and we pass a bill allowing that person some money because he or she has been injured in the Government service. If we could stop personal legislation on pensions and claims, we would be exceedingly lucky, because the fact is that in the military service, in the naval service, in the Revenue-Cutter Service, in various other services of the Government, the man who has the persistence to keep after some Member of Congress to get a bill introduced, and then the patience and persistence to visit each member of the committee to which the bill is referred, very often gets a right from the Government to which he is no more entitled than all in his class. I agree with the gentleman from Texas [Mr. DIES] that so far as possible we ought to avoid personal legislation, and legislate for everybody upon the same plane.

Mr. DIES. Mr. Speaker, I move to strike out the last word.

I have never laid much claim to the virtue of consistency, if it is a virtue—and sometimes I doubt if it is—but on this question of private bills my brief legislative course here has been consistent. When I first came to this House, in the Sixty-first Congress, Speaker Cannon placed me on the Pensions Committee, which dealt, not with pensions growing out of the Civil War but with pensions growing out of the Mexican War, and probably other wars. And it was because I saw the injustice of the private-pension system in that committee, and because I could not bring my fellow members of the committee to abrogate that unjust system, I resigned from a place on it.

Now, my friend from Illinois [Mr. MANN] says that I am a member of the Committee on Claims, and so I am. I was a member of the subcommittee to which the Committee on Claims in the Sixty-second Congress referred the question of a program or a plan to be outlined for the guidance of the committee.

As the chairman of that subcommittee, I was asked to write the report to the full committee, and I reported to the Committee on Claims that we ought not to handle these matters as private bills in the way that we were about to do—because the committee was then being organized—but whenever we thought desirable we ought to recommend to Congress an enactment of general laws applicable to all claims that might bring themselves within their purview. And all I say with regard to private pension bills I say with respect to private claims bills, with this qualification, that the claims bills are not as popular as the pension bills, and you can scarcely get a bad claim through Congress, and you can scarcely get any claim at all through Congress, and the system of private claims, while it is just as bad as the system of private pension bills, is not pressing us so closely, for the reasons I have just indicated.

Mr. MANN. I hope the gentleman from Texas does not think I was accusing him of inconsistency.

Mr. DIES. Oh, no; and if he had so accused me, I do not know that I would have been in the slightest degree offended by the gentleman, because, while I do not believe that consistency is necessarily the virtue of fools, yet it often stands in the way of wise reform and sound philosophy.

Mr. MANN. The gentleman believes that consistency is right at the same time?

Mr. DIES. Yes.

Mr. MANN. I did not accuse the gentleman of inconsistency. I simply wanted to encourage the gentleman in extending his views with respect to private pension bills to legislation with respect to private claims.

Mr. DIES. No; the gentleman misunderstands me. My desire was to have the Committee on Claims recommend general legislation to the House, instead of the piecemeal legislation practiced by the Committee on Claims and the Committee on Pensions and other committees that handle these questions in installments. If a man comes before the Committee on Claims, who was injured in the service on the Isthmus of Panama, for example, and who lacks 50 days of coming within the terms of the law, and we allow his claim for that reason, we ought to allow the claim of every other man who brings himself within the pale of that provision. Until we do it we will be making fish of one and flesh of another.

The gentleman will remember that when the Post Office appropriation bill was up for consideration it was proposed to single out the employees of the Post Office Department and give them free Government life and accident insurance. The gentleman will remember that I objected then, and one of my grounds of objection was that we ought not to single out the employees of the Post Office Department and give them these gratuities of life and accident insurance, but that if it was desirable to provide for them let us embark on general legislation for the benefit of all of the employees of the Government. I do not believe that the gentleman from Illinois can lay at my door a charge of inconsistency in connection with my opposition to private pension bills.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BRYAN. Mr. Speaker, the amendment was to strike out the last word. That has not been withdrawn.

The SPEAKER. The Chair will withdraw it, then.

Mr. BRYAN. Then, Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] moves to strike out the last two words.

Mr. BRYAN. Mr. Speaker, the gentleman from Texas [Mr. DIES] has been more or less consistent in his fight here with reference to these pension bills, and I do not care to take issue with him on that particular line. The gentleman speaks for a general rule governing all Government employees, and yet when he gets down there in the pit and makes his general speech he opposes all forms of gratuity, all forms of consideration with respect to the employees.

Mr. DIES. Mr. Speaker, will the gentelman yield?

The SPEAKER. Does the gentleman yield?

Mr. BRYAN. Yes.

Mr. DIES. Does not my friend think that a law permitting all gratuities and pensions to civil employees is general enough as a general law?

Mr. BRYAN. That is where I desire to take issue with the position of the gentleman on these matters. I believe it is essential not only as to Government employees when injured and

as to soldiers and sailors and their widows and dependents, but we are also compelled to grant some kind of consideration and to adopt some system of retirement to civil employees when they have served the country for a number of years.

The gentleman from Texas has introduced here the bill H. R. 18172, which provides that every civil-service employee of this Government must lay down his commission and give up his office at the end of 10 years' service, and that, no matter how efficient a civil-service employee may be, no matter how well he fills his position, no matter how important and valuable he may be to the Government in the particular department in which he is working, nevertheless, at the end of 10 years he must lay down his work and seek another job, and this particular department must advertise for three more eligibles through the Civil Service Commission and from those three select one person to fill that place.

Mr. DIES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. BRYAN. I do.

Mr. DIES. In the case of my friend from Washington, the law provides that he shall lay his office down at the end of two years without regard to efficiency. Does my friend think that my proposition to require the civil-service employees to lay theirs down at the end of 10 years is so bad after all?

Mr. BRYAN. Of course the two matters are not related at all. It is as the gentleman stated the other day. People will seek the jobs even if salaries are reduced. I think there would be candidates in the gentleman's district for his job if the salary were made $5,000 instead of $7,500.

Mr. DIES. Yes; the gentleman is right, Mr. Speaker. There are several $5,000 fellows trying to get my place now. [Laughter.]

Mr. BRYAN. I think the gentleman's argument in regard to consistency in these pension matters ought to be applied to matters of retirement and the pensioning of employees; and the gentleman's proposition to retire Government officers at the end of 10 years and to refuse any kind of consideration is destruction instead of construction, and the gentleman's policy along that line is not consistent with his position for a general bill.

In contrast with this bill of the gentleman from Texas [Mr. DIES] to fire all employees at the end of 10 years, without regard for efficiency or the fundamental principles of humanity and social justice, is the bill of the gentleman from New Jersey [Mr. HAMILL] that proposes a retirement of civil-service employees at the end of 30 years' service at half pay and proportionate consideration for less years of service. I favor the retirement plan. It is not only humanitarian; it is economical. It will give the people better service, and will lessen the taxes instead of increasing them. It is pretty hard for a clerk or average Government employee to lay aside for the rainy day that is inevitable and sure to come. When that day comes, it is cruel and inhuman to throw the employee and his dependents out on charity, nor does it pay society in the end. I favor the retirement system, because it is economical; it is humane; it is right.

The SPEAKER. The Clerk will read. But before he proceeds, the Chair will withdraw the pro forma amendment of the gentleman from Washington. If pro forma amendments should stay in the bill, it might damage the bill a good deal in some respects. [Laughter.]

The Clerk read as follows:

The name of Clara A. Harlow, helpless and dependent child of William A. Harlow, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. FOWLER. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] moves to strike out the last word.

Mr. FOWLER. Mr. Speaker, I have gone over the private pension bills which are incorporated in this omnibus bill with some degree of care, and in each instance I am satisfied that the Committee on Invalid Pensions has rendered a great service to this country as well as to each individual named in the bill.

The object of these private pension bills is to even up inequalities which can not be reached by a general pension bill. Were it not for the opportunity to pass private legislation for this purpose many deserving soldiers, their widows and orphans, would go without relief, and I want to subscribe to the policy of the passage of private pension bills and private claim bills wherever they are needed.

Mr. Speaker, I was indeed glad to hear my colleague from Illinois [Mr. MANN] plant himself upon the plane of equality in dealing with the rights of those who were unfortunate in the war. I only wish that he would be as fair to that great army of men employed in dangerous employments who have received injuries while engaged in toiling for the purpose of satisfying the wants of man. I have repeatedly heard him on the floor of this House contend that a poor laboring man, on a small salary and who had lost one leg, ought to be satisfied with a compensation equal to one year's salary, yet very small, while a man receiving a much larger salary and who had received a less injury should receive a much larger compensation for such injury.

The SPEAKER. The time of the gentleman from Illinois has expired. Without objection, the pro forma amendment is withdrawn.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to oppose the pro forma amendment.

The SPEAKER. The gentleman from South Carolina is entitled to five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to ask the gentleman in charge of the bill how many private bills were incorporated into this one omnibus bill?

Mr. ADAIR. Two hundred and fifty-eight.

Mr. JOHNSON of South Carolina. Does the gentleman know how much the amount involved is?

Mr. ADAIR. The total increase allowed under this bill is $34,098.

Mr. JOHNSON of South Carolina. For each month?

Mr. ADAIR. No; annually, or $2,841 a month.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I am willing that the pro forma amendment be withdrawn.

The SPEAKER. If there be no objection, the pro forma amendment will be withdrawn. The Chair understands there was a section passed over.

Mr. ADAIR. Yes.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The name of Jane C. Parrott, widow of ———, late of Company D, Seventeenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. ADAIR. Mr. Speaker, I move to insert the name of Joseph R. Parrott after the word "of," in line 11, on page 12.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 11, after the word "of," insert the words "Joseph R. Parrott."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Ohio [Mr. KEY] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will now report the bill section by section for amendment.

The Clerk read as follows:

The name of Jennie H. Domingos, widow of John Domingos, late of Company D, Thirteenth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. THOMAS. Mr. Speaker, I desire to offer the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "receiving," in line 24, on page 2, amend by adding the following:

"The name of Russella J. Ross, widow of Henry L. Ross, second lieutenant Company B, St. Louis Legion Volunteers, Mexican War, and pay her a pension at the rate of $20 per month.

Mr. THOMAS. Mr. Speaker, old age and the infirmities incident thereto, coupled with extreme poverty, have sent old Mrs. York to the poorhouse, where she now is, and the Pension Committee have tabled her application for a pension, because she could not go down into Mexico during the Mexican War and

marry Henry L. Ross, whom she did marry a few months after the close of his service.

The facts in this case are these: This woman is now more than 85 years of age. She is a pauper and is an inmate of the poorhouse. She is blind. Her first husband, Henry L. Ross, was a second lieutenant in the St. Louis (Mo.) Legion in the Mexican War. He was mustered out the last of August, 1846. About three months after he was mustered out the petitioner married him and lived with him until he died. She remained a widow for a number of years and then married a man by the name of York, and he died some years ago. The committee say there is no general law which will reach this case. I know that. If there was a general law that would reach all pension cases, there would be no use for any pension committee.

Mr. SHERWOOD. How long did she live with the Mexican soldier?

Mr. THOMAS. I do not know; four or five years, I think.

Mr. LANGLEY. What was the length of his service?

Mr. THOMAS. About one year, I think. I do not remember the exact length of his service, maybe some months. At any rate, she is in that condition I have just described. Now, the Pension Committee is, or ought to be, a court of equity to grant pensions in meritorious cases. If every meritorious petitioner could receive a pension under the general law, there would be no pension committees and no need of pension committees.

This committee sent me a little slip of paper informing me that they had tabled this application because this woman did not marry the soldier during his term of service. In this very bill they have pensioned Mrs. Clara Fisher and her two children——

The SPEAKER. The time of the gentleman has expired.

Mr. THOMAS. I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. THOMAS. Mrs. Fisher is comparatively a young woman, the widow of a Spanish-American War veteran. She married her husband four years after his term of service expired, and the committee report that he himself was not pensioned under the general law. He made application for a pension, but could not prove his claim, and she never applied to the Pension Bureau for a pension, but she applied to this committee; and although the soldier had not received any proved injuries or contracted any disease in the service, and although she married him four years after his term of service expired, yet this committee granted to this young woman a pension, but refused to pension the blind, pauper widow of a Mexican War veteran. [Applause.]

Mr. SHERWOOD. Did the gentleman say that this woman did not exhaust her right in the Pension Office before she applied to the committee?

Mr. THOMAS. This report says, if I mistake not, that that is the fact. I do not think I am mistaken in that.

Mr. LANGLEY. That is probably a case where it was manifest that she had no status under the general law.

Mr. ANSBERRY. The case of Mrs. Fisher, which has just been mentioned, is a case from my district, and I introduced the bill myself. The reason she did not make application to the Pension Office was because it was a case that on the face of it showed that she could not get a pension under the general law. And it is not unusual for cases to be reported out here, not only by this committee but by the Invalid Pensions Committee, under similar facts. In other words, they do not require soldiers' widows and soldiers' orphans to do a needless or useless thing, as it would be in this case.

Mr. THOMAS. Nevertheless, it is a fact that neither she nor her husband had any pensionable status. The gentleman, however, is, if I mistake not, on the Invalid Pensions Committee, and there is a sort of reciprocity between the two committees.

Mr. ANSBERRY. The gentleman is mistaken; I have not been on that committee for three years.

Mr. THOMAS. Well, it was what he learned when he was on the committee. [Laughter.]

Mr. ANSBERRY. I learned when I was on that committee to present only proper cases and to abide by the decision of the committee. I will say to the gentleman that my experience with both committees is this: That if the proof in his case is what he says it is, this committee will give this soldier's widow a pension.

Mr. THOMAS. The proof, I think, is just as I stated it. He served in the St. Louis (Mo.) Legion in the Mexican War, and that is proved. He married this woman after he came out of the service, and that is proved. She is blind and in the poorhouse to-day, and that is proved. And I ask this House to grant this old Mexican War veteran's widow a pension of $20 a month that she may end her last days out of the poorhouse. She is now over 85 years of age. [Applause.]

Mr. ANSBERRY. Mr. Speaker, I would like to ask the gentleman when did the committee send him notice that they had rejected the claim on the ground that she had married the soldier after the service?

Mr. THOMAS. I think they sent it to me last week. They have been sending it to me for the last two or three years. I have been trying to get the committee to pass this claim, but they have turned it down every time.

Mr. LANGLEY. Did my colleague present this argument that he has made here to the committee?

Mr. THOMAS. No; not to the committee.

Mr. KEATING. Did the gentleman appear before the committee or any subcommittee?

Mr. THOMAS. No; but I talked with individual members.

Mr. KEATING. The gentleman did not appear before a committee or a subcommittee?

Mr. THOMAS. I did not at this session of Congress appear before the committee. I have been before the committee, and they told me they did not hear Members.

Mr. KEATING. The gentleman understands that a new committee is appointed every Congress?

Mr. THOMAS. Yes. I did not go before the committee at this session of Congress because I have been informed that it was useless to go before the committee, as it did not hear argument in pension cases.

Mr. KEATING. Mr. Speaker, as a member of the committee, it seems to me that we should make some statement in regard to this case. As a matter of fact, the committee grants a pension of $20 a month to the widows of Mexican War veterans almost as a matter of form. I do not recall this particular case, and upon consultation with other members of the committee I find that there is no gentleman in the vicinity who does recollect the details of this case. But the fact that we did not grant this particular widow $20 a month is evidence, to my mind, that there is something in the record that has not been disclosed by the gentleman from Kentucky. I assure this House that if there is nothing in the record which should prevent the granting of this increase, and the gentleman will appear before the committee, the committee will gladly reconsider the case and will grant the widow $20 a month. The committee goes over these cases with a great deal of care and endeavors to grant increases to those who are deserving and to refuse increases to those who do not deserve them. We will treat this case exactly as we treat every other case of the widow of a Mexican War veteran.

Mr. DYER. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. DYER. The gentleman is a member of the Committee on Pensions?

Mr. KEATING. Yes.

Mr. DYER. Will the gentleman state how many claims they have allowed widows of Spanish War veterans?

Mr. KEATING. This is a Mexican War veteran.

Mr. DYER. I know; but how many widows of Spanish War veterans has the committee pensioned?

Mr. KEATING. This is the first bill reported by the committee.

Mr. KEY of Ohio. Mr. Speaker, I will state, with the permission of the gentleman from Colorado, that this is the first omnibus bill that the Committee on Pensions has had this year. As a general rule the Committee on Pensions has about two bills during the month of December and one bill during the month of January. This bill contains 44 names. There is 1 item for the widow of a soldier in the Indian war, 8 for Mexican War widows, and 12 original claims in the War with Spain.

Mr. DYER. For widows?

Mr. KEY of Ohio. No. Seven increases in the War with Spain, four widows original in the War with Spain, three minors in the War with Spain, four members of the Regular Establishment for increase, three widows of members of the Regular Establishment for increase, two original members of the Regular Establishment, and two widows original.

Mr. DYER. I thank the gentleman for the information, and I would like to ask one further question of the acting chairman. I understand the committee has reported a bill to the House providing for the widows of Spanish War veterans regardless of whether the soldier died or was disabled in the service.

Mr. KEY of Ohio. The committee is authorized to report a bill of that character.

Mr. DYER. Does the gentleman think that it will be considered at this Congress?

Mr. KEY of Ohio. I think so, and hope so.

Mr. DYER. I am glad to hear it.

Mr. LANGLEY. So am I.

Mr. KEATING. Mr. Speaker, I trust the House will not adopt the amendment submitted by the gentleman from Kentucky. I hope they will manifest sufficient confidence in the committee to leave the matter with the committee. I assure the House that in case the record is without a flaw the committee will give this widow $20 a month.

Mr. THOMAS. Mr. Speaker, I move to strike out the last word.

Mr. CAMPBELL. Mr. Speaker, I would like to ask the gentleman from Kentucky a question.

The SPEAKER. The gentleman from Kentucky has not got the floor yet.

Mr. CAMPBELL. Then, Mr. Speaker, I will take the floor for the purpose of asking the gentleman a question. Is the widow in this case drawing any pension now?

Mr. THOMAS. None whatever. She could not obtain a pension under the general law.

Mr. CAMPBELL. Did her husband ever draw a pension?

Mr. THOMAS. No; he died along about 1849 or 1850; I do not know the exact date.

Mr. KEATING. Mr. Speaker, may I ask the gentleman one more question?

Mr. THOMAS. Yes.

Mr. KEATING. How long was she married to her second husband?

Mr. THOMAS. She was married to her second husband, I think, six or eight years.

Mr. KEATING. Is it not a fact that it is about 30 years since she was married to her second husband?

Mr. THOMAS. No; I think not.

Mr. KEATING. I recall such a case as that.

Mr. THOMAS. I would not be positive about that; but I think not. That would not make any difference in any event.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Henrietta Lee Coulling, widow of William M. Coulling, late major and quartermaster, United States Army, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional for minor child until it reaches the age of 16 years.

Mr. JOHNSON of South Carolina. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 8, page 8, insert as a new paragraph:
"The name of William H. Franks, late of Company I, First Regiment United States Cavalry, and pay him a pension at the rate of $12 a month."

Mr. JOHNSON of South Carolina. Mr. Speaker, two weeks ago I offered this amendment to an invalid-pension bill. It was not properly an item that should have gone in that bill, but I stated the facts on that occasion.

This old man is more than 80 years of age. He served five years on the frontier, from 1855 or 1856 to 1860 or 1861. His service was that of a cavalryman, which carried him all through the States of Utah, Wyoming, Kansas, Nebraska, and that section of the country. He was engaged in frontier service. The old man has no money and he has not many more weeks to live. I can not show to the Committee on Pensions that his present poverty and disability are due to his service. I am perfectly candid with the Committee on Pensions and with the House, but I believe that those five years of service in the days of his young manhood and strength must add to his disability in his old age. I was taught when I was a young man that every draft drawn on nature must be paid some day. If that be a true proposition, it must follow that these 5 years of arduous service of this man more than 50 years ago add something to his present disabled condition.

Mr. SHERWOOD. How old is he now?

Mr. JOHNSON of South Carolina. More than 80 years old, and he has no property and is not able to earn anything.

Mr. SHERWOOD. How much does the gentleman ask for him?

Mr. JOHNSON of South Carolina. Twelve dollars a month. He served five years in the Regular Army as a cavalryman. I leave it to the House.

Mr. KEY of Ohio. Mr. Speaker, did the gentleman have this before the Committee on Pensions?

Mr. JOHNSON of South Carolina. I have had this before the Committee on Pensions for several years.

Mr. KEY of Ohio. Before which committee?

Mr. JOHNSON of South Carolina. I do not know. I have talked to individual members of the committee, but I frankly stated to the gentlemen the facts, just as I have stated them here. I can not show that his present disability and poverty are due to his Army service. I am simply asking that you give the old man $12 a month.

Mr. KEY of Ohio. I would like to state that I am sure if the gentleman had submitted the evidence to the committee just as he states, it would have been willing to grant this pension.

Mr. JOHNSON of South Carolina. It has already been filed before the committee. I have filed the evidence of his age and the service, that he is not able to do any work, and that he has not any property. If you want to give him $12 a month, now is the time to do it. He can not wait much longer. He will soon be dead.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. KEY of Ohio) there were—ayes 18, noes 38.

So the amendment was rejected.

The Clerk read as follows:

The names of Helen M., Emery R., and Glenia N. Sarver, minor children of Dr. E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay them a pension at the rate of $12 per month, to be apportioned equally between them as long as they are minor children, and when one ceases to draw his or her share it is to be immediately apportioned between the other two, and when one of these two ceases to draw his or her share it is to go to the remaining minor child; and also, in addition to the above pension apportionment, each child is to receive $2 per month until it becomes 16 years of age.

Mr. TAGGART. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 25, page 8, add the following:
"The name of Sarah Jane Scurlock, widow of Benjamin F. Gordon, bugler, First Missouri Volunteer Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month."

Mr. TAGGART. Mr. Speaker, the case of Mrs. Scurlock has been before the Committee on Pensions. Technically she has no pensionable status. Her husband served one year in the Mexican War with honor and credit, and was honorably discharged.

Mr. SHERWOOD. The first year of the war or the last year of the war?

Mr. TAGGART. I think he enlisted in 1846. He died about 1866. She was not entitled to a pension then, because he served in the Confederate Army. He was Brig. Gen. Benjamin F. Gordon, originally of the First Missouri Volunteer Infantry, Confederate Army, and afterwards promoted to the rank of brigadier general. Several years after his death she married a man named Scurlock. The marriage was unfortunate. Her children obliged her to get a separation from Scurlock. She has no pensionable status at this time, because she is not technically the widow of Benjamin F. Gordon.

Mr. SHERWOOD. How long did she live with Gordon?

Mr. TAGGART. She lived with him until his death, from 1851 to 1866—15 years.

Mr. ANSBERRY. Was Gordon, the first husband, a Confederate veteran?

Mr. TAGGART. Yes.

Mr. ANSBERRY. And the gentleman says she could not get a pension?

Mr. TAGGART. Right after the war she could not get a pension. I forget the year when the prohibition was lifted, but I think 1879. She could not get a pension until 1889 on account of the death of her husband, who served in the Mexican War, unless she could prove that he died from wounds or disease contracted in the service.

Mr. ANSBERRY. He afterwards served in the Confederate Army?

Mr. TAGGART. Yes.

Mr. MURRAY of Oklahoma. And the gentleman's claim is for the Mexican War?

Mr. TAGGART. Yes. This woman is past the age of 80 years. The records which the committee has will show that she was married as early as 1851, 63 years ago.

We have been generous to a degree to the men who served in the Union Army and the loved ones whom they left behind them. I am going to ask you to vote for this amendment, and let us send a message to the old lady, who has passed the age of 80 years and is in practically destitute circumstances, that we have not forgotten the services of her husband.

Mr. KIRKPATRICK. Will the gentleman yield?

Mr. TAGGART. I will.

Mr. KIRKPATRICK. Has this case been before the Pension Committee?

Mr. TAGGART. It is before the Pension Committee, and because she is not now the widow of the Mexican War soldier the committee could not consider it.

Mr. KIRKPATRICK. When was the case before this committee?

Mr. TAGGART. A year or more ago.

Mr. KIRKPATRICK. Well, that committee is dead now, as it were.

Mr. TAGGART. The rule is not dead.

Mr. KIRKPATRICK. That is true. What are rules for? If they are to be ignored, we may as well resign and get out of the way.

Mr. TAGGART. I am not going to ignore the committee.

Mr. KIRKPATRICK. I will say for the Pension Committee that that committee has been very patriotic in granting pensions. I am frank to say to you, gentlemen of the House, that that committee is willing to make a flat rate on pensions to every widow pensioner of the Mexican War.

Mr. TAGGART. But let me say to the gentleman from Iowa that possibly I did not make myself sufficiently clear. She is not a widow at this time of a soldier of the Mexican War. She married another man after the soldier's death. She is now the widow of that man, and technically has no status under the law or under the rules of the committee.

Mr. KEY of Ohio. Will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas [Mr. TAGGART] yield to the gentleman from Ohio?

Mr. TAGGART. I do.

Mr. KEY of Ohio. I observe a very unusual spectacle here in the House this afternoon. We have on one hand the gentleman from Texas claiming that we are too liberal in granting pensions, and on the other hand we hear gentlemen claiming we are not liberal enough with pensions.

Now, the Committee on Pensions has gone into these cases very carefully. The examiner, a trained man from the Pension Bureau, a man who is learned in the pension law, has gone into these cases. They have been carefully taken up by the various subcommittees when they have had an opportunity to do so. I would like to ask the gentleman if his case has been properly brought before the present Committee on Pensions?

Mr. TAGGART. The case is pending before the present Committee on Pensions; but the case, as I regard it, is absolutely hopeless before that committee, and I will tell you why. The Committee on Pensions has a rule that is absolutely fixed, so far as I know, that when a woman is not the widow of a soldier at this time the committee will not grant relief. Now, if that is true, we have a specific case here that can not be treated under the rules of the committee and is a proper case to be brought before the House.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. TAGGART. I will.

Mr. MURRAY of Oklahoma. Will the evidence show that this woman is the widow or ever was the widow of a Mexican War soldier?

Mr. TAGGART. The evidence shows that this woman was for a good many years the widow of a Mexican War soldier.

Mr. MURRAY of Oklahoma. If you refer that to the committee, you can get it in.

The SPEAKER. The time of the gentleman from Kansas [Mr. TAGGART] has expired.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURRAY of Oklahoma. If that is true, you will have no trouble with this committee. I am a member of that committee, and I know the rule that has been referred to by the gentleman.

Mr. TAGGART. I say that the rules of your committee will not allow you, as stated by the gentleman from Ohio [Mr. KEY], to grant a pension to one who is not at this time the widow of the soldier.

Mr. MURRAY of Oklahoma. She is the widow of the soldier, if she ever was, whether she is the widow of anyone else now or not. She is a double widow.

Mr. LANGLEY. The fact of subsequent marriage and widowhood does not operate as a bar to the jurisdiction of the committee, as I understand its rules.

Mr. TAGGART. This case was before the Committee on Pensions. It was ruled out for the reason that she had no status, and could not be pensioned under any theory of law. If she had been a widow of a soldier who served in the Federal Army, if she were his wife at the time of the war, and subsequently married another man after his death, and that man died, and when a number of conditions—I think six of them—concur, she can be restored to the pension roll if she has ever been on the pension roll. But the widow of a Mexican War veteran has no status under the law under those circumstances, and the committee is unable to grant relief under the rule.

Mr. KEY of Ohio. Will the gentleman yield?

The SPEAKER. Will the gentleman from Kansas yield to the gentleman from Ohio?

Mr. TAGGART. I will.

Mr. KEY of Ohio. I would like to ask the gentleman if the widow was divorced from her second husband.

Mr. TAGGART. She was.

Mr. KEY of Ohio. Did she obtain the divorce from the soldier or the soldier obtain the divorce?

Mr. TAGGART. She obtained it, and the record is here.

Mr. KEY of Ohio. It seems rather unusual, and I do not understand why the committee should have turned this case down if the facts are as claimed by the gentleman from Kansas. I am sure that if the case is properly brought before the committee and proper evidence submitted, if the facts are as you claim they are, the committee will grant a pension in a case of that kind.

Mr. LANGLEY and Mr. THOMSON of Illinois rose.

The SPEAKER. To whom does the gentleman yield?

Mr. TAGGART. I will yield to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, my understanding from what the gentleman said was that he brought this case before the present Committee on Pensions and, if I am not mistaken, that committee turned the case down. The gentleman from Kansas merely desires to bring it before the House before the committee itself has acted upon it.

Mr. TAGGART. Now, I will ask the gentleman a question. The gentleman asked leave to interrogate me and then lectured me.

Mr. LANGLEY. Oh, no; I wanted to get at the facts. If I am wrong, I will apologize to the gentleman. I wanted to see if I had understood the gentleman's position.

Mr. TAGGART. My position is simply this: I presume—and, in fact, I know—that the rules of your committee are precisely the same as they were a year ago.

Mr. LANGLEY. I am not a member of the Committee on Pensions, but a member of the Committee on Invalid Pensions.

Mr. TAGGART. I understand; and this does not come before the gentleman's committee.

Mr. LANGLEY. It comes before me as a Member of the House.

Mr. TAGGART. Now we understand each other. The case is no better than it was a year ago. The committee has improved, I think, but I do not believe the case has improved.

Mr. LANGLEY. Does the gentleman wish to incorporate his amendment in this bill now, when the committee has not acted adversely upon it?

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MANN. Mr. Speaker, personally I think we ought to stand by the committee on these propositions. I do not see how it is practicable for the membership of the House, in the House, to determine the merits of a particular case. If the gentleman who offers the amendment had been before the committee and the committee had declined to act favorably upon his bill, and if it involves a principle, it might properly be brought before the House, but if it depends on the facts the House can not ascertain them.

But, Mr. Speaker, I should not have risen to say a word on this bill if it had not been for the position of the Committee on Pensions. Two of the distinguished Members of this House who have been members of that committee, I believe, have resigned from the committee. One of them, unknown to many of the new Members of the House, was the chairman of the Committee on Pensions, the gentleman from Alabama [Mr. RICHARDSON], an old Confederate soldier, who at one time was ordered to be shot when captured by the Union forces. Everyone here who has known him has known him only to love him, and if ever there was a man who wrapped himself around the hearts of those who became acquainted with him, I think it was RICHARDSON of Alabama. [Applause.]

Then there is the other gentleman who has recently resigned from that committee, who was the parliamentarian in the last Congress, the parliamentarian in Congress many years ago, who was elected to Congress many years ago, and again elected to Congress, the gentleman from Georgia [Mr. CRISP] [applause], who on account of his health has resigned from that

committee and, as I am informed, has taken his temporary departure from the city in the hope of regaining his health. The Pensions Committee, with strong men still upon it, was blessed with the strength of these two men, and I voice the sentiment of everyone in the hope that their health may be restored and their lives prolonged. [Applause.]

Mr. THOMSON of Illinois. Mr. Speaker, I would like to ask the gentleman who offered this amendment a question, if I may.

Mr. TAGGART. I will have to ask unanimous consent for two minutes in which to answer the question.

The SPEAKER. He can ask the question in his own time.

Mr. THOMSON of Illinois. I would like to ask the gentleman whether this matter that is involved in the amendment he now offers is now pending before the committee?

Mr. TAGGART. The status of it is simply this: I had it before the committee a year ago or more. The committee refused to consider it under the rules.

Mr. THOMSON of Illinois. That is not this committee.

Mr. TAGGART. No; that is not this committee. I left it again with the committee, and the claim was marked "Rejected," as having no status; and that is the situation at the present time.

I would not present this amendment to the House—I would not think of presenting it to the House—without first having had it considered by the committee unless I took it for granted that the rules of the committee absolutely precluded the committee from considering it.

Mr. THOMSON of Illinois. Mr. Speaker, I agree with what my colleague [Mr. MANN] said a few minutes ago, when he stated that he felt the House should stand by the committee and that it was difficult for us to judge of the merits of these cases when presented on the floor in this way, because it is impossible to get at the facts in the few moments allowed when an attempt is made to get consideration of them in the House.

In view of the expressions that have come from various members of the committee, to the effect that on the statement of the case made by the gentleman from Kansas [Mr. TAGGART], they feel the committee would be justified in giving the amendment favorable consideration, and would so act if the gentleman would come before them, it seems there is every reason why the matter that is the subject matter of this amendment should go before the Subcommittee on Pensions.

The SPEAKER. The question is on agreeing to the amendment.

Mr. KEATING. Mr. Speaker, on behalf of the Committee on Pensions, I would like again to ask the House to reject this amendment. And, to illustrate how easy it is to advance claims of a questionable character by presenting them in the House, I want to call attention to the record in the case presented by the gentleman from Kentucky [Mr. THOMAS]. I have no doubt that the gentleman from Kentucky, relying upon his recollection of the record, endeavored to state the facts, but, as a matter of fact, he did not state the facts.

This is the record prepared by our pension examiner: It shows that Henry L. Ross was a second lieutenant in the Mexican War and that he served for three months. After quitting the Army, he married on December 8, 1846, and died June 24, 1847. He was married for six months. In 1871 his widow remarried. She lived with her second husband for 36 years. He had no military record. The committee felt that under all the circumstances that was not a good claim.

Mr. THOMAS. Mr. Speaker——

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Kentucky?

Mr. KEATING. Yes.

Mr. THOMAS. Is the gentleman reading the record of that case, or a statement prepared by some clerk?

Mr. KEATING. This is the record prepared by our examiner, Mr. Speaker; and, fortunately, the evidence is here to sustain it. I cite this merely to illustrate the danger of amending these pension bills on the floor of the House on the hastily considered statements of Members.

The SPEAKER. The question is on the amendment.

The amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move to strike out the last word. Two weeks ago to-day I offered an amendment to the invalid pension bill. To-day I offered that same amendment to the pension bill. In both instances the amendment was rejected. I want to pay my respects to the Committee on Pensions. The bill now before the House is the first bill that that committee has reported in this Congress. I want to say that in the case I referred to in my amendment the bill has been introduced, and the affidavits have been filed, and it is the business of that committee to get them from the file clerk or their own clerk and consider and report some of those bills. I give notice now that there will not be many more pension bills passed here without a quorum unless some of these cases are investigated and reported.

Mr. KEATING. Will the gentleman yield for just a moment?

Mr. JOHNSON of South Carolina. Yes.

Mr. KEATING. The gentleman from Alabama [Mr. RICHARDSON], the chairman of this committee, is ill.

Mr. JOHNSON of South Carolina. There are plenty of other members of the committee.

Mr. KEATING. But that is what has prevented the committee from considering the case.

Mr. JOHNSON of South Carolina. I hope the committee will consider bills hereafter.

Mr. KEATING. We will consider the gentleman's bill.

Mr. MANN. I should like to ask the gentleman from South Carolina a question.

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. The gentleman will soon have charge of the legislative appropriation bill, and he knows that no amendment to that bill will be carried unless he approves it.

Mr. JOHNSON of South Carolina. But the "gentleman from South Carolina" spends every day in the week in the committee room considering these matters that ought to be considered before he brings in a bill.

Mr. MANN. That may be. I do not see that that makes any difference. The gentleman from South Carolina [Mr. JOHNSON] has been well, while the gentleman from Alabama [Mr. RICHARDSON], who is chairman of the Pensions Committee, has been ill. I think it ill becomes the gentleman to reflect upon the Pensions Committee under such circumstances.

Mr. JOHNSON of South Carolina. I am not reflecting on the chairman of the Committee on Pensions. Everybody knows that the gentleman from Alabama [Mr. RICHARDSON], the chairman of that committee, is a sick man, but there are plenty of other members of the committee who could carry on the work.

Mr. HARDWICK. Mr. Speaker, I move to strike out the last two words. I want to call the attention of the House to an editorial appearing this morning in the New York Herald. I want to read it, because it is a remarkable business comment. It is entitled:

THE BUSINESS BOOM.

In this country, in spite of the croakers——

Mr. MANN. Mr. Speaker, I wish to make the point of order against this.

Mr. HARDWICK. The gentleman will not make anything by making a point of order, and he knows that as well as I do.

Mr. MANN. I do not know whether I will or not. If the gentleman wants to go into a political discussion, I am perfectly willing. The gentleman will have an opportunity later on the Indian appropriation bill.

Mr. HARDWICK. I know; but there is no need for the gentleman to be captious. This will not take over five minutes, and it will take more time than that if the gentleman insists on his point of order.

Mr. MANN. I make the point of order. The gentleman can occupy all the time he pleases.

The SPEAKER. What point of order does the gentleman make?

Mr. MANN. I make the point of order that the gentleman is not discussing anything connected with this bill.

The SPEAKER. The point of order is sustained.

Mr. HARDWICK. Then I make the point of order that there is no quorum present.

Mr. STEPHENS of Texas. I hope the gentleman will not make that point of order. The Indian appropriation bill is coming up in a few minutes for general debate, and I will give the gentleman his opportunity then.

Mr. MANN. The gentleman from Georgia is constantly complaining if anyone over here says anything in the way of political debate.

Mr. HARDWICK. No; I have been pretty fair to the gentlemen on that side.

Mr. STEPHENS of Texas. I hope the gentleman will withdraw his point.

The SPEAKER. Does the gentleman insist on his point of order?

Mr. HARDWICK. I will withhold it. Is there much more to this bill?

The SPEAKER. The consideration of the bill is finished except the gentleman's five minutes. Does the gentleman withdraw his point of no quorum?

Mr. HARDWICK. I do.

The SPEAKER. The pro forma amendment is also withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ASHBROOK, for 10 days, to attend his father's ninetieth birthday celebration.

To Mr. GRAY, for two days, on account of illness.

ORDER OF BUSINESS.

Mr. GORDON. Mr. Speaker, I desire to call up House bill 6464, for the relief of Charles R. Grant. The bill does not involve the expenditure of any public money, but is merely to muster him in and muster him out of the service.

Mr. STEPHENS of Texas. Is this a pension bill?

Mr. GORDON. It is not.

The SPEAKER. There is another pension bill.

Mr. GORDON. I was not aware of that.

FORSYTH SCOUTS.

The next pension bill on the Private Calendar was the bill (H. R. 10594) granting a pension to the Forsyth Scouts, and to widows of the deceased members of said organization.

The SPEAKER. It is in order to make a motion to go into Committee of the Whole to consider pension bills.

Mr. FRENCH. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Idaho asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr. JOHNSON of South Carolina. Mr. Speaker, reserving the right to object, I should like to ask how much this bill involves?

Mr. FRENCH. Mr. Speaker, the gentleman from South Carolina asks how much is involved in the pending bill. I think a very brief explanation of the bill will be sufficient to convince him and the other Members of the Congress that the measure should pass.

The bill provides for granting a pension to the Forsyth Scouts and to the widows of the deceased members of this organization, and it has the unanimous report of the Committee on Pensions, the members of which have given the measure most careful consideration after complete hearings. The bill provides for the granting of a pension of $20 per month to each of the surviving members of the Forsyth Scouts and $12 per month to each of the widows of deceased members of the organization. At the time the bill was reported there were six surviving members. Within the last few weeks, however, one of this number has died. Also when the bill was reported there were five widows, of whom one has died since that time.

The amount involved for our Government is inconsiderable. The principle involved of recognizing the Forsyth Scouts in this manner is one that is of intense interest to the West, and the recognition of the surviving members of the noble organization known as the Forsyth Scouts and to the widows of the deceased members of the organization is tardy recognition of service that can only be compared with the most heroic service ever given in the upbuilding of our country.

The history of the Forsyth Scouts and the experience of the members of this organization reads like a page from the life of Daniel Boone or Kit Carson, and equals the choice imagination of those who have written of frontier life and the sacrifices that were made by people, some of whom are still among us, for the conquest and upbuilding of the West.

One of the serious consequences to the West that occurred as a result of the great Civil War was the lessening of vigilance upon the part of the Government in maintaining order and peace among lawless bands of Indians and certain Indian tribes throughout a section of country extending from the Dakotas and Minnesota on the north, through the States of Nebraska, Kansas, and Colorado, and on down to Texas upon the south, as well as other territory still farther west.

During the years immediately following the close of the war many depredations were committeed by the Indians. Communities were wiped out; men and women and children were murdered; women and children were carried away by lawless bands; property was destroyed; fields were ravaged and barns burned, and cattle and horses were driven away.

It was not an uncommon occurrence for members of a party who were going West in the canvas-covered wagons to be attacked and to be destroyed and their property confiscated. The building of the Union Pacific Railway, which connected the Pacific with the Atlantic, seemed to be especially objectionable to the Indians and probably spurred on many of their number to lawless deeds.

The records show that in the year 1868, from June until December, 154 settlers and freighters were killed in this territory, numerous women and children were carried away, and havoc and outrage visited upon many communities.

The Government maintained military headquarters at Fort Leavenworth, and Gen. Philip H. Sheridan was department commander of the military forces that embraced nearly all of the territory in which the depredations were being committed. Upon the staff of Gen. Sheridan was Gen. George A. Forsyth, who in 1868 was a major with the brevet of colonel.

Gen. Sheridan had observed the peculiar character of warfare that was carried on by the Indians. He recognized that many of the depredations were committed by comparatively small bands, and it occurred to him that it would be of tremendous value if he could supplement his forces made up of cavalry and infantry by an organization to be known as scouts and to be made up of the hardy frontiersmen who were familiar with western conditions, who knew the habits of the Indians, and who knew something of the country.

He called Gen. George A. Forsyth into his council and asked him if he would take command of an organization of 50 men of the character indicated, with Lieut. Fred Beecher, of the United States Third Infantry, as second in command. This was in the latter part of August, 1868.

Gen. Forsyth responded that he would, and within an hour his commission was handed to him in the following language:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Harker, August 24, 1868.

Bvt. Col. GEORGE A. FORSYTH,
Acting Assistant Inspector General, Department of the Missouri.

COLONEL: The general commanding directs that you, without delay, employ 50 first-class, hardy frontiersmen, to be used as scouts against the hostile Indians, to be commanded by yourself, with Lieut. Beecher, Third Infantry, as your subordinate. You can enter into such articles of agreement with these men as will compel obedience.

I am, sir, very respectfully, your obedient servant,
(Signed) J. SCHUYLER CROSBY,
Aid-de-camp and Acting Assistant Adjutant General.

Within two days Gen. Forsyth had enrolled 40 men at Fort Harker; and marching from there to Fort Hayes, 60 miles westward, he completed the enrollment of 50 scouts, and on the 20th of August, five days after he had been commissioned to undertake this service, he was in the field. The equipment of this band of scouts was simple. A blanket apiece, saddle and bridle, lariat and pick pin, a canteen, a haversack, butcher knife, tin plate, and tin cup. A Spencer repeating rifle, a Colt's revolver, 140 rounds of rifle and 30 rounds of revolver ammunition per man completed the equipment that was carried by each person.

There was a pack train of four mules, carrying such ordinary equipments as were necessary, and, in addition, 4,000 extra rounds of ammunition and certain medical supplies.

The names of those who were upon the original roll of Gen. Forsyth were as follows:

First Lieut. Fred H. Beecher, Third Infantry, United States Army; Acting Asst. Surg. J. H. Mooers, of the Medical Department, United States Army; Abner T. Grover, chief scout; William H. McCall, first sergeant; W. Armstrong; Thomas Alderdice; Martin Burke; Wallace Bennett; G. W. Chalmers; G. B. Clarke; John Donovan; Bernard Day; Alfred Dupont; A. J. Entler; Louis Farley; Hudson Farley; Richard Gantt; George Green; John Haley; John Hurst; Frank Harrington; J. H. Ketterer; John Lyden; M. R. Lane; Joseph Lane; C. B. Nichols; George Oakes; M. R. Mapes; Thomas Murphy; Howard Morton; H. T. McGrath; Thomas O'Donnell; C. C. Pinatt; A. J. Pilley; William Reilly; Thomas Ranahan; Chalmers Smith; J. S. Stillwell; S. Schlesinger; Edward Simpson; William Stewart; H. H. Tucker; Isaac Thayer; Pierre Truedeau; Fletcher Violett; William Wilson; C. B. Whitney; John Wilson; Eli Ziegler; Louis McLaughlin; Harry Davenport; T. K. Davis.

The guide of the expedition was Sharp Grover, a man well posted in Indian matters and one who could speak the dialect of the Sioux. A few days later Gen. Forsyth received the following letter from Gen. Sheridan:

FORT HAYS, KANS., *August 29, 1868.*

Bvt. Col. GEORGE A. FORSYTH,
Commanding Detachment of Scouts:

I would suggest that you move across the headwaters of Solomon (River) to Beaver Creek, thence down that creek to Fort Wallace. On arrival at Wallace report to me by telegraph at this place.

Yours, very truly,
P. H. SHERIDAN, *Major General.*

This letter directed Gen. Forsyth, who was at that time at Fort Hays, in Kansas, to move across the headwaters of Solomon River to Salina River and to go down Rock Creek to Fort Wallace and to report from there to Gen. Sheridan in Kansas and immediately set out for the scene of the disturbance.

Very shortly after this the expedition was advised of an attack that had just been made upon an immigrant train near Sheridan, about 12 miles distant, and it was determined to pursue the Indians who had committed the outrage.

Two of the teamsters had been killed and some of the teams had been carried away. Gen. Forsyth did not believe that the band of Indians consisted of more than a small number, possibly 35. He set out in pursuit. He believed that with 51 men they at least could protect themselves and possibly defeat the Indians.

After five days of scouting and traveling he found himself on the north bank of the Republican River, where Indians had recently been, and by following what was apparently the trail of the Indians his band reached the Arickaree Fork of the Republican River in Colorado, where his party encamped at night.

On September 16 the party had nearly reached the Indians, but at the same time were nearly out of food. At this point camp was made, and on the early morning of September 17 it was suddenly observed by the sentry that Indians were approaching and the alarm was sounded. Gen. Forsyth's scouts began to defend themselves at once, as the Indians rushed on, and within a few moments every man was in his saddle, with the exception of two whose horses had been stampeded by the excitement. At that moment it seemed that instead of a small band of Indians an immense number had all at once sprung out of the ground, and the Forsyth party found itself completely surrounded and outnumbered.

By the side of where the Forsyth camp was there was an island in the river, and I recall that one of the brave scouts, Thomas Ranahan, of Weiser, Idaho, in testifying before the committee declared that God Himself had placed the island in the river at that point for their protection.

The Forsyth Scouts took their position on Beecher Island and laid down, facing the Indians. From this position the scouts continued the defense of themselves, and did their best to pick off the Indians who drew within the range of a rifle shot. The Indians continued the attack. By not much after 9 o'clock of the first day of the battle all the horses belonging to the Forsyth Scouts had been killed. It was soon apparent that the Indians involved in the battle—nearly 1,000 in number—were the Ogallalahs, the Brûlé-Sioux, and Dog Soldiers, a name applied to about 100 renegade Sioux, and also the northern Cheyennes. They were under the command of Roman Nose. The battle continued all day. The men had lain there in imminent danger of death, and several of their number were killed. Lieut. Beecher, Sergt. Mooers, Chalmers, Smith, Wilson, Farley, and Day were either dead or dying. Fourteen or fifteen others, including Gen. Forsyth, were wounded.

That night a rain occurred, and the suffering of the men in a country where the nights are chill, although the days are hot, can hardly be imagined. The surgeon of the company was unconscious and was dying. The next day the battle continued, a sort of desultory fighting, in which only one scout was hit, and he was not severely injured. The third day fighting again continued, although it was beginning to be apparent that the Indians were scattering. Many of their number had been killed. On the night of September 19 Gen. Forsyth sent the following message to Col. Bankhead at Fort Wallace:

ON DELAWARE CREEK, REPUBLICAN RIVER,
September 19, 1868.

To Col. BANKHEAD or COMMANDING OFFICER,
Fort Wallace:

I sent you two messengers on the night of the 17th instant, informing you of my critical condition. I tried to send two more last night, but they did not succeed in passing the Indian pickets and returned. If the others have not arrived, then hasten at once to my assistance. I have 8 badly wounded and 10 slightly wounded men to take in, and every animal I had was killed save seven which the Indians stampeded. Lieut. Beecher is dead and Acting Asst. Surg. Mooers probably can not live the night out. He was hit in the head Thursday, and has spoken but one rational word since. I am wounded in two places—in the right thigh and my left leg broken below the knee. The Cheyennes alone numbered 450 or more. Mr. Grover says they never fought so before. They were splendidly armed with Spencer and Henry rifles. We killed at least 35 of them and wounded many more, besides killing and wounding a quantity of their stock. They carried off most of their killed during the night, but three of their men fell into our hands. I am on a little island and have still plenty of ammunition left. We are living on mule and horse meat, and are entirely out of rations. If it was not for so many wounded, I would come in and take the chances of whipping them if attacked. They are evidently sick of their bargain.

I had two of the members of my company killed on the 17th, namely, William Wilson and George W. Chalmers. You had better start with not less than 75 men, and bring all the wagons and ambulances you can spare. Bring a 6-pound howitzer with you. I can hold out here for six days longer if absolutely necessary, but please lose no time.

Very respectfully, your obedient servant,

GEORGE A. FORSYTH,
United States Army, Commanding Company Scouts.

P. S.—My surgeon having been mortally wounded, none of my wounded men have had their wounds dressed yet, so please bring out a surgeon with you.

The battle continued in this way for several days, and finally, in response to the message that had been sent out at night by a couple of the brave scouts, Donovan and Pliley, a troop of the Tenth Cavalry, under Lieut. Col. H. H. Carpenter, appeared over the hills, and in a short time was at the scene of the battle with his infantry. In less than an hour Col. Brisbine, with the Second Cavalry, was there.

The Indians failing in their purpose vanished but did not surrender.

Most of the surviving members of the organization, following the Battle of Beecher Island, continued their service in the Nineteenth Kansas Regiment, and others continued their service under Lieut. Pappoon, of the Tenth Cavalry of the United States Army. Gen. Forsyth was badly wounded and was in a hospital for 2 years and 11 months following the engagement.

As I stated at first, only six of the Forsyth scouts were believed to have been alive at the time the report was made on this bill, and only five widows, though there are a few who have not been heard from for many years and are believed to be dead.

Such, in brief, is the history of the service of the Forsyth scouts and the story of the battle in which they participated and which marks the most conspicuous service that these men rendered.

I have only outlined their service. I have not attempted to more than indicate the frightful suffering of this band of men as they lay on Beecher Island surrounded by nearly 1,000 Indians who were well armed—in fact, in some instances better armed than the scouts themselves. I have not commented on the bravery and worth of Gen. Forsyth nor told of the desperate straits to which his loyal followers were pressed during the most critical days of their compaign.

I have not told of scouts being sent at nighttime from the island to carry the information of the disaster that had overtaken the Forsyth party. I have not told of the horrible experiences of these scouts as they found their way through the hostile lands surrounding Beecher Island, sometimes walking backward to deceive the Indians as to their direction, sometimes crawling upon the ground, and sometimes running; nor of the privations and strain that caused the death of one of their number just as he had reached the nearest fort and had delivered his message. I have not told you how the flesh of their horses that had been killed became their food, nor how, finally, a wolf of the prairie, that came within reach and was shot, became a delicacy that could be tasted only by the wounded. These are experiences that can never be appreciated by those who did not meet them and can only be approached by those who will take time to read the history of the developments of our western country.

The company of Forsyth Scouts was an organization unique in composition. It was organized but three years after the Civil War, and was made up in part of men who had worn the gray and in part of men who had worn the blue and in part of men whose life had been on the frontier during the struggle between the North and the South, and who had seen and experienced the hardships of the West. It was a motley crowd; it was made up of men of the various nationalities whose blood has been blended into the making of our western citizens.

As long ago as the early seventies the question of pensioning the Forsyth Scouts was considered by the Government, and on December 5, 1872, the pensionable status of the members of the company was considered by the Secretary of War, and a letter addressed to the Commissioner of Pensions set forth the following condition:

DECEMBER 5, 1872.

To the COMMISSIONER OF PENSIONS,
Washington, D. C.

SIR: I have had under consideration the subject of the relation of the organization known as "Forsyth's Scouts," a body raised and mustered in by Col. Forsyth, of the Army, for service in the Indian campaign of 1868 and 1869, and which served with credit during that campaign to the military establishment of the United States, the question having been raised by your inquiry of the 24th of September, indorsed by The Adjutant General, whether this body "is considered as having been a regularly organized force, and recognized as such by the War Department."

The Lieutenant General of the Army reports that these scouts were raised from the absolute necessity that existed for the services of such men in the Indian campaign of 1868 and 1869. They were all sworn to obey the officers set over them and abide by the regulations of the United States, were commanded by officers of the Army, and served most faithfully. The work performed by them was invaluable.

While in view of these facts it would afford me pleasure to see a pension granted to any of these scouts who were disabled while in the employ of the United States, yet it becomes my duty to decide that in a legal point of view they were in no part of the regularly organized military force of the Regular Army.

The papers relating to the claim of Frank Harrington, a member of the company of Forsyth's Scouts, above referred to, pertaining to the files of your office, are herewith returned.

Very respectfully, your obedient servant.

WM. W. BELKNAP,
Secretary of War.

From the letter of Secretary Belknap it will be seen that the organization known as the Forsyth Scouts was a body of men organized and mustered into service by Col. Forsyth in the Army for service in the Indian campaign of 1868 and 1869, and that it served with credit during that campaign as a part of the military establishment of the United States.

The organization of the scouts was made from the absolute necessity that existed for the services of such men in this campaign.

These men were all sworn to obey the officers set over them and abide by the regulations of the United States, were commanded by officers of the Army, and served with a fidelity always asked and expected but seldom required of the American soldier.

Mr. JOHNSON of South Carolina. How much do you propose to give these people?

Mr. FRENCH. Twenty dollars a month each to the scouts and $12 a month to the widows.

Mr. JOHNSON of South Carolina. And there are about nine of them?

Mr. FRENCH. When the bill was reported there were six of the scouts and five of the widows living, and since the report was made one scout and one widow have died. The gentleman is correct. There are nine survivors—scouts and widows.

Mr. JOHNSON of South Carolina. I shall not object.

The SPEAKER. The gentleman from Idaho asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the names of the surviving members of the company of Indian scouts, known as the Forsyth Scouts, commanded by Col. George. A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River in Colorado on the 17th day of September, 1868, be placed upon the pension rolls at the rate of $20 per month, and that the names of the widows of the deceased members of said organization be placed upon the pension rolls at the rate of $12 per month.

The Clerk read the following committee amendment:

On page 2, line 2, after the word "month," insert: "*Provided*, Nothing in this act shall be held to grant or increase in amount any pension authorized by any act of Congress to any member of the Forsyth Scouts or widow of a deceased member."

The committee amendment was agreed to.

Mr. FRENCH. I have the following amendment, which I send up to the Clerk's desk. It has the approval of the committee.

The Clerk read as follows:

Amend, page 2, line 2, by inserting, after the word "month," the following words: "from and after the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES R. GRANT.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 6464) for the relief of Charles R. Grant, and I ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent to consider the bill H. R. 6464, and that it be considered in the House as in the Committee of the Whole.

Mr. MANN. Reserving the right to object, let us have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons who have been honorably discharged from the military service of the United States, Charles R. Grant shall hereafter be held to have been in the military service of the United States as a member of Company F, Twelfth Regiment Connecticut Volunteer Infantry, from the 15th day of November, 1861, to the 1st day of August, 1863, and to have been discharged honorably as a member of said company and regiment on the latter date: *Provided*, That the said Charles R. Grant shall not become, under the provisions of this act, eligible to receive a pension or any payment whatever for services rendered to the Government of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and he is hereby, authorized and directed to muster in and muster out Charles R. Grant, Company F, Twelfth Regiment Connecticut Volunteer Infantry, Civil War: *Provided, however*, That this act shall not confer upon him any right to pay, annuities, pensions, or other emoluments which otherwise accrue to him from such service."

The SPEAKER. Is there objection?

Mr. LANGLEY. Reserving the right to object, I would like to ask the gentleman is this a case of desertion?

Mr. GORDON. No; it is a case of a boy who went into the Army under the age of 14 and performed services extending over two years, distinguished services, and this is a bill to permit him to be mustered in and mustered out, so as to give him a status, but no rights under the pension law.

Mr. STEPHENS of Texas. Mr. Speaker, I reserve the right to object.

Mr. MILLER. Reserving the right to object, how did he get in?

Mr. GORDON. His brother was a captain, and there is a letter in the report from the colonel of the regiment which points out in detail the very distinguished services which the boy rendered.

Mr. LANGLEY. It is a bill to give the boy another chance.

Mr. GORDON. No; he is a distinguished jurist in my State now, and he wrote into the bill himself the provision that there should be no pension or other allowance by virtue of this act; so that under no circumstances could he or any of his relatives realize any pecuniary advantage from the bill. This is simply a bill to recognize his services to the country when he was not legally enlisted as a soldier.

Mr. LANGLEY. The beneficiary is not now a young man?

Mr. GORDON. Oh, no.

Mr. MILLER. Reserving the right to object, I would like to make a further inquiry. I do not understand what the status of this young man could have been.

Mr. GORDON. He was in the Army, but not legally enlisted.

Mr. MILLER. What was he doing?

Mr. GORDON. He was performing services which are pointed out in the report. He was sent on several special missions to the South, and performed distinguished services.

Mr. MILLER. Was he on detached service?

Mr. GORDON. His brother was a captain in the regiment. There is a letter from the colonel which details all these things.

Mr. STEPHENS of Texas. Mr. Speaker, this is a private bill?

Mr. GORDON. It is.

Mr. STEPHENS of Texas. I shall object, because I desire to get at the consideration of the Indian appropriation bill.

Mr. WILLIS. I think, Mr. Speaker, that the objection comes too late. We have commenced the consideration of the bill.

Mr. STEPHENS of Texas. I will yield if I can have the assurance that this will not take any length of time.

Mr. FINLEY. Reserving the right to object, Mr. Speaker, I would like to ask what was the character of the services this boy performed?

Mr. GORDON. He was sent on several special missions to the South.

Mr. FINLEY. Did he wear a uniform and carry a gun?

Mr. BATHRICK. Yes, he did; and fought in the trenches.

Mr. FINLEY. He was in the Secret Service?

Mr. GORDON. He was sent as a special commissioner. I do not now recall exactly the details of it, but it is stated in the report.

Mr. FINLEY. Did he drill with the company?

Mr. GORDON. I can not say about that.

Mr. MURRAY of Oklahoma. He was a carrier, and he was in greater danger than a regularly enlisted man.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. GORDON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ANNA E. FISH.

Mr. HELM. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 7946) granting a pension to Anna E. Fish.

Mr. STEPHENS of Texas. Reserving the right to object, Mr. Speaker, I would like to know how much time it will occupy?

Mr. HELM. It will take about five minutes. I wish to state to the House that the Committee on Pensions has reported this bill favorably, but by inadvertence it was not included in the omnibus bill.

Mr. MANN. When was it reported? I shall object to calling up bills that have not been reported.

Mr. KEY of Ohio. This bill was intended to have been included in the omnibus bill which we passed to-day, but through inadvertence the bill was omitted. It had the indorsement of the full subcommittee and was intended to be considered.

Mr. MANN. As far as I am concerned, I would not object if the gentleman asked unanimous consent to reconsider the vote by which the omnibus bill was passed and put this in as an

amendment. You can not pass bills without having them introduced and reported.

Mr. STEPHENS of Texas. I understand it is not on the calendar.

Mr. MANN. The gentleman can get at it in that way.

Mr. KEY of Ohio. I ask unanimous consent that the vote whereby the omnibus bill was passed be reconsidered.

The SPEAKER. It can not be reconsidered. The proper method is to vacate the proceedings by which the pension bill was engrossed, read a third time, and passed.

Mr. MANN. The one from the Committee on Pensions.

The SPEAKER. The gentleman asks unanimous consent to vacate the proceedings on that bill back to the place where the vote was taken on the motion to engross and read a third time. Is there objection? [After a pause.] The Chair hears none. It is now in order for the gentleman from Kentucky to offer his bill as an amendment.

Mr. HELM. Mr. Speaker, I now offer the following as an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the last section of the bill insert the following:
"The name of Anna E Fish, dependent mother of Edward E. Fish, late of Company B, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 a month."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the vote was passed was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. BYRNS of Tennessee in the chair.

Mr. STEPHENS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I desire now to read to the House for the especial benefit of my friend from Illinois [Mr. MANN], who is present, and of my friend from Washington [Mr. HUMPHREY], who is absent, an editorial, carried in the New York Herald of this morning, on the subject of the industrial condition of the country. It is entitled "The business boom." It reads:

In this country, in spite of croakers, the upward movement of American securities continues steadily. This steadiness is a most encouraging feature. The improvement in Wall Street is no mere flash in the pan. On the contrary, it is continuous, irresistible, and general. It is based on the increasing prosperity of our business conditions all around, to which the Herald has repeatedly called attention.

A few disappointed speculators and disgruntled politicians have shown a disposition to cavil at the Herald's optimistic reports and, as might be expected, the bears remain as active as ever and, like wolves in a hard winter, are more than usually enterprising in their campaigns.

But the public refuses to be intimidated by either bear raiders or political croakers, and improvement in every department of American business activity continues unabated.

Workshops all over the country are returning to full-time conditions. The latest monthly report of the United States Steel Corporation shows that the unfilled orders on the books at the end of January amounted to 4,614,000 tons, an increase of 332,000 tons as compared with the unfilled orders on the books at the beginning of the year. Indication that such satisfactory conditions are improving still further is contained in the fact that while the daily average of orders booked in January amounted to 40,000 tons the daily average since the beginning of February has increased to 50,000 tons.

Big manufacturing concerns are assured of working to the full extent of their capacity for two and in some cases four months. The railways, the country's business barometer, also show that a great development of traffic is at hand by the extensive measures they are taking to increase their supply of rolling stock.

Another detail of great significance is the enormous trade balance in favor of this country that is disclosed in the official report just issued for the six months ending December 31. It shows an increase, as compared with the same period of 1912, of $38,401,934, or a little more than 10 per cent. It is noteworthy, also, that this increase is not due to greater exports of foodstuffs, but to greater exports of manufactured articles. This indicates not only great industrial activity at home, but also the steady development of American markets abroad.

Still another indication of the business prosperity now existing in this country is the general advance of American securities. Since the beginning of the year this movement has been gaining strength, and almost without exception securities to-day stand from 5 to 7 points higher than at the end of December. Then Atchison was quoted at 93½; to-day it stands at 98¼. Central New Jersey closed the year at 290; now it is 305. Delaware & Lackawanna has risen in six weeks from 382 to 394, Great Northern from 126¼ to 131½, Illinois Central from 106½ to 111, Northern Pacific from 109 to 115⅝, Pennsylvania from 109¼ to 112⅛, Union Pacific from 154⅞ to 162⅛, United States Steel from 58⅝ to 65¾, Amalgamated Copper from 73¼ to 76½, and American Tobacco from 243 to 248.

Improvement, in fact, reveals itself in every branch of industry and commerce, and the boon is only just beginning.

Gentlemen, I commend these specifications to those political gentlemen who have been so much alarmed at the imagined panics that are sweeping over the country.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. STEENERSON. Did the gentleman read the editorial in the Washington Post this morning in regard to the conditions on the Pacific coast?

Mr. HARDWICK. I did not think it was worth very much. It did not specify very much.

Mr. STEENERSON. Did the gentleman read the interview with the late Socialist candidate for Vice President as to labor conditions in the city of New York?

Mr. HARDWICK. No. I do not get my doctrines from the Socialists, nor my facts.

Mr. STEENERSON. It is in relation to labor conditions in the city in which the paper he has just read is published.

Mr. HARDWICK. Mr. Chairman, I want to say to the gentlemen on that side that here are specifications—specifications that touch every line of industry and commerce; here are specifications that establish the fact that instead of panic, which you gentlemen have been claiming has been sweeping over this country, industrial conditions are good, that business is prospering, and under a Democratic administration at that.

Mr. STEENERSON. That is simply to boom the stock market.

Mr. HARDWICK. Not at all. It seems to me that when gentlemen undertake to rise on this floor and tell the American people that we are in the throes of a panic, or that we are about to be in the throes of a panic, they ought to have some specifications on which to rest, some proof, some facts to cite, instead of merely orating about closed workshops, instead of getting up and saying all sorts of things in a general, vague, indefinite sort of way.

It seems to me that it is a pretty serious matter to endeavor—not to endeavor, because I do not think any gentleman meant to do that, but to play politics on a matter like this. And I cite this editorial because it does to my mind contain specifications that are important and that the country will be interested in, and I commend it to these gentlemen who have had so much trouble about hard times that we either are already having or are soon going to have, simply because we have a Democratic administration.

Now, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Georgia yields back two minutes.

Mr. CAMPBELL. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] has 2 hours and 20 minutes remaining, and the gentleman from Texas [Mr. STEPHENS] 1 hour and 54 minutes remaining.

Mr. STEPHENS of Texas. Will the gentleman permit me to yield about 40 minutes?

Mr. CAMPBELL. The gentleman from Texas has already consumed almost twice as much time as has been consumed on this side, and I desire to yield time in a moment; but before I yield I want to say to the gentleman, in reply to the editorial the gentleman from Georgia has just read, that there are to-day in the city of Greater New York 345,000 idle men.

Mr. HARDWICK. Will the gentleman give his authority for that statement?

Mr. CAMPBELL. I will give as authority the chairman of the committee of relief in the city of New York. He stated that to me.

Mr. HARDWICK. Has the gentleman compared that number with the number idle last year? There are always——

Mr. LANGLEY. There were 100,000 less last year.

Mr. CAMPBELL. And the same authority stated to me that that was the greatest number of unemployed they had had in the city of New York since 1907.

Mr. HARDWICK. Will the gentleman give us the name of his informant?

Mr. CAMPBELL. I have forgotten the name of the gentleman; but the facts are known to everybody.

Mr. HARDWICK. On the contrary, the very greatest paper in New York says there is not the slightest truth in that sort of stuff.

Mr. CAMPBELL. It has been published in the papers. There are more empty buildings on Broadway in New York to-day than there have been on that street since 1895.

Now, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I rather wonder at the temerity of my friend from Georgia in reading this editorial. Every day for months I have received letters, telegrams, newspaper clippings, official reports, charitable requests, which, if I should read in the House, any one of them would explode the statements made by the gentleman from Georgia. I have no desire to make the country think that it is in a depressed condition. I prefer, even like the New York Herald, to herald the booming and prosperous condition of the country to-day. But if I were to undertake to argue in favor of prosperity, like the gentleman from Georgia is now arguing, I would not select a slight periodic variation in the stock market. The stocks to-day are lower than they were when the tariff bill passed, as quoted in the New York Herald editorial. The gentleman from Georgia does not pay any attention to the stock market, and probably did not know there was such a stock as the Delaware & Lackawanna until he read it in the New York Herald editorial, showing there had been a slight increase in that stock and other stocks since the 1st of January. That is true. There is a considerable decrease in the last week, too. Atchison stock was higher 10 days ago than it is now.

Mr. HARDWICK. The gentleman evidently knows more about the stock market than I do, then.

Mr. MANN. The stock market is one of those barometers of conditions in the country which I scan every day, not for the purpose of speculating in stocks, but as a matter of information, and if the gentleman from Georgia would follow my example he would know a great deal more about the subject than he has exhibited here to-day.

Stocks are lower than they were last summer when the tariff bill was passed. And when I made the statement on the floor of the House some time ago that there was a panicky condition in the country and that the people were in a panic, that was a fact.

Mr. HARDWICK. Does the gentleman believe any such stuff as that?

Mr. MANN. Stocks were rapidly dropping. Now, I am perfectly willing to admit that in the stock market panicky conditions come sometimes, but do not last long. Stocks vary in price. I hope the conditions in the country will get better, and I do not intend, unless the gentleman from Georgia further provokes me or somebody else on that side of the House provokes me, to bring into the House and read all of the circular letters which have come to me, issued by charitable organizations throughout the country, in every one of which is the description that now there is more need of charity than has been known in the country for nearly 20 years, and more men out of employment than have been out of employment since 1896.

Mr. HARDWICK. Will the gentleman pardon me for a moment? Does the gentleman credit any such absurd statements as those?

Mr. MANN. Why, certainly I credit them. I would much rather take the information of these charitable men at the head of these great charitable organizations, who come in touch with the unemployed, than the wish of the gentleman from Georgia.

Now, here is a little article from a New York paper, of to-day, which is not conclusive, but yet is entertaining in view of the fact that the gentleman from Georgia claims the country is in such a very prosperous condition. It says:

> The municipal lodging house at Twenty-fifth Street and the East River proved a blessing to 1,850 homeless ones driven to shelter last night by the extreme cold. Forty-five of them were women and 15 children. The house itself could not accommodate all, but about 610 of the early birds got beds there.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CAMPBELL. Mr. Chairman, I yield five minutes more to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. I read further:

> Six hundred more were housed at the recreation pier recently fitted up at the foot of Twenty-fourth Street, and the rest found warmth and a place to sit up and sleep at the charity department's dock at Twenty-sixth Street.
>
> At midnight the department usually closes up, but the line was still forming at that hour last night and the rule was suspended. There was plenty of hot soup and coffee for all, but only the early arrivals could be accommodated with beds, clothing, and a bath. It was not a record night for municipal charity, but the number taken care of was one of the largest this winter.

Mr. HARDWICK. Does the gentleman think that the present administration and the Democratic Party are to be blamed for the storm in New York which made these people go to those places?

Mr. MANN. It was not the storm in New York that caused this. It was because these people were out of work and could not find a place to earn a dollar, because of your legislation. [Applause on the Republican side.]

Mr. HARDWICK. The gentleman, I suppose, believes there were never any homeless or thriftless people in New York before?

Mr. MANN. There never were as many before as there are now.

Mr. HARDWICK. I would like the gentleman to cite the figures to support that statement.

Mr. MANN. If I cited the figures, the gentleman would not believe them.

Mr. HARDWICK. There are no such figures.

Mr. MANN. When I cite the statements of charitable organizations in New York that there are 300,000 unemployed there, and when I cite the figures of charitable organizations in Chicago to the effect that there are 175,000 unemployed there, we know that in many other places throughout the country men have been thrown out of employment, and there never has been such a demand for charity and for aid from charitable organizations as there is to-day in these prosperous times of Democratic supremacy. We are thankful that it is not worse. Of course we are thankful that it is not worse. It might be a great deal worse than it is. If the gentleman from Georgia [Mr. HARDWICK] had his way about the tariff, so that there were no duties at all levied upon competing articles, it would probably be worse than it is now.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. MANN. Yes.

Mr. CARTER. Nobody has any money in the banks that they can not get out now, as was the case in 1907, has he?

Mr. MANN. The money in the banks to-day is looking for employment. The gentleman from Georgia [Mr. HARDWICK] spoke of the increase in the price of bonds. True, there has been a slight increase. Why? A short time ago people could not borrow money. To-day you can not lend money, hardly. Business is largely stopped and there is no demand for money. I do not know whether the gentleman from Oklahoma [Mr. CARTER] had trouble in getting money out of the banks in 1907 or not. I expect he would have trouble in getting it out now, though. [Laughter.]

Mr. STEPHENS of Texas. Mr. Chairman, I would like to yield one-half minute to the gentleman from Connecticut [Mr. REILLY].

Mr. MANN. Mr. Chairman, is my time up?

The CHAIRMAN. The gentleman has half a minute left.

Mr. MANN. I just want to warn the gentlemen that they can bring in all of these articles they wish to; and if that is to be the propaganda, if you want to present to the country that question through political sources, we will file on the other side the articles on the other side——

Mr. HARDWICK. Put it in——

Mr. MANN. Not fearing because the gentleman from Georgia indirectly refers to disgruntled politicians.

Mr. HARDWICK. No; I read an article.

Mr. MANN. I said "indirectly."

Mr. STEPHENS of Texas. Mr. Chairman, if the gentleman from Kansas has no objection, I would like to have the gentleman from Connecticut read a short article.

Mr. CAMPBELL. Mr. Chairman, the gentleman from Texas may yield to him a minute if he will.

The CHAIRMAN. The gentleman from Connecticut [Mr. REILLY] is recognized for one minute.

Mr. REILLY of Connecticut. Mr. Chairman, I wish to read an article from last Sunday's Waterbury (Conn.) Herald. It is as follows:

> Still further evidence of the increase in prosperity for Waterbury's manufacturing concerns was given yesterday, when notices were posted in the American Brass Co. plants to the effect that hereafter the Saturday afternoon holiday would be discontinued and work continued on that day until 5 o'clock. * * * In several departments of some of the factories overtime work has been started in order to prepare orders.

The American Brass Co. is the largest producer of brass goods in the world. [Applause on the Democratic side.]

Mr. MANN. I wear a Waterbury watch myself. It cost only a dollar. That is all that people can afford to pay for a watch now. [Laughter on the Republican side.]

Mr. CAMPBELL. Mr. Chairman, I yield four minutes to the gentleman from Kentucky [Mr. LANGLEY].

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] is recognized for four minutes.

Mr. LANGLEY. Mr. Chairman, I place more reliance upon newspaper news items than I do upon editorials, which are usually theoretical and based upon some one's opinion only, when I am trying to ascertain the actual industrial conditions in the country. I desire to call the attention of the gentleman from

Georgia [Mr. HARDWICK] to conditions existing right here in our own city. In to-day's issue of the Washington Times, which is a Democratic paper, I believe [laughter]——

Mr. JOHNSON of South Carolina. The gentleman should apologize for that before going any further. [Laughter.]

Mr. LANGLEY. Well, it is not a Republican paper, anyhow, and has as much Democracy as the New York Herald, and apparently more information on this subject. At any rate, I scarcely ever pick up a newspaper without seeing something in it of this character, and it certainly does not corroborate the optimism of the New York Herald or of the gentleman from Georgia. I read from the noon edition of to-day's Washington Times:

FIFTEEN THOUSAND DESTITUTE IN NEED OF AID AT ONCE—MISSION WORKER APPEALS FOR HELP AS UNEMPLOYED CROWD LODGING DURING COLD.

There are 15,000 destitute unemployed in Washington in freezing weather, said Herbert W. Kline, superintendent of the Gospel Mission on John Marshall Place, to-day.

The mission was crowded last night with men sleeping on floors, tables, and chairs. All night long they groped their desolate way, shivering and blue with the biting cold, to the already packed haven, and were admitted as long as there was an unoccupied board.

None were warmly clad. There was not one man in fifty with an overcoat, many had no underwear, shoes were gaping, and all were hungry and spent.

Mr. Kline appeals, first, for work for them, and then for aid—money, food, or clothing.

From among the men the mission can supply carpenters, painters, or mechanics.

At the bottom of the mission circular appears the following:

"Two dollars will feed 100 men. Five dollars will provide lodging for 50 men, including hot and cold shower bath, with coffee and rolls in the morning."

This does not read like prosperity to me, although it may be Democratic prosperity.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. HOWARD. Mr. Chairman, does the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. LANGLEY] has expired.

Mr. CAMPBELL. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. WILLIS].

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized for five minutes.

Mr. WILLIS. Mr. Chairman, it is refreshing to be able to find out at last where the prosperity in the country is located. It is said by gentlemen who are in a position to know that it is in at least two places. The gentleman from Georgia [Mr. HARDWICK] has located a little spot in the New York stock market, and the gentleman from Connecticut [Mr. REILLY] has found a little in a manufactory of Waterbury watches.

Now, since this debate has degenerated into a reading of editorials, I have a few little literary contributions which I wish to make. Here is what appears in a news item in a recent edition of the Washington Herald. It reads as follows:

NEW YORK, *February 6, 1914.*

The vanguard of New York's 300,000 unemployed men called on Mayor Mitchel this afternoon and pleaded for jobs. They were turned down.

"I am sorry that I can not give work to you men," Mitchel said. "If some one can suggest to me a way in which work can be created for the unemployed in this city, I shall be glad to give it my immediate and full consideration."

It was suggested by Dr. Hallimond that $50,000,000 be taken at once from the city treasury and used in public works, such work creating jobs for many thousands. Mr. Mitchel, however, said that such a plan can not be carried out.

That is the situation in New York at this time when there is such amazing prosperity.

Mr. PAYNE. Will the gentleman allow me just a single question?

Mr. WILLIS. Yes.

Mr. PAYNE. Does not the gentleman think it would have warmed and fed those men if they could only have been assured that Lackawanna was selling at 394?

Mr. WILLIS. No doubt that would have helped amazingly, and particularly if they could have had the assurance that they were going to continue to enjoy these things under the New Freedom.

But that leads me to suggest that these difficulties are not confined to New York. Here is another clipping from a local paper, the Times, and it reads as follows:

Newark, N. J.—

Think of it, the fabled land of the seven sisters, Newark, N. J.

NEWARK UNEMPLOYED DEMAND WORK.

NEWARK, N. J., *February 3.*

About 400 men, ranging in ages from 18 to 70, followed the tactics of the unemployed of San Francisco and assembled in a body before the city hall to-day to demand work. They visited the municipal bureau of employment, and when told that there was no work to offer them, appointed a committee to call on Mayor Haussling.

Pedestrian traffic was blocked to such an extent that it was necessary to call out the police reserves to disperse the men.

Also the following from the same paper:

OUT OF WORK.

More than 330,000 wage earners are recorded as being out of work in Greater New York. To realize fully what this means in the way of population deprived of its usual support one must consider that in the great majority of instances the breadwinner represents not himself only, but a family, big or little, as the individual case may be, but averaging perhaps several.

Think that if the average is three to these families whose breadwinners are without work, the total population thus deprived of its support is about a million souls. That population ranks among the great cities of the world. And if the average is only two there would be a population deprived of its usual support of more than 650,000 souls; and that population would rank among the great cities of the United States. That is what it means, from one point of view, to have more than 330,000 wage earners out of work in New York City.

There is another point of view no less impressive. It comprehends the delicacy, the sensitiveness, the sympathetic relationship of the economic machinery of a community, a State, or a Nation.

Very often the man that talks lightly of shutting down mills in one removed part of the country, or even a whole industry in some other part, has no conception of what this must bring to others, may bring to them five hundred, perhaps a thousand, miles away from where the shutters have gone up before the windows and the pay-roll books have been stored away.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. WILLIS. Yes.

Mr. TAGGART. Has the gentleman any woeful news from his own district?

Mr. WILLIS. I am not a purveyor of woeful news. I am undertaking to present some news items to show that if gentlemen undertake, by the reading of market reports, to unfairly represent conditions in this country they are going to get the whole truth, and more of it than they looked for when they started. That is what I am undertaking to do. [Applause on the Republican side.]

Mr. TAGGART. Now, has the gentleman anything doleful from his own district?

Mr. WILLIS. I regret to say that I have not the information the gentleman desires. [Laughter.] If I had, I would read it.

Mr. TAGGART. I sympathize with the gentleman from the bottom of my heart.

Mr. WILLIS. I think I have nothing from the eighth district. If I had, I would read it, because our purpose on this side is to tell the whole truth. We all want our country to prosper, but there is no use in shutting our eyes to the facts. But since the gentleman has referred to that, I will read him something that relates to a great industry in Ohio.

Mr. CARTER. The gentleman certainly did not mean to say that he regretted that he had no bad news from his own district?

Mr. WILLIS. Certainly not; I meant to say that I was very glad that I had no discouraging news from my section. No patriotic man would rejoice over industrial disaster anywhere; certainly not in his own community and State. But I expressed regret because of my present inability to furnish the information requested by my friend from Kansas [Mr. TAGGART].

Mr. CARTER. Then you do not regret it now?

Mr. WILLIS. The gentleman wants to know about something in my own district. Here is a resolution adopted by the National Woolgrowers' Association.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. I yield to the gentleman two minutes.

Mr. WILLIS. Here is a resolution, which I will not take the time to read, adopted by the woolgrowers, the sheep raisers, showing that their industry is prostrated, that the prices are greatly reduced. It is even reported that one man is practically trying to give his flocks away. That is the condition of one great industry in this country.

Mr. CARTER. If anybody is trying to give away his sheep, let him send them to Oklahoma.

Mr. HOWARD. What is his address?

Mr. WILLIS. The gentleman who offers to take those sheep knows so little about the sheep industry and the general industries of this country that he would not know what to do with them if he had them. That is the difficulty about the legislation under which we are now proceeding, that it was framed by those who do not understand fully the industrial conditions in the country.

Mr. HOWARD. I know the difference between a sheep and a goat.

Mr. MANN. We can tell the gentleman from Georgia from a sheep.

Mr. WILLIS. Yes; one difference between a sheep and a goat is this, that the goats are raised down in Texas and are protected in the present tariff law, and the sheep are raised in the great Northwest, and wool was put on the free list. We know that difference very well.

Mr. TEMPLE. I have always understood that when the sheep were separated from the goats, the goats were on the left.

Mr. WILLIS. We have scriptural authority for that.

I do not wish to be misunderstood. I am not seeking to publish to the country the things that we all read in the newspapers with the very greatest regret; I especially regret that gentlemen rise upon that side when they find somewhere a little editorial or statement of conditions in the stock market that gives them a faint ray of hope—I regret that they rise in their places and undertake to put such things in the RECORD, when, as the gentleman from Illinois [Mr. MANN] has said, everybody on this side, if he wanted to use his position for such a purpose as that, has had the opportunity for weeks to fill the RECORD with material as to the industrial situation, but we have not done so.

Mr. HARDWICK. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CAMPBELL. Mr. Chairman, I yield 30 minutes to the *gentleman from* Oklahoma [Mr. MORGAN]. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Chairman, the growth, extension, and development of agriculture is of the utmost importance to the people of this country. First, because nearly half of our population reside upon the farm, and, second, because agriculture is a basic industry upon which all industries depend largely for support.

One of the obstacles in the way of agricultural development is the high rate of interest that many farmers are required to pay. It is said that the farmers of the United States pay annually in interest the immense sum of $500,000,000. There is a movement on foot to remedy this evil. Steps are being taken to provide our farmers with a better system of credit. Now, as never before, we are investigating this great subject, with a view to providing our farmers with the necessary money and capital with which to conduct their business at the lowest rate of interest possible. We have had a commission touring Europe, studying the farm-credit institutions abroad. I am greatly interested in this subject. I will gladly vote for any measure that will encourage, aid, and help the farmers of the United States. I am especially interested in the farmers of my own district and of my own State. The farmers of Oklahoma are greatly handicapped by lack of capital to develop their farms and by the high rate of interest they are compelled to pay.

I do know the matter should be remedied, if possible. In reflecting over this matter, and in trying to plan some practical method to reduce the rate of interest Oklahoma farmers were paying, it occurred to me that the surplus funds in the custody of the Government belonging to the Indians of Oklahoma could be utilized to materially reduce the interest charge to the farmers of Oklahoma. I made some investigation as to the amount of these funds now in the Treasury, the probable amount to be added in the future, the length of time these funds would be held by the Government, the conditions and terms upon which these funds were held. As a result, I reached the conclusion that at least a large part of these funds could be loaned on improved farm lands of Oklahoma without loss or injury to the Indians or the Government, but with profit and benefit to both.

On June 16, 1912, there was on deposit in Oklahoma National and State banks the sum of $4,572,727.72 belonging to the Five Civilized Tribes of Indians. These funds were derived from the sale of what is known as surplus and unallotted lands belonging to these tribes. The law under which these funds were deposited in these banks was approved March 3, 1911, and is as follows:

The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in National or State banks in the State of Oklahoma, in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds.

It will be observed that under this act the depositing of these funds in the Oklahoma banks is entirely at the discretion of the Secretary of the Interior, and that the act authorizes the depositing in Oklahoma banks only funds derived from "the sales of unallotted lands and other property belonging to any of the Five Civilized Tribes." Such funds constitute but a comparatively small part of the funds in the custody of the United States belonging to the several Indian tribes of Oklahoma and the individual members thereof. On June 17, 1913, the Bureau of Indian Affairs prepared a statement showing that at that time the Five Civilized Tribes had in the custody of the United States the sum of $12,820,466.72. According to a table prepared by the same bureau there were, on July 1, 1912, in the Treasury of the United States funds belonging to Indian tribes in Oklahoma and members thereof other than the Five Civilized Tribes amounting to $15,354,969. There were at that time, therefore, in the custody of the United States belonging to the several Indian tribes of Oklahoma funds to the amount of $28,175,436.52.

But after some thought over the proposition I concluded that a large part of these funds should be loaned to the farmers of Oklahoma upon improved farms, and that these funds should be utilized as a beginning of our effort to establish a better system of farm credits by which we hope to give our farmers necessary money at the lowest rate possible. Having reached this conclusion, on the 9th day of July, 1913, I introduced in the House H. R. 6744.

INDIAN FUNDS LOANED TO FARMERS.

H. R. 6744 complete is as follows:

A bill (H. R. 6744) to authorize and require certain Indian funds to be loaned to the farmers of the State of Oklahoma, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized, empowered, and directed to loan to bona fide farmers, residing in the State of Oklahoma, all the funds or moneys now in, or which may hereafter be in, the Treasury of the United States, belonging to the several Indian tribes of said State, or to individual members thereof, held in trust or otherwise, which will not be required under any law or treaty, for a period of two years from date of loan, to pay any debt or obligation due any Indian tribe or member thereof, and all of such funds not subject to be loaned under the foregoing provision to farmers shall be deposited in the National and State banks of the State of Oklahoma under such conditions, for such time, and with such interest and security as shall be prescribed by the Secretary of the Interior, and the interest accruing under such loans and deposits shall be placed to the credit of the various Indian tribes and members thereof as their interests shall appear.

SEC. 2. That said loans shall be secured by first mortgage upon improved farm land or lands situate within the said State, and shall bear interest at the rate of 5 per cent per annum, payable annually. No loan shall exceed 50 per cent of the appraised value of the land mortgaged to secure said loan, ascertained by appraisers appointed or designated by the Secretary of the Interior. Loans may be made for a period of not less than one year and for not to exceed a period of five years. Payments on principal of not less than $100 may be made at the time of any interest payment. The amounts loaned in the various counties, so far as may be practicable, shall be equitably distributed according to the number of farmers residing in the respective counties of said State.

SEC. 3. That the loans and deposits herein provided for shall be made by the Commissioner of Indian Affairs under the direction and with the approval of the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the safeguarding of the interests of the United States and the Indian tribes or members thereof and for the carrying out of all the provisions of this act, and is authorized to extend the time for the payment of any loan: *Provided*, That all deposits of such funds in the banks of the State of Oklahoma heretofore made under existing law may be continued at the discretion of the Secretary of the Interior: *And provided further*, That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. MORGAN of Oklahoma. Mr. Chairman, there are something like $28,000,000 in the United States Treasury belonging to the Indians of Oklahoma. If the Government of the United States will loan this money, or two-thirds or three-fourths of it, to the farmers of Oklahoma upon good approved farm mortgages, the Government will save $600,000 or $700,000 a year, and the farmers of Oklahoma will, by the reduction of interest, save from $500,000 to $600,000 a year. And if the Government will apply this policy to all the Indian trust funds in the Treasury of the United States, it will save $1,700,000 annually or in the next 10 years $17,000,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. Certainly.

Mr. JOHNSON of South Carolina. What rate of interest is the Government now paying to the Indians on their trust funds?

Mr. MORGAN of Oklahoma. Three or four per cent.

Mr. CARTER. And in some instances 5 per cent.

Mr. JOHNSON of South Carolina. How much do you propose that the farmers to whom you loan these funds shall pay?

Mr. MORGAN of Oklahoma. Five per cent.

Mr. JOHNSON of South Carolina. Why should the money be loaned the farmers in Oklahoma, rather than to the farmers of other States?

Mr. MORGAN of Oklahoma. Because the funds belong to the people of Oklahoma, to Indians who are citizens of Oklahoma; it is Oklahoma money, Oklahoma capital, but by virtue of a Federal statute it is taken from Oklahoma and placed in the Treasury of the United States, diverted from Oklahoma enterprise. This should not be. These funds should be used to help develop Oklahoma.

Mr. JOHNSON of South Carolina. There are other Indian funds in the Treasury than that which belongs to the Indians in Oklahoma.

Mr. MORGAN of Oklahoma. Yes; and I am advocating the extension of the policy so that not only Oklahoma, but in other States with large Indian population, and the United States

holds large Indian trust funds, in all such States the same policy should be extended.

Mr. MILLER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. MILLER. The gentleman should be aware that there are many millions of dollars belonging to the Indians in Oklahoma, a great portion of which is in the banks in Oklahoma.

Mr. MORGAN of Oklahoma. I will state that there are four and a half million dollars, or about that amount, of Indian funds belonging to the Five Civilized Tribes in the banks of Oklahoma, and on which the banks are paying 4 and 5 per cent interest. The total funds in the Treasury belonging to Oklahoma Indians are about $28,000,000. About twelve and a half millions belong to the Five Civilized Tribes and fifteen and a half millions to tribes other than the Five Civilized Tribes. I do not contemplate taking these Five Civilized Tribes funds from the banks, because these funds will be needed from time to time to pay obligations due the Indians.

Mr. CARTER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. CARTER. Let me understand the gentleman. I believe he says that the Five Civilized Tribes have $12,000,000, and there are about $4,000,000 deposited in the banks and $8,000,000 in the Federal Treasury?

Mr. MORGAN of Oklahoma. Yes. Now, then, the bill which I have introduced authorizes the Secretary of the Interior to loan a certain part of these funds to the farmers of Oklahoma upon farm mortgages. I will say that I have no desire in any way by this proposition to delay or hinder the closing up of the affairs of the Five Civilized Tribes. It is not my idea that we should use any fund for long-time farm loans that is expected to be needed to pay the per capita payments or any other obligations due the Indians under any law of the United States.

Mr. MILLER. I agree with the gentleman that it is never wise to leave money inactive in a bank or any other place. Does not the gentleman think it would be better to loan this money for the development of the Indian lands and the Indian allotments rather than to loan it out to the white people generally?

Mr. MORGAN of Oklahoma. I do not understand how that proposition could be applied. The Indians receive the interest for their support and the development of their property. The Indians could not mortgage their lands to secure payment.

Mr. DAVENPORT. Will my colleague yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. DAVENPORT. I want to suggest that the Cherokee tribal affairs are wound up, and the money is about ready to be paid out per capita. I would like to ask the gentleman whether he wants to include their funds in the loan?

Mr. MORGAN of Oklahoma. I will state that it is not my idea to include any funds that would be needed within the next two or three years to pay any obligations or anything due the Indians; but there are now $28,000,000 in the Treasury. In addition to that, in a short time there will be something like 500,000 acres of the so-called segregated coal and asphalt lands, which will bring in five or eight million dollars, the coal and other minerals to be sold in time. So for many years there will be in the Treasury of the United States from twenty-five to forty million dollars of the funds and capital that belong to Oklahoma tied up in the Treasury of the United States.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. SLOAN. Does the gentleman object to loaning this money in any other State than Oklahoma; that is, in States where the security would be good?

Mr. MORGAN of Oklahoma. Certainly I would. Nebraska has Indians, and I would loan the Indian funds of Nebraska in Nebraska, and the Indian funds in South Dakota to South Dakota farmers, and so on, because the funds belong to the Indians in the State and should be used to develop that State.

Mr. SLOAN. But the Indians do not belong to the State.

Mr. MORGAN of Oklahoma. Nebraska has no just right to the funds of Oklahoma and ought not to take the funds of Oklahoma to loan in Nebraska.

Mr. SLOAN. Are the Indians of Oklahoma the wards of Oklahoma or wards of the Government?

Mr. MORGAN of Oklahoma. They are wards of the Government.

Mr. SLOAN. Then why not distribute it all around through the States?

Mr. MORGAN of Oklahoma. I will come to that argument later. There is nothing impracticable about my proposition. The States, many of them, loan their large school funds on farm-loan securities. Our State has three and a half million dollars loaned on farm mortgages. In other words, our State for the purpose of handling its school fund conducts a farm-loan department. What the State can do the National Government can do. All that is necessary is to establish a farm-loan department with a competent director at the head of it, organize a proper force, make the necessary rules and regulations, and proceed to business. There is nothing impracticable about it. What a State can do the National Government can do. Now, the National Government does not take any risk.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. MURRAY of Oklahoma. In answering the question of the gentleman from Nebraska my colleague said that the funds in Nebraska ought to be loaned on farms in Nebraska. Does not the gentleman think the same argument would necessarily follow that the funds ought to be loaned in the same congressional district to which the Indians belong?

Mr. MORGAN of Oklahoma. I do not think that would apply, for this reason——

Mr. MURRAY of Oklahoma. Let me state in that connection that the gentleman's opinion may be influenced by the fact that there is no such fund belonging in his district as there is in the other districts.

Mr. MORGAN of Oklahoma. Not at all. In my district there is a large number of Indians and a large amount of Indian lands. There are the Cheyenne, Arapahoe, Kiowa, Comanche, and Apache Indians, who own nearly 3,000,000 acres of land on the west side of the State and have large trust funds in the Treasury. But every taxpayer in the State loses something by reason of the nontaxable Indian land, and consequently the benefits ought to go to those who are bearing the burdens. The fact is the trust funds in the Treasury which would constitute the greater part of the fund to be loaned on mortgages, belongs to Indians on the west side, and not to the Five Civilized Tribes, and if the gentleman would apply the rule he suggests there would be precious little loaned to farmers in his congressional district.

Mr. SLOAN. Mr. Chairman, just as a matter of inquiry, having heard the stock market of New York praised so highly by the gentleman from Georgia [Mr. HARDWICK], I would ask the gentleman if he thinks it would be a good idea to loan those funds on the stock market in New York? It seems to be very prosperous, according to the gentleman.

Mr. MORGAN of Oklahoma. I think not. It would be risky under a national Democratic administration.

Mr. BARKLEY. The gentleman would be in favor of doing it in a Republican administration?

Mr. MORGAN of Oklahoma. Hardly.

Mr. MURRAY of Oklahoma. Mr. Chairman, the gentleman stated that a great many lands were not taxed. Does the gentleman know that the east side of Oklahoma, where these lands are nontaxable, pays more than half of the State taxes?

Mr. MORGAN of Oklahoma. I hope they do.

Mr. MURRAY of Oklahoma. That is true. That being true, ought not those people over there whose property is taxable to have this public benefit because of the inequality of taxation on that side of the State?

Mr. MORGAN of Oklahoma. Oh, the gentleman forgets that there are 4,000,000 acres of land on the so-called west side that belongs to Indians, and that the Five Civilized Tribes are not the only Indians in the State. There are nearly 4,000,000 acres of land on the west side belonging to Indians, constituting nearly one-fourth of the nontaxable lands of the State.

I say the proposition is not impracticable. The Government would take no great risk, because it is universally conceded that farm loans are the safest investments that can be had. Of all the vast hundreds of millions of dollars that have been loaned in the last half century on farms, only an insignificant per cent has been lost, as a rule. The Government would make its own appraisement. My bill provides that not over one-half of the value of the land might be loaned on any tract, so that the Government would take practically no risk. Now, on these trust funds the Government is now paying out to Oklahoma Indians $700,000 a year in interest, and that is absolutely lost to the United States; that much is being paid out in interest on trust funds to support the Indians, without any recompense to the Government except the discharge of a national duty. That is lost. But if this money were loaned upon the farms the Government would get back an interest that would more than pay the amount of money it is paying to the Indians in interest. It is a safe business proposition. There is no risk to the Indians. I would not want to put a single dollar of that trust fund belonging to the Indians in jeopardy. We must guard it sacredly and carefully, but the Government would stand between the Indians and the farmers who borrowed this

money. In other words, the Government would be responsible for every dollar of it, so there is no risk to the Indians.

As I have said, it would be a great saving to the Government. The Government would run not only no particular risk, but the Government is paying to Oklahoma Indians $700,000 in interest, and is paying to the Indians of the United States $1,700,000 annually in interest. Think about that. If the Government goes on and pursues this policy, as it has in the past 10 years, it will pay the Oklahoma Indians alone $7,000,000 in interest. There is that much lost. If you continue that policy for 20 years, there will be $14,000,000 lost, and, taking the entire United States, if the same amount of trust funds should remain in the Treasury, the Government would pay out from all those funds $34,000,000 in interest. This is not a good business proposition for the Government. It is not the way the National Government should run its business. It ought to loan these funds in some way to make them pay.

I noticed in reading a report from the Agricultural Department some time last year, I think last March, the Secretary of Agriculture sent out 3,000 letters to bankers all over the United States asking the banks to report the rate of interest that was being paid by farmers of the State on short-time loans, and those reports came in from all the various States, and when the data were collected they showed that the farmers of Oklahoma were paying a higher rate of interest on short-time loans than the farmers in any State in the Union.

The average rate paid, according to that report, by the farmers of the United States on short-time loans was 7¾ per cent, while, I regret to say, the farmers of Oklahoma, according to the reports of the bankers, on short-time loans were paying an average of 11.58 per cent. Out in my section, the western part of the State, farm loans are made at 9 and 10 per cent. My observation has been that on an average about 7 per cent is the lowest that the farmers get loans on farm mortgages in any part of Oklahoma. Why it is that we can not get loans more cheaply than that, I do not know. Why it is that our farmers are paying a higher rate for short-time loans than in any one of the Western States, I do not know. If we could loan, say, $20,000,000 out of this vast sum, leaving $8,000,000 or $10,000,000 in the Treasury to pay from time to time and from year to year the obligations due the Indians, and loan the $20,000,000 to the farmers of Oklahoma at 5 per cent, reducing the rate from 8 to 5 per cent, there would be a saving of 3 per cent, and on $20,000,000 there would be a saving to the farmers of Oklahoma in one year of $600,000, and in the next 10 years a saving to our farmers of $6,000,000. If the National Government can do this without any great risk to the Government, with a certainty that there can be little if any loss to the Government, why should it not be done?

Another proposition is this: The $28,000,000 is Oklahoma capital. It belongs to the Oklahoma citizens. Those Indians are citizens of our State, and it is our money. It is our money, and why should the Government lock it up in the Treasury of the United States when it can be placed back there and be made to serve a useful and helpful purpose to our people? There can be no good reason why it should not be done.

Few people understand or comprehend the burden to the taxpayers of Oklahoma that arises from nontaxable lands belonging to the Indians of the State. There are 44,000,000 acres of land in Oklahoma; 22,000,000 acres of that land belong to the Indians. Under the census of 1909 there were 1,657,000 people in Oklahoma, and 117,000 of those citizens were Indians.

Now, look at it. Fifty per cent—one-half of the land area in that State—belongs to our Indians, although they constitute but 7 per cent of our population. In round numbers, out of that 22,000,000 acres that belong to the Indians, as near as I can estimate, there are probably 18,000,000 acres of it that is untaxable. Two-fifths of all the Indian property in the United States is in Oklahoma. According to the report made by the Commissioner of Indian Affairs, or a statement given out, there is something over $687,000,000 of Indian property in the United States. According to that same report, $267,000,000 of that property is in Oklahoma. One-third of the property of Oklahoma to-day is probably untaxable under the policy pursued by the National Government. My friends, to exempt one piece of property from taxation is necessarily to place additional taxation upon the property beside it, and that is taxed. So that we are peculiarly bearing a burden there, and I hope nobody will construe anything I say as in any way criticizing the Indians, for I am not. But it is a fact that one-half of our land belongs to the Indians, and they constitute but 7 per cent of our population. Three-fourths of that property is nontaxable. Now then, we are bearing a burden in that way. You take the State government, the county government, and the school district government, and Oklahoma is losing probably $2,000,000 a year in revenue by reason of this nontaxable land.

Mark you, the care of the Indian is a national burden. The protection of the Indian is a burden and a duty and an obligation that rests upon the National Government and not upon the people of any one State. And yet, on account of the peculiar condition of things down there one-third of the Indian population, over one-third of the Indian property in the United States, is in that one State, and that places a peculiar burden upon our people.

I have introduced in this House a bill to appropriate $20,000,000 to the State of Oklahoma to compensate the State, the counties, and the school districts for loss of revenue by reason of this nontaxable land. And that bill is based upon absolute justice. The Indian lands must be kept free from taxation until the Indian can care for himself.

On the west side of Oklahoma there are some 12,000 or 13,000 Indians, their lands exempt from taxation—4,000,000 acres—and the exemption will expire in the next six or seven years on most of that land, and yet those Indians will still be incompetent to care for themselves. That period of exemption must be extended in order to discharge the duty of the National Government to those Indians. And thus it goes on and on and on, a continuous burden upon the people of Oklahoma.

All through the history of the admission of States into this Union the National Government has never claimed the right to exempt land from taxation after it had disposed of it, and in the admission of all the States throughout the first 50 years, you might say, of the history of this country there was a provision placed in the enabling acts granting States certain things upon the express and specific condition that the State would not tax certain lands for a period of five years. The United States Government has never claimed the right to exempt land from taxation in the State after the United States had disposed of or conveyed the soil. That has always been the principle. And yet for some reason or other Oklahoma was admitted without any particular consideration of that question, and so we have there one-third of our property exempt from taxation, and every man knows that that brings a burden upon the other people of the country.

Mr. DAVENPORT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. MORGAN] yield to his colleague?

Mr. MORGAN of Oklahoma. I do.

Mr. DAVENPORT. I do not know whether I understood my colleague correctly or not, but I understood him to say that Oklahoma was admitted without any proper consideration of the taxing of the lands in Oklahoma, and I want to call his attention to the fact that the greater portion of the lands, especially of the Five Civilized Tribes and affiliated tribes, are exempt from taxation by a specific agreement between the United States and the respective tribes prior to the admission of Oklahoma as a State, and those agreements were such that they could not be set aside by legislation.

Mr. MORGAN of Oklahoma. The gentleman states an important fact, and it is true. By a treaty made before statehood was passed the Indians acquired the right to have their lands exempt from sale and taxation for so many years.

Mr. CAMPBELL. Will the gentleman yield to me?

Mr. MORGAN of Oklahoma. I will be glad to yield.

Mr. CAMPBELL. Is it not also true that the Government of the United States entered into a solemn treaty with the Indians when they sent them to Indian Territory that the Government would not sell that land away from them or permit white men to do it, and that to-day the white man has most of the Indians' land?

Mr. CARTER. Will the gentleman permit just an interruption there, Mr. Chairman?

Mr. MORGAN of Oklahoma. Yes.

Mr. CARTER. According to the statement of the Indian Bureau, Mr. Chairman, the title to 85 per cent of the land which is allotted to Indian allottees is still in the Indian allottees.

Mr. CAMPBELL. I am not talking about what the allottees had. The Indians owned the whole of the country, and had an absolute right to the protection of the United States against the invasion of the white man, and now the white man is cursing the Government because the Government does not permit him to loot the Indian property and to tax the lands that the Indian still has remaining.

Mr. CARTER. I agree with the gentleman's contention fully.

Mr. MORGAN of Oklahoma. Not at all; I do not so agree.

Mr. SLOAN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Nebraska?

Mr. MORGAN of Oklahoma. I yield to the gentleman from Nebraska.

Mr. SLOAN. Just one question. Would you not think it more wise, and do you not believe the Oklahoma delegation would agree with you, especially Mr. DAVENPORT and Mr. FERRIS, if this Indian money should be invested in bonds or in financing the Alaska railroad, rather than loaning it on the Oklahoma farms?

Mr. DAVENPORT. I would like to answer the gentleman by saying "no." My whole life, or the greater part of it, has been spent in that Indian country. I raised my family there, and I and the Indian tribe to which I belong resent the proposition of lending our money to anybody to finance with; and I wish to say that the Creeks and the Cherokees and the Seminoles in my district are as competent to-day to handle their funds as are any other people in the Union to handle the same amount of funds.

Mr. MORGAN of Oklahoma. Now, Mr. Chairman, here is my proposition: The capital, the money that belongs to the citizens of Oklahoma, is tied up in the National Treasury.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. I will yield.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Will the gentleman allow me five minutes more to close?

Mr. CAMPBELL. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. MORGAN] five minutes more.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized for five minutes additional.

Mr. MURRAY of Oklahoma. I made an investigation. There is in the Treasury available a little more than $7,000,000 due to the Chickasaws and Choctaws. There are assets of $7,000,000 more. These assets are the proceeds from the sale of lands and town lots upon which they have time to sell under the law. This $7,000,000 under the law is due to the Indian now. The Indian is in debt and wants it. He is paying more than 10 per cent. Does not the gentleman think the honest and just way is for this Government to pay the Indians that $7,000,000?

Mr. MORGAN of Oklahoma. Yes, sir.

Mr. MURRAY of Oklahoma. And that the equity due to the farmer ought to come directly from the Government fund, rather than from the Indian fund?

Mr. MORGAN of Oklahoma. I say, whatever is due to the Indian, pay it when it is due. I would not support any bill that had for its object a delay in paying the Indians what is due them. We know that there is a vast sum there that is needed to pay the Indians what is due.

It is a safe proposition; it is a safe proposition for the Government, and a safe proposition for the Indians; indeed, it is a profitable proposition for the United States as a matter of good business. The United States ought to loan that money so as to recoup the Nation from this large annual interest payment to the Indians out of funds that are lying there idle.

Mr. MURRAY of Oklahoma. The gentleman means the fund that, under the law, is not required to be paid immediately?

Mr. MORGAN of Oklahoma. Yes.

Mr. MURRAY of Oklahoma. That is a different question.

Mr. MORGAN of Oklahoma. Now, you can save the farmers of Oklahoma a half million dollars annually. The statistics show that the farmers of Oklahoma owed in 1900 on farm mortgages $28,000,000. At 8 per cent interest our farmers are paying out over $2,000,000 annually in interest on these loans. They pay vast sums on short-time loans. You talk about enacting a law that would give the farmers better credits. What the farmers want is lower interest. This high interest is taking the farmers' very life and vitality.

Give to the Oklahoma farmer his $20,000,000, loaned upon absolutely safe security. Save the farmers of that State that $500,000 annually by reducing the interest rate of 8 per cent to 5 per cent, and in that one respect you will have given the farmers a credit that you can not give by any other bill you can enact, and you will have done something that will repay the farmers and the taxpayers of Oklahoma for the burden that the National Government is now compelling them to bear every year by reason of nontaxable lands.

Mr. ASWELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. ASWELL. The Indians of Oklahoma are ready to vote, are they not?

Mr. MORGAN of Oklahoma. Yes, sir.

Mr. ASWELL. Does not the gentleman think it would be better for the Indians and for the Government if the Government should pay what it owed the Indians, and put their lands on the assessment rolls and let the Indians take care of themselves as other people do?

Mr. MORGAN of Oklahoma. Well, they are competent, but there are a great many who——

Mr. ASWELL. I understood the gentleman to say they were competent.

Mr. MORGAN of Oklahoma. That applies only to certain of the civilized tribes. There are 26,000 full bloods in the Five Civilized Tribes, and many of those full bloods are competent.

Mr. ASWELL. Would they not be competent more speedily if put upon their own responsibility?

Mr. MORGAN of Oklahoma. The gentleman must remember that there are thousands in Oklahoma who are merely children, who are totally incompetent to transact their own business; and it would certainly be unwise to turn those Indians loose and sell their property and spend their money and have them become paupers on the State and on the Nation. Certainly the gentleman would not advocate that.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CAMPBELL. Mr. Chairman, I want to yield three minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for three minutes.

Mr. SLOAN. Mr. Chairman, in answer to the echoes of the ticker that come from the New York Herald, as recited by the gentleman from Georgia [Mr. HARDWICK], I want to read from a labor paper published in the tricity composed of Davenport, Rock Island, and Moline. Remember it is a labor paper, namely, the Tri-City Weekly Review. I read:

We do hope the new currency law, the revised tariff law, and the antitrust law of President Wilson will soon begin to work, for we are tired of saying "No" when men come into this office looking for a job.

Davenport is the largest of those three cities. Davenport is the largest city in the second Iowa congressional district; and it seems that the voters of that district are coming very rapidly to agree with the editor of this paper in matters of cause and effect, because on last Tuesday they had an election in that district and the result was that the President's party lost, as compared with the last fall's election, 7,000 votes, while the Republicans gained 2,500 votes, a net loss to the Democracy of nearly 10,000 votes. [Applause on the Republican side.]

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Florida [Mr. CLARK], if he desires, 30 minutes.

Mr. CLARK of Florida. I am very much obliged, Mr. Chairman, but I do not care for it now.

Mr. STEPHENS of Texas. Then I yield to the gentleman from Indiana [Mr. CULLOP] five minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized for five minutes.

Mr. CULLOP. Mr. Chairman, the second Iowa district replied on Tuesday to all such publications as the gentleman from Nebraska read by sending a Democrat to Congress after one of the most heated campaigns ever waged in that district. [Applause on the Democratic side.]

Now I want to call attention to what one of the great papers and one of the great financiers of this country said upon his return to St. Louis from New York, and I will read from the St. Louis Republic of Thursday, February 12:

PROSPERITY AHEAD, ALTHEIMER SAYS—SITUATION IN WALL STREET SHOWS MONEY EVERYWHERE FOR INVESTMENT—BUSINESS OUTLOOK BRIGHT—HEAD OF FINANCIAL FIRM BELIEVES WILSON POLICIES HAVE RESTORED CONFIDENCE.

The marked changes in financial conditions in New York to-day are harbingers of a period of great prosperity, according to Ben Altheimer, president of the Altheimer & Rawlings Investment Co., who has just returned from the East.

"There is money everywhere for investment. Interest and discount rates have been lowered. Commercial paper in large amounts is being bought up rapidly by the banks, and new issues of securities are absorbed as quickly as they are offered.

"Banking houses that had prepared February bond circulars to mail to their clients were compelled to withhold them, as the securities were disposed of without the necessity of circularizing.

"Whether this is a natural reaction from the lethargy of business that existed a few months ago, or whether it is caused by the demand resulting from prosperity, I can not say. It is certain, however, that confidence has been restored here and abroad, and Wall Street has proved again that it is not only cold and practical, but also sensitive and sentimental—a contradiction, but a fact.

"There has been no real scarcity of money during the past few months. It was only temporarily out of sight. London and the Continent are again buying our securities, whereas in October and November indifference to American issues was the rule.

"The passage of the currency bill, which will give us a fixed status in banking and currency affairs, has much to do with this change of conditions, no doubt. It has given a stimulus and confidence where doubt and hesitancy existed."

This is the report that one of the financiers of St. Louis brings back from the great city of New York. It shows a prosperous condition in the country and one that augurs well for the entire country. Now, the gentleman from Illinois [Mr. MANN] and several of his colleagues have for weeks been preaching calamity here in the National House of Representatives, circulating the word all over the country, trying in every way possible to convince the people of the country that we were in the throes of a great panic. Yet he says now that there is an abundance of money for investment of every legitimate kind. This, Mr. Chairman, is the preaching of a new philosophy. We have never, in the history of this country or any other, known of panics when there was an abundance of money for legitimate investment. And according to the reports that are now going out through the press, there is an abundance of capital to be found everywhere for the purpose of carrying on the legitimate industries of the country. The gentleman may read reports stating that during the present severe winter weather people call at lodging houses for shelter for the night. In all of his lifetime the gentleman has never known a winter when the same condition did not exist. Now, what was the condition in 1907–8? Not only were the lodging houses filled, not only were the highways lined with men begging for labor, but every industry in the country was shut down and business was at a standstill, and there was no money to be had to operate them or relieve the deplorable conditions. What were the conditions then compared with now? Congress has made great changes in two of the greatest systems that underlie and are the foundation of the business of the country, a change in the tariff and a revolution of the money system of the country. Yet there has never been a change in the tariff that brought as little halt to the legitimate industries of the country as did the change which has come by the passage of the Underwood bill.

Immediately upon the enactment of the new currency law all business revived and every industry took on new activity and prosperous conditions at once appeared. This was the result of Democratic legislation and Democratic policies.

It is new philosophy declared by the gentleman from Illinois [Mr. MANN] that panics occur and exist when money is plentiful, easy to be had, and at low rates of interest for legitimate use. If that doctrine be true, then it is the advent of a new order of panic. The like has never been known before, and we feel certain it is not known now. The truth is such a condition could never furnish a panicky condition in business and never will. Panics only exist on the reverse of these conditions, when money can not be had to conduct legitimate business, and hence it must cease operations for this reason. The history of business furnishes no example of a panic when money can be procured easily to conduct business.

Every effort it appears has been made by the gentleman from Illinois [Mr. MANN] and a few of his trusted colleagues to create a panic in this country by almost daily howling calamity. This effort on their part is the result of the conspiracy formed by certain leading Republicans at the time of the recent meeting of the Republican national committee in this city last month. The calamity howl on the floor of this House has been going on daily by a few Republican leaders as the result of that conspiracy. These men who are proclaiming calamity daily put party success above all else, above public welfare, above prosperity, above business success. How can a party hope to succeed, when it must resort to such methods and employ such tactics to regain its lost prestige with the American people? It appears that they must rest their whole case in the belief that the American people are ignorant of the true business conditions existing throughout the country. If they do, they are woefully mistaken. The people of this country fully understand what the true conditions are, and will not be deceived or misled by the calamity howls from the gentlemen on that side of the House. When gentlemen say money is abundant, prices of staple products are high, they contradict their charge by giving facts.

If money is plentiful and can be had on easy terms, business is good; if prices of staple products are high and there is good demand for them, it is a true index that business is good. Panics never exist or thrive under such conditions, but thrive only when money is scarce and hard to get and when prices on staple products are low and when there is no demand for them. Some people are frantic because there is no panic and they are unable to create one.

This administration is not a panic maker, but is enacting legislation which prevents panics and creates prosperity, spreads happiness among the whole people. It lights up the hopes and stimulates the energies of the greatest people in the greatest country in all the world.

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from Ohio [Mr. ANSBERRY].

Mr. ANSBERRY. Mr. Chairman, during the discussion of the condition of the country this afternoon from a Republican viewpoint my colleague from Ohio [Mr. WILLIS] made a statement in this House which I think he made inadvertently and did not mean. At any rate, I hope he did not mean it. When the question was put to him whether or not he could read from a newspaper in his own district of conditions of unemployment, of factories shut down because of hard times in his own district, he stated that he regretted to say he could not make any such statement with reference to his own district.

Mr. CAMPBELL. Mr. Chairman——

Mr. ANSBERRY. I refuse to yield to the gentleman at this time.

Mr. CAMPBELL. Well, I——

Mr. ANSBERRY. I do not care to yield, and do not. I decline to yield.

Mr. CAMPBELL. This is as fair as misrepresenting his own colleague.

The CHAIRMAN. The gentleman declines to yield.

Mr. ANSBERRY. In fairness to my colleague, I said I thought he did not mean that. I still say that. But even if he had, he would only have reflected the position of his party in the State of Ohio with reference to this condition. Afterwards, when the question was put to him, he said he did not mean that. Now, if the gentleman from Kansas [Mr. CAMPBELL] can make that any stronger, he is at liberty to do so in his own time.

Some time in January of this year the Republican organization in the State of Ohio sent out boiler-plate matter to the little weekly and daily Republican papers throughout the State of Ohio on this same question, containing a calamity howl. Among other papers they sent this boiler-plate matter to the Medina County Gazette, which is supposed to be a stalwart Republican paper; but the Gazette did not look at the world through the colored spectacles of the gentleman who has charge of that organization, and here is what that Republican paper said with reference to the attitude of these men:

DASTARDLY POLITICS.

There has been nothing more reprehensible in American politics than the present studied effort on the part of the standpat forces in control of the Republican Party to aid and abet an era of hard times in this country. It was openly proclaimed at the recent meeting of the Republican national committee at Washington that hard times, want, and poverty were to be the life-savers of that party. To-day from every standpat source is coming a calamity howl coldly calculated to shake business confidence and bring on industrial paralysis.

As we write there lies on our desk a copy of the Republican News Letter, dated at Columbus, January 3, 1914. Editors are invited to use the contents of this letter in whole or in part. And what is this Republican News Letter that all the editors of Ohio are "invited" to use and bring before their readers? It is a pure calamity howl calculated to bring on a business panic, if possible—and it is nothing else. Its one big, flaring headline reads: "Industrial depression." Then follow three columns of "calamity" talk, prophesying hard times and business disaster.

At a recent meeting of the Republican national committee at Washington, Senator REED SMOOT, national committeeman from Utah, was cheered again and again when he airily made the following declaration for a turkey-buzzard policy for his party: "The silent wheels of the factories, the smokeless stacks of our mills, and the suffering of our people under a Democratic administration will speak louder than any national declaration of principles that we can make. All we have to do to bring victory to our banners will be to point to the closed mill doors and say: 'Wilson—that's all.'"

No declaration of principles needed, says SMOOT; just wait for calamity and suffering.

From every other standpat Republican source is coming the same sort of business poison—the studied attempt to bring suffering and want to millions of American citizens to further the political ends of the Penroses and Smoots and Barneses and Daugherties now in control of the Republican Party.

The attempt to inject this poison into the business arteries of this country is made, too, when reliable financial authorities like Bradstreet's and Dun's and Henry Clews's tell us that the business outlook for 1914 is brightening daily and that there is no business depression nor panic ahead.

Benedict Arnold and others of his ilk were not so dastardly traitors to their country as are the Republican leaders who are trying to bring hunger and cold and suffering and misery to millions of poor men, women, and children in this country in order to advance their political interests; and the Republican calamity howlers and the Republican news letters are seeking to do just this thing.

The despicable political panic effort has already failed. The country is aroused against it, and the boomerang is already recoiling upon its projectors.

The political party that seeks a new lease of life at the hands of American voters by encouraging panic and hard times badly miscalculates, for it can reap from such foul sowing only the contempt and distrust of all right-thinking people.

Now I will yield to the gentleman from Kansas to ask his question.

Mr. CAMPBELL. I have no question. I simply wanted to state that the gentleman from Ohio [Mr. WILLIS] disclaimed the intention of saying that he regretted that he had not such an article to read.

Mr. ANSBERRY. I so stated before the gentleman spoke. But I want to say that there is a Biblical quotation that may be used in that connection, and that is, "That out of the fullness of the heart the mouth speaketh." [Applause on the Democratic side.]

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from Indiana [Mr. PETERSON].

Mr. PETERSON. Mr. Chairman, I have listened since I have been here to this calamity howl that has been going on. If there was anything that would justify it, I come from a district where, I think, I would have some knowledge of it. But in order to inform myself upon the subject I have made some investigations. Within my county is what is known as the Calumet district, where there are a great number of iron and steel mills, where the United States Steel Corporation has one of its largest plants, at Gary. At Indiana Harbor there are various plants of this kind. At East Chicago there are more of the same nature. I have investigated in that locality to find out the true situation. I have a letter here that I received only a few days ago from the superintendent of the Inland Steel Mill at Indiana Harbor. The Inland Steel Mill is the largest independent steel mill in the United States, having a greater output than any other independent mill in this country. I will read a portion of a letter from the general superintendent of that mill:

The feeling here regarding the business situation is growing more optimistic. We are running 11 out of 12 open-hearth furnaces. Traveling men coming into my office feel very good, and many of them look for a banner year.

I hold in my hand a clipping from a newspaper published at Gary. I will read it:

INLAND CAPACITY AT FULLEST.

There have been a number of conflicting reports in industrial circles about the present activity of the Inland Steel Co., of Indiana Harbor.

In order to set such reports at rest and to prove that trade conditions in iron and steel are decidedly optimistic a representative of this paper had an interview with one of the Inland officials. The fact is that this industry is now employing its full quota of men and is running at full capacity. It has 12 open-hearth furnaces, and every one is running full blast.

Some misunderstanding arose from the laying off of about 1,000 men in December. These men were engaged on construction work that was begun in the spring of 1913 and which was completed the latter part of December. They never constituted a regular part of the production force, and when they had finished their special work they were naturally discharged. As said before, the Inland Steel is in full force and likely to continue so for some time to come.

That, gentlemen, is from a Republican paper. I have here another clipping from a newspaper that I received to-day and that was published at Hammond, Ind. I will read it:

STEEL CO. IS BUSIER THAN EVER—EAST CHICAGO'S BIG INDUSTRY EMPLOYS MORE MEN AT PRESENT THAN IT HAS IN SIX MONTHS—PROSPECTS ARE FINE.

Not for six months has the Interstate Iron & Steel Co., of East Chicago, been employing as many men as it is to-day. Monday the 22-inch, commonly called the "big mill," was started, which in itself put on probably 100 men. This means that every mill in the plant is underway.

In speaking of the outlook, General Manager Johns said yesterday, that, while the price of steel was too low to favor a very large increase in production, yet the market showed signs of improving and there seemed to be all over the country, in iron and steel circles, a feeling of hopefulness and security.

The Interstate has at the present time a number of good orders, and production will be held at a normal, steady output until these orders are filled. Meanwhile the indications are that subsequent orders will keep things lively at this plant for some time to come.

I have here another clipping from another Republican newspaper. The fact is, in my district we have mostly Republican papers, and I have to rely upon them for the evidence I bring here to substantiate my statement. It is as follows:

GOOD SIGNS.

A week ago the Times carried the news that four more open hearths were ordered on the active list at the Gary Steel Works. Then came the announcement that the American Sheet & Tin Plate plant, idle during the great part of December and running part time in the meanwhile, was to return to a full-working basis. On Monday four more open hearths will be fired at Gary Works.

All of this news is very welcome, for it presages the return of the good times for which we have been waiting.

Mr. STEPHENS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, some weeks ago I listened to statements of distinguished men on the other side of the House who style themselves leaders, among whom was my colleague from Illinois [Mr. MANN]. If I recollect correctly, he ventured the statement that there were a million unemployed laboring men in the steel and iron industries of the country. I happen to have access to a corporation publication which is known as the Manufacturers' News, and I have a clipping from that paper on that subject which I desire to read for his illumination.

Mr. Buffington, who is president of the Illinois Steel Co., with reference to the "million" unemployed laboring men in the steel and iron business, says:

ESTIMATE TOO HIGH.

President Buffington, of Illinois Steel, believes the estimate of 1,000,000 men idle in metal industries is too high. He says: "I don't believe any such condition as outlined in this report is true. None of our plants have been shut down completely, and conditions in Chicago and Pittsburgh are improving noticeably. These places reflect conditions all over the United States. Metal industries cover such a broad field it is almost impossible to estimate the number employed."

Mr. Chairman, I have another clipping from the same publication of the same date, which reads as follows:

BACK TO WORK.

There is no lack of jobs in South Chicago now. The Wisconsin Steel Co., the second largest metal plant in the Calumet district, yesterday took back 500 of its former employees and announced also that more than 1,500 would be put to work before Monday. Action of the steel concern, following as it does that of the Illinois Steel Co., which last week opened its gates to 3,000 workers, has had an optimistic effect upon business and industrial conditions in South Chicago.

That is the district represented by my colleague [Mr. MANN], who has been the ringleader of calamity howlers. [Applause.]

Mr. Chairman, I read from the same publications an article on the subject of increases in the wages of workingmen in the structural-iron works, as follows:

After a short strike for higher wages, the structural-iron workers of Indianapolis and the General Contractors' Association have signed an agreement carrying wage increases of 3 cents an hour for the present year and 70 cents an hour from January 1, 1915, until April 1, 1916. The former rate was 65 cents.

Why increase the wages of labor with a "million" idle men in the steel and iron business? When did capital become so unreasonably generous? "Millions for defense, but not one cent for tribute" is the policy of the trusts now, the same as it has been heretofore.

Mr. Chairman, I read the following from the same publication:

The Vredenburg mill of Springfield, Ill., where carpenters are on a strike, has posted a notice that it will be conducted as an open shop in the future.

Approximately 500 employees of the Packard Motor Car Co. plant at Detroit, Mich., who were laid off a few weeks ago temporarily, were returned to work this week.

Several independent mills in Pittsburgh have posted orders for a resumption of full time because of orders calling for 100,000 tons of finished steel for immediate delivery. The orders affect 5,000 men, who have been working on short time.

Mr. Chairman, I know that such information has never been put in the scrapbook of these calamity howlers who have a systematic organization for one sole purpose, and that is to be returned to Congress, because they know that if this Democratic legislation makes good throughout the country the rest of them will stay at home to join those who were relegated to the political obscurity of 1910 and 1912.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEPHENS of Texas. I will yield to the gentleman two minutes more.

Mr. FOWLER. Mr. Chairman, I desire to read an article which is a clipping from a New York paper upon this same subject:

LARGE ORDERS FOR STEEL—STILL FURTHER INCREASE IN MILL OPERATIONS IS REPORTED—HEAVY BUYING OF WIRE PRODUCTS A FEATURE OF THE WEEK—RAILROAD ORDERS BELOW NORMAL.

NEW YORK, *January 17, 1914.*

The most encouraging developments in the steel trade this week were the larger contracts placed for structural shape and the heavy buying of wire products, the latter by jobbers and manufacturers. The fabricating shops booked orders for 58,000 tons of shapes, including consummated subway contracts for 37,000 tons. Orders for wire products on some days were double the average daily mill capacity of the larger interests.

There was a further increase in mill operations. The steel corporation had 56 per cent of ingot capacity active, and close to 60 per cent is expected for the coming week. Large contracts for pig iron were again placed, but the business was more satisfactory in tonnage than in prices. Upward of 250,000 tons of foundry and basic iron were sold. The cast-iron pipe interests were responsible for 100,000 tons of the total, of which 90 per cent was purchased from southern furnaces. Merchants' sales of pig iron since January 1 aggregate 600,000 tons.

Mr. STEPHENS of Texas. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Texas has an hour and 29 minutes and the gentleman from Kansas an hour and 19 minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think there are any more speeches on this side, and I would like to begin the reading of the bill under the five-minute rule.

Mr. CAMPBELL. Mr. Chairman, I have promised some time. It is now 5 o'clock; there are very few here, and I desire to address myself to some matters generally upon the bill. I suggest to the gentleman from Texas that he move that the committee do now rise.

Mr. CARTER. Mr. Chairman, of course the gentleman realizes the value of time and that we all want to get back home some time this summer and not run into the next session, as we did last summer. If there is any opportunity to consume any time this afternoon, I would like to continue. I do not

think we have anybody on this side that wants to use any more time unless something should develop.

Mr. CAMPBELL. I have promised some time, and I want to use some time myself. I want to use that time at least when all the members of the Committee on Indian Affairs are present. I will state to the gentleman from Oklahoma and the gentleman from Texas that it is my purpose to aid in putting this bill through just as rapidly as possible, and I think that when we get to reading the bill we shall make rapid progress.

Mr. STEPHENS of Texas. We hoped to get through with the general debate to-day.

Mr. CAMPBELL. That will not be possible.

Mr. MANN. I would like to suggest that there are no other appropriation bills yet reported.

Mr. CARTER. At the very best, Mr. Chairman, we can not hope to get through this bill before next Tuesday. Monday, I think, is suspension day, and it would take to-morrow and Tuesday, and by that time we hope that there will be some other appropriation bill reported.

Mr. CAMPBELL. Up to this time no other appropriation bill has been reported.

Mr. STEPHENS of Texas. I understand that the Army bill is ready.

Mr. CAMPBELL. That can not be considered before Monday.

Mr. STEPHENS of Texas. And the river and harbor bill, I understand, is ready.

Mr. MANN. Why do not they report them so that we can have a chance to see them?

Mr. CAMPBELL. The House would not be likely to take up an appropriation bill the next day after it was reported.

Mr. STEPHENS of Texas. Mr. Chairman, the time for general debate has not been exhausted, but it is apparent there is no quorum present. Therefore I am compelled to move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

The SPEAKER. The Chair will make this announcement: There are two more appropriation bills ready.

Mr. MANN. Mr. Speaker, I would like the Chair to inform us why they do not report them?

The SPEAKER. The members of the different committees seem to have a disinclination to report a bill until a day or two before it is to be taken up. The Chair does not know why.

Mr. MANN. I suggest, in the absence of those gentlemen, that they can not hurry business by holding back appropriation bills so that people do not have an opportunity to look at the bills until after they are taken up for consideration. If they desire to expedite business, they should give us an opportunity to look at the bills before they are taken up for consideration.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, February 14, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Librarian of Congress submitting an amendment to his estimate for contingent expenses, Library of Congress, by the addition of $500 for photostat supplies (H. Doc. No. 738); to the Committee on Appropriations and ordered to be printed.

2. A letter from the president of the Chesapeake & Potomac Telephone Co., submitting a report of said company to the Congress of the United States for the year 1913 (H. Doc. No. 597, pt. 2); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TALBOTT of Maryland, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7288) to provide for repairing the U. S. frigate *Constellation* and stationing her at Baltimore, Md., and for other purposes, reported the same with amendment, accompanied by a report (No. 250), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11783) granting a pension to Anna Lakin, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 13354) prohibiting common carriers from owning or leasing coal lands; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODRUFF: A bill (H. R. 13355) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Affairs.

By Mr. CANTOR: A bill (H. R. 13356) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. SELDOMRIDGE: A bill (H. R. 13357) to provide for the purchase of additional land and for the extension of the Government Agricultural Experiment Station at Akron, Colo.; to the Committee on Agriculture.

By Mr. McLAUGHLIN: A bill (H. R. 13358) to amend an act entitled "An act to regulate commerce," so as to extend its provisions to transportation by boats or vessels on the inland waters of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: A bill (H. R. 13359) to preserve our national sea-food supplies and reserve and to assist in fertilizing the land to better the conditions of our farmers, our fishermen, and ultimate consumers of food by Federal fertilizer utilization of small sharks, called dogfish, starfish, the destroyer of food oysters, also several species of unutilized salt-water fishes, all preying upon and destroying our national sea and shore fisheries, of enormous commercial and economic value, as plainly shown in and by the United States Bureau of Fisheries Document No. 622, dated 1907; to the Committee on the Merchant Marine and Fisheries.

By Mr. BROUSSARD: A bill (H. R. 13360) to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes; to the Committee on Naval Affairs.

By Mr. KAHN: A bill (H. R. 13361) to promote the efficiency of the Marine Band; to the Committee on Naval Affairs.

By Mr. CLAYTON: A bill (H. R. 13362) to amend section 36 of "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr SAMUEL W. SMITH: A bill (H. R. 13363) to establish an inventors' workshop; to the Committee on Patents.

By Mr. CANDLER of Mississippi: A bill (H. R. 13365) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Old Cotton Gin Port, in Monroe County, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. BULKLEY: Resolution (H. Res. 410) authorizing payment out of the contingent fund of the House of Representatives of additional expenses of the Committee on Banking and Currency; to the Committee on Accounts.

By Mr. KEATING: Resolution (H. Res. 411) authorizing the printing of 9,200 copies of the hearings before the Committee on Rules on the resolution to create a committee on woman suffrage; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILMORE: A bill (H. R. 13364) granting a pension to Carrie J. Smith; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 13366) granting a pension to Frank B. Gorman; to the Committee on Invalid Pensions.

By Mr. BALTZ: A bill (H. R. 13367) granting an increase of pension to Thomas W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13368) granting an increase of pension to Samuel Stanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13369) for the relief of Isaac N. Enloe; to the Committee on Military Affairs.

Also, a bill (H. R. 13370) for the relief of Oliver M. Edwards; to the Committee on the Post Office and Post Roads.

By Mr. BULKLEY: A bill (H. R. 13371) to remove the charge of desertion from the military record of Nelson M. Maydole; to the Committee on Military Affairs.

Also, a bill (H. R. 13372) to remove the charge of desertion from the military record of Lora E. Reed; to the Committee on Military Affairs.

Also, a bill (H. R. 13373) to remove the charge of desertion from the military record of Charles V. Wells; to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 13374) granting a pension to John Beloney; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 13375) granting an increase of pension to Hubbard D. Carr; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 13376) granting an increase of pension to Thomas H. Hancock; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 13377) granting a pension to Albert Turner; to the Committee on Pensions.

By Mr. CURRY: A bill (H. R. 13378) for the relief of John McMunn; to the Committee on Military Affairs.

By Mr. DONOVAN: A bill (H. R. 13379) granting an increase of pension to Elizabeth J. Peckham; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13380) granting a pension to John Kalber, alias John Koerber; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 13381) granting an increase of pension to Royal E. Dake; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 13382) granting an increase of pension to Petra Archuleta de Vigil; to the Committee on Pensions.

Also, a bill (H. R. 13383) for the relief of John F. Wilkinson; to the Committee on Military Affairs.

By Mr. GILMORE: A bill (H. R. 13384) granting a pension to Thomas Coriam; to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 13385) granting an increase of pension to Smiley W. Hamilton; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 13386) granting an increase of pension to William D. Smith; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 13387) to remove the charge of desertion from the record of Thomas H. Barrett; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 13388) for the relief of James T. Petty, Charles W. Church, and others, executors of Charles B. Church, deceased; Jesse B. Wilson, and George T. Dearing; to the Committee on the District of Columbia.

By Mr. KEATING: A bill (H. R. 13389) granting a pension to Nancy J. Narron; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 13390) granting an increase of pension to Addie Burns; to the Committee on Pensions.

By Mr. MAHAN: A bill (H. R. 13391) granting a pension to Philip Gaffney, alias Philip Murphy; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 13392) granting an increase of pension to Laura E. Williams; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13393) granting an increase of pension to Henry T. Howell; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 13394) granting an increase of pension to George W. Nance; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 13395) granting an increase of pension to John Emmons; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13396) granting a pension to James I. Green; to the Committee on Pensions.

Also, a bill (H. R. 13397) granting a pension to Charles R. Hodges; to the Committee on Pensions.

Also, a bill (H. R. 13398) granting a pension to Lizzie McCann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13399) granting a pension to Mary Moreland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13400) granting an increase of pension to Burrell Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13401) granting an increase of pension to Alvira Williams Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13402) granting a pension to J. F. Grindstaff; to the Committee on Military Affairs.

Also, a bill (H. R. 13403) to correct the military record of O. F. Heath; to the Committee on Military Affairs.

Also, a bill (H. R. 13404) to correct the military record of William Peacock; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 13405) granting an increase of pension to Jessie W. Sterling; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 13406) granting an increase of pension to Newton Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13407) for the relief of Francis W. Hunt; to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 13408) for relief of John J. Flynn; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 13409) granting an increase of pension to Michael D. C. Staner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Edward Duffy Club of Philadelphia, Pa., and the McNevin Club of Cleveland, Ohio, protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), memorial of the Council of Grain Exchanges, of Chicago, Ill., favoring appointment of a commission by Congress to inquire into workings of grain exchanges before any bills are passed seeking to regulate such exchanges; to the Committee on Rules.

By Mr. AINEY: Petition of the Honesdale Dime Bank, of Honesdale, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. ALLEN: Petition of the Fourth National Bank and the West End Bank & Trust Co., of Cincinnati, Ohio, favoring change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petitions of John B. Motoch and 100 others of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of Cincinnati Camp, No. 74, United Spanish War Veterans, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petitions of Otto Neukirch and 50 others of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of S. E. Harvoot and 37 others, of Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of W. E. Huddleston and other officers of the Bank of Oskaloosa, Kans., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petitions of merchants of Millersburg, Ohio, and the Commercial National Bank, of Coshocton, Ohio, favoring amendment to income-tax law; to the committee on Ways and Means.

Also, petition of citizens of Tuscarawas County, Ohio, against prohibition legislation; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of citizens of Cambria County, Pa., against House joint resolution 168; to the Committee on the Judiciary.

By Mr. BALTZ: Petitions of the German State Bank, of Hazleton, Ill.; the National Stock Yards National Bank, of National Stock Yards, Ill.; and the Alton (Ill.) Banking & Trust Co., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BUTLER: Petition of residents of Chester County, Pa., favoring House bill 8947; to the Committee on the Post Office and Post Roads.

Also, petition of the Concord quarterly meeting of Friends, West Chester, Pa., favoring prohibition amendment; to the Committee on the Judiciary.

Also, petition of the Concord quarterly meeting of Friends, West Chester, Pa., protesting against building of more battleships; to the Committee on Naval Affairs.

Also, petition of citizens of Pennsylvania, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. CARR: Petition of the Farmers & Merchants National Bank, of Mount Morris, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of the First National Bank of Perryopolis, Pa., and the Farmers' National Bank of Somerset, Pa., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. CARY: Petition of Milwaukee (Wis.) Division, No. 46, Order of Railway Conductors, relative to hours of labor on the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Trust Co., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of the Lake Butler (Fla.) Bank, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of the Monroe & Chambliss Bank and other banks of Ocala, Fla., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. DALE: Petition of the Board of Supervisors of Del Norte County, Cal., relative to construction of a harbor at or near the county seat; to the Committee on Rivers and Harbors.

By Mr. DILLON: Petitions of citizens of the State of South Dakota, favoring amendment abolishing polygamy; to the Committee on the Judiciary.

Also, memorial of Hancock Post, No. 2, Grand Army of the Republic, of Mitchell, S. Dak., protesting against change in the American flag; to the Committee on the Judiciary.

Also, petitions of citizens of South Dakota, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petition of the city council of St. Louis, Mo., favoring House bill 11760; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lee Wilson & Co. and M. A. Heimann Manufacturing Co., of St. Louis, Mo., favoring Ransdell-Humpheys bill; to the Committee on Rivers and Harbors.

Also, petition of John Clegg, of St. Louis, Mo., favoring Lindquist pure fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Business Men's League of St. Louis, Mo., favoring establishment of a bureau of legislative reference and bill drafting; to the Committee on the Library.

Also, petition of the St. Louis (Mo.) Post Office Clerks' Association, favoring House bill 5139; to the Committee on Reform in the Civil Service.

By Mr. GILMORE: Petition of the Conference of New England Peace Workers, favoring a naval holiday; to the Committee on Naval Affairs.

By Mr. HELVERING: Petitions of the Farmers' State Bank of Tescott and sundry bankers of the State of Kansas, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. KAHN: Petition of the City Council of Oakland, Cal., favoring House bill 5139; to the Committee on Reform in the Civil Service.

By Mr. KENNEDY of Rhode Island: Petitions of the States Trust Co. of Pawtucket, R. I., and the Producers' National Bank and other banks of Woonsocket, R. I., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. KENT: Petitions of sundry citizens of Eureka, Cal., protesting against the passage of the Sabbath observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. LINDQUIST: Petition of members of William Kent Post, No. 83, Department of Michigan, Grand Army of the Republic, protesting against any change in the flag; to the Committee on the Judiciary.

Also, memorial of John A. Logan Post, No. 1, Department of Michigan; No. 239, Woman's Relief Corps, Department of Michigan; Soldiers' Home Camp, No. 39, and officers and members of Michigan Soldiers' Home, protesting against any change in the flag; to the Committee on the Judiciary.

Also, petition of citizens of Alma, Ithaca, St. Louis, Sumner, Vestaburg, Elm Hall, and Carson City, all in the State of Michigan, favoring the passage of the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Wakeman, Elbert J. Jenkins, Douglas Roben, and other residents of Big Rapids, Mich., favoring the passage of the Burnett-Dillingham immigration bill, and protesting against the passage of the bill (H. R. 9836), known as the Columbus day bill; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the executive committee of the Savings Bank Association of Connecticut, relative to amending House bill 11322, in regard to mutual savings banks; to the Committee on Banking and Currency.

Also, petition of Gilbert W. Thompson Post, No. 13, Grand Army of the Republic, of Bristol, Conn., against any change in the American flag; to the Committee on the Judiciary.

By Mr. MAHAN: Petition of the Savings Bank of New London, Conn., and the National Bank of Commerce, of New London, Conn., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Savings Bank Association of Connecticut against House bill 11322; to the Committee on the Judiciary.

By Mr. MAHER: Petition of officers and directors of the German Savings Bank of Brooklyn, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. MANN: Petition of the Drexel State Bank, of Chicago, Ill., and Kenwood Trust & Savings Bank, of Chicago, Ill., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. MAPES: Petition of banks of Michigan, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of voters of fifth congressional district of Michigan, against House joint resolution 168; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of bankers in the State of Maine, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. MOTT: Petitions of sundry banks and trust companies of the State of New York, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of sundry voters of the thirty-seventh congressional district of the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Board of Supervisors of Del Norte County, Cal., relative to harbor improvement by the United States Government for safety of navigation of the Pacific coast; to the Committee on Rivers and Harbors.

By Mr. PATTON of Pennsylvania: Petitions of banks of the State of Pennsylvania, favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of the Milford Trust Co., of Milford, Conn., favoring change in income-tax law, relative to collection at source; to the Committee on Ways and Means.

Also, petition of Gilbert W. Thompson Post, No. 13, Department of Connecticut, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, memorial of the executive committee of the Savings Banks Association of Connecticut, relative to amending House bill 11322 in regard to mutual savings banks; to the Committee on Banking and Currency.

By Mr. ROUSE: Petitions of 400 citizens of the State of Kentucky, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of officers of K. U. V. Excelsior, of Mansis, N. J., and officers of German-American Sporting Society, of South River, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Long Branch Banking Co., of Long Branch, and other banks of New Jersey, favoring change in income-tax law; to the Committee on Ways and Means.

Also, petitions of New Brunswick (N. J.) Branch of the German-American Alliance, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of citizens of Colorado, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of Mason Post, No. 242, of Athens, Mich., protesting against change in the American flag; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Papers to accompany a bill (H. R. 13363) to establish an inventors' workshop; to the Committee on Patents.

By Mr. STEENERSON: Petitions of citizens and banks of Minnesota and the First State Bank of New York Mills, Minn., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petitions of sundry citizens of Los Angeles, Cal., favoring passage of House bill 5139, known as the Hamill bill, for pensions for aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, petitions of officers of Company D, First Regiment, and Company A, First Regiment, California Divisions of United Boys' Brigade of America, relative to uniforms similar to United States Army uniforms; to the Committee on Military Affairs.

Also, memorial of the San Francisco Chamber of Commerce, relative to appropriation for construction of breakwater, Kahului Harbor, island of Maui, Territory of Hawaii; to the Committee on the Territories.

Also, petitions of the International Tract Association and Bernard Brown, of Los Angeles, Cal., protesting against barring from the mails publication called The Menace; to the Committee on the Post Office and Post Roads.

Also, memorial of the Southern California Congregational Conference, protesting against exhibition of Mormon literature in the Government buildings at Panama exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Schiller Lodge, No. 34, O. B. H. G., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Los Angeles Directory Co., relative to including directories in bill granting permission to railroads to issue transportation in exchange for advertising; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Oakland Mazda lamp division, Oakland, Cal., protesting against passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of Gregory Pohsosiski and 2 others of Los Angeles, Cal., protesting against bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Alabama: Petitions of citizens of Mobile County, Ala., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas (by request): Petitions of E. H. Johnson and others, of Hot Springs, Ark., and Bank of England and others, of England, Ark., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. TREADWAY: Petitions of the First National Bank of Greenfield, Mass., and trust companies of Boston, Mass., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of citizens and banks of New York, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 13353; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *February 14, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, how glorious is Thy name in all the earth. We seek no glory of personal life or of our national life apart from Thee. Thou who art the creator of all the worlds, Thou who doth hold them all in the hollow of Thine hand, Thou art our Father. Surely the manifestations of Thyself are so great in the works of nature and in all the voices of providence and grace that we can not find a higher plane of life or a diviner plan of life than by submitting ourselves to Thy revealed way. So do Thou help us this day to walk in the light of Thy countenance, to do Thy will, and seek Thy glory that blessing may come to us and to all the people. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission acknowledging the receipt of the resolution of the 7th instant, directing the commission to make public the facts in its possession concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., etc., which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of General Jefferson Branch, American Continental League, of Westerly, R. I., and a memorial of the McNevin Club, of Cleveland, Ohio, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation to regulate the interstate shipment of convict-made goods, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented the memorial of Arthur H. Cass, treasurer of the Iona Savings Bank, of Tilton, N. H., remonstrating against the enactment of legislation authorizing the raising of the limit on postal savings banks deposits, which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK presented a petition of the Nebraska State Federation of Barbers, praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture and horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oshkosh and Lisco, in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. MYERS presented a petition of sundry citizens of Antelope, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Branch, American Continental League, of Anaconda, Mont., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented a memorial of sundry citizens of Cherokee County, Tex., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Tarrant County, of Bee County, of Gonzales, of Beyersville, and of the Texas Staatsverband, all in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the First National Bank of Gainesville, Tex., and of the board of directors of the National Bank of Lindsay, Tex., praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

Mr. BRISTOW presented petitions of sundry citizens of Wakeeney, Highland, Luray, and McPherson, all in the State of Kansas, praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

Mr. FLETCHER presented a petition of the trustees of the Internal Improvement Fund of Florida, praying for the enactment of legislation providing Government aid for the reclamation projects, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. McLEAN presented a memorial of Gilbert M. Thompson Post, No. 13, Grand Army of the Republic, Department of Connecticut, of Bristol, Conn., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4137) authorizing the Secretary of the Treasury to pay to Thomas J. McCormick the sum of $100 on account of bounty, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. VARDAMAN, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission, reported it with an amendment and submitted a report (No. 255) thereon.

Mr. JOHNSON, from the Committee on Naval Affairs, to which was referred the bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, reported it with an amendment and submitted a report (No. 256) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 4494) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Commerce.

By Mr. BRISTOW:

A bill (S. 4495) providing for the establishment of a term of the District Court for the District of Kansas at Salina, Kans.; and

(By request.) A bill (S. 4496) in relation to the service of process by United States marshals; to the Committee on the Judiciary.

A bill (S. 4497) granting a pension to Fred M. Livingston; and

A bill (S. 4498) to admit to the benefits of existing pension laws the members of the Kansas State Militia who were called out to check what is known as the "Price raid," together with their widows, minor children, and dependent parents; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4499) for the execution of a suitable and creditable painting depicting and perpetuating the baptism of Virginia Dare, the first known celebration of a Christian sacrament on American soil; to the Committee on the Library.

By Mr. THOMAS:

A bill (S. 4500) to place certain officers of the Army on the retired list; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 4501) for the relief of Emma Kiener; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 4502) granting an increase of pension to Delia Carey (with accompanying papers); to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. OLIVER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 30 minutes spent in executive session the doors were reopened.

DEATH OF SENATOR BACON.

Mr. OVERMAN. Mr. President, in the absence of the Senator from Georgia [Mr. SMITH], it becomes my painful duty to announce to the Senate the death of Senator BACON at half past 1 o'clock this afternoon in this city.

The sudden passing away of this great Senator, who came to this Chamber with all the honors which his native State could confer upon him, and who repaid that trust by his long, honorable, and illustrious career in this body, is an irreparable loss not only to the Senate and to his beloved State but also to the country at large.

I send to the desk resolutions which I ask may be read.

The VICE PRESIDENT. The resolutions (S. Res. 273) submitted by the Senator from North Carolina will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. AUGUSTUS O. BACON, late a Senator from the State of Georgia.

Resolved, That a committee of 14 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. BACON.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Mr. OVERMAN. Mr. President, as a further mark of respect to the memory of the distinguished Senator, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, February 16, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 14, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God our heavenly Father, let Thy spirit possess us that we may add wisdom to wisdom, knowledge to knowledge, strength to strength, godliness to godliness, in the struggles of to-day; that we may be stronger to meet the conflicts of the to-morrow, and thus add day by day to our character until we attain those qualities of soul which in our better moments we long for, exemplified in the life and character of the Son of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

S. 4247. An act to increase the efficiency of the United States Navy by the appointment of six vice admirals;

S. 2904. An act for the relief of certain persons, their heirs, or assigns, who heretofore conveyed lands inside national forests to the United States; and

S. 2440. An act providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton in Arlington National Cemetery, in the State of Virginia.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9848. An act for the relief of the New England Steamship Co.

PEACE CONFERENCE AT THE HAGUE.

Mr. SHARP. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD and to incorporate therein a copy of a letter from the Hon. Andrew D. White to the Hon. Joseph H. Choate, which was sent to that gentleman on the 9th instant.

The SPEAKER. The gentleman from Ohio [Mr. SHARP] asks unanimous consent to extend his remarks in the RECORD by including a letter from the Hon. Andrew D. White to the Hon. Joseph H. Choate. Is there objection?

Mr. BARNHART. Reserving the right to object, what is it?

Mr. SHARP. Mr. Speaker, I wish to say in answer to the query of the gentleman from Indiana [Mr. BARNHART] that this letter was written to the Hon. Joseph H. Choate in the interest of holding a third peace conference at The Hague, and it was read before the Citizens' National Committee, consisting of more than 50 gentlemen representing all parts of the country, at a meeting of that committee in New York City a few days ago. The exposition of that distinguished diplomat's views on what has been accomplished by the prior conferences held in 1899 and 1907, and the prophecy which he makes as to what may be accomplished at a third conference, is most noteworthy. Indeed, it rises to the dignity of a state paper. It is for this reason, believing it to be peculiarly appropriate and in harmony with the spirit of the times, that I wish to have it incorporated in the CONGRESSIONAL RECORD. I might further say that as a result of that meeting resolutions were unanimously adopted favoring the holding of such a peace conference at The Hague next year. It was a matter of much gratification to those present that their action in indorsing this movement had already been anticipated by the present administration in its declaration to actively cooperate in carrying out the plans for the consummation of that noble purpose. In speaking of what was accomplished at the second conference, Mr. White says, in the letter quoted below, that "it also brought decidedly nearer the establishment of a permanent court for the world, which shall bring public law to bear upon international difficulties more perfectly than any arbitration tribunal can do." To my mind, if the next conference will bring about no more than the definite accomplishment of that achievement, it will not have been called in vain.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SHARP]? [After a pause.] The Chair hears none.

The following is the correspondence referred to:

CORNELL UNIVERSITY,
Ithaca, N. Y., February 9, 1914.

Hon. JOSEPH H. CHOATE,
New York City.

MY DEAR MR. CHOATE: The present condition of my health and strength forbids my attending the approaching meeting to promote the calling of a third peace conference at The Hague, and I regret this all the more since it has long been my wish to attend such a meeting, my hope and belief being that our surviving American delegates in the first and second Hague conferences, our associates in the Carnegie Peace Foundation, a large representation from the various peace societies, and a vast number of our fellow citizens who have in their hearts and minds a belief in settling national difficulties by right reason rather than by war are ready to form the nucleus of a movement throughout our whole country which will encourage our National Government in its work of pressing on this matter as two previous administrations have so successfully done.

The favorable attitude of our present administration toward the summoning of a third conference is most encouraging, and it has clearly become the duty of all American citizens, without distinction of party,

to support the President and his advisers in calling the other nations of the earth to join in preparing for it.

Both the first conference, in 1899, and the second, in 1907, took action looking to a continuance of their work by further sessions, and the second conference, embracing delegates from 44 nations, unanimously fixed upon the period we are now reaching as that in which measures should be studied and programs adopted looking toward such a third conference to carry on the work which they began.

The great services to the world by both the conferences already held are no longer denied. As time goes on and the history of those two bodies can be reviewed dispassionately, it becomes clear that not only have most important practical points been gained, but that both those bodies were far more successful in their work than even the most far-sighted statesmen dared expect at the beginning of either.

By the first conference an international arbitration tribunal was created which has already decided a large number of questions, all of them important and some of them dangerous. The same conference provided a "commission of inquiry," which proved its value by preventing a very virulent misunderstanding between two of the most powerful of all modern nations from ripening into a naval war. The plan of special mediation by "seconding powers," as adopted by the same conference, or at least a modification of it, proved itself effective in cutting short a war between two other nations. By that same first conference the laws and customs of war on land and sea were greatly improved throughout and an incalculable mass of human sorrow and suffering was thus prevented.

By the second conference the work of the first was nobly carried on and valuable features were added. A plan for an international court of appeal in prize cases, such as the world has so long desired, was well wrought out and brought to such a point that a third conference can hardly fail to establish it.

The second conference also put an end, virtually, to those wars upon weak nations by strong, in the interest of schemers and speculators, which have led to some of the most disgraceful events in recent history. It also brought decidedly nearer the establishment of a permanent court for the world, which shall bring public law to bear upon international difficulties more perfectly than any arbitration tribunal can do. That conference also perfected and pressed forward a proposal for immunity from seizure upon the high seas of private property not contraband of war, which our best statesmen have so earnestly urged, from 1785 until the present time, and brought it face to face with the public opinion of the world in such wise that the next conference may well hope to obtain its concession by all the powers.

The second conference also rendered a great service to humanity in still further improving and humanizing the rules and customs of war, both on sea and land, and though it did not establish laws to meet the exceedingly complex and dangerous questions arising out of warfare by torpedoes and aerial ships, it left the whole subject in excellent shape for final decision by a third conference.

I recall these facts, which you in your books and discourses have so ably shown, because they warrant the world in hoping that such victories of right and reason for humanity can be continued.

Many of these solutions of international problems by the first two conferences can now, in the light of increased experience, be greatly amended, and some of the business then left unfinished can now be taken up with new hopes of bringing it to a happy conclusion. One of the burning questions left unsettled at the close of the second conference was the very dangerous subject of the partial or complete substitution of contact or floating torpedoes for ships, in maintaining blockades, and this is closely connected with the yet unanswered question of immense importance to neutral powers, as to protecting them from destruction of life and property by drifting torpedoes.

Take another subject which occupied both the first and second conferences. All the great powers of the world are now planning or building airships with reference to future wars. But proper limitations of aviation in war are at present in abeyance. No final decision has been reached upon any important point in that matter. The question is rapidly coming upon us whether the new science of aerial navigation shall be limited to the obtaining of military information or extended to attacks upon fortified or invested places, or whether it shall be given full power to spread devastation over peaceful States, and blot out great unfortified centers of peaceful trade and commerce. We can not shut our eyes to the fact that in spite of a great tendency of opinion toward peace in the world, war is becoming more hellish in its inventions than ever before. Portable magazines, containing high explosives, can be so dropped from flying machines as to wipe from the map some of the largest cities in the world. It seems perfectly within the possibilities, and indeed within the probabilities, that if any power should in the future begin a war in a manner as doubtfully regular as that in which Japan began her recent war with Russia the nation claiming to be aggrieved may easily insist on being absolved from those poor restraints at present relied upon, and go to any extreme in using aerial navigation as a means of projecting explosives into the defenseless cities of her enemy and blotting out some of the greatest achievements of civilization.

Then, too, comes up the question as to pending definitions of contraband of war. I need not tell you how far, and how dangerously to neutral powers, this doctrine has already progressed in some quarters. In the first Hague conference I heard the opinion broached that ships engaged in peaceful commerce may be held to be contraband, and this doctrine has even been made to warrant seizure of the ordinary food of whole nations of peaceful noncombatants.

These are but a few of the pending questions of life and death to neutral and peaceful powers. The time has certainly arrived when these questions, which are already upon us, and others, which are on the horizon, must be met and dealt with.

I am aware that there is, especially among the European powers, much distrust of international conferences, a distrust largely caused, no doubt, by loose, oratorical advocacy of compulsory arbitration.

I trust that this difficulty will be fully and frankly met. It should be remembered that when men talk of making arbitration and other reforms compulsory, this can only mean, if it means anything, that there shall be an armed force somewhere in reserve, and pledges to use that force, even though the attempt to do so might provoke wars on a larger scale than anything we know at present. My belief is that safety rests in trusting to the enlightened self-interest, the good sense, the honesty, and the honor of our sister nations and ourselves. Let the decisions of the international conferences and tribunals show the solemn convictions of the whole thinking world, and armies will not be needed to enforce them.

I trust that your voice will be heard at the coming meeting giving counsels both of vigor and prudence derived from your own large experience. Let the New York Peace Society from its metropolitan center urge on and cooperate with similar organizations throughout the country, and let all these join in supporting both the Executive and the legislative authorities of our country in making the necessary preparations for the new conference. All ordinary national questions seem merely parochial compared with bringing to a happy issue this proposed council of all nations. Party politics should be utterly subordinated in this matter to the interest of our whole race, and the one great question should now be what can our Nation do to develop this movement, so fraught with good hope, not only for our country, but for universal humanity.

I remain, dear Mr. Choate,
Yours, faithfully,

ANDREW D. WHITE.

PUBLIC LANDS IN CALIFORNIA.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I rise to ask unanimous consent that I may file a supplemental report from the Committee on the Public Lands on bill (H. R. 122) authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes, containing some memoranda from the Department of the Interior that I desire to have before the House when the bill comes up.

The SPEAKER. Is there objection?

Mr. BORLAND. Reserving the right to object, I would like to ask whom this report is from?

Mr. RAKER. It is from the Committee on the Public Lands.

Mr. BORLAND. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. RAKER]? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from Kansas [Mr. CAMPBELL] use some of his time now? I believe there is something like an hour remaining on that side for general debate.

Mr. CAMPBELL. What time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Kansas has 1 hour and 19 minutes remaining.

Mr. CAMPBELL. And how much has the gentleman from Texas [Mr. STEPHENS]?

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] has 1 hour and 29 minutes remaining.

Mr. CAMPBELL. Does the gentleman from Texas expect to use more of his time?

Mr. STEPHENS of Texas. We expect to do so, but the gentleman from Florida [Mr. CLARK] is not here. We can not use it just at the present time. I hope the gentleman will proceed on that side.

Mr. CAMPBELL. Mr. Chairman, the consideration of the Indian appropriation bill naturally brings us to a discussion of the Indian question. I have stated upon this floor upon other occasions that I protested against the attitude of the white man toward the Indian from the beginning of our relations with the Indian in the United States. From the first there has been a disregard of the rights of the inferior that has been unbecoming of the people of this Republic, and the attitude of mind toward the rights of the Indian has not grown better as time has gone on. We have moved the Indian from one lodging place to another, and have practically forced him into treaties that would enable us to move him. We sought the treaty and forced the Indian to enter into it just as soon as his lands became desirable for the use of the white man. And we finally moved him to the last place in which there was a Territory within the confines of that vast domain that had belonged to the Indian, and located him in a small strip known as the Indian Territory, where we entered into a solemn treaty with

the Indians that they should not be disturbed there by the white man. That treaty had no limitations as to time. As long as grass grew and water ran, the Indian was to have absolute dominion over the Indian Territory and the protection of the white man.

Those of you who were here yesterday listened to a speech that disclosed the fact that the Indian Territory no longer belongs to the Indian, but to the white man; and legislation was asked in the interests of the white man in the use of the Indian's money or what he has left. In consideration of Indian matters within my experience in this House the interest of the white man has been made paramount to the interest of the Indian. That attitude upon the part of Congress was not directed or led by men far removed from the last place that had been allotted to the American Indian in the United States. White men from the Indian Territory acted without regard to the rights of the Indian, always having foremost in their minds the rights of the white man who had protruded himself into the Indian Territory. And to-day it is a joke to refer to the Indian Territory as Indian country, if a joke can be made of such a serious matter, and a matter that so reflects upon the honor of this Government in its treatment of a homeless, courageous race of men that we have driven from one place to another until they have practically vanished.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the gentleman's State of Kansas and the State of Oklahoma were originally a part of the Louisiana Purchase, and at that time there was no treaty whatever between the United States and the Indians? And is it not a further fact that the State of Kansas stands upon exactly the same footing as Oklahoma, where in recent years many reservations have been broken up?

Mr. CAMPBELL. Not at all. The treaty of 1836 gave the Territory of Oklahoma as a final place of habitation for the American Indian, and it did not include the State of Kansas. It included what is known as the Indian Territory, and it was made sacred in that treaty to the Indians.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the gentleman yield just a moment for a correction?

The CHAIRMAN. Does the gentleman yield?

Mr. CAMPBELL. I do.

Mr. MURRAY of Oklahoma. There were several of those treaties that the gentleman refers to?

Mr. CAMPBELL. Yes.

Mr. MURRAY of Oklahoma. They ran for a period of years?

Mr. CAMPBELL. Yes.

Mr. MURRAY of Oklahoma. And included the whole of Oklahoma, except the Panhandle strip?

Mr. CAMPBELL. Yes; that is true.

Now the Indian is a helpless ward. We are giving him out his own in driblets, not as his necessities require, but as our interests and the interests of the white man seem to dictate. Will it be beneficial to the white farmers of Oklahoma to put the Indian's money within reach of the Indian? Will it be beneficial to the white people of Oklahoma to do something for the Indian? If not, God help the Indian! Nothing will be done for him. The first consideration is the benefit that may result to the white man who has taken from the Indian his dominions in the United States. I am not charging anybody in particular with this. I simply charge it upon our Government, and its treatment of these now helpless men.

The present appropriation bill has recognized the fact that we have not only been treating the Indian in this manner, but that we have been plundering him of his property.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. For a question.

Mr. GREEN of Iowa. There are a number of claims pending, are there not, against certain Indians for goods furnished to them, or claimed to have been furnished to them?

Mr. CAMPBELL. Yes.

Mr. GREEN of Iowa. Was any appropriation made in this bill for an examination of those claims?

Mr. CAMPBELL. No. We did not appropriate in this bill for claims. That is a matter that is to be taken into consideration in a separate bill that will probably be called the omnibus claims bill.

The white man in Oklahoma has reserved or assumed the right to take everything belonging to the Indian that he could get his hands on. He entered into contracts with the Indian that were indefensible, and which the courts would not have sustained because of fraud if the contracts had been entered into by one white man with another. Every species of fraud and intimidation has been practiced by white men on Indians in Oklahoma. Courts and court officers have been used to rob helpless children of the last bit of property that they possessed. Children who had estates that were considered valuable, whose assent could not be secured to sell or lease their property, were murdered, and contracts made with the executors of their estates, and the murderers went unpunished by the authorities in the communities in which the murders were committed. I have protested against this attitude for years, and——

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CAMPBELL. Just for a question.

Mr. DAVENPORT. I would like to ask the gentleman what murder was committed?

Mr. CAMPBELL. I think it was in the congressional district which the gentleman represents.

Mr. DAVENPORT. Please wait for my question. What murder was committed for an estate of any child in any county in Oklahoma and the murderer went unpunished, giving the name of the child and the name of the party that committed the murder?

Mr. CAMPBELL. The murder was in the district represented by the gentleman, and the murderer went unwhipped for his offense until an appropriation was made in this House to send special agents to the place of the murder, who forced the local authorities to indict and convict the party.

Mr. DAVENPORT. I will say to the gentleman that if he does not know that that statement is correct he ought not to make it on this floor, and I say to him now it is untrue. I say that the officers in Muskogee County, if he has reference to that case that occurred at Taft—that nigger town down there in Muskogee County—did perform every duty in their power to capture that man.

Mr. CAMPBELL. They were forced to do it.

Mr. DAVENPORT. I say they were not forced to do it.

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. CAMPBELL. No; I do not yield further.

Mr. DAVENPORT. No; the gentleman does not yield, because he knows it is not true. I can produce the record.

Mr. CAMPBELL. Then produce it.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. CARTER. I understood the gentleman to say it went unpunished until some action was taken by this House.

Mr. CAMPBELL. I did say that.

Mr. CARTER. What action was that?

Mr. CAMPBELL. Special agents were sent to Oklahoma and brought forcibly to the attention of the local authorities the crime that was committed there, and exposed it and made it a scandal in the State of Oklahoma.

Mr. CARTER. Well, Mr. Chairman, the gentleman does not intend to say that this House took special action on this case?

Mr. CAMPBELL. No; it included it in the appropriation bill. But I referred to it on the floor of the House at the time that appropriation was ordered.

Mr. CARTER. And that same appropriation has been carried since June, 1898, prior to the time this matter occurred.

Mr. CAMPBELL. Yes; but the gentleman from Oklahoma [Mr. CARTER], who is now questioning me, and the gentleman from Oklahoma [Mr. DAVENPORT] who has just taken his seat were protesting against such appropriations for special agents in such cases.

Mr. CARTER. If I made any such assertion, it ought to appear in the CONGRESSIONAL RECORD, and I would like the gentleman to point it out to this House.

Mr. CAMPBELL. Oh, every Member of the House knows about it.

Mr. CARTER. Well, evidently the gentleman does not remember my speech. In that speech I spoke entirely to the point of a limitation on the expenditure of the trust fund, and if the gentleman will look at my speech he will find that that is the question I discussed.

Mr. CAMPBELL. Very well; I have yielded to the gentleman. I am aware that the gentleman from Oklahoma and the Committee on Indian Affairs have been forced to reverse the position that they have heretofore occupied on this question.

Mr. CARTER. The gentleman can not say that. He can not find any such position that I occupied in the RECORD.

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. CAMPBELL. I do not yield further to the gentleman just now, Mr. Chairman.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. Does the gentleman recall that what both the gentleman from Oklahoma have probably forgotten—the discussion that we had in this House to prohibit frauds which they denied the existence of, but which now all admit existed at that time?

Mr. CAMPBELL. I am just approaching that.

Mr. MANN. All of the speeches on that subject were not inserted in the RECORD.

Mr. DAVENPORT. Mr. Chairman, I challenge that assertion.

Mr. CARTER. The gentleman ought not to make that statement.

Mr. CAMPBELL. I am not——

Mr. CARTER. I do not mean the gentleman from Kansas. I mean the gentleman from Illinois [Mr. MANN].

Mr. CAMPBELL. I can not yield further, Mr. Chairman.

Mr. MANN. I stated that to be a fact.

Mr. DAVENPORT. As to myself, I say it is not a fact. I say it is not true.

Mr. MANN. I have not made any statements about the gentleman [Mr. DAVENPORT].

Mr. CAMPBELL. If gentlemen will possess their souls in patience—the gentleman from Texas [Mr. STEPHENS] has an hour and 29 minutes left, and gentlemen can obtain ample time to say anything that they desire to say. I say that a speech was made by a Member from Oklahoma——

Mr. DAVENPORT. Will the gentleman give his name?

Mr. CAMPBELL. A speech denying in toto things that had been charged upon this floor, and that speech has never been printed in the RECORD.

Mr. CARTER. That was not my speech, was it?

Mr. CAMPBELL. No.

Mr. DAVENPORT. Nor mine?

Mr. CAMPBELL. Nor yours.

Mr. MANN. They were not canny enough to withhold their speeches.

Mr. DAVENPORT. I was operating on a principle, Mr. Chairman, to say what I mean, and print what I said.

Mr. CAMPBELL. I must not have these interruptions.

Mr. ADAIR. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Indiana?

Mr. ADAIR. I want to ask for information if the remedy for this mistreatment of the Indians rests with the Interior Department, or does it rest with Congress itself?

Mr. CAMPBELL. With both, and with the American people, with the white man. That is where it rests, with those who have totally disregarded all the rights of a now helpless people, with a disregard that has become more and more a shame to the white man as the years have come and gone. Ever since Oklahoma was admitted as a State this question has become more and more acute. I have charged from time to time that local courts, fresh from the electorate in Oklahoma, were aiding and abetting those who were plundering helpless Indians—incompetent Indians and Indian children—of their property. It was denied. Charges were made that I was making these charges against the officers in Oklahoma for political effect. I was making these charges against the officers in Oklahoma in the hope that some day the people of this country and the people of Oklahoma would be aroused to the fact that it was wrong to rob the Indians. Why, for years it has not been regarded as a crime to rob and take advantage of the Indian, especially in Oklahoma. I am gratified now to be able to tell the House that the things for which a few of us have been contending here are now conceded by the Members of the Oklahoma delegation to be right, and they are assenting to the appropriation which is included in this bill that is necessary for the protection of helpless wards of this Government known as incompetent Indians and minor Indian children.

Mr. SHARP. Will the gentleman yield for a question, purely for information?

Mr. CAMPBELL. Yes, sir.

Mr. SHARP. The gentleman seems to have given a good deal of study to this subject. I do not want to destroy the continuity of his argument, but I have read a good deal lately about the possibility of the Indian vanishing from our country owing to the ravages of tuberculosis. Is the gentleman informed upon this question, so that he can tell the House how general that disease has become, and what likelihood there is of its increasing? I note that in this bill the sum of $260,000 is appropriated for hospitals and care, and so on. Does the gentleman think that is adequate?

Mr. CAMPBELL. That is as much as the Indian Office thought could be advantageously used. The Indian is reluctant to take the view of the white man as to the proper treatment of tuberculosis, and we are conferring upon the officers of the Government authority in this bill which practically enables them to force reluctant Indians to take the treatment for tuberculosis that is now regarded as the proper treatment. They do not like to leave their homes or tepees. We have made an appropriation which we think is as much as can be used for relieving the ravages of that disease, and progress is being made along that line. But that is a matter that will be discussed when we are considering the bill.

I was just saying that I was gratified at the present attitude of the Committee on Indian Affairs and of the delegation from Oklahoma. I was more than gratified when the present Commissioner of Indian Affairs, who has the welfare of the Indian at heart and who is sincerely and conscientiously entering upon the work that is set out for that bureau, with a study and an ability that ought to commend him to every thoughtful man in the United States who believes in fair play for these helpless wards of the Government, came before the committee and urged an appropriation to be used in protecting the helpless among the Indians. The commissioner urged the very appropriation for which I have been contending upon this floor for years, and to accomplish the same purpose, the protection of these helpless people. So that this appropriation, for the first time in a number of years, will be unopposed on this floor.

But this appropriation and change of attitude does not alter the fact that we have been guilty of the grossest injustice to the American Indian, and that we have not yet stopped the practices that result in the gross injustice to a brave and courageous race of men that is to-day vanishing from the face of the earth.

A visit to the Indian country to-day in an official capacity that brings Indians to consult with the visitor will disclose the fact that men appear who say they are Indians who do not look any more like an Indian than I do nor the gentleman from Oklahoma who sits before me. He may be the president of two or three national banks, at the same time the owner and manager of large business enterprises, president of interurban railways, and enrolled as an Indian and have every right to the Indian's property that the Indian himself has, of participating with him in allotments of land, in the distribution of funds, and in everything that the Government from time to time sees fit to give to the Indian out of his own estate.

The Indian country does not look like an Indian country. There are but a few Indians left—about 26,000 full bloods in the Five Civilized Tribes in Oklahoma. A mere handful out of what was once an aggregation of proud tribes of a great race of brave men, courageous, splendid women, who raised warriors, who in the forests and upon the prairies made their own way, but to-day are a weak and vanishing people, without hope for the future and only to look to the distant past with pride.

I am hoping that for the remainder of the Indians the Government will do that measure of justice that the conditions demand, and that the attitude of the white man toward the Indian will not be patronizing and of grudgingly giving him what is his own, but that every right that one man owes to another will be given by the American people to these original inhabitants of our country—the men who were here before the white man, the men who led the white man through the forests and out upon the prairie and aided him in discovering and settling the country that the white man has finally taken away from him. [Applause.]

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 29 minutes.

Mr. CAMPBELL. I reserve the balance of my time.

Mr. CARTER. Mr. Chairman, how much time have I remaining on this side?

The CHAIRMAN. The gentleman has 1 hour and 29 minutes.

Mr. CARTER. Mr. Chairman, the gentleman from Kansas [Mr. CAMPBELL] seems to take great delight in trying to discredit his next-door neighbors, the good people of Oklahoma and their Congressmen, and would seem to like to have this House believe that all the thieves, robbers, grafters, and debauchers of Indians have congregated for their last harbor of refuge in the State of Oklahoma.

Let the gentleman look a little to his own State. Let him remember that at one time practically the entire State of Kansas was owned by the Indians. Unfortunately, the aborigine has been dispossessed in that State until he now owns less than four-tenths of 1 per cent of the land in that entire great State, and what has Poor Lo to show for it?

I want to call attention to the fact that in Oklahoma to-day the Indian still owns on the Indian Territory side of the State 75 per cent, or three-quarters, of all lands included within its vast area. Now, I place that record of my State of Oklahoma

against the record of the State of this gentleman who is continually trying to discredit his next-door neighbor as a complete answer to all the biliousness from which he has just relieved his system. I would say no more but for the fact of the insinuation of the gentleman that the Members of Congress from Oklahoma wink at charges of fraud and graft of Indians.

The gentleman has told you that there will be found in my speeches, in my utterances, a defense of graft in Oklahoma. I call to the attention of the fair-minded membership of this House the two speeches I have made on that subject, and they are both in the RECORD. One will be found on pages 4468 to 4673 of the RECORD, Sixty-second Congress, second session. The other, pages 863 to 865, Sixty-second Congress, third session. I invite the gentleman from Kansas to investigate and look into these remarks and not trust his memory again when he comes on the floor of this House and tries to discredit Members of this House who perhaps have as high ideals of honesty and integrity as he. [Applause.]

That there has been some fraud with relation to probate matters in Oklahoma no one attempts to deny, and I have never attempted to deny it in the past, but I defy the gentleman to mention a case in which the culprit has gone unpunished or to give any evidence on behalf of his statement that his punishment was not due to the diligence of the authorities of the State of Oklahoma. We have 40 counties on the eastern side of the State of Oklahoma with more than 101,000 allottees, and it is but natural that some percentage of fraud and some irregularities should be possible under such complicated conditions as these. The attention of this House has only been called to two cases of fraud in deceased estates in the district which I have the honor to represent. One of these was the case of Judge Phillips at Durant, Okla., and these charges were made upon testimony of a very personal friend of the distinguished gentleman from Kansas. His name is Jim Yarborough, and, by the way, Jim is a bully fellow. He is an A-1 boy to have with you in a campaign, as the gentleman from Kansas has found out, for he often has Jim Yarborough up in his district campaigning for him when he has a close race.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. With pleasure.

Mr. CAMPBELL. Does the gentleman from Oklahoma deny any of the facts sworn to by Mr. Yarborough before the committee that visited Oklahoma to investigate Indian affairs down there?

Mr. CARTER. Mr. Chairman, I was just getting to that point, and if the gentleman will appropriate to himself his advice to us and just "possess his soul in patience" he will hear the facts concerning that matter. Mr. Yarborough, while one of the best fellows on the face of the earth and a good man to have with you in campaigns, is a man of strong enthusiasm and imagination, and, with all due respect to his very good qualities, sometimes handles the King's English a little bit loosely. Mr. Yarborough did state to the committee that Judge Phillips had permitted fraud and graft upon two Indians who had their estates squandered under the jurisdiction of his court. A few months ago Judge Phillips made application for the position of superintendent of Platt National Park and asked to have my indorsement. I got many recommendations in his behalf. Among others, I had one from this mutual friend of the gentleman from Kansas and myself, Mr. James Yarborough, the same man who testified to Judge Phillip's bad character with relation to these probate matters, and I propose now to insert that letter in the RECORD, in order that he who runs may read.

DURANT, OKLA., *January 21, 1913.*

Hon. CHARLES D. CARTER, *Washington, D. C.*

DEAR SIR AND FRIEND: Judge Charles A. Phillips, of Durant, Okla., is applying for the position of custodian of the Platt National Park, at Sulphur, this State. He is an upright, honest, Christian gentleman, and I consider him thoroughly competent in every particular to fill said position, and I will consider it a personal favor for you to use your influence in his behalf.

Your friend, JAS. YARBOROUGH.

To this letter I replied, clipping the testimony Mr. Yarborough had given before the Burke committee with relation to Judge Phillips, making the following brief comment:

JANUARY 31, 1913.

DEAR JIM: Can't you consider this sworn statement of yours as a complete reply to your letter?

Your friend, C. D. CARTER.

On February 14 I received a letter from Yarborough, in which he said:

DEAR CHARLIE: In reply to your recent communication relative to the indorsement that I gave Judge Phillips for the position of superintendent of Platt National Park, Sulphur, Okla., will say that the attached affidavit or testimony of mine is all right. It was true and correct in every particular; but, you understand, the old man is doty, and I don't believe really at heart that he is corrupt. However, he allowed himself to be the tool of certain grafters that got conditions badly mixed.

Faithfully, your friend, JAS. YARBOROUGH.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Certainly.

Mr. CAMPBELL. Is it not a fact that instead of testifying upon his own information, Mr. Yarborough furnished certified copies of the record in these cases, giving item by item, just what occurred?

Mr. CARTER. I think that he did do that in a measure.

Mr. CAMPBELL. Together with the order of the court?

Mr. CARTER. I think he did do that in a measure, although I do not recall now just what those records disclosed.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. THOMPSON of Oklahoma. I will ask the gentleman if Mr. Sells, the new Indian Commissioner, has not just returned from Oklahoma?

Mr. CARTER. Yes; and I will come to that in a moment. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. One hour and twenty minutes is still under the control of the gentleman from Texas [Mr. STEPHENS].

Mr. CARTER. Mr. Chairman, I am going to be perfectly frank and candid with this House. I am going to say that the statement as disclosed by the Mott report was somewhat of a revelation to me. Those statements were a revelation because I had not come in contact with any such conditions in my part of the State. They were a revelation to me because the first I ever heard of them was when they were read from that side of the House by the gentleman from South Dakota [Mr. BURKE]. When I returned to my office I found a copy of that report lying upon my desk, and, as I remember now, my secretary told me it had been placed there by a special messenger from the department after I left for the House.

The gentleman from Oklahoma, Mr. DAVENPORT, the gentleman from Oklahoma, Mr. FERRIS, and myself at that time represented the counties which contain the Five Civilized Tribes, and yet with this investigation going on for many months not one word of notice had been given us, although we would have stood ready and willing at any time to render every possible assistance. Why was that done? Why was this report placed in the hands of the gentleman from far-off South Dakota? Why was it not placed in the hands of that gentleman who stands at the head of this Indian Committee, the gentleman from Texas [Mr. STEPHENS], whose honor and integrity no man in this House on either side of the Chamber will question? Why was it not placed in the hands of Mr. FERRIS, the gentleman from Oklahoma, Mr. DAVENPORT, or myself? You all know the politics of each gentleman I have mentioned. I leave it to the membership on both sides of this House to draw their own conclusions as to the purpose of this Mott report.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CARTER. Yes.

Mr. MANN. Does the gentleman undertake to deny that that report was sent to the chairman of the Committee on Indian Affairs, Mr. STEPHENS, and also to Mr. FERRIS, at the same time it was sent to the gentleman from South Dakota, Mr. BURKE?

Mr. CARTER. Mr. Chairman, I am very glad the gentleman asked that question. I might have overlooked that. The gentleman from Texas, Mr. STEPHENS, has told me in private conversation, and I violate no confidence when I make this statement, that this report was furnished him about the same time it was furnished to me; but, as I have said, it was furnished me after I had come to the floor of the House. The gentleman from Illinois full well knows the ability of the gentleman from South Dakota, Mr. BURKE, and I believe him to be one of the ablest men in this House; but, able man that he is, the gentleman from Illinois also knows that the gentleman from South Dakota, Mr. BURKE, could not possibly have analyzed that report and made the able presentation of it that he did if he had not received the report until after the House met that morning.

Mr. MANN. That is not what I am claiming. That report was sent to Mr. BURKE, Mr. STEPHENS, and Mr. FERRIS shortly after the Indian bill was reported, but a number of days before the matter was taken up for consideration, and the gentlemen so admitted about a year ago.

Mr. CARTER. The gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Texas [Mr. STEPHENS] are both here, and they can speak for themselves.

Mr. MANN. The gentlemen spoke for themselves a year ago.

Mr. CARTER. I would like to hear from them now. I did not hear them say that a year ago.

Mr. MANN. Their memory will be fresher now than it was then, whatever they may say now.

Mr. STEPHENS of Texas. Mr. Chairman, my remembrance of the matter is that when this report, the Mott report, was filed I called the gentleman's attention to it at once, and also the attention of the gentleman from Oklahoma, Mr. FERRIS, who represented that part of the country, and also the gentleman from Oklahoma, Mr. DAVENPORT. That is my remembrance. I did that as soon as I received the report. And the Clerk files these reports as soon as they come in, and I assume the report is in the files, and, if it is, it is an easy matter to determine when it was filed, and for what purpose, and so on.

Mr. CARTER. I am stating what the gentleman told me at a time when his mind was fresh in regard to the subject. I would like to hear from the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. My mind is hazy about it. As I recall, I never had read that report or received that report when the gentleman from South Dakota [Mr. BURKE] made his speech. All the Members know what a mass of stuff comes to our desks every morning. It might or might not have been there a few days before. I do not recall having seen it, and if the gentleman has something there showing where I said at the time I had received it, it undoubtedly is the truth; but I have no recollection now of hearing about it or of seeing it.

Mr. MANN. If the gentleman will pardon me, I was not criticizing the gentleman from Oklahoma [Mr. FERRIS] or any other gentleman from Oklahoma, or the chairman of the committee, for not examining the report. But the gentleman from Oklahoma [Mr. CARTER] was assuming to give the impression, I think, and honestly on his part, that the report came to Mr. BURKE long before it came to the other gentlemen, and in the debate a year ago when the gentleman from Oklahoma [Mr. FERRIS] at one time referred to the report as having been surreptitiously sent, the gentleman from South Dakota [Mr. BURKE] stated that the report was sent to all of these gentlemen at the same time it was sent to him. And while the gentleman from Oklahoma [Mr. FERRIS] did not admit that he had examined the report—and I have no doubt he had not—the gentleman from Texas [Mr. STEPHENS] stated that he had received it at that time.

Mr. FERRIS. Just a word, if the gentleman will yield. I do not care to take the gentleman from Oklahoma [Mr. CARTER] off his feet or consume his time. But this is a matter that has been brought——

Mr. MANN. I only speak as to the department, that is all.

Mr. CARTER. My reply to the gentleman from Illinois was as to the statement that the gentleman made to me when I made complaint to the chairman of the Committee on Indian Affairs for not having had this report. I will state further that we have recently had two hearings down in the Interior Department, which will put this matter entirely to rest. Mr. Mott, who got up the report, stated in those hearings that he thought it was furnished to the gentleman from Texas [Mr. STEPHENS], the gentleman from Oklahoma [Mr. FERRIS], and myself, at the same time. In fact, he said Secretary of Interior Fisher told him it was, but the Secretary was not himself present to testify. I am as positive that I never saw that report, and that it did not come to my desk until after I heard the statement of the gentleman from South Dakota [Mr. BURKE] here, as I am that I am in this House at the present time. But I have a stamp, which is put on all of my letters, showing the date on which they are received, and every communication that comes in is marked as received upon a certain date before anybody knows its contents. My secretary does that without any discrimination whatever.

Now, then, the other point that came out in the hearing was this: This gentleman, Mr. Mott, who got up the report, admitted upon cross-examination of Mr. FERRIS and myself that he went to Mr. BURKE three different times and discussed that report with him, and told him what was in it in order that he might be prepared, and this before the report was given to either Mr. BURKE, Mr. FERRIS, Mr. STEPHENS, or myself.

Mr. MILLER. Will the gentleman yield there?

Mr. CARTER. With pleasure.

Mr. MILLER. Was the gentleman from South Dakota [Mr. BURKE], or any of the gentlemen from Oklahoma who are advocating an investigation and remedial measures to stop fraudulent handling of the estates of Indian wards, aware of this?

Mr. CARTER. I will get to that in a moment.

Mr. MILLER. I think the gentleman can answer that.

Mr. CARTER. I will answer it in my own way.

Mr. MILLER. I want to follow it with the additional question, if it should be the gentleman's answer that the gentleman from South Dakota [Mr. BURKE] was the person who was active at that time, if it was not entirely proper that Mr. Mott should present his report to you, and you should go to him and should explain to him the various features of the report?

Mr. CARTER. I do not know what the gentleman means by being active.

Mr. MILLER. I do not think the gentleman can certainly misunderstand what I mean.

Mr. CARTER. The gentleman might have been active in having some man appointed postmaster or in advocating an expedition to the North Pole.

Mr. MILLER. The matter had been up in the committee a great many times, and the gentleman certainly knows whether he was active on one side or the other.

Mr. CARTER. Previous to this I never had heard charges brought except as to two cases of fraud in relation to minors in Oklahoma, and those were two cases brought out by the Burke committee. These cases the gentleman from Kansas [Mr. CAMPBELL] brought before the Indian Committee and mentioned on the floor of this House.

Mr. MILLER. I do not expect that I have anything like the information concerning Oklahoma possessed by its Representatives, but I have information of at least 200 cases.

Mr. CARTER. I call attention to the remarks of the gentleman from Minnesota made in the House at that time, and I want the Members of this House to read them and see if he had one word to say about these probate matters in Oklahoma in either one of his speeches. The only thing the gentleman attempted to bring out, as he must remember, was some graft in connection with Muskogee town sites, a matter manifestly foreign to the subject under consideration. If he had anything to say about probate matters, I would like to have him point it out in the RECORD.

Mr. MILLER. Will the gentleman yield?

Mr. CARTER. With the greatest of pleasure at any time.

Mr. MILLER. The fact that the "gentleman from Minnesota" did not make a speech to the House on that subject is certainly no evidence that I did not have the information. I think that I can say that I have information about certain subjects. The reason I did not make a speech on that subject was because my friend, who had been chairman of the committee, the gentleman from South Dakota [Mr. BURKE], had the information, and I conferred with him many, many times about it.

Mr. CARTER. Mr. Chairman, no doubt the gentleman from Minnesota [Mr. MILLER] had much information. He may also have some information about the White Earth Reservation that would be of interest to this House if he would only give it to us, and if he has it he ought to give it to us. If the gentleman knew of these 200 cases of graft when he was speaking on this subject a year ago, it is more than passing strange that the gentleman did not mention it in his speech when the subject was under debate—his speech follows or immediately precedes the speech of the gentleman from Kansas [Mr. CAMPBELL]—but not one word.

Now, I want to get along. Mr. Chairman, I think the statement that I made, or the statement made by Mr. Mott before the Secretary of the Interior in his recent hearing, to the effect that he went to Mr. BURKE's office and practically passed by my office in order to get to Mr. BURKE's office three times to discuss these probate matters, and that he did not enter my office, although I represented those people, and did not come to the office of my colleagues from Oklahoma, Mr. FERRIS and Mr. DAVENPORT, shows very conclusively what his desire was.

Mr. MANN. Did not Mr. Mott state that Mr. BURKE sent for him?

Mr. CARTER. He did not.

Mr. MANN. Mr. BURKE stated it a year ago.

Mr. CARTER. I do not think he stated it.

Mr. MANN. And Mr. BURKE's word is pretty good, is it not?

Mr. CARTER. Yes; as is also that of the gentleman from Illinois. My recollection is—and I do not like to quote testimony of that character from memory—but my recollection is that Mr. Mott, in his testimony, said he went to Mr. BURKE's office to tell him of these things. That evidence is in the Interior Department, taken within a week or 10 days.

Now, when these charges were brought up here, as soon as we knew about them we got the Oklahoma delegation together and we immediately sent a telegram to the governor of Oklahoma, telling him to make an investigation and ascertain if the facts contained in the Mott report were true. The governor made that investigation; and, to be perfectly frank and candid with this House, I will say that the governor reported that the things stated in the Mott report were substantially correct. When he did that I wrote this letter to the governor immediately, and it was right after the debate on the floor of the

House, which I believe was in February, and this was on March 9.

Mr. MANN. Oh, the debate was in December; early in December.

Mr. CARTER. Perhaps it was in December. I wrote two letters. I wrote a letter to the governor before that, and I afterwards wrote a letter to the chairman of the committee having the bill in charge, which had already passed the House. The correspondence is as follows:

Resolution adopted by the Democratic members of the Oklahoma delegation in meeting assembled at Washington.

Whereas the Democratic members of the Oklahoma delegation in Congress have for years been making the most vigorous efforts to obtain a settlement of the affairs of the Five Civilized Tribes and to reduce the Federal control over Indian affairs in the State of Oklahoma to its legitimate basis; and

Whereas Hon. CHARLES HENRY BURKE, of South Dakota, and Hon. JAMES R. MANN, of Illinois, on the floor of the House of Representatives, have denounced the probate judges of eastern Oklahoma as corrupt in dealing with the estates of Indian minors through professional guardians, using as a basis for their attack a report of November 27, 1912, by Mr. M. L. Mott, national attorney for the Creek Nation; and

Whereas the good name of the administration of the State government in Oklahoma is deeply affected by a charge of this character, which, in effect, holds up to public scorn of the people of the United States the probate judges of the State of Oklahoma and the State administration; and

Whereas the effect of this assault upon the good name of the probate judges of Oklahoma in dealing with the estates of Indian minors will be to encourage Congress to enlarge the Federal jurisdiction over Indian estates in Oklahoma rather than to terminate Federal activity in these matters: Therefore be it

Resolved, That a copy of the Mott report be immediately transmitted to the governor of Oklahoma, with request that he investigate the allegations made therein; that he call upon all county judges in eastern Oklahoma for information with regard to this matter and take such other steps as may be necessary to correct the conditions complained of, if true, and to inform the Oklahoma delegation of the truth of the matter, if these allegations are not true, or if they can be satisfactorily explained; that a copy of the CONGRESSIONAL RECORD showing the debate in the House of Representatives be transmitted to the governor for his further information, and that he be urged to take immediate action in the premises.

—

THE SECRETARY OF THE INTERIOR,
Washington, December 16, 1912.

Hon. CHARLES D. CARTER,
House of Representatives, Washington, D. C.

MY DEAR SIR: During our conference this morning with regard to the McCurtain contract you mentioned casually that the Oklahoma delegation in Congress, or some of it, intended asking the governor of Oklahoma to make an investigation into the situation in that State connected with the probate of the estates of Indian minors. I think it is important that a thorough investigation should be made by some impartial and vigorous agency, and I would like to know whether the request to which you refer has actually been made; or if not, what steps, if any, you think will be taken.

Very truly, yours,

WALTER L. FISHER, *Secretary.*

—

DECEMBER 10, 1912.

Hon. WALTER L. FISHER,
Secretary of the Interior, Washington, D. C.

MY DEAR SIR: In reply to your inquiry of the 16th instant, concerning my reference to request made upon the governor of Oklahoma for an investigation in connection with the probate estates of Indian minors, I will say that such resolutions were addressed to the governor of our State by the Oklahoma delegation several days ago.

Very truly, yours,

——— ———.

—

DECEMBER 30, 1912.

Gov. LEE CRUCE,
Oklahoma City, Okla.:

On December 24 our delegation addressed resolutions to you concerning certain irregularities and corruptions alleged by the Mott report to have been committed by county judges and others in eastern Oklahoma. I am receiving letters from leading Oklahoma citizens confirming some of these charges. The matter will likely be again brought before the House, and maybe congressional investigation asked immediately after reconvening Wednesday, January 1. Would it not be better to have investigation started by you before that time, and can't you give me assurance immediately both by wire and letter that searching investigation will be instituted at once.

C. D. CARTER.

—

OKLAHOMA CITY, OKLA., *December 31, 1912.*

Hon. C. D. CARTER,
House of Representatives, Washington, D. C.:

As soon as I receive data called for in letter of December 18 to Senator OWEN, I will institute thorough and searching investigation into Mott charges. Letter follows.

LEE CRUCE, *Governor.*

—

DECEMBER 31, 1912.

Gov. LEE CRUCE,
Oklahoma City, Okla.:

Senator OWEN'S secretary informs me all data forwarded you on December 20 immediately after receipt of request.

C. D. CARTER.

—

OKLAHOMA CITY, OKLA., *January 2, 1913.*

C. D. CARTER,
Member of Congress, Washington, D. C.:

Data sent by Senator OWEN not received.

LEE CRUCE, *Governor.*

STATE OF OKLAHOMA,
Oklahoma City, December 31, 1912.

Hon. C. D. CARTER, *Washington, D. C.*

DEAR CHARLIE: Some time ago I received a letter from Senator OWEN calling attention to the Mott charges and asking that I start an investigation. Realizing the importance of a careful and searching investigation, I at once wrote to Senator OWEN asking that he furnish me with a copy of the Mott report together with a copy of the exhibits attached to the report.

I have received from Mr. Mott copy of his report, but no copy of the exhibits. In his report he refers to the probate cases in counties in the aggregate. For me to investigate to ascertain whether or not his report is based upon facts it will be necessary for me to know each particular case that he investigated that my investigation may cover the same ground. In my letter to Senator OWEN I stated that if it was impossible to furnish me with copies of all of the exhibits, which I understand are quite voluminous, to have prepared and sent to me an exhibit of a single county and I would have that county checked up, and if it was found to be accurate it might be assumed that the report in its entirety was accurate.

I am willing to make just as speedy and thorough investigation as it is possible to make; in fact, am anxious to make such an investigation. If the charges made by Mr. Mott are one-half true, then certainly some sort of legislation is needed to protect the estates of these Indians. No man, either in or out of the State of Oklahoma, is more deeply concerned in the welfare of this class of our citizenship than am I, and I will certainly put forth all of the effort it is possible for a governor to command to see that they are protected from the impositions of guardians and administrators and from the wrongs of sworn officials.

If you can hasten the delivery into my hands of the information I have asked for, it will aid me in more quickly starting the investigation.

I am, yours, truly,

LEE CRUCE.

—

MARCH 6, 1913.

Gov. LEE CRUCE,
Oklahoma City, Okla.:

Let me know at once if any action was taken by legislation for protection of Indian minors. Will there be an extra session, and when?

C. D. CARTER.

—

OKLAHOMA CITY, OKLA., *March 6, 1913.*

Hon. C. D. CARTER,
Congress Hall, Washington, D. C.:

Bill providing protection Indian minors still with senate committee, Judge Hill, of McAlester, trying to get it reported. Extra session will be called immediately following regular session.

LEE CRUCE, *Governor.*

—

MARCH 9, 1913.

Mr. J. T. MCINTOSH,
State Legislature, Oklahoma City, Okla.

MY DEAR SIR: I sincerely hope the legislature may see the importance of amending the probate laws of Oklahoma so as to insure better protection in the settlement of minor estates and full-blood heirs.

When the bill, which afterwards became the act of May 27, 1908, was pending in Congress the provisions giving the probate courts of Oklahoma jurisdiction of the estates of minor Indians and of the approval of conveyances of the full-blood Indian heirs of the deceased allottees, were attacked on the ground that the local State courts could not be trusted to properly protect them, and a vigorous fight made against these provisions. The Oklahoma delegation, including Senators OWEN and GORE, Congressmen FERRIS, DAVENPORT, and myself, pledged Congress that the State of Oklahoma would safeguard the interests of its minor and incompetent full-blood Indian heirs.

This act of May 27, 1908, giving the probate courts of our State jurisdiction to approve conveyances of the full-blood heirs of deceased allottees contemplated, of course, that the courts would make such rules and regulations as would insure complete protection.

Complaint has been made repeatedly, both by departmental report and in speeches on the floor of the House and Senate, that deeds have been approved by the probate courts without an appraisement of the lands, without hearing in open court, and, in fact, upon a petition presented in chambers, which, it is alleged, has resulted in the estates or helpless persons being completely dissipated and squandered.

Since Gov. Cruce's message, transmitting the partial report of Assistant Examiner and Inspector Cahill, states that these charges are, in substance, correct, and that the cost of handling these estates is "extravagant beyond defense," and since the house has already taken action in the premises, the responsibility for the correction of these evils seems to rest entirely with the senate, and specifically with the committee of which you are chairman.

I have not critically examined any of the bills now pending before the State legislature, but I think we should certainly have legislation which will regulate and reduce to a minimum the cost of administering these estates, legislation that will give the incompetent proper representation in the sale of his property and disposition of the proceeds thereof, and legislation that will provide for hearings in open court after notice of all important matters affecting these estates.

Unless our legislature takes some kind of action looking to better protection in these premises, I seriously fear that Congress may attempt to divest our probate courts of this jurisdiction, which would simply mean a complete "tying up" of the progress of our State by Federal court procedure and departmental red tape.

Yours, very truly,

C. D. CARTER,
Chairman Committee on Probate Procedure.

—

MARCH 9, 1913.

Gov. LEE CRUCE,
Oklahoma City, Okla.

DEAR LEE: Herewith I hand you letter expressing briefly my views as to the necessity for probate legislation, and which I ask you to be kind enough to have properly placed before the committee having jurisdiction.

Without some legislation along the lines suggested in your message I think we have little hopes of getting matters loosened up at this end of the line for some time to come.

Your friend,

——— ———.

APRIL 7, 1913.

Gov. LEE CRUCE,
Oklahoma City, Okla.:
Has my letter on probate matters been referred to Senator McIntosh?
C. D. CARTER.

—

STATE OF OKLAHOMA,
Oklahoma City, April 7, 1913.

Hon. C. D. CARTER,
Washington, D. C.

DEAR CHARLIE: Replying to your telegram just received, will say that on the 14th day of March I transmitted your letter regarding probate matters to Senator McIntosh, and presume it is still in his hands.
Yours, truly,
LEE CRUCE.

—

APRIL 22, 1913.

Gov. CRUCE, *Governor of Oklahoma;*
J. J. MCALESTER, *President of the State Senate;*
HARVE MAXEY, *Speaker of the House,*
Oklahoma City, Okla.:

Your delegation in Congress desires to respectfully call your attention to the necessity for amending and improving our probate laws for the better protection of minor estates and full-blood heirs. The numerous investigations of these matters made by Federal employees report appalling conditions. These reports have been exploited in both Chambers of Congress. An investigation by our State authorities confirms such reports and finds the derogatory accusations of the Mott report "substantially correct." Your delegation is sure to be confronted with these charges and this admission when attempts are made to get legislation. Unless something is done toward outlining a procedure which will regulate and reduce to a minimum the cost of administering these estates, which will give to the incompetent proper representation in the sale of his property and disposition of the proceeds thereof, which will provide hearings in open court after due notice on important matters affecting these estates, and which generally tightens up our probate procedure, along safe and honest lines, your delegation in Congress will be unable to get congressional legislation necessary for the development and prosperity of our State, and it may be extremely difficult to retain such probate jurisdiction as we now have.

R. L. OWEN, *Chairman,*
CLAUDE WEAVER, *Secretary.*
T. P. GORE,
W. H. MURRAY,
J. B. THOMPSON,
B. S. MCGUIRE,
DICK T. MORGAN,
JAMES S. DAVENPORT,
C. D. CARTER,
SCOTT FERRIS.

Lee Cruce: To avoid expense of wiring all members, please have this message read to both house and senate.
J. J. McAlester: To avoid expense of wiring all members, please have this message read to the senate.
Harve Maxey: To avoid expense of wiring, please have this message read to all members of the house.

Now, if there is anything else that ought to have been done with reference to the court to protect minors, I would like to know it. As the gentleman from Kansas [Mr. CAMPBELL] would have you believe, and as the gentleman from South Dakota [Mr. BURKE] insinuated, there is no denying that there is some sentiment in Oklahoma against this probate legislation. But what I want to assert here and now is that it is confined largely to a class of grafters, with whose purposes not a man on the Oklahoma delegation, no member of our State admmistration, and none of our good citizenship has any sympathy whatever.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I will be glad to.

Mr. CAMPBELL. Has the gentleman protested here or elsewhere, or taken any steps to stop that sort of grafting, before this year?

Mr. CARTER. Yes. I just read a letter which was written to that end last year.

Mr. CAMPBELL. This is the first time that the gentleman has been in favor of an appropriation.

Mr. CARTER. For what?

Mr. CAMPBELL. For attorneys, as you call it.

Mr. CARTER. No, sir. The appropriation for attorneys was put in at the Senate end of the Capitol, by Senator OWEN, at my suggestion, because it was subject to a point of order here, and he will tell you so.

Mr. CAMPBELL. The gentleman from Oklahoma had the same opportunity to take up these cases that have been referred to during the investigation, every word of which, I believe, the gentleman from Oklahoma heard—the same opportunity as the Member from South Dakota [Mr. BURKE] or myself, or the Member from Minnesota [Mr. MILLER] had. Has he ever protested against that sort of graft before?

Mr. CARTER. The gentleman from Kansas now addresses himself to the only real point of criticism that could be brought against any Member of Congress from the State of Oklahoma, to wit, that this alleged graft has gone on and that we have not protested against it. We have not protested against it because we did not know it, because we had been in Congress for 10 or 12 months out of every year, because we were kept here and had not the opportunity to find these things out, and as soon as we found them out and were convinced of them we went to work to try to get real relief, while the gentleman from Kansas [Mr. CAMPBELL] was taking his part out in getting it out of his system here on the floor of the House.

Mr. CAMPBELL. And working for appropriations to get men to go down and stop it.

Mr. CARTER. The act of May 27, 1908, had an appropriation of $90,000 for the employment of special agents. Who was the first man appointed? I want to ask the gentleman from Kansas; he ought to know.

Mr. CAMPBELL. I do not know.

Mr. CARTER. Perhaps you have forgotten. I will tell you. He was a man who had never had any business reputation, who had never had any reputation or standing in the community as a business man; a man who was not a lawyer; a man with no experience in such matters; and the only thing that he had to commend him was the fact that he was a partisan secretary of the Oklahoma Republican executive committee and was on all down the line. Now, what did these agents do? What protection did they offer to the Indians? That is the question that has so often been asked by us on the floor of this House and still remains unanswered. They did nothing, as the gentleman from Kansas knows, except to use Federal funds provided them for the purpose of trying to antagonize the Indians in Oklahoma against our State administration, which was Democratic; and all this graft that has been exploited on the floor of this House happened under this system of protection by the district Indian agents and while the district Indian agents claimed to have been on the job at every turn in the road. Our complaint was not directed so much to the existence of the agent as it was to the character of the agents and their neglect of their work and playing politics. They were appointed for the specific purpose of protecting these Indians in probate matters. The very alleging of these frauds by gentlemen on the floor of this House is proof sufficient that they were not doing their duty, because if they had done their duty the Indians would not have been robbed. We were not opposing these agents because they were giving protection to the Indians, as I stated on the floor of this House at that time, but we were opposing them because they were failing and refusing to give the very protection for which this Federal Government was paying out its hard-earned money and which, in the light of things, it is alleged, the Indians needed. I ask any man here to dispute this fact. If these district Indian agents had done their duty, would we ever have had these charges of wholesale fraud against Oklahoma brought into this House? No; because the only duty they had to perform was to protect the restricted Indians.

But those gentlemen busied themselves mostly by going out among the Indians and giving them the information that the Democratic Party were not their friends; that the Republican Party were their friends; that they must stand by the Republican Party; and I can get numerous affidavits to that effect and put them in the RECORD if the gentleman would like to see them.

Mr. MANN. It is true. We do not require an affidavit as to what the gentleman has said about the Republican and Democratic Parties.

Mr. CARTER. I have no quarrel with the gentleman from Illinois for saying that. That is what he is here for.

Mr. THOMPSON of Oklahoma. Mr. Chairman, when the gentleman gets through talking to the empty seats over on the other side I want to ask him a question.

Mr. CARTER. This side over here need the light of religion thrown into their souls.

Mr. THOMPSON of Oklahoma. They need a good deal of light about Oklahoma.

Mr. MANN. We will have to get some new Members to give it to us, then.

Mr. THOMPSON of Oklahoma. The gentlemen over there could not understand it, anyway, no matter who gave it to them.

Mr. MILLER. The gentleman knows this is not a new matter. I am quite confident the gentleman must recollect the debate we had on this same proposition two years ago.

Mr. CARTER. I have just recently read every word of it, and am thoroughly familiar with it.

Mr. MILLER. Was not the membership on this side of the House advocating the retention of those district agents for the sole purpose of looking after probate matters?

Mr. CARTER. I will not attempt to say what intentions prompted the Members on that side. They may have been perfectly honest, and I assume they were, but they were proposing to retain on the pay roll a band of political gangsters that had done absolutely no service for the Indians, with a few isolated exceptions.

Mr. MILLER. I will not stand for that statement.

Mr. CARTER. In a moment I will yield. The gentleman ought not to interrupt me in the middle of a sentence. I say, they were a band of political gangsters who were giving no

protection to the Indians, but were traveling all over that country, spending the funds of the Government, trying to tell the Indians that the Democrats were not their friends, and were a detriment to the country, and that they ought not to have anything to do with them. Now, that is a very good thing for a Republican to tell, but I should like to have him do it at his own expense, and not at an expense to a part of which I contribute.

Mr. MILLER. Of course I can not agree, and in my judgment the facts do not agree, with the statement the gentleman has just made. But that aside, is it not also true that two years ago, and a year ago, the gentlemen on the Democratic side contended that it was not necessary to have these agents, because there were no frauds in Oklahoma.

Mr. CARTER. I speak for myself alone, and I invite the attention of the gentleman to a close scrutiny of the RECORD to see if I made any such statement as that.

Mr. MILLER. My recollection is—and I was here through the debate—that it was universally claimed, on the opposite side of the aisle, that there was no need for these agents, because this condition did not exist there at all.

Mr. CARTER. Perhaps I occupy so small a place in the mind of the gentleman that the matter was universal without my taking part in it.

Mr. MILLER. I do not want to occupy too much of the gentleman's time, but let me ask him, What does he think about the advisability of having agents of this kind, and the need for them?

Mr. CARTER. Mr. Chairman, as I have stated time and again on the floor of this House—and there are some Members who do not agree with me on this—I think it is the duty of the Federal Government to protect and take care of every incompetent Indian who is incompetent on account of Indian blood; but I do not think that should be carried to the extent of paying out a lot of money to supervise my affairs and the affairs of other Indians who, like me, are less than half Indian blood.

Mr. MILLER. There is no question about that. That is not, however, an answer to the question I propounded. My query was, and is, Does the gentleman now think that there is need for agents of the United States Government to protect the estates of minors and incompetent Indians?

Mr. CARTER. I am glad the gentleman called my attention to that, and in reply I say yes, if you get agents who will protect them; but I do not think you or anybody else have the right to stand on the floor of this House and attempt to defend a bunch of political gangsters, such as most of the district agents were.

Mr. MILLER. The gentleman does not mean that.

Mr. CARTER. I mean exactly what I say.

Mr. MILLER. Oh, no.

Mr. CARTER. I can furnish the gentleman evidence of it and put it in the RECORD.

Mr. MILLER. A man blinded by partisanship might consider it evidence, but I do not think any fair-minded man would.

Mr. CARTER. Here is what one of those agents did, and I can put his name in the RECORD if necessary. One of those agents, when he was appointed, told a banker at Oklahoma City—the banker is there now, and he is an Indian—"I am going over into the Choctaw Nation."

"What are you going to do?"

"I am going to make Republicans out of those Indians over there. We will not have a Republican Congressman this year, but we will cut CHARLIE CARTER'S majority down, and we will have a Republican Congressman two years thereafter."

He made good on his first threat, but he did not quite make the boat on the second; and if he was not a political gangster, then I would like to have a definition of the term.

Mr. MILLER. Oh, well——

Mr. CARTER. I am not half through. I am glad the gentleman called my attention to it. Two of these district agents went into conference, and another one happened to be present, who let it leak out, and says he will testify to it. They were in conference with one of their overhead officials, with the purpose of trying to arrange districts in Oklahoma so that my colleague [Mr. FERRIS] and myself might be eliminated from Congress; and I can furnish an affidavit from one of the district agents to that effect.

Mr. MANN. We do not defend that.

Mr. MILLER. Certainly not. The gentleman has found two men. I join with the gentleman in saying that those men should be eliminated from the service.

Mr. CARTER. That is what we are trying to do with them; that is all.

Mr. MILLER. The gentleman has mentioned two.

Mr. CARTER. If the gentleman will possess his soul in patience, I can, with a few exceptions, go down the line with the whole 18.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman from Minnesota has not had recognition from the Chair.

Mr. THOMPSON of Oklahoma rose.

The CHAIRMAN. Does the gentleman from Oklahoma yield to his colleague?

Mr. CARTER. I will.

Mr. THOMPSON of Oklahoma. When you were a boy I suppose you went to shows, did you not?

Mr. CARTER. When I had the money, and if I did not I sometimes crawled under the tent. [Laughter.]

Mr. THOMPSON of Oklahoma. And when there was a large crowd around there was always a shell game, was there not?

Mr. CARTER. I have heard of that.

Mr. THOMPSON of Oklahoma. But we have had no more of this kind of a thing in Oklahoma than they have in other States in proportion to the size.

Mr. CARTER. In proportion to the number of Indians, I judge not.

Mr. THOMPSON of Oklahoma. One more question. This man Mott the gentleman is talking about; is he the man that was attorney for the Creeks for 10 years and spent $125,000?

Mr. CARTER. I believe he stated that before the Secretary a few days ago.

Mr. THOMPSON of Oklahoma. And is he the same man that lived in Oklahoma 10 years and never became a citizen and never paid a cent of tax?

Mr. CARTER. I believe he admitted that.

Mr. THOMPSON of Oklahoma. And is he the same man that practiced law in Oklahoma and never was admitted to practice?

Mr. CARTER. He also admitted that before the Secretary, I understand.

Mr. THOMPSON of Oklahoma. That is the same fellow?

Mr. CARTER. Yes.

Mr. THOMPSON of Oklahoma. Then I want to say if that is the fellow, the people down in Oklahoma do not believe anything he says.

Mr. CARTER. I think there is very much virtue in what the gentleman from Oklahoma says.

Mr. THOMPSON of Oklahoma. I want also to say that the Mott report was made for political effect. I will not ask any more questions, but I will take my own time after the gentleman closes.

Mr. CARTER. Now, Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has used 41 minutes.

Mr. STEPHENS of Texas. How much time remains to this side?

The CHAIRMAN. Forty-eight minutes.

Mr. CARTER. Mr. Chairman, I can go down along the line, and if the gentleman insists I can call the names and put them in the RECORD.

Mr. MILLER. The gentleman calls them grafters.

Mr. CARTER. No; I said political gangsters.

Mr. MILLER. I may have misunderstood the gentleman.

Mr. CARTER. I think that when a man goes into a gang and spends Indian money for political purposes, he approaches pretty near a grafter.

Mr. MILLER. But the gentleman does not mean to accuse them of being grafters?

Mr. CARTER. A number of them were relieved of duty on account of grafting, but what I say now is that I accuse them of neglecting their duty to play politics, I accuse them of not giving the Indian the protection that they were paid to give; that it was their duty to protect them against the very things that the Mott report complains of; that we were paying $100,000 to them for this very purpose, and they were rendering practically no service, except in a few isolated instances. If they were rendering any material service, how did all this graft take place? The service they were rendering was political service to the Republican Party.

Mr. MANN. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. MANN. What legislation was enacted by the State Legislature of Oklahoma?

Mr. CARTER. The letters I have read were sent during the closing days of the regular session of our State legislature. Nothing was done then, but as soon as the special session was called, we sent other letters and telegrams that I have read. Unfortunately, in Oklahoma, as in other places, we have some people who would neglect such important matters as these in the hope of gaining political advantage. Some kind of bill

regulating probate matters had passed the house unanimously and had been referred to a committee of the senate.

The Oklahoma delegation was not sufficiently familiar with this bill to insist upon its passage, but was asking legislation for relief along lines specifically set forth in this correspondence. Whether it be true or not, it has been charged that the chairman of the committee in the Senate to which this bill was referred was at that time contemplating making the race for Congress, and that he expected to make this probate matter the issue of his campaign. At any rate, he had sufficient force to bury the bill in that committee. Since that time, I understand, he has concluded that the people of Oklahoma are as honest as in any other State, and that neglect of the protection of minor children's property is not good dope in a political campaign.

Since the legislature adjourned, I will say to the gentleman from Illinois, who, I believe, has this matter at heart and has often expressed himself to me much along the lines of my own thought, the Commissioner of Indian Affairs made a visit to Oklahoma. He had three different meetings with probate officials of our State, came down on the common level, extended the right hand of good-fellowship to them, and told them he was there not to advise and malign but to assist them in the discharge of their duties and protection of minor estates. He succeeded in getting in complete harmony with the probate courts in Oklahoma, and says if we will give him this $75,000 for probate attorneys he can offer sufficient protection to the minors that will prevent any further charges from coming into this House, that the county judges will be glad to assist him in the premises, and that while under the law Oklahoma State courts have full jurisdiction of probate matters, the county judges did not resent the hand he has taken in the matter and will give him full and complete cooperation.

The difference in the way that Commissioner Sells handled this matter and the manner in which it was handled by the former administration is surely responsible for this change of attitude toward the Federal Government. These district agents and others, in effect, walked up and slapped the county judges in the face, denounced them as crooks and grafters before they ever attempted to give the Indians any protection themselves at all. But Commissioner Sells has created such an era of good feeling among the people of Oklahoma in the way he has handled this matter that for the first time in the experience of our State our people are beginning to believe that they are really a part and parcel of these United States.

Mr. MANN. And before that they thought they were the whole thing.

Mr. CARTER. They knew they could not be that so long as Chicago and the gentleman from Illinois were on the map. I yield back the remainder of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to use one minute myself for the purpose of placing in the RECORD the set of rules and regulations that have been agreed upon between the Commissioner of Indian Affairs, Mr. Sells, and the County Judges' Association of the Creek, Cherokee, Seminole, Chickasaw, and Choctaw Nations. I hope that this will pour oil on the troubled waters, because in the future I do not believe any of these troubles will occur. I ask that these rules and regulations be placed in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert in the RECORD the rules and regulations to which he has referred. Is there objection?

There was no objection.

The rules referred to are as follows:

RULES OF PROCEDURE IN PROBATE MATTERS ADOPTED BY THE COUNTY JUDGES OF EASTERN OKLAHOMA.

JANUARY, 1914.

Rule 1. The ——— days of each month are hereby set apart and designated as the dates on which the court will hear guardians' reports, provided that such reports have been on file and notice given as provided in Rule 3.

Rule 2. All guardians are required to make annual or semiannual reports, unless otherwise directed, under oath, showing fully and completely the description, character, kind, and value of all property held for their wards. All items of receipts and disbursements must be in detail, and receipts produced and filed for sums paid out. All securities and assets should be listed in each report, and copies of deeds, mortgages, etc., evidencing same, recorded and attached thereto as exhibits. Upon an approval of any order of court to invest the funds of a ward, guardians shall attach to their reports copies of evidence of title or other investment. The date and amount of guardian's bond, premium paid, if any, as well as the names, addresses, and solvency of sureties thereon, must be given. The name, age, sex of the ward and relationship, if any, to the guardian should be stated, and the school advantages disclosed. All reports must be self-explanatory. A failure or refusal to file reports as due will be grounds for removal.

Rule 3. Upon the filing of the reports and fixing of the date for hearing thereof the judge shall cause notice to be given of the date of such hearing to the person having custody of the ward, the representative of the Interior Department or the probate attorney, at least 10 days before the date of the hearing. Any person or persons interested may appear and make objections, if so desired, to the approval of such reports, and offer evidence to support such objections.

Rule 4. No receipt from the ward upon the final accounting of a guardian will be accepted or considered unless the ward be brought into open court, and upon the hearing of said final receipt the stenographic notes shall be transcribed and a copy thereof filed with the papers in the case. In the consideration of any reports, annual or final, any item included in any previous report may be reviewed.

Rule 5. Petitions for the sale of land of minors and incompetents will be heard ——— of each month. On the hearing on petitions for sale, the guardian, person in custody, and the ward himself, when over 14 years of age, must be present and must be examined as to the necessity for said sale and the truth of the allegations of the petition, and furnish such additional evidence as the court may require. The evidence offered must be taken down and transcribed and a copy thereof filed with the papers in the case. No bid will be considered by the court unless a certified check in the amount of 10 per cent of the amount of the bid be deposited either in court or with the guardian offering the land for sale.

Rule 6. In the sale of minors' lands or minors' interest in land, the guardians shall be required to render to the court for his approval before confirmation of sale, an account of sale showing each item of expense incurred in such sale, and in no case shall abstract fees be charged against the minor's estate, except by a special agreement with the court at or prior to the time of filing bid. Confirmation will not be had except on the ———.

Rule 7. Under the sale of real estate by guardian, no fees in excess of the following schedule of fees will be allowed attorneys:

On the first $500 or less, 10 per cent.
From $500 to $1,500, inclusive, 5 per cent.
From $1,500 to $3,000, inclusive, 2 per cent.
For all above $3,000, 1 per cent.

But in no case shall the fee exceed the sum of $300. The minimum fee will be $25, unless the court, in granting the petition for the sale, shall stipulate that the fee and costs incident thereto shall be borne by the purchaser.

Rule 8. No petition for the sale of ward's property or voucher for the payment by the Interior Department of money to the guardian will be considered if said guardian is delinquent in making reports or filing inventory as required by law.

Rule 9. No oil and gas, or other mineral lease, covering lands belonging to minors or incompetents, will be approved except after sale in open court to the highest and best responsible bidder. All petitions for the approval of oil and gas leases shall be filed at least five days before the same are sold as provided herein, and notice of such sale must be given by posting and by publication, where publication is practicable, and shall be on ——— of each week.

Rule 10. Deeds conveying inherited lands of full-blood Indian heirs shall be approved only on the verified petitions of grantors, which shall set forth the names of the parties, description of the land, roll number of the decedent and grantors and quantum of blood, the permanent residence of the deceased allottee at the time of death, and the character and extent of the interest sold. Said petitions shall be set down for hearing not less than 10 days from the date of filing, and on one of the two days hereinbefore provided for the confirmation of sale by guardian, advertised in the county where the land is located for one week, and probate attorney or local attorney for the tribe of which the grantor is a member shall be notified upon the filing of the petition. Said land shall be appraised, and testimony of disinterested parties may be required as to the value of the land conveyed when deemed necessary by the court. The grantors shall be present and be examined in open court and before such deeds shall be approved, and the court must be satisfied that the consideration has been paid in full in the presence of the court. No petition will be considered when any deed has been previously placed of record upon the land, or taken within 30 days after the death of the allottee. The evidence taken shall be transcribed by the stenographer and filed of record in the case, the expense of which, including attorneys' fees, must be borne by the grantee. When it shall appear for the best interests of the Indian approval will be withheld unless the grantor agrees, in writing, for the deposit of the proceeds derived from the sale of the land, to be expended subject to the approval of the county court.

Rule 11. Guardians shall not expend for or on account of their wards any sum unless first authorized by the court, except in case of sickness of the ward or other emergency, in which event notice must be given immediately to the court.

Rule 12. The national attorney or any of the probate attorneys for the Five Civilized Tribes or the representative of the Department of the Interior—or Department of Justice in the Seminole Nation—will be recognized in any matter involving the person or property of a citizen of such nation.

Rule 13. Trust funds must be deposited by the guardian as trustee and not to his personal account, and where an individual is guardian for several persons or estates the accounts shall be deposited and kept separate and apart.

Rule 14. In the settlement of a guardian's account, where the guardian is the parent of the ward, no allowance will be made from the ward's estate for board and keep, except it is made to appear a positive injustice would result from the enforcement of such rule and unless said parent is unable to support said ward.

Rule 15. All guardians shall be required to secure loans for funds in their hands belonging to their wards with real estate first-mortgage security, not to exceed 50 per cent valuation of the land, approved by the county court, for such length of time as will insure the collection of the principal and interest before the arriving at majority of the wards.

Rule 16. No will or other instrument purporting to be a will covering the lands of a restricted Indian of the Five Civilized Tribes, whether such land be his individual allotment or inherited land, when submitted by the allottee or other person to the proper probate court, as required under existing law, shall receive the acknowledgment of nor be admitted to probate by such probate court until after notice shall have been given to the local probate or tribal attorneys for the tribes or for the Department of the Interior, or a representative thereof.

Rule 17. These rules shall also apply to executorships and administrations in so far as they are applicable, especially inasmuch as sales of property and accountings are concerned.

Rule 18. All advertisements not required by law may be waived with the consent of the county court, upon the approval of the probate attorney or tribal attorney.

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JANUARY 9, 1914.

The above and foregoing rules were recently promulgated by the county judges of the counties of the Creek, Cherokee, Seminole, Choc-

taw, and Chickasaw Nations, constituting the Five Civilized Tribes in Oklahoma, and meet with my hearty approval.

N. M. WILLIAMS,
County Judge, Grady County,
President County Judges' Association of Oklahoma.

Mr. STEPHENS of Texas. Mr. Chairman, I now yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, I am not now a member of the Indian Committee, and I shall not attempt to debate the bill in any sense. I do not believe the criticisms hurled at our State and courts by the gentleman from Kansas [Mr. CAMPBELL] are well founded, and I am sorry that he felt called upon to make them. There has been just criticism directed against me personally, though I think the gentleman from Illinois [Mr. MANN] did not mention my name—I now mention it myself—with reference to the RECORD, and this House shall not, with my permission, go without knowing the facts. The facts are that at the time this matter came up I was the ranking member of the Committee on Indian Affairs, and the gentleman from Texas [Mr. STEPHENS], the chairman; he and myself were making speeches pro and con, a dozen or more a day, for a series of days. The remarks to which the gentleman referred consisted of a colloquy back and forth that had everything on earth in it. I withheld those remarks for the time being, clearly within the House practice, waiting until our governor could make an investigation regarding the true conditions down there, and after that, covering considerable time, they were inadvertently kept out of the RECORD. If any gentleman thinks there is anything wrong about that, he can scold me or criticize me for it as much as he desires. I submit willingly that the gentleman from Illinois made a very just criticism. It was my full intention to put them into the RECORD, and, if the gentleman desires, I will be very glad to state the contents now or at any other time.

Mr. MANN. Oh, the gentleman surely did not understand me to criticize him?

Mr. FERRIS. I think perhaps the gentleman should have done so.

Mr. MANN. Oh, quite the contrary. I complimented the gentleman on keeping them out of the RECORD. [Laughter.]

Mr. FERRIS. I do not want the gentleman to do that. I was not in the Chamber when the reference was made or I would have spoken at the time.

Mr. MANN. I think the gentleman was right.

Mr. FERRIS. Mr. Chairman, one word more. The facts are these. This controversy about Oklahoma is not a new one. It occurs annually. Every year there are those present who elect to adopt in toto the contentions of the 508 Federal Government employees at Muskogee, and the 300 scattered Federal employees on my side of the State. There are those of us here who believe they are partially right and partially wrong, and who believe that the State courts are partially right and partially wrong, or, at least, careless. This court controversy was here last year, the year before, and it is here this year and will be here next year, and it will be with us so long as concurrent jurisdiction is vested in the Federal Government and in the State government, walking hand in hand to handle these questions.

There are 117,000 Indian allotments in our State. There are 330,000 Indians in the United States. We have more than a third of the Indians in the United States in our one State. That necessitates a complication on questions that arose last year, the year before, and this year, and will arise next year and will be present with us as long as the Indian problem is there. I have no doubt that the gentleman from Kansas does what he does for a good purpose, although I think the gentleman from Kansas is almost cruelly severe. It is a very serious thing for the gentleman from Kansas, or any other well-meaning gentleman in this House, to castigate the entire population of a State having almost half the Indians in the United States within its borders, because of irregularities that must of necessity spring up. More than 48 per cent of the total area of our State is not subject to any taxation, but is held by Indian allotments in one way or another. Questions spring up that are troublesome; that are hard to deal with. Mistakes occur which we all regret, and while I have differed with the gentleman from South Dakota [Mr. BURKE] on many things, while I have differed with the gentleman from Kansas [Mr. CAMPBELL] on many things, there are more mistakes and there was more trouble in my State with regard to probate procedure than I thought there were at the time the gentleman from South Dakota delivered his remarks.

There is but one sole regret that I have about his remarks, and that is that our Committee on Indian Affairs that year, in preparing the Indian appropriation bill, had gone into everything so fully, so openly, and so completely, and that not one word was said about this matter until we came on the floor of the House. Like every other Member from every other State, I have pride in my people, pride in my State, and I doubt the propriety of wholesale charges by any Member. Your State sent the people that comprise our State. To assault us and to assault our State is to assault your own people. The people that pressed out and opened up Oklahoma, the people who converted those cow camps into prosperous and happy homes, ought not to be assaulted without thought and in wholesale fashion. My good friend from Kansas is a trustworthy and honest Member of this House, and he knows the conditions that are present in the opening up of a new State. He knows the conditions and how difficult Indian problems are to solve. I am wondering if the gentleman, on second thought, will not care to temper his own remarks in the castigation of a State less than 7 years old, with all of those problems to deal with?

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Texas has 36 minutes remaining and the gentleman from Kansas 50 minutes.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Kansas if he intends to have more than one speech on his side?

Mr. CAMPBELL. Yes; there will be two or three to consume the remainder of the time.

Mr. STEPHENS of Texas. I will ask the gentleman to use some of his time now.

Mr. CAMPBELL. Very well. I will ask the Chair to call my attention when I have consumed seven or eight minutes.

The gentleman from Oklahoma [Mr. CARTER] referred to the testimony of Mr. Yarborough as though that testimony was largely the result of the witness's imagination. Here is what he testified to:

Chickie-Chockie, an Indian, owned a tract of land within the jurisdiction of the Bryan County court that was renting for $300 a year. There was a total of 325 acres. The land sold for $400, and the court approved the sale.

The gentleman from Oklahoma [Mr. CARTER] heard that testimony some three years ago. He also heard the testimony given as to the Bryan County court, and I will put the whole of this in the RECORD, but to save time I will read:

Ike Poole was the guardian of Summie Poole. Now, Summie had considerable property. She was an Indian child 8 years old. The guardian sold her property. The aggregate of the sale was $2,830.75. Ike Poole, the guardian of this little child, appointed by the court, brought in a bill of expenses for $4,967.70. The court, after seriously considering the matter, reduced the amount of that claim $75, leaving a balance due the guardian of $2,136.55. The child owed its guardian $2,136.55. A petition was filed to have the homestead of the child sold to pay the amount of this $2,136.55. The court approved the report of the guardian.

Mr. CARTER. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. CARTER. I believe I stated those were the two cases I knew of.

Mr. CAMPBELL. Yes.

Mr. CARTER. Will the gentleman from Kansas now tell us what happened to this judge at the next election? It is in the testimony right there.

Mr. CAMPBELL. I understand that he was not nominated.

Mr. CARTER. He was defeated, and Mr. Yarborough's statement set forth in that same testimony that he was defeated on account of this transaction.

Mr. MANN. Was Yarborough's statement right? You said a while ago he never told the truth.

Mr. CARTER. I said he sometimes handled the queen's English carelessly. He may have gotten it straight this time.

Mr. CAMPBELL. I never saw the witness Yarborough until he testified about these matters. I brought this out and made some comment on it at the time; some such comment as I have made here.

I might, if I were disposed to add to the criticism I have already given, say that no step was taken here to correct those abuses except the steps that were taken on this side of the aisle, and every step that was taken was bitterly resisted by the gentleman from Oklahoma [Mr. CARTER] and his colleagues.

Mr. CARTER. When did this testimony come into the RECORD, if the gentleman will yield?

Mr. CAMPBELL. It was taken in August, 1910.

Mr. CARTER. When did the gentleman first present those cases to the House?

Mr. CAMPBELL. At the time of the consideration of the very next appropriation bill.

Mr. CARTER. I think the gentleman will find that he presented them during the consideration of the appropriation bill at the first session of the Sixty-second Congress, in 1912, two years thereafter.

Mr. CAMPBELL. I am very sure it was during the consideration of the next bill. Now, these are simply samples, as the testimony showed, of what was done throughout Oklahoma by probate courts. If this is a reflection upon the people of Oklahoma or the State of Oklahoma, they are responsible, and not I. I have presented the matters here because I have deemed it a duty to present every matter here that would arouse the conscience of this Congress and of the people to the outrages that have been perpetrated down there against helpless Indians and were not being righted within that jurisdiction.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has occupied eight minutes.

Mr. CAMPBELL. I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. STEPHENS of Texas. Has the gentleman from Kansas more than one more speech on that side?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. I have three on this side.

Mr. CAMPBELL. I have two more on this side.

Mr. MANN. Mr. Chairman, I do not think anyone doubts the ability or the integrity of the gentlemen from Oklahoma who were in the last House and who took part in the debate on this subject when it was up a year ago. Mr. Mott made an investigation of the probate proceedings as related to minor Indian estates, especially in the various probate courts of Oklahoma, and, although he was assailed a year ago with vituperation on the floor of the House, which is again repeated this morning, not by one of the gentlemen who took part a year ago, but by one who rushes fresh into the fray, his report is now conceded, apparently by everyone who has investigated the matter, to have been substantially correct and of great value.

When it was submitted last December, a copy was furnished to the gentleman from Texas [Mr. STEPHENS] by messenger and a copy was mailed to the gentlemen from Oklahoma [Mr. FERRIS and Mr. CARTER].

Mr. CARTER. Mine, I think, came up by special messenger.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield?

Mr. MANN. I yield, but I think the gentleman is incorrect. I am referring to a statement made by the gentleman from South Dakota [Mr. BURKE] a year ago.

Mr. FERRIS. Will the gentleman yield right there? Does the gentleman have the record straight as to date? I am not contentious or am not asserting that this or that may be true. I do not see everything that comes on my desk, printed circulars or things of that kind. Of what date is it?

Mr. MANN. I did not mention the date. I said in December. Mr. BURKE made his first speech in the House on December 13, 1912. The Indian bill was under consideration at that time, and had been reported a few days before. I am not criticizing the gentlemen because they did not read this report prior to its consideration by the House. When the report came to Mr. BURKE, I say, he happened to look at it. I venture to say it is a "happenstance" if we look at any report promptly that comes to our desk, or, perhaps, look at it at all. Mr. BURKE consulted with me in regard to it before he made his speech in the House.

He said he had received this report and had examined it, and if the statements made in it were true it was something that required exploitation in the House, and properly. The truth is that the statements in the Mott report were so remarkable that he had some hesitancy even in making use of them in debate, and he arranged with me that when he commenced his speech I should ask him some kind of a question which would justify him in proceeding; and this took place in the House.

Mr. BURKE, after quoting the law, which applies only to Oklahoma, that the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma, proceeded and made this statement:

Mr. Chairman, on former occasions I and others on this side of the House have questioned the integrity and the honesty of the probate courts of Oklahoma, and I want to say right now at the outset that, in my opinion, in the probate courts in that portion of Oklahoma where the Five Civilized Tribes reside some of the judges are corrupt and dishonest and a large number of them are indifferent in the discharge of the duties of their office, so far as the affairs of Indian minors and Indians generally are concerned, and particularly in guardianship matters.

I asked the gentleman to yield to me, and I made this statement:

The statement made by the gentleman, or the charge made by the gentleman, of course, is a very serious one—that the probate courts and probate judges in such portions of Oklahoma are either indifferent to the care of the wards of the court or are dishonest and desirous, practically, of depriving the wards of their property. I hope the gentleman will not make such a statement in the House unless he has some proof to submit to the House on that matter.

Thereupon Mr. BURKE proceeded with his proof. The only answer that was made at the time was the answer that might naturally be made by surprised and astounded counsel. Having no way of rebutting the statement, the gentlemen from Oklahoma proceeded to abuse the witness, as I suppose the other gentleman [Mr. FERRIS] will proceed to do this morning, as he has already done.

Mr. Mott was denounced in every way that was parliamentary, particularly by the gentleman from Oklahoma [Mr. DAVENPORT]. My recollection is that the gentleman from Oklahoma [Mr. CARTER] rather sidestepped the proposition, not having knowledge, and being always—I will say this—especially interested in the Indians and in the protection of Indians. And I do not say it with any reflection upon the other gentlemen from Oklahoma, because I believe that to be true of them also.

The gentlemen from Oklahoma after that debate wired the governor of Oklahoma; they wrote letters to the governor of Oklahoma. And on April 22, after having stated in the House that they had not believed these Mott statements as made, the entire Democratic and Republican delegation from Oklahoma wrote a letter to the governor in which they made this statement——

Mr. CARTER. It was a telegram.

Mr. MANN. If it was, I suppose it was sent at Government expense. It is a very long telegram. I should call it a long letter. It was probably not paid for by any of the gentlemen. Otherwise it would not have been telegraphed.

Mr. CARTER. It was right to be sent at Government expense.

Mr. MANN. Certainly it had a right to be sent at Government expense. I read:

WASHINGTON, D. C., *April 22, 1913.*

LEE CRUCE,
Governor of Oklahoma, Oklahoma City, Okla.:

Your delegation in Congress desires to respectfully call your attention to the necessity for amending and improving our probate laws for the better protection of minor estates and full-blood heirs. The numerous investigations of these matters made by Federal employees report appalling conditions. These reports have been exploited in both Chambers of Congress. An investigation by our State authorities confirms such reports and finds the derogatory accusations of the Mott report "substantially correct." * * *

Although my friend from Oklahoma [Mr. FERRIS] signed this telegram a year ago, he said this morning that he thought the statements in the Mott report were substantially incorrect, as I understood him.

Mr. FERRIS. I do not think the gentleman is quoting me quite right there.

Mr. MANN. That is the reason I am stopping and pausing—for the gentleman to correct me if I am not.

Mr. FERRIS. I have not my remarks before me, but I mean as I recollect them.

Mr. MANN. I am speaking of this morning.

Mr. FERRIS. That is what I refer to. My present view—whatever that may be worth here or elsewhere—is that the Mott report was more nearly correct than I thought it was at the time I made my speech. That is what I think I said. That is what I believe, anyway.

Mr. MANN. I do not want to put the gentleman in an improper light at all. I am not seeking to criticize the gentleman. I have been sometimes a little surprised that the gentlemen did not know better what was going on in their districts; and yet I think that is quite natural, and I do not believe, and I never have believed, that the people of Oklahoma or the people of any other State in the Union desired as a body to condone fraud or dishonesty on the part of any of their officials.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. I hope the gentleman will yield to me for a moment. I want to ask him a question.

Mr. MANN. I want to make a little more speech before I yield to a question.

Mr. CAMPBELL. Mr. Chairman, I yield five minutes more to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. FERRIS. Did the gentleman say he did not desire to yield?

Mr. MANN. Not at this time. I think it is proper to say that although the entire delegation last April urged the governor to have this telegram read before both houses of the Oklahoma Legislature, which I assume was done, asking for remedial legislation, and making the statement which I think the gentleman from Oklahoma [Mr. CARTER] read, that the Oklahoma delegation could not expect to get the legislation desired here unless the Oklahoma Legislature would grant remedial legislation as to probate courts; as a matter of fact, nothing as yet has been done in the way of legislation. And this House, Mr. Chairman, owes a great deal to the gentleman from South Dakota [Mr. BURKE], who called to the attention of Congress this Mott report, which otherwise, along with many other documents, might have lain unnoticed and unheralded until the end of time. Mr. BURKE called it to the attention of this House. The propositions contained in it were denied in the main on the other side of the House, but afterwards honestly and fairly investigated by the gentlemen who at first were disinclined to believe them.

Some gentlemen now say that the Mott report—and the gentleman from Oklahoma this morning said that Mr. Mott's statements would not be believed in Oklahoma. Mr. Mott's statements, in my judgment, are believed in Oklahoma by the honest people there. I have no doubt they will endeavor to remedy the conditions set forth. But whether his statements are believed or not, I want to call to the attention of the House the statements of another person who, I suppose, will receive credit on the Democratic side of the House—the statements of the present Commissioner of Indian Affairs, a Democrat, appointed by this administration. He subjected himself to an interview in December, in Denver, which was taken down by a stenographer, and among other things in his statement, which appears in the Denver Times of December 31, 1913, occurs this language:

The commissioner then touched on a convention to be held in Muskogee, Okla., to which he goes from here, and which is to take up the matter of guardianship of Indian minors on the reservations and the administration of their estates.

Then the commissioner said:

The Indian children of Oklahoma are the richest average children in the United States. However, it is a lamentable fact that they have less statutory protection there than in any other State. In the 40 counties in eastern Oklahoma there are now pending from 800 to 1,500 probate estates, about 85 per cent of which are Indian children's estates.

I have recently discovered that it costs about 3 per cent to settle a white child's estate and that it costs more than 20 per cent to settle the estate of an Indian boy or girl. This is the result of guardians having been appointed without regard to their equipment and the acceptance of bondsmen many times wholly insolvent.

Enormous fees have been charged by attorneys and unconscionable fees by guardians, together with indefensible expenditures of their funds, which has frequently resulted in the dissipation of their entire property.

It is not an uncommon thing when an Indian child reaches his majority to find that his guardian has absconded and that his bondsmen are wholly financially irresponsible. It is my determined intention to reform this indefensible condition, and to this end I have recently appointed a number of probate attorneys who will give their whole time, under my direction, to this work.

Mr. McGUIRE of Oklahoma. Will the gentleman yield right there?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CAMPBELL. I yield to the gentleman two minutes more.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McGUIRE of Oklahoma. I noticed in the reading of the purported statement of the Indian Commissioner that he is quoted as stating that there are from 800 to 1,500 guardianship cases in the 40 counties in eastern Oklahoma. I just want to correct that statement, so that the House will not get a wrong impression. There are from 800 to 1,500 of these cases in each of some of those counties.

Mr. MURRAY of Oklahoma. In Muskogee County alone there are over 6,000.

Mr. FERRIS. I think he must have meant to say that there were 600,000 cases in all.

Mr. MANN. The statements made by the commissioner are very largely included in his annual report.

Mr. FERRIS. The gentleman has been so fair in his statements of the history of this matter that I want to ask him a question of parliamentary etiquette. Does not the gentleman think it would have been a little better and that it would have had a little more wholesome effect if the gentleman from South Dakota [Mr. BURKE] had asked the chairman of the committee to call the committee together and let them take some action in the committee, rather than to have a great blowing of trumpets on the floor here.

Mr. MANN. If the action now suggested by the gentleman from Oklahoma had been taken, no one outside of the Committee on Indian Affairs would ever have heard of the Mott report.

Mr. FERRIS. I do not think the gentleman ought to say that.

Mr. MANN. The Committee on Indian Affairs had this report before it. The gentleman from South Dakota [Mr. BURKE] could not require the committee to get together.

Mr. STEPHENS of Texas. I will correct the gentleman on that——

Mr. FERRIS. We never had it at all during the consideration of the bill.

Mr. STEPHENS of Texas. The Indian bill was reported and on the calendar before that report ever reached this city.

Mr. MANN. I have stated that already, but the report was in the hands of the gentleman from Texas and on the table of the gentleman from Oklahoma [Mr. FERRIS], and the gentleman admitted it a year ago.

Mr. FERRIS. Not I?

Mr. MANN. Yes.

Mr. FERRIS. Where?

Mr. MANN. In the unpublished speech.

Mr. FERRIS. No.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from Oklahoma [Mr. THOMPSON].

Mr. THOMPSON of Oklahoma. Mr. Chairman, I had not intended to say anything on this question, because I am not a member of the Committee on Indian Affairs, and should not have said anything if the people of Oklahoma had not been attacked here and called scoundrels, thieves, robbers, murderers, and accessories before the fact to murder by the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Minnesota [Mr. MILLER] and by other gentlemen on that side.

Mr. Chairman, I want to say that we are very fortunate in this Congress in having a MANN in this House. If we did not have a man who spelled his own name M-A-N-N, we might not have a single man in the House, according to the gentleman from Illinois. I now yield to the gentleman from Minnesota [Mr. MILLER] to ask me the question that he asked my colleague [Mr. CARTER] awhile ago, if he desires to do so.

Mr. MILLER. I prefer that the gentleman make his own statement, and then I can determine whether it is possible that he can furnish me any information or not. I have my doubts about it.

Mr. THOMPSON of Oklahoma. I do not know whether it is possible to furnish the gentleman any information. I can tell better after I hear his statement than I can now. During the time that I have, I want to put in the RECORD a statement of the probate laws of the State of Illinois and of the probate laws of the State of Oklahoma, in order that the people of the country may understand what the people of Oklahoma have enacted for the protection of minors in that State as compared with what the people of Illinois have enacted upon the same subject.

I desire to say, in addition, that the probate laws of the State of Oklahoma that we have in force in that State at this time are principally the probate laws enacted during the Republican Territorial days when my friends from Oklahoma, my colleagues, Mr. McGUIRE and Mr. MORGAN, and their party had control of the State. I will submit to my colleagues, Mr. McGUIRE and Mr. MORGAN, if the probate laws of the State of Oklahoma have been changed since the Democrats have had control of the State—except they have not been changed for the better? I will yield any part of my time for them to make any statement indicating that the probate laws have been made worse since the Democrats have been in power in the State of Oklahoma.

Mr. Chairman, I was a member of the State Senate in Oklahoma in 1912. I favored an amendment to the probate laws of Oklahoma that made it more stringent and more strict to sell the Indian lands. I do not want to say, and I am not going to say, that there has been no violation of the laws there. I am not going to say that nothing wrong has been done in Oklahoma, but I am going to say, as I said in my question to the gentleman from Oklahoma [Mr. CARTER] that where you find a show you find a lot of shell-game men, and where there is a great number of probate proceedings you are going to find a number of men who want to shell game the minors of the State, and we have it in Oklahoma. I do not attempt to defend everything that has been done in Oklahoma. I want to say that the amount of wrongdoing in that State has been just as little as there has been in the State of the gentleman from Illinois or the gentleman from Kansas or the gentleman from Minnesota in proportion to the amount of probate business done in that State. Now, I think my colleague from Oklahoma, Mr. CARTER, put in the RECORD the report of Mr. Sells.

Mr. CARTER. No; I did not put the report of Mr. Sells in the RECORD.

Mr. STEPHENS of Texas. We put in the rules adopted at the convention at Muscogee of the judges of the various Five Civilized Tribes.

Mr. THOMPSON of Oklahoma. I would like to have that in the RECORD to show that there was complete harmony between the Indian Commissioner's office and the probate judges in Oklahoma. I want to say, in conclusion, that Mr. Sells told me personally that he found no body of men in this country who were more willing to cooperate with him in straightening out the probate business and doing justice to the minors than he found among the probate judges of Oklahoma.

We have some people in Oklahoma who would not be entitled to be called angels, but the percentage is as small as in any of the States where our critics reside.

Mr. CAMPBELL. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Texas has 30 minutes remaining and the gentleman from Kansas 25 minutes.

Mr. CAMPBELL. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the gentleman from Oklahoma [Mr. THOMPSON], who has just taken his seat after addressing the House on this subject without throwing any light upon it, made the charge, in a moment of wildness, that the probate courts of Illinois had been as corrupt and dishonest, practically, as the probate courts in Oklahoma in these Indian affairs. The charge is absolutely baseless. The gentleman had no information on which to make a charge. I do not suppose he has ever investigated the subject, and I defy him to produce any evidence to that effect.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. MANN. Yes.

Mr. THOMPSON of Oklahoma. I did not make that charge. I said that I wanted to put in the RECORD the probate laws of Oklahoma and the probate laws of Illinois, and I said there was no greater percentage of violation in Oklahoma than there was in Illinois.

Mr. MANN. That statement is incorrect.

Mr. THOMPSON of Oklahoma. That is the gentleman's statement about it; I deny it.

Mr. MANN. I do not care whether the gentleman denies it or not. I dare the gentleman to produce any evidence on the subject.

Mr. THOMPSON of Oklahoma. I say it is true.

Mr. MANN. The gentleman is talking wildly, as usual.

Mr. THOMPSON of Oklahoma. The gentleman is talking inaccurately, as usual.

Mr. CAMPBELL. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I was not in the least unaware of the gracious offer on the part of the gentleman from Oklahoma [Mr. THOMPSON] to furnish information if I would propound a question; but I was sincere in my response that I preferred to wait until he had spoken, that I might see whether he had any information to offer.

I was really a little bit surprised that the gentleman saw fit to inject himself into a controversy now some years old. I have heard of the child sticking its hands in the cart wheel, boys sliding down the back cellar when there were nails in the door, with disastrous results. I have known the buzz saw to whirl in the House when wise men looked on and, unlike the gentleman from Oklahoma, side-stepped. It remains for the gentleman from Oklahoma who has just spoken to jump into the buzz saw, throw the monkey wrench into the cylinders, and say, "Hip, hurrah; let the thing go on!"

The gentleman stated that the difficulty, if any, existing in Oklahoma was due to the kind of probate courts and probate laws established in that State when the Territory was under Republican administration. Mr. Chairman, that statement goes to the extent of his knowledge and information. The fraud that reeked Oklahoma's fair land from administration of Indian minors' estates is not due to the system of probate courts, it is not due to the system of laws that they have there, but to the profligate, conscienceless men who administer the law and fill the court positions; and if the gentleman from Oklahoma was frank with the House he would stand up and admit it.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. THOMPSON of Oklahoma. I would like to have the gentleman name one of those officers.

Mr. MILLER. I can name them. One has been named, but I do not care to put them in the RECORD.

Mr. THOMPSON of Oklahoma. Name one county judge or county officer.

Mr. MILLER. I say I do not care to do it now.

Mr. THOMPSON of Oklahoma. The gentleman can not do it.

Mr. MILLER. The gentleman from Oklahoma in his speech spoke of his services to the State. I was reminded of an instance that occurred in the Philippine Islands when Mr. Taft was governor of those islands. After considerable time he concluded he would make a trip into the mountain provinces. To do so it was necessary to ride on a pony. A pony is a very small beast of burden. Eventually he did, however. He rode about 150 miles up into the mountain provinces, and was so extremely satisfied with the result that he wired to a friend in America and said, "I have just made a trip up into the mountain provinces, riding a pony, and I am feeling fine." The friend cabled back, "That is all right for you, but how about the pony?" Mr. Chairman, the gentleman from Oklahoma [Mr. THOMPSON] stated that he had bestrode the Senate of the State of Oklahoma for a time. I have no doubt he did, and I have no doubt that his appearance now justifies the good effect it had upon him, but how about the State of Oklahoma and the senate of that State?

If there was need for the delegation from Oklahoma one year ago to unite in a memorial to the senate and house of that State and say, "For God's sake, pass some kind of law or do something to suppress those frauds," then what was the gentleman from Oklahoma [Mr. THOMPSON] who has just spoken doing during all those years he was in the senate, with these frauds transpiring directly under his notice?

Mr. Chairman, I did not, however, seek the time of the House to discuss at any length this phase of the question. As has been intimated this is an old subject of controversy. This present moment is something like fighting a battle after it is all over, and now that it is over I really feel in my heart that I would like to say a word or two somewhat generally and possibly not in point. This is the third consecutive year that we have fought out this question. Generally the gentlemen on that side of the aisle, many of them from Oklahoma, have taken issue with some of the statements made upon this side. I want to say, with the utmost earnestness I can command, that no man who has represented the State of Oklahoma, so far as I know, in the years past, when these controversies have been under consideration, has acted except as he viewed his duty and his conscience. I believe they did not become aware of these peculiar conditions existing in some parts of that State, and I do not wonder that they tried to protect the name of their State by demanding the proof from this side. It took us some time to produce all of the proof. It has not all yet been produced, but enough has been produced so that they have been convinced of the rightfulness of the position we took, and I think it is to their eternal credit that during the past year, as a whole, they have so righteously upheld the right and honor of the Indians and of their State by advocating a remedy of the conditions existing. But it must be admitted that the accusations we have made in this regard have been entirely true and that they have been substantiated by ample facts. If any doubter still exists, I refer him to the reports of the Democratic Commissioner of Indian Affairs, just submitted, on the question of court frauds in the State of Oklahoma.

Referring more specifically, Mr. Chairman, to the statement of my good friend from Oklahoma [Mr. CARTER], wherein he claimed that the district agents heretofore existing in the State of Oklahoma were a lot of gangsters and political partisan workers, I do not believe after he reads that in print he will be proud of that portion of his remarks. I am quite confident he will regret that he put it exactly in that manner. I know he would not want to be unfair or unjust, and I do not believe he would want to make a statement like that in the CONGRESSIONAL RECORD and let it stand for all time to come.

Mr. CARTER rose.

Mr. MILLER. Just let me finish, and then I will be very glad to yield to the gentleman. I do not mean to say that one or two, and perhaps three or four, of these men did not engage in some party activity. They never ought to have done it. Not a man on this side would uphold them in anything they did, whether for or against the gentleman from Oklahoma. Their business was of a different kind. Politics was outside of the pale of their activities, and I am perfectly aware that the gentleman from Oklahoma has a right to be a little bit restive if the things he said in respect to one man are true, and I know they are true, or he would not say them; but he should recognize that there is a great difference between an institution and an individual, just as there is a great difference between a probate court as such and the character of the man who fills the office of probate judge for the time being. That these district

agents were needed has been borne out by an abundance of proof that would overwhelm any investigator. That their need has existed all of these days is borne out by recent investigation and the report of the honorable Commissioner of Indian Affairs, recently made public and referred to by the gentleman from Illinois [Mr. MANN].

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes; I will yield if it is a short question.

Mr. CARTER. I just want to ask the gentleman where all of these district agents were when all of this fraud was being perpetrated? If the gentleman will permit me, just one moment, my contention has always been not that there was no necessity to have Indians supervised in Oklahoma the same as in other places, but that the district agents as the personnel was then constituted did not give the Indians the protection that this Federal Government was paying them to give.

Mr. MILLER. Mr. Chairman, the gentleman from Oklahoma knows very well that this system of district agents is of recent origin; that the condition of which we have been talking existed long prior to the appointment of these agents; and that they came at a time when the conditions existed; and that they have set themselves to the task of correcting such evils as exist.

Mr. CARTER. Just one short statement I want to make. I know the gentleman does not want to misrepresent these things to the House. I call his attention to the fact that restrictions were first removed from the lands by the very act that created the office of district agent.

Mr. MILLER. But minor estates and probate matters existed long before that.

Mr. CARTER. But they were in the hands of the Federal courts at that time. They were not in the probate courts of the State of Oklahoma.

Mr. MILLER. As to that I am not informed.

Mr. CARTER. The same act that created the district agents gave the Oklahoma State courts jurisdiction over probate matters.

Mr. MILLER. Mr. Chairman, I have in my hands the report summarized of the activities of district agents in the State of Oklahoma for one year, and I am pleased to give it to the House, and especially to the gentleman from Oklahoma [Mr. CARTER] for his information. I find that the district agents during that one year, which is the year of 1912, made reports under section 6 of the act of May 27, 1908, totaling 671. They reported specifically to the general superintendent on miscellaneous matters 582. They filed a total of 1,696 complaints against the methods being used in probating certain estates.

They disposed of complaints thus filed, by their activities in the probate courts, numbering 1,482. They examined into probate cases then pending in the probate courts, in the counties in which the Five Civilized Tribes were existing, over 20,000 in that one year. The charges of departmental leases which they investigated and referred the recommendations to the general superintendent totaled 2,199. The amount of money actually saved to Indian allottees by these investigations which they carried on in these courts totaled $549,498.91.

That is from the report of the Secretary of the Interior. If other words are lacking, here are those of the department in which they say these men were working, that they were active, that they were energetic in looking after the interests of the Indian minors and those whose restrictions had been removed, and that they performed a most marked and valuable service. But those days are largely past. I am sorry, however, Mr. Chairman, to note the degree of hostility on the part of several Members from Oklahoma to the gentleman whose report created somewhat of a sensation last year. I refer to Mr. Mott. Now, Mr. Mott is no friend of mine. So far as I know, Mr. Mott has hardly ever been north of the Mason and Dixon line in his life. I believe he went to Oklahoma from North Carolina.

Mr. FERRIS. The gentleman does not limit the scope of his friends to that line? Of course, I say that in good humor.

Mr. MILLER. No; I do not. When I was with a committee that went to Oklahoma to investigate I met Mr. Mott, and, at his request, I made a personal investigation into the conduct of his office, for the reason that he then told me that some charges had been recently preferred against him. Of course, we were investigating all Indian-contract attorneys. I have no way of knowing how good a lawyer Mr. Mott is. I do not know whether he can draw a complaint or not; I do not know whether he can try a case in court or not; I do not know whether he could carry a case through the various Federal courts or not. But I do know this, that he is an honest man, and what is needed among the Indians of the eastern part of Oklahoma more than anything else is an honest man. [Applause.] I know this, that during the months following my trip to Oklahoma I made a special and personal investigation into the so-called Creek town-site matter, and it seemed to me that that was the most colossal fraud that had ever been perpetrated on the Indians in the history of this Government. I tried to get the actual facts from many men. Finally I wrote to Mr. Mott, the attorney for the Creeks, and he probably spent three months in getting information, and finally sent it to me in concrete and usable form, and it was absolutely complete.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I would like to have two or three minutes more.

Mr. CAMPBELL. I yield four minutes more to the gentleman.

Mr. MILLER. He handles much of the important litigation in which the Creek Nation is interested. He has had associated with him a Mr. Sturdevant, of St. Louis, an eminent lawyer, and I know their cases have been handled successfully, and that there never has been any scandal associated with the legal work performed for that tribe. I do know that this man rendered a great service to the people of Oklahoma and of the United States when he submitted that report a year ago; and looking back, as I have, on the work that he has done there the last four or five years, it seems to me he has been one of the few men who has actually earned his money in working for the Indians.

Now, no man can make me believe but that the good people in Oklahoma predominate over the bad. I know they do. No man can make me believe that the people of Oklahoma, as a majority or a whole, desire the Indian people to be defrauded. They do not. And so I believe that the people of Oklahoma, the greater part of the people that compose that great community there, indorse the work of Mr. Mott. I believe firmly that any attempt to put a reflection or a curb upon the activities of that man will not meet with the good favor of the thinking people there or elsewhere. Now, I am not saying that he ought to be continued as an attorney or not. But I am saying that the work he has been doing should be continued by some one as he has done it.

Mr. CARTER. The gentleman said what was needed in eastern Oklahoma was an honest man. He does not want to convey the impression, I am sure, that there are no honest men in eastern Oklahoma?

Mr. MILLER. No; if I said that, I misspoke myself. What I wanted to say is that what the people of Oklahoma want is a man to handle the affairs of Indians in that State who is an honest man.

Mr. MANN. Diogenes could not find one.

Mr. MILLER. In eastern Oklahoma?

Mr. MANN. Nowhere.

Mr. MILLER. I hope it will never be thought that I sought to cast any reflection upon the people of Oklahoma any more than on people elsewhere in the country. Wherever Indians actually exist, either in Oklahoma or in any other place in the country, you are going to find a laxity of morals on the part of the whites in respect to their property treatment of the Indians. It is wrong, it is accursed, and it ought to be wiped out. The reason that more of it exists in Oklahoma than elsewhere is because of the fact that there exists more opportunity for it. There is more property, and the whites have been permitted to enter and mix with the Indians owning the land, helter-skelter, in the Indian country.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. FERRIS. I know the gentleman knows a great deal about Indian affairs and Indians in his own State. Does the gentleman think that while there is always a great deal of trouble about the charges and the graft that spring up, there is also a good deal of inflammable matter which creeps in, too?

Mr. MILLER. There is no doubt about that.

Mr. FERRIS. I have in mind the gentleman's White Earth country, as well as my own State.

Mr. CARTER. Fifty per cent of it has no foundation, but there is some foundation for it.

Mr. FERRIS. Of course there is.

Mr. MILLER. And there has been some foundation for the charges as to the White Earth Reservation, and the gentleman knows it. I have been for wiping them out.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. STEPHENS of Texas. Mr. Chairman, for the purpose of varying the entertainment to some degree, I will yield five minutes to the gentleman from New Jersey [Mr. MCCOY].

The CHAIRMAN. The gentleman from New Jersey [Mr. MCCOY] is recognized for five minutes.

Mr. MCCOY. Mr. Chairman, in reading yesterday's RECORD, I noticed that the gentleman from Ohio [Mr. WILLIS] inserted

a news item from the New York Times in regard to the conditions of unemployment alleged to prevail in Newark, N. J., a part of which city I have the honor to represent. The item stated—and it is in the RECORD here—that about 400 men were unable to get employment and sought employment from the municipal employment bureau, but that there was no work that could be given out by the bureau.

Now, the fact that 400 men are seeking employment in the middle of winter in a city having some 400,000 inhabitants is not an astonishing statement to have to listen to. It could be made every year at this time of the year. But I think that it is just as well, as long as newspapers are to be relied upon for information of that kind, to read a statement from the Newark Evening Star of February 9 in regard to this incident. The statement is as follows:

ONLY 50 OF 118 WHO DEMANDED WORK ACCEPT IT—WORK AT PEDDIE STREET IS HAMPERED WHEN 68 FAIL TO REPORT—EDWARD REDLER, LEADER OF ARMY, AMONG MISSING—CIVIL SERVICE COMMISSION TO NOTIFY OTHERS ON LIST TO REPORT IMMEDIATELY.

Although 118 men were notified to report for work this morning on the Peddie Street grading job, only about 50 appeared. The civil service commission sent communications to 118 men, notifying them of the work to be started to-day. They were told to report at 7.30.

The entire number of men that reported were placed to work. More notices will be issued by the civil service commission to-day. The city can use about 100 men on the job. Chief Engineer Morris Sherrerd says:

"The laborers will be somewhat hampered for a time because of the inability to find a means of crossing the Jersey Central Railroad tracks with vehicles. As soon as a temporary crossing can be made a larger number of men can be employed."

The members of the army of unemployed, whose representatives called on Mayor Haussling last week, were all notified to place their names on the civil-service list if they desired employment. A number of them did so, and the list of eligibles now has swollen to upward of 300.

Edward Redler, of Fairmount Avenue, who led the delegation which called on the mayor, did not appear for work to-day. He also appeared before the board of works seeking employment for himself and his 500 followers.

I simply want to repeat that, in a city of 400,000, to find 400 men out of employment in the middle of winter is no unusual thing. And I can supplement that statement by saying that such a thing has occurred in a lesser degree in the past in my own immediate community. The so-called Oranges are a smaller community, taken together, than Newark, because they have only about 80,000 inhabitants. I have had some experience in active work in connection with charity organizations up there. We were bothered some years ago with tramps to such an extent that we established a wood yard, to be operated as part of the activities of the bureau of charities. All that we required of men when they came there seeking assistance was that they should be willing to take a bath when the proper time came for that, and to chop up two or three barrels of kindling wood; and for that they got a good supper, a good night's lodging, and a good breakfast. But we no longer operate the wood yard, for the simple reason that the great majority of those men do not go there really looking for work——

Mr. ELDER. How about the bathtub? [Laughter.]

Mr. McCOY. They were looking for a bath even less than they were looking for work. [Laughter.] The fact is that most of them did not want work. What they wanted was something for nothing. All that is stated to be true here of a large number of the so-called army of unemployed in the city of Newark. They do not want to work. They wanted——

Mr. MURRAY of Oklahoma. Soup? [Laughter.]

Mr. McCOY. Yes; soup. The last thing they, many of them, wanted was work. The deserving wanted to work, and did so when the opportunity offered.

I was talking this morning with a man who a year ago last fall ran on the Republican ticket in the city of Newark for the office of mayor in that city. He is a manufacturer in Newark, one of the largest in his line in the United States. He told me that in the month of January of this year he took on 50 additional men, so as to be able to meet the demands of his business. He said that they are still on now, and that he is now employing a larger number of men than he has ever employed before, and he has been in business for many years. I can not say that the same is true with respect to all the industries in Newark, but I think it true to a large extent.

However, if the gentleman from Ohio [Mr. WILLIS] wants to get real information, let him write to the secretary of the Board of Trade of Newark, and I am not afraid of having anything that he will there find out published in the RECORD. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I will yield to the gentleman from Oklahoma [Mr. DAVENPORT] 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. DAVENPORT] is recognized for 10 minutes.

Mr. DAVENPORT. Mr. Chairman and gentlemen of the committee, I was indeed gratified to hear my distinguished friend from Kansas [Mr. CAMPBELL] take the side of the Indian as a general proposition, but I was wondering whether he had not referred to my speech made on the 8th of April, 1912, when I took up the question as to the way in which the Indians had been treated by our Government from the date of the first treaty that was ever made with any tribe of Indians by the United States Government, that tribe being the Delaware Tribe of Indians, in the State of New York at that time, and was entered into during the Revolution.

But those questions as to what the Government has done for the Indian are not questions embraced within this Indian appropriation bill. I am willing to agree with the gentleman that up to the present time the Indians have been shifted from pillar to post and treated according to the whims of the white man, and sent from place to place in order that the white man might acquire the land which the Indian was then occupying. But it does not seem to me that all of the sins committed in shifting Indians from place to place should be debited against the white people of Oklahoma. While the gentleman's own State has had the honor of having some of the grandest tribes of Indians that ever existed reside in his State, he says nothing about the valuable lands that were taken from the Wyandottes and the Shawnees in Kansas—lands that are now a part of the cities of Wyandotte and Kansas City, Kans. Nor does the gentleman say a word about the price they received at that time for their land. It is true it has enhanced very greatly since that time; and yet the same underlying principle prevailed at that time, and so, to get rid of the Indians and make way for the white man, they removed them and required that the Shawnees must come and treat with the Cherokees in order to have a home down there.

And so on down the line; and all of that condition exists now in Oklahoma, notwithstanding the fact that we there have only about one-third of the Indian population that is in the United States.

Now, as to what took place in the previous discussions upon the Indian appropriation bill, the arguments that were made at that time and the discussions and insinuations that we had then were made because there were some provisions in the Indian appropriation bill that were being questioned. But, I ask you, why is this argument injected into this discussion at this time? Is it for the purpose of clearing the mind of some Member as to how he shall vote upon this bill, or is it for the purpose of trying to cast a reflection upon the citizenship of Oklahoma? It answers itself.

We know that we are all human. We know, further, that we are all sensitive and have a pride in our States; and nobody knows it better than the Members who are here now, because when my colleague from Oklahoma [Mr. THOMPSON] a moment ago said something about what the probate court had done or had not done in Illinois, my good friend Mr. MANN resented it at once, because it was the other fellow being pinched that time. I know nothing about the courts of Illinois and have no desire to say a word about that, because I say that if the probate courts in Illinois have handled large estates in administration and guardianship matters and there has not been injustice done along the line, it is the first State in the Union that I have ever known where it did not exist.

On the 8th of April, 1912, I stood upon the floor of this House and said that we had some dishonest people in Oklahoma, but that the percentage of them according to the population was no greater than it is in any other State in the Union, and I repeat that statement.

Now, as to the courts, I am not going to discuss the Mott report, except to say that I ask some man to rise in his seat and point to the case of a single man who has ever been convicted or has ever turned a dollar into the Treasury or into the estate of a minor as the result of that report. It was a great advertising proposition, it is true. Gentlemen, I want to call your attention to what was existing at the time the Mott report was made, and I want you to answer for yourselves, if you want to go into this question, why was it made at that time? The act of May 27, 1908, provided for district Indian agents to look after certain matters in that country under the supervision of the Department of the Interior, that was then operating in Oklahoma. The act went into effect July 27 of that year. Immediately thereafter these agencies were organized and went to work. The gentlemen who defend that report have not read a single report of those district agents, and they did not say a word about any report being made, and, in fact, no report was made until the fall of 1912, four years thereafter. And note this: Mr. Mott was attorney for the Creek Tribe of Indians, embracing Wagoner and Muskogee

Counties. Wagoner County is one of the counties that this report especially relates to. Mr. Mott had been attorney for that tribe for several years at that time, yet not one word of report had been made by Mr. Mott, specially employed and drawing a salary of $5,000 a year and expenses, about the conditions down there. Not one word was reported to this House or to the Indian Committee of this House about the conditions existing in Wagoner County or Muskogee County until the election of November, 1912, made it manifest that the administration was going to change, and that it would become necessary for him to hie himself back to North Carolina, or to some other country, if they would receive him back, and seek another job. Then he got busy and made his report, and the Indian agents began to make reports, but not until 1912 did they do it.

Let me ask this question: For the sake of argument, let us admit that certain conditions were existing there. If so, had they not existed under the very nose of Mr. Mott, the attorney for the Creek Nation. Had they not existed under the very noses of these district Indian agents who were operating in that country, and had they not existed under the direct supervision of an Indian agency and an Indian superintendent located in the city of Muskogee, within 15 miles of the town of Wagoner, where the Indian allotments of the Creek Nation were handled, in which more than 400 people were employed? Yet not one of them made a report here of anything of that kind, so far as we know, until after the presidential election in 1912. I dismiss that subject with that statement. That is the situation as you find it.

Now, as to the courts in Oklahoma, they need no defense. They may make a mistake once in a while. Why, we impeached a Pennsylvania Federal judge here in the United States Senate a short time ago; but, I ask you, are you going to throw reflections upon all of the Federal judges of the great State of Pennsylvania or upon her citizenship because one man does wrong? There may have been one county judge that went wrong. My colleague [Mr. CARTER] said that one judge did go wrong and was defeated. There was one county judge, in Adair County, Okla., who has gone wrong since the 1912 election, and he has gone to jail by reason of it, too; and the Mott report and the district agency did not convict him, either, but Mr. Hastings, the national attorney for the Cherokee Nation, tried him in the State court and convicted him, and he has paid his fine and will serve his sentence. That is the way they do in our Oklahoma courts. In Oklahoma, every time anyone goes wrong they mete out justice to him.

It is unwritten history, but it is a fact, that in three of the cases in which Mr. Mott secured indictments in Wagoner County—the only three that have been tried have been released and exonerated—Mr. Mott himself, in open court, asked the court to direct a verdict of acquittal in one case, in another case the court directed a verdict of acquittal, and in the third case the man was acquitted. With the number of cases that are handled there, there may have been some crime, and I have contended that all the time; but to single out Oklahoma as a target to shoot at every time you commence on an Indian appropriation bill must certainly be boresome to the average man on the floor of this House. [Laughter.] Every time they want to talk about Oklahoma. They should be fair with Oklahoma citizens. I do not care what they say about Oklahoma. If they would go down there and mingle with the people of Oklahoma, we will show them that we have a citizenship that is not excelled by their citizenship at home. My good friend, Mr. CAMPBELL, lives right up there near the line, and he knows that a great many of the good citizens of Kansas are leaving there and going to Oklahoma. He does not mean to cast a reflection upon those gentlemen, but he does want, if possible, to cast reflection upon the Oklahoma Members of this House, or it would seem so from his remarks. I do not believe he intends it that way excepting for the RECORD. Well, he has not many Indians in his district, and it will not aid him very greatly in a political way. And you can say what you please about the defenseless Indian, he knows as well as any other man living when you are trying to bunco him, and he is not going to take your medicine unless he believes it is the proper remedy for the disease from which he is suffering. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Will the gentleman from Kansas [Mr. CAMPBELL] consume some of his time? We have only one other speech on this side.

Mr. CAMPBELL. Mr. Chairman, I would not use the remaining time if it had not been for the speech of the gentleman from New Jersey [Mr. MCCOY], who replied to a statement made on yesterday as to the unemployed in his State.

When we make a statement here about people being out of employment we are charged with using Republican campaign material and quoting from Republican newspapers. Now, Mayor CURLEY, of Boston, was never accused of being a Republican while he served in the House, and I think he would resent it if he was charged with being a Republican now. I have here a clipping from the Boston Post, an independent Democratic newspaper, published on February 12, 1914. It is as follows:

WORK FOR MEN OUT OF JOBS RAZING HILL—ROURKE SUGGESTS A SOLUTION TO MAYOR.

Mayor CURLEY announced last night that he had made arrangements with Commissioner of Public Works Rourke to use Boston's army of unemployed to level a hill in East Boston, and to fill in and grade a city playground there just as soon as the money is raised to pay these men for their work.

FUND FOR UNEMPLOYED.

Morrison I. Swift called upon the mayor yesterday and informed the latter that the chamber of commerce might raise a fund for the unemployed of Boston. The mayor immediately got in touch with Commissioner of Public Works Rourke and directed the latter to report to him as to how the unemployed men could be used to the best advantage.

Commissioner Rourke suggested the leveling of the old reservoir property in East Boston and the grading of the playground. It was stated by the mayor that the city now only awaits the raising of the money to pay these men to have the work of leveling the playground started. He said that the city's finances will not permit of this work being done at present, but that if citizens will provide the money to have this work done he will gladly put the unemployed of the city to work on the hill.

20,000 OUT OF WORK.

At least 20,000 persons are out of work in Boston and must be given employment immediately, according to Mr. Swift, in a statement yesterday. The remedy he suggests is not charity, but public work of a useful nature, to be paid for by private subscription and arranged for by the city. His statement, in part, follows:

"Many who have been able to exist in some manner until now are at the end of their resources. If something is not done for them, we shall be in the midst of a great calamity. Conditions might begin slowly to mend without appreciably relieving this element for a long time. Charity is not the thing, for self-respecting people never fully recover from its effects.

"The thing needed in this crisis is public relief work of a useful nature. A living can then be earned and the sense of pauperism be avoided. Full-time work is unnecessary; in fact, many would be unable to work a whole day at hard, outdoor labor without injury, owing to recent underfeeding or to the indoor nature of their work.

PLANS FOR RELIEF.

"Four or five half days' work a week, paid for at the trade-union rates, would meet the emergency. The least vigorous could be paid by the hour in order to give them a chance to build up their strength. It is wiser to pay the union wage rate and to give less work than to adopt the other course.

"City relief work could be given at once if the city possessed the funds. Since these are lacking, they must be contributed by the citizens, if work is supplied. It should be useful work, such as road building or marshland draining, so that new values for the city would be created.

"But complete cure and future prevention of unemployment require the existence of permanent municipal works of various kinds for the absorption of a greater or less number of unemployed, as the labor market fluctuates. These factories should be located upon a municipal farm, where expert farming would be one of the pursuits."

I suggest that the best remedy is to return to a policy that will keep other countries from furnishing the people in Boston with products that they buy in the stores and shops of Boston, and give employment to the people who are wandering about the streets to the number of 20,000 out of work, rather than to establish a municipal employment bureau to give work to the unemployed and make it a permanent institution.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. NORTON. Is it to be inferred that the unemployed in Boston will have work as long as the hills hold out?

Mr. CAMPBELL. That is the impression; if they can raise the money, there will be plenty of work while there are hills to cut down. As I say, the better way would be to go back to the policy which this Democratic administration abolished and which has thrown men out of employment not only in Boston but New York, Buffalo, and every other section of the country, until to-day there are literally hundreds and thousands of men suffering for want of work and for want of food and clothing.

Mr. BARNHART. Does the gentleman from Kansas really believe what he has been saying?

Mr. CAMPBELL. I do, every word of it; and I might say much more.

Mr. BROCKSON. How many of those unemployed in Boston were heretofore employed in factories?

Mr. CAMPBELL. I can not say; that is not stated in the article. The article gives it as an unusual condition. But, when factories close, the carpenter, the stonemason, the plasterer, the paper hanger, and the blacksmith are affected by it, and clerks in the stores and mechanics are affected by it.

Mr. BROCKSON. I am not inquiring about that, but does the gentleman know how many of the 20,000 unemployed that he speaks of were formerly employed in factories or shops?

Mr. CAMPBELL. I do not know how many worked in factories; I do not pretend to. It is an army of unemployed and so referred to, and the Democratic mayor of Boston is trying to find some way to give them employment. He voted for the Democratic tariff bill in the House and threw them out of employment, and I assume that he feels some responsibility for their present condition.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to leave the soup-house question and yield to the gentleman from Oklahoma [Mr. MURRAY].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 15 minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman and gentlemen of the committee, I can not imagine the virtue in this discussion other than that it will prick the conscience of the honest people of Oklahoma, who are in an overwhelming majority in the State.

I regret to say, alas, that too much of what the gentleman from Kansas has stated is true. I believe out of this discussion will grow an activity in our State in the interest of the State and the Indians of the State. I am not going to say anything here that I would not say at home. I said at home that we have as many grafters to the area as in any other State in the Union. That is true because we have more to graft. [Laughter.]

The fraud in probate matters is not due to any one thing; it is partially due to the inadequacy of the law—to an old statute enacted in the old Territorial days, which had never been changed since its extension over the Indian Territory portion of the State by the enabling act—and it is also partly due to the burdensome docket in probate matters.

There is hardly a county in the 40 but what has at least 500 cases. Muskogee County has upward of 6,000. It is partly due to the employment by the Indians of crooked lawyers, who agreed with the attorney on the other side to a statement of facts that would cause an honest judge to approve the order, thinking it was correct because both attorneys agreed to it. Many of the Indians employ shysters for attorneys. That, in my opinion, is the greatest element in all these cases of fraud. Hence, the selection of the probate attorneys will remedy that. It was partly due, also, to the Indian Department of this Government. Graft is not confined to race, to government, to officers, or to party in our State.

In 1903 or 1904 Congress turned the probate Indian matters over to the United States court, and until statehood they administered affairs, and I will state candidly I know but one Federal judge who was very careful in the management of these estates. I do not mind saying, even if he be a Republican politician, that his name was Judge J. T. Dickinson, of Chickasha, and he was square in all these dealings. After statehood the State courts took them over and frauds have been perpetrated there, but ever since statehood the county judges, as a rule, have been honest, but they have been overburdened. There are the exceptions to that rule, but exceptions prove the rule. I believe to-day that there are a greater number of good judges than there were in the beginning of statehood. The gentleman from Kansas [Mr. CAMPBELL] referred to men who were murdered. In my section of the country I remember now of an Indian who was poisoned by mixing it in Peruna, and the grafter had another Indian carry the poison to the victim in order to buy the dead claim, which could be done under the law. But, my friends, the overwhelming body of the people of Oklahoma does not approve this dishonesty, this corruption. [Applause.] I shall not excuse a single grafter. I have met the grafter before, having had to deal with every phase of State government since the constitutional convention. I know them when I see them and I have never hesitated to call names on the stump of my State. I said a while ago there was no exception as to government. I know of a particular district agent, and I have differed with my colleague [Mr. CARTER] on that—I believe the agents are necessary now and have been since their creation—I know of one of them that a county judge drove out of the county for aiding and abetting in the graft of minors' estates, and I am pleased to state that that county judge has been appointed by Mr. Sells one of the probate attorneys. Yes, we are hunting for honest men, but above all we are hunting for brave men. There is enough honesty, but the only man who makes a good officer is an honest, wise, and brave man.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield for a question?

Mr. MURRAY of Oklahoma. Yes; for a short question.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I desire to ask the gentleman if I did not agree with my colleague from Oklahoma in sustaining the agency system under a Republican administration?

Mr. MURRAY of Oklahoma. Yes. I know of one of those agents whose opposition always has been from Republicans, because there are more Republican grafters than there are Democratic grafters in that district. I am sure that some of these agents are crooked. Nor has the department done its duty. I will say to you that the Creek-lot frauds, over which there were prosecutions when Mr. Roosevelt was President, could not have been practiced if the Federal officers had not known and connived at it at the time. But, my friends, this fraud is not limited alone to Oklahoma. If you will read Worcester, the case of a Cherokee Indian against the State of Georgia, you will find there something to think about, when Gov. Troupe of that State dared the United States Supreme Court to enforce the order of the court against the Indian, by calling out the State militia, and you will understand that it existed there and everywhere, and you will be astonished if you look at the records of the State of Mississippi. I am sometimes persuaded to believe that Mississippi once had more grafters than we have, even in Oklahoma, particularly when I consider a bill pending in this House that has for its fundamental result, not object, the appeasing of the greed of the grafters of Mississippi, and I am not sure but that those long, lean, lanky, hungry grafters from the State of Mississippi are searching to get a portion of the Chickasaw and Choctaw funds.

Mr. HARRISON. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. HARRISON. Does the gentleman refer to a bill that I introduced to reopen the rolls?

Mr. MURRAY of Oklahoma. Yes.

Mr. HARRISON. Is it not a fact that the gentleman has also introduced a bill wanting to give to those in Mississippi whom he believed had the right under the treaty——

Mr. MURRAY of Oklahoma. I will answer the question.

Mr. HARRISON. But wait one moment. I have not finished the question.

Mr. MURRAY of Oklahoma. But I have not the time.

Mr. HARRISON. The gentleman should allow me to ask the question.

Mr. MURRAY of Oklahoma. Very well; hurry and get through.

Mr. HARRISON. Is it not a fact that the only difference between the gentleman's bill and mine is that he would have the money come out of the Treasury of the United States and I would have it come out of the tribal funds?

Mr. MURRAY of Oklahoma. The distinction between the gentleman's bill and mine is this, that whatever is due Mississippi Choctaws is from this Government, and the further distinction is I propose to buy them homes and throw restrictions around them so that the grafters can not get hold of them, and the gentleman's bill is to get the money out of our Indians' funds so that the grafter can get it.

Mr. CARTER. Mr. Chairman, will the gentleman yield for a question?

Mr. MURRAY of Oklahoma. No; I have not the time.

Mr. CARTER. I just want to ask the gentleman a question.

Mr. MURRAY of Oklahoma. No; I can not yield now. I want to get through. If you give those Mississippi Choctaws money, it will mean that in 12 months they will not have a cent, and it would be folly to give them money, whether you do it from the Indians of our country or from this Government. The only thing to do is to give them homes and throw restrictions around them so that no grafter can touch them. I want to say here that I do not say that the purpose of the gentleman's bill is that, but I contend that that would be the result. I acquit the gentleman from Mississippi, of course, of any intention of doing wrong. He is honorable and bold. I rather admire his persistent, vigorous effort for a deserving people.

I want to read now something from a book written by Reuben Davis, the greatest criminal lawyer in the State of Mississippi, who for more than 50 years was a member of the bar of that State. It is a book entitled "Recollections of Mississippi and Mississippians" and was published in 1889. Davis is speaking now of a time just after the treaty was made and this Government was about to move the Indians west, but before their tribal government had ceased and when they had a right still to control their affairs. He says:

Pushmattahah, a Choctaw chief, had killed one of his subjects. In doing this he acted under his tribal authority, and was so far justifiable. But under our law, which had been extended over all the territory conveyed by the Indians to the General Government, the execution became murder. Pushmattahah exercised great control and influence over his tribe.

He had in some way incurred the hatred of the land companies organized to purchase reservations. It was important to them that he should be got out of the way, and to this end they employed a number of able

attorneys to aid me in the prosecution. To avoid censure it was determined that there should be only one speaker.

I pass now over the description of the trial. The book again continues:

After short deliberation a verdict of guilty was rendered. The defendant was informed of the result, and that he would be hung. He was shocked at the mode of death and made pathetic appeals against such an indignity, claiming his right to die like a warrior. The court had no power to interfere, and sentence was pronounced according to the prescribed forms of our law. When this was done, Pushmattahah rose to his full height and gave vent to a wild war whoop so full of rage and despair that it was terrible to hear. As there were many Indians present, there was for a time danger of attempted rescue.

Application for pardon was made to the governor, and the chief had strong hope that it would be granted. A few days before that appointed for the execution he was informed that the governor had refused the pardon and that he must die what he considered the death of a dog. This communication was made to the unhappy chief in cold-blooded and inhuman malice, and the result came near proving fatal. Pushmattahah broke a bottle which chanced to be in his cell and with a piece of the glass severed an artery in his left arm. He would have died in a short time from loss of blood if the sheriff had not made an accidental visit to the prisoner. A pardon was granted and sent to the sheriff by an express in time to save the life of the Choctaw chief.

If I could have controlled this matter, this chief should never have been prosecuted nor so much as indicted.

Because it was the work of grafters.

That was a prosecution of the greatest red man by the State at the instance of a bunch of grafters. So you find it is not confined to my State, to party, to official authority, or control of court. But the duty of Congress is to do what it can to wipe out this "century of crime." I believe that this discussion will aid the good, honest people of Oklahoma. You know that grafters are always organized, but the honest people never do so until they become excited. And I am sure that even the Mott report—which may be true or may not, I do not know; I never met him but once—will bring about an effort on the part of the people of our State to correct the probate laws.

And for that purpose I make this speech, hoping and believing that with the aid of the gentlemen on that side—and I think they are sincere—we will bring about what ought to have been brought about years ago.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1915, namely:

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, for the purpose of answering briefly an impression that might have been created by the gentleman who has just taken his seat, the gentleman from Oklahoma [Mr. MURRAY]. I care nothing about the grafting out there in Oklahoma. It does not concern me, except as a citizen of this country I dislike to see grafting going on anywhere. But I refute the charge, if the implication applies at all, that there has been in recent years any grafting in Indian affairs in Mississippi. I am inclined to believe as to the grafting my friend refers to, and about which he quoted from the book written by Reuben Davis, that after hearing the discussion between the gentleman from Minnesota [Mr. MILLER] and the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Oklahoma about grafting in Oklahoma that all the grafters that ever infested Mississippi must have gone to Oklahoma.

Mr. MURRAY of Oklahoma. Only a part of that is true.

Mr. HARRISON. I asked the gentleman from Oklahoma [Mr. MURRAY], when he discussed the question that the grafters were trying to get into the tribal funds of the Choctaw and Chickasaw Indians, if he was alluding to the bill I had introduced in this House for the reopening of the rolls. He said, "Yes." The gentleman from Oklahoma [Mr. MURRAY] has also introduced a bill on the same subject, and I want to now state briefly the object of the bill that I introduced and the restrictions that are thrown around grafting in that bill.

If I thought for a moment that those grafting attorneys that the gentleman speaks of, and which the other gentlemen on the floor have spoken of, would ever get any part of the funds that these Indians might get if the rolls were reopened, except for legitimate services that they might render, I would not advocate the reopening of the rolls. I believe any attorney who performs good services for a client is entitled to reasonable pay, but the bill that I have introduced carries with it the condition that the attorney's fee shall be fixed within a reasonable amount by the Secretary of the Interior for the services that they render. I would not have any bill coupled with my name presented to this House and passed into law unless that restriction were placed in it.

Mr. MURRAY of Oklahoma. I want to say to the gentleman, if he even inferred that I thought other than I stated, that I now say I think the gentleman from Mississippi [Mr. HARRISON] had the best motives in the world when he introduced the bill.

Mr. HARRISON. I am sure the gentleman thinks that.

Mr. CARTER. I do not question the gentleman's motives at all, but the gentleman in one speech complained about a fee that was paid to Mansfield, McMurray & Cornish.

Mr. HARRISON. I did make that complaint.

Mr. CARTER. I want to know if he knows that it is a fact that the McMurray fee had about the same protection thrown around it as is proposed in his bill?

Mr. HARRISON. Whether that is true or not I do not know. But I say this: I have a very high regard for the integrity and ability of the Committee on Indian Affairs of this House, and I am sure with the gentleman's [Mr. CARTER] experience, together with the experience of other members on the committee, you certainly would not report a bill unless the bill was so safeguarded in that respect, and I will trust to you if I should make a mistake about that. In connection with this bill, the gentleman evidently thinks that the Mississippi Choctaws have been treated badly. I believe the gentleman from Oklahoma believes there are Mississippi Choctaws who ought to be enrolled and their rights ought to be adjusted by the reopening of the rolls to a certain extent.

Mr. MURRAY of Oklahoma. You are right in this. I think the Mississippi Choctaws have been mistreated, and I think this Government ought to right the wrong that it did to them.

Mr. HARRISON. That is exactly where we differ. You and your colleagues from Oklahoma would go into the Treasury of this country and take out the money to give to the Mississippi Choctaws, while I would give it to them out of the funds of the tribe. I make that statement for this reason, in part, because in 1881, I think it was, the Oklahoma Choctaw Indians sued the United States for moneys due the tribe they left back in Mississippi about 1831.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARRISON. They based their suit on injuries done to the Mississippi Choctaws in Mississippi, and not to the Choctaws that had moved out into Oklahoma. The suit went to the Supreme Court of the United States and an $8,000,000 verdict was rendered in favor of the Choctaws in Oklahoma. That went into the funds of the tribe. It is there now, less the expense incurred in that piece of litigation. And, gentlemen, is it right to saddle on the Government of the United States and upon the Treasury the payment of this money, when the Oklahoma Choctaws got that money in that way and it is now in the funds of the tribe?

Mr. MURRAY of Oklahoma. You are talking about the compensation for the scrip, are you not?

Mr. HARRISON. Well, you can put it that way. It was based on the injuries committed to the Mississippi Choctaws.

Mr. MURRAY of Oklahoma. Do you know that the Indians of Mississippi got a portion of it, and that that class that did not immediately move, but now live in Oklahoma, got the other, and the other Indians in Oklahoma who first moved did not get a cent of it?

Mr. HARRISON. The gentleman is altogether mistaken.

Mr. MURRAY of Oklahoma. Well, that is correct.

Mr. HARRISON. The Mississippi Choctaws that I have pleaded for in the bill that I have introduced have never received one cent of that money that is now in the coffers of the funds of the Choctaw Nation. And I want to say it will be a living compliment to the gentleman from Missouri [Mr. RUSSELL] and the gentleman from Minnesota [Mr. MILLER] and the gentleman from New York [Mr. SMITH], who were on the Indian Affairs Committee in this House in the Sixty-second Congress, that they went into exhaustive hearings on this question in considering my bill, and they reported unanimously in favor of reopening the rolls and giving to the Mississippi Choctaws some of these rights for which I plead.

Mr. Chairman, I sincerely hope that some committee, either a subcommittee of the Indian Affairs Committee of this House at this time or the full committee, will take this enrollment question up and pass on it.

I am not in favor of your bill. You admit by it, though, that the Mississippi Choctaws are at least entitled to something and have been treated badly. The distinguished gentleman from Oklahoma [Mr. CARTER] has introduced in the past similar bills, and thereby admits it. I would not go into the Treasury

and get the money, but I would get it from the Indian funds, and I would have them prove their claims and prove their right to be enrolled, and if they can prove it I would put them on the rolls and let them share in the funds in the same respect with all the Indians that are now on the roll.

And I want to say in this connection, too, that there are over 1,200 of these Mississippi Choctaws living in Mississippi now who have been identified by the Dawes Commission that ought to be enrolled who are not now on the rolls. They have been left off for I know not what reasons, but one reason is because Mr. McMurray and his law firm got paid $5,000 a year to represent the tribe, and——

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Oklahoma?

Mr. HARRISON. I will yield after I have finished my statement.

Mr. CARTER. The gentleman from Mississippi has often stood on the floor of this House and charged the responsibility to Mansfield, McMurray & Cornish for the fact that the Mississippi Choctaws are not on the roll. I want to call the gentleman's attention to the fact that the Mississippi Choctaws case was settled prior to the making of the agreement in which he charges Mr. McMurray had such a conspicuous part, and it was settled by the courts of this Nation.

Mr. HARRISON. Mr. Chairman——

Mr. CARTER. I will get the gentleman more time if he desires it.

Mr. HARRISON. Go ahead. The gentleman's statement is interesting.

Mr. CARTER. The case of the Mississippi Choctaws was submitted, by an act of Congress, to the Dawes Commission for settlement. The Dawes Commission passed upon it adversely to Mississippi Choctaws, and decided that they had no right in the property of the Oklahoma Indians unless they removed to Oklahoma. A subsequent act of Congress was passed giving an appeal to the Federal courts in Oklahoma. An appeal was taken to the central district of the United States Federal court in Oklahoma.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. HARRISON] has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I want a minute of it myself.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that the gentleman from Mississippi [Mr. HARRISON] be allowed to proceed for five minutes. Is there objection?

Mr. STEPHENS of Texas. I will have to give notice, Mr. Chairman, that I shall object to any further extension.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] is recognized for five minutes.

Mr. CARTER. As I stated before this interruption, an appeal was taken from the decision of the Dawes Commission, by a subsequent act, to the Federal court in Oklahoma. The Federal court took it up and tried it de novo, and affirmed the decision of the Dawes Commission. An appeal was afterwards taken to the Supreme Court of the United States, and there the case was dismissed upon the motion of the attorney for the Mississippi Choctaws.

Mr. HARRISON. Has the gentleman finished his statement?

Mr. CARTER. I just wanted to say this: Subsequently a supplemental agreement was negotiated by the Choctaws and Chickasaws. The gentleman has denominated that the McMurray Act. I desire to state just briefly the history of that transaction.

Mr. HARRISON. I hope the gentleman's statement will be short.

Mr. CARTER. I asked for one minute, and I do not think I have consumed it. I was a member of that commission for the Chickasaws. We were called together at Muskogee. At that first meeting neither Mr. McMurray nor any other attorney was present representing anyone. None of the firm of Mansfield, McMurray & Cornish was present. In that agreement the Mississippi Choctaws were given privileges which they had been denied by the courts. Mr. McMurray got no money for putting the Mississippi Choctaws off the roll. They were never on our rolls.

Mr. HARRISON. I am glad the gentleman has made such an eloquent defense of McMurray.

Mr. CARTER. No defense of anyone at all; just a plain statement of facts.

Mr. HARRISON. The gentleman should know that Mr. McMurray practically boasted that he wrote the act of 1902, and the gentleman knows that while the firm of Mansfield, McMurray & Cornish was getting $5,000 a year to represent the tribe they were getting in addition to that a certain percentage for every Mississippi Choctaw who could be kept from the roll or taken from the roll.

Mr. CARTER. I know that the gentleman does not make a misstatement to the House.

Mr. HARRISON. I do not.

Mr. CARTER. The gentleman is mistaken. The contract of Mansfield, McMurray & Cornish gave them a percentage for taking people off the roll that were already on the roll. They got not a cent for keeping off the roll anybody who was not already on the roll.

Mr. HARRISON. Mr. Chairman, I do not care to take up the time of the House with a further discussion of this matter, but I merely wanted to answer the distinguished gentleman [Mr. MURRAY of Oklahoma] for his tirade against Mississippi. In this connection, I would say, a provision is carried in this bill to make a per capita payment to the Indians now on the rolls. I shall object to it when the time comes on the theory that at least two or three thousand Mississippi Choctaws are entitled to be on the rolls and share in the distribution of this fund just as much as any person now on the roll is entitled to share in it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McGUIRE] moves to strike out the last two words.

Mr. McGUIRE of Oklahoma. Mr. Chairman and gentlemen of the committee, I thought I would take no part in this debate, by reason of the state of my health, but some things have been said with respect to the frauds and graft in my State that are far removed from the facts.

I regret that any politics has crept into the question of legislating for the protection of the Indians in Oklahoma. I want to make this statement and lay down this proposition: That there never was a State, there never has been a section of country anywhere where the Indians have owned real estate and where they have been given any leeway, or where restrictions have been removed and they have been permitted to take care of their own affairs, where inducements have not been offered and graft has not occurred. I have never represented a district in Oklahoma which comprised any part of the Five Civilized Tribes, but there are several thousand Indians in my district. When you speak of the citizenship of my State it is as good, on the average, as that of most of the States of the Union, and when you come to speak of the citizenship of my own district I can say what few gentlemen on this floor can say, and that is that there is less than one-half of 1 per cent of illiteracy in the first district of Oklahoma. [Applause.]

I am not as familiar with conditions in the east end of the State as are my colleagues, Mr. CARTER, Mr. DAVENPORT, Mr. MURRAY, and others representing that part of the State, but to a limited extent the same conditions exist there that existed in an earlier day in my district.

Some of you gentlemen were not here, and some of you who were here perhaps do not remember that there was a little agitation in the department about 10 years ago because they said there was graft in that portion of Oklahoma known as Oklahoma proper. I then represented the Territory of Oklahoma. The statement was made that the probate judges were in collusion with the grafters, and that they were getting the lands of the Indians. The law then provided that where restrictions were removed from an Indian who, in the judgment of the department, was capable of managing his own affairs, that Indian might dispose of his land. At that time, too, we had the estates of minor Indians to deal with, as they have in the east end of the State. I have in mind one probate judge in a certain county in Oklahoma who was, in my judgment, as competent as the average probate judge of any State of this Union, but he had much to contend with. Guardians were required to be appointed and the bondsmen to be selected. I have in mind the cashier of one of the supposedly best banks in the city. He was given the guardianship of about 40 minor Indians. In my judgment there never was a straighter man than the one to whom I refer. The young man met with misfortune; he became penniless. This probate judge had a large number of cases and was behind with his work, for the reason that the law did not provide for him a sufficient number of clerks. After they had not made their annual settlements probably for

four or five years, they began looking up the bondsmen. It was a new country. We were in a formative state. The population was rapidly shifting, and not more than half the bondsmen could be found.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McGUIRE of Oklahoma. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. McGUIRE of Oklahoma. There was a heavy loss to a number of minor Indians of this particular tribe of whom I now speak. It was not because the probate judge was dishonest, but it was because of an unfortunate condition that existed there which exists in all new countries. Now, I regret the statement of my colleague [Mr. CARTER], when he stated in effect that the district agents were in collusion with the grafters.

Mr. CARTER. Mr. Chairman, the gentleman evidently misunderstood me. I said there were a few of them who were, but I said that all except a few were a gang of political gangsters.

Mr. McGUIRE of Oklahoma. Very well, then; "a gang of political gangsters." Now, I want to tell you how those agents were appointed. We passed a law in this House providing for them, because we felt the necessity for such a law. I was like most other Members of Congress. I do not think there are many exceptions on this side, and I doubt if there are many on that side. There was no provision that these appointments should be within the rules of the civil service. I requested the privilege of naming some of those parties. I think I named one or two. There was no person whom I named who has ever had his name associated with any graft. Now, notice this fact: One-half of the district agents provided for at that time were named by the head of the Dawes Commission, and their appointments were made irrespective of their political convictions. I know that some of them were not identified with politics, and I know that some of them did identify themselves with politics after that, and I have no defense to make for them. We are now providing for attorneys to consult with the probate judges and assist them to take care of these 75,000 cases of minors. Does any gentleman think for a moment that my good friends from Oklahoma are paying no attention to those appointments? I was no different from them. I would take care of every respectable and responsible friend I could, and that has been my policy in politics since I entered the game. [Applause.] Now the simple fact that the gentlemen who are now appointed and who have been appointed under this administration are all Democrats is no reason why I should assail their integrity, because there are some good men in the Democratic Party.

Mr. CARTER. Will the gentleman yield?

Mr. McGUIRE of Oklahoma. I will.

Mr. CARTER. There were four of the district Indian agents who were convicted of graft.

Mr. McGUIRE of Oklahoma. I was coming to that.

Mr. CARTER. They were convicted of graft by the Secretary of the Interior and removed, but the evidence was not furnished to the grand jury when it was called.

Mr. McGUIRE of Oklahoma. I was coming to that. Now, of the district agents whom I named, not one of them ever had his name associated with graft, but there were 2 or 3 or 4—I thought the number was about 6, but perhaps I am mistaken—whose conduct was questionable, and some of them were convicted. But it is not fair to say that the policy of their appointment was wrong, or that the others were dishonest, because some of them were convicted. I might say the same thing about the probate judges of the east end of the State, most of whom were Democrats. Some of them were proven to be dishonest, but, as has been said by one of the gentlemen from Oklahoma, they are a fair average of the probate courts of the country. There was great temptation. There were millions of dollars in their hands, and in a few cases, a limited number of cases, they were found to be dishonest; but you might find that condition in any State of the Union.

But this ought not to be a political question. It is one in which every Member of Congress is interested, regardless of politics.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that debate on this paragraph be now closed.

Mr. SISSON. I desire recognition, Mr. Chairman.

Mr. STEPHENS of Texas. Then I ask unanimous consent that debate on this paragraph be closed in five minutes.

Mr. SISSON. I do not want to be put under that restraint if I do not finish my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that debate on this paragraph be closed in five minutes. Is there objection?

Mr. SISSON. Mr. Chairman, I had not intended to have anything to say on this bill, but I am interested in the Mississippi Choctaws; not because any number of them live in my district, for only a few of them live there, but the district which I represent was formerly practically the center of the Choctaw Nation. I do know something about the conditions which prevailed there, and I think the statement made by the gentleman from Oklahoma [Mr. MURRAY] was unwarranted. I do not believe the gentleman means to say that there is any disposition on the part of anybody who is interested in this bill that the Indians shall be grafted upon, and I want to call the attention of the House to the situation.

Mr. MURRAY of Oklahoma. I said I did not believe that. I said I thought they had absolutely good motives.

Mr. SISSON. When the Dancing Rabbitt treaty was in process of being negotiated, Greenwood Leflore, the Choctaw chief, refused to sign the treaty unless the Choctaw Indians who desired to do so could remain in the State of Mississippi; and my recollection is that shortly after the treaty was signed about 5,000 of them took advantage of that provision of the treaty and elected to remain in the State of Mississippi.

Now, they say a solemn contract was made between the Choctaw Nation and the Government of the United States, and the Choctaws are there now by virtue of that solemn contract. These people were wards of the Federal Government; they lived back on the creeks in the rural districts. Without going into the history of it, a few years ago there was an effort made to ascertain the number who could properly go on the roll. About 1,800 of them were found to have the right to enroll as Mississippi Choctaws and participate in the tribal funds. On account of the fact that the money appropriated was either misused or was insufficient to take these Choctaws to the Indian Territory; the money that was used carried only three or four hundred to Oklahoma and their names were placed on the roll. But these 1,200 Choctaw Indians who were subject to have their names placed on the rolls did not have the notice, the excuse being that the money gave out and the time given was too short. Agents came to the Indians and promised to come for them, but the Indians will state, and state the truth, that they waited expecting the Government agents to come back and get them, as they promised to do, but they did not come, and they were left in that condition.

Under the Dancing Rabbitt treaty, which this Congress will not repeal, the Mississippi Choctaws living in Mississippi have rights that they can expect this great Government, who is their guardian, to guarantee to them. As stated by my colleague, Mr. HARRISON, by reason of the $8,000,000 suit they got the money of the Mississippi Choctaws, and the Mississippi Choctaws did not get any of it, but it went into the Choctaw treasury in Oklahoma. Now, they have the right, and the Government should see to it that they get their rights out of the Choctaw funds.

Mr. MURRAY of Oklahoma. The gentleman refers to the eight million scrip paper?

Mr. SISSON. Yes. Now I want to call the attention of the House to the history of the Choctaw. It is the only Indian tribe that has never raised its hand against the white man. Pushmattahah, the great chief, was a great personal friend of Andrew Jackson. He was with him at Horseshoe Bend and the Battle of New Orleans, and you all recollect that in that battle the British were slipping around back of the American line next to the lake, and it was the Mississippi Choctaws that rose up in the gray dawn, and the crack of the Choctaw's rifle was heard in defense, and the Stars and Stripes were enabled to float over that land, and the victory won added an empire to our Union. That battle settled for all time the status of the Louisiana Purchase. The fact that the Mississippi Choctaw has ever been a peaceable Indian and made no war against the white man is the reason he was permitted to remain at his old place in Mississippi. He was permitted to remain there because he was our friend. If he had been warlike, burning and stealing property, he would not have been permitted to remain there, but would have been living in Oklahoma, and he would have had his rights.

Speaking of graft, is it right—I care not about the decision of the courts in reference to some of these matters—but is it right to deprive these Mississippi Choctaws of their treaty rights? If that is not graft, if depriving the Mississippi Choctaws of their rights in Oklahoma is not graft, what is it? Graft is to take Government funds which do not belong to you.

The Oklahoma Choctaw has taken something that did not rightfully belong to him.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time be extended three minutes, and that that time be yielded to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time be extended three minutes, and at the end of that time debate be closed on this paragraph. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, one of two things must be true. If the Choctaw Indian in Mississippi be the ward of this Government, having the right under the Dancing Rabbitt treaty to remain in Mississippi, having elected to remain there, then surely this Congress ought to pass an act conferring on the Choctaw in Mississippi property and funds belonging to him. He has never gotten any of the property belonging to him in the State of Oklahoma. He had the right to look to Congress to protect him. Congress has so far failed. It is our duty now to act and give these unfortunate Indians what is their own. No technical or legal or legislative jugglery should be permitted to rob these unfortunate wards of the Government.

The Choctaw chief was in the city not long since, and he himself said, as several young Indians said—and they had some education—stated that they would have gone to Oklahoma if they had had an opportunity. One said, "My mother and I and the members of the family were waiting over the line in Louisiana until the agents came back to get us, because they said we are going to go." The agent said, "The Government is going to take you out there and give you your property." There they waited, and the result is that 1,200 are waiting in penury and want for Uncle Sam to come. It is the duty of Uncle Sam to go. He is their guardian. He should go to them at once. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had instructed him to report that they had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 1294. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia; and

S. J. Res. 110. Joint resolution authorizing the President to accept an invitation to participate in an International Commission of Phytopathology.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2904. An act for the relief of certain persons, their heirs or assigns, who heretofore conveyed lands inside national forests to the United States; to the Committee on the Public Lands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution (S. Res. 273):

Resolved, That the Senate has heard with profound sorrow of the death of Hon. AUGUSTUS O. BACON, late a Senator from the State of Georgia.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. BACON.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

DEATH OF SENATOR BACON.

Mr. BARTLETT. Mr. Speaker, it is my painful duty to announce the death of the senior Senator from Georgia, Senator BACON. At some future time I shall ask the House to set aside a day that we may pay tribute to his memory. At present I offer the following resolutions.

The Clerk read as follows:

House resolution 416.

Resolved, That the House has heard with profound sorrow of the death of Hon. AUGUSTUS O. BACON, late a Senator from the State of Georgia.

Resolved, That a committee of 20 Members of the House be appointed to join such committee of the Senate as may be appointed to attend the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER announced the following committee on the part of the House: Mr. BARTLETT, Mr. ADAMSON, Mr. HARDWICK, Mr. BELL of Georgia, Mr. LEE of Georgia, Mr. EDWARDS, Mr. HUGHES of Georgia, Mr. TRIBBLE, Mr. HOWARD, Mr. CRISP, Mr. WALKER, Mr. PARK, Mr. FERRIS, Mr. MANN, Mr. PAYNE, Mr. GARDNER, Mr. ANTHONY, Mr. WILLIS, Mr. DYER, and Mr. PROUTY.

ADJOURNMENT.

Mr. BARTLETT. I offer the further resolution, Mr. Speaker.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned until Monday, February 16, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1913, together with the number remaining on hand January 1, 1914 (H. Doc. No. 739), was taken from the Speaker's table, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 11751) granting land to the county of San Diego, State of California, for public watering purposes, reported the same with amendment, accompanied by a report (No. 251), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOBECK, from the Committee on War Claims, to which was referred the bill (H. R. 8808) for the relief of Baley W. Hamilton, reported the same with amendment, accompanied by a report (No. 255), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 932) for the relief of John W. Canary, reported the same with amendment, accompanied by a report (No. 252), which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill (H. R. 10201) for the relief of the heirs of Theodore Dehon, reported the same without amendment, accompanied by a report (No. 253), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13240) for the relief of the legal representatives of James S. Clark, deceased, reported the same with amendment, accompanied by a report (No. 254), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 851) for the relief of the legal representatives of Napoleon B. Giddings, reported the same without amendment, accompanied by a report (No. 256), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DIES: A bill (H. R. 13410) to authorize the purchase of a site for a public building at Lufkin, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13411) to authorize the purchase of a site for a public building at Jacksonville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. NEELY of West Virginia: A bill (H. R. 13412) to provide for the erection of a public building at Salem, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Maryland: A bill (H. R. 13413) authorizing the payment of a stated sum annually to the city of Annapolis to compensate said city for property withdrawn from taxation by the Federal Government; to the Committee on Appropriations.

Also, a bill (H. R. 13414) to establish an experimental station in the State of Maryland for the study of fish diseases and problems in the propagation of fish; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON: A bill (H. R. 13415) to increase the limit of cost of public building at Shelbyville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. WOODS: A bill (H. R. 13416) for the acquisition of a site and the erection of a building thereon at Jefferson, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY: A bill (H. R. 13417) for the purchase of a site and the erection thereon of a public building at Barnesboro, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. CONNELLY of Kansas: A bill (H. R. 13418) to encourage irrigation, by making Government loans on lands upon which are located irrigating plants, in the States of Kansas, Nebraska, Colorado, and Oklahoma; to the Committee on Irrigation of Arid Lands.

By Mr. COOPER: A bill (H. R. 13419) to provide for the purchase of a site and the erection of a public building thereon at Whitewater, Walworth County, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT: A bill (H. R. 13420) to amend section 114 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and creating the northern judicial district of Wisconsin; to the Committee on the Judiciary.

By Mr. MOORE: Resolution (H. Res. 413) requesting the Ways and Means Committee to report an amendment to the act of October 3, 1913, providing for "information at the source" instead of "collection at the source," or to provide compensation to collectors; to the Committee on Ways and Means.

By Mr. HAWLEY: Resolution (H. Res. 414) authorizing an investigation into the administration of the land laws of the United States; to the Committee on Rules.

By Mr. BARTHOLDT: Resolution (H. Res. 415) providing for the study of Esperanto as an auxiliary language; to the Committee on Education.

By Mr. RUCKER: Resolution (H. Res. 417) authorizing the Committee on Election of President, Vice President, and Representatives in Congress to employ help in compiling data in primary elections, and for other purposes; to the Committee on Accounts.

By Mr. CRAMTON: Resolution (H. Res. 418) authorizing a survey of Clinton River, Mich.; to the Committee on Rivers and Harbors.

By Mr. HOWARD: Joint resolution (H. J. Res. 219) in reference to the employment of enlisted men in the Army, Navy, and Marine Corps of the United States in competition with civilian musicians; to the Committee on Military Affairs.

By Mr. TREADWAY: Memorial of Senate and House of Representatives of the State of Massachusetts, relative to the construction of supply ship at Charlestown Navy Yard; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 13421) for the relief of William Hensley; to the Committee on Claims.

By Mr. BARTHOLDT: A bill (H. R. 13422) granting a pension to James M. Pyne; to the Committee on Pensions.

Also, a bill (H. R. 13423) for the relief of James F. and Richard Rothwell; to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 13424) granting an increase of pension to John Michel; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 13425) granting a pension to Rachel C. Waskom; to the Committee on Pensions.

Also, a bill (H. R. 13426) granting an increase of pension to Henry W. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13427) granting an increase of pension to William Arbuckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13428) granting an increase of pension to Caroline Junker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13429) granting an increase of pension to Michael McGrail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13430) granting an increase of pension to Henry Klosterman; to the Committee on Pensions.

Also, a bill (H. R. 13431) granting an increase of pension to John A. Allfie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13432) granting an increase of pension to Philip W. Brown; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 13433) granting an increase of pension to Jane Cramer; to the Committee on Invalid Pensions.

By Mr. FITZHENRY: A bill (H. R. 13434) for the relief of Frank Orme Morgan; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 13435) granting a pension to John H. Ellison; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 13436) granting a pension to Ex Reynolds; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 13437) for the relief of Frederick A. Holden; to the Committee on Claims.

Also, a bill (H. R. 13438) for the relief of the widow of Arthur J. Steele; to the Committee on Military Affairs.

By Mr. HULINGS: A bill (H. R. 13439) granting a pension to James S. Thompson; to the Committee on Pensions.

Also, a bill (H. R. 13440) granting an increase of pension to Charles W. Malsom; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 13441) granting a pension to Amanda M. Wymore; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 13442) granting an increase of pension to Margaret Powell; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 13443) providing for the refund to Thomas & Pierson, of New York, N. Y., of certain duties upon abandoned goods under paragraph 10 of section 3 of the tariff act of October 3, 1913; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 13444) granting an increase of pension to Lewis L. Calvert; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 13445) making an appropriation to pay the legal heirs of the estate of Daniel H. Hoge, deceased, late of the State of Virginia, in full of any claim for salary and allowance made by reason of the election of the said Daniel H. Hoge to the Thirty-ninth Congress and his services therein; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 13446) granting a pension to Nancy Thompson; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 13447) granting a pension to Sarah Jane Scurlock; to the Committee on Pensions.

Also, a bill (H. R. 13448) granting a pension to Melissa L. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13449) granting a pension to Aaron D. Robbs; to the Committee on Invalid Pensions.

By Mr. THACHER: A bill (H. R. 13450) granting a pension to Katherine M. Reichherzer; to the Committee on Invalid Pensions.

By Mr. ANTHONY: Resolution (H. Res. 412) referring to the Court of Claims House bill 3431 and accompanying papers, for the relief of Peter Carroll and others; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Lincoln County, Mo., favoring House bill 5308; to the Committee on Ways and Means.

Also (by request), petition of the Hardwood Manufacturers' Association of Cincinnati, Ohio, favoring Ransdell-Humphreys bill; to the Committee on Rivers and Harbors.

By Mr. ALLEN: Petition of the Union Club of Greater Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Wyoming and Cincinnati, Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of 250 citizens of Cincinnati, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition signed by First National Bank, and Farmers' State Bank, of Highland, Kans., suggesting an

amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of merchants of Millersburg, Ohio, favoring change in interstate-commerce laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of banks of Newark, Ohio, favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of the post office at Grand Prairie, Tex., favoring passage of House bill 6947, relative to free-delivery service for towns of over 1,000 population in the United States; to the Committee on the Post Office and Post Roads.

By Mr. BAKER: Petitions of the First National Bank of Vincentown and other banks of the State of New Jersey, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of citizens of Homestead, Munhall, Coraopolis, and Moon Run, State of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petition of Knights of Malta, No. 453, of Pittsburgh, Pa.; William Penn Council, No. 64, Order of Independent Americans; Washington Camp No. 799, Patriotic Order Sons of America, of Bridgeville, Pa.; and State Council of Pennsylvania, Order of Independent Americans, against House bill 9836; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo.; the Kansas-Missouri Turnbezirks, of Leavenworth, Kans.; and the Master Bakers' Protective and Benevolent Association of St. Louis, Mo., against prohibition amendment; to the Committee on the Judiciary.

Also, petition of Branch No. 7, Association of Post Office Clerks, of St. Louis, Mo., favoring House bill 5139; to the Committee on Reform in the Civil Service.

Also, petition of the California Federation of Women's Clubs, favoring a bill providing for a peace statue at Panama; to the Committee on the Library.

Also, petition of Louis Fish, of St. Louis, Mo., favoring appointment of a commission to locate the eastern approach of the St. Louis bridge; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Business Men's League and citizens of St. Louis, Mo., against Bartlett-Bacon bill; to the Committee on the Judiciary.

Also, petition of the Pennsylvania Arbitration and Peace Society, of Swarthmore, Pa., favoring appropriation for the entertainment of delegates to the conference of the Interparliamentary Union; to the Committee on Appropriations.

Also, petition of A. E. Reton, of St. Louis, Mo., favoring House bill 11321; to the Committee on Patents.

Also, petition of citizens of St. Louis, Mo., protesting against the suppression of the Menace; to the Committee on the Post Office and Post Roads.

Also, petition of the Business Men's League of St. Louis, Mo., favoring establishment of a bureau of legislative reference and bill drafting; to the Committee on Rules.

Also, petition of W. E. Newman, of St. Louis, Mo., favoring House bill 10080; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petitions of Berger & Wirth and the A. Dredge Ruling Pen Co., of New York, favoring passage of bills for flood control, and of the Chamber of Commerce of the State of New York, relative to deepening of channels of East River, and of the board of supervisors of Del Norte County, Cal., relative to construction of a harbor at or near said county seat; to the Committee on Rivers and Harbors.

Also, petition of Edward De Grael, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of the German-American Alliance of Cedarburg, Wis., representing 112 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 50 and 88, or any other prohibition measures; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Plymouth, Wis., Branch Verein Ehm Deutsche Soldaten, of the German-American Alliance, representing 20 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 50 and 88, or any other prohibition measures; to the Committee on the Judiciary.

By Mr. COOPER: Resolutions adopted by the board of supervisors of Del Norte County, Cal., asking for the establishment and maintenance of a harbor on the coast line of that county; to the Committee on Rivers and Harbors.

Also, petition of Local No. 804, Cigar Makers' International Union, of Racine, Wis., and Local No. 118, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitter Helpers of the United States and Canada, against prohibition amendment; to the Committee on the Judiciary.

Also, petition of banks of Wisconsin, favoring an amendment to income-tax law; to the Committee on Ways and Means.

By Mr. CRAMTON: Petition of banks in seventh district of Michigan, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Michigan against legislation to bar the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. DALE: Petition of the General Henry M. Lawton Camp, No. 21, United Spanish War Veterans, and W. J. S. Deneen, of New York, favoring passage of widows and orphans bill; to the Committee on Pensions.

Also, petition of the Brooklyn (N. Y.) Branch of the Association of Supervisory Post Office Employees, favoring amendment to House bill 11338; to the Committee on the Post Office and Post Roads.

Also, petition of the Hardwood Manufacturers Association of the United States, favoring Ransdell-Humphreys bill; to the Committee on Rivers and Harbors.

By Mr. DAVIS: Petition of banks of Minnesota, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of the Standard Scale & Supply Co., of Pittsburgh, Pa., against House bill 8133; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Petitions of the Second National Bank of Cincinnati and other banks of the State of Ohio, favoring change in income-tax law, relative to collection at source; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of citizens of Illinois against House joint resolution 168; to the Committee on the Judiciary.

Also, petition of Frank Murphy, of Chicago, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petition of Barnhart Bros. & Spindler, of Chicago, Ill., favoring House bill 11321; to the Committee on Patents.

By Mr. GOODWIN of Arkansas: Petition of banks of Arkansas, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of W. H. Wright and others of first congressional district of Vermont, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petition of the Chamber of Commerce of the State of New York, relative to deepening the channels of the East River at New York; to the Committee on Rivers and Harbors.

Also, petition of the Hardwood Manufacturers Association of the United States, favoring the passage of the bills for flood control; to the Committee on Rivers and Harbors.

Also, petition of the Veteran Association of the Fourteenth Brooklyn Regiment, relative to bill to protect the monuments on the field of the Battle of Bull Run; to the Committee on Military Affairs.

By Mr. HENSLEY: Petitions of Henry L. Rozier, of Ste. Genevieve, and G. M. Jolly, of Crystal City, State of Missouri, favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. HULINGS: Petition of banks of Tionesta, Pa., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. KELLEY of Michigan: Petition of citizens of Alden, Mich., against the passage of the Sabbath-observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. KIESS of Pennsylvania: Petition of Local No. 2041, United Mine Workers' Union of America, of Blossburg, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of the fifteenth congressional district of Pennsylvania, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Seventh-day Adventist Church of Lock Haven, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Williamsport, Pa., protesting against the passage of Senate bill 752; to the Committee on the District of Columbia.

By Mr. LEVY: Petition of the Orange Judd Co., of New York City, favoring passage of Kenyon bill, relative to combatting hog cholera; to the Committee on Agriculture.

Also, petition of J. Levit and Lake T. Carter, of New York City, relative to increase in pay of watchmen, messengers, and gatemen of the United States immigrant service; to the Committee on Appropriations.

Also, petition of Joseph Coles, of New York City, relative to salaries of employees of the Treasury Department under $1,000 per year; to the Committee on Expenditures in the Treasury Department.

Also, petition of the Woman's Christian Temperance Union of the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the National Drainage Congress of Chicago, Ill., favoring passage of House bill 10078, relative to National Drainage Congress; to the Committee on Rivers and Harbors.

Also, petition of the Women's Trade Union League of New York City, favoring passage of House bill 29, eight hours a day work for women in the District of Columbia; to the Committee on Labor.

Also, petitions of the United Hatters of North America, Local No. 8, of Brooklyn, N. Y., and Acme Engineering & Contracting Co., of Herkimer, N. Y., protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the Shoe Manufacturers' Alliance of St. Louis, Mo., relative to the lease system regarding patents; to the Committee on Patents.

Also, petition of the Hardwood Manufacturers' Association of the United States, of Cincinnati, Ohio, and of Memphis, Tenn., favoring passage of the Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

Also, petition of sundry bankers of New York City, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. LEWIS of Maryland: Petition from the Garrett National Bank and the First National Bank of Oakland, Md., praying the passage of a simplified income-tax law by Congress; to the Committee on Ways and Means.

By Mr. LINDQUIST: Petition of the State Bank of Carson City, Mich., favoring an amendment to the income-tax to provide for a method "of information at the source"; to the Committee on Ways and Means.

Also, petition of William Moyer Corps, No. 183, Department of Michigan, Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of Alma, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Missouri, favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of bankers of New Cambria and Unionville, Mo., favoring an amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of Gross, Hyde & Shipman, of Hartford, Conn., protesting against the passage of the "Five brothers" antitrust bills; to the Committee on the Judiciary.

Also, petition of the Hardwood Manufacturers' Association of the United States, of Cincinnati, Ohio, favoring the Ransdell-Humphreys bill for the protection of the Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. MAHAN: Petitions of banks of Willimantic and Norwich, Conn., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. McCLELLAN: Petition of workingmen of Saugerties, N. Y., favoring House bill 1873; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of the Maine Retail Jewelers' Association, favoring Owen-Goeke bill to prevent fraud in manufacture and sale of watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of Maine financial institutions, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. MOON: Petition of banks of Tennessee, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. MOORE: Petitions of the Commercial Trust Co. and the Eighth National Bank of Philadelphia, Pa., favoring change in income-tax law, relative to collection at the source; to the Committee on Ways and Means.

Also, memorial of the Hardwood Manufacturers' Association of the United States, favoring passage of Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

By Mr. O'LEARY: Petition of banks of Flushing and Far Rockaway, N. Y., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. PAYNE: Petitions of the County National Bank of Canandaigua and other banks and trust companies of the State of New York, favoring change in income-tax law, relative to collection at source; to the Committee on Ways and Means.

Also, petition of citizens of Wayne County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of the Vermont State Branch of the National German-American Alliance, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of banks and trust companies of the State of Vermont, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. RAKER: Memorial of the San Francisco Chamber of Commerce, of San Francisco, Cal., protesting against the McKellar bill relative to cold storage; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Hardwood Manufacturers' Association of the United States, favoring passage of the Ransdell-Humphreys bill for flood protection; to the Committee on Rivers and Harbors.

By Mr. REILLY of Connecticut: Petitions of sundry citizens of New Haven, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Dime Savings Bank, of Wallingsford, Conn., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Hardwood Manufacturers' Association of the United States, favoring passage of bills for flood control; to the Committee on Rivers and Harbors.

By Mr. ROUSE: Petitions of 400 citizens of Campbell and Kenton Counties, State of Kentucky, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of citizens and German-American societies of Denver, Colo., against Senate joint resolution 168; to the Committee on the Judiciary.

Also, petition of banks of Colorado Springs, Colo., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. SLOAN: Petitions of the German-American Alliance and J. E. McGill and 93 others, of Seward County and of Omaha, Nebr., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the First National Bank of York and other banks of the State of Nebraska, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: Papers to accompany a bill granting an increase of pension to James R. Sage; to the Committee on Pensions.

Also, papers to accompany a bill (H. R. 12978) granting a pension to Susan C. Davidson; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: Petitions of banks of Kalamazoo and Coldwater, Mich., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Joseph N. Smith Co., of Detroit, Mich., against the anti-injunction bill; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Papers to accompany a bill for a pension to Mrs. Nancy Thompson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas (by request): Petitions of J. W. Willoughby and others of McGehee, Ark., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of bankers of Midland, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. THACHER: Petition of the Hingham (Mass.) National Bank, favoring change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the New Bedford Safe Deposit & Trust Co., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of banks of Schenectady, N. Y., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Farmers' Institute of East Liberty, Logan County, Ohio, in favor of Federal appropriation for the extermination of hog cholera; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Hardwood Manufacturers' Association of the United States, favoring passage of bill for flood control; to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *February 16, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come into Thy presence this morning in the midst of a great sorrow that has fallen upon our hearts and upon this great Nation. Thou hast called to his reward one who has stood for the best in our national life, whom Thou didst permit to represent a great State, and whom Thou didst call into a place of leadership among the people.

We remember Thy goodness in giving to us this great man whose life was dedicated to the cause of human brotherhood, whose spirit was lifted in reverence to the Deity, the great Father. We bless Thee for his influence upon us as a Nation, and that to-day we feel in the midst of our loss that God Himself stands so near to us, holding us in the hollow of His hand, that He will still guide us and give to us leaders who are men after His own heart.

We pray that the loss which has come to us with its sorrow may chasten and refine our spirits that we may be better prepared for all the duties of life, and prepared at last when all the fleeting shadow of this life has passed from us, to enter into the presence of our God and stand the test of the eternal world. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ARRANGEMENTS FOR FUNERAL OF SENATOR BACON.

The VICE PRESIDENT. In compliance with the resolution adopted on Saturday, the Chair appoints as the committee to take order for superintending the funeral of Senator BACON: Mr. SMITH of Georgia, Mr. TILLMAN, Mr. OVERMAN, Mr. CHILTON, Mr. FLETCHER, Mr. POMERENE, Mr. THOMAS, Mr. O'GORMAN, Mr. VARDAMAN, Mr. GALLINGER, Mr. ROOT, Mr. NELSON, Mr. BRANDEGEE, and Mr. PAGE.

Mr. OVERMAN submitted the following resolution (S. Res. 275), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President of the Senate in arranging for and attending the funeral of the late Senator AUGUSTUS O. BACON, from the State of Georgia, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WILLIAMS. Mr. President, after polling the members of the Committee to Audit and Control the Contingent Expenses of the Senate, I now make a favorable report upon the resolution and ask for its adoption.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet to-morrow at 12 o'clock and 45 minutes post meridian.

The motion was agreed to.

Mr. KERN submitted the following resolutions (S. Res. 274), which were read, considered by unanimous consent, and unanimously agreed to:

Resolved, That the committee of 14 Senators appointed by the Vice President under the resolution of the Senate of February 14, 1914, shall take order for superintending the funeral of Mr. BACON in the Senate Chamber at 1 o'clock p. m. on Tuesday, February 17, instant, and that the Senate will attend the same.

Resolved, That as a further mark of respect the remains of Mr. BACON be removed from Washington to Macon, Ga., in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and invite the House of Representatives to attend the funeral in the Senate Chamber and to appoint a committee to act with the committee of the Senate.

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Admiral of the Navy, the Chief of Staff of the Army, and the Regents and Secretary of the Smithsonian Institution to attend the funeral in the Senate Chamber.

Mr. KERN. Mr. President, I offer a resolution and ask for its adoption.

The VICE PRESIDENT. The resolution will be read.

The resolution was read and unanimously agreed to, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The Senate thereupon (at 12 o'clock and 10 minutes p. m.) adjourned until to-morrow, Tuesday, February 17, 1914, at 12.45 p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 16, 1914.*

The House met at 12 o'clock noon.

The Clerk read the following communication:

THE SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 16, 1914.

Hon. SOUTH TRIMBLE,
Clerk, House of Representatives, Washington, D. C.

DEAR SIR: I hereby designate Hon. JOHN J. FITZGERALD Speaker pro tempore for to-day.

CHAMP CLARK,
Speaker House of Representatives.

Mr. FITZGERALD assumed the chair as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal Spirit, our heavenly Father, the All in All, a light has gone out of the world, a soul has been translated, a great statesman has been taken from us. Where shall we go; to whom shall we turn in our bereavement for succor and comfort but to Thee? Thou art infinite in all Thine attributes, Thou hast planned, Thou canst make no mistakes; Thy will is supreme and Thy will is good will. Therefore we trust, therefore we hope; we shall not be disappointed.

Comfort our hearts, be light to our darkness. Especially come near to the bereaved family who leaned upon him for strength and guidance that they may look forward without fear but with hope for a brighter day in some one of the many mansions which Thou hast prepared for Thy children. Every storm is followed by a calm, every night is followed by a day, so every grief will be turned into joy.

And, O God, we most fervently pray for the Member of this body, who in his declining years has been bereft of the companion who has walked side by side with him for many years, sharing his joys and sorrows, an helpmeet indeed. May he look forward with trust and confidence in the infinite love of a heavenly Father. Thus be with him; thus comfort and sustain him, the bereaved children, and grandchildren. In the name of Him who revealed the life and immortality of the soul. Amen.

The Journal of the proceedings of Saturday, February 14, 1914, was read and approved.

ARMY APPROPRIATION BILL.

By direction of the Committee on Military Affairs Mr. HAY reported the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, and for other purposes, which was read the first and second time and, with the accompanying report (H. Rept. 257), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KAHN. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman from California reserves all points of order.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. UNDERHILL was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Johannah O'Keefe, H. R. 28457, Sixty-second Congress, no adverse report having been made thereon.

Also the papers in the case of Daniel Updike, H. R. 22135, Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Florida, indefinitely, on account of illness.

To Mr. SHACKLEFORD, indefinitely, on account of serious illness.

To Mr. TAYLOR of Arkansas, indefinitely, on account of having been appointed to go to Michigan to serve on the subcommittee of the Committee on Mines and Mining in the investigation of the miners' strike in Michigan under House resolution 387.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. To-day is set apart for the consideration of business on the Calendar for Unanimous Consent, and the Clerk will report the first bill.

PATENTS TO TRANSFEREES OF TOWN LOTS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 4938) providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all cases where town lots were sold by the United States at public sale, and the purchaser at such sale has transferred his interest in any such lot prior to the 11th day of October,

1911, and patent has not been issued in the name of the original purchaser, the Commissioner of the General Land Office may issue a patent in the name of the transferee where full payment of the purchase price has been made and satisfactory evidence of the transfer has been furnished: *Provided*, That it be shown that the original purchaser is dead, or that after due inquiry his whereabouts can not be ascertained, and that the instrument of transfer given by the original purchaser has been lost or destroyed.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have the chairman of the Committee on Public Lands make some explanation of the bill. As I understand it, it relates only to town lots.

Mr. FERRIS. It is true it relates only to town lots. I think I can make a statement that will explain it fully, and such a one as will satisfy the gentleman. This bill was first reported by the Public Lands Committee some time ago, and the first report on the bill was not very complete. After consultation with some of the Members of the House I took up the matter with the department, and they have written a supplementary letter which I think will make the object of the bill very plain to the House. It was a bill drawn by the department and introduced by myself as the chairman of the committee at their suggestion. I hold in my hand a letter from the Secretary of the Interior, Mr. Lane, under date of February 2, 1914, in response to a request from me for an additional report. If the gentleman desires, I will read the letter.

Mr. STAFFORD. Mr. Speaker, I think a brief statement from the gentleman will be satisfactory. As I understand, this is a departmental bill?

Mr. FERRIS. Yes. The substance of the letter is this: That in 1908 in Oklahoma, and also in South Dakota, certain town lots were sold on the installment plan, one-fifth down and one-fifth each year for the succeeding years. The first payment was made, and the Commissioner of the General Land Office issued a letter under date of December 28, 1908, authorizing the purchasers to transfer their purchase certificates, and the letter went so far as to set out just how the transfer should be made, and it sets it out in this letter:

I hereby assign to ——— my interest in the within-named lot.

The letter went on and said that upon presentation of the certificate of transfer they should issue a certificate to the transferee of the lot. This is what happened with the land. The department later decided that they ought to issue the patent to the original purchaser, irrespective of transfers even though made in strict conformity with former instructions. That leaves the Land Office in this position: They first hold one thing and then reverse themselves, which leaves the lot transferee in the attitude of paying first a bonus to the original purchaser; second, having made all of these payments to the Government for the lot, and still he has no title. If the transferees had taken a warranty deed instead of doing precisely what the department asked them to do in the way of transfer, this legislation would not be necessary. The concluding clause of the Secretary's letter is:

It appears that those coming within the provisions of the bill will be without remedy should the proposed legislation fail of enactment. I therefore renew my former recommendation that the proposed legislation be enacted.

Mr. STAFFORD. Mr. Speaker, with that explanation I have no objection.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. Mr. Speaker, I reserve the right to object.

Mr. JOHNSON of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. JOHNSON of South Carolina. The bill as read said something about these papers being lost.

Mr. FERRIS. No; it says where the original purchaser has moved away and can not be found, or where he is dead, and that renders it impossible for the transferee to get a new deed from the original purchaser.

Mr. JOHNSON of South Carolina. But the transferee is in the possession of the original transfer?

Mr. FERRIS. That is right; but he has no warranty deed, and his chain of title is not complete.

Mr. MILLER. Will the gentleman yield for a question?

Mr. FERRIS. I do.

Mr. MILLER. I am not opposed to the gentleman's bill—I think it ought to pass—but I would like to know if the gentleman can advise me about what proportion of the lands that have been sold by the Government will be affected under the provision of this act?

Mr. FERRIS. Well, a very small per cent. A good many of them have already made their payments in full and gone back and secured new deeds. This proposition of the Land Office reversing themselves has caused a good deal of confusion. This will straighten the whole matter out. The whereabouts of some of the original purchasers are unknown and some are dead, but this comprises a very few cases—no large number.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That in all cases where town lots were sold by the United States at public sale, and the purchaser at such sale has transferred his interest in any such lot prior to the 11th day of October, 1911, and patent has not been issued in the name of the original purchaser, the Commissioner of the General Land Office may issue a patent in the name of the transferee where full payment of the purchase price has been made and satisfactory evidence of the transfer has been furnished: *Provided*, That it be shown that the original purchaser is dead, or that after due inquiry his whereabouts can not be ascertained, and that the instrument of transfer given by the original purchaser has been lost or destroyed.

Mr. MANN. Does the gentleman intend to insert that letter in the RECORD?

Mr. FERRIS. I was going to ask that be done. I will ask now, Mr. Speaker, that the letter which I have just referred to, the contents of which I stated to the gentleman from Wisconsin, be printed at length.

The SPEAKER pro tempore. Without objection, the letter will be printed.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your recent request for further report on H. R. 4938, a bill for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases, and in response thereto, in addition to my report upon said bill of August 29, 1913, I have the honor to advise you that on January 2, 1909, the register and receiver at Lawton, Okla., were instructed by the General Land Office as follows:

"In reply to Receiver Maxwell's letter of December 28, addressed to J. W. Witten, of this office, you were instructed to recognize persons who have received assignments from purchasers of lots in the north addition to Lawton, and permit them to make final payment and receive certificates of purchase in all cases where they present to you the receipt held by the purchaser for the payment of the deposit made at the date of the sale.

"The assignment should be made on the back of the receipt already issued in substantially the following form:

"'I hereby assign to (here name the assignee) my interest in the within-named lot.'

"When an assignment of this character has been made, you will make proper notation thereof on the records of your office and report the same to this office with your returns."

Similar instructions were given the local officers at Timberlake, S. Dak., relative to transferees of lots in the town sites of Dupree and Timberlake, S. Dak.

It appears that those coming within the provisions of the bill will be without remedy should the proposed legislation fail of enactment. I therefore renew my former recommendation that the proposed legislation of this bill be enacted.

Respectfully,

FRANKLIN K. LANE.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I do not like to question the grammar of the department, but it seems to me that it would be a little better, in line 4, if we should substitute the word "had" instead of the word "has."

Mr. FERRIS. It would be better, and I have no objection.

Mr. MANN. It is grammatically imperfect as it now stands.

Mr. FERRIS. If the gentleman will offer that amendment, I will be glad to accept it.

Mr. MANN. I trust the gentleman will offer it.

Mr. FERRIS. What is the amendment suggested?

Mr. MANN. In line 4 strike out "has" and insert "had."

Mr. FERRIS. Mr. Speaker, in line 4, on the suggestion of the gentleman from Illinois, I move to strike out the word "has" and insert "had."

The SPEAKER pro tempore. The gentleman from Illinois withdraws his pro forma amendment, and the gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "has" and inserting the word "had."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BILL AND JOINT RESOLUTION PASSED OVER.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT. Mr. Speaker, I rise for the purpose of asking that House joint resolution 100, No. 35 on the calendar, be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that House joint resolution 100, No. 35

upon the Unanimous Consent Calendar, be passed for the day without prejudice. Is there objection? [After a pause.] The Chair hears none.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6143) relating to the maintenance of action for title on the high seas and other navigable waters.

The Clerk read as follows:

A bill (H. R. 6143) relating to the maintenance of action for title on the high seas and other navigable waters.

Mr. FLOOD of Virginia. Mr. Speaker, at the request of Mr. McCOY, of New Jersey, who is interested in this bill, I ask that it be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that this bill be passed without prejudice.

Mr. FINLEY. For what length of time?

Mr. FLOOD of Virginia. Mr. McCOY is engaged in a committee at this time.

Mr. FINLEY. For what length of time?

Mr. FLOOD of Virginia. I can not tell what length of time.

Mr. FINLEY. I do not think the bill ought to pass by unanimous consent.

Mr. BRYAN. Mr. Speaker, I have heretofore stated to Mr. McCOY that when this bill came up I was going to object. The only reason I will not object now is out of courtesy to Mr. McCOY, but I am certainly going to object when the bill comes up and he is present.

The SPEAKER pro tempore. Is there objection to passing this bill without prejudice? [After a pause.] The Chair hears none.

Mr. BRYAN. I will object when the time comes to take up the bill for consideration.

LIEU LANDS, IMPERIAL COUNTY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 122) authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the State of California or its grantees may, with the approval of the Secretary of the Interior, reconvey to the United States any of the lands heretofore granted to said State in the townships authorized to be resurveyed by the act of July 1, 1902 (32 Stat. L., p. 728), and select in lieu thereof an equal amount of vacant, unappropriated, surveyed, unreserved, nonmineral public lands within said State: *Provided*, That any application to select land under this act must be presented within three years from the date of its passage: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying to Victor E. Shaw, of Los Angeles, Cal., the south half of section 26, in township 11 south, range 13 east, San Bernardino base and meridian, containing 320 acres, in Imperial County, Cal., upon the express and prior condition that said Victor E. Shaw shall execute and deliver to the Secretary of the Interior a grant and deed satisfactory to the Secretary of the Interior relinquishing and conveying to the Government of the United States all his right, title, and interest in and to the north half of section 36, in township 16 south, range 13 east, San Bernardino base and meridian, Imperial County, Cal., according to the original survey, containing 320 acres, now known as part of tract 37, in township 16 south, ranges 13 and 14 east, San Bernardino base and meridian, according to the resurvey.

SEC. 2. That the Secretary of the Interior may make proper rules and regulations for carrying this act into effect.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have not before me part 1 of the report. The bill seems to be a mixed affair.

Mr. RAKER. Not at all.

Mr. STAFFORD. A part provides remedies to some certain individuals who, I believe, are squatters, and the other extends certain privileges to the State of California.

Mr. RAKER. That is not the condition of the bill.

Mr. STAFFORD. That is the impression I gained from reading it.

Mr. RAKER. If you have part 1 of the report, on page 5 you will find this statement of the department:

From the above it is clear that the bill in all probability will not affect more than 1,280 acres under section 1.

And in section 2 the proviso is 320 acres. That relating to part 1 of the bill is by virtue of a resurvey of that territory occasioned by reason of the old survey being obliterated, and Congress passed a bill authorizing the new survey. That land is now occupied both by the homesteaders and desert-land claimants and the school-section people, who have their title in patent and are occupying other land now in the valley.

Mr. STAFFORD. Will the gentleman explain the necessity for special legislation giving the squatter some rights as provided in the proviso?

Mr. RAKER. It is not the squatter under the proviso at all.

Mr. STAFFORD. I gained that impression by reading the report of the Assistant Secretary of the Interior.

Mr. RAKER. That is for the very purpose of preventing an infringement of the law in relation to reserves. The committee wanted to know whether or not any other parties had any valid claims to this land. They took it up with the Secretary of the Interior and with the Reclamation Service, and these letters were obtained to show that the departments have never authorized anybody to go upon this land, because it was withdrawn. And the proviso relating to Mr. Shaw is that he had his title in patent for 320 acres of school land, and under the resurvey, which is marked in the bill here as Lot 35, is the same land. By virtue of the survey he was put off of that land, and therefore the Government has asked the reintroduction of this bill, which was introduced in the Sixty-second Congress, passed the Senate, and reported favorably to the House, and because of the lateness of the session, did not go through.

Mr. STAFFORD. And this is a bill recommended by the department?

Mr. RAKER. Yes; and I read on page 2:

The above measures were introduced at the request of this department.

Mr. STAFFORD. As I stated, I did not have the first part of the report. I had only the second part before me, which I have examined.

Mr. Speaker, I withdraw my objection to the bill.

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman if I have a correct understanding of the bill? The school sections having been granted to California that are involved in this bill, the survey landmarks were all lost or buried or destroyed, the survey having been made many years ago?

Mr. RAKER. Yes, sir.

Mr. MANN. Then Congress passed a law providing for the resurvey.

Mr. RAKER. Yes, sir.

Mr. MANN. And the resurvey was had recently?

Mr. RAKER. Some five years ago.

Mr. MANN. Yes. And in the resurvey the Government did not survey it as a section or a quarter section, and so forth, but resurveyed it and described the section by lot numbers?

Mr. RAKER. Yes, sir.

Mr. MANN. The people, without knowing that it was a school section, following the lot numbers, made entries upon the land under the general land law?

Mr. RAKER. They were already located upon this land, claiming it under the original survey as near as they could, and still maintained possession when the resurvey was on. All of the resurveys have been adjusted with the exception of about five claims involved in this particular school section, which, according to the department, is 1,128 acres.

Mr. MANN. Those have been adjusted because people who bought from the State obtained the land, but some of the people who are involved here on the one side bought land from the State supposing they would get a portion of the school section, and on the other side the people settled on the land, supposing it was Government land. Is that correct?

Mr. RAKER. That is about it. But by the resurvey of section 16 it, when the resurvey was made, was made tract 37. Therefore there was no land marked in that township and range as section 16. And a homesteader in one instance and a desert-land claimant in the other were actually on the land. And the department now says the matter can be adjusted by leaving these claimants to hold the land and issue a patent to them, as they have lived there for five or six years, and then give to the man who had the actual patent from the State to this land another tract of land lying in the valley. This particular tract is now covered by the Salton Sea, which sea may be evaporated in years to come.

Mr. MANN. Take the case of Mr. Shaw, who is specifically named in this bill; he bought land from the State as part of the school section. Somebody had taken possession of it, supposing it was Government land. Mr. Shaw brought suit against the man, and, according to the report, he was defeated in his litigation.

Mr. RAKER. Because of the fact——

Mr. MANN. Whatever may have been the cause, this bill now proposes to let him select through the State other land in place of the land that he does not get?

Mr. RAKER. No; it allows him to select under this bill, provided that he redeed to the Government the claims he originally filed on, which are in the original township and range and section as described in the original survey.

Mr. MANN. He bought the land as a school section. If he gives that up to the man now in possession, and whom he can

not dispossess, because he has tried and failed, he has to get other land. May I ask the gentleman what is this land worth?

Mr. RAKER. I am advised by Mr. Shaw and those who know that it will be worth from $20 to $40 an acre, and that at the present time this land, practically all of it, is covered by the Salton Sea, and the only use he can make of it is when the Salton Sea recedes and evaporates. Part of the land is open and above water at the present time.

Mr. MANN. Well, if you grant this land, which the gentleman says is in the Salton Sea——

Mr. RAKER. Only a part of it——

Mr. MANN. How much will we be asked to spend to redeem the land from the Salton Sea?

Mr. RAKER. Oh, nothing.

Mr. MANN. How much have we already been asked to expend on it?

Mr. RAKER. Nothing. If the gentleman will yield, I will say that is where the Colorado River broke over and ran down into the Imperial Valley and covered a part of the country from 60 miles long to 30 miles wide. A good many people owned that land, and that is now covered by the Salton Sea.

Mr. MANN. We are asked to redeem it and to drain it, and we are asked to pay a million and a half dollars to the Southern Pacific Railroad.

Mr. RAKER. No; the Southern Pacific's claim is that Government officials and others went to them and asked them to help stop up the gap, and they expended this money to prevent the Colorado River from continuing to run into the Salton Sea and filling up the entire valley.

Mr. MANN. They want us not only to redeem the land from the Salton Sea, but also to pay the Southern Pacific a very large sum of money which President Roosevelt asked them to expend, as he stated at the time, without authority, and which they did expend. Now, if we grant the land in the Salton Sea, which the gentleman says is worth from $20 to $40 an acre, will they take it the way it stands or will they ask us to redeem it?

Mr. RAKER. They will take it as it stands, absolutely. They ask nothing from the Government but the title to that land with all the conditions on it you please.

Mr. MANN. How much is this land Mr. Shaw gets worth?

Mr. RAKER. I think it worth from $20 to $40 an acre.

Mr. MANN. My recollection is—I am not sure it is correct, but the statement is made by Mr. Shaw in some place—that it is worth $150 an acre.

Mr. RAKER. Somewhere near that. That is the land he must surrender.

Mr. MANN. Mr. Shaw never himself intended to settle on the land?

Mr. RAKER. He had part of it improved.

Mr. MANN. He is not a farmer?

Mr. RAKER. He is a farmer in that way, like a good many Members of Congress are farmers.

Mr. MANN. That is not a very successful way to get property—like the Members of the House are farmers. [Laughter.]

Mr. RAKER. I mean he is not on the farm all the time.

Mr. MANN. He had no right to take this land up from the Government, had he?

Mr. RAKER. Oh, yes.

Mr. MANN. Not in his position. He had the right to get it from the State if the State owned it.

Mr. RAKER. Most of this land was taken up as desert claims, and a man did not have to live on it. Two-thirds of the Imperial Valley was taken up as desert claims. The man never lived there, but he sent his men out there and removed the sand dunes and improved it and planted it with alfalfa and other products.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read.

The bill was again read.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGES ACROSS THE MUSKINGUM RIVER IN OHIO.

The SPEAKER pro tempore. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11331) to repeal an act regulating the construction of bridges across the Muskingum River in Ohio.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill to repeal an act regulating the construction of bridges across the Muskingum River in Ohio.

Be it enacted, etc., That the act of Congress entitled "An act regulating the construction of bridges over the Muskingum River in Ohio," approved April 2, 1888, be, and the same is hereby, repealed.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I would like to inquire what is the necessity for the repeal of the act? I would like to hear from the author of the bill as to the necessity for the repeal of the act.

Mr. ADAMSON. Mr. Speaker, prior to the enactment of the general bridge act and the river and harbor act of 1899 there were several local acts enacted, covering various rivers, and among them was an act providing for all bridges that might be proposed over the Muskingum River, in the State of Ohio. Afterwards, when the situation was clarified by the general bridge act and the river and harbor act of 1899, for some reason these local acts were not expressly repealed. Whether they were repealed by implication or not I will not discuss, or whether we thought they should be. At any rate, the old act stands, providing various complicated, diverse, and tedious demands, requirements, and conditions for the War Department to observe, and they find it quite difficult to administer. It is not nearly so simple or nearly so satisfactory as compliance with the general bridge act or the river and harbor act of 1899, and the situation has become acute since the last year's freshet, which washed away nearly all the bridges on the Muskingum River and brought to the attention of the War Department the advisability of repealing this act and leaving the entire subject under the general bridge act and the act of 1899. Is that satisfactory to the gentleman from Kansas?

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. Mr. Speaker, I would like to ask the gentleman from Georgia if the question of navigability is involved here at all, or if it is one of flood prevention?

Mr. ADAMSON. Of course it is supposed to be a navigable stream.

Mr. MOORE. Was it navigability or flood prevention that induced the preparation of this bill?

Mr. ADAMSON. Ill would it become me, Mr. Speaker, to advise the gentleman from Pennsylvania on geography. There is nothing about flood prevention in this bill. The only reference made to floods was that the acuteness of the situation was brought about by the fact that all the bridges were swept away at once and all had to be rebuilt.

In providing for their rebuilding, the War Department realized more pointedly than ever the difficulty of administering that local act.

Mr. MOORE. Is it not a fact that the War Department found that bridges constructed under that act hindered the flow of the water——

Mr. ADAMSON. That may be true.

Mr. MOORE. To such an extent that the floods became more dangerous than they were before the bridges were constructed?

Mr. ADAMSON. That is possibly true.

Mr. MOORE. Is it true, then, that the general bridge act would be more advantageous in its terms with regard to the Muskingum River, in respect to navigability and in respect to flood prevention, than this special act which you seek to repeal?

Mr. ADAMSON. The War Department so regards it. I agree with the gentleman and with the War Department that the general bridge act and the before-mentioned act of 1899 are much simpler and much more easily enforced, and will enable the department to reach proper conclusions more satisfactorily than the special act which it is sought to repeal.

Mr. MOORE. And while it is a more general act, it is also more liberal in respect to navigation.

Mr. ADAMSON. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COOPER. Will the gentleman permit me to ask him a question?

Mr. ADAMSON. Certainly.

Mr. COOPER. I notice in the letter of the Second Assistant Secretary of War he says that the act which it proposed to re-

peal sets forth many requirements as to details, and so forth, which, instead of being fixed by statute, should be left to Executive discretion. Can the gentleman tell us what some of those details are which the Assistant Secretary thinks ought to be left to Executive discretion instead of being fixed by statute?

Mr. ADAMSON. I would not undertake to state them from memory, but they are matters which are negligible, so far as the interests of navigation are concerned, and can be left safely to administration instead of being fixed by statute. I will get the statute and put it in the RECORD, if the gentleman from Wisconsin desires it.

Mr. COOPER. If the gentleman will pardon me, I notice the gentleman from Ohio [Mr. WHITE] who introduced the bill is sitting beside the gentleman from Georgia [Mr. ADAMSON]. Can the gentleman from Ohio tell us what some of these details are?

Mr. ADAMSON. I will yield to the gentleman from Ohio.

Mr. WHITE. I will say to the gentleman that there were 18 bridges swept away in the flood of last spring, and the engineers have undertaken to meet the situation under this special act. The first difficulty they had to meet was the financial distress in the counties where these bridges were located.

As to the height of the bridges, you can understand that, theoretically, under strict interpretation of the law, the height of a bridge should be a certain number of feet; but that would involve a large expense in approaches and in the condemnation of the property—an expense not commensurate with the value of the structure as an aid to navigation—and many details and technical requirements of the special bridge act covering the Muskingum River are of such a character as to lead to the introduction of this bill for the purpose of securing the repeal of that law.

Mr. COOPER. Then, the gentleman thinks the passage of this bill will permit them to build bridges closer to the average water level than they could under the special act?

Mr. WHITE. That would be my judgment. Then draws can be put in where necessary.

Mr. COOPER. The reason I ask the question is that I have in mind bridges built some years ago over navigable streams—not in Ohio, and which I have seen—that are a positive obstruction to navigation; indeed, which have very seriously hindered navigation upon the streams over which they have been built. And while I shall make no opposition to the passage of this bill, yet I think we ought to exercise the utmost care in enacting legislation here which by any possibility can permit anything like indifference in the War Department as to the building of bridges across navigable streams.

Mr. WHITE. I am in accord with the gentleman.

Mr. COOPER. The height which a bridge shall be above the water is of the utmost importance; and if streams are to be canalized more and more in this country, as they are being canalized year by year in Germany, France, and other continental European countries, it is of paramount importance that we do not permit these bridges to be built in such a manner or in such places that canalization and general improvement shall be rendered worthless.

Mr. WHITE. I will say to the gentleman that of the 16 bridges, the plans for which the Secretary of War has withdrawn objection, every one of the plans provide for higher bridges than the ones which were swept away. The Secretary of War has insisted upon a general raising of the height of the bridges. But the flood of last spring was some 12 feet higher than the maximum high water ever known in that valley before, and I have contended at the War Department that in the light of the financial distress of the counties it is not necessary to require the counties to put bridges up to the height of the flood of last spring, which was a calamity rather than a flood.

Mr. ANTHONY. I should like to ask the gentleman from Ohio a question.

Mr. ADAMSON. I yield to the gentleman.

Mr. ANTHONY. Has the Engineer Department been asked to make any recommendations in regard to these bridges?

Mr. WHITE. Yes; in every case.

Mr. ANTHONY. Are those the bridges that occasioned the profanity on the part of some Army officer who went up there to look at them?

Mr. WHITE. One of the bridges.

Mr. ANTHONY. What was that circumstance? Was there any difference between the department and the committee as to how those bridges should be constructed or as to how this legislation should be framed?

Mr. WHITE. There has been. Of course, as a Member of Congress, representing the counties through which that river flows and in which the bridges are needed, I have found this situation: On the one side was the desire of the engineers to have the bridges at a maximum height, both with respect to navigation and with respect to the prevention of floods. Theoretically, you might want a bridge as high as the highest water ever recorded, but, practically, there are problems of finance, and there is the necessity for people to cross the river. After this flood not a bridge remained between Zanesville and Marietta, a distance of 75 miles. I have tried to bring about a compromise—and I have been successful in the majority of cases—in securing an agreement as to a height that will to a certain extent promote both flood prevention and navigation and yet be adapted to the existing circumstances and enable the bridges to be built at once.

Of course there have been a great many differences arise on account of the counties not wanting to raise the bridges and the War Department insisting on the elevation.

Mr. MANN. If the gentleman will permit, I see that the original act for the construction of bridges over the Muskingum River among other things contains this provision:

> They shall also submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and piers and a map of the locality on the scale of 1 inch to 100 feet, giving for the space of one-quarter of a mile above and one-quarter of a mile below the site of the proposed bridge the topography of the banks of the river, the line of low and highest navigable water, an accurate representation of the bed of the river by contour lines 2 feet apart determined by accurate soundings, and shall also show over the whole width of this part of the river the force and direction of the currents at low water and at high navigable stages by triangulated observations on suitable floats.

I take it that that really is the trouble at present. This information they are required to show is supposed to be in the possession of the Government engineers, but not very accurate, and probably not obtained accurately without expense.

Mr. COOPER. Mr. Speaker, I listened intently to what the gentleman from Illinois has just read, and it is my judgment that those requirements ought to continue to be observed. I can not see anything in them that involves great expense. Those requirements provide for measurements and other data that ought to be in the possession of the War Department, and if the data already are in possession of the War Department there would be no survey. If there be no such data in possession of the department, then the measures and survey and triangulation ought to be made.

Mr. ADAMSON. Mr. Speaker, the purpose of the general bridge act was to systematize the supervision and construction of bridges and charge the War Department with the responsibility of carrying out the details. It was a mistake or an omission when we passed the general bridge act that we did not expressly repeal the local acts. Mr. Speaker, I ask permission to print as a part of my remarks the report of the War Department on this subject.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to print as a part of his remarks the report of the War Department. Is there objection?

There was no objection.

The report is as follows:

WAR DEPARTMENT,
Washington, January 30, 1914.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

SIR: I have the honor to acknowledge your reference to this department of House bill 11331, Sixty-third Congress, second session, "To repeal an act regulating the construction of bridges across the Muskingum River in Ohio."

The existing law governing the construction of bridges across the Muskingum River was enacted many years ago, and is objectionable for the reason that it contains a multiplicity of details with respect to the preparation of plans, and calls for rigid adherence to various requirements in considering such plans, many of which are wholly unnecessary for a stream of this character. Experience in the administration of the law has shown that literal compliance with its provisions is difficult, involving the expenditure of considerable time and money on details, which, instead of being fixed by statute, should be left to executive discretion.

This was brought to the attention of the department with peculiar emphasis when a great number of bridges across this stream were prostrated or destroyed by the recent violent floods. The immediate reconstruction of these bridges, necessary for the convenience and comfort of the local public, was hindered and delayed, and much embarrassment and inconvenience was experienced on account of the existence of the statute and its cumbersome and complicated requirements.

The repeal of the statute as proposed by the bill under consideration would place the Muskingum River in the same category as other navigable waters of the United States and leave the matter of bridge construction subject to the general legislation contained in section 9 of the river and harbor act of March 3, 1899, and the general bridge act of March 23, 1906. In my judgment this is a desirable consummation from the standpoint of good administration, and I therefore recommend favorable consideration of the bill by Congress.

Very respectfully,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE OVER THE PENOBSCOT RIVER, ME.

The next business on the Unanimous Consent Calendar was the bill (S. 1346) to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Eastern Maine Railroad, a corporation organized under the laws of the State of Maine, and its successors in interest, is hereby authorized to construct, upon plans to be approved by the Chief of Engineers and by the Secretary of War before construction is commenced, and to maintain and operate a bridge and the necessary and convenient approaches thereto and abutments and piers therefor across the Penobscot River without having or constructing any draw or other means therein for the passage of navigation or shipping other than what may pass between the approaches and piers and under the spans of such bridge as the same may be constructed, said bridge to be located between some point on the easterly bank of the Penobscot River in the city of Brewer and a point on the westerly bank of said river in the city of Bangor and to be between the present highway bridge connecting said cities and the Bangor waterworks dam and at a point which will not interfere with the driving, rafting, and booming of logs.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Eastern Maine Railroad, a corporation organized under the laws of the State of Maine, and its assigns be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Penobscot River at a point suitable to the interests of navigation from some point on the easterly bank of the Penobscot River in the city of Brewer to a point on the westerly bank of said river in the city of Bangor between the present highway bridge connecting said cities and the Bangor waterworks dam, in the county of Penobscot, in the State of Maine, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. Mr. Speaker, I would like to ask somebody why this bridge is to be constructed without a draw?

Mr. ADAMSON. It is not. This amendment does not provide that it shall be without a draw. We struck that out and, by amendment, left it in conformity with the general bridge act.

Mr. MANN. Mr. Speaker, as I recollect, Congress has passed a law providing for the construction of a bridge by somebody else at this point without a draw.

Mr. ADAMSON. We have to confess that by inadvertence we did pass such a bill, but we do not want to repeat it.

Mr. MANN. When this bill was introduced a report upon it was made by the engineer department. I asked them why they approved a bill in that form and did not make it comply with the provisions of the general bridge act. They informed me that Congress had already passed a law recently, I think in the last Congress, on account of exceptional circumstances, providing for the construction of a bridge at this point or close to it without a draw, and hence there was no reason why a draw should be provided in this bridge as nothing could go through the draw and go beyond.

Mr. ADAMSON. I am free to state—and I will yield to the gentleman from Minnesota in a moment—that the gentleman from Illinois was right at that time and I think we were wrong. We were persuaded that the river did not amount to much at that point and that no navigation would be destroyed on it, but it was a mistake. The committee is not willing to say positively and absolutely that navigation shall be destroyed on any stream if we can help it. We wish to pass this bill in the usual form, and then if the War Department in administering the law approves plans or deems it proper to approve subject to revocation a plan of a bridge without a draw, the responsibility will be on the War Department, where it belongs.

Mr. STEVENS of Minnesota. Mr. Speaker, the law which the gentlemen from Illinois and Georgia refer to was passed in the last Congress, at the wish of the local delegation from Maine. They reported that the municipalities affected greatly desired that the municipal bridge between Bangor and Brewer should be constructed without a draw, because there was no navigation at that point, and none was probable, or even possible, in the future, since there is a dam without a lock only a short distance above the bridge, while the channel above the bridge is rocky and shoal and the water moves rapidly, so navigation is not possible on it. I am personally familiar with that locality, and I know that is true. Upon the presentation of those facts the Committee on Interstate and Foreign Commerce did favorably report and the House did pass a bill authorizing a municipal bridge without a draw.

Now, this bridge will be constructed above the municipal bridge, between that and the dam. As the gentleman from Georgia states, the whole matter concerning form of the bridge is left with the War Department, but under the report of the War Department the officials probably would approve plans of a bridge without a draw, because the draw would be unnecessary under these circumstances. It could not be used, and it would involve a large and an unnecessary expense to build and operate it. For that reason there was no necessity for the committee to depart from the usual form of bridge bills, and it ought not to depart, because the form of the bridge bill has been tested by time.

Mr. MANN. The War Department has authority now to approve plans for a bridge at this point without a draw?

Mr. STEVENS of Minnesota. Yes.

Mr. MANN. I say without enacting any legislation now.

Mr. STEVENS of Minnesota. Yes.

Mr. MANN. They had authority before to provide for a local highway bridge with a draw.

Mr. STEVENS of Minnesota. Or without a draw.

Mr. MANN. But they would not take the responsibility of approving plans without a draw. Then Congress, in 1912, passed a law for a bridge without a draw below this point. I do not know what position the War Department may take. It may be that they will follow the opinion of Congress, but, if so, they do not need any legislation.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. COOPER. Can the gentleman cite a precedent where Congress had enacted a law authorizing the construction of a bridge without a draw across a navigable stream?

Mr. STEVENS of Minnesota. Oh, yes. This very case is one.

Mr. COOPER. Other than this?

Mr. STEVENS of Minnesota. I think we have.

Mr. MANN. It is very unusual.

Mr. STEVENS of Minnesota. It is very unusual; but I know there is a case on the Minnesota River in our State, but the committee has adopted this general rule, that wherever the municipalities themselves, the people acting through their duly constituted officials, notify us that such a bridge is desired and necessary for the public interests, then in the very few cases where we have allowed a bridge to be constructed without a draw legislation has been passed, where there is no possibility, so far as we can foresee, that there ever will be navigation; but wherever a railroad company or other private interest requires legislation we always provide for a draw. We are unwilling that any private interest, under any pretext, shall be allowed to obstruct a navigable stream, but in those isolated cases where the municipalities and the people themselves state that the fact is that there never can be any navigation and desire to be saved from the expense we have allowed this sort of legislation.

Mr. COOPER. Mr. Speaker, I agree with the gentleman that no private corporation should be permitted to construct a bridge without a draw across a navigable stream, and it strikes me as of somewhat doubtful advisability to permit a majority of a board of aldermen on behalf of a city to say that they do not want a draw in a bridge across such a stream.

Mr. STEVENS of Minnesota. We do not even allow that.

Mr. COOPER. But the cities do not vote upon it?

Mr. STEVENS of Minnesota. No; of course not.

Mr. COOPER. And the aldermen are the ones who represent them and who send their petitions or resolutions to Congress.

Mr. STEVENS of Minnesota. But the War Department renders its report, and the representatives of that district come before the committee and state the situation. As I say, I am personally familiar with this situation in this bill. I know that a draw is not required there and never can be used, because I am familiar with it. I formerly lived there and am well acquainted with the situation. In cases like that we require exact information by Government officials, local officials, and by the State representatives before we allow any of this legislation.

Mr. COOPER. I have in mind simply that it makes this a question to be decided by the presenting of evidence here in Washington, perhaps 1,000 miles or 2,000 miles away from the point where the bridge is to be constructed, and if it does this in one case, it will do it in a great many other cases, and in some cases Congress might be imposed upon. Therefore it seems to me that we ought to be very careful about recommending legislation of this character.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOORE. Mr. Speaker, I think the amendment is to be preferred over the original bill, and I am very glad the Committee on Interstate and Foreign Commerce has adopted that

course; but I would like to ask the gentleman with reference to this paragraph of the old bill, that the bridge "shall be built at a point which will not interfere with the driving, rafting, and booming of logs." Is there not a decision of the Supreme Court which holds that the rafting of logs presumes the navigability of the stream on which they are rafted?

Mr. STEVENS of Minnesota. Oh, yes; the Supreme Court has held that the rafting of logs is navigation, but the War Department, of course, would not require a draw for the rafting of logs.

Mr. MOORE. How large a stream is this at the point where the bridge would be constructed?

Mr. STEVENS of Minnesota. The channel is only a few hundred yards wide, and it is very shallow and rocky.

Mr. MOORE. But some business is done there in the way of rafting logs?

Mr. STEVENS of Minnesota. Yes; considerable.

Mr. MOORE. And that would be taken care of?

Mr. STEVENS of Minnesota. Yes; under the general provisions of the law.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An act to authorize the Eastern Maine Railroad to construct a bridge across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATENTS TO NONCOAL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1651) to authorize the issuance of absolute and unqualified patents to public lands in certain cases.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask who has charge of this bill?

Mr. STAFFORD. Mr. Speaker, the gentleman from Colorado [Mr. TAYLOR], as the gentleman knows, is out of the city.

Mr. MANN. I understand; but my recollection is—I am quite sure of it—that the Senate has passed a similar bill, and if we are to act on this matter at all we ought to act on the Senate bill. I do not know whether the Senate bill is on the Speaker's table or not.

The SPEAKER pro tempore. There is no such bill on the Speaker's table.

Mr. MANN. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

NATIONAL STAR-SPANGLED BANNER CENTENNIAL CELEBRATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 209.

The Clerk read as follows:

Joint resolution (H. J. Res. 209) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

Resolved, etc., That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by their accredited diplomatic agents to the United States at the National Star-Spangled Banner Centennial Celebration, to be held at the city of Baltimore, Md., in September of the year 1914: *Provided*, That no appropriation shall be granted by the United States for expenses of delegates or for other expenses incurred in connection with said invitation.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. LINTHICUM. Does the gentleman wish to ask a question, or would he like to have an explanation of the resolution?

Mr. MANN. I want to give the gentleman a chance to make a plea for his white alley and then to bowl it over.

Mr. LINTHICUM. Mr. Speaker, this is a resolution introduced by reason of the fact that the President is prohibited from extending invitations to participate in centennials of this kind, or of any kind, by virtue of a provision in the deficiency appropriation act approved March 4, 1913. Now, the city of Baltimore, State of Maryland, proposes to hold a centennial in commemoration of the successful defense of Baltimore at North Point and Fort McHenry; the birth of the Star-Spangled Banner; the achievement of national independence, and a century of peace and progress. We are not asking for any appropriation. We are merely asking that the President be authorized to extend invitations to the diplomats representing the various nations of the globe. We propose to pay all the expenses of their entertainment and everything connected with their invitation, and we are not asking the National Government for any money in this connection.

Mr. MANN. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. MANN. Is there anything in the law anywhere which forbids the city of Baltimore, or whoever has charge of this celebration, from inviting the diplomatic representatives here?

Mr. LINTHICUM. I take it there is not anything in the law prohibiting the city of Baltimore from inviting anybody it might wish to invite, but there is another provision, or rather another matter, that might be considered, and that is that an invitation from the President to participate in a matter of this kind comes with greater dignity and is more apt to be accepted by those gentlemen than if any city should merely invite them.

Mr. MANN. The gentleman will remember that not a great while ago a good many Members of Congress went over to Philadelphia to take part in the celebration at Independence Hall, at which the President himself was present, at which a large number of diplomatic representatives were present, all on the invitation of Philadelphia, not on the invitation of the United States. Now, why can not Baltimore do as well?

Mr. LINTHICUM. Baltimore can do as well and, no doubt, will do the same thing.

Mr. MANN. I think likely it will.

Mr. LINTHICUM. But we should certainly like to have an invitation extended by the President, as it is more apt to be accepted by the diplomats.

Mr. MANN. What would the gentleman think if the diplomatic representatives were to receive this kind of an invitation from the President or the Secretary of State, stating that Congress has authorized him to invite them to attend this celebration at Baltimore, but not at the expense of the Government?

Mr. LINTHICUM. I do not take it that the President or the Secretary of State would do a thing of that kind. I think that many gentlemen in this House have been invited by Baltimore and have gone there, and I do not think there has been any question on that point, nor do I think it has been intimated there would be any expense; but when the diplomats are invited by the President to attend, there is no doubt that Baltimore and the State of Maryland will do the rest, and very handsomely, too.

Mr. MANN. But here is an invitation by authority of an act of Congress, stating, "Gentlemen, we invite you to a great occasion over in Baltimore, but we will not even give you a luncheon."

A MEMBER. Nor a cigar.

Mr. MANN. But I am not in favor of extending an invitation of that kind. Baltimore ought to feel proud to extend her own invitations to the diplomatic representatives of foreign countries directly. They ought not to have invitations from the President of the United States, and especially we should not say, "We send you this invitation to come here at your own expense."

Mr. LINTHICUM. I do not think the gentleman has any idea the President would invite them and say that they were to come at their own expense.

Mr. MANN. We say so.

Mr. LINTHICUM. The foreign diplomats will be taken care of by the city of Baltimore, by the centennial commissioners themselves.

Mr. MANN. I have no doubt that the city of Baltimore will invite these gentlemen and that many of them will be delighted at the opportunity to go. That is the proper way to do, and Baltimore is entitled to the honor of having given the invitation.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I will have to object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a résumé of what this centennial is to be, excluding the pictures which are contained therein.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated.

Mr. STAFFORD. What is the request?

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by printing a statement in connection with the celebration, without the pictures. Is there objection?

Mr. STAFFORD. I wish to ask the gentleman if the article is the same one that has been sent around broadcast to Members of Congress?

Mr. LINTHICUM. I do not know what article has been sent around to the Members of Congress. It might be that this article has been sent around, but I am sure I have not sent it.

Mr. STAFFORD. How many pages of the CONGRESSIONAL RECORD will it occupy?

Mr. LINTHICUM. About three pages. And it gives a succinct report of the battles of Fort McHenry and North Point. It might be useful to the gentleman some day if he wants to refer to data on this subject.

Mr. STAFFORD. If I wanted to get authoritative data, I would not go to some newspaper article, but would go to the original sources. But I will say that a great number of the readers of the CONGRESSIONAL RECORD might get some information from the article, and therefore I will not object; but if I desired some of those records, I would not go to some cheap newspaper article.

Mr. LINTHICUM. I will say to the gentleman, it is not a cheap newspaper article.

Mr. STAFFORD. It has the appearance of such.

Mr. LINTHICUM. It is written by Mrs. A. Barneveld Bibbins, Ph. M., and she is one of the best historians in this country.

Mr. STAFFORD. And I regret to say that I am not acquainted with this illustrious woman.

Mr. LINTHICUM. That is the reason I want to put it in the RECORD and have you get acquainted with her.

The SPEAKER pro tempore. Is there objection to printing the article in the RECORD?

There was no objection.

The following is the article:

NATIONAL STAR-SPANGLED BANNER CENTENNIAL.

[Mrs. A. Barneveld Bibbins, Ph. M., chairman historical committee.]

Baltimore will celebrate in September, 1914, the greatest events in her history—events not only of special local significance, but of far-reaching national and international importance.

SIGNIFICANCE OF THE TWO CENTENNIALS—1876 AND 1914.

While the centennial at Philadelphia in 1876 marked the centenary of the Declaration of Independence, the National Star-Spangled Banner Centennial, to be held in Baltimore, September 6 to 14, 1914, will commemorate an even more potential event—the centenary of the achievement of national independence—which had been declared, but not accomplished, 38 years before. In this final outcome, the attainment of national freedom, Baltimore and Maryland played a distinguished and strategic part.

The Declaration of Independence had announced in ringing sentences our political freedom from Great Britain, but it was but a brief period after the Revolution before we discovered we were anything but a free people. Commercially, and upon the high seas, we were still in bondage. Franklin, that shrewd philosopher, declared with his customary astuteness, "The war which closed with the surrender of Cornwallis was but the war of rebellion; we must fight once again to make good our claims to independence."

WHY BALTIMORE THE PLACE?

Why is Baltimore the place and 1914 the time for the celebration of this great epoch-making achievement—the attainment of full and undisputed national freedom? Because—

BALTIMORE VESSELS WERE FIRST IN NATIONAL DEFENSE.

Scarcely had the "war of rebellion" come to an end, when the French Revolution broke out. France and England were soon at war. Our neutral vessels were seized by France, because we refused to become involved in her bloody strife, and our sailors impressed on every sea by the English, incensed by our growing trade rivalry.

President Washington urged the creation of a Navy to protect our commerce. By the authority of Congress he ordered three frigates (the *United States*, launched July 10, 1797; the *Constellation*, September 7; and the *Constitution*, September 20) constructed, of which the famous *Constellation* (it is expected that this oldest vessel of the Navy, now at Newport, R. I., which made the first captures of importance of the American Nation, and the greatest since the famous Revolutionary capture of the *Serapis* by Paul Jones in the *Bon Homme Richard*, and which thus made our flag respected on the high seas, will be restored by Congress and brought back on September 7 to the waters of the Patapsco, where she was launched 117 years before, to participate in the Star-Spangled Banner Centennial), built and manned in Baltimore in 1797, by her splendid victories over the French *Insurgente* (1799) and *La Vengeance* (1800) brought peace with France, won respect for the flag, and long remained the most popular vessel of the Navy.

When war again broke out between France and England, the latter's offenses became worse than before, and soon this overweening sea power had seized 1,000 of our vessels and 6,000 of our sailors. Under such harassing conditions, our boasted "independence" became a by-word and reproach. Where was freedom when our ships and seamen were seized and enslaved in our own waters, and sometimes in our very ports?

CHESAPEAKE SHIPS AND SEAMEN FIRST ATTACKED.

The first of the series of most flagrant outrages on the American flag had occurred when the merchant ship *Baltimore*, built in Baltimore—as was the sloop of war *Maryland*, presented to the United States Navy by Baltimore merchants at a cost of $70,000—was surrounded by a British squadron and 55 of her seamen taken off as English "deserters," though all but five were afterwards returned to her. This was followed by the no less outrageous

"AFFAIR OF THE CHESAPEAKE."

This affront occurred in 1806, when a Chesapeake-built frigate leaving Hampton Roads was followed by the British ship *Leopard* and held up by a search for "deserters." When Commodore Barron, of Virginia, refused to let his crew be mustered for inspection, the *Leopard* poured a broadside into the *Chesapeake*, which was followed by three additional broadsides within 15 minutes. Three American seamen were killed and 18 wounded, including the commodore. As the *Chesapeake* was unprepared, it being in time of peace, Barron ordered his flag hauled down. The captain of the *Leopard* refused to receive the *Chesapeake* as a prize, but carried off four men whom he claimed as "deserters" and subjected to a severe lashing. Three of these men, through the resolute intervention of the noted Baltimorean, William Pinkney, then minister to England, were restored to the *Chesapeake* in Boston Harbor in 1812, in time to avenge this gross abuse in the war against Great Britain.

A BALTIMORE MAN WROTE THE DECLARATION OF WAR.

Minister Pinkney's ardent patriotism, which had been repeatedly incensed by his long experience with England's duplicity and the impossibility of redress of grievances, would stand no more. He demanded his recall by President Madison, and promptly took "inamicable leave" of England. On his return to America, Madison made him Attorney General of the United States, and it was his hand which wrote the declaration of war, which consisted of the single direct and explicit statement: "That war be, and the same is hereby, declared to exist between the United States and Great Britain."

OUR MERCHANT MARINE OUR STRONGEST RESERVE FORCE.

The lack of preparation was painfully apparent. The Federal Treasury was nearly empty from the loss of customs revenues by nonintercourse, and the Army and Navy were pitifully inadequate. With a newly improvised Navy of 16 vessels and 3,000 seamen America was to contend against an imperial sea force of 144,000 seasoned men and nearly 1,000 vessels, 200 of which were larger than any American craft.

The Navy had, however, in reserve a large number of the best-built craft and most expert seamen in the world in her merchant marine and fishing fleets, and these were to furnish the backbone of the war and the relentless force with which England was to meet her reckoning.

THE WAR OF 1812 WAS WON ON SEA, NOT LAND.

The war was marked by brilliant sea victories and disastrous land defeats. In the Revolution, 22,000 prisoners were taken on land, 6,000 at sea. In the War of 1812, the order was reversed—6,000 were taken on land and 30,000 at sea. In the Revolution, 800 British prizes were captured by Government vessels and privateers, valued at $23,800,000. In the War of 1812, about 1,650 prizes were captured, valued at $45,600,000. Of these, Baltimore-manned Government vessels and privateers captured 575 prizes, over one-third of the whole, valued at $20,000,000, or nearly one-half the value of all prizes taken.

MARYLAND GAVE TO THE WAR MORE OFFICERS, SHIPS, AND SEAMEN THAN ANY OTHER STATE.

More officers: Maryland, chiefly Baltimore, supplied 46 officers, or nearly one-fifth of all the 240 officers of the American Navy. Maryland and Virginia, which furnished respectively 46 and 42 officers to the Navy, supplied more than all New England's 42 (Massachusetts, 20. New Hampshire, 5; Rhode Island, 11; Connecticut, 6) with New York (17), New Jersey (22), and Delaware (6), combined. The Chesapeake region thus furnished 88 officers, or over one-third of all in the Navy in the War of 1812. (Roosevelt, Naval War of 1812.)

BALTIMORE SUPPLIED MOST SHIPS AND SEAMEN.

While New York equipped 51 privateers, Salem 40, Boston 32, and Philadelphia 14, Baltimore sent out 61 privateers, more than from any other seaport. The State of Maryland equipped over 100 privateers. The number of seamen was also greater than from elsewhere and in proportion to the vessels.

BALTIMORE CAPTURED MOST PRIZES AT GREATEST LOSS TO THE ENEMY.

These 61 Baltimore privateers captured 525, or twice as many prizes as all the Government vessels combined, and, in fact, nearly one-third of all the captures made. Out of a total of 1,650 British prizes, Baltimore men, on both privateers and Government vessels, captured 575 prizes, or over one-third of all taken.

ENGLAND'S COMMERCE BUILT ON CHESAPEAKE TRADE.

The money loss to England of these 61 Baltimore privateer captures alone was over $16,000,000. In these seizures Great Britain was struck in her most vital possession—her commerce—a possession which had been originally built up and expanded by no factor so much as by the tobacco trade of the Chesapeake.

MARYLAND MEN COMMANDED THE AMERICAN NAVY.

In this final conflict for freedom, won upon the seas, Commodore John Rodgers, of Baltimore, commanded the North Atlantic Squadron of the Navy, and Commodore Stephen Decatur, jr., a native of Berlin, on the Eastern Shore, commanded the South Atlantic Squadron, both of them Chesapeake-bred men.

MARYLAND MEN FIRST INTO ACTION.

Maryland ships and seamen were first to sea and first into action, both upon Government vessels and privateers.

On June 20, 1812, a half hour after he received word that war had been declared by Congress on the 18th, Commodore John Rodgers, a native of Havre de Grace, and later a resident of Baltimore, put to sea in charge of the American squadron in pursuit of the British fleet, with Capt. David Porter, of Baltimore, a close second, in command of the frigate *Essex*.

A MARYLAND MAN FIRED THE FIRST SHOT OF THE WAR.

Commodore Rodgers, on board his flagship, the *President*, when two days out encountered the British ship *Belvidera*. He sighted and with his own hand fired the first gun of the war (the first shot on land was fired a month later at Sacketts Harbor), hulling the enemy. The third shot, also fired by the commodore, crashed into the stern chaser, killing two men and wounding several. American gun foundries were yet in their infancy, and the fourth gun, fired by Lieut. Gamble, burst, shattering the forecastle deck, throwing Rodgers into the air and then heavily upon the deck, fracturing his leg, while in the confusion the *Belvidera* threw over her boats and escaped, to give positive notice of the war to the British at Halifax.

BALTIMORE MEN MADE THE FIRST CAPTURES ON GOVERNMENT VESSELS AND PRIVATEERS.

Capt. David Porter, of the *Essex*, took several prizes, one a shipload of British soldiers, which was equivalent to a victory on a battlefield. She was later fired upon by the British ship *Alert*. As her cannonades were not suited to long-distance firing, she waited till the enemy approached, then suddenly opened her broadsides, and eight minutes later the *Alert* struck her colors. The first capture by a privateer was probably made by the *Dash*, of Baltimore, which captured the British Government schooner *Whiting* in Hampton Roads, with dispatches from Great Britain to the United States, its captain being unaware up to that time of the declaration of war. About the same day, seven privateers sailed from Baltimore, including the *Rossie*, commanded by the intrepid Commodore Barney.

COMMODORE BARNEY CAPTURES 15 RICH PRIZES; CAPT. BOYLE OVER 80.

After a cruise of 45 days, ending August 30, Barney had captured 15 vessels, valued at $1,289,000, which, with additional prizes up to November 10, when he returned to Baltimore, gave him 217 prisoners, with 3,689 tons of shipping, valued at $1,500,000.

The *Rolla* captured eight vessels—the rich Cork fleet—worth considerably over $2,000,000, with 150 prisoners. The brilliant captures and hairbreadth escapes of the *Comet* and *Chasseur*, under Capt. Boyle—who, in the latter, the "Pride of Baltimore," is said to have taken 80 prizes—of the *Dolphin*, *Globe*, *High Flyer*, *Nonsuch*, *Liberty*, *Wasp*, *Revenge*, and many other Baltimore vessels, read like a chapter from the Arabian Nights.

A CHESAPEAKE CREW CAPTURES THE FIRST BRITISH FRIGATE.

On July 12 the *Constitution*, better known as *Old Ironsides*, after receiving a new Chesapeake crew of 450 men at Annapolis, sailed under Capt. Isaac Hull, of Boston. After three days' chase by a British squadron of five vessels, by the most skillful seamanship in naval history, she eluded her pursuers. Shortly afterwards she completely destroyed in 30 minutes the famous frigate *Guerriere*, captured from Napoleon by Lord Nelson at the Battle of the Nile, in 1798. The *Constitution* lost 7 killed and 7 wounded, the *Guerriere* 15 killed and 64 wounded, and the rest of her 300 men were taken prisoners.

A CHESAPEAKE CAPTAIN CAPTURES SECOND BRITISH FRIGATE.

Commodore Stephen Decatur, jr., in command of the *United States*, after a two hours' conflict, compelled the captain of the frigate *Macedonian* to haul down his colors to the "Stars and Stripes." Thirty-six of her officers and crew of 300 were killed and 68 wounded. The *United States* lost 5 killed and 6 wounded.

A CHESAPEAKE CREW CAPTURES THIRD BRITISH FRIGATE.

The *Constitution*, after changing captains, to afford Capt. William Bainbridge a chance for laurels—but with the same Chesapeake crew that captured the *Guerriere*—on December 29, after a fierce fight, blew up the rich prize, the frigate *Java*, taking 500 prisoners (48 killed, 105 wounded), with the outgoing governor of Bombay and all his staff. The Chesapeake crew lost 9 killed and 20 wounded. The first year closed with the loss of three of the finest British warships and a host of smaller vessels.

ENGLAND'S STERN RESOLVE IN 1813: "BLOCKADE THE CHESAPEAKE AND ENTIRE SEACOAST; CONQUER AMERICA BY INVASION."

After her bitter losses during the first six months of the war, England resolved to blockade the whole American coast, beginning with the Chesapeake, the key to the interior. She planned to impoverish the seaport towns, and thus strike a blow at the center of our commercial strength. Then, by uniting her forces from Lake Champlain and the Chesapeake in the heart of the country, she would cut off and neutralize New England, already strongly opposed to the war, and thus coerce and once again subjugate America.

BALTIMORE'S BLOCKADE LOSSES ENORMOUS.

Baltimore's commerce, unsuppressed by England, had since the Revolution rapidly sprung into being, and she had become the third port in the Union, though founded a century after New York and Boston and a half century after Philadelphia. Had Baltimore been disposed to take a narrow view of the war, the loss to her commerce would have justified her in the most hostile opposition. Maryland's export trade, of which Baltimore furnished the most part, had fallen from $14,580,000 in 1805 to $4,500,000 in 1811, and to $238,000 in 1814, after the blockade of the Chesapeake the year previous. Yet, in spite of her losses and privation, her ships, as noted, were first into action and her captures most fatal to the enemy. England was well aware that the "nest of pirates" at the head of the Chesapeake was the conspicuous source of her humiliation and losses; hence her determination to destroy this city.

BALTIMORE THE TARGET FOR BRITISH VENGEANCE.

That Baltimore, because of her zeal and loyalty, was to be singled out for immediate attack is shown in a London paper of June 17: "The grand expedition preparing at Bordeaux for America is destined for the Chesapeake direct. Our little army in Canada will at the same instant be directed to make a movement in the direction of the Susquehanna, and both armies will therefore in all probability meet at Washington, Philadelphia, or Baltimore. The seat of the American Government, but more particularly Baltimore, is to be the immediate object of attack. * * * Our naval and military commanders have no power to conclude any armistice or suspension of arms. They carry with them certain terms, which will be offered to the American Government at the point of the bayonet."

On August 16 Cockburn's squadron was reenforced by a fleet of 21 vessels under Admiral Cochrane, and soon joined by another under Commodore Malcolm. Before their arrival gallant Commodore Barney, with the schooner *Scorpion* and a flotilla of 13 armed barges and 500 men from Baltimore, had seriously damaged the enemy at the mouth of the Patuxent. Threatened by the 74-gun ship *Dragon*, he moved the flotilla up the river to St. Leonards Bay, and here fiercely chastised the foe, who lost several boats and many killed. The British pursued the flotilla up above Benedict, only to find it already in flames, at Barney's order, when he and the brave flotilla men hastened through Upper Marlboro to the defense of Washington, where, on the rout of the militia, amid the totally inadequate preparations of the Government for the battle at Bladensburg, they held the British in check for an hour, with a loss to them of 500 killed and wounded, and "gave us," as Gen. Ross told Cochrane in Barney's presence, "the only fighting we have had." After the humiliating sack of Washington the British turned with renewed ardor to the attack on Baltimore, to which the helpless Government offered no assistance, despite her previous generosity and aid.

BALTIMORE LOANED GOVERNMENT $3,000,000.

At the outbreak of the war Baltimore merchants had loaned the bankrupt General Government $3,000,000, and this, later assumed by the municipal government, became the foundation of the city's first municipal debt. Finding none of this was available for her own local defense, Baltimore raised another $600,000, and with this and added loans fortified stalwart Fort McHenry, sunk hulks across the harbor from the fort to the Lazaretto, where Commodore Rodgers, in command of the naval defenses, planted an effective battery, as also a six-gun battery at Fort Babcock (now Riverside Park) and Fort Covington (now Port Covington), in the rear of Fort McHenry. (History of Baltimore, War of 1812, Vol. I. "The Story of the Star-Spangled Banner" will later be published in book form by the Centennial Commission.)

BALTIMORE'S DEFENSES TERRIFY ENEMY.

Scientifically built fortifications over a mile in length, planned by that brave Revolutionary hero, Gen. Samuel Smith, commander in chief of the forces, were thrown up from the harbor, along Hampstead Hill (now Patterson Park) and northward around the site of the present Hopkins Hospital. Behind these were mounted over a hundred cannon, with 10,000 troops. All through the week after the British burned Washington and retreated down the bay to "deceive the Baltimoreans and throw them off their guard," the citizens rallied as one man to the defense under resolute Gen. Smith. They toiled day after day, young and old alike, with pick, shovel, and wheelbarrow, until such an appalling armament greeted the British when, after the Battle of North Point, they arrived within sight of it that they retreated to their ships, affrighted and undone, and without a single shot.

BALTIMORE MILITIA EAGER FOR ENCOUNTER.

The Americans were too eager for the encounter to await their coming, however, and as soon as news reached Gen. Smith of the anchorage at North Point of the British fleet of 50 vessels—probably the most formidable fleet ever in American waters—Gen. Stricker begged to be allowed to advance with a brigade of 3,000 men and draw them on.

THE FOE PICKED VETERANS OF EUROPE.

The men who landed from the ships on September 12, 1814, were the picked soldiers of Europe, the Duke of Wellington's "Invincibles," Lord Nelson's victorious marines, fresh from the conquest over Napoleon, the greatest conqueror since Alexander. Napoleon's recent abdication and retirement to the island of Elba left England free to turn her united powers upon what seemed the doomed city upon the Patapsco, guarded by militiamen, most of whom had never seen a foe before.

Yet these fearless defenders of their firesides waited not for the foe behind protected earthworks, but sturdily went forth to meet the conquerors of Napoleon, advancing in relentless phalanx up the ancient North Point Road.

After an hour's march Gen. Ross halted his army, about 7,000 strong, and with seven other officers drew aside to Gorsuch's farmhouse to take their ease and order breakfast.

Gen. Stricker, learning of the "insolence of the enemy," sent a little volunteer skirmish party of 300 to draw them forth.

Ross could not believe the Americans would dare act on the offensive. "He rode forward to satisfy himself, when an American rifleman singled him out; he fired, and the ball, true to its mark, pierced his side." Col. Brooke, on whom the command suddenly devolved, became extremely cautious and met the little band of 1,700 as if opposed to a great disciplined army.

For one hour and a half this little force of raw militiamen held in check a skilled veteran army four times their number, and at the close of the battle the British had lost over 500 veterans to the 150 militiamen they so affected to despise, only 20 of whom were killed, the rest being wounded and taken prisoners.

Baltimore, by her matchless defense, had saved the Nation, and the prospective attack on Philadelphia and New York was abandoned. While the British retreated to their ships, the attack on Fort McHenry, as if in hopeless vengeance, was fiercely renewed.

THE FORT WILL NOT SURRENDER.

Sixteen bomb and rocket vessels had bombarded the fort from 6 until 3 o'clock on the 13th, throwing a constant shower of rockets and bombs, the latter weighing 220 pounds, while Col. Armistead, unable from the enemy's distance to return the fire, except once when they came nearer, could only conjecture their fate should a bomb reach the powder magazine, which he knew was not bombproof. As the army was retreating a fiercer bombardment than before was executed, and under the cover of darkness, as a last resort, several rocket vessels and barges, with 1,250 picked men, passed south of Fort McHenry and attempted to land and assail the town from the Ferry Branch. After passing the fort they threw up rockets of rejoicing and to light a landing place. This discovered their whereabouts to Commodore Rodgers's invincible crew at Fort Covington, under Lieut. Newcombe, and Barney's flotilla men, under brave Lieut. John Webster, at Fort Babcock. These forts rained a pitiless hail on the intruders; one barge was sunk, with all on board, and the rest compelled to retire.

Foiled in this last strategy to obtain a landing, the enemy precipitately retired, battered and crippled, under the fire from Fort McHenry and the Lazaretto. At a safe distance they continued the bombardment till near morning—in all, about 25 hours, during which there were thrown between 1,500 and 1,800 great bombs, 400 of which are said to have fallen within Fort McHenry.

FRANCIS SCOTT KEY'S INSPIRED SONG OF DELIVERANCE.

In the midst of this fierce cannonade, which might at any moment mean ruin and destruction to the beloved city which contained his loved ones, and with its fall endanger the fate of the whole seacoast, there stood upon the deck of the *Minden* a devoted patriot who, true to the behest of friendship, had risked peril and exposure to secure the release of his friend, Dr. William Beanes. Dr. Beanes's spacious house at Upper Marlboro had been used by Ross and the British officers as their headquarters in the march to and from Washington. The good doctor was so incensed by the burning of Washington on August 25 that after the British left his home for their ships he indignantly seized some marauders who lingered to carry off booty and was himself carried off to the fleet in return.

Key and his friends had paced the deck all the night of September 13, knowing that while the bombardment continued the beleaguered fort had not surrendered. It ceased before day, and for a time they were left in most anxious suspense. Finally the dawn broke, and eagerly peering through the mist they saw, to their joy, that "the flag was still there."

A FREE FLAG AND A FREE PEOPLE.

As they beheld the enemy's wounded carried to their ships and the fleet hoist sail, preparing to depart, baffled and defeated, the great folds of the mammoth flag floated triumphantly on the breeze, the prophetic emblem of a free people.

Key's pent-up emotions, stirred to the depths by patriotic fervor and devotion, burst forth in an anthem of joy, and his song of rejoicing, The Star-Spangled Banner, has become the Te Deum of the Nation.

While they lingered on the deck of the vessel Key wrote down a few lines on the back of a letter and completed it in the rowboat on the way to the shore. The next morning he took the song to his brother-in-law, Judge Nicholson, who had just returned from the defense of Fort McHenry. He suggested the air "Anacreon in Heaven," then a popular melody. It was taken to the printing office near by, and within an hour or two handbills containing the stirring poem were all over town, and as a spontaneous expression of the people's feelings it took its place as a national song.

The British fleet moved sullenly out of the Patapsco, chastised and vanquished. "Admiral Cochrane, on the *Royal Tonnant*, the 80-gun flagship captured from Napoleon by Nelson, in 1798, at the Battle of the Nile, conveyed Gen. Ross's body to Halifax, where it was buried with great pomp on September 29 in St. Paul's graveyard. "No one talked of a future enterprise," says Officer Gleig, "nor was the slightest rumor circulated as to the next point of attack."

(Parliament voted Ross a public monument in St. Paul's Cathedral, London, and later a marble sarcophagus was erected at Halifax bearing the remarkable statement that Gen. Ross was killed "at the commencement of an action which terminated in the defeat and rout of the troops of the United States near Baltimore, Sept. 12, 1814.")

THE REPULSE AT BALTIMORE INSURED PEACE.

While Gen. Ross's remains were carried to Halifax and "the fleet and army rested idle, like a watch without its mainspring," on the broad bosom of the Chesapeake, which had witnessed their repulse, swift messengers bore the news of the defeat of the great expedition (and that at Lake Champlain on September 11) to London and to the city of Ghent. With the arrival of these fateful tidings the American commissioners were for the first time in long weeks able to secure favorable terms of peace which the Nation could accept.

A BALTIMORE MAN BROUGHT THE FIRST NEWS OF PEACE.

The treaty of peace was signed at Ghent December 24, 1814, and the official messengers arrived in New York with the good news February 11, 1815. Before they could reach Washington Christopher Hughes, jr., of Baltimore, secretary of the commission and our former brilliant "diplomat without a rival" at Stockholm, sailed direct for the Chesapeake in the schooner *Transit*, and, landing at Annapolis, bore the glad news of peace to Washington and the Nation before the ratified copy of the treaty arrived there.

(The remains of Christopher Hughes, jr., who brought the first news of peace to America at the close of the War of 1812, rest in the same tomb with his brother-in-law, Col. Armistead, the defender of Fort McHenry, in Old St. Paul's graveyard, Baltimore, but a few feet from the resting place of the Paul Revere of Maryland, Col. Tench Tilghman, Washington's aid-de-camp, who carried the first news of peace and Cornwallis's surrender from Yorktown to Congress at Philadelphia at the close of the Revolution.)

Since the above sequence of events marked the final achievement of independence, Baltimore is the place and 1914 the time, not only for their commemoration but for the erection of adequate and permanent memorials to the men who "preserved us a Nation."

ILLITERACY IN THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2494) to investigate illiteracy among the adult population of the United States and the means of eliminating or reducing the same.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object. I desire to be heard.

Mr. TOWNER. Mr. Speaker, this bill does not carry any appropriation. The law giving the Bureau of Education and the commissioner authority to act is very limited. The authority under the statute which is given to him is limited in fact to the collection of statistics showing the condition and progress of education in the various States and Territories, and diffusing such information. This authority is not sufficient to enable the Commissioner of Education or the bureau to do anything toward furthering and encouraging the work that has been undertaken in the United States to wipe out adult illiteracy. It is not expected that this bill will do anything except to enable the Bureau of Education to take its part in so far as it ought to do so in the direction, encouragement, and assistance in this line of work.

Mr. COX. Will the gentleman yield for a query?

Mr. TOWNER. Yes, sir; I will be glad to do so.

Mr. COX. Was not the direct foundation of this bill for the sole object of getting Congress to make appropriation for this purpose?

Mr. TOWNER. I will say to the gentleman that is not the primary object. The primary object is a response to the pressure that the Commissioner of Education says has been brought to bear upon him for some years to enable the Bureau of Education to aid, advise, and assist in this work. Let me also say to the gentleman from Indiana that there have been offers of pecuniary assistance—proffers made by benevolent individuals and by societies, who desire to contribute to the carrying on of this work and desired that the Bureau of Education should do it, and the bureau was unable to receive this money or to distribute it, because it lacked the power.

Mr. COX. The gentleman has stated that the primary purpose of this bill is not to lay the foundation for getting Congress to make an appropriation in order to diffuse education and destroy illiteracy, and so on. If that be not the purpose of it, why is this language found in the bill:

And for the payment of necessary expenses such sums as may be appropriated for this purpose from time to time by Congress.

Why was that language put in the bill?

Mr. TOWNER. I should certainly think if we were passing a bill giving power to the department such as I have referred to, it would also be wise to give it the power to make use of an appropriation, if Congress should make any.

Mr. COX. Then, does not the gentleman believe, if the bill becomes a law with that language in it, that by persistent and continuous pressure brought to bear on the Committee on Appropriations it will eventually lay the foundation for large appropriations to carry on work which should be done absolutely by the States?

Mr. TOWNER. I do not so believe. If the gentleman thinks so, his imagination goes further than my own.

Mr. COX. I do not know whether it is the gentleman's imagination or not, but my observation leads me to think that when they are attempting to get an appropriation some time in the future, the few little words hung in the bill here lay the foundation upon which appropriations can be made.

Mr. TOWNER. I will say this to the gentleman from Indiana. The Commissioner of Education came before the Committee on Education, which considered this bill, and reported unanimously in favor of its passage. It seemed to the Committee on Education that the Commissioner of Education and the bureau should have the power, at least, to go as far as is sought to go by the terms of this bill. And merely because the bill by its terms authorizes the bureau to use any money that might be afterwards appropriated by Congress for that purpose, it does not seem to me, ought to be considered as an objection to this bill.

Mr. COX. I have read the report of the committee, and for several years it seems to have been smarting under the idea that Congress is not appropriating enough money for this bureau. Money is all they want to give them power. I object, Mr. Speaker.

Mr. MANN. I wished to add another objection to it.

Mr. TOWNER. Will the gentleman withhold his objection?

Mr. COX. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Cox] objects. The Clerk will report the next bill.

TITLE TO CERTAIN LAND IN NOXUBEE COUNTY, MISS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6831) to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6831) to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.

Be it enacted, etc., That all the right, title, and interest of the United States in and to lot 5, section 33, township 14, range 18 east, in the State of Mississippi, for which no confirmation has heretofore been granted and no patent has been issued, be, and the same are hereby, granted, released, and relinquished by the United States to the owners of the equitable title thereto and to their heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued therefor according to law: *Provided*, That the confirmation granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to said land, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said land under the laws of Mississippi, including the laws of prescription, in the absence of the said interest, title, and estate of the United States.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. Mr. Speaker, reserving the right to object, I would like very much to have the gentleman make a statement as to what interest, if any, the United States Government can have in these lands?

Mr. GRAHAM of Illinois. Absolutely none, in my opinion. An Indian named Outh-Lah was for a time supposed to have located on it, but that was back in 1833. In fact, he exhausted his right by making another location in a different neighborhood. It may be that at one time he took some steps toward locating on this one.

Mr. MILLER. May I inquire if the lots involved were a part of Florida when it was acquired by the United States?

Mr. GRAHAM of Illinois. No.

Mr. MILLER. That part known as West Florida?

Mr. GRAHAM of Illinois. No; I think it was always a part of the State of Mississippi.

Mr. MILLER. Well, a part of the State of Mississippi was at one time a part of what was known as West Florida.

Mr. GRAHAM of Illinois. The gentleman from Mississippi [Mr. HARRISON] is here, and he may be able to answer the gentleman.

Mr. HARRISON. I do not think this part of the State was ever located in Florida. This land was located in the northern part of the State.

Mr. MILLER. My purpose in asking the question was to ascertain whether this is one of those cases where there was a conflict between a Spanish grant and an English grant.

Mr. GRAHAM of Illinois. No; that does not arise in this case.

Mr. MILLER. I might further inquire, Mr. Speaker, since the gentleman from Mississippi [Mr. HARRISON] is here, whether this is part of the old Choctaw Indian reservation, and if the rights of the Mississippi Choctaws are affected by this act?

Mr. HARRISON. No; I do not think they are affected by this act.

Mr. MILLER. I thought if they were, certainly the gentleman would be on the job.

Mr. HARRISON. This is in Mr. CANDLER'S district, and I am not informed as to the facts.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The bill was again read.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. GRAHAM] asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM of Illinois, a motion to reconsider the vote whereby the bill was passed was laid on the table.

USE OF FORT M'HENRY MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, and appropriating certain money.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, and appropriating certain money.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the mayor and city council of Baltimore, Md., to occupy and use the military reservation of Fort McHenry, Md., except that part mentioned in the fourth paragraph hereof, as a public park upon the agreement of said corporation to maintain and protect the reservation and the public property thereof during the continuance of its occupancy at its own expense: *Provided*, That the said permission shall be subject to such conditions, restrictions, rules, and regulations as the Secretary of War may from time to time prescribe: *Provided further*, That the Secretary of War may terminate the said permission to use said grounds whenever and at such time as he may deem it expedient to do so.

SEC. 2. That any and all improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation, made by the mayor and city council of Baltimore, shall be made only according to detailed plans submitted to, and approved by, the Secretary of War in each case, prior to the commencement of any work under such plans, and that all such improvements, changes, or alterations, made by said corporation, shall be made without expense to the United States, and in the event of the withdrawal of said permission, such improvements as the Secretary of War may deem valuable to the military service shall become the property of the United States without cost to the Government; and such structures as may have been placed upon the reservation by said corporation, which are directed to be removed therefrom by the Secretary of War, shall be removed forthwith and the grounds placed in a condition entirely satisfactory to him, at the expense of the mayor and city council of Baltimore, and no claim of any character whatever incident to the occupation by the city of said reservation shall ever be made by said corporation against the United States.

SEC. 3. That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present grounds of the fort and extending south 63° 30′ east, 650 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the land of the dry dock company, so that the Secretary of the Treasury may, in connection with land to be acquired from the Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid, the War Department shall have use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds.

SEC. 5. That for the purpose of placing the said Fort McHenry Reservation in proper condition and repair prior to permitting their use by the mayor and city council of Baltimore, in order that they may be so continued, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, to be extended in the repair, alteration, or removal, or other disposition of the buildings and other structures located upon said grounds and upon the repair of the roads now constructed thereon, to be expended by the direction of the Secretary of War or such officer as he shall designate: *Provided*, That the money hereby appropriated may be drawn from time to time as may be required in the progress of the work upon requisition of the Secretary of War.

With committee amendments.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I reserve the right to object.

Mr. ANTHONY. Mr. Speaker, I do not think the Clerk has read the bill as reported from the committee. In the copy of the bill I have the last section—section 5—is stricken out, and other changes have been made.

The SPEAKER pro tempore. That is a proposed committee amendment. The Clerk has read the bill. The committee amendments will be reported later.

Mr. MADDEN. I think that this bill is so important, Mr. Speaker, that it really ought not to be considered in this way.

Mr. MANN. Mr. Speaker, may I ask the gentleman in charge of the bill, first, whether the mayor and city council of Baltimore are a municipal corporation?

Mr. LINTHICUM. They are.

Mr. MANN. Then they ought to be so described by the bill.

Mr. LINTHICUM. The bill can be amended in that respect.

Mr. MANN. I see in the bill reference is made to the "fourth paragraph." What is the fourth paragraph, and where can it be found?

Mr. LINTHICUM. I think the gentleman will find that according to the amendment the bill has been changed as to the number. I notice the number is wrong in this bill. In the committee amendment that change has been made. I can explain to the gentleman what is meant by that portion.

Mr. MANN. I can see by the report what is meant, but that is not what it says. In the first place, that language ordinarily would refer to the section. There are only four paragraphs in this bill originally, and that is four sections, although the bill says "section 5." In the next place, there are not five sections in the bill. It is a very careless error on the part of some one. Then they propose to strike that out, and it leaves only three sections and three paragraphs, yet the exception is said to be taken in the fourth paragraph when there is not any fourth paragraph in the bill.

Does not my distinguished friend think that somebody ought to go over this bill carefully, so as to know what it means and be able to say what it means?

Mr. LINTHICUM. I will say to the gentleman that I shall not object to any amendment he may suggest to correct any defect he may find in the bill. But what is meant by the exception is this: A 60-foot strip, which is reserved for the right of way to the immigration station and to other parts of the fort grounds.

Mr. MANN. I know that my distinguished friend from Maryland is very careful about the work he does in the House. Hence I notice that, though he introduced the bill, he did not write it in this present form. I do not know who did it. It does not say what it means, and it does not mean what it says. Somebody ought to go over it carefully. Whether there are other defects in the bill that are material, it is hard to tell. What is this property worth?

Mr. LINTHICUM. I presume if it could be used for commercial purposes it would be worth a million dollars; but it could not be used for commercial purposes on account of the great reverence that the city of Baltimore and the people of Maryland have for this property; and I will say I think the gentleman from Illinois should have the same.

Mr. MANN. Well, I do not know whether or not my reverence goes far enough to give away a million dollars' worth of property because the city of Baltimore may have reverence for it. The mayor of the city of Baltimore estimates the value of this property at a million dollars?

Mr. LINTHICUM. Yes; but we are not asking that it be given us, but loaned until the Government has need for it. Every interest of the Government has been protected by the War Department in this bill, and the committee amendments perfect the bill according to their instructions.

Mr. MANN. I am not sure how far we ought to go toward giving away a million dollars' worth of property in the city of Baltimore for park purposes.

Mr. ANTHONY. If the gentleman will permit, I will state that I was on the subcommittee which went into this matter very carefully——

Mr. MANN. Apparently they did not read the bill.

Mr. ANTHONY. I notice an inaccuracy in the printing of the bill, but the subject matter has been very carefully considered. It gives away no property of the Government. It simply gives to the city of Baltimore the right to use the 34 acres in the reservation as a public park at the expense of the city of Baltimore. It reserves to the War Department every possible regulation and control of the reservation; I think every interest of the Government is protected. In fact, I think it would save the Government some expense to let the city of Baltimore take proper care of that reservation.

Mr. MANN. I suppose my friend from Kansas thinks it is rather generous on the part of the city of Baltimore, when we let them have this for a park, that we do not have to bear the expense of maintaining it as a park, instead of letting Baltimore do that.

Mr. ANTHONY. It is up to the United States Government either to maintain the property as it should be maintained or allow somebody else to do it. The city of Baltimore desires to do it, and we think it would be a good plan to let it do so.

Mr. MADDEN. Mr. Chairman, there seem to be a good many loopholes in this bill that call for rectification, and I think it would be wise for the committee to give it further consideration for the purpose of remedying the defects in the bill, and so I shall object to its consideration by unanimous consent for the present.

Mr. ANTHONY. I will ask the gentleman if he will kindly point out what he considers defects, for the information of the committee that has given this matter so much care.

Mr. MADDEN. One of the defects is that you refer here to the provisions of section 4 of the bill, and there is no such section——

Mr. ANTHONY. That is a technical error. I will ask the gentleman to point out any substantial defects.

Mr. MADDEN. The uncertainty of the language in various other provisions of the bill, which seem to lead to the conclusion that the city of Baltimore will be the owner of this property for all future times.

Mr. ANTHONY. There is absolutely no such language in the bill. I wish the gentleman would specify——

Mr. MADDEN. I can not help but conclude that there is danger. I am willing to let the matter go over without prejudice——

Mr. LINTHICUM. I ask the gentleman to let the matter go over without prejudice.

Mr. MADDEN. The understanding is that the gentleman from Maryland asks unanimous consent to pass the bill without prejudice.

Mr. LINTHICUM. I make that request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

JACKSON BARRACKS MILITARY RESERVATION, NEW ORLEANS, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6750) granting to the city of New Orleans right of way for a street across the Jackson Barracks Military Reservation, in the parish of Orleans, State of Louisiana.

The bill was read as follows:

Be it enacted, etc., That there is hereby granted to the city of New Orleans, a municipal corporation in the State of Louisiana, a permanent right of way across the front of Jackson Barracks Military Reservation, parish of Orleans, State of Louisiana, for an extension of North Peters Street, and the Secretary of War is hereby authorized and directed to cause a space of the present width of said North Peters Street to be set aside for the purposes of this act.

With a committee amendment striking out all after the enacting clause and inserting in lieu thereof the following:

That there is hereby granted to the city of New Orleans, a municipal corporation in the State of Louisiana, a right of way, to be used solely as a public street or highway, across the property of the United States, known as the Military Reservation of Jackson Barracks, the following-described premises, to wit: Beginning at the intersection of the limit of frontage granted by the Secretary of War, on November 13, 1912, to the board of levee commissioners, Orleans levee district, with the westerly boundary line of reservation of Jackson Barracks, La.; thence northeasterly along said boundary line 40.56 feet, more or less; thence southeasterly parallel with and 40 feet distant at right angles to the limit of frontage granted to the board of levee commissioners, Orleans levee district, 676.71 feet, more or less, to a point on the easterly boundary line of reservation; thence southwesterly along said boundary line 40.56 feet, more or less, to its intersection with the limit of frontage granted to the board of levee commissioners, Orleans levee district; thence northwesterly along the limit of frontage granted to the board of levee commissioners, Orleans levee district, 676.71 feet, more or less, to the point of beginning, and containing sixty-three one-hundredths acre, more or less, situated in the parish of Orleans, State of Louisiana: *Provided*, That said premises above granted shall be improved and maintained without cost to the United States as a public street or highway: *And provided further*, That all materials, buildings, and other improvements which may be upon the said premises above described shall be removed therefrom by the said city of New Orleans at its expense and delivered to the proper military officer in charge of said Jackson Barracks: *And provided further*, That said premises shall not be at any time so used by the city of New Orleans as to prevent its use for military purposes in time of war or emergency.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ESTOPINAL. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection?

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ESTOPINAL, a motion to reconsider the last vote was laid on the table.

PORT ANGELES, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 3454) authorizing the Secretary of Commerce to lease to the city of Port Angeles, Wash., certain property.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized, directed, and empowered to lease and demise to the city of Port of Angeles, State of Washington, all of that tract of land reserved for lighthouse purposes by Presidential Order of February 10, 1908, and bounded on the southwest by suburban lots Nos. 135 and 147, as shown by the plats of Port Angeles town site, State of Washington, approved by the United States surveyor general of the State of Washington on November 4, 1863, and September 12, 1892, together with out lots Nos. 1, 2, 3, 4, 5, 6, and such portion of out lot No. 7 (all in township 31 north, range 6 west, Willamette meridian), of the Ediz Hook or False Dungeness Lighthouse Reservation, Wash., as may be required to give a frontage of two statute miles measured in a northerly and easterly direction along the westerly and northerly boundary of said reservation, beginning from a point on high-water mark opposite the northwesterly corner of lot 147 of the said Port Angeles town site; also the tide lands on the Strait of Fuca and on Port Angeles Harbor abutting on those portions of the Ediz Hook Lighthouse Reservation heretofore described, for and during the full period of 99 years, for its use, except as hereinafter specified: *Provided*, That in said lease it shall be stipulated that the Government of the United States may at any time during the term thereof go upon said reservation and establish and maintain post lights or such other aids to navigation as it may deem proper at any points on the reservation affected by this lease, and shall have access thereto and a sufficient right of way thereon at all times: *Provided further*, That no excavations, other than excavations for foundations for building purposes, shall be made, and no soil or other material forming the spit shall be removed from the lighthouse reservation; and that the buildings to be erected on the said premises shall not obstruct or interfere with any lights serving as aids to navigation.

SEC. 2. That said lease shall contain a provision that, in consideration of said lease, the said city of Port Angeles will construct and maintain in good condition at all times a roadway, paved with macadam or other material approved by the Secretary of Commerce, 30 feet in width, and extending from a public highway on the mainland to Ediz Hook Light Station, over the portion of the reservation so leased, as well as over the remaining portion which the Lighthouse Service will continue to use for lighthouse purposes, the said roadway to be above the limits of high-water mark. The lease shall further provide that the line of said roadway which traverses such portion of the Ediz Hook Lighthouse Reservation not covered by this lease may be laid out as may be directed by the Secretary of Commerce.

SEC. 3. That there shall be a stipulation in said lease that all charges levied or to be levied on said premises during such term shall be at the expense of the city of Port Angeles, and no claim shall arise against the United States because of this lease or the termination thereof.

SEC. 4. That the said lease shall further provide that the Secretary of Commerce may at any time during the said period of 99 years, at his discretion, terminate and cancel said lease, in case said city of Port Angeles shall fail to construct and maintain in good condition the roadway herein provided for or neglect to pave same as hereinbefore provided for, or shall excavate on said lighthouse reservation for any purposes other than for building purposes, or shall take or remove therefrom soil or other material belonging to the lighthouse reservation, or shall, in any way, interfere with the right of the United States to establish and maintain post lights as specified above or fail to observe other provisions stipulated in said lease on its part to be kept and performed. It shall also be stipulated in said lease that all improvements made upon

said lighthouse reservation by the said city of Port Angeles, and all buildings and other structures erected thereon by said city of Port Angeles, under the terms of said lease, shall, upon the termination of said lease, in natural term or by cancellation of the same, be and become the property of the Government of the United States, unless said improvements and buildings and other structures erected thereon shall be removed within six months from the date of the expiration of the lease; and that in event said structure shall be removed by said lessee, the premises shall be restored to the same condition as before their erection.

SEC. 5. That the Secretary of Commerce may include in said lease any other provisions or stipulations which in his judgment may be deemed necessary to protect the interests of the United States.

SEC. 6. That said lease shall stipulate that the said roadway to be constructed and maintained by said city of Port Angeles, hereinbefore provided for, shall be built and completed on that portion of Ediz Hook Lighthouse Reservation to be leased to the said city of Port Angeles, and also on that portion of said reservation reserved for lighthouse purposes, within one year from date thereof.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 3, line 2, after the word "times," insert:

"And that the said city of Port Angeles shall not sublet any portion of the said property without first having obtained the consent of the Secretary of Commerce and his approval of all the terms and conditions in any such subleases."

Page 4, line 1, after the word "commerce," insert:

"In addition to the aforesaid consideration, the said city of Port Angeles shall pay to the Government of the United States such annual rental for the aforesaid property as may be decided upon by the Secretary of Commerce."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object until we have some explanation of the measure. It seems to be a rather important bill which we are considering.

Mr. MANN. It covers a tract of land a mile and a half wide and 3 miles long.

Mr. STAFFORD. I should like to ask the gentleman in charge of the bill the value of the land we seek to give to this city under a 99-year lease.

Mr. GRAHAM of Illinois. It has no value that I know of at the present time. It is a low-lying spit, in the shape of a new moon, extending out into the water, with a lighthouse on the end of it. I am not aware that it has any particular value at this time.

Mr. STAFFORD. Will the gentleman inform the committee as to the history of the acquisition of the tract by the United States Government?

Mr. GRAHAM of Illinois. I will refer the gentleman from Wisconsin to the gentleman from Washington [Mr. FALCONER], who is very familiar with all the facts.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, let us know more about it. It may be worth several million dollars for aught we know.

Mr. FALCONER. Mr. Speaker, in reply to the questions asked by the gentleman from Wisconsin [Mr. STAFFORD], this is not a tract of land a mile and a half wide, or 3 miles long, except when the tide is out. There are something less than 50 acres in the entire piece of ground, formed by the eddies and currents of the Pacific coast, on the eastern extremity of Jefferson County. This matter has been very thoroughly gone into by the Committee on the Public Lands, and we have communications from the Interior Department, also from the Department of Commerce. This letter which I have here from the Interior Department explains the fact that in 1862 this portion of land was set aside for public purposes and as a lighthouse reservation—about 10 acres for lighthouse reservation and the rest for town-site purposes.

Mr. MANN. When was it all covered into the lighthouse reservation?

Mr. FALCONER. In 1862.

Mr. MANN. The gentleman just said that about 10 acres of it was set aside for lighthouse purposes.

Mr. FALCONER. In 1863 all of it but 50 acres was withdrawn for town-site purposes. We would like to lease that portion of it reaching out about 2 miles from the mainland, averaging all the way from 150 yards to 600 yards in width, to the city of Port Angeles for manufacturing purposes.

Mr. MANN. If the gentleman will yield, if the situation is as the gentleman describes it, and a portion was reserved for lighthouse purposes in 1862, why does the bill refer to a lighthouse reservation of 1908?

Mr. FALCONER. I will send to the Clerk's desk the letter from the Interior Department and ask that it be read, if the gentleman would like to have the information.

Mr. MANN. I suppose the information from the department is largely included in a report of the committee. The bill itself says a lighthouse reservation created in 1908.

Mr. JOHNSON of Washington. The entire town was a reservation for a number of years.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1913.

Hon. J. A. FALCONER,
House of Representatives.

SIR: I am in receipt, by your reference for report, of House bill 9332, which proposes to authorize the Secretary of Commerce to lease to the city of Port Angeles, Wash., a portion of Ediz Hook Lighthouse Reservation.

By Executive order of June 19, 1862, a reservation was made "for lighthouse purposes of the Ediz Hook (False Dungeness Bay, Straits of Fuca) form low-water mark at the point and on all sides, not exceeding 10 acres in area." The same order created for public uses "a reservation of 5½ miles front by 1 mile deep on the south side of and fronting on Puget Sound, according to the locus indicated on plat B herewith, in township 30, ranges 5 and 6 west, Washington Territory." By Executive order of March 10, 1863, the reservation created by the order of June 19, 1862, except in regard to so much of said lands as may be needed for lighthouse purposes, "is revoked in respect to the uses mentioned, but is confirmed as a reservation for a town site under the provisions of an act of Congress * * * approved March 3, 1863."

The lighthouse reservation was subdivided into lots and designated as lots 1 to 11, inclusive, "on the spit." When the town site was subdivided a strip of about 6 acres between lot 1 of the lighthouse reservation and suburban lots 135 and 147 was left unplatted. By Executive order of February 10, 1908, the strip was added to the lighthouse reservation.

As at present constituted and reserved this undisposed of area or lighthouse reservation is under the jurisdiction and control of the Secretary of Commerce, and I note that on December 1, 1913, the Secretary of that department advised you that he had no objection to the proposed lease, but suggested that in lieu of the phraseology contained in House bill 9332 there be embodied the provisions of a substitute bill prepared in the Department of Commerce, which suggestion, you state, will be followed.

This department is aware of no objection to the enactment of the legislation proposed.

Respectfully,
A. A. JONES,
First Assistant Secretary.

Mr. JOHNSON of Washington. Mr. Speaker, I have here a statement from the city clerk of Port Angeles, making it clear just what this strip is. One reason that the Lighthouse Board is anxious for this to pass is that the city of Port Angeles is to build a paved road to the lighthouse, and one does not exist there now. I will read a portion of the letter from the city clerk:

PORT ANGELES, WASH., *January 3, 1914.*

Hon. ALBERT JOHNSON,
Washington, D. C.:

I have your letter of December 27, with inclosures to the secretary of the chamber of commerce.

Replying to your questions, will state that there is no plank road on the spit. There are no buildings, except a few fishermen's huts and the lighthouse and residences occupied by keepers, which are situated at the very outer end of the spit. There is no brush whatever. The best data I have been able to obtain on how high the spit is above the highest tide is 4 feet, and will not vary on any portion of the spit, as it is practically level. As near as we can figure out the acreage asked for by the city amounts to 47 acres, and the total acreage of the spit is 62.5 acres. I trust this will answer your questions satisfactorily.

I trust that you will be able to get a bill recommended by the Committee on Public Lands satisfactory to them and to the city, and I assure you that the same will be greatly appreciated by the citizens of Port Angeles.

Yours, very truly, J. L. BEAM, *City Clerk.*

Mr. STAFFORD. Will some gentleman from Washington explain the purposes that the municipality wishes to use this land for?

Mr. MANN. The gentleman from Washington says that there are 47 acres, and the report says that this strip is 1¼ miles in width and 3 miles long.

Mr. JOHNSON of Washington. The spit consists of 47 acres above high tide.

Mr. MANN. The gentleman read a statement that all of it was about of the same elevation, about 4 feet above high tide.

Mr. FALCONER. There are 47 acres, and that represents the dry land. At extreme low tide it is a mile and a half wide, perhaps; but there is no portion of it outside of the 47 acres that is not covered by water during high tide. This particular piece of land has no growth on it whatever, except a little brush bordering on a lagoon near the shore end. It is absolutely worthless.

Mr. MANN. What are you going to do with it?

Mr. FALCONER. The city of Port Angeles wants it for manufacturing plants.

Mr. MANN. Without any revaluation; an indefinite and indeterminate lease.

Mr. FALCONER. It will cost something to build 3 miles of roadway 30 feet in width and property developed which will pay taxes.

Mr. MANN. When you rent a piece a mile wide and 3 miles long to build manufacturing enterprises without a revaluation it seems to me that you are asking too much. You

can not do it by unanimous consent without our having more information. Here is a proposition to lease coming from a committee that did not have jurisdiction over it. The Committee on Interstate and Foreign Commerce has jurisdiction of this matter. This bill is a Senate bill. It was referred to the Committee on Public Lands, and they come in with a proposition to lease for nothing a piece of land a mile and a quarter wide and 3 miles long for manufacturing purposes without any revaluation provision in it. The gentleman from Washington would not for a moment entertain such a proposition from any other State than his own, and he would not from that unless compelled to.

Mr. FALCONER. I beg the gentleman's pardon, but I would entertain such a proposition from any State. This is to build up a piece of property, to put upon it industries that are taxable and will be valuable to the United States Government in way of taxes. The ground is not a mile and a quarter wide, but very narrow in places.

Mr. MANN. I do not know how wide it is. I read from the report that it was from a mile to a mile and a quarter wide and 3 miles long.

Mr. JOHNSON of Washington. One mile is to be reserved at the lighthouse end.

Mr. FALCONER. There is a provision that the Secretary of Commerce may charge any rental he may see fit added to the roads to be built over 3 miles long.

Mr. MADDEN. Will the gentleman yield?

Mr. FALCONER. Certainly.

Mr. MADDEN. Is it proposed to cut streets through this land?

Mr. FALCONER. Oh, no; it is only 150 yards wide in some places.

Mr. MADDEN. They are going to build manufacturing plants facing on this road?

Mr. FALCONER. No; they build them facing on the water.

Mr. MADDEN. What is the depth of the water there?

Mr. FALCONER. It is not very deep on the north side. You run out some distance before you get to shipping depth.

Mr. MADDEN. I suppose it is proposed to build piers out from the land to a proper depth of water?

Mr. FALCONER. Yes; it is protected on the south side from inshore winds and strong currents. It makes a safe place for booming and holding logs.

Mr. MADDEN. About how many acres does the gentleman say that there is in this?

Mr. FALCONER. Forty-seven, or less than 50.

Mr. MADDEN. How much in the whole strip?

Mr. FALCONER. About 60 acres. We leave the outer mile for lighthouse purposes.

Mr. MADDEN. Would not the whole thing figure up 1,500 acres?

Mr. FALCONER. Oh, no.

Mr. JOHNSON of Washington. No; here is a map of it that will show the gentleman.

Mr. MANN. The city wants at least a frontage of 2 miles?

Mr. JOHNSON of Washington. On one side it is less than 2 miles.

Mr. MANN. The bill says 2 miles; it may be that there is nothing accurate about the bill and report.

Mr. MADDEN. Now, as a matter of information, this bill proposes to lease this water frontage for 2 miles?

Mr. FALCONER. Yes. It is to lease the whole strip except the outer 10 acres.

Mr. MADDEN. About what is the width of this land?

Mr. FALCONER. From 150 to 600 yards at high tide.

Mr. MADDEN. And this proposes to lease one side of it?

Mr. FALCONER. It is to lease the whole spit, except the outer mile.

Mr. HUMPHREY of Washington. Mr. Speaker, I think I can state why the area of this strip varies so much, in the estimation of gentlemen. When they speak of its containing just so much land they refer to high tide and low tide. That is what makes the difference. At high tide there are 47 acres of dry land and at low tide there is considerably more.

Mr. MADDEN. Would we lease the low-tide lands in this?

Mr. FALCONER. We lease all the water front.

Mr. HUMPHREY of Washington. Of course we take it all out of the deep water.

The SPEAKER pro tempore. Is there objection?

Mr. THOMSON of Illinois. Mr. Speaker, I would like to ask my colleague from Illinois, Mr. MANN, if he does not think under section 5 of the bill that the Secretary of Commerce would have the power to insert a revaluation clause in the lease which the bill contemplates between the Government and the city?

Mr. MANN. Possibly he would; but what difference does that make? We do not enact legislation upon the theory that when we say what we want the administrative officers will add a little to it. I will ask my colleague whether he is in favor of the Government of the United States leasing property for manufacturing purposes without a revaluation clause, where the lease is for all time, practically?

Mr. THOMSON of Illinois. No; I am not.

Mr. MANN. Then let us put it in here.

Mr. THOMSON of Illinois. The committee that conferred with the department and with the lighthouse people upon this matter felt after that conference that there was no need of putting in the bill all of the details that might properly appear in the lease.

Mr. MANN. Then why did they put in six pages of details?

Mr. THOMSON of Illinois. Oh, there are not six pages of details.

Mr. MANN. I should say that there is much more detail than that.

Mr. THOMSON of Illinois. There are a great many things apart from the revaluation clause that ought properly to go into the lease, and we felt it was not necessary to put them in the bill. There were some points raised by the members of the committee when the matter was before the whole committee, and upon those points being discussed with the lighthouse people and with the Solicitor for the Department of Commerce it was suggested by them that the bill be not encumbered with a lot of these matters that might more properly appear in the lease. They said they expected to insert them in the lease.

Mr. MANN. Would my colleague be in favor of authorizing the construction of that dam over a navigable stream and authorizing the Secretary of War to give a lease without a revaluation clause in it?

Mr. THOMSON of Illinois. Not expressly giving the authority to make a lease without a revaluation clause in it; but I should think there would be no objection to authorizing the department to make a lease where there was assurance that the department was going to put a revaluation clause in the lease.

Mr. MANN. But there is no such assurance about it. There can be no such assurance. No administrative officer can say what he is going to do about a bill in the future when it becomes a law, for he may not be there.

Mr. GRAHAM of Illinois. Mr. Speaker, would it be satisfactory to my colleague if we were to make an amendment such as he suggests, and to then let the bill pass?

Mr. MANN. I think it would take possibly some preparation to get up such an amendment.

Mr. JOHNSON of Washington. Mr. Speaker, the people of the city of Port Angeles, which is in the district which I have the honor to represent, have no objection to a revaluation clause. Their letter here from the city counsel hopes that any terms will be made that will be satisfactory. The Lighthouse Board has looked at it a great many times and it is anxious to have the lease made.

Mr. MANN. That is what the gentleman stated a while ago, but where is the authority for that statement that the Lighthouse Board is anxious about the matter?

Mr. JOHNSON of Washington. I have it in writing.

Mr. MANN. I would like to have it read. There is a report from the Department of Commerce, but there is no such statement in their report.

Mr. GRAHAM of Illinois. Mr. Speaker, would it be agreeable that the bill be passed over without prejudice at this time, allowing it to remain on the calendar?

Mr. MANN. I am perfectly willing that it should go over, so far as I am concerned.

The SPEAKER pro tempore. Is there objection?

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the committee of 12 Senators appointed by the Vice President under the resolution of the Senate of February 14, 1914, shall take order for superintending the funeral of Mr. BACON in the Senate Chamber at 1 o'clock p. m. on Tuesday, February 17, instant, and that the Senate will attend the same.

Resolved, That, as a further mark of respect, the remains of Mr. BACON be removed from Washington to Macon, Ga., in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and invite the House of Representatives to attend the funeral in the Senate Chamber and to appoint a committee to act with the committee of the Senate.

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Admiral of the Navy, the Chief of Staff of the Army, the Regents and Secretary of the Smithsonian Institution to attend the funeral in the Senate Chamber.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message further announced that the committee appointed by the Vice President to attend the funeral of Senator BACON consists of the following: Mr. SMITH of Georgia, Mr. TILLMAN, Mr. OVERMAN, Mr. CHILTON, Mr. FLETCHER, Mr. POMERENE, Mr. THOMAS, Mr. O'GORMAN, Mr. VARDAMAN, Mr. GALLINGER, Mr. ROOT, Mr. NELSON, Mr. BRANDEGEE, and Mr. PAGE.

FUNERAL SERVICES OF THE LATE SENATOR BACON.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 419.

Resolved, That the House accept the invitation of the Senate extended to the Speaker and Members of the House of Representatives to attend the funeral services of the Hon. AUGUSTUS O. BACON, late a Senator of the United States from the State of Georgia, to be held in the Senate Chamber on Tuesday, the 17th day of February next, at 1 o'clock p. m.

Resolved, That the committee of the House heretofore appointed by the Speaker to attend the funeral services of the late Senator BACON be instructed to act in conjunction with the committee of the Senate to make the necessary arrangements.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 420.

Resolved, That on Tuesday, February 17, 1914, at 10 minutes to 1 o'clock p. m., pursuant to the resolution heretofore adopted accepting the invitation of the Senate to attend the funeral services of the Hon. AUGUSTUS O. BACON, late a Senator of the United States from the State of Georgia, the House shall proceed, with the Speaker, to the Senate Chamber, and at the conclusion of the services it shall return to this Chamber.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, in view of the resolutions we have just passed, and in order that we may expedite the consideration of the Indian bill, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman whether he has ascertained at all what effect that will have on committee work? Tuesday morning, as the gentleman knows, is the morning more committees meet than any other day in the week.

Mr. UNDERWOOD. I think that is probably true.

Mr. MANN. Because it is Cabinet day.

Mr. UNDERWOOD. But we can have a quorum here if it is necessary.

Mr. MANN. I do not suppose it will be necessary and they will come in at 1 o'clock to-morrow.

Mr. UNDERWOOD. We will lose an hour or more on account of the funeral of Senator BACON, and we want to make it up by starting an hour earlier, if there is no objection to it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MARRIAGE OF HOMESTEAD ENTRYMEN AND ENTRYWOMEN.

The next business on the Calendar for Unanimous Consent was the bill H. R. 11102.

The Clerk read as follows:

A bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us know who is the author of the bill.

Mr. KINKAID of Nebraska. Mr. Speaker, the object of the bill, which the reading of the bill has doubtless already informed the House, is to remove the obstruction contained in our Federal statutes to the marriage of homesteaders with each other. As the law now is, a boy homesteader can not marry a girl homesteader—and it is the same with widowers and widows—without the forfeiture of one of the homesteads. Mr. Speaker, I know of no other calling, vocation, or lawful and praiseworthy condition in life where marriage is interdicted by law. I regard it is an anomaly that such a provision should be found to exist in our otherwise beneficent homestead laws. This feature, in my judgment, is thoroughly repugnant to the fundamental idea of the original homestead act, the purpose of which was to provide homes and encourage home building, presumably in most instances by families. It is very clear that if such an obstruction to marriage were to be found in the statutes of most any of the States it would be held by the courts to be contrary to public policy and therefore void. A homesteader in my district suggests to me that the portion of the statute against which my bill is directed constitutes class legislation.

Mr. MANN. I think we ought to know the name of the Representative who introduced this bill——

Mr. KINKAID of Nebraska. I think there is a good deal of merit in the criticism this homesteader makes because, while male and female homesteaders, while complying with the law, may not marry each other except under penalty of the forfeiture of one of the homesteads, either may marry anybody else not a homesteader. It is plain that this statutory infringement upon the right to make a choice of a life companion is a positive discrimination in favor of those engaged in other pursuits and against those engaged in homesteading. It hinders or prevents a male or a female homesteader from choosing a life partner who is also a homesteader. It is very palpable that the pernicious effect of the law is to reduce the list of suitors of the female homesteader from which she might otherwise choose; a fellow homesteader, maybe her neighbor, may be her first choice. The law operates in the same damaging way to the aspirations of the male homesteader. He may have to give up his choice of a schoolma'am homesteader and go into town and make a match which may not prove a success upon the farm. I contend here is a Federal statute which interferes with one of the most natural and highest rights of civilized social life. I regard it as a very grave reflection upon our congressional legislation affecting adversely and fundamentally, as it does, an institution so old and sacred as marriage.

Mr. MADDEN. Will the gentleman yield to me?

Mr. KINKAID of Nebraska. I shall yield to the gentleman from Illinois.

Mr. MADDEN. Is it the purpose of the gentleman to increase the size of the homestead by permitting the people who take homesteads to join?

Mr. KINKAID of Nebraska. Not in the least; well, yes and no; the intention is to permit individual homesteaders to join, but not to require that their homesteads join or adjoin.

Mr. MANN. Will the gentleman yield?

Mr. KINKAID of Nebraska. Mr. Speaker, I yield with pleasure to the gentleman from Illinois.

Mr. MANN. Does not the gentleman from Nebraska think that he has a good deal of nerve to say it is against public policy to prevent marriages, while the gentleman all his life has been preventing one that ought to have taken place? [Laughter.]

Mr. KINKAID of Nebraska. I think, Mr. Speaker, if it be regarded as a dereliction, my not to have found and succeeded in improving a good opportunity by marrying, at least one time, that I may here by securing the enactment of this bill compensate many thousandfold the small loss caused by my personal celibacy.

Mr. Speaker, the present statutory discrimination against homesteaders relative to marriage is in square conflict with the very popular idea of many years' standing in this country, that ways and means should be devised, not only for keeping the youth upon the farms, but to induce a large percentage of the population of our cities to return to the farms. We all agree that this unbalanced economic condition is daily becoming a more and more serious problem for legislative solution.

Mr. MANN. Mr. Speaker, reserving the right to object, if I thought the passage of this bill was designed in the interest of and would let the gentleman from Nebraska join his affairs in life with some native entrywoman upon a homestead I would

certainly be in favor of it. [Laughter.] I doubt whether the gentleman from Nebraska could make up for his dereliction in life by proposing to let some homesteader or homesteadess join their affairs unless he be one of them.

Mr. KINKAID of Nebraska. The purpose of my bill is to clear the way for all worthy bachelors, maidens, widowers, and widows who possess the courage to become homesteaders, home builders, and home owners, so desirable to our citizenship.

Mr. MANN. I would like to help the gentleman from Nebraska get married. [Laughter.] I think we ought to compel him to get married; and if this will help any, we will all be for it.

Mr. KINKAID of Nebraska. We will accept the help of the gentleman from Illinois very gratefully—anything to get the bill passed.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Certainly; I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. If consent is given to the consideration of the bill, would the gentleman consent to an amendment that he is to be included as one of the parties to this nuptial contract?

Mr. KINKAID of Nebraska. Already I am included in its provisions, because I am not excepted.

Mr. NORTON. Will the gentleman from Nebraska yield for a question.

The SPEAKER pro tempore. Does the gentleman from Nebraska yield to the gentleman from North Dakota?

Mr. KINKAID of Nebraska. I shall be pleased to yield to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Reserving the right to object, I want to say that I am very well acquainted with some of the conditions which the gentleman from Nebraska [Mr. KINKAID] has mentioned in this bill, leaving out any personal interest that the gentleman from Nebraska may have in it, is a very meritorious measure.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, may I ask the gentleman from North Dakota [Mr. NORTON] a question?

Mr. NORTON. Certainly.

Mr. MANN. How much time does a homesteader have to stay on the land during the first year?

Mr. NORTON. During the first year? Under the present law, not necessarily more than seven months.

Mr. MANN. What do they have to do the first year on the land?

Mr. NORTON. They frequently spend a good deal of that time getting acquainted with their neighbors.

Mr. MANN. That is about all, too.

Mr. NORTON. The law requires that they put under cultivation one-eighth of the area the first year.

Mr. MANN. Would it not be a very easy matter under the existing law and this, if it becomes a law, for people to take double the amount of homestead land, 1,280 acres, out in the district of the gentleman from Nebraska?

Mr. KINKAID of Nebraska. Will the gentleman allow me to answer?

Mr. NORTON. Even if that took place it would not, in my opinion, be unwise on the part of this Congress to enact this legislation, and thus encourage the marriage of young men and women out West.

Mr. MANN. I think the gentleman believes that all the land ought to be taken up as quickly as possible. Some of us do not. We think it ought to be given away to a few people.

Mr. KINKAID of Nebraska. The gentleman from Illinois [Mr. MANN] asks if it would not be a very easy matter, if this bill should become a law, coupled with existing statutes, for people to take double the amount of homestead land, to which they are entitled. I answer, certainly not. What my bill will accomplish is to preserve the right the single person acquired when he filed upon land to secure a patent, notwithstanding he has become so culpable as to get married, in the meaning of the present statute.

The present law would have him or her remain single for three or five years until patent has been issued. What good does this do? What public good is thereby subserved?

Mr. Speaker, it is the flimsiest kind of a fallacy that to permit two homesteaders to marry would result in land monopoly. If the two homesteaders who would marry, except for this peculiar statute, remain single to avoid a forfeiture of one of the homesteads, the result is that these two persons acquire title to two homesteads. The consequence is that these identical two persons are possessed of twice as much land as they would have been permitted to acquire title to had they married before either had acquired title to his or her homestead. It is clear the pernicious effect of the statute is to award a bonus of a homestead for not marrying, or to impose a fine of a homestead when homesteaders marry each other. It would be more in keeping with our institutions if a bonus of a homestead were awarded a married couple. The many reasons for this are too obvious to require citation to this intelligent legislative body.

Mr. Speaker, let us look a little further into the practical workings of the present statute. An unmarried homesteader may, before acquiring title, marry another homesteader who has but recently acquired title without either, under this condition, forfeiting the homestead. They are not required to wait until both have acquired title in order to avoid forfeiture. Again, an unmarried homesteader may, before acquiring title, marry a very large or the largest landowner and yet perfect title to the homestead.

I point out these features to show that the inhibition in the present statute does not prevent the monopolizing of either public lands or lands privately owned, and that the provisions of my bill enacted into law will not be promotive of land monopoly. But I am in full accord with the sentiment expressed by the gentleman from North Dakota [Mr. NORTON], that it would constitute wise and salutary legislation to make the acquirement of title to lands an incentive to marriage or a premium on marriage. Such legislation would be in consonance with our institutions and laws. Why, the new income-tax law gives marriage $1,000 advantage over single life, and who gainsaid the wisdom of the clause? Not one. If I were permitted, I might show numerous instances and examples where marriage is favored and fostered rather than discouraged or opposed by legislation, but right on the face of it it is extremely absurd that a man homesteading should not be permitted to marry the woman of his choice, who is at the same time homesteading, without the forfeiture of the homestead of one, though this be all of any kind of property that she or he has in the world.

Mr. MANN. How long do they have to live on the land the first year?

Mr. KINKAID of Nebraska. They do not have to live longer on it the first year than the second or third year——

Mr. MANN. Oh, that does not answer my question——

Mr. KINKAID of Nebraska. It is seven months that is required the first year and each year—this time of residence at least.

Mr. MANN. That is only a recent law.

Mr. KINKAID of Nebraska. Yes; that is the three-year residence law.

Mr. YOUNG of North Dakota. Reserving the right to object, I would like to ask the gentleman a question with reference to line 7 of the bill, which provides that the husband shall make the election.

Mr. KINKAID of Nebraska. The husband has the right to name the home always, and the bill is in conformity with this rule of law in all the States in the Union.

Mr. YOUNG of North Dakota. The gentleman has been talking about obstructions to marriage; does the gentleman believe it is in the interest of marriage to provide in this bill that the husband is to make this election? Why should not the entrywoman also be permitted to join with him in making that election?

Mr. KINKAID of Nebraska. At present this is in conformity with the existing law; a few years hence, with the advancement of woman's suffrage, the wife may be accorded equal say with the husband, may become entitled to it in law, but doubtless she receives such consideration now in most cases as a matter of comity.

Mr. MANN. That is all right until after he has had a wife for a while who has learned to run the house.

Mr. KINKAID of Nebraska. Mr. Speaker, the present statute is against public policy because it constitutes an obstruction to marriage. It is against public policy because it hinders homesteading and homebuilding. Because it is clearly repugnant to public policy in these two respects it should be repealed. Let two homesteaders marry without being fined one of the homesteads. [Applause.]

Mr. Speaker, I ask for a vote; I ask for a third reading.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries.

Be it enacted, etc., That the marriage of a homestead entryman to a homestead entrywoman after each shall have fulfilled the requirements of the homestead law for a year shall not impair the right of either to a patent, but the husband shall elect, under rules and regulations

prescribed by the Secretary of the Interior, on which of the two entries the home shall thereafter be made, and residence thereon by the husband and wife shall constitute a compliance with the residence requirements upon each entry: *Provided,* That the provisions hereof shall apply to existing entries.

Also the following committee amendment was read:

Amend, page 1, line 5, by striking out the comma after the word "law" and striking out the "a" and insert "one" in lieu thereof in the same line, and after the word "year," in line 5, insert the words "next preceding such marriage."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. KINKAID of Nebraska, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TITLE TO ALLEY IN CITY OF MARSHALLTOWN, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8683) to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to relinquish all the rights and interests of the United States to the Railroad Young Men's Christian Association in and to that portion of a certain alley situated in the city of Marshalltown described as follows: All that part of the alley situated in block 21 in the original town of Marshall, Marshall County, Iowa, extending between the south line of Church Street and the north line of the intersecting alley running east and west in said block.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the bill will be considered in the House as in the Committee of the Whole House on the state of the Union.

There was no objection.

The bill was again read.

Mr. GOOD. Mr. Speaker, I move to amend by transferring the words "to the Railroad Young Men's Christian Association" from lines 5 and 6 to line 4, after the word "relinquish."

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, by transferring the words "Railroad Young Men's Christian Association," in lines 5 and 6, to line 4, after the word "relinquish."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOG CHOLERA.

Mr. LEVER. Mr. Speaker, I move to suspend the rules and pass Senate bill 3439, with committee amendments, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. LEVER] moves to suspend the rules and pass Senate bill 3439, with committee amendments. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3439) appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera.

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $500,000, or so much thereof as in the opinion of the Secretary of Agriculture may be necessary, to be expended, by and under his direction, for the purpose of the investigation, treatment, and eradication of hog cholera: *Provided, however,* That not less than $50,000 of said sum shall be available for expenditure in carrying on examinations and inspections authorized by the act approved March 4, 1913 (37 Stat. L., pp. 832, 833), regulating the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for the enforcement of the provisions, including detection of violations, of said act and the regulations made thereunder.

Mr. MANN. Mr. Speaker, the Clerk did not report the bill correctly. The gentleman from South Carolina moved to pass the bill with committee amendments. It should be reported with the amendments, then.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amend title by striking out the period after the word "cholera" and insert the words "and dourine."

On line 4, page 1, strike out the figure "5" and insert "6," so that it will read "$600,000" instead of "$500,000."

On line 8, page 1, after the word "cholera," strike out the colon and add the words "and dourine," and add a comma thereafter and the following language: "including the employment of assistants, clerks, and other persons, and the payment of all other necessary expenses, in the city of Washington and elsewhere."

On line 8, page 1, after the word "*Provided,*" strike out the comma and the word "*however*" and the comma.

On page 2, line 8, after the word "thereunder," strike out the period and insert a semicolon and add the following: "*And provided further,* That not more than $100,000 of the sum hereinbefore provided shall be used for the investigation, treatment, and eradication of the disease known as dourine."

The SPEAKER pro tempore. Is a second demanded?

Mr. HAUGEN. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HAUGEN] demands a second.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the time for debate be extended to 40 minutes on a side.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that the time for debate on the motion be extended to 40 minutes on a side. Is there objection?

Mr. GARDNER. Reserving the right to object, Mr. Speaker, how many minutes on a side would that make—40 or 60?

The SPEAKER pro tempore. Forty minutes on a side.

Mr. HAUGEN. Mr. Speaker, I wish also to ask unanimous consent that I may be permitted to offer an amendment.

The SPEAKER pro tempore. The gentleman can submit only one request at a time. Is there objection to extending the time?

Mr. GARDNER. Reserving the right to object, Mr. Speaker, I would like to ask whether that extension of time can not be got at by printing?

Mr. HAUGEN. Mr. Speaker, I wish to say that this is a question of considerable importance, and full time ought to be given.

Mr. GARDNER. Oh, a question of very much greater importance is up than that. We have had for years a provision in this House providing for the discharge of committees from consideration of bills. That will be reached in an hour for the first time in three or four years, and therefore, Mr. Speaker, I shall feel obliged to object.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GARDNER] objects. The gentleman from South Carolina [Mr. LEVER] is entitled to 20 minutes and the gentleman from Iowa [Mr. HAUGEN] to 20 minutes.

Mr. HAUGEN. Mr. Speaker, I wish to make another request for unanimous consent, namely, that I may be permitted to offer an amendment setting aside $300,000 for the distribution of antihog-cholera virus.

The SPEAKER pro tempore. That request can not now be entertained. The gentleman from South Carolina [Mr. LEVER] is entitled to 20 minutes and the gentleman from Iowa [Mr. HAUGEN] 20 minutes.

Mr. LEVER rose.

Mr. COOPER. Mr. Speaker, will the gentleman yield before he begins?

Mr. LEVER. Yes.

Mr. COOPER. I wanted to ask the gentleman one question, because of an amendment which the committee reports. Is dourine known to any other animal except the horse?

Mr. LEVER. Not that I know of.

Mr. COOPER. I notice in the title of that pamphlet the words "dourine of horses." But if the amendment is adopted as the gentleman proposes it will read "hog cholera and dourine." Would not that mean two diseases of hogs without a further limitation?

Mr. LEVER. No. So far as is known, dourine is known only among horses.

I wish to address myself briefly, for my time is quite limited, to the three propositions involved in this bill.

Hog cholera was introduced, it is said, into this country in 1833, and has been prevalent more or less ever since. The Department of Agriculture estimates an annual loss of from

fifty to one hundred million dollars a year—a conservative estimate would be about $70,000,000 a year—from this disease among one of our most important meat-producing animals. It has been shown, and in my mind the figures are entirely too low, that during last year more than 2,245,000 hogs died of this fatal disease. The disease has been increasing most rapidly throughout the entire country for the past four or five years, as is evidenced by information which has been received through the Federal Bureau of Statistics, Federal meat inspectors, and other agencies within the State. It would be hard to estimate the loss which this country has suffered from this scourge, and it seems to me that the time has come when it is the duty of Federal, State, and local agencies to arouse themselves to the situation.

We must not overlook the fact that pork or hog meat of some description forms the basis of the everyday meal of a large proportion of our population. Beef and mutton are important factors in our food supply, but not nearly so much as is the meat of the hog. This disease affects not only the man who raises hogs, but as vitally affects the man of the city who eats hog meat. Every decided decrease in the number of hogs in the country must of necessity show itself in a corresponding increase in the price of bacon and other meats of the hog, as well as the decided increase in the price of beef and mutton. The bill on its face may not impress one with its great importance, but anyone familiar with the facts knows that it presents a very large economic problem. Recent statistics issued by the Department of Agriculture indicate a total shortage of meat-producing animals—cattle, sheep, and swine—of nearly 20,000,000 since the census of 1910. This means that there has been a loss of nearly 9 beef cattle, 7 sheep, and over 3 hogs for each 100 of the total estimated population of the United States at this time. To put it another way, population has been steadily increasing while meat-producing animals have been steadily decreasing in number; or to put it still another way, the number of mouths to be fed are increasing out of proportion to the supply of meat products with which to feed them. The meat question is becoming acute, and unless present tendencies are checked by vigorous action we shall soon have to learn to produce more meat or eat less of it. The time is rapidly approaching when only the more well to do of our people can afford to eat meat at all. With such facts before us, can anyone doubt what his duty in the premises can be? I think not. We must make a fight against this disease which so seriously threatens one of the chief sources of our meat supply.

The last Agriculture appropriation bill carried the sum of $75,000 for demonstrating the best method of preventing and eradicating hog cholera. Under this appropriation work was carried on experimentally in four distinct areas in the great hog-producing belt of the country—Missouri, Iowa, Indiana, and Nebraska—and the results obtained by the department from these experiments indicate in the strongest manner the possibility, yes, the probability, of the ultimate eradication of this disease in these areas. The committee reporting this bill believes, as I believe, that with the proper cooperative efforts of the States, local communities, and the Federal Government, and with a reasonable expenditure of money hog cholera can be reduced, controlled, and ultimately eradicated within a reasonable time. I desire to insert at this point a statement of Dr. M. Dorset, in charge of this work for the Department of Agriculture, before the House Committee on Agriculture, as follows:

Dr. DORSET. I have some figures made up from the results of the work this summer. Of hogs actually sick we lost 25 per cent. Of well hogs in diseased herds 2.8 per cent died, and of hogs in exposed herds only about 0.7 per cent died. In an infected herd there are always a certain proportion of hogs that are well when the inspector gets there. The inspectors examine the hogs and take the temperature of all hogs in the herd, and thus separate the sick from the well.

First, Dallas County, Iowa: In 1911 they raised 77,274 hogs; they lost 11,337; percentage of loss, 12.7.

In 1912 Dallas County raised 84,618 hogs and lost 19,821; percentage of loss, 18.9.

In 1913 Dallas County raised 118,550 hogs and lost 9,182; percentage of loss, 7.1. Now, with regard to the losses in Dallas County in 1913, 5,289 out of 9,182 died before the 1st of July, before our men went there at all, whereas 3,893 have died since the 1st of July.

In Pettis County, Mo., there were raised in 1911, 62,590 hogs; lost, 13,740; percentage of loss, 18.

In 1912 they raised 59,661 and lost 20,550; percentage of loss, 25.6.

In 1913 they raised 59,792 and lost 10,376; per cent of loss, 14.7.

Now, again, in Pettis County, of the 10,376 hogs that died in 1913, 9,035 died before the 1st of July. Our inspector did not go into that county until the 1st of August. I think a loss of only 1,341 hogs since the 1st of July in that county is a very gratifying showing, for there is every indication that that county would have lost at least three times as many hogs as it did if our men had not gone in there.

Mr. SLOAN. Are those later months bad months in that respect?

Dr. DORSET. After the 1st of July is when most of the hogs are lost.

Mr. SLOAN. Is it not the fact, too, that the losses from hog cholera this year have been nearly twice what they have been heretofore—or a great deal larger, at least?

Dr. DORSET. No; it is not my judgment that hog cholera is worse this year than ever before. I think we merely hear more of it; the farmer reports it; he has learned there is something which will prevent it.

Now, as to Montgomery County, Ind.: Hogs raised in 1911, 73,920; losses, 20,414; per cent of loss, 21.6. In 1912, hogs raised, 74,554; losses, 23,983; per cent of loss, 24.3. In 1913, hogs raised, 75,974; lost, 5,098; per cent of loss, 6.2.

In every county we find that in 1913 there has been less loss from hog cholera than in either of the two years preceding. We also find that in some of the counties where the losses were the largest in 1913 most of the loss occurred before our men went into the county.

I have figures showing exactly the results in the case of herds that were treated. These losses that I have reported here are of all hogs that died in the county. When our inspectors went in Montgomery County the 1st of July there were 65 outbreaks in the county. In order to carry out the plan we had mapped out, to treat the sick herds and inoculate herds surrounding, we would have had to treat immediately after the 1st of July not less than 300 herds in that one county. We had not the hog-cholera serum to do that; we had only a little experimental plant, and that plant had to be enlarged after the 1st of July, so that the disease was getting along and a good many hogs were lost in herds that it was not possible for us to treat.

I desire also to insert a further statement made by officials of the Department of Agriculture before the House committee, showing in a striking manner the results of its experimental work in these areas:

Report on treatment of hogs in healthy herds exposed to hog cholera.

	Hogs.	Died.
Pettis County, Mo.	5,802	12
Montgomery County, Ind.	4,627	53
Dallas County, Iowa	3,149	16
Total	13,578	81

Per cent loss, 0.5+.

Report of treatment of hogs in infected herds.

	Hogs.	Died.
GROUP A.		
Approximately 70 per cent sick when treated:		
Pettis County	5,904	1,038
Montgomery County	4,562	894
Dallas County	5,686	1,998
Total	16,152	3,930
Per cent loss		24.3
GROUP B.		
Well when treated, but kept in herds with sick hogs:		
Pettis County		
Montgomery County	4,961	119
Dallas County	6,815	224
Total	11,776	343
Per cent loss		2.9

Losses in three counties in 1911, 1912, and 1913.[1]

Years	Dallas County.			Pettis County.			Montgomery County.		
	Hogs raised.	Hogs lost.	Loss.	Hogs raised.	Hogs lost.	Loss.	Hogs raised.	Hogs lost.	Loss.
			Per ct.			Per ct.			Per ct.
1911	77,274	11,337	12.7	62,590	13,740	18.0	73,920	20,414	21.6
1912	84,618	19,821	18.9	59,661	20,550	25.6	74,554	23,983	24.3
1913	118,550	9,182	7.1	59,792	10,376	14.7	75,974	5,098	6.2
Before July 1, 1913		5,289			9,035				
After July 1, 1913		3,893			1,341				

[1] Figures based on returns secured Nov. 15, 1913. Work has only begun in Nebraska, therefore no figures are available for that State.

These facts indicate to my mind that the enormous annual losses which the people of this country suffer because of this disease can be reduced to a mere minimum.

The Department of Agriculture strongly urged the passage of this bill before the Senate and House Committees on Agriculture. It is important that Members should know how the $500,000 provided for hog cholera is likely to be expended by the department. In a letter addressed to me on February 5, 1914, B. T. Galloway, Acting Secretary of Agriculture, writes:

The department recommends that there be made an urgent appropriation of $500,000 to be immediately available for the purpose of—

(a) Demonstrating the practicability of eradicating hog cholera from selected sections of the country;

(b) Supervision of private serum plants, so as to protect farmers against the use of spurious and dangerous serums; and

(c) Demonstrational and educational work among farmers in cooperation with the States, in order to bring about a better understanding of the disease and the approved methods of combating it.

Under the work of demonstrating the practicability of eradicating hog cholera from a given area the department will extend

its work to 15 counties, selected with regard for climatic and other peculiar environments, and will expend $300,000 along these lines. It is important that we should demonstrate, if possible, the fact that we can eliminate hog cholera, for nothing less than this will save us from a constant recurrence of the disease with its accompanying losses. Fifty thousand dollars of this amount is to be used in placing Federal inspectors in private serum plants to protect the farmer against the use of spurious, dangerous, and impotent serum. The use of a dangerous serum can easily start an outbreak of cholera in a community, and the farmer has been the victim of heavy frauds in the kinds of serum sold to him. There are between 75 and 100 of these plants and this amount is necessary to provide a thorough inspection of them. For demonstrational and educational work, in demonstrating to the farmer the efficacy of the preventive in the form of serum and virus and in teaching him to know that the disease can be controlled and the methods by which this can be done, $150,000 will be used. These are the lines of work which the department has in mind and the amount which will be expended for each.

The remaining $100,000 is to be used in an effort to stamp out dourine, a malignant and communicable disease of horses. Testimony before the Committee on Agriculture is to the effect that 10 per cent of range horses is affected by this disease, which threatens not only the existence of the horse industry in the Northwestern States, but threatens to spread into every State in the Union. I wish to insert in this connection a statement of W. F. Crewe, State veterinarian of the State of North Dakota:

STATEMENT OF W. F. CREWE, STATE VETERINARIAN OF NORTH DAKOTA.

The statistics of this disease, as occurring in North Dakota, are somewhat limited, but are sufficient to indicate to us that it would require considerable work and investigation in order to eradicate the disease.

The disease has been found in the following counties: Dunn, Williams, McKenzie, Billings, Bowman, Morton, and Emmons.

As has been previously stated, the work on dourine is simply preliminary. We found 27 stallions infected out of 203 examined; 77 mares infected out of 215 examined.

On the Standing Rock Reservation 165 animals have been destroyed on account of being infected with dourine. The inspection on the reservation was not complete, and it is anticipated that there are still quite a number of animals there that are diseased. We expect to cover this territory during the coming season.

The amount of work done has been much larger in the State of Montana, and, of course, it has been determined that the disease exists to a great extent in that State. I have wired to Dr. Butler, the State veterinarian of Montana, to forward you his statistics.

On account of the insidious nature of this disease animals may be used for work for quite a period, and it makes it quite a difficult proposition to condemn the animals unless there is some provision made for indemnifying the owners for the loss when the animals are destroyed. It is generally considered that this is the only method to properly eradicate the disease.

Proper supervision could not be kept over the large number of animals that may be quarantined, and they would be changing hands, and in this way the disease would continue to spread.

I might further state that we have found the disease quite extensive in one particular herd, which comprises some 600 mares. We found all the stallions, 6 in number, affected with dourine, and reports indicate that 6 stallions have died from the disease during the past two years. Out of the limited number of mares we have tested of this herd we have found over 50 per cent diseased, and we must presume that this will be the condition found when the balance of the herd has been tested.

His statement shows the great seriousness of this situation and the absolute necessity for prompt action in regard thereto. Gentlemen from the States in which this disease is most prevalent will go more into detail as to the necessity for this appropriation.

In conclusion, Mr. Speaker, this bill seeks to put into operation methods by which the meat supply of the country may be conserved and the destruction of the horse industry prevented.

How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed six minutes.

Mr. LEVER. I reserve the balance of my time.

Mr. HAUGEN. Mr. Speaker, in the 20 minutes given each side for debate under the rule, of course, time granted will not permit full discussion of this all-important subject, but the best that can be done under the circumstances is to simply submit a brief statement. The proposed bill carries an appropriation of $500,000, and if the plan submitted by Dr. Galloway, the Acting Secretary of Agriculture, is carried out $50,000 will be available for the inspection of the serum plants, $150,000 for education and demonstration, and $300,000 for the eradication of hog choera, the eradication to be confined to 15 or possibly 20 counties.

Dr. Galloway's statement is that the existing serum plant is adequate to supply the department with the serum necessary to carry on its work in 15 counties. Dr. Melvin and Dr. Dorset, in charge of the work, testified before the committee that the existing serum plant proved inadequate to supply three counties with serum for department use last year; that the existing serum plant is a small affair, half the size of the committee room and a few portable tin houses; that the department had to purchase serum in Missouri for its use in one of the three counties selected for the purpose of eradicating hog cholera; that if a hundred thousand dollars be appropriated for a laboratory, then a couple of hundred thousand could be used in addition thereto; that the department should not be expected to use serum prepared outside of the department; that the serum is the only remedy known to the department; that the serum now on the market is not up to requirements; and that not even the States can be trusted in supplying potent serum. The gentleman from South Carolina [Mr. LEVER] has just stated that the serum now on the market or at least much of it is of the bogus kind and does not come up to the standard.

Whose statement will we accept—Dr. Galloway's, who contends that the existing plant is adequate, or the statement of those in charge of the work? All are agreed that much of the serum manufactured and sold is of the spurious and bogus kind. Now, gentlemen, is it wise to appropriate $500,000 for the eradication of hog cholera without providing for the production and distribution of the remedy prescribed, it being the only remedy known? If it is the only remedy known, and if potent serum can not be obtained from other sources, and if potent serum is essential in preventing and curing the disease, under the circumstances I believe the bill should be amended so as to set aside at least $300,000 for the purchase, production, and distribution of the serum. There can be no question—that is, if the serum has any merit whatsoever—but that the Government in supplying the unfortunate hog raiser with potent serum at its approximate cost will bring better results than in its going into 15 or 20 counties of the 2,500 counties in the United States and applying questionable serum; and even if the 15-county plan is adopted under existing circumstances, the Government ought to be provided with adequate facilities to at least supply itself with potent serum. There can be no justice in the Government organizing 15 counties, purchasing and applying serum characterized as spurious and bogus, or the kind that is sure to kill. That seems unjust, at least to those in the 15 counties, who might object to its use.

If the plan proposed is carried out, of course all the people in the 15 counties must submit their hogs to the treatment in order that the disease may be eradicated in that given area; hence if the serum used kills instead of curing the hog, unless the Government reimburses the owner for his loss an injustice is done to him. Hence, no matter what plan is pursued, potent serum should be provided for, but if the serum is of value, why give it away? Why force it onto 15 counties? Why not make it available for the use of all hog raisers? My intention was to offer the following amendment:

Strike out the period after the word "thereunder," line 8, page 2, and insert a colon, and add the following: "*Provided further*, That $300,000 of the sum appropriated shall be set aside and used for the purchase and production of antihog-cholera serum, to be sold and distributed at its approximate cost."

But now that the bill was brought up under suspension of the rules and is not subject to amendment, and a request for unanimous consent to offer the amendment has been refused, it can not be considered at this time. Yet I wish to protest against the proposed plan, as, in my opinion, the serum can be made available only through the Federal Government.

I can not conceive that any private enterprise will invest its money to produce a serum up to the standard, and sell it in competition with States which are subsidized to the extent of $100,000, and sell it at cost. The testimony before the committee is that Ohio has a new plant costing $100,000; that it will be able to supply about one-fifth of the demand in the State. The others will have to go without.

The State of Iowa, the greatest hog-raising State in the Union, with a Government plant in the State and with a plant supported by the State, was unable to supply the demand, and $33,000,000 worth of hogs died last year of hog cholera in the State. In view of the inadequate supply of serum, the uncertainty of its future supply, and the harm done by the use of spurious serum, I believe it would be wise to make a part of this appropriation available, and to direct the Secretary to set aside and use the sum designated for the production of serum, at least for the Government's own use. I would go further than that and supply States unable to supply their own people having use for the serum.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

Mr. HAUGEN. Yes.

Mr. STEPHENS of Texas. Will the gentleman explain to us what is the horse disease called dourine, and what is the necessity for the appropriation relative to that?

Mr. HAUGEN. I will yield to the gentleman from North Dakota [Mr. HELGESEN], who is more familiar with it than I am.

Mr. STEPHENS of Texas. I never heard of it until to-day. We have none of it in our State.

Mr. HAUGEN. Availing myself of the privilege granted to extend my remarks in the RECORD, I wish to call attention to the questions raised. First, the one raised by the gentleman from Kentucky [Mr. SHEELEY]. How is the money to be expended? The bill provides for $500,000 to be expended by and under the direction of the Secretary of Agriculture for the purpose of investigation, treatment, and eradication of hog cholera. That not less than $50,000 of said sum shall be available for inspection in serum plants; or, in other words, it is left to the discretion of the Secretary how the $450,000 for investigation, treatment, and eradication shall be expended. If the Secretary sees fit, he can expend all of it for serum, sending men in the field, for *railroad fare, or* for various other items that may properly come in under the clause. If the expenditure of $450,000 is left to the Secretary, then I take it that it is fair to accept of the statement made by his representatives as to what is to be done with it. First, is the serum to be furnished by the Government? The answer is, "Yes." Dr. Galloway, Acting Secretary, presents a plan identical with one pursued last year; that is, to organize in 15 or 20 counties with the view of eradicating hog cholera in these counties. Dr. Dorset states, see page 25:

Mr. HOWELL. In the counties where you have done the work, has the department borne all the expense?
Dr. DORSET. It has borne all the expense of its own men and of the serum used.
Mr. HOWELL. You have never made any charge to the farmers for the serum used?
Dr. DORSET. It was all used free of charge.
Mr. LEE. Then, the department furnished the serum?
Dr. DORSET. Used in its work; yes.
Mr. LEE. You do that now?
Dr. DORSET. We have been doing it all the time.
The CHAIRMAN. How long have you had this serum plant at Ames, Iowa?
Dr. DORSET. Nearly 10 years. That is an experimental station for the study of hog cholera. It was at that station that we worked.

I take it from this that there can be no mistake as to the practice pursued in the past; as to the future, we have Dr. Galloway's statement on page 9:

Mr. HAUGEN. Now, you said the serum should be furnished by the State. That is the recommendation you made?
Dr. GALLOWAY. Only for part of this work.
Mr. HAUGEN. We are talking now about the serum.
Dr. GALLOWAY. That is what I am talking about, too.
Mr. HAUGEN. You say that should be furnished by the States?
Dr. GALLOWAY. That is where the work is to be demonstrational, out among the people, and not involved in this county eradication work.

Dr. Galloway's statement clearly points out that the serum for demonstrational work for the 15 or 20 counties to be selected is to be furnished by the Government free of charge. That $300,000 is to be set aside for demonstration in the direction of eradicating hog cholera from a definite area. Hence we have Dr. Galloway's statement that the serum is to be furnished free for its use in the 15 or 20 counties to be selected. The chairman of the committee, Mr. LEVER, states that not one dollar of this money is to be used in the manufacture and general distribution of hog-cholera serum; that the Government will use some of the appropriation in continuing the operation of the plant at Ames and use the serum manufactured there only in its demonstrational work in the field. Hence it is clear that all the serum to be manufactured by the Government is to be used in the 15 or 20 counties, and if the supply is found inadequate, I take it that the department will continue to purchase serum and supply all the counties selected with serum free of charge. As to the supply, Dr. Galloway's contention is that the capacity of the existing plant is sufficient to supply the department with serum for its use in 15 counties. Dr. Melvin's and Dr. Dorset's statement is that its capacity is very limited and proved inadequate to supply the required amount of serum for use in three counties, and that the department was obliged to purchase serum in Missouri for use in one of the three counties where the work was carried on last year; if so, the Government will be able to manufacture enough serum to supply 2 of the 15 or 20 counties and will have to purchase for use in the other counties a serum characterized by the department and chairman of the committee as spurious and bogus, the question is, Which 2 of the 15 or 20 counties will be favored with the Government-made potent serum and which of the 15 or 20 counties will be supplied with the spurious and bogus serum, sure to kill, or will the Government serum, classed as potent serum, guaranteed to cure, and the spurious and bogus serum, which it is admitted will kill, be evenly divided between these 15 counties?

Are counties to be selected, as has been suggested by the gentleman from Kentucky [Mr. SHEELEY], in response to pull? If so, it is fair to assume that counties with the strongest pull will be supplied with the pure Government-made serum, and doses will be administered according to the strength of the strings pulled by the hog raiser. Be that as it may, the fact remains that the department will have the last say, and will determine how the money shall be spent. Its plan is to spend $300,000 in 15 or 20 counties for serum and expenses in applying it on hogs in that given area, and 2,485 counties are to go without Federal aid, as not a dollar is to be set aside for the distribution of serum outside of the 15 counties or a serum plant, as suggested by Dr. Melvin, except in case more than 15 counties are selected, and inasmuch as the treatment and application is to be free of charge, undoubtedly pressure will be brought to bear for free serum in more than 15 counties; but as the $75,000 appropriated last year proved inadequate to supply 3 counties, the free distribution of serum and veterinary service to apply it can not be extended beyond 15 counties, as only $300,000 is to be used, and instead of increasing the number the number may have to be reduced, possibly to half that number. But it matters not if the work should be extended to 10 or 15 counties; the plan is unjust in its discrimination and favoritism; it is impracticable, because it reaches only a few and leaves out many. Dr. Dorset's statement is that the serum costs a good deal of money and that the repeated treatment of hogs every year by the Government should be discontinued. The Government has been demonstrating for years. Last year Congress appropriated $75,000, and directed the department to demonstrate.

The department reports that it manufactured and purchased serum and gave it away in three counties and sent inspectors into another, and reports, among other things, 9,182, or 7.1 per cent, of the hogs died in Dallas County. The experiment station reports 15,954, or 17 per cent, of the hogs died in Dallas County, and that where the Government-made serum was used and where, according to the department's report, 1,998 out of 5,686 infected hogs were treated. Upon that showing it is proposed to appropriate $50,000 for the inspection of serum plants, not in inspecting State plants or plants manufacturing or selling their product only within the State, including those which Dr. Melvin states can not be trusted. The inspection is to be extended to, and under the Constitution must be limited to, those in interstate commerce. For nearly a year we have had a law upon our statute books to regulate the production, sale, shipment, and importation of the serum. The department now has, and has had since March 4, 1913, the power to inspect and regulate. It declares no further legislation is required to regulate its production and distribution, as under the law the Secretary is authorized to make rules and regulations as may be necessary to prevent the production, sale, and shipment of this spurious and bogus serum, to issue and revoke licenses, to issue permits for its importation, to inspect such establishments and such products, and that any of its employees may, during the day or night time, enter and inspect any establishments where serum is made.

The act provides for a maximum fine of $1,000 and imprisonment for one year. Hence all the power that can be given the department by law was given a year ago. Twenty-five thousand dollars was given the department for the enforcement of the law for the current year, yet it is claimed that the serum now on the market is not up to the standard; hence, unless the States which alone have power to regulate plants not engaged in interstate commerce pass laws to prevent the manufacture and sale of spurious serum, the traffic will go on. In that respect the Government has gone as far as it can go and has done its duty. In addition to the $50,000, $300,000 is to be appropriated for serum and application thereof; $150,000 for education purposes, expenses in Washington and elsewhere; and not a dollar to be used for the construction and equipment of a serum plant or to supply the people outside of the chosen few with potent serum.

As to the efficacy of the serum, the department claims to have given it a thorough test and that it has been found to be a fairly sure remedy and an absolute preventive. I know of a number of instances where it has been used and has brought good results. The firm of Thompto & Heiney, of my home city, last year inoculated some 800 hogs exposed to the cholera, and, I believe, many infected with the disease, at first and at times, with excellent results, but at times without results, believed to be due to spurious serum. The representation made by the department and a number who have given the serum a thorough test has led me to believe that it has merit and that it is of value, not so much as a preventive, but when used immediately after the herd becomes infected with hog cholera, for if the serum is used on the infected hog, which in all probability is doomed to die if not treated, and it kills the hog, there is practically no loss outside of the expense of treating the hog. On

the other hand, if the well hog, not in immediate danger of hog cholera, is inoculated and dies, then not only the expense of the treatment but the loss of the hog also is incurred. While many believe in the remedy, yet there are many who contend that it is harmful; that it has killed more hogs than it has cured. I have received protests criticizing Congress and the department, and I have been told that other Members have received similar communications, and in order that the facts on both sides of the question may be shown, I deem it fair to quote in part from at least one of them. Recently I received a letter from Dr. E. F. Lowry, vice president Hawkeye Progressive Veterinary Medical Association of Iowa, Ottumwa, Iowa, under date of February 9, 1914. I am not personally acquainted with Dr. Lowry, but I have inquired of Members who are personally acquainted with him, and have been told that he is a man of good standing and that his statement can be relied upon; besides, the position he holds as vice president of the association would indicate that he is a man of responsibility. Mr. Lowry states in his letter:

OTTUMWA, IOWA, *February 9, 1914.*

Hon. Representative HAUGEN,
Washington, D. C.

DEAR SIR: I see the appropriation matter for fighting hog sickness is up for consideration now, so I thought I might be able to cast a little light upon the subject. You will see that I, with a lot of my patrons and friends, are interested. I am interested from a professional standpoint—a breeder myself—and for a lot of my friends and for breeders who have been stung by this serum mistake. It is a failure as a preventive and a cure. Seven years has proved that it neither prevents nor cures the disease, while, on the other hand, it has killed thousands of well hogs and spread disease into thousands of well herds and caused unnecessary expense and loss. It will continue to do so as long as it is used.

* * * * * * *

Every dollar that Congress appropriates to further the manufacture and use of serum is only pouring oil upon the burning fire and helping a lot of fellows who are taking advantage of the conditions to graft off the unfortunate hog men.

* * * * * * *

Stop the use of serum and spend $100,000 one year in this way, and make a lot of political soft-job grafters keep their mouths shut for one year and quit sending in false reports of how many thousand hogs serum has saved. Then we will stop the whole trouble. But as long as Congress and the Secretary of Agriculture will be dictated to and listen to these Bureau of Animal Industry serum boosters and agriculture college boosters and veterinary college boosters, who all have an ax to grind, just that long hog sickness will continue to spread and rage and cause loss. I think seven years has been long enough to aid these jobbers and grafters in their fat jobs.

Reports for 1913 ought to settle the serum question forever. What good will Government inspection do? It won't make hog-cholera serum cure four diseases that are killing the hogs. It doesn't pay the men whose well hogs it kills when it is used upon them to prevent sickness, and I have the records to show that thousands of hogs were killed the last two years that way. If you are going to boost the serum business by a big appropriation, then make the law such that the veterinary who uses the serum and the people who make it shall be held equally responsible for losses when they occur from use of serum upon well hogs as a preventive and it kills them. I herewith send you a small list of such losses. This is only a drop in the bucket to others which I have on hand. The State of Nebraska has just recently settled a loss of this kind. Several suits of this kind are pending in Iowa, Nebraska, and Missouri courts, and hundreds more ought to be filed. If your Appropriations Committee will let me come before them, or the whole Congress for that matter, for an hour, I will give you facts and figures of the viciousness of this mistake and graft that the others will never tell you about. You ought to get at the facts from both sides. I know you are getting figures from the serum boosters all the time as to what wonderful things serum has done; but do they ever tell you of the havoc it has played in hundreds of well herds? Not on your life. But I can tell you of hundreds of them if you will let me come down there, and give you names and numbers of such losses. Just put the lid on the use of serum for one year and see what the result will be. You can't make it any worse.

Hoping you will let your conscience guide you aright in this matter, and that you will not appropriate any more money to help this serum graft unless you fix the law so responsibility for losses can be placed upon the veterinary and serum company for them, then I will say go to it, for I know then in a short time the graft serum business will receive a deathblow.

Yours, for the truth and right,

E. F. LOWRY.

In the letter were a number of lists inclosed giving the names of parties who suffered loss through the use of the serum, also a copy of what is purported to be the Canadian law:

AT THE GOVERNMENT HOUSE AT OTTAWA, SATURDAY, JANUARY 4, 1913.
PRESENT: HIS ROYAL HIGHNESS THE GOVEROR GENERAL. IN COUNCIL.

Whereas it is deemed advisable and in the public interest that the importation, manufacture, or sale of hog-cholera serum and virus be prohibited in the Dominion of Canada:

Therefore His Royal Highness the Governor General, in council, in virtue of the provisions of clause (1) of section 28 of chapter 75, Revised Statutes of Canada, 1906, is pleased to order as follows:

The quarantine regulations established by order in council of the 30th of November, 1909, as amended by adding the following section thereto:

"SEC. 88½. The use of hog-cholera serum or virus being considered a source of danger, the importation, manufacture, sale, or use of such serum or virus is prohibited."

F. K. BENNETTE,
Assistant Clerk of the Privy Council.

The Honorable the MINISTER OF AGRICULTURE.

I take it that if Canada found it necessary to prohibit its importation, manufacture, sale, and use, the department has been misinformed as to Canada having eradicated hog cholera by use of the serum, as Dr. Melvin stated to the subcommittee February 4, printed on page 12, as follows:

Mr. HAUGEN. Yes. Hog cholera came here, as I understand, in 1833. They had it a good many years before that in England, and they had been experimenting over there

Dr. MELVIN. Their method was different. The Canadians claim to have eradicated it from Canada, and have had it eradicated for some two or three years now. It was introduced originally, they claim, from the United States.

The CHAIRMAN. How long did it take them to eradicate it in Canada? Do you know?

Dr. MELVIN. I do not know exactly, but several years. But they have very few hogs, comparatively, in Canada.

As to Dr. Lowry's letter, it explains itself, and no comment is necessary. In conclusion, I will say that I neither vouch for the efficacy of the serum nor do I wish to be understood as criticizing it. I have pointed out contentions both supporting and protesting against the use of the serum, so that the RECORD may show the facts that the serum is the only cure known and the only remedy proposed; that potent serum is not available; that, if money is appropriated for the eradication of hog cholera, then the remedy prescribed should be made available by the Government by providing for a potent serum, not to be given away or to be forced on anyone, as it is proposed to do, but to prepare and distribute it; hence it will be made available not only to a few, as under the proposed plan, but to many who desire it, and if of value, not only a few hogs but many will be saved.

Under leave granted to print, I append to my remarks my views as printed in the report on the bill:

VIEWS OF MR. HAUGEN.

In view of the inadequate supply of potent antihog-cholera serum, the lack of facilities for the production of the serum, the urgent recommendation made by Dr. Melvin and Dr. Dorset, in charge of the work for better facilities, and the importance of the work, it would seem advisable to set aside a part of the proposed appropriation for the production, sale, and distribution of the serum. Attention is called to Dr. Melvin's statement, printed on page 27, Hearings before the Committee on Agriculture, House of Representatives, December 9 and 10:

"Dr. MELVIN. Mr. Chairman, may I make a statement?

"The CHAIRMAN. Yes.

"Dr. MELVIN. Two bills have been introduced in the Senate for very large amounts on this work. Now, if any such sums as those are finally appropriated, it will be necessary for us to have very much larger laboratory facilities than we now have, because the small equipment we now have is only sufficient to take care of an appropriation of this size. Then, of course, we shall have to increase the size of our serum plant in proportion to the amount of money that is finally appropriated for this work."

Page 28:

"Mr. HOWELL. Is there not still some difference of opinion among those who know, or claim to know, about the efficacy of your treatment?

"Dr. MELVIN. I do not think there is any doubt among those who know, Mr. Howell; it is on the part of those who do not know. [Laughter.]

"Mr. HOWELL. But there is more or less dispute about it, is there not?

"Dr. MELVIN. I do not think there is. There are other organizations. For instance, Ohio has a very complete organization; they have a laboratory that they are just beginning to use, costing $100,000 to build. Next year they will handle a great part of the State—not all of it, because it would take, in my opinion, four or five such laboratories to produce serum sufficient for the entire State of Ohio. Their experiences have been right along the line of ours—that where they made proper serum they could control the disease.

"Mr. HAWLEY. Do the State laboratories make a good serum? What is your experience in regard to that?

"Dr. MELVIN. We have only their data to go on. We have not used it ourselves, except in the case of Missouri, where we have used their serum very satisfactorily.

"Mr. HAWLEY. It is not difficult for a skilled operator to make, is it?

"Dr. MELVIN. No; but a man must have training along that line; and he must know what proper sanitation is in order to make a serum that will not be infected from outside sources.

"Mr. MAGUIRE. You are confident that this is an absolute preventive, are you?

"Dr. MELVIN. Yes, sir; I am.

"Mr. CANDLER. You said a moment ago that you did not sell any; hence, the State has to manufacture it itself in order to get it?

"Dr. MELVIN. The State or private manufacturers. There are a good many private manufacturers.

"Mr. CANDLER. The United States does not manufacture enough to divide up even with the States?

"Mr. HAUGEN. How many States are manufacturing?

"Dr. GALLOWAY. Thirty.

"Dr. MELVIN. About 30."

Page 30:

"Mr. HAUGEN. Mr. Chairman, what I would like to get is a statement from Dr. Melvin, giving his opinion whether this appropriation should be increased, and if so, to what extent, in order to be used advantageously."

Page 31:

"Dr. MELVIN. I think it would be highly advantageous to the country to have it increased.

"Mr. HAUGEN. To what extent? I think we all appreciate that you have more knowledge of this situation than probably any Member of Congress, and I would like to know about what you think as to the extent to which it could be carried out advantageously.

"Dr. MELVIN. One idea I had in mind was that, if the department is expected to continue this work for any considerable time, an appropriation sufficient to put up a good up-to-date laboratory for the preparation of serum, and also for the further study of the disease, should be made. We have not learned all about the disease that we think may be learned;

and, if we had a proper permanent equipment of this sort, it would be highly desirable. The equipment would cost at least $100,000. Then we would be prepared to take up work in a number of States—probably 20. This would require an outlay of probably $400,000 or $500,000. As it is, our original plant was a very small affair, put up of matched boards. The floor space was not half the size of this room. To provide for this work we bought some of these portable tin houses, put them up, and made them into laboratories. We are doing efficient work there, but there is nothing permanent to it; and it is not even on our own ground, but on leased ground. We had to put up temporary buildings; and, if we are to continue in this work for ten or a dozen years, which seems probable, I think we should first start with a proper equipment and be prepared to show these manufacturers, and the State people as well, what, in our opinion, is a proper laboratory.

"Mr. HOWELL. If you had such a laboratory as that, your idea would not be to make serum enough to supply it for anything except your own work?

"Dr. MELVIN. I do not think we would; no, sir. I do not think we could supply much outside of what we would need in the several States, because it is a tremendous proposition.

"Mr. HOWELL. You said 'in the several States.' Do you mean for your own work in the several States?

"Dr. MELVIN. Yes.

"Mr. REILLY. Dr. Melvin, are not several of the State universities and agricultural schools preparing to furnish serum for their own States?

"Dr. MELVIN. Yes, sir; some of them.

"Mr. REILLY. Is it not probable that all of them, after this is demonstrated, will do that?

"Dr. MELVIN. They will in a limited way, but I do not think they will be prepared so that all hog raisers can get it from them.

"Mr. HAUGEN. What amount would you suggest, then, for the next year's appropriation?

"Dr. MELVIN. It is a big problem; it would take probably half a million dollars to do it properly, in an extended way.

"Mr. TAYLOR. Why could you not take $100,000 to perfect your plant, etc., and $75,000 to keep your men that you now have? Why would not that cover it?

"Dr. MELVIN. That would hardly be in proportion. I think if we had a plant for $100,000, the other ought to be larger—a couple of hundred thousand dollars."

Dr. Melvin, Chief of the Bureau of Animal Industry, who has probably given the subject of eradicating hog cholera more thought and consideration than any other person, clearly points out the necessity of the production of and providing for a supply of the serum, at least enough to supply the department in carrying on its investigation and demonstration. He states that if the $75,000 appropriation is increased it will be necessary for the department to have much greater laboratory facilities, because the little equipment which it now has is sufficient to take care of the $75,000 appropriation only; that its plant is very small, put up of matched boards, the floor space not half the size of the committee room; that portable tin houses were bought and made into laboratories; that the State of Ohio has recently erected a laboratory costing $100,000, and that hereafter the State will be able to handle a great part of that State, but not all, for in his opinion four or five such laboratories would be required to produce serum sufficient for the entire State. He states that the department has been compelled to purchase serum for its own use and that an appropriation should be made sufficient to put up an up-to-date laboratory for the preparation of the serum. That with equipment costing at least $100,000 it would be prepared to take up work in probably 20 States, or, in other words, in one county of each of the 20 States, or 20 counties out of 2,500 counties in the United States, and that the proposed plan would require an outlay of probably $400,000 or $500,000. Also, that if he had a plant for $100,000 he could use a couple of hundred thousand dollars.

He further states, page 32:

"Dr. MELVIN. I do not think we ought to be expected to use serum except that which we feel fully satisfied is all right.

"Mr. HAUGEN. But you have a way of testing it, have you not?

"Dr. MELVIN. Well, it has to be tested in batches.

"Mr. HAUGEN. Yes.

"Dr. MELVIN. And that requires a good deal of work.

"Mr. HAUGEN. Is it not safe to assume that the States will furnish a serum that is properly made?

"Dr. MELVIN. Most of them would. I would be afraid to trust all of them."

I take it that no one will question the authority. If so, and if it is the purpose of Congress to aid the unfortunate hog raiser in saving his cholera hog, and to ultimately eradicate hog cholera, I take it that it will follow the advice of those with experience and expert knowledge in charge of the work. Dr. Melvin has made it plain that for every $300,000 appropriated for this purpose $100,000 should be appropriated for laboratory facilities. If his conclusions are well founded, Congress should set aside a couple of hundred thousand dollars for laboratory facilities out of the $500,000 carried in the proposed bill in order to enable the department to supply itself with the serum required. In support of Dr. Melvin's contention I quote Dr. Dorset, whom the bureau has placed in charge of the work:

Page 24:

"When our inspectors went in Montgomery County the 1st of July there were 65 outbreaks in the county. In order to carry out the plan we had mapped out, to treat the sick herds and inoculate herds surrounding, we would have had to treat immediately after the 1st of July not less than 300 herds in that one county. We had not the hog cholera serum to do that; we had only a little experimental plant, and that plant had to be enlarged after the 1st of July, so that the disease was getting along and a good many hogs were lost in herds that it was not possible for us to treat.

"The CHAIRMAN. Where is your plant located?

"Dr. DORSET. We have a small plant near Ames, Iowa. It has been there for nearly 10 years.

"Mr. HOWELL. Have you used only your own serum?"

Page 25:

"Dr. DORSET. No. We have used in Dallas and Montgomery Counties serum which we have made. In Missouri we have used a serum made by the University of Missouri, because we were unable to make enough serum to take care of Pettis County, as we found after the work was started.

"Mr. HOWELL. Do you know anything of the serum that is on the market, or have you used any?

"Dr. DORSET. Well, sir, I believe that the product on the market is variable in quality. Some of it is probably good and some of it is probably impotent.

"Mr. MAGUIRE. It is all made from your formula, is it not?

"Dr. DORSET. It is supposed to be, but I do not think it always is."

Also Dr. Dorset's statement as to its applicacy, page 23:

"The CHAIRMAN. Will you please tell the committee, Dr. Dorset, what you have accomplished in the year's work?

"Dr. DORSET Mr Chairman, we have only been at work for five months, and I feel that the work is not finished; that we have simply been organizing the territory. However, I did have our men take some statistics in these counties, and they have recently sent in their figures. The figures for 1913 are estimates, because the year has not yet ended, of course. But I wanted to indicate to the committee what had been accomplished, if I could. Shall I read them, Mr. Chairman?

"The CHAIRMAN. Yes.

"Dr. DORSET. First, Dallas County, Iowa: In 1911, they raised 77,274 hogs; they lost 11,337; percentage of loss, 12.7.

"Mr. HAWLEY. And are you sure that every hog was lost by hog cholera?"

Page 24:

"Dr. DORSET. No, sir; I am not sure. We have been obliged to take the total loss.

"Mr. HAWLEY. Presuming it was due to hog cholera?

"Dr. DORSET. Yes; we credited it all to hog cholera. In 1912 Dallas County raised 84,618 hogs and lost 19,821; percentage of loss, 18.9.

"In 1913, that is this year, Dallas County raised 118,550 hogs and lost 9,182; percentage of loss, 7.1. Now, with regard to the losses in Dallas County in 1913, 5,289 out of 9,182 died before the 1st of July, before our men went there at all, whereas 3,893 have died since the 1st of July.

"In Pettis County, Mo., there were raised in 1911, 62,590 hogs; lost, 13,740; percentage of loss, 18.

"In 1912 they raised 59,661 and lost 20,550; percentage of loss, 25.

"In 1913 they raised 59,792 and lost 10,376; percentage of loss, 14.

"Now, again, in Pettis County, of the 10,376 hogs that died in 1913, 9,035 died before the 1st of July. Our inspector did not go into that county until the 1st of August. I think a loss of only 1,341 hogs since that 1st of July in that county is a very gratifying showing, for there is every indication that that county would have lost at least three imes as many hogs as it did if our men had not gone in there."

If the testimony produced is to be accepted, if States or private concerns are not producing an adequate supply, if not even the States can be trusted in producing a potent serum, if spurious serum such as is being produced proves ineffective, and if potent serum can not be obtained even by the department to carry on the proposed investigations and demonstrations, much less by the hundreds of thousands of farmers suffering a loss annually from fifty to a hundred million dollars, there can be no question but that Congress should heed the suggestion—that is, to provide for adequate laboratory facilities to enable the department to produce the serum, at least to supply enough for its own use. In my opinion, a provision should be inserted in the bill providing that $300,000 of the sum so appropriated shall be set aside and used for the production, sale, and distribution, at the approximate cost of production, of antihog-cholera serum and thus enable the department to prepare the serum, not only for its own use but for use of others in preventing and curing the disease.

One objection raised to the manufacture, sale, and distribution of the serum by the Government is that the Government should not engage in business enterprises in competition with private business enterprises. Now that the Government for years has grown, purchased, and distributed in the aggregate millions of dollars' worth of vegetable and flower seeds, plants, and shrubbery, operating the biggest printing plant in the world, operating thousands of postal savings banks, and about to operate 8 or 12 Federal reserve banks, the President having recommended the building of railroads in Alaska, and the House about to pass a bill already passed by the Senate authorizing its construction, and already operating railroads in Panama, and a line of boats between Colon and New York, it would seem that the objection to setting aside a part of a $500,000 appropriation for the production, sale, and distribution of an article to meet an emergency of such importance was not well taken. While I am opposed to Government ownership and operation in general yet, if necessary to meet an emergency such as we are confronted with in this instance, it would seem advisable, as it appears the only course open to bring about results desired. A situation has been created, the department has prescribed the cure, but one that can not be made available except through the States and Federal Government. The testimony is that some 30 States and 75 or 80 private concerns are manufacturing the serum, but not all up to the standard. Not even the States can be trusted.

It is proposed that a more rigid and effective inspection should be provided; if so, it would insure the production of potent serum. I can not believe that a sane business man will invest his capital, manufacture, and sell an article in competition with States subsidized to the extent of $100,000 annually, selling its products at cost. If not, it goes without saying that when the proposed inspection is enforced and the manufacturers are compelled to manufacture serum up to the standard, none whatever will be manufactured by private concerns and the production of the serum will be confined to the States and Federal Government. The testimony is that the State of Ohio, with its hundred-thousand-dollar laboratory, the largest, will be able to take care of about one-fifth of the work in the State, other States with smaller appropriations and less facilities, many without any appropriations or facilities, will, under the conditions, be without aid save, perchance, the State might induce the department to cooperate with it in one of its counties. Applying it to my own State with 99 counties, which, according to reports received and compiled by the agricultural extension department of the Iowa State College, shows that farmers in the 99 counties of Iowa through the ravages of hog cholera during the year 1913 lost 2,827,907 hogs, valued at $28,278,070. Hogs marketed at a sacrifice due to cholera scare, 2,470,493, at a loss of $4,940,986. Loss to cattle feeders due to shortage of hogs, $500,000. A total loss to farmers of $33,720,056. According to this statement, my own county (Worth) lost 20,875, or 46 per cent of the hogs in the county. Another county in the district (Floyd) lost 28,456, or 46 per cent. Cerro Gordo County, 28,662, or 45 per cent. In the 10 counties in my district there were 116,111 hogs lost. In other districts: Sac County, 71,811, or 70 per cent; Story County, 30,616, or 38 per cent; Tama County, 31,608, or 28 per cent; Washington County, 25,302, or 25 per cent; Winnebago County, 18,551, or 44 per cent; Blackhawk County, 30,154, or 28 per cent; Boone County, 28,257, or 43 per cent; Buena Vista County, 60,147, or 66 per cent; Sioux County, 103,765, or 71 per cent.

This, I believe, is sufficient to illustrate what we may expect from the proposed legislation and under the proposed plan by the department. See Dr. Galloway's statement, page 4, hearings before subcommittee, February 4, 1914:

"Dr. GALLOWAY. Yes. I am developing this discussion to the end of eliminating everything on hog cholera from the regular appropriation bill and substituting an emergency measure. To carry out the work of inspection would require, as I indicated, approximately $50,000. That will enable us to put these men in the establishments."

Page 5:

"The CHAIRMAN. Now, Doctor, let me see if I get your idea. First of all you would use $300,000 in the matter of demonstration, to the satisfaction of the department, in the direction of eradicating hog cholera from a definite area?

"Dr. GALLOWAY. Yes, sir.

"The CHAIRMAN. You would use $50,000 in placing inspectors in serum plants to see that proper serum was being manufactured?

"Dr. GALLOWAY. Yes, sir.

"The CHAIRMAN. And, in the third place, you would use the balance—$150,000—in educational work among the people in cooperation with the States?

"Dr. GALLOWAY. Yes, sir.

"The CHAIRMAN. The States furnishing the serum?

"Dr. GALLOWAY. Yes; the States furnishing the serum.

"Mr. LEE. The States or the individuals?

"Dr. GALLOWAY. The States would furnish the serum."

Here we have the plan submitted by Dr. Galloway, the acting Secretary of Agriculture, and as such the highest authority, and of course the plan will be carried out unless specific directions are given. Dr. Galloway states, page 4:

"We have come to the conclusion that we could carry this work on with our existing serum plant in about 15 counties. If it is to be extended in additional counties, then we would of necessity have to enlarge our serum plant, and that would increase the amount to that extent. To do the work we require about $300,000."

On the other hand, Dr. Dorset states, page 20:

"Now, the work of the year has been located in four States—in Montgomery County, Ind.; in Pettis County, Mo.; Dallas County, Iowa; and in Gage and Johnson Counties, Nebr. The work in Nebraska so far has amounted to little except as a preliminary to real work which we hope to begin in the spring. We put one inspector in Nebraska about the 1st of November, I believe, and that is all we have done in Nebraska."

Page 25:

"Dr. DORSET. No. We have used in Dallas and Montgomery Counties serum which we have made. In Missouri we have used a serum made by the University of Missouri, because we were unable to make enough serum to take care of Pettis County, as we found after the work was started."

Dr. Melvin states, page 31:

"As it is, our original plant was a very small affair, put up of matched boards. The floor space was not half the size of this room. To provide for this work we bought some of these portable tin houses, put them up, and made them into laboratories. We are doing efficient work there, but there is nothing permanent to it; and it is not even on our own ground, but on leased ground. We had to put up temporary buildings; and, if we are to continue in this work for 10 or a dozen years, which seems probable, I think we should first start with a proper equipment and be prepared to show these manufacturers, and the State people as well, what, in our opinion, is a proper laboratory.

"Mr. TAYLOR. Why could you not take $100,000 to perfect your plant, etc., and $75,000 to keep your men that you now have? Why would not that cover it?

"Dr. MELVIN. That would hardly be in proportion. I think if we had a plant for $100,000, the other ought to be larger—a couple of hundred thousand dollars."

Whose statement will we accept? Dr. Galloway's, who states we could carry the work on with our existing serum plant in about 15 counties; or Dr. Dorset's, who states that the work of the current year was confined to 4 counties, that the work in 1 amounted to little—or simply to putting an inspector in the county on November 1—that the actual work of demonstration and eradication was confined to 3 counties, and that they were unable to make enough serum to take care of all 3 of the counties, but were obliged to purchase serum for 1. The reason given for purchasing the serum is that the $75,000 appropriation for last year was not available until the 1st of July, but Dr. Melvin states that it takes 10 days to prepare the serum, and ordinarily they would use it right away; and Dr. Dorset states, page 20:

"The plan of work was to secure cooperation of the State authorities, first of the State college and through the State college the extension department of the college, then the cooperation of the live-stock sanitary board or the State veterinarian. Our bureau was to place men in a certain area, which was to be selected, in which we would endeavor to demonstrate methods of eradicating hog cholera. The work then was planned along three lines: First, the education and the organization of the farmers in the district selected, to be carried out primarily by the State college. The second was to involve sanitation and restrictive regulations, to be enforced by the State veterinarian. The third part of our work was to be the active supervision by the Bureau of Animal Industry and the inoculation of diseased herds and exposed herds with the antihog-cholera serum.

"We have had a great deal of trouble getting these organizations started. Difficulties which the State colleges and others have not been able to overcome have made the organization very slow, and we have found ourselves, three or four months after the work began, without a suitable organization for carrying it on."

Page 6:

"Mr. HAUGEN. First you draw the blood from a cholera hog?

"Dr. MELVIN. You get your immune hog first, then you get your blood from a hog that is sick with cholera and inject a certain amount of that into this immune hog and produce what we call a hyperimmune, and then from him draw the blood and use that blood in this immunizing work.

"Mr. HAUGEN. That is mixed, I understand, with carbolic acid?

"Dr. MELVIN. That is merely to preserve it.

"Mr. HAUGEN. How long would that take?

"Dr MELVIN. That would take, I think, about 10 days.

"Mr. HAUGEN. Then you test it by applying it on a hog?

"Dr. MELVIN. Ordinarily they would use that right away. They do not test all of these different batches. Some do. Some take the blood and serum from several hogs and then try it to see whether it does protect or not. They inoculate a hog or two hogs with this diseased blood, and then also with the serum, to see whether it does render them immune or not. That is the proper way to do it."

According to the statement of Dr. Dorset, in charge of the work, it took months to secure cooperation with the State. He states that they had a great deal of trouble in getting the organizations started. The appropriation for the organization and the production of the serum was made available on the same date, and after the money was available for the serum months passed before it could be applied. It would seem that a board shack, half the size of the committee room, and a few small portable tin houses could be put together in a few months, allowing 10 days and even 6 weeks for the manufacture of the serum by a great department with thousands of employees and $75,000 available. If so, the reason given can not be accepted; but be that as it may, the fact is that Dr Galloway, whose word is properly law in the department in this instance, contends that $300,000—or $20,000 shall be allotted for each of 15 counties for work identical with that carried on in 4 counties last year; that the proposed work can be carried on in 15 counties with its existing serum plant, which Dr. Melvin and Dr. Dorset, in charge of the work, contend proved inadequate to provide serum for use in the 4 counties for carrying on work identical to that which it is proposed to do in 15 counties now.

Under the proposed plan, the 15 counties to be selected will receive aid to the extent of $20,000, or 15 out of the 2,500 counties will be partly provided for, and the balance, 2,485, must go without. As, for instance, Iowa was fortunate enough to receive the aid of one of the allotments for the current year for Dallas County. According to the report, 15,954, or 17 per cent, of the hogs in that county died. Dr. Dorset's statement is that only 9,182, or 7.1 per cent, died. (See p. 24.) The contention is that a large number of hogs were saved in Dallas County. Undoubtedly that is true; but while Dallas County was benefited, the other 98 counties were left to take care of themselves, and lost more than 2,800,000 hogs. In other words, the other counties helped to pay for the serum and expenses connected with the demonstration in Dallas County and were left to bury their own hogs. On the other hand, had the money allotted to Dallas County been used for the production, sale, and distribution of potent serum throughout the whole State, undoubtedly a large number of the 2,800,000 hogs that died in the other counties would have been saved. Besides, it must be obvious to all that when Iowa, the greatest of all hog-raising States, with a Government plant maintained in the State, with liberal annual appropriations made for the production of the serum, is not able to supply the demand, but loses through the ravages of hog cholera more than $33,000,000 in a single year, that other States with less facilities to combat the ravages of hog cholera are absolutely powerless in supplying the demand for the serum.

If so, if private concerns are not likely to supply the demand, and if potent serum is the only effective remedy found and has merit and will, when applied, cure or prevent cholera, then it is obviously necessary to make at least a part of the appropriation available for the production, sale, and distribution of a potent serum. Under the circumstances the department should prepare and keep on hand serum, if not enough to supply the demand, at least to do so as far as possible, to supply emergencies in States unable to supply the demand in the State. If $300,000 is set aside for that purpose as a working capital, it will enable the department to purchase or manufacture serum for sale at its approximate cost. From time to time, as the supply exhausts itself, the money would be coming in in proportion to the amount disposed of and made available for the purchase or manufacture of a new supply. Most likely it will prove inadequate to meet all emergencies that may arise, but that is not reason for not providing for a part of what is needed. The $300,000 will supply a large number and will be of inestimable value in saving millions of hogs.

It is contended that the language in the bill will give the department authority to manufacture and distribute the serum. S. 3439—that is, the proposed bill—appropriates the sum of $500,000 for the purpose of the investigation, treatment, and eradication of hog cholera, and for carrying on examinations and inspections authorized in regulating the preparation of the serum. Granting that it gives authority, it will be ineffectual, inasmuch as the department has clearly indicated what it proposes to do with the proposed appropriation, and that is to continue doing what it is now doing—to allot $300,000, or $20,000 to each of the 15 counties to be selected, $50,000 for inspection, and the balance, $150,000, for demonstration, including the expenses in Washington. That is the present plan suggested by Dr. Galloway, Acting Secretary of the department, and if approved of by passing S. 3439, as it is proposed to do, it will of course have to be carried through, and I take it that for that reason the language submitted in the Book of Estimates, page 18, which provides that part of the appropriation asked for may be used for the construction and equipment of an antihog-cholera serum plant was not included in the bill. Hence the department will have $500,000 to use—$50,000 for inspection of plants not likely to come into existence and $300,000 to demonstrate the value of a serum not available even for the use of demonstration.

I yield to the gentleman from North Dakota [Mr. HELGESEN].

Mr. HELGESEN. Mr. Speaker, the distinguished gentleman from South Carolina [Mr. LEVER], who is chairman of the Committee on Agriculture, has referred hastily to an amendment that I offered in the committee to the Senate emergency hog-cholera bill providing for an appropriation of $100,000 for the investigation, treatment, and eradication of a horse disease called "dourine." Dourine is of a syphilitic nature, and there is absolutely no cure for it. It is not a new disease. There was an outbreak of this disease in Illinois in 1888, and the Federal Government took hold of it and supposed that it had stamped it out, but one stallion infected with the disease was shipped into Nebraska and that brought about an outbreak there in 1892. They supposed that this had been stamped out eventually, but apparently they were mistaken, and some infected animals having escaped detection brought on another outbreak in 1899.

In 1901 they had a third outbreak there, which also went into South Dakota and got into the range horses on the Indian reservations, where it is very difficult to stamp out. In 1903 and 1911 they had outbreaks of this disease in Iowa, and there they succeeded in eradicating it so that it did not return. Now we have it very extensively in Montana and also in the western part of North Dakota, and there we have to deal with it largely on the ranges. The horse industry there is a very important

one, and the horses are raised under range conditions, where it is very difficult either to detect the disease or handle it, because the range horse has to be lassooed and thrown to the ground and held in order to get the necessary blood for the so-called "fixation test." There is no other way known, so scientists say, of discovering this disease but through a blood test. Hence you see how difficult it is to deal with the disease under range conditions.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. HELGESEN. I will.

Mr. STEPHENS of Texas. I desire to ask whether or not the quarantine law relative to diseases such as the Texas fever and other cattle diseases would be in force against this horse disease.

Mr. HELGESEN. It probably will when you discover the disease, but you first have to discover it.

Mr. STEPHENS of Texas. We have been quarantined for years against the cattle diseases, and it seems to me it should also apply to horse diseases.

Mr. HELGESEN. But you can not quarantine animals until you first find them.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. LEVER. I yield to the gentleman one minute more.

Mr. McKENZIE. Will the gentleman yield to me?

Mr. HELGESEN. Certainly.

Mr. McKENZIE. Will the gentleman inform the committee how this disease is carried from one animal to another?

Mr. HELGESEN. It is communicable through breeding. Now, I have a letter from the State veterinary of North Dakota, written February 10, 1914, in which he says:

The statistics of this disease as occurring in North Dakota are somewhat limited, but are sufficient to indicate to us that it would require considerable work and investigation in order to eradicate the disease.

The disease has been found in the following counties: Dunn, Williams, McKenzie, Billings, Bowman, Morton, and Emmons.

As has been previously stated, the work on dourine is simply preliminary. We found 27 stallions infected out of 203 examined; 77 mares infected out of 215 examined.

On the Standing Rock Reservation 165 animals have been destroyed on account of being infected with dourine. The inspection on the reservation was not complete, and it is anticipated that there are still quite a number of animals there that are diseased. We expect to cover this territory during the coming season.

The amount of work done has been much larger in the State of Montana, and of course it has been determined that the disease exists to a great extent in that State. I have wired Dr. Butler, the State veterinarian of Montana, to forward you his statistics.

On account of the insidious nature of this disease animals may be used for work for quite a period, and it makes it quite a difficult proposition to condemn the animals unless there is some provision made for indemnifying owners for the loss when the animals are destroyed. It is generally considered that this is the only method to properly eradicate the disease.

Proper supervision could not be kept over the large number of animals that may be quarantined, and they would be changing hands, and in this way the disease would continue to spread.

I might further state that we have found the disease quite extensive in one particular herd, which comprises some 600 mares. We found all the stallions, 6 in number, affected with dourine, and reports indicate that 6 stallions have died from the disease during the past 2 years. Out of the limited number of mares we have tested of this herd we have found over 50 per cent diseased, and we must presume that this will be the condition found when the balance of the herd has been tested.

He also reports that out of 360 animals tested on Standing Rock Indian Reservation, in North Dakota, 113 mares were killed and 23 stallions castrated.

In a letter from Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, written February 14, 1914, he says:

It is very important that the bureau shall be able to begin an active campaign in this eradication work as soon as practicable in order that the force working on dourine may be fully organized and in operation before the season for the spring round-up opens, as most of these inspections have to be made under range conditions.

This indicates the necessity for an appropriation that will be immediately available, for unless we can segregate the diseased animals before the breeding season opens thousands of additional animals may be infected.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. HELGESEN. Certainly.

Mr. DOOLITTLE. The gentleman said the symptoms were not discernible. He means in the early stages?

Mr. HELGESEN. Yes; in the early stages of the disease. As the Bureau of Animal Industry says that there is no remedy for this disease except "ruthless slaughter," and as the conditions in Montana, Wyoming, North Dakota, South Dakota, and Minnesota are as they have now been described to you, I hope that my amendment will prevail.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, doubtless there are Members who will think this appropriation unnecessarily large—$500,000—for the investigation, treatment, and eradication of hog cholera. Even a cursory consideration will remove, I am sure, such misapprehension. Swine production is not only one of the farmer's principal sources of profit, it is also the source of one of the principal food products of mankind. It is believed that in the increased production of swine lies the most promising method of maintaining the meat supply of the world. The pig will grow in any climate and under almost any conditions. It is prolific and reaches an early maturity. Pork products appeal to all classes; to the laborer, as well as to the epicure; to rich and poor alike.

Especially is it an important American product. In 1912 the number of swine in the United States exceeded 65,000,000. One-third in number and one-half in value of all the swine in the world are produced in the United States. We annually contribute more of this great food product to the world's supply than any other four nations combined. Every State is a producer, but the number varies very greatly—from nearly 10,000,000 in Iowa to less than 25,000 in Arizona. I submit a table showing the distribution in the various States.

Number of hogs in the United States Jan. 1, 1912.

10 principal States.	Number hogs.	Value.
Iowa	9,689,000	$94,952,000
Illinois	4,640,000	40,832,000
Missouri	4,491,000	31,437,000
Nebraska	4,267,000	37,550,000
Indiana	4,031,000	31,039,000
Ohio	3,578,000	29,341,000
Kansas	2,808,000	22,183,000
Texas	2,544,000	16,027,000
Georgia	2,098,000	14,057,000
Wisconsin	2,051,000	19,690,000
Total, 10 States	40,197,000	337,107,000
Total, other States	25,213,000	186,221,000
Total, United States	65,410,000	523,328,000
Total, United States, Jan. 1, 1913	61,178,000	603,109,000
Total, United States, Jan. 1, 1914	58,933,000	612,951,000

It will be noticed that the numbers for the years given are steadily declining. The percentage of decrease from January 1, 1913, to January 1, 1914, was 3.7. This decrease was due in a large measure to the prevalence of hog cholera.

While the number of hogs produced has declined, the price has increased. The average value per head January 1, 1914, was $10.40, or 5.5 per cent above the average value on January 1, 1913, and 13.4 per cent above that of 1910. While the total number in two years had decreased 6,477,000, the total value had increased $89,623,000.

There is considerable variation in the price. While the average value for the whole country, as before stated, is $10.40, the average for Connecticut is $16.20, for Iowa $12.60, and for Arkansas $7.40.

That a matter affecting seriously a food product universally used, of over $600,000,000 in value, produced by every State in the Union, is of grave national concern does not need to be proven.

NATURE OF THE DISEASE.

Hog cholera, or swine plague, is a virulent, deadly disease, almost certainly fatal when fully developed. It is both contagious and infectious. Although it has been known and dreaded for many years, it is only recently that any reliable knowledge of the disease has been ascertained. We now know that it is caused by a microorganism that exists in the blood. It is so small that the most powerful microscopes are unable to identify it. However, its existence is demonstrated by many tests. It has been shown that the disease never exists without giving evidence of its originating germ. Dr. Melvin, Chief of the Bureau of Animal Industry in the Department of Agriculture, says:

It is just as impossible to have hog cholera develop without the germ being present as it would be to grow corn without the seed being present. * * * It can not originate spontaneously any more than corn can grow in a field where no seed has been planted.

It is exceedingly difficult to eradicate because it is so easily transmitted. It is not only carried by contact, but by birds, dogs, streams, and even by the feet of men going from one farm to another. It is carried on the roads and on the railways, until it is distributed over the entire Nation and probably exists in every State.

It is most prevalent in the late summer and fall. The frosts of winter seem to stay for a time the ravages of the disease, so that early in the spring it is at its lowest ebb; but from that time it increases rapidly until fall.

The disease does not seem to affect one particular breed of hogs more than another. Generally the careless farmer is more apt to have the disease among his herd than the careful one, but sanitary conditions and the best of care are not protection against infection.

It has been generally believed until late years that the disease was difficult of diagnosis. With our present knowledge it may be easily identified. Indeed, it is believed that at least 90 per cent of all deaths of hogs from disease are caused by hog cholera. In a recent bulletin issued from the Department of Agriculture at Washington the farmer is advised:

Remember that hog cholera kills millions of hogs where other diseases kill thousands. Dismiss from your mind all thought of such diseases as "lung plague," "infectious pneumonia," "pig typhoid," etc., for these are generally merely fanciful designations given to hog cholera by uninformed men.

EXTENT OF THE DISEASE.

As early as 1833 there appeared in Ohio the disease now known as hog cholera. Since then it has taken its yearly toll of death and consequent loss almost without interruption and with constant increase until last year, when it reached a tremendous total, greater than ever known before.

The losses from this one cause to the farmers of America are so large as to appear extravagant. A national live stock association, after a careful investigation, placed the average annual loss for the last 40 years at over $40,000,000. It is almost certain that last year the loss exceeded $100,000,000. Prof. Kennedy, of the Iowa Agricultural College, says of the losses of 1912:

The national hog-cholera loss last year was 900,000,000, or 1,000,000,000 pounds of meat. This was 10 pounds per capita. Iowa's loss was 150,000,000, or 62 pounds per person, and was more this year. * * * Iowa's loss this year would be $20,000,000.

Indeed, a later estimate made by Prof. Kennedy of Iowa's loss last year exceeds that amount. From reports received from every county in that State for the year 1913 he estimates the loss through hog cholera alone in number 2,827,907; value, $28,279,070. He further estimates that 2,470,493 hogs were marketed at a sacrifice for fear of infection at a loss of $4,940,986. He also estimates a further loss to cattle feeders, due to the shortage of hogs to follow the cattle, at $500,000.

These estimates may seem fanciful to some, but the loss is actual, and the number of dead hogs resulting from an attack of the plague can be readily ascertained.

Something of the devastating nature of the disease can be understood from the returns from some of the Iowa counties. Thus Sioux County lost 71 out of every 100 hogs, or a total loss for that county alone of 103,765. Sac County lost 70 out of every 100; Plymouth, 64; Lyon, 70; Hancock, 66; Buena Vista, 66; Kossuth, 69. Twenty-two of the ninety-nine counties of the State lost over one-half their hogs last year.

These losses are not confined to one State. The plague is found in every State where hogs are produced. Losses are greatest in States where production is greatest.

It should be understood that these losses are not limited in their effect to the farmer alone. To lose in a single year 10 pounds per capita of the country's meat supply is a national calamity. It affects every citizen. As is well stated in the committee report accompanying this bill:

The losses entailed by hog cholera are of interest both to producer and consumer. The city man can no more escape the burden of this scourge than can the country man. All interests are concerned most directly and vitally.

THE REMEDY.

As early as 1878 the Department of Agriculture took up the study of diseases of swine along with that of other domestic animals. Little progress with regard to swine diseases was made for several years, and each year the losses increased. In 1885 the department arrived at the conclusion that the principal cause of such losses was due to a disease which was identified and thereafter known as hog cholera. It was thought the cause was a bacterium found in the tissues of infected hogs, which was named the hig-cholera bacillus. The Bureau of Animal Industry began a vigorous prosecution of laboratory investigations and field experiment in an endeavor to find a remedy. It was finally determined that the so-called hog-cholera bacillus was not the cause of hog cholera, but merely an accessory factor; that the true cause was a microorganism which is taken into the blood and other fluids of the body and there developed; that the disease can not be spontaneously acquired, but is invariably caused by the introduction of the microorganism; that hogs that recover from the disease are thereafter immune.

Upon this basis of facts the work of discovering a remedy was thereafter intelligently prosecuted. In 1905 the bureau began experiments with immune hogs. They injected immune hogs with large quantities of blood from hogs sick with the cholera. It was found this did no material harm to the immune hog. Then blood was taken from the immune hog and this blood was taken to protect hogs not immune and not infected. As a result the following facts were demonstrated:

1. When hogs immune against hog cholera are injected with blood from hogs sick of hog cholera the blood serum of the immune hog acquires the power to protect hogs not infected.

2. The serum thus secured may be used to protect susceptible hogs in two ways: (a) The serum alone is injected; this confers an immunity lasting from three weeks to two months. (b) The serum is injected with a minute amount of blood taken from a hog sick of hog cholera; this is known as the simultaneous method, or double treatment, and it produces an immunity which lasts for many months, if not for life.

3. The serum is essentially a preventive. It does not cure hogs already seriously sick, but it may be used successfully as a cure if administered in the very early stages of the disease.

This treatment is now approved by all Government and State experts and is recognized as the only method of successfully combating the disease. Unfortunately, however, the remedy is not cheap, is difficult to prepare, requires expert administration, and is easily adulterated.

As a result of experiments which the Government conducted in Iowa, it was found that when an infected hog was introduced in a herd some of which were treated and some not, only 4 per cent of the treated hogs died, while 89 per cent of the untreated hogs died.

Last year the appropriation did not become available for Government work until July 1, and the cholera was well advanced in the infected States by that time. The results of the Government experiments showed that as a preventive merely the number of healthy hogs treated with serum alone in Pettis County, Mo., was 3,825. Of these, 6 died. In Montgomery, Ind., 943 were treated and 33 died. The average loss was eight-tenths of 1 per cent. With the double treatment, out of a total treated, 36 died, a loss of five-tenths of 1 per cent.

On diseased hogs they experimented with serum alone, and in Pettis County 3,801 were treated, of which 597 died. In Montgomery County 2,797 were treated, and 610 died. In Dallas County, Iowa, 4,959 were treated, of which 1,693 died. Of 11,557 diseased hogs treated 2,910 died, with the serum treatment alone; 7,026 were treated with the double treatment, of which 204 died, a loss of 2.8 per cent.

These and other experiments still more favorable seem to demonstrate the value of the serum treatment as a preventive and, to a certain extent, as a cure.

On the other hand, there have been many unfortunate experiences of those who have tried the serum treatment, and have lost both the money paid for the serum and their hogs. Indeed there are many who believe the serum treatment harms rather than helps. It is believed by those who are hopeful of the serum treatment that such unfortunate results as have occurred from the use of the serum are the result rather of poor serum or maladministration than of any incompetence in the remedy. In any event, a survey of the whole field seems to warrant the conclusion that the serum treatment now appears the only hopeful method of combating the disease.

That this is true is evidenced by the widespread, and it may be termed official, adoption of the serum treatment. Not only have the national authorities adopted it, but more than 30 States have already taken part in the work of testing, preparing, or distributing the serum. Iowa has invested $48,000 in a laboratory for its preparation; Ohio, $100,000; and other States less amounts.

DIFFICULTY IN OBTAINING GOOD SERUM.

The difficulty in obtaining pure serum is now the greatest obstacle to be overcome. To secure the remedy of a standard potency and free from adulteration requires either strict Government inspection or Government preparation. To guard against adulteration and bogus serum, manufactured and sold by private parties, we passed a law last year making it unlawful to place on the market "any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals." We also gave the department power to make rules and regulations regarding such production and to inspect the product of private

manufacturers of such serums. Under this law no serum shall be sold that has not been prepared under the authority of a Government license. The present bill carries a special provision to carry out this work and appropriates $50,000 therefor. It is quite likely the amount is inadequate to prevent the sale of impotent, adulterated, or bogus serums. There is a widespread belief that no serum should be allowed to be sold that has not either been prepared or directly inspected by either the national or State officials.

It is the belief of Mr. HAUGEN, Representative from Iowa, ranking Republican member of the Committee on Agriculture, and himself a practical farmer, that the appropriation which is carried in this bill should be mostly devoted to the preparation or purchase by the Government of serum and its distribution or sale to the people. It is his belief that by a cooperative effort on the part of the National Government and the States more could be accomplished in this way than by further experimentation and demonstration work. There are many who share his view.

Prof. G. R. Bliss, in charge of the cooperative work of the Government and State in Scott County, Iowa, writes:

We have lost annually millions of dollars' worth of hogs during the past three years. There has been a great scarcity of serum, and that manufactured by State or Government laboratories was practically impossible to get. You probably know that the serum put out by private concerns is not always reliable and that many bad results have been secured from the use of such serum. A farmer frequently invests about $1 per pig for serum, and has absolutely no way of knowing whether or not the material injected is of any value. If from a State or National laboratory, where it has been thoroughly tested, he can be fairly sure of the strength and purity of the serum. Because of this uncertainty thousands of farmers have hesitated about treating their herds, and have lost them as a result.

Prof. Bliss is thoroughly convinced of the value of the serum treatment, and gives the following useful suggestions on the subject in a pamphlet sent out to the farmers:

No cure for hog cholera has ever been found, and there is only one positive preventive—the serum treatment.

Some farmers may think they know how to keep hog cholera from their premises for years by certain methods of feeding, breeding, disinfecting, or sanitation, but we have seen dozens of such finally overtaken by the disease. There isn't any medicine or precaution of any kind except the serum treatment which can be relied upon. The cholera germ is no respecter of persons or methods.

Hog cholera is no joke. The man who thinks he can let the disease run its course and save most of his hogs is generally doomed to disappointment. Natural and inherited immunity is all that will save him. He who saves 15 per cent is fortunate above the average.

In most cases a man does not realize how sick his pigs are at first, and neglects treating them until it is too late.

The success of the serum treatment depends on the following factors: Strength and cleanliness of the serum, amount of disease in the herd, amount of natural immunity present, coolness of the weather, cleanliness of the premises, kinds of feed given, etc.

The three most important factors which determine life or death are all variable and almost impossible to control. They are the strength of the serum, the deadliness of the cholera germ, and the amount of natural or inherited immunity present.

A pig sick with cholera needs clean quarters, no dust, plenty of cool, clean water, fresh slop or milk, good pasture (clover or alfalfa is best), and no corn.

The symptoms of chronic cholera are as follows: Loss of appetite, coughing, hard breathing, constipation, and disposition to lie in sheds in the early stages. As the disease progresses the curl leaves the tail, the ears droop, the animal gets thin and weak, staggering as it walks, the eyeball is bloodshot, and the eyelids often gummed so that the pig acts as though blind. Sometimes the head is held to one side. In the last stages the bowels are very loose and the excrement green and watery.

It is evident that merely issuing a license to a company to manufacture serum will not insure either the potency or the purity of the product. There must be efficient inspection, and, it may be, personal supervision by officials in order to secure satisfactory results. It is to be hoped that the experience that will be obtained this season under the provisions of this bill will enable us to certainly determine just what is needed. Referring to this matter, Prof. W. J. Kennedy, of the Iowa Agricultural College, writes:

Up to the present time our commercial serum has never been properly tested. The Federal Department of Agriculture issues a license to plants doing an interstate business, but that is not enough. We should have a man placed at each of these centers or plants to test every drop of serum or virus made and sold, just the same as we have Federal meat inspection at our packing plants. This would help in the following ways:

1. It would standardize serum and virus; something that is absolutely necessary at this time. Just as long as there is such a wide variation in the potency of serum and virus as has prevailed during the last two years, there will be a lack of confidence among farmers concerning the efficiency of the serum treatment of hogs against cholera.

2. It would make it possible for the farmers to distinguish between real serum and the many fakes, so-called serums, and hog-cholera cures that have been so generally peddled from farm to farm by agents, many of whom were carrying the disease from infected to healthy herds.

3. It would prevent the outbreak of the disease caused by the use of a poor grade of serum with good virus where the simultaneous treatment was used.

4. The fact that the serum and virus were Government tested would insure their usefulness, greatly enlarge the demand, and thus naturally reduce the losses from the disease.

Wallace's Farmer, a leading agricultural journal of the Central West, says:

It is now several years since Drs. Dorset and Niles, of the United States Department of Agriculture, gave to the public the result of their investigation of the diseases known as hog cholera and swine plague, and demonstrated by careful experiments conducted in different parts of the country that they had discovered a method by which these diseases, or this disease, could be controlled by inoculation. Their claims for this method seem to have been fully sustained by careful experiments conducted at various experiment stations and elsewhere. There seems to be no doubt but that this method, if carefully followed, will prevent hog cholera, and it is probably not too much to say that the disease could be stamped out if the authority and the funds necessary were placed in competent hands.

It is my belief that this bill will aid in the accomplishment of that most desirable result. I shall support it, and hope to see it pass.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, as a rule I am not in favor of large appropriations of money and never unless I believe it is absolutely necessary. But in this case I am in favor of this appropriation. As the distinguished chairman of the committee said awhile ago, this question of hog cholera affects the food supply of the whole country. A great many people are complaining about the high prices of meat, beef, pork, and mutton, and that condition will continue to exist until we get more cattle and more hogs in the country. The number of hogs that have died every year on account of cholera is appalling. I want to take the time to give you a concrete example. In the county of Pettis in my district I have the figures on the loss of hogs from cholera for the last three years, and they astounded me and doubtless will others who have not taken the trouble to look it up.

In 1911 there were 13,740 hogs died in that county from cholera. In 1912 there died 20,550. In 1913 there died 10,376, making a total loss of 44,666 hogs in this one county in three years. Something ought to be done to stop this great waste. I believe the Government can not do better than to aid the farmers in the country who feed the world in preventing this terrible destruction in one of the prime food products of the country. Consider for a moment the financial loss. I figured the price of hogs at 8 cents a pound and I believe the department makes it 8½. I figured the weight of the hogs at 100 pounds each and I am sure it will be nearer 200 pounds each, for they do not raise scrubs in that county.

But even at these conservative figures we have this appalling statement of the losses of hogs in this one county, as follows:

Year.	Died.	Weight.	Price per pound.	Loss.
		Pounds.	*Cents.*	
1911	13,740	100	8	$109,920
1912	20,550	100	8	164,400
1913	10,376	100	8	83,008

Total loss for three years, $357,328.

The report shows that for the year 1913 the loss was only 1,341 hogs, which died in that county after July 1. I am also informed that the Government agent did not get into that county until about August 1. I think therefore we can fairly attribute the great decrease in the loss of hogs from cholera in that county during the late summer to the intelligent work of a Government expert.

If the farmers of this one county lost in three years hogs easily worth $357,328, then the total loss to the farmers throughout the United States must have been well up into hundreds of millions of dollars. If the Government has found or can find a way to eradicate or prevent this disease and thereby conserve this valuable meat supply, we can well afford to give them the money to do it with, and I am therefore in favor of this appropriation.

Mr. LEVER. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. METZ].

Mr. METZ. Mr. Speaker, I want to point out the need of inspection of the plants making this and other serums. I know something about this, because I represent the largest manufacturer in Europe and import more serum than anybody else in the United States. The German Government has an inspector in every plant, and they test every batch. The Government guarantees it. In this country there is no such inspection or control. While I was comptroller of the city of New York one manufacturer bought from the board of health diphtheria serum

and put it up and sold it as his own, and then kicked because the city went into competition with him.

There ought to be Federal inspection of all these serums that go into interstate commerce, and the only way to get that is to have a Government inspector in the plant, and then you will have a guaranty that the stuff goes out right. St. Louis, I believe it was, put out a diphtheria antitoxin some years ago, and while it cured diphtheria it gave the people lockjaw, because the horses used in the preparation of the serum were not first tested for lockjaw and happened to have the lockjaw germ in them. It is most essential and necessary to have the plant under Government control before a particle of serum is put out for any purpose, and I approve of that part of the bill.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SHERLEY. Mr. Speaker, I would like to make an inquiry of the gentleman from Iowa [Mr. HAUGEN]. Apparently this division of time is being made between those representing various degrees of advocacy of the bill, and those of us who would like to look at the other angle of it have not an opportunity to be heard. I would like to have a few minutes in order to get some information about the bill.

Mr. HAUGEN. Mr. Speaker, the gentlemen who have addressed the House have tried to enlighten the gentleman from Kentucky, and if they have failed it is not my fault.

Mr. SHERLEY. Nor is it mine, but I would like to have the opposition to the bill have an opportunity to be heard.

Mr. HAUGEN. If the gentleman is in opposition to the bill, he is entitled to be heard. I did not know that anyone was opposed to the bill. Of course the gentleman is entitled to be heard if he is in opposition to the appropriation.

Mr. SHERLEY. I certainly am opposed to it so far as the information given indicates its purpose. I am opposed to buying serum and giving it to people who can afford to buy it for themselves.

Mr. LEVER. That is just what we are trying not to do.

Mr. HAUGEN. I yield time to the gentleman.

Mr. SHERLEY. How much?

Mr. HAUGEN. Three minutes.

Mr. SHERLEY. Mr. Speaker, what I want to submit to the House is simply this proposition: We are proposing to appropriate the large sum of $600,000, though one gentleman says that that is an insignificant sum. It may have become so in Congress. We have gotten to the point where any amount of money can be appropriated and apparently it is insignificant. I have no objection to spending any money that is necessary for Government investigation, but I think there is a clear line to be drawn between an investigation in order to enable the individual citizen to control a disease of cattle and supplying people with the medicine to control it after the investigation has been made.

Mr. LEVER. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Just one moment. I may be misinformed but from what I have heard here and have tried to find out, it is proposed to make a particular serum and give it out to be used for the treatment of this disease. If that is not so, what is the purpose of the bill?

Mr. LEVER. Let me give the gentleman what the department says it wants to do with this money. First, it is for demonstrating the practicability of eradicating hog cholera from selected sections of the country—15 counties.

Mr. SHERLEY. Right there—has not the efficacy of this remedy already been demonstrated for years past?

Mr. LEVER. No; it has not.

Mr. HAUGEN. Why, certainly it has.

Mr. BOOHER. I want to say to the gentleman that it has been demonstrated in my section of the country.

Mr. SHERLEY. I know I have heard it stated here repeatedly in years past that it had been demonstrated. What is the second ground?

Mr. LEVER. For the supervision of private serum plants, so as to protect the farmers against the use of spurious and dangerous serums.

Mr. SHERLEY. How much money for that purpose, and what is the method by which you are going to do it?

Mr. LEVER. Fifty thousand dollars for that purpose.

Mr. SHERLEY. I might vote for that $50,000, particularly if you would arrange the way it is to be done instead of simply saying that it is going to be done. What is the rest?

Mr. LEVER. For demonstrational and educational work among the farmers in cooperation with the States, in order to bring about a better understanding of the disease and the approved methods of combating it. There are three propositions.

Mr. SHERLEY. Do not take my three minutes. The opposition to this bill is getting 3 minutes out of 40.

Mr. ANSBERRY. But there is only one person in opposition to it.

Mr. SHERLEY. Perhaps there would be more if we had that side of it discussed. The point I make is that we ought not to come in here with a bill appropriating $600,000, with 20 minutes debate on a side, 40 minutes in all, 37 of it being used by those who advocate the bill to tell what a good thing it is and 3 minutes in opposition. I am perfectly willing to appropriate money for investigation, but there ought to be a line drawn between the Government doing the work that the individual can not be expected to do and the Government doing everything for the individual whether he can do it or not. Take this matter of serum——

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Can I get any more time?

Mr. HAUGEN. That is all the time I have. If the gentleman had spoken earlier, I would have been glad to give him time.

Mr. SHERLEY. I spoke as soon as I got a chance at the bill.

Mr. TOWNER. Can not the gentleman from South Carolina give the gentleman from Kentucky more time?

Mr. LEVER. I can not. I have no time left. I yield to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Speaker, I look upon the passage of this measure as purely a business proposition. We are told that the annual loss in this country from hog cholera is over $50,000,000. If, by the expenditure of a reasonable sum of money and by active, close cooperation with the States, this great loss can be materially reduced, and well-informed specialists tell us that in time it can practically be eradicated, then by all means let us make this appropriation of $500,000 and allow the good work to go on without delay.

It has become the established policy of the General Government to give aid to the States in combating evils with which they can not effectively deal single-handed and alone. The Agricultural appropriation bill this year will carry an appropriation of about $375,000 to fight the cotton-boll weevil, nearly $300,000 to prevent the spread of the gypsy and brown-tail moth, $400,000 for the extermination of the cattle tick, and $625,000 for quarantine work and the eradication of diseases of cattle and sheep. The ravages of the boll weevil and cattle tick are confined to the South, the gypsy and brown-tail moth to the New England States, diseases of cattle and sheep principally to the Southwest and West. No one doubts the wisdom of these expenditures, and all will agree that much good is being accomplished by assisting the States in fighting these evils. How much stronger must be the appeal to us which comes in behalf of the extermination of hog cholera, a scourge which is found in every State in the Union. The greatest losses, of course, are found in the large hog-producing States. In Iowa alone, in 1913, the loss from hog cholera is estimated to have been $15,000,000, while in each of the States of Illinois, Indiana, and Missouri the loss amounted to over $5,000,000.

Beef, mutton, and pork constitute the great meat supply of the Nation. Beef and mutton are important, but it is an undisputed fact that pork—hog meat—is the basis of the every-day meal of the average family, and is more generally used than any other meat. If we can be of assistance in the eradication of hog cholera, and thus increase the meat supply of the country, it is our duty to do it. The statistics of the Agricultural Department show that the number of hogs is constantly decreasing. Last year, while the number of hogs was less, the value, because of increased prices, was greater than in preceding years. With increasing values and increasing demands because of the increase of population, one would naturally think that production would be stimulated, and that farmers would turn their attention to the raising of more hogs; and they would but for the ever-present fear of the dread disease—hog cholera. The farmer who has felt the effects of this scourge and who has lost large numbers from this disease is slow indeed to reembark in the business of hog raising. He prefers to turn his attention to something where the risk is not so great. If the losses from hog cholera can be lessened and in time the dread disease practically eradicated, the farmers of the country will be encouraged to turn their attention to the raising of hogs, and that industry will once more become a very profitable part of the work on every farm in the land.

The matter of handling a disease which entails the loss of many millions of dollars upon the principal meat-producing

animal of the country presents a problem nation-wide in its scope. The losses which occur from hog cholera affect the consumer as well as the producer—the man who lives in the city as well as the man who lives on the farm. All interests are alike centered in the question of ridding the country of this great evil.

There is no doubt in the minds of those who have made the subject a study but that hog cholera can be reduced, controlled, and in time substantially eradicated. During the last Congress our committee recommended an appropriation of $75,000 to be used to demonstrate the best method of preventing hog cholera. Under this appropriation the work was taken up in four counties located in the great hog-producing States of Missouri, Iowa, Indiana, and Nebraska. The appropriation was made late in the session, hence the work in these counties could not begin until near the middle of the summer of 1913. I will discuss only the station located in my own State of Missouri. This was established in Pettis County, and the plans were such that the demonstration extended over the entire county. The result of the work of eradicating hog cholera in Pettis County by the Department of Agriculture is intensely interesting. During the first six months, up to the 1st of July in 1913, before the Department of Agriculture began its work, the loss in that county was a little over 9,000 hogs. During the last six months of the year, after the work of the department had been thoroughly inaugurated, the total loss amounted to only about 1,000 hogs. This demonstrates conclusively that this disease can be controlled and practically eradicated.

In my own State the work has been taken up by the legislature, working through the State agricultural college. The last legislature appropriated $50,000, and a farm near the agricultural college at Columbia, consisting of 87 acres, has been purchased. Upon this farm will be erected suitable buildings, and the agricultural college of the State will manufacture the serum and supply it to the farmers of the State at its actual cost. What has been done in Missouri is being done in other States. Ohio has recently appropriated $100,000 for the establishment of a modern plant to take care of the disease in that State, and when the matter of the prevention or cure is thoroughly demonstrated it will be taken up by the legislatures of the other great hog-producing States.

There is another feature of this bill to which I wish to call special attention, and that is the provision which gives the Government authority to examine and inspect establishments which manufacture hog-cholera serum. This will enable the Department of Agriculture to place inspectors in these factories, and they will prevent the interstate shipment of serums until by careful tests they are convinced that the potency and effectiveness of such serums can be guaranteed. Thus the interstate shipment and sale of worthless "hog-cholera cures" will be prevented and the farmers protected from dangerous serums which often result in spreading the disease instead of preventing it.

In conclusion, Mr. Speaker, I will say that the United States now produces one-twelfth of the sheep, one-eighth of the cattle, and one-third of the hogs of the world. We produce more hogs than any other four nations combined. We can, by the appropriation of the money herein provided and by earnest and hearty cooperation with the States, greatly reduce the losses and ultimately rid the hog-raising industry of its greatest enemy; in fact, its only enemy—hog cholera. As I said in the beginning, it is purely a business proposition. I sincerely hope that this bill will pass.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker and gentlemen, I will address my remarks chiefly in an effort to answer the statements made by the gentleman from Kentucky [Mr. SHERLEY]. The great difficulty in the treatment and eradication of hog cholera is because it is so easily spread. It has been shown to have been carried by birds flying from an infested lot over to a lot that was not contaminated with hog cholera. It is tracked in from one farm to another on the shoes of people. It is brought in at times by live stock other than hogs. Horses coming from one farm which has hog cholera to another farm track the germs in on their hoofs. It is spread by hogs which are infected being shipped in cars on a railroad or in wagons and the dirt dropping out along the right of way and along highways. It is spread in these and other ways. It is for the purpose of bringing about a more intimate knowledge of how it is spread, its treatment, perfection of a cure, inspection of serum and serum plants, and at the same time to show how the disease may be eventually stamped out.

Mr. BARTON. Will the gentleman yield for a question for information?

Mr. DOOLITTLE. I will.

Mr. BARTON. The gentleman says there will be 14 or some 20 counties that will demonstrate the application of this serum. Now, who will select those counties? Are they scattered over a State or concentrated in one or two places?

Mr. DOOLITTLE. It will be at the discretion of the Department of Agriculture. Along that line, I will say that it is a very difficult problem to combat hog cholera, and by exerting efforts in particular localities it may be demonstrated that it is possible to drive it out entirely. The mortality rate of hog cholera is as high as 100 per cent, and I have personal friends in the fourth district of Kansas who have lost every one of their hogs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, the importance of this appropriation and the emergency demanding its speedy passage are based upon the following facts:

The United States has more than one-third of the swine in the world. It has more than any other four nations combined. Recent estimates show us to have not more than one-eighth of the cattle nor more than one-twelfth of the sheep. Our swine furnish more than 75 per cent of our meat products for export.

Swine are more generally grown and more evenly distributed throughout the United States than any other food animal, as the following tables demonstrate:

Estimate of losses from hog cholera for the year ending Mar. 31, 1913.

[Based on data compiled by Bureau of Statistics, Department of Agriculture.]

State.	Number of hogs estimated in State Jan. 1, 1913.	Number of hogs lost by hog cholera.	Percentage lost due to hog cholera.	Total value of hogs in State Jan. 1, 1912.	Value of hogs lost by hog cholera.
Maine	101,000	1,363	1.35	$1,162,000	$15,700
New Hampshire	53,000	954	1.80	556,000	10,000
Vermont	111,000	3,996	3.60	1,110,000	40,000
Massachusetts	117,000	3,685	3.15	1,322,000	45,000
Rhode Island	16,000	259	1.61	192,000	3,100
Connecticut	60,000	2,592	4.32	606,000	30,700
New York	777,000	20,279	2.61	7,925,000	206,900
New Jersey	165,000	5,940	3.60	1,864,000	67,100
Pennsylvania	1,141,000	37,995	3.33	11,410,000	380,000
Delaware	59,000	4,048	6.74	425,000	29,200
Maryland	345,000	23,284	6.74	2,760,000	186,300
Virginia	880,000	31,680	3.60	5,544,000	199,600
West Virginia	303,000	13,394	3.09	2,432,000	89,600
North Carolina	1,405,000	55,638	3.96	10,397,000	401,700
South Carolina	737,000	43,038	5.40	6,376,000	344,300
Georgia	2,098,000	169,938	8.06	14,067,000	1,138,600
Florida	954,000	85,860	9.00	4,961,000	446,500
Ohio	3,578,000	225,414	6.30	29,340,000	1,848,400
Indiana	4,031,000	453,487	11.25	31,030,000	3,491,900
Illinois	4,640,000	897,840	20.35	40,832,000	7,901,000
Michigan	1,382,000	49,752	3.60	11,747,000	422,800
Wisconsin	2,031,000	51,686	2.52	19,690,000	496,200
Minnesota	1,702,000	47,440	2.70	17,701,000	493,400
Iowa	9,689,009	697,708	7.20	94,952,000	6,837,600
Missouri	4,491,000	646,704	14.40	31,437,000	4,527,000
North Dakota	350,000	4,846	1.35	3,770,000	50,900
South Dakota	1,104,000	37,756	3.42	9,826,000	336,000
Nebraska	4,267,000	230,418	5.40	37,550,000	2,027,700
Kansas	2,808,000	333,590	11.88	22,183,000	2,635,300
Kentucky	1,724,000	108,612	6.30	9,310,000	586,500
Tennessee	1,574,000	99,162	6.30	9,601,000	604,900
Alabama	1,533,000	80,680	5.85	9,964,000	583,000
Mississippi	1,577,000	106,447	6.75	10,250,000	692,000
Louisiana	1,042,000	147,780	9.00	9,524,000	857,100
Texas	2,544,000	77,846	3.06	16,027,000	485,500
Oklahoma	1,410,000	184,005	13.05	7,755,000	1,012,000
Arkansas	1,738,000	218,088	12.60	9,385,000	1,182,500
Montana	143,000	2,445	1.70	1,416,000	21,200
Wyoming	43,000	464	1.08	370,000	3,900
Colorado	211,000	3,798	1.80	1,688,000	30,400
New Mexico	50,000	720	1.44	410,000	5,900
Arizona	22,000	237	1.08	231,000	2,500
Utah	79,000	1,137	1.44	711,000	10,200
Nevada	30,000	648	2.16	315,000	6,800
Idaho	212,000	2,671	1.25	1,696,000	21,300
Washington	246,000	4,870	1.98	2,337,000	46,200
Oregon	258,000	3,715	1.40	2,193,000	31,500
California	830,000	18,675	2.25	6,889,000	155,000
United States	65,410,000	5,251,010	8.02	523,328,000	47,042,900

The following table represents the record of loss for the last 27 years; it will be noted that the loss above includes all diseases of swine, 90 per cent contributed by hog cholera.

Swine, number per 1,000, died from disease, years ending Mar. 31, 1884 to 1912.

State or Territory.	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912
Maine	30	40	50	40	14	13	22	17	14	16	8	34	20	23	13	18	13	15	9	14	10	12	12	10	11	15	21	20	15
N. Hampshire	40	40	30	40	20	18	20	20	16	16	34	24	22	23	24	20	20	14	19	12	15	22	20	14	15	14	17	20	20
Vermont	40	30	30	30	18	15	22	17	18	33	15	51	18	24	17	25	18	24	20	24	15	18	17	14	15	14	24	19	39
Massachusetts	30	40	40	40	23	13	20	20	14	23	20	22	16	18	16	19	22	16	21	25	23	20	18	25	22	21	15	21	35
Rhode Island	30	30	30	30	13	15	18	16	17	16	27	18	21	23	27	31	18	24	19	24	25	22	19	12	23	20	22	22	18
Connecticut	40	30	30	50	20	14	18	25	23	37	47	43	10	25	16	19	17	19	24	30	28	23	20	18	23	21	22	28	48
New York	30	40	40	45	22	25	25	20	19	31	28	26	32	32	25	24	20	19	19	18	33	17	19	21	18	19	23	25	29
New Jersey	30	70	30	50	16	20	20	24	18	14	14	92	65	32	40	43	27	25	23	33	32	22	22	28	24	28	26	30	40
Pennsylvania	40	60	40	90	30	23	30	27	20	28	21	30	36	31	30	32	25	24	32	36	27	23	23	28	27	27	30	36	37
Delaware	40	60	80	65	37	100	70	50	40	31	.....	.....	40	53	59	47	57	27	37	58	101	43	30	30	28	33	36	33	80
Maryland	60	100	120	200	73	41	64	45	35	23	23	45	35	58	71	42	37	47	33	32	31	43	35	30	29	33	30	32	75
Virginia	100	160	120	270	74	50	75	55	53	65	30	44	65	75	78	37	45	43	46	61	55	43	40	45	46	42	39	35	40
West Virginia	100	90	60	100	67	48	86	45	50	28	22	23	50	70	79	40	49	31	26	36	35	36	31	33	25	30	28	25	41
North Carolina	100	100	130	200	80	63	100	72	70	95	61	81	110	98	91	61	65	49	80	64	96	97	55	65	60	40	40	40	44
South Carolina	90	130	140	130	74	75	85	50	62	72	85	100	110	91	75	82	73	61	82	66	75	85	50	55	57	54	50	47	60
Georgia	130	110	130	150	75	130	90	85	97	105	78	102	115	126	108	90	94	103	89	118	89	51	55	50	44	55	52	57	90
Florida	90	120	250	130	90	125	107	110	75	200	81	136	130	108	149	85	118	91	104	113	72	82	75	68	73	72	60	75	100
Ohio	70	50	50	80	57	38	54	60	40	34	33	50	82	108	72	65	46	55	41	50	50	38	50	40	35	35	37	51	70
Indiana	80	60	70	110	90	65	93	94	60	50	30	75	148	238	74	115	69	56	41	73	78	54	60	58	52	52	63	62	125
Illinois	90	70	150	180	86	60	70	85	75	53	39	145	242	145	104	104	68	77	47	74	58	46	60	48	60	45	41	60	215
Michigan	40	30	50	50	61	23	40	35	52	20	17	23	38	35	33	39	29	36	29	30	37	25	22	31	30	29	27	35	40
Wisconsin	50	40	40	50	57	46	32	42	41	40	32	49	41	33	50	49	31	103	31	25	27	22	20	24	23	23	25	23	28
Minnesota	50	50	30	40	26	34	30	24	40	26	20	36	53	92	180	79	84	94	35	39	30	21	30	33	30	33	30	29	30
Iowa	60	80	130	100	82	50	75	82	53	84	42	106	207	329	175	174	77	89	48	53	55	42	45	50	69	54	50	43	80
Missouri	90	90	160	180	95	67	80	120	50	54	58	116	200	167	110	90	70	48	44	67	77	74	65	54	70	70	50	48	160
North Dakota	50	80	80	60	47	34	75	45	32	38	12	22	20	48	20	18	22	24	14	20	24	13	11	16	11	25	15	17	15
South Dakota	.....	.....	80	60	47	34	75	45	29	35	40	71	90	144	220	62	39	100	82	68	54	23	95	61	45	60	50	42	38
Nebraska	40	150	170	100	85	55	85	145	40	46	56	126	136	159	128	98	74	140	65	77	57	46	88	75	70	75	47	36	60
Kansas	30	70	180	130	77	58	58	100	37	40	45	78	130	108	70	65	60	50	32	35	39	34	34	37	40	66	40	40	132
Kentucky	100	80	90	120	80	63	95	98	42	55	69	142	105	156	100	85	81	67	59	59	71	63	55	52	62	58	57	50	70
Tennessee	110	100	130	190	117	97	93	100	72	50	71	162	120	138	93	96	92	90	61	64	79	73	47	53	55	52	47	47	70
Alabama	150	140	200	170	80	110	103	82	80	120	69	116	130	140	79	73	78	94	69	71	82	57	60	55	56	70	48	41	65
Mississippi	120	150	180	200	90	80	115	82	86	90	58	88	120	152	86	79	54	85	57	41	81	69	60	57	75	65	50	52	75
Louisiana	180	160	160	180	95	90	93	94	53	106	62	94	115	275	135	114	101	75	99	116	85	113	120	80	85	75	65	68	100
Texas	140	150	200	130	73	55	75	78	37	59	47	60	80	116	56	39	39	59	61	40	37	55	42	40	30	35	30	30	34
Oklahoma	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25	54	48	47	5	105	81	103	78	160	55	43	40	60	50	32	145
																		46	27	25	24	23	22	50					
Arkansas	120	150	220	200	125	105	106	110	86	123	83	112	180	210	128	108	122	123	87	70	108	122	80	75	91	85	80	68	140
Montana	60	80	50	80	30	25	60	30	20	15	14	35	8	43	8	24	8	9	9	17	9	11	44	20	19	20	25	15	19
Wyoming	.....	50	30	50	35	25	50	40	15	10	10	30	17	8	4	5	3	5	11	7	34	19	4	25	20	15	30	10	12
Colorado	40	50	30	50	40	20	50	22	16	12	15	30	60	27	18	9	17	16	30	23	15	24	25	20	31	18	20	15	20
New Mexico	70	70	60	60	80	67	50	43	37	12	10	17	26	58	5	2	9	30	10	20	8	18	15	17	15	17	38	25	16
Arizona	50	70	30	50	40	25	60	40	30	15	.....	32	13	90	1	2	8	21	22	22	53	94	20	15	10	23	13	19	12
Utah	30	60	40	40	51	50	54	40	15	23	11	32	20	30	13	12	9	11	5	20	10	14	40	6	42	19	20	17	16
Nevada	50	60	50	80	30	20	35	25	32	35	80	0	23	15	2	6	47	19	10	16	18	21	20	40	30	20	8	22	24
Idaho	50	70	50	50	37	30	60	32	30	30	.....	7	20	41	3	38	15	23	24	25	28	11	15	13	11	12	18	19	14
Washington	50	50	50	40	27	26	58	25	25	10	24	21	30	36	11	11	33	23	24	18	20	16	13	18	15	20	22	17	22
Oregon	60	60	30	50	30	23	67	23	24	37	10	12	22	35	18	15	22	30	27	27	13	15	12	10	16	20	20	18	16
California	50	70	50	100	40	25	59	48	31	29	18	49	80	52	33	56	28	53	61	57	45	33	32	50	25	31	38	32	25
United States	86	91	130	134	78	62	76	84	54	63	49	92	127	144	93	82	64	75	52	58	58	51	51	49	52	51	45.1	44.8	89.2

Estimated 90 per cent of loss due to hog cholera.

The money losses among swine are greater than those among any other kind of food animal. Hogs, like cattle and sheep, are afflicted by various diseases, yet only one disease seriously concerns the hog producer, and that is the so-called cholera. This disease until recently was deemed nonpreventable and, of course, noncurable. Government experts of the Bureau of Animal Industry have discovered what is now generally accepted as an effective preventive and a fairly workable remedy. This is the application of a serum which the Bureau of Animal Industry, the various agricultural colleges, farm demonstrators, and veterinarians generally agree that when properly applied to exposed herds where infection has not actually taken place a saving of 97 per cent to 100 per cent can be uniformly effected, and where herds have been attacked 75 per cent have been generaly saved.

Losses have been heavy for 50 years. Roundly speaking, loss for 1911, 21,000,000; 1912, 42,000,000; 1913, 65,000,000, regarded as low estimate. This loss consumers and producers bear, and it is an economic loss more than twice the interest on our national debt. It would build a transcontinental railway from the Atlantic to the Pacific; it would capitalize the President's Alaska railroad and meet rural-roads appropriation; it would more than capitalize the eight new regional banks. The States are collectively doing a great deal against the plague. Their total appropriations for serum, serum plants, and demonstrators will equal the amount asked for in this bill.

The recent legislatures have passed stringent defensive quarantine laws to protect the States, but the laws lack uniformity, and in States in which there are one-fifth of the hogs they are wholly without quarantine protection. One-half the hogs which go to public slaughter cross State lines and become interstate commerce, which indicates basis and necessity for governmental action.

REGULATIONS IN REGARD TO INTERSTATE SHIPMENTS OF SWINE.

Iowa: Health certificate; also immunization with serum or serum simultaneous for show animals.
Illinois: None.
Missouri: Health certificate and serum.
Minnesota: Health certificate.
Indiana: Health certificate, cleaning and disinfection of cars.
Georgia: None.
Kansas: Health certificate for breeding animals.
Ohio: Hogs for public stock yards—slaughter only.
Alabama: Health certificate.
Tennessee: Hogs from public stock yards—slaughter only.
Arkansas: Health certificate and serum.
Michigan: None.
Pennsylvania: Health certificate.
North Dakota: Health certificate and serum.
Kentucky: Health certificate and serum.
Florida: None.
California: Health certificate.
South Carolina: Health certificate.
New York: Inspection.
Maine: Quarantine 90 days.
Idaho: Health certificate and serum immunization required for all swine.
Montana: Health certificate and serum.
Delaware: None.
Vermont: None.
Wyoming: Health certificate.
Texas: Serum immunization required.
Utah: Health certificate 15 days' quarantine, serum treatment, all swine.
Maryland: Health certificate.
Massachusetts: None.
Mississippi: Health certificate.
Nebraska: Health certificate.
Nevada: None.
New Hampshire: None.
New Jersey: None.
New Mexico: None.
North Carolina: Health certificate.
Oklahoma: Health certificate.
Oregon: Health certificate and serum.
Rhode Island: None.
South Dakota: Health certificate.
Virginia: Health certificate, but only from location where no infection has existed for six months.
Washington: Health certificate.
West Virginia: None.
Wisconsin: Health certificate and serum immunization for all swine.
Arizona: Health certificate; two weeks' quarantine.
Colorado: Health certificate.
Connecticut: None.
District of Columbia: None.
Louisiana: Health certificate.
Eleven million swine are absolutely unprotected by State laws.

Nearly all the States desire to cooperate with the Government.

At all the great stockyard centers, stock are being brought from more or less panicky owners, sold and returned back to the country as immune. The campaign has taken such proportions that the Government must move strongly and promptly to do its fair share. It is expected that during the coming fiscal year State legislatures generally will see their necessity for great intrastate activity and extension and perfection of their quarantine laws which should be as far as possible uniform.

Farmers throughout the country, knowing the great losses incurred or threatened, are being deterred from continuing any pork production or increasing their present production, so that the number of hogs in this country is decreasing. This will operate as a loss to them and an increased expense to the purchasers and consumers of hog products.

There are several problems for the Government and the State scientists yet to solve, one of which is how long would immunization continue? Second, how far is the recognized remedy reliably effective? And third, what is the effect upon the future crops of hogs as to becoming immune through the immunization of two or more generations? The especially good feature of this bill is that it makes the amount available in the spring when cholera is less frequent, and will enable the department and their cooperators to be fully prepared by the middle of the summer, when cholera usually begins and increases as the autumn proceeds.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. SLOAN. Just for a short question.

Mr. SHERLEY. We are not doubting the value of hogs that die of cholera, but what I want to know is why Uncle Sam should pay for the serum and give it to them?

Mr. SLOAN. That is not the case——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SLOAN. I would like to have a minute to answer that.

Mr. HAUGEN. I wish to call the gentleman's attention to the fact that the contention of the gentleman from Kentucky is absolutely correct. The proposition is to go into the country and give the serum.

Mr. SLOAN. I quite disagree with the gentleman's statement as to the last fact.

Mr. HAUGEN. Mr. Speaker, I ask the gentleman to read the hearings before the committee and he will know——

Mr. SLOAN. I was there and——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has six minutes remaining.

Mr. HAUGEN. I yield two minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, the object of this bill is to prevent the greatest economic waste that is occurring in any industry in this country at the present time. It is not a new line that this appropriation takes. It is in pursuance of a course heretofore taken in reference to animals——

Mr. SHERLEY. Will the gentleman tell me how much of the $600,000 is expected to be paid for serum to be given to these people?

Mr. GREEN of Iowa. The bill does not provide for this.

Mr. SHERLEY. The bill may not provide it, but it may not prevent its being done. Is it not true in point of fact that that is where most of that money is going to go, for serum to be given to these people?

Mr. GREEN of Iowa. Not necessarily so; I decline to yield further to the gentleman. The gentleman does not understand the bill at all.

Mr. SHERLEY. I am doing my best to get somebody to make me understand it, and I am always met by a statement of a lot of loose talk without coming at the facts.

Mr. GREEN of Iowa. Well, if the gentleman will let me speak for a moment in my own time——

Mr. SHERLEY. Surely.

Mr. GREEN of Iowa. I will say to the gentleman from Kentucky the situation is simply this: This is a problem that is presenting itself to a great many of the farmers of this country. If the gentleman from Kentucky understood as much with reference to hog raising as perhaps he does of the raising of horses or something of that kind, he would know the farmers of this country have been the prey of all sorts of quacks selling them fake serums, and the only way this subject can properly be handled is by the Government of the United States.

It is too vast for any single person to make, and it is too vast to be handled in any other way.

Mr. SHERLEY. If we are going to furnish them with the serum, why should it be left with the 15 counties who are strong enough with the Department of Agriculture to get a pull?

Mr. GREEN of Iowa. The gentleman is arguing about something that is not in the bill at all, so far as that is concerned.

Mr. SHERLEY. That is the trouble. It is not in the bill.

Mr. METZ. The bill does not provide for giving away any serum at all. It provides for instruction as to the use of the serum, as I take it.

Mr. GREEN of Iowa. The gentleman is correct. It is necessary in order to prove the value of this serum that serum shall be used in demonstrating. The department believes that it can show that localities as large as counties can be rid of hog cholera. If they prove this, it will demonstrate that a State can be rid of hog cholera, and if a State, then a nation. This is the reason, as I understand, that the department wishes to make demonstrations in certain counties. This is to be done not only by the use of the serum but also by other precautions which are as necessary as the serum. The serum is only a preventative and not an absolute cure. For these reasons I am in favor of the bill as it stands, without amendment.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Ohio [Mr. ANSBERRY].

Mr. ANSBERRY. Mr. Speaker, I am glad of the opportunity of supporting by voice and vote this very meritorious measure. It is unique in that, although on the surface it is drawn apparently solely in the interests of the farmers of the country when, as a matter of fact, it is of prime importance to every citizen of our great country, for the flesh of the swine is the universal meat food of more of our citizens than is the flesh of the beef or of the sheep, and because of this fact anything we do to-day to eradicate hog cholera is done not in the interest of any one class but in the interest of all. Gentlemen have told us during the progress of this debate that the annual toll levied by hog cholera is in money value approximately $75,000,000, and it is thought that by an appropriation of $500,000 this great loss can be materially decreased, and, of course, if this be true, then we have contributed, if we pass this bill to-day, something to lessen the fast rising cost of meats which go into the household economy of every citizen of the land.

We are told that in 1913 we had 61,178,000 hogs in the United States, and in 1914 this number was reduced to 58,933,000, a decrease of two million and a quarter hogs; and 90 per cent of this decrease was due to the hog cholera, although the money value of the hogs in 1914 was greater by nearly $10,000,000 than the preceding year. It requires no great amount of wisdom or knowledge of mathematics to grasp, by a careful study of these figures, why the cost of pork to the householder has advanced during the past year. This terrible disease first made its appearance in the United States in my own State of Ohio some time in 1833, and it is thought that it was imported with some blooded swine from Belgium. In compensation, however, our own great State of Ohio has expended more for the extinction of this plague than has the Federal Government. We have a factory which cost our State more than $100,000 that is turning out a serum and virus with which hogs are vaccinated as a preventive against this dreaded disease, and the experiments carried on by the agricultural department of Ohio have demonstrated that in many instances this serum and virus has been of great value. The difficulty, it is said, has been to procure men who know exactly how to inject the serum and virus into the hog. As I understand it, this serum and virus was invented or discovered by Dr. Dorset, of the Agricultural Department here in this city, and during a period of seven years' experience with this serum it has been proven efficacious. I agree with the committee that it is the part of wisdom to cooperate with the State and local agencies in dealing with this problem, because it requires the joint effort of both to teach the value, by practical demonstration, of this serum and virus. I think it the part of wisdom to provide, as this bill does, authority for some agency of the Government to inspect establishments engaged in the manufacture and preparation of hog-cholera serum and virus. I understand there are some 85 such institutions in the United States, and it has been alleged that because of a lack of care in the preparation of the serum and virus by these institutions that in many instances good results were not obtained; so that this bill, in effect, will control the manufacture, sale, and distribution of serum and virus for the prevention of hog cholera.

I have received many communications from individual farmers and from organizations of farmers in my district urging me to support this bill, and most of these men have a scientific as well as a practical knowledge of this great economic subject; they have experimented with the serum and virus manufactured under the watchful eye of our own State agricultural department, and I am willing to accept their judgment as to the value of this method of treatment. However, as it has been well said, this serum and virus is not known to be an absolute preventive; many experiments have proven it of great

value, but it is thought that further experiment may be necessary; indeed, some go so far as to say that it has actually had the effect of spreading the cholera.

Mr. SHERLEY. You are going to use $50,000 for that purpose. What are you going to do with the other $150,000?

Mr. ANSBERRY. I think the gentleman is mistaken.

Mr. SHERLEY. I refer you to the chairman of the committee. That is what he said.

Mr. ANSBERRY. I think I am within the facts when I say that it is not absolutely known to be a certain preventive; in other words, it is still in the experimental stage, so to speak, and I understand that we are to spend $150,000 in further experimentation.

Mr. SHERLEY. I understand it is a perfect cure.

Mr. ANSBERRY. Personally, I believe myself that it is a sure preventive; however, I believe that vaccination is a sure preventive of smallpox, but there is very respectable authority that maintains that it is not; and so it is with this serum and virus. However, I think the consensus of opinion, or perhaps it would be better to state that the great weight of opinion, is in favor of it being a preventive.

Mr. LEVER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. LEVER. I yield one minute to the gentleman from Iowa [Mr. CONNOLLY].

[Mr. CONNOLLY of Iowa addressed the House. See Appendix.]

Mr. LEVER. Mr. Speaker, I yield one minute to the gentleman from Nebraska [Mr. MAGUIRE].

[Mr. MAGUIRE of Nebraska addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman's time has expired. The gentleman from Iowa [Mr. HAUGEN] has four minutes remaining, and the gentleman from South Carolina [Mr. LEVER] has two.

Mr. LEVER. Mr. Speaker, I yield one minute to the gentleman from Montana [Mr. STOUT]. That leaves me one minute, then?

The SPEAKER pro tempore. One minute.

Mr. STOUT. Mr. Speaker, addressing myself to facts of which I have some personal knowledge, I desire to say that in the State which I in part represent there are something like 380,000 head of horses. A very large percentage of these horses range over the 21,000,000 acres of unappropriated public lands in that State. But recently there appeared among the horses—mostly the range horses—of that State a very malignant form of horse disease, known as dourine. It is killing those horses by the hundreds, and we have got to take some such emergency step as this to prevent it from going any further. I think that this appropriation will save the horse raisers of this country millions of dollars by using the money at this time.

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from Iowa [Mr. HAUGEN] has four minutes remaining.

By unanimous consent, Mr. STOUT, Mr. ANSBERRY, and Mr. METZ were granted leave to extend their remarks in the RECORD.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, I am very much interested in both phases of this proposed legislation, but at this time more particularly in the amendment providing for the use of $100,000 included in the bill for the investigation, treatment, and eradication of dourine. Now, at the outset I realize that I should have more time than has been allotted me to do justice to any discussion whatever of this subject. Dourine is one of the most dangerous and destructive diseases to the horse-raising industry that we have ever had to contend with in this country. In various writings this disease has been described under different names, among which may be mentioned "el dourine," "maladie du coit," "equine syphilis," "genital glanders," "breeding paralysis," "chancrous epizootic," and "beschalkrankheit."

The disease is believed to have originated in Asia. Dr. John R. Mohler, Chief of the Pathological Division of the United States Bureau of Animal Industry, who has made an extensive study of this disease, writing in the year 1911, gives the following history of the disease, which I deem will be interesting to many of the Members of the House:

The disease was first definitely described in 1796 by Ammon as occurring among the animals belonging to the sovereign of Prussia at Trakehnen. During the first half of the nineteenth century it was described as occurring in many countries of Europe, including Germany, France, Austria, and Switzerland. It was also known to be prevalent along the northern region of Africa, in Algiers. It is supposed to have been introduced during the early part of the nineteenth century into continental Europe through the importation of breeding horses, especially Arab stallions, from the Orient.

In the United States the diseases was first suspected in 1885 and recognized in 1886 by Dr. W. L. Williams, who was then a practitioner at Bloomington, Ill. The infection was traced to a Percheron stallion, imported from France in 1882, which had a brand mark under the mane very much resembling the letter D (dourine?). It is supposed that he was affected with the disease and had been branded in France before being transported to this country. The nature of the disease not being at first recognized, its dissemination occurred before attention was attracted to it. The State of Illinois, however, took hold of the outbreak, and as a result of rigid prophylactic measures the disease was eradicated from the State in 1888, but not before an affected stallion had been shipped to Gordon, Nebr., thereby starting up a new center of infection in that locality.

In 1892 dourine was again brought into public notice by the appearance of an outbreak among the breeding horses of northwestern Nebraska, the history of which suggested that it originated with this Gordon stallion. An inspector of the Bureau of Animal Industry investigated the outbreak and found that upward of 200 mares and stallions were affected with the disease. Steps for the eradication of this outbreak were begun in June, 1893, at which time some of the diseased animals had died, and the breeders were using all the precautions possible to prevent its spread. Under the authority of the Secretary of Agriculture all diseased animals still alive, including 32 in Nebraska and 5 in South Dakota, were purchased and destroyed.

After an expenditure of about $5,500 the disease was considered to have been eradicated from that section of the country. Five years later the infection again made its appearance in the same portion of Nebraska, and early in 1899 the bureau again began the work of eradication. Many inspections were made and those animals which were found diseased were purchased and killed. Many obstacles were encountered and the disease evidently kept smoldering during 1900.

In 1901 the infection appeared with increased vigor, this time in the Pine Ridge and Rosebud Indian Reservations in South Dakota, in addition to northern Nebraska, and more stringent measures were immediately inaugurated to control the spread of the disease. During the next year 10 diseased stallions and 76 diseased mares were purchased and slaughtered and 29 diseased stallions were castrated. However, eradication in this region was extremely difficult, owing to the wild condition of the country as well as of the horses and from the fact that many horse owners would try to conceal from the inspectors animals which they knew to be affected with the disease. This reappearance of the disease among horses in Nebraska and South Dakota after it apparently had been stamped out caused a thorough investigation of its latent qualities and other peculiarities, and as a result Veterinary Inspectors E. T. Davison and W. J. Fretz were stationed at Rushville, Nebr., with instructions to prosecute vigorously the work of eradication. In 1903 there were 16,287 horses inspected, of which 511 were found diseased and were killed, while 1,899 stallions were castrated. Careful and vigorous work was continued in this way, with the result that 8,705 horses were inspected in 1905, but only 1 stallion and 8 mares were found suspicious and destroyed and 9 stallions castrated.

During the year 1903 dourine was reported in Van Buren County, Iowa, and steps were immediately taken to stamp it out. As a result 410 horses were inspected, 2 exposed stallions were castrated, and 18 mares slaughtered. No connection could be established between this outbreak and that in Nebraska, but it was quite definitely determined that an imported Percheron stallion purchased by a company of farmers was responsible for its appearance.

In 1906 the last suspicious cases of dourine—1 stallion and 2 mares—were destroyed in South Dakota, and sufficient time has since elapsed to warrant confidence that the disease has been completely eradicated from that section of the United States.

In Canada the presence of dourine was discovered by Dr. Burnett in 1904, and the causative trypanosome was demonstrated by Dr. Watson in 1907, from the vulva of a mare. From the occurrence of this disease until the latest available published report, in 1909, 628 animals were purchased and destroyed. A marked diminution in the number of infected animals is apparent in the report, and the disease is said to be under control.

As already stated, an outbreak of dourine has recently (June, 1911) been located in Taylor County, Iowa, where 4 stallions have been found affected and 5 exposed to this disease. One of the former stallions has since died of the infection. In addition, 5 mares have shown symptoms of dourine, 1 of which subsequently died of the disease, 9 are suspicious cases, and 94 have been exposed, but at present show no evidence of infection. These diseased animals, together with all exposed stallions and mares, were immediately quarantined by the State. Those showing lesions of the disease were purchased by the Government and destroyed, while the exposed animals are still in quarantine under observation. Several Federal and State inspectors are making farm-to-farm inspections with the view of discovering any latent or hidden cases, and it is now believed that the infection is entirely under control. The source from which this center of infection was derived is only a matter of conjecture, but there is apparently no connection between this and any of the previous outbreaks. No authentic information as to the origin of the outbreak has been discovered up to the present time, but all cases lead back to a Percheron stallion which was imported in 1909 and brought direct to Lenox, Iowa. The possibility of such animals bringing the infection into this country must be apparent from the following explanation:

Schneider and Buffard maintain that in France dourine appears nearly every year in the Department of Basses-Pyrenees on the Spanish frontier. It is stated that mares get infected by the asses or horses by which they are covered. It is the custom to have a mare first covered by an ass, and if not impregnated she is then served by a stallion. The asses operate on both sides of the frontier, and in this way introduce the disease into France from Spain, where it has been known to occur for years, especially in Navarre.

This is an infectious disease usually affecting only horses and asses. It is due to a species of trypanosoma, known as the "trypanosoma equiperdum." This belongs to the same genus of parasitic protozoans which cause surra and nagana, diseases very fatal to horses and cattle in Africa, and which causes the disease among humans in Africa known as sleeping sickness. The typanosoma causing the latter disease is known as "try-

panosoma gambiense," while that causing surra is known as "trypanosoma evansii."

I wish to call the attention of the gentleman from Texas [Mr. STEPHENS] to the fact that about 30 years ago Mr. A. H. Pierce, of Pierce, Tex., imported a number of so-called Brahman cattle from India. They were imported to be crossed with the native cattle of Texas, as it was believed the crossbred cattle would be less affected by cattle ticks, which were present at that time in southern Texas in such enormous numbers. The experiment in crossbreeding proved quite successful in so far as that the progeny of the Brahman and native cattle were but little affected by ticks and other parasites and pestiferous insects of that section of the country. In 1906 Mr. A. P. Borden, who was then one of the executors of the Pierce estate, brought to this country from India 51 head of Brahman cattle for the purpose of restoring the strain of blood on the Pierce ranch in Texas. Although the blood of all these zebus imported by Mr. Borden was microscopically examined twice in India and twice during the ocean voyage, the fact that some of the cattle were affected with surra was not discovered until the cattle reached New York and were there placed in quarantine and a further test of the blood of these cattle made by the inoculation of rabbits. These cattle were held in quarantine in New York from July until the 14th of November, 1906, and it was with the greatest difficulty that surra was eradicated from the herd. Eighteen of the animals imported were killed in quarantine.

Like surra, dourine is very difficult to diagnose in its early stages. An attempt to make a microscopical demonstration of trypanosoma equiperdum in affected horses is frequently unsuccessful. The method now employed with the best results for the diagnosis of this disease is what is known as the complement-fixation test. The antigen used for the tests of the suspected dourine sera is made from the blood and macerated spleen of rats killed at the height of surra infection.

I made some investigations a few months ago in the Bureau of Animal Industry here to determine the advisability of having laboratories established in the different States where dourine had been found to exist, so that the complement-fixation tests might be carried on in the several States. From my investigations I found that it would be very dangerous to establish such laboratories throughout the States, as the escape from any of the laboratories of any of the rats affected with surra might spread that disease over the country, and this would be a much greater calamity than the dangers from dourine.

The presence of this disease at this time in the States of Montana, Wyoming, and North and South Dakota has only been called to the attention of the Bureau of Animal Industry within the past few months. In my State little was known of the disease before last spring. Dr. W. F. Crewe, the State veterinarian of the State which I have the honor in part to represent, wrote me first regarding this disease last June. At that time Dr. Crewe stated that about 60 cases of the disease had been discovered in North Dakota. Since that time the disease has been found to be widespread in the western part of my State. Dr. Crewe, in December of last year, wrote me that out of 560 horses on the Standing Rock Indian Reservation in North Dakota 113 mares were killed and 23 stallions were castrated on account of being affected with dourine.

The SPEAKER pro tempore. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Speaker, I ask unanimous consent to continue for five minutes more in my own time.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman my other two minutes.

Mr. NORTON. Thank you.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. NORTON] is recognized for two minutes more.

Mr. NORTON. The following figures will show the importance of the industry of horse raising in this country and in some of the Western States. According to the United States census for the year 1910, the total number of horses, mules, and asses in the United States was 24,148,580, and their value was $2,622,180,170.

	Number.	Value.
North Dakota	658,427	$84,633,655
South Dakota	682,191	75,183,223
Montana	320,290	27,616,223
Wyoming	158,348	12,703,100
Minnesota	759,178	89,824,452
Iowa	1,549,364	185,831,154

Total number and value of horses in the United States is as follows: Number, 19,833,113; value, $2,083,588,195.

The total number and value of horses in the States in which during the past few months dourine has been found is:

	Number.	Value.
North Dakota	650,599	$83,461,730
South Dakota	669,362	73,442,978
Montana	315,956	27,115,764
Wyoming	156,062	12,426,838
Minnesota	753,184	89,068,872
Iowa	1,492,226	177,999,124

The number of horses, according to the assessors' reports for the year 1913, in the counties in which dourine has been found to be prevalent in North Dakota, is as follows:

Williams	10,648
McKenzie	10,734
McLean	11,906
Dunn	7,605
Golden Valley	5,162
Billings	12,413
Morton	21,747
Emmons	12,552
Total	92,768

Prompt action should be taken to eradicate this disease in this country. The appropriation provided in this bill for this purpose is much needed now, so that the work of eradicating this disease may be begun early in the spring, before the breeding season begins.

The SPEAKER pro tempore. The time of the gentleman from North Dakota has again expired.

The gentleman from South Carolina [Mr. LEVER] has one minute.

Mr. NORTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. GREEN of Iowa. Mr. Speaker, I make the same request.

Mr. MAGUIRE of Nebraska. And I make the same request, Mr. Speaker.

Mr. WHITE. I ask unanimous consent also, Mr. Speaker, to extend my remarks in the RECORD.

Mr. KIRKPATRICK. And I make the same request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. NORTON], the gentleman from Iowa [Mr. GREEN], the gentleman from Nebraska [Mr. MAGUIRE], the gentleman from Ohio [Mr. WHITE], and the gentleman from Iowa [Mr. KIRKPATRICK] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Now, Mr. Speaker, in the time I have remaining I desire to say, for the information of the gentleman from Kentucky [Mr. SHERLEY], that not one dollar of this money is to be used in the manufacture and general distribution of hog-cholera serum. It is true that the Federal Government now has at Ames, Iowa, an experimental serum plant. The Government will use some of this appropriation in continuing the operation of that plant, and will use the serum manufactured there only in its demonstrational work in the field, but there is to be absolutely no general distribution of hog-cholera serum.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Will the gentleman yield?

Mr. LEVER. I do.

Mr. SHERLEY. Then will the gentleman tell us what they are going to do with it?

Mr. LEVER. They are going, in the first place, to select 15 counties in different localities and sections of the country to demonstrate that we can eradicate hog cholera from the country. That is the first proposition. Three hundred thousand dollars is to be used for that.

Mr. SHERLEY. How many people are to be employed, and at what salaries?

Mr. LEVER. I can not say as to that. We are going to take $50,000 to pay inspectors at the various serum plants, and we are going to take $100,000 to do general educational work.

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired. All time has expired.

Mr. MURRAY of Oklahoma. Mr. Speaker, I want to ask unanimous consent to address the House on this bill for five minutes.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to address the House upon the pending bill for five minutes. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, we can not grant that unless the gentleman can get an extension of time.

Mr. MURRAY of Oklahoma. I will state that I could have got time. I want to discuss the question only for a few minutes. What I want to say is not for home consumption. [Laughter.]

Mr. MANN. It is not necessary here.

Mr. MURRAY of Oklahoma. I can extend my remarks in the RECORD, but I think I could give the gentleman some ideas on this question, at least, that have not been brought out heretofore.

Mr. MANN. I shall have to object to the request unless there is an extension of time, so that other gentlemen can have time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HAUGEN. Mr. Speaker, reserving the right to object, I would suggest that the opposition ought to have more time. If any time is to be granted, it should be given to those in opposition to the bill, and I therefore ask unanimous consent that the gentleman from Kentucky [Mr. SHERLEY] be given 10 minutes if time is granted.

Mr. LEVER. Mr. Speaker, if we open up the discussion fully, we shall want more than 15 minutes or 30 minutes, and, in fact, more than an hour. Therefore I shall object.

The SPEAKER pro tempore. The gentleman objects. All time has expired. The question is on the motion that the rules be suspended and the bill passed.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas moves to suspend the rules and pass a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall be resolved into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 12579, a bill making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. GARDNER. Mr. Speaker, I demand a second.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. GARDNER. I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects. The gentleman from Texas [Mr. STEPHENS] and the gentleman from Massachusetts [Mr. GARDNER] will take their places as tellers.

The House divided; and the tellers reported—ayes 54, noes 23.

Accordingly the motion was seconded.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STEPHENS] has 20 minutes and the gentleman from Massachusetts [Mr. GARDNER] has 20 minutes.

Mr. STEPHENS of Texas. Will the gentleman from Massachusetts use a part of his time?

Mr. GARDNER. Will the gentleman use his time first?

Mr. CARTER. We may not desire any time on this side.

Mr. GARDNER. Does the gentleman reserve his time?

Mr. STEPHENS of Texas. I reserve my time.

Mr. GARDNER. Mr. Speaker, among the reforms of the rules of the House was the establishment of a so-called Discharge Calendar. Those who drafted the rule for the Discharge Calendar told us that henceforward it would be impossible to stifle the Members of this House so that they could not get bills up for consideration. For a time it looked as if there might be some value in the new rule. In August, 1911, the Discharge Calendar was reached, and it is the last time it ever was reached, for gentlemen found that it was charged with dynamite. It was feared that there really had been discovered a way at last by which Members could get up bills against the will of the leaders of the majority. Then what happened? Why, they had to adopt a new rule to prevent it. By this new rule the motion to suspend the rules takes precedence of the Discharge Calendar whenever the days are reached when either kind of business is in order. The Republican side of the House, almost without exception, and, if I recollect rightly, a respectable number on the Democratic side of the House, realized perfectly well that forcing the Discharge Calendar to give way to motions to suspend the rules was the equivalent of abandoning the Discharge Calendar for good. Mr. Speaker, when the debate on that rule was going on we were told that that was not so. We were told that the channel was still open; that we would get to the Discharge Calendar; that no one intended to stifle us. For the first time in two years and a half we have reached the Discharge Calendar to-day. Lo and behold! here is the proposition ready to choke us off. By chance the Speaker of the House is not well. A Speaker pro tempore is in the chair and only one Member has sought to pass a bill under suspension of the rules. Hence we find ourselves face to face with the next order of business, the awkward Discharge Calendar. Something must be done, so it is proposed to suspend the rules and consider the Indian appropriation bill, which is in order five days out of the six. Who ever heard of haste so great that the managers must get a two-thirds vote for the consideration of an appropriation bill? Why do you suppose that such a step is necessary? It is taken for no other purpose than to shut off the Discharge Calendar, at which we have now arrived.

Mr. Speaker, if the gentleman will occupy some of his time, I have several gentlemen on this side of the House who wish to be heard.

Mr. STEPHENS of Texas. I reserve the remainder of my time.

Mr. GARDNER. I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I voted against the proposition to second the motion of the gentleman from Texas [Mr. STEPHENS] because in my judgment such a motion should not have been offered on this day, especially when it was known that the gentleman from Massachusetts [Mr. GARDNER] proposed to make a motion to discharge the committee having in charge House bill 1709, to pension widows and minor children of officers or enlisted men who served in the War with Spain or the Philippine insurrection, and thus to make sure that that bill would be brought before the House for action. The widows and minor children of the officers and soldiers who served in the Army of the United States in the War against Spain ought to have pensions, just as the widows and minor children of officers and soldiers who served in the Civil War are given pensions. No valid reason can be given for the failure to pension the widows and minor children of Spanish War veterans; and yet this House refuses to do it. I do not think that a motion so unusual as that made by the gentleman from Texas [Mr. STEPHENS], to suspend the rules and take up the Indian bill, should on this day have been interposed to prevent the consideration of the motion which the gentleman from Massachusetts [Mr. GARDNER] has announced that he desires to make. And therefore, as I have said, I voted against the proposition to second the motion of the gentleman from Texas [Mr. STEPHENS] in order that later I might vote so as to insure a consideration of the bill to pension the widows and minor children of Spanish War veterans.

Mr. STEPHENS of Texas. I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, my friend from Massachusetts [Mr. GARDNER] desires to delay adjournment and postpone the consideration of the appropriation bills, which it is necessary for us to pass in order that we may reach a reasonable adjournment, and I presume that he has done so in order that he might bring before the House a motion to discharge committees from the consideration of two bills of his own that are now pending before the House. Although the gentleman from Massachusetts [Mr. GARDNER] did not refer to his own bill, the gentleman from Wisconsin [Mr. COOPER], to whom he yielded, referred to the bill for him. This side of the House is certainly committing a very grave crime against the country in not allowing the committee to be discharged from this bill on motion of the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Will the gentleman yield?

Mr. UNDERWOOD. I yield; yes.

Mr. GARDNER. The question is not pending upon any motion to discharge. The question is to try to get through a motion to discharge a committee under the rules, and the gentleman makes his own construction as to what bill I intend to move to discharge.

Mr. UNDERWOOD. The gentleman from Wisconsin [Mr. COOPER], to whom the gentleman from Massachusetts [Mr. GARDNER] yielded, indicated what the gentleman from Massachusetts desired to do. At least he said he indicated it. I will ask the gentleman if it was his purpose, if this motion was voted down, to move to discharge the Committee on Pensions from the consideration of H. R. 1709, to pension widows and minor children of officers or enlisted men who served in the War with Spain?

Mr. GARDNER. There are some half dozen bills that we have been having under consideration. For instance, there is the antilobbying bill, which we are considering.

Mr. UNDERWOOD. I understand; but that is not the question I asked the gentleman. The gentleman has the first place on the Discharge Calendar.

Mr. GARDNER. Yes; the first and second.

Mr. UNDERWOOD. I wanted to ask whether it was the gentleman's purpose to move to discharge the committee from the consideration of that pension bill.

Mr. GARDNER. That will develop after we get to the Discharge Calendar and after I have consulted with other members of the minority.

Mr. UNDERWOOD. Then it is very evident that, although the gentleman from Wisconsin [Mr. COOPER] is anxious to have the bill of the gentleman from Massachusetts considered, the gentleman from Massachusetts is not so earnest in the proposition that he is willing to confess before the country the paternity of his own bill; and very properly so, Mr. Speaker.

I only rose for the purpose of demonstrating to the House and letting the RECORD show that this motion and effort to delay this appropriation bill is merely to create a political record. As a matter of fact, the Committee on Pensions has already authorized the chairman of that committee to report a bill pensioning the widows and orphans of soldiers who fought or served in the Spanish War. That bill will go to the calendar in a few days. The only thing that could be accomplished by the gentleman from Massachusetts if he made a motion on the very first bill on the Discharge Calendar would be to put it on the calendar for consideration by the House.

Now, the committee having this matter in charge have agreed to do so, but the report has been delayed for a good reason, a reason that ought to address itself to the gentleman from Massachusetts. The bill as originally introduced read: "That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army or Navy or Marine Corps of the United States, either as a Regular or a Volunteer, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom has died, or shall hereafter die, leaving a widow without means of support, that a pension shall be granted."

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 15 minutes.

Mr. UNDERWOOD. Now, Mr. Speaker, I am informed that if the bill was reported to the House with that language these officers and enlisted men, although 90 days had expired from the date of their enlistment to the time of their discharge, if they were away from the Army on a furlough during that time they would not come within the terms of this bill and their widows would not be entitled to a pension. The result would be that if you passed the bill in that way, the next year, or possibly next month, the members of a number of regiments engaged in the Spanish war would be back here at the doors of Congress saying that Congress had discriminated against their regiments because they happened to be on a furlough subject to call and not actually in camp.

Now, I understand from the chairman of the committee that although he has been authorized to report the bill, he desires another meeting of his committee in order that they may make an amendment to the bill that will broaden it sufficiently to cover these cases and not require Congress to legislate in reference to the subject again. That is the immediate cause of the bill not being reported and on the calendar to-day. The House could accomplish nothing by moving to discharge the committee on this bill. It will go to the calendar in better shape for consideration and in better condition to be acted upon.

Mr. GARDNER. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. GARDNER. Why, if I made the motion? I only ask that we get to the Discharge Calendar under the rules.

Mr. UNDERWOOD. I will say to the gentleman that there is a very good reason. There is no sense in this House wasting its time and the legislative time of the country. If this bill is going to be reported, as the gentleman from Massachusetts knows it is——

Mr. GARDNER. I beg the gentleman's pardon.

Mr. UNDERWOOD. I will ask the gentleman from Massachusetts if he was not present in the committee as a spectator when the report was authorized?

Mr. GARDNER. By no manner of means. The chairman refused to call the meeting to order, although there was a majority of the subcommittee present.

Mr. UNDERWOOD. I will ask the gentleman this question: Does he not know that a report on this bill has been authorized by the Committee on Pensions?

Mr. GARDNER. Some time ago I was told so, and I asked that something be done about it, as I have asked many times during the last three or four years.

Mr. UNDERWOOD. This bill was authorized to be reported by the committee, voted out of committee last Wednesday. It is nothing unusual to allow the chairman a few days in which to write up the report on an important bill of this kind, especially as we know that the bill could not be reached for consideration in the House before Friday week.

Mr. GARDNER. It could have been reached to-day.

Mr. UNDERWOOD. How?

Mr. GARDNER. By a motion to suspend the rules, as I suggest.

Mr. UNDERWOOD. The gentleman from Massachusetts thinks it a great crime that we should suspend the rules and take up for consideration one of the great appropriation bills in this House that it is necessary to pass in order that the machinery of the Government may go on, and yet he says himself that if the bill had been reported to the House he would favor moving away from the Discharge Calendar and suspending the rules and passing the bill. Mr. Speaker, there is nothing in the gentleman's position in reference to this matter but an effort, and a very lame effort, to reflect on the committee that has already indicated to this House that it is prepared and willing to do its duty to the House. [Applause on the Democratic side.] I yield back the balance of my time.

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Ohio [Mr. KEY].

Mr. KEY of Ohio. Mr. Speaker, I would like to say to the gentleman from Massachusetts that I assumed the acting chairmanship of the Committee on Pensions one week ago Wednesday. In the short space of time of one week from the time I assumed chairmanship the Committee on Pensions voted to report out a bill designed to grant pensions to minor children and widows of Spanish War veterans. The gentleman has indicated that this side of the House is seeking delay. I want to deny that anything like that exists on this side of the House. It is true the committee did authorize the chairman to report this bill, and at that time I stated to the committee that I was of the impression that it would be an exceedingly difficult matter to report the bill without an accompanying report, and, in fact, I doubted if it could be done, and after consulting the parliamentarians of the House I learned that the matter could be accomplished only by unanimous consent. The matter referred to by the gentleman from Alabama [Mr. UNDERWOOD] is a matter which should be considered by the committee, and I propose to bring same to their attention at the earliest date practicable. The delay of a day or two in reporting this bill to the House will in no wise endanger its passage, and for the reason stated by the gentleman from Alabama [Mr. UNDERWOOD] I have deferred asking the House for unanimous consent. This bill will be reported to the House in the regular order in a few days.

Mr. STEPHENS of Texas. Mr. Speaker, does the gentleman from Massachusetts desire to use some time now?

Mr. GARDNER. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I do not think, if this motion prevails, that any reflection whatever is cast on the Committee on Pensions. I would not knowingly cast a vote with that object or motive in view. I think, however, that we have waited long enough for an opportunity to vote upon a bill to pension the widows of Spanish-American War veterans. It seems to me this is rather a fitting time for us to pass such a law. It was just 16 years ago that the battleship *Maine* was sunk in Habana Harbor. Every Member of this House knows a large number of widows who are in a penniless and suffering condition in his district. They need assistance. They ought to have it. There is no argument in favor of granting a pension by a grateful country to its citizen soldiers that does not apply to this case. We have been informed, I think, for the past three or four years that the Committee on Pensions would not entertain a special bill to pension a widow of a Spanish-American War veteran; and why? Because they expected soon to report out a general law. We have been waiting for that—waiting with great patience. We now have an opportunity to consider and pass such a law. We should not, in my judgment, let this opportunity go by. If this motion prevails, the bill will be up in due time for consideration on the calendar. Such a small amendment as has been referred to by the gentleman from Alabama

[Mr. UNDERWOOD], of course, can be made then without any difficulty at all.

Mr. Speaker, I have little sympathy with the argument that we should not waste the time of the House. Waste the time of the House! Why, that is about what is done half of the time this body is in session, in one way or another. However that may be, we can at no time do a higher service to our country than by passing a law of this kind here and now. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. GARDNER. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. SELLS].

Mr. SELLS. Mr. Speaker, it is not my purpose to discuss the merits of this bill for the pensioning of widows and children of the Spanish-American soldiers, but rather to state in a few words the trouble that we have had in securing a report from the Committee on Pensions, which has had this bill under consideration. The first of the year I made a motion for the appointment of a subcommittee to hear all the Members who had introduced bills upon this subject, and while Mr. CRISP was acting chairman of the committee he appointed a subcommittee for this purpose, consisting of himself, Mr. KEATING, and myself, following which he resigned from the committee, and Mr. KEY of Ohio succeeded him. The time was finally fixed for this subcommittee to meet, and nothwithstanding that two members of the subcommittee were present, notwithstanding that a majority of the Members who had introduced bills on this subject were present and desired to be heard, the chairman of the committee took the arbitrary position that no meeting of this subcommittee could be held, owing to the absence of one of its members. The matter went over, and on last Wednesday, at the regular meeting of the committee, I called this bill up in committee, and the chairman of the committee was instructed by the committee to make a favorable report on the bill that day.

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to a point of order.

Mr. KEY of Ohio. Mr. Speaker, I rise to a point of order. The gentleman has no right to refer to what happened in the committee room.

Mr. GARDNER. Mr. Speaker, I would like to be heard on that point of order.

The SPEAKER pro tempore. The rule is explicit. The gentleman can not discuss what happened in the committee.

Mr. GARDNER. But what about the subcommittee?

The SPEAKER pro tempore. The gentleman is discussing what happened in the committee, and the Chair sustains the point of order and admonishes the gentleman he must proceed in order.

Mr. GARDNER. Mr. Speaker, I would like to know if the records of committees are not the records of this House.

The SPEAKER pro tempore. The rule of the House is that what transpires in committee can not be discussed in the House.

Mr. GARDNER. Oh, but——

The SPEAKER pro tempore. The Chair does not care to hear the gentleman. He has already ruled on the question.

Mr. GARDNER. Will the Chair permit the gentleman to put a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman can not take the gentleman from Tennessee off the floor with a parliamentary inquiry.

Mr. SELLS. Mr. Speaker, I yield to the gentleman for that purpose.

The SPEAKER pro tempore. The gentleman will submit his parliamentary inquiry.

Mr. GARDNER. Is it not the rule of the House that at the end of each session all of the records of every committee must be turned in to the Clerk of the House?

The SPEAKER pro tempore. The gentleman has not submitted a parliamentary inquiry. The Chair has ruled on the question of order that was raised, and the gentleman has not submitted any question that is now in order. The gentleman from Tennessee has one minute remaining.

Mr. SELLS. Mr. Speaker, if I am not permitted to discuss what transpired in the committee, I am at least, I suppose, permitted to ask the gentleman from Ohio [Mr. KEY], who is the acting chairman of the committee, whether or not it is a fact that he was directed by this committee on a roll call of the committee, by a vote of 9 to 3, to report this bill to the House on last Wednesday?

Mr. KEY of Ohio. Mr. Speaker, I will state that it is true that the committee did authorize that bill to be reported to the House, and at the time, as I stated before to the gentleman from Massachusetts, there was some question in the minds of the committee as to whether that bill could be properly reported to this House without the same being accompanied by a report. The committee was not in possession of certain estimates and information that had been called for from the Commissioner of Pensions——

Mr. SELLS. Mr. Speaker, I did not yield to the gentleman to make a speech.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman from Massachusetts use some more of his time?

Mr. GARDNER. Does the gentleman intend to conclude in one speech?

Mr. STEPHENS of Texas. Yes.

Mr. GARDNER. Mr. Speaker, on the 16th day of January, 1911, the moment had come, as it has come now, when the Discharge Calendar could be reached. The chairman of the Committee on Military Affairs at that time was Mr. Hull, of Iowa. He tried to get the House away from the awkward bills on the Discharge Calendar, under similar circumstances to those which now face us, by offering a motion to go into the Committee of the Whole House on the state of the Union to consider the Army appropriation bill. He did not move to suspend the rules. He thought that a majority vote would do the business. His motion, he supposed, did not require a two-thirds vote, which the pending motion requires.

On that occasion the gentleman who is now in the Chair raised the point of order that the motion to take up the Army appropriation bill was not in order with the Discharge Calendar pending. It is in consequence of what happened that day that the gentleman from Texas has been obliged to move to suspend the rules. What did happen on that day? Mr. Speaker Cannon in the chair ruled that the appropriation bill was so important that it must be held to be in order. He explained how the appropriation bills with a yearly average of a thousand million dollars were a great portion of the work of the House, and he said that in spite of the new rule for a Discharge Calendar those appropriation bills were of such vast importance that he must hold the motion of Mr. Hull in order. Then what happened? An appeal was taken from Mr. Speaker Cannon's ruling, and the House overruled him. The House voted the Discharge Calendar in order, and one of the gentlemen who voted to overrule the decision of the Chair about these great important appropriation bills was the gentleman from Alabama [Mr. UNDERWOOD.] [Applause on the Republican side.]

So now, Mr. Speaker, the motion is not in order and it is against the rules to supersede the Discharge Calendar by an appropriation bill, hence this motion to suspend the rules by a two-thirds vote. It has been said that I am endeavoring to get up the Spanish War widows' pension bill. How does anyone know that for a fact? In a minute I shall tell you frankly just what bill I hope to see considered. So far as appears as yet, I merely seek to reach the Discharge Calendar. Why, this Discharge Calendar is full of good legislation that we ought to get at. There are excellent bills high up on the calendar, one introduced by Mr. ESCH and another by Mr. GREENE of Massachusetts with regard to the safety of employees and travelers upon railways. Then there is Mr. ROGERS's antilobby bill. There are many bills now sleeping in committees well up on the Discharge Calendar if we can ever reach it. Now, Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. GARRETT of Tennessee. Before the gentleman—will the gentleman yield?

Mr. GARDNER. Yes; for a question.

Mr. GARRETT of Tennessee. Did I understand the gentleman to state that the situation which arose at the time the Army bill was proposed to be brought before the House in 1911 was the same as the situation to-day?

Mr. GARDNER. No; I quite explained the difference. Members were trying to get at the Discharge Calendar then as they are now. A moment ago I explained that it was in consequence of the Chair's decision being overruled at that time that this suspension motion becomes necessary at the present time. Mr. Speaker, the fact is that if the pending motion of the gentleman from Texas fails of its two-thirds vote, the first matter on the Discharge Calendar automatically becomes the pending question. No one need make any motion at all. The first bill on the Discharge Calendar is the Spanish War widows' bill, placed there on my motion. If you defeat this motion to suspend the rules, you can get at that bill. It will be the regular business in order. You can not get away from it, providing anybody says let us have that bill up and put it on the calendar, and you can amend it. But, Mr. Speaker, I have not the slightest objection, if the gentleman from Ohio, chairman of the sub-

committee on the widows' bill, chooses to call it up. What we want to see is action. We tried for unanimous consent——

Mr. UNDERWOOD. Will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. UNDERWOOD. The gentleman does not believe for a minute under the rules of this House that a motion to pass the bill will be considered to-day?

Mr. GARDNER. The bill will go to the Union Calendar. Mr. Speaker, I decline to yield further. As I was saying when the gentleman rose, the situation is this: All through the last Congress, until too late for the Senate to act, we could not get the Spanish War widows' bill up except by unanimous consent. When we managed to get it up under unanimous consent, somebody on the Democratic side of the House objected. We tried our best. We have been trying to get at this bill all through this Congress. In response to a belated call, we appeared before a subcommittee of the Pensions Committee. There was a majority of that subcommittee present. Against my protest, the chairman refused to call that subcommittee to order. He would not do it. There were Members of the House present ready to be heard. Now, Mr. Speaker, I can not yield any more. Then, over my protest——

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman can yield to a point of order. I make the point of order that the gentleman can not state what occurred in a committee.

Mr. GARDNER. This was a subcommittee.

Mr. SHERLEY. I make the point of order that that is subject to the same rule as the full committee.

Mr. GARDNER. I leave it to the Chair.

The SPEAKER pro tempore. A portion of a committee is the same as the committee itself.

Mr. GARDNER. Very well. If that is the case, I might rise to a question of privilege. The privileges of the House were violated if a subcommittee is the same as the committee itself. To refuse to call a committee of the House to order when a quorum is present clearly presents a question of the privileges of the House. As a matter of fact, I am not stating what occurred in committee, as the subcommittee was never called to order.

Since this occurrence, I have requested and advised the chairman of that subcommittee to get the consent of the Speaker to recognition for suspension of the rules. Suspension days do not come along very often. Everyone in this Hall who knows the rules knows that fact. Here was our chance to-day, and no one was on hand. I telephoned to the gentleman's office twice. I could not get a reply. That is why I have taken this step in the hope that the House will take action to-day to the extent of putting this bill on the Union Calendar. If that could be done, the bill would, in all probability, be reached this year, and there would be time enough to pass it through the Senate and enact it into law before this Congress expires.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. GARDNER] has expired.

Mr. STEPHENS of Texas. I yield seven minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, as I predicted in the beginning, the gentleman from Massachusetts has demonstrated the purpose of his attack, which is to put this pension bill on the calendar. Now, if there can never be a greater criticism leveled against this side of the House than the attack of the gentleman from Massachusetts, we certainly can go unharmed throughout our political career. [Applause on the Democratic side.]

The gentleman seeks to make a mountain out of a molehill. He says that we to-day stand in the same position as his party did four years ago, when it became necessary for the militant minority to establish a principle in this House that the majority of this House should govern, whether it was along party lines or not. We were fighting for the substance there; we were fighting for the right to consider substantial legislation. The gentleman from Massachusetts fights for the difference between tweedledum and tweedledee. I desire to call his attention to the fact that for 14 years after the Spanish War his party was in power——

Mr. GARDNER. Will the gentleman yield?

Mr. UNDERWOOD. And it was not until last Congress——

Mr. GARDNER. Will the gentleman yield?

Mr. UNDERWOOD. Just a minute. It was not until the last Congress, when the Democratic Party was in power in this House, that a bill of this kind reached the calendar.

Mr. GARDNER. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARDNER. The gentleman is aware of the fact that the Spanish War Veterans did not formulate the demand until that time, is he not?

Mr. UNDERWOOD. I do not know anything about the Spanish War veterans, but if this bill is just toward these widows and orphans, if the Spanish War veterans did not formulate their demand before, it is to their discredit, and if it is not just it does not make any difference who made the demand. But the gentleman can not avoid the responsibility of his own party for 14 years when there was an opportunity to enact legislation of this kind, and they refused and failed to do so. [Applause on the Democratic side.]

But in the last Congress a bill of this kind went to the calendar, came here for the consideration of the House, and the gentleman from Massachusetts [Mr. GARDNER], well aware that a committee of this House had authorized its chairman to report the bill to the House so that it would go on the calendar, seeks to take advantage of this opportunity to decry and criticize the committee that has been honestly attending to its business and has authorized a report for the consideration of this measure. And the gentlemen on that side of the House——

Mr. GARDNER. A point of order, Mr. Speaker. The gentleman, under the ruling of the Chair, can not mention what happened in committee.

Mr. UNDERWOOD. I am not aware of what happened in committee, and if I was referring to what happened in committee I am not aware of it. I was referring to the committee, and not to what happened in the committee.

The gentlemen on that side of the House, from their remarks, although I am satisfied the gentleman from Massachusetts knew better, if the others did not, seemed to assume that if this motion was taken up on the Discharge Calendar the bill would come up for action this afternoon in the House. Why, the gentleman from Massachusetts [Mr. GARDNER], who is a good parliamentarian, knows perfectly well—and he should have explained to his colleagues on that side of the House the parliamentary situation, so that they would not have been misled—that if his motion prevailed for the consideration of this bill what would have happened. It would not have come up for consideration. It would merely have gone to the calendar, and the House in regular order, on a pension Friday, could take it up for consideration.

Mr. GARDNER. Does the gentleman say that?

Mr. UNDERWOOD. Say what?

Mr. GARDNER. That a general pension bill for the Spanish War would be in order on Friday?

Mr. UNDERWOOD. I said on a "pension Friday."

Mr. GARDNER. I think not.

Mr. MANN. Of course the gentleman is mistaken about that. It would be in order on the call of the committees.

Mr. UNDERWOOD. If it is not taken up, then it would be on the call of the committees, and the proposition I make is that you would not advance the position of this bill one iota by discharging this committee and putting it on the calendar to-day ahead of the position it will occupy if you can wait until another Wednesday comes around. Then the Pension Committee may have its regular meeting and report the bill back with this much-needed amendment and do justice to these people.

Now, that is all there is in the situation. There is no reason for it on earth. I might say that possibly gentlemen on that side of the House realize that for 14 years they neglected the rights of these people. [Applause on the Democratic side.]

Now, when they see the Democratic Party preparing to legislate, with a committee preparing to report this bill, they come out here at the last minute with a cry of "Stop thief," in order that they may try to make the country think they are enthusiastic about legislation that they have remained silent about until their political opponents indicated that they were prepared to put it on the statute books.

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired. The question is, Shall the rules be suspended and the resolution adopted?

The question was taken; and the Speaker pro tempore announced that, in the opinion of the Chair, two-thirds had voted in favor thereof.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks for a division. Those in favor of suspending the rules and passing the resolution will rise and stand in their places until they are counted. [After counting.] Seventy-five gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Thirty-seven gentlemen have arisen in the negative. On this question the ayes are 75 and the noes are 37.

Mr. MANN. I ask for tellers, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois asks for tellers. All in favor of taking this vote by tellers

will rise and stand until they are counted. [After counting.] A sufficient number of gentlemen have arisen.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, on account of the lateness of the hour it is evident that we can not make progress with the bill this afternoon, so much time having been consumed. I therefore move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] that the House adjourn. As many as are in favor of the motion will so signify by answering "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 163, nays 91, answered "present" 3, not voting 175, as follows:

YEAS—163.

Abercrombie	Dershem	Igoe	Quin
Aiken	Dickinson	Jacoway	Raker
Alexander	Dies	Johnson, Ky.	Rauch
Ansberry	Difenderfer	Johnson, S. C.	Rayburn
Aswell	Donovan	Keating	Reed
Bailey	Doolittle	Kettner	Reilly, Conn.
Baker	Doughton	Key, Ohio	Reilly, Wis.
Baltz	Driscoll	Kindel	Rouse
Barkley	Dupré	Kinkead, N. J.	Rubey
Bartlett	Eagan	Kirkpatrick	Saunders
Beakes	Eagle	Kitchin	Sherley
Bell, Ga.	Edwards	Konop	Small
Booher	Estopinal	Lever	Smith, Md.
Borchers	Fields	Linthicum	Smith, Tex.
Borland	Fitzgerald	Lloyd	Stanley
Brockson	FitzHenry	Lobeck	Stedman
Broussard	Floyd, Ark.	Lonergan	Stephens, Miss.
Brown, N. Y.	Fowler	McAndrews	Stephens, Nebr.
Brown, W. Va.	Garner	McClellan	Stephens, Tex.
Brumbaugh	Garrett, Tenn.	McCoy	Stone
Buchanan, Ill.	Garrett, Tex.	McDermott	Talbott, Md.
Buchanan, Tex.	Gerry	McGillicuddy	Talcott, N. Y.
Bulkley	Gilmore	McKellar	Tavenner
Burgess	Godwin, N. C.	Maguire, Nebr.	Taylor, Ark.
Byrns, Tenn.	Goeke	Mahan	Thacher
Candler, Miss.	Graham, Ill.	Metz	Thomas
Cantrill	Gregg	Mitchell	Thompson, Okla.
Caraway	Gudger	Montague	Tuttle
Carr	Hamlin	Moon	Underhill
Carter	Hammond	Morgan, La.	Underwood
Church	Hardy	Morrison	Vaughan
Claypool	Hay	Moss, Ind.	Walsh
Clayton	Heflin	Murray, Okla.	Watkins
Collier	Henry	Neeley, Kans.	Watson
Connelly, Kans.	Hensley	Oldfield	Weaver
Connolly, Iowa	Holland	Padgett	Whaley
Cox	Houston	Park	Williams
Cullop	Howard	Patten, N. Y.	Wingo
Davenport	Hughes, Ga.	Peterson	Witherspoon
Decker	Hull	Phelan	Young, Tex.
Dent	Humphreys, Miss.	Post	

NAYS—91.

Anderson	Gillett	La Follette	Powers
Barton	Good	Langham	Rogers
Bell, Cal.	Graham, Pa.	Langley	Rupley
Browne, Wis.	Green, Iowa	Lee, Pa.	Scott
Bryan	Greene, Mass.	Lenroot	Sells
Butler	Greene, Vt.	Lewis, Pa.	Shreve
Calder	Guernsey	Lindbergh	Sinnott
Cary	Hamilton, Mich.	McKenzie	Sloan
Chandler, N. Y.	Hamilton, N. Y.	Madden	Smith, J. M. C.
Cooper	Hawley	Manahan	Smith, Minn.
Curry	Helgesen	Mann	Stafford
Danforth	Hinebaugh	Mapes	Stephens, Cal.
Davis	Hulings	Miller	Temple
Dillon	Humphrey, Wash.	Morgan, Okla.	Thomson, Ill.
Donohoe	Johnson, Utah	Moss, W. Va.	Towner
Dunn	Johnson, Wash.	Nelson	Treadway
Dyer	Kahn	Norton	Volstead
Edmonds	Keister	Paige, Mass.	Wallin
Esch	Kelley, Mich.	Parker	Willis
Fess	Kennedy, Iowa	Patton, Pa.	Woodruff
Frear	Kennedy, R. I.	Payne	Woods
French	Kiess, Pa.	Peters, Me.	Young, N. Dak.
Gardner	Kinkaid, Nebr.	Platt	

ANSWERED "PRESENT"—3.

Browning	Moore	Stevens, Minn.

NOT VOTING—175.

Adair	Blackmon	Carew	Curley
Adamson	Bowdle	Carlin	Dale
Ainey	Britten	Casey	Deitrick
Allen	Broadbeck	Clancy	Dixon
Anthony	Bruckner	Clark, Fla.	Dooling
Ashbrook	Burke, Pa.	Cline	Doremus
Austin	Burke, S. Dak.	Coady	Elder
Avis	Burke, Wis.	Conry	Evans
Barchfeld	Burnett	Copley	Fairchild
Barnhart	Byrnes, S. C.	Covington	Faison
Bartholdt	Callaway	Cramton	Falconer
Bathrick	Campbell	Crisp	Farr
Beall, Tex.	Cantor	Crosser	Fergusson
Ferris	Howell	Murray, Mass.	Sisson
Finley	Hoxworth	Neely, W. Va.	Slayden
Flood, Va.	Hughes, W. Va.	Nolan, J. I.	Slemp
Fordney	Jones	O'Brien	Smith, Idaho
Foster	Kelly, Pa.	Oglesby	Smith, N. Y.
Francis	Kennedy, Conn.	O'Hair	Smith, Saml. W.
Gallagher	Kent	O'Leary	Sparkman
Gard	Knowland, J. R.	O'Shaunessy	Steenerson
George	Korbly	Page, N. C.	Stevens, N. H.
Gittins	Kreider	Palmer	Stout
Glass	Lafferty	Peters, Mass.	Stringer
Goldfogle	Lazaro	Plumley	Sumners
Goodwin, Ark.	Lee, Ga.	Porter	Sutherland
Gordon	L'Engle	Pou	Switzer
Gorman	Lesher	Prouty	Taggart
Goulden	Levy	Ragsdale	Taylor, Ala.
Gray	Lewis, Md.	Rainey	Taylor, Colo.
Griest	Lieb	Richardson	Taylor, N. Y.
Griffin	Lindquist	Riordan	Ten Eyck
Hamill	Loft	Roberts, Mass.	Townsend
Hardwick	Logue	Roberts, Nev.	Tribble
Harrison	McGuire, Okla.	Rothermel	Vare
Hart	McLaughlin	Rucker	Walker
Haugen	MacDonald	Russell	Walters
Hayden	Maher	Sabath	Webb
Hayes	Martin	Scully	Whitacre
Helm	Merritt	Seldomridge	White
Helvering	Mondell	Shackleford	Wilson, Fla.
Hill	Morin	Sharp	Wilson, N. Y.
Hinds	Mott	Sherwood	Winslow
Hobson	Murdock	Sims	

So the motion to adjourn was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

From February 6 until return from Michigan:

Mr. TAYLOR of Colorado with Mr. HOWELL.

Until return from Colorado:

Mr. SIMS with Mr. SUTHERLAND.

From February 6 until return from Colorado:

Mr. FOSTER with Mr. AUSTIN.

Until further notice:

Mr. WHITE with Mr. LINDQUIST.

Mr. WILSON of Florida with Mr. MCGUIRE of Oklahoma.

Mr. CALLAWAY with Mr. MCLAUGHLIN.

Mr. BARNHART with Mr. MACDONALD.

Mr. CLANCY with Mr. MERRITT.

Mr. COADY with Mr. MORIN.

Mr. WEBB with Mr. LAFFERTY.

Mr. WALKER with Mr. WINSLOW.

Mr. TOWNSEND with Mr. WALTERS.

Mr. SPARKMAN with Mr. VARE.

Mr. SISSON with Mr. SWITZER.

Mr. SHARP with Mr. STEENERSON.

Mr. SHACKLEFORD with Mr. SAMUEL W. SMITH.

Mr. RUSSELL with Mr. SMITH of Idaho.

Mr. RUCKER with Mr. SLEMP.

Mr. RAINEY with Mr. ROBERTS of Nevada.

Mr. POU with Mr. ROBERTS of Massachusetts.

Mr. PETERS of Massachusetts with Mr. PROUTY.

Mr. PALMER with Mr. PORTER.

Mr. PAGE of North Carolina with Mr. PLUMLEY.

Mr. NEELEY of Kansas with Mr. J. I. NOLAN.

Mr. MURRAY of Massachusetts with Mr. MURDOCK.

Mr. LIEB with Mr. MOTT.

Mr. HELM with Mr. KREIDER.

Mr. HARRISON with Mr. J. R. KNOWLAND.

Mr. HARDWICK with Mr. KENT.

Mr. GORDON with Mr. HUGHES of West Virginia.

Mr. GOODWIN of Arkansas with Mr. HINDS.

Mr. GLASS with Mr. HAYS.

Mr. FLOOD of Virginia with Mr. HAUGEN.

Mr. FINLEY with Mr. FORDNEY.

Mr. FERRIS with Mr. FARR.

Mr. FAISON with Mr. FALCONER.

Mr. EVANS with Mr. CRAMTON.

Mr. DOREMUS with Mr. COPLEY.

Mr. DIXON with Mr. CAMPBELL.

Mr. CLARK of Florida with Mr. BURKE of South Dakota.

Mr. CASEY with Mr. BURKE of Pennsylvania.

Mr. CARLIN with Mr. BRITTEN.

Mr. BURNETT with Mr. BARTHOLDT.

Mr. BLACKMON with Mr. BARCHFELD.

Mr. BATHRICK with Mr. AVIS.

Mr. ADAIR with Mr. ANTHONY.

Mr. ALLEN with Mr. AINEY.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. MOORE.

Mr. SABATH with Mr. GRIEST.

On this vote:

Mr. HAYDEN with Mr. MONDELL.

Mr. MOORE. Mr. Speaker, I find that I am paired with the gentleman from Texas, Mr. SLAYDEN. I voted "no" on this proposition. I desire to withdraw that vote and to be recorded "present."

LEAVE TO WITHDRAW PAPERS—WILMOT STEVENS.

The SPEAKER pro tempore. Pending the announcement of the result of the vote, the Chair will lay before the House a request for unanimous consent.

By unanimous consent, at the request of Mr. SMITH of Minnesota, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Wilmot Stevens, H. R. 16795, Sixty-second Congress, no adverse report having been made thereon.

ADJOURNMENT.

The result of the vote was announced as above recorded; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until Tuesday, February 17, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting letter from the Chief of Engineers, United States Army, with an index to reports of Chief of Engineers from 1866 to 1912, inclusive, in pursuance to rivers and harbors act approved July 25, 1913, was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ABERCROMBIE, from the Committee on Education, to which was referred the joint resolution (H. J. Res. 84) limiting the editions of the publications of the Bureau of Education, reported the same without amendment, accompanied by a report (No. 258), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 1369) for the relief of the Snare & Triest Co., reported the same without amendment, accompanied by a report (No. 259), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3843) for the relief of Bellevadorah Steele, reported the same without amendment, accompanied by a report (No. 260), which said bill and report were referred to the Private Calendar.

Mr. ELDER, from the Committee on War Claims, to which was referred the bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright, reported the same without amendment, accompanied by a report (No. 261), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 5832) for the relief of Edward William Bailey, reported the same without amendment, accompanied by a report (No. 262), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8203) to reimburse J. T. Nance, reported the same without amendment, accompanied by a report (No. 263), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10675) for the relief of the State Board of Harbor Commissioners of the State of California, reported the same without amendment, accompanied by a report (No. 264), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 8562) for the relief of Kinder & Nicol, reported the same without amendment, accompanied by a report (No. 265), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11704) to pay Cowden & Cowden, of Armory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture, reported the same without amendment, accompanied by a report (No. 266), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2536) for the relief of John Streckfus, reported the same with amendment, accompanied by a report (No. 267), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 1922) for the relief of Margaret McQuade, reported the same without amendment, accompanied by a report (No. 268), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 175) for the relief of Lawson Reno, collector second district of Kentucky, reported the same without amendment, accompanied by a report (No. 269), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1884) for the relief of Phoebe W. Chase, reported the same without amendment, accompanied by a report (No. 270), which said bill and report were referred to the Private Calendar.

Mr. ELDER, from the Committee on War Claims, to which was referred the bill (H. R. 11381) for the relief of the estate of J. T. Semmes, deceased, reported the same with amendment, accompanied by a report (No. 271), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 6561) for the relief of Cathrine E. Morris, reported the same adversely, accompanied by a report (No. 272), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 1184) for the relief of Richard H. Grey, reported the same adversely, accompanied by a report (No. 273), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8917) granting a pension to Peter C. Deardorff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5176) granting a pension to Eva Prime; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 13451) providing for purchase of site and for public building at Metter, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13452) providing for purchase of site and for public building at Brooklet, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HAY: A bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915; to the Committee of the Whole House on the state of the Union.

By Mr. ESCH: A bill (H. R. 13454) providing for the publicity of the security issues of corporations engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: A bill (H. R. 13455) for the erection of a public building at Modesto, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. NEELEY of Kansas: A bill (H. R. 13456) for the erection of a public building at Dodge City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN of Texas: A bill (H. R. 13457) to provide for a more equitable means of distribution of topographic and hydrographic surveys and other work of the United States Geological Survey among the several States, and to make such work more effective and serviceable to the several States in the work of improvement and development; to the Committee on Expenditures in the Interior Department.

By Mr. MERRITT: A bill (H. R. 13458) for the purchase of a site and the erection thereon of a public building at Potsdam, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: A bill (H. R. 13459) to provide for changing the name of the Department of War to the Department of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. ASWELL: A bill (H. R. 13460) to provide for the erection of a public building at Alexandria, La.; to the Committee on Public Buildings and Grounds.

By Mr. McKELLAR: A bill (H. R. 13461) to establish a new judicial circuit of the United States with a circuit court of appeals, hereafter to be called the tenth circuit; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13462) granting a pension to Mary E. Bacon; to the Committee on Pensions.

Also, a bill (H. R. 13463) granting a pension to Jonas Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13464) granting a pension to Nathan G. Dillen; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13465) granting a pension to Homer C. Dodd; to the Committee on Invalid Pensions.

By Mr. BALTZ: A bill (H. R. 13466) granting a pension to D. G. Peterson; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 13467) granting a pension to Thomas Burke; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 13468) granting an increase of pension to William G. Stout; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 13469) granting an increase of pension to Mathew L. Kniskern; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 13470) to remove the charge of desertion from the record of James Grady; to the Committee on Military Affairs.

By Mr. IGOE: A bill (H. R. 13471) granting an honorable discharge to Lewis Doll; to the Committee on Military Affairs.

By Mr. LONERGAN: A bill (H. R. 13472) granting an increase of pension to Myron S. Pease; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 13473) granting an increase of pension to Adeline Waskey; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 13474) granting a pension to Augusta Hendricks; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13475) granting a pension to George W. Peters; to the Committee on Pensions.

Also, a bill (H. R. 13476) granting a pension to N. Ellen Peters; to the Committee on Pensions.

Also, a bill (H. R. 13477) granting a pension to Elijah Spurlock; to the Committee on Pensions.

Also, a bill (H. R. 13478) for the relief of the heirs of Susannah Cadle, deceased; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 13479) granting a pension to Mary F. Carson; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 13480) granting an increase of pension to Elisha P. Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13481) granting an increase of pension to Fabius E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13482) for the relief of Fred Henderson; to the Committee on Claims.

Also, a bill (H. R. 13483) for the relief of Louis Jones; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Hermann Savings Bank and the Farmers and Merchants' Bank, of Hermann, Mo., protesting against change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. AINEY: Petitions of bankers of Pennsylvania, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. ANSBERRY: Memorial of the Farmers' Institute at Kalida, Ohio, favoring passage of the Kenyon bill for the eradication of hog cholera; to the Committee on Agriculture.

By Mr. ASHBROOK: Petitions of H. E. Neptune and two other merchants of Perryville, Ohio, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petitions of citizens of the nineteenth congressional district of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Larchmont, N. Y., favoring House bill 8947, relative to extension of Rural Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. BALTZ: Petition of bankers of Alton, Ill., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the Hawaiian Pineapple Co., of Honolulu, Hawaii, against House bill 9832, relative to labels bearing the year of packing and proportion of ingredients; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Switchmen's Union of North America, of Buffalo, N. Y.; the Koken Barbers' Supply Co.; the St. Louis Dairy Co.; and of citizens of St. Louis, Mo., against House bill 1873, exempting labor organizations from the operation of the antitrust laws; to the Committee on the Judiciary.

Also, petition of the National German-American Alliance, of Indianapolis, Ind., and citizens of St. Louis, Mo., against prohibition amendment; to the Committee on the Judiciary.

Also, petition of the Polish National Alliance of Chicago, Ill.; the Italian Colonial Committee of St. Louis, Mo.; the Socialist Party of St. Louis, Mo.; and the Nathan Frank Lodge, No. 87, Independent Order B'rith Abraham, St. Louis, Mo., against immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of J. A. Phillips, of St. Louis, Mo., representing railway conductors, favoring immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the District of Columbia Association Opposed to Woman Suffrage, against all measures favoring woman's suffrage; to the Committee on the Judiciary.

Also, petition of citizens of St. Louis, Mo., against eliminating the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of the People's League and the Central Trades and Labor Union of St. Louis, Mo., favoring a bill providing for the appointment of a commission to locate the eastern approach to the free bridge; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: Memorial of the Chicago City Council, protesting against bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BROWNE of Wisconsin: Petition of bankers of Wisconsin, favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. BUCHANAN of Illinois: Petition of the Deming & Gould Co., favoring change in McKellar cold-storage bill relative to fish; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: Petitions of citizens of South Dakota, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petitions of German societies of the State of Wisconsin, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of the Dime Savings Bank of Williamsburg, of Brooklyn, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of Old Guard Camp, No. 19, United Spanish War Veterans, Department of New York, and David Wilson Camp, No. 59, United Spanish War Veterans, Department of New York, favoring passage of House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petitions of officers and members of D Company, Fifth Regiment, and A Company, Second Regiment, United Boys' Brigades of America of the State of New York, relative to uniforms similar to the uniforms of the United States Army; to the Committee on Military Affairs.

Also, petition of citizens of the sixth congressional district of the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, petition of the German-American Alliance Branch of Stadtverband, of Portage, Wis., representing 102 American citizens, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures; to the Committee on the Judiciary.

Also, petition of citizens of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. DALE: Petition of David Wilson Camp, No. 59, United Spanish War Veterans, Department of New York, favoring passage of House bill 7374, relative to pensions for Spanish War veterans' widows; to the Committee on Pensions.

By Mr. DAVIS: Petition of J. J. Ponsford, treasurer of the Minnesota State Bankers' Association, of Watertown, Minn.; Exchange Bank, of Farmington, Minn.; and State Bank, of Pine Island, Minn., relative to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Arlington and Winthrop, Minn., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Hardwood Manufacturers' Association, of Cincinnati, Ohio, favoring the Ransdell-Humphreys bill relative to development of the territory within the flood district of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. DIFENDERFER: Petitions of citizens of Norristown, Pa., protesting against the passage of House bill 8978; to the Committee on the Judiciary.

By Mr. DYER: Petition of the Progressive City Central Committee of St. Louis, Mo., and the Central Civic Council of St. Louis, Mo., relative to the municipal free bridge over the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Petitions of the First National Bank of Guttenberg; the First National Bank of Union; the National Bank of North Hudson, of West Hoboken; the Commonwealth Trust Co., of West Hoboken; and the Highland Trust Co., of West Hoboken, all in the State of New Jersey, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of Local Union No. 78, Painters, Decorators, and Paper Hangers, of Hoboken, N. J., favoring increased compensation to letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of bankers of Wisconsin, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of La Crosse, Wis., against national prohibition; to the Committee on the Judiciary.

Also, papers to accompany a bill (H. R. 13381) granting an increase of pension to Royal E. Dake; to the Committee on Invalid Pensions.

Also, petition of the Hardwood Manufacturers' Association of Cincinnati, Ohio, favoring Ransdell-Humphreys bill relative to flood control; to the Committee on Rivers and Harbors.

By Mr. FESS: Petition of bankers of Ohio, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Merchants' Association of Springfield, Ohio, relative to trades relations bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD of Virginia: Petition of the Bank of New Castle, Va., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GARDNER: Petitions of the Georgetown National Bank; the Georgetown Savings Bank, of Georgetown; and the Cape Ann National Bank, of Gloucester, all in the State of Massachusetts, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GARNER: Petition of the American Bankers' Association, New York, and of bankers of Texas, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Athenian Literary Club, of San Benito, Tex., favoring House bill 8948, relative to a national bureau of safety; to the Committee on Labor.

By Mr. GERRY: Petition of the Kile & Morgan Co., of Providence, R. I., urging passage of Ransdell-Humphreys bill, relative to flood control; to the Committee on Rivers and Harbors.

Also, petition of Rev. Fred. M. White, of Providence, R. I., urging passage of House bill 10080, relative to manufacture of pure fabrics, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Veterinary Medical Association, urging passage of House bill 4541, relative to Veterinary Corps; to the Committee on Military Affairs.

Also, petition of various residents of Westerly and Bradford, R. I., protesting against Sabbath observance bill; to the Committee on the District of Columbia.

Also, petitions of the Brotherhood of Painters, Decorators, and Paperhangers of America of Providence, R. I.; Local No. 792, United Textile Workers of America, of Pawtucket, R. I.; and Brown & Sharpe Manufacturing Co., urging enactment of Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of the Ashaway National Bank, of Ashaway, R. I., and the Washington Trust Co., of Westerly, R. I., urging an amendment to income-tax law providing for method of "information at the source" clause in lieu of present provisions for "collection at the source"; to the Committee on Ways and Means.

Also, petition of the General Jefferson Branch of the American Continental League, of Westerly, R. I., protesting against an appropriation for celebration of so-called "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

By Mr. GILMORE: Petition of bankers of Massachusetts, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GOEKE: Petition of bankers of Sidney, Ohio, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GORDON: Petition of E. A. Forbes, of Bedford, and 1,318 other citizens of Cleveland and of Cuyahoga County, Ohio; and of W. R. Koons and 44 other citizens of Medina and Medina County, Ohio, protesting against the enactment of House joint resolution 168 and Senate joint resolutions 88 and 50, or any similar prohibition measures; to the Committee on the Judiciary.

Also, petition of Hugh Harrison and 249 other citizens, of Cleveland, Ohio, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, and similar prohibition measures introduced in Congress as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the States; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Manufacturers' Association of the United States, favoring passage of the Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

By Mr. HAYDEN: Memorial of the First Congregational Church of Tempe, Ariz., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petitions of citizens of North Dakota, favoring proposed eighteenth amendment to the Constitution, in reference to polygamy; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions of the Central National Bank, of Junction City, and other banks of the State of Kansas, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of sundry shoe retailers of Manhattan, Kans., protesting against passage of pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HENSLEY: Petition of the German-American Bank of De Soto, Mo., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. IGOE: Petition of Kansas-Missouri Turnbezirk, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Switchmen's Union, favoring anti-injunction bill; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of the German Singing Society Forshinn, of Latrobe, Pa.; of citizens of Westmoreland County, Pa.; the German Beneficial Union, District No. 24, of New Kensington, Pa.; and the German Beneficial Union, District No. 53, of Larimer, Pa., against prohibition amendment; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of citizens of Osceola County, Mich., protesting against the passage of the Sabbath-observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. KINKEAD of New Jersey: Petition of Tietje & Christ, of Hoboken, N. J., favoring amendment to trades relation bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Petitions of the National Globe Bank, of Woonsocket, and other banks of Rhode Island, favoring change in income-tax law; to the Committee on Ways and Means.

Also, memorial of Local 792, United Textile Workers of America, of Pawtucket, R. I., favoring passage of Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. LEVY: Petition of David Wilson Camp, No. 59, United Spanish War Veterans, of New York, favoring House bill 7374, relative to a pension for widows and orphans of soldiers and sailors of the Spanish War; to the Committee on Pensions.

By Mr. LEWIS of Maryland: Petitions of Peter H. Mouse and 235 other citizens of Maryland, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Memorial of John W. Heyns and other citizens of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the First National Bank, Mount Vernon National Bank, and the People's Bank & Trust Co., all of Mount Vernon, Ind., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of the Security Trust Co., of Hartford, Conn., favoring change in the income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. MADDEN: Petitions of citizens of Cook County, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petition of Local No. 39, Brotherhood of Boiler Makers, Chicago, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petition of the city council of Chicago, Ill., protesting against bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chicago Savings Bank & Trust Co., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. MAPES: Petitions of citizens and organizations of Michigan, against making any changes in the United States flag; to the Committee on the Judiciary.

By Mr. MARTIN: Petition of bankers of South Dakota, favoring amendment to the income-tax law; to the Committee on Ways and Means.

Also, petition of Branch No. 502, National Association of Letter Carriers, favoring Hamill retirement bill; to the Committee on Reform in the Civil Service.

By Mr. McCOY: Petitions of the Orange National Bank and the Trust Co. of Orange, both of Orange, and citizens of Newark, N. J., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of State Administration of Vocational Education, relative to national aid for vocational education; to the Committee on Education.

Also, petitions of citizens of Newark and the Deutscher Pioneer Verein of Newark, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of the Chamber of Commerce of Freeport, Ill., relative to park-commission plan, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. MERRITT: Petitions of business men of Norwood and Massena, N. Y., favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. MOORE: Petition of the Bethlehem (Pa.) Branch of the National Indian Association, favoring giving title of their land to Navajo Indians of Arizona; to the Committee on Indian Affairs.

By Mr. MOTT: Petition of the Fulton Savings Bank, of Fulton, N. Y., and the Bank of Philadelphia, of Philadelphia, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. NEELEY of Kansas: Petition of citizens of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of members of the Pentecostal Church of the Nazarene of the State of Kansas, favoring passage of special bill granting increase of pension to Sarah A. Winans; to the Committee on Invalid Pensions.

Also, petitions of citizens of Kendall, Kans., protesting against the passage of the Columbus Day bill; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of bankers of Rhode Island, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the General Washington and the General Jefferson Branches of the American Continental League, against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the National Wholesale Dry Goods Association, of Philadelphia, Pa.; Frederick M. White, Providence, R. I.; and Callender W. Anslan & Troup Co., of Providence, R. I., relative to the pure-fabric law; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Providence (R. I.) Lodge, Independent Order United Hebrews of America, against immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Betsy Ross Council, No. 23, Daughters of Liberty, of Providence, R. I., and of citizens of Rhode Island, favoring immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of J. S. Pollard, of Providence, R. I., favoring House bill 4541, relative to the Veterinary Corps; to the Committee on Military Affairs.

Also, petition of Local No. 195, Brotherhood of Painters, Decorators, and Paperhangers of America, of Providence, R. I., and of the Dyers, Bleachers, and Dryers Local No. 792, of Pawtucket, R. I., favoring anti-injunction bill; to the Committee on the Judiciary.

Also, petition of W. A. Viall, of Providence, R. I., against Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of Miss Anne L. Waite, of Bradford, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Rhode Island Brewers' Association, against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Providence, R. I., favoring deepening of Willapa River, State of Washington; to the Committee on Rivers and Harbors.

By Mr. PAIGE of Massachusetts: Petition of bankers of Massachusetts, favoring amendment to income-tax law; to the Committee on Ways and Means.

Mr. PATTEN of New York: Petition of David Wilson Camp, No. 59, Department of New York, United Spanish War Veterans, favoring pension to widows and orphans of Spanish War soldiers; to the Committee on Pensions.

By Mr. PAYNE: Petitions of sundry citizens of the counties of Ontario and Yates, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PETERS of Massachusetts: Petition of the Old Colony Trust Co., of Boston, Mass., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. ROBERTS of Massachusetts: Papers to accompany House bill 1558, granting a pension to Isaac H. Griffith; to the Committee on Invalid Pensions.

By Mr. RUBEY: Petition of citizens of Rollo and Salem, Mo., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. SCULLY: Petition of citizens of New Jersey against national prohibition; to the Committee on the Judiciary.

Also, petition of bankers of Red Bank, N. J., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. SELDOMRIDGE: Petitions of the First National Bank of Dodge County, Castle Rock, and other banks of Colorado, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Pueblo Trades and Labor Assembly of Pueblo, Colo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Order of Railway Conductors of Trinidad, Colo., relative to relief for workers on the Isthmian Canal; to the Committee on Appropriations.

By Mr. SLOAN: Petition of bankers of Nebraska, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petitions of sundry banks of St. Paul, Minn., favoring change in income-tax law, relative to collection at source; to the Committee on Ways and Means.

By Mr. SUTHERLAND: Petition of bankers of West Virginia, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. THACHER: Petition of bankers of Massachusetts, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of the Local Bartenders' International League of Westfield, Mass., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of the Independent Schutzencorps of Elizabeth, N. J., and citizens of New Jersey, against prohibition amendment; to the Committee on the Judiciary.

Also, petition of Elizabeth (N. J.) Council, No. 10, Daughters of Liberty, and citizens of New Jersey, favoring immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of First Baptist Church of Summit, N. J., favoring increase in number of chaplains for the United States Navy; to the Committee on Naval Affairs.

Also, petition of bankers of New Jersey, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of bankers of New York State, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Hardwood Manufacturers' Association, Cincinnati, Ohio, favoring Ransdell-Humphreys bill relative to flood control; to the Committee on Rivers and Harbors.

By Mr. WALLIN: Petition of citizens of Fulton County, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of John Ballard, of Morristown, S. Dak., relative to Senate bill 4366, granting relief to settlers on the Cheyenne and Standing Rock Indian Reservations; to the Committee on Indian Affairs.

Also, petition of sundry citizens of North Dakota, protesting against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of North Dakota, favoring amendment to the Constitution relative to polygamy; to the Committee on the Judiciary.

SENATE.

TUESDAY, *February 17, 1914.*

FUNERAL OF THE LATE SENATOR BACON.

The VICE PRESIDENT called the Senate to order at 12 o'clock and 45 minutes p. m. and said:

By unanimous consent, the reading of the Journal of yesterday's proceedings will be dispensed with. The Senate will receive a message from the House of Representatives.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted to the Senate resolutions of the House on the death of Hon. AUGUSTUS O. BACON, late a Senator from the State of Georgia.

The message also announced that the Speaker of the House had appointed Mr. BARTLETT, Mr. ADAMSON, Mr. HARDWICK, Mr. BELL of Georgia, Mr. LEE of Georgia, Mr. EDWARDS, Mr. HUGHES of Georgia, Mr. TRIBBLE, Mr. HOWARD, Mr. CRISP, Mr. WALKER, Mr. PARK, Mr. FERRIS, Mr. MANN, Mr. PAYNE, Mr. GARDNER, Mr. ANTHONY, Mr. WILLIS, Mr. DYER, and Mr. PROUTY as the committee on the part of the House to accompany the remains of the deceased Senator to the State of Georgia.

The message further announced that the House accepts the invitation of the Senate extended to the Speaker and the Members of the House of Representatives to attend in the Senate Chamber the funeral services of Hon. AUGUSTUS O. BACON, late a Senator of the United States from the State of Georgia.

At 12 o'clock and 48 minutes p. m. the committee of arrangements of the two Houses entered the Chamber.

At 12 o'clock and 50 minutes p. m. the Speaker and Members of the House of Representatives were announced. The Speaker was escorted to a seat on the left of the Vice President, and the Members of the House were shown to seats on the floor provided for them.

The ambassadors of and ministers from foreign countries, the Chief Justice of the United States, and the Associate Justices of the Supreme Court of the United States, the members of the Cabinet of the President of the United States, the Chief of Staff of the Army, and the Regents and Secretary of the Smithsonian Institution were announced, respectively, and shown to the seats assigned them.

The members of the family of the late Senator were escorted to seats reserved for them.

The VICE PRESIDENT. Senators, the hour has arrived at which, in accordance with the order of the Senate, the final ceremonies over the body of AUGUSTUS OCTAVIUS BACON, late a Senator from Georgia and an unusually distinguished Member of this body, are to be observed. In conformity with custom and in token of our common faith, the Chaplain of the Senate will offer prayer to God the Father, God the Redeemer, and God the Comforter.

Rev. Forrest J. Prettyman, D. D., the Chaplain of the Senate, offered the following prayer:

Almighty God, in the midst of the darkening shadows of life's great mystery we turn our faces toward Thee. Between the dark mount of sorrow and the bright mountain of prayer, we would come where only the voice of God is heard. The heaven of heavens can not contain Thee, much less this earthly house of our ambitions and dreams. We may not compass Thee with our thought of life, but we know by the instinct of love and the far-reaching grasp of faith that Thou hast made us for an infinite purpose. It is not Thy will that we should perish utterly. Thou art the God of our fathers, and Thou art not the God of the dead, but of the living. Our birth is but a sleep and a forgetting; our home is with Thee.

Do Thou, we beseech Thee, speak unto us this day, that we may live. We bless Thee that Thou hast not left Thyself without a witness among men. Thy hand has been laid upon mighty men in church and state, and Thou hast thrust them out to guide us into the fuller life.

We bless Thee for the life and work of this great man. We praise Thee that the hand of death was not laid upon him until he had spoken his message to the world and had sent forth the influence of a devoted life into the soul of our Nation.

Endowed with a physical form which was animated by a presence full of the repose of self-mastery, confident through a rich and varied scholarship, inflexible by reason of a consecrated will, dominant with a purpose of lofty aim, he has faced and fulfilled the great demands of a faithful Senator. Sustained by a faith in the goodness of thy plan and inspired by a zeal for peace for the world, he has measured up to the standard of Christian leadership.

But now, O God, what issues lie back of a life like this? Thy call to-day is to living men. With the light breaking about us at the dawn of a new day, we invoke Thy continued blessing. Still lay Thy hand upon mighty leaders among us. Bless those who have been called to places of authority and power among us. May their authority be justified by divine wisdom and their power sanctified by Thy grace.

Make us a Christian Nation, with no other message than that of peace and good will among men. Come to all hearts that sorrow. With the tender touch of infinite sympathy and pity do Thou heal the broken hearted. Let the vision of that one far-off divine event cheer and sustain the weary pilgrim of the night. Hasten the day of Thy coming. We wait upon Thee through the revelation of the Son of God, and even in this hour of sadness we may sound the pæan of Christian victory, "But thanks be to God, which giveth us the victory, through our Lord Jesus Christ." Unto Him be power, and glory, and dominion forever. Amen.

Right Rev. Alfred Harding, D. D., LL. D., Bishop of Washington, read portions of the burial service of the Protestant Episcopal Church, and also recited the Apostles' Creed and the hymn beginning:

Abide with me, fast falls the eventide;
The darkness deepens, Lord, with me abide.

Then followed appropriate collects from the Book of Common Prayer.

The benediction was pronounced by the Chaplain of the Senate.

The VICE PRESIDENT. Into the loving hands of the committees of Congress and the officers of the Senate we consign the mortal body of our well-beloved Senator to be by them conveyed to his home in the State of Georgia, there to be deposited in its final resting place. May his labors in the cause of constitutional liberty long bless the Republic. The committee of arrangements, conducted by the Sergeant at Arms of the Senate, will escort the remains of the deceased Senator from the Chamber to the Union Station and from thence to the place of burial in the State of Georgia. The guests of the Senate will depart in the inverse order of their entrance.

The invited guests having retired from the Chamber,

Mr. KERN. Mr. President, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, February 18, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 17, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We can not always trace the way where Thou, Almighty God our heavenly Father, dost move. But we fervently pray for that unbounded faith which shall enable us to put our whole trust in Thee, assured that whatsoever Thou dost order for us is better than anything that we could desire for ourselves. With such a faith help us to take up the work before us, acting ever in consonance with the dictates of our conscience, leaving the results to Thee. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

FUNERAL OF THE LATE SENATOR BACON.

The SPEAKER. The managers of the Senate have sent word to the Chair that they have room in the Senate for the Members and officers elect of the House, but they have no room for anyone else.

HYGIENE OF THE PAINTER'S TRADE.

Mr. BARNHART. Mr. Speaker, I offer the following privileged resolution,

The Clerk read as follows:

House resolution 389.

Resolved, That the Committee on Printing is hereby authorized and directed to have printed 16,000 copies of House Document No. 1477, Sixty-second Congress, third session, entitled "Hygiene of the Painter's Trade."

Mr. MANN. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. MANN. I notice that the form of the resolution is very unusual. It says that the Committee on Printing shall have printed. I do not know that it makes any difference, but would that authorize the cost to be paid out of the congressional appropriation for printing?

Mr. BARNHART. I think that is the usual form.

Mr. MANN. I do not want to put my recollection up against the chairman of the Committee on Printing, but I am very sure that this is an unusual form. The usual form is that "there shall be printed," and so forth.

Mr. STAFFORD. The phraseology adopted by the gentleman would indicate that they were to be for the use of the committee, whereas they are to be for the use of Congress.

Mr. BARNHART. I think similar resolutions are usually in that form; but, Mr. Speaker, I will withdraw the resolution for the present.

The SPEAKER. The gentleman withdraws the resolution.

INVESTIGATION OF SHIPPING COMBINATIONS.

Mr. BARNHART. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

House resolution 402 (H. Rept. 277).

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, authorized to have printed 4,540 copies of volume 4 of the Proceedings of the Committee on the Merchant Marine and Fisheries in the investigation of shipping combinations, under H. Res. 587 of the Sixty-second Congress, second session.

With the following committee amendment:

In line 3, strike out the words "four thousand and five" and insert instead thereof the words "twenty-nine."

Mr. BARNHART. Mr. Speaker, the amendment provides for bringing the number of copies within the number that can be printed for the usual amount.

The amendment was agreed to.

The resolution as amended was agreed to.

PROBATE PROCEDURE—FIVE CIVILIZED TRIBES, OF OKLAHOMA.

(H. DOC. NO. 758.)

Mr. BARNHART. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House resolution 385 (H. Rept. 278).

Resolved, That there be printed as a House document 55,000 copies of "Rules of procedure in probate matters, adopted by the county judges of the Five Civilized Tribes portion of Oklahoma," together with the resolutions and statements of approval thereto attached.

With the following committee amendment:

Add, at the end of line 5, the following: "40,000 copies for the use of the House folding room; 10,000 copies for the use of the House document room."

Mr. MANN. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. MANN. I notice that the amendment provides putting these copies in the folding room, which, of course, would divide them among all the Members of the House. Is it not quite certain that nine-tenths of the Members of the House have no occasion to use them?

Mr. BARNHART. Yes; that was talked over with the author of the resolution. It has been the policy of the committee to try to arrange it so that all these documents may be placed for the greatest convenience of those who want to use them. In this particular instance, however, we had no means of knowing how wide the distribution might necessitate. The author of the resolution was satisfied to have it done in this way, because he said he could get enough transfers to take care of his wants.

Mr. MANN. Of course this resolution relates wholly to the probate proceedings in Oklahoma.

Mr. BARNHART. Yes; and its ramifications with the decisions of these courts bearing upon matters that interest guardians wherever they may live.

Mr. MANN. I should doubt whether anybody in the House, except a few Members, would make any use of them. The result would be that nearly all of them would be accumulated in the folding room until after awhile they would be sold for waste paper.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. STAFFORD. Would this compilation be of any value to Members having Indian reservations in their districts except in the old Indian Territory?

Mr. BARNHART. I think not.

Mr. GOULDEN. Who is the author of the resolution?

Mr. BARNHART. Mr. MURRAY of Oklahoma.

Mr. MILLER. Why would it not be desirable to place a majority of them at the disposal of the Department of the Interior?

Mr. BARNHART. I think some such provision had been made, but they did not have enough, and this is to cover the deficiency. The representation to the committee by the author of the resolution is that there are many guardians of Indian wards and so many court officers in Oklahoma that it was desirable to have this additional number of copies printed. The cost was so insignificant in comparison with the seeming benefits to be derived that the committee reported out the resolution.

Mr. MILLER. I am in harmony with the gentleman's suggestion that the publication is extremely desirable, and the object should be to get the publication where it would do the most good. If the Department of the Interior has no available funds for its publication, then it seems to me that Congress could well afford to do it, and place the copies with the Secretary of the Interior almost entirely.

Mr. STEPHENS of Texas. Does not the gentleman think it would be benficial to Oklahoma that these rules be published as a document, so that it can be available to the Members of Oklahoma and their constituents, who will probably besiege them for copies, and also available for the attorneys and the judges of the court? Will it not be of great advantage to have this material, prepared and promulgated by Mr. Sells, put into their hands?

Mr. MANN. Under this proposition the gentlemen from Oklahoma would receive very few of these copies.

Mr. MILLER. Of course, what will happen if this prevails is that the Members from Oklahoma will be forced to write 400 or 500 letters to other Members of Congress to request their quota. It seems to me that that could be easily obviated.

Mr. MANN. Would not these go to the folding room, even if the amendment were not agreed to?

Mr. BARNHART. Yes; they would.

Mr. MANN. Why not send them to the folding room and let the Oklahoma Members have them?

Mr. BARNHART. For the simple reason that in a good many instances where documents go to the folding room one Member who is more energetic and alert than some other Members who are equally interested with him sometimes goes to the document room and gets such large quantities of them that he leaves none for the others. There is no way of preventing that. The document room has no authority to say who shall and who shall not have these documents, and so long as it was agreeable to the author of the bill we thought best to arrange it in this way, so that other Members who were interested might also get a liberal supply of them.

Mr. MANN. I should think 40,000 copies would furnish to the Oklahoma Members all that they would want.

Mr. BARNHART. I fully agree with the gentleman from Illinois as to that.

Mr. MILLER. Mr. Speaker, the objective point is to get this document distributed among the people who need it. The Department of the Interior has an organization throughout the Five Civilized Tribes to look after the probate courts in all pending cases, and therefore it seems to me that the Secretary of the Interior ought to have available most of these to distribute through that organization.

Mr. BARNHART. Mr. Speaker, the fact of the matter is that most of the departments have printing allowances.

Mr. FITZGERALD. All of them have.

Mr. BARNHART. All of them have printing allowances, and I notice an inclination to unload as much more additional expense as possible upon the House; and inasmuch as it has been furnished by the department so Members can get what they need, the committee thought it best to proceed as we have done.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The resolution was agreed to.

COMMITTEE ON WOMAN SUFFRAGE.

Mr. BARNHART. Mr. Speaker, I hereby submit the following privileged resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 411 (H. Rept. 279).

Resolved, That the Committee on Printing is hereby authorized and directed to have printed 9,200 copies of the report of the hearings be-

fore the Committee on Rules on a resolution establishing a committee on woman suffrage, said hearings having been held on December 3, 4, and 5, 1913, and that the same be distributed through the document room of the House of Representatives.

With the following committee amendment:

At the end of line 8 add: "9,000 copies for the use of the House folding room and 200 copies for the use of the House document room."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, the resolution as read provided that these should be distributed through the document room. Does the gentleman want to strike out that part?

Mr. BARNHART. It is amended. The committee has no right to strike out any part of a resolution without submitting an amendment, and that is what it is sought to do.

Mr. MANN. How will it read as amended?

Mr. BARNHART. Nine thousand copies for the use of the House folding room and 200 copies for the use of the House document room.

Mr. MANN. I do not think it will read the way the gentleman states it.

Mr. MADDEN. I think it will.

Mr. MANN. It says to distribute them. Let us have the resolution read as it would read if amended.

Mr. FITZGERALD. Mr. Speaker, I suggest that it be amended by striking out all of the first and second lines down to the word "printed" and inserting in lieu thereof the words "that there shall be."

The SPEAKER. The Clerk will report the resolution as it would read if amended, and then report the Fitzgerald amendment.

The Clerk read as follows:

Resolved, That the Committee on Printing is hereby authorized and directed to have printed 9,200 copies of the report of the hearings before the Committee on Rules on a resolution establishing a committee on woman suffrage, said hearings having been held on December 3, 4, and 5, 1913, and that the same be distributed through the document room of the House of Representatives, 9,000 copies for the use of the House folding room and 200 copies for the use of the House document room.

Amendment offered by Mr. FITZGERALD:

Lines 1 and 2, strike out the words "the Committee on Printing is hereby authorized and directed to have" and insert the words "there shall be," so that it will read: "That there shall be printed 9,200 copies of the report," etc.

Mr. BARNHART. Mr. Speaker, I think the gentleman would better amend by striking out all after the comma after the word "thirteen," in line 7, and provide that 9,000 copies shall go to the House folding room and 200 for the use of the House document room.

The SPEAKER. The Clerk will report the resolution as it would read if the Fitzgerald amendment were adopted.

The Clerk read as follows:

Resolved, That there shall be printed 9,200 copies of the report of the hearings before the Committee on Rules on a resolution establishing a committee on woman's suffrage, said hearings having been held on December 3, 4, and 5, 1913, and that the same be distributed through the document room of the House of Representatives, 9,000 copies for the use of the House folding room and 200 copies for the use of the House document room.

Mr. BARNHART. Mr. Speaker, the amendment would be all right down to line 7, and there I suggest that the gentleman from New York would better further move to amend by striking out all of lines 7 and 8, after the comma in line 7, up to the proposed committee amendment.

Mr. FITZGERALD. Mr. Speaker, it is not customary to authorize the Committee on Printing to have printed documents for the use of the House. When the House orders documents printed it orders them printed, not through the instrumentality of any committee if they are to be used by the House. It is only when documents are to be printed for the use of some particular committee that the committee is authorized to have the printing done. This resolution provides the documents shall be printed to be placed to the credit of Members in the folding room and distributed through the document room, and the House orders that without the intervention of the Committee on Printing. The Committee on Printing does its part when it reports the resolution.

Mr. BARNHART. Well, Mr. Speaker, I will accept the amendment. I do not think it amounts to anything.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I hope the gentleman will move to strike out that part which says, "distributed through the document room," because the document room can not distribute documents except——

Mr. BARNHART. That is what I suggested to the gentleman from New York to perfect his amendment, but he did not seem disposed to do it.

Mr. FITZGERALD. I can not carry the language of the whole resolution in my head.

Mr. BARNHART. Mr. Speaker, I move to strike out all after the comma, in line 7, after the word "thirteen," down to and including the word "Representatives," in line 8.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all of lines 7 and 8, after the word "thirteen."

Mr. BARNHART. Including the word "Representatives," in line 8.

The CLERK. Down to and including the word "Representatives," in line 8.

Mr. MANN. Mr. Speaker, may I ask to have the resolution read as it would be amended if the proposed amendments are adopted?

The SPEAKER. The Clerk will report the resolution as amended.

The Clerk read as follows:

Resolved, That there shall be printed 9,200 copies of the report of the hearing before the Committee on Rules on a resolution establishing a committee on woman suffrage, said hearings having been held on December 3, 4, and 5, 1913, 9,000 copies for the use of the House folding room and 200 copies for the use of the House document room.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the Indian appropriation bill, H. R. 12579.

The SPEAKER. Before the motion is put the Chair will announce that the Senate requests that the House come over at 12.45.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The Clerk continued the reading of the bill as follows:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, $335,000, to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of $3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, $4,200; in all, $345,700: *Provided also*, That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and one competent to pass upon water rights, and one field cost accountant, may be employed: *Provided further*, That the proceeds of sales of material utilized for temporary work and structures and money refunded in connection with any irrigation system or reclamation project within the jurisdiction of the Indian Service shall be covered into the appropriation made therefor and be available for the purpose of the appropriation; and for lands irrigable under any such system or project the Secretary of the Interior may fix maintenance charges which shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected: *Provided further*, That all moneys expended heretofore, herein, or hereafter under this provision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is hereby authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. MANN. Mr. Speaker, I reserve a point of order against the paragraph. I notice the proviso, the lower half of page 3, reads:

Provided further, That the proceeds of sales of material utilized for temporary work and structures, and money refunded in connection with that irrigation system or reclamation projects within the jurisdiction

of the Indian Service shall be covered into the appropriation made therefor and be available for the purpose of the appropriation.

Now, may I ask the gentleman, Under these irrigation projects do settlers go on the land in many cases, not Indians, and pay to the Government a portion of the cost of the irrigation plant?

Mr. STEPHENS of Texas. They are required to do that under the rules and regulations of the Interior Department; they have both jurisdiction of the department of irrigation and the Indian Department.

Mr. MANN. These payments will continue after the irrigation improvements are complete.

Mr. STEPHENS of Texas. Until the 10 years expire under the reclamation law.

Mr. MANN. Well, they are supposed to pay a portion in the course of time of the cost of the irrigation project.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. These payments continue until the project is completed.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. Now, what is the purpose of requiring that these sums shall be covered into the appropriation and be made available without any further appropriation of Congress?

Mr. STEPHENS of Texas. Well, the hearings will disclose that the reason it goes into the appropriation is this, that in many States irrigation projects are about completed on Indian reservations and it is necessary to move them across country to some other State, sometimes a great distance, and it is better to sell the property there than to move it to some other place.

Mr. MANN. I am not referring to that portion in reference to the proceeds of sales of material utilized for temporary work in construction, but under this provision if a settler goes onto one of these projects and takes up the land and then pays into the Government his proportionate share of the cost of the irrigation project that is covered into that appropriation.

Mr. STEPHENS of Texas. That was not the intention. That was not the recommendation of the department.

Mr. HAYDEN. As to this proviso, I can quote the language of Mr. Meritt justifying it. He said:

That can be explained in this way: Under the comptroller's decision the proceeds from the sale of irrigation property which has been used on these projects are required to go back into the Treasury instead of being used for irrigation purposes again, and we are asking that this language be incorporated in the bill so that we can avoid that process.

Mr. MANN. I have already explained I was not asking about that.

Mr. HAYDEN. It was not the intention of the committee to permit construction charges paid by a settler upon a project to go back into the fund and be reappropriated.

Mr. MANN. What does this language mean?—

And money refunded in connection with any irrigation system or reclamation project within the jurisdiction of the Indian Service—

To what does that refer?

Mr. STEPHENS of Texas. That referred merely to money received from the sale of material.

Mr. MANN. Besides that, there is the other item, to the effect that the proceeds from sales of material utilized for temporary work and structures shall be covered into the fund.

Mr. STEPHENS of Texas. It was not the intention of the committee, and my idea is that the language had best be stricken from the bill.

Mr. MANN. Mr. Chairman, I make a point of order against the language on page 3, lines 18, 19, and 20, as follows:

And money refunded in connection with any irrigation system or reclamation project within the jurisdiction of the Indian Service.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the language referred to.

Mr. STEPHENS of Texas. The point of order is conceded by us.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice, on page 4, at the top of the page, the following:

Provided further, That all moneys expended heretofore, herein, or hereafter under this provision shall be reimbursable—

And so forth.

I would like to ask if there is any space of time between "heretofore" and "hereafter"?

Mr. STEPHENS of Texas. The reason for that was that it was suggested by the department it was necessary to make this permanent law. We have been carrying this language indefinitely, year after year.

Mr. MANN. I suppose the question I asked may be hypercritical. Of course, you do not spend any money "herein." It is an appropriation. Money appropriated here must be spent hereafter. If you spend money herein hereafter, what is the use of "herein"? I move to strike out the word "herein."

Mr. STEPHENS of Texas. I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 2, strike out the word "herein."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, correction of sanitary defects in Indian homes, $260,000: *Provided*, That so much of the act of March 3, 1913 (36 Stat. L., p. 1075), as authorizes the sale and conveyance of the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, in the State of Washington, be, and the same is hereby, repealed; and not to exceed $10,000 of the amount herein appropriated, or so much thereof as may be necessary, shall be used for the equipment and maintenance of said buildings for hospital purposes for the use and benefit of such Indians as the Secretary of the Interior may designate: *Provided further*, That not to exceed $50,000 of the amount herein appropriated may be expended in the erection and equipment of hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually a detailed report as to all moneys expended in the erection of hospitals as provided for herein: *Provided further*, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination: *Provided further*, That whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate, remove, or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such force as may be necessary in the isolation, removal, quarantine, or medical treatment of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

For support of Indian day and industrial schools not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,440,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein or hereafter, except appropriations made pursuant to treaties, shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That $20,000 of the amount herein appropriated shall be expended for the tuition of Indian children enrolled in the public schools.

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. STEPHENS of Texas. Will the gentleman state any specific objection that he wishes to raise?

Mr. MANN. First, I would like to ask in reference to the detailed report as to money expended in the erection of hospitals. We require so many detailed reports now from the Indian Service that I am sure that no one ever reads them carefully, and, in fact, they do not make them very carefully. What does the gentleman mean in this case by "detailed report"?

Mr. STEPHENS of Texas. That means at what points the hospitals are now being erected, the number of patients in those hospitals, and the amount it costs per bed, and relates to the service we have in the hospitals—nurses, physicians, and so on. All that is included.

Mr. MILLER. Will my colleague yield?

Mr. STEPHENS of Texas. Surely. I yield to the gentleman from Minnesota.

Mr. MILLER. I have no doubt that the reason suggested by the chairman of the committee will be of the utmost interest, and I think it ought to be followed in another connection, but under this provision I call attention to the fact that the Secretary of the Interior is required only to report the actual expenditures of money, which would contemplate, as I view it, the places where the hospitals are erected and the amounts paid in the building and equipping of the hospitals.

Mr. MANN. The gentleman thinks, then, that the detailed report would not really be a detailed report, but simply a report of the places and the amounts expended at different places.

Mr. MILLER. Precisely. My reason is that we want to know where these are built, and it is provided in the bill that the Secretary shall inform us. In other words, as years go by we will continue this appropriation, and we want to know where the hospitals are being located.

Mr. MANN. Then, I want to ask the gentleman what is contemplated by the last sentence:

The Secretary of the Interior may employ such force as may be necessary in the isolation, removal, quarantine, or medical treatment of such Indians.

Mr. MILLER. Will the chairman of the committee yield to me to answer the gentleman?

Mr. STEPHENS of Texas. Surely. I will yield to the gentleman.

Mr. MILLER. I drew that phraseology myself in an effort to correct the phraseology which was drawn by the department to cover this point. I am willing to say at the outset that I have no pride of opinion, either in the purpose or in the phraseology. It is desired on the part of the Secretary of the Interior to reach a condition that seems necessary to reach. In administering the health and sanitary laws among the Indian tribes it has been found in some places that so-called medicine men have more influence with the Indians than do the physicians, and it is not infrequently found that the savage rites will be performed to cure disease when the physician is right there. Now, that may suffice, possibly, for situations that are not grave, but where the patients are afflicted with tuberculosis, with trachoma and smallpox, and perhaps with other skin diseases, or with diseases of a very virulent, infectious, or contagious character, some power seems necessary to be given to the Secretary of the Interior to enable him to act in spite of the medicine men. Now, I realize, as I told the committee when I was drafting this, that to give the Secretary this power we were giving him an opportunity to exercise the greatest police power, likely, that has ever been given by organized society to any individual.

Very likely it should be drafted with extreme care, having regard to the contingencies that might arise of a legal nature.

Mr. MANN. Are not many of these Indians American citizens?

Mr. MILLER. Yes; a good many of them are, I should say.

Mr. MANN. What would the gentleman say about the practicability or desirability or constitutionality of a provision to the effect that the gentleman himself should take any medicine that his doctor happened to prescribe, and if the gentleman did not do it voluntarily he could be held down and forced to take it? [Laughter.]

Mr. MILLER. There is no question but that that query could be answered in only one way—it would be unconstitutional.

Mr. MANN. Does not the same thing apply to Indians who are American citizens?

Mr. MILLER. I do not think it is as broad as that.

Mr. MANN. It says, "medical treatment, such as may be necessary." That is left probably with the doctor who has not the same professional attainments as those of the doctor who would be called in to prescribe for my distinguished friend, and yet if the Indian does not take the medicine that is prescribed for him he is to be forced to take it. I doubt very much the desirability of undertaking to enact legislation of that kind to that extent. I do not have a great deal of confidence in all the agents employed to enforce such legislation.

Mr. MILLER. Neither have I.

Mr. MANN. Most of them, probably, are perfectly competent, but once in a while such a man in a position of authority goes at it with a sledge hammer and raises a row and makes trouble everywhere.

Mr. MILLER. Mr. Chairman, the object of this language is to give authority to remove him from the place where the afflicted Indian is to a place where he would not communicate the disease he suffers from whether it be consumption or tuberculosis or trachoma or whatever it might be. The difficulty that the department has had in treating these serious cases is in getting the Indian away from his place of residence, his home, or his tepee, or whatever it may be. Very little is said about the matter of medicine. The difficulty is in getting the Indians to appreciate the fact that they are liable to communicate the diseases with which they are afflicted to their relatives and the immediate members of their family.

Mr. MANN. Undoubtedly that is the case with white people, too.

Mr. MILLER. Yes; but there is not any question but that white people afflicted with communicable diseases and contagious diseases are taken to the hospitals or pest houses and there isolated no matter what degree of American citizenship they may possess.

Mr. STEPHENS of Texas. Is it not a fact that in this city we see the yellow flag up very often?

Mr. MILLER. Yes, sir.

Mr. STEPHENS of Texas. That is for the purpose of notifying the public, so as not to interfere with the family. I have been, unfortunately, quarantined myself.

Mr. MILLER. Yes; it must be observed that this language is broader than that necessary to include simply communicable diseases or contagion and infection.

After thinking quite a great deal about this particular clause, I am of opinion that it ought to remain. However, if forced to, I will say that I do not think it is constitutional. I do not think it would stand, in some cases, a severe legal test; but I do think it would be of the utmost value to the Secretary of the Interior to have this law. As will be observed, the language of the paragraph permits him to use his discretion to a very large extent. I presume he would use his discretion in a doubtful or difficult case.

Mr. MANN. If the gentleman will permit, I may say that a few years ago the American Medical Society made a proposition not quite like this, but somewhat along these lines, as to the powers to be conferred upon the Public Health Service, and there went up such a general condemnation of the proposition throughout the United States that I do not think you could find anybody now who would admit that he ever fathered the proposition or favored it.

Now, I do not believe that we ought to start in to say that an administrative officer shall have the power to compel anybody to take such medicine as some doctor or somebody else who may not be a doctor shall prescribe, to take it by force if he will not take it voluntarily. I do not know how the gentleman is, but occasionally I have a doctor called in, who prescribes medicine for me, and usually I do not take it, and I get well quicker without it. [Laughter.]

Mr. STAFFORD. Mr. Chairman, I want to inquire if the gentleman's objection goes only to the medical treatment or does it go also to the isolation and quarantine.

Mr. MILLER. Mr. Chairman, let me offer this amendment: On page 6, line 2, strike out "or medical treatment."

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. If the gentleman will be satisfied with that provision I will make a point of order only on that part of it. But, then, if we have to fight it over later on a Senate amendment I would move to strike out the whole proposition.

Mr. MILLER. I think the proposition of the gentleman is a better one—that it shall go out on a point of order.

Mr. STEPHENS of Texas. I agree that it is subject to a point of order.

Mr. MANN. Of course the whole thing is subject to a point of order. I make the point of order, Mr. Chairman, on the language on page 6, in lines 2 and 3, "or medical treatment." Then I move to insert between the words "removal" and "quarantine" the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 6, line 2, by inserting between the words "removal" and "quarantine" the word "or."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] moves to strike out the last word.

Mr. FRENCH. Mr. Chairman, I wanted to ask the chairman of the committee a question, to ascertain whether or not this paragraph embraces a recommendation of the Interior Department for the equipment and maintenance of a hospital at Fort Lapwai in the sum of $55,000?

Mr. STEPHENS of Texas. I will say that several places, Fort Lapwai among them, were recommended as suitable places for building hospitals for the treatment of trachoma, tuberculosis, and so forth. After the committee investigating those matters came back and reported, the committee decided not to recommend any particular place, but to leave the matter to the department as to where these hospitals should be located. We were especially requested to investigate New Mexico, to find a place where patients could receive treatment in a hospital. We reported against that, and reported in favor of putting them where they would be most needed. We have recommended an appropriation of $60,000 for that purpose. The Secretary could put one at Fort Lapwai or any place he deems fit. We have turned down the proposition to have one general hospital.

Mr. FRENCH. I do not care necessarily to have the particular sanitarium designated by name, but I am anxious that there shall be a sufficient amount included in the bill to take care of the institution at that point.

Mr. STEPHENS of Texas. There is $60,000 included.

Mr. FRENCH. The fact is that at Fort Lapwai we are making use at the present time of the old post buildings there. I assume that that sanitarium can be administered at a minimum of expense. I would call the attention of the House to the fact that at Fort Lapwai a sanitarium has been maintained for several years. Fort Lapwai is situated in the heart of the old Nez Perce Reservation. There are some 1,200 members in

that old Nez Perce Tribe scattered about that section of country, and it has appeared from reports that have recently been made that nearly all the members of that tribe are afflicted with tuberculosis.

A doctor who made an examination of the Indians on the Nez Percé Reservation within the last three years has reported that 75 per cent of the Indians in his judgment are so afflicted, and that of 400 families that he examined there, only 10 were found to be free from tuberculosis, and that 90 per cent of the deaths on that reservation are due to tuberculosis.

It also happens that scattered throughout the reservation are the people who acquired land at the time when those lands were opened to settlement, and a very deplorable and startling condition exists there that this Congress ought to take care of, either here or in some other place in this bill.

Mr. STEPHENS of Texas. That is taken care of in the general lump-sum appropriation of $260,000.

Mr. FRENCH. I am very glad to have the gentleman's assurance on that point; and I would say further, in connection with that, that when I visited the institution less than two years ago, more than 20 different tribes were represented among those who had been sent there for treatment.

Mr. CARTER. If the gentleman will permit me, let me say that the estimate of the Treasury Department contained items for four different hospitals, the Gila River Hospital, in Arizona, $25,000; the Fort Lapwai Hospital, in Idaho, $25,000; the Blackfeet Hospital, in Montana, $25,000; and the Pine Ridge Hospital, in South Dakota, $25,000. All of those items for the separate States were eliminated; and this general item was put in to take care of these hospitals that had been recommended by the Commissioner of Indian Affairs and in the estimates.

In addition to that, we provided also for the repair of Fort Spokane, to be used as an additional hospital, perhaps for some of the very Indians my friend is speaking of, from the other side of the reservation, as he knows. So I think there will be ample hospital facilities for all these Indians. In fact, I think they will be the best provided for of any in the service when Fort Lapwai is improved, as it should be, and the other hospital at Fort Spokane is opened up for this purpose.

Mr. FRENCH. I am glad to have the assurance of members of the committee on that point, because it is an important thing for the Indians and for the white people who live among and around them.

Mr. GOULDEN. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. GOULDEN. I ask unanimous consent that the gentleman from Idaho may have five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Idaho be extended five minutes. Is there objection?

There was no objection.

Mr. GOULDEN. I should like to ask the gentleman from Idaho what provision, if any, is made for the treatment of the white settlers who are residing in these sections, whose condition he says is most deplorable? What provision is made for their treatment for tuberculosis particularly?

Mr. FRENCH. Of course, as a matter of fact, this Congress does not presume to assist in the medical care or treatment of white people who are living in such communities; but that which the Congress can do and ought to do is to safeguard the health of the Indians, to protect them, and to prevent, if it may be possible, the spread of the plague of tuberculosis among the Indians and among the white people. My judgment is that we can best reach that by the maintenance of just such sanitariums as are maintained at Fort Lapwai and these other places mentioned by the gentleman from Oklahoma [Mr. CARTER], and by the education of the Indians in the way of caring for themselves and submitting to the experience and advice of doctors in the treatment of the disease.

Mr. GOULDEN. May I ask the gentleman another question?

Mr. FRENCH. Certainly.

Mr. GOULDEN. Of course the white settlers and Indians intermingle, and there must of necessity be more or less tuberculosis among the whites. Is there any remedy whatever for that?

Mr. FRENCH. That is the problem that I want to avoid; but I think we can not reach the situation in this Congress other than in the way of prevention, as I have suggested.

Mr. GOULDEN. I presume that the doctors in charge of these sanitariums are authorized to prescribe for the white settlers, are they?

Mr. FRENCH. Oh, no. The white settlers are not the wards of the Government, as the gentleman knows.

Mr. GOULDEN. I know they are not.

Mr. FRENCH. And they must depend upon their own resources for medical help in the treatment of disease.

Mr. GOULDEN. But living as they do, widely scattered, in a sparsely settled country, they necessarily must be some distance from medical treatment.

Mr. FRENCH. Not necessarily. There are many towns all through that country and good doctors. The point is this: The white settlers know better how to protect themselves against tuberculosis. They know better how to handle the problem of sanitation. They know better how to handle patients after they become afflicted, and how to protect themselves from those who may be afflicted. It is in order to remove the additional danger of having Indians afflicted with tuberculosis circulating among them as freely as they would if no attention was paid to the matter that I want to have the Congress exercise toward the Indians, who are the special wards of the Government, the utmost care looking to the eradication of the disease, for the benefit of the Indians, and also indirectly for the benefit of the whites.

Mr. GOULDEN. Does the State maintain any public institution to which these white people may be sent?

Mr. FRENCH. The State maintains no institution of that character.

Mr. LAZARO. Is it not a fact that the safety of the white settlers lies in the proper care of the tuberculous Indians?

Mr. FRENCH. I have no doubt that is true, and that is just what I have in mind.

Mr. LAZARO. In other words, early diagnosis, isolation, and proper treatment?

Mr. FRENCH. I think the gentleman is absolutely right, and that the white settlers in order to be protected must necessarily ask that the Government protect the Indians to the best extent possible.

Mr. GOULDEN. Another question for information. Have the white settlers made any effort to establish a sanitarium there or elsewhere in the State for the prevention and treatment of tuberculosis?

Mr. FRENCH. Does the gentleman mean separate from this institution?

Mr. GOULDEN. Yes.

Mr. FRENCH. There is no sanitarium for the special treatment of tuberculosis among the white people. The white people who live in that country treat the disease just the same as it is treated by white people who live in the gentleman's district and in other parts of the country—some of them by treatment at home, others by going to some other place that they may think is more favorable, or something of that kind.

Mr. LAZARO. I asked the question for information, because I know that some States are building sanitariums for consumptives or tuberculous patients.

Mr. FRENCH. We have no institution of that character in our State.

Mr. LAZARO. Of course there are private institutions, but a good many States are making efforts to establish sanitariums for these patients.

Mr. FRENCH. We have no tuberculosis institutions under the care of the State.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,440,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein or hereafter, except appropriations made pursuant to treaties, shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That $20,000 of the amount herein appropriated shall be expended for the tuition of Indian children enrolled in the public schools.

Mr. MANN and Mr. FOWLER reserved points of order.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the distinguished chairman of the committee the reason for the permanent legislation that is proposed in the paragraph, beginning with the proviso in line 8.

Mr. STEPHENS of Texas. The reason is this: The provision "that no part of this appropriation provided for herein or hereafter, except appropriations made pursuant to treaties, shall be paid," and so forth, was inserted because it was desired to make this a permanent law.

Mr. FOWLER. Is not the present civil-service law sufficient to cover these cases?

Mr. STEPHENS of Texas. There is only one reason why this language was put in the bill—to make the matrons nurses, so that they should be skilled nurses. In addition to the duties of matron we desired to make them nurses, so that they might know how to take care of these students. There are a great many students in the incipient stage of tuberculosis, trachoma, and other diseases. The physicians in charge of the Indians in the United States, together with Mr. Sells and Mr. Meritt in charge of the Indian Bureau, were strongly in favor of this amendment, and that is the reason the language is in here. They wanted it so that the nurses might be competent to take care of cases of tuberculosis and trachoma in these students. The hearings are full of that question, and the gentleman will find it on pages 104 and 105. The language was drafted by the department.

Mr. FOWLER. My great anxiety about the matter is as to why the civil-service law is not broad enough to cover all the teachers in the Indian schools. I think it is.

Mr. STEPHENS of Texas. It does do it; but this is only for the purpose of making the matrons and nurses the same, so that we will not duplicate the work, and it will save expense.

Mr. FOWLER. You require the extension of the civil service to these people who are employed as nurses.

Mr. STEPHENS of Texas. As matrons and nurses.

Mr. FOWLER. Do you want to exchange them from the duties of nurses to that of teachers when an expediency might arise?

Mr. STEPHENS of Texas. No; we want to combine the two, matrons and nurses, so that the matrons in charge of the rooms would be skilled in nursing and know how to take care of the students in case of sickness. They can perform both functions, save money to the Government, and render more efficient service.

Mr. FOWLER. I see that you have appropriated $20,000 more this year than last year for the same purpose—I mean, including Indian supplies and for necessary things connected therewith.

Mr. STEPHENS of Texas. I will state that there was a great demand over the country for an additional amount to be expended on the hospitals and everything connected with and pertaining to the health of the Indians. The newspaper writers and the people who have visited the various reservations are uniform in their demand. It has reached Congress and the department, and we felt that we must appropriate more money for the health of the Indians in the schools and on the reservations, and that is the reason why the increased appropriation is called for here and also in a separate item.

Mr. FOWLER. I was not complaining of the increased appropriation, because I understand there is new work on account of the extension of the various diseases. I understand that these diseases are very prevalent, and that a strong effort is to be made on the part of the Government to stifle them out.

Mr. STEPHENS of Texas. That is what we do here. We want competent nurses, nurses who have been trained and know how to follow the directions of the physician. Heretofore the matrons have been doing it, but they are not qualified.

Mr. FOWLER. Does not the gentleman think we could get just as good nurses under the civil-service competitive examination as we could get by this new law?

Mr. STEPHENS of Texas. You might ask the same question as to the clerks in the various departments. I do not think we can; I think it necessary that they should have some qualifications in order to put them in charge of these schools.

Mr. FOWLER. The gentleman understands this provision puts the employees in a competitive classified service?

Mr. STEPHENS of Texas. Such as the department may require. They make out the examination papers, and they may require a strenuous examination or they may not. That depends upon the rules of the department.

Mr. FOWLER. The gentleman knows that there is a large class of civil-service employees who are not under the competitive classified service, and I wonder whether it is the intention of the committee to place these under the competitive classified civil service.

Mr. STEPHENS of Texas. That is a matter of regulation for the department entirely.

Mr. FOWLER. The civil-service law to-day leaves it under the supervision of those who have charge of it.

Mr. STEPHENS of Texas. That is correct.

Mr. FOWLER. For instance, the President might issue an order placing a certain class of employees under the competitive civil-service laws.

Mr. STEPHENS of Texas. That is correct.

Mr. FOWLER. I understand the gentleman from Illinois, my colleague, wants to make some inquiries, and I will withhold my point of order.

Mr. MANN. Mr. Chairman, in the first place, under this provision as it reads no employee can be paid out of this fund unless he holds a certificate from somebody that he has passed the civil-service examination. Suppose an engineer in charge of the heating plant of the school dies; are you going to close up the school until they can have a civil-service examination to ascertain who can be appointed?

Mr. STEPHENS of Texas. The gentleman will see that in lines 15 and 16 it says:

Except such employees as are exempt under civil-service rules.

Mr. MANN. I will assume that they are not exempt under civil-service rules.

Mr. STEPHENS of Texas. We presume that the department knew what it was about when it drafted this language.

Mr. MANN. I presume the department did not know, if it did draft this. There is a provision under which you could not make a temporary appointment, no matter how urgent the case might be. Who makes the certificate that an employee has passed the necessary examination required by the Civil Service Commission?

Mr. STEPHENS of Texas. The Civil Service Commissioners, I presume.

Mr. MANN. To whom do they give those certificates?

Mr. STEPHENS of Texas. To the persons found most competent under the examination.

Mr. MANN. It is a new thing to me if they give certificates to anybody; but this does not require that the appointment shall be made to the Civil Service Commission.

Mr. STEPHENS of Texas. But they must hold certificates before they are appointed.

Mr. MANN. That does not say that they shall issue the certificates. A man might write his own certificate under this—that he has passed the civil-service examination. He need not have been appointed to the Civil Service Commission. There may be but 40 applicants and but 1 person to be appointed.

Mr. STEPHENS of Texas. Has the gentleman scrutinized the language—

Who does not hold a certificate showing that such employee has passed the necessary examination—

And so forth?

Mr. MANN. That is the very trouble. I have scrutinized the language, and if I had not it might go.

Mr. STEPHENS of Texas. What amendment would the gentleman suggest?

Mr. MANN. I suggest that it be stricken out of the bill. In its present form it is absolutely unworkable.

Mr. STEPHENS of Texas. The gentleman from Illinois [Mr. FOWLER] makes the point of order against the entire paragraph?

Mr. FOWLER. Not against the paragraph. I reserved the point of order against the paragraph, but my colleague, the gentleman from Illinois [Mr. MANN], did the same thing.

Mr. MANN. So far as I am concerned, I am perfectly willing to leave it the way it is in the existing law without this change. Of course it is all subject to a point of order as it stands.

Mr. MILLER. Mr. Chairman, I suggest that so much of the paragraph under discussion as is contained after the word "provided," in lines 8 and 9, down to and including the word "rules," in line 16, is clearly subject to a point of order, but that so much of that paragraph thereafter down to the colon in line 21 is a restatement of existing law and is not subject to a point of order. It is very wholesome legislation, and I suggest that if the gentleman from Illinois desires to make the point of order to the paragraph, he confine it to so much thereof as is subject to the point of order. Of course the whole paragraph is subject to the point of order if any part of it is, but I suggest that he make that distinction and make the point of order only as to the first part.

Mr. MANN. If it is in order to separate the point of order—and I am not sure that it is—then I make the point of order to the words "or hereafter," in line 10, and to all after the word "be," in line 11, down to and including the word "be," in line 16. That would strike out the new matter and leave it as it is in existing law.

Mr. CARTER. Yes; that will make it.

Mr. MILLER. If it can not be done through a point of order, it can be done by amendment.

Mr. STEPHENS of Texas. It seems to me that if the words "or hereafter" are stricken out, then it would not be subject to the point of order. Otherwise it would be limiting an appropriation.

The CHAIRMAN. What is the point of order made by the gentleman from Illinois?

Mr. MANN. Mr. Chairman, reserving the point of order on the paragraph, I make the point of order against the language, in line 10, "or hereafter," and to the language after the word "be," in line 11, down to and including the word "be," in line 16.

Mr. STEPHENS of Texas. Mr. Chairman, I admit that the first point of order is well taken, but I do not think the latter is, because it is a limitation on an appropriation and is not subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order with reference to the language referred to from lines 11 to 16.

Mr. MANN. I do not care to discuss the point of order, Mr. Chairman. I will simply make the point of order on the paragraph.

Mr. CARTER. I hope the gentleman will not do that.

Mr. MILLER. I trust the gentleman from Texas will concede the point of order as to the first part, because we are bound to lose that anyway.

Mr. STEPHENS of Texas. I have already admitted the point of order is well taken, and offer as an amendment the exact language with the words "or hereafter" stricken out.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph. The Chair is of opinion that it is clearly subject to a point of order.

Mr. STEPHENS of Texas. Then I offer as an amendment the same language with the words "or hereafter," in line 10, stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

For the matter stricken out insert the following:

"For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,440,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That $20,000 of the amount herein appropriated shall be expended for the tuition of Indian children enrolled in the public schools."

Mr. MANN. Mr. Chairman, I move to amend the amendment by striking out the language I have already referred to, as contained in the original paragraph, being the language after the word "be" in line 11 down to and including the word "be" in line 16.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out all after the word "be" in line 11 down to and including the word "be" in line 16.

Mr. MANN. Mr. Chairman, in the first place, I do not believe in Congress directing how certain employees of the Government shall be appointed. Under the civil-service law that matter is left within the power and discretion of the President, as it is under the Constitution. I understand that the Attorney General recently rendered an opinion to President Wilson that the President had the appointing power unless Congress should confer it upon some other officer, as in some cases is provided by the Constitution.

But the Congress does not have the appointing power. We provide the offices under the civil-service law, and we authorize the President to provide the method of appointment through the Civil Service Commission. Now, here comes in a proposition requiring that certain employees of the Government shall be appointed in a particular manner, and wholly taking it from the power of the President, who has the appointing power. We would have the right to confer the appointing power upon the Secretary of the Interior, the head of the department, but we have no constitutional authority for direction how appointments shall be made. And that is not all. Under the terms of this language which I have moved to strike out there is no authority for making a temporary appointment in the Indian school service. If a teacher dies, if a janitor dies, if an engineer dies, you can not put in anybody to do the work temporarily if these places are covered into the classified service of the Government. Now, what is the object in doing this? Why does the gentleman insist upon trying to take way from the President the power to make these appointments? I am willing to trust the President. Is not the gentleman from Texas willing to trust the present President in regard to these matters?

Mr. STEPHENS of Texas. Is not the gentleman aware of the fact that the present President could not pass upon the qualifications of a nurse for a school in Idaho, for instance?

Mr. MANN. I am aware of the fact the present President has the power to say that all of these appointments shall be made through the Civil Service Commission, given also power to make temporary appointments under the civil-service law. Now the gentleman seeks to take that power away from the President.

Mr. STEPHENS of Texas. I will state to the gentleman frankly the reason for it. The department states—and we had them before us—it is very desirable that matrons in these various schools and reservations should be trained as nurses.

Mr. MANN. Then let the department go to the President and cover these places into the classified service. If the President believes it to be proper to do it, he will issue the necessary orders. What do we know about it? If the department can not give the President any more information on the subject than it has given the House, maybe the President would not issue the order, but the President has the power to issue the order.

Mr. STEPHENS of Texas. The department itself is desirous of this legislation so they can blend——

Mr. MANN. The gentleman says the department desires the legislation. Of course, I take his word for it, but we have no information from the department on the subject. If the department wants the legislation, why did not they do the proper thing—ask the President to make an order covering these people into the classified service? The President has the power. We are willing to trust the President. I am opposed to interfering with the right of the President by requiring places to be taken out of the classified service. I am opposed to interfering with the right of the President by requiring places to be placed in the classified service. On your side of the House one day you passed a bill providing that certain places shall not be appointed through the Civil Service Commission. Now you propose to pass a bill requiring that they shall be appointed through the Civil Service Commission. The whole theory of our Government leaves that power to the President, where it ought to be left.

Mr. STEPHENS of Texas. I will say to the gentleman, as I have stated heretofore, that the reason is this, that in the hearings it was developed that they had a peculiar condition. Heretofore we have had matrons in the various reservations and in the various schools who knew nothing at all about the art of nursing and how to take care of sick pupils under the direction of physicians, and this came from the Indian Service, and they ask for this legislation so that they can take care of those cases of tuberculosis and trachoma, and they state the matrons were incompetent because they were not selected for that purpose and they should be selected for that purpose, and we want to combine the two objects. For that purpose we ask that this language remain in the bill.

Mr. MILLER. Will my colleague yield?

Mr. STEPHENS of Texas. I yield to the gentleman.

Mr. MILLER. It strikes me, on more mature consideration of this part of the paragraph, that after all we are not doing anything here if we pass it that the President or the Secretary of the Interior can not do now. In other words, if there is any employee at the present time in the Indian school service who is not on the classified list, not under civil service, such person can be removed at any time by the Secretary of the Interior. Therefore, if it is desired on the part of the department to discontinue the services of any employee now in the service, all that is necessary is for an order to be made.

Mr. STEPHENS of Texas. But the gentleman would not deter them from undergoing an examination?

Mr. MILLER. No; I would not.

Mr. STEPHENS of Texas. There are many matrons in the service at the present time, and if they are competent nurses, all they would have to do would be to apply for such examination and continue to act as they are now acting.

Mr. MILLER. Of course they would have to do that anyhow. If we desire to put those under the classified service, all those who are not now in the classified service who wanted to get in the classified service could get in by taking the examination. And it seems to me, and I say this with due deliberation, that rather than enact some very questionable phraseology here it might be far wiser to let this part be stricken out. I suggest that to the chairman in all seriousness. There are some features about this, it seems to me, which might be very unfortunate, and we are not really accomplishing anything, because

the Secretary of the Interior can do absolutely everything that we provide for in this paragraph. He can to-morrow morning dispense with the services of every person in the employ of the Indian Service who is not on the classified list; and if it is so desired, the President can make an order putting all these positions under the classified service. Then it will be necessary for them to take an examination and pass in order to get back in. If perchance some of them are over the age limit, of course they can not avail themselves of the civil-service examination, and they would be eliminated; but that would not work upon them a hardship greater than would this if it be enacted into law.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I think that this new provision is an undue interference with the administration by the executive officers of the Indian Service. I can not understand the logic of the chairman of the committee in insisting that every person in the Indian Service should now be subjected to a civil-service examination when the Secretary of the Interior has full and ample power to discharge any incompetent employee. I hope that the gentleman is not using this as a means to get rid of some deserving employees of the Government of long service under the guise that they are inefficient by subjecting them to an artificial test—the civil-service examination—when their experience has qualified them amply for this character of service. The gentleman does not deny that the Secretary of the Interior to-day has full authority not only to discharge incompetent employees, but he has the authority, through the President, to include them in the classified service. Now, why do you make this exception at this time, which may in many instances work an injustice to many faithful employees, including teachers in the Indian schools, who have been connected with the service for 10, maybe 20, years and more and subject them to this artificial literacy test which is so popular on your side of the Chamber in more instances than one and cause them to be superseded by younger applicants who stand higher on the eligible register?

Mr. STEPHENS of Texas. I will answer the gentleman in this way: Suppose a gentleman was part Indian, as he knows some of our Members are, and he had children in some of these schools; would he want an incompetent nurse placed over those children if they should become sick? And that is the very object of this.

Mr. STAFFORD. It is not the object. It is only the supposed object.

Mr. STEPHENS of Texas. Then, will the gentleman point out the object?

Mr. STAFFORD. The gentleman assumes that the Secretary of the Interior is continuing in employment to-day incompetent employees. He has no right to place that obloquy upon any member of this administration.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STAFFORD. He does not deny that the Secretary of the Interior has full authority to remove incompetents. Does the chairman of the committee mean to say that there is to-day being employed under the Secretary of the Interior any incompetent nurses? I would not make that charge against the Secretary. Does the gentleman make that charge?

Mr. STEPHENS of Texas. I do not. We have no nurses now. We have matrons.

Mr. STAFFORD. As to matrons, does the gentleman charge that there are any incompetents employed under the Secretary of the Interior? I would not make that serious charge, and that is the implication of the gentleman.

Mr. STEPHENS of Texas. The gentleman makes a charge and then does not give me a chance to answer.

Mr. STAFFORD. I will give the gentleman an opportunity.

Mr. STEPHENS of Texas. Some of the doctors in charge of the Indian Service stated to us repeatedly, and it was so represented by the commission that has been investigating Indian matters, that it would be desirable to have skilled nurses as matrons, and in order to have those skilled nurses they must undergo examination, for the reason that they have charge of the children in the boarding and reservation schools.

Mr. STAFFORD. There is nothing to prevent the Secretary of the Interior providing for competent nurses. It appears to be a veiled attack on our teachers and other faithful employees of the Indian Service under the guise of the much-availed-of ruse of civil-service examinations. The provision should be stricken out.

Mr. NORTON. Mr. Chairman, I move to strike out the last two words.

Mr. STEPHENS of Texas. Before we proceed, Mr. Chairman, I ask unanimous consent that all debate upon the pending paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Texas moves that debate upon the paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from North Dakota [Mr. NORTON] is recognized.

Mr. NORTON. If the Chairman will reply to a question, I desire to ask what effect this amendment will have, if any, upon the status of teachers in the Indian Service at the present time?

Mr. STEPHENS of Texas. If there are any teachers in the service at the present time, they are amply provided for here in this bill. It is not the intention to change the law with reference to anything except these matrons. We desire skilled nurses, and we desire that these nurses shall undergo some kind of a civil-service examination. That is the object of the language, which has been pointed out clearly.

Mr. NORTON. The language in the proposed amendment, as I read it, applies to any employee in the Indian Service.

Mr. STEPHENS of Texas. That applies to various bands of Indians in various States of the Union and includes all the nurses in the United States wherever wanted. If you read the hearings, you will find the purpose of it.

Mr. NORTON. Are there any matrons now employed who have not taken the examination?

Mr. STEPHENS of Texas. I am unable to give the gentleman all information on that subject. We have only had before us the health matter, as stated.

Mr. NORTON. The gentleman is pretty thoroughly acquainted with Indian affairs, I am sure.

Mr. STEPHENS of Texas. I know something of them.

Mr. NORTON. But at this time you can not say whether this provision would or would not affect the teachers in the service?

Mr. STEPHENS of Texas. I know of no teachers at all, personally, that would be affected; but I will state that if there are any in the service that are incompetent the Civil Service Commissioners, after having passed upon the papers and finding them incompetent, would show that they should not remain in the service.

Mr. STAFFORD. The gentleman does not mean that the teachers in the Indian Service have come into that service under the civil service?

Mr. STEPHENS of Texas. They are either there by the civil service or have been covered in, just exactly as the President a year or two ago covered in 100,000 or 200,000 employees before he went out of office.

Mr. STAFFORD. And you protested against that provision. Now, be consistent. Do not extend it to this branch of the service so as to disqualify teachers who have had long and faithful service.

Mr. STEPHENS of Texas. This has no effect of that kind.

Mr. STAFFORD. Oh, yes, it has. It extends to all employees in the Indian Service. How can the gentleman make that bald statement?

Mr. CAMPBELL rose.

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for five minutes.

Mr. STEPHENS of Texas. I thought, Mr. Chairman, that all debate closed in five minutes.

Mr. CAMPBELL. That is all the time I care for.

Mr. STEPHENS of Texas. The gentleman from Kansas can proceed.

Mr. CAMPBELL. Mr. Chairman, on a careful consideration of this language, it does not seem necessary to accomplish the purpose. If the Commissioner of Indian Affairs thinks he wants such a regulation as is provided for here, all he needs to do is to submit the matter to the Secretary of the Interior, and the Secretary of the Interior may submit it to the President, and an Executive order can be issued covering all such as are contemplated here into the civil service and accomplish this purpose.

I submit that at this time, in the consideration of appropriation bills, that is the wiser thing to do. And I make this statement with a view to expediting the business of this session: We are only beginning the large appropriation bills, and if we begin legislating on the civil service in all the appropriation bills we shall be here when snow flies next year before we get through. I submit that in the interest of expediting the business of the

House it is better to leave these executive matters to the Executive rather than legislate on them here.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 63.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MILLER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MILLER. I ask unanimous consent, Mr. Chairman, to return to the paragraph just read, for the purpose of making a correction.

Mr. STEPHENS of Texas. Mr. Chairman, I think the time has arrived when we must recess for the purpose of fulfilling the request of the Senate. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

RECESS.

Mr. FITZGERALD. I move that in pursuance of the request of the Senate the House do now proceed to the Senate. I move that the House stand in recess until we return.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House stand in recess until we return from the Senate.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes p. m.) the House stood in recess.

At 1 o'clock and 35 minutes p. m. the Members of the House returned from the Senate Chamber.

The SPEAKER. The House will resume its session.

RURAL CREDITS.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement relative to rural credits.

The SPEAKER. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent to print in the CONGRESSIONAL RECORD a statement about rural credits. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill (H. R. 12579).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, with Mr. BYRNS of Tennessee in the chair.

The Clerk read the title of the bill.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to return to the preceding paragraph.

Mr. STEPHENS of Texas. For what purpose?

Mr. MILLER. To offer an amendment.

Mr. STEPHENS of Texas. What is the amendment? I should like to hear it.

Mr. MILLER. I will state the amendment.

Mr. STAFFORD. I think the gentleman has a right to offer an amendment to the pending paragraph.

Mr. STEPHENS of Texas. I understood the gentleman to desire to return to the preceding paragraph, not the pending paragraph.

Mr. MILLER. To the paragraph we have been discussing. I thought the Clerk had begun to read the next paragraph.

Mr. STEPHENS of Texas. I made a motion, which was carried, that all debate on the pending paragraph be closed, but the paragraph is open to amendment.

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that if he refers to the paragraph beginning with line 6, the Clerk has not proceeded to read the next paragraph and it is in order to offer an amendment. Debate, however, has been closed.

Mr. MILLER. I withdraw my request then, Mr. Chairman. I move to amend the proviso, beginning in line 24, page 6, by striking out the word "shall," in line 1, page 7, and substituting in lieu thereof the word "may."

Mr. STEPHENS of Texas. What is the gentleman's amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 1, strike out the word "shall" and insert in lieu thereof the word "may."

Mr. MILLER. As the proviso now stands it reads as follows:

That $20,000 of the amount herein appropriated shall be expended for the tuition of Indian children enrolled in the public schools.

I move to strike out "shall" and insert "may."

Mr. STEPHENS of Texas. I have no objection to that.

The amendment was agreed to.

Mr. MILLER. Mr. Chairman, I offer a further amendment, in line 24, on page 6, after the word "that," to insert the words "not more than."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 24, after the word "that," insert the words "not more than."

Mr. STEPHENS of Texas. I have no objection to the amendment, but I do not think it is necessary at all to say that not more than $20,000 shall be appropriated. As I understand, it is in the discretion of the Secretary of the Interior or the Commissioner of Indian Affairs.

Mr. MILLER. The last amendment is not absolutely necessary, but it certainly perfects the language of the bill and makes it perfectly clear and specific.

Mr. STEPHENS of Texas. I have no objection to it.

The CHAIRMAN. Debate has been closed. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

For construction, lease, purchase, repairs, and improvements of schools and agency buildings, and for sewerage, water supply, and lighting plants, $400,000: *Provided*, That the Secretary of the Interior is hereby authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912: *Provided further*, That not to exceed $10,000 of this amount shall be used for providing necessary drainage and equipment for fruit raising and for the construction of a new barn and for repairs at the Oneida boarding school at Oneida, Wis.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragragph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. STAFFORD. Through the courtesy of the Committee on Indian Affairs I have in my hand a copy of the very extensive hearings held before that committee, consisting of more than 700 pages, a monument to the industry of the members of that committee; but it seems to be serviceable only to those Members who have attended the hearings. Unlike the hearings compiled by some other committees it has no index, and even in a night I could not scan through these 700 and more pages and find the testimony relating to the items in the bill in which I am interested, so I must necessarily ask the chairman of the committee what is the purpose of this limitation of $10,000 for the drainage and equipment for fruit raising and for the construction of a new barn at the Oneida boarding school at Oneida, Wis.?

Mr. STEPHENS of Texas. The gentleman will find that on pages 144 to 152 of the hearings.

Mr. STAFFORD. Did the gentleman discover those pages since I began to question him, or has he an index for his private use?

Mr. STEPHENS of Texas. I have an annotation on the bill which I have before me.

Mr. STAFFORD. Does not the gentleman think it would be very serviceable to the Members of the House in considering this bill if the Committee on Indian Affairs had done as other committees have done and compiled an index to the hearings and had that index printed with these voluminous hearings? I await an answer.

Mr. STEPHENS of Texas. I do not think that is a parliamentary inquiry.

Mr. STAFFORD. Why, it is most parliamentary. The gentleman has served here long enough to know that the Members are entitled to have copies of the hearings and to have an index by which they may refer to them.

Mr. STEPHENS of Texas. I do not think the gentleman is addressing himself to the matter which is pending before the committee.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I shall be glad to yield.

Mr. MANN. Has not the gentleman from Wisconsin been long enough in the House, and upon an appropriating committee long enough, to know that every appropriating committee of the House endeavors in every way possible to keep the House from having any information concerning its bills?

Mr. STAFFORD. I do not think that reflection applies to the Committee on the Post Office and Post Roads, of which I am a member, because the hearings this year and in other years have contained an index, by means of which the Members can refer to the matters contained therein.

Mr. MANN. Why, you can only get a copy of the hearings as a personal favor.

Mr. STAFFORD. There are 500 copies resting in the committee room now.

Mr. MANN. That is it. They are resting in the committee room.

Mr. STAFFORD. Any Member can obtain them upon application.

Mr. CARTER. Will the gentleman yield?

Mr. STAFFORD. I want some explanation of the reason for this limitation. If the gentleman from Oklahoma can give me the information, I shall be very glad to have it.

Mr. CARTER. That is why I want the gentleman to yield to me.

Mr. Chairman, shortly after these hearings were ready for printing the bill was reported by the committee, and the clerks of the committee inform me that they did not think they had the time to index the hearings before the bill might be brought up on the floor of the House. It has transpired that quite a time did elapse before we got the bill up; but if we had gotten it up at the time we expected to, there would not have been sufficient time to index these hearings.

Mr. STAFFORD. It develops that the clerk has had time to prepare a private index for gentlemen.

Mr. CARTER. No; I will state to the gentleman that I have an index, but the clerk of the committee had nothing to do with it; I made it myself.

Mr. STAFFORD. I protest against the valuable time of the gentleman from Oklahoma being taken up in preparing an index, when we have valuable clerks to do that work.

Mr. CARTER. Perhaps the valuable clerk had some other valuable work to do at the time.

Mr. STAFFORD. I yielded to the gentleman to explain this item.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

Mr. BUCHANAN of Illinois. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. STAFFORD. Mr. Chairman, I reserved the point of order, and now I make the point of order.

Mr. STEPHENS of Texas. I do not know what the point of order is.

Mr. CARTER. What is the point of order?

Mr. STAFFORD. When I rose to speak I reserved the point of order to the paragraph, and now I make the point of order to the paragraph, first, because it contains legislation not within the purview of the rules of the House on an appropriation bill, and, next, the last proviso is a limit on the discretion of the Secretary of the Interior, and, lastly, it contains legislation in violation of existing law.

Mr. CARTER. Does the gentleman make the point of order against the proviso?

Mr. STAFFORD. I make it against the paragraph. The gentleman from Illinois [Mr. BUCHANAN] was inconsiderate enough to allow an explanation of the proviso, and I was forced to make the point of order.

Mr. CARTER. I would have been glad to explain the item.

Mr. STAFFORD. I yielded to the gentleman for that purpose, but he rambled off into something else.

Mr. CARTER. But the gentleman wanted to know about the index to the hearings, and I gave him the information on that point.

Mr. STAFFORD. I am indebted to the gentleman for that.

Mr. CARTER. And I am willing to explain the other provision. I am not responsible for the objection of the gentleman from Illinois.

Mr. STAFFORD. This proviso—

That not to exceed $10,000 of this amount shall be used for providing necessary drainage and equipment for fruit raising and for the construction of a new barn and for repairs at the Oneida boarding school at Oneida, Wis.—

is a limitation. Now, it is well established under the decisions of this House that a limitation on the discretion of an administrative official is new legislation and is obnoxious to the rule that no such legislation shall be carried on an appropriation bill. I do not care to make the point of order, and I will withdraw it and reserve it for the time being, if I can get the information I am asking for.

Mr. STEPHENS of Texas. Is the gentleman aware that his colleague, Mr. KONOP, desired this legislation, and that it is legislation that affects his own State? Does the gentleman insist on striking out lines 16 to 20, inclusive, the last proviso in that section?

Mr. STAFFORD. Mr. Chairman, I rose to obtain information as to this limitation.

Mr. STEPHENS of Texas. It was thought that that amount would be sufficient. We did not want to make an unlimited appropriation. I think if the gentleman will examine the bill throughout he will find that language in many places.

Mr. STAFFORD. Will the gentleman state whether $10,000 is ample to provide for the stated purpose?

Mr. STEPHENS of Texas. That is what the gentleman's colleague, Mr. KONOP, asked for.

Mr. STAFFORD. Mr. Chairman, I do not wish to do anything contrary to the wishes of my colleague, Mr. KONOP, and I withdraw the point of order.

Mr. MILLER. Mr. Chairman, I move to amend, in line 17, page 7, by striking out the word "shall" and inserting the word "may."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 17, strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is on the amendment.

Mr. STEPHENS of Texas. I have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, $400,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed $25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits. *Provided also*, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. STAFFORD. Mr. Chairman, to that I reserve a point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I wish to offer two amendments.

Mr. STEPHENS of Texas. Mr. Chairman, I do not understand the ground of the point of order of the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, I want to inquire as to the limitation carried in the first proviso, that no part of this

appropriation shall extend to timber on the Menominee Indian Reservation in Wisconsin. I know that that clause was carried in the same phraseology in the last appropriation act.

Mr. STEPHENS of Texas. That is the raeson; it was a separate act governing the reservation, and we did not want to interfere with it.

Mr. STAFFORD. This has nothing to do with the appropriation for the Government mill at Neopit, Wis.?

Mr. STEPHENS of Texas. No; that matter is being investigated, and it is in such condition that we did not desire to make any appropriation for it.

Mr. STAFFORD. Can the gentleman give us any information as to the status of the investigation? It has been running for years.

Mr. STEPHENS of Texas. A joint commission of the House and Senate were charged with the duty of investigating Indian matters. It was appointed in June last year, and they have had numerous letters and requests inviting them to visit that locality and investigate it. We have not had the time, but we propose to take the time as soon as Congress adjourns.

Mr. STAFFORD. This is an investigation as to whether the Neopit lumber mill, operated by the Government at the expense of the Menominee Indians, is a paying investment, so far as the Indians are concerned, and it is to be investigated by a joint committee of Congress, of which the gentleman from Texas is a member, and they propose to give it immediate attention as soon as Congress adjourns. Do I understand the gentleman to say that?

Mr. STEPHENS of Texas. We expect to do so.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman.

Mr. McGUIRE of Oklahoma. Some years ago the Committee on Expenditures in the Interior Department went over this very thoroughly, and if gentlemen will refer to evidence taken by that committee they will get such information as the committee were able to obtain at that time. I think the information is valuable, because the committee examined all the witnesses that were to be obtained and all who knew anything about that expenditure. While the committee made no definite finding, it occurs to me that the expenditure was a very unfortunate one.

Mr. MANN. Mr. Chairman, I will ask the gentleman from Oklahoma if he had as a witness before the committee the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. McGUIRE of Oklahoma. No.

Mr. MANN. Then the committee did not get all of the information, for the gentleman from Wisconsin [Mr. STAFFORD] and I traveled all over this reservation, which I daresay the committee did not. We went through the lumber mill and out where they were cutting the timber, and where they were not.

Mr. McGUIRE of Oklahoma. I am satisfied the committee was very unfortunate in not being able to obtain the testimony of the two gentlemen.

Mr. MANN. Undoubtedly they were.

Mr. McGUIRE of Oklahoma. Though they probably had not traveled over it and made their investigation at the time the committee made its investigation.

Mr. MANN. Oh, yes; we had. I remember when the investigation was made.

Mr. McGUIRE of Oklahoma. Then I am satisfied that we missed something, though there was a great deal of valuable testimony offered before the committee.

Mr. STAFFORD. Of course, we could have furnished the committee first-hand knowledge as to the condition of this plant.

Mr. MANN. We were there by direction of the Government.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I would like to ask the gentlemen now whether they found the expenditure in the location of that mill enormous, unnecessary, and unusual?

Mr. MANN. No doubt it was enormous and unusual. Whether it was unnecessary has not yet been determined.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 16, after the word "allotments," insert the words "and for the conservation of fish and game."

Mr. MANN. Mr. Chairman, on that I reserve the point of order. I would like to know the purpose of the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I have introduced the amendment for the purpose of calling attention to the fact that while there is the sum of $400,000 appropriated in this bill for the cultivation of trees, grains, vegetables, and fruits, etc., on Indian farm schools, there is in the latter portion of the bill appropriated but $1,000 for the care of the Quinaielts, who are dependent on their fish, which is rapidly disappearing.

Mr. STEPHENS of Texas. Mr. Chairman, is the gentleman aware that that is already provided for by the forest rangers—that that is a part of their duty?

Mr. JOHNSON of Washington. That might be so, but nevertheless I desire to call attention to the fact that on the Quinaielt Reservation the figures show that the catch at Quinaielt has run down from 160,000 in 1910, to 140,000 the next year, down to 45,000 in 1912 and to 16,000 in 1913. I also call attention to the fact that the Indians there are in a desperate condition. The county commissioners write me that they are starving.

Mr. STEPHENS of Texas. Has the gentleman made any complaint to the Bureau of Fisheries or to the commissioner?

Mr. JOHNSON of Washington. Yes; and I shall insert his letter in the RECORD. I am not making a charge against either this committee or the commissioner or any official of the Indian Service, but the point of this amendment is that at very small expenditure out of this fund of $400,000 we can make sure of fish in great plenty in the Quinaielt Reservation. Otherwise a bill will have to be worked through Congress providing for a fish hatchery at great expense, which would be in a forest reservation and not in the Indian reservation, and this will involve such a lot of red tape that it does not seem possible to untangle it.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against it. This is legislation to which the attention of the committee has not been called by the department or by anyone.

Mr. MILLER. Mr. Chairman, I will ask the gentleman to withhold his point of order for a moment while I make some inquiry.

Mr. STEPHENS of Texas. Very well, I will withhold the point of order.

Mr. MILLER. Mr. Chairman, I would like to ask the gentleman from Washington a question. I understand the waters designed to be restocked with fish by the amendment the gentleman proposes lie wholly within the Indian reservation within the State of Washington?

Mr. JOHNSON of Washington. The headwaters are just beyond the reservation in the forest reservation.

Mr. MILLER. But the part the gentleman wants restocked is inside the Indian reservation?

Mr. JOHNSON of Washington. I want the Indians shown how to protect their fish, not necessarily to have the stream restocked.

Mr. MILLER. There is no reason why the Bureau of Fisheries can not send fish fry there to stock that stream.

Mr. JOHNSON of Washington. The Quinaielt salmon is the only fish of its kind in all the world. It is the king of the salmon tribe. The fish return to this river to spawn. The lack of control over the Indians is such that they have in the past put nets entirely across the stream and have stopped the supply of fish.

Mr. MILLER. I call the gentleman's attention to the fact that the game and fish laws of each State govern forest reserves and Indian reservations lying within the State, and if this condition exists the game and fish authorities of the gentleman's State are open to a suggestion of reprimand.

Mr. JOHNSON of Washington. Nevertheless, I will say in reply that the Indians in the State of Washington have been arrested this year under Federal laws for shooting game birds. The Federal laws did not reach far enough to tell any Indian that they went into effect 15 days earlier than the State law, and the result is that there are several cases where Indians are under arrest for violating the migratory game-bird law. This is a Federal law, but under the treaty it is apparently also unconstitutional, as in the former no restrictions are placed on the Indians' hunting rights. It is possible that the case will be brought up to the United States Supreme Court before the matter is decided.

Mr. DYER. What excuse does the gentleman make for the State authorities neglecting their duties?

Mr. JOHNSON of Washington. I do not think they have neglected their duties at all. In fact, they have gone out of their way to protect these Indians. As a matter of fact, the Chehalis County commissioners will have to build a bridge into the Quinaielt Reservation at the county's expense. The Commissioner of Indian Affairs says he has no funds. I want to tell you that these Indians are in desperate condition, and I do hope their fishing interests will be taken care of.

Mr. STEPHENS of Texas. Mr. Chairman, I insist upon the point of order, and I will state to the gentleman that we will take the matter up if he will introduce a bill.

Mr. JOHNSON of Washington. I will be very glad to press a bill which I have introduced.

The CHAIRMAN. Does the gentleman from Washington wish to offer a second amendment?

Mr. JOHNSON of Washington. No, Mr. Chairman; I will withdraw the second amendment.

The CHAIRMAN. The Chair sustains the point of order.

[By unanimous consent, leave was granted to Mr. JOHNSON of Washington to extend his remarks in the RECORD.]

Mr. FERRIS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee in reference to the first proviso on page 9, which provides a $25,000 appropriation to carry on experiments on Indian school or agency farms. I wondered if the gentleman was able to find out just what they did with that money; that is, the $25,000?

Mr. STEPHENS of Texas. On page 202 of the hearings the gentleman will find a statement from the department relative to how these funds are expended.

Mr. FERRIS. I do not have it before me. Will the chairman state tersely what it is?

Mr. STEPHENS of Texas. These Indian schools and agencies are scattered widely over the United States, and what would grow in one part of the country is what can not be produced either by the Indians or whites in another part of the country, and it is necessary to test the possibilities of the soil in the different sections in reference to the production of vegetables, and so forth. For that purpose the $25,000 is being expended, and it is expended under the direction of the Secretary of the Interior through the Indian Bureau.

Mr. FERRIS. I wondered how long this appropriation has been carried. Does the chairman have that in mind?

Mr. STEPHENS of Texas. It has been several years.

Mr. FERRIS. It has been running in the current bills each year?

Mr. STEPHENS of Texas. It has been running for several years.

Mr. FERRIS. The only thought I had about it was it seems to me the time will come when they ought to be forced to some kind of a showing as to what they were doing and what they were accomplishing with that fund. In other words, we have at each one of these schools a superintendent and a farmer and laborers, whose duty it is to show the Indian children just what to do. For instance, the gentleman knows at Fort Sill, very near my home town, we have a school of full-blood children. We have a superintendent and several employees, and have a farm which has done nicely, and I suppose they make some investigation, and I wondered just where that money was expended.

Mr. STEPHENS of Texas. I am very glad to inform the gentleman of the manner in which that fund is expended, or has been expended very beneficially, and that is that in Arizona at Sacaton, where they develop the raising of sea-island cotton, and I know something of cotton, having been raised in a cotton country. This is the Egyptian or long staple cotton, and is worth possibly double the amount of the ordinary short staple southern cotton; and this Indian school has set an example to all the farms all over the country as to what can be done, and the $25,000 could have been well spent there for that purpose in educating the people of that Southwestern country to the fact that the cotton-growing industry is only in its infancy, even by an allotment of a part of this appropriation to that school. That has come under my own personal observation, and I have been told there are many other experimental stations the same way.

Mr. FERRIS. In the judgment of the chairman it is being well expended and doing the Indian Service some good?

Mr. STEPHENS of Texas. It surely is.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000: *Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. DYER. Mr. Chairman, I reserve a point of order on the proviso.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the distinguished chairman of the committee as to what the word "transportation" here is intended to include?

Mr. STEPHENS of Texas. I will yield to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, the word "transportation" here is intended to include railroad transportation, because under the last Indian appropriation act which was passed we find this language:

Provided also, That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school, or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased.

That means that the school agency shall pay for the wagon transportation to the place where the supplies are taken, and now this provides for the transportation of those goods on common carriers or railways.

Mr. FOWLER. Mr. Chairman, that was the reason I reserved the point of order and also the reason for making the inquiry. The same amount of money appropriated during the last Congress is appropriated here, and the appropriation in the last bill apparently included the wagon transportation.

Mr. CARTER. No; it extended it. I just read the provision in the last bill which excluded it.

Mr. FOWLER. That is true. It may have been intended to exclude it from subsequent legislation, but I am not so sure that the provision of the last bill excluded wagon transportation from the $300,000 that was appropriated in the last session of the Sixty-second Congress.

Mr. CARTER. That would depend entirely, Mr. Chairman, on what the word "hereafter" means. The money was to be spent in the fiscal year succeeding the year in which the Indian appropriation bill was passed, as is always the case, so that the "hereafter" applied not only to that time but applied to this time, and for that reason it is unnecessary to place anything in this bill with reference to wagon transportation.

Mr. FOWLER. Mr. Chairman, the word "transportation" is unlimited, and transportation means transportation.

Mr. CARTER. It is unlimited; but this language must be construed in connection with existing law, and the existing law is that no wagon transportation shall be paid from this fund hereafter, which was after the date of the passage of the last Indian appropriation act.

Mr. FOWLER. My contention is, Mr. Chairman, that no part of this appropriation ought to be used for the payment of wagon transportation from the point where the common carrier left it to its destination at the agency, because of the permanent law which was passed during the last session of the Sixty-second Congress. In my opinion there ought to be an exception, so that the word "transportation" might not be considered in its broadest sense. In other words, there ought to be an exception to this effect, namely, "except wagon transportation."

Mr. CARTER. Well, if the gentleman should say "except wagon transportation," that would not make the law any stronger than it is, and if he should say "except wagon transportation," he ought to say "except wagon transportation as provided by existing law," so that would mean exactly what it means now, I should think. I have not any objection to the amendment at all, except it is putting language in the act which I do not think means anything.

Mr. FOWLER. Mr. Chairman, I am inclined to think that the term "transportation" is broad enough as used in this paragraph to take in all transportation, whereas it is true that there is a limitation placed by the last bill.

Mr. STEPHENS of Texas. If the gentleman from Illinois will permit, I will ask unanimous consent that the debate on this paragraph be closed in five minutes.

Mr. MILLER. Mr. Chairman, I sincerely trust that the chairman of the committee will not do this. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. What is now pending before the committee?

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] has raised a point of order on the proviso to the paragraph, and the gentleman from Illinois [Mr. FOWLER] raised a point of order on the entire paragraph.

Mr. MILLER. Would it not be more advantageous to discuss a proposed amendment to the paragraph before the point of order is disposed of?

Mr. FOWLER. I am trying to decide whether I will make a point of order. If there is a limitation placed on this transportation, then I have no disposition to make a point of order, if the committee is willing to make the exception that I suggested.

Mr. MILLER. As one member of the committee, I would not. I would like to argue the question whether or not it is subject to the point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] make the point of order?

Mr. FOWLER. Mr. Chairman, I have not made the point of order, and I do not desire to make it unless the Committee on Indian Affairs think, and the members of the Committee of the Whole House on the state of the Union believe, that the language used here in this paragraph does not contravene the language used in the last appropriation bill, which made a limitation upon the word "transportation."

Mr. CARTER. Mr. Chairman, if the gentleman will permit, I think the language in the last Indian appropriation bill defines exactly what this law means, because it made the language of the last appropriation act permanent law.

Mr. MANN. That of last year was permanent law.

Mr. FOWLER. It is permanent law. That is true.

Mr. CARTER. Here is what is said in the department's report about it:

It is believed, since the wagon transportation is to be paid out of support funds, that the appropriation requested, viz, $325,000, will be adequate to cover the needs of the Indian Service in this direction.

Mr. MOORE. Mr. Chairman——

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. The Chair will state that the time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. FOWLER. Mr. Chairman, I did not know there was a limitation as to time when discussing a point of order.

The CHAIRMAN. The Chair will state that the gentleman did not make a point of order, but reserved it.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. FOWLER. I do not care about five minutes more.

Mr. STEPHENS of Texas. I renew my motion that debate on this section be closed in 10 minutes.

Mr. MANN. Debate has not commenced.

Mr. DYER. I wish to make a point of order after the gentleman from Illinois [Mr. FOWLER] finishes.

Mr. FOWLER. I do not desire to make a point of order at the present time, Mr. Chairman.

Mr. DYER. Mr. Chairman——

Mr. STEPHENS of Texas. I ask for the regular order, Mr. Chairman.

Mr. DYER. Mr. Chairman, I would like to have a couple of minutes.

Mr. CARTER. The regular order is the discussion of the point of order.

Mr. DYER. I wish to speak on the point of order.

The CHAIRMAN. The regular order is demanded, and the gentleman from Missouri [Mr. DYER] makes a point of order on the paragraph.

Mr. DYER. As a parliamentary inquiry, I will ask the Chair if it is not within the discretion of the Chair as to whether or not he desires to hear from the Member who makes a point of order?

The CHAIRMAN. After the gentleman makes a point of order.

Mr. DYER. I reserve the point of order, Mr. Chairman.

The CHAIRMAN. But, when the regular order is asked for, the gentleman can not reserve a point of order.

Mr. DYER. I appreciate that, Mr. Chairman, if the Chair is ready to rule.

The CHAIRMAN. The Chair will state that the gentleman has reserved a point of order. Does the gentleman make the point of order?

Mr. DYER. Very well. I will make the point of order.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. DYER. Yes; for one minute.

The point of order I wish to make, Mr. Chairman, is on the proviso, beginning with line 15:

Provided, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service.

I have looked through the hearings of the committee, through the voluminous copy of hearings that the committee has had, and I do not find one single word in the entire hearings from anyone upon this subject. I find no testimony there to show or to indicate that there will be a saving to the Government of a penny by the abolishment of these warehouses. I claim, Mr. Chairman, that you will not save the Government a penny by abolishing these warehouses, but it will cost the Government more money to take away these warehouses. It means that inspectors have got to travel all over the country to inspect these goods. They will not have officials in the towns and places where these goods are bought.

For instance, the warehouse in St. Louis is one that does an enormous business for the Government. They handle millions of dollars' worth of goods, and the freight rates and all save to the Government thousands of dollars. If these warehouses are done away with, then all of this inspection and the expense of freight and all will amount to a great deal of money.

I am satisfied that there is no testimony here in the hearings concerning this proposition. I know there is none, because I have looked through them carefully. I am satisfied that neither the chairman of the committee nor any member of the committee is able to say to this committee that the department asks for this to be done. Neither the Secretary of the Interior nor the Commissioner of Indian Affairs has asked, nor will they ask, that these warehouses be done away with. I think it is a voluntary proposition on the part of the committee, and the report comes in here in this way without any hearing had at all. I would be glad, Mr. Chairman, if the gentleman from Texas [Mr. STEPHENS], as chairman of the committee, can point out where the Government can in any way save a dollar by this. I claim that it will cost the Government much more money if these warehouses are abolished. Therefore I contend that my point of order is proper at this time.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think this section is subject to a point of order. Of course the gentleman can amend the bill if he desires.

The CHAIRMAN. The Chair is ready to rule.

Mr. MILLER. Mr. Chairman, I would like to be heard on the point of order, unless the Chair is prepared to rule. I desire to call the attention of the Chair to the fact that it is not in any view subject to a point of order. It is simply a limitation on the appropriation made in this bill. The appropriations made herein will take effect after July 1, 1914.

Mr. MOORE. Mr. Chairman, will the gentleman tell us where these warehouses are located?

Mr. MILLER. One of them is located in New York, and one at Chicago, and one at St. Louis, and one at Omaha, and one at San Francisco.

Mr. MOORE. The limit of the value of the goods that go to these various warehouses is $300,000 a year?

Mr. MILLER. No. That $300,000 is for their maintenance and for the transportation of the goods. By far the major part is for the transportation of goods.

Mr. MOORE. May I ask the gentleman where this $300,000 for the purchase of goods and supplies for the Indians is expended?

Mr. MILLER. It is expended throughout the United States.

Mr. MOORE. In various cities?

Mr. MILLER. Yes; in various cities.

Mr. MOORE. The term "advertising" is provided in this language. Does that mean advertisements for supplies amounting to $300,000 per annum?

Mr. MILLER. The supplies amount to very much more than $300,000 per annum, I will inform the gentleman.

Mr. MOORE. The gentleman from Missouri [Mr. DYER] said millions of dollars' worth of goods passed through the warehouse at St. Louis.

Mr. MILLER. The gentleman is mistaken about that.

Mr. DYER. The gentleman should not understand that only the $300,000 mentioned in this paragraph is used for the purchase of goods for the Indians.

Mr. MILLER. I was explaining that to the gentleman from Pennsylvania. This sum of $300,000 is for transportation and the purchasing of the goods.

Mr. MOORE. In discussing his point of order, I understood the gentleman from Missouri [Mr. DYER] to say that millions of dollars' worth of goods pass through this warehouse, and the appropriation is only $300,000 per annum.

Mr. DYER. I am not objecting to the provision of $300,000, but I am objecting to the effort to eliminate these warehouses.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] makes the point of order against the proviso on line 15, page 9:

Provided, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service.

The Chair is clearly of the opinion that the provision is nothing more than a limitation upon the appropriation and does not constitute a change of existing law, and the point of order is therefore overruled.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. IGOE. Mr. Chairman, I move to amend the proviso.

The CHAIRMAN. The gentleman from Missouri [Mr. IGOE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, lines 15 to 18, page 19, by striking out the following language: "*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask if we can not come to an agreement as to how long this amendment shall be discussed? I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in 20 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that all debate on the pending paragraph and amendments thereto be closed in 20 minutes. Is there objection?

Mr. BARTHOLDT. Mr. Chairman, I ask for five minutes.

Mr. DYER. I ask that the gentleman make his request apply to this amendment only.

Mr. CARTER. Mr. Chairman, would it not be a good idea to get the debate finished on all the amendments? Let all the amendments be offered now, and close debate at a certain time thereafter.

Mr. BARTHOLDT. I may want to offer another amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this paragraph and all amendments thereto be closed in half an hour.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] modifies his request and asks that all debate on this paragraph and amendments thereto be closed in half an hour. Is there objection?

Mr. MILLER. I reserve the right to object.

Mr. STEPHENS of Texas. I will divide the 30 minutes among gentlemen.

Mr. MILLER. I want 10 minutes.

Mr. CARTER rose.

Mr. STEPHENS of Texas. Has the gentleman an amendment?

Mr. CARTER. I have an amendment that I desire to offer.

Mr. MILLER. Mr. Chairman, I desire to present our side of the case.

Mr. STEPHENS of Texas. Then I will yield to the gentleman for that purpose.

Mr. MILLER. I will call the attention of the gentleman to the fact that all these gentlemen who are anxious to speak are on one side.

Mr. MANN. The gentleman from Texas might yield 10 minutes to the gentleman from Minnesota [Mr. MILLER]. The gentleman from Texas had better make his request for 40 minutes, and provide that the gentleman from Minnesota [Mr. MILLER] shall have 10 minutes of that time.

Mr. STEPHENS of Texas. I will make it 40 minutes, then, Mr. Chairman, and give the gentleman from Minnesota [Mr. MILLER] 10 minutes.

Mr. MANN. I suggest that the gentleman from Minnesota have 10 minutes of that time.

Mr. STEPHENS of Texas. Yes. I ask unanimous consent, Mr. Chairman, that all debate on the pending paragraph and amendments thereto close in 40 minutes, and that 10 minutes of that time be given to the gentleman from Minnesota [Mr. MILLER].

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the pending section and amendments thereto be closed in 40 minutes, and that the gentleman from Minnesota [Mr. MILLER] shall have 10 minutes. Is there objection?

Mr. MOORE. Mr. Chairman, I reserve the right to object, because no allowance of time is given to those who are not, apparently, for this amendment. I want to get some information. If I can get it now, I do not care to object.

Mr. STEPHENS of Texas. We will yield five minutes to the gentleman for the purpose of allowing him to ask questions. It is understood that five minutes of the time shall be given to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. IGOE. Mr. Chairman, looking over the hearings before this Committee on Indian Affairs I find that there was some discussion of this provision. At the present time there are five of these warehouses, and under the law, as I gather from the testimony in these hearings, the Commissioner of Indian Affairs has the right to abolish every one of these warehouses if he so desires. But the startling statement is made in these hearings that because of pressure brought to bear somebody in the Indian Commissioner's office, having the authority, refused to exercise it.

Furthermore, it is shown in the hearings by the testimony of those who appeared from the Indian Commissioner's office that these warehouses are necessary, at least two of them, as permanent warehouses; and the testimony shows that, even if the other three are abolished, the Indian Department must have permission to maintain temporary warehouses.

Now, the proviso that is offered here in this bill by the Committee on Indian Affairs prevents the use of any of this money for the maintenance of warehouses, whether temporary or permanent; and, as I have said, the testimony given in the hearings shows that temporary warehouses will be necessary.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. IGOE. I will.

Mr. CAMPBELL. How far is it from any Indian reservation, where these goods are to be used, to St. Louis, where the warehouse which the gentleman is interested in is located?

Mr. IGOE. As I understand it, these goods may be in any of the warehouses, either at New York or St. Louis. In many cases the goods do not go into the warehouses at all. The bids are opened in different cities, and I do not know where the goods go from any particular warehouse. Perhaps the gentleman, being a member of the committee, does know. I am only giving what is in the testimony.

When this question was brought up, Mr. Meritt gave it as his opinion that if the bill was amended so as to leave two permanent warehouses it would not cripple the department; but all through the testimony it is shown that it is beneficial to the service to have warehouses. I do not undertake to say where they shall be, but if the Indian Commissioner has the authority now to abolish these warehouses, and if men in that service say that they must have some warehouses, why should we say in this bill that none of the money appropriated here shall be used for that purpose? I undertake to say to the Members of this House that when the Indian Commissioner has the right to say that there shall be no warehouses or that there shall be five, the mere fact that at some time in the past somebody has brought pressure enough to bear to keep the warehouses as they are at present established, is no reason why we should put in a provision of this kind prohibiting the use of any of this money for these purposes.

Mr. GOULDEN. Can the gentleman tell us what is the cost of maintenance of these five warehouses which have been provided for in the past?

Mr. IGOE. Yes; the hearings before the committee show very fully the expense for light, rent, fuel, salaries, and so forth. The total for rent of the five is $11,000, and for the employees $35,000.

Mr. MILLER. If the chairman of the committee will permit, I want to get the total of the cost.

Mr. IGOE. The entire amount is $59,349.

Mr. MILLER. It is a little more than that. It is $62,475.

Mr. STEPHENS of Texas. If the gentleman will turn to page 210 of the hearings, he will find the exact amount. It takes $62,475 to expend $300,000. Does the gentleman think that is fair?

Mr. IGOE. Was it not stated in the hearings by the representatives of the department that it was advisable to have warehouses?

Mr. STEPHENS of Texas. They did not use the term "warehouses." They use used the term "storage and transportation." The storage would include warehouses.

Mr. IGOE. On page 219 of the hearings the gentleman from South Dakota [Mr. BURKE] asked these questions:

Mr. BURKE. Would you say that it would be entirely safe if we should put a provision in this bill in substance providing that not to exceed two warehouses shall be maintained?

Mr. MERITT. Shall be permanently maintained.

Mr. BURKE. Do you think that would be sufficient so that the service would not suffer?

Mr. MERITT. I think that the service would not suffer with that provision in. On the contrary, I think the administration would be better and at a less cost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to call the attention of the committee to the amount of money carried in this bill for the purpose of purchasing goods. It reads in this way:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000.

That is the amount carried in the bill. Then comes the provision—

Provided, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service.

Now, we find on page 210 of the hearings that the total amount for the maintenance of these warehouses was $62,475.03. That is an enormous amount for the expenditure of $300,000 for goods purchased; and not all that amount represents purchases, because this $300,000 includes the transportation of those goods. We therefore believe that by leaving the bill as it now is, with

the word "storage" in it, we can save quite a sum of money, and that is the reason why the bill is drawn as it is.

Let me call your attention to one other item here. In the hearings on pages 215 and 216 we find the following:

Mr. CARTER. Just as briefly as you can, explain the advantage of the warehouses over the ordinary system that might prevail if we did not have the warehouses.
Mr. FRY—

Mr. Fry seems to be the expert who has this matter in charge for the department.

Mr. FRY. If we did not have the warehouses, all the purchases would be made upon the separate needs of the individual superintendent, and that is what we do as to a certain part of these supplies now. You will recall that I referred to purchases under contract and in the open market. I have been talking about the contract end. The other class is that which we purchase in the open market to supply superintendents who find they need later something else of a general nature or something else that is specifically needed for their particular agency and probably would not be needed by more than two or three other agencies. A superintendent will send in a request for something of that kind and then we go out and advertise for bids, or he should advertise and then send the bids in with his request; we then authorize the purchase, and he or one of the warehouses makes the purchase. Now, under the system of buying singly, we would probably pay a higher price for the article. For instance, if it were a plow we would go out and pay a price for a single plow, whereas on the annual estimate and contract basis we could advertise for plows of that kind collectively and buy them in a lot, and in that way get them cheaper. It is the concentrated purchasing as against the making of individual purchases.

I think it clearly appears from this evidence that the expenditure of $52,000 for warehousing and warehouse employees for the storage of $300,000 worth of goods is enormous, and I think we should abolish these warehouses.

Mr. LOBECK. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. LOBECK. The gentleman says it is for $300,000; but the value of the shipments from these warehouses was $1,388,651.

Mr. STEPHENS of Texas. I was speaking of the amount carried in the bill.

Mr. LOBECK. But we handle $1,358,000 worth of goods, and that is less than 5 per cent for doing the business.

Mr. DYER. The gentleman from Texas is referring to the cost of transportation.

Mr. IGOE. Will the gentleman from Texas read the next question by Mr. CARTER and the answer, on page 216, after the answer that the gentleman from Texas just read?

Mr. STEPHENS of Texas. I will:

Mr. CARTER. Do you get any benefit from inspection at the warehouses?
Mr. FRY. Yes, sir; the inspection end is practically the key to all our purchasing plan.
Mr. CARTER. In what way do you get a benefit by inspection?
Mr. FRY. By being sure we get the goods we buy. For instance, in the contract stuff practically all of it is bought on samples or strict specifications.

Mr. McKENZIE. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. McKENZIE. Does the Government own the warehouses or lease them?

Mr. STEPHENS of Texas. They are leased.

Mr. McKENZIE. What is the value of the property stored in the warehouses each year?

Mr. STEPHENS of Texas. I can give the gentleman an estimate of that.

Mr. FERRIS. We pay $11,000 rent every year.

Mr. STEPHENS of Texas. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The Chair will state to the gentleman that there was no understanding as to the division of time.

Mr. CARTER. Then, Mr. Chairman, I ask for recognition in my own time.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. CARTER. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Missouri.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lieu of the proviso the following:
"*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of more than two permanent warehouses in the Indian Service."

Mr. CARTER. Mr. Chairman, the reading of the hearings, on pages 203 to 221, will disclose that it was the contention of the Indian Bureau officials that two warehouses are needed, and that not more than two are needed. This amendment leaves the matter of the selection of these places in the discretion of the Commissioner of Indian Affairs or the Secretary of the Interior—whoever has jurisdiction in the premises. It will leave all the safeguards that are necessary to the purchase of goods and dispose of three-fifths of the cost of the maintenance of the warehouses. The service will be just as efficient as it is at present.

Mr. GOULDEN. Will the gentleman yield?

Mr. CARTER. I will.

Mr. GOULDEN. What is the saving this year over that of last, provided this becomes a law? The gentleman talks about the warehouses being an expensive item. I want to know if it will save any money. Is the appropriation any less in this bill?

Mr. CARTER. It is $300,000 now, and the department asked for $325,000. I will state to the gentleman that after we had appropriated $300,000 last year they came to the Committee on Appropriations and got an item in the deficiency bill of some $40,000 for this same purpose, so that it has cost $340,000 to maintain the warehouses last year. If my amendment is agreed to, I am sure they can bring the cost within this appropriation.

Mr. GOULDEN. While I represent, in part, one of the sections that will be affected by this legislation, if there is economy in it I am for it, notwithstanding that one of the warehouses is located in New York City.

Mr. MADDEN. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. MADDEN. I understood the gentleman to say that this $300,000 was being appropriated for the maintenance of the warehouses, and yet the statement which the committee adduced at the hearings and which is printed in the hearings shows that the cost of the maintenance was only $61,000. As a matter of fact, this $300,000 is not intended for the maintenance of the warehouses but for a transportation of goods, storage in the warehouses, and so forth.

Mr. MOORE. And for the purchase of goods.

Mr. CARTER. No.

Mr. MADDEN. It does not take $300,000 to maintain the warehouses?

Mr. CARTER. No.

Mr. MADDEN. It only cost $61,000?

Mr. CARTER. I think the gentleman is correct.

Mr. MADDEN. It covers salaries, light, heat, and everything that goes toward the maintenance.

Mr. MOORE. The paragraph begins with the language "For the purchase of goods and supplies for the Indian Service, including inspection," and so forth.

Mr. CARTER. If I said it did not comprehend purchase of goods, I did not intend to. I certainly had something else in my mind when I answered the gentleman; I think it does include purchase.

Mr. MADDEN. Is there anybody on the committee that knows what it does include?

Mr. BUTLER. It has been stated here that the goods in one warehouse were worth over $600,000.

Mr. CARTER. I will say that there are other funds from which the goods are purchased.

Mr. MADDEN. I would like to have the gentleman from Oklahoma, if he does not know, furnish some one who would tell us what this $300,000 is for.

Mr. CARTER. If the gentleman will give me four hours, I will undertake to do it. The gentleman can find it all in the hearings on page 203 and what follows.

Mr. MOORE. Mr. Chairman, the chief difficulty here and the confusion that has arisen seems to be due to the fact that we have not adopted the suggestion of the Commissioner of Indian Affairs, or whoever it was that proposed to select but one city for the storing of the various supplies of the Indian Service. I have no doubt the whole problem would be solved at once if the city of Philadelphia, which is a dark horse in this matter, and has been so for a long time, had been selected by the committee. I think the entire House would agree to that, especially the gentleman from New York, the gentlemen from Chicago, St. Louis, Omaha, and San Francisco, who seem to have more or less interest in the matter.

Mr. BUTLER. Will the gentleman yield?

Mr. MOORE. Certainly.

Mr. BUTLER. What earthly use would an Indian warehouse be in the city of Philadelphia?

Mr. MOORE. The city of Philadelphia produces nearly all the supplies that the Indian Service requires, and it has reflected very much on preceding Congresses and the older Members thereof, who did not at the proper time rise in their places, as did the gentlemen from New York and Chicago and Omaha and St. Louis and San Francisco, to demand that these supplies should be stored in Philadelphia. I suggest that this is a fine opportunity for some young Democrat in this House to do

something for Philadelphia, which has been fed on promises for the last two years.

Mr. GOULDEN. Will the gentleman yield?

Mr. MOORE. Certainly.

Mr. GOULDEN. This is the first time that I ever heard it charged that Philadelphia was a dark horse, for since the gentleman's arrival in Congress no opportunity has ever passed without the gentleman being heard from in the interests of his city.

Mr. MOORE. Philadelphia has usually been overshadowed by New York, represented so ably by the gentleman who, in stopping off at Philadelphia, of course, has observed that a great output of her industries go to New York, where the raw materials are worked over and distributed.

Mr. GOULDEN. Oh, they had to be sent over to New York to be sold and distributed, as that is the principal distributing center in the country.

Mr. MADDEN. Mr. Chairman, I object to this fulsome flattery going on between New York and Philadelphia.

Mr. MOORE. Chicago has always been envious, Mr. Chairman, and has imagined itself a rival, although it is hard to come up to the standard.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes; I will yield to the gentleman from Baltimore. I wanted to argue Baltimore's case. [Laughter.]

Mr. BUTLER. Mr. Chairman, will anybody speak for the Indian?

Mr. MOORE. Mr. Chairman, the Indian would be well taken care of in the City of Brotherly Love, and, then, if the gentleman from Baltimore should succeed in having a warehouse in Baltimore——

Mr. LINTHICUM. But why would it not be better to have the warehouse in Baltimore than in Philadelphia, because the rates to the West are cheaper from Baltimore than they are from Philadelphia and New York?

Mr. MOORE. Baltimore is so intensely patriotic and enthusiastic over Fort McHenry that it ought to be satisfied to let Philadelphia have a modicum of appropriations from Congress. I feel sure it would not want to rob us of a warehouse for the Indian Service. I commend this to my Democratic colleagues from Pennsylvania. Here is their opportunity.

Mr. Chairman, the reason I asked for time was to inquire of the chairman of the committee what this advertising is for and what kind of advertising it is?

Mr. STEPHENS of Texas. It is for the various warehouses.

Mr. MOORE. For supplies?

Mr. STEPHENS of Texas. Bids for supplies in the Indian Service entirely.

Mr. MOORE. In what cities do these advertisements appear for supplies for the Indian Service?

Mr. STEPHENS of Texas. They are sent out from Chicago, St. Louis, and other places.

Mr. MOORE. Is the advertisement general throughout the country or is it confined to only one or two cities?

Mr. STEPHENS of Texas. It is stated that it is put in the leading papers of the United States.

Mr. MOORE. Does the gentleman know whether any goods purchased as a result of these advertisements are made in the city of Baltimore, for which my colleague from Maryland [Mr. LINTHICUM] spoke a moment ago?

Mr. STEPHENS of Texas. The city of Baltimore can send its samples to these points and have them examined, and they will stand the same show as those from the city of Philadelphia.

Mr. MOORE. But if the advertisement appears only in the Chicago papers, how will the people of Baltimore know of it?

Mr. STEPHENS of Texas. Oh, the Chicago papers are read all over the United States.

Mr. MOORE. I asked the chairman whether the advertisement was placed generally throughout the country?

Mr. STEPHENS of Texas. That is what the department states. It is stated that the advertisement is general.

Mr. MOORE. If it appears only in the Chicago papers, it is evident that only a few people will read it.

Mr. MADDEN. Mr. Chairman, if the gentleman will permit, he inquired what these advertisements were for, and as no member of the committee seemed able to tell him, I desire to inform him that the advertisements are intended to discover where the Indians are in the United States.

Mr. MOORE. Maybe they are in Chicago.

Mr. CALDER. Mr. Chairman, I have an amendment which I desire to offer.

Mr. FERRIS. Mr. Chairman, if the legislation in the paragraph on page 9 is left in the bill, these warehouses will be dispensed with entirely. If the amendment of the gentleman from Oklahoma [Mr. CARTER] is adopted, there will be left but two warehouses. So far as I am personally concerned, I will be glad to see them all abolished. I have lived in an Indian country all of my life. I was born within 16 miles of the Indian Territory, and I never could in the past, nor do I now, conceive of any reason why one of these warehouses should be retained. The proposition of buying supplies and shipping them across the country, back and forth, is needless and an unnecessary expense. The Indian Service as it is costs enough in my State and in every other State, and it is a heavy enough burden for the United States Government to bear, and when we can find a straight economy which might be practiced without doing any violence to the service it seems to me that we ought to practice that economy.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Just one moment. The Indian Commissioner and the Interior Department two years ago, when I was on the committee, then thought that if we could fix the law so that they would have power to get rid of these warehouses they would do it, but now they come back and say that even though they have the power they have not the courage and the backbone to stand up and get rid of them, and they ask Congress to get rid of them. First, Mr. Chairman, they ought to do their duty, but as they have left it undone then Congress ought to do it.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. I just wanted to ask the gentleman this: Suppose there were no warehouses, as this provision would arrange, and the Government were shipping goods to the Indians, to some tribe in Oklahoma, what would they do with the goods?

Mr. FERRIS. Mr. Chairman, that is the very point.

Mr. MADDEN. Suppose they are also shipping them to Wisconsin and California?

Mr. FERRIS. That is the point. This is an antiquated practice that was put in vogue when the Indians were wild men and there was no civilization among them. To-day the Indians are the men who run the communities in half the towns. They are the men who are the governors of States. They are the men who are in the legislatures; they are the men who are the officers and presidents of chambers of commerce; and this theory of men wearing paint and feathers and there being no transportation and no local regulation and no local ability to care for the wants of the Indians is all farcical and mythical, and there is nothing to it.

Mr. MADDEN. Does the gentleman contend that the goods that are bought by the Government for the use of the Indians can be distributed to the Indians without their being stored somewhere?

Mr. FERRIS. Oh, yes; and there would be traveling salesmen calling on every branch of the Indian Service from the agency up to the commissioner and who would hunt and dog them to death to buy the things they did not need.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a statement for just one moment?

Mr. FERRIS. I do.

Mr. McGUIRE of Oklahoma. Wherever there is an Indian superintendency in the United States there is always a commissary department at which they can receive and retain these goods and distribute them when they are needed.

Mr. FERRIS. Precisely; and I thank my colleague from Oklahoma. Every one of these agencies has great plants, with a dozen or fifteen brick buildings. This proposition to go out on the prairie in a covered wagon and distribute meat and flour and potatoes and beans has nothing to it; it is a joke, and this thing ought to be abolished. The Indian Office has asked to have it abolished; it ought to do it themselves, but they do not seem to have the courage to do it.

Mr. DYER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. DYER. The gentleman suggests the Indian Office is asking to have these warehouses abolished. I ask the gentleman to call to the attention of the committee, if he can, anything in the hearings making that statement.

Mr. FERRIS. I can show that to the gentleman, beginning on page 203, clear on down. It is rather in halting answers to questions, but I have talked to them myself, and I know they would be glad to have it done.

Mr. DYER. There is no line in the testimony to that effect.

Mr. FERRIS. There are 20 or 30 pages.

Mr. DYER. The Indian Commissioner did not ask for it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The gentleman from Minnesota [Mr. MILLER] is recognized for 10 minutes.

Mr. MILLER. I promised the gentleman from Missouri that he should talk before me.

Mr. BARTHOLDT. Mr. Chairman, how much time is there left on our side?

The CHAIRMAN. Twenty-four minutes have been consumed and there are 16 minutes remaining, of which time the gentleman from Minnesota is entitled to 10 minutes.

Mr. BARTHOLDT. I mean those who are on the side of the amendment.

The CHAIRMAN. There is no understanding or no order of the committee with reference to the time.

Mr. BARTHOLDT. I had given notice that I wanted five minutes.

The CHAIRMAN. The Chair was expecting to recognize the gentleman from Missouri after the gentleman from Minnesota had concluded.

Mr. MILLER. Mr. Chairman, there are in existence to-day five of these warehouses, located in the cities of New York, Chicago, St. Louis, Omaha, and San Francisco. Now, how do we come to have these; why are they there? This system grew almost exactly as grew up the system of pension agencies, which Congress for so many years labored to overthrow. There was originally established at one place an Indian warehouse, and then another city saw that was a good thing and asked for one and received one, until finally five of these cities, by their active Representatives in Congress, were designated as these Indian warehouse cities. There never was a time when they were needed as a whole. There might have been a time when one was needed, but that time has long gone by.

Mr. GOOD. Will the gentleman yield?

Mr. MILLER. I will.

Mr. GOOD. The gentleman from Oklahoma [Mr. FERRIS] made a very severe indictment against the present Commissioner of Indian Affairs, a great Democrat from the State of Texas. The Hon. Cato Sells formerly came from my district, and I never knew of his being a coward or being afraid to perform his duty. I would like to ask the gentleman if, under the law, the commissioner can abolish these warehouses; and if so, why they have not been abolished?

Mr. MILLER. In answer to the gentleman I will say that as the law now stands the Indian Commissioner or the Secretary of the Interior, in which his department is located, has ample and full power to discontinue each and every one of them. When I became a Member of this body, nearly six years ago, the first thing I attempted to do was to eliminate these warehouses, and then, as now, we found the representatives of these various cities right on the job. I do not blame them at all. Their zeal is a credit to them and should highly recommend them to their constituencies. But I have before and to-day I again appeal to the other Members of the House to look out for the welfare of the Indians and to look out for the Treasury of the United States.

We were defeated the first time. The second year it was a drawn battle. In the third year we were successful. We were successful because the Department of the Interior and the Commissioner of Indian Affairs and all his subordinates asked us and begged us in the interests of economy, in the interests of the Indian Service, that we abolish these leeches that had fastened themselves upon the system of purchasing Indian supplies. We thought we had accomplished results for all time, but somehow or other the Indian Office seems not to have abolished these warehouses completely. To our very great surprise I found the appropriation had been secured through the deficiency appropriation bill taking care of these Indian warehouses.

Mr. IGOE. Will the gentleman yield?

Mr. MILLER. I yield to the gentleman.

Mr. IGOE. The gentleman knows that Mr. Fry in the hearings before the committee testified that if you abolish three of these you would have to maintain temporary warehouses during a part of the time?

Mr. MILLER. I will be pleased to answer the gentleman in my time.

But further referring to the question asked by the gentleman from Iowa [Mr. GOOD], I will quote from the hearings. Mr. Meritt, the Assistant Commissioner of Indian Affairs, is speaking:

> Those five warehouses have been continued, and unless this committee puts in a proviso clause directing that only two warehouses be maintained, I am not sure but that it will be necessary to continue them for the next fiscal year.
>
> Mr. BURKE. Then, am I to understand the influences that these cities are able to bring upon the department are so strong that the office has been unable to discontinue these warehouses?

Note the reply:

> It is my personal opinion that some of these warehouses should have been discontinued prior to this time.

Mr. DYER. From whom is the gentleman quoting?

Mr. MILLER. I am quoting from Mr. Meritt, the First Assistant Commissioner of Indian Affairs.

Further, Mr. Chairman, the hearings disclose that these Indian warehouses are absolutely of no value to the Indian Service, but that they are a very great expense. As suggested by the gentleman from Oklahoma, the procedure is something like this: It frequently is necessary to purchase supplies out in the field. It may be that they are purchased in Minnesota, where there are 11,000 Indians. They are then shipped back to Chicago and put in a warehouse and then shipped from the warehouse back to Minnesota to give to the Indians. Can any man for a moment commend a system like that?

Mr. LOBECK. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. LOBECK. There is nothing in the hearings, and I read them very thoroughly, to show that anything like that is done.

Mr. MILLER. But I will tell the gentleman it is done.

Mr. LOBECK. The hearings show that the department purchases such supplies as clothing in New York, where it is inspected, and they buy certain merchandise in Chicago and certain lines of hardware in St. Louis, and they buy farming implements and groceries at Omaha, because it is a wholesale distributing point for groceries and agricultural implements. A man can ship an agricultural implement cheaper from Omaha than he can from a factory, because it is nearer the point of destination. But there is no evidence in the hearing to show that purchases are made and shipped from the prairies of Minnesota to the warehouses. Merchandise which is bought is upon advertisement, and it is put in these Indian warehouses for distribution, and if the gentleman understood anything about purchasing and shipping merchandise he would not have said what he did say.

Mr. MILLER. I have not only read what is there, but many hundred times as much on that subject.

Mr. LOBECK. Do you understand how bids are asked?

Mr. MILLER. If the Chairman please, I can not yield further. I do not want to be ungracious, but the gentleman can have time himself.

Mr. LOBECK. The gentleman is talking about purchasing merchandise for these Indians, and he should make his remarks in a merchandise manner or according to rules of trade.

Mr. MILLER. There seems to be a fallacy that some cities are favored by these warehouses, or otherwise they would not be fighting so hard to retain them, and the reason the gentleman has been importuned by citizens of Omaha——

Mr. LOBECK. The gentleman says that I have been importuned. That is not true. I have not received a word on the subject.

Mr. MILLER. Well, he is most fortunate if he has not been importuned, because I venture that every other gentleman representing a district in which one of these warehouses is located has been importuned time out of mind. Does the gentleman think that the city of Kansas City, which is 200 miles nearer the great bulk of the Indians of the Southwest, should not be permitted to participate in the sale of these Indian supplies?

Mr. LOBECK. If the Government can buy for less in Kansas City than in cities farther East, they ought to have that privilege.

Mr. MILLER. But they are purchasing groceries in the city the gentleman represents and not agricultural implements alone.

Mr. LOBECK. And also in Kansas City. Both cities bid for supplies, and the lowest bidder gets the business.

Mr. MILLER. Well, I do not wish to get into an altercation with the gentleman, no matter how pleasant that might be. Every Commissioner of Indian Affairs for years has asked to be relieved of this incubus. Every man who is familiar with the question of purchasing Indian supplies has recommended that the warehouses be abolished. We thought we abolished them two years ago, and we find now that we have not gone far enough, and the reasons existing then are still potent to-day. And I think the House ought by all means to perfect the matter by putting in that proviso.

Mr. DYER. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. DYER. He says the Indian Affairs Commissioners for years have asked to be relieved of this responsibility?

Mr. MILLER. They have.

Mr. DYER. Has the present commissioner done so?

Mr. MILLER. He has not been in office very long, but, judging from the evidence put before us by the Assistant Commissioner of Indian Affairs, I would say yes, and say it strong.

Mr. DYER. I will say to the gentleman that he has not.

Mr. HELM. Will the gentleman yield?

Mr. MILLER. For a very brief question.

Mr. HELM. There are in the country a number of quartermaster storehouses?

Mr. MILLER. For the handling of military supplies?

Mr. HELM. Yes, sir. If there was an indication of the extensive storage of such goods, wares, and merchandise as are now stored in these warehouses that are under discussion, could it not be so arranged that the quartermaster's depot could be used instead of these warehouses?

Mr. MILLER. I am not advised with respect to that, but I presume if an emergency existed it might be done.

Mr. HELM. It would be a good thing.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DYER. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. Six minutes.

Mr. DYER. Do I understand that the gentleman from Missouri [Mr. BARTHOLDT] is to be recognized for five minutes?

The CHAIRMAN. Yes; for five minutes.

Mr. BARTHOLDT. Mr. Chairman, it has been stated by a gentleman who is supposed to know that if the present system of purchasing Indian supplies were changed and the warehouses abolished, the cities that now have warehouse and the merchants of those cities would do as much business with the Indian Office as under the present system. If that be true, Mr. Chairman, I can at least not be accused of speaking pro domo when I oppose the change contemplated by the committee.

The question before the House is not one of appropriation. Whether we maintain the warehouses or whether we abolish them, the same amount of money, namely, $300,000, is asked for and will be needed. Consequently the change which the committee recommends is certainly not in the interest of economy.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. BARTHOLDT. No; as I have only five minutes, I can not yield.

Mr. MILLER. I had only 10 minutes, and I gave it all away to the other side.

Mr. BARTHOLDT. I have profited by the gentleman's experience. [*Laughter.*] It is a change of system which is contemplated here, and I earnestly warn the committee against such a change. I do not know how many Members now on this floor who have read and remember the evidence on the system in vogue before the warehouses were established. The department used to go into the open market, sent purchasing agents out to the places where the favorite manufacturers and merchants were living, and made purchases for the Indians, and thereby opened the door to such an amount of graft and scandal that the Senate, when the matter was up for consideration, said, "We can not abolish that system fast enough." So they established these warehouses. They have proved economical. I venture to say you will not save $10 a year by your new plan, as compared with the warehouse system that is now in vogue.

These warehouses are not only warehouses, but they are storehouses. The goods are now being purchased by contract and the samples are inspected by experts, and the same is true of the goods furnished. The lowest bidder gets the contract, and he deposits the goods in the warehouses, and from there they are sent out to the Indian reservations as they may be needed by the Indians. If you abolish these warehouses, I venture to say that the department will come to Congress in a very short time and ask us to establish storehouses, at least in two cities that are nearest to the Indian reservations. I do not care which cities they are. The gentleman from Oklahoma [Mr. CARTER], himself a member of the committee, proposes that two of these storehouses shall be continued. I hope that amendment will prevail, and I shall be entirely content to leave it to the judgment of the Interior Department to select the cities in which the two supply depots should be located. As to the goods which we can furnish cheapest—such as drugs, hardware, boots and shoes, and so forth—the department would come to the St. Louis market anyway, no matter under what plan the purchases are made.

Mr. STEPHENS of Texas. The gentleman should understand that the committee does not authorize that amendment that was offered by the gentleman from Oklahoma.

Mr. BARTHOLDT. I understand; but he is nevertheless a member of your committee.

Mr. STEPHENS of Texas. We are in favor of abolishing the warehouses.

Mr. CALDER. They are going to establish one in New York.

Mr. BARTHOLDT. I think the department would naturally establish them near the Indian reservations. I do not say that this one or that one is unnecessary. Some of them are, as stated by the Indian Department, unnecessary. But I want to call your attention to the fact that there is not one line of recommendation from the department, either in the annual report or anywhere, in favor of abolishing the warehouses this year, and I suggest that until the department comes to Congress and lays before us a feasible, well-thought-out plan of making purchases in the future we should not change a system which has proved economical, and, by giving the Government a dollar's worth of goods for every dollar expended, has given general satisfaction.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CAMPBELL rose.

The CHAIRMAN. The gentleman has one minute.

Mr. CAMPBELL. Mr. Chairman, these warehouses cost about $62,000. Every Indian agent can go to a near-by market and buy everything that is needed, and buy it as cheaply as it is purchased now at these warehouses. He can more economically buy just what is needed fresh from the market; agricultural implements, boots, clothing, and everything they need.

These warehouses, every one of them, are a useless expenditure of the Indian's money, and I hope that neither the amendment of the gentleman from Oklahoma [Mr. CARTER] nor the amendment offered by the gentleman from Missouri [Mr. IGOE] will be agreed to. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired.

Mr. CALDER. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from New York [Mr. CALDER] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. CALDER:

"*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of more than two warehouses, one of which shall be located in New York City."

[Laughter.]

Mr. BUTLER. Where would you put the other one?

Mr. REILLY of Connecticut. In Brooklyn. [Laughter.]

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from New York [Mr. CALDER].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Oklahoma [Mr. CARTER] to the amendment offered by the gentleman from Missouri [Mr. IGOE].

Mr. DAVENPORT. Mr. Chairman, I would like to have the amendment reported again.

The CHAIRMAN. The Clerk will again report the amendment to the amendment.

The Clerk read as follows:

Insert in lieu of the proviso the following:

"*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of more than two permanent warehouses in the Indian Service."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. DYER. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 10, noes 35.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Missouri [Mr. IGOE].

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. What was the total vote upon this amendment?

The CHAIRMAN. The total vote was 45—the ayes were 10 and the noes were 35.

Mr. DYER. A quorum is how many, Mr. Chairman?

The CHAIRMAN. A quorum is 100.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. It would be in order now to offer an amendment to the amendment, would it not?

The CHAIRMAN. The Chair thinks it would.

Mr. MOORE. Then I offer the following, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 18, after the word "service," insert the following:

"*Provided also*, That advertising for the purchase of goods and supplies shall be made in newspapers in at least 10 cities of 500,000 population each, apart from the cities in which such warehouses are located."

Mr. MANN. I make a point of order against the amendment.

The CHAIRMAN. The Chair will state to the gentleman that the amendment now pending is a motion to strike out the proviso.

Mr. MOORE. Then I withdraw my amendment for the present, Mr. Chairman.

Mr. MANN. An amendment to perfect the proviso is in order.

The CHAIRMAN. The question is first on the motion of the gentleman from Missouri [Mr. IGOE] to strike out the proviso.

The motion was rejected.

Mr. MOORE. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 18, after the word "service," insert the following: "*Provided also*, That advertising for the purchase of goods and supplies shall be made in newspapers in at least 10 cities of 500,000 population each, apart from the cities in which such warehouses are located."

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order against the amendment. It is new legislation.

The CHAIRMAN. The gentleman from Texas makes a point of order against the amendment. Does the gentleman from Pennsylvania desire to be heard?

Mr. MOORE. Mr. Chairman, it seems to me that inasmuch as the paragraph contemplates advertising, and actually provides for it, this amendment is germane.

Mr. CARTER. It may be germane, but it changes existing law.

Mr. MOORE. It might change it for the better, if the gentleman will permit me to make that observation.

Mr. CARTER. Even then it would not be in order.

Mr. MOORE. You ought not to confine the advertising to the one or two cities in which the warehouses are located.

Mr. CARTER. That is not done. There is nothing in the law or regulations that provides that.

The CHAIRMAN. The Chair is ready to rule. The Chair is of opinion that the amendment offered by the gentleman from Pennsylvania clearly provides for new legislation. Therefore the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, in the proviso in the paragraph which we have just been discussing the word "appropriated" ought to be spelled correctly. I suppose the Clerk will make that correction. It is in line 17.

The CHAIRMAN. Without objection, the correction suggested by the gentleman from Illinois, the spelling of the word "appropriated," in line 17, will be made.

There was no objection.

The Clerk read as follows:

For expenses of the Board of Indian Commissioners, $4,000, including not to exceed $300 for office rent.

Mr. COX. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. In every Indian appropriation bill that I have seen put through the House this same item has been carried. I believe it is based upon section 2039 of the Revised Statutes, which reads as follows:

There shall be a board of Indian commissioners, composed of not more than 10 persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Section 2040 provides:

The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary—

And so forth.

Section 2041 provides:

The board of commissioners mentioned in section 2039 shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

I would like to inquire of some one who is conversant with the duties set out in sections 2039 to 2041 as to whether or not there is ever any attempt made by this commission appointed by the President to comply with the statute, especially to comply with the provisions of section 2041, which require them to supervise and inspect all goods that are purchased for the Indians? What do they do? What good do they do, anyhow?

Mr. STEPHENS of Texas. I will state to the gentleman, in the first place, that the Revised Statutes have been changed by the act of May 17, 1882 (22 Stat. L., p. 70). This is the law now relative to the authority that they have:

And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for the service, and the commission shall consult with the Commissioner of Indian Affairs in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior.

Now, it is apparent from this act, which changes the Revised Statutes——

Mr. COX. Not very materially.

Mr. STEPHENS of Texas. The gentleman will see that under the Revised Statutes they had the right to go to an Indian agency and inspect the books, and the right to inspect supplies purchased. Here they have no such authority, as the language is exclusive.

Mr. COX. It says:

And to consult the Commissioner of Indian Affairs with regard to the purchase of Indian supplies.

The question I should like to ask is whether or not this commission still consults the Commissioner of Indian Affairs in regard to the purchase of Indian supplies? Does the commission advise with them in any way?

Mr. STEPHENS of Texas. I have been present at one of these lettings at Chicago, which occurred last fall, and there were none of them there, and I have never seen a member of that commission before the Committee on Indian Affairs in my 17 years of service except when they wanted their appropriation increased.

Mr. COX. Can the gentleman tell what beneficial purpose they serve as far as the Indians are concerned?

Mr. STEPHENS of Texas. The gentleman has asked me a question I can not answer. I do not think they serve any beneficial purpose.

Mr. MANN. Will the gentleman yield?

Mr. COX. Yes; I want information.

Mr. MANN. Has the gentleman happened to see the last report of the Board of Indian Commissioners, issued a few days ago?

Mr. COX. No; I have not.

Mr. MANN. In the last report it was stated, and I know it to be true, that a member of the board, by direction of the board, was in Chicago at the time of the letting, at St. Louis at the time of the letting, and one of the members went to San Francisco. They have watched quite carefully the letting of the contracts for the Indian Service.

Mr. COX. Will the gentleman explain in what way and in what manner they have watched the letting? As I understand, these contracts are always let to the lowest responsible bidder.

Mr. MANN. It is quite a complicated job to determine who is the lowest responsible bidder on many of these contracts that are let.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask that all debate on this paragraph and amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate upon this paragraph and amendments thereto close in 10 minutes.

Mr. MANN. Do I understand that the gentleman from Indiana is to have five minutes and the gentleman from Texas the other five, both on the same side of the proposition?

Mr. STEPHENS of Texas. I do not ask for any time.

Mr. MANN. The gentleman would be entitled to the time.

Mr. MILLER. I want five minutes.

Mr. CAMPBELL. I would like to have five minutes.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I ask that the debate be closed in 15 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

Mr. WALSH. Reserving the right to object, I would like to know if there are going to be any amendments offered to this paragraph?

Mr. COX. I have no amendment to offer. I moved to strike out the last word in order to get some information.

Mr. WALSH. Because if there should be an amendment to strike out, I think 15 minutes would be an inadequate time to discuss it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COX. Now, Mr. Chairman, the gentleman from Illinois started to give some information, and it is solely information that I want on this subject.

Mr. MANN. As a matter of fact, the board has had some one at Chicago and at St. Louis in reference to the letting of these contracts and the inspection of the supplies. One of their members went to San Francisco in reference, I think, to the same matter, although of that I am not sure. The board, as the gentleman from Indiana understands, consists of citizens without pay. It appears from the last report that a number of citizens at their own expense have done considerable work in reference to the Indian supplies at Indian agencies. How extensive that is I do not know. Probably not very extensive, but they have done very good work.

Mr. COX. In looking at the late act of 1882 it says that the commissioners shall report their doings to the Secretary of the Interior. Does the gentleman know whether they have complied with that part of the law?

Mr. MANN. They have, and I read the annual report only a few days ago; it came to my desk within 10 days or 2 weeks.

Mr. COX. Does the gentleman undertake to say that in the supervision of supplies they accomplish any material benefit for the Indians, and, if so, in what manner?

Mr. MANN. In the way of supplies their material benefit is to the Government. The mere fact that an outside agency can go in and be present at the lettings and inspect the goods and supplies undoubtedly has a very good influence on the question of contracts.

Mr. COX. Does the gentleman think that good influence results in a reduced cost of supplies to the Government?

Mr. MANN. Probably, and in better supplies and in the way of reduced cost of supplies. I took an interest in this matter two years ago, because of the gentleman who used to be chairman of the commission—the superintendent of public instruction in New York State and president of the university which I attended—and I watched what he was doing. That was Dr. Draper, who has since died.

Mr. COX. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MILLER. Mr. Chairman, I move to strike out the last two words simply to call attention of the gentleman from Indiana to the part of the hearings wherein there are set forth many answers to the questions which he propounded. Page 234 and a large number of pages following in the hearings contain a detailed account of the work performed recently by the Indian commissioners. If the gentleman will direct his attention to those pages he will find that the commissioners have been present at the letting of the contracts and the inspection of goods; that these are high-class men who pay their own expenses. They visited many reservations, and have put into concrete form recently certain recommendations of an important and valuable character.

Mr. GOOD. Mr. Chairman, I move to strike out the last three words. The gentleman from Indiana [Mr. Cox], always diligent in trying to ascertain where some saving can be effected on behalf of the Government, has evidently overlooked a very important matter. This committee has just struck from the bill a provision which saved to the Government $62,000 a year, and yet we appropriate $300,000 for the same item, and allow the commissioners to expend it in the matter of expenses in the purchase of goods for warehouses.

Mr. COX. I voted with the committee on that.

Mr. MANN. We did not strike out anything.

Mr. GOOD. The provision was adopted which, in effect, strikes out that provision which makes it no longer necessary to pay rent for these warehouses. We save by that proviso $62,000, but in reality you do not save a cent, for you give the same amount you gave last year to the Commissioner of Indian Affairs to be wasted in useless expenses of traveling about, and so forth.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior as special examiner in heirship cases shall have authority to administer oaths in investigations committed to him: *Provided further*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs or from the estate of such deceased Indian or deducted from the proceeds from the sale of the land of the deceased allottee, or from any trust funds belonging to the estate of the decedent, the sum of $15, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein directed: *Provided further*, That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians, in Oklahoma.

Mr. FOWLER. Mr. Chairman, I reserve the point of order on the paragraph, and particularly to the language contained in the second proviso, beginning on line 10, down to and including the word "directed," in line 22. I find that the same language was used in the last appropriation bill, which made it permanent law. I want to know why the statute as it now exists should be copied in this paragraph?

Mr. STEPHENS of Texas. It is not permanent law.

Mr. FOWLER. It is the same thing.

Mr. MANN. It is permanent law.

Mr. STEPHENS of Texas. Then I would be very glad to have it stricken out.

Mr. CARTER. This is the same language exactly.

Mr. FOWLER. Mr. Chairman, I ask that that language in the bill, the second paragraph, beginning after the word "him," in line 10, and ending with the word "directed," in line 22, be stricken out of the bill; and I offer that as an amendment.

The CHAIRMAN. Does the gentleman withdraw his point of order and offer an amendment?

Mr. FOWLER. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 10, after the word "him," strike out the proviso down to and including the word "directed" in line 22, on page 11.

Mr. STEPHENS of Texas. Mr. Chairman, I have no objection to that going out.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $400,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians: *And provided also*, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

Mr. MANN. Mr. Chairman, on that I reserve the point of order, and I will make the point of order to the language, commencing in line 10, after the word "twenty-five," down to and including the word "law," in line 20, which reads as follows:

And all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

I have no doubt that wisdom will not die when this House expires.

Mr. STEPHENS of Texas. Is that on page 12?

Mr. MANN. Yes. That is the item that would make a continuing appropriation, round and round.

Mr. CARTER. A revolving appropriation?

Mr. MANN. Until the year 1924.

Mr. CARTER. It is what might be called a revolving reimbursable appropriation?

Mr. MANN. Yes.

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the gentleman from Illinois what his views are as to having this continuing appropriation for the next 11 years embodied in the first clause of the proviso. This sum is to remain available until 1925.

Mr. MANN. The first proviso authorizes the department to permit the repayment of money, which practically it has loaned to the Indians, during a period of years. I can see no objection to that. It is to help the Indians purchase stock or machinery or something of that kind. It is practically an advance to them, and they pay it during a series of years; but if we make this appropriation every year, as we have been making it for a number of years, and then all of the repayments go back into the appropriation, giving Congress no control over the subject whatever, it would become a very tidy sum in the course of 10 years, and we would have no control over it. Of course, the department would like to have it that way, or some person in the department would. I do not say that the Secretary himself would favor such a proposition, and I suppose he would not; but it is absolutely contrary to every principle of appropriations which has been adopted in this House.

Mr. CARTER. Mr. Chairman, I agree with the gentleman that Congress ought to keep the closest possible supervision of these funds. This language means the same thing as the language in which the appropriation was carried last year. Had it not been for that it was carried in the bill last year, I think neither our subcommittee nor, perhaps, the full committee would have agreed to have it go into the bill in this way.

Mr. MANN. This is not the language in the bill.

Mr. CARTER. This is not the language in the act, but it is practically the same thing. I call the gentleman's attention to the language of the proviso, which reads as follows:

Provided, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

That language, which is in the present law, is of substantially the same import, and had it not been in a former appropriation act I would have objected to it myself.

Mr. MANN. The amount here is increased. Last year it was $100,000, and this year it is $400,000, to be carried back into the same fund when it is paid in. Next year it is $400,000. At the end of 10 years, if it is repaid in, it would be several million dollars without any control by Congress.

Mr. CARTER. I think the gentleman's contention is correct. I would like to explain how this amount comes to be increased.

Mr. MANN. Oh, I am not taking any exception to that, I will say.

Mr. CARTER. It will be noticed that only $100,000 was estimated for at this particular place, but in other items of the bill there were estimated for all told $825,000, making a total of $925,000. We reduced that $925,000 to $400,000, because this was more or less an experimental proposition. It is, as the gentleman from Illinois has explained, a proposition to furnish the Indians implements and stock with which to work their allotments and farms, and as it is somewhat in an experimental stage we thought it better to cut the amount to less than one-half, and that has been done, and all these other items of $825,000 in the estimates have been eliminated from the bill.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair is of opinion that the language against which the point of order is directed constitutes a change in existing law, and therefore sustains the point of order.

Mr. FOWLER. Mr. Chairman, I move to strike out the proviso beginning in line 20 and ending in line 24 with the word "Indians" for the reason that the same——

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 20, strike out the proviso, as follows:
"*Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians."

Mr. STEPHENS of Texas. Does not the gentleman from Illinois think it is necessary to have a detailed statement?

Mr. FOWLER. Mr. Chairman, I am going to give my reasons for my motion. The law now provides as follows, and this was the act of the last session of the Sixty-second Congress:

Provided further, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

The word "annually," Mr. Chairman, makes this permanent law just as much as if the word "hereafter" had been used. Any word in the law showing a continuation of authority to act makes it permanent law, and the word "annually" in this instance is already in the law carried by the act to which I have referred, and you can not make the authority of the department any stronger by using the word "hereafter." I presume that the committee intended to make permanent law out of the matter, but I apprehend there was an oversight in the examination of the proviso that was carried in the last bill.

Mr. CARTER. Will the gentleman permit?

Mr. MILLER. Will the gentleman yield?

Mr. FOWLER. I do.

Mr. MILLER. Does not the gentleman think that the provision in last year's law providing for an annual report relates alone to the appropriation therein made?

Mr. FOWLER. No; I do not think so.

Mr. MILLER. That is my opinion.

Mr. STEPHENS of Texas. That is the view the committee had of it.

Mr. FOWLER. No; I do not think so at all, because the language is entirely distinct from the appropriation and has no connection with it, because it reads as follows:

That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

Mr. MILLER. Let me call the gentleman's attention to the fact that in this same paragraph which the gentleman has pointed out there is a provision for the reletting of that fund during a series of years.

Mr. FOWLER. No; I do not think so.

Mr. MILLER. Therefore an annual report would be necessary for that particular appropriation.

Mr. FOWLER. No; I do not think so. I think the discussion which just preceded my motion settled this question of funds that have been appropriated and not used. They revert to the Treasury of the United States, and require an additional act in order to become available, so there can not be any annual report of the fund that was appropriated in the last session, because the language here refers not to the fund that was appropriated in the act of 1913, but refers to the fund that is usually appropriated for the purpose which is carried in this paragraph. I yield to the gentleman from Oklahoma.

Mr. CARTER. Mr. Chairman——

Mr. FOWLER. For a question only.

Mr. CARTER. I just wanted to make a statement which I thought might put the gentleman straight on the proposition.

Mr. FOWLER. I think I am already straight.

Mr. CARTER. Well, I thought the gentleman wanted information about it, and I thought some discussion might settle the difference between us.

Mr. FOWLER. I yield to the gentleman.

Mr. CARTER. The language in the bill of last year evidently referred to the fund then in existence. What are we doing now? We are creating a new fund, and, by the point of order made by the gentleman from Illinois, this is an entirely different kind of fund. The old fund, with which we dealt last year, is what we were speaking of awhile ago as a revolving reimbursable appropriation. That fund is eliminated from the present paragraph by the point of order made by the gentleman from Illinois [Mr. MANN].

Mr. FOWLER. Why, that could be made available by a special act after the expiration of the fiscal year for which the appropriation is made.

Mr. CARTER. Well, I call the gentleman's attention to this language, which I read a while ago.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. I call the gentleman's attention to this language:

All repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924.

No reappropriation of these funds is necessary, but it is necessary for the use of the money we are appropriating to-day. So that makes it two separate and distinct funds. This language in the act last year applied to the revolving fund and the language in the bill as it is to-day applies to the amount carried in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For maintenance, care, and protection of machinery and irrigation wells already completed, in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Reservation, $10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word for the purpose of securing some information from members of the committee with regard to this and other items. On page 2 of the bill, second paragraph, the paragraph running down onto page 3 and over onto page 4, there is an appropriation of $345,700 for construction, repair, and maintenance of ditches, reservoirs, pumps, and so forth. Provision is made that "no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act."

I find in the hearings, on page 33, a statement made by the Indian Commissioner, or the irrigation division of the office, as to the irrigation enterprises on which they expect to expend the $345,700 carried in the item that I have just referred to. I find that among other items therein contained, which they propose to pay for out of the general appropriation, "Gila River Reservation, district No. 4, surveys to protect water rights of the Pima Indians and repairs to the existing canals," and so forth. It is possible the $10,000 contained in the item just read is expected to cover the same expenditure which is contemplated in the item on page 33 of the hearings which I have just read. But if the two items are or are not the same, why should there be a separate item at this place in the bill? Why was not this $10,000 provided for in the general lump-sum appropriation?

Mr. STEPHENS of Texas. This does not apply to the Gila River Reservation at all, but applies to wells that were bored

several years ago, and those wells, eight of them, are situated on a mesa on much higher land than the river, and the lands to be irrigated under these wells do not touch the river. It is an entirely different proposition.

Mr. MONDELL. Now, if the Chairman will allow me, it is proposed to spend $61,000 of the $345,700 contained in the lump-sum appropriation in Arizona, and under the conditions of the lump-sum appropriation those sums may be reimbursed; but, in addition to that, you have here an item of $10,000 to be used in approximately the same locality in which a part of the lump-sum appropriation is to be used.

Mr. STEPHENS of Texas. I will explain to the gentleman that I think this appropriation of $10,000 is necessary for the purpose of taking care of wells that have heretofore been constructed, with considerable land under those wells that can be irrigated, but the Indians did not desire to go up into this *mesa*, and refused to do it, and it is doubtful whether or not these wells should be extended.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. I presume the wells referred to are those drilled by the Reclamation Service at Socaton?

Mr. STEPHENS of Texas. Those are the wells.

Mr. MONDELL. But I do not understand how, in addition to providing $61,000 for Indian work in Arizona under the lump-sum appropriation, it was found necessary to carry this item of $10,000, not reimbursable, at this place in the bill. If more than $345,000 is necessary for these general purposes, why was not the lump-sum appropriation increased?

Mr. STEPHENS of Texas. This is to take care of all irrigation wells put in by the Reclamation Service, and it is not for the Indian Service.

Mr. MONDELL. These wells could be taken care of, as the gentleman well knows, under the lump-sum appropriation, if it is proper to take care of them. Personally it seems to me rather extraordinary that, having spent $350,000 for wells and pumps and machinery for the Indians, we must spend $10,000 a year to take care of them. But, assuming that it is necessary, why is it necessary, in addition to the contemplated expenditures under the lump-sum appropriation, that we should make this appropriation of $10,000 not reimbursable? Why can not this be made from the lump-sum appropriation?

Mr. STEPHENS of Texas. It is shown here where all of this lump-sum appropriation, as the gentleman has stated, is to be expended, and none of it is to be expended in the vicinity, even, of where these wells are located. It is an entirely different proposition.

Mr. MONDELL. There may be some difference between this item and the item I have just read, namely, the Gila River district, No. 4, and so forth. But it is practically the same country. But what I want to know is this——

Mr. STEPHENS of Texas. I yield to the gentleman from Arizona [Mr. HAYDEN] to reply to the gentleman.

Mr. MONDELL. What I want to know is this: How much of the appropriations for those purposes do the Indians of Arizona need? Why should it be split up and divided, and a part of it carried in a lump-sum appropriation, which under certain contingencies would be reimbursable—part of it carried in this item and in other items which are to follow, under no circumstances reimbursable—all for the benefit of Indians who have many acres of land?

Mr. HAYDEN. If the gentleman will permit, this item was carried in the bill last year and the year before, and antedating the time of the $300,000 appropriation of which you speak. It follows the general form of the bill passed last year. It is reimbursable, for every item for irrigation is specifically declared in this bill to be reimbursable.

Mr. MONDELL. Where?

Mr. HAYDEN. On page 4 of the bill, at the beginning of the page, where it says:

Provided further, That all moneys expended heretofore, herein, or hereafter under this provision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. MONDELL. Where is that?

Mr. HAYDEN. On page 4.

Mr. STEPHENS of Texas. At the top of the page.

Mr. MONDELL. Of course I referred to that some time ago. That makes all of the lump sum reimbursable. It is a very excellent provision. I am glad that the committee put it in at the suggestion of the Board of Indian Commissioners. That renders all of these projects under the lump sum reimbursable where the conditions make them reimbursable, but that does not make this item reimbursable.

Mr. HAYDEN. Does the gentleman want to amend this item so that it will be reimbursable?

Mr. MONDELL. I want a little light on that subject. I think we are entitled to know just how much the Indians of Arizona need for irrigation.

Mr. HAYDEN. They need a great deal more than is contained in this bill.

Mr. MONDELL. I think if we are going to provide for them generally—and I think we should—it should be done under a single head. It should not be split up and part carried under a lump sum, reimbursable, and part of it scattered in several items in the bill not reimbursable.

Mr. HAYDEN. I explained to the gentleman that this simply followed the language in the appropriation of last year and of the year before.

Mr. MONDELL. The gentleman is trying to get appropriations for his Indians, and I am very glad that he has been successful if they need it; but it seems to me that the committee should have put these items together and made them all reimbursable, particularly where they are for the benefit of Indians who have a large amount of property.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last two words.

Mr. MANN. Why is it necessary to make a special appropriation to take care of these wells? Are the wells not in operation?

Mr. HAYDEN. I will say to the gentleman that the wells are in operation, and the water is used in irrigating the land.

Mr. MANN. I am not talking about that. Do I understand that the Government has to maintain those wells, and that the people who get the benefit of the water can not even operate the plant?

Mr. HAYDEN. The gentleman will remember that, regarding these wells at Sacaton, there was a great prejudice existing among the Indians against the water on account of its alkaline character. The Indian Service has succeeded in overcoming the prejudice, and my opinion is that the Indians ought to pay for the water as soon as they are in a condition to pay.

Mr. MANN. It does not seem to me that they are using the water, because during the current year it cost only $5,000 to take care of the wells, and this year it is $10,000. That does not look as if anybody was contributing toward the maintenance of the plant. Is there any chance for this plant itself ever to become self-maintaining as to current operating expenses?

Mr. HAYDEN. I think so. The Indians are successfully planting cotton and other crops there. They are poor now and they need some help. As soon as they are on their feet and able to pay I am in favor of their paying for the operation of the plant.

Mr. MANN. Does the gentleman say that we ought to maintain an irrigating plant at the expense of the Government after the people get the benefit of the water?

Mr. HAYDEN. Temporarily in the case of these particular Indians.

Mr. MANN. Why will it cost next year twice as much to maintain these wells as it cost this year?

Mr. HAYDEN. Because there are twice as many Indians now using the water as there were last year.

Mr. MANN. If twice the number of Indians use the water, why can they not contribute something toward the maintenance of the wells? On the gentleman's theory the more people who get the benefit of the wells the more expensive it is to the Government to operate the wells.

Mr. HAYDEN. This is a temporary expedient. After these people are able to pay this expense, I do not think the Government should appropriate money to pump the water.

Mr. MANN. The gentleman has just stated that we have made this appropriation for a number of years. Now we double the amount and are going backward.

Mr. HAYDEN. Heretofore they did not use much of the water. They are using it more and more.

Mr. MANN. It is a novel idea to me. Some years ago we were told that if we would establish this irrigating plant the people

down there would use the water and turn the desert into a garden and pay back a part of the expense. Now we are told by my handsome and distinguished friend from Arizona [Mr. HAYDEN] that the moment they begin to use the plant nothing comes back, and the more use there is of it the more we pay out of the Federal Treasury to operate it. Is there not a chance for these people to pay back something for the current use of water? Is it not worth anything at all?

Mr. HAYDEN. I believe so, and as quickly as they can get an opportunity to get on their feet they will pay. These Pima Indians are now miserably poor, the gentleman should understand.

Mr. MANN. Meanwhile we pay money out of the Treasury, not reimbursable, to maintain an irrigating plant which furnishes water to the Indians, which makes them worse off than they were before.

Mr. HAYDEN. I think it should be made reimbursable. Indeed, I think all of these items should be made reimbursable. I agree with the gentleman on all these items.

Mr. MONDELL. Mr. Chairman, I wish to amend the end of the paragraph by adding "reimbursable from any funds of said Indians now or hereafter available."

The CHAIRMAN. The gentleman will send his amendment to the desk. The Clerk will report it.

The Clerk read as follows:

Page 13, line 24, after the figures "$10,000," insert the following: "reimbursable from any funds of said Indians now or hereafter available."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I do not care to take up the time of the committee further than to explain my object in offering this and other amendments of this character that I may offer.

I think it is time that we should get on a more businesslike basis in dealing with the Indians, and I think that where Indians have property and it is deemed advisable to make appropriations for their benefit those appropriations should be made reimbursable. I think they should be made reimbursable even in cases where it may be possible that conditions will arise under which funds may not be reimbursed or paid back. In the main we have been pretty liberal with most of these Indian tribes, and I think it will be a good thing, when the record is made up, to have it shown clearly what the appropriations have been and the purposes for which they have been made. We shall have a record of them if we make a charge of them against the Indians. I think it will be better for the Indian when he understands, when we build him irrigation works and when we take care of his irrigation works and keep them running, as we did in this case, after we have built them, that he eventually must pay the cost of that construction and care.

Therefore it is my purpose, wherever Indians have any property from which a sum proposed to be appropriated may be reimbursed, to offer a similar amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The Clerk read as follows:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., $5,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The item which has just been read is a monument to the activity of the gentleman from Arizona [Mr. HAYDEN]. Not only does the Indian Department propose to expend $61,000 of the lump-sum appropriation in his State and the additional $10,000 that we have just passed, but here is an item of $5,000 for the irrigation of the lands of nomadic Indians. It is a little difficult for me to understand just how you can catch a nomadic Indian long enough to tie him down to a piece of irrigated land, but if that can be done, it ought to be done, and I think our friend [Mr. HAYDEN] is entitled to a great deal of credit for having secured an appropriation for that purpose. But it seems to me that items of this sort ought to be taken care of in the lump-sum appropriation. This item could be paid for out of the lump-sum appropriation, as the gentleman knows, and if items of this sort appeal to the Indian Service, they ought to be in the lump-sum appropriation. Of course, if they were items relating to a large project being carried out on a reservation, they would properly be separate items; but this is an item providing for just the sort of irrigation that the lump-sum appropriation was provided for. I shall not offer an amendment making this sum reimbursable, because I assume that a nomadic Indian has no land on which he could realize. I do not quite understand how he has any land that he can irrigate; but if a nomadic, wandering Indian has any land that you can irrigate, you ought to irrigate it, and here is an appropriation of $5,000 for that purpose.

Mr. MANN. It does not say anything about irrigation of lands. This is for the irrigation of Indians in a very arid territory. [Laughter.]

Mr. MONDELL. I accept the amendment. The gentleman from Illinois says it is for the irrigation of arid Indians. [Laughter.]

Mr. STEPHENS of Texas. This is for domestic and stock purposes, and the language is entirely different from the language of the bill appropriating for farming purposes.

Mr. MONDELL. It is not yet very clear to me just how you could irrigate land for domestic and stock purposes. I do not understand how you irrigate land for stock-watering purposes anyway, and I do not quite understand how you even do that for nomadic Indians.

Mr. STEPHENS of Texas. The gentleman lives in a stock-raising country, as I do. Do you not have to find plenty of water there for your stock?

Mr. MONDELL. Yes; but we do not irrigate our land in order to water our stock.

Mr. STEPHENS of Texas. But suppose you have a garden plat around your house. Do you not need a little water for that purpose?

Mr. MONDELL. I should not call that stock-watering purposes. I should call that irrigating a garden.

Mr. STEPHENS of Texas. It is a domestic purpose, anyway.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the construction of a bridge across the Moencopi Wash on the Western Navajo Indian Reservation, Ariz., $6,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended.

Mr. MANN. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Does the gentleman think this ought to be reimbursable?

Mr. HAYDEN. I do. I shall be glad to accept an amendment making it reimbursable.

Mr. MANN. I have not an amendment prepared. I have the language in the law of last year. I will ask the gentleman to let this be passed over for a moment.

Mr. HAYDEN. All right. I ask unanimous consent that this item be passed.

The CHAIRMAN. If there be no objection, the paragraph will be considered as passed over. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Fort Mohave Indian Reservation, in Arizona, with respect to the necessity of constructing a bridge across the Colorado River, near said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge across said river, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said bridge, which the Secretary of the Interior may determine to be properly chargeable to them, shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. I ask the gentleman from Arizona why should not the entire cost of the bridge be paid by the Indians?

Mr. HAYDEN. The State of Arizona, by its last legislature, appropriated $25,000 to assist in the construction of this bridge. The Legislature of the State of California appropriated a similar amount, but the bill failed to obtain the signature of the governor; but I understand that the people of San Bernardino County are willing to pay their share of the cost of the bridge. This investigation is for the purpose of ascertaining whether the interests of the Indians are such that they ought to contribute toward the construction of the bridge, and if so, how much; and, further, whether they are willing to pay their share by making the cost reimbursable.

Mr. MANN. Is it intended that all the amounts that the Government itself shall appropriate for this purpose shall be reimbursed, or not?

Mr. HAYDEN. Yes; shall be reimbursed out of any funds that the Indians may have to their credit in the future.

Mr. MANN. That is, the State of Arizona pays a portion of the expense, and California, by some form of government, either State or county, may pay a portion. Now, is all the balance expected to be reimbursable?

Mr. HAYDEN. Yes; that part which we appropriate would be reimbursed.

Mr. MANN. This says—

Which the Secretary of the Interior may determine to be properly chargeable to them.

I want to know whether the Secretary of the Interior is likely to say that the Indians shall pay $1 or all of the amount that they ought to pay?

Mr. HAYDEN. No money will be appropriated except the amount which it is ascertained that the Indians should ultimately pay. That is the only money to come out of the Treasury.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. I do.

Mr. MOORE. Does Congress make any appropriation under the river and harbor act for the Colorado River?

Mr. HAYDEN. The last river and harbor act contained a small appropriation.

Mr. MOORE. How large a river is it?

Mr. HAYDEN. It is a navigable stream.

Mr. MOORE. Then, would not the construction of a bridge necessarily come under the provisions of the general bridge act?

Mr. HAYDEN. Whenever we ask for the appropriation, it will come under the general bridge act. This is merely to ascertain whether a bridge should be built and the amount that the Indians should pay.

Mr. MOORE. You are asking virtually for a survey by the Secretary of the Interior rather than the Secretary of War.

Mr. HAYDEN. We have done that in other cases.

Mr. MOORE. That is what you are doing here.

Mr. HAYDEN. Yes.

Mr. MOORE. You could not build a bridge without the consent of the Secretary of War, could you?

Mr. HAYDEN. The Secretary of War would have to approve the plans, to see that they did not interfere with navigation.

Mr. MANN. Last year we provided for a bridge across the Colorado River, to be built under the general bridge law.

Mr. MOORE. I assume that the question of a draw in the bridge would arise here, as in other cases. If this is a navigable stream, I presume we ought to take the ordinary precaution of seeing that navigation is not impeded.

The Clerk read as follows:

For maintaining, strengthening, and raising the dike constructed to protect the irrigable lands on the Fort Mohave Reservation, Ariz., from damage by floods, $5,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Arizona whether the Indians on the Fort Mohave Reservation have any considerable land of their own?

Mr. HAYDEN. There are about 844 Indians that have been allotted in that reservation.

Mr. MONDELL. Should not this item for strengthening and raising the dike for the protection of their lands be charged to them?

Mr. HAYDEN. I think it should be reimbursable. I agree thoroughly with the gentleman's theory in such matters.

Mr. MONDELL. Then, Mr. Chairman, I offer an amendment to make this provision reimbursable at the end of the paragraph just read.

Mr. MOORE. Mr. Chairman, I wish to ask the gentleman from Arizona what is the correct pronunciation of M-o-h-a-v-e?

Mr. HAYDEN. It is pronounced as if spelled M-o-h-a-v-e-y, with the accent on the second syllable.

Mr. MOORE. Which is the correct spelling, M-o-h-a-v-e or M-o-j-a-v-e?

Mr. HAYDEN. The word is spelled both ways.

Mr. MOORE. It is spelled both ways in the bill. On line 13, page 15, it is spelled M-o-j-a-v-e, and on line 21, page 14, it is spelled M-o-h-a-v-e.

Mr. HAYDEN. The old style of spelling it was M-o-j-a-v-e; that is Spanish. The proper and modern way of spelling it is M-o-h-a-v-e.

Mr. MOORE. At the proper time I should like to offer an amendment.

The CHAIRMAN. The Chair will state to the gentleman that there is an amendment now pending, which the Clerk will report.

The Clerk read as follows:

Page 15, line 14, after the figures "$5,000," insert the following: "reimbursable out of the funds of said Indians now or hereafter available."

Mr. BUTLER. Mr. Chairman, I would like to ask the gentleman from Arizona a question. He willingly and cheerfully concedes the propriety of making these sums reimbursable. Why did not the committee make them reimbursable?

Mr. HAYDEN. Well, they followed the bill of last year.

Mr. BUTLER. Then we have been making the appropriations heretofore without having made them reimbursable?

Mr. HAYDEN. My own idea is that we should make a general law making such items reimbursable.

Mr. BUTLER. I asked the question because I wanted to express my appreciation of the efforts of the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Last year I offered amendments similar to this to many items, but some of these amendments went out in another body and were lost in the shuffle.

Mr. BUTLER. This seems to be so easy that it surprised me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The amendment was considered and agreed to.

Mr. MOORE. Now, Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

Page 15, line 13, strike out the word "Mojave" and insert the word "Mohave."

The amendment was agreed to.

The Clerk read as follows:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $20,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I would like to ask whether these Indians have any considerable amount of property.

Mr. HAYDEN. They have not; they are absolutely the poorest Indians in the United States.

Mr. MONDELL. Then I have no disposition to make their condition any worse.

The Clerk read as follows:

For continuing the development of a water supply for the Navaho Indians on the Navaho Reservation, $15,000, to be immediately available and to remain available until expended.

Mr. MONDELL. Mr. Chairman, I would like to ask the gentleman from Arizona what is the condition of the Navahos referred to on the Navaho Reservation?

Mr. HAYDEN. They have plenty of money; that is, they are not as bad off as some other Indians.

Mr. MONDELL. They have a large reservation?

Mr. HAYDEN. The largest in the United States.

Mr. MONDELL. Mr. Chairman, I move to amend at the end of line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, at the end of line 7, insert the following: "Reimbursable out of the funds of said Indians now or hereafter available."

Mr. STEPHENS of Texas. Mr. Chairman, we accept that amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I ask to recur to the paragraph that was passed over a short time ago at the top of page 14.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to the paragraph passed over at the top of page 14. Is there objection?

There was no objection.

Mr. MANN. I offer the following amendment.

The Clerk read as follows:

Page 14, at the end of line 7, after the word "expended," insert the following: "Reimbursable to the United States by the Indians having tribal rights on said reservation, and to remain a charge and lien upon the lands and funds belonging to said Indians until paid."

Mr. STEPHENS of Texas. Mr. Chairman, I suggest that the period be stricken out and a comma inserted, and we accept the amendment.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The amendment was agreed to.

Mr. HARRISON. Mr. Chairman, I would like to ask unanimous consent to take up another portion of this bill. This bill in all probability will not be passed to-night, and probably it will be taken up again on Thursday. There is a provision on page 34 with respect to the distribution of a per capita payment to the Choctaws now on the rolls, and I am very much interested in that provision. Because of circumstances I can

not be here on Thursday. I am very anxious to get permission to take up this provision out of order at this time.

I do not think it could affect anybody to have it taken up out of order. I want to make a point of order and have it considered at this time; and, Mr. Chairman, I ask unanimous consent that the provision on the bottom of page 33 and at the beginning of page 34 with respect to the per capita payment be taken up for consideration at this time.

Mr. MANN. Be now read.

Mr. HARRISON. Be now read.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that that portion of the bill beginning at line 20 on page 33 and ending with line 8 on page 34 be now read. Is there objection?

Mr. CARTER. Mr. Chairman, reserving the right to object, I will ask the gentleman how long he thinks it will take to dispose of this proposition?

Mr. HARRISON. Mr. Chairman, I really hope that the point of order I expect to make will be sustained.

Mr. CARTER. I did not ask the gentleman about hope. The gentleman is asking unanimous consent, and if possible I would like to comply with this request, but I want to know how long he expects it is going to take.

Mr. HARRISON. I do not think it will take long, and I am hopeful that it will not.

Mr. CARTER. When the gentleman makes his point of order, if it is not sustained, is that all the action he expects to take with reference to the matter?

Mr. HARRISON. No; I really expect, if the point of order be overruled, to offer an amendment to the paragraph, but it ought not to take long to dispose of that.

Mr. CARTER. Mr. Chairman, upon that, if we expect to go fully into the Mississippi Choctaw question and their rights, on this amendment I shall want at least an hour; but in that case we could not get through here this afternoon, for doubtless the gentleman from Mississippi would also want an hour.

Mr. MANN. Well, the gentleman would not get it at any time.

Mr. CARTER. If we expect to discuss an amendment like that, I will say that we ought to have an hour, because the side with relation to the Mississippi Choctaws has been discussed and rediscussed, and the other side of the case has not been presented to the House. I do not think the gentleman from Illinois ought to say that, because I think we ought to have sufficient time to present our side of the case.

Mr. MANN. Mr. Chairman, my friend from Oklahoma knows that if he took the floor for an hour upon this bill, however eloquent he might be, most of the Members of the House would instantly leave. The same thing can be said of every other Member of the House. You will get more information into the heads of Members of the House in 15 minutes than you will in an hour, because they will listen to a 15-minute proposition and will not listen for an hour. We never will pass these appropriation bills if we do not get along with them.

Mr. CARTER. Mr. Chairman, I am as anxious to get along with the appropriation bills as anyone, but when I speak of an hour I mean that we would want an hour upon this side. The gentleman from Oklahoma [Mr. MURRAY] desires to discuss the matter, as does the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Oklahoma [Mr. WEAVER] and also the gentleman from Oklahoma [Mr. DAVENPORT]. Perhaps the gentleman from Minnesota [Mr. MILLER] may want some time. That would not give each of these gentlemen even the 15 minutes about which the gentleman from Illinois has spoken.

Mr. HARRISON. Mr. Chairman, I would say to the gentleman that I would agree, even assuming that the point of order should be overruled, to take only five minutes in the discussion of the amendment, if that would likewise be agreeable to the gentleman from Oklahoma.

Mr. CARTER. But the gentleman has already had, under favorable auspices, something over an hour in which to discuss this question. The other side of the question has never been discussed.

Mr. MANN. The gentleman from Oklahoma is not taking any chances. Give every man a show for his white alley.

Mr. CARTER. I shall not object, except that I do not want to be diverted from the bill, from something we might finish to something that we might not get through with this afternoon.

Mr. CAMPBELL. Mr. Chairman, may I ask the gentleman from Mississippi if he intends to make the point of order or intends to reserve it?

Mr. HARRISON. Mr. Chairman, I intend to make the point of order on the paragraph.

Mr. CAMPBELL. As soon as it is read?

Mr. HARRISON. As soon as it is read.

Mr. CAMPBELL. That will bring the discussion on the point of order rather than upon the merits of any question that the gentleman from Mississippi may have in mind.

Mr. HARRISON. Yes.

Mr. MURRAY of Oklahoma. Then if it is overruled he is going to offer an amendment, and there is where the discussion will come.

Mr. STEPHENS of Texas. Do I understand that the gentleman desires to bring this matter up this evening because he has to leave the city?

Mr. HARRISON. Yes.

Mr. STEPHENS of Texas. It is apparent from the statements made on the floor that we could not get through with this discussion this evening. Hence, if he expects to be present during the entire discussion we would have to put the matter over in any event.

Mr. MURRAY of Oklahoma. Would it not be satisfactory to put the consideration of that item off, under unanimous consent, until the other portions of the bill have been gone over?

Mr. HARRISON. That is agreeable to me.

Mr. MANN. Of course there might be a chance to finish the bill on Thursday, but I take it that even though that were so, we would wait until the gentleman got back?

Mr. HARRISON. Of course I will not ask the committee to hold up the bill for me.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that this item when it is reached be passed until the last item in the bill.

Mr. STAFFORD. Mr. Chairman, does the gentleman understand the statement made by the gentleman from Illinois, that if it is possible to conclude this bill on Thursday, nevertheless it will be postponed to accommodate the gentleman from Mississippi?

Mr. HARRISON. I shall not ask that.

Mr. MURRAY of Oklahoma. What time does the gentleman expect to be back?

Mr. HARRISON. I think I will be back on Friday.

Mr. MURRAY of Oklahoma. It would be fair to wait until the gentleman got back.

Mr. HARRISON. Mr. Chairman, I will withdraw my request.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the item referred to when reached be postponed and made the last item of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $10,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. What is the reason for the change in the paragraph from the way it was carried heretofore?

Mr. STEPHENS of Texas. This is an amendment put in the bill by the gentleman from California [Mr. HAYES], and the language suggested is agreeable to himself and to the department.

Mr. MANN. Now, heretofore we have authorized the purchase of small tracts of land adjacent to lands heretofore purchased, and so forth. Now, do I understand it has become the policy of the United States to purchase land for all homeless Indians?

Mr. STEPHENS of Texas. This item has been carried in the bill for several years, and they stated that the lands available for this purpose——

Mr. MANN. This item has never been carried in the bill heretofore. I will say that to the gentleman for his information.

Mr. CAMPBELL. This is an item for the purchase of land for some wandering Indians, the chairman will recall, offered by the gentleman from California [Mr. HAYES], and it is for the purpose of getting homes for a few Indians who are simply wandering tramps, living on their neighbors, and some of them squatting on the public domain, and who are subject to removal at any time if anybody with authority came along.

Mr. MONDELL. Is it not true that something near $100,000 has been already expended for this purpose in California? That is my recollection.

Mr. MILLER. I would say in excess of that.

Mr. STEPHENS of Texas. I desire to call the attention of the gentleman from Illinois to the old law of last year.

Mr. MILLER. And there are 1,400 Indians——

Mr. MANN. I have it right before me. The gentleman need not take the trouble; I am looking at it now.

Mr. MILLER. All the Indians are taken care of except about 1,400, and those have been located; and it is desired to have this appropriation made in order to take care of them and finish the matter up.

Mr. MANN. For the first time, as far as I recall, we use the expression, "Purchase of land for homeless Indians." There has been a lot of homeless Indians, and there will be always as long as there are Indians. There are more homeless whites. Are we going to support them? Is the Government going to purchase land for everybody who has not got a home? Is it the policy now to divide up the Indian reservations, give the Indians allotments, let them be defrauded of their allotments or get drunk and dispose of them, or perhaps sell them, and in the course of time many of them will waste their subsistence, and then as soon as they get without a home have Congress step in and buy a new home and let them go through the same operation? I am not in favor of it.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. The gentleman does not carry the proposition out fully, it seems to me. In this case we have been buying for these Indians in California unirrigated lands at a low price and then later making large appropriations for their irrigation.

Mr. MANN. Oh, I know we have for years been authorizing the purchase of small tracts of land adjacent to land heretofore purchased, but here you are starting in and advertising that you are going to purchase homes for homeless Indians, and I ask, Where will we stop?

Mr. STEPHENS of Texas. Let me state what was stated before the committee.

Mr. MANN. Who stated it?

Mr. STEPHENS of Texas. This is a question put by myself to Mr. Meritt:

The CHAIRMAN. Do you know any other band of Indians situated like these that would require us at the next Congress to make an appropriation for? Is there any other band in California?
Mr. MERITT. No, sir; there is none.

Mr. MANN. The gentleman who stated that, whoever he may be, I did not catch who it was——

Mr. STEPHENS of Texas. It was the Assistant Indian Commissioner, Mr. Meritt.

Mr. MANN. How long has he been in his office?

Mr. STEPHENS of Texas. He has been in office a good many years.

Mr. MANN. He has not been there long enough to know there are homeless Indians in many of the States of the Union, notwithstanding his statement there.

Mr. CARTER. He said in California alone, I think.

Mr. STEPHENS of Texas. Let me read you again; and this is our justification for it:

As the committee knows, the office has been purchasing land for the homeless Indians in California for a number of years, and we have practically all the Indians located except these 1,400.
The CHAIRMAN. Are these part of the Mission Indians of California?
Mr. MERITT. The Mission Indians now have lands. This appropriation will care for homeless Indians of any tribe.

Mr. MANN. I should not object to carrying the item the way it was before, but if I can prevent it, even for a short time, I shall prevent the Government undertaking the scope of work of buying homes for all homeless Indians, especially in view of the fact that there are now 350,000 homeless white people in New York City looking for a job and can not find it.

Mr. CARTER. Let me say just this to the gentleman: You will note that this section 3 provides:

For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $57,000.

That is the old law. Now, then, I call the gentleman's attention to page 349 of the hearings, which will show one reason for the change in the language. It was Mr. BURKE who asked this question:

The statement shows $500 worth of land purchased, and if there was any more we would like to know it.

Now, as I remember, the reason that language was changed was because most of the money had been used for administration purposes, because under the old language they had spent only $500 when they had an appropriation of $5,000 or $10,000.

Mr. MANN. Not for administration purposes. The item before was for "support and civilization of the Indians in California." Now, it was used for the maintenance of the Indians. That policy we have entered upon unfortunately. Now comes in a proposition to buy them homes. Before they spent only a small sum, and the committee attempted to justify it in the House because it was so small. Even that small item of appropriation started in last year with $500, and now it is $10,000 to buy homes for homeless Indians. Ten million dollars would not begin to supply the homeless Indians of the United States with homes.

Mr. CARTER. The gentleman is correct about that; but it was represented, as I recall, to the committee last year that most all of the sum appropriated then would be used for the purchase of homes.

Mr. MANN. Oh, no. I have raised this question several times on that, and it was always stated that while the appropriation was a considerable sum, as a matter of fact a very minor amount of it was used for the purchase of homes. Most of it was used for the maintenance and support of the Indians.

Mr. CARTER. A very small amount seems to have been used, but the contemplation was that most of it would be used for permanent homes, and the time would eventually come when we would not have to appropriate for support and civilization.

Mr. MANN. I am sure it was stated differently on the floor of the House.

Mr. CARTER. And we thought it was a much better plan to provide homes for them rather than to supply the support and civilization items for them.

Mr. MANN. I think it is subject to a point of order as it is drawn. Mr. Chairman, I do not think there is any——

Mr. STEPHENS of Texas. I hope the gentleman from Illinois [Mr. MANN] will withdraw the point of order, because this has been well considered by the committee, and also by the department.

Mr. MANN. It has not been at all defended by the committee.

Mr. STEPHENS of Texas. The gentleman did all the talking.

Mr. CARTER. Does it not appeal to the gentleman from Illinois that we might by the purchase of land some time be able to place these Indians, who are said to be industrious, upon a self-supporting basis and that we might in the end dispense with their support and civilization?

Mr. MANN. My observation is that the more charity you give to a man who is not inclined to work, the less he will work.

Mr. CARTER. But the hearings and all the evidence shows, Mr. Chairman, that these particular Indians do work.

Mr. MANN. Why, the gentleman from Oklahoma knows perfectly well that any of these Indians who work out there during a series of years will not have to get charity.

Mr. CARTER. That depends on the degree of civilization.

Mr. MANN. The more savage they are the more they are in demand for show purposes.

Mr. MILLER. These Indians, for the most part, I will say to the gentleman, are Indians that are very wild. I do not mean savage, but I mean they do not like to associate with the white man. They shrink from him. They go back into the mountain regions and into the interior, and they are more or less wandering and homeless Indians, who have sought these inaccessible places by reason of the encroachment of the civilization of the whites.

Mr. MANN. I would suggest that the members of the committee hold a conference, so they can agree as to the condition of these Indians. The gentleman from Oklahoma [Mr. CARTER] says that they are sober and industrious, and the gentleman from Minnesota [Mr. MILLER] says that they are wild and savage.

Mr. CARTER. The gentleman from Minnesota simply said they would not associate with white men. That does not indicate that they are wild, necessarily. They are just particular with whom they associate. [Laughter.]

Mr. MILLER. I think the feature that impressed me the most—and I do not know how the other members of the committee were impressed—is that you are never going to make an Indian self-supporting if you are going to hand him out from day to day and from year to year enough on which to live. The thing to do with the Indians is to get them to take care of themselves, and you can not do it until you give them some incentive or some tools to work with or a place upon which to work. These Indians are agricultural Indians. They are not mechanics, they are not sailors, they are not fruit growers, so far as I know. They are just plain agriculturists; and if you can give them a piece of land on which they can build a home, probably you would not have to appropriate very much for them.

Mr. MANN. We have been appropriating for the support and civilization and giving land to these Indians ever since I have been a Member of the House. If they were any good, they would have had the money invested for land and have gone on and bettered the land. If they were any good, they would have money invested for land and would go on and irrigate the land.

Mr. MILLER. They never had any.

Mr. MANN. Not on your life; but they did not. They took the money in the way of food and clothing. They would not have it put into land.

Mr. MILLER. I am frank to say to the gentleman that unfortunately a portion of the appropriation heretofore made went for salaries and for some other features that probably could not be very well defended.

Mr. MANN. Well, if most of the appropriation of $50,000 for the current year goes for salaries——

Mr. MILLER. Oh, no; not the current year——

Mr. MANN. Would the gentleman say what proportion of the $10,000 appropriated last year or the year before went for salaries?

Mr. MILLER. That accounts for the fact that 1,400 of them are still to be taken care of. Every dollar of this money will go to the purpose indicated. If these Indians had ever had a reservation, or ever had a distinct area of land recognized by the United States as falling to them, there would be no justification for an appropriation of this kind. While my information is not exact and detailed, yet I think it is fairly exact on the whole, and that information convinces me that these Indians are the residuaries of the movements of the Indians moving westward and wandering west in the mountain regions, and they have been collected in that area; and while it is not necessary to call particular attention to the white man's burden, yet it seems to me it does exist in this particular case.

Mr. MANN. Let me ask the gentleman from Minnesota, if I may, very briefly, what in his opinion is the policy that should be pursued by the Government where Indians have taken their tribal lands and squandered the proceeds of that land or of that property and become charitable objects? Shall the Government undertake their support or let them hustle for a livelihood?

Mr. MILLER. I do not think that the case the gentleman puts will ever comprehend the Indians in the United States. But if the Government should let them hustle for a livelihood, I think that would be the only way to make men of them. But there is no use in giving an allotment, with no roads and no teams and no instrumentalities to work with, to an Indian whose whole habits of life have fitted him for the life of a mechanic or of a sailor or something of that kind. It is not by giving an Indian a piece of land that you are going to make him self-supporting, unless he is accustomed to that sort of life.

Mr. MANN. I have a boy down in Arizona who tells me that he buys firewood from the Indians. They get it out of the forests, I presume. He says they are the best traders in firewood he ever saw, and get the best prices. If they have a forest given to them, I apprehend they are not so slow if they are adapted to taking care of themselves.

Well, I do not like to put my judgment up against the judgment of the committee in a special case.

Mr. MILLER. I will say to the gentleman that I resisted this for a long time myself.

Mr. MANN. Now it is a committee report.

Mr. MILLER. No. It had my hearty approval when it went in. I became convinced of its wisdom, and I am heartily for it at this minute, because I think it is a wise provision to make.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. MANN. Yes; I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. I do not know whether it is right and proper to provide homes for the Indians of California. If we go back far enough, we may discover that the State of California is under more obligations to these people than the country is generally. Those Indians have lived in that State since time immemorial. They have been deprived of their lands. It is the richest region in the world, and it has not been made very clear to me that the people of the United States as a whole should be charged with furnishing homes to those Indians who have in some way or another been deprived of their ancestral home.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. In a moment. I want to call attention to the fact that this is not a cheap proposition. If we really want to do something for these Indians, it would be a good thing to go into the Mississippi Valley and buy $100 land, where they could be sure to grow something. Under the items for irrigation expenditure, under the lump sum, on page 41 of the hearings, I find one in relation to the Tuolumne Indians. It seems that we purchased a tract of land for these Indians—I do not know what we paid for it—and that this land, to quote from the hearings—

> is practically worthless for agricultural purposes without the installation of the project estimated for above.

There are 60 acres of land, and it is proposed to expend $5,000 for the irrigation of 60 acres. It is rather an expensive irrigation proposition for 60 acres, in addition to the sum that we paid for the land, whatever it may have been.

There is another one of these homeless-Indian propositions in California, the Pala. It is proposed to expend $9,000 for the irrigation of 100 acres for these Indians. I suppose those also are Indians for whom we have purchased lands. And so it goes all through quite a list of Indians in California. We have been buying lands for them and paying considerable prices for the lands, and then we have been appropriating large sums for the irrigation of their lands, and now it is proposed in several of the items under this lump-sum appropriation that we shall pay for the repair and the maintenance of these irrigation plants. We bought the lands for the Indians. We have irrigated them. In some cases we have installed pumping plants, and now we are proceeding to pay for the engineers and for the oil to operate the pumping plants, and we are proceeding to repair these plants, to throw the silt out when the ditches have become silted, and to repair the pipes, and all that sort of thing.

Perhaps it is necessary to do this, but it is an unfortunate thing. If it be necessary that we must go on forever, apparently, providing for these Indians, there ought to be some way to put them on a self-sustaining basis. If we buy lands and furnish them homes, they ought to be lands that they can utilize. If we find it necessary, after we have bought the lands, to irrigate them, at least the Indians ought to be able to keep up the projects that we build for them.

Mr. BUTLER. Mr. Chairman, has the last word been stricken out?

The CHAIRMAN. Not yet.

Mr. BUTLER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] moves to strike out the last word.

Mr. BUTLER. I want to learn something about these Indians from somebody who knows about them. It would be very interesting to me to learn how these Indians became homeless.

Mr. STEPHENS of Texas. The gentleman refers to the Mission Indians of California?

Mr. BUTLER. Yes. Did they not at some time have land of their own?

Mr. ANSBERRY. Yes; and the white men got it.

Mr. STEPHENS of Texas. They were squatters.

Mr. BUTLER. The gentleman from Ohio [Mr. ANSBERRY] says the white men got it. I live in the only place in the United States where the white men did not take it from them.

Mr. STEPHENS of Texas. Where is that?

Mr. BUTLER. In Chester, Pa. That is where William Penn bought it and paid for it.

Mr. STEPHENS of Texas. How much did he pay for it?

Mr. BUTLER. He paid all the Indians asked. He paid quite as much as the gentleman from Texas would have paid. He got it as cheaply as he could, and so would the gentleman from Texas have done. Now, did not these California Indians once have homes; and if so, how did they lose their homes? I do not want to take up time, but I would be glad to know in a sentence or two, did not these homeless Indians at some time have homes?

Mr. STEPHENS of Texas. These were agricultural Indians, and they were gathered in groups along the rivers and along the seacoast of California. They were there when the whites first discovered this country, and that whole country belonged to them, of course, at that time. They were semicivilized Indians, something like the Five Tribes that we have in Oklahoma.

Mr. BUTLER. They did belong to tribes?

Mr. STEPHENS of Texas. They did belong to tribes.

Mr. BUTLER. And they did have homes by reason of belonging to tribes. How did they get rid of their land?

Mr. STEPHENS of Texas. They were driven off, because the white men took the land from them, as has been the history of the whole country.

Mr. BUTLER. Some tribes did have lands, because we are asked to allot lands to them. As I understand, here is a collection of Indians in California who have no land.

Mr. STEPHENS of Texas. Let me explain to the gentleman.

Mr. BUTLER. Yes.

Mr. STEPHENS of Texas. There were no public lands in the State of California which were available to be laid off as reservations either by the President or through treaties. The Indians of Wyoming and other States have had bodies of land given them, possibly as much as 1,000 or 2,000 acres to each

Indian in some instances. California had no lands of that kind. Therefore these Indians are called the homeless Indians of California. If they are to have any land at all, it must be purchased for them by the United States Government.

Mr. BUTLER. Then they never have had lands as the Indians of Wyoming had? They did not belong to a group of Indians possessing land in tribal ownership?

Mr. STEPHENS of Texas. They were more like the Pueblo Indians of New Mexico, who lived in towns.

Mr. BUTLER. Then they have the same relation to the Indians as poor white men would have to the other white men of the country?

Mr. STEPHENS of Texas. In New Mexico they had grants given them by the Spanish Government. Unfortunately, in California there were no Spanish grants to these Indians. If there had been, they would have had their lands, as some of the Pueblo Indians who live in towns in New Mexico have. There was no Spanish title vested in these Indians, and when California was acquired by the United States by purchase it acquired the Indians and all of the public domain of that country. Hence the Indians had no land holdings from the Spanish Government, and the United States Government has given them none, and they are homeless Indians to-day. These are the Indians whom we are now trying to provide for.

Let me explain further. The Indians of Wyoming had reservations given them from the public domain of the United States, but the only way for these California Indians to get land is by the Government buying it for them. In Wyoming the public land was given to them—laid off in reservations and given them by the United States Government—but there is no land in California for the Government to give them. Hence we must buy it, if they are to have any land at all.

Mr. BUTLER. I am obliged to the gentleman for the information. It seems that, without any fault on the part of these Indians, they never had any land to squander, and that the white man has not neglected their care.

Mr. CARTER. If the gentleman from Pennsylvania will yield——

Mr. BUTLER. Yes.

Mr. CARTER. I will say to him that evidently these Indians in the early days owned all of southern California, but they were timid Indians. They did not desire association with the white man, and retreated as he appeared on the scene. The reason other Indians have reservations left is because they were more virile and vigorous in the defense of their homes than these Indians were. These Indians were driven off at the first approach of the white men, and since then they have had no lands.

Mr. BUTLER. These Indians were more easily robbed, were they?

Mr. CARTER. It seems so.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn.

Mr. COOPER. I move to strike out the last word. I want to ask the gentleman from Oklahoma are these agricultural Indians accustomed to live by agriculture?

Mr. CARTER. It was so reported by the officials of the Indian Bureau.

Mr. COOPER. How many acres of land in California that are worth anything for purposes of agriculture can be bought for $10,000?

Mr. CARTER. There can not be a great deal bought.

Mr. COOPER. I should think not.

Mr. CARTER. There are some cut-over lands that can be bought, as was stated in the hearings, and there are perhaps some small tracts, remotely situated, which can be irrigated. In the districts remote from the towns, up around the Santa Rosa Reservation, I think there are some small tracts that could be irrigated.

Mr. COOPER. The gentleman says "perhaps." We are proposing to appropriate a specific sum of $10,000 to buy agricultural lands for agricultural Indians. Has the gentleman any data to show how much land can be purchased for $10,000? He says perhaps they can buy some land remote from towns, and perhaps they can buy some land that can be irrigated.

Mr. CARTER. I will say very frankly to the gentleman from Wisconsin that the officials of the Indian Office were unable to give us all the information we desired. We questioned them very closely about it.

Mr. COOPER. Does not the gentleman think it is a rather strange proposition to appropriate this specific sum of $10,000 to buy agricultural lands, when the gentleman says he does not know whether they can buy any at all, but that they may be able to buy some, in remote places?

Mr. CARTER. No; if I said they could not buy any at all I said what I did not mean.

Mr. COOPER. The gentleman said he did not know what could be bought or where.

Mr. CARTER. I said perhaps they could buy some small tracts which could be irrigated. The gentleman who came before the Indian Committee on behalf of the Indian Bureau stated that they could buy some cut-over lands, and perhaps they might be able to buy some lands that could be irrigated cheaply. Let me read from the hearings:

Mr. CARTER. How much land do you propose to buy?

Mr. MERITT. Probably Mr. Davis could tell you more definitely just the amount of land we expect to buy for each Indian. Mr. Davis has been out in that country and on the ground.

Mr. DAVIS. It is something that is practically impossible to determine beforehand. We have to select lands where these Indians will go and in places where they will be able to secure a labor market around them.

Mr. CARTER. Have you examined those lands?

Mr. DAVIS. Yes, sir; but in those places it is virtually impossible to hold lands. Lands that might be looked up this year would probably be transferred before we could do anything with them.

Mr. CARTER. What do you expect to have to pay for those lands?

Mr. DAVIS. It would depend upon whether the lands were irrigated or whether they were just cut-over timber lands. These latter would probably cost not more than $10 or $15 per acre, while other lands, irrigated lands, might cost $100 per acre.

Mr. CARTER. What kind of land do you propose to buy?

Mr. DAVIS. For these particular bands, probably cut-over lands in California, where we can get small tracts for these little bands that have been going around engaging themselves largely as laborers in lumber camps and on ranches.

Mr. COOPER. Let me ask another question. Can anyone gain a livelihood by agriculture in southern California with anything like a certainty unless he has water with which to irrigate?

Mr. CARTER. They have quite a good rainfall in some of the cut-over lands, but in any section of the country where there is no timber there is not much rainfall, of course.

Mr. COOPER. Agricultural land in my country is worth $100 an acre, and I suppose agricultural land in that rich country of California would be worth at least $100 an acre; and at that price $10,000 would buy 100 acres, upon which you propose to put 1,400 people.

Mr. CARTER. Oh, no. The gentleman who appeared before the committee said that it would cost $10 or $15 an acre to purchase these lands. To purchase irrigable lands would cost more. These are cut-over lands, very much cheaper than the fertile lands in the gentleman's State of Wisconsin.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

FLORIDA.

SEC. 4. That the unexpended balance of the appropriation of $10,000 "for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," made in the Indian appropriation act approved March 3, 1911, is hereby reappropriated and made available: *Provided*, That the Secretary of the Interior shall submit to Congress on the first Monday in December, 1914, a definite plan for the relief of the said Seminole Indians in Florida.

Mr. MANN. Mr. Chairman, I make a point of order to the proviso.

Mr. MILLER. I wish the gentleman would withhold it.

Mr. MANN. It is rather too late in the day.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. MANN. No.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For maintenance and operation of the Fort Hall irrigation system, $20,000: *Provided*, That the use of so much water as may be necessary for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto.

Mr. MONDELL. Mr. Chairman, I make a point of order on the proviso that it is new legislation and a change of existing law.

Mr. STEPHENS of Texas. Mr. Chairman, I think the point of order is well taken. I hope the gentleman will not insist on the point of order, because it will be very beneficial legislation and is much desired by the department.

Mr. MONDELL. I will withhold it, if the gentleman desires, but eventually I shall insist upon it.

Mr. STEPHENS of Texas. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (art. 11, agreement ratified Mar. 3, 1891), $3,000.

Mr. FRENCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 18, after line 17, insert the following as a new paragraph:

"That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions of the Nez Perce Indian Reservation, in Idaho, with respect to the necessity of cooperation in building a system of highways in said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of such highways, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said system of roads, which the Secretary of the Interior may determine to be properly chargeable to them, shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized."

Mr. STEPHENS of Texas. To that, Mr. Chairman, I make a point of order.

Mr. FRENCH. Will the gentleman withhold the point of order for a few moments?

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. FRENCH. Not over five minutes.

Mr. STEPHENS of Texas. I want to say that I am sure the department will take this matter up with the appropriations that we now have for the support and civilization of the Indians and investigate the matter just as the gentleman requests, without any legislation. I will withhold the point of order for five minutes.

Mr. FRENCH. Mr. Chairman, this reservation was opened for settlement some years ago, and, of course, the title to the land has not passed to the Indians for the most part. Many white settlers are scattered throughout the reservation, and a system of highways has been built at a cost of $300,000 to the people of that section of the country. The roadway, of course, is as serviceable to the Indians as it is to the white settlers, while the responsibility rests upon the white settlers to pay for the same. Now, it happens that there is to be instituted a system of road building that will embrace the issuance of bonds in an aggregate amount of $1,500,000. It seems that some way should be provided by which the Indians on the reservation may pay or bear their part of the expense of constructing this system of highways, and all I seek to do is to have some arrangement made under which the department shall inquire into it by which the Indians shall bear their proportion of the expenses necessary in the development of this highway system. Of course, the part that lies outside and within the county will be borne by the white settlers in the road district.

But within the reservation itself it would seem that the Indian lands and the Indians ought to bear their part of this improvement, especially in view of the fact that something like $300,000 have already been expended in that reservation by the white settlers themselves in road building, and that is of benefit to the Indians as well as to the white settlers.

Mr. STEPHENS of Texas. Mr. Chairman, I must insist upon the point of order, but I will state to the gentleman in that connection that I am sure the Commissioner of Indian Affairs will be glad to take this matter up and give it the fullest and earliest consideration; and if he does not, I would suggest that the gentleman introduce a bill along the lines he has stated, and that when it comes before our committee we will give it our earnest and best consideration. I insist upon the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order against the amendment. The Chair thinks it provides for new legislation on an appropriation bill and sustains the point of order.

The Clerk read as follows:

MICHIGAN.

SEC. 7. For support and education of 325 Indian pupils at the Indian school, Mount Pleasant, Mich., including pay of superintendent, $56,275; for general repairs and improvements, $5,000; in all, $61,275.

Mr. MAPES. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 19, line 8, strike out the word "twenty-five" and insert in lieu thereof the word "fifty."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order on the amendment.

Mr. STAFFORD. Mr. Chairman, I contend that that is not subject to a point of order.

The CHAIRMAN. The Chair understands the gentleman from Texas to make the point of order on the amendment?

Mr. STEPHENS of Texas. That it is new legislation.

The CHAIRMAN. The Chair thinks it is a mere increase over the amount carried in the bill.

Mr. STEPHENS of Texas. Does the gentleman desire to be heard?

Mr. MAPES. Yes. Mr. Chairman, the section provides for the support and education of 325 Indian pupils, and my amendment would strike out the word "twenty-five" and insert in lieu thereof the word "fifty," so that it would read for the support and education of 350 pupils. I have another amendment which I desire to submit also. In the hearings it appears from the statistical statement for the year ending June 30, 1913, that in this school there were enrolled 350 pupils, and the further statement appears in the hearings, on page 404:

This is the only Indian boarding school in the State of Michigan, and there are about 1,400 available children of school age. Without going outside of the State it is filled to its full capacity and is unable to accommodate the number of needy Indian children that seek admission.

Mr. CARTER. Mr. Chairman, may I ask the gentleman a question?

Mr. MAPES. Certainly.

Mr. CARTER. I want to ask the gentleman what the average attendance at that school was last year?

Mr. MAPES. There were enrolled 350 pupils, and more were seeking admission.

Mr. CARTER. But there were only 311 average attendance last year, and we provide in this bill for an attendance of 325, which is 14 more than the average attendance.

Mr. MAPES. But if they have not the room and can not accommodate those who seek accommodation, the appropriation ought to be increased.

Mr. CARTER. Have they not the room now for 325?

Mr. MAPES. They have 350 there. I take my figures from the statement of the superintendent and from the Commissioner of Indian Affairs. They have not room to accommodate those who apply for admission. This is the only school in the State.

Mr. CARTER. Mr. Chairman, the gentleman will notice, on page 404 of the hearings, that the average attendance is given as only 311.

Mr. MAPES. I notice that is the statement; but the committee decreases the appropriation from last year also by about $10,000.

Mr. CARTER. Not the appropriation for support and education. We decrease the appropriation $10,000 on account of building, as I remember it.

Mr. MAPES. But the committee only gives the school $5,000 for repairs, so that it all could not be for that purpose. They ask for an additional appropriation of $25,000 for a gymnasium.

Mr. CARTER. The support and education appropriation is the same amount as last year, $56,275. Last year there were two lavatories constructed, and some other things, which, of course, we do not need again to be constructed this year.

Mr. MAPES. The gentleman will notice the additional statement that I have not read, that the school has an efficient corps of instructors and is filled to its capacity.

Mr. CARTER. But we also have the statement there from the superintendent of the school—these figures are taken from this report—that there were only 311 average attendance, and that was why the committee did not increase the amount.

Mr. MAPES. The committee ignored all of his other statements and the figures he gave, but accepted the figures in this respect.

Mr. CARTER. When he made the statement he had an average attendance of only 311, we did not think that we could justify an increase when he was already getting an appropriation for 325.

Mr. KENNEDY of Connecticut. What is the total registration of the pupils in the school?

Mr. CARTER. I think 350.

Mr. KENNEDY of Connecticut. Do you not provide for the total registration?

Mr. CARTER. No; we provide for the support and education of so many pupils, and that is based on average attendance.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman might have a minute or two more if he desires it.

Mr. MAPES. One minute is all I desire.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the time of the gentleman from Michigan be extended one minute. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, I will say that this school is not in my district, but it is the only school that there is in the State, and it seems to me that we ought to provide for as many children as want to be admitted. The total enrollment is 350, and the statement of the superintendent is that more desire admission.

Mr. STEPHENS of Texas. This is a nonreservation school, I understand?

Mr. MAPES. Yes.

Mr. STEPHENS of Texas. The gentleman understands that the policy of the Government is not to build up nonreservation schools, but to build boarding schools and day schools on the reservation, and for that reason we have refused to grant any of these requests coming from the various States.

Mr. MAPES. There is no boarding or day school——

Mr. STAFFORD. There is no reservation in the State of Michigan.

Mr. STEPHENS of Texas. The gentleman has Indians in his State.

Mr. STAFFORD. Up in the old section, the upper part of the lower peninsula.

Mr. STEPHENS of Texas. Are there not day schools scattered over the State where the Indian children are being educated among the whites in the schools?

Mr. STAFFORD. I am not sufficiently informed about that, but I remember visiting there several years ago, and I saw separate schools, but how maintained——

Mr. STEPHENS of Texas. Is not the best education the Indian can get on the reservation among the white children, where they have these facilities, rather than to carry them off to expensive boarding schools, as the gentleman from Michigan is proposing to do?

Mr. MAPES. There is what is called a mission school, but only one of these in the whole State, as I understand it.

Mr. STEPHENS of Texas. I hope the amendment will not be adopted.

Mr. CARTER. Mr. Chairman, the gentleman says that there is only one school, a nonreservation school, in the entire State. Let me inform him that in the State of Oklahoma, where they have 117,000 Indians, we have only one nonreservation school.

Mr. MAPES. How much is appropriated for that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. I think it is $70,000 or $80,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. MAPES. Mr. Chairman, I have another amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 10, strike out the figures "56,275" and insert "60,450."

The question was taken, and the amendment was rejected.

Mr. MAPES. Mr. Chairman, I desire to offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, after line 11, insert the following: "For pay of expenses of the Mackinac Agency, including pay of employees not otherwise provided for, $2,400."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against the amendment.

Mr. MAPES. Mr. Chairman, I would like to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MAPES. I desire to say except for the increase made this is the same item that has been carried in the appropriation bill heretofore, but the amount has been $2,000 instead of $2,400.

Mr. CARTER. If the gentleman will permit, the Mackinac Agency was estimated for by the Treasury Department, but it was taken out of the specific items and is provided for in the general item at the bottom of page 10. It is not specifically mentioned, but is taken care of as a number of other items are.

Mr. MAPES. Will that remove the agency at Mackinac?

Mr. CARTER. Not necessarily. The following agencies were estimated for specifically but were put in the general item when the bill was made up: The Nez Perce, Idaho; the Sac and Fox, Iowa; the Mackinac, Mich.; the Omaha and Winnebago, Nebr.; New York, N. Y.; the Sac and Fox, Okla.; the Seneca, Okla.; the Shivwitz, Utah; and the Shawnee Agency. Those are all stricken out of the specific items and are provided for in the item to which I have referred.

Mr. STAFFORD. Will the gentleman permit me to make an inquiry of the chairman of the committee in regard to how much longer he plans to run this afternoon? It is now nearly half past 5 o'clock.

Mr. STEPHENS of Texas. I had thought we could run until we got through with Minnesota.

Mr. STAFFORD. That is several pages.

Mr. STEPHENS of Texas. I do not think that many questions will be raised before we reach that point.

Mr. MAPES. Mr. Chairman, have I the floor?

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. MAPES. I wish to put into the RECORD a part of a statement appearing in the hearings, on page 408, where it says it is necessary to have a doctor in charge of the Mackinac Agency, as follows:

It is necessary to have a doctor in charge at the Mackinac Agency so that the same official may look after the administration of the affairs and the health of the Indians living under that jurisdiction.

* * * * * * * *

The Mackinac Agency is maintained to supervise the fiscal affairs of the Indians in Michigan, principally members of the L'Anse, Vieux Desert, Isabella, Chippewa, Swan Creek, Black River, and other tribes, particularly with reference to their timber and land matters. Ninety-eight thousand three hundred and ninety-five acres have been allotted to 1,943 Indians on the former Isabella Reservation; 52,041 acres allotted to 666 Indians of the L'Anse Tribe; 2,561 acres have been allotted to 35 Indians of the Ontonagon Band; and 120,470 acres allotted to 1,800 members of the Ottawa and Chippewa Bands. These allotments were all made many years ago and there is no tribal land other than a few acres reserved for school and administrative purposes.

Now, there are in the northern part of Michigan a great many Indians, but you are taking away all of the appropriation that has been given for the support and maintenance and protection of those Indians, and this——

Mr. CARTER. It is fully provided for in the item to which I have referred.

Mr. MAPES. But you can not take care of them down in New Mexico. As a matter of economy, the place to take care of them is in Michigan, and there could be no other doctor or no other agent in any place located anywhere except in Michigan to take care of those Indians.

Mr. CARTER. Mr. Chairman, I think the gentleman misunderstands the proposition. There was no attempt whatever by the committee to try to remove this agency, dispense with it, or do anything else except change the place in which the amount for it was carried in the bill from a specific item to a general item, and we do that almost every year with such items. We take those specific items and put them in the general items every time we can. It is claimed by a great many that that is better administration, and the department likes it much better, for if they do not use all the money appropriated for a particular item the balance can be used at other places, but when it is appropriated specifically they can only use the amount at that specific agency.

Mr. MAPES. What was the gentleman's inference in reply to my question when asked if they would abolish this agency, and the gentleman replied, "Not necessarily"? What was his inference?

Mr. CARTER. I had never heard of the question of abolishing it before.

Mr. MAPES. Then will it be maintained?

Mr. CARTER. I think so. I never heard that it would not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $215,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided*, That not to exceed $50,000 of this amount may be used in the purchase of lands for homeless nonremoval Mille Lacs Indians, to be immediately available and to remain available until expended, said lands to be held in trust and may be allotted to said Indians, in the discretion of the Secretary of the Interior, subject to the provisions of the act of February 8, 1887 (24 Stat. L., p. 388, as amended).

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. This is the same character of provision that the gentleman from Illinois [Mr. MANN] referred to, as providing homes for homeless Indians.

Mr. STEENERSON. This goes out of the Indians' fund.

Mr. CARTER. This is their own fund.

Mr. STAFFORD. It has that difference. Only, it comes out of the Treasury.

Mr. STEENERSON. It is at their request, too.

Mr. STAFFORD. What is the occasion for spending $50,000 for purchasing land for "homeless nonremoval Mille Lacs Indians"?

Mr. MILLER. That would take a long time to explain, but it is taken out of the fund belonging to the Mille Lacs Nation in Minnesota. They were to be removed to the White River Reservation, but some of them have not been removed, and so they call them "nonremovable." There is no Indian land in the White Earth Reservation to support them.

Mr. STAFFORD. That, of course, is a good answer.

Mr. MILLER. The ancient home of the Chippewas was about where these Indians are now, on Mille Lacs Lake. By the treaty made it was presumed most of these Indians would be removed to White Earth.

Mr. STEENERSON. They were required to remove?

Mr. MILLER. Yes.

Mr. STEENERSON. All but about 500 were removed. They refused to go. They took them over and they walked back.

Mr. STAFFORD. Where did they walk to when they walked back?

Mr. STEENERSON. They walked back to the same place they were when they left.

Mr. STAFFORD. On the Indian reservation?

Mr. MILLER. There is not an Indian reservation there. They are squatters and trespassers now on the lands of the whites, with the exception of one plat of land held by the chief of the tribe of about 80 acres, and on this many of them live. Now, the problem that has been before the Indian Office for a long time is what to do with these Indians. They need a school and they need medical advice, which they have never had, and they need this seriously. As preliminary and prerequisite to giving them what they deserve something must be done toward building them a home. It was at this place, as I have indicated, where the Indians originally lived. Under the act of Congress the band to which they belonged was permitted to bring a suit against the United States and recover for some timber which the Government had erroneously disposed of and which belonged to the Indians. They recovered a verdict of about $1,000,000.

The case is now pending in the Supreme Court, and the only question remaining unsettled is the exact amount—probably over a million. It arose on the very spot where these Indians now are, but it will not go to the Indians. It will go into the general fund of the Chippewa Tribe of Minnesota. Now, we propose to take from this fund only $50,000 with which to purchase these lands. Doubtless the gentleman has noticed that the department estimated only $20,000. A year ago I think the department estimated $15,000. I have personally visited this region, had many conversations with people familiar with conditions there, and, of course, it is preposterous to suggest that you can buy homes for 401 Indians in that region for $50,000. It can not be done. There is no use of doing it by piecemeal and making a botch of it. There will come into the Treasury of this great band of Indians over a million dollars very soon.

Mr. STAFFORD. Was it planned to build homes for them after you purchased the land?

Mr. MILLER. No; just to buy the land.

Mr. STAFFORD. You will allow them, out of this fund, to cultivate the lands that have been purchased?

Mr. MILLER. Yes.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. FITZGERALD. Have the Mille Lacs any money of their own, apart from the Chippewas?

Mr. MILLER. Not as a separate band, distinguished from other bands in Minnesota. All the moneys belonging to the Indians of Minnesota in the hands of the Government are in one fund.

Mr. FITZGERALD. That is the fund belonging to the Chippewas?

Mr. MILLER. Yes.

Mr. FITZGERALD. And the Mille Lac Indians——

Mr. MILLER. They are Chippewas. We have no other Indians in Minnesota, except in the southwestern part.

Mr. FITZGERALD. I understood there were some Indians that were not attached to the Chippewas.

Mr. MILLER. I am not aware of any other Indians except the two Sioux tribes.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. FITZGERALD. What was done with the $165,000 to promote the civilization of these Indians last year?

Mr. MILLER. If the gentleman will notice, all through this bill provision is made for the relief and civilization of the Indians of every State, so much money for each. There is no such item for the Indians of Minnesota. The expenditures made for the Indians in many of the States come out of Treasury funds, but all appropriations made for the Indians of Minnesota come out of the money belonging to those Indians.

Mr. FITZGERALD. If we keep on spending the special fund of the Chippewas, in a few years they will be paupers and a charge on the Public Treasury.

Mr. MILLER. If I may be permitted, Mr. Chairman, I will say that we are not paying to those Indians as much as the interest amounts to and as much as the treaty stipulations require.

Mr. FITZGERALD. Why not pay it out of the interest?

Mr. MILLER. The treaty provides that a portion of the interest shall be applied to educational purposes in the State.

But returning for a moment to the other question, I want to say that the expense of administration of Indian affairs in the State and the administration of the schools and the cost of the buildings comes out of their own money, and I am pleased to say that the State of Minnesota does not go to the Treasury for a dollar for the support of those Indians, and has not done so for a number of years.

Mr. FITZGERALD. My notion is that it should not be, and my opinion is based upon some information that I acquired some years ago. The timber on the lands of the Chippewa Indians was worth in the neighborhood of $20,000,000, and there would be very little excuse for the Federal Government paying out of the Federal Treasury funds to support and educate Indians who had possessions of such great value. Their own money should be used to civilize and educate them.

Mr. MILLER. Generally that is what they are doing.

Mr. FITZGERALD. But if we go along expending the principal of these funds, without any thought of the future, we will have these same uncivilized Indians upon our hands, and the principal will have gone, and then we shall have to take money out of the Federal Treasury. I recollect something about the Chippewa Indians. I think I had something to do with the act known as the Morris Act, named after a Member who has since become a judge in Minnesota, as the Minnesota Members will recollect—an act under which the timber of the Chippewas is being cut and sold.

Mr. MILLER. I will say to the gentleman that his apprehensions lest the Indians of Minnesota should become a public charge need not worry him or keep him awake o' nights. If the 350,000 homeless people in the city of New York can get food and shelter as quickly and permanently as the Indians of Minnesota can get it out of their own funds, all humanity will be satisfied.

Mr. FITZGERALD. That may be true, but I recollect certain proceedings 10 years ago, when, if the people from Minnesota in this House had had their own way, the Chippewa Indians would have had very little money of their own in the Treasury.

Mr. MILLER. I will say to the gentleman that the property rights of those Indians have been well safeguarded.

Mr. STEENERSON. Mr. Chairman, I will say that there is in the Treasury now over $7,000,000, derived from timber and logging operations, and the land is still retained, while the operations are still going on.

Mr. FITZGERALD. What is done with this money? Do they buy farming utensils and implements?

Mr. STEENERSON. Oh, yes.

Mr. FITZGERALD. Do they buy farming implements and furnish them to the Indians?

Mr. MILLER. They do not buy nearly as many as they ought to, but they do buy some. I have encouraged the purchase of modern implements of an agricultural character for the Indian Service, but not extravagantly.

Mr. FITZGERALD. Most of the Chippewa Indians are engaged in the lumber business, are they not?

Mr. MILLER. No; they are not permitted to engage in that.

Mr. FITZGERALD. I mean they work in the lumber camps?

Mr. MILLER. Oh, yes; they work in the lumber camps during the winter.

The CHAIRMAN. The time of the gentleman from New York has expired. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1914, out of the funds belonging to said band.

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 22, page 20, add: "That the Secretary of the Interior be, and he is hereby, authorized and directed to expend the sum of $1,000, or so much thereof as may be necessary, out of the funds of the White Earth Band of the Chippewa Indians of Minnesota, for the extension of the water system in the village of White Earth, Minn."

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order against that amendment.

Mr. STEENERSON. Mr. Chairman, I hope the gentleman from Texas will withhold his point of order until I can explain my amendment.

Mr. STEPHENS of Texas. I will reserve the point of order for that purpose.

Mr. STEENERSON. Mr. Chairman, the United States Government, acting for the Indians, built water mains in the village of White Earth, Minn. The village of White Earth was platted by the United States Government some few years ago, and a number of residences were erected by members of the reservation in this village and they installed waterworks to supply the Government school and the Government agency, and extended it into the village, so that one hydrant was placed there. That was a year ago last October. At that time they did not extend it any farther, for the reason that they had some doubt whether the artesian well, which is the source of this water supply, would be sufficient for the general use of the village; but now it is demonstrated that there is sufficient water to supply not only the agency and the school but the people in the village. The expense of it will be out of their own common fund, and when the pipe is extended they will themselves pay for the connecting of it.

Mr. MILLER. Will my colleague yield for a question?

Mr. STEENERSON. Certainly.

Mr. MILLER. Will this be for the benefit of the whites or the Indians?

Mr. STEENERSON. The Indians. Members of the reservation.

Mr. MILLER. The Indians exclusively?

Mr. STEENERSON. The Indians exclusively.

Mr. CAMPBELL. For water?

Mr. STEENERSON. Yes.

Mr. CAMPBELL. Having appropriated $1,000 for fire protection, they need more water.

Mr. STEENERSON. I am familiar with the situation there, and some weeks ago I requested the department to send in an estimate to take this out of the Indians' money, and the department replied that it was too late, that the bill was already reported; but in conversation with them I heard of no objection, and I do not see how anybody could object.

Mr. STEPHENS of Texas. Has the gentleman a letter from the department recommending this?

Mr. STEENERSON. I have a letter stating that it is too late to put it in the appropriation bill.

Mr. STEPHENS of Texas. But that does not state that the department recommends it.

Mr. STEENERSON. No.

Mr. MANN. There ought to be no objection to an appropriation to get the people of Minnesota to drink more water. [Laughter.]

Mr. STEENERSON. Certainly not. One of the leading Indians has written me the following letter:

WHITE EARTH, MINN., *January 22, 1914.*

Hon. HALVOR STEENERSON, M. C.,
Washington, D. C.

MY DEAR MR. STEENERSON: You will call to mind the controversy which prevailed here about a year ago concerning the matter of "water supply" for the village of White Earth, etc., and at that time it was contended by the superintendent of the agency, Mr. John R. Howard, that he, the superintendent, was afraid that the well, or the "water supply from the well, would not be adequate to the demand of the village needs," etc. The piping was finally carried to a short distance within the village limits and where a hydrant was installed for the use and purposes of the public. This has been in active operation for over a year, or near a year, and it has now become a well-established fact that thus far the demand on the well by the village residents has not diminished the flow or supply in the least degree, but that the average level of water in the well, 75 to 80 feet, continues unimpaired. In a talk with Mr. Howard this morning, he expressed himself as apparently willing to continue an extension of the main piping within the village limits and to permit residents (members of the reservation) within the village limits to tap and attach individual piping to their homes, the people defraying the expenses of piping from the main line to their homes, etc. But the superintendent informs me that funds are lacking to defray the expenses of "extending the water supply within the village limits." In an approximate estimate to further extend the water supply facilities for the people of the village of White Earth, I assume to say that "an extension of, say, 2,000 or 3,000 feet of main piping and with the addition of three more hydrants would, in all probability, meet the present demand. I am of the opinion that the expenditure of $1,000 in this direction would be money judiciously expended and, from a sanitary standpoint, a proper and commendable move on the part of Government officials.

May I not hope that you will interest yourself in the above subject with tender of liberal consideration and solicit the attention and consideration of the Indian Office to essential need of pure, wholesome water, not only as a preventive against disease and destruction by fire, but if the Indian is supplied with plenty of good, pure water the less inclined will he be to quench his thirst with "fire water."

Thanking you for courtesy in the premises, I beg to remain,

Respectfully, yours,

THEO. H. BEAULIEU.

You will note that he says "if the Indian is supplied with plenty of good, pure water the less inclined will he be to quench his thirst with 'fire water'"; and, manifestly, that is true.

Mr. STEPHENS of Texas. Mr. Chairman, I shall have to insist on the point of order.

Mr. STEENERSON. I hope the gentleman will not do that. I have been at White Earth, and I know about this situation. The only reason they did not extend it before was that they doubted the capacity of the well, which has now been demonstrated.

Mr. STEPHENS of Texas. I withdraw the point of order, then.

The CHAIRMAN. The point of order is withdrawn. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $50,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of constructing, equipping, and maintaining two hospitals, one to be located either on the Red Lake or Leech Lake Reservation and one to be located on the Fond du Lac Reservation, the sites to be selected by the Secretary of the Interior, for the use and benefit of the Chippewa Indians in Minnesota.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of constructing and furnishing a council hall at such point as he may select, for the use of the Indians living in the vicinity of Sawyer, Minn.

Mr. LINDBERGH. Mr. Chairman, I offer the following amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. FITZGERALD having resumed the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that when the House adjourn to-night it adjourn to meet to-morrow at 11 o'clock.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

Mr. DAVENPORT. Reserving the right to object, I want to ask the chairman of the committee that will have the Alaska bill in charge to-morrow if it is his intention to try to complete the bill and have a vote to-morrow? I will state my reason for asking the question. Many gentlemen interested in this bill both ways, especially many of those interested against the bill, are absent, some of them attending the funeral of the late Senator BACON, and will not be back to-morrow. I have no desire to object to the gentleman's request, but I would like to have an agreement for that reason, that we might finish the bill up to the point of taking the vote, and that the vote shall not be taken until a future day.

Mr. HOUSTON. Mr. Speaker, I can see no reason why we should not have a vote on this bill to-morrow. The committee have had the bill under consideration for several Wednesdays, and we have had ample time for discussion of it, and we ought to get through with it to-morrow, so as to get it out of the way of some other committee that may want to occupy the next Wednesday. As for the gentlemen who have gone to Georgia for the purpose mentioned, I take it that they have made pairs. I know a number of them have, and I suppose they all have. I do not suppose their absence will have any effect at all upon the question of the passage of the bill, and I really think we ought to get through with it to-morrow.

Mr. DAVENPORT. Some of them have paired and some have not; at least I could not find out at the pair clerk's desk that they had. That is the reason I have asked the question.

Mr. MANN. I take it that unless pairs are arranged, the final vote might be postponed.

Mr. DAVENPORT. That is all I am asking.

Mr. MANN. I think practically all of the gentlemen have arranged pairs. That is my understanding.

Mr. DAVENPORT. A portion of them have, but there are some of them——

Mr. STAFFORD. Reserving the right to object, I should like to inquire of the chairman of the committee whether Members of the House who are deeply interested in this bill will be apprised of the fact that we are going to meet to-morrow at 11 rather than at the usual hour of 12? There are only 25 Members in the Chamber now, when the gentleman makes that request.

Mr. HOUSTON. I am making this request in order that we may have more time to get through with the bill to-morrow. We have been considering it for a number of Wednesdays, and we ought to get through with it. I think we have had ample time to discuss it, and I should like to get through with it to-morrow and have a vote upon it. I do not see any occasion for waiting.

Mr. DAVENPORT. Unless we can get an understanding that after finishing the bill the vote on it shall be deferred until these gentlemen return, I shall be compelled to object, although I do not desire to do so. I think we could make better progress by finishing the bill and getting it ready for the vote and then letting it go over.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. HOUSTON] that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow?

Mr. DAVENPORT. I object, Mr. Speaker.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until Wednesday, February 18, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting copy of letter from the surgeon in chief of Freedmen's Hospital, with accompanying letter from the advisory visiting staff of that institution, calling attention to the necessity for the erection of a building to provide proper laboratory facilities for the pathological branch of the hospital, and suggesting that certain amounts unpaid by the District of Columbia be appropriated for the use of the hospital (H. Doc. No. 746); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Postmaster General of the 12th instant, submitting estimates of deficiencies in appropriations for the Postal Service for the fiscal year ending June 30, 1914 (H. Doc. No. 743); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General of the 13th instant, submitting additional supplemental estimates of deficiencies in appropriations required for the service of the Department of Justice (H. Doc. No. 744); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting communication from the Secretary of Labor, submitting an amendment to his estimate for the fiscal year 1915 (H. Doc. No. 745); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (S. 3997) to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy, reported the same without amendment, accompanied by a report (No. 274), which said bill and report were referred to the Private Calendar.

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 2314) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal, reported the same with amendment, accompanied by a report (No. 275), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 1366) for the relief of Emory Scott Land, reported the same with amendment, accompanied by a report (No. 276), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 13369) for the relief of Isaac N. Enloe, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SAMUEL W. SMITH: A bill (H. R. 13484) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 13485) for the construction of a military road from the city limits of Springfield, Ill., to Camp Butler, Ill., a distance of 21,200 feet; to the Committee on Military Affairs.

By Mr. LAFFERTY: A bill (H. R. 13486) making an appropriation for the reconstruction and repair of the Barlow Toll Road within the Oregon National Forest, State of Oregon; to the Committee on Agriculture.

By Mr. WICKERSHAM: A bill (H. R. 13487) to amend the United States land laws in their application to Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 13488) making appropriation for the improvement of the Missouri River from the southeast corner of the State of Nebraska to the mouth of the Platte River, in the State of Nebraska; to the Committee on Rivers and Harbors.

By Mr. MITCHELL: A bill (H. R. 13489) increasing the limit of cost for the purchase of a site and the construction thereon of a post-office building at Waltham, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of South Dakota: A bill (H. R. 13490) for the disposition of the proceeds arising from the sale of lots in Government town sites on reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. MITCHELL: A bill (H. R. 13491) to erect a post-office building in the town of Framingham, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 13492) to prevent the manufacture, sale, or transportation of misbranded articles, and for regulating the traffic therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 421) authorizing the Committee on Printing to have printed 16,000 copies of House Document No. 1477, Sixty-second Congress, third session; to the Committee on Printing.

By Mr. GREEN of Iowa: Resolution (H. Res. 422) requesting the Interstate Commerce Commission to investigate and report to Congress facts regarding the organization of the Chicago, Rock Island & Pacific Railroad Co. and the Rock Island Co. and the nature of their control over the Chicago, Rock Island & Pacific Railway Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL: Memorial from the Commonwealth of Massachusetts requesting the Secretary of the Navy to award the contract for the construction of the supply ship to the Charlestown Navy Yard; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 13493) for the relief of Martin T. Torgerson; to the Committee on Claims.

By Mr. CARR: A bill (H. R. 13494) granting a pension to Ophelia A. Koons; to the Committee on Pensions.

Also, a bill (H. R. 13495) granting a pension to Lennie Anne Shunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13496) granting a pension to Charles J. Rosenecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13497) granting an increase of pension to William E. Chick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13498) granting an increase of pension to George W. Kremer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13499) granting an increase of pension to John H. Farling; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 13500) granting an increase of pension to Lewis J. Gregory; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 13501) granting an increase of pension to John Richards; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 13502) granting a pension to Ada McBride; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 13503) granting an increase of pension to Wilder Branum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13504) granting an increase of pension to James H. Tyree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13505) granting an increase of pension to John M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13506) granting an increase of pension to Alexander Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13507) granting an increase of pension to William H. Gillum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13508) granting an increase of pension to Felix Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce; to the Committee on Claims.

By Mr. GILLETT: A bill (H. R. 13510) granting an increase of pension to Edward B. Ockington; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 13511) for the relief of Cary B. Moore; to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 13512) for the relief of James T. Billups; to the Committee on Military Affairs.

Also, a bill (H. R. 13513) for the relief of John W. Shelton; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 13514) granting a pension to George F. Michel; to the Committee on Pensions.

By Mr. LIEB: A bill (H. R. 13515) granting an increase of pension to Suard D. Oskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13516) granting an increase of pension to Richard Riggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13517) granting an increase of pension to Alexander D. Smith; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 13518) granting a pension to Catherean Michalak; to the Committee on Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. NEELY of West Virginia: A bill (H. R. 13520) for the relief of the heirs of Harvey Hefner; to the Committee on War Claims.

Also, a bill (H. R. 13521) for the relief of the counties of Marion and Monongalia, in the State of West Virginia; to the Committee on the Judiciary.

Also, a bill (H. R. 13522) for the relief of Marion and Monongalia Counties, W. Va., and for other purposes; to the Committee on the Judiciary.

By Mr. PETERSON: A bill (H. R. 13523) to correct the military record of Timothy Comer; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 13524) granting an increase of pension to Giles Otis Pearce; to the Committee on Pensions.

Also, a bill (H. R. 13525) granting an increase of pension to Rosamond Ensley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13526) for the relief of Capt. Alfred Curtis, United States Infantry; to the Committee on Military Affairs.

By Mr. REILLY of Wisconsin: A bill (H. R. 13527) granting an increase of pension to Similde E. Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13528) granting an increase of pension to Alfred F. Stier; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 13529) granting a pension to Laura Botts; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13530) granting an increase of pension to Job Fithian; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13531) granting a pension to Jesse Kivette; to the Committee on Pensions.

Also, a bill (H. R. 13532) granting an increase of pension to William M. Ireland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13533) for the relief of E. D. Haynes; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 13534) granting an increase of pension to Percy H. Allen; to the Committee on Pensions.

Also, a bill (H. R. 13535) granting an increase of pension to Fred Bailor; to the Committee on Pensions.

Also, a bill (H. R. 13536) granting an increase of pension to Melvin J. Amos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13537) granting an increase of pension to Charles H. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13538) granting an increase of pension to Calvin Beauchamp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13539) granting a pension to Thomas Blythe; to the Committee on Invalid Pension.

Also, a bill (H. R. 13540) granting an increase of pension to King A. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13541) granting an increase of pension to Clement Brawner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Jewelers' Board of Trade, relative to proper enforcement of the Sherman Act; to the Committee on the Judiciary.

Also (by request), petitions of the George Washington Branch of the American Continental League of Boston, Mass., and County Mayo Men's Beneficial, Patriotic, and Social Association, of Philadelphia, Pa., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petitions of the Abraham Lincoln and the Russell Club, branches of the American Continental League, of New York City, protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the Progressive City Central Committee of St. Louis, Mo., favoring bill to appoint a commission to locate eastern railroad approach of the municipal free bridge at St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of the Pacific Bank, of Franklin County, and other banks of the State of Missouri, favoring change in the income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also (by request), petition of the East Washington Citizens' Association, favoring election of a Representative in Congress from the District of Columbia; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition signed by Henry Brueggen & Son and other shoe merchants of Leavenworth, Kans., protesting against the passage of House bill 10080, being the Lindquist pure-fabric law; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petitions of C. Weaver and 110 other citizens of Tuscarawas County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of G. W. Burkholder and 10 other merchants of Wooster, Ohio, favoring passage of House bill 5308 relative to mail-order houses; to the Committee on Ways and Means.

By Mr. BAKER: Petition of the Egg Harbor Commercial Bank, of Egg Harbor, N. J., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of citizens of Pittsburgh, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petitions of the First National Bank of Pasadena, and other banks of the State of California, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of Los Angeles, Cal., relative to tolls through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Pennsylvania: Petitions of sundry citizens of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of the National Bank of Commerce, of Pierre, S. Dak., and other banks of the State of South Dakota, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Memorial of the Stadtverband, of Portage, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of the Title Guarantee Trust Co., and banks of Brooklyn, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. CANDLER of Mississippi: Petitions of the First National and other banks of Columbus, Miss., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. DALE: Petition of Alex. J. Smith, of Brooklyn, N. Y., favoring passage of House bill 7374, for pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of John C. Chapman, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of bankers and other citizens of Kansas, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. EDMONDS: Petition of the Lumbermen's Exchange, relative to park commission committee and Washington Board of Trade efforts in beautification of the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Petitions of the Adams County State Bank, of Adams, Wis., and Chili State Bank, of Chili, Wis., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Germania Society, of La Crosse, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of the General Montgomery Branch of the American Continental League, of Brooklyn, N. Y., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the board of supervisors of Del Norte County, Cal., relative to harbor activities in Del Norte County; to the Committee on Rivers and Harbor.

Also, memorial of the directors of the National Association of Clothiers, of New York, protesting against fabric adulteration measure known as Lindquist bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, relative to deepening of the channels of the East River, N. Y.; to the Committee on Rivers and Harbors.

By Mr. GOOD: Petitions of the Cedar Rapids Clearing House Association and other banks of Cedar Rapids, Iowa, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of the Benid (Ill.) National Bank and Bank of Williamsville, of Williamsville, Ill., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Capital Die and Toolmakers' Lodge, No. 628, of Springfield, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of the Lumbermen's Exchange, of Philadelphia, Pa., relative to park extension in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of banks of Pennsylvania, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Pennsylvania Arbitration and Peace Society, favoring appropriation of funds for entertainment of delegates to the conference of the Interparliamentary Union; to the Committee on Appropriations.

Also, petition of citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Memorial of the Central Civic Council and other organizations of St. Louis, Mo., favoring the bill providing for the appointment of a commission to locate approaches to the Municipal Bridge at St. Louis; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: Petitions of sundry citizens of the State of Arkansas, protesting against the abolishment of experimental village delivery; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of South Carolina: Papers to accompany a bill (H. R. 10193) granting a pension to William H. Franks; to the Committee on Pensions.

By Mr. KEISTER: Petitions of the First National Bank of Irwin, Pa., and other banks of the State of Pennsylvania, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. KENNEDY of Connecticut: Petition of banks of Connecticut, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Connecticut, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of George M. Morgan, of Derby, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Petition of the immigrant watchmen and gatemen of the United States Immigration Service, relative to increase in pay; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Assistant Postmasters, protesting against removal from classified service; to the Committee on the Post Office and Post Roads.

Also, petition of Walter O. Snelling, of Pittsburgh, Pa., protesting against segregation of radium lands; to the Committee on the Public Lands.

By Mr. LIEB: Petition of George A. Cunningham and others, of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Religious Liberty Association of Washington, D. C., protesting against passage of Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. MADDEN: Petition of the Machine Composition Club of Chicago, protesting against raise in rate on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. MERRITT: Petitions of citizens of Winthrop, Brasher, and Ogdensburg, N. Y., favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. MOORE: Petition of the Philadelphia (Pa.) Bourse, against House bill 12120, being a bill to create an interstate trade commission; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia (Pa.) Bourse, protesting against the passage of House bill 12123, to prescribe the conditions under which corporations may engage in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia (Pa.) Bourse, protesting against the passage of House bill 11757, to amend an act of July 2, 1890, entitled "An act to protect trade against unlawful restraints and monopolies"; to the Committee on the Judiciary.

Also, memorial of the Philadelphia (Pa.) Bourse, protesting against the passage of House bill 9592, to amend the antitrust laws of the United States; to the Committee on the Judiciary.

Also, memorial of the Philadelphia (Pa.) Bourse, protesting against the passage of House bill 12121, defining restraint of trade, and for other purposes; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of citizens of Wayne County, State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Edwin R. Ney, of New York City, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. RAKER: Petitions of the Bank of Loomis, Cal., and other banks of the State of California, favoring a change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Charles Nelson Co., of San Francisco, Cal., favoring passage of House joint resolution 173, relative to amending resolution providing for remission of a portion of the Chinese indemnity; to the Committee on Foreign Affairs.

Also, petitions of the Merchants, Manufacturers, and Employers Association of Stockton, Cal., and the Northern California Power Co., of San Francisco, Cal., protesting against passage of Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, memorial of the San Francisco Labor Council, of San Francisco, Cal., favoring passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Gantner & Mattern Co., of San Francisco, Cal., favoring passage of the Ransdell-Humphreys bills for flood protection; to the Committee on Rivers and Harbors.

Also, petition of J. F. Behrsend, of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROUSE: Petition of 104 business men of Covington, Ky., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SHREVE: Petitions of the First National Bank, Erie, Pa., and other banks of the State of Pennsylvania, favoring

change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, memorial of the congregation of the Seventh-day Adventists' Church, of Corry, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Meadville and Erie, Pa., protesting against passage of Columbus Day bill (H. R. 9836); to the Committee on the Judiciary.

Also, petitions of F. P. Fiegeyand, of Erie, and other citizens of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Memorial of the Michigan State Grange, favoring woman's suffrage amendment; to the Committee on the Judiciary.

Also, petitions of Dickerson Post, No. 6, of Hillsdale; Williams Corps, No. 18, of Charlotte; Butterworth Corps, No. 31, of Coldwater; and Carlin Corps, No. 25, of Department of Michigan, protesting against change in the flag; to the Committee on the Judiciary.

Also, petitions of 35 citizens of Branch County and 23 citizens of Calhoun County, Mich., protesting against the Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of the Loyal Legion Commandery of Michigan, protesting against any change in the flag; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Petition of banks of West Virginia, favoring amendment to income-tax law; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 18, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Oh Lord our God, Thou didst command Thy people in ancient times to love Thee with all their heart and soul and mind and strength, and in every human heart there is an ability to obey Thy command. But Thou hast come to us with the tender tones of the father. Thou dost win our love with the manifestations of Thy grace and providence and care. Thou dost lure us to this with all the offers of life and all the provisions of grace.

Grant us this day to open our hearts to Thee, to let the influences of Thy grace into our lives, to obey Thy will, and to love Thee out of glad response to all Thy love for us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CONVICT LABOR IN FOREIGN COUNTRIES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce transmitting, in further response to a resolution of November 10, 1913, certain data in regard to the employment of convicts in foreign countries. The communication and accompanying papers will be referred to the Committee on Printing for consideration.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The cause of Charles Gibbons, William Gibbons, Eunice G. Bidwell, Elmer Van Wie, William Van Wie, and Burett Van Wie, sole heirs of William E. Gibbons, deceased, *v.* United States (S. Doc. No. 429);

The cause of Nettie M. Patterson, one of the heirs of William Atchison, deceased, *v.* United States (S. Doc. No. 428);

The cause of Walter W. Hicks, son and sole heir of Franklin Z. Hicks, deceased, *v.* United States (S. Doc. No. 427);

The cause of Thomas Hawker, one of the heirs of John Hawker, deceased, *v.* United States (S. Doc. No. 426);

The cause of J. R. Brown, one of the heirs of John Brown, deceased, *v.* United States (S. Doc. No. 425); and

The cause of M. E. Smilie, administrator of Stephen Thomas, *v.* United States (S. Doc. No. 424).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3439. An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera; and

S. 1346. An act to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 122. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes;

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases;

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 6750. An act granting to the city of New Orleans right of way for a street across the Jackson Barracks Military Reservation, in the parish of Orleans, State of Louisiana;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa;

H. R. 10594. An act granting a pension to the Forsyth Scouts and the widows of the deceased members of the said organization;

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries;

H. R. 11331. An act to repeal an act regulating the construction of bridges across the Muskingum River in Ohio;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1294. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia;

H. R. 9848. An act for the relief of the New England Steamship Co.;

H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

S. J. Res. 110. Joint resolution authorizing the President to accept an invitation to participate in an International Commission of Phytopathology.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of Local Branch No. 397, Jewish Socialist Federation and Workmen's Circle, of Bridgeport, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Ray, Ind., favoring the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Jewelers' Board of Trade, of New York City, N. Y., praying that hearings be held in different commercial centers of the country relative to the proposed amendment of the Sherman antitrust law, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Overbrook, Kans., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Hartford, Wis.; of the Landwehr Verein, of Norfolk, Nebr.; of Orden Allemania, of New York City, N. Y.; of Unabhaengige Verein, of Helena, Mont.; and of Local Lodge No. 3, of Helena, Mont., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Toledo, Ohio, praying for the adoption of an amendment to the Con-

stitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for the election of the Commissioners of the District of Columbia and for a Representative in Congress from the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Georgetown Citizens' Association, of the District of Columbia, praying that an appropriation be made for the improvement of Rock Creek, which was referred to the Committee on the District of Columbia.

He also presented memorials of Patrick Henry Branch, American Continental League, of Washington, D. C.; of Daniel O'Connell Division, No. 9, Ancient Order of Hibernians, of Buffalo, N. Y.; of Abraham Lincoln Branch, American Continental League, of New York City, N. Y.; of Pueblo Branch, American Continental League, of Pueblo, Colo.; of Lafayette Branch, American Continental League, of New York City, N. Y.; of the Allen, Larkin and O'Brien Club, of Philadelphia, Pa.; of John Boyle O'Reilly Club, of Pueblo, Colo.; of the County Mayo Men's Beneficial, Patriotic, and Social Association, of Philadelphia, Pa.; of the County Tipperary Men's Patriotic and Beneficial Association, of Philadelphia, Pa.; and of the Russell Club, of Brockton, Mass., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. BURTON presented a memorial of sundry citizens of Tallmadge, Wadsworth, Akron, and Barberton, all in the State of Ohio, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the board of directors of the Reading Bank, of Reading, Ohio, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Steubenville, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of Jasper Packard Post, No. 589, Department of Indiana, Grand Army of the Republic, of La Fayette, Ind., remonstrating against the enactment of legislation authorizing any change being made in the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of the Lake County Association of Civil Service Employees, of Indiana, praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Berne, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Evansville and of Vigo County, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Denver, Ind., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRYAN. On behalf of my colleague [Mr. FLETCHER], who is necessarily absent, I present resolutions adopted by the National League of Commission Merchants in annual convention at Jacksonville, Fla., January, 1914, favoring the adoption of a prepared form or system of rural credits. I move that the resolutions be referred to the Committee on Banking and Currency.

The motion was agreed to.

Mr. BRYAN. I also present for my colleague resolutions adopted by the House of Representatives of the State of Florida, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

COPY OF RESOLUTION FROM THE JOURNAL OF THE HOUSE OF REPRESENTATIVES OF FLORIDA, FOURTEENTH REGULAR SESSION (APR. 8 TO JUNE 6, 1913).

[By Mr. Wilson, of Manatee. House resolution No. 97.]

Whereas the Myakka River, a stream that courses through Manatee and De Soto Counties, of south Florida, and empties into Charlotte Harbor, flows through some of the most fertile lands in Florida; and

Whereas a small outlay, wisely expended, would make said Myakka River navigable to a point where township line dividing township 36 and 37, crosses said river; and

Whereas as many thousands of acres of the finest lands in the State of Florida would be thus opened to cultivation; and

Whereas the hundreds of farmers and fruit growers of this remote section would be thus supplied with transportation, which is their greatest need: Therefore, be it

Resolved, That our Senators and Members of Congress are severally requested to use their influence to secure a survey of said Myakka River from Charlotte Harbor to the point indicated in the foregoing preamble.

Second. That a copy of these resolutions be forwarded to each of our Senators and Members of the lower House of Congress.

Mr. Wilson moved the adoption of the resolution, which was agreed to.

Mr. BRISTOW presented petitions of sundry citizens of Abilene, Junction City, and Caney, Kans., praying for the adoption of an amendment to the income-tax law, to provide for a method of information at the source, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Barton County, Kans., praying for the enactment of legislation to provide for the opening of the hunting season from February 1 to March 31, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of Arkansas City, Kans., remonstrating against the passage of the so-called McKellar cold-storage bill, which was referred to the Committee on Manufactures.

Mr. GRONNA. I present sundry petitions from leading bankers in my State, asking for certain changes in the income-tax law. I ask that the text of one of the petitions be printed in the RECORD.

There being no objection, the petitions were referred to the Committee on Banking and Currency, and the text of one of the petitions was ordered to be printed in the RECORD, as follows:

To the Representatives of the United States Congress:

We, the undersigned banks, bankers, and trust companies, hereby petition that the act of October 3, 1913, with respect to the income tax, be amended at the earliest possible date, to provide for a method of "information at the source" in lieu of the present provisions of "collection at the source."

The present method of collection at the source adds many unnecessary complications to bondholders and other investors. It has added enormously to the expenses of banks, bankers, and trust companies, and the labor in investigating and making refunds will yearly cost the Government vast sums of money, all of which can be avoided. The present law provides that the tax shall be collected first and assessed afterwards. The tax is collected on the gross income and is later assessed on the gross income less certain deductions which are allowed, so that refunds will be necessary on a very large proportion of the returns of individuals. Under a plan of information at the source all of these complications and unnecessary expenses, aggregating up into the hundreds of thousands of dollars annually, will be eliminated, and the Government will be in possession of more information for the verification of the returns of individuals and corporations than under the law as it now stands.

We further petition that in the event that the law is not speedily amended as above that an annual appropriation be made by Congress for the reimbursement of banks, bankers, and trust companies for the extra expenses to which they are subjected in acting as agents for the Government in the collection of the income tax.

We also call attention to the fact that we have done everything possible to cooperate with the Government in putting this law into operation without waiting to determine who is to pay this heavy extra expense, and we ask that Congress recognize our efforts and afford us relief as soon as possible.

Mr. WORKS presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the repeal of the free-toll clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of the boards of directors of sundry banks of Pasadena, San Diego, Oxnard, Wilmington, Redondo Beach, and Escondido, all in the State of California, praying for the adoption of an amendment to the income-tax law providing for a method of information at the source, which were referred to the Committee on Finance.

Mr. BRADLEY presented memorials of Local Union No. 156, Bartenders' International League, of Paducah; of sundry citizens of McCracken County; of the American Mutual Aid So-

ciety, of Covington; of the West End Mutual Aid Association, of Covington; of sundry citizens of Covington; of Local No. 238, Brotherhood of Painters, Decorators, and Paperhangers of America, of Covington; of the Sunny Side Mutual Aid Association, of Covington; of Local Union No. 698, Brotherhood of Carpenters and Joiners of America, of Newport; of the Standard Social Club, of Covington; of the Star Permanent Building Association, of Covington; of the Covington Baer Society, of Covington; and of Local Union No. 234, of Central City, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented a memorial of Local Union No. 407, of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Local Switchmen's Union of Buffalo, N. Y., praying for the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of H. W. Spokesfield, of Littleton, N. H., praying for the adoption of an amendment to the immigration law permitting the admission to this country of foreign political refugees, which was referred to the Committee on Immigration.

Mr. STERLING presented memorials of sundry citizens of Alexandria, Pennville, and Brandon, all in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Olivet, S. Dak., and a memorial of sundry citizens of Lead, S. Dak., remonstrating against the enactment of legislation to make October 12, Columbus Day, a legal holiday, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of Local Union No. 449, Brotherhood of Painters, Decorators, and Paperhangers of America, of Wilmington, Del., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KENYON presented a memorial of the Local Union of Bartenders of Keokuk, Iowa, and a memorial of sundry citizens of Fort Dodge and Clinton, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the American Protective Association, citizens of Council Bluffs, Iowa, praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. POINDEXTER presented a memorial of sundry citizens of Mount Vernon, Wash., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McLEAN presented memorials of sundry citizens of New Haven, Norwalk, and South Norwalk, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. RANSDELL presented a petition of the board of directors of the New Iberia National Bank, the Citizens' Bank of New Iberia, and the People's National Bank of New Liberia, all in the State of Louisiana, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

Mr. SHEPPARD presented a memorial of sundry citizens of Fort Worth, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Mansfield and Richland County, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

TRANSPORTATION OF INTOXICATING LIQUORS.

Mr. SHEPPARD. I send to the desk a resolution adopted recently by the Board of Trade of Pittsburgh, Pa., in behalf of the proposed constitutional amendment providing for Nation-wide prohibition. The resolution is short and I ask that it may be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

Whereas these are days of efficiency. "Stop the leaks" is the watchword of commercial and industrial supremacy. When a commercial organization can effect a saving of such enormous sums through reduction of taxation, when added to that they can bring about a moral condition in the county, State, and Nation, it becomes not alone a commercial question, but a commercial obligation resting upon such organizations as this is to take a stand for efficiency in the elimination of the cause of this ever-increasing taxation upon business: Therefore, be it

Resolved, That this organization, realizing as never before the increasing burden of taxation, caused by the liquor traffic in this county, as so conclusively shown by the figures given by the census of the United States; realizing the great gain morally to the citizenship of our country by a material reduction of our saloons; realizing that it is poor economy to allow the granting of liquor licenses which annually grind out a grist of humanity for which we must increasingly pay an unnecessary tax; realizing the economic loss to the county through the inefficiency of the individual, and recognizing the fact that more than 47,000,000 of the population of our country already live in territory from which liquor has been banished by the sovereign will of the people; be it

Resolved, That this organization place itself on record as favorable to the passage of the bill now before Congress submitting the question of national prohibition to the several State legislatures, that the question may be settled in harmony with the will of the people.

Mr. SHEPPARD. The Philadelphia North American, in publishing the resolution on January 22, 1914, said that never, so far as is known, has so influential a municipal body committed itself officially to such an important national question, and its action is a notable manifestation of the antisaloon sentiment which is now sweeping over the country.

THE CONSTITUTION—PELATIAH WEBSTER.

Mr. BRADLEY. I present the petition of Hon. Hannis Taylor, in regard to perpetuating the memory of Pelatiah Webster, the father of the Constitution. I ask that the petition may be printed in the RECORD and referred to the Committee on the Library for proper action.

There being no objection, the petition was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

PETITION TO BE PRESENTED TO THE CONGRESS ON FEBRUARY 16, 1914, THE ONE HUNDRED AND THIRTY-FIRST ANNIVERSARY OF THE PUBLICATION, AT PHILADELPHIA, OF PELATIAH WEBSTER'S EPOCH-MAKING TRACT OF FEBRUARY 16, 1783, CONTAINING THE FIRST DRAFT OF THE EXISTING CONSTITUTION OF THE UNITED STATES.

"History is studied from documents. Documents are the traces which have been left by the thoughts and actions of men of former times. There is no substitute for documents; no documents, no history."—Ch.-V. Langlois.

"Under the shell there was an animal, and behind the document there was a man. The shell and the document are lifeless wrecks, valuable only as a clue to the entire and living existence. We must reach back to this existence, endeavor to re-create it."—Taine.

"Mankind resents nothing so much as the intrusion upon them of a new disturbing truth. The huge, dead weight of stupidity and indolence is always ready to smother audacious inquiries."—Sir Leslie Stephen.

"The world resents any attempt to show that it has fallen into an error."—Herbert Spencer.

"Who does not know that it is the first and fundamental law of history that it should neither dare to say anything that is false, nor fear to say anything that is true, nor give any just suspicion of partiality on the one hand or of personal animosity on the other."—Cicero.

[February 16, 1783—February 16, 1914.]

Petition to be presented to Congress by Hannis Taylor on February 16, 1914, the one hundred and thirty-first anniversary of the publication, at Philadelphia, of Pelatiah Webster's epoch-making tract of February 16, 1783, containing the first draft of the existing Constitution of the United States, the prayer of the petition consisting of a request that Congress take into consideration the erection of a tablet or other appropriate memorial in or near the Capitol.

To the Speaker of the House of Representatives:

Mr. Speaker, the undersigned petitions the House to pause on this day—the real birthday of the second and existing Constitution of the United States—in order to contemplate the marvelous invention which made the existence of that Constitution possible. On February 16, 1783, Pelatiah Webster, the first distinguished member of the famous New England family of that name, a master of the science of economics and finance, who may justly be called the American Adam Smith of that day, published at Philadelphia, as his invention, the "wholly novel theory" of a Federal Government embodied soon thereafter by the Federal convention of 1787 in the existing Constitution of the United States. The invention thus promulgated was elaborated in great detail and spread broadcast in a pamphlet of 47 pages, printed at the well-known press of T. Bradford, only five blocks removed from Independence Hall, in which the Continental Congress was then sitting. An original copy of that epoch-making publication, entitled "A dissertation on the political union and Constitution of the thirteen United States of North America, which is necessary to their preservation and happiness; humbly offered to the public by a citizen of Philadelphia," and just as authentic as the Constitution itself, is on file in the Library of Congress subject to inspection by anyone having the slightest doubt upon the subject. Certainly the time has arrived when the American

people, whose greatest pride should be in their greatest invention, should listen to the admonition of Cicero, who, in the De Oratore, has said:

"Who does not know that it is the first and fundamental law of history that it should neither dare to say anything that is false nor fear to say anything that is true, nor give any just suspicion of partiality on the one hand or of personal animosity on the other."

FINANCES OF THE REVOLUTION IN 1783.

No practical mind, free from prejudice and under the sway of common sense, should have the slightest difficulty in grasping the real origin of the invention in question, when the fact is taken into account that it was made by a trained financier at a critical moment when the financial necessities of the country imperiously demanded it. The cessation of hostilities with Great Britain, followed as it was by the signing of the preliminary articles of peace at Paris, January 20, 1783, had brought the financiers of the Revolution, burdened with an unpaid army and a foreign debt, face to face with the mighty problem of providing, without any visible or reliable means, for the obligations that represented the cost of victory. The Continental Congress was fading surely, and not very slowly, into the shadow of a name; it was with difficulty that men of the first class could be induced to sit as members of it. After 2,000 years and more of painful experience the ancient form of a Federal Government, as embodied in our first Constitution, known as the Articles of Confederation, had ended in failure and disappointment. In the midst of the collapse the only real bond of cohesion which held the States together was a man, and that man was Washington. That he was mightier than the Congress appears from a letter written August 4, 1783, to Vergennes, by Luzerne, who said:

"The taxes, so poorly collected during the war, are yet worse collected at this time. * * * Everyone is reduced to the necessity of waiting the result of the letter of Gen. Washington, and more is hoped from the consideration of a single citizen than from the authority of a sovereign body."

PELATIAH WEBSTER A MASTER OF ECONOMICS AND FINANCE.

At that critical moment in our history, when the possibility of beginning a new national life depended upon the creation of a new system of public finance, a genius appeared upon the scene who was equal to the occasion. This daring innovator, whose instincts as a financier made him the first to understand the necessity for an entirely new Federal fabric, was born at Lebanon, Conn., in 1726, and graduated at Yale College in 1746. In 1755 he moved to Philadelphia, where he became a prosperous merchant; and during the British occupation in 1778 he was arrested at night on account of his ardor in the patriot cause and closely confined in prison, a large part of his property being confiscated to the King's stores. As early as 1776 he had begun to write on the currency, and three years later he began the publication of the famous series of Essays on Free Trade and Finance. We are told by a high authority that during the war "Members of Congress, especially the Connecticut Delegates, were in the habit of passing the evening with him, to consult him upon financial and political concerns," and when in July, 1782, a petition was to be presented to Congress in behalf of "the deranged officers of the lines of Massachusetts and Connecticut," Webster was appealed to for his influence. In a petition drawn in the noblest style he presented the case, which was finally referred to a special committee, whose report, which survives in the handwriting of Alexander Hamilton, is dated March 6, 1783, just 18 days after the publication of the great paper of February 16 of that year. The late Prof. Sumner, of Yale, in his history of the Finances of the American Revolution, says:

"In February, 1780, Pelatiah Webster urged the appointment of a financier—that is, of a competent single officer—to take charge of the finances in place of the committees or boards who had hitherto been intrusted with them."

Thus it appears that Webster, while attempting to improve the finances of the Confederation, created the office to which Robert Morris was appointed, as our first real Secretary of the Treasury. Madison tells us, with great formality, in his famous papers, that in 1781 Pelatiah Webster, in one of his financial essays published in May of that year, was the first to propose the calling of a Continental Convention for the making of an entirely new Constitution.

CIRCUMSTANCES UNDER WHICH THE EPOCH-MAKING PAPER OF FEBRUARY 16, 1783, WAS WRITTEN.

Just one year and nine months after Webster thus proposed to break with the past—by being the first to suggest the calling of a Continental Convention, to be charged with the duty of making an entirely new Constitution—he published at Philadelphia on February 16, 1783, his path-breaking tract of 47 printed pages, in which he dared to set forth in great detail just what that new Constitution should be. Nothing could be more graphic than the terms in which Webster himself has described the conditions under which his wholly novel and unique plan of Federal Government was formulated. To the republication of his plan, made at Philadelphia in 1791, he appended this note:

"At the time when this dissertation was written (Feb. 16, 1783) the defects and insufficiency of the old Federal Constitution were universally felt and acknowledged. It was manifested, not only that the internal police, justice, security, and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious, and void of support that no public movement which depended on the revenue could be managed with any effectual certainty; but though the public mind was under full conviction of all these mischiefs and was contemplating a remedy, yet the public ideas were not at all concentrated, much less arranged into any new system or form of government which would obviate these evils. Under these circumstances I offered this dissertation to the public. How far the principles of it were adopted or rejected in the new Constitution, which was four years afterwards (Sept. 17, 1787) formed by the general convention and since ratified by all the States, is obvious to everyone."

His own presentation of his case is conclusive. At the time of the publication of his invention "the public ideas were not at all concentrated, much less arranged into any new system or form of government which would obviate these evils." The silly statement often made that about that time (Feb. 16, 1783) such a scheme of government as Webster proposed was "in the air" is simply mendacious. (In the winter of 1784–85 Noah Webster, then a young man of 27, printed over his own name an abridgment of the great paper of Feb. 16, 1783. That barren [illegible]rint, which failed to add a single original suggestion, is contained [illegible]is Sketches of American Policy.) The spiteful critics who have attempted to rob him of his glory have never been able to find a scintilla of contemporaneous evidence to support such a story. It was years afterwards before any proposals at all like it were made. Prior to Webster's publication there is no trace of any other plan or project of a new Constitution that can be placed in contrast or rivalry with his "wholly novel theory." The great architect thus stands alone and isolated from all rivals in the solitude of his own originality.

A SUPREME FEDERAL GOVERNMENT WITH THE POWER TO TAX.

The epoch-making document in question is so systematic, so lucid, with every thought worked out in such detail, that it is easy to follow the mental processes through which the "great discovery in modern political science," as Tocqueville has called it, was evolved from the brain of the daring innovator who was at once economist, statesman, and financier. The overshadowing practical difficulty to be removed was that involved in the fact that the one-chamber Congress of the Confederation possessed no power to tax. To use Webster's own words: "They could assess and levy no taxes." No Federal Government that had ever existed had been armed with the power to tax. In this country the entire taxing power was then vested in the States. Webster's dream was to create a self-executing Federal system, armed with the power to tax, and operating directly on the individual—an invention of which no trace or hint is to be found in the constitutions of the Greek or Teutonic Leagues, in the Articles of Confederation patterned after them, or in the prior utterances of any other American.

He said:

"I begin with my first and great principle, viz, that the Constitution must vest powers in every department sufficient to secure and make effectual the ends of it.

"They must therefore of necessity be vested with power of taxation. I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny, and injury when ill used; yet, from the necessity of the case, it must be admitted.

"To make all these payments dependent on the votes of 13 popular assemblies, who will judge of the propriety of every contract and every occasion of money, and grant or withhold supplies, according to their opinions, whilst at the same time the operations of the whole may be stopped by the vote of a single one of them, is absurd. * * * This tax can be laid by the supreme authority much more conveniently than by the particular assemblies, and would in no case be subject to their repeals or modifications, and, of course, the public credit would never be dependent on or liable to bankruptcy by the humors of any particular assembly."

Out of that brilliant and daring proposal to arm a Federal assembly with "the supreme authority" to levy all kinds of Federal taxes, regardless of the "repeals or modifications" of the States composing the Union, arose the existing Constitution of the United States. The moment it was settled that such a supreme Government was to be established it followed that such a Government must be completely organized, with the authority to execute its own laws and decrees directly upon individuals through machinery adequate to that end. From the original concept necessarily resulted a completely organized Government "with the usual branches, legislative, executive, and judicial; with the direct power of taxation and the other usual powers of a Government; with its Army, its Navy, its civil service, and all the usual apparatus of a Government, all bearing directly upon every citizen of the Union without any reference to the governments of the several States."

DIVISION OF A FEDERAL GOVERNMENT INTO THREE DEPARTMENTS.

The moment Webster saw that his new creation must be a strictly organized and self-sustaining government he proposed to divide it into three departments—legislative, executive, and judicial—as that partial division then existed in the State constitutions. There never had been a Federal Government so divided in the world's history. There was no such division in the Government created by the Articles of Confederation. To use again Webster's words: "It [the confederation] blended the legislative and executive powers together in one body" [the Continental Congress]. It follows, therefore, that Webster's second proposal to divide a Federal Government into three departments—legislative, executive, and judicial—was but little less bold than his first, which involved the arming of such a creation with the independent power of taxation. And yet some superficial critics have not had the acumen to draw the distinction between the dividing of the government of a single State, like England or Virginia, into three departments and the dividing of a Federal State into three departments. The division of the government of a single State in that way had long been known. It was Webster who first conceived the idea involved in the application of such a division to a Federal system, an innovation that resulted in momentous consequences.

A FEDERAL PRESIDENT SURROUNDED BY A CABINET.

As the Articles of Confederation did not provide for an Executive of any kind, the people of this country had never heard of a President of the United States, much less of a President surrounded by a Cabinet council. Webster was the first to provide for both. He proposed that the executive power should be vested in a President, surrounded by a Cabinet or council composed of the "great ministers of state," such President to be elected by Congress, as the President of France is now elected. "The financier manages the whole subject of revenues and expenditures, the Secretary of State takes knowledge of the general policy and internal government, the minister of war presides in the whole business of war and defense, and the minister of foreign affairs regards the whole state of the Nation as it stands related to or connected with all foreign powers." Later on he says the "great minsters of state shall superintend all the executive departments and appoint all executive officers, who shall ever be accountable and removable for just cause by them or Congress, i. e., either of them."

A BICAMERAL FEDERAL LEGISLATURE.

Just as the State constitutions admonished Webster to split the new Federal Government into three departments—executive, legislative, and judicial—so the bicameral State legislatures admonished him to split the one-chamber Congress of the Confederation into two chambers, an upper and a lower House. As the draftsman of the Articles of Confederation, Franklin was content to follow a model 2,000 years old. All Federal assemblies down to that time had consisted of a single chamber. Therefore, Franklin made the Continental Congress to consist of only one chamber. In criticizing Franklin's work Webster said: "This body, viz, Congress, consisted of but one House, without any check upon their resolution." As an improvement he proposed "that Congress shall consist of two chambers, an upper and a lower House, or Senate and Commons, with the concurrence of both necessary to every act, and that every State send one or more delegates to each House. This will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal ambitions in the decision. These two Houses will be governed by the same natural motives and interests, viz, the good of the Commonwealth and the approbation of the people." In commenti

upon the manner in which the Members should be chosen, Webster said:

"The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be appointed by the States in any manner they please, in which they should not be limited by any restrictions; their own dignity and the weight they will hold in the great public council will always depend on the abilities of the persons they appoint to represent them there."

Finally he said:

"It is necessary that Congress should have all usual and necessary powers of self-preservation and order, e. g., to imprison for contempt, insult, or interruption, etc., and to expel their own Members for due causes, among which I would rank that of nonattendance on the House or partial attendance without such excuse as shall satisfy the House."

In thus defining the Constitution of the American Congress as it exists to-day Webster provided even for details. Never before had the world heard of a Federal assembly of two chambers instead of one. And yet the American Congress thus brought into being has never so far recognized the existence of its creator. It has "carved not a line, it has raised not a stone; it has left him alone in his glory."

A FEDERAL JUDICIAL SYSTEM.

An important count in Webster's indictment against the Articles of Confederation was that "they could institute no general judiciary powers." That difficulty he proposed to remove in his new system by creating a Supreme Court, with jurisdiction original and appellate, and such inferior courts of law and equity as the necessities of the country might require. He outlined the Supreme Court, with jurisdiction both original and appellate, in these terms:

"That the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States, I take it, will be universally admitted, but I humbly apprehend that an appeal from the first instance of trial ought to be admitted in causes of great moment on the same reasons that such appeals are admitted in all the States of Europe. It is well known to all men versed in courts that the first hearing of a cause rather gives an opening to that evidence and reason which ought to decide it than such a full examination and thorough discussion as should always precede a final judgment in causes of national consequence. A detail of reasons might be added, which I deem it unnecessary to enlarge on here."

Thus emerged, for the first time, the splendid conception of the Supreme Court of the United States as it now exists, armed not only with original jurisdiction "to terminate and finally decide controversies arising between different States," but also with an appellate jurisdiction "in causes of great moment on the same reasons that such appeals are admitted in all the States of Europe." As to the inferior Federal courts, he concluded with this declaration:

"To these I would add judges of law and chancery, but I fear they will not be very soon appointed—the one supposes the existence of law, the other of equity—and when we shall be altogether convinced of the absolute necessity of the real and effectual existence of both of these we shall probably appoint proper heads to preside in these departments."

Webster perfectly understood that the supremacy of Federal law would be the necessary result of his proposed judicial system. He said:

"(1) No laws of any State whatever which do not carry in them a force which extends to their effectual and final execution can afford a certain or sufficient security to the subject. This is too plain to need any proof. (2) Laws or ordinances of any kind (especially of august bodies of high dignity and consequence) which fall of execution are much worse than none. * * * (3) To appoint a Congress with powers to do all acts necessary for the support and uses of the Union, and at the same time to leave all the States at liberty to obey them or not with impunity, is, in every view, the greatest absurdity. Further, I propose that if the execution of any act or order of the supreme authority shall be opposed by force in any of the States (which God forbid) it shall be lawful for Congress to send into such State a sufficient force to suppress it. On the whole, I take it that the very existence and use of our Union essentially depends on the full energy and final effect of the laws made to support it, and therefore I sacrifice all other considerations to this energy and effect, and if our Union is not worth this purchase we must give it up—the nature of the thing does not admit of any other alternative."

THE RESERVED RIGHTS OF THE STATE.

Webster was no more eager, however, to arm his new Federal creation with supremacy in the event that its laws or decrees should be defied by the States than he was to guard against intrusion such rights as the States reserved to themselves. Nothing could be more explicit on that subject than these declarations:

"II. But now the great and most difficult part of this weighty subject remains to be considered, viz, how these supreme powers are to be constituted in such manner that they may be able to exercise with full force and effect the vast authorities committed to them for the good and well-being of the United States and yet be so checked and restrained from exercising them to the injury and ruin of the States that we may with safety trust them with a commission of such vast magnitude (the first definition of State rights)—and may Almighty Wisdom direct my pen in this arduous discussion. * * * I propose, further, that the powers of Congress, and all the other departments acting under them, shall be restricted to such matters only of general necessity and utility to all the States as can not come within the jurisdiction of any particular State, or to which the authority of any particular State is not competent, so that each particular State shall enjoy all sovereignty and supreme authority to all intents and purposes, excepting only those high authorities and powers by them delegated to Congress for the purposes of the General Union."

Here we have in advance, and in a more elaborate form, the tenth amendment, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Nothing could be more clear and explicit than Webster's declaration that his new Federal fabric was to be one of delegated and strictly limited powers, and yet one absolutely supreme within the limits of its jurisdiction as defined by its own tribunals.

WEBSTER THE FIRST EXPOUNDER AND DEFENDER OF THE NEW CONSTITUTION.

When the existing Constitution of the United States was given to the world, after the adjournment of the Federal Convention on the 17th of September, 1787, Pelatiah Webster, a citizen of Philadelphia, was able to greet and defend the child of his brain with a father's zeal and a father's love. Then it was that he promptly took his place at the side of Washington, who nearly exhausted his moral authority in a supreme effort to force the States to ratify it. While the jealous Titans were halting between their local self-interests and their fears of a total dissolution of the Union—rendered imminent by a bitter opposition upon the part of many to the commerce clause—the enemies of the new Constitution attempted to strangle it at its birth by inducing Pennsylvania to reject it. With that end in view an unpatriotic minority of the assembly of that State, on September 29—after attempting on the day before to prevent, by breaking a quorum, the reference of the new Constitution to conventions of the States—bitterly denounced it in an address to their constituents. It was at that critical moment that Webster stood forth like Horatius at the gate; in the first assault ever made upon the new Constitution his strong right arm was the first raised to defend it. On October 12, he fell upon the factious secessionists and scourged them in a brilliant response to their address, characterized by all the weightiness of Burke and by the withering scorn of Junius. After answering all of their objections to a Federal assembly of two chambers, very nearly in the language in which he had originally proposed such an assembly, he said: "Vide a 'Dissertation on the political union and Constitution of the Thirteen United States,' published by a citizen of Philadelphia, February 16, 1783, where the subject is taken up at large." The original text of that remarkable, yet almost entirely unknown, paper of October 12, 1787, in which Webster thus refers expressly to his first performance for a more extended statement of his argument, is to be found in the Boston Athenæum and in the Library of Congress. It is certainly notable as the first popular exposition ever made of the new Constitution after the adjournment of the convention; and, above all, it fixes the fact that the author of the "great discovery in modern political science" was also its first expounder and defender. Under the leadership of Pelatiah Webster was thus fought out, in the streets of Philadelphia, the first battle for the Constitution, resulting on December 12 in the ratification of Pennsylvania by a vote of 46 to 23.

THE DRAFTSMEN OF THE THREE PLANS—MADISON, PINCKNEY, AND HAMILTON.

On the day Webster laid his complete and wholly novel plan of a Federal Government at the door of the Continental Congress, Madison, then 32, and Hamilton, then 26, were in their places in that assembly in which Charles Pinckney, then 25, took his place not long afterwards. Only the blind or infatuated will contend that these vigilant and ambitious young statesmen, intent upon improving conditions then crying out for a remedy, did not read and master the contents of the great document, the first to propose the construction of a new Federal system, published "at the seat of government," under their very eyes on February 16, 1783. As a trained and experienced financier and statesman of 57 Webster was certainly far better equipped to solve a problem, in its essence financial and commercial, than either Madison, Pinckney, or Hamilton could have been at that time. He formulated, in the light of his experience, the novel principles they were to translate into a working system of government. After reflecting for four years upon Webster's startling proposal, the three brilliant young statesmen in question restated it, each from his own point of view, in three plans, carefully formulated long before the meeting of the Federal convention in May, 1787. From his life by Rives we know that Madison was at work on the so-called Virginia plan at least a year beforehand; the elaborate plan or "system" presented by Charles Pinckney was described in his "Observations" months before his departure from Charleston; while the Hamilton plan was worked out so elaborately beforehand as a constitution that it might have gone into effect the next day, as his son tells us, if it had been adopted. (I have demonstrated long ago (see Yale Law Journal for December, 1908) that the so-called "Connecticut plan," of which Bancroft has said so much, existed only in his imagination. The records do not contain it.)

ABSURDITY OF THE "INSPIRATION THEORY."

No popular myth was ever so absurd, so foundationless as that so justly ridiculed and labeled by the great German historian Von Holst the "inspiration theory," which assumes, in the face of all the crushing documentary evidence to the contrary, that the "great discovery in modern political science" emerged, after the doors were closed, through some supernormal process, from the combined brains of the convention which only worked 86 days. The records show that the "great discovecy" was taken as a whole into the convention in three plans, prearranged long beforehand, two of which were presented the moment the convention was organized for business. No deliberative body ever had its work so cut out and arranged beforehand as the Federal Convention of 1787. From the time the plans were submitted to the close the single question before the secret conclave was as to the form in which the great invention of February 16, 1783, should be adapted to then existing conditions as a working system of government. The confusion long existing in the public mind on this all-important subject was the natural outcome of the fact that the convention shrouded its proceedings in a secrecy as profound as that which incloses a Masonic lodge, sealed its records at the close and committed them to Washington with the injunction "that he retain the Journal and other papers subject to the order of Congress, if ever formed under the Constitution." Not until 1818 did Congress partially break the seal by ordering the publication of the imperfect fragment known as the "Journal"; and not until 1841, 54 years after the adjournment, was the full record published in the three volumes of priceless "papers" prepared by the semiofficial reporter, James Madison. During that half century of mystery and suppression it was that the mythical history of what actually took place in the secret conclave crystallized into a series of misty and misleading impressions so fixed in the minds of the older men of the country that it is now difficult to dislodge them, even with the aid of clear and explicit documentary evidence. "My siege is finished," exclaimed Vertot, when offered new documents which stultified his narrative. In the same spirit many of the devotees of the pitiful "inspiration theory," redolent of the "Faust book," still respond even when the connected documentary history of all that occurred is offered them. Possibly Sir Leslie Stephen was right when he said "Mankind resents nothing so much as the intrusion upon them of a new and disturbing truth"; possibly Herbert Spencer was right when he said: "The world resents any attempt to show that it has fallen into an error."

THE FEDERAL CONVENTION OF 1787 AND ITS WORK.

But let us all remember that perfect justice may be done to the fame of the great architect of our second Constitution without injury to the fame of any of his contemporaries. Neither Madison, Pinckney, nor Hamilton ever claimed to be the author of the "great discovery" for the best of all reasons—such a claim upon the part of one would have involved him at once in a sharp conflict with the other two. Nothing more can be said than that each failed to state the source from which the fundamentals of his plan were drawn. If the convention had

sat with open doors that omission would have been impossible, because when the three plans as drafted by Madison, Pinckney, and Hamilton are placed in juxtaposition with the original paper of February 16, 1783, a mere comparison settles the fact that the great invention, which is the basis of all of them, was drawn by each from the common source. And yet after that claim has been fully admitted, as it will be by every honest and reasonable mind, the fact remains that the master builders, who transformed under the most difficult circumstances possible the dream—it was only a dream—of the great architect into a working system of government, achieved a result just as remarkable as the invention itself. The philosophers, statesmen, jurists, warriors, experienced men of affairs, who composed the august assembly that wrought at Philadelphia in 1787, may be compared, as to genius and learning, with the master spirits of any age. No assembly so small—it numbered only 55 delegates—was ever dominated by so many men of the highest order. They need not strut in borrowed plumes; they need no fame that belongs to another. The most ardent worshipper of the master builders would only belittle their immortality if he fancied that it could be at all dimmed by the rendition of tardy justice to the great architect, the man of contemplation, who was their natural, perhaps their necessary, forerunner.

All have been rewarded, all have been honored except the great one who made everything possible. While the priceless legacy bequeathed by the immortal document of February 16, 1783, has become the heritage of swelling millions, an humble and neglected grave at Philadelphia has been the only recompense so far received by its author. Every drummer boy, every foreigner who rendered conspicuous service to the patriot cause during the Revolutionary era has been honored by a monument—only the architect of our marvelous Constitution has been forgotten. But he has not been ungenerously forgotten by a noble and grateful people, ever ready to honor all who have served them. For reasons stated already the real facts involved in the life work of Pelatiah Webster have not heretofore been known; it was the fate of this great man of contemplation to work, as it were, behind a curtain which until now has almost concealed him from the view of the world. To the drawing aside of that curtain your humble petitioner has devoted the best efforts of his life. Unbiased by sectional feeling as a southern man, unchilled by the scornful coldness of the leaders of thought in New England, who have done what they could to demonstrate that a prophet is not without honor save in his own country and among his own people, he has moved steadily on, believing, with Langlois, that "History is studied from documents. Documents are the traces which have been left by the thoughts and actions of men of former times. There is no substitute for documents; no documents, no history." By the most explicit and most authentic of all documents Pelatiah Webster's fame has been fixed for all time.

Two years after the new Constitution had gone into effect Webster republished at Philadelphia the great document of February 16, 1783, with important notes, in which he explained with perfect clearness the circumstances under which it had been written. In the notes he says: "I was then pretty much at leisure, and was fully of opinion (though the sentiment at that time would not very well bear) that it would be ten times easier to form a new constitution than to mend the old one. I therefore sat myself down to sketch out the leading principles of that political Constitution which I thought necessary to the preservation and happiness of the United States of America, which are comprised in this dissertation. I hope the reader will please consider that these are the original thoughts of a private individual, dictated by the nature of the subject only, long before the important theme became the great object of discussion in the most dignified and important assembly which ever sat or decided in America." He then says: "I wish here to remark the great particulars of my plan which were rejected by the convention." Among them special prominence is given to the rejection by the convention of his pet hobby involving the creation of a department of commerce in close touch with Congress. "I therefore humbly propose, if the merchants in the several States are disposed to send delegates from their body to meet and attend the sittings of Congress, that they shall be permitted to form a chamber of commerce, and their advice to Congress be demanded and admitted concerning all bills before Congress, as far as the same may affect the trade of the States." Thus looking ahead, great merchant as he was, he announced the idea finally embodied a century later in the Department of Commerce recently created.

The last words of the famous paper of February 16, 1783, are these: "I have not the vanity to imagine that my sentiments may be adopted; I shall have all the reward I wish or expect if my dissertation shall throw any light on the great subject, shall excite an emulation of inquiry and animate some abler genius to form a plan of greater perfection, less objectionable and more useful." The last words of the notes appended to the republication of 1791 are these: "But if any of these questions should in future time become objects of discussion, neither the vast dignity of the convention nor the low, unnoticed state of myself will be at all considered in the debates; the merits of the matter and the interests connected with or arising out of it will alone dictate the decision." Such was the appeal made by the architect of our existing Constitution to the tribunal of history for justice. As an epoch-making mind can only be viewed in all its grandeur through the vista of receding years, it is not at all likely that the world of our time, which "resents any attempt to show that it has fallen into an error," will admit the real magnitude of the work achieved by this marvelous American statesman and patriot. And yet there is a disposition to do something. The venerable representative of the family of Pelatiah Webster, Pelatiah Webster Huntington, of Columbus, Ohio, was invited to personate the great architect in the famous "Historical Pageant of 1912" at Philadelphia, where he marched between John Adams and Thomas Jefferson. Your petitioner therefore hopes and believes that the time has arrived when the Congress of the United States, the first two-chamber Federal assembly in all history, will be willing to pause for a moment in order to do honor to the genius who designed it. As to that fact there can be neither cavil, doubt, nor question. Your petitioner therefore prays the Congress, first, that on February 16, 1914, it will order this petition to be read in each House and then published in the CONGRESSIONAL RECORD, to the end that the people of the United States may better understand the facts involved in the life work of one surely destined to stand out in the time to come as one of the foremost founders of the Republic; second, that this petition be then referred, in each House, to an appropriate committee, who shall be directed to inquire whether a tablet or some other appropriate memorial should be erected in or near the Capitol in commemoration of the services of one who has contributed so much not only to our honor and glory but to the politics of the world. All of which is humbly submitted by

HANNIS TAYLOR, *Petitioner.*

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Private Land Claims, to which was referred the bill (S. 1361) for the relief of the heirs of Marianne Sainte Ana Schrepper, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. WILLIAMS, from the Committee on Finance, to which was referred the bill (H. R. 6282) to provide for the registration of with collectors of internal revenue and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, reported it with amendments and submitted a report (No. 258) thereon.

He also, from the Committee on Public Health and National Quarantine, to which was referred the bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, reported it with amendments and submitted a report (No. 264) thereon.

Mr. MARTIN of Virginia, from the Committee on Claims, to which was referred the bill (S. 1270) for the relief of Edward William Bailey, reported it without amendment and submitted a report (No. 259) thereon.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably with amendments the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, and I submit a report (No. 260) thereon. I desire to give notice that on next Monday, the 23d instant, I shall ask the Senate to take up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 686) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, reported it without amendment and submitted a report (No. 261) thereon.

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah (Rept. No. 262); and

A bill (S. 2469) for the relief of the Eldredge Bros. Live Stock Co., a corporation (Rept. No. 263).

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred Senate resolution 262 requesting the Secretary of the Navy to prepare and submit to the Senate a compilation of existing laws relating to the Navy, Navy Department, and Marine Corps, reported it with amendments and submitted a report (No. 265) thereon.

HUDSON RIVER BRIDGE AT TROY, N. Y.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11325) to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed, and I submit a report (No. 257) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 4504) granting an increase of pension to Timothy Ellison; and

A bill (S. 4505) granting an increase of pension to Alexander T. Buford (with accompanying papers); to the Committee on Pensions.

By Mr. KERN (for Mr. MARTINE of New Jersey):

A bill (S. 4506) providing for leave of absence of certain employees of the Post Office Department; to the Committee on Post Offices and Post Roads.

A bill (S. 4507) for the relief of the estate of Henry A. V. Post, deceased; to the Committee on Claims.

By Mr. WILLIAMS:
A bill (S. 4508) for the relief of the heirs of Franklin Perin, deceased; and
A bill (S. 4509) for the relief of the estate of Minerva Newman (with accompanying papers); to the Committee on Claims.
By Mr. GRONNA:
A bill (S. 4510) authorizing the Secretary of War, in his discretion, to deliver to the city of Hope, in the State of North Dakota, one condemned cannon, with its carriage and outfit of cannon balls; to the Committee on Military Affairs.
By Mr. CHAMBERLAIN:
A bill (S. 4511) granting an increase of pension to Henry Luch (with accompanying papers); to the Committee on Pensions.
By Mr. SHIVELY:
A bill (S. 4512) granting an increase of pension to John L. Jones with accompanying papers); to the Committee on Pensions.
By Mr. WORKS:
A bill (S. 4513) for the relief of Jacob Beekman Rawles; to the Committee on Claims.
By Mr. SHAFROTH:
A bill (S. 4515) to authorize the President to appoint A. C. G. Williams-Foote, late first lieutenant in the Philippine Scouts, to the grade of first lieutenant in the United States Army, and place him on the retired list; to the Committee on Military Affairs.
By Mr. BRADLEY:
A bill (S. 4516) granting an increase of pension to John J. Evans (with accompanying papers); to the Committee on Pensions.
By Mr. JONES:
A bill (S. 4517) to establish a standard box for apples, and for other purposes; to the Committee on Standards, Weights, and Measures.
A bill (S. 4518) granting an increase of pension to John Campbell;
A bill (S. 4519) granting a pension to William M. Swart;
A bill (S. 4520) granting an increase of pension to Peter Jackson; and
A bill (S. 4521) granting a pension to Elisha Painter; to the Committee on Pensions.
By Mr. CUMMINS:
A bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; to the Committee on Interstate Commerce.
By Mr. REED:
A bill (S. 4523) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.
By Mr. McLEAN:
A bill (S. 4524) granting an increase of pension to Ann Odell (with accompanying papers); to the Committee on Pensions.
By Mr. RANSDELL:
A bill (S. 4525) for the relief of Frank Payne Selby; to the Committee on Claims.
By Mr. REED:
A joint resolution (S. J. Res. 111) to forfeit to the United States the Merchants' Bridge across the Mississippi River at St. Louis, to operate said bridge as a free public bridge, directing the Secretary of War to take possession of said bridge, and forfeiting the rights granted to the St. Louis Merchants' Bridge Co. by the acts of February 3, 1887, and September 10, 1888; to the Committee on the Judiciary.

POSTAL SAVINGS FUNDS.

By Mr. BRISTOW:
A bill (S. 4503) to amend the Federal reserve act by repealing the prohibition against deposit of the postal savings funds in any bank not belonging to the system established by said act.
Mr. BRISTOW. I desire to say in regard to this bill that the present practice is to deposit postal savings funds in any bank in the community where the deposits are made. The change in the act would necessitate the making of the deposits only in member banks of the regional reserve association, and that would be a very great inconvenience. I move that the bill be referred to the Committee on Banking and Currency.
The motion was agreed to.

COAL LANDS IN ALASKA.

By Mr. POINDEXTER:
A bill (S. 4514) to authorize the President of the United States to mine coal in Alaska, to reserve from private appropriation or lease certain lands and coal deposits in Alaska owned by the United States, and for other purposes.

The VICE PRESIDENT. The bill will be referred to the Committee on Mines and Mining.
Mr. SMOOT. Mr. President, I will ask the Senator from Washington if he does not think the bill ought to be referred to the Committee on Public Lands? I will say to the Senator that the subject embraced in the bill has been under discussion in that committee for six or seven years. All of the hearings with reference to it have been before that committee, and if the Senator will notice he will find that the same subject is now before the Committee on the Public Lands of the other House. The Secretary of the Interior appeared before that committee yesterday, and the question is now being considered by them. If the Senator has no objection, I think the bill ought to be referred to the Committee on Public Lands.
Mr. POINDEXTER. Mr. President, I have a special reason for desiring that the bill shall be referred to the Committee on Mines and Mining. While that committee has not been considering the subject so long as has been the Committee on Public Lands, it is, nevertheless, about to take action upon bills relating to the same subject which have been pending before it for a short time. I therefore desire this bill to be referred to the Committee on Mines and Mining in order that it may be considered with other bills on which action is about to be taken.
Mr. SMOOT. Mr. President, if the Senator from Montana [Mr. WALSH] were present, I think the question would be discussed in the Senate. I have no objection to the bill going to the Committee on Mines and Mining, but I should like, when the question is discussed here, for the Senator from Washington to be present in order that he may hear what will then be said upon that particular subject.
Mr. POINDEXTER. I desire to be present on that occasion, and am very glad that the Senator has made his suggestion.
Mr. SMITH of Arizona. Mr. President, I desire to say, in this connection, that I understand a bill touching the leasing of coal lands in Alaska has been referred to the Committee on Mines and Mining. The bill should have been referred to the Committee on Public Lands, in the opinion of that committee. The chairman of the Committee on Public Lands [Mr. MYERS] was instructed to make that motion, and he delegated me to move that the Committee on Mines and Mining be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands. Holding that the coal lands of the country are not subject to the jurisdiction of the Committee on Mines and Mining of the Senate, that motion will be made by me whenever the Senator from Montana [Mr. WALSH] is present.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment to be proposed to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
Mr. LANE submitted an amendment relative to the use of the appropriation for the construction of a central high-school building in the city of Washington, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.
Mr. RANSDELL submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

HEIRS OF SIMMONS HARRISON, DECEASED.

Mr. WILLIAMS submitted the following resolution (S. Res. 276), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to James S. Harrison, of Hattiesburg, and Sallie G. Harrison and Annie S. Harrison, of Belzoni, Miss., children and heirs at law of Simmons Harrison, late messenger, Acting Assistant Doorkeeper of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

TRUCK SOILS.

Mr. SIMMONS. I submit an order and ask that it may be read and referred to the Committee on Printing.
There being no objection, the order was read and referred to the Committee on Printing, as follows:

Ordered, That there be printed as a public document an article on "Truck Soils of the Atlantic Coast Region," prepared by Jay A. Bonsteel, scientist in the Soil Survey, Agricultural Department.

LOUISVILLE & NASHVILLE RAILROAD CO.

Mr. WILLIAMS. I present a letter from the chairman of the Interstate Commerce Commission conveying various correspondence in connection with the so-called Lea resolution relative to the investigation of the Louisville & Nashville Railroad Co. I ask that the letter and accompanying papers may be printed in the RECORD for the use of the Senate.

There being no objection, the letter and accompanying papers were ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 13, 1914.

Hon. JOHN SHARP WILLIAMS,
Chairman Committee to Audit and Control the Contingent Expenses of the Senate, United States Senate.

DEAR SIR: In response to your request, I beg to hand you herewith copies of reports received from our examiners who have been in Louisville and Nashville connected with the investigation ordered by Senate resolution No. 153.

Very respectfully, yours,

E. E. CLARK, *Chairman.*

(Inclosures.)

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INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., January 24, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: I telegraphed you to-day as follows:

"Mapother, first vice president, has refused Carleton inspection card indexes containing reference correspondence files his office. Believed indexes give file reference matter relevant paragraph 12, Senate resolution. Letter follows."

I herewith inclose the letter referred to written by Examiner Carleton giving the full details of the refusal of the card indexes and his reasons for wanting to inspect them. I wish to add that these files are particularly desired, as it is believed that matters relating to politicians and referred to in the twelfth question of the Senate resolution are conducted under the authority of Mr. Mapother, first vice president.

Unless we are allowed free access to the cards we shall find very little reference elsewhere to relevant correspondence.

Will you kindly instruct what further action I shall take in the premises, and oblige,

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosures.)

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[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Steger Building, Chicago, Ill.]

LOUISVILLE, KY., *January 23, 1914.*

Mr. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: As a matter of record and that you may know the extent to which the investigation directed by Senate resolution 153 is being obstructed by the Louisville & Nashville Railroad Co. I wish to inform you of the position taken by the carrier in relation to permitting examiners of the commission to inspect correspondence files.

The requests upon Mr. W. L. Mapother, the first vice president, for passes issued by him are not filed in a single file covering pass requests only, but as part of his regular correspondence files under the name either of the person on whose request the pass was issued or to whom it was issued. The file numbers covering the requests for annual passes are indicated on the record of passes issued, but no such reference is given upon the stubs recording the issuance of trip passes, it being necessary to refer to the index of the files to determine the file number.

A request was made for access to the correspondence files for the purpose of inspecting the pass requests. This was refused by Mr. Mapother, who, however, stated that if we would give him reference, either by number or by name, as in the case of card passes, to the particular files desired he would be pleased to have them drawn and brought in to us for inspection. He objected, however, to turning the files over direct to an examiner prior to their examination either by himself or his chief clerk. He gave as his reason that the files might contain communications of a nature either personal or confidential and privileged as with counsel, which he considered were not subject to inspection by examiners of the commission and which he might wish to remove before submitting the remainder of the files for examination.

A request was then made for permission to inspect the card index to the correspondence files in order that the examiner could determine what files, whether relating either to passes or any other subject which might be deemed relevant, he wished to inspect. Mr. Mapother was of the opinion that to grant such a request would enable the examiner to obtain information concerning the nature of correspondence which was held by the carrier as not subject to inspection, but before making a positive answer to the request desired to consult with the legal department.

Later in the day Mr. Mapother informed me that he had conferred with the general counsel, Mr. H. L. Stone, and had laid before him my request, and that Mr. Stone was of the opinion that to permit such an inspection would not be consistent with the position taken by him in his telegram of December 9, 1913, to Chairman E. E. Clark outlining his reasons for refusing our examiners permission to inspect certain files in his office. Acting upon such advice, Mr. Mapother refused to allow an inspection of the index to the correspondence files in his office. He wished to assure me, however, that there was not the slightest desire or purpose on his part to obstruct or in any way interfere with the progress of the investigation, and that he would be pleased to turn over for inspection any files I might ask for, provided, of course, that it was considered by him as subject to inspection by an examiner of the commission.

The Senate, under question 13 of the resolution, has asked for information concerning passes issued "at the request of members of legislative bodies and other public officials." Unless free access is had to the files covering pass requests, it will be impossible to secure full information as to such passes. The request upon which the pass was actually issued may be made by others than members of legislative bodies or other public officials, acting at the request of such parties. This the complete files would doubtless disclose, but if the carrier is allowed to first remove such communications as it may deem as privileged, there is no assurance that the full information will be obtained.

It appears that Mr. Mapother is the officer under whose direction any publicity or other campaigns for the purpose of influencing public opinion through newspaper advertising or otherwise is conducted.

In question 12 of the resolution the Senate has asked, in addition to what amount has been expended or contributed for certain purposes, what amount has been subscribed. To determine any authorized subscriptions not appearing in the accounts, because no payments may have been made as yet, it would be necessary to inspect Mr. Mapother's files. His files would also disclose readily information relating to the matters concerning which the Senate has asked which can hardly be obtained in any other manner, and if at all only by means of exhaustive search through other records and accounts.

You can readily see how the refusal, either to permit a free inspection of the index to the correspondence files or to turn over any file requested without its being first examined and stripped of any and all papers which in the opinion of the carrier are not subject to inspection, impedes the investigation and renders it practically impossible to secure all the information desired, especially if the position assumed in relation to Mr. Mapother's files is maintained in regard to files of the other departments, as it doubtless will be.

Your attention is directed to the fact that Mr. Mapother is first vice president and, so far as I can learn, does not in any way act as counsel or attorney for the Louisville & Nashville Railroad Co. It does not appear that the reason for refusing correspondence assigned by the general counsel, Mr. Stone, in his telegram of December 9 previously referred to, namely, that the communications were confidential and privileged as between attorney and client, applies to the request made to inspect the index to the correspondence files in the office of the first vice president.

Mr. Mapother's secretary took notes during our last interview, and I have just received the copy of their transcription which was promised me. As this gives the exact words in which Mr. Mapother declined my request, I am inclosing for your information a copy of that portion which pertains thereto.

Yours, very truly,

WILL H. CARLETON, *Examiner.*

(Inclosure.)

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[Extract from stenographic report of interview between Mr. W. H. Carleton, examiner, Interstate Commerce Commission, and Mr. W. L. Mapother, first vice president Louisville & Nashville Railroad Co., at Louisville, Ky., January 22, 1914.]

Mr. MAPOTHER. In accordance with my promise, I narrated to Col. H. L. Stone, our general counsel, the interview which I had with you this morning, and, while we don't mean to be obstinate and don't want to be in the attitude of interfering with your investigation in any way, and want you to feel and the commission to feel that we are doing everything within reason to facilitate your investigation, Col. Stone is of the opinion the examination which you propose would be an invasion of such privacy as the law grants to us, and I am obliged to decline your request.

Now, I want to reiterate what I said to you this morning, that I am perfectly willing to aid you in every possible way, and am willing to turn over to you all correspondence of any character, within the scope of your authority, as you may indicate a desire for. For example, if you say you want all the correspondence relating to the issuance of trip passes, say from January 1, 1911, we will get out the correspondence relating to our trip passes; and same as to annuals or relating to any other feature of the Senate resolution or the commission's investigation, independent of any special authority from the Senate. But, as I explained our system of correspondence, it would be impossible for you to go through our card index and registers without gaining a complete record of the privileged communications between officials of the company and counsel, which Col. Stone has regarded as being private and which he has heretofore declined to turn over to the examiners on the demand of Commissioner Clark; and that is the sole reason we have for demurring to your proposition. Now, I thought that you might be interested in seeing the correspondence that passed between Col. Stone and Chairman Clark. I don't know whether you have seen it or not. [Correspondence handed to and read by Mr. Carleton.] The examiners were here for some time. They first came to me and presented the same request as you present now, and I demurred to it, explaining my reasons—that I thought we ought to be entitled to a reasonable supervision of the examiners' work and ought to be permitted to know what investigation was being made, so we might avail of an opportunity to object to the surrender of records and correspondence; and they acquiesced in my views; at least, they dropped the matter, and I heard nothing more of it. They then went to Col. Stone and called for several of his files that related to litigation conducted in Alabama, in connection with the resistance of the statutes down there and the orders of the commission making what we considered unwarranted and unjustifiable reductions in our rates. Naturally, the files contain a great many private and confidential communications between the general counsel and the attorneys that were employed in Alabama, and these were the communications which Col. Stone considered privileged. They did not get to the point of asking for similar correspondence in this office—the executive department has communications of the same character as the law department. When Col. Stone refused, the examiners reported the matter to Washington, which resulted in the matter being submitted to the Senate, and nothing further has been done. The demand that you make is along identically the same lines, and if we permit you to rove at will through all our correspondence for the purpose of discovering just what we have, it will result in our giving you, in a measure, just exactly what Col. Stone declined to surrender.

Mr. CARLETON. Do you take the position that a request for correspondence must be specific—particular file—or general?

Mr. MAPOTHER. Well, either way to suit you; either general of specific. Of course, it will have to be specific to a certain extent in order for us to know what is wanted. I tried to illustrate awhile ago; if you say you want everything about passes on account of newspapers, or on account of charitable, educational, or religious purposes, or of that

sort, we will give you all the correspondence relating to it. As a matter of fact, the annual-pass index, which I presume has been turned over to you, shows the file number and a complete record of the reasons for issuance.

Mr. CARLETON. I was about to ask you for the file of requests for trip passes. Will you turn those over to us?

Mr. MAPOTHER. Yes, sir; but it will take some time to get all of them.

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[Postal Telegraph.]

CHICAGO, ILL., *February 3, 1914.*

JAMES W. CARMALT,
Care Interstate Commerce Commission or Florence Court,
California Street, Washington, D. C.:

Carleton informs me by long-distance phone that he has been refused access to file room president at Louisville; that Clerk John Jenkins is in room evidently engaged removing old records from files. Has valise beneath table on which files are being assembled. Believes they will be removed. Clerk apparently also making list of certain old bound volume. Instructed Carleton to go back, make effort remain in room, and ascertain what is done with files, and remain until he is ejected. Answer.

WILSON.

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[Western Union Telegraph Co.—Night letter.]

CHICAGO, ILL., *February 3, 1914.*

JAMES W. CARMALT,
Florence Court, California Street, Washington, D. C.:

Carleton advises quote placed Lawrence in file room. Notified chief clerk. He was so placed under instructions. Valise previously noted not in evidence. Clerks claimed no knowledge of it. Discovered valise under shelf, containing five files reference numbers. Noted at this juncture first vice president entered. Forcibly ejected both Lawrence and myself. Requested files in valise by numbers. Refused to deliver them to-night. Said he would in morning or advise reasons. Advised Carleton to continue endeavor to get evidence of removal and stripping.

WILSON.

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[Postal Telegraph.]

CHICAGO, ILL., *February 4, 1914.*

SWENEY,
Interstate Commerce Commission, Washington, D. C.:

Supplementing my last telegram to Carmalt last night, the following from Carleton quote request made for permission to allow an examiner to work in the room of the first vice president's suite in which his clerks work and from which the file room opens. Refused permission, first vice president stating if we placed a man therein he would close the office. Stated we had permission to come in and go out of his office rooms freely, but before he would permit a man to be stationed in office rooms for purpose intended would fire him out bodily. Also refused entrance to building after office hours. Wire instructions.

WILSON.

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[Postal Telegraph.]

CHICAGO, ILL., *February 4, 1914.*

Commissioner HARLAN,
Interstate Commerce Commission or Residence,
Washington, D. C.:

Examiner Keene, Hotel Savoy, Nashville, wires:

"Carrier is destroying original vouchers and attachments of dates 1865 to December 1906, inclusive, with the exception of those carrying expenditures made for real estate and equipment. Vouchers for ties, rail, and structures being destroyed. Separation being done inefficiently by inexperienced boys. Destruction at this time seems inconsistent with approaching physical valuation and will no doubt work a hardship on us in securing the information we desire. Answer."

WILSON.

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[Special delivery.]

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE,
Chicago, Ill., February 4, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: On account of the office being closed yesterday evening and not knowing how to get a message to Washington for your attention, I telegraphed Mr. Carmalt concerning the files at Louisville, Ky., and also, at 11 o'clock last night, I wired to Mr. Carmalt for the same reason a telegram from Mr. Carleton stating that he had been ejected from the file room.

I now hand you a copy of letter from Examiner Carleton giving full information regarding the refusal to allow free access to the files, the refusal of files, and his ejection from the file room.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

—

[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Chicago, Ill.]

LOUISVILLE, KY., *February 3, 1914.*

Mr. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: Your first telegram was received about 1 o'clock this morning, and in the first reading I took it had reference to the offices of the "Nashville" Railroad here. Accordingly I awakened Mr. Lawrence, and we came down to the building and waited around for about half or three-quarters of an hour, but observed no lights on the tenth floor where the offices of the president and first vice president are located. It was not until a second reading that I discovered that it had reference to the city of Nashville. I accordingly went to Mr. Keene's room, awakened him, and instructed him that he would have to start on the first train in the morning, which left at 8.35. I also awakened Mr. Reinoehl and so instructed him, and at the time he said all right. I have written you a separate letter explaining why Mr. Reinoehl did not go.

Mr. Keene got off on the 8.35 train, which was due to reach Nashville at 3.10 this afternoon, this being the first train available. I instructed him to wire both you and myself his address immediately upon his arrival, but as yet I have heard nothing from him. As soon as I do, I will wire instructions contained in your telegrams to me.

This morning I compiled a list of the references to files in the first vice president's office referred to in the pass records. I informed Mr. Weis, Mr. Mapother's chief clerk, that I desired to place Mr. Lawrence in the file room and have him examine there certain files which he would indicate, but wished him to be present at the time the files were "pulled." After so informing him, I, in company with Mr. Lawrence, immediately entered the file room and there observed seated at a large table a clerk of Mr. Mapother's (whose name Mr. Weis gave me as John Jenkins) engaged in going over several bound volumes of correspondence indexes. (Mr. Weis, upon being closely questioned, admitted that prior to the establishment of the card index they maintained the index in bound volume, and that it required both the card index and the bound volumes of indexes to form a complete index to the correspondence files.) The clerk was drawing off on a sheet of paper file references. While standing there I had Mr. Lawrence copy from the list he was making as many numbers as possible.

Piled on the table at which the clerk was working was a large number of files, and from these I managed to take a few reference numbers. I observed as I entered, lying on the floor at the left of the table, a large leather valise, open, apparently empty, partially covered with a sheet of wrapping paper. Later I noticed that the valise had been closed and shoved farther under the table, evidently that it might not be so noticeable. At this juncture Mr. Weis informed me that Mr. Mapother stated that I would have to abide by the decision which he gave me previously as to the manner in which I obtained the files.

In company with Mr. Lawrence I had an interview with Mr. Mapother, in which I asked if I was to understand that he absolutely refused to allow an examiner to be in the file room when the papers which I requested were taken from the files. He said absolutely that he did. I thereupon called you on the long-distance phone and related the facts.

Meanwhile, Mr. Lawrence, upon my instructions, had requested all of the files covered by the numbers which he had taken while in the file room. Two of these files were denied us—No. 34867, which Chief Clerk Weis stated "Refers to lease of W. & A. by N., C. & St. L., and contains privileged communications between counsel and officials, and will not be delivered." "No. 82663 refers to Alabama rate case," and which Mr. Weis stated contain privileged communications, and would not be delivered. The remaining files, with the exception of three which Mr. Weis claimed could not be located, were received about an hour and 20 minutes after they were requested.

Upon my return to the office from telephoning you, acting upon your instructions, I placed Examiner Lawrence in the file room and then went and informed Mr. Weis that, acting under instructions, I had placed Mr. Lawrence in the room, there to remain as long as anyone was working on the files, in order to ascertain what disposition was made thereof. I looked about for the valise which I had previously noted, but could not discover it. I asked three clerks and Mr. Weis what had become of it, and they all pleaded ignorance. One of the clerks (T. B. Toon) stated that possibly it was in the possession of a gentleman (whose name I was unable to catch) in the president's office, and went in ostensibly to see. I followed him; no one was in the office, but there was a valise there somewhat similar to that which I had seen in the file room, but newer. Mr. Toon opened it, but there were no files contained therein. I told him that that was not the valise, and he said he did not know what had become of the other one. I returned to the file room and commenced looking around, and at last discovered a valise under one of the shelves, and also noticed another large valise under another shelf. I drew out from under the shelf the valise previously noted, which, upon my first entrance into the office after my interview with Mr. Mapother, was lying on the floor empty, and found therein a number of files. I ran them over and called out the file references to Mr. Lawrence, who took the numbers down. The numbers which were recorded were as follows: 68082, 67341, 72100, 66375, and 39574.

After hurriedly ascertaining the number of the files, I reclosed the valise and returned it to its place. Mr. Weis, upon seeing me draw the valise out, immediately hurried into Mr. Mapother's private office and returned just after I had closed the valise, and stated rather vehemently, "You are not going to take those files out of here."

Immediately following him came Mr. Mapother, who grabbed me by the shoulders and thrust me out from the file room, exclaiming, "You get out of here," and with an oath, "If you won't act like a gentleman I won't have you in my office." Turning upon Mr. Lawrence, he likewise grabbed him by the shoulders and thrust him out, saying, with the same oath, "You get out of here, too."

I said nothing, but left his office, returning to room No. 1011, the room assigned for our use, where I made a copy of the numbers of the files noted in the valise and had Mr. Lawrence return and make a request upon Mr. Weis for the files. This was just shortly before 5 o'clock, and Mr. Weis stepped into the office of Mr. Mapother and returned, with the statement that the office was closed. Mr. Lawrence then requested an interview with Mr. Mapother, and asked if he was to understand that he was denied the files. Mr. Mapother stated that he had not had time to look them over, but that he would give them to us in the morning or assign a reason for not doing so. I immediately sent you a telegram covering the situation.

I have arranged for Mr. Crandall to leave this evening for Nashville to join Mr. Keene.

For your information I inclose herewith a copy of the memorandum dictated by Mr. Lawrence covering his interview with Mr. Mapother, and also a memorandum covering our previous interview with Mr. Mapother, dictated by him as if written by me, which he did at my request during the time I was engaged in telephoning you.

Yours, very truly,

WILL H. CARLETON, *Examiner.*

(Inclosures.)

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MEMORANDUM OF INTERVIEW WITH FIRST VICE PRESIDENT MAPOTHER AND HIS CHIEF CLERK (MR. WEIS), 5 P. M., FEBRUARY 3, 1914.

Made request on Mr. Weis for files Nos. 68082, 67341, 72100, 66375, and 39754, and he asked if they were the files which we found in the valise, and I told him they were. He immediately went into Vice President Mapother's office, came out, and said, "Mr. Mapother said to tell you the office is closed." I asked Mr. Weis if I might see Mr. Mapother. Mr. Weis said I could.

Went into Mr. Mapother's office and said to Mr. Mapother, "Do you refuse us those files?" Mr. Mapother said, "The files are in use;

I am using them now." I said to Mr. Mapother, "Well, then, do you refuse them to us?" He said, "I will give them to you to-morrow, or a reason for not doing so, as I have not had time to look them over to find out what they are."

Mr. Mapother said that he did not propose to have us going into his file room, as we had done.

PAUL H. LAWRENCE, *Examiner.*

LOUISVILLE, KY., *February 3, 1914.*

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MEMORANDUM OF INTERVIEW WITH FIRST VICE PRESIDENT MAPOTHER, 2.10 P. M., FEBRUARY 3, 1914.

Asked Mr. Mapother if he would allow me the privilege of having an examiner work in his file room or place where his correspondence and other files were stored. Mapother said that he would not; that he thought that that matter was settled at a former interview; that he refused to allow us or anyone to dictate how his office should be run. I then asked him if he refused to allow an examiner to work in the file room, the carrier's employee to take out the files and give them to the examiner. Mapother said that he did refuse to allow it; that he did not propose to have an inspector stand over his men while the files were being taken out. He said that the files contained matter which was as between client and legal adviser, and that he would not give them to anyone until he was forced to do so by some higher legal authority. He said the matter he referred to was the same as had been denied to Chairman Clark by Col. Stone. Mapother said that he did not propose to have any of our inspectors act as a police over his men. He said he would be glad to give us any file of correspondence or other record which I might ask for, but he would retain the right to look through it before it was turned over to me.

I then asked if he refused to allow me any access to his file room, and he said, "I do." Asked him if the only way we could get any files from him would be to give him a request for specified ones, and have him bring them out to me, to which he answered that we could have any correspondence I might want and was entitled to, but it would have to be handled in that way.

I then asked Mr. Mapother whether there were any contracts, agreements, or correspondence, or other matter amounting to an agreement, with any railroad, corporation, or individual filed in any place other than the office of the secretary. Mapother said no; that the by-laws of the carrier made the secretary the custodian of all contracts, agreements, or any correspondence or other matter which amounted to an agreement, and that the originals of all such agreements would be in the custody of the secretary.

While waiting for an audience with Mr. Mapother I went into the room where correspondence and other files pertaining to matters relating to the offices of the president and first vice president are filed. In there found one John Jenkins engaged in going through the old book indexes to the files. He was taking down the numbers of various files, the nature of which was not noted. Around him on the table at which he was working was piled a large number of correspondence files and on the floor was an open satchel.

While the work upon which he was engaged is not known, the indications were such as led to the belief that he was listing and extracting files for some ulterior purpose, probably to prevent them from being used in this examination.

WILL H. CARLETON, *Examiner.*

LOUISVILLE, KY., *February 3, 1914.*

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[Postal Telegraph.]

LOUISVILLE, KY., *February 5, 1914.*

Commissioner MEYER,
Interstate Commerce Commission, Washington, D. C.:

First vice president expressing opinion on general counsel that commission under act has authority to inspect only such accounts, records, and memoranda as originate subsequent to August 28, 1906. Has it formal letter refused permission to examine such of prior date. Refusal includes any correspondence considered by carrier as of privileged character subsequent that date and all correspondence of whatever nature of prior date. My address Hotel Hermitage.

CARLETON.

—

THE HERMITAGE HOTEL,
Louisville, Ky., February 5, 1914.

Hon. B. H. MEYER,
Commissioner, Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: In accordance with instructions received from Examiner Walter V. Wilson to wire you all details connected with the situation here subsequent to telegraphic advice to him of the refusal of the first vice president to allow an examiner to be stationed in his office, I wired you this morning as follows:

"First vice president expressing opinion of general counsel that commission under act has authority to inspect only such accounts, records, and memoranda as originate subsequent to August 28, 1906, has in formal letter refused permission to examine such of prior date. Refusal includes any correspondence considered by carrier as of privileged character subsequent that date and all correspondence of whatever nature of prior date. My address Hotel Hermitage."

I inclose herewith a copy of the letter written by the first vice president, Mr. W. L. Mapother, which was delivered to me at the hotel by his chief clerk at 11.45 last evening. I have endeavored to secure an interview with Mr. Mapother this morning in relation to the matter, but have been informed that he was engaged and that I would be notified as soon as he was at liberty to grant me an audience.

In addition to being refused entrance to the building for the purpose of continuing our work in the special room assigned to us after office hours, we have been served notice that we will not even be permitted to remain in the building after office hours.

The file-room door, usually open, has not been open at any time that an examiner has entered the offices of the first vice president since he forcibly ejected Examiner Paul H. Lawrence and myself. The toilet room located on this floor projects slightly from the building, and from a window therein one can obtain an oblique view of a portion of the file room. In the early part of the day following our ejectment the curtains of this window were up, but later in the day they were observed to have been drawn and have so remained ever since, thus obstructing any view which might otherwise be obtained. This is not necessary on account of the sun, because the last two days have been very cloudy.

Last evening, shortly after 10 o'clock, in company with two of our examiners, I walked down to the general office building of the L. & N. and observed a light in the file room and the other offices of the suite occupied by the president and first vice president. We waited in the vicinity of the building until very nearly 11 o'clock, when we observed three of the employees in the executive department leave the building. This information is given you in order that you may have knowledge of the conditions as they exist.

Yours, very respectfully,

WILL H. CARLETON, *Examiner.*

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LOUISVILLE & NASHVILLE RAILROAD CO.,
FIRST VICE PRESIDENT'S OFFICE,
Louisville, Ky., February 4, 1914.

W. L. MAPOTHER, *First Vice President.*

Mr. WILL H. CARLETON,
Examiner, Interstate Commerce Commission,
Hermitage Hotel, City.

DEAR SIR: In view of our several discussions concerning the extent of the powers of yourself and assistants in the matter of examining the correspondence files and papers of the L. & N. R. R. Co., I deem it desirable that I clearly and definitely state the company's position in order that you may govern yourself accordingly.

It is the opinion of general counsel (1) that the extraordinary inquisitorial powers given to the commission, its agents and examiners, by section 20 of the act to regulate commerce relate only to such "accounts, records, and memoranda" as the commission is empowered by that section to prescribe; and (2) that said section as amended by what is commonly known as the Hepburn Act, approved June 29, 1906, effective August 28, 1906, is not retroactive, but prospective only, and relates exclusively to the particular "accounts, records, and memoranda" which have been kept in pursuance of said act, and, hence, necessarily such as came into existence on and after the effective date of said act.

Entertaining these views, we consider that you have no authority at all to examine the correspondence files of the executive department, as you have been permitted to do for some weeks, and no right to examine the "accounts, records, and memoranda" referred to in said section, except those which have been kept on and after August 28, 1906.

We are willing, however, in order to facilitate your work, to allow you to continue your examination of the executive department's correspondence files, as well as any "accounts, records, or memoranda" kept by and still in possession of the company originating on and after the date last mentioned. This permission, it is to be understood, is not to embrace any communications between the representatives of this company and its counsel of a privileged nature as between client and attorney.

Yours, truly,

W. L. MAPOTHER,
First Vice President.

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[Telegram.]

CHICAGO, *February 6, 1914.*

SWENEY,
Interstate Commerce, Washington, D. C.:

Keene, Nashville, advises that demand for indices general access to correspondence files president, vice president, and general manager declined by president of carrier on legal advice.

WILSON.

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INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 4, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: The following telegram was to-day received from Examiner Keene:

"Full access afforded me to all pass indices, files, and records, which appear to be complete and untampered with. Send me supply stationery."

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

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INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 5, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I inclose herewith copy of communication from Examiner Will H. Carleton in reference to the status of the controversy relative to the right to inspect the files of the Louisville & Nashville Railroad Co.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

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[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Steger Building, Chicago, Ill.]

LOUISVILLE, KY., *February 4, 1914.*

Mr. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: I have your wire stating that you have asked Washington to give instructions in relation to refusal of the first vice president to permit an examiner to be stationed in his office room. There has been no change in the situation here since my wire to you, and consequently I have not communicated with the commissioner.

We have been working in room No. 1011, and made it a point to frequently enter the offices of the first vice president for a few files at a time. It has been noted, however, that the door to the file room has been closed. From the small sink room adjoining the toilet room used by the janitor a diagonal view can be obtained of a portion of the file room. The fore part of the morning the curtains of this room were up, but later in the day they were discovered to have been pulled down, thus obstructing any view of the file room.

It was therefore impossible for us to ascertain what was going on in the file room.

Mr. Bullock has also been denied permission to enter the storage rooms where the old accounting department records of the L. & N. are maintained. The inclosed copies of memorandums dictated by him, covering his interviews with Mr. Pharr, the assistant comptroller, fully explain.

For your information I also inclose a copy of the memorandum of my interview with Mr. Mapother and Mr. Weis this morning, the essentials of which are embodied in my telegram.

Yours, very truly,

WILL H. CARLETON, *Examiner.*

(3 inclosures.)

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MEMORANDUM OF INTERVIEWS WITH MR. A. J. PHARR, ASSISTANT COMPTROLLER, FEBRUARY 3, 1914.

About 10 o'clock this morning I requested Mr. A. J. Pharr, the assistant comptroller, to furnish me with a journal entry charging the cost of road—Evansville, Henderson & Nashville Railroad—with $188,000, said entry being on page 289 of the journal as of date February, 1880. At the same time I requested Mr. Pharr to allow me to accompany his clerk to the file room when he obtained this document, in order that I might inspect the system of filing old records. Mr. Pharr placed a memorandum on his desk and stated that he would inform me when he had sent the clerk for the document.

No action having been taken at 3.30 p. m., I again approached Mr. Pharr on the subject, and he informed me that while he did not wish to be placed in the position of refusing me the record or access to the record room he would have to delay the matter until he conferred with Col. Stone, the general counsel. He further stated that Mr. Stone had told him some time previously that the commission had no right to demand records prior to the date of the establishment of the commission. He supplemented this by saying that he did not know whether Col. Stone meant the date of the amended act or the date of the original creation of the commission.

Up to 5 p. m. no further information was obtained from Mr. Pharr.

FRED D. BULLOCK, *Examiner.*

LOUISVILLE, KY., *February 3, 1914.*

—

MEMORANDUM OF INTERVIEWS WITH MR. A. J. PHARR, ASSISTANT COMPTROLLER, FEBRUARY 4, 1914.

At 10 o'clock this morning Mr. Pharr furnished me with voucher requested of him yesterday, informing me, however, that Col. Stone, general counsel, had instructed him that the Interstate Commerce Commission had no right to demand records made prior to the creation of the commission, but that after inspecting the documents requested the carrier might, at its pleasure, furnish them for inspection.

In regard to inspecting the file rooms, Mr. Pharr said it would be necessary to take the matter up with Col. Stone again. At 2.30 p. m. Mr. Pharr advised me that he had been instructed by Col. Stone to refuse me permission to inspect any of the storerooms containing records made prior to the date the commission issued its first order covering the destruction of records. Col. Stone stating that there was no reason why representatives of the commission should be allowed to nose around in such records. He reiterated his former statement that specific documents might be furnished us on request, although the carrier reserved the privilege of withholding same.

Mr. Pharr stated that the various officers of the carrier were each responsible for the storing and preservation of their own records. As far as his office is concerned, he stated that he had no knowledge as to the records contained in the various storerooms. When asked how he would know where to obtain a voucher made in 1870, he stated that he and his clerk knew generally about where this voucher would be found, but that it would be necessary to find such document before he could state positively where it was stored.

On account of the inadequate facilities, the old records of this office are stored in various places, as follows:

Vault in connection with the comptroller's office, vault in the secretary's office, station baggage room, and roundhouse.

The first two named storerooms contain records made subsequent to the date the commission issued its first circular covering destruction of records, and examiner has not been denied permission to enter these rooms.

FRED D. BULLOCK, *Examiner.*

LOUISVILLE, KY., *February 4, 1914.*

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MEMORANDUM OF INTERVIEW WITH MR. W. A. MAPOTHER AND MR. C. J. WEIS ABOUT 9.40 A. M., FEBRUARY 4, 1914.

Presented Mr. Weis with a slip containing the names of W. H. Carleton, A. M. Banten, F. D. Bullock, A. N. Bean, A. F. Brevillier, P. H. Lawrence, and C. P. Lishawa, and asked if he would kindly secure passes to the building for those named, in order that examiners might return to room No. 1011 after office hours, as it was found that frequently we desire to work a little later in the evening to get out communications or other matters, and desired the privilege of going out to lunch in the meanwhile; that in the evening previous two of our examiners were inconvenienced by having stepped out for lunch, intending to return to the office, where the remainder of us were working, and being refused admission to the building. Mr. Weis stated that the general manager's orders were that no one except those connected with the company should be privileged to enter the building without a pass, and that he would take the matter up and advise me.

I then presented him with a slip containing the following file numbers, which had been asked for the day previous, but which were not delivered, the statement being made by Mr. Weis at that time that they were not in file (these numbers were among those secured hurriedly by Examiner Lawrence and myself from the filing clerk's list of files lying on the table, and there is a possibility of an error having been made in copying them): 78156, 62590, and 73838.

Mr. Weis stated that there were no papers in the file under those numbers; and, upon being asked where they were, he said he did not know. I asked him if they had been destroyed, and he said not to his knowledge, and wished to know the nature of the subject covered by the file numbers and where I got the information. He was informed that it was not considered necessary to disclose from where the information was obtained, and that what I desired was the files themselves.

Mr. Weis was then informed that I would like to have one of our examiners work in the adjoining room, which is the communicating room between the first vice president's private office and the file room and is occupied by his office force. Attached hereto is a diagram showing roughly the manner of arrangement of the offices on the east end of the tenth floor of the Louisville & Nashville office building, corner Ninth Street and Broadway, Louisville, Ky. The room in which I desired the examiner placed is indicated by "No. 2" on the diagram.

Mr. Weis said he would have to refer the matter to Mr. Mapother. I accompanied him into Mr. Mapother's private office, and upon Mr. Weis stating my request Mr. Mapother replied that he would not grant permission for an examiner to work therein, and that if we placed a man there he would close up the office. He said that we were privileged to come in and out of his office freely whenever we desired, but that he obsolutely objected to police surveillance; and that if we attempted to station men in his office he would eject them bodily, and that they would have to "lick" him first before he would permit them to remain; that before he would grant such permission it would have to be decided by the highest court in the land, and emphasized the fact by pounding on the table with his fist.

I then presented the list given Mr. Weis and informed him that Mr. Weis had stated that the papers covered thereby were not in the files and asked where they were. He stated that files Nos. 78156 and 73838 were missing and he had no record of their disposition. Being asked if they were destroyed he said that they had not been. As to No. 62590 he said there never had been a file of that number; that it was a number which our "spies" had obtained from over the shoulder of the file clerk and that we had made a mistake in the number.

I then told him that I desired to verify his statement that this number had never been assigned to any file of papers, and he said it was impossible to do so; that I would have to take his word for it. I told him that I would prefer to see his numerical record covering the correspondence files, to see evidence that the number was skipped and had not been assigned. He stated that he maintained no permanent record of that character; that the information was kept by the file clerk on a memorandum sheet of paper, and as a number was used he checked it off, and in this manner the numerical order was maintained; and that after a sheet was filled the paper on which it was written was destroyed. Turning to Mr. Weis he asked if that was not the manner in which it was handled, and Mr. Weis replied it was. I then asked to see the file clerk's memorandum slip from which he would obtain the number next to be assigned to a new correspondence file. Mr. Mapother directed Mr. Weis to take me out and show me the file clerk's memorandum. He did so, and the file clerk produced a stenographer's note book (Form 197, Louisville & Nashville Railroad) labeled, "From 88410 to 92229." The book was filled with parallel columns of numbers running in consecutive order one way of the book, commencing with No. 84410 and closing with No. 92229. The book had then been reversed and a series started using the other side of the pages running from No. 92230 and indicating that the last number used was 93301. I then asked where the record was prior thereto, and Mr. Weis replied that I had been told that they have been destroyed. I asked him if he admitted, then, that the prior record of numbers used had been destroyed, and he said yes. It is considered that this is a willful destruction of records, as it is only from this record that it can be determined whether a file is missing or a number skipped.

Just before leaving Mr. Mapother's private office to inspect the previously mentioned record of file numbers, Mr. Weis presented the list of names which I had given him to Mr. Mapother, and stated that I had requested that passes be issued to the gentlemen named thereon in order that they might be allowed to enter the building after office hours. Mr. Mapother replied, "They won't get them"; that they would not be allowed entrance to the building after office hours.

WILL H. CARLETON, *Examiner.*

LOUISVILLE, KY., *February 4, 1914.*

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INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I inclose herewith copy of a letter received from Examiner Will H. Carleton, stating that a wire had been received from Commissioner Meyer that Solicitor Farrell would be in Louisville and insist upon access to all records, irrespective of date.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

—

LOUISVILLE, KY., *February 5, 1914.*

Mr. WALTER V. WILSON,
Examiner in Charge, Chicago Branch Office,
Interstate Commerce Commission, Chicago, Ill.

DEAR SIR: The following wire just received from Commissioner Meyer:

"Telegram received. Solicitor Farrell will be in Louisville, Seelbach Hotel, to-morrow. Commission will insist on access to all records irrespective of date."

Yours, very truly,

WILL H. CARLETON,
Examiner.

—

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: For your information I inclose copy of my letter to Examiner Will H. Carleton instructing what action to take concerning files and records prior to 1906 which have been refused him.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

—

FEBRUARY 6, 1914.

Mr. WILL H. CARLETON,
Examiner Interstate Commerce Commission,
P. O. Box 653, Louisville, Ky.

DEAR SIR: The memorandum of Mopather refusing you generally the files and records prior to 1906 should not deter you from making re-

quest for any records that are relevant to your investigation, especially in the investigation of the general accounts. Request should be made on the proper official for the documents needed and a proper memorandum recorded for our future information in case we are compelled to show why the details prior to 1906 were necessary.

Please give this information to Mr. Keene and instruct him that my telegram instructing both yourself and him to wire the commissioner direct any relevant information regarding refusal of files had reference to Commissioner Harlan and not Commissioner Meyer.

Yours, very truly,

_____,
Examiner in Charge.

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INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I inclose herewith the diagram of the tenth floor of the L. & N. Building, which should have accompanied my letter of the 5th, inclosing communication from Examiner Will H. Carleton, with reference to the status of the controversy as to right to inspect the files of the Louisville & Nashville Railroad Co.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosure.)

—

INTERSTATE COMMERCE COMMISSION,
DIVISION OF CARRIERS' ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: For the information of Commissioner Harlan:

I inclose copy of a letter written yesterday by Examiner Keene to Examiner Carleton respecting the situation at Nashville, which would indicate that there is no disposition on the part of the carrier to deny or evade inspection of its records, and that there has been some carelessness in destroying records up to December, 1906.

However, late this morning I received the following telegram, which would seem to indicate that the carrier has since receded from its former stand:

"Demand for indices and general access to correspondence files of president, vice president, and general manager declined by president of carrier on advice legal department. Advise."

To this I wired Keene reply as follows:

"Am writing you regarding telegram concerning indices and general correspondence files. Ascertain whether we have access accounting and other files prior 1906. Ask carrier defer destruction records until after our investigation."

A copy of my letter written to-day to Mr. Keene is inclosed.

All of the above transpired previous to the time of my receiving from Keene a message advising the desires of Senator LEA, and concerning which I to-day wired you.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

(Inclosures.)

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INTERSTATE COMMERCE COMMISSION,
BUREAU OF STATISTICS AND ACCOUNTS,
CHICAGO BRANCH OFFICE, STEGER BUILDING,
Chicago, Ill., February 6, 1914.

Mr. HENRY C. KEENE,
Examiner, Interstate Commerce Commission,
Hotel Savoy, Nashville, Tenn.

DEAR SIR: I wired you to-day:

"Am writing you regarding telegram concerning indices and general correspondence files. Ascertain whether we have access accounting and other files prior 1906. Ask carrier defer destruction records until after our investigation."

I wish you would take every opportunity to ask for files of correspondence relevant to our investigation. If you can not get the indices, ask for every file that your attention is drawn to. Make every effort to get into the file room without infraction of any laws and secure lists of files, which you will demand for inspection. Make a record of all demands for files for future reference.

I have taken the matter up with the Washington office, and you will probably hear from that source about the matter later. In the mean time we must gather all the evidence we can of either the destruction, removal, or stripping of records, as well as the refusal of records which are necessary for this investigation. In case of a Senate inquiry, we will have to show that the records which we demanded were necessary or may be necessary for the success of this investigation.

Yours, very truly,

WALTER V. WILSON,
Examiner in Charge.

Copy to Mr. Fred W. Sweney.

—

NASHVILLE, TENN., *February 5, 1914.*

Mr. WILL H. CARLETON,
Examiner, Interstate Commerce Commission,
P. O. box 653, Louisville, Ky.

DEAR SIR: Yesterday morning I called on Senator LUKE LEA, at his office, and was presented to a Mr. Price, an employee of the carrier, from whom the information in respect to the destroyed records was received. Mr. Price stated to me that a great many records had been and were being destroyed by order of the comptroller, the records being taken from the offices of the assistant comptroller and the auditor of disbursements. He informed me where the records were being burned, and I made a personal visit to the furnace, but found that only vouchers of dates 1865 to December, 1906, inclusive, with attachments, were being cremated. It is, of course, proper for vouchers of those dates to be destroyed, provided they do not cover expenditures for construction. The segregation of the vouchers for construction, being made to assure their not being destroyed, was being done very carelessly yesterday by a number of boys, and no effort was made to retain vouchers covering the purchase of rail, ties, and material used in new buildings. I took the matter up of having a more careful inspection made, and assurance was given me that this would be done.

I made an engagement with Mr. Price at my hotel, so that I might secure more definite information with respect to the records destroyed, with dates. However, he did not keep the engagement; and when I later met him on the street he stated that he thought he had talked enough. He was very guarded in his conversations at that time, evidently fearing that he would lose his position.

On request I was furnished with all the indices, files, and records covering the issuance of passes during the year 1913. The records for year 1912 are open to our inspection and are seemingly intact, but not in as good a condition as those of the subsequent year. The records for 1911 were not fully kept, but those on hand are open for our inspection.

So far I have noted no disposition on the part of the carrier to deny or evade the inspection of its records.

I desire to acknowledge receipt of your letter of the 4th instant, just to hand, the instructions contained in which are understood.

Yours, very truly,

HENRY C. KEENE, *Examiner.*

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[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Steger Building, Chicago, Ill.]

THE HERMITAGE HOTEL,
Louisville, Ky., February 7, 1914.

Hon. B. H. MEYER,
Commissioner, Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: I have your telegram of this date, instructing me to make written memoranda of all details like those mentioned in my special-delivery letter. I have been following the practice of dictating memoranda, dating and signing them, covering all unusual occurrences as they come to my notice.

In accordance with your telegram of February 5 I met Solicitor Farrell yesterday evening and explained to him the conditions here. He did not consider that the evidence was sufficient to ask for a writ of injunction, but instead instituted the necessary mandamus proceedings to enable us to gain access to the accounts, records, and memoranda of the carrier, including correspondence. I understand that Solicitor Farrell will fully inform the commission in regard to the details.

There has been no change in the attitude of the carrier since my letter of February 5, and no unusual conditions have been observed.

I have just received your telegram instructing me to note names of railway employees who seem to destroy or abstract records. Your instructions will be observed.

Yours, very respectfully,

WILL H. CARLETON, *Examiner.*

Certified copy to Mr. Walter V. Wilson, examiner in charge, Chicago branch office, Interstate Commerce Commission, Chicago, Ill.

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[Interstate Commerce Commission, Division of Carriers' Accounts, Chicago branch office, Steger Building, Chicago, Ill.]

THE HERMITAGE HOTEL,
Louisville, Ky., February 7, 1914.

Mr. FRED W. SWENEY,
Chief Examiner of Accounts,
Interstate Commerce Commission, Washington, D. C.

DEAR SIR: This will acknowledge receipt of Mr. Dakin's telegram of even date, advising that the commissioner instructs that I keep your office advised by mail daily, if possible, of the progress and developments in the investigation here.

In accordance with Commissioner Meyer's telegram of February 5, I met Solicitor Farrell at the Seelbach Hotel about 7 o'clock last evening, Mr. Lawrence accompanying me at the request of Mr. Farrell. I explained to him the circumstances and incidents which had occurred. He stated that he did not consider that, in the absence of any further evidence that records were being destroyed, circumstances would warrant the application for a writ of injunction, as he was confident the judge would not consider it.

About 8 o'clock we met the United States district attorney, George Du Relle, by appointment, in his office in the Federal Building, where he and Solicitor Farrell prepared the rough draft of the petition for a writ of mandamus for the purpose of enabling us to have access to all accounts, records, and memoranda, including correspondence, of the carrier, both prior and subsequent to August 28, 1906. This morning the petition was formally executed and filed, and a United States marshal instructed to serve the notice upon Mr. Milton H. Smith, president of the L. & N.

Solicitor Farrell will doubtless communicate to the commission all the information in relation to the legal proceedings. He left for Nashville on the 3 o'clock train, and I advised Mr. Keene by wire to meet him at 10 o'clock to-morrow morning.

So far we have not observed any evidence indicating that the carrier was destroying any of its records. The only evidence that we have is that the clerks are working on the executive department's correspondence files, and the fact that they had placed several of the files in a valise, indicating that they intended to at least remove them from the file room, if not from the office. The files so found, they being refused us until after they had been looked over by Mr. Mapother, were turned over to us the first thing the next morning.

I do not understand from Mr. Dakin's telegram that the commissioner desires daily advice of the amount and nature of the work accomplished, but merely a report in relation to records and files which we are denied, and of any changes in the attitude of the carrier or any new developments.

Yours, very truly,

WILL H. CARLETON, *Examiner.*

Certified copy to Mr. Walter V. Wilson, examiner in charge, Chicago branch office, Interstate Commerce Commission, Chicago, Ill.

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INTERSTATE COMMERCE COMMISSION,
Washington, February 16, 1914.

Hon. JOHN SHARP WILLIAMS,
Chairman Committee to Audit and Control the
Contingent Expenses of the Senate, United States Senate.

DEAR SIR: I beg to hand you herewith copy of a letter addressed to one of our examiners at Louisville, which had not arrived when copies of the other papers in that matter were sent to you.

Very respectfully, yours,

E. E. CLARK, *Chairman.*

LOUISVILLE & NASHVILLE RAILROAD CO.,
FIRST VICE PRESIDENT'S OFFICE,
Louisville, Ky., February 11, 1914.

Mr. WILL H. CARLETON,
Examiner, Interstate Commerce Commission,
Hermitage Hotel, City.

DEAR SIR: Please refer to my letter of the 4th instant, outlining the views and policy of this company relative to your continued investigation of its affairs.

Your right to examine correspondence at all was denied, but, as a matter of grace, we expressed a willingness for you to continue your examination of the correspondence of the executive department on and after August 28, 1906. In view, however, of the fact that the matter has now been taken into the courts, where each side to the controversy will stand upon its legal rights, this permission is withdrawn and you are hereby notified that we will not allow you to examine this correspondence any further, except so much thereof as relates to the issuing of passes on and after January 1, 1911.

Yours, truly,

W. L. MAPOTHER,
First Vice President.

ERADICATION OF HOG CHOLERA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3439) appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera, which were, on page 1, line 4, to strike out "$500,000" and insert "$600,000"; on page 1, line 8, after "cholera," to insert "and dourine, including the employment of assistants, clerks, and other persons, and the payment of all other necessary expenses, in the city of Washington and elsewhere"; on page 1, line 8, to strike out "however"; on page 2, line 8, after "thereunder," insert ": *And provided further*, That not more than $100,000 of the sum hereinbefore provided shall be used for the investigation, treatment, and eradication of the disease known as dourine"; and to amend the title so as to read, "An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera and dourine."

Mr. KENYON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PENOBSCOT RIVER BRIDGE, MAINE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1346) to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine, which was to strike out all after the enacting clause and insert:

That the Eastern Maine Railroad, a corporation organized under the laws of the State of Maine, and its assigns be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Penobscot River at a point suitable to the interests of navigation from some point on the easterly bank of the Penobscot River in the city of Brewer to a point on the westerly bank of said river in the city of Bangor between the present highway bridge connecting said cities and the Bangor waterworks dam, in the county of Penobscot, in the State of Maine, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And to amend the title so as to read: "An act to authorize the Eastern Maine Railroad to construct a bridge across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine."

Mr. JOHNSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 122. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes;

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.; and

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 6464. An act for the relief of Charles R. Grant; and

H. R. 6750. An act granting to the city of New Orleans right of way for a street across the Jackson Barracks Military Reservation, in the parish of Orleans, State of Louisiana.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 10594. An act granting a pension to the Forsyth Scouts and the widows of the deceased members of the said organization;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 11331. An act to repeal an act regulating the construction of bridges across the Muskingum River in Ohio was read twice by its title and referred to the Committee on Commerce.

WOMAN SUFFRAGE.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. ASHURST. Mr. President, I ask that Senate joint resolution No. 1, being Calendar No. 52, be laid before the Senate. Several Senators have indicated a desire to address the Senate on the joint resolution. Of course I do not purpose to ask for a vote at this time, but merely that the joint resolution may be laid before the Senate.

The VICE PRESIDENT. The joint resolution is the first business on the calendar. The Chair lays before the Senate the joint resolution, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Mr. BRISTOW. Mr. President, I desire to discuss the joint resolution, but I do not wish to be limited under the five-minute rule, because my remarks will take a longer time. I ask unanimous consent to proceed to its discussion.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent to proceed with the discussion of Senate joint resolution No. 1, notwithstanding the rule limiting debate to five minutes. Is there objection? The Chair hears none.

WOMAN SUFFRAGE AND THE PRESIDENT.

Mr. BRISTOW. Mr. President, there can be no sound argument advanced against the right of suffrage for women. Woman has the same natural right to the exercise of the ballot as man. When government was largely the enforcement of military authority, there was reason for such function being exercised by man, but that period of the world's history has passed. Intellect and conscience directing the administration of civic affairs are the requisites now for good government. Taxation without representation is the principle against which our ancestors protested. That protest resulted in the establishment of this Republic.

No one would advocate exempting property from taxation because it was owned by a woman, yet the laws in many of our States deprive women of any voice in determining the amount of the tax that is levied upon their property or how it should be collected. The laws compel women to pay the tax, but give them no voice in determining how much it shall be or for what purpose it shall be expended. Such a policy is in conflict with the very fundamental principles upon which every free government is based. Who could have a greater interest in the schools of the country than have our women? Yet in many of the States they are given no voice in their management.

No one can be more interested or more vitally concerned in the moral life and character of the communities in which they live than are the women of those communities, yet they are in many of the States denied a voice in determining what shall be the character of the laws governing such communities or the methods of their administration or enforcement.

There are few who deny that woman has a right to the ballot, though many deny the expediency of her exercising such function. However, I have never heard an argument made against woman suffrage that appears to me to appeal to the judgment of an unbiased and unprejudiced mind. There are those men who have such an egotistical view of the superiority of their own sex that they pretend to believe that man only is mentally fit to exercise the functions of government. These men think that they, and their sex, are intellectually superior to women, yet, if such men ever went through a school or a college attended by the two sexes, I predict that the records of that school, wherever it may be, will disclose that there were female students superior in every line of study to these self-

constituted censors of human intelligence. There is not a Senator in this body who must not admit that in his school life he was excelled in many lines of intellectual efforts by female students. The argument that women are not intellectually capable of making intelligent citizens is without foundation, and will not be urged upon this floor.

On moral questions, and government relates to moral questions as well as economic problems, women are far the superior of men. Their sense of natural justice is more acute and they instinctively resent moral wrong. As a whole, they are on the right side of every moral controversy in every community far more frequently than are the men. Indeed, the progress of the human race is due in a great measure to their superior moral sensibilities.

The women of my State for more than 40 years have enjoyed the right of suffrage in matters relating to the public schools. One of the earliest and most pleasing recollections that I have of school elections was in attending the "school meeting" in the country district where I lived, back in the seventies. There in the schoolhouse, gathered together, were the women and men of the district in a public town meeting, discussing and voting upon all questions relating to the schools; they decided upon the amount of tax levy for their support, and elected the managing board of education. The conduct of this meeting was as sensible and decorous as the most critical could desire. Indeed, it was the most creditable political meeting held in the community.

Years afterwards women were given the privilege of participating in all our municipal elections, and for more than 20 years in Kansas the women have voted in the election for mayors, councilmen, and all municipal officers. Their influence has been the best. The towns and cities of Kansas have been far better governed than they would have been without the elevating influence of the female voters. They have given a moral tone to our municipalities that nothing else could have done. There never has been organized among men cleaner and better local governments than we have in the State of Kansas, and the good women of our State have contributed largely to the excellent administration of our laws. It is a pleasure for me upon this occasion to pay them this tribute which they so richly deserve.

When we hold our city elections husbands may accompany their wives and daughters to the polls, or the women may go alone without the slightest embarrassment. The election places are as orderly and respectable, and as free from anything offensive to the most refined woman, as the place of business of any mercantile establishment in the community. It has been a pleasure for me frequently to accompany my wife to the polls, where we both cast our ballots, and never has there been, upon any occasion, anything causing the slightest embarrassment. So that the argument that politics will degrade woman is utterly without foundation, because when women participate the degrading features, if there are any, that prevail about the booths or voting places will disappear.

After 20 years of effort the women of Kansas at last have secured equal suffrage with the men and hereafter will participate in all of our elections. I know that the same good influence which they have exercised in our municipal affairs will be extended to this larger field of political activity.

I shall most earnestly support this resolution, because I believe its enactment will be for the best interests of my country. The consideration of this amendment has been interesting and useful from an educational point of view, because the more that woman suffrage is discussed and the better its operation is understood the more it will commend itself to the judgment of right-thinking men.

Its consideration has also brought to the attention of the country some interesting characteristics of our Chief Executive and in this respect it has also been educational. Our President was called upon in the early part of December by a delegation of ladies, headed by Dr. Anna Shaw, one of the strong, forceful women of America, and they sought the powerful influence of the President in behalf of their cause. They represented millions of the best women of America and were pleading for the cause of justice for their sex. This delegation of patriotic women were as intensely interested in the welfare of their country as any body of men could possibly be. They realized the powerful influence of the President and sought his aid; they asked his help for their great cause, in which many millions of the best women and men of America are deeply interested. To their earnest appeal the President made the following reply:

I want you ladies, if possible, if I can make it clear to you, to realize just what my present position is. Whenever I walk abroad I realize that I am not a free man; that I am under arrest. I am so carefully and admirably guarded that I have not even the privilege of walking the streets. That is, as it were, typical of my present transference from being an individual with his mind on any and every subject to being an official of a great government, and incidentally, or so it falls out under our system of government, the spokesman of a party.

I set myself this very strict rule when I was governor of New Jersey and have followed it as President—that I am not at liberty to urge upon Congress in messages policies which have not had the organic consideration of those for whom I am spokesman.

In other words, I have not yet presented any legislature my private views on the subject, and I never shall, because I conceive that to be part of the whole process of government, that *I shall be spokesman for somebody, not myself.*

I am an individual; when I am spokesman of an organic body I am a representative. For that reason, you see, I am by my own principles shut out, in the language of the street, from "starting anything." *I have to confine myself to those things which have been embodied as promises to the people at an election.* That is the strict rule I set for myself.

* * * * * * *

When my private opinion is asked by those who are cooperating with me I am glad to give it, but I am not at liberty until I speak for somebody besides myself to urge legislation upon Congress.

The ladies were very much impressed, as well as depressed, by the party shackles with which our President seemed to be bound hand, foot, and tongue. The platform, politically speaking, to him was sacred. When he spoke, he spoke according to its commands. He said:

I conceive that to be part of the whole process of government, that I shall be spokesman for somebody, not myself.

And again—

I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself.

Then, to give more emphasis to this profound and commanding obligation to the party platform, he elaborated as follows:

When my private opinion is asked by those who are cooperating with me, I am glad to give it, but I am not at liberty until I speak for somebody besides myself to urge legislation upon Congress.

After receiving this remarkable address from the Chief Executive, these good women went away sore in spirit and sick at heart. They had read of the fine courage of our President and his manly independence; they had not expected to find such abject servitude to party commands. So they went away, some in sadness and sorrow; others possibly with some symptoms of doubt and irritation. This was December 8 last.

If the platform had declared for suffrage, of course the President would have been bound by it and felt it his duty to force through Congress a measure embodying such declaration in the laws of the country, even if it had taken an extra session of Congress all summer to have accomplished the feat. If it had declared against suffrage, of course he would have seen that no such resolution was given consideration by either branch of Congress. But since it declared neither way, he was not even at liberty to express a private opinion as to its wisdom and desirability.

But in the evolution of human affairs, another question came before the Chief Executive for his consideration. This subject was not brought before him by the good women of the country but by a representative of the English Government, whose action had been instigated by the American and Canadian transcontinental railroads and British shipping interests. The question was in regard to the payment of tolls by ships passing through the Panama Canal, engaged in the coastwise trade of the United States. Whatever toll charges are imposed by the canal on the traffic between the southern, eastern, and western coasts of the United States will be added to the freight rates which the ships will have to charge and will, therefore, increase their rates and enable the transcontinental railroads of the United States and Canada to charge just that much more for their traffic, which is carried on in competition with the ships. So these gigantic corporations, therefore, are intensely interested in this tolls question. Upon this subject the Democratic platform, which is the law that prescribes the official and mental operations and activities of Mr. Wilson, so he says, contains the following declaration:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Upon that platform Mr. Wilson stood and was elected. He received most of the votes from those sections of the country vitally interested in the tolls question. The wisdom of such a policy was never questioned during the campaign. The Democratic House of Representatives and a large majority of the Democrats in the Senate voted in harmony with the declarations of the platform. Yet, in the face of this party declaration and the statement of Mr. Wilson to the ladies as to its binding effect upon him, in a communication addressed by the President to Mr. Marbury, of Baltimore, dated February 5, 1914, we find the following:

I have your letter of January 30 * * *. With regard to the question of canal tolls, my opinion is very clear. The exemption constitutes a very mistaken policy from every point of view. It is

economically unjust; as a matter of fact, it benefits for the present, at any rate, only a monopoly; and it seems to me in clear violation of the terms of the Hay-Pauncefote treaty. There is, of course, much honest difference of opinion as to the last point, as there is, no doubt, as to the others; but it is at least debatable, and if the promises we make in such matters are debatable I for one do not care to debate them. I think the country would prefer to let no question arise as to its whole-hearted purpose to redeem its promises in the light of any reasonable construction of them rather than debate a point of honor.

So it appears in matters in which the Canadian and American transcontinental railroads and the English Government are concerned that the binding effect of the Democratic national platform is not so potent with Mr. Wilson as it was when the good women of the country were appealing to him in behalf of right and justice for their sex. When they asked to be given a chance to protect their homes from vice and to be accorded a wider opportunity for usefulness in serving their country and promoting the welfare of its people, he could express no opinion as to the desirability of such legislation. To use his language, "I conceive that to be part of the whole process of government, that I shall be spokesman for somebody, not myself," and that "I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself." This was his answer to the ladies. But when the powerful railroad influences, behind the mask of "English interests," got into action this strict rule, which he set for himself, disappeared, and he declared that "the exemption constitutes a very mistaken policy from every point of view." When the women asked a word from him in behalf of suffrage, he said that he had to confine himself "to those things which have been embodied as promises to the people at an election." When the English interests appealed to him, he forgot the promises made "to the people at an election" and was very willing to speak for somebody besides himself. It is true that we have expended about four hundred millions of our own money in constructing this canal on our own territory, and that the Democratic House of Representatives, a Republican Senate by an overwhelming majority, Mr. Taft, then President of the United States, and the Democratic national convention all thought we had a perfect right to permit our own ships engaged in our domestic commerce to go through free of tolls, if we saw fit to do so. But England claims that this must not be done without her consent, though her ships can not engage in our domestic commerce, and she has not directly or indirectly invested a dollar in the construction of the canal. The greed of the railroads and the audacious claims of Great Britain seem far more potent with our President than the appeal of the womanhood of the Nation.

So, I say, the consideration of this amendment has been educational in more ways than one. It has given us a line upon some of the peculiar and interesting characteristics of our Chief Executive that may be exceedingly useful to the country in the future.

For instance, the Democratic platform contains this declaration:

> We favor a single presidential term * * * and we pledge the candidate of this convention to this principle.

At the proper time will the President interpret this plank in harmony with his position as to suffrage or as to canal tolls?

I believe it was the peerless Democratic leader, the Hon. William Jennings Bryan, who recently declared that—

> A man who violates a party platform is a criminal worse than the man who embezzles money.

In the meantime we shall with interest watch the conflict that now appears to be going on between party promises and evasive political strategy.

Mr. SUTHERLAND. Mr. President, for my part, I wish the President would disregard a good many more of the provisions of the Democratic Party platform than he seems inclined to do.

I wish to say a few words upon this resolution, and as I shall probably occupy more than 5 minutes—perhaps 10 or 15—I should like the permission of the Senate to proceed until I have finished.

Mr. SHAFROTH. Mr. President, I ask——

The VICE PRESIDENT. The five-minute rule has been suspended.

Mr. SUTHERLAND. I do not underestimate the value of tradition, to which we are indebted for a good deal of wisdom; but since tradition rides in an omnibus which carries all sorts of passengers from one generation to another and not in a golden chariot whose seats are reserved exclusively for the righteous, it has been responsible for the perpetuation of a good deal of foolishness as well. On the whole I entertain a profound regard for notions which have long persisted, because, having passed the scrutiny and survived the buffetings of time, they are more likely to be right than wrong, and yet error has a pernicious habit of sometimes clothing itself in such seemly garb that it is passed along without question from age to age until some doubting hand strips off the disguise and exposes the deception. One of these respectably clothed traditions which we are just now engaged in overhauling is that which teaches that women are either too good or too bad or too weak or too busy in the kitchen to participate in the tribal councils.

Let us inquire by way of cross-examination. If the ballot on the whole elevates man, what particular element of weakness in the character of woman will enable the ballot to pull her down? Have women in the aggregate less native intelligence than men? Have they less desire for social and governmental righteousness? Are they less patriotic? Are they less interested in the common welfare? Have they less at stake? If not, wherein lies the superiority of the male portion of the population? In one respect only is there common agreement as to the inferior condition of womankind, and that is in the matter of physical strength. I am not sure but that in this element of inferiority lies the explanation of the fact that for thousands of years women were not accorded an equality of legal status, an injustice which in civilized communities has been or is in process of being consigned to the limbo of discredited superstitions, and I suspect that it is the survival of a rudimentary bias reaching back for its primal origin to this ancient condition which accounts for the persistence of the obsession which leads so many worthy people to deny her equality of political status in this day of broadened vision. We have many examples of such survivals long after the decay of the root from which they grew. Intelligent men have ceased to believe in the malign influence of sorcery and witchcraft—in spells—in the ill luck inseparably associated with the possession of certain inanimate objects which have received the sinister attentions of the devil—in the malevolence of black cats and cross-eyed gentlemen of color—but a good many of them continue to entertain suspicions respecting the number 13, in spite of its harmless character, and derive more or less mental discomfort from the initiation of any enterprise on Friday, although Friday is in truth as benign a day as any in the calendar. And so in the matter of our objection to woman suffrage are we quite sure that what we regard as twentieth-century wisdom is not the fag end of a medieval superstition?

We are told that if women are given the ballot the household will suffer; that woman's place is the home. The obvious retort is that if the workshop, and the farm, and the mine, and the office, and the countingroom continue in operation, notwithstanding the responsibility which now rests upon the male voter, the household may survive even if the women of the country study politics and take a few minutes off on election day to vote.

It is urged that giving the ballot to woman will destroy her charm and femininity; that she will develop unattractive masculine traits. These are new words set to a very old tune. The same thing was urged against the new woman a hundred years ago when she demanded an equal opportunity for education. She was told that that was exclusively masculine business and solemnly warned to return to her spinning wheel at the peril of losing her womanly sweetness, but girls to-day go to school with their brothers and the brothers of other girls, and young women to-day go to college in brazen disregard of ancient conventionalities, and they are better wives and better mothers and better women and better citizens not in spite of it but in consequence of it. The objection is in a class with the demand for the preservation of the sidesaddle, lest we give verification to the suspicion that the normal tendency of humanity is to accumulate legs in pairs quite irrespective of the accident of sex.

Some people are fearful that if we enfranchise the women the bad women will vote and the good women will refrain from voting. But if the right to vote carries with it the correlative duty to exercise the right in the case of women, as it is supposed to do in the case of men, there is no good reason to expect that good women will shirk in greater proportion than good men do, for women on the average are quite as conscientious as men in faithfully discharging their responsibilities. However that may be, if we are justified in allowing men to vote irrespective of good or bad character, because of our inability to separate them in terms of legislation, how can we justify withholding a similar right from women because of a like unfortunate division among them of good and bad?

Again, it is said by some that the result would simply be to double the vote without changing the result; that the women would generally vote as their husbands do. And it is said by others that it will develop unfortunate antagonism between husband and wife over political differences. I think generally, though not always, in those States which have adopted equal suffrage, that husband and wife vote the same ticket just as generally, though not always, they attend the same church. There is nothing remarkable or sinister in this any more than

there is in the fact that generally, though not always, the male members of the same family agree in their political affiliations. There are, it is true, occasional differences of opinion between husband and wife, but I have not observed that it is followed by anything more serious than generally follows from the occasional differences about other matters or from similar differences among brothers and sisters or between mother and son.

I have no intention of entering upon any affirmative argument in justification of woman suffrage. Indeed, to my own mind, the most convincing argument for the political enfranchisement of women is the absence of any really persuasive argument against it. If it be right to extend the voting privilege to all sorts and conditions of men, I am not quite able to see the justice of denying the same right to all sorts and conditions of women. If we have extended the privilege too broadly in the case of men and wisdom demands that we should eliminate the unfit, the thriftless, and the illiterate, that is a good reason for denying the privilege to these classes of both sexes. It is no reason for denying it to the women who are fit and capable. In other words, the line which should separate the voters from the nonvoters is one of character and not one of sex.

In my view of the matter it is not important to consider whether woman suffrage will result in a betterment of conditions. It is enough for me to be convinced that conditions will certainly be no worse. I do not put my support on the ground of expediency or on the theory that society will be greatly or at all or immediately or ever benefited by the change. I suspect that the human nature of men and women in the aggregate does not materially differ. I would not, therefore, expect the political millennium to be noticeably hastened by the change. Things would probably go on pretty much as they do now. We would continue to move forward more or less slowly, more or less painfully, sometimes slipping backward, as we do now, sometimes falling as we now do, but in the end recovering ourselves, picking ourselves up and going on afresh, and on the whole, I hope, toward wiser and better things.

I give my assent to woman suffrage because, as the matter appeals to me, there is no justification for denying to half our citizens the right to participate in the operations of a government which is as much their government as it is ours upon the sole ground that they happen to be born women instead of men.

Mr. OWEN. Mr. President, I think that no one in public life has had a stronger desire to give the right of suffrage to women than myself. I favor giving them this right from every standpoint of equity and justice. But I was surprised this morning to hear the Senator from Kansas [Mr. BRISTOW] use the question of woman suffrage to assail the President of the United States.

There has not been in that great executive chair a man in the history of this country who has more honored it, who has been more serviceable, or who has been more appreciated by the people of the United States. That the Senator from Kansas should attempt to place him in the light of being an instrument of the Canadian railroads, to put him in the attitude of abject servility to a mere party call, and to put him in the attitude of equivocation and injustice toward the women of the country does the Senator from Kansas but little credit.

Party platforms ought to be binding upon those who represent a party under our present method of conducting government. Yet every man knows that there will creep into a platform some concrete plank, some detailed suggestion, which has not been fully digested by the members of a party, and which I do not think, in a true and high sense, should be regarded as necessarily conclusive of party policy.

We all know how these conventions are conducted. There is not a man on this floor who does not understand how the committee on resolutions is framed, who does not understand how a few select spirits, active, ingenious, strenuous, lay their hands upon a platform and undertake to voice the sentiment of 45,000,000 people, and they probably do the very best they can.

In so far as the question has been digested by the members of a party, in so far as a plank represents fairly and justly the sentiments of a majority of the members of a party, it deserves to be recognized. But in so far as the question of Panama tolls is concerned, I say frankly that that question, to the best of my belief, has not been passed on by the national Democracy, although discussed favorably in some few States. I say that that plank put in the Baltimore platform is not necessarily binding on the conscience of every Democrat, because it does not in truth really represent the sober, deliberate judgment of the majority of the members of the Democratic Party, but perhaps rather represents the ingenious placing in the platform of the opinion of some excellent gentlemen who found themselves in a position to voice what they sincerely thought was the sentiment of the party. Then, when it passes the subcommittee and in the rush and roar of the convention is not objected to by the committee on resolutions, and the entire platform passes with a huge shout by the convention, it goes into our literature and becomes a plank that may attract or repel many, but which is not observed by millions who look to the spirit of the platform and the great character of the presidential candidate and vote accordingly, with no conception of binding him hard and fast to every item in the platform, much less to bind him or the party itself against new evidence developed, new facts disclosed, or against his conscientious interpretation of foreign treaties or of our national standing with the great nations of the world, or to bind Senators against their conscientious belief of what is constitutional and of what is best for the general welfare.

The Senator from Kansas, who always seems to be strongly in favor of privilege, is quite anxious to have it appear that the President of the United States is serving privilege, that he is serving the interests of the transcontinental railroads, and particularly of the transcontinental railroads of Canada, and that he listens with peculiar favor to the demand of England with regard to excusing our coastwise vessels from paying tolls through the Panama Canal. I say for myself, as a Member of this body, that I am strongly opposed to free tolls through the Panama Canal. I am opposed to it because it is fundamentally unjust to the taxpayers of the United States. I am opposed to it because I do not believe one dollar of privilege granted to the coastwise vessels plying around the American coast will ever find its way into the pockets of the consumers of this country. Whatever the maritime coastwise monopolies do gain they will pocket and use for themselves.

I think, as a matter of common sense and as a matter of common justice, when the American people have taxed themselves to the extent of $400,000,000 to build the Panama Canal, the vessels that take advantage of it, which go through it, which use that gigantic investment for their private profit, should pay at least enough to maintain that great international highway, and that no vessel should have the right to use that investment of the people of the United States without a measureable contribution to the maintenance of the canal, if not to the payment of some degree of interest upon the investment itself.

We have a national policy to observe, of course, because the building of the canal is intended principally to promote our commerce and protect our shores on both oceans. We can not forget that. Therefore it may be necessary, in order to promote commerce through that canal, to put a very low measure of toll on vessels passing through from one ocean to the other.

Regardless, however, of the treaty between the United States and England, I am fairly of the opinion that every vessel which passes through that canal should pay its proportionate part of the cost of maintenance by a system of tolls that shall be uniform upon all the nations of the world.

I regret that the Senator from Kansas should take occasion in discussing woman suffrage to drag in these other questions in order to assail the President of the United States.

The man who is nominated by a great political party, who is elected by a great political party, does owe an obligation to that party.

When we consider the question of woman suffrage we find that many Democrats are opposed to it. We find that many Democrats are in favor of it. I think it is easily true that far more Democrats favor it than Republicans favor it. But that is immaterial. A Republican President has no right to bind the Republican Party in favor of woman suffrage, because there are many Republicans who are opposed to it. A man elected to the Presidency by the Democratic Party has no right to bind the Democratic Party to woman suffrage.

The Democratic Party was not constructed upon that plan. Democrats are not cohered by a common belief in woman suffrage. The woman suffrage party is a different organization, bound together by their judgment as to the question of woman suffrage. I am for woman suffrage. I have made speech after speech in favor of it, and I favor it not so much because of granting the privilege to women as because of its importance, in my opinion, to the welfare of men.

But the Senator from Kansas uses this question of debating woman suffrage to drag in the question of the Panama Canal, and then tries to put the President in the false attitude of an unfair evasion in replying to the women. The answer quoted by the Senator from Kansas is a just, a fair, and an honorable answer. The President had no right, as the head of the party, to commit the Democracy on this question. He has a right, as the titular leader, to express his private opinion on this question when he discusses it with members of his party or with others, but when he addresses a communication to the Congress of the

United States insisting upon legislation he will do so as the leader elected by the organized Democratic Party. Therefore he is bound to confine himself to those things which will meet the general acquiescence of his Democratic supporters. But in a matter of the Panama Canal, of this serious importance to the Nation, where he is charged by the Constitution with expressing himself upon a matter which affects our relations with a foreign nation so vitally, which affects our commercial affairs, he is justified in expressing himself, and is compelled to express himself, with regard to it as his conscience and judgment may guide him in the light of the latest evidence upon this subject.

I regret to see that the Senator from Kansas should go out of his way to attack the President. I want to say that, in my judgment, no Senator can afford to assail the present occupant of the White House on any such flimsy, unjust charge and expect to strengthen himself in his own State by that assault.

Mr. CHAMBERLAIN. Mr. President, no one regrets more than I the fact that the distinguished Senator from Kansas [Mr. BRISTOW] has united with a brief discussion of the woman-suffrage question a criticism of the President for his views in reference to the Panama Canal.

I am frank to say, however, that I disagree with the views expressed by the President of the United States. I do not attribute to him, as does the Senator from Kansas, any disposition to stand in with the Canadian Pacific Railway Co. or with other transcontinental railway companies. I simply believe that the President stands in the attitude that some of the Senators on this side of the Chamber stand in to-day, entertaining an honest difference of opinion with reference to the propriety of having enacted the so-called Panama Canal act.

As to being a Democratic doctrine, Mr. President, if platforms mean anything, if they are intended to stand on rather than to get in on, then this declaration of free tolls for coastwise vessels is a Democratic doctrine. It was declared for in the Democratic platform in Baltimore. There is no question about that. If it does not bind the Democratic Party, Mr. President, there is not a single declaration in it that does bind the party. Not only that, but if the expression of opinion by Democrats on the floor of the Senate and on the floor of the House of Representatives means anything at all, it means that they have indorsed this declaration in the platform of the Democratic Party, because clearly all the Democrats in the Senate, and I think probably a majority of the Democrats in the House, voted for this clause of the Panama Canal act.

I may say, further, that in the campaign which followed that declaration in the platform at Baltimore Democrats went over the country and declared in favor of it, and it is impossible to know how many votes were influenced by such declarations.

Take it in my own State, if you please. It was made an issue there, and it was discussed not only by myself but by other Democrats on the platform in Oregon and by the press, all taking the position that the salvation of the Pacific coast as well as the Atlantic coast generally demanded this legislation as a regulator of rates charged by transcontinental lines on all transcontinental freight.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield.

Mr. SMOOT. Is it not true that President Wilson himself discussed that plank in New Jersey before the day of election, and is it not true that he approved of that plank in the Democratic platform?

Mr. CHAMBERLAIN. I have been so informed. I did not hear him, but I have seen the speech in print, and I think possibly its substance is in the Democratic Campaign Textbook for 1912. I am not criticizing the President. He is entitled to his view. And I am frank to say if there was a plank in the platform which my conscience could not approve I would feel disposed to repudiate it just as the President has done the one under consideration. I say again, I am not criticizing the President. I am simply suggesting to my good friend the Senator from Oklahoma [Mr. OWEN] that that plank is a Democratic doctrine if any part of the platform is expressive of the views of the Democratic Party in this country.

Oregon is a strong Republican State, by majorities ranging from twenty-five to thirty-five thousand, and Oregon gave its entire electoral vote to the President of the United States in the last election. Who can say, Mr. President, that many of the voters of my State were not influenced by that declaration in the platform? I for one want to say that I do not propose to stultify myself in reference to this subject now nor at any time in the future. I do not propose to go back to my people and say to them that because the distinguished President of the United States happens to differ from me I am going to yield my convictions, my judgment, my conscience, to his view of this subject; and I say that in all kindness, not intending to criticize him at all in his attitude on the subject. I accord to him the same right that I claim for myself; and that is, not to approve the declaration in any platform unless I can do so conscientiously and as a Senator. I do not know how my friends on this side of the Chamber intend to square themselves with their constituents when they go back to them and say that they have been induced to change their attitude with reference to the Panama-tolls question—I do not mean to say that any of them are going to do so—but I, for one, am not going to do so, Mr. President.

Further than that, I am not going to let the delicacy of the diplomatic situation that has been from time to time appealed to influence my judgment. It seems to me that we ought to stand firm, not only with reference to our rights in regard to the Panama tolls question, but as to every other diplomatic question, and that it is not our province or our duty or our right, under the solemnity of our oaths, to yield to the demands of any power on earth. I would rather be a subject of a conquered nation, Mr. President, if you please, with honor, than to enjoy freedom and feel that I had sacrificed every sense of propriety and honor in my action upon any legislation that comes before Congress.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. With pleasure.

Mr. SMOOT. In that connection I wish to call the Senator's attention to the vote which was cast in the Senate on August 7, 1912.

Mr. CHAMBERLAIN. I should like to have the Senator read it into the RECORD. I have forgotten what it was.

Mr. SMOOT. The Senator from Ohio [Mr. BURTON] offered the following amendment:

On page 6, lines 13 and 14, to strike out the words:
"No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States."

The vote upon that amendment showed 11 yeas, 44 nays, and 39 not voting. In the list of 11 yeas not one Democratic name is found. For the information of the Senate I will read the names of those who voted "yea":

Brandegee, Burton, Crane, Fall, Gronna, Lodge, Nelson, Oliver, Penrose, Root, and Wetmore.

Mr. CHAMBERLAIN. Mr. President, that is about as I recollect the vote; and I do not believe it will be found that it will be essentially different when the time comes to vote on the question of the repeal of the free-tolls clause of the Panama Canal act. There is not any question but that every dollar that is remitted to American vessels engaged in the coastwise traffic will be a compelling factor in making the transcontinental railway lines reduce the freights for transcontinental traffic. It will be a freight regulator, if you please, Mr. President, and the American people look upon it in that light. Not only that, but the American people have a right to demand that that canal shall be treated as an American institution, built with American money, designed by American ingenuity, and now to be maintained at an expense to the American people of about $16,000,000 per annum out of the Treasury of the United States. It is an institution which was not only constructed, as I have suggested, by American ingenuity and American energy and American money, but is an institution built on American soil; and the American people have just as much right to control it, without the violation of any treaty, as they have to operate the canals on the navigable waterways of this country without charging any toll.

If this policy of the Government, which has been recognized for a hundred years, of the maintenance of these canals and their use without the payment of tolls is to be reversed, then we are simply making this reversal at the demand, first, of the Canadian Pacific Railway Co.—I know that that is denied—backed if you please, by the American transcontinental railway systems. We know, Mr. President, that it is a matter of history that the railway companies of this country, and particularly the transcontinental railway companies, prevented the construction of the Panama Canal for years; and when the question of granting coastwise vessels freedom from tolls was under discussion here in the Senate, those of us who knew who the lobbyists of the railway companies were could look up in any of the galleries and recognize the faces of Mr. Schwerin and other men who were lobbying for the railway companies here and opposing this part of the Panama Canal act, just as they had opposed in the past every measure that looked to the construction of such a canal. Having failed to defeat the building of the canal, having failed in thwarting legislation, they now invade the field of diplomacy.

Mr. President, I say—and I feel authorized in saying it here and I think it proper to say it here—that at the time the Clayton-Bulwer treaty was adopted and at the time the Hay-Pauncefote treaty, which superseded it, was adopted, an entirely different situation, and entirely different condition existed in this country from the condition which existed when the Panama Canal was built; in other words, the subject which was then under consideration was the construction of a canal across foreign territory. Through the activity and energy, whether rightly or wrongly exerted, of President Roosevelt a 10-mile strip of territory was acquired by the United States across the Isthmus of Panama, and the canal was constructed on American territory. The question was discussed once before as to whether or not that strip is American territory. I say it is American territory to all intents and purposes, and the United States has the right to construct a canal over it and to maintain it and to use it just exactly as we see fit.

In all this I do not mean to criticize the views of the President; not at all. The President has a right to make this insistence, if he pleases; but, now, if we are going to yield to the demands of anybody with reference to the free-of-tolls clause in the Panama Canal act, where are we going to stop? Are we going to listen to an insistence which may be hereafter made by some foreign power and say that we will allow American railroad-owned ships to pass through this same canal? To prevent that is just as much a violation of the so-called treaty as any other condition that we have insisted on in the past. Are we going to dismantle our forts that are built for the protection of the Panama Canal? Their maintenance is just as much a violation of the treaty as is the exemption of American vessels from tolls. Are we going to say that our naval vessels can not be passed through the canal without the payment of tolls, or at all? Allowing that is just as much a violation of the treaty as this possibly can be.

Mr. President, I have been induced to make these remarks because I do not propose to be placed in the attitude of stultifying myself before the people of this country or before the people of my State. After having gone before them and discussed the situation from one end of the State to the other, I do not propose to come here and, at the behest of anybody, to take the back track on this proposition. For one, I will go down to defeat, if need be, rather than to take any such position as that before the American people and be a party to the violation of pledges that I have made to the people of Oregon and to the people of this entire country.

I hope I may not be misunderstood, Mr. President, when I say that I am not saying this in criticism of anybody, but I am saying it because I think it right to say it; my conscience suggests it, and my duty demands it. I accord to the President the same right, the same privilege, and I insist that it is his duty to maintain his view of the situation, if he feels disposed to do so. I have felt it to be my duty and, in accordance with the suggestions of my own conscience, to say to-day just exactly what I have said, without meaning to criticize the actions or to impugn the motives of anybody in this country, much less the President, for whom I have the highest regard, and in the patriotism of whose purposes I have the greatest confidence.

Mr. McCUMBER. Mr. President, I do not know of anyone who is a more ardent Republican than I am, or one who probably differs so radically with the President of the United States upon the great question of protection, which really divides the Republican Party from the Democratic Party; but I want to say right here, Mr. President, lest it might seem that silence on this side of the Chamber might give a semblance of agreement with the words of the Senator from Kansas [Mr. BRISTOW], that I, for one, and as a Republican, repudiate his utterance that the President of the United States is the tool of any transcontinental railway or of any other interest in the world.

Mr. BRISTOW. Mr. President——

Mr. McCUMBER. However we may differ with the President of the United States upon any great question of policy of this Government, I believe he is honest, sincere, and a true patriot; and not only do I believe that the greater number of the Republicans on this side have confidence in his integrity, but I believe that the fact that his purpose is patriotic is generally conceded by the people of the United States, Republican and Democrat as well. It was lest we might seem to join the Senator in a criticism of the integrity of the President of the United States that I desired to speak, at least for myself; and in the sentiment I have expressed I believe that I have voiced the feelings of most of the Senators on this side of the Chamber.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I am through, Mr. President.

Mr. BRISTOW. Mr. President, I challenge the Senator from North Dakota [Mr. McCUMBER] to point to a statement that I made impugning the integrity of the President of the United States. I quoted declarations of the President of the United States made to the ladies when they called upon him in behalf of the suffrage amendment and quoted declarations from the President of the United States in regard to canal tolls. I made the statement that the offer to repeal the toll-exemption clause was backed by the transcontinental railroads of the United States and Canada. That declaration has been made on this floor for more than two years; I have made it time and again in debate, and I make it now. I can read from the RECORD the declarations of distinguished Democrats, as well as distinguished Republicans, to the same effect. I do not impugn the motives of anybody; and if the President of the United States is placed in an embarrassing position it is not because of what I have said, but because of what he himself has said.

Mr. LODGE. Mr. President, I do not believe that the President of the United States is in the least embarrassed, as the Senator from Kansas [Mr. BRISTOW] suggests, and I should not undertake to interfere in such a debate as we have been listening to here to-day were it not that the Senator seemed to take a view of the President's attitude in regard to the Panama tolls which I do not share. I listened to all the Senator from Kansas said, and he left with me the impression that, in his opinion, the influence of corporations, both foreign and domestic, had been very strong in determining the attitude of the President with reference to the repeal of what is known as the exemption clause in the Panama Canal act. Whoever else may have changed his mind, I do not think that the President has changed his mind on that question at all. My own impression is that he has held his present view for a long time. Of this I am certain: The President did some of us who are on the Committee on Foreign Relations the honor of consulting with us about this matter, and I am sure that in dealing with it he is guided entirely by what he thinks is for the honor and credit of the United States in our relations with foreign nations. I think he has no other object in view. I think he feels, unless I greatly misunderstand him, as some of the rest of us have felt, that the position we held not very many years ago in the way of prestige and standing among the nations of the world has been lost or greatly impaired. I think he feels that the time has come to retrace some of the steps that have been taken subsequently in late years. I think he has the conviction that in one way or another—and I am laying no blame now at anybody's door—the United States has fallen into an unfortunate and unhappy position, where she has incurred the active dislike of many nations and the distrust of many more, instead of the friendship and respect which she once possessed. The President does not like, in my judgment, to see the United States in the attitude of an outlaw among the nations. He feels that we should have all the prestige, all the influence which is our due and which we have ever had among the nations of the earth. He believes, I think, as I believe, that prestige and influence are not to be obtained by disregarding international obligations or by reversing policies long held by the United States simply to gratify some passing whim or some passion of the moment. I believe also that the President regards the foreign relations of the country as above party.

I do not hold a position in this Chamber which calls upon me or entitles me to be the President's defender, but I can not sit in silence, as a member of the opposition and of the minority, and hear what I consider an injustice done to the President of the United States, in whose hands rests the conduct of all our foreign relations, without making a protest against it simply in my capacity as an American citizen. I have always held very strongly the opinion that in the matter of foreign relations it is our duty always to stand by the President of the United States just so far as it is possible to do so without violating one's own convictions. I have always tried to follow that course in my public life, and therefore I shall not now consent to censure him because he has taken a certain view of our international duties in regard to toll exemption—a view which I think he has probably always held—or charge that he is doing something inconsistent and improper as a party leader which, I confess, seems to me absurd.

I am myself a pretty rigid Republican and party man. Yet I have known things which in some way crept into Republican platforms that I would not have voted for if they had been brought up here as the basis of legislation, because my conscience and my sense of duty would have forbidden it. Cases constantly arise where party conventions in their resolutions travel out of the line of their duty, which is simply to set forth general principles, and not undertake to regulate the details of legislation.

It is entirely within the province of the President, if he chooses, to say that in an act in which he can have no participation—for he does not sign a constitutional amendment—he does not feel justified in injecting a new article into the party creed. I see no inconsistency between his taking that position and saying at the same time that there is another paragraph in that platform to which in duty and in conscience he can not agree. If there were inconsistency, I do not see that that in the least affects the merits of the tolls question upon which the President has taken recently publicly such a decided stand.

I differ as widely as possible from the President of the United States on general political principles, but on the question of foreign relations, speaking, as I have already said, merely as an American citizen, I wanted to make my protest against an injustice being done, as I think has been done this morning, to the purposes and motives of the President of the United States. When he is dealing with foreign relations, in some respects of a most perilous and difficult character, if he says, on his high responsibility, to the Congress of the United States that a certain step in foreign relations is necessary to the good name and possibly to the security of the United States, that it is necessary in order to save the United States perhaps from a situation where serious loss or serious injury might be incurred—if he says all this on his high responsibility, I think it becomes the duty of all men who look upon foreign relations as I do not to try to block his path, but to give him such aid and assistance in our humble way as we are conscientiously able to give.

Mr. CLARK of Wyoming. Mr. President, will the Senator from Massachusetts permit me to ask him a question before he takes his seat?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. The Senator's last statement was a little broader than I care to accept. Am I incorrect in my understanding of the Senator's notion that the Senator would aid the President of the United States in carrying out a policy which the President thought was the best policy, or a necessary policy, but which the Senator from Massachusetts, from his own investigation, thought was not a good policy and was a dangerous policy if carried out?

Mr. LODGE. I certainly should not support the President in any policy which I believed to be wrong or which went against my conscience; but where I have no policy to substitute, and he is engaged in a difficult situation, I am ready at least not to throw obstacles in his way, and so far as I honestly and conscientiously can, I am going to give him my support.

Mr. CLARK of Wyoming. I agree with the Senator's last statement, but further than that I decline to go.

Mr. LODGE. I did not mean to suggest that I would support any man whom I believed to be wrong, unpatriotic, or doing something which I thought an injury to the country; but I do say that on a question of foreign relations, where my desire is to support the Executive, if I do not feel that what he is trying to do is wrong, I will go just as far as I conscientiously can in giving him my support, whether he is of my party or of some other party.

I happened to be sitting in the Senate when a President of the United States of the Democratic Party made a declaration in regard to Venezuela which was thought by many persons to bring us to the verge of war with England. I did not happen to agree with the view that it brought us in danger of war, and I thought the President was entirely right in the attitude he took. I thought so then, and I think so now. He was widely and bitterly criticized at the time by many men who belonged to my own party; but I was unable to see my way, for party advantage, to opposing the President when I believed he was doing not only what he honestly thought was best, but that to which I could give conscientious support.

I am anxious to go as far as I can in supporting any President when he is dealing with a difficult and complicated foreign situation, because the great responsibility of initiating and shaping our foreign policy must rest with the Executive and can not rest anywhere else.

Mr. BRISTOW. Mr. President, I can find no ground for criticism of the Senator from Massachusetts in the fact that he is supporting the President, either in regard to his attitude toward woman suffrage or in regard to his attitude toward canal tolls. The Senator from Massachusetts believes just as the President believes in regard to those matters, I understand.

I am not surprised that the Senator from Massachusetts should come to the defense of the President's attitude in regard to canal tolls, because he is one of the Senators who has opposed the exemption of vessels engaged in the coastwise trade from canal tolls and the inhibition against the use of the canal by railroad-owned ships. The Senator from Massachusetts has fought against those provisions from the beginning. In my opinion the repeal of those provisions would render the canal far less useful to the American people than it otherwise would be, and would continue the monopoly of transcontinental traffic by rail and by sea which has existed for 25 years.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. I entered the Chamber after the Senator from Kansas had made the remarks which have occasioned, to a large extent, the debate of the last hour. I did hear the Senator from Kansas disclaim having charged the President with being in collusion with the transportation lines; but he added that if the President was in an unfortunate situation it was because he placed himself there by his own words or by his own conduct. Evidently the Senator then was referring to something he had previously said.

I wish to ask the Senator, for my information, to tell me what the words of the President were, or what the conduct of the President was, which placed him in this embarrassing position, and which led the Senator to make the remarks which came so near being a direct charge that they had been so understood by Senators.

Mr. BRISTOW. From the statements of the Senator from Massachusetts [Mr. LODGE] I do not know that the President is in an embarrassing position; but from the remarks that were made by the Senator from North Dakota [Mr. MCCUMBER] I was led to believe that he thought the President was in an embarrassing position.

To answer the question of the Senator from Missouri, however, I quoted from the President's address which he delivered to a delegation of ladies who called upon him and solicited his aid in behalf of the constitutional amendment for woman suffrage, which is pending before the Senate, and I also quoted his letter to Mr. Marbury, of Baltimore, in regard to the Panama Canal tolls controversy. In the one he said he could not speak for suffrage because the platform had not declared in favor of suffrage; in the other he said that the platform had declared, but he thought the platform had declared wrongly. My comments upon the two positions taken by the President were what led to the debate here this afternoon.

Mr. REED. Mr. President, if that is all there was to the matter, I have nothing to say. I was interested in knowing whether somebody had discovered the President of the United States "opening his mouth and putting his foot in it," because I had the opinion that that was an accident which happened very much more frequently to the ordinary Senator than it did to the President of the United States, and I was interested in knowing whether he had made a foolish statement. I think the matter has dwindled to so small a point that I do not care to pursue it further.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I am compelled to leave the Chamber, and I ask, out of order, to introduce a bill.

The PRESIDING OFFICER. Is there objection to the introduction of the bill out of order?

Mr. SMOOT. It is out of order.

The PRESIDING OFFICER. Under the rules it is out of order, and it is the duty of the Chair——

Mr. CUMMINS. I assumed it was out of order as something else was before the Senate.

The PRESIDING OFFICER. Although out of order, it can be introduced by unanimous consent. Is there objection? If not, the bill will be read.

[The bill appears under its appropriate heading.]

Mr. REED. Mr. President, out of order I ask unanimous consent to introduce a bill and a joint resolution.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. SMOOT. Mr. President, I am not going to object, but I simply wish to call the attention of the presiding officer to the rule, not with the idea that he shall enforce the rule now, but so that in case of future reference to the RECORD it may appear that the attention of the Senate was at least called to the rule.

The PRESIDING OFFICER. The Secretary will read the rule on the subject.

The SECRETARY. The paragraph of Rule VII at the foot of page 9 reads as follows:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. Now, Mr. President, the rule is satisfied. Of course it is not in order to interrupt the Senator from Kansas except with his consent. I now have it, and I ask to have the bill and joint resolution read and referred to the Judiciary Committee.

Mr. SMOOT. Just for the RECORD I wish to say that it is not in order even with the Senator's consent. I shall not object any further, however. The rule has already been read.

The PRESIDING OFFICER. Under the rule, the Chair is unable to do anything except not to permit the bills to be introduced; that is all.

Mr. REED. The Chair has just allowed a bill to be introduced by unanimous consent.

The PRESIDING OFFICER. The Chair was not aware of the rule at that time. It was called to his attention afterwards.

Is there any objection? If not, the bills will be introduced and referred to the appropriate committees. The Secretary will read the titles of the bills.

[The bill and joint resolution appear under their appropriate heading.]

Mr. MYERS. Mr. President, may I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. MYERS. Before the Senator resumes his argument I wish to ask him a question. The Senator said awhile ago that he charged that the transcontinental railway lines were back of the effort to secure the repeal of the exemption from tolls of coastwise ships in the Panama Canal legislation. To what effort does he refer as being backed by the transcontinental railway lines—the effort which it is understood the President of the United States is making?

Mr. BRISTOW. Why, the Senator from Montana must know that the controversy which has been going on for years here in regard to the canal has been a controversy with the transcontinental railroads. As the Senator from Oregon [Mr. CHAMBERLAIN] pointed out, when this bill was being framed by the committee and when it was before the Senate there was a brigade of railroad lawyers here fighting against the provisions which we put in the bill day after day in our struggle to free the water commerce between the Pacific and the Atlantic coasts of the United States from the monopoly of the transcontinental railroads which has controlled it for 25 years. A part of the time they paid about a million dollars a year for the privilege of fixing rates by way of Panama.

Mr. MYERS. But, Mr. President, does the Senator contend that any effort for repeal which is being made now by the President is backed by the transcontinental railway lines?

Mr. BRISTOW. I claim, and state now, and state again, and have been stating on this floor for two years and more, that the fight against the provision in the bill that prevented railroad-owned ships from passing through the canal and the provision that exempted from tolls ships engaged in the coastwise trade has been engineered and made by the transcontinental railroads of the United States and Canada.

Mr. MYERS. Then I do not see how the Senator from Kansas can escape from the charge that has been made here against him to the effect that he has charged the President with being the tool of the transcontinental railway lines. From his language, either he makes that charge against the President or else he must regard the President as an unsophisticated gentleman who is being hoodwinked by designing people with sinister purposes.

Mr. BRISTOW. If the Senator wishes to attribute that motive to the President, that is his privilege. I have not done it.

Mr. MYERS. I have not attributed anything to the President. I have been trying to find out what the Senator from Kansas attributes to him, but without much success.

Mr. BRISTOW. If the Senator will read to-morrow morning in the RECORD the remarks I made this morning I think he will understand exactly what the Senator from Kansas said. At least, I endeavored to make my statement very clear and specific.

Mr. HUGHES. Mr. President, as I understand the Senator, he simply calls attention to the fact that certain interests are in favor of certain legislation advocated by the President?

Mr. BRISTOW. I have made that statement; yes.

Mr. HUGHES. That is about what the Senator's statement amounts to, as I understand.

Mr. BRISTOW. I have made that statement, and make it again, and have frequently made it.

Mr. HUGHES. I will ask the Senator, for my own information, whether or not the provision with reference to canal tolls has any bearing upon the provision with reference to railroad-owned ships going through the canal?

Mr. BRISTOW. I think it has; yes. I think so. I think this is the first step——

Mr. HUGHES. But there is nothing contemplated now about repealing the act?

Mr. BRISTOW. Well, I think——

Mr. HUGHES. As a matter of legislative fact, there is not anything in the proposed legislation with reference to canal-tolls exemption which repeals the law formerly passed?

Mr. BRISTOW. No; the canal-tolls exemption clause is simply a part of this legislation. That may be repealed. It renders less useful to the American people the other provisions of the bill, in my opinion, as I shall undertake to show when we get to the discussion of the bill. It is legislation along the same line; and I am not certain that it will not break down the inhibition we placed in that bill after the controversy we had here for months. I am afraid it will.

Mr. HUGHES. The Senator called attention a moment ago to the fact that the transcontinental railroads were very much interested in legislation pending before the committee of which he is a member which had for its object the twofold purpose of freeing coastwise vessels from the payment of tolls and preventing railroad-owned ships from using the canal.

Mr. BRISTOW. Yes.

Mr. HUGHES. Their interest might very well have been, and, as I recollect, their great interest was, to prevent the passage of the legislation which prevented railroad-owned ships from using the canal. I can not see, however, how the railroads are going to be particularly interested in the exemption question if their ships can not use the canal.

Mr. BRISTOW. The Senator unfortunately was not present when I made my first remarks this morning. The amount of the toll, whatever it is, is added to every ton of freight that passes through the canal as an additional charge. Free tolls for American ships engaged in the coastwise trade would mean that there would be no additional charge imposed upon those ships for carrying commerce between the eastern coast of the United States and the western coast for passage through the canal. If a toll is charged, the rate will be increased by that amount; and the water rate, if it is a free competitive rate, will determine the transcontinental rates charged by the railroads, for every dollar of toll that is levied upon commerce that passes through that canal between the ports of the United States will, as a practical proposition, not only be added to the water rate but also to the transcontinental freight rates.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. Is it not true that when Sir Edward Grey filed his protest, the protest was based upon three propositions: First, the provision as to free tolls; second, the provision with reference to railroad-owned ships; and third, the provision with reference to the favor which we granted to the Panama Republic? He linked the two important propositions together; and in my judgment they are not only linked together in Sir Edward Grey's protest, but they are inevitably linked together in the result which it is believed by some will ultimately follow from the first step of repeal.

Mr. BRISTOW. I think so, too. I agree absolutely with the Senator from Idaho. I think the proposed repeal of the free-tolls clause is more than an entering wedge; I am not sure but that it will result in a nullification, in so far as to its practical effect, on the inhibition of railroad-owned ships passing through the canal.

Some of my Republican friends here have apparently become very much incensed at some of the remarks I made, fearing that I was reflecting on the integrity of the President of the United States. They know that nothing——

The VICE PRESIDENT. The Senator from Kansas will suspend. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators, to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad.

Mr. KERN. On account of the illness of the Senator from Tennessee [Mr. LEA], who is the proponent of the resolution, I ask that it be temporarily laid aside, without prejudice.

The VICE PRESIDENT. Without objection, that action will be taken. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, when I declared that the effort to repeal the exemption of canal tolls was instigated by the transcontinental American and Canadian railroads, that they were behind it and their interests were affected, the Senator from Massachusetts [Mr. LODGE] and the Senator from North Dakota [Mr. MCCUMBER] at once felt impelled to arise and criticize severely the statement I had made upon the ground that I was reflecting upon the integrity of the President of the United States.

There is an effort going to be made, as is plainly indicated from the trend of the discussion here this morning, to base the demand for the repeal of the exemption upon some delicate foreign relations. We now must, it is alleged, give the railroads what they want in regard to transcontinental rates or go into a war with Japan, or Mexico, or England, or some other country. There never was a more preposterous and ridiculous proposition made on the floor of the United States Senate. Has the time come when we have got to permit Great Britain or Japan or any other foreign country to dictate to us what shall be our domestic policy in regard to charging tolls for the use of canals that we build with our own money upon our own territory? Have we forfeited all rights of sovereignty over our own investments?

What has been said upon this floor before in regard to this very subject? I will read now from the RECORD of January 22, 1913, on page 1871, from the speech made by the Senator from New York [Mr. O'GORMAN] to the Senate at that time. He says:

> The great remedy which was sought to be accomplished by that law receives very little attention and was scarcely alluded to by those who opposed its passage. It was sought by the proper use of the Panama Canal to place a wholesome restraint upon the transcontinental railroads in the imposition of their charges. It is common knowledge that for many years the transcontinental railroads looked with disfavor upon the building of a Panama Canal, because those interested in the railroads knew that with the opening of the Panama Canal cheap transportation by water would require the railroads to reduce their rates and would deprive them of the monopoly which they sought to obtain.
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> There was a time when the Southern Pacific Railroad was found in competition with the Pacific Mail Steamship Co. There was a wholesome competition which worked for the benefit of the people of the country. That competition was destroyed as soon as the Southern Pacific Railroad was able to secure 51 per cent of the stock of the Pacific Mail. Rates were then placed so high as in some instances to be prohibitive; and it appeared from the lips of many witnesses, many citizens from different parts of the country who testified before our committee, that the best results to the people of the country from the use of the Panama Canal could be secured only by prohibiting the use of the canal by railroad-controlled boats. The proposal to enact this legislation encountered opposition at every step, and I remember during some remarks I had the honor of making in this body on the 17th of July last that I called attention to what was really within the knowledge of every Member—that no railroad corporation in this country ever secured the control of a competing water line without destroying competition. I called attention to the fact that every foot of rail east of the city of New York, that every foot of rail through New England, was controlled by one railroad system; that every boat on the Sound engaged in water transportation between New York and New England was controlled by the same corporation; and that that corporation, perfecting its monopoly, had sought, and had almost acquired, control of every foot of trolley-line service through that important section of the United States.

When we barred railroad ships from passing through the canal in order to free the canal or Panama from the monopoly which has existed for a quarter of a century, then the question of tolls became a most important subject with the transcontinental railroads.

What does free toll do? It gives the competitors of the transcontinental railroads the free use of this great waterway, the same as we give the free use of the Mississippi River to the boats that ply up and down that waterway. We have expended approximately $100,000,000 to improve the navigation of the Mississippi River. Is it proposed here to charge tolls to the boats that ply up and down that river, in order to get an interest on that investment? Then why should you charge tolls to the boats that pass through the Panama Canal?

We purchased the Soo Canal, connecting two of the Great Lakes. Do we charge tolls for the use of the Soo Canal because we have large investments in that waterway? Oh, no; that is not suggested. It is only when railroads are prohibited by law from owning ships that ply through the canal that the toll question becomes a matter of vital concern to them; and when a Senator who is interested in the freedom of the transportation of the United States rises on this floor and protests against legislation that would tend again to fasten this monopoly upon the water transportation between our coasts he is at once denounced as making an attack upon the President. When he points out the fact, well known to every intelligent man who has studied the Panama controversy, that it is a railroad question, that it is a transcontinental freight-rate question and nothing else, he is at once attacked as stirring up international troubles.

Continuing, the Senator from New York [Mr. O'GORMAN] said:

> We provided in the bill that our coastwise ships should be permitted to use the canal free. We were induced to this course by two considerations: First, to encourage our coastwise shipping, and, second and more important, to secure the cheapest possible transportation by water. Cheap water transportation will compel the competing transcontinental railroads to maintain reasonable rates. The main purpose of the legislation was to reduce the cost of domestic transportation. This clearly presents a question of domestic policy, having no relation to international obligations.
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> Of course, we hear it said "You have violated the treaty with Great Britain," and we are told from time to time that we must maintain our reputation for national integrity with the countries of the world.

We have heard some of that this morning—

> But we have not violated the treaty by exempting our coastwise vessels. England, under a similar act passed in 1815 guaranteeing equality to the ships of the United States in the harbors of Great Britain, has for 98 years discriminated in favor of her local shipping. We have some people in this country who are more English than the English themselves in the consideration of our treaty relations.

I suppose if the Senator from New York [Mr. O'GORMAN] had waited to make that speech until now he would have been denounced in most vehement terms for imputing dishonesty to the President of the United States. Oh, in this attempt to free the transcontinental railroads from the law you can not get behind our foreign relations or use the name of the President of the United States to shield the real purpose. This fight will be made in the open and the country will understand what it is before the controversy is over.

Mr. President, I have other quotations here that I could read, but since the question is not really up for consideration now, except incidentally as growing out of the alarm that seemed to be created by the remarks I made this morning, I will not pursue it any further, but will wait until a more convenient season.

Mr. SHIVELY. Mr. President, the remarks of the senior Senator from Kansas [Mr. BRISTOW] are presumed to be addressed to the first resolution on the calendar under Rule VIII. That resolution relates to the question of suffrage by constitutional amendment. It does not in any sense concern the subject of tolls at the Panama Canal. The question of tolls at the canal is a serious one, to be considered on its own merits. Insinuations about some mysterious and sinister railroad influence will not obscure the real issue. The question of exemption from tolls being a special privilege to a domestic coastwise trade monopoly is in whatever controversy there may be on the subject. But the issue is not before the Senate. Moreover, the President needs no defense. His position on the question of special privilege is well understood by the country. And whether the general question be considered as a purely domestic one or one with an essentially international aspect, the difficulties inherited by the President in relation to it are appreciated by the American people.

Mr. SMOOT. Mr. President——

Mr. SHIVELY. I yield to the Senator from Utah before submitting a motion.

INDIAN IRRIGATION.

Mr. SMOOT. From the Committee on Printing I report back the request of the Senator from Montana [Mr. MYERS] to have printed a brief on irrigation of Indian lands, prepared under the direction of the Board of Indian Commissioners, by F. H. Abbott. I ask that the committee be discharged from the further consideration of the matter, and that it be referred to the Committee on Indian Affairs. I understand that the subject matter of the brief is for the use of that committee, and, under the printing law, they have a perfect right to order the printing of 1,000 copies. Therefore I ask that the Committee on Printing be discharged from its further consideration.

Mr. GRONNA. May I ask the Senator from Utah, if this is the report submitted by the Senator from Arkansas [Mr. ROBINSON] as chairman of the special commission?

Mr. SMOOT. No; this is a brief prepared by Mr. Abbott, in reference to irrigation on Indian lands.

Mr. HITCHCOCK. I should like to inquire of the Senator from Utah whether he can present this business at present under the rule which was cited a few minutes ago?

Mr. SMOOT. The Senator from Indiana [Mr. SHIVELY] yielded the floor to me for the purpose.

Mr. SHIVELY. I yielded to the Senator from Utah.

Mr. HITCHCOCK. I understood from what the Senator from Utah said that it would not be in order at this time.

Mr. SMOOT. If the Senator from Indiana did not yield the floor I withdraw it. I am not going to violate the rules of the body. I do not ask to do that at any time. The Senator from Indiana yielded the floor, as I understood him.

Mr. SHIVELY. I yielded the floor. I was just on the point of making a motion that the Senate proceed to the consideration of executive business.

Mr. SMOOT. That is what I understood.

The VICE PRESIDENT. Without objection, the action requested by the Senator from Utah will be taken.

COST OF OCEAN CARRIAGE (S. DOC. NO. 423).

Mr. SMOOT. I have an article prepared by David Lubin, delegate of the United States to the International Institute of Agriculture, Rome, Italy, on the cost of ocean carriage, its influence on the world's price and the home price of the staples, its bearing on the economic, social, and political life of the nations, and the needs for an international commerce commission. I ask that the article be printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened.

INSPECTION AND GRADING OF GRAIN.

Mr. McCUMBER. Mr. President, I ask unanimous consent that Senate bill 120 may be made the unfinished business at 2 o'clock on February 25, which is a week from to-day. I will say that this is the Federal grain-inspection bill. It has been reported now for the third time from the committee, and I wish to get it in a position where we can act upon it in some way.

Mr. SMOOT. I will say to the Senator that there is already one piece of unfinished business on the calendar.

Mr. McCUMBER. Then I will change my request and ask unanimous consent that Senate bill 120 may be made a special order.

Mr. BURTON. Mr. President, I feel compelled to object to that request. I have received very numerous protests against the bill, and I want to examine it somewhat before that is done.

Mr. McCUMBER. Then I move that the bill be made a special order for February 25, at 2 o'clock p. m.

Mr. BURTON. Is that motion in order? I do not understand that it is.

Mr. McCUMBER. Oh, yes; that motion is always in order.

Mr. BURTON. To make a bill a special order for a particular day?

The VICE PRESIDENT. It can be done by a two-thirds vote. The Senator from North Dakota moves that Senate bill 120 be made a special order for February 25.

Mr. BURTON. There is one other feature about the matter which I should like to state. I have to be absent on that day, and while I am entirely unfamiliar with the terms of the bill, I have received very vigorous protests against it from the State of Ohio and other States near at hand. I think similar protests have been received from the State of Maryland. As I understand, the senior Senator from Maryland [Mr. SMITH] is strongly opposed to the bill.

Mr. McCUMBER. The fact that a State or a city where there is a mixing grain happens to be opposed to the bill is certainly no reason why we should not have it before the Senate so that we can vote on it. That is all I am asking for. I am not trying to hurry it. The Senator will remember that a similar bill has been reported to the Senate, I think, three times, at least twice before. I will admit that it has not been reported far enough ahead of the close of the business of the session to secure its consideration. I desire now, however, to bring it up at a time when it may be considered. I do not want to hurry it. I simply want a vote on it.

Mr. BURTON. I think the Senator from North Dakota will find that there are more than two States that are strongly opposed to the bill.

Mr. McCUMBER. Very well.

Mr. BURTON. Another thing, if it comes up, I should like very much to have it come up when I can be here.

Mr. McCUMBER. Very well; then, if the Senator will designate some other day when he will be here, I will change the motion to that date.

Mr. BURTON. I would suggest the 2d of March.

Mr. McCUMBER. That is a good way ahead.

Mr. BURTON. It is not far ahead.

Mr. McCUMBER. It is two weeks ahead. However, to accommodate the Senator, I will move that the bill be taken up as a special order immediately after the close of the routine morning business on Monday, the 2d day of March.

Mr. JAMES. Just a moment, Mr. President. How much time will the bill take?

Mr. SMITH of Maryland. Mr. President, this is a bill of very great importance to my State, as well as to many others. The subject is one that has been before the Senate previously. Without some consideration of this bill, I do not feel disposed to consent that the Senate shall give to it the privilege of the unfinished business.

Mr. McCUMBER. I am not asking the Senator to vote one way or the other on the matter. All I am asking is a fair expression of the Senate at some time upon the bill. I will give notice to Senators right now that, while the bill has been euchred out of its place during two sessions, it will not be euchred out of its place without a fight every day from now on. I purpose to have a vote of the Senate upon the bill, and it is not going to be jockeyed out of existence by any one Senator or any number of Senators.

I have been perfectly fair. I say that I will fix any time within reason when Senators may want to take it up; and if Senators do not like the bill, they are privileged to vote against it.

Mr. SMITH of Maryland. I will say to the Senator from North Dakota that there is no disposition to jockey in the matter in any way, shape, or form. This is a bill, however, that is very obnoxious to a great many interests of this country, and there is great opposition to it. So far as I am concerned, I shall lend every effort in my power to defeat it. I think the bill is wrong, and while there is no disposition to jockey—I do not think this body is inclined to that kind of work—I think it is my duty to my constituents to do what I can to defeat it.

Mr. McCUMBER. I wish to say to the Senator that, while there may be some boards of trade that think the bill will interfere with them—and undoubtedly it will, to some extent—there is a great farming element all over the country that is seeking for justice, and legislatures of States and bodies representing the farming interests of all the northern section of the country have resolved again and again in favor of legislation along this line.

I am not going to argue upon the merits of the proposition now. I only say that as a justification for seeking to fix a time at which I may bring it up, at least. In asking for this particular date I am not asking that it be made the unfinished business, but simply that it be made a special order for that day, not that I may have a day on which to express to the Senate my own views upon the bill, but so that Senators may have notice that it will at least come up for consideration on that day.

Mr. BURTON. Mr. President, a parliamentary inquiry. If the bill is made a special order for the day named, and it is not finished on that day, what will be its status?

Mr. SMOOT. It would go back to the calendar.

Mr. BURTON. I am frank to say that I am entirely unfamiliar with the terms of the bill, but a very vigorous protest against it has come from millers in my own State and from other persons as well. It is claimed that it is entirely unnecessary, and that it will create a great deal of confusion.

Mr. McCUMBER. I will say to the Senator from Ohio that I wish he would give me the resolutions from millers in his State, because both of the great milling papers of the United States are ardently in favor of it, and they represent the milling interests of the country. I have letter after letter from millers in the State of Ohio favoring the bill. I think the Senator is mistaken when he says the millers are opposed to the bill. The millers are in favor of it, because they want to know what they are going to get when they buy a certain grade of grain, and at present they do not know what they are getting. I have not found a single miller who is opposed to it. At all events, not a single one who has ever written me has expressed any objection to the bill. The objection comes from commercial bodies that deal in wheat options, grain options, and so forth, and not from the trade.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I yield.

Mr. GRONNA. I simply wish to suggest to my colleague that extended hearings have been held on this particular bill at least three or four times, and those hearings are printed. The only opposition to the bill has come from certain boards of trade and chambers of commerce. I recollect very well that the boards of trade from the city of Baltimore were here during the last session of Congress and had an opportunity to be heard. In fact, practically every board of trade in the United States has been heard on this particular bill.

Mr. McCUMBER. I wish to say to my colleague that at the present time boards of trade, like those of Duluth and St. Louis—and I can give him a great number of others—have begun to change their opinions upon the bill and are now becoming strongly in favor of it. Even those that were opposed to it, after viewing the matter over, are in favor of legislation of this character.

That is neither here nor there, however. This is a question of getting the measure before the Senate for a vote. If I can not convince the Senate that the bill is a proper one, I will take the responsibility of having it defeated. I therefore make that motion.

Mr. HITCHCOCK. I should like to inquire what motion is made by the Senator from North Dakota.

The VICE PRESIDENT. The motion is to make Senate bill 120 the special order of business at the conclusion of the morning business on March 2, 1914.

Mr. HITCHCOCK. I should like to inquire of the Senator why this particular matter should be made a special order so far in advance? It is the Senator's privilege at any time to move to take up the bill, and if the Senate consents he can then make his speech. The matter has not been before the Senate at all for discussion as yet. With the appropriation bills coming on, and the urgency of routine matters, I see no reason why the Senate should foreclose the matter and say that upon that day the time shall be given up to the bill which the Senator from North Dakota is urging.

Mr. McCUMBER. I can answer the Senator from Nebraska very briefly. I was trying to accommodate the Senator from Ohio [Mr. BURTON], who said that he would be absent on the day I originally proposed. I judged that he did not want me to bring up the bill during his absence, and I was taking the earliest opportunity to fix a day when it could have a hearing before the Senate, at least. It will have to have a hearing some day. It will have to be upon motion. No one, without disobeying the rules of the Senate, could speak for more than five minutes upon the matter if it should be considered under Rule VIII.

If we are to start in on a system of attempting to prevent a hearing on this bill, we can fight the matter out every day until we have determined the question. I am trying to accommodate myself to the desires of the Senate and not to obstruct the operation of the Senate on other matters every day by attempting to get a hearing upon this bill.

Mr. HITCHCOCK. I am not familiar with the Senator's bill, but from what he says I judge it is a matter of considerable importance, and it is not likely to be passed upon the day which he may now endeavor to set in advance. It probably must be discussed on a number of occasions.

Why is it not possible for the Senator to-morrow to move to take up his bill, and make his speech, and have the matter discussed to some extent? Then, after it has been brought before the Senate and discussed, it will be time enough to set a day either for a vote or for special consideration.

It seems to me unjust to other matters which are pending at this time for the Senate to decide in advance, without knowing anything about the measure, upon what day it shall be made a special order.

Mr. McCUMBER. I will say to the Senate that I would rather take up the bill to-morrow and go on with it; but we have other matters coming up here, and some Senators say they have not read the bill. I want to be prepared, if possible, to go on with the arguments, both for and against the bill, and finish it up at the earliest possible moment. Therefore I thought it would be better, and I am still of that conviction, if we could fix a day certain upon which, at least, it might be made a special order. Then, Senators who are opposed to it would not be uneasy lest it might come up at a time when they were absent.

Mr. SMITH of Maryland. So far as I am concerned, I should prefer to have this bill take its regular course. I see no reason why it should be given any special consideration.

If, as the Senator from North Dakota says, he is going to ask to have the bill taken up day after day, that is a matter for his own consideration and for the consideration of the Senate. So far as I am concerned, however, I see no reason why special favors should be shown this bill.

The Senator himself recognizes that the bill has had no discussion whatever. It has not been before the Senate. I think it is asking a good deal of this body that a bill should be made a special order of which there has been no discussion whatever. I shall therefore oppose a motion for a special order.

Mr. McCUMBER. The Senator says this is a bill that has had no discussion. Why, this bill has been discussed for hours and days before the Senate. I know that the Senate changes, and that the bill has not been discussed before all the present Members of the Senate; but very lengthy addresses have been made upon the subject, and it has been before the Senate for 10 years.

Mr. SMITH of Maryland. I will say that a bill on this subject has been before the Senate probably for several years; but I know nothing as to what this bill is, and I assume there is hardly a Senator on the floor who has read the bill that has been reported by the committee. Therefore, while this bill is probably similar to some others, this particular bill has never been before the Senate, so far as I have any knowledge.

Mr. McCUMBER. There has not been any change at all in the bill from its form when it was discussed before the Senate on two other occasions when it was reported favorably from the committee.

I will ask that a vote be taken upon the matter now, Mr. President. If the time I have suggested does not suit the convenience of Senators, of course I shall have to bring up the matter day in and day out until we get a decision.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota. [Putting the question.] It is impossible, on a viva voce vote, for the Chair to tell whether two-thirds have voted in the affirmative.

Mr. SMITH of Maryland. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Myers	Smith, S. C.
Borah	Hollis	Norris	Smoot
Brady	Hughes	Ransdell	Sutherland
Bristow	James	Robinson	Thompson
Burton	Jones	Saulsbury	Townsend
Catron	Kenyon	Sheppard	Warren
Clapp	Lane	Shively	
Fall	Lee, Md.	Smith, Ariz.	
Gronna	McCumber	Smith, Md.	

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to state that he is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. SMITH of Arizona. The senior Senator from Mississippi [Mr. WILLIAMS] has been called from the Chamber on important business. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. SAULSBURY. I was requested to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent on official business of the Senate.

Mr. RANSDELL. I wish to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness.

Mr. SHEPPARD. The junior Senator from Mississippi [Mr. VARDAMAN] is absent on business of the Senate.

Mr. MYERS. The senior Senator from Missouri [Mr. STONE] is absent on account of sickness.

Mr. HUGHES. I desire to announce that the senior Senator from New Jersey [Mr. MARTINE] is absent on business of the Senate.

The VICE PRESIDENT. Thirty-three Senators have answered to the roll call. There is not a quorum present.

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 19, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1914.

JUDGES OF THE MUNICIPAL COURT.

Michael M. Doyle, of Washington, D. C., to be a judge of the municipal court of the District of Columbia, vice Luke C. Strider, term expired.

Milton Strasburger, of Washington, D. C., to be a judge of the municipal court of the District of Columbia, vice Thomas H. Callan, term expired.

Robert H. Terrell, of Washington, D. C., to be a judge of the municipal court of the District of Columbia. (A reappointment, his term having expired.)

ASSISTANT ATTORNEY GENERAL.

E. Marvin Underwood, of Atlanta, Ga., to be Assistant Attorney General, vice Winfred T. Denison, resigned.

UNITED STATES MARSHAL.

Clarence E. Smith, of Fairmont, W. Va., to be United States marshal for the northern district of West Virginia, vice James E. Doyle, term expired.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Thomas M. R. Herron, Twenty-eighth Infantry, to be first lieutenant from February 6, 1914, vice First Lieut. Robert D. Goodwin, Fourth Infantry, who died February 5, 1914.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from February 14, 1914.

Robert Du Rant Harden, of Georgia.
Harry Holmes Southwick, of Illinois.
Raymond Ewell Scott, of the District of Columbia.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Benjamin G. Barthalow to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) Miles A. Libbey to be a lieutenant in the Navy from the 1st of July, 1913.

Ensign John R. Beardall to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

I nominate the following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

John B. Staley,
John F. McClain,
Ralph G. Walling,
Henry E. Parsons, and
Laurance S. Stewart.

Allen R. Barrow, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 3d day of February, 1914.

Joseph J. Kinyoun, a citizen of Missouri, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 3d day of February, 1914.

POSTMASTERS.

ALABAMA.

Oscar C. Thigpen to be postmaster at Hurtsboro, Ala. Office became presidential October 1, 1912.

ARIZONA.

Ellen M. Dial to be postmaster at Safford, Ariz., in place of Frieda F. Mashbir. Incumbent's commission expired January 24, 1914.

CALIFORNIA.

Kenneth V. Blair to be postmaster at Kennett, Cal., in place of Alva L. Merrill, resigned.

Ivor B. Clark to be postmaster at Susanville, Cal., in place of David V. Hyer, resigned.

John H. Dodson to be postmaster at El Cajon, Cal. Office became presidential January 1, 1914.

Charles O. Dunbar to be postmaster at Santa Rosa, Cal., in place of Hiram L. Tripp. Incumbent's commission expired February 4, 1914.

Wade H. Howell to be postmaster at Modesto, Cal., in place of David W. Morris. Incumbent's commission expired February 4, 1914.

A. G. Smith to be postmaster at Laton, Cal., in place of Frank L. Bostwick. Incumbent's commission expired February 2, 1914.

COLORADO.

Mae C. Cates to be postmaster at Seibert, Colo., in place of Robert W. Wrenn, resigned.

CONNECTICUT.

John T. Downey to be postmaster at Sound Beach, Conn., in place of George D. Carey. Incumbent's commission expired February 1, 1914.

Aaron Smith to be postmaster at Warehouse Point, Conn., in place of Joseph R. Sperry. Incumbent's commission expires March 2, 1914.

DISTRICT OF COLUMBIA.

Otto Praeger to be postmaster at Washington, D. C., in place of Norman A. Merritt, resigned.

FLORIDA.

W. M. Platt to be postmaster at Arcadia, Fla., in place of Andrew Green. Incumbent's commission expired January 17, 1914.

GEORGIA.

Lonnie C. Brown to be postmaster at Elberton, Ga., in place of Charles W. Parker, removed.

IDAHO.

John R. Viley to be postmaster at Bonners Ferry, Idaho, in place of Walter T. James. Incumbent's commission expired February 10, 1914.

ILLINOIS.

A. O. Haines to be postmaster at Atlanta, Ill., in place of Russell W. Folts. Incumbent's commission expired December 21, 1913.

INDIANA.

John J. Nolan to be postmaster at Evansville, Ind., in place of Charles Sihler. Incumbent's commission expires February 22, 1914.

Edward Smith to be postmaster at Newcastle, Ind., in place of John F. Thompson. Incumbent's commission expired February 10, 1914.

George B. Spicer to be postmaster at Gosport, Ind., in place of Clarence W. Neal, resigned.

IOWA.

Jacob H. Bahne to be postmaster at Sibley, Iowa, in place of Harold E. Scott. Incumbent's commission expired February 4, 1914.

J. W. Cannon to be postmaster at Elma, Iowa, in place of Francis Trunkey, resigned.

E. F. Douglass to be postmaster at Dysart, Iowa, in place of Edward Z. Dempsey, deceased.

William A. Keithley to be postmaster at Springville, Iowa, in place of Otho C. McShane, deceased.

Charles E. Lynch to be postmaster at Waucoma, Iowa, in place of John W. Reed, resigned.

John R. Mattes to be postmaster at Odebolt, Iowa, in place of William N. Oursler, resigned.

Arthur O. Reinhardt to be postmaster at Van Horn, Iowa. Office became presidential January 1, 1914.

Henry S. Rosecrans to be postmaster at Oskaloosa, Iowa, in place of George C. True. Incumbent's commission expires February 18, 1914.

P. H. W. Schippmann to be postmaster at Holstein, Iowa, in place of William H. Nolte, resigned.

KENTUCKY.

Goalder Johnson to be postmaster at Hickman, Ky., in place of James L. Stephens. Incumbent's commission expires February 18, 1914.

W. Logan Wood to be postmaster at Danville, Ky., in place of Edwin B. Linney, removed.

LOUISIANA.

P. Otis Broussard to be postmaster at Abbeville, La., in place of Joseph T. Labit, deceased.

Silvio Broussard to be postmaster at New Iberia, La., in place of Thomas R. Morse, deceased.

Ada A. Smart to be postmaster at Leesville, La., in place of Benjamin F. Cowley. Incumbent's commission expires February 28, 1914.

MAINE.

Manley W. Bessey to be postmaster at Hebron, Me., in place of Herbert L. Melcher. Incumbent's commission expired January 31, 1914.

Dwight P. Macartney to be postmaster at Oakland, Me., in place of George W. Goulding. Incumbent's commission expires February 21, 1914.

George H. Weeks to be postmaster at Damariscotta, Me., in place of Edwin F. Metcalf. Incumbent's commission expired December 16, 1913.

MARYLAND.

Andrew Beaston to be postmaster at Chesapeake City, Md., in place of William B. Coleman, deceased.

Winfred E. Berry to be postmaster at Rockville, Md., in place of Willis B. Burdett. Incumbent's commission expired February 10, 1914.

Robert E. Smith to be postmaster at Ridgely, Md., in place of Alfred W. Thompson. Incumbent's commission expired December 21, 1913.

MASSACHUSETTS.

Timothy F. Lynes to be postmaster at Amesbury, Mass., in place of William A. Murphy. Incumbent's commission expired February 1, 1914.

MICHIGAN.

J. W. Budrow to be postmaster at Schoolcraft, Mich., in place of Ramsay Arthur. Incumbent's commission expires February 25, 1914.

John R. Ryan to be postmaster at Calumet, Mich., in place of C. J. Wickstrom, removed.

MINNESOTA.

E. C. Kiley to be postmaster at Grand Rapids, Minn., in place of Frederick A. McVicar. Incumbent's commission expired January 26, 1914.

Joseph Wolf to be postmaster at Staples, Minn., in place of Rowland Arundel. Incumbent's commission expired February 15, 1914.

MISSISSIPPI.

H. M. Sims to be postmaster at Monticello, Miss. Office became presidential January 1, 1914.

MISSOURI.

Wyatt Cannady to be postmaster at Marionville, Mo., in place of Washington D. Turrentine. Incumbent's commission expires February 21, 1914.

John J. Hall to be postmaster at Novinger, Mo., in place of Henry Frankford. Incumbent's commission expired January 19, 1914.

Henry C. Murphy to be postmaster at Richland, Mo., in place of Henry C. Shubert. Incumbent's commission expired February 4, 1914.

Hugh J. Patten to be postmaster at McFall, Mo. Office became presidential January 1, 1914.

MONTANA.

Lee L. Minnick to be postmaster at Saco, Mont. Office became presidential January 1, 1914.

J. A. Tillett to be postmaster at Whitefish, Mont., in place of James C. Bailey, resigned.

NEBRASKA.

O. K. Jones to be postmaster at Lexington, Nebr., in place of H. P. Nielsen. Incumbent's commission expired July 29, 1913.

Benoni S. Keck to be postmaster at Stromsburg, Nebr., in place of Willington A. Post. Incumbent's commission expired January 31, 1914.

NEW HAMPSHIRE.

Louis P. Ladd to be postmaster at Epping, N. H., in place of Walter H. Stickney. Incumbent's commission expires February 22, 1914.

Harris A. Morse to be postmaster at Tilton, N. H., in place of Luther H. Morrill. Incumbent's commission expires February 22, 1914.

NEW JERSEY.

William F. Bodecker to be postmaster at Tenafly, N. J., in place of Alexander B. Roberts. Incumbent's commission expired February 9, 1913.

George M. Ockford to be postmaster at Ridgewood, N. J., in place of Roger M. Bridgman. Incumbent's commission expired January 19, 1914.

NEW YORK.

Irving Barrett to be postmaster at Bedford Hills, N. Y., in place of William B. Adams. Incumbent's commission expired February 11, 1914.

Stewart B. Butler to be postmaster at Croton Falls, N. Y., in place of Frederic A. Purdy, removed.

Thomas F. Connolly to be postmaster at Norfolk, N. Y., in place of Malcolm C. Judson, deceased.

Justus W. Hackett to be postmaster at Wilson, N. Y., in place of Elmer A. Johnson. Incumbent's commission expired January 20, 1914.

Luther Hasbrouck to be postmaster at New Paltz, N. Y., in place of William H. Van Wagenen. Incumbent's commission expires February 21, 1914.

James L. Hutchens to be postmaster at Pulaski, N. Y., in place of James L. More. Incumbent's commission expired January 31, 1914.

James A. McDonald to be postmaster at Mamaroneck, N. Y., in place of William A. Boyd. Incumbent's commission expires February 21, 1914.

NORTH DAKOTA.

Kathleen Kelly to be postmaster at Agricultural College, N. Dak., in place of Louise B. Evans. Incumbent's commission expired February 3, 1914.

OHIO.

J. H. Biddle to be postmaster at St. Paris, Ohio, in place of John J. Leedom. Incumbent's commission expires February 24, 1914.

Charles P. Gabelman to be postmaster at Waverly, Ohio, in place of Orrin C. Andre. Incumbent's commission expired January 24, 1914.

William F. Gordon, to be postmaster at Somerset, Ohio, in place of Nellie F. Sheridan, name changed by marriage.

Ward G. Haviland to be postmaster at Pioneer, Ohio, in place of Emory Sibley, deceased.

A. A. Lathrop to be postmaster at Swanton, Ohio, in place of Orrin W. Curtis. Incumbent's commission expired January 24, 1914.

Charles B. Maier to be postmaster at Covington, Ohio, in place of L. E. Simes, resigned.

Thomas B. Richey to be postmaster at Georgetown, Ohio, in place of Charles L. Thompson. Incumbent's commission expired December 20, 1913.

OKLAHOMA.

John W. Bane to be postmaster at Laverne, Okla. Office became presidential January 1, 1914.

J. D. Crawford to be postmaster at Stonewall, Okla. Office became presidential January 1, 1914.

Floyd L. Swank to be postmaster at Norman, Okla., in place of John J. Burke. Incumbent's commission expired January 25, 1914.

PENNSYLVANIA.

H. W. Faloon to be postmaster at East Brady, Pa., in place of George W. Best. Incumbent's commission expired January 24, 1914.

Reuben E. Gerhart to be postmaster at Souderton, Pa., in place of Henry B. Freed, deceased.

Albert L. Reinhold to be postmaster at Ardmore, Pa., in place of Mary J. Ensign, removed.

Philip F. Roof to be postmaster at Fredonia, Pa. Office became presidential January 1, 1914.

T. B. M. Ward to be postmaster at Laceyville, Pa., in place of Harry L. Johnson. Incumbent's commission expired January 27, 1914.

SOUTH DAKOTA.

Albert P. Monell to be postmaster at Stickney, S. Dak. Office became presidential January 1, 1914.

TENNESSEE.

Frank W. Latta to be postmaster at Dyersburg, Tenn., in place of John L. Sinclair. Incumbent's commission expires February 21, 1914.

T. J. Welch to be postmaster at Savannah, Tenn., in place of Louis K. Freeman. Incumbent's commission expires February 21, 1914.

TEXAS.

L. L. Bradbury to be postmaster at Franklin, Tex., in place of Ferman Carpenter. Incumbent's commission expires February 18, 1914.

Giles Bowers to be postmaster at Tenaha, Tex., in place of Robert E. Burns. Incumbent's commission expires February 18, 1914.

J. M. Diggs to be postmaster at Munday, Tex., in place of R. C. Couch. Incumbent's commission expired February 8, 1914.

E. O. Driskell to be postmaster at Mansfield, Tex., in place of Joseph A. Bowermon. Incumbent's commission expires February 18, 1914.

Thomas H. Haynie to be postmaster at Grand View, Tex., in place of John D. Abney. Incumbent's commission expires February 18, 1914.

John Kelley to be postmaster at San Saba, Tex., in place of Andrew R. Hill. Incumbent's commission expires April 5, 1914.

G. A. Lindemann to be postmaster at Bartlett, Tex., in place of Jefferson D. Bell. Incumbent's commission expired February 8, 1914.

E. M. Quinn to be postmaster at Beeville, Tex., in place of James T. Ballard. Incumbent's commission expired February 8, 1914.

Daniel B. Shrader to be postmaster at Frisco, Tex. Office became presidential January 1, 1914.

H. L. Webster to be postmaster at Whitewright, Tex., in place of T. J. Lilley, resigned.

George T. Wood to be postmaster at Olney, Tex., in place of A. A. Cooper. Incumbent's commission expires February 18, 1914.

UTAH.

D. R. Evans to be postmaster at Castlegate, Utah. Office became presidential October 1, 1913.

Walter W. Morrison to be postmaster at Richfield, Utah, in place of Niels C. Poulson. Incumbent's commission expires February 18, 1914.

VERMONT.

L. H. Crosier to be postmaster at Readsboro, Vt., in place of Frank W. Banister. Incumbent's commission expired July 30, 1913.

VIRGINIA.

A. N. Cocks to be postmaster at Disputanta, Va. Office became presidential January 1, 1914.

G. H. Kinzel to be postmaster at Winchester, Va., in place of Bentley Kern. Incumbent's commission expires February 22, 1914.

Martha L. Lee to be postmaster at Fortress Monroe, Va., in place of John B. Kimberly. Incumbent's commission expired January 10, 1914.

George N. Reed to be postmaster at Reedville, Va. Office became presidential January 1, 1914.

WASHINGTON.

W. P. Connors to be postmaster at Almira, Wash., in place of Joseph B. Furby. Incumbent's commission expired February 7, 1914.

Emma Goodyear to be postmaster at Starbuck, Wash., in place of Charles A. Blackman. Incumbent's commission expired February 15, 1914.

WEST VIRGINIA.

Maurice E. Wentzell to be postmaster at Harpers Ferry, W. Va., in place of William L. Erwin, resigned.

WISCONSIN.

William A. Koch to be postmaster at Brillion, Wis., in place of George Luecker. Incumbent's commission expired January 13, 1914.

F. M. Patterson to be postmaster at Wild Rose, Wis., in place of Frank M. Clark. Incumbent's commission expired January 12, 1914.

J. H. Smith to be postmaster at Elroy, Wis., in place of Jorgen C. Jacobson. Incumbent's commission expired February 16, 1914.

J. J. Voemastek to be postmaster at Rib Lake, Wis., in place of Duncan McLennan, deceased.

WYOMING.

Margaret E. Vines to be postmaster at Gillette, Wyo., in place of Lola Smith, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1914.

CONSUL GENERAL.

Stuart K. Lupton to be consul general at Guatemala, Guatemala.

CONSUL.

Otis A. Glazebrook to be consul at Jerusalem, Palestine.

UNITED STATES DISTRICT JUDGE.

Thomas G. Haight to be United States district judge for the district of New Jersey.

UNITED STATES ATTORNEY.

Francis H. Weston to be United States attorney, district of South Carolina.

UNITED STATES MARSHAL.

James L. Sims to be United States marshal, district of South Carolina.

JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

Edward B. Kimball to be a judge of the municipal court of the District of Columbia.

SUPERVISING INSPECTOR.

George M. Green to be supervising inspector, sixth district, Steamboat-Inspection Service.

REGISTER OF LAND OFFICE.

J. L. Calvert to be register of the land office at Guthrie, Okla.

RECEIVERS OF PUBLIC MONEYS.

George Weaver to be receiver of public moneys at Durango, Colo.

James P. O'Connell to be receiver of public moneys at Crookston, Minn.

Alexander X. Campbell to be receiver of public moneys at Guthrie, Okla.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Charles J. Symmonds to be major.

Jens E. Stedje to be captain.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Ignatius Fealy to be chaplain.

PROMOTION IN THE NAVY.

MARINE CORPS.

Col. George Barnett to be Major General Commandant.

APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

Joseph G. Wilson to be assistant surgeon.

Newton Edward Wayson to be assistant surgeon.

Clifford Ellison Waller to be assistant surgeon.

Don Carlos Sutton to be assistant surgeon.

Knox Emerson Miller to be assistant surgeon.

John Henry Linson to be assistant surgeon.

Charles Vivian Akin to be assistant surgeon.

Frank Marie Faget to be assistant surgeon.

Thomas Cyrus Galloway, jr., to be assistant surgeon.

POSTMASTERS.

COLORADO.

Oscar N. Marihugh, Idaho Springs.

ILLINOIS.

Marion C. Cook, Duquoin.
William H. Evans, O'Fallon.
John Jakle, Cissna Park.
J. L. Lampert, Alton.
John A. Lentz, Blue Island.
George B. Marvel, Clinton.
Joseph O. Smith, Manteno.
William H. Stolte, Chicago Heights.

NEW JERSEY.

James A. Cleary, Lambertville.
William E. Maxwell, Somerville.
James Norton, Hackensack.
R. J. Quince, Sussex.
Howard J. Tombleson, Williamstown.

PENNSYLVANIA.

David M. Brown, Mont Alto.
Claude E. Desch, Macungie.
John W. Gardner, Youngwood.
F. M. Newingham, Apollo.
Frederick O. Schreiner, Johnsonburg.
Emma M. Schrock, Garrett.

RHODE ISLAND.

Honoré Archambault, Arctic.
Charles Quinn, Phenix.

TENNESSEE.

W. A. Ghormley, Madisonville.
A. R. Hammer, McMinnville.

VERMONT.

Sanford E. Emery, Proctorsville.

WITHDRAWAL.

Executive nomination withdrawn February 18, 1914.

Christopher Lowney to be postmaster at Calumet, in the State of Michigan.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

In the midst of a busy life, O God our Father, we pause and turn to Thee for love and sympathy, for wisdom and strength, that we may be cheered, upheld, sustained, and guided on our way; that whatsoever our hands findeth to do we may do it in accordance with our highest conceptions of right and truth and justice, assured that Thou wilt look with favor upon us and bless our earnest endeavors. So we trust, so we hope, so we pray. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. HELVERING, by unanimous consent, was given leave of absence for 10 days, on account of important business.

RAILROADS IN ALASKA.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the Alaskan railway bill. The House resolves itself automatically into Committee of the Whole House on the state of the Union, and the gentleman from Mississippi [Mr. HARRISON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HARRISON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in Alaska, and for other purposes. Just before adjournment on last Wednesday, the gentleman from Iowa [Mr. SCOTT] offered

an amendment, which was then pending and which the Clerk will report.

The Clerk read as follows:

Page 12, after line 15, insert:
"*Provided*, That if any railroad now in existence shall, with any line which may be designated and located hereunder, constitute a continuous main line of railroad from the interior to tidewater, such existing railroad, with its appurtenances, shall be acquired by purchase or condemnation as hereinafter provided, before construction is entered upon or the line to be constructed hereunder shall be so relocated, as that construction shall begin at tidewater and be carried forward so that in any case the United States will at all times be the owner of a continuous line or lines from tidewater."

Mr. SCOTT was recognized.

Mr. LENROOT. Before the gentleman begins his discussion I want to suggest that the word "hereinafter" in the amendment should read "hereinbefore," because the condemnation proceedings are provided for before.

Mr. SCOTT. Mr. Chairman, that is possibly a typographical error, and I will agree to the substitution. I ask unanimous consent that the correction be made.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the word "hereinbefore" be substituted for the word "hereinafter" in the amendment. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, on the 21st of January in general debate I addressed the House upon the subject of the pending bill. My remarks at that time were directed to what I believe to be a very vital defect in the bill as introduced. I pointed out that the Wickersham bill embodied essentially the Alaska Railroad Commission plan; that it involved the construction of 733 miles of railroad calculated and intended to continue the existing lines respectively, from Chitina to the Yukon and from Kern Creek to the Kuskokwim; that upon the construction of the line or lines under this plan, the Government would be confronted with these alternatives: First, either to lease and turn over to the owners of the existing lines its roads; or, second, to lease from the owners of the existing roads their lines; or, third, to enter into some traffic arrangements with the owners of the existing lines under which the Government and these respective owners would operate their own portions of the continuous lines thus constituted. I pointed out how, under these various propositions, the owners of the existing lines would be left in the ownership and control of the lower trunks, the mountain passes, the terminals, and the choice harbor locations and facilities at Cordova and Seward. I also showed that the Alaska & Northern was an abandoned and bankrupt project; that the Copper River & Northwestern had discontinued further construction and was being operated at a loss of about $800 a mile annually, not figuring any interest on the investment; that under present conditions these lines could be condemned for a comparatively small sum; that the Guggenheims and the owners of the Alaska Northern had already sustained a great loss consequent upon the abandonment of their original plan and promise to build to the Yukon River; that to pursue the Alaska Railroad Commission plan under this bill would transfer that loss to the Government of the United States and inject many millions of dollars of value into the existing lines and the pockets of their owners.

On January 23 the Alaska railroad bill was under debate in the Senate, and Senator BRISTOW offered an amendment calculated to meet the very evil that I had pointed out. The amendment was debated at length and finally adopted with only 12 votes against it. The amendment offered by me on last Wednesday evening, and which is now pending, is identical with the Bristow amendment. It was offered following two votes of the Committee of the Whole of this House upon amendments involving essentially the proposition here presented. The gentleman from North Dakota [Mr. HELGESEN] had offered an amendment to strike out the word "lease" in the second line on page 12. That amendment was agreed to and eliminated the proposed power or discretion of the President to acquire by lease either of the existing lines. In other words, it was a vote against the proposition to acquire those lines, or either of them, in a way that would leave the present owners in the ownership of these lines, terminals, and harbor facilities. Immediately after this a vote was taken on the Mann amendment, which struck out all after the word "Congress," in line 2, page 12, down to and including the word "proper," in line 7. This was a vote squarely against the proposition that the Government should enter into traffic arrangements with the owners of the existing lines, leaving such owners in the ownership and control of the present properties and harbors and the Government to own and operate only the new extensions. Thus this House has declared itself unequivocally upon two of the three alternatives that I have suggested, and there remains only the one that the Government should build these upper extensions for the use and benefit of the owners of the existing lines and turn the Government-constructed roads over to them under lease, and attempt then to regulate them through the Interstate Commerce Commission.

Mr. Chairman, for over 40 years we have attempted to regulate railroads of the United States through instrumentalities of various commissions, including the Interstate Commerce Commission. We have met with great difficulty in that respect, and we are now most indifferently accomplishing the purpose even in the light of conditions with which we are intimately acquainted and which are quite well settled. What difficulties may we then expect in an attempt to regulate railroads in Alaska under conditions the nature of which we can not even now conjecture, working without precedent and with no known principles to guide our course. Mr. Chairman, I do not believe the people of the United States want to go into partnership with the Guggenheims and the Alaska Syndicate, and I for one do not favor the proposition.

Under all these circumstances, and the House having by two votes already committed itself to the principle, we ought not now to hesitate to meet the responsibility resting upon us as a legislative body. We ought not to reject this amendment now upon the theory that in conference we will be forced to accept it anyway. Why not rise to the level of our own responsibility and do what ought to be done of our own volition.

Mr. Chairman, I think my amendment should be adopted. It has already been essentially agreed to by two votes on two separate occasions. [Applause.]

Mr. MADDEN. Mr. Chairman, I have always been impressed with the idea that the Guggenheims were promoting this legislation in a large measure, and I am more convinced of it now than I ever was before. On the 15th of this month Mr. Guggenheim gave a special interview to a representative of the New York American, which reads as follows:

Daniel Guggenheim, in an exclusive interview given the New York American yesterday, vigorously declared he believed the United States Government could successfully operate the railroads, telephones, and telegraphs.

Mr. Guggenheim is president of the American Smelting & Refining Co., American Smelters Securities Co., Guggenheim Exploration Co., Yukon Gold Co., and a director in several other large enterprises.

"Judging from the apparent success the Government has attained with the parcel post," said Mr. Guggenheim, "I believe our Government will succeed in doing things in which the foreign Governments have failed.

"Ten years ago I did not believe the United States Government could succeed in running the railroads, telephones, or telegraphs. I felt that the American people could do it better than the Government.

"My former prejudice was based on my knowledge of what had been done abroad; but I have been converted, and it is evident to me now that our Government will succeed in operating the railroads, telegraphs, telephones, or parcel post to an extent that I never thought possible."

* * * * * * *

Regarding the rumor that his brother, former Senator Samuel Guggenheim, would gradually succeed him as the director in general of the Guggenheim companies Mr. Guggenheim said:

"Since the relinquishment of my brother's senatorial duties he has simply taken off his coat and started to help the whole Guggenheim family assist in taking care of the white man's burden. With the great amount of knowledge gleaned from his association with Senators and Government interests, my brother is better equipped to take up the work he left off when he became a Senator."

Now, Mr. Chairman, there is no doubt whatever but that the Guggenheims are anxious to unload the white elephant they have in Alaska in the form of this railroad, and if this bill passes I predict that the Guggenheims will no longer be owners of the railroad through which they have made great losses, but that the losses will be unloaded upon the American people by the purchase of their railroad by the Government. [Applause.]

Mr. HOUSTON. Mr. Chairman, I would like to know if we can not reach some agreement as to the time on this amendment. I suggest that we have 10 minutes on a side.

Mr. TOWNER. Let me suggest to the chairman of the committee that this matter was debated for two days in the Senate. We ought at least to have time enough to consider it in the House with a reasonable degree of debate. I should say that we ought to have one hour.

Mr. LENROOT. Is the gentleman from Tennessee opposed to the amendment?

Mr. HOUSTON. Yes; I am opposed to the amendment. Now, I suggest that debate be closed at the end of 30 minutes.

Mr. MANN. Make it an hour.

Mr. HOUSTON. I am willing to make it 30 minutes, and give 20 minutes to those in favor of the amendment and 10 minutes to those opposed to the amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment close in 30 minutes, 20 minutes to be occupied in favor of the amendment and 10 minutes to those opposed to the amendment. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, it is not entirely clear to me how many gentlemen desire to be heard on the amendment. I think I see at least four standing who desire to be heard in favor of the amendment. There may be others. Before this arrangement is made I would like to know whether it is possible for those of us who desire to speak to have an opportunity to do so.

The CHAIRMAN. Does the gentleman object?

Mr. MONDELL. No; I do not object.

The CHAIRMAN. Is there objection?

Mr. DAVENPORT. Mr. Chairman, I reserve the right to object. I do not think that is sufficient time to discuss this amendment.

The CHAIRMAN. Does the gentleman object?

Mr. DAVENPORT. Yes.

Mr. HOUSTON. Then, Mr. Chairman, I move that all debate on this amendment close in 30 minutes, 10 minutes to go to those opposing the amendment and 20 minutes to those favoring it.

Mr. DAVENPORT. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-three Members present; a quorum, and the point of order is overruled. The question is on the motion of the gentleman from Tennessee [Mr. HOUSTON] that debate on this amendment close in 30 minutes.

The question was taken, and the motion was agreed to.

Mr. TOWNER. Mr. Chairman, again let me call the attention of the committee to the fact that unless we adopt this amendment we shall build only pieces of a road, and not any complete system. We shall be carrying out the idea that this bill was founded upon the recommendations of the Alaskan Commission that contemplated building branches of the Guggenheim road and branches of the Alaskan Syndicate road. It is to make defensible the action that we take here to-day, if we do take action affirmatively with regard to building a railroad in Alaska, that this amendment is urged by those who favor it. It has been said by the gentleman from Illinois [Mr. MADDEN] within our hearing a moment ago that the Guggenheims in all probability favor this legislation. They well might do so, in the form in which the bill is at present before the committee, because it contemplates an extension of their line from Chitina on to Fairbanks, a very considerable and a very profitable feeder for them. It contemplates a branch to the Bering coal fields, built at the expense of the Government, that would be another feeder for their line. It contemplates extensions which will make their line, which is now unprofitable, a profitable line for them. Why should they not favor this legislation? We can not afford to pass any bill here that will compel the Government of the United States to enter into a partnership with the Guggenheims, that will compel us to take such steps as will make it necessary for us to make traffic arrangements with them, and to use their terminal facilities on such terms as we can make. This amendment will prohibit our entering into that kind of an arrangement. It will compel the Government, if it builds a line on this Copper River Valley, to purchase the Guggenheim line. I am not in favor of this, and I hope it will never be done. If a road is to be built I should favor the line which would have for its southern terminus either Seward, Portage Bay, or both.

The building of any line should be a complete act on the part of the Government, and not pieces and parcels of road that will help other properties already built now held in private ownership.

My colleague has well shown that if we take this action we immediately add to the value of the Guggenheim properties and the Alaskan Syndicate properties, and if we afterwards seek to acquire them it will be only at the increased valuation which our action will give to them. Let us make it impossible that we shall take any action that will increase the value of the property that we will be compelled afterwards to purchase.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. WHITE. Has the gentleman seen in the newspapers lately, during the last two days, of the partnership about to be entered into between the Standard Oil Co. and China in the production of oil? Would not the wording of this bill, carried to its logical conclusion, mean that the United States would enter into partnership with the Guggenheims?

Mr. TOWNER. This would compel the Government of the United States to do so; but it is to prevent it that this amendment is urged.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. OGLESBY. Mr. Chairman, there is nothing in this bill which requires the President to make any such arrangement as the gentleman has suggested. This amendment was very carefully considered by the committee, and there does not seem to me to be any reason why it should be adopted. On the other hand there are very substantial reasons why it should not be adopted. In the first place, this amendment provides that if any purchase is to be made of any other railroad to carry this line through to the coast it must be done before the main line is located, whether it is acquired by private sale or by condemnation. Let us see the position that would leave us in. Let us assume that the Alaska Northern Railroad should be offered to the Government for $5,000,000. The President might believe that two million and a half is all the property is worth to us. But he would be compelled, if this amendment prevails, to pay the railroad's price, delay the project for a number of years, while condemnation proceedings were being conducted, or entirely abandon all purpose to acquire that road, even if convinced it could be used to good advantage. The position would then be this: The President, having refused to accept the proposition to pay $5,000,000 for the road, and deciding that the long delay necessarily incurred by condemnation proceedings would be most unfortunate for the people of Alaska——

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. DAVENPORT. I would like to ask the gentleman if he so understands that in condemnation proceedings the fact that you have to proceed in court delays the taking over of the property or the use of the property after the condemnation proceedings have been begun?

Mr. OGLESBY. Mr. Chairman, I will say in reply to that that in condemnation proceedings, unless the condemnation act itself specifically provides that the title vests upon the filing of the oath of office of the commissioners, or the happening of some other event, the Government or the municipality condemning would get no right to take possession of the property or use it in any way until the value was fixed in the condemnation proceedings and the price paid.

Now, if the President, having determined it was not wise to pay the price demanded, and fearing the value of the property as fixed in condemnation proceedings would be in excess of what it would be wise for the Government to pay, and should proceed to make a location entirely and absolutely independent of any road which is now there, and suppose within two weeks thereafter the proprietor of such road should say, "We will now accept $2,000,000 for it," the President will be compelled to say, "Unfortunately, while I think it would be in the interest of the country to take it at that price, I am precluded by the terms of the law from now entertaining the proposition."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, one of the great objections to this legislation lies in the fact that it is dangerously indefinite as to what the President may and should do under it. So far as the President would have any guide at all as to the intent of Congress will be found in the report of the Alaska Railway Commission, for this bill in effect adopts the report of the commission as to mileage and as to expenditure. That report proposes the construction of 350 miles of branches of the Copper River & Northwestern road, the Guggenheim road, at a cost of $16,000,000, and the construction of approximately 380 miles of branches and extensions of the Alaska Northern road, at an expense of $18,000,000. The last-named road, it is claimed by some of those supporting the bill, is largely owned by Mr. Morgan; so if the bill passes in its present form the President has before him the proposition of an expenditure the effect of which would be to very greatly enhance the value of the railways heretofore constructed by private enterprise in Alaska.

If we are to build railroads in Alaska, we should do one of two things. We should either build an entirely independent line from the coast to the interior rivers, as proposed by the amendment offered by the gentleman from Iowa [Mr. TOWNER], or we should condemn and take over such portions of the roads already constructed as may be necessary in completing a through line from tidewater to the navigable waters of the interior. We should not under any circumstances do what the Alaskan Railway Commission evidently contemplated—add largely to the value of the property now owned by private interests in Alaska; in fact, reviving values that are now practically extinct, making valuable roads upon which the owners are now receiving no income whatever and from which they can receive

no income except by an additional great expenditure. If we are to keep these railways to be constructed in Alaska free from criticism, we should have them entirely divorced from privately owned railways. In my opinion, the best thing to do would be to build a line from Portage Bay to the Yukon and possibly short branches to the two coal fields. If we adopt the amendment now proposed, we should either do that as an independent proposition, without utilizing any of the lines now constructed, or we should take over one of the lines constructed, buy it, pay for it, and make it part of the Government-owned lines. If we use one of the lines now constructed, or both of them, as part of the Government lines, we shall enhance the value of these lines greatly and make them pay whether the Government road does or not, and eventually it will probably be necessary to take them over at the greatly enhanced values we have created.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I am very sorry, indeed, that the members of the committee have not seen fit to accept this amendment, for it is altogether in the public interest, and if it be adopted the results following it will be exactly contrary to those predicted by the gentleman from New York. Evidently the gentleman from New York is of the opinion that if it shall be determined to build either from the present terminus of the Alaskan Northern to the Yukon or from Chitina to the Yukon this Government should either make joint rates with the Alaska Syndicate or the Guggenheim road or else wait until this white elephant the gentleman from Illinois has spoken of has become very valuable through the action of the Government itself.

The gentleman says that it would delay construction of railroads in Alaska, by reason of delay in condemnation proceedings. Mr. Chairman, exactly the contrary would be the case, and the result would be that we would secure these existing railroads for what they are worth to-day. And why? Because, under this amendment, if these railroads in their present condition are worth $2,500,000 or $10,000,000, whereas their owners would like to sell them for $5,000,000 or $20,000,000, as the case may be, if this amendment is adopted these existing railroads would accept, and they will be practically forced to accept, such price as the President of the United States may choose to pay them. And why? Because, under the amendment, if they do not choose to accept a fair price for those roads in their present condition, the President will relocate or locate a line of roads from the coast paralleling their roads to the present terminus of their roads; and what becomes of the value of their roads then? So, as a matter of practical result, they will, of course, if this amendment be adopted, accept such price as the President will see fit to give them. And the two roads, as suggested by my friend from Iowa, will bid against each other, because, if the Government will parallel their roads, does anyone believe that those roads, after that parallel is made, will be worth anything like what the President himself would choose to give them before construction is entered upon?

Mr. OGLESBY. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Wisconsin yield to the gentleman from New York?

Mr. LENROOT. I will.

Mr. OGLESBY. Does the gentleman understand that there is any provision in this bill which would prevent the President from taking exactly the course he has suggested, by paralleling the roads, if the other road will not sell at a fair price?

Mr. LENROOT. There is not. But the gentleman's own position is that construction should be entered upon immediately, and that condemnation proceedings would delay construction, and, therefore, if we are going to purchase the roads or condemn them, we shall wait until the Government enters upon this construction, and then the gentleman must see that the price that any jury would award the Alaskan Syndicate or the Guggenheim Syndicate will be very much in excess of the price that they would award them for their roads in their present condition. And the gentleman from Illinois [Mr. MADDEN] suggests that the Guggenheims want this done.

Now, Mr. Chairman, there are two things that the Guggenheim Syndicate would like to see done. First, they would like to see no railroad construction whatever, and they would be satisfied to see Alaska opened to them alone under the old law. If that can not be done, the next thing they would like to do is to see the Government build railroads from Chitina, build railroads from the 72 Mile Post, and connecting with their existing roads, making them valuable, and they control the terminii, control the harbor, and thus control the business.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HOUSTON. Mr. Chairman, I hope that this amendment will not be adopted. One reason is that the President at present, as the bill is framed, can do the very thing this amendment provides he shall do. He has that power and can exercise it. To attempt to harness him up, limit his powers, and force him to buy the road from Cordova Bay up to Chitina, if it was decided that that was the most feasible road, would be very unfair. Suppose the President, after he gets reports from his engineers and others investigating the matter, should decide that the best plan would be to build a road from Chitina to Fairbanks, connecting with the Copper River road? This amendment would force him to buy the Guggenheim road, as the gentleman from Illinois [Mr. MADDEN] calls it, in order that we may have a continuous line from the seaboard up to interior Alaska. We do not want to compel him to do this.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. I can not yield now, as I have not the time.

Now, Mr. Chairman, there can be no good reason for limiting the power of the President. Let him exercise his own discretion. He would make just as good a deal, just as advantageous a trade, with the Guggenheims or with the Alaskan Syndicate or any other road there, without this provision being adopted. By this proposition he has to connect from the southern coast to the interior, and if he happens to think the Copper River Valley is the best line, he has got to buy the railroad. We do not want to force him to buy that railroad. We want to give him the power in this bill to buy that road or not, just as he thinks for the best interests of the country, and we want him and the Interstate Commerce Commission, which will have control of the Guggenheim road, or whatever road it may be, to compel them to deal in fair traffic and fair rates, and we can do that. There is no reason why we should stand out and be afraid of a Guggenheim road there if our road connects with it. They are under authority of law, they are under the control of the Interstate Commerce Commission, and they can be compelled to make fair traffic rates.

So, Mr. Chairman, I hope there will not be any such limitation as this put upon the President. If he thinks the Copper River Road route is the best, and should want to invest these millions of dollars in other lines, then he should have the power to do so. I do not want money invested in a road or a road built unless it is absolutely necessary. I would rather see this $35,000,000 expended in the construction of new lines of road and that we should get the benefit of the additional lines of roads and then compel these men that have these roads there to let us use their roads on fair terms, as they will have to do, at fair and reasonable rates.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I ask that the gentleman have sufficient time to reply to a question, if he will yield.

Mr. HOUSTON. I do not want to make any agreement that will extend this time. In fact, I can not do it under the rule of the committee.

Mr. SCOTT. I will not take much of your time.

Mr. HOUSTON. Let the gentleman ask the question in his own time.

Mr. SCOTT. Mr. Chairman, I want to call attention to this error in the gentleman's argument: The gentleman assumes that if the President acts under the bill as it is now framed, he can accomplish all that he can under the amendment. The point of distinction is this: That before the President can determine the question of taking over the existing lines under the bill as now framed he must first locate and designate his routes and lines. Then he must, by independent action thereafter, proceed to condemn or purchase existing lines. The first act will in law establish the status of the Government lines, and will also change the status of the existing lines. And you will have to condemn under the new status, and your values will be fixed under the rules of evidence and under the law, in the light of an established and located Government line, which will make the existing lines part of through lines and will double, treble, and quadruple the value under the law.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. SCOTT. Yes.

Mr. McKENZIE. The gentleman's argument is as to whether we must buy these railroads?

Mr. SCOTT. Not at all. I am arguing on the assumption that if we do desire to occupy these routes and take over these lines we should take them over now, while we can condemn them as unprofitable propositions—not paying, very nearly worthless—rather than after we have by the establishment of Government lines made them parts of through continuous lines

and very valuable. There is the distinction between the Bristow amendment and the bill as now framed.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. Certainly.

Mr. MANN. Under the gentleman's amendment would the Government proceed to buy and condemn these lines before they would attempt to extend them?

Mr. SCOTT. Not at all.

Mr. MANN. I understood the gentleman's argument to be to that effect.

Mr. SCOTT. No. If the amendment passes, then the bill itself gives the status to the Government lines, not the subsequent action of the President. But the bill here and on this floor says that if the President adopts that route, he shall as a part of the same transaction take over the existing lines, thereby fixing the permanent status as the basis under which he shall receive them.

Mr. MANN. But in neither case will he buy the lines now constructed until he has located the route?

Mr. SCOTT. No; certainly not.

Mr. MANN. The gentleman was making an argument on the discretionary power of the President to locate first and then give a value to those lines.

Mr. SCOTT. The gentleman does not understand my distinction between building a road under a law that fixes at the outset the fact that the existing lines must be taken over and a law which makes it necessary first to locate the line over a part of the route, and then to leave it to the discretion of the President as to whether he will take over the constructed part in order to continue the road to the seaboard.

Mr. MANN. I still do not understand the gentleman's position.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GRAHAM of Illinois rose.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized for two minutes.

Mr. GRAHAM of Illinois. Mr. Chairman, I hope the amendment will not prevail.

This bill proposes to appropriate $35,000,000 for the purpose of building railroads in Alaska. There are certain railroads there now. If we use the $35,000,000 for building additional lines, we shall go much nearer giving to Alaska the amount of trunk lines it must have than if we should use a part of the $35,000,000 to buy lines that are already in existence. I do not know what it would take to purchase the roads already in existence, and I do not know how much benefit or how much value such new roads would add to the lines now in existence, but I take it that this is not a bill to punish the Guggenheims or to decrease the value of their property or to do injustice to anyone. It is a bill for the purpose of giving better transportation facilities to the people of Alaska. The question is, Which plan will give them better facilities for transportation; whether to add some 700 to 1,000 miles of railroad to what they already have, or to use this money to buy railroads already built? Surely it is better for the development of Alaska to build additional lines rather than to purchase lines now in existence. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SCOTT].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SCOTT. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 38, noes 73.

Mr. SCOTT. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Iowa [Mr. SCOTT] demands tellers. Those in favor of taking the vote by tellers will rise and stand in their places until they are counted.

Mr. SCOTT. Mr. Chairman, I withdraw my demand for tellers.

The CHAIRMAN. The gentleman from Iowa withdraws his demand.

So the amendment was rejected.

Mr. L'ENGLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida [Mr. L'ENGLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 5, after the word "railroad," strike out all of section 1 and insert in lieu thereof the following:

"In the State of Florida, from Jacksonville to Tampa, to be so located as to traverse the counties of Duval, St. John, Volusia, Brevard, St. Lucie, Palm Beach, and Dade in a general northerly and southerly direction, and thence starting at some point on said railroad in either Palm Beach or Dade County and running in a generally northwesterly direction, and south of Lake Okeechobee, through the counties of Lee, De Soto, Manatee, and Hillsboro, to the city of Tampa; to construct and build a standard-gauge railroad or railroads, with the necessary branch lines, feeders, sidings, switches, and spurs along such route or routes as he may so locate and designate; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of this act; to exercise the power of eminent domain in acquiring property for such use, which use is hereby declared to be a public use, by condemnation in the courts of Florida in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads for the transportation of freight and passengers; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to improve by dredging, constructing jetties, retaining walls, and otherwise, such harbors as may be expedient to increase the tonnage of said railroad or railroads; to fix, change, or modify rates for the transportation of freight and passengers, subject to the supervision of the Interstate Commerce Commission, as hereinafter provided; to receive compensation therefor, and to perform generally all the usual duties of a common carrier for hire; to make and establish rules and regulations not in violation of law for the control and operation of said railroad or railroads; to employ agents and employees for the conduct of the business of said railroad or railroads, and to fix and provide their compensation; to lease the said railroad or railroads after completion upon such terms as he may deem proper, but no lease shall be for a longer period than 10 years, nor to a competing transportation line, or in the event of failure to lease, to operate the same until the further action of Congress; to lease, purchase, condemn, or otherwise acquire any other line or lines of railroad or canals in Florida which may be necessary to complete the construction of or increase the tonnage of the line or lines of railroad designated or located by him in the first instance upon such terms as he may deem proper; to make contracts or agreements with any other railroad or with any steamship company for joint transportation of freight or passengers, and to make such other contracts as may be necessary to carry out any of the purposes of this act; to transfer any tools, equipment, or other property belonging to the United States and used in the construction of the Panama Canal or other Government work for the use of such railroad and railroads in Florida, and no charge shall be made therefor, but credit may be taken for the fair value thereof by the department having them in charge."

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not in order. The reading of the amendment discloses the fact that the amendment is not in order and is not germane to the bill.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. Yes; I make the point of order.

The CHAIRMAN. Does the gentleman from Florida want to be heard on the point of order?

Mr. L'ENGLE. I would like the gentleman from Illinois [Mr. MANN] to give his reasons for making the point of order and to state why he says the amendment is not germane to the bill.

Mr. MANN. To a bill for the construction of a railroad in Alaska an amendment to construct a railroad in Florida is not germane. It has no relation to the bill any more than on a bill proposing to pay John Smith a certain sum of money it would be in order to propose to pay John Jones a certain sum of money. That is not in order under the rules.

Mr. L'ENGLE. But the title of the bill, Mr. Chairman, could be amended, if this amendment were adopted, so as to make the title of the bill really read, "A bill to construct a railroad in Florida."

Mr. MANN. Of course the title of the bill would not govern. In any event the amendment clearly is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment: On page 10, line 5, to strike out the words "standard gauge."

Mr. MANN. An amendment to that effect has already been voted down.

Mr. HOUSTON. Mr. Chairman, that amendment has already been offered and rejected.

Mr. SHERLEY. I was absent last Wednesday and was not aware of that. I have no desire to reraise a question. I was necessarily absent from the city last Wednesday when this matter probably was considered. I understand, however, it was not considered where it appears in line 17. In order to express my view I make the motion to strike out the words "standard gauge" in line 17 of page 10.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amend, page 10, in line 17, by striking out the words "standard gauge."

Mr. SHERLEY. Now, Mr. Chairman, what I desire to say to the committee is simply this: There are some things that a legislative body——

Mr. OGLESBY. I make the point of order against that amendment that it has already been offered and rejected.

Mr. SHERLEY. That raises a question of fact. I am informed that it was not.

The CHAIRMAN. The Chair will state that the reading clerk says that the amendment was offered in both instances.

Mr. SHERLEY. I am advised by Members who were present that the reading clerk is mistaken. I should like to know accurately.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. SHERLEY. I understand the gentleman from Illinois desires to speak to the point of order.

Mr. FOWLER. Yes. There was an amendment offered by the gentleman from Oklahoma [Mr. FERRIS] to strike out the words "standard gauge" in lines 5 and 17 of the bill. The words "standard gauge" in line 5 relate to the location of the road. The words "standard gauge" in line 17, to which the gentleman from Kentucky [Mr. SHERLEY] now offers the amendment, relate to the construction of the road, an entirely different proposition.

Mr. STAFFORD. Mr. Chairman, I have the citation in the RECORD.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. FOWLER. Not now.

Mr. STAFFORD. This is a question of order, and it is in the discretion of the Chair. I will state to the Chair that I have the citation from the RECORD, and it will expedite the hearing of this proposition to have it read. It is a matter entirely within the control of the Chair.

Mr. FOWLER. I do not yield to the gentleman now.

The CHAIRMAN. It is a matter of discretion with the Chair to get information concerning the point of order. The Chair will be very glad to hear any information that will throw light on the subject.

Mr. FOWLER. That is just what I am trying to do, Mr. Chairman.

The CHAIRMAN. The Chair would like to hear the citation read.

Mr. STAFFORD. On page 3515 of the CONGRESSIONAL RECORD, midway down the second column, appears the following:

> Mr. FERRIS. Mr. Chairman, on page 10, line 17, I move to strike out the words "standard gauge."
> Mr. MANN. Why does not the gentleman also move to strike out those words in line 5.
> Mr. FERRIS. In line 5, also. My first amendment is, on page 10, line 5, I move to strike out the words "standard gauge."
> The CHAIRMAN. The Clerk will report the amendment.
> The Clerk read as follows:
> "Page 10, line 5, strike out the words 'standard gauge.'"

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. The Chair would like to hear the citation——

Mr. FOWLER. The gentleman from Wisconsin has no citation that applies to the motion of the gentleman from Kentucky [Mr. SHERLEY].

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin is reading an amendment that was offered last Wednesday. If that is so, the Chair would like to hear it.

Mr. FOWLER. There was an amendment offered, and that is what I am stating, for I was here and was going to offer the amendment that the gentleman from Kentucky [Mr. SHERLEY] has offered, when the gentleman from Oklahoma [Mr. FERRIS] offered an amendment to strike out the words "standard gauge," in the lines to which I have referred—lines 5 and 17.

Mr. STAFFORD. Mr. Chairman, it appears from the RECORD, on page 3516——

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. If my colleague [Mr. FOWLER] will permit me, I have a citation which sustains him entirely.

Mr. FOWLER. I should like to state my position, for I know I am correct.

Mr. MANN. The RECORD sustains the gentleman. On page 3516 appears the following:

> The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oklahoma.
> The amendment was rejected.
> Mr. FERRIS. Mr. Chairman, I assume that it is not necessary to offer the same amendment below, but I will offer the following amendment—

which was an entirely different amendment; so that the gentleman from Oklahoma [Mr. FERRIS] did not offer the amendment in both places.

The CHAIRMAN. Is that the understanding of the gentleman from Illinois [Mr. FOWLER]?

Mr. FOWLER. Why, certainly; and that was what I was trying to state all the time.

The CHAIRMAN. Then the Chair overrules the point of order.

Mr. FOWLER. But my genial friend from Wisconsin [Mr. STAFFORD] wanted to take me off my feet on a point on which he was wrong, but he did not know it.

The CHAIRMAN. The point of order is overruled.

Mr. SHERLEY. Mr. Chairman, there are certain things that a legislative body is peculiarly well fitted to determine, and there are other matters that it is just as disqualified to determine. When it comes to a question of policy, the size of a legislative body is an asset, because all angles of a question are presented and you get the wisdom of common counsel. When it comes to the details of a particular work, the very size of the body precludes its judgment amounting to anything of value. Therefore it is always wise in matters of this kind not to undertake to determine with any degree of nicety the details of the work that is to be performed, but simply the policy that shall determine the Executive in the performance of that work. And this bill, aside from the question of policy, will have a virtue only to the degree that it does not attempt to write details of construction into the law.

I have a proper respect for the opinion of men here as to policy. I have not the slightest respect for the judgment of this House as to the engineering propositions involved in the building of a railroad in Alaska. For that reason I believe it is a mistake to compel the President, in the construction of a road, to necessarily construct a standard gauge road. In my judgment—and my judgment in the matter is of no special value—I think it probable that a standard gauge road will and ought to be built; but I am not willing to see a limitation that compels it without voicing a protest. This body should determine a policy and not undertake to write the details of a piece of construction work. [Applause.]

Mr. FOWLER. Mr. Chairman——

Mr. HOUSTON. I ask that all debate on this amendment close in five minutes.

The CHAIRMAN (Mr. BOOHER). The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I heartily agree with the gentleman from Kentucky [Mr. SHERLEY]. When our fathers were writing the Constitution of the United States, they stated in a broad and general way the powers which were to be exercised by this Government. They did not seek to give definitions. This bill seeks to give to the President the power to construct a railroad in the Territory of Alaska. It ought to be left to his wisdom and his judgment to determine the character of the road which he will advise.

Mr. OGLESBY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOWLER. I will.

Mr. OGLESBY. Does the gentleman understand that this is a proposition for a trunk line, and that all five roads in Alaska, those that are operated and those that are not operated, are standard gauge?

Mr. FOWLER. Mr. Chairman, I am not questioning what the President will do, but he ought not to be hedged about by definitions and limitations. If we are going to construct a railroad in Alaska, it ought to be done under wise provisions which can be reached by the President. To require him to construct any character of a railroad is to say to him, "We know in advance what kind of a railroad ought to be constructed; we know better than your engineers can find out; we know better than investigation will reveal, and therefore we say to you that you shall construct a railroad of a certain character."

Now, Mr. Chairman, if the amendment offered by the gentleman from Kentucky prevails, it will give the President all the rights that are granted in the bill as it stands now. It will give him more rights than is stipulated in the bill now. It will leave to his judgment and his discretion and his wisdom, based upon evidence revealed by his investigations, as to the character of the road which ought to be built, and, Mr. Chairman, I trust that this amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. HOUSTON) there were 54 ayes and 27 noes.

So the amendment was agreed to.

Mr. HOUSTON. Mr. Chairman, I want to suggest that the House refused to make the same amendment in line 5, page 10.

I ask unanimous consent that we make the same amendment in line 5, page 10, that we have in line 17.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to strike out the words "standard gauge" in line 5, page 10. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 6, strike out "one thousand" and insert in lieu thereof the words "five hundred."

Mr. SIMS. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. TOWNER. Mr. Chairman, this motion is to strike out 1,000 miles of railroad, as contemplated by this bill, and insert in lieu thereof 500 miles. I submit to this committee that we ought not to build or attempt to build more than one system of railroads. We ought not to build more than one line from the coast to the interior. There is no possible justification for any action further than that. If this committee decides, if the President shall decide, to build one line and to build it on the Chitina, Fairbanks, or Bering line, it will only require 483 miles of railroad. If we decide to build the Fairbanks-Seward-Matanuska line, it will only require 493 miles.

If we decide to build to that later-considered southern-coast harbor at Portage Bay, it will only require 441 miles of railroad. So that in any event the number of miles of railroad required to carry out every one of the specified objects of this bill can be brought within 500 miles, and the cost can be reduced from $35,000,000 down to $20,000,000. Is it of no consequence to gentlemen here that needlessly we appropriate for two systems when every object we seek to attain in the bill can be carried out by one line? Is it of no importance to gentlemen on the other side who are charged with the responsibility of this legislation that you spend $35,000,000 when you can carry out every object in the bill by an expenditure of $20,000,000? Is $15,000,000 worth saving to the Treasury and to the people? I favor the bill, but I want to see legislation passed which is defensible in the eyes of the world. Gentlemen on the other side who are going out on the stump this fall to defend their party against the charge of extravagance for needlessly expending $35,000,000 for this project, how are you going to meet the argument that every object that the bill contemplates can be carried out by an expenditure of only $20,000,000? This is not what you desire or expect. You do not want fragmentary beginnings of systems. You want something completed as a result of your action, and this is what the people expect and will approve. [Applause.]

Mr. SIMS. Mr. Chairman, I rise in opposition to the amendment and ask to have the following telegram read in my time.

The CHAIRMAN. The gentleman from Tennessee asks to have the following telegram read in his time. The Clerk will read.

The Clerk read as follows:

NASHVILLE, TENN., *February 17, 1914.*

Hon. THETUS W. SIMS, M. C.,
Washington, D. C.:

The Board of Trade of Nashville, a union of organizations consisting practically of every business man in the city, by appropriate resolution passed, favors very strongly the building by the General Government of a trunk line of railway in Alaska as the best and only wise means of developing, for the benefit of the whole people of the country, the proven wealth of that Territory, and, as far as may be consistent, respectfully urges you to support that measure.

E. S. SHANNON, *Secretary.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting, after the word "proper," line 7, page 12, the following: "*Provided*, That the price to be paid in case of purchase shall in no case exceed the actual physical value of the road based on the cost of reproduction less depreciation."

Mr. LENROOT. Mr. Chairman, the amendment I offer, as the committee probably knows, is taken from the Senate bill verbatim, and the purpose of the amendment is that in case of purchase of these existing roads the price shall be limited to the actual physical value of the road based upon the cost of reproduction less depreciation.

Now, those of the committee who have read the hearings carefully upon this bill are aware of the fact that in the case of the Alaskan Northern Railroad particularly it is not now in operation; that the present owners claim that it cost between five and six million dollars to build it.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. MANN. I want to ask the gentleman if that would not be taken as a criterion of the cost of reproduction?

Mr. LENROOT. It is not to exceed that.

Mr. MANN. Would it not be taken by the court as a criterion? Are any of these roads now worth the cost of reproduction?

Mr. LENROOT. No; they are not.

Mr. MANN. We do not want to pay the cost of reproduction, it seems to me. I ask the gentleman's opinion about it. It seemed to me that that might be taken by a jury, if not by the court, as a criterion upon which to base a verdict. Of course it would give the railroads an opportunity to make that claim.

Mr. LENROOT. If I thought the contention of the gentleman were correct, I would not favor the amendment.

Mr. MANN. Of course, I know that; but I ask the gentleman's opinion.

Mr. LENROOT. It is my opinion it does not, and the only thing the amendment does is to fix a maximum beyond which the President will not be authorized to go in making the purchase, and there is this in the situation: There will be equitable considerations urged upon the President with reference to the purchase of these roads as to the amount of money that went into the roads and the very heavy initial cost, and the claim will be made that the Government itself, through the withdrawal of coal lands, very greatly prejudiced these railroad companies and thereby rendered the value of their railroads very much less than they would have been had it not been for such action on the part of the Government. In addition to that, the gentleman from Illinois [Mr. MANN] suggested a short time ago that when we locate a railroad from the terminus of either one of these roads, going on to the Yukon, the danger there is of adding value to the property of the roads, and the railroad companies ought not to be able to make such a claim with reference to the purchase, that not one dollar should be added to the purchase price of these roads by reason of anything that the Government may do in the way of constructing railroads, from either the present terminus of the Alaska Northern or from Chitina.

Mr. MANN. I wondered whether it would be practicable to say that the cost of the road should not exceed the present actual value, or the actual value exclusive of franchises, or something of that sort. I do not think they are worth 50 cents on the dollar on the cost of reproduction.

Mr. LENROOT. I agree with the gentleman that they are not worth 50 cents on the dollar on the cost of reproduction, and I think the Government has a perfect right to take those roads at what they are worth to-day, even though they be worth but 25 cents on the dollar of what they cost, because in both cases—the Copper River road and the Alaskan road—they were built as a part of a conspiracy, attempting to secure control of the coal lands in Alaska belonging to the Government of the United States, and, therefore, there are no equitable considerations whatever that should have any bearing on the purchase price of these railroads by the Government.

If the amendment that I have suggested does not reach it, I should favor some other amendment; but my own opinion is that it only fixes a maximum beyond which the President will not be permitted to go. It is a declaration of policy on the part of Congress to the President that he shall not entertain these considerations that will be urged upon him, which under other circumstances might properly appeal to him. It would relieve the President of that and will enable him to stand on a proposition that he will pay for these railroads just exactly what they are worth to-day, regardless of what they may have originally cost.

Mr. OGLESBY. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. OGLESBY. Mr. Chairman, that amendment makes the bill conform to a like provision in the Senate bill. I see no reason why a different rule should be applied to fixing the value of this property than is ordinarily applicable in valuing any property. If the amendment had been made so that it applied to condemnation, it would be clearly unconstitutional, because the United States Supreme Court has passed on that proposition, and the law was settled in the case of the Monongahela Navigation Co. against United States. In that case a bill had been passed which provided for the taking of certain steam-

ships, but which contained a proviso that in valuing those steamships nothing should be allowed for the franchise.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. LENROOT. I want to ask the gentleman whether if we build on to the Yukon that would not give added value to this road, which would be considered by any jury?

Mr. OGLESBY. I want to say to the gentleman that I do not agree with that proposition at all. If condemnation commissioners were appointed to fix the value of this road, they would have to take into consideration its value now, and whatever there may be of value in the potentiality of the unearned increment, it would have to be considered just the same, whether we have already laid out a line to connect with it or whether we have not. If this amendment prevails, it will mean that the President can not, in negotiating for the purchase of any road, take into consideration items of value which would have to be considered if it were being valued in a court of law.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. LENROOT. Would the amendment be satisfactory if the latter part were stricken out, limiting it only to physical value, regardless of the cost of reproduction and depreciation?

Mr. OGLESBY. Mr. Chairman, my objection to the provision is that it attempts to set up a rule of value which is not recognized and never has been recognized by the court of the country. The cost of reproduction is not necessarily material. The first cost of the road is admissible as some evidence of value. If this amendment should prevail, here would be the situation: The President would be required to limit the price to the physical valuation of the road, based on the cost of reproduction, less depreciation, which would mean that he would have to have experts giving opinions as to the cost of construction and giving opinions as to the amount of depreciation, and when he got through there is no means of determining their accuracy. It could not be a mathematical calculation. You will have tied the President down to a rule of value which no one could ever say he had exactly complied with. You would leave him in a position where anyone who had the right might bring action to compel cancellation of the contract or to prevent the consummation of the purchase on opinion evidence. One engineer might fix the value as so much and another might say that it would not cost more than half that much. One engineer would say the depreciation was twice what another engineer would estimate such depreciation to be. So you are really fixing here a rule of valuation which the President would be required to follow and which is not capable of being followed with any degree of accuracy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask to modify my amendment by striking out after the words "physical value"; in other words, strike out "based upon cost of reproduction less depreciation."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin to modify his amendment? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, I ask to have the amendment reported as amended.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may be reported as amended. Is there objection? [After a pause.] The Chair hears none.

The amendment as amended was reported.

Mr. MANN. Mr. Chairman, I am glad the gentleman from Wisconsin offered the amendment, although I do not feel certain it ought to be adopted. That provision is now in the Senate bill, and in any case will go into conference, where I think, after the expression of opinion in the House, the conferees would endeavor to reach an agreement in some way. Of course, I do not think we ought to pay more than the physical valuation of these railroads. I do not think we ought to pay anything like what the physical valuation is, if it is taken on the basis of what it would cost to reproduce them. If the language is left out of the bill and these railroads have any physical value, it is a matter of speculation by gentlemen who constructed them; they took their chance on the matter. They gambled on the question, and the railroads did not turn out what they thought they would turn out. They say it is the fault of the Government. Well, they gambled on what the Government would do.

If they had had their way about it, the railroads would have been, possibly, very valuable in connection with the mines in Alaska. Now they have lost; they have property up there which is practically worthless as it stands, and I can see no reason in the world why the Government should pay a fancy value for the property, or even why the Government should pay anything like what it would cost to reproduce the property. I think we all know we will operate those railroads in Alaska for some years, and possibly forever, at a loss. I am in favor of making the experiment, but I am not in favor, under any conditions, of trying to replace the loss which these gentlemen have made by building railroads up in Alaska. I do not think we ought to pay anything more for them than they are really worth—not worth to us, but worth to them—without regard to anything else, and they are not worth much.

Mr. LENROOT. I would like to ask the gentleman from Illinois a question.

Mr. MANN. If I have time, I will yield.

Mr. LENROOT. I desire to ask the gentleman whether he does not think it wise for Congress to declare, so far as it can, the policy that the gentleman has just suggested, which I am heartily in favor of?

Mr. MANN. I think it wise, whether this amendment prevails or not. That provision being in the Senate bill, if it goes into conference, the conferees on the part of the House ought to either accept what is in the Senate bill or arrange the language in such a way as to absolutely protect the Government from paying a fancy price, or from the President being tempted by influences which might surround him, regardless of his incorruptibility, and force him to pay a larger amount than ought to be paid.

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last word. I would like to have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. SAUNDERS. Mr. Chairman, I would like to ask the gentleman, the patron of this amendment, what his language means? What is the present physical value of a road that can not now and never will be operated, save with the consent of the Government.

Mr. LENROOT. It means to limit the elements of value that may be taken into consideration. It eliminates from consideration the question of franchise; it eliminates the question of good will, the value of the railroad by reason of its being a going concern and makes it the actual physical value.

Mr. SAUNDERS. What is the present physical value of a road that has been constructed, say at an immense cost, and yet which can not be operated owing to present legislation? What is the physical value of the land in the dumps, and of the excavations on the line of the road? Of course it is the amount that these dumps and excavations, would bring, if put for sale at public auction. Under these conditions of sale, these dumps and cuts are practically valueless.

Mr. LENROOT. The present physical value, in my judgment, is exactly what those physical things are worth laid where they are. Now, that is my judgment about it.

Mr. SAUNDERS. Then the land that has been taken out of the excavations, and put in the dumps has no value? That is what I am trying to bring out. The effect of this amendment, if it is reasonably construed, is to render valueless the railroad proposed to be taken.

Mr. MANN. The gentleman has not seen the Senate amendment. It might throw some light on the subject.

Mr. SAUNDERS. I was asking the gentleman from Wisconsin [Mr. LENROOT] to explain the meaning of his amendment. I have not seen the Senate amendment.

Mr. MANN. It might throw some light on it, because it is exactly the same as the amendment of the gentleman from Wisconsin [Mr. LENROOT], followed by "based on the cost of reproduction less depreciation."

Mr. SAUNDERS. That is not in the gentleman's amendment.

Mr. MANN. It was in the gentleman's amendment, and he struck it out.

Mr. SAUNDERS. It is apparent that an open cut in Alaska, or that dirt removed from that cut and put into a dump, has no physical value. If offered for sale on the ground, these physical elements will bring nothing.

Mr. LENROOT. It is not connected with the railroad itself. Here is a 72-mile railroad, and that dump has value as a part of that railroad.

Mr. SAUNDERS. Yes it has value, with reference to the road in operation. But as I understand your amendment, you have absolutely excluded from consideration every element except the value on the ground of the physical contents of your dumps, and the value of the cuts that were excavated in the process of construction.

Mr. LENROOT. The physical property as a railroad, whatever it may be.

Mr. SAUNDERS. That is not the same thing.

Mr. LEVY. Do you believe it is fair to confiscate the property of these people?

Mr. SAUNDERS. No. I do not. That is exactly what I am trying to point out. This amendment is confiscation.

Mr. LEVY. They went up there and were prevented from improving Alaska by the Government of the United States.

Mr. SAUNDERS. I am trying to point out, Mr. Chairman, to the committee, that according to any rational meaning that may be attributed to this amendment, it practically takes property proposed to be taken without compensation.

Mr. WINGO rose.

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Arkansas?

Mr. SAUNDERS. I do.

Mr. WINGO. What other element of value ought they to take into consideration when they come to pay for these roads?

Mr. SAUNDERS. I am trying to ascertain what the words "physical value," mean, as used in this amendment.

Mr. WINGO. I beg the gentleman's pardon. He did not catch my question. My question was, What do you regard as the elements, other than physical value, that should be taken into consideration and paid for?

Mr. SAUNDERS. The word "value" would carry a very much larger meaning. I am anxious to have some friend of this amendment tell me what physical valuation will mean as applied to the dumps and cuts proposed to be taken.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may have five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Virginia [Mr. SAUNDERS] may proceed for five minutes more. Is there objection?

Mr. OGLESBY. Mr. Chairman, can we have some agreement as to the time when this amendment can be voted on? I ask unanimous consent that debate on this amendment be closed in 15 minutes.

The CHAIRMAN. The gentleman from New York [Mr. OGLESBY] asks unanimous consent that debate on this amendment be closed in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Wisconsin [Mr. LENROOT] that the gentleman from Virginia [Mr. SAUNDERS] may proceed for five minutes?

There was no objection.

Mr. SAUNDERS. In response to the request of the gentleman from Arkansas, I will say, that when it is proposed to acquire this road by condemnation, we should consider the use to which it is intended to be put, and its value to the Government. Ought the Government to take a road that may have cost millions, and that may be worth millions to the Government as a part of its system, merely for what the roadbed will bring, if sold at public auction? The physical road, is the open cuts, and the material in the dumps. What is their value, if you eliminate the use to which the road may be put by the United States, when it proceeds to establish a complete system of roads in Alaska, of which this road shall be a part?

Mr. LENROOT. The gentleman is aware that the term "physical value" has been construed by courts a great many times as having several elements. One is the original cost of the property to be considered, another the cost of production as well as construction. There are several of these elements, and all this amendment does is to limit it to the physical value of the railroad.

Mr. SAUNDERS. If that be true, why has the gentleman stricken from his amendment, language that would have included these elements?

Mr. LENROOT. I included only one of them, and the gentleman from Illinois [Mr. MANN] suggested that the physical value of the property might be less than contemplated in the amendment I first offered.

Mr. SAUNDERS. As an offhand proposition, I would not undertake to say to this committee what the various courts of the Union have, or have not declared, as to the meaning of the words "physical value" in this connection, but according to the decisions of my own State, I do not think this language would include these elements. And it was for that reason, and because I attached their ordinary, everyday meaning to the use of the word "physical" in this connection, that I oppose this amendment. It proposes to render this entire property valueless. The physical elements are, as I have said, the dirt on the dumps, and the open cuts excavated in the progress of the work. I maintain that these things per se, considered without reference to their use as a part of the proposed system of Government roads, have no value.

Mr. LENROOT. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. LENROOT. The gentleman is familiar with the physical-valuation bill passed by Congress last year, and that very thing, physical valuation, is one element considered by itself that the commission must find, and in addition there may be franchise values and good-will values, and other elements of value in another division, and the same thing is true with reference to this, but we will cut out the good-will and the franchise values.

Mr. SAUNDERS. Those elements in connection with a going railroad have a very different value. I can understand the physical value of a building in a city, which is in every-day use, but take the same material out of which it is constructed, and transport the same to a mountain top, a thousand miles from civilization, and those materials will practically have no value if offered for sale. This is the distinction that I have been trying to develop in connection with this amendment.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SAUNDERS] has expired.

Mr. WATSON. Mr. Chairman, this whole discussion has demonstrated the fact that this yardstick which you call "physical value" is a very uncertain standard by which to fix value.

My own information is that the standard is differently construed in different court jurisdictions, and I know of no greater trouble that has been experienced by this Government in recent legislation than in its attempts to have a proper physical valuation of the railroad properties in this country made.

If the amendment offered by the gentleman from Wisconsin [Mr. LENROOT], with its indefinite legal language, is incorporated as a part of this bill, the practical result, in my judgment, will be that the President will be unable to purchase any railroad in Alaska which may be required to carry out the object of this measure, and he will inevitably be forced to condemnation proceedings; and if he be forced to condemnation proceedings because he is unable to purchase in advance the effect will be that the very elements of value which the gentleman from Wisconsin [Mr. LENROOT] does not want to be considered will have to be considered in the courts; and the franchises of the railroads and their good will will have to be computed as component elements of their value in acquiring title to their property.

Mr. Chairman, the principle of this bill is that the President should be unhampered in the power to secure railroad property in Alaska that may seem necessary and advisable. It may be—and the friends of this measure think it is likely—that there will be no concern for the purchase of any other railroad in Alaska except the Alaska Northern, which goes from Seward to a point 72 miles into the interior. That railroad at present, I take it, has little value. While it starts somewhere, it goes nowhere. I think it highly likely that the owners of that property would be very glad to sell it to the United States. I think it may be that the Government will desire to acquire it. If that is so, the President, under the circumstances that exist, ought to be able to negotiate a very satisfactory purchase.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. WATSON. I do.

Mr. GORDON. The gentleman says this railroad 72 miles long is worthless, as I understood him?

Mr. WATSON. Under present conditions.

Mr. GORDON. Then, would the gentleman see any objection to forbidding the President to pay for any franchise value in the purchase of that road?

Mr. WATSON. Mr. Chairman, if the President could be told in explicit terms what elements he should consider when he contemplated the purchase of this road, I can see no objection to it, from a legal standpoint.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WINGO. Mr. Chairman, I would like to have the attention of the gentleman from Virginia [Mr. SAUNDERS]. I asked a question of the gentleman from Virginia a while ago, and I would be interested in having his answer to it. I would like to ask him if he thinks it would be proper for the President to pay the present owners of those railroads anything for supposed franchise values? Does the gentleman think we should do that?

Mr. SAUNDERS. Well, I could answer that, Mr. Chairman. I think that in these condemnation proceedings you ought to

have reasonable regard for the utility of what these people have done for the United States.

Mr. WINGO. Mr. Chairman, I wanted the gentleman to answer my question as to whether or not he thinks the President should pay them anything for the franchises.

Mr. SAUNDERS. I do not know that I do.

Mr. WINGO. Does the gentleman think he ought to pay them anything for the fact that it is a going concern?

Mr. SAUNDERS. You can not go into the elements of argument here as to condemnation proceedings, but I think the United States ought to have regard reasonably to the utility of this road for its own purposes.

Mr. WINGO. Now, Mr. Chairman, the gentleman has answered my question.

Mr. LEVY. Mr. Chairman, will the gentleman allow me an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. WINGO. With pleasure.

Mr. LEVY. Does not the gentleman know that it is claimed that the railroads were ruined by the withdrawal of the coal lands by the United States?

Mr. WINGO. O my friend——

Mr. LEVY. Does not the gentleman know the railroads were the forerunners of opening up Alaska, but were ruined by the conservation policy of the Government?

Mr. WINGO. I can not stop to answer that. The gentleman is still "harping upon my daughter," and I do not know anything about the "ruining" proposition he is talking about.

But, Mr. Chairman, I am surprised at the statement of the gentleman from Virginia [Mr. SAUNDERS] that there is not a uniformity in the proceedings of the courts in the different States as to what elements of value are taken into consideration in condemnation cases. If there is any one question on which the different courts of the Union are agreed, it is that one question. The elements are very plain. Most of them have been enumerated by the gentleman from Wisconsin [Mr. LENROOT]. If the gentleman wishes to pay something for franchise value, I can not understand his viewpoint. If he wishes to pay something in the way of recognition of its value because it is a going concern, or, as he says, its "utility value," I can not understand his position, for he admits that it is worthless.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I can not yield now. If he wishes to pay something for its good will when it has no good will, I can not understand the gentleman's viewpoint. If you eliminate those, and one other minor consideration, which will not enter into the valuation of a railroad, then you have left nothing to consider except the element set out by the amendment of the gentleman from Wisconsin. In other words, Mr. Chairman, the amendment that is pending here goes to the crux of the situation, and that is that they shall not unload upon the United States these properties which they say are worthless at any other valuation than their physical value.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired.

Mr. LEVY. Mr. Chairman, I offer an amendment.

Mr. OGLESBY. Mr. Chairman, I understood that a minute was left. There is a suggestion I wanted to make.

The CHAIRMAN. All time has expired. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "physical," so as to make the amendment as amended read: "*Provided*, That the price to be paid in case of purchase shall in no case exceed the actual value of the railroad."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LEVY] to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. HOUSTON. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and the Chairman announced—ayes 33, noes 23.

Mr. LEVY. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. HOUSTON. What was the result, Mr. Chairman? I did not understand the result of the vote.

The CHAIRMAN. The ayes were 33 and the noes were 23, and the amendment is agreed to.

Mr. HOUSTON. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee demands tellers. Those in favor of ordering tellers will rise and stand until they are counted.

Mr. WINGO Mr. Chairman, is it not too late to demand tellers?

The CHAIRMAN. The Chair thinks it is not. The Chair thinks it had not been announced before.

Mr. WINGO. I submit, if the Chair will recall, that he did announce it, and after he had announced it the gentleman from New York [Mr. LEVY] made the point of no quorum, based upon the announcement of the Chair.

The CHAIRMAN. The Chair had not made the announcement, but the gentleman from New York [Mr. LEVY] made the point of no quorum. The Chair did announce it afterwards, and he thinks technically the gentleman from Arkansas may be correct.

Mr. WINGO. I make the point of order, then, that it is too late.

Mr. HOUSTON. Mr. Chairman, we were trying to hear what the announcement was.

The CHAIRMAN. The Chair thought the gentleman from Tennessee had understood the announcement.

Mr. HOUSTON. I did not understand that there had been an announcement of the result.

Mr. SAUNDERS. Mr. Chairman, I should like to speak to the point of order. In the Committee of the Whole, the Chair does not endeavor by any undue expedition to head off a Member who is in good faith trying to keep up with a situation, and make the appropriate motion. The gentleman from Tennessee [Mr. HOUSTON] was endeavoring to ascertain the precise parliamentary status, intending to make a motion. Because somebody was a little more expeditious on his feet and having secured recognition from the Chair, made a point of no quorum does not, under our usual procedure, deprive the gentleman from Tennessee of the right to make the demand that he has preferred. I submit that the gentleman from Tennessee has not been dilatory. He was in time to make his motion, and the point of order should be overruled.

Mr. SHERLEY. I make the further point that if we are to run on strict technicality the gentleman from Arkansas [Mr. WINGO] did not make his point until after the demand for tellers was had and the House was dividing to see if a sufficient number would second the demand.

Mr. WINGO. Mr. Chairman, I should like to be heard.

Mr. GARRETT of Tennessee. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Chairman, the whole matter may very easily rest on the facts. After the vote had been taken by a standing vote, the Chair announced that the ayes were 33 and the noes 23. Then was the time when the gentleman could have demanded tellers; but before he had the opportunity to demand tellers, the gentleman from New York [Mr. LEVY] made the point of order that no quorum was present. The Chair had not said, "The ayes have it." The Chair had said, "The ayes are 33 and the noes are 23." The gentleman from New York [Mr. LEVY] then made the point of no quorum. That stopped everything until the presence or absence of a quorum was determined. Immediately upon the presence of a quorum being determined, the Chair again stated the vote—33 and 23—and thereupon the gentleman from Tennessee [Mr. HOUSTON] demanded tellers. I submit that he was in time.

Mr. MANN. Clearly so.

The CHAIRMAN. Does the gentleman from Arkansas insist on his point of order?

Mr. WINGO. Yes; and I should like to be heard, both upon my point of order and upon the point of order of the gentleman from Kentucky [Mr. SHERLEY]. I will notice that first. He says I was too late because the House was dividing for tellers. I do not understand what he means by that.

Mr. SHERLEY. I did not say that; and that is the reason the gentleman could not understand it.

Mr. WINGO. Immediately upon the gentleman from Tennessee demanding tellers I rose, and had made my point of order before any question had been raised at all. Now, the gentleman from Tennessee [Mr. GARRETT] is wrong in his statement of fact, because I was anticipating exactly the situation that exists and was watching it, and declined to be interrupted by my friend from Virginia. The facts are these: That when the division was had the Chair stated the ayes are so many, the noes are so many, and the amendment is adopted. That is the language the Chair used. Then the gentleman from

New York made the point of no quorum. Afterwards the gentleman from Tennessee [Mr. HOUSTON] arose and inquired of the Chair if he had announced the result. The reason he did so was because his attention was diverted, and he did not hear the Chair announce the result originally. I submit that my point of order should be sustained, and I insist on it.

Mr. SHERLEY. Now, Mr. Chairman, just a word. The point I make is this, that the gentleman from Tennessee [Mr. HOUSTON] requested tellers, and the Chair asked those favoring tellers to rise. Then it was, after the House was dividing to see whether it would order tellers, that the gentleman from Arkansas made his point of order. If he is going to make this whole matter depend on the question of minute divisions of time, I insist he is too late.

Mr. WINGO. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. WINGO. Is it not a fact that the gentleman from Kentucky was in the rear of the Hall at the time I rose and made the point of order?

Mr. SHERLEY. Yes; but it is also a fact that I heard from the rear of the Hall.

Mr. WINGO. The gentleman does not undertake to say that I did not immediately rise when the demand for tellers was made and make the point of order?

Mr. SHERLEY. I must say this, that in my judgment the gentleman did not make the point of order until after the Chair was counting to ascertain whether there was a second to the demand for tellers.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN. Just a moment. Under the rule of strict practice, which never has been followed, when a vote is announced and a gentleman desires to object to it because of lack of a quorum he would say that he objected to the vote because there was no quorum present; but making the point of no quorum immediately when a vote is announced takes the place of that in the universal practice of the House. In this case the gentleman from New York [Mr. LEVY] made the point of no quorum immediately after the vote was announced, at the time the point is usually made. No other business could be transacted by the House until the Chair had ascertained the presence of a quorum. Thereupon the gentleman from Tennessee [Mr. HOUSTON] asked whether the announcement had been made, and asked for tellers. It is the universal practice of the Chair under such circumstances to take the sense of the House as to ordering tellers.

The CHAIRMAN. The Chair does not think the gentleman from Tennessee [Mr. HOUSTON] was negligent in making his demand. Technically the gentleman from Arkansas [Mr. WINGO] may be correct, but in view of the fact that the Chair wishes to see justice done, he overrules the point of order of the gentleman from Arkansas. Those in favor of ordering tellers will rise and stand until they are counted.

Mr. GARNER. Mr. Chairman, I ask unanimous consent to have the amendment reported. A good many gentlemen do not understand it.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] asks unanimous consent that the amendment be reported. Is there objection?

There was no objection.

The Clerk read the amendment again, as follows:

Amend, by inserting after the word "proper," in line 7, page 12, the following:

"*Provided*, That the price to be paid in case of purchase shall in no case exceed the actual physical value of the railroad."

The CHAIRMAN. Those in favor of ordering tellers will rise. Evidently a sufficient number, and tellers are ordered.

The Chair appointed as tellers Mr. LENROOT and Mr. HOUSTON.

The committee again divided; and the tellers reported that there were 56 ayes and 39 noes.

During the division and before the announcement of the vote, Mr. LEVY made the point of no quorum, and then withdrew it.

So the amendment was agreed to.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. HOUSTON. Mr. Chairman, before the amendment is read, I desire to ask unanimous consent that all debate on this paragraph and amendments thereto be closed in 40 minutes.

Mr. DAVENPORT. I shall object to that at this time.

The CHAIRMAN. The gentleman from Tennessee asks that all debates on this paragraph and amendments thereto be closed in 40 minutes. Is there objection?

Mr. DAVENPORT. I object.

Mr. HOUSTON. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the pending paragraph and amendments thereto be closed in 30 minutes.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. What would be the status of amendments not yet offered?

The CHAIRMAN. They can be offered but not debated.

Mr. WINGO. They could be offered if a Member could get the floor.

The CHAIRMAN. The Chair thinks that amendments can be offered, but they can not be debated after 30 minutes. The question is on the motion of the gentleman from Tennesee.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

The Clerk read as follows:

Amend by striking out the period in line 15, page 12, and inserting a colon, and inserting the following as a proviso: "*Provided*, That in carrying out the provisions of this act no part of the appropriation herein made shall be expended by the President in the construction of a railroad or railroads in Alaska until the Government has acquired and has in operation a line of steamships from the ports on the coast of the United States to tidewater in the Territory of Alaska, so that all tools, machinery, and material used in the construction of said railroad or railroads may be transported to the Territory of Alaska in Government-owned vessels."

Mr. OGLESBY. Mr. Chairman, I make a point of order against the amendment, that a proposition to purchase steamships is not germane to the bill.

Mr. DAVENPORT. Mr. Chairman, upon that proposition I think it would be well for the gentleman to examine the rules. It is germane because it is in aid of the very purpose of this bill. It is absolutely imperative, from the testimony in the hearings, that if a railroad is constructed in Alaska the tools and materials with which it is to be constructed must be transported from tidewater in continental America or some foreign country to the tidewater in the Territory of Alaska. It is germane upon that question; and if that is the only point of order, I say that the point of order, in my judgment, is not well taken, because it is in aid of and amendatory to the method and manner of constructing the road. It is as essential that we have steamships to transport the tools and materials to construct the railroad as it is to construct the railroad, because the Government will have to pay the transportation. We know that privately owned steamship companies plying between continental United States and Alaska are expecting to reap a harvest from the Government in the way of freights to transport this material and machinery.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from New York.

Mr. DAVENPORT. Mr. Chairman, I have no disposition to take up any great length of time on this amendment. My position is that we are starting out on a great enterprise that is an experiment on behalf of the United States. In constructing this railroad, if this bill becomes a law, all of the material must be transported from the United States to the Territory of Alaska, or we must purchase the material in a foreign country and transport it to the Territory of Alaska. My contention is that the greater part of the tools and machinery that will be used in the construction of that road will be taken from the United States, and that the greater part of the material will be purchased in the United States and taken to the Territory of Alaska.

Under the testimony in the hearings it is 1,000 to 1,400 miles from the nearest port in continental America to tidewater in Alaska. There are privately owned steamship companies plying between the Territory and the United States, and if this provision or some other provision that will so aid the Government in transporting the machinery and material to construct that railroad is not adopted the United States will be the loser. If we had the ships to carry the material, it would materially reduce the expenses of the Government in the construction of this road in Alaska.

Of course I am aware that if a provision of this kind will go into the RECORD, there will be telegrams coming to different Members of the House from every port in the United States on the Pacific coast by privately owned steamship companies and commercial clubs protesting against this provision, because this bill is expected to aid their friends who have the privately owned steamship to get the pay for transporting the tools and materials. We had an instance of this kind this morning which amused me very much. My friend from Tennessee, Mr. SIMS, introduced a telegram from a commercial body in that beautiful

and elegant city of Nashville, where my friend BYRNS lives, urging that they vote for this bill. I suppose Nashville expects to take part in that celebration.

I believe that an amendment similar to this should be adopted. The Government has ships turned over from the Panama Railroad Co. that have been doing Government work in carrying material for the construction of the Panama Canal. I do not believe we ought to commit ourselves soul and body to the privately owned steamship companies along the Pacific coast.

Mr. BRYAN. Mr. Chairman, if there was anything left to demonstrate the inconsistency of my friend from Oklahoma, he has certainly supplied it. The gentleman from Oklahoma did not want to launch the Government into private enterprise.

We think it is without an economic leg on which to stand—

said the gentleman from Oklahoma [Mr. DAVENPORT] in his minority report. That report continues:

We think that it is a dream, beautiful to look upon but unsound at the core; that it does not square with our pledges to the people for economy; that it is unworkable, unreal, and based on false assumption.

The gentleman now comes forward, after having proposed an amendment here to compel the Government to operate the road, and not lease it, which, according to the gentleman from Georgia [Mr. HARDWICK], developed an inconsistency, and he now proposes to launch steamships and transports and big ocean vessels, and turn those vessels into carrying freight up there to the Alaska railroad for its construction, thus negativing all that he has ever said and every position that he has ever taken, even to the particular technical term of launching. He is now a thorough advocate of launching. As far as I am concerned, I would like to see the Government own ships up there just as the Government's Panama Railroad Co. owns and operates ships; but I do not believe in putting an amendment on this bill that prohibits any movement or step being taken in connection with the construction of the railroad until the Government builds these ships, and then to transport tools and supplies for the railroad only, and does this launching that the gentleman has so strenuously and earnestly opposed heretofore.

The amendment is not proposed with a view to helping out in the construction of the railroad, but, as its very terms indicate, it seeks to postpone and harass the construction of the railroad. If the gentleman can not kill it, he would like to postpone it. I think that this is not a sincere amendment, and I can cheerfully oppose it, although I would like to see the Government own steamboat transportation from Seattle and Pacific ports to Alaska, and I believe we will own and operate boats out there in time, but that result will be accomplished in spite of the gentleman who really is opposed to the plan.

Mr. SLOAN. Mr. Chairman, replying to the gentleman from Washington [Mr. BRYAN], I do not know whether this is a sincere amendment or not, but I think it is a wise one. We have here a proposition that the Government shall borrow $35,000,000 and deposit it in a great snow bank up in Alaska and pay 3 per cent per annum cold storage on it. There ought at least to be some means of reaching the bank and using the deposit or withdrawing it. A great many of us would like to vote for this proposition, especially that feature of it which seems to respond to the national demand to develop the coal fields for the Government's use. That the Government may obtain coal on the Pacific coast is the great recommendation for the Alaska railroad, and I am not certain but that it is the only one yet entitled to serious consideration. However, pessimistic reading of American future has not often added to the reputation of prophets——

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Certainly.

Mr. BUTLER. Has the gentleman made an examination of the test submitted by the department of this coal in Alaska?

Mr. SLOAN. I have read what other gentlemen have said about the tests. Of course, I do not think it is as good coal as the carboniferous ages deposited down in Quakerdom.

Mr. BUTLER. Where is that?

Mr. SLOAN. It is where the gentleman and his ancestors located.

Mr. BUTLER. There is not a pound of coal there except what we buy and pay for. [Laughter.]

Mr. SLOAN. Well, we have paid a very large price for something they said was Pennsylvania coal, and perhaps we have been imposed upon.

Mr. BUTLER. The gentleman got good stuff when he paid for it, too.

Mr. SLOAN. Mr. Chairman, if we now invest an additional $35,000,000 in Alaska, it means a probable investment later of several times that amount. If we invest that much in Alaska under Government ownership and control, we ought to have means under the Government control and Government ownership to complete the link between our western coast and that Alaska railroad. To do that, I think it is proper at this time to make provision for the establishment of lines of steamships or to utilize those that we have already, so that we may have a unit and not a part of a transportation system for the mineral wealth or the possible agricultural wealth of Alaska.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. LEVY. Mr. Chairman, is the gentleman aware that the Government vessels that now carry freight to Panama and Colon charge more than private steamships?

Mr. SLOAN. Whether they do or not, they are the Government's property, and the Government may control them and fix the price.

This proposed toy of the President may prove an expensive one to the country. If there were to-day any other fairly good proposition for opening up Alaska and reaching its wealth in the interests of the people and the Government, I should be glad to support it; but with the groove into which Alaskan legislation has been directed and in which it now runs we are obliged to vote not for what would, in our judgment, be wisest, but it means this legislation or nothing for four years.

This might be neither final nor conclusive, but it appears that there are coal deposits in Alaska and practically none elsewhere in our country on the Pacific coast. Our foreign relations are, unfortunately, in such a condition that the appeal of the administration becomes temporarily, at least, almost imperative. I supported in this committee an amendment to confine the present governmental investment into a road reaching from the coast to the coal fields, which would have reduced the costs more than one-half; but $35,000,000 is to be invested, in the face of a depleting Treasury and increasing appropriations. The general fund of our Treasury is now the lowest it has been in years. As this stands it amounts to an investment of $35,000,000 to build a railroad into a country containing only 35,000 white people, or an investment of $1,000 by the Government for every white person in Alaska.

A great deal has been said about the agricultural possibilities of Alaska, which we are obliged to leave as a still open question of debate. The gentleman from Alaska and the Members who reside upon Puget Sound tell racy tales of the agricultural products of our great northern possession. They would endeavor to convince us that the Equator is seized by the warm currents of the Pacific and bent up into the latitude of Alaska, carrying with it almost a tropic clime, with consequent tropic productions, producing cereals, fruits, and forestry in profusion. On the other hand, the Oklahoma group insist that the frost is deeper than the political prejudice of a Georgia Democrat and that the very volcanoes instead of emitting fire and lava belch forth great streams of liquid air.

Perhaps the true condition lies somewhere between. I note an agreement upon the fact that it is in nearly the same latitude and has quite a similar climate to the great Scandinavian peninsula of Europe. I also note and am somewhat swayed in my judgment by the general support given this bill here on the floor of the House by the descendants of that hardy, brave, and enterprising northern race. Their arguments seem to minimize the frigid features of our great American peninsula of the North.

I should feel constrained to favor any bill designed to build up a vigorous and intelligent citizenship in Alaska. If that climate is, though severe at times, of a general temperate character, there is opportunity for our people to build up there a great citizenship. If we should be able to people that vast domain with a race similar to the Scandinavians, who have done so much for the upbuilding of continental America, it should meet with general favor.

Looking over that part of our continental section where snows are deep and winters long; where our greatest water traffic is conducted; where the greatest railroads are; where finest farms have been carved out of treeless plains, congested forests, and forbidding swamps; where great cities and prosperous villages are numerous and schools and universities many; where home comforts are multiplied; where intelligence abounds; where thrift is exemplified; where political independence is most prominent; where God-fearing people with a record for achievement, with faces and ambitions set toward the future live, this is the land where people love liberty, enforce justice, and themselves obey the law. Here we find in the forefront the Swede, Norwegian, and Dane, together with the other great northern European peoples, loyal to American institutions, bent on perpetuating them and making America what it should be, a blessing to all mankind.

Of these many live in my section, State, and district, each of which is the better for that fact. They are the descendants of

the Vikings, the first discoverers of our continent; a people who with the Irish and Germans built our railroads and now own them; who gave us many of our soldiers in the time of war; who gave us Erickson, who in turn gave the North the *Monitor*, which turned the tide of war in favor of the Union. It is a race that gave to modern times its sweetest singer, produced great modern poets and philosophers, and has furnished us many of the leading men of the Nation in Congress and out of it. May not the future again demonstrate that a race living under the stimulus of a severe climate, spurring the energies of all to life, activity, and progress, in the generations to come through strong bodies and clear minds of Alaskan citizenship work important results in the economy of the world and welfare of mankind.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. WATSON. Mr. Chairman, the amendment offered by the gentleman from Oklahoma does not propose to secure a line of steamships to engage in general commerce between Alaska and the Pacific coast. It proposes that the Government shall acquire these ships so that all tools, machinery, and material used in the construction of this railroad shall be transported to Alaska by Government-owned vessels. So the amendment is not so ambitious as the plan which has been commended by gentlemen on the other side. It simply proposes that the tools which shall be transported from the Isthmus of Panama to Alaska shall go in Government-owned ships. Gentlemen know full well that the Government already owns, or rather the Panama Railroad Co. owns, two steamships of the character required and leases two more. There are also countless transports belonging to the Government of the United States which can carry this material without encumbering the President with the necessity of acquiring new ships.

Mr. Chairman, the zeal felt for the fate of this measure by the gentleman from Oklahoma [Mr. DAVENPORT] is interesting. He not only desires to apply the principle of Government ownership of transportation lines to the mainland, but wants to extend it to the waters of the sea. When I recall the fact that three weeks ago he was before this committee insisting upon his opposition to the launching of the Federal Government into private enterprise, for the reason that he did not believe it belonged properly to the functions of a republican government, I am disposed to flatter the committee with the suggestion that they must have converted the gentleman from his views in the past, and upon the fact that he is now not only willing to accept the principle of Government ownership of railroads on the mainland, but is ready to go to the uttermost parts of the sea to exploit his new principle.

There is no need for this amendment. The Government already has ships to transport tools, and I sincerely hope that the committee will vote it down.

The CHAIRMAN (Mr. FOWLER). The question is on the adoption of the amendment.

The amendment was rejected.

The Clerk read as follows:

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all lawful acts and things in addition to those specially authorized in this act necessary to enable him to accomplish the purposes and objects of this act: *Provided*, That the President is hereby authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for town-site purposes as he may from time to time designate.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by striking out all after the word "that," in line 7, page 13, down to and including the word "empower," in line 8, page 13, and insert the word "be" between the word "States" and the comma in line 9, so that the paragraph will read as follows:

"That the President of the United States be, and he is hereby, fully authorized and empowered."

Mr. DAVENPORT. Mr. Chairman, the intent of that amendment is to cut out the following language, which now reads as follows:

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered.

It will cut out this, "the intent and purpose of Congress through this act to authorize and empower," and therefore it is not necessary to say what is the intent of the act, because if that language should go in as amended it would give him specific power without saying what was the intent of Congress, and we must absolutely judge our intent by our acts. If we empower him to do a thing, there is no necessity of carrying the language in there, in my judgment, that we intend to do what we empower him to do. That is why I offer the amendment.

Mr. J. M. C. SMITH. Will the gentleman yield for a question?

Mr. DAVENPORT. I will.

Mr. J. M. C. SMITH. Will the gentleman vote for the bill if the amendment is adopted?

Mr. DAVENPORT. I want to say, if the gentleman thinks it will gratify him in any way by my answering the question, that unless there are a great many more amendments to the bill than now, I will not.

Mr. MONDELL. Mr. Chairman, I did not intend to discuss the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT], but I had intended to offer at this place an amendment providing for the leasing of the coal lands in Alaska; but I have concluded not to do so, first, because I do not care to take up the time of the committee in the discussion of the point of order which would undoubtedly be made, and secondly because I do not think it would be possible at this time to get a fair and unbiased consideration of such an amendment. The Committee on the Public Lands is now considering a bill which is intended to provide for the leasing of coal lands in Alaska. I have been assured by Members of that committee that it is the intention of that committee to press that legislation. I have some doubt whether such legislation will ever be written on the statute books if it is not written on the statute books in connection with this bill, and yet realizing that it would be utterly impossible for me to secure the adoption of an amendment providing for leasing because of the lack of time to consider it I shall not offer it.

I simply want to suggest to gentleman who do not believe in private ownership of coal lands in Alaska that in allowing this bill to become a law or to pass the House without a leasing amendment they are taking pretty desperate chances in securing such legislation in the future. My fear is that after this bill becomes a law it will be impossible to secure such legislation, and that we shall return to private ownership of coal land in Alaska and the very policy which lead to the withdrawals which in turn created the conditions that have been the basis of the excuse for offering this legislation. My belief is that if the bill passes without a leasing provision relative to coal lands that we will ultimately return in Alaska to the same condition of private ownership relative to which there has been so much agitation, largely political, in the last few years. I believe the bituminous and anthracite coal lands of Alaska ought to be leased and ought not to be in private ownership. If there was the slightest hope of securing an amendment to accomplish that result I should offer it at this time, but I do not offer it simply because I feel confident from what has been said here that it would not be adopted now and in this connection.

Mr. GUERNSEY. Mr. Chairman, public confidence in the Taft administration began to crumble early in its existence, due in no small part to the fact that the public lost faith in its Alaska policy as early as the fall of 1909. The public believed that the Secretary of the Interior under that administration was hostile to the Roosevelt conservation policies—the regulation of public lands and natural resources for the public good. This was particularly true of the coal fields and other resources of Alaska.

The public believed that Mr. Taft's Secretary of the Interior favored the turning of the Alaska resources over to private monopolies, and the administration suffered the loss of public confidence as a result; a loss from which, unfortunately, it never recovered. It would have been fortunate, indeed, had the Taft administration had a Secretary of the Interior who stood without question for the Roosevelt conservation policies.

The attitude of the public toward these policies of the Secretary of the Interior under Mr. Taft only gave emphasis to the public wishes.

The public wants something done toward the development, for public benefit, of the great Alaskan domain and its resources. From my five years' service on the Committee on Territories, during which time I have heard testimony as to conditions in Alaska many times over, I am convinced the only practicable way, for the present at least, is for the Government to open up that great country by the construction of a railroad from the ocean to the great valleys and rivers of the interior; that the only method that the people will tolerate is development, under governmental control, of the natural resources of the Territory. Unless it is undertaken, the country is destined to continue to be locked up for the next half century, as it has during our ownership of going on 50 years.

On principle I am opposed to governmental ownership and operation of railroads, but in Alaska special and unusual condi-

tions exist that call for the construction of a Government road at this time, to be operated perhaps later on under a lease to private parties, if it can be so leased as to fully protect and serve the public interests, as provided for under this measure.

Within a few days this House has voted $25,000,000 to improve the highways in continental United States, ostensibly to improve the public service over these highways, but, in fact, it will result more especially in the enhancement of values of private property along the roads on which the money is expended.

In Alaska we will build a railroad over Government land, and thereby enhance the value of public property along that road. That great estate that the Government acquired from Russia in 1867 is worth developing. It has an area greater than all the New England States, an area nearly equal to one-fifth of the United States. It has a coast line as long as the coast line from Maine to Florida. It has a climate favorable to all conditions of life and all pursuits of mankind, and the appropriation of the sum called for by this measure in all probability will not in the end take from the United States Treasury a single dollar, as the amount that the Government will receive back from lands and resources through the development of the country in connection with this railroad will, under the provisions of this bill, fully repay all moneys called for in the bill.

In connection with the question that has often been raised on this floor as to the prospects for business along the proposed railroad, I call attention to the data that I find taken from the report of the Alaska Railroad Commission and other sources.

I wish to introduce in the record at this time some statistics taken from the report of the Alaska Railroad Commission in regard to the commerce of Alaska.

Comparative statement of tonnage (domestic merchandise) shipped from the United States to principal points in the Yukon Basin, years 1903–1911.

[Based on valuation of $86.50 per ton.]

Ports.	1903	1904	1905	1906	1907	1908	1909	1910	1911
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Chena	325	857	2,520	5,415	5,580	5,890	3,000	1,395	1,392
Circle	480	253	595	570	530	961	858	586	364
Eagle	1,168	1,132	1,220	913	955	1,472	3,740	869	296
Fairbanks	623	4,250	18,150	14,628	19,300	16,830	26,650	12,660	10,330
Hot Springs					271	850	830	592	968
Rampart	825	444	1,469	477	520	410	410	160	38
St. Michael	2,485	5,790	11,840	19,390	10,290	8,450	11,600	17,850	16,850
Tanana	789	425	900	1,660	2,040	1,700	2,440	1,975	2,150
All others	1,270	729	1,106	847	2,395	3,800	226	4,420	8,150
Total	7,695	13,880	37,800	53,900	41,890	40,350	49,750	40,507	40,548

Comparative statement of through freight (in bond) over the White Pass & Yukon Ry. for points in the Yukon Basin, 1908–1912.

Destination.	1908	1909	1910	1911	1912
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Tanana	89	172	57	162	116
Yukon River, above Tanana	556	452	309	350	283
Yukon River, below Tanana	3	12	199	235	188
Fairbanks and Tanana River	1,081	1,833	900	429	630
Total	1,729	2,469	1,465	1,176	1,217

As throwing some light on the commerce of Alaska and its bearing as a freight-producing region, I wish to put in the record the last report of the collector of customs for Alaska, i. e., so much as precedes the collector's signature:

COMMERCE AND CUSTOMS BUSINESS OF ALASKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 1912.

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE COLLECTOR OF CUSTOMS,
Juneau, Alaska, January 31, 1913.

Although there was no material increase in the population of Alaska during the calendar year 1912, the commerce of the Territory broke all former records in almost every particular.

The total trade, valued at $72,741,060, is 27 per cent higher than that for any previous year. The balance of trade in favor of Alaska is the largest of record, amounting to almost $20,000,000.

Gold, which until recent years has constituted the bulk of the Territory's exports, though greater than for the two previous years, was 50 per cent less in value than the total of the other Alaskan products shipped to the United States and was exceeded by the single item of salmon—canned and otherwise preserved.

For the first time both the shipments of merchandise from the United States and from Alaska to the United States passed the twenty-million mark. The shipments to southeastern Alaska show an enormous increase and are more than double those of any one of the other three divisions. This increase was principally due to the establishment of 20 new salmon canneries throughout the division and the extensive development of mining properties in the Juneau district.

The following table shows the value of the real and transit commerce of the Territory. The imports and exports of foreign gold and most of the exports of merchandise to foreign ports represent the trade between the United States and the Yukon territory which passes through Alaska.

Commerce of Alaska.

	Calendar years.			
	1909	1910	1911	1912
IMPORTS.				
Merchandise from the United States	$17,705,330	$17,431,588	$15,169,149	$21,992,761
Merchandise from foreign ports	605,086	669,614	519,221	925,034
Gold and silver from foreign ports	4,023,791	3,453,709	3,520,170	3,840,546
Total imports	22,334,207	21,554,911	19,208,540	26,758,341
EXPORTS.				
Merchandise to the United States	13,522,137	13,699,594	19,318,859	24,793,886
Merchandise to foreign ports	1,120,218	1,119,919	1,174,393	1,452,955
Domestic gold and silver to the United States	18,278,962	15,195,954	14,699,694	16,031,705
Foreign gold and silver to the United States	3,845,705	3,441,834	3,353,361	3,704,173
Total exports	36,767,022	33,457,301	38,546,307	45,982,719

The articles enumerated in the following table are all of Alaskan origin, and the comparative figures are indicative of the growth and importance of the various industries of the Territory.

The value of furs shipped during the year includes the products of the Pribilof Islands and shipments by mail—a total of $300,003—not shown in the bureau's reports for the same period.

Owing to the fact that gold carried on the persons of travelers is not included in the returns made by this office, the value of precious metals reported shipped from the Territory is, as usual, slightly less than the amount shown by the Bureau of the Mint.

Value of domestic merchandise and gold and silver shipped from Alaska to the United States.

Articles.	1909	1910	1911	1912
Copper ore and matte	$205,551	$230,737	$2,898,885	$4,904,715
Fish:				
Salmon, canned	10,424,811	10,418,508	13,136,980	15,551,794
Salmon, all other	466,722	487,301	502,134	907,242
All other fish and fish products	466,894	440,015	478,497	589,529
Fish fertilizers	51,212	64,925	63,439	41,662
Fish and whale oil	151,161	185,284	170,991	283,339
Furs	573,051	468,223	816,850	728,554
Gypsum	114,565	151,590	124,200	129,375
Marble	45,982	11,286	49,455	77,159
Tin ore and concentrates	8,200	6,750	41,830	90,831
Whalebone	140,770	113,772	20,551	18,012
Other merchandise	758,231	885,934	852,758	1,000,261
Gold and silver	18,278,962	[1] 15,195,954	[1] 14,699,694	[1] 16,031,705
Total	31,686,112	28,660,279	33,856,264	40,354,173

[1] Gold and silver shipped to the United States.

Judicial divisions.	1910	1911	1912
First	$3,262,083	$3,730,264	$4,040,858
Second	3,699,674	3,246,498	3,138,881
Third	317,872	404,861	734,507
Fourth	7,916,325	7,318,071	8,117,459
Total	15,195,954	14,699,694	16,031,705

The following table of passenger movement indicates the travel, by regularly established routes, to and from the district and the Yukon territory. Tourists and cannery employees bound for remote places are not included.

The Eagle and Dawson movement shows the local frontier travel, which must not be considered with the general account, as the greater number of those passengers arrived or departed from Ketchikan or St. Michael and have been accounted for in their returns.

Passenger movement.

	1910	1911	1912
Arrivals from the United States and British Columbia in—			
Southeastern, southern, and western Alaska	24,780	19,924	20,645
Nome, St. Michael, and Bering Sea	2,156	2,203	2,067
Total	26,936	22,127	22,712
Departures to the United States and British Columbia from—			
Southeastern, southern, and western Alaska	19,905	17,525	18,502
Nome, St. Michael, and Bering Sea	4,075	3,741	3,375
Total	23,980	21,266	21,877
Arrivals at Eagle from Dawson	1,645	1,107	594
Departures from Eagle to Dawson	905	808	935
Total	2,550	1,915	1,529

All of the four divisions of Alaska show an increase over 1911 in the values of shipments received from the United States. Most of the unprecedented increase however, was due to the unusual industrial activities in southeastern Alaska, resulting in that division receiving 44 per cent of the entire amount shipped to the district, an advance of 75 per cent over the preceding year.

Comparative statement showing value of merchandise shipped from the United States to the different divisions of Alaska.

Division.	1908	1909	1910	1911	1912
Southeastern Alaska	$4,921,232	$4,415,025	$5,236,325	$5,492,416	$9,769,224
Southern Alaska	3,931,002	5,249,516	4,538,225	3,246,464	4,321,689
Bering Sea, etc	3,516,659	3,735,736	4,150,679	2,919,456	4,168,934
St. Michael and Yukon River	3,493,778	4,305,053	3,506,359	3,510,813	3,732,914
Total	15,862,671	17,705,330	17,431,588	15,169,149	21,992,761

The tables following give the value of merchandise shipped to Alaska from the United States for the year 1912, segregated as to place of consignment, with comparative statements for five years, and general customs business transacted by ports.

J. R. WILLIS, *Collector of Customs.*

I wish also to have printed in the record an extract from Bulletin 442, of the United States Geological Survey, entitled "Mineral Resources of Alaska, 1909, by Alfred H. Brooks and others," and found on page 25 of the bulletin:

"In 1909 about 47,000 tons of freight was received at Nome, including merchandise, coal, lumber, and live stock, at a cost of about $660,000. The cost of freighting to the mines by coasting vessels and wagons in summer and by sleds in winter in different parts of Seward Peninsula varies from about $80 to $200 a ton in summer, and from about $3 to $50 a ton in winter. It appears that the average price paid for transportation in the peninsula is about $20 a ton. On the assumption that half the supplies landed at Nome are for the use of the miners, this will represent an additional freight charge of nearly half a million dollars. The total transportation charge on the supplies of Seward Peninsula will, then, be about $1,200,000, or nearly 30 per cent of the value of the entire gold output of the year.

"No exact figures are available in regard to the amount of freight annually shipped to the Alaska portion of the Yukon Basin, but it is probably safe to say that this amounts to 30,000 tons and that it costs over $2,500,000 to land it at the end of steamboat navigation. The mine freight must then be hauled by wagons or sleds, except at Fairbanks, where there is a railway. It is estimated that this haulage from steamers to mines for the Alaska Yukon costs from $2,000,000 to $2,500,000 a year. The total annual cost of freight for the Yukon Basin is therefore probably between $4,500,000 and $5,000,000, or nearly 50 per cent of the value of the entire gold output. It should be noted that these estimates of the cost of freight do not include any charge for the transportation of fuel, which is included in the similar figures already presented on the commerce of Seward Peninsula. In the Yukon Basin practically only wood is used, whereas Seward Peninsula depends almost entirely on coal brought from a distance."

The following are estimates of expected tonnage on various trunk lines proposed to be built by the pending bills:

CORDOVA-FAIRBANKS ROUTE.

Freight movements from Cordova to Fairbanks will be carried on the Copper River & Northwestern Railway Co.'s tracks for 132 miles to the town of Chitina and over the proposed Chitina-Fairbanks line 313 miles to Fairbanks.

The average freight entering the Rampart-Fairbanks district during the last five years amounted to about 24,000 tons per year of all classes, the maximum in any one year being approximately 33,000 tons and the minimum 15,000 tons. Having in mind the increase in freight movement to be expected and the natural development of new territory following the construction of a railroad, the commission assumes that a line from Cordova to Fairbanks would carry, almost immediately, through freight at the rate of 45,000 tons of general merchandise northbound per year. The through southbound freight in sight is so very little as to be negligible for the purposes of this analysis. In addition to the through freight, it is estimated that coal mines will be operated in the Nenana lignite fields. This will involve the construction of a branch line from 30 to 50 miles in length, although it is at least possible that the Nenana coal may underlie certain territory through which the main line will be run. Without definite data, it is assumed that 30,000 tons of coal will be hauled an average distance of 20 miles on the main line and that 1,000 tons of local freight originating between Chitina and Richardson will be hauled an average of 150 miles. In round numbers, therefore, the annual freight ton-miles would amount to 15,000,000, or the equivalent of 50,000 tons of freight hauled over the entire 313 miles of line. It is assumed that there will be an annual through passenger traffic of about 10,000, or 3,000,000 passenger miles.

VALDEZ-FAIRBANKS ROUTE.

This route involves the use of no part of any existing railroad. Running in a northerly direction for 101 miles it reaches a point on the proposed location of the Chitina-Fairbanks route considered in the foregoing section. From thence to Fairbanks, 279 miles, the two routes would be identical.

The business which a railroad connecting these two termini might reasonably expect would be practically the same as in the case of Chitina and Fairbanks, with a small increase for local freight originating in the immediate vicinity of Valdez. For this study, therefore, the tonnage for the first five years of the road's existence is assumed to be as follows:

Tonnage.

	Tons.	Miles.
Through freight	45,000	380
Nenana coal	30,000	20
Local freight between Valdez and Richardson	2,000	150

In round numbers, 18,000,000 ton-miles, or the equivalent of 47,500 tons of freight, over the entire 380 miles of line. It is further assumed that there will be 10,000 through passengers annually, or 3,800,000 passenger-miles.

SEWARD-FAIRBANKS ROUTE.

Freight movements from the seacoast to Fairbanks over the Seward-Fairbanks route would be carried for 71.6 miles over the existing tracks of the Alaska Northern Railroad and from thence to Fairbanks, a distance of 391.4 miles, over the proposed Susitna Valley route to Fairbanks.

In the main, the tonnage expectancy of this route would be the same as that of the Cordova-Fairbanks line, previously considered, with an allowance for coal traffic originating in the Matanuska district. Were this road built and operated on a traffic agreement with the Alaska Northern, the opening of the coal fields would result in a coal tonnage from a branch line tapping the Matanuska district. The bulk of this coal movement would go southward to Seward, and therefore become a source of revenue mainly to the Alaska Northern Railroad. A part would undoubtedly be distributed in the Susitna Valley, but as the amount of this which could be counted upon for revenue would necessarily be small during the early part of the road's existence, it is only placed at 1,000 tons annually. The estimate of tonnage to be expected during the first five years following construction is, therefore, as follows:

	Tons.
Through freight, 301 miles	45,000
Nenana coal, 20 miles	30,000
Local freight, Susitna Valley, 150 miles	1,000
Local coal shipment, Susitna Valley, 150 miles	1,000

Total movement 18,500,000 ton-miles, or 47,000 tons of through-train haul. The passenger movement is estimated at 10,000 over the entire trackage, or 3,910,000 passenger-miles.

SEWARD-IDITAROD ROUTE.

Freight movements between the Iditarod district and Seward will be carried over the trackage of the Alaska Northern Railroad for 71.6 miles, thence over the proposed new line for approximately 344 miles.

Based upon such information as the commission was able to obtain concerning freight movements in this district in the year 1910–11, the following tonnage assumptions are made:

	Tons.
Through freight between Seward and McGrath, 344 miles new line, 72 miles Alaska Northern	15,000
Local freight, 100 miles	10,000
Coal, 230 miles	10,000
Coal, 120 miles	10,000
Coal, 30 miles	10,000

A total of 9,960,000 ton-miles, or 29,000 tons through-freight haul. In addition to this, it is assumed that there will be a through passenger traffic of 5,000 annually over the new line of 344 miles, or 1,720,000 passenger miles.

Mr. EDWARDS. Mr. Chairman, I am opposed to this bill. It would no doubt be a desirable, if not, indeed, a good thing, for the 35,000 white people in Alaska if this Government should decide to dump its millions into a railroad project in that frozen and unproductive section. In my opinion it would be an unwise and a wasteful thing so far as the United States is concerned. Those insisting upon this Alaskan railroad legislation are no doubt sincere in their support of the matter. We are equally as sincere in our opposition to it.

After hearing the gentleman from Illinois [Mr. MADDEN] read the interview of Mr. Guggenheim on this subject I am convinced that back of this proposed legislation is a purpose on the part of the Guggenheims to unload their railroad and other poorly paying investments in Alaska onto the United States Government.

I agree with the view which the minority has presented through its report on this subject. It is estimated that to build this road in Alaska will cost the United States $35,000,000. The proposition in this bill is to issue bonds for $35,000,000 and to start the work by an initial payment of $1,000,000. It is the view of the minority report on this subject that it will cost at least a hundred million dollars before the project is completed. Those advocating the plan to commit the Government to this unwise proposition have advanced plausible arguments in its support. They tell us that it will open up the ice fields of frozen Alaska and that wonderful developments will follow. They tell us it will open up the coal fields of that country. It is plainly and ably pointed out in the minority report that we do not need the coal as badly as some seem to think. It is pointed out that the Geological Survey has developed the fact that we have in this country enough coal already located to supply the "Republic, the Navy, and the interior for 7,000 years to come."

The movement to build this Alaskan railroad at the expense of the taxpayers of this Government has been referred to as a dream. It is no dream. It is a cold-blooded proposition that will deliberately take anywhere from thirty-five to one hundred million dollars out of the Treasury of the United States, for which the people of the United States will get no substantial returns.

Even if what is claimed for Alaska were true, there is no justification for fastening upon the people of this country a bond issue of $35,000,000. It is our duty to guard the Treasury against unwise and unjust appropriations.

If the Government has $35,000,000 to spend, let it be spent for something that will result in great good to the people who will be taxed to pay these bonds. Those of us from sections

of this country where drainage is needed have been pleading for Government aid; except in a limited way we have been denied aid in this important work.

It is a well-known fact that by draining the swamp and wet lands of the country we will serve a "triple purpose." First, it will reclaim millions of acres of fertile lands in our own country for cultivation; second, it will add to our annual productions; and, third, it will help to eliminate malaria and make our country more healthful.

This is only one of many objects to which Government funds could be applied with much greater profit to the people of this country than the Alaskan railroad. We allowed only $25,000,000 in the bill which we passed a few days ago for building and maintaining public roadways of the country. I believe in profitable internal improvements that make for the development of our country and will add to the happiness and prosperity of our people, such as public-roadway building, education, agricultural extension, and experiment work, such as contemplated in the Smith-Lever bill. These expenditures will make returns to the people who pay the taxes, but to legislate to build a railroad in Alaska will be an act for the "interests" and not for the people.

This Alaskan railroad scheme is a most unwise and unfair one. I raise my protest against it. I shall not consent for the people of this country to have fastened on them an immense bond issue with which to buy and build railroads on the ice fields of nonproductive Alaska. The people are looking to us to safeguard and protect the Treasury. When an expenditure is made the Government should get something in return. The people are entitled to "value received" when their tax money is spent. To pass this bill will mean, in my opinion, a willful and deliberate waste of public funds, for which Senators and Representatives will be held to strict account. I am opposed to this foolish expenditure of public funds and hope this bill will be defeated. [Applause.]

Mr. NEELY of West Virginia. Mr. Chairman, many Members of this House, including myself, have had no sufficient opportunity to make original investigation as to the natural resources of Alaska, or to obtain first-hand information as to the feasibility of building a thousand miles of railroad through a region ordinarily thought of as a wonderland, perpetually wrapped in ice and snow. In these circumstances it became my duty to consider the best available hearsay evidence relevant to the question under consideration, preparatory to voting for or against this bill. To my mind, such evidence is contained in the majority report made by the Committee on Territories to accompany House bill 1739. This report discloses many interesting facts, to some of which I wish briefly to call attention. Alaska has an area of considerably more than half a million square miles—an area the extent of which, it may be observed, is somewhat out of proportion to the 10 minutes' time limit within which I am obliged to confine my remarks. The total cash disbursements made by this Government for Alaska since 1867, including the purchase price of the Territory, amount to less than $36,000,000; the Treasury of the United States has received in cash from Alaska during the same period of time more than $17,000,000; thus the United States is shown to have paid out for all purposes pertaining to Alaska less than $19,000,000 in excess of what has so far been received from this much-neglected domain.

Alaska's gold production from 1867 to 1911, inclusive, amounts to more than $195,000,000. Its fishery products for the same period of time amount to more than $147,000,000, and its production of fur-seal skins to more than $51,000,000. Alaska is preeminently a land of gold and fish and fur. The value of these items, added to the value of its various other productions since 1867, reaches a grand total of more than $429,000,000. Viewed from a mercenary standpoint, and this is the very lowest point of view, it would seem that an isolated and neglected Territory that has contributed almost half a billion dollars to the world's wealth in less than 50 years, without railways and without adequate means of transportation, deserves the initial expenditure of $35,000,000 provided in this bill. Does it not deserve the construction of a railroad that will develop almost unlimited resources which are at the present time beyond the reach of man? Alaska is said to have more tin than Wales, fornia and Colorado, and more coal than Ohio, Pennsylvania, more fish than all the rest of America, more gold than Cali- and West Virginia combined. In my judgment, this Government can invest $35,000,000 in nothing more profitable than a railroad that will make accessible coal fields more vast and valuable than those of West Virginia. It is conceded that this Alaskan coal, when reached by means of transportation, will be a source of prodigious wealth as an article of commerce in time of peace. It is obvious that naval activity would so increase the demand for this coal that it would lose none of its value in time of war. The only naval coal on the whole Pacific coast is found in the Territory of Alaska.

The only naval coal lands owned by this Government are situate in the Territory of Alaska. In order to make this coal available for use on our battleships and cruisers this railroad must be built to connect the interior with the sea. In order to provide for the naval defense of our thousands of miles of Pacific coast line in the event of an invasion, and in the absence of all other reasons, we would be more than justified in voting for the passage of this bill.

While many are skeptical as to the agricultural possibilities of Alaska, it is nevertheless a fact that European countries in the same latitude, with similar soil and with less than twice Alaska's area, support more than 11,000,000 people, who are engaged almost exclusively in agricultural pursuits.

The CHAIRMAN (Mr. HARRISON). The time of the gentleman has expired.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended three minutes.

The CHAIRMAN. All time has expired on the other motion. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the gentleman from West Virginia have three minutes more, which will extend the time to 33 minutes on this paragraph and amendment. Is there objection?

Mr. DAVENPORT. Mr. Chairman, I dislike to disagree with the Chair, but I do not think there was any limitation on this paragraph.

The CHAIRMAN. The Chair understood that there was 30 minutes of debate on this paragraph and all amendments thereto.

Mr. DAVENPORT. On the preceding paragraph.

The CHAIRMAN. That was done when the present occupant of the chair was absent. Is there objection to the request of the gentleman from Tennessee [Mr. HOUSTON]?

There was no objection.

Mr. NEELY of West Virginia. Mr. Chairman, Sweden, in the same latitude, but with only one-third of Alaska's area, now has a population of about five and one-half millions. In 1907 the Swedes produced more than 1 bushel of wheat, 3 bushels of rye, 13 bushels of oats, and 10 bushels of potatoes per capita. I venture the observation that the obtainment of such favorable results as those just mentioned would be considered fairly successful farming by my distinguished friend, Mr. FERRIS, even in his own fertile State of Oklahoma.

If, in proportion to its area, Alaska shall hereafter be farmed half as successfully as Sweden has been, the freight on its agricultural products alone will, in no unreasonable length of time, reimburse us for our expenditure of public money to build this railroad.

Another cogent reason why Members on this side of the House should support this measure is found in the fact that the last Democratic national platform contains a declaration that is equivalent to a party promise to take some such action as that provided in this bill. Hear what our platform says:

> Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska, under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations, associations, or interests.

By this declaration we have clearly acknowledged that we owe Alaska the duty of making available its deposits of coal. The best means of discharging our admitted obligation are those specified in this bill. To vote for the pending measure is to vote for the redemption of another Democratic platform pledge.

Last, but by no means least, the President, in his message, delivered in this Chamber on the 2d day of last December, in most happily chosen language, recommended that the Government build and administer a system of railroads in Alaska as the first step toward the development of her tempting resources. Who is better qualified than the President to speak authoritatively on this or any other subject of public concern? Who in all the history of this country has ever been endowed with more profound wisdom or more penetrating and prophetic vision? Who has ever more skillfully and safely led or more faithfully and devotedly served a great people? In turn the people are accepting the words of Woodrow Wilson as the words of an oracle. They are following his footsteps as the Mussulman follows Mohammed. They are approving his official actions as the actions of a political Messiah. I believe that his voice is the people's voice, and I also believe in the good old Democratic doctrine that the people's voice is the voice of God. The President has conclusively proved his right to stand in the foremost rank of the greatest statesmen who have ever lived "in the tide of times." [Applause.]

When he insisted on an honest revision of the tariff, a hostile press predicted that he would destroy his party and ruin his country; but the Underwood tariff bill became a law, and the

country is flourishing and prosperous; plutocracy has been exiled and to-day Democracy rules the land.

When the President demanded currency reform, the same hostile press promptly proclaimed that Democratic currency legislation would be followed by dire disaster and financial frenzy. But the Owen-Glass bill became a law, and the country is safe and sane. We have at last adopted a currency system to which all may point with pride and which all may view without alarm.

When the President alleged that the Capitol had been infested with an insidious lobby his political enemies ridiculed his assertion and mocked in glee and laughed with scorn; but the testimony before the lobby investigating committee proved that the President was right and that the scoffers all were wrong. Recommendations from the other end of the Avenue for antitrust legislation were awaited with anxiety by many men of affairs, but the President's message on that subject reassured an expectant public and convinced all engaged in legitimate business that the Democratic Party is a friend to every honest enterprise and a foe only to that which stops or stays the progress of a civilization that is marching with rapid strides and steady steps from the old empire of special privilege to the great republic of a new freedom. Mr. Chairman, I purpose to vote for this measure, believing that my action in so doing will meet with the approval of the people of my district, who have commissioned me to fight their fight and defend their faith according to the plans and precepts of Woodrow Wilson, a man who in leadership is a Joshua, in statesmanship a Jefferson, in wisdom a Franklin, in courage a Jackson, and in patriotism a Washington; a man whose mind is a mirror that reflects the possibilities of the future as well as the promises of the present and the prophecies of the past; a man whose judgment is as unerring as the mariner's compass and whose purposes are as constant as the Northern Star. [Applause.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired. The question is on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. NEELY of West Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia [Mr. NEELY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, if gentlemen must vote for this bill, I had hoped that at least they would spare us from any further recital of the wearisome and worn fairy tales with regard to the agricultural possibilities of the interior valleys of Alaska.

Mr. Chairman, there may be good arguments in favor of this proposition, but they are not based on agriculture. The only part of Alaska that has a climate such as produces agricultural crops in considerable quantities in any part of the world, to wit, southeastern Alaska, has been settled for 45 or 50 years, and in that entire region below the Coast Range all of the agricultural products of the Territory could be loaded into one handcart.

The part of Alaska that these gentlemen are referring to as being an agricultural Eden are the valleys of the Tanana and the Yukon, in a latitude of about 68° north. Look at the globe out here in the corridor, and where do you find that parallel of latitude runs? In the center of the Great Slave Lake, north of the northernmost boundaries of Labrador; through the center of the southern half of Greenland; north of all the inhabited portions of Sweden, save the portion inhabited by fishing settlements; north of practically all of the agricultural portion of Finland; north of Archangel, which is north of the agricultural portion of Russia; at least 400 miles north of the Siberian Railroad along almost its entire length; 600 miles north of the frozen harbor of Vladivostok, at the end of that railroad.

There is not on the inhabited globe any region anywhere that produces any considerable quantity of agricultural products where the soil is frozen continually and eternally as it is in these central valleys of Alaska, and there is not any part of the inhabited globe that produces any considerable amount of agricultural products nor that has any agricultural population worth mentioning having a climate and a temperature and a soil similar to these interior valleys of Alaska.

And yet, as I said in my speech during the general debate on this bill, I am an agricultural optimist. I know that you can grow hardy vegetables and hardy grains——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. I know you can grow those hardy vegetables and hardy grains after expensive preparation in some of these interior valleys. I have seen some growing in the upper Yukon, and I have an advantage in that respect over many who claim to know so much about it in that I have seen some of that interior region for a brief season. If you want to develop the agricultural possibilities of the interior of Alaska, do not build any railroads. The only reason why anyone grows grain and hay and potatoes in the interior of Alaska is that the price is so high that they can almost afford to grow those products in a hothouse. They spend large sums for the melting of the surface of the soil, for the thawing of the soil far enough down to produce these hardy crops. They will continue to produce, in a limited way in that interior country, these crops until the railroads come and the price of produce is reduced, and then it will largely cease. Agricultural development in Alaska will be most rapid in those regions where there is no railroad transportation and therefore prices are high.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. HOUSTON. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

Mr. FALCONER. Mr. Chairman, I desire two minutes. Will the gentleman yield two minutes to me?

Mr. HOUSTON. Yes. I withdraw my suggestion, Mr. Chairman, for the present.

Mr. STAFFORD. Does not the gentleman [Mr. HOUSTON] think he ought to make some explanation of the amendment proposed by the gentleman from Oklahoma [Mr. DAVENPORT], or state his position toward it? I think it is a very meritorious proposition.

Mr. HOUSTON. The gentleman has been heard on that.

The CHAIRMAN. The gentleman from Washington [Mr. FALCONER] is recognized.

Mr. DAVENPORT. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. FALCONER. I do.

Mr. DAVENPORT. I do not mean to take the gentleman from Washington off the floor, but the gentleman from Wisconsin [Mr. STAFFORD] asked a question.

Mr. FALCONER. I will yield to the gentleman three minutes if I can have five minutes.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 12 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on this paragraph and amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Chairman, the gentleman from Wyoming is always interesting, and he is particularly interesting when he talks without considering the facts he is using so glibly and easily. [Laughter.] The gentleman suggests that we go out in the corridor and get the reports of the Weather Bureau, and for his information I should like to read from the Weather Bureau reports of the 14th.

Mr. MONDELL. No; I suggested that the gentleman look at the globe.

Mr. FALCONER. For instance, in Yellowstone Park, Wyo., on the 14th, the temperature was 18 above zero. Now, let us see what it was up in the frigid and frozen regions of Alaska, about which we have heard so much. At Dutch Harbor, away out yonder, 2,000 miles west of Wyoming and a great many miles north, the temperature was 36. In Sitka, Alaska, the temperature was 44. In Valdez, Alaska, the temperature was 22 above zero, as compared with 6 above zero in Lander, the State of the gentleman from Wyoming [Mr. MONDELL]. Tanana, which is away up in the northern part of the country which we are considering developing at this time, was down to zero on that day, as it also was at Miles City, Mont. Nome, Alaska, in that portion of the Territory that is said to be frigid and frozen 2,000 feet below the earth's surface, on the day when it was 6° above zero in the gentleman's State was 14° above.

We have heard much about the icebergs and much about the opposition to Government ownership of railroads. I submit that when the gentleman from Oklahoma [Mr. DAVENPORT] reads his speech in the morning he will find he has made a

splendid speech in favor of the Government ownership of public utilities and transportation lines.

Mr. DAVENPORT. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. FALCONER. Yes; I yield.

Mr. DAVENPORT. I want to suggest to the gentleman from Washington that if he will closely observe the language he will see that it is confined to a much smaller proposition than the Government ownership of railroads.

Mr. FALCONER. The gentleman suggested that the Government could save much money by having steamships and transportation lines running from the western coast of the United States to Alaska, rather than to pay the prices demanded by private corporations and steamship companies.

To show the inconsistency of the opposition to the bill, a different position is taken by the gentleman from New York [Mr. LEVY] when he submits the proposition that the Government-owned ships down in the Panama country charge higher freight rates than do private corporations. So I want to say it seems to me that the opposition to this bill are put to the limit for material upon which to base an argument when they refer to temperatures being frigid, which, as a matter of record, are better than those of their own localities, and when the gentlemen who have been opposed to the bill are now willing to concede that Government ownership of transportation lines, when compared to the transportation lines owned by individuals, accrues to the benefit of the whole people of the country.

Mr. MANN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] a moment ago advised us to go out into the corridor and look at the weather map. Having often taken his advice before, I have followed it at this time.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I think the gentleman misstates my proposition. I advised the gentleman to go out and look at the globe.

Mr. MANN. Very likely I misunderstood the gentleman. He is not always so perfectly clear that I recognize what he means. [Laughter.] I thought that was what he meant from what he said.

The temperature in the District of Columbia this morning was 26 above zero. The temperature in Valdez last night was 28° above zero. The temperature in Nome was 32° above zero, or just at the freezing point. The temperature at Dutch Harbor was 38, and the temperature at Sitka was 44; after all, not quite so cold as the speech of the gentleman from Wyoming.

Mr. WHITE. Has the gentleman a record of the temperature at Fairbanks?

Mr. MANN. I have not.

Mr. WHITE. That would be most interesting.

Mr. MANN. Very likely. I have no doubt there is cold weather at the North Pole and at many places in Alaska, but that does not answer the proposition that there is also some mild weather up there.

Mr. WHITE. We have never contended that the southern coast was not mild. It is the interior that has the unfavorable climate.

Mr. MANN. There is enough coast to make a good deal of space up there.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Is that all the time there is left?

The CHAIRMAN. The Chair will state to the gentleman that debate on this paragraph and amendments thereto was to close in 12 minutes. There are three minutes of that time remaining.

Mr. MONDELL. I prefer to speak later, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT].

The question was taken, and the amendment was rejected.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 13, by striking out lines 19, 20, 21, 22, and 23.

Mr. LENROOT. Mr. Chairman, I have a preferential amendment to perfect the text.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "the," in section 2, line 19, page 13, the following: "act entitled 'An act to regulate commerce,' approved February 4, 1887, and all amendments thereto shall apply to said railroad or railroads and the."

Mr. HOUSTON. Mr. Chairman, I have no objection to that amendment.

Mr. LENROOT. Mr. Chairman——

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. LENROOT. I will.

Mr. STAFFORD. As I understand the gentleman's amendment, it is to extend the act of February 8, 1887, and all amendments thereto. Does the gentleman think the phraseology embodied in his amendment will extend to the amendatory acts.

Mr. LENROOT. It so expressly states—all amendments thereto.

Mr. MANN. That covers it.

Mr. STAFFORD. I simply wanted to inquire whether the gentleman thought it would extend to amendatory acts of the original act.

Mr. COOPER. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. I will.

Mr. COOPER. Is not that amendment already covered by language in lines 19 to 23, page 13, which reads as follows:

SEC. 2. That the Interstate Commerce Commission shall have as full power and authority over all matters connected with said railroad or railroads as it has by law over other railroads, and nothing in this act shall in any wise limit its powers or duties in respect to said railroad or railroads.

Mr. LENROOT. There is this distinction: The interstate-commerce act, in addition to giving the Interstate Commerce Commission power, lays down certain mandatory duties and prohibitions on railroads.

Mr. MANN. Like the long-and-short-haul clause.

Mr. LENROOT. Yes; and with reference to passes. The power of the Interstate Commerce Commission over railroads in this respect depends upon the railroads violating the law, and therefore merely giving the Interstate Commerce Commission power over these railroads, as they have over other railroads, would not extend their power over them unless the railroads themselves violated some provision of the interstate-commerce law. If it is desired—and I understand it was the thought of the committee—that the interstate-commerce act should apply to these railroads, then it seems very clear that this amendment should be adopted.

Mr. HOUSTON. Mr. Chairman, I want to say that it was the understanding of the committee and is the understanding of the committee that the language of the bill already covers the provision. The Supreme Court has already decided that the Interstate Commerce Commission has control of all railroad matters in Alaska, the same as anywhere in continental America, and they are now exercising that control. However, I have no objection to the amendment, because the committee thinks it is covered already.

Mr. LENROOT. That might be so if section 2 was not in the bill, but inasmuch as it was found necessary to provide certain things with reference to the power of the Interstate Commerce Commission, it might well be that the court in construing this act would say that it was the intention of Congress to exclude the interstate-commerce act from these railroads.

Mr. MANN. Might it not easily be said that the railroad, if operated by the Government itself, would not be under the interstate-commerce act, although the Supreme Court has provided that the interstate-commerce act extends to Alaska? I doubt very much whether it would apply to a Government owned and operated road without explicit statement.

Mr. LENROOT. If the gentleman will observe, the Senate bill expressly excludes the interstate-commerce act except as to certain of its provisions.

Mr. OGLESBY. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. OGLESBY. I did not catch the purport of the gentleman's amendment. Does it apply to railroads only?

Mr. LENROOT. To railroads only.

Mr. LEVY. Mr. Chairman, I am opposed to extending the power of the Interstate Commerce Commission. We are on the verge of great prosperity, and the only obstacle in the way is this commission. The railroads of this country have asked for an increase of freight rates of 5 per cent, and the evidence was closed on the 15th of last December. The commission again opened the case and submitted 78 questions. Now, the answer to those questions, or the material for the answer, the commission has in its archives. If the railroads have to answer the questions submitted by the commission, it will take 10 years of their time and cost many millions of their money. The Interstate Commerce Commission has at the present time piled upon it too much work. They have investigations into the question of the increase of rates coming up given them by the Senate, and the Louisville & Nashville Railroad, the United States Steel Corporation rebates, and all that, together with everything else, takes up all the time of the commission.

They have extended temporarily the decision of the rate-increase question to September—a question which they can decide now. The people, by the prima facie evidence, have de-

cided that the railroads are entitled to this increase in rates. The commission is holding the country up. In the month of November 478 leading railroads of the country lost in that one month $15,000,000 net. The railroads have increased the wages of their employees about 20 per cent during the last four years. The Interstate Commerce Commission has done nothing but reduce freight rates.

The railroads carry a ton of freight 6 miles for a postage stamp and carry a ton of freight 400 miles for a dollar. We have the great postal system of the United States, and the railroads of the country are compelled to carry the mail for less than cost. I believe they do it at a loss to themselves of some $10,000,000 a year. We all know of a railroad which is nearly bankrupt, and they are carrying the mails at an annual loss of about $500,000. The Interstate Commerce Commission has held up many of its decisions. The Terminal decision was only handed down the other day, and I understand it was pending for a period of two years. Are we going to continue to hold up the entire country?

So much for the Interstate Commerce Commission. I honestly believe that you should adopt the bill recently introduced by me to increase the membership of the commission to 11. You should put on that commission some great railroad man and a financier, as they do in England, on the board of trade. This commission started in its infancy with people who learned their business inside the Interstate Commerce Commission and not outside.

I am opposed to the principle of the Government using the money of the people of this country for the purpose of constructing railroads, but in the case of Alaska the treatment accorded that great Territory of the Northwest by the United States has been so disastrous in destroying private enterprises and preventing its improvement by private capital, thereby bankrupting all corporations that had taken advantage of the mining laws of the United States preempting coal lands under the mineral act, that, in my judgment, it is no more than proper that the Government should construct this railroad and give the people the benefit of the wonderful wealth of Alaska.

I myself, am as firm a believer as anyone in the general principles of conservation, but I do not believe that we should utterly neglect the present in order to care for the future generations. The laws of conservation that prevent the purchasing of coal lands under the existing mineral act should be repealed and the people thus be granted an opportunity to give the United States advantage of the enormous wealth of this young giant of the Northwest. No capitalist can afford to open up coal mines in Alaska, as the cost of undertaking such an enterprise runs into many thousands of dollars, and then the return will be very insignificant for some years to come. The only prospect in the way of return is the possibility of increased value year after year, due to improvements. In the State of Alabama the average leasing price for coal rights is between 7½ cents and 8 cents per ton, while at the junction of Virginia, Maryland, and Pennsylvania during recent years coal lands have been purchased for $150 per acre. In my judgment, there is no sensible reason why the Government of the United States should not sell these lands of Alaska for $20 an acre, and this would be a handsome price, even though the lands may be rich in coal.

It is impossible for us even to more than faintly estimate the enormous future possibilities of the Territory of Alaska. This wonderland has been so crippled and hampered in its efforts for progress and industrial development by the restrictions placed upon enterprises by a mistaken policy that its development will not be retarded, but absolutely stopped, unless our policy is changed. Canada within recent years has progressed by leaps and bounds, and it is well to note how our Canadian friends have assisted their railroads during the past few years. Up to the year 1912 Canada spent on railroads approximately $500,000,000 and on canals about $140,000,000, and during the same year the Canadian House of Commons appropriated nearly $40,000,000 toward the building of railroads.

To understand more fully, Mr. Chairman, the opportunities that we have been neglecting, let us examine some of the resources of Alaska. Let us first see how the account of this wonderful Territory of the Northwest stands with the United States from the time of its purchase up to the year 1911:

Statement of Government revenues from Alaska under specified heads during years ended June 30, 1869 to 1911, inclusive.[1]

Year.	Internal revenue.	Customs.	Public lands.	Tax on sealskins.	Rent of seal islands.	Alaska fund.[2]	Agricultural experiment station.	Miscellaneous.	Total.
1869		$18,504.30						$316.72	$18,821.02
1870		4,655.22						12,997.82	17,653.04
1871		4,097.47		$101,080.00				1,159.27	106,336.74
1872		1,019.94		322,863.38				1,800.74	325,684.06
1873				252,181.12	$55,000.00			671.53	307,852.65
1874		321.93		272,081.25	55,000.00			37,915.78	365,318.96
1875		405.89		262,494.75	55,000.00			1,037.92	318,938.56
1876				262,584.00	55,000.00			366.48	317,950.48
1877		.54		236,155.50	55,000.00			380.55	291,536.59
1878		4,815.75		198,255.75	55,000.00			1,264.63	259,336.13
1879		437.18		262,447.50	55,000.00			403.38	318,288.06
1880		1,950.50		262,400.25	55,000.00			836.31	320,187.06
1881		2,188.63		262,594.50	55,000.00			514.78	320,297.91
1882		1,046.66		261,885.75	55,000.00			741.89	318,674.30
1883		2,856.52		262,295.25	55,000.00			1,587.03	321,738.80
1884		645.40		196,875.00	55,000.00			919.56	253,439.96
1885		298.09		262,400.25	55,000.00			469.98	318,168.32
1886		1,276.42		262,489.50	55,000.00			[2]2,643.74	320,809.66
1887		3,262.56	$375.00	262,452.75	55,000.00			1,556.73	322,647.04
1888		2,338.44		262,500.00	55,000.00			1,727.50	321,565.94
1889		5,037.36	2,610.00	262,500.00	55,000.00			2,701.29	327,848.65
1890	$1,961.55	6,926.83	750.00	262,500.00				18,862.32	291,000.70
1891	2,917.33	3,256.17	2,661.00	214,673.88	55,000.00			23,863.77	302,372.15
1892	3,576.00	5,831.03	420.00	46,749.23				3,950.59	60,526.85
1893	2,714.53	6,723.33	515.00	23,972.60				7,301.22	41,226.68
1894	2,111.50	16,322.00	2,730.47	96,159.82	500.00			6,435.59	124,259.38
1895	2,788.00	12,480.68	985.00	163,916.97	700.00			8,647.06	189,517.71
1896	3,682.58	8,335.58	550.00	153,375.00	1,100.00			8,948.44	175,991.60
1897	7,261.68	10,858.80	345.00	306,750.00	1,100.00			9,745.52	336,061.00
1898	15,946.21	35,586.60	135.00	212,332.35	700.00			19,338.20	284,038.36
1899	23,960.60	47,979.86	591.00	184,377.20	900.00			44,546.87	302,295.53
1900	13,601.96	57,623.62	2,376.32	224,476.47	1,200.00			195,658.85	494,937.22
1901	19,725.02	86,593.15	1,889.66	229,755.75	2,900.00			182,759.20	523,622.78
1902	23,281.17	62,682.47	5,819.96	231,821.20				150,720.29	474,325.09
1903	17,494.58	70,938.66	2,286.56	286,133.40	100.00			126,956.92	503,910.12
1904	16,656.86	44,996.52	5,739.82	197,260.70	200.00			260,539.55	525,393.45
1905	18,419.84	133,978.25	9,686.37	134,233.80	200.00	$40,172.23	$300.31	122,308.32	459,299.12
1906	18,348.66	77,878.45	13,818.32	146,912.80	100.00	160,660.28	350.70	115,492.64	533,561.85
1907	18,544.16	98,449.46	54,195.21	148,017.10	100.00	164,656.14	4,796.28	91,418.88	580,177.23
1908	15,723.95	70,439.73	17,182.83	153,006.90	100.00	205,773.63	1,446.39	116,032.52	579,705.95
1909	18,217.40	67,025.79	79,116.26	153,375.00	[4]	155,305.26	1,154.84	107,185.81	581,380.36
1910	20,332.93	56,348.23	131,264.05	153,375.00	[4]	260,040.26	866.42	112,374.21	734,601.10
1911	23,035.24	45,016.22	136,657.91	403,946.94		175,490.59	2,536.41	114,561.70	901,166.01
Total	290,241.75	1,081,430.23	472,621.74	8,855,658.61	999,900.00	1,162,098.39	11,451.35	1,919,062.10	14,792,464.17

[1] The Territory of Alaska was attached to the district of Oregon Dec. 27, 1872, and on Sept. 1, 1883, Washington and Oregon were consolidated; again on Sept. 1, 1902, Washington and Alaska were detached from the district of Oregon and made a separate district.
[2] Act of Jan. 27, 1905. [3] Forfeiture for taking seals unlawfully, included, $1,000. [4] Included under "Tax on sealskins."

The following is the balance sheet of the United States in account with Alaska from 1867 to 1911:

Balance sheet of United States in account with Alaska, 1867 to 1911, both inclusive.

Production:		Total cash disbursements:	
Minerals—		Original purchase price	$7,200,000.00
Gold	$195,916,520.00	Treasury, 1867-1911	23,158,126.06
Silver	1,500,441.00	Post Office, 1867-1911	5,458,548.19
Copper	8,237,594.00		
Gypsum	547,345.00		
Marble	185,443.00		
Tin	88,062.00		
Coal	338,189.00		
Seal and fur products—			
Fur-seal skins	51,835,143.00		
Aquatic furs, except seals	12,496,063.00		
Furs of land animals	8,350,290.00		
Walrus products	368,653.00		
Whalebone	1,707,410.00		
Fishery products	147,953,077.00		35,816,674.25
Total cash receipts	17,117,354.79	To balance due Alaska	410,824,310.54
	446,640,984.79		446,640,984.79

The United States paid to Russia $7,200,000 for Alaska, and this, added to all the moneys expended by the Government of the United States from 1867 to 1911, makes the full amount that this country has paid for all items of governmental expense only $35,816,674.25, which leaves a difference between the productions of Alaska and the amount the United States has expended thereon of $410,824,310.54.

Under ordinary circumstances I would not go so far as to advocate governmental construction of railroads, but in the case of Alaska there is no other alternative, and I shall cheerfully give my support to the pending bill.

Mr. BRYAN. Mr. Chairman, this is a matter in which I have taken a considerable interest. I do not follow the gentleman from New York [Mr. LEVY] in his reasoning by any means, but I believe that this section ought to be stricken out of the bill. I do not believe in the Interstate Commerce Commission regulating this Government-owned railroad. I am willing to extend the power of that commission over privately owned railroads, but I do not see any use of our appointing a chaperon to look out for the department that constructs and operates this railroad in Alaska. There is no reason for having two departments clashing, one with the other. I do not believe in creating a tribunal before which other railroads and interests, such as the Guggenheims or anybody else, can complain against the Government railroad on the ground that it is carrying freight for too low a rate, or passengers for too low a rate, or as to any other matter. We may have to run this railroad at a loss, for that matter, and I do not believe that it is right to create a court or to give any agency jurisdiction such as the Interstate Commerce Commission over a Government owned and operated railroad contradictorily with the executive that has charge of the road. We may institute entirely different ideas in the management and control of this road, and we want to have a free hand.

Mr. LINDBERGH. But there is a provision in here for leasing this railroad. The gentleman would not want the Interstate Commerce Commission to have authority over that?

Mr. BRYAN. But the leasing proposition has been stricken out of the bill.

Mr. LINDBERGH. No; it has not.

Mr. BRYAN. Of course, if the road passes into private hands, that would be a different proposition, and the present law would then apply, and the Interstate Commerce Commission would have jurisdiction without the matter being referred to here. I do not believe there is any necessity for the Interstate Commerce Commission to have charge of this railroad. We will, of course, put into effect our eight-hour law; we may put into effect some law as to minimum wage and some humanitarian features that Congress may provide, and we ought not to have to be subjected to any question that may arise by virtue of other interests making complaints.

Mr. MANN. But suppose the railroad is constructed and there is a line of steamships operating from the gentleman's part of the country to Alaska, and a man wants to ship some freight from New York City to an interior point in Alaska. Unless the Interstate Commerce Commission has control, how would it be possible to compel a reasonable freight rate?

Mr. BRYAN. Does the gentleman mean it might be necessary to compel the Government of the United States to give a reasonable rate?

Mr. MANN. To compel the railroad companies and the steamship lines.

Mr. BRYAN. I want the Interstate Commerce Commission to have control over the other lines, but I do not see any reason why there should be any law to enable the Interstate Commerce Commission to compel Uncle Sam to give a reasonable rate.

Mr. MANN. But suppose you want to ship stuff the other way? You can not make a through rate from one point to another unless the Interstate Commerce Commission has jurisdiction over this road.

Mr. BRYAN. I am willing to have the Interstate Commerce Commission require a through rate and require a concession and contract with the Government of the United States, but there is no necessity for the Interstate Commerce Commission having jurisdiction over Government-owned roads unless that commission is to run the road.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. LENROOT. The gentleman is aware that the power of the Interstate Commerce Commission, so far as the rates are concerned, relates to the maximum rates?

Mr. BRYAN. Yes; but the power is being extended every day.

Mr. LENROOT. Does the gentleman think they can extend beyond the power they get from the act itself?

Mr. BRYAN. We make new acts here every Congress; that is exactly what we are here for.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman, I would like to have five minutes.

The CHAIRMAN. Is there objection?

Mr. MOORE. Reserving the right to object, I should like to know whether the gentleman can not extend that for five minutes?

Mr. HOUSTON. No; I do not think so. We have had enough discussion on this section.

Mr. MOORE. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. MANN. Mr. Chairman, after the poetry which was read concerning the State of Wyoming, I think the gentleman from Wyoming ought to have at least five minutes.

Mr. HOUSTON. Mr. Chairman, in view of that poetry, I am willing to concede five minutes to the gentleman, and I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, there has been so much of misstatement—unintentional, I am sure—so much of exaggeration, so much of fairy tales connected with the alleged arguments in defense or apology for this legislation that I am not surprised that the few cold, plain facts I uttered a few moments ago caused a tremendous flutter among the apologists for this legislation. I said a few moments ago, or, rather, I asked a few moments ago, gentlemen who are so optimistic about Alaska, without knowing anything about it, to go and look at the globe in the corridor and discover that the inland valleys of Alaska, of which we have heard these illuminating tales of possible agriculture, are situated from 65 to 68 degrees north latitude. Immediately several gentlemen came in, not having examined the globe, but having examined some of the weather reports; and what sort of a report is it that they bring us? I believe it was once said by a great warrior and historian that all Gaul was divided into three parts. Alaska for climate purposes may be divided into two: Coastal Alaska, fringing the Pacific for 2,000 miles, with a temperature moderated by the Japan Current and a heavy rainfall; interior Alaska, beyond the coastal range, having the climate of the Tropics—[laughter and applause]—of the Arctic. I have heard these fairy tales of what they can grow there so long that I can not even say the word arctic when I speak of the region. And the gentlemen give us the temperature of what? Why, of coastal Alaska—Sitka and other coastal towns. Why, Sitka has as mild a climate, on the average, as the city of Washington; and yet they do not grow much of anything in Sitka or the surrounding country but skunk cabbages.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MONDELL. I regret I can not. I say again what I said a few moments ago, that in all that portion of Alaska in

regard to which the gentlemen have given figures of temperatures is territory which has been occupied for years, does not to-day produce more agricultural products than you can load in a pushcart. First, because the climate, while mild, is not suitable for the successful growth of a variety of agricultural crops. There is not enough level ground in all that portion of Alaska to grow any considerable product. But gentlemen have given us no temperatures of interior Alaska, with its Arctic climate, and even then those winter temperatures might not on a certain day be very low. The fact, the cold, hard, frozen fact, denied by no one, is that a large portion of these interior valleys, particularly Tanana and the upper Yukon, are frozen eternally to a depth of from 50 to 200 feet. It never thaws out until the tundra or the timber has been removed and opportunity given for the sun to strike the soil unimpeded by this vegetation. That is when you can grow a little something in the three summer months, in spite of its frigid temperature. The cost of producing crops under such conditions is so great that they can not be produced with a profit except when the price is extremely high. Therefore the building of railroads into interior Alaska will not encourage agriculture, but discourage it. I do not claim this is a good reason for not building railroads, but it is a fact to be considered by those who are basing their support of the bill on the idea it will help agricultural development.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. LA FOLLETTE. I would like to ask unanimous consent for one minute, in order to give the gentleman from Wyoming a little information in regard to weather conditions in the interior of Alaska. The gentleman said none has been given.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the time may be extended one minute. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. Chairman, on February 13, this year, the Government reports show that in New York City the highest temperature was 10 and the lowest zero. At Tanana, interior of Alaska, of which the gentleman talks so much, the same date, the highest was 6 and the lowest was 2 above zero, and that in this cold, frigid Alaska. [Applause.]

Mr. SIMS. Mr. Chairman, I want to ask unanimous consent to print in the RECORD an editorial from the Commercial Appeal, of Memphis, Tenn.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that he may extend his remarks in the RECORD by inserting the editorial to which he has referred. Is there objection?

There was no objection.

Following is the editorial referred to:

OPENING OF ALASKA.

Along with the announcement that the Government railroad in Alaska will be built according to the outlined plans previously discussed comes the practical plan to develop the Alaskan coal fields.

A bill has been introduced in Congress, with the approval of Secretary Lane, and it is the general understanding that it outlines the administration's policy.

Since the eyes of the country have been directed toward Alaska unexpected resources have been discovered. The wonderful mineral fields are just beginning to be explored. The exhaustless deposits of coal make it a Mecca for the miner. Development of Alaskan resources has been slow on account of the practical inability to reach the markets of the world. There are no railroad lines penetrating the coal fields and rich veins of ore await the pick of the miner. Great fortunes are within the grasp of the people. If the railroad to be built is built by the Government, and is to be controlled by the Government, the land grabber will have but small chance to dominate the situation.

This stand of the administration is said to represent Democratic socialism. If it is a socialistic view—this Government control—it was a socialistic inspiration which prompted this country to purchase Alaska in the beginning.

Some day, if Secretary Bryan's views are confirmed, the Government will own and control all railroads and telegraph lines. This is the situation in Europe. Democrats have at various times leaned more or less favorably toward Government ownership, and both Democrats and Republicans in the House, when the Alaskan bill was voted upon, overwhelmingly leaned toward Government ownership of the proposed Alaska railroad.

The United States having purchased Alaska from Russia it is now the duty of the Government to develop its holdings and give the people the advantage of the acquired territory. The Government should utilize its new possessions for the best interests of the public, and there can be no question that national sentiment to-day, without any consciousness of socialistic taint, is in favor of the Government retaining a controlling power over the Alaskan coal fields. In fact, if a consensus of public opinion were possible on the question, a majority expression might be expected on the taking by the Government of such coal lands as are now in private hands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] to perfect the text of the bill.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. LEVY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11325. An act to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3439) appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera.

RAILROADS IN ALASKA.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the Secretary of the Treasury, upon the order of the President, is hereby authorized to borrow, on the credit of the United States, from time to time as the proceeds may be required to defray expenditures authorized by this act (such proceeds, when received, to be used only for the purpose of meeting such expenditures), the sum of $35,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe in denominations of $100, or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue and payable 30 years from such date, and bearing interest, payable quarterly in gold coin, at a rate not to exceed 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000 to be used for carrying out the provisions of this act, including the expense of preparing, advertising, and issuing the bonds herein authorized, to continue available until expended: *Provided*, That so much of the said sum of $1,000,000 as shall have been expended shall be reimbursed to the Treasury out of the first proceeds of the sale of said bonds: *Provided, however*, That the total amount authorized by this act to be appropriated shall not exceed the sum of $35,000,000, including any sum in or by this act appropriated.

Mr. FITZGERALD, Mr. HOUSTON, Mr. TOWNER, Mr. LINDBERGH, and Mr. WILLIS rose.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 13, by striking out all of the section commencing with the word "that," in line 24, down to and including the word "however," in line 3, page 15.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that all debate on this amendment be closed in 30 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Chairman, the purpose of this amendment is to strike from the bill authority to issue bonds for the reimbursement to the Treasury of the moneys to be appropriated for the construction of the railroad authorized in the bill. As drafted the amendment leaves in the bill the limitation of $35,000,000 upon the cost of the roads. If the amendment be adopted, I shall offer an amendment to strike out section 4, which is in the nature of a sinking-fund provision, and it would be necessary that the gentleman from Tennessee [Mr. HOUSTON] offer an amendment appropriating the sum of $1,000,000 to commence the work, which is contained in the language which I propose to strike out.

Mr. Chairman, I suggest the striking out of the authority for the issuance of bonds, because, in my opinion, no justification exists for providing for the bonding of this country for the construction of the proposed railroads. The Treasury condition does not demand it. It is not a part of the fiscal policy of the United States to enter upon its public works and provide for their construction out of the issuance of bonds. It is contrary to the policy of the Democratic Party. If it be done, it will mark the beginning of a policy that is not only new but wholly unnecessary. Its one result will be to stimulate the desire and the activity of those who are seeking aid from the Federal Treasury for various enterprises to have them financed by bond issues, when the condition of the Treasury will not permit their flotation in other ways.

Mr. Chairman, if the $35,000,000 to be spent upon these railroads be provided from the proceeds of bonds running for 30 years—the maximum time provided in the bill—and if they be issued and be permitted to remain unpaid for the full term of 30 years, with interest rate of 3 per cent, at the expiration of 30 years we will have paid $31,530,000 in interest charges and still owe the principal debt of the bonds. Who can justify such financing on the part of the United States at this time? The condition of the Treasury does not demand it.

In only one notable instance has the Federal Government provided for the conduct of a great enterprise by the issuance of bonds. I wish to call the attention of the committee to the situation as a result of that legislation. When the Panama Canal was first authorized, Congress wisely, in my judgment, provided for its construction out of the current revenues of the United States, and then for fear, perhaps, that the drain would be too great, it authorized an issuance of $135,000,000 in bonds for the reimbursement of the Treasury to that extent, to be made as a result of the expenditures for the construction of the canal. Later, when it was ascertained that, despite the investigations by the many commissions that had been authorized, the estimate of $135,000,000, excluding the $40,000,000 for payment to the French company, $10,000,000 to the Republic of Panama, about $12,000,000 on account of sanitation, and some $12,000,000 or $13,000,000 due to the increase in the size of the cut, the size of the locks, and some other incidental and not considered expenses, that the cost of the work had been missed by $150,000,000, we increase the limit of cost from $135,000,000 to $375,000,000. And then, in the Payne-Aldrich Tariff Act the limit on the bond issue was removed and was fixed at $375,000,000. The experience in the estimate of the cost of the canal, in my opinion, will be repeated. Without detailed surveys and estimates costs can not be adequately computed, and I have reason to believe that instead of an expenditure of $35,000,000 this legislation will entail an expenditure of a sum double or treble that suggested.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. The limit of cost for the canal is $375,000,000. It was definitely fixed after Col. Goethals was put in charge of the work. There has been expended to date $342,286,745.24 on account of the canal construction. There remains to be appropriated but $32,000,000 additional. For all of the $342,000,000 expended the Treasury could have been reimbursed by the issuance of bonds. Up to date there have been issued but $134,000,000 of bonds, and there are still to be issued and still authorized to reimburse the Treasury for the cost of constructing the canal bonds to the amount of $240,569,000. No necessity has arisen for the issuance of the $203,000,000 that to-day can be issued in order to reimburse the Treasury. If we reimburse the Treasury to the extent of the appropriations to be made from this time on—$32,000,000—there will be still $200,000,000 in bonds that can be issued for the purpose of reimbursing the Treasury for expenditures that have been made on account of the canal.

In view of such a situation, how can we justify increasing the bond authorization on the part of the Government when, in addition to this $200,000,000 to be issued some time in the future, ostensibly for the reimbursement of the Treasury on account of the Panama Canal——

Mr. LENROOT. Will the gentleman yield?

Mr. FITZGERALD. In just a minute.

The Treasury still has under the law authority to borrow up to $200,000,000 for the period of one year upon 3 per cent certificates of indebtedness.

Now I yield to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Does the gentleman expect it will be necessary to use some part of that $200,000,000 to reimburse the Treasury?

Mr. FITZGERALD. Not any more than it has been doing in the past. Some bonds have been issued from time to time, but none recently, as I recall.

Mr. LENROOT. The gentleman expects that that will continue?

Mr. FITZGERALD. Yes; during the current year bonds may be issued as in other years. None have been issued this year, unless I am in error.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. HOUSTON. I desire to ask a question of the gentleman from New York [Mr. FITZGERALD] for the purpose of getting his construction of the language of the bill and his views upon it. The gentleman will notice that this bill, in this section under discussion, provides "That the Secretary of the Treasury, upon the order of the President, is hereby authorized to borrow, on the credit of the United States, from time to time as the proceeds may be required to defray expenditures authorized by this act," and so on. Now, does the gentleman understand that that would go any further than simply to give authority for the issuance of bonds in the event it was necessary to raise money, or in the event that there was not a surplus in the Treasury that might be used? I ask that question now, in order to get the gentleman's views on that proposition.

Mr. FITZGERALD. I am not certain what is intended. If this language be not stricken out, I propose to offer an amendment that will make it clear that the proceeds of these bonds can not be expended for the construction of the roads, but merely to reimburse the Treasury, as for the Panama Canal, and that no money shall be expended except such as is from time to time specifically appropriated by Congress. Those in control of the construction of the roads should be compelled to come to Congress annually with their detailed estimates, just as those who are constructing the Panama Canal are compelled to do, and obtain appropriations, so that Congress may know and may keep its control upon the expenditures to be made.

But that is not the question now. There is not to-day a situation in the Treasury that necessitates the issuance of bonds. We have already authorized the issuance of bonds for the reimbursement of the Treasury on account of the Panama Canal much beyond what is necessary. When the Panama Canal is finished every indication is that there will be $200,000,000 of unissued bonds in the Treasury which can be issued at some time, ostensibly for the purpose of reimbursing the Treasury for these expenditures. But if these bonds are issued at any time after the canal is finished they will be issued under one guise, but for another and a different purpose.

Mr. MOORE. Mr. Chairman, I move that the time of the gentleman from New York be extended until his statement is finished.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves that the time of the gentleman from New York [Mr. FITZGERALD] be extended until he has finished his statement. Is there objection?

Mr. SHERLEY. Mr. Chairman, I want to make an inquiry as to whether or not that comes out of the 30 minutes? Some of us also want to be heard on this proposition.

The CHAIRMAN. The Chair thinks it will come out of the 30 minutes.

Mr. FITZGERALD. I will suggest to the gentleman from Tennessee [Mr. HOUSTON] that perhaps it will be wise to extend the time. This is a very important question.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York be allowed to continue his statement.

Mr. MOORE. That is my request, Mr. Chairman. This is the most important statement that has been made to-day.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. GOOD. I object, Mr. Chairman.

Mr. HOUSTON. Mr. Chairman, I desire to ask unanimous consent that the 30 minutes be extended to 35 minutes or 40 minutes. Make it 40 minutes. That will give the gentleman from New York [Mr. FITZGERALD] five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the time be extended 40 minutes for the discussion of this amendment, and that 5 minutes of that time be given to the gentleman from New York [Mr. FITZGERALD]. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the time may come; it may be near at hand; I can not tell; no one can tell, considering the sentiment of the country, when it will be necessary for the Federal Government to embark upon the policy of issuing bonds for the payment of many things that should be paid for out of our current revenues. I hope the time is far distant. I hope it will not come, at least under a Democratic administration. But regardless of that prospect, considering the situation of the Treasury as it is to-day and as it is likely to be for some time to come, the necessity is not at hand. There will be $200,000,000 of bonds in the Treasury, which can be used to reimburse the Treasury within a year, as a result of the completion of the canal. What necessity or what excuse is there at this time to increase the authorized bond issue of the Government?

I have no sympathy with the suggestion that the question of borrowing money for various governmental purposes should ever be left in the discretion of the administrative officers of the Government. I believe that if the Government is to increase its bonded indebtedness it is a matter of legislative concern. The permanent debt of the country should not be increased merely by act of the Executive. Such questions should be determined by the Congress in the time of necessity. The fiscal policy of the Government should be fixed carefully, wisely, and cautiously by this House, and it should not out of hand provide for large issues of bonds in the discretion of the Executive. If the bonds should be issued, make their issuance imperative; if it be a matter for future determination, then it should be reserved for determination by the Congress when the occasion for decision arises.

I take it that the gentleman is proposing to spend under this bill, by appropriation, a million dollars to commence this work. But, Mr. Chairman, this million dollars will not be an appreciable drain upon the Treasury, considering the rate at which our expenditures are to be made during the next year. We propose to expend more than $1,000,000,000 during the coming fiscal year; so that $1,000,000 appropriated in cash or any other number of million dollars during the period to be taken to construct this railroad up to $35,000,000 will not make an appreciable impression upon the Treasury of the United States. Why, then, authorize the bond issue and pile up in the control of the executive officers of the Government authority to issue bonds?

If the time ever comes when our revenues fall off so as not to provide the necessary money to meet our current expenses, in a time of great political excitement, one political party or another—and one is just as likely to do it as another—instead of facing the situation and revising the revenue laws, so as to produce the revenues necessary to pay the current expenses of the Government, will be resorting to this device of piling up the bonded indebtedness of the Government by reimbursing the Treasury for advances that have been made. Such a situation should not be possible. If it is permitted, it will be because we hand away to others a control of the country's fiscal affairs that should be retained in Congress. Anyone familiar with the tendencies of the times, with the constantly increasing demands for the extension of Federal activities and of Federal expenditures realizes the difficulties that confront us. Initiate this policy, pass up to posterity the burdens which belong to the present and should be borne by current revenues, and the difficulty of obtaining grants from the Federal Treasury will have been solved. I hope, in view of the situation of the Treasury, that this provision will be stricken out, and if an Alaskan railroad is to be constructed it will be constructed as other great works are done and be paid for out of the current revenues of the Treasury.

No one suggested that the $25,000,000 to be expended annually for good roads should be paid out of the proceeds of bonds. It was suggested a short time since, but the suggestion has been dropped, that we should issue $500,000,000 of bonds to enable appropriations of $50,000,000 a year to be expended in the improvement of our rivers and harbors. Do we desire to revitalize that suggestion? It has been proposed that public buildings should be paid for out of the proceeds of bonds. Is that evil not sufficiently great under the present system? Start this policy. Let it be known that we can put upon posterity the expense of these great public works that are considered of such a benefit to the Nation, and the bond issues of the Federal Government and the requirements of the sinking fund to pay the interest and to amortize the principal will become the hideous nightmare that men in control of Government finances will be facing day and night. I hope we will not start now. Let us defer the initiation of such a policy while we may. If these roads are to be authorized and to be built, let them be paid for from the current revenues of the Government. The Treasury is better able to stand the drain proposed to be placed upon it by this bill than can the country the adoption of a fiscal policy the effects of which can not be foreseen. [Applause.]

Mr. LINDBERGH. Mr. Chairman, I shall vote for this bill, but it has some unsatisfactory provisions that should be changed. The people have been striving for general betterment with little success. Each political party promises to bring about the desired result. In so far as any has been tried it has failed, and it has been tried so often that we should know that it can not be done in that way unless the people themselves do their own thinking, form their own party, make their own plans, and put them into execution.

The object of human life can not be interpreted into one for the mere purpose of existence, but the present methods result in that, because happiness for the most of us is confined to our childhood. The environments that surround us as adults materially control our individual actions. We deal with them sometimes willingly, sometimes gladly, sometimes against our objections, but most of them are so common that we seldom think of them in connection with the plan of government or the way business is done, and some of them some of us never think of in that sense.

The extravagance and waste of the present system has resulted in making the majority of the people industrial slaves. We work to purchase ease, and support in extravagance, the idle families of millionaires. Mothers toil and drudge to rear their children to become the servants of the aristocracy of wealth. That is the result of business as it is now carried on. We need a change. Therefore let us not interpret this bill wholly from the viewpoint of present business demands or methods.

I do not interpret the object of life to be for the purpose of business, but rather that business should be done for the purpose of increasing advantages, and not to burden us as it does now. I do not claim that life gives no pleasure as it now operates. We can be more or less happy even amid the misfortunes that have resulted from diverting the objects of life from the pursuits of the "general welfare" to a purely business or commercial existence. We have the benefit of comparison, and in the diversity of circumstances—the diversity of things that take place—we find actual pleasure in the relief that is offered from the most strained and burdensome things in the more tolerable ones. In a comparative sense, one circumstance measured with another, we really consider the best ones successful because by comparison they are so much better than the worst. In doing so many of us have failed to take into account that there is a prospective condition with which we have made no comparison, and as compared with which, even the most favorable of the present and past experiences, is a dismal failure. I do not wish anyone to brood over past failures, nor to even complain about the present. But since there is an opportunity to make the very best of conditions—better than we have ever had, and to bring about their enjoyment by all—we should proceed to establish them and not waste our time in ceaseless struggle that means "certain failure" for all "but a few." It is to the future that we must look for "real success"—success to all. With the growing intelligence of people generally, there should no longer be danger of the truth being taken as enigma.

A few persons who have seen further ahead than the majority of us have, have taken notice of the enormous waste that has grown out of our old system, and they have organized corporations to overcome some of the most striking disorders of business. But these corporations in most cases are trusts and operate for extremely selfish purposes. The public has derived comparatively little benefit from their existence, but, on the contrary, in some cases has been actually injured.

The trusts have been able to systematize and practice economy in the cost of production and distribution, but since they are monopolies the public has not had a proper advantage from their formation. On the contrary, the trusts have used the monopoly to reduce prices when they buy from the original producers and increase them when they sell to the consumer. Thus they build up colossal fortunes, commonly called vested capital, for the individuals who control them. On these fortunes the public is charged annual compound interest, rent, and dividends. As against these and this system, while in force, there is absolutely no possibility of the general public succeeding. It is a certainty that the public can not succeed.

Experience teaches the managers of the trusts that they may cooperate to their mutual business profit, and therefore there is a community of interest between them, which will not be destroyed by a mere denial of interlocking directorates. But there is not the slightest community of interest between the trusts and the public, except that the trusts wish the people to have at least an existence in order to work for the trusts. It is self-evident that if the trusts can cooperate to support each other at the public expense, the public must, within itself and for itself, profit by making use of the example. The people themselves should and will be compelled to cooperate for the general welfare.

Unfortunately, the most of us have waited for the politicians to correct our present social conditions. We shall soon learn that they fool us every time. The Civil War was the last great act of the American people that has measured up to the grandeur of the people of this Nation. There is not a thing that Congress has done since the Civil War that begins to measure up with the opportunities that have existed. Abraham Lincoln saw the signs and stated them correctly near the close of the war. He then made the following statement:

Yes; we may all congratulate ourselves that this cruel war is nearing its close. It has cost a vast amount of treasure and blood. The best blood of the flower of American youth has been freely offered upon our country's altar that the Nation might live. It has been, indeed, a try-

ing hour for the Republic; but I see in the future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war.

Things have been done by this Congress that within the next six years will be looked upon as an evidence of folly—worse, as positive wrong—yet no one who knows the membership believes that there is any intention to be wrong. It is the intention to be right, but time has not been taken to analyze the conditions so as to come to correct conclusions. Nothing is more plain to an observer than that the public must, before it can profit by the opportunities that are accessible, do its own thinking. Then, and not till then, will we be independent and prosperous in a measure that the material advantages of our country warrants.

Whenever the public is strongly impressed with the necessity of taking a certain course, the professional politicians will not dare to block it. That is why a public knowledge of the conditions is necessary.

Our economic troubles are due to a false economy. I emphasize it as a fact that if farmers and others who work for what they get, and get but a small part of the value of what their work produces, if they would spend half as much time analyzing the economic conditions and planning to properly arrange them as they do in trying to boost the price of their products and wages in dollars, that by giving attention to both instead of to one alone, they would increase their advantages a hundredfold faster.

Do we know that we are not really paid when we receive "money" for our labor or for its products? We really get our pay when we spend the money. It is the party for whom we have worked or who got the products of our labor who has gotten his pay. We get our pay when we spend the money, in the same way that he got his pay in the products of our labor for his money. I make that observation as a basis to show the difference between what our labor produces and what we get for it, because that is what determines the material advantages we obtain if we are not mere parasites.

Do we know that the world's workers pay in advance? They certainly do. The producers, which includes everybody who performs services that are essential, pay by their daily work for its products. Most of us seem not to have taken time to consider that when great buildings, canals, railways, and other construction goes on, which involves expenditures of labor, the workers pay for it at the very time the work is performed. That is why the cost of living is so dear and getting dearer. We are building more and more all the time for speculation and investment instead of regulating the building according to the actual necessities.

The mere fact that a debt is created to be paid in 5, 10, 20, or more years does not do away with the actual payment by labor for the production when the labor is performed. The laboring people pay for it when they do the work. The debt that is contracted is a mere arbitrary burden that the creditors, the industrial slave makers, have devised in order to levy a bounty upon the products of the people's future work. It is this bounty that we are now paying for, namely, the debts that were falsely contracted on the industries of the past. It is being enlarged by the debts that are contracted on industries of the present, and will, until we remove the delusion that debt is a service, be still more enlarged on the industries of the future. What an absurdity that a people producing vastly more than they consume should be irretrievably in debt.

I say, with knowledge of the absolute truth of the assertion, that when the construction is complete the payment is complete, so that when we enter upon any of these great enterprises that employ us to produce for the remote future the cost of production is complete when the work is complete. If the industry of the people of this country was expended on an economic basis and adjusted to the economic needs, there would be no need for a long time to build the railways contemplated by this bill. It is only because of the present false basis on which our industries are expended that it is justified at this time. That is my excuse for voting for the bill. The debt that it is proposed to create on the basis of this enterprise is false. It is as false as the "divine right of kings." The people, for a few years longer, may acquiesce in the debt as they once did in the "divine right of kings," but the delusion will not last much longer.

If we are to have a better living, and have less hours of daily drudgery in order to give us more time to increase our mental, moral, and spiritual understanding, it can best be done by harmonizing and regulating enterprise. Competition is war, and in many cases waste. The time has passed when competition will properly regulate commerce. Those who seek to establish competition merely for the purpose of solving the cost of living are not only wasting time but are doing actual damage in attempting to make us believe that it will remedy existing social evils. Competition as a means of regulating prices is a step in evolution that we have already passed.

It is a good service to raise two measures of food where one has been produced and both are needed, but no good service is performed by constructing two railways where the service required can be economically performed by one. The construction of the second must be paid for in the labor required to build it, and labor is cheated by it. But as long as we have our present hit-and-miss conglomerate "crazy-quilt" system of having a creditor class to dominate and levy a bounty upon the debtor class—nonproducers to encumber and enslave producers—just that long no economy can be worked out that will relieve the people from their present drudgery. While the present system lasts we shall become more and more dependent.

GOVERNMENT OWNERSHIP.

The "special interests" have carried on a continuous campaign in order to educate the public in opposition to public ownership of the public utilities. The public pays for their construction; why should it not own them? Those opposed to public ownership now "chuckle in their sleeves" because it is proposed that the Government shall embark in the building of railways first in Alaska. Up there the enterprise does not give promise of early success in the sense that success is now commonly figured. On that account the "special interests" believe that it will operate to discourage further Government ownership.

By the time it becomes known that the Alaskan railways will not at first and for a long time pay in the present sense of figuring profits it will also be known that what we now call financial success is not necessarily public success, but, on the contrary, in very many cases is public loss, for whatever profits nonproducers are able to make in excess of the benefits given to the public are a tax upon the public.

If this bill becomes a law, it will establish a policy of Government ownership in a public utility. It is not likely to pay so-called profits immediately. It is likely to incur expenses beyond those contemplated by this bill. I would prefer that the Government's first act would be to own a line of railway extending from the source of the Mississippi southerly to the Gulf of Mexico or some other line or lines extending through well-populated sections of the country. But since the public is first aroused to the point of ownership of Alaskan railways, I welcome that as the beginning of Government ownership. Public ownership of all the public utilities can not be accomplished at one time, but we are rapidly approaching the time for its accomplishment. With each succeeding year the speed will be accelerated. When that is accomplished only such works of public utility will be extended as the demands require. None will be undertaken for the purpose of exploiting the people. The distribution of labor will be such that all will be employed in economic production, for it would be wasteful not to give as much employment as is necessary to make everybody contented.

Mr. Chairman, I agree with the gentleman from New York [Mr. FITZGERALD] that there should be no bond issue on which to tax the people for interest. The provision in the bill for a $35,000,000 bond issue is unnecessary and objectionable. It will cost the people $1,050,000 annually if we leave it in. It is based on a false assumption. We have now outstanding $346,681,016 of United States notes, currency. That is the only absolutely honest money we have to-day. It is supported by the credit of all the people, and they do not and should not pay interest upon it. Why not issue $35,000,000 more honest money of the same character of the $346,681,016 now outstanding? My proposition is right unless the $346,681,016 is wrong. The amendment that I shall offer is that the Secretary of the Treasury, upon order of the President, shall issue new United States currency, which shall be in the form of public-service certificates, substantially the same kind of notes as the $346,681,016 to which I referred. These would be legal tender and redeemed in the same way as those now outstanding, but ultimately paid out of the proceeds realized from the Alaska resources.

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. LINDBERGH. I do.

Mr. CALLAWAY. I do not quite get the gentleman's idea. Does he propose to issue certificates like the greenbacks?

Mr. LINDBERGH. My amendment defines what I propose. I propose to issue United States public-service certificates, to be placed in circulation by being earned. They will be the liability of the United States the same as the $346,681,016 now

outstanding. You can call them what you please. If you will refer to the daily report of the United States Treasury for February 14, 1914, you will observe that the $346,681,016 is not even included as a liability of the United States; and, strange to say, contrary to the liability idea, on the asset side of the page, $7,801,999 of these same notes are figured as an asset in favor of the United States. There is a gold reserve of $150,000,000, with which the Government is pledged to redeem $476,824,000 silver certificates outstanding and $2,528,000 Treasury notes outstanding. Therefore the gold reserve of $150,000,000 is not only serving as a reserve for the silver certificates, the Treasury notes, and the United States notes, the three amounting to $856,033,016, but also reenforces over seven hundred millions of bank notes. I do not stand committed to the gold standard, but the $35,000,000 which my amendment offers would as long as that system stands be reenforced by the same gold reserve. It is not the gold reserve that makes all money secure, but it is the credit of the United States. You will get the idea of my purpose by reading my amendment. It reads as follows:

Strike out section 3 as the same now reads and in place thereof insert the following as section 3:

"SEC. 3. That the Secretary of the Treasury is hereby authorized to issue United States currency on the credit of the United States, from time to time as the same may be required to defray expenditures authorized by this act, the sum of $35,000,000, or so much thereof as may be necessary, which currency shall be in the form of public-service certificates, and these shall state upon their face in substance that the bearer has performed a public service of the value stated in the certificate; that each separately is issued and circulated for value received under the provisions of this act, and the same shall be the lawful money of the United States and shall be receivable at par for all debts, dues, and demands, public and private, within the jurisdiction of the United States, created after the passage of this act; that the same shall be printed and engraved by the Bureau of Printing and Engraving, from plates and dies devised by the fiscal department, and shall, after returning to the Government, be canceled, but in lieu thereof certificates of the same amount in the same form may be reissued from time to time and placed in circulation by being earned in any public service of the United States."

In my discussion of the currency bill I stated, and I now repeat the statement, that it is an absurdity for the Government to borrow money to defray its operating expenses, because they are a tax upon the people, and therefore, if the Government issues United States notes—currency, if you prefer that name—in payment of such expenses, they will be in demand for the payment of taxes and canceled when paid in for that purpose. There would be no redundancy, because they would be destroyed as fast as the taxes were paid. Neither will there be any danger of an overissue, because the people would know that every dollar paid out by the Government would be drawn back in taxes. They would not tolerate an issue for unnecessary things. They would be the currency of the people for current business—not for hoarding. Of course, they would be the liability of the Government. There would be no use of their issue if they were not. The bonds are a liability and they carry interest, which interest when paid is something for which the people get no return. They do get value in full for the principal, the same as they would for United States notes, if there is no fraud or cheat.

Mr. CALLAWAY. If these notes are assets, why not issue a billion of them instead of $35,000,000?

Mr. LINDBERGH. You can not postpone the physical payment for building by the issue of bonds. You simply force an arbitrary debt that is paid by labor and otherwise, when the work is complete, and repaid in the future. I have shown how that is in another part of my remarks. We shall keep going deeper and deeper in debt by the issue of bonds. If there is an actual necessity for a billion dollars to defray the expenses of the Government of the United States, the people of necessity are to be taxed for that amount, and there is the best of reason for the issue of certificates in payment of the expenses which would be returnable in payment of the taxes and canceled. It is a rank absurdity, as well as a fraud upon the people, to extend the credit of the United States to the money loaners, and then pay an annual premium interest to buy it back. The credit is all supported by the people themselves, and no one else adds any value to it. Why should they buy what they already own? It is because of that principle, which I have detailed more fully in another part of my remarks, that I have offered the amendment.

Mr. CALLAWAY. I thought the gentleman suggested that we build this railroad by certificates issued by the Government, which would, like those we have already issued, prove to be an asset instead of a liability.

Mr. LINDBERGH. I have not said that these certificates would be an asset. Nothwithstanding that the Treasury statement places $7,801,999 of United States notes in the asset column and fails to note as a liability the $346,681,016, I, of course, know that these notes, as well as the ones that I propose if they were issued, is, and the ones I suggest would be, a liability of the United States. But we can not get rid of such a liability by issuing bonds, because the bonds are not payment, but simply another promise to pay a still larger sum; and if the Government is not good for the principal, I do not see how it can be good for the principal plus interest.

Ten years ago a proposition for the United States to construct a railway would have been considered a crazy proposition. The Government ought to own all the roads, and will. I am absolutely certain that in less than a decade the people of this country will realize that it is an absurdity for the Government of the United States to issue the bonds of the United States for any executory enterprise. Debt and the impossibility of the general public ever paying, under our present system, will soon get through to the understanding of the people. Until it does, we shall have a mighty lot of people who barely exist on the remnants left after wealth gets its interest, dividend, and rent toll.

Mr. CALLAWAY. But if we can issue certificates, and they are an asset, why should we stop issuing at $35,000,000? Why not build the Alaska railroad, dig the Panama Canal, improve the roads of the country, and do other things by issuing certificates to pay for them?

Mr. LINDBERGH. I repeat, I do not claim they are an asset. On the contrary, they are a liability; but I said this statement of the Treasury of the United States places them as an asset.

Mr. CALLAWAY. Oh, then the gentleman claims that the Treasury statement is a farce?

Mr. LINDBERGH. I do claim that it is a farce, so far as it places the $7,801,999 of United States notes as an asset and makes no liability account of the $346,681,016; and that is why I called attention to that part of the statement as being a farce.

I repeat, we are going deeper and deeper in the hole all the time under this system of ours. I pointed out four years ago that the cost of living would get higher because of that system, and I then pointed out the reasons; and I repeat now, while the same system is in operation, my former prediction having come true, that the cost of living is going to be still higher. There may be temporary let up occasionally, but that will be only temporary, for things will grow worse and worse for the plain people as long as we keep piling on the interest. When people understand that they pay for the construction of a thing when it is constructed, and again when they go in debt for it, they will construct only what is reasonably required to keep up an efficient system. Then we shall have no more complaint, nor will we think of building a railroad until it is needed in an economic system. Now, I vote for this Alaska railway because I think it is needed, because of our lack of an economic system.

Mr. LENROOT. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York [Mr. FITZGERALD]. I would be in favor of it if there was the slightest probability that the current revenues of this Government would be sufficient to take care of the appropriations to be made by Congress, including this $35,000,000, but it is absolutely certain that that is not so. The gentleman from New York [Mr. FITZGERALD] admits, very properly, that it will be necessary to issue Panama bonds, which the President now is authorized to issue, not for this purpose, but to reimburse the Treasury.

Mr. FITZGERALD. I said probably in the same ratio that they have been issued in the past. We have already issued $138,000,000, and still have over $200,000,000 unissued.

Mr. LENROOT. I understand; we have been issuing them in the past, Mr. Chairman, and have been compelled to issue them to reimburse the Treasury, and it is morally certain that under present conditions we will have to continue to issue them in the future.

So, Mr. Chairman, it resolves itself simply into this question, Shall we issue Panama bonds to build this Alaska railroad, or shall we issue Alaskan bonds to do so? So far as the Treasury is concerned, I admit that it will make no difference whether we issue Panama bonds or Alaskan bonds for this purpose; but it does make a difference when it comes to paying the interest and principal of this $35,000,000, in my judgment, because if we issue Alaskan bonds we can, and we ought, and I am satisfied we will, pay not only the interest but the principal out of the proceeds of our resources in Alaska. On the other hand, if we take the money out of the Treasury, take it out of the proceeds of Panama bonds issued to reimburse the Treasury, then this $35,000,000 will be gone. It will not be considered an indebtedness of Alaska at all, and in the making of coal-land leases, which will soon be done under legislation that we will pass, we will not take into consideration this $35,000,000 as it will be considered if we issue Alaskan bonds.

In other words, if this $35,000,000 be outstanding as an Alaskan indebtedness it will be taken care of by Alaskan re-

sources, while if it is taken care of by the issue of Panama bonds or is taken care of out of the current revenues of the Treasury it will not, in all probability, be taken care of by the proceeds of the sales of land and other things in Alaska.

Now, it may be said that it makes no difference if the money we get in Alaska goes into the General Treasury, whether we put it into a fund or not, but it does make a difference in making the coal-land leases, for instance, whether we consider only the development of Alaska and receive what would be a reasonable price, or whether when the Secretary of the Treasury makes his coal-land leases he has in mind that it is his business and his duty to obtain such royalities as will take care of this Alaskan indebtedness. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I thoroughly agree with the amendment offered by the gentleman from New York [Mr. FITZGERALD]. If there is any practice prevalent of late, and fraught with danger to the people of America, it is that of constantly postponing the payment for things we authorize to be done. One of the striking things in connection with the public finances in America has been the tremendous increase in municipal, county, and State indebtedness, an increase that has become so great as to imperil the credit of many of the Commonwealths of this country.

Now it is proposed, on the theory that we may have to borrow money, to make provision in advance of the need. The amount of money carried in this bill for the building of railroads in Alaska, which will necessarily take several years and can be distributed over that period of time, can be carried in the sundry civil bill without any appreciable effect on the budget of the country.

When we spend nearly $1,100,000,000 annually to carry over a period of three or five or six years forty or fifty million dollars is no great burden. But, as pointed out by the gentleman from New York, the authorization of these bonds is simply embarking upon the road so frequently traveled with disastrous results by municipalities and States, of postponing for others to pay the debts we incur. It is a standing invitation to extravagance, and breeds the worst sort of public finances. This is the only country on the globe that to-day makes appropriations without the slightest regard to income. Every other country has a system whereby it can measure the income and the outgo, but we have been so rich that, like a youth, we can get drunk without a headache the next day, and think that nothing matters so long as it is postponed until the next day.

There is no reason why now we should burden the Government with additional bonded indebtedness and invite a continuation of the policy. The gentleman says that we must have the money. There is nothing in the present statement of the finances of the Government that shows that we will need to borrow this sum in order to meet expenses. There is no reason, except his own assumption, for believing that it will be necessary to sell any great proportion of the Panama bonds in order to finance the expenses of the Government. The whole purpose of it is to blind ourselves and try to cheat ourselves and cheat the ledger with obligations that we, by our votes, are imposing upon the people of America. Five millions, six millions, or even ten millions, add to the annual expense no insupportable burden, and it certainly would not require more than that annually to take care of these expenses in Alaska, and, I repeat, it will be no appreciable burden on the Government.

Why, the gentleman says, we must not do it, because it will change the program of getting the money out of Alaska to reimburse the United States. There is nothing in that. Whatever revenues come from Alaska can be covered into the Treasury. Oh, but, he says, it makes a difference in regard to the leasing condition of the coal lands. How? Does the gentleman want to burden this coal that he proposes to open up for the people of America, not only with the cost of the railroad but with 30 years' interest? Because in the building of these railroads by bond issue you are nearly doubling the amount that will have to be taken care of in the royalties you get on the coal properties that are mined. If we were faced with a condition where we could not pay our debts, we might be warranted in borrowing. But there is no advantage to the Government in borrowing with its ability to tax and with an income sufficient to take care of its legitimate expenses. I hope the amendment will prevail. [Applause.]

Mr. HARDY. Mr. Chairman, I fear that this amendment of our friend from New York [Mr. FITZGERALD] that we are asked to adopt is a Trojan horse about to be brought into the camp of the friends of this bill. The argument made by the gentleman from New York appeals to many of us. But I want to say that it seemed to me he gave himself away when he was opposing the issuance of bonds for building this road and intimated that the Panama bonds might be availed of in case of necessity, or that we have Panama bonds issued for the Panama Railroad that we might use to supply deficiencies in the general revenues after we had used the general revenues to build this road. It does not make any difference how the bonds were issued, whether as Panama or Alaskan bonds. His general argument, then, against bond issuing is abandoned by his proposal to issue and use Panama bonds, practically, to build the Alaska road.

I want to answer the suggestion of the gentleman from Kentucky [Mr. SHERLEY]. He says we are the only country in the world that contracts indebtedness without reference to our revenue or the source from whence we are going to get the money to pay for it. Then he advocates, in this matter, a policy that would saddle the Government of the United States with an indebtedness of $35,000,000 over and above our ordinary current expenses without having made any arrangement to pay the indebtedness.

Mr. SHERLEY. And you only make provision by postponing the payment.

Mr. HARDY. We make provision for it by providing a mortgage which shall be paid out of the proceeds of the sale or lease of the Alaskan land. When you change that policy you have on the back of the bill men who have been criticizing it from the beginning, because they said it was an effort to saddle the people of the whole country with a debt and take out of the General Treasury $35,000,000 for the benefit of one locality. We have replied that that is not so; that we are going to issue bonds on that particular property; and that property, the lands of Alaska, will be used to pay the indebtedness. [Applause.] We are covering the condition cited by the gentleman from Kentucky; we are providing a source of revenue to meet the expenditure; we are meeting the criticism made so frequently here on this floor that we are burdening the whole people for the benefit of one locality. When you strike out this provision in this bill you will add 40 enemies to the bill on its final passage.

The gentleman from Kentucky says we must not create a debt for future generations to pay. Is it not wise when you build a courthouse for future generations to issue county bonds in order that the present generation may not be required to pay all the expenditures for the benefit of future generations?

Mr. SHERLEY. In my country that has bankrupted many a county.

Mr. HARDY. Yes; and the gentleman says this railroad will probably not pay for a while. It may not. What equity is there in this generation bearing the expenditure for a future generation's improvement and benefit, and for a future development of a country, when you can by the established process of creating a mortgage upon the assets of that country make it bear its own expenses?

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. HARDY. If I can get more time I will be very glad to submit to an interruption; otherwise the gentleman will have to excuse me. I do not doubt for one moment that the proceeds of the sales of the Alaskan lands and the coal and gold leases will pay this indebtedness, both interest and principal, within the 30 years the bonds run, and I do not believe it would be right to improve that locality up there wholly at the expense of the present generation. It has been said that you are spending all of this money for the benefit of 30,000 white people up there. We are taking the property of the Government and providing a means to meet this expenditure of the Government by placing a mortgage upon this property of the Government so it will bear its own improvement expenses and pay its way into an improved condition, where it will benefit all of the people of the United States, and no more insidious amendment has been offered to this bill than the one to strike out this clause. [Applause.]

Mr. HOUSTON. Mr. Chairman, I believe that the adoption of this amendment would be about the same thing as to allow the section to remain as it now stands, so far as the ultimate effect is concerned. This bill is predicated and framed upon the idea that we want to make Alaska pay for this railroad, and we propose to collect the money there to pay for it. We might do this without issuing the bonds just the same as though we were to issue the bonds; but by issuing the bonds and providing for their payment by Alaska, we provide a means of liquidation without cost to the people of the States, but by the Territory of Alaska. I for one firmly believe that we can collect that money there and that Alaska will pay for this railroad, and for that reason I think it better that this section remain as it is.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yi

Mr. HOUSTON. I have not much time.

Mr. CALLAWAY. If the Treasury is able to bear this expenditure, as it will be demanded year after year, what objection would there be to allowing the Treasury to do this without a specific character of bonds issued for that purpose, and so providing that whatever returns come from Alaska because of the building of this railroad shall be turned into the Federal Treasury; and if it amounts, as the claimants——

Mr. HOUSTON. Mr. Chairman, the gentleman will have to put his question in a shorter way, or he will consume all of my time.

Mr. CALLAWAY. If it amounts, as the claimants of this railroad claim it will, to ten times what it costs to make the railroad, then let it all go into the Federal Treasury.

Mr. HOUSTON. Mr. Chairman, I will answer that in this way. Although this bill was predicated on the idea that we would hypothecate the resources of Alaska for the payment of this debt, yet when you come to consider the real language of the bill it does not go further than to provide that the Secretary of the Treasury, upon the order of the President, shall issue bonds as it may become necessary to raise funds to defray this expenditure. I think that is a fair and legitimate construction of this language just as it now stands, and there is no need to issue $35,000,000 of bonds on the start to commence paying interest on and to pay, as the gentleman from New York says, interest on $35,000,000 for 31 years and double the amount. Not at all. There would be but a small proportion of this amount needed at first to issue bonds for, and perhaps none, and in that event the trouble of interest can be avoided, and we will still have this in such shape that Alaska will pay for this railroad. That is principally why I favor the bond issue. Let it stand intact. Let us have the object lesson demonstrated. The advocates of this bill believe that the resources there will justify this expenditure. We believe that the revenue that will be produced there will pay the money required to make this outlay, and we would like to have it in such shape as to make the object lesson plain, and let the people of the country understand that we have just stood Alaska on her feet to enable her to pay for this improvement herself, which I firmly believe she will do.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD.]

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 61, noes 74.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the gentleman from New York, Mr. FITZGERALD, and the gentleman from Tennessee, Mr. HOUSTON, were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 73.

Mr. HOUSTON. Mr. Chairman, I have made a mistake in the announcement. I should have said that the negative was 76, and then one more would make it 77.

Mr. FITZGERALD. Mr. Chairman, I do not know, I can not recall, but I do not think the gentleman has the right to reverse his count.

The CHAIRMAN. If there is any question about the vote, it should be taken over again, and the Chair will so direct.

The committee again divided.

Mr. ANSBERRY (before the announcement of the vote). Mr. Chairman, I voted under a misapprehension, and I desire to change my vote. I voted "aye," and I desire to vote "no."

The CHAIRMAN. The vote of the gentleman from Ohio will be so recorded. He changes his vote from aye to no.

The tellers then announced the vote—ayes 88, noes 87.

So the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

Mr. MANN. There is nothing to amend.

Mr. GOOD. After the word "appropriated," in line 6, page 15, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 15, by inserting at the end of line 6, after the word "appropriated," the following: "That there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $1,000,000, to be used for carrying out the provisions of this act, including the expense of preparing, advertising, and issuing the bonds herein authorized, to continue available until expended."

Mr. FITZGERALD. I make the point of order that that language has been stricken out of the bill.

Mr. GOOD. Mr. Chairman, the amendment that I have offered is entirely different from the provision which was stricken out by the adoption of the amendment of the gentleman from New York [Mr. FITZGERALD]. While it contains some of the same language, it does not contain all the language that was stricken out. The language that was stricken out related to the issuance of bonds by the Government, and in striking that out there was also stricken out the $1,000,000 to be appropriated which is provided for in the section. For that million dollars the Treasury was to be reimbursed from the proceeds of a sale of Government bonds, and the provision I have offered does not provide for any reimbursement, but for a plain payment by the Treasury of the United States.

Mr. FITZGERALD. If the gentleman will change his amendment so as to eliminate the cost of preparing and issuing bonds, I have no objection to it.

Mr. GOOD. I do not think the Clerk read that.

Mr. FITZGERALD. Oh, yes; he read that. I have no objection to the million-dollar appropriation.

Mr. GOOD. If the Clerk did so, I think he inadvertently read more than I intended in my amendment. I did not intend to have in the provision in regard to the cost in issuing the bonds. I thought I had crossed that part out. I ask unanimous consent to modify my amendment in that particular.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Stop at the word "act."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

That there shall be appropriated, out of any moneys in the Treasury——

Mr. HOUSTON. Where does that come in?

The Clerk read as follows:

Amend, page 15, by adding, at the end of line 6, the following:
"That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,000,000, to be used for carrying out the provisions of this act, to continue available until expended."

Mr. HOUSTON. Mr. Chairman, I want to state to the gentleman from Iowa I have an amendment I desire to offer which will take the place of the last three lines of this section, and then the gentleman's amendment would be more in order and would follow in natural sequence; and I would be glad if the gentleman will allow me to offer my amendment at this point.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. HOUSTON. This section has all been stricken out down to line 3, page 15, including the word "however," and the balance of the section is left in. Now, I desire to strike out that and insert the following, which is in better form and a decided improvement: "That in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of $35,000,000."

Mr. GOOD. I withhold my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 3, after the word "bonds," strike out the proviso down to and including line 6 and insert in lieu thereof the following: "*Provided*, That in executing the authority granted by this act the President"——

Mr. HOUSTON. The word "provided" is stricken out. I ask unanimous consent that the amendment be modified so as to exclude the word "provided."

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The Clerk read as follows:

That in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of $35,000,000.

Mr. HOUSTON. Now, Mr. Chairman, I move the adoption of this amendment. I do not believe any gentleman could object to it, as that makes a specific limitation——

Mr. MANN. I question whether it does.

Mr. HOUSTON. What is the question of the gentleman from Illinois?

Mr. MANN. I somewhat question whether it is an explicit limitation, whatever the intent, and I have understood all the time that the limit of authority to appropriate to carry out the provisions of this act was put at $35,000,000.

Mr. HOUSTON. Yes, sir.

Mr. MANN. But that limitation does not do that.

Mr. HOUSTON. Well, I think it does. I would like to have the gentleman point out wherein it does not.

Mr. MANN. Well, of course, the limitation of authority to appropriate is only important because of the rules of the House. If it were not for the rules of the House, no limitation would amount to anything one way or the other. Now, that provision would not, under the rules of the House, permit

a proposition to appropriate a much larger sum than $35,000,000, and if appropriated, the appropriation would take the place of the limitation which the gentleman has proposed, and the President would have authority to expend the money. Morally, it might have that effect, although I do not doubt before we are through the proposition would come up to spend a larger sum of money without additional legislation. I do not see why the gentleman can not combine both propositions.

Mr. LENROOT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. HOUSTON. Mr. Chairman, it has been suggested that the amendment I offered be amended by adding the following just before:

That the cost of the work authorized by this act shall be $35,000,000, and that the President, in executing the authority granted him, shall not expend or obligate—

And so on.

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to modify his amendment.

Mr. HOUSTON. We will prepare the modification if you will give us a moment.

Mr. MANN. The gentleman can make his amendment to read:

That the total amount authorized by this act to be appropriated shall not exceed the sum of $35,000,000; nor shall the President obligate the United States in any event to pay more than that sum under the provisions of this act.

Mr. HOUSTON. Now, Mr. Chairman, that is exactly what I have just done. I am perfectly willing to accept the language of the gentleman from Illinois [Mr. MANN].

Mr. MANN. I thought possibly the Clerk had taken it down. I was reading from the bill most of the time.

Mr. HOUSTON. Now, "That the cost of the work authorized by this act shall not exceed $35,000,000; and that in executing the authority granted by this act the President shall not expend or obligate the United States to expend a sum of more than $35,000,000."

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to withdraw his former amendment and offer the following in lieu thereof, which the Clerk will report.

Mr. HOUSTON. Now, Mr. Chairman, with the permission of the committee, I would be perfectly willing to include the amendment of the gentleman from Iowa [Mr. GOOD] at the end of that and put it all in one amendment.

The CHAIRMAN. The Clerk will report first the amendment offered by the gentleman from Tennessee [Mr. HOUSTON].

The Clerk read as follows:

On page 15, line 3, after the word "bonds," strike out the proviso down to and including line 6, and insert in lieu thereof the following: "And in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of $35,000,000."

Mr. HOUSTON. I think the Clerk left off the first part of the amendment.

The CHAIRMAN. The Clerk will report the first part of the amendment.

The Clerk read as follows:

That the cost of the work authorized by this act shall not exceed $35,000,000, and that in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of $35,000,000.

Mr. MILLER. May I call the attention of the gentleman from Tennessee [Mr. HOUSTON] to the fact that the word "*Provided*" now will not be in the bill?

Mr. MANN. It does not belong in the bill.

Mr. HOUSTON. That is left out of the bill properly.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection.

The amendment was again read.

Mr. GARRETT of Tennessee. Mr. Chairman, I suggest to the gentleman that since the word "*Provided*" has gone out of the amendment that the word "That" should be left out.

Mr. MANN. This is a new section—a section by itself. The word "That" is either in or out. In the rest of the bill every section usually begins with the word "That."

Mr. HOUSTON. Now, I ask, Mr. Chairman, that the amendment of the gentleman from Iowa [Mr. GOOD] be added at the close of that.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be used for carrying out the provisions of this act, to continue available until expended.

Mr. MADDEN. It seems to me, Mr. Chairman, that the word "That" in this case ought to be stricken out and the word "and" be substituted.

Mr. HOUSTON. I think that would be an improvement on the language.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the amendment be modified as suggested by him. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that the amendment offered by the gentleman from Iowa [Mr. GOOD] be adopted as an amendment to his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment of the gentleman from Tennessee [Mr. HOUSTON]. The Clerk will read the amendment as amended.

The Clerk read as follows:

That in executing the authority granted by this act the President shall not expend nor obligate——

Mr. MADDEN. Mr. Chairman, the Clerk is not reading the amendment. He is reading only a part of it.

Mr. DAVENPORT. I think it would be wise to wait for a minute and get the amendment properly drafted.

The CHAIRMAN. The Clerk will report the amendment as amended.

The Clerk read as follows:

That the cost of the work authorized by this act shall not exceed $35,000,000, and that in executing the authority granted by this act the President shall not expend nor obligate the United States to expend more than the sum of $35,000,000.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent to amend it right there by not repeating "$35,000,000" but by inserting in lieu thereof the words "said sum."

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent to amend as signified by him. The Clerk will now report the amendment of the gentleman from Tennessee as amended by the amendment of the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

And there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be used for carrying out the provisions of this act, to continue available until expended.

Mr. FOWLER. Mr. Chairman, as the Clerk read the amendment, it appeared to be "thirty-five million of dollars," and I think the word "of" ought to be stricken out.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent that the word "of" be stricken out. Is there objection? The Clerk states that it is not there. [Laughter.] The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. HOUSTON].

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. TOWNER moves to amend by striking out, on page 14, line 5, the amount therein stated, to wit, "$35,000,000," and insert in lieu thereof the amount "$20,000,000."

Mr. FITZGERALD. Mr. Chairman, that is already out.

Mr. TOWNER. I think not.

Mr. HOUSTON. That part is out.

Mr. FITZGERALD. That language is not in the bill.

Mr. TOWNER. Where does the amendment commence?

The CHAIRMAN. The Chair will state that the amendment of the gentleman from Iowa——

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the latter part of the amendment may be read, and that the amendment should be applied to the amendment adopted where the limit of expenditure is placed at $35,000,000.

Mr. FITZGERALD. No amendment to that is in order. The committee has just adopted an amendment fixing the limit of cost at $35,000,000. No amendment to that is in order.

Mr. MANN. It is in order for the House to add something more to it. It is not in order for the House to change the language.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. MANN. We have not had the entire amendment reported yet.

The CHAIRMAN. The Clerk will report the remainder of the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The Clerk read as follows:

Also to strike out, on page 15, line 5, the amount therein stated, to wit, "$35,000,000," and insert in lieu thereof the amount "$20,000,000."

Mr. MANN. Mr. Chairman, I make a point of order on that. The House has just adopted that amendment, and the gentleman now proposes to change that amendment and to strike out "$35,000,000" as the limit of cost and insert "$20,000,000."

The CHAIRMAN. Does the gentleman from Iowa wish to discuss the point of order?

Mr. TOWNER. I do not.

The CHAIRMAN. The point of order is sustained.

Mr. LINDBERGH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. LINDBERGH].

The Clerk read as follows:

Strike out section 3 as the same now reads and in place thereof insert the following as section 3——

Mr. HOUSTON. Mr. Chairman, I make the point of order that that has just been passed upon and determined and the amendment is out of order.

Mr. LINDBERGH. Will not the gentleman wait to see whether it is or not? It has not been reported yet. Will the gentleman yield? Will the gentleman let it be reported?

The CHAIRMAN. The Clerk will report the amendment.

Mr. LINDBERGH. Is not the gentleman willing to have it reported?

Mr. HOUSTON. Yes; let it be reported, then, Mr. Chairman.

The Clerk read as follows:

Strike out section 3 as the same now reads and in place thereof insert the following as section 3:

"SEC. 3. That the Secretary of the Treasury is hereby authorized to issue United States currency on the credit of the United States, from time to time as the same may be required to defray expenditures authorized by this act, the sum of $35,000,000, or so much thereof as may be necessary, which currency shall be in the form of public-service certificates, and these shall state upon their face in substance that the bearer has performed a public service of the value stated in the certificate; that each separately is issued and circulated for value received under the provisions of this act, and the same shall be the lawful money of the United States and shall be receivable at par for all debts, dues, and demands, public and private, within the jurisdiction of the United States, created after the passage of this act; that the same shall be printed and engraved by the Bureau of Printing and Engraving, from plates and dies devised by the fiscal department, and shall, after returning to the Government, be canceled, but in lieu thereof certificates of the same amount in the same form may be reissued from time to time and placed in circulation by being earned in any public service of the United States."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the House having already stricken out and inserted, it is not now in order to strike out a provision and insert.

The CHAIRMAN. Does the gentleman from Minnesota care to be heard on the point of order?

Mr. LINDBERGH. I do not care to be heard on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 4. That there is hereby created a redemption fund in the United States Treasury to be known as "The Alaska Railway Redemption Fund," into which shall be paid 50 per cent of all moneys derived from the sale or disposal of any of the public lands, including town sites in Alaska or the coal or mineral therein contained, or the timber thereon, and into which fund shall be paid the net earnings of said railroad or railroads above maintenance charges and operating expenses; the said redemption fund, or any part thereof, shall be used from time to time, upon the order of the President, to pay the interest on the bonds authorized and issued under the provisions of this act, and to redeem, cancel, and retire said bonds under such rules and regulations as the President may establish in accordance with the provisions of this act.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 15 strike out section 4 and insert in lieu thereof the following:

"SEC. 4. That all moneys derived from the sale or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the net earnings of said railroad or railroads above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress."

Mr. LENROOT. Mr. Chairman, I have a preferential amendment. I desire to perfect the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment.

Mr. BAILEY. Mr. Chairman, I offer an amendment which I think has the preference.

Mr. FITZGERALD. A motion to strike out and insert does not preclude a subsequent amendment; but, having been recognized and having offered my amendment, I am entitled to discuss it.

Mr. LENROOT. But the gentleman's amendment is a substitute.

Mr. FITZGERALD. A motion to strike out and insert is in the nature of an amendment. No gentleman has a preferential right over that. If the matter is stricken out and new matter is inserted, that ends the other matter. If the matter is not stricken out, it does not preclude, under the rule, another motion.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] offers an amendment, which the Clerk will report for information.

Mr. LENROOT. Will the gentleman from Tennessee permit that my amendment be reported?

Mr. HOUSTON. I have no objection to that.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] and the gentleman from Wisconsin [Mr. LENROOT] have amendments that they desire to have considered as pending.

Mr. MANN. Let it be reported for information.

The CHAIRMAN. The Clerk will report the amendment reported by the gentleman from Pennsylvania [Mr. BAILEY].

The Clerk read as follows:

Strike out all of section 4, page 15, and insert the following in lieu thereof:

"SEC. 4. That for the purpose of defraying the construction cost of the railway or railways hereinbefore authorized, the Secretary of the Treasury, under regulations to be approved by the President, shall cause to be assessed every two years the value accruing as benefits to any land in Alaska by reason of the construction of said railway or railways, and shall cause to be levied thereon and collected from the owners thereof an annual tax, not exceeding 5 per cent of the value of such benefits as assessed from time to time; and the proceeds of said tax, together with the net earnings of said railway or railways, shall be deposited in the Treasury of the United States."

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Page 15, line 16, strike out the paragraph after the word "President" and insert in lieu thereof the following:

"To reimburse the Treasury for disbursements made under the authority of this act."

Mr. FITZGERALD. Mr. Chairman, this amendment in the language of the bill as reported by the committee provides that the receipts from the sale of public lands, including town sites, coal or minerals contained therein, or timber thereon, and the net earnings of the railroad or railroads above maintenance charges and operating expenses shall be paid into the Treasury as miscellaneous receipts; and it is required that a separate account shall be kept of those moneys, and an annual report thereof made to Congress. The result will be that all of the moneys obtained from the sale or disposal of the public lands, town sites, minerals, and timber will be covered into the Treasury as miscellaneous receipts, which is the manner in which most of the revenues, outside of certain special funds, are turned into the Treasury. Then, in order that Congress may have easily accessible a statement showing what are the receipts, and what moneys are obtained from the transactions of the Government in its property in Alaska, the Treasury Department is required to keep a separate account and to report annually to Congress.

The gentleman from Wisconsin [Mr. LENROOT], in the amendment which he offers, proposes a plan which, I believe, is unwise. His suggestion is that these moneys be paid into the Treasury and kept as a separate fund, and that from time to time the Treasury be reimbursed for the expenditures made on account of the construction of the railroad. That is unwise, because one of the arguments frequently urged for public improvements in various places is that the governmental receipts from that particular locality amount to a certain sum, and it is urged and believed in many places that there is never any legitimate objection to governmental expenses for a particular purpose equaling the receipts obtained from that source. Under the bill as it now is the cost of these railroads is to be paid out of the Federal Treasury, regardless of the receipts from Alaska. If it be determined that these railroads shall be built, they should not be dependent upon the receipts obtained from the sale of Alaskan public lands, or minerals, or coal, or town sites, because it is just possible that the first cost of contruction and the cost of operation of the railroads may for many years be much in excess of the receipts from the development of the Territory; and yet those who are best informed and most earnest in the advocacy of this bill do not look to full returns from the building of these railroads in the first few years, but they are looking to the future, and they believe that the development will be gradual, and that in time these receipts will be very great. There is no reason, though, that the receipts from these public lands and the sales of timber and town sites should be set aside and dedicated forever to the development and improvement of Alaska.

If Alaska is to be developed, if we are to obtain the returns from the wonderful resources pictured so graphically by many gentlemen, I believe Alaska should be a great source of revenue and benefit to the United States, and that the Government of the United States should have the benefit of the moneys derived from it, and that it is a wrong and unwise policy to embark upon this enterprise with any suggestion or any plan that will segregate the receipts, and so make them the basis of an argument in the future in favor of dedicating them to that one portion of the United States, regardless of the needs of the rest of the country.

Mr. Chairman, our true fiscal policy should be to have one general fund in the Treasury of the United States, against which will be charged the cost of conducting all governmental operations. Whenever it is deemed wise to embark on any enterprise let the Treasury stand the burden, regardless of the source of the receipts. There should not be any intimation or belief that the enterprise has a prior right or a mortgage or a claim upon the receipts derived from the enterprise.

Mr. BAILEY. Mr. Chairman, the amendment I have offered is one which proposes to apply to the development of Alaska the very familiar principle which has been in operation in this country——

Mr. HOUSTON. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOUSTON. Which amendment is pending before the committee now?

The CHAIRMAN. The amendment of the gentleman from New York. The other two amendments were read for the information of the House.

Mr. HOUSTON. I understood that the amendment offered by the gentleman from New York [Mr. FITZGERALD] was the pending amendment, and that the others had been read for information.

The CHAIRMAN. It is true that they were read for the information of Members. There is only one amendment really pending.

Mr. HOUSTON. I ask unanimous consent that debate on all the amendments now pending and the paragraph itself close in 20 minutes.

Mr. LEWIS of Maryland. Reserving the right to object, I respectfully suggest that this topic now under consideration, involving, as I believe, the whole subject of conservation, can not be adequately treated, nor can the views of Members be adequately presented, in 20 minutes. I myself would like 10 minutes. I have used no time in the Alaska discussion so far.

Mr. HOUSTON. Mr. Chairman, I amend my request and make it 30 minutes.

Mr. MANN. Why not have all these amendments offered, so that they will all be in order?

Mr. HOUSTON. Three amendments have been read. I do not know that there are any other amendments that are desired to be offered to this paragraph.

Mr. MANN. I was going to suggest to the gentleman from Maryland [Mr. LEWIS] that he offer his amendment as an amendment to that of the gentleman from New York, and that the gentleman from Wisconsin offer his as a substitute, so that they may all be pending.

Mr. HOUSTON. Has the gentleman from Maryland [Mr. LEWIS] an amendment?

Mr. LEWIS of Maryland. No. I merely desire recognition.

Mr. HOUSTON. The gentleman from Maryland has no amendment to offer.

Mr. MANN. I thought he was going to offer an amendment.

Mr. LEWIS of Maryland. I am going to speak on the Bailey amendment, and I will ask the gentleman from Tennessee [Mr. HOUSTON] whether he will yield me time for its discussion.

Mr. HOUSTON. I will include in my request that 10 minutes of the time be allowed to the gentleman from Maryland [Mr. LEWIS].

Mr. MANN. The gentleman's request does not touch the amendments.

The CHAIRMAN. Does the gentleman from Maryland [Mr. LEWIS] ask unanimous consent that all the amendments be pending?

Mr. LEWIS of Maryland. Yes.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] asks unanimous consent that all the amendments that have been read be now pending. Is there objection?

Mr. KEATING. Reserving the right to object, suppose the House adopts the Fitzgerald amendment, will it be in order to vote on the Bailey amendment? Will not the adoption of the Fitzgerald amendment render unnecessary a vote on the Bailey amendment?

The CHAIRMAN. The Chair thinks it will.

Mr. LEWIS of Maryland. Mr. Chairman, I do not think they are irreconcilable; they might be made complementary.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania [Mr. BAILEY] and the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] are not pending. The gentleman from Maryland asks unanimous consent that the amendments offered by the gentleman from Pennsylvania and the gentleman from Wisconsin may be pending and voted upon.

Mr. FITZGERALD. I object.

Mr. THOMSON of Illinois. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from New York, by inserting the word "lease," with a comma, before the word "sale."

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. What became of the request of the gentleman from Tennessee to limit debate?

The CHAIRMAN. The Chair was about to put the question. The gentleman from Tennessee moves that all debate on this paragraph and amendments thereto be closed in 30 minutes.

The motion was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, is the amendment I offered pending?

The CHAIRMAN. No; the gentleman from Pennsylvania [Mr. BAILEY] has the floor.

Mr. BAILEY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York. I am opposed to the spirit of it. I believe the resources of Alaska ought to be used for the benefit and development of Alaska. That is the principle for which I stand, and I submit that the amendment now pending is against that principle. I believe if these railways are built they will create values which ought properly to be appropriated for the carrying on of the expenses of the building.

Mr. OGLESBY. Will the gentleman yield?

Mr. BAILEY. I will.

Mr. OGLESBY. Does the gentleman understand that 99 per cent of all the property in Alaska belongs to the United States?

Mr. BAILEY. I understand that quite well, and I hope that condition will rapidly pass away.

Mr. OGLESBY. Of whom would you collect the assessment?

Mr. BAILEY. Of those to whom the property belongs after it is created. That is the position I assume, and I think it is absolutely defensible. I hope that the amendment now pending will be voted down and an opportunity be given to support the amendment I have offered, one that I believe should appeal to every man, one providing that the cost of the improvements shall be taken out of the benefits thereby created.

Now, there is nothing new or strange in that proposal. It is one that we have followed in the redemption of swamp lands, it is one that we have followed in the irrigation of arid lands——

Mr. SHERLEY. And that is one of the reasons why the Reclamation Service is subject to all the protests that are made.

Mr. BAILEY. I understand that there have been administrative errors in the matter of the irrigation of arid land.

Mr. SHERLEY. Why? Because they had control of the money instead of Congress having control of it.

Mr. BAILEY. That is mere detail; that does not affect the principle. I stand for the principle and not for any misconception of it. I believe that there will be values created by this proposed improvement. If I did not believe that, I would oppose the bill with all my might. I favor the bill with the amendment that I have proposed, an amendment that I believe will lead to the development of Alaska.

Now, we know what will happen if the plan embodied in the bill is allowed to stand as at present. The resources will be sold at a low price, sold to those who get there first, will be grabbed up by forestallers, and then the people when they come will have to pay a royal tribute to those who got there first. That is what happened in Oklahoma; that is what has happened everywhere that development has been made under the old system. The system proposed in my amendment will largely discourage forestallers. I hope there will be an opportunity given for discussion of this amendment, and I protest with all my might against the proposition offered by the gentleman from New York.

Mr. LEWIS of Maryland. Mr. Chairman, I ask the attention of the House to what I conceive to be a matter of principle and the most important feature of this Alaskan legislation. There are many of us here to-day who realize that we are putting the hard-earned money of our workers here temporarily into a hole

in Alaska. But I feel that the conservation policy, the purpose, and the determination of our people to prevent plutocratic ownership in Alaska requires this sacrifice on our part.

There are many here, including myself, who would not consent to build a railroad in that bleak region, with its insufficient promises of traffic to pay returns. But in this connection I want to make this proposition to the House. There probably never has been builded a railroad anywhere that, incidentally, has not created values in the surrounding land greater than its own cost of construction. If we put $35,000,000 into a railway in Alaska, we are practically sure of creating $35,000,000 of values in the environing land.

Now, the proposition embraced in the Bailey amendment is that these values are like street openings—benefits, so to speak. The building of this railroad through Alaska differs not in principle from the opening of a street in this city, in which case there would be levied on the adjoining owners the benefits accruing to their properties. This amendment merely means that we will treat the property of Alaska as we would treat the property owners of the city of Washington. It is suggested that the land is not yet sold. No; there is the trouble with this matter. As soon as the railroad is assured of being built the Government will open up these lands for sale, and speculators with a few dollars in their pockets will go to Alaska and capture all of the lands of prime value, it may be at a small per cent of their real ultimate value.

Now, when these sales take place, and they must take place, they should be coupled with the condition that the values created by the Government through this railway should be an asset from which might be recovered, so far as possible, the cost of this construction. And the amendment proposes to reach that object by providing for, first, an assessment of what those benefits amount to from time to time, and then a levy on the assessments not exceeding 5 per cent per annum. If we are simply to throw the $35,000,000 into Alaska without any protective measure of this character to bring the resulting land-increment values back to the Treasury that made them, we will be subsidizing Alaska, not for the benefit of its people but for the benefit of a lot of schemers, not settlers, who will go there to capture these values.

I now yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, are we not in the situation of a man who owns a tract of land and who runs a street through it to develop it, and then gets the benefit of the street by the increased value of the lots that he sells?

Mr. LEWIS of Maryland. No. He is a private owner and knows the value of every lot, and usually holds that lot until he gets its real value. The Government is impersonal and is not in Alaska in such a personal way, and will not know what the value of the lands may be.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Mr. Chairman, this conservation is not an irrational sentiment, springing merely from emotional persons and without logic and sound philosophy to support it. We have acted on it well enough to conserve our waterfalls, to conserve territory within the domain of the Republic proper, and we should take proper measures to realize it as well in Alaska. We should realize that when building a railroad through Alaska we are producing a result in value creation comparable with those tremendous deposits of coal, and there is not any more reason why we should endeavor to conserve those coal values for the people than that we should try to conserve the value springing directly from the construction of this proposed railroad. If you add this amendment to this measure, your conservation policy will be complete. You undertake this perilous investment because you feel we should keep faith with the conservation sentiment of the country. That is one step; but the consequential and objective essential is that the values you make by this construction shall, at least in part, be conserved to the taxpayers of the country, whose money goes into this railroad.

I thank the committee for its patient attention.

Mr. WINGO. Mr. Chairman, will the gentleman yield for a question?

Mr. LEWIS of Maryland. Yes.

Mr. WINGO. As I understand it, the gentleman is in favor of conserving the coal supply of Alaska. Is that his position?

Mr. LEWIS of Maryland. Surely.

Mr. WINGO. I thought the object of this bill was to open up and exploit the gold supply of Alaska?

Mr. LEWIS of Maryland. Oh, well, I mean conserving the values of the coal for the public, because the coal has no value in the mountains. It is only when it is used and burned that it is of value.

Mr. WINGO. The gentleman is a conservationist. Does he not think that the same rule would apply to the 889,000 acres of the richest land in the country in my district that has been bottled up to conserve its value?

Mr. LEWIS of Maryland. That is another subject which I would like to hear the gentleman discuss in his own time. This is a distinct subject that is before us to-day. We are taking this money from the taxpayers, who have earned it, and when we see it is going to produce some money on its own account, as an incident, perhaps enough ultimately to repay the whole investment, it is our duty, as a matter of loyalty to our paymasters, to conserve it for them instead of letting it drift into the hands of the schemers of this country.

Mr. WINGO. Mr. Chairman, will the gentleman yield further?

Mr. LEWIS of Maryland. Yes.

Mr. WINGO. Here is the point, and I want to get the gentleman's view upon it. I do not understand the conservationists, of which the gentleman is one, when they contend that they want to build a railroad in Alaska to open up the natural resources of Alaska, and yet want to bottle up the natural resources of my district by withdrawing them from entry. What is the distinction?

Mr. LEWIS of Maryland. The gentleman is mistaken and will have to guess again. I never before heard about the lands in his district.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. SHERLEY. Mr. Chairman, the position taken by the two gentlemen who have just spoken seems to my mind to be predicated upon two errors. One is that the Government of the United States of necessity is going to be a fool, and the other is that there is no way of getting values from the improvement made except by an assessment on the property. What is the fact? The fact is that the Government of the United States owns Alaska, for the amount it does not own is so small as to be negligible. It is in the exact position of a private landowner who undertakes to open up his property by development, by building streets and sewers, and bringing light and water there for the prospective owners of the land. The value immediately goes into the land and can be reflected in the price for which the land is sold. There is another proposition that I desire to suggest to some of my extreme conservationist friends, and that is that the most valuable asset in America is not the value of the mineral land or of the timberland, but the value of self-supporting individuals who create and maintain American homes and raise American families. [Applause.] That has been the thing that has made America great—the fact that we have used the public domain, sometimes loosely, sometimes with error, but always with the main proposition of making it the basis for homes for American citizens. We are developing Alaska with the ultimate purpose of making there homes for the people of this Republic. What I want to see is this railroad built, and then the lands sold for a proper value, and sold so as to bring them to the use of individuals rather than to the corporate and extreme use of monopoly.

If we do that, we do not need to worry so much as to whether we get every dollar of value into the Treasury of the United States or not. The program that the gentleman suggests, to my mind, is totally impracticable. We are undertaking to mortgage the future in a way that can not be worked out. Let the improvement come to the lands, and then in the disposition of them safeguard them so that they can go to the individual citizens of America. Ask a fair price, not a prohibitive one, and make it the medium for more American homes for Americans. [Loud applause.]

Mr. COOPER. Mr. Chairman, I regret that I did not have opportunity to offer an amendment which seems to me to be important. The gentleman from Illinois [Mr. THOMSON] has suggested a part of it, but his amendment does not reach what I conceive to be a serious defect in this particular paragraph. I say this because of my understanding, from reading the public press, that it is the policy of the present administration hereafter to lease coal and mineral lands as other great nations do, and not to transfer the absolute title in fee in such lands to private ownership. But the pending paragraph plainly implies that Government coal and mineral lands in Alaska are to be sold outright. This is clearly so, because, in line 9, page 15, it provides for a redemption fund "into which shall be paid 50 per cent of all moneys derived from the sale or disposal of any of the public lands." That expression, "any of the public lands," includes, of course, coal and mineral lands; and there-

fore here is a provision expressly declaring what shall be done with 50 per cent of moneys derived from the sale of Alaskan coal and mineral lands.

The word "disposal" does not include lease or leasing. "Disposal" of land means some sort of transfer or conveyance. So that, as I have said, this provision inferentially is for the transfer of Government coal and mineral lands in Alaska to private ownership.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. FITZGERALD. The gentleman from Illinois suggested the word "lease."

Mr. COOPER. I understood that, and referred to his amendment a moment ago; but it is not broad enough to cover this defect. In order to make the language of the bill accurate, it should, after the words "50 per cent," in line 10, page 15, read as follows, "50 per cent of all moneys derived from the lease of coal or mineral lands in Alaska and from the lease, sale, or disposal of any other public lands therein, or the timber thereon, including town sites." The administration may want to lease public lands in Alaska that are not coal and mineral lands, or to sell such lands outright, but it does not, we are informed, want to do but one thing with the coal and mineral lands in that Territory. It wants to do as all the countries of continental Europe do, lease coal and mineral lands—the royalty may be small—but to retain the title in the Government. But this bill directs what shall be done with moneys derived from the sale of coal and mineral lands, and ought to be amended.

Mr. LENROOT. Mr. Chairman, I desire to discuss the amendment proposed by the gentleman from New York——

Mr. COOPER. Mr. Chairman, I will add that I was cut off from offering an amendment by the motion which was put and carried to limit debate.

Mr. LENROOT. I have a similar amendment, and the gentleman will have an opportunity to offer his amendment.

Mr. COOPER. I understood that debate was closed on the paragraph and all amendments thereto.

The CHAIRMAN. Debate was limited to 30 minutes.

Mr. COOPER. Then I will offer an amendment later.

Mr. LENROOT. Mr. Chairman, I wish to discuss the amendment proposed by the gentleman from New York and the one proposed by myself. There is only one difference between his amendment and my amendment, and that is if my amendment be adopted it will, in so far as we can do so, place a mortgage upon the resources of Alaska for the payment of the cost of this railroad. If his amendment be adopted, it will be treated as a general expenditure of the Treasury to be paid by all the people of the United States. Now, my amendment provides for an Alaskan fund into which shall be paid these moneys, and upon the order of the President from time to time they may be transferred into the general fund of the Treasury and reimburse it for expenditures that have been made under the authority of this act. Now, Mr. Chairman, it seems to me——

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LENROOT. I do.

Mr. FITZGERALD. What is to be done with the receipts of this fund if it should be sufficient to reimburse the Treasury up to the $35,000,000 and there happens to be a surplus?

Mr. LENROOT. I frankly admit that so far as that is concerned it would require additional legislation thereafter to take the moneys out of that fund and place them in the Treasury.

Mr. FITZGERALD. Under the provision I offer it would be in the Treasury.

Mr. LENROOT. And yet the gentleman knows it would be a great many years before the fund would equal the amount of the expenditure, and whenever it does equal it the gentleman knows there will be no difficulty whatever in appropriating the money and doing away with that special fund when this expenditure is made. But with the gentleman's amendment we will pay no regard to the resources of Alaska, so far as paying for this work is concerned. With my amendment we will treat the resources of Alaska as something to reimburse this Government for the expenditures which it makes under this act. And every gentleman who is not in favor of the country as a whole paying for this expenditure ought to vote for my amendment and against the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent for the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I hope the Bailey amendment will be adopted by this House. As the author of it suggested, there is nothing extraordinary or new about the proposition. We try it out almost every day in the municipalities of the United States. The amendment provides that the values created by the construction of this railroad shall be assessed to the extent of 5 per cent per year for the creation of a fund with which to meet the expenses of constructing this railroad. As a matter of fact, in a great many of our cities, when we create civic centers and park districts and similar public improvements, we assess the cost of the improvement on the property benefited. The method adopted is not always the method suggested in the pending amendment, but the principle is the same.

Now, our friend from Kentucky [Mr. SHERLEY] imagines that this would retard development. He says that the Government of the United States will not throw away its Alaskan lands; that it will sell the lands for a reasonable price. What does the gentleman propose to do? Does he propose to amend the land laws of the United States? There is no proposition before this House looking to such an amendment. The lands of Alaska will be settled as the lands in the United States have been settled, under the general land law.

Mr. SHERLEY. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. SHERLEY. Under the present situation there are to be taken out of the area public lands for settlement. We do propose to pass laws just for the purpose of opening them.

Mr. KEATING. This amendment would not interfere with that.

Mr. CALLAWAY. Will the gentleman yield?

Mr. KEATING. I will.

Mr. CALLAWAY. If the gentleman was going to provide it, what kind of machinery would he provide in order to determine the value of land as affected by the railroads?

Mr. KEATING. Any intelligent county assessor down in the State of Texas could perform the task.

Mr. CALLAWAY. I can not imagine how it would be possible.

Mr. KEATING. It is being done every day.

Mr. CALLAWAY. This proposition is to assess on all of the property affected by the railroad 5 per cent of the increased value each year, which shall be turned into the Federal Treasury to pay for this proposition.

Mr. KEATING. Just so. The assessor is expected to determine how much the value of each piece of land is increased by the construction of this road, and the Government will take 5 per cent of that value each year. If the Government—in other words, the people—creates the value, why should not it take a part, in order that it may be reimbursed for building the road?

Mr. HOUSTON. Mr. Chairman, I merely want to say that, so far as the proposition involved in the amendments offered by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Wisconsin [Mr. LENROOT] is concerned, I do not think either one of those amendments especially change the general purpose of the bill, inasmuch as the former section has been stricken out. Individually, I believe I prefer the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. So far as the other amendment is concerned, to tax the values that have been created by the building of this road, to say nothing of any other feature of it, it seems to me the impracticability of it is enough to deter us from anything of that sort. The levying of a tax at 5 per cent on the values that are created by the building of these roads is an impossible one to determine. It is like dropping a stone into the ocean. The waves extend clear across it. Where does the boundary line lie where benefits will accrue from this? I think it is impracticable.

Mr. LEWIS of Maryland. Will the gentleman yield?

Mr. HOUSTON. Yes; I yield.

Mr. LEWIS of Maryland. How does the proposition differ from the benefits arising to adjoining owners by the opening of a street?

Mr. HOUSTON. Because there it is definite. You can levy a tax on adjacent property just as you can levy a tax on abutting property for certain improvements. But here it is not definite, it is vague, and you can not tell where it extends.

Mr. CALLAWAY. Is it not a fact that it is absolutely impossible, and no municipality ever attempted, to assess 5 per cent, or any per cent, on increased value, and that we only assess the property so much to build the improvement?

Mr. LEWIS of Maryland. Oh, no.

Mr. HOUSTON. I think the gentleman is correct. It would be impossible to put that in operation.

Mr. LEWIS of Maryland. Some values are improved to a certain extent, and others to another extent. It is a very com-

plex subject, but any man who is competent to assess the value of lands here can assess the value of those lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUSTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOUSTON. What is the amendment pending for a vote before the House first?

The CHAIRMAN. There is one amendment pending for a vote, and that is the one offered by the gentleman from New York [Mr. FITZGERALD]. The other amendment was offered for information.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Will it be in order now to offer an amendment? Will there be an opportunity afforded to offer an amendment before the debate closes?

The CHAIRMAN. The Chair thinks so.

Mr. THOMSON of Illinois. Mr. Chairman, I wish to offer an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD] by adding the word "lease," with a comma, before the word "sale."

Mr. FITZGERALD. I think that ought to be in, Mr. Chairman. I will modify my amendment to that extent.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the amendment offered by him be amended as he suggests. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, I offer this amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] offers an amendment, which the Clerk will report.

Mr. HOUSTON. Mr. Chairman, is not the amendment offered by the gentleman from New York [Mr. FITZGERALD] in order for a vote now?

The CHAIRMAN. It is unless there are some amendments offered to it. The Chair will ask the gentleman from Wisconsin how his amendment is offered?

Mr. COOPER. I offer it as an amendment to the paragraph.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] offers his amendment as an amendment to the paragraph. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the word "the" in line 10——

Mr. FITZGERALD. That amendment, Mr. Chairman, is not in order now, pending a motion to strike out and insert.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes the point of order that the amendment of the gentleman from Wisconsin [Mr. COOPER] is not in order. The Chair sustains it.

Mr. BAILEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] offers an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD]. The Clerk will read the amendment.

The Clerk read as follows:

Strike out all of section 4, page 15, and insert the following in lieu thereof.

Mr. FITZGERALD. Mr. Chairman, that is not an amendment.

The CHAIRMAN. Is that what the gentleman from Pennsylvania intended?

Mr. BAILEY. It is to be added to the amendment of the gentleman from New York.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] says he adds it to the amendment offered by the gentleman from New York [Mr. FITZGERALD] as an amendment to the amendment. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Add to the Fitzgerald amendment, after the word "Congress," in the last line, the following: "The Secretary of the Treasury, under regulations to be approved by the President, shall cause to be assessed every two years the value accruing as benefits to any land in Alaska by reason of the construction of said railway or railways, and shall cause to be levied thereon and collected from the owners thereof an annual tax, not exceeding 5 per cent of the value of such benefits as assessed from time to time, and the proceeds of said tax shall be covered into the general revenues."

Mr. FITZGERALD. Mr. Chairman, I make a point of order that the amendment is not germane to the pending motion.

The CHAIRMAN. The gentleman from New York makes the point of order that it is not germane. Does the gentleman from Pennsylvania [Mr. BAILEY] desire to be heard on the point of order?

Mr. LEWIS of Maryland. Oh, it is germane. It deals with the same subject.

Mr. BAILEY. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. LEWIS of Maryland. It deals with the same subject.

Mr. FITZGERALD. It is not the same subject.

Mr. LEWIS of Maryland. It is the same subject, to wit, the lands affected by this railroad, and the sales of the lands and the values attaching to those lands; and it provides that the tax shall be paid into the Treasury of the United States. It relates to the subject matter, and relates to it in a supplementary way, and not in an irreconcilable way.

Mr. FITZGERALD. If the gentleman wishes to obtain a vote on the proposition I will withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order.

Mr. LENROOT. Mr. Chairman, I desire to have a ruling from the Chair on the priority of my amendment, and I would like to say a word in reference to it.

The CHAIRMAN. Has the gentleman offered his amendment?

Mr. LENROOT. I will offer it now as a preferential amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Page 15, line 16, strike out the paragraph after the word "President" and insert in lieu thereof the following: "To reimburse the Treasury for disbursements made under the authority of this act."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the amendment is not preferential.

The CHAIRMAN. The point of order is sustained.

Mr. LENROOT. Mr. Chairman, will the Chair hear me for a moment on that?

The CHAIRMAN. Yes.

Mr. LENROOT. The general rule is, of course, that it is within the right of the committee to perfect the original text before a motion to strike out an entire section or an entire bill and substitute another is in order. That, in effect, is the motion of the gentleman from New York [Mr. FITZGERALD], to strike out an entire section and insert another. My amendment merely perfects the original text, strikes out certain words of it and inserts other words, and therefore I insist that my amendment has priority over the amendment offered by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I think it is easy to get the rule of parliamentary procedure accurately before the committee. The customary practice is that when a motion to strike a paragraph out is offered it is in order to perfect the paragraph in order that the committee may determine whether the paragraph as finally perfected shall remain in the bill or go out of it. But there is an express provision in the rules that a motion to strike out a paragraph or certain language and to insert something in its place is not divisible. It is treated in its entirety, and if the motion fail it does not preclude an amendment of the text or a motion to strike out the text without suggesting that something be inserted. So that it becomes merely a question not of priority because of the privilege of the amendment but of priority of recognition. The amendment offered by me to strike out and insert is the one first to be submitted to the committee. If that amendment be adopted, it is immaterial whether the text be perfected. The committee would determine to insert something in lieu of the text. If that motion fails, however, then it is in order to perfect the text. Rule XVI, paragraph 7, specially provides that—

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

Without that particular rule making the motion to strike out and insert indivisible, the motion could be divided.

If the question were whether the language should be stricken out, an amendment to perfect that language would then first be in order; but as we have this special rule to facilitate the transaction of business, the question on a motion to strike out and insert is, Does the committee wish to insert the particular matter suggested? If it does, it saves considerable time to insert it without wasting the time of the committee in perfecting the matter that is to go out eventually. So that unless gentlemen can show some decision or rule, it seems to me clear, from an examination of the rules and practice, that the question is one of priority of recognition.

Mr. LENROOT. Neither the gentleman from New York [Mr. FITZGERALD] nor myself has been able, I think, to find any decision touching this question; but the same principle that the gentleman urges with reference to perfecting the text prior to a motion to strike out applies, I insist, with reference to a motion to strike out and insert, because the committee has a right to get the original text in as perfect form as possible, to enable it to decide whether it will agree to the motion to strike out and insert. So the reasoning applies equally to both cases.

The CHAIRMAN. The Chair desires to state that if this was a motion merely to strike out, then the amendment of the gentleman from Wisconsin would have priority, under paragraph 449 of the Manual, which says:

Another exception to the rule of priority is when a motion has been made to strike out or agree to a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

But in this instance the amendment offered by the gentleman from New York is a motion to strike out and insert, and, under paragraph 776—

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

The Chair thinks that in view of the fact that the amendment of the gentleman from New York [Mr. FITZGERALD] is a motion to strike out and insert, the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] has no priority. Therefore the Chair sustains the point of order made by the gentleman from New York.

Mr. COOPER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk as an amendment to the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The Chair will state that there is already pending an amendment to the amendment offered by the gentleman from New York. The amendment offered by the gentleman from Pennsylvania [Mr. BAILEY] is now pending. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BAILEY] to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question being taken, on a division (demanded by Mr. BAILEY) there were—ayes 27, noes 126.

Accordingly the amendment to the amendment was rejected.

Mr. COOPER. Mr. Chairman, I now offer the amendment which I have sent to the Clerk's desk as an amendment to the amendment of the gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "the," in line 10, on page 15, down to and including the word "thereon," in line 12, on the same page, and insert the following:

"Lease of coal and mineral lands in Alaska, and from the sale, lease, or disposal of any other public lands therein, or the timber thereon, including town sites."

Mr. FITZGERALD. Mr. Chairman, so that the amendment may be in proper form, I ask the Clerk to modify it so as to describe accurately the language in the amendment submitted by me. The gentleman refers to a line and page of the bill, while I have submitted an amendment to which his proposition is an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment may be so modified as to conform to the amendment of the gentleman from New York.

Mr. COOPER. So as to have it correspond with the amendment of the gentleman from New York.

The CHAIRMAN. The Chair will ask the gentleman to modify it in such a way that it will come in at the proper place in the amendment of the gentleman from New York.

Mr. FITZGERALD. I understand that the purpose of this amendment is so to modify the language as to make it clear that the proceeds of leases as well as sales shall be covered into the Treasury.

Mr. COOPER. Not only that, but——

Mr. FITZGERALD. I wish to say to the gentleman that the amendment provides only that the proceeds of leases of coal and mineral lands shall be covered into the Treasury. Suppose some of these coal or mineral lands are released, so that they become subject to entry under the homestead laws. Then, under the amendment proposed by the gentleman from Wisconsin [Mr. COOPER], such proceeds would not be covered by this amendment, unless the amendment provides that coal and mineral lands can only be leased and not otherwise disposed of. Is that correct?

Mr. LENROOT. Under the gentleman's amendment it already goes into the Treasury, anyway. There is no other place for it to go.

Mr. COOPER. If the gentleman from New York will turn to line 7, on page 13, he will see there this unusual language:

That it is the intent and purpose of Congress through this act to authorize and empower the President of the United States, and he is hereby fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all lawful acts and things in addition to those specially authorized in this act necessary to enable him to accomplish the purposes and objects of this act.

Then, turning to section 4, he will observe that it establishes a redemption fund, and then goes on to provide that 50 per cent of all moneys derived from the sale or disposal of any of the public lands in Alaska shall be paid into that redemption fund, which, inferentially at least, would convey the impression——

Mr. FITZGERALD. The amendment offered by myself provides that all of the proceeds from the sale or disposal of the public lands, including town sites and coal and mineral lands, shall be covered into the Treasury as miscellaneous receipts. It makes no difference whether those proceeds be from sales or leases.

Mr. COOPER. But the gentleman does not catch my point——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. COOPER. I ask unanimous consent that we have five minutes, which I will divide with the gentleman from New York.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time be extended five minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, the point I make is that the amendment of the gentleman from New York [Mr. FITZGERALD] does provide for or impliedly permits the sale of coal and mineral lands, because the bill directs what shall be done with the proceeds of the "sale of all lands"; and the "sale of all lands" would include mineral lands, gold lands, copper lands, and everything else.

The turning of the proceeds into the Treasury has nothing to do with the sale and transfer of title in fee in lands to private ownership. As I understand, it is to be the policy of this administration not hereafter to convey indiscriminately to private corporations or individuals the title in fee to mineral lands, but retain such lands for lease as other countries do.

Mr. FITZGERALD. Under the amendment I have offered no authority is conferred on anyone to sell or to lease the lands. The only thing it does is to provide that all revenue shall go into the Treasury as miscellaneous receipts. It does not change the law as it exists. If it is the purpose of the gentleman to make it impossible to sell mineral lands, the way to do it is to offer an express provision to that effect in the nature of an amendment. His amendment provides that the proceeds of leasing of the coal and mineral lands only shall be covered into the Treasury as miscellaneous receipts and accounted for and reported as provided in the amendment which I have proposed, and if coal and mineral lands should be sold and not leased the proceeds would not be accounted for.

Mr. COOPER. The gentleman proposes inferentially to give our consent to the sale of coal lands to private ownership.

Mr. FITZGERALD. The amendment proposed by me does not authorize any sale. It does not modify the law as it now exists. It is designed only to affect receipts under the law as now existing or as hereafter changed. The effect of the gentleman's amendment would be to take the proceeds, if coal or mineral lands are sold, from out the provisions of the section and keep them out of the account which it is designed shall be kept for the information of Congress.

Mr. COOPER. But the paragraph under discussion directs what shall be done with moneys derived from the sale of coal and mineral lands in Alaska, although, under the present law, such lands in Alaska are not permitted to be sold.

Mr. FITZGERALD. And there is nothing in the amendment which I have offered that authorizes their sale. The only thing it provides is that the money, however it comes, shall be turned into the Treasury and an account kept of it.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. COOPER) there were—ayes 35, noes 95.

So the amendment to the amendment was lost.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 111, noes 57.

So the amendment was agreed to.

The Clerk completed the reading of the bill, as follows:

SEC. 5. That the officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports herein provided for shall be by the President transmitted to Congress.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding a new section, to be known and numbered as section 8, which shall read as follows:

"That the jurisdiction of the District Court of Alaska shall extend to any and all controversies which may arise between the United States

and any person, association, or corporation growing out of any acts done or threatened, or contracts entered into under or pursuant to this act. All causes against the United States brought and tried under the provisions of this section shall be tried in the same manner and under the same rules as controversies between citizens. The venue in any case involving such a controversy shall be in the division in which the cause of action arose, if it arose in Alaska. If it arose elsewhere than in Alaska, the venue shall be within the division in which is the capital of the Territory. Process in any such case against the United States may be served upon the district attorney assigned to the division in which the action is brought: *Provided*, That in actions for the personal injury or death of employees the liability of the Government shall be determined by the rules and subject to the limitations respecting defenses that are provided in the case of common carriers by the act of April 22, 1908, entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases.' "

Mr. LENROOT. Mr. Chairman, I shall not take any time on this amendment other than to say that its purpose is to extend the jurisdiction of the Federal Court in Alaska to controversies against the Government arising out of the construction of this railroad. For instance, an employee is injured in the operation of this road; he ought to have the same right to go into the courts of Alaska in an action against the Government that an employee of any other railroad would have, and that anyone who has a grievance or a legal right to enforce against the Government in the construction of this railroad ought to have a forum near at hand in which to enforce it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FITZGERALD. Would this give an employee a right to bring an action for a personal injury against the Government?

Mr. LENROOT. It would.

Mr. FITZGERALD. Does the gentleman think that in building these railroads employees should be put on a plane different from that of the employees engaged in the construction of the Panama Canal?

Mr. LENROOT. I think they should be placed on the same basis, so far as the Government is concerned, with any private employee.

Mr. FITZGERALD. Does the gentleman believe we should differentiate between the employees in the construction of these railroads and the employees in the construction of the Panama Canal?

Mr. LENROOT. If we have not gone far enough in the construction of the Panama Canal, that is no reason why we should not do justice to the employees in the construction of a railroad in Alaska.

Mr. FITZGERALD. I do not know that we have not gone far enough with the empoyees of the Panama Canal.

Mr. HOUSTON. Mr. Chairman, the Committee on Territories did not think it wise to include this provision embraced in the amendment offered by the gentleman from Wisconsin. There was not much objection to some features of it, but it was considered that it would be best not to encumber the bill with a provision of this kind; we thought it ought to stand on the clean proposition to construct the railroad and not be encumbered with these matters.

Mr. BOOHER. Mr. Chairman, under the leave granted to extend my remarks in the RECORD on the pending measure I desire to include a bill introduced in the Senate of the United States by Senator Thomas H. Benton, of Missouri, December 16, 1850, providing for the location and construction of a central national highway from the Mississippi River, at St. Louis, to the Bay of San Francisco, on the Pacific Ocean.

I invite the careful attention of the Members of the House to the provisions of the bill, and especially I commend it to those of the Democratic faith who are so badly frightened at the ghost of Government ownership of railroads.

Senator Benton was a great statesman and a great Democrat, and none of that political faith will go far astray in following closely his ideas of the powers of the Government to build railroads and own and operate them. My own opinion is that many worse evils can inflict this country than Government ownership of public utilities, but that question is not now before us for consideration.

When the people's representatives shall be called upon to determine that question, I have no doubt of their ability and patriotism to settle it and settle it right.

Let us pass the pending measure—keep all our party pledges and aid in the development of the great natural resources of Alaska and provide homes for Americans on American soil.

The bill introduced by Senator Benton in the United States Senate on December 16, 1850, is as follows:

A bill to provide for the location and construction of a central national highway from the Mississippi River at St. Louis to the Bay of San Francisco on the Pacific Ocean.

Be it enacted, etc., That a district of territory 100 miles wide and extending from the western frontier of Missouri to the Pacific Ocean and corresponding as nearly as may be to the central latitudes of the United States, together with the revenue from the lands and customs in California, Oregon, New Mexico, and Arizona, so far as not required for expenditures therein, shall be set apart and reserved for opening communications with California, Oregon, New Mexico, and Utah by means of a central national highway from St. Louis to the Bay of San Francisco, to connect with ocean navigation in that bay; with a branch of said highway to Sante Fe, in New Mexico; and a branch to the tidewater region of the Columbia River, so as to connect with ocean navigation at that point; and also a branch to the city of the Great Salt Lake, if said central highway should not in its purpose course pass that city; and a branch of 50 miles shall be set apart and reserved for the location and construction of said branch roads, respectively.

SEC. 2. *And be it further enacted*, That the said central national highway shall consist of a system of parallel roads adapted to different modes of travel and transportation and a margin for lines of electro-telegraph wires, whereof one common road and one iron railroad shall be immediately opened and constructed; and such other roads shall be hereafter opened and constructed as Congress from time to time may authorize. And in order that the said national central highway may be constructed on a scale commensurate to its importance and adapted to the wants of present and future time, and in order to allow convenient space for all parallel lines of road which commerce and travel may require thereon, a breadth of 1 mile shall be allowed through the reserve of 100 miles; and the said branch road shall equally consist of a common road and a railway and such other roads as Congress may from time to time authorize and direct, with a margin for a line of electrotelegraph wires; and a breadth of 1,000 feet shall be allowed through the reserve of 50 miles for such branch roads each, respectively, and each track of road shall be entitled to a space of 100 feet wide, and the telegraph line to a space of 100 feet wide; and when finished the said iron railway or ways shall never be subjected to any toll or tax beyond that which may be necessary to provide repairs; and the said common roads shall be forever free from any toll or tax, and shall be kept in traveling order by the care and expense of the Federal Government.

SEC. 3. *And be it further enacted*, That the President be authorized and requested to cause all the authentic information in possession of the Government, or in its power to procure, necessary to show the practicability of a route for said central highway, to be collected and digested into brief memoirs, illustrated by topographical and profile maps, to be laid before Congress as soon as possible; also that he be authorized and requested to cause surveys and examinations to be made and the results to be laid before Congress as soon as possible, and for that purpose to employ as many citizen civil engineers as may be necessary.

SEC. 4. *And be it further enacted*, That as soon as Congress shall fix upon the route for said central highway and branches the President shall be, and is hereby, authorized and requested to cause the Indian title to be extinguished upon a breadth of 100 miles to cover the route of said central highway; and also to extinguish the Indian title upon suitable breadths of 50 miles each, covering the said branch roads; and the location and construction of the central highway shall immediately be commenced, both for the common road and the railway, and with a force calculated to finish the common road in 1 year, so as to be passable for wagons and carriages, and the railway in 10 years.

SEC. 5. *And be it further enacted*, That as soon as the said common road is finished the same shall be a post road, and a daily mail carried thereon in wagons or coaches or sleighs, when necessary, at the rate of at least 100 miles in 24 hours; and a daily horse mail for light letters and printed slips at the rate of at least 200 miles in 24 hours.

SEC. 6. *And be it further enacted*, That as soon as said railway, or any sufficient part thereof, shall be completed and fit for use, the use thereof shall be granted for a limited time to such individuals or companies as shall, by contract with the Government, agree to transport persons, mails, munitions of war, and freight of all kinds, public and private, in vehicles furnished by themselves, over the same at such reasonable rates as shall be agreed upon: *Provided*, That if other roads shall hereafter be constructed on the ground reserved for roads by this act, the same company or persons shall not be allowed to have the contract for transportation or any interest in more than one road at the same time.

SEC. 7. *And be it further enacted*, That military stations shall be established on the line of the central highway and its branches, at such places as the President shall direct.

SEC. 8. *And be it further enacted*, That donations of land, to the extent of 160 acres, shall be made to each head of a family, widow, or single man over 18 years of age, who shall be settled on the line of said central highway and branches, and within the bounds of the extinguished Indian claims, within 12 months after the time of such extinction of title, and preemption rights to the same extent shall be allowed to all similar settlers after 12 months, and the residue of said reserve districts, except gold mines and placers and private claims, or donations or preemption rights, shall be sold, and the proceeds applied to the construction of the roads.

SEC. 9. *And be it further enacted*, That the sum of $300,000 out of any money in the Treasury not otherwise appropriated, shall be, and the same is hereby, appropriated and placed at the disposition of the President to defray the expenses of carrying into effect the third and fourth sections of this act, for the collection and preparation of information and the extinction of Indian titles necessary to the selection and location of the route for the said central national highway and branches.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the President of the United States to contract with the Mississippi & Pacific Railroad Co. for their interest in so much of said road as shall be within the State of Missouri, and to purchase the same at a price not exceeding their actual expenditures, the said purchase to be subject to the ratification of Congress.

Mr. FITZGERALD. Mr. Chairman, the amendment of the gentleman from Wisconsin proposes a distinct step backward in the progressiveness of the country. Everyone agrees that instead of putting an employee in any enterprise at his peril by requiring him to enter the courts in order to obtain redress because of personal injury, or in case of his death for the relief of his relatives, some certain and sure provision should be made for him under the provisions of a wise employers' liability act. Yet it is proposed in the construction of this Alaskan railway

that employees shall not be placed on the same plane as the employees of the Panama Canal, who are entitled to definite compensation in case of injury, and certain payments to relatives in case of death, but that they shall be relegated to the courts in case of injury or death.

Without having time to examine the amendment carefully, it seems to me that it puts everybody that does business with the Government in connection with the Alaskan railway upon an entirely different footing than persons enjoy doing business in other enterprises.

The Court of Claims exists with certain well-defined jurisdiction. We have certain other restrictions and regulations to protect the Government, but under the amendment offered by the gentleman from Wisconsin all the safeguards to protect the Federal Treasury, the result of years of experience, are cast aside, and the Government is placed in the same category as a plivate citizen and relegated to the jurisdiction of a single court in Alaska.

Mr. LENROOT. Would the gentleman state what relief any employee of this railroad would have under this law without this amendment?

Mr. FITZGERALD. Without referring to the statute, I am unable to say. If he does not have it under the statute, which should give him the same relief that every other employee of the Government—every artisan and mechanic—has, then this bill should be amended, or, as soon as that question is ascertained, the law should be extended to the employees to be engaged in Alaska. These men will not be employed in the field within the immediate future. There will be ample time to make provision, and adequate provision, for them; but to adopt an amendment like the one proposed, and to put the Government in a position where anyone with a grievance in connection with the construction of this railroad can take it into the district court of Alaska, regardless of what the situation may be, would be to put the Government in a situation in which its interest will not be adequately safeguarded.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, when the Panama Canal bill was before the House in the last Congress I offered an amendment, which was agreed to, authorizing the President to make regulations and provisions for payment on behalf of all employees who were injured or killed upon the work down there. The amendment now offered by the gentleman from Wisconsin [Mr. LENROOT] is in the Senate bill. It will go into conference if this bill passes the House, I assume. I believe that in the conference the House conferees might do well to take that provision which was in the Panama Canal law providing that the President may make provision for the payment for the loss by death of employees or for the injury of employees. The President has not yet made those regulations upon the Panama Canal, although I was informed a short time ago by the Secretary of War that it was expected they would be made soon. I assume, in my ignorance, that when the President gets time, apart from trying to repudiate the Democratic platform on the toll question, he will take up the question of making compensation to the injured employees on the Panama Canal, which is of vital importance.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

(By unanimous consent, leave was granted to Mr. FARR, Mr. BAILEY, Mr. REILLY of Connecticut, Mr. MAHAN, Mr. FITZHENRY, Mr. WEAVER, Mr. MURRAY of Oklahoma, and Mr. LINTHICUM to extend their remarks in the RECORD.)

Mr. HOUSTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 48, the Alaska railroad bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HOUSTON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. DAVENPORT. Mr. Speaker, I move that further consideration of this bill be postponed until next Calendar Wednesday.

Mr. MANN. Mr. Speaker, is that motion in order, the previous question having been ordered?

The SPEAKER. The previous question has been ordered on the bill and amendments to final passage, and the motion of the gentleman from Oklahoma is out of order.

Mr. DAVENPORT. Mr. Speaker, I move that the House do now adjourn, and on that I demand the yeas and nays.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the House should adjourn now, would this bill, the previous question having been ordered, come up the first thing to-morrow?

The SPEAKER. It would not come up until next Calendar Wednesday. The question is on the motion of the gentleman from Oklahoma that the House do now adjourn, and on that motion he demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eighteen gentlemen have risen, not a sufficient number. The yeas and nays are refused. The question is on the motion of the gentleman from Oklahoma that the House do now adjourn.

The motion was rejected.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LEVY. Mr. Speaker, I demand a separate vote on the Fitzgerald amendment to section 3.

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on agreeing to the Fitzgerald amendment.

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to have the amendment again reported.

The SPEAKER. Without objection, the Clerk will again report the amendment.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The question is on the Fitzgerald amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. WHITE. Mr. Speaker, I have a motion to recommit the bill to the Committee on Territories, with instructions to report it back with the following amendment, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WHITE moves to recommit the bill to the Committee on Territories with instructions to report it back with the following amendments:

"That the authority of the President be limited to the construction of a railroad to the Bering or the Matanuska coal fields and the construction of highways leading into the interior from the railroad so authorized.

"That the limit of cost for the construction of the railroad referred to be, and is hereby, fixed at $8,000,000, and the cost of the highways at $2,000,000."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it, the ayes have it——

Mr. DAVENPORT. Mr. Speaker, I demand the yeas and nays. [Cries of "Too late!"]

The SPEAKER. The gentleman from Oklahoma demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 232, nays 86, answered "present" 7, not voting 106, as follows:

YEAS—232.

Ainey	Barchfeld	Brown, W. Va.	Campbell
Alexander	Barton	Browne, Wis.	Cantor
Allen	Bathrick	Bruckner	Cantrill
Anderson	Bell, Cal.	Brumbaugh	Carew
Ansberry	Booher	Bryan	Carr
Anthony	Borchers	Buchanan, Ill.	Cary
Bailey	Borland	Bulkley	Chandler, N. Y.
Baker	Brodbeck	Burke, Wis.	Church
Baltz	Brown, N. Y.	Butler	Coady

Connelly, Kans.	Hamilton, N. Y.	Logue	Rupley
Connolly, Iowa	Hamlin	Lonergan	Sabath
Cooper	Hardy	McAndrews	Scott
Copley	Hart	McCoy	Scully
Covington	Haugen	McDermott	Seldomridge
Crosser	Hawley	McGillicuddy	Shackleford
Cullop	Hayden	McKellar	Sharp
Curry	Hayes	McKenzie	Sherley
Dale	Heflin	MacDonald	Shreve
Decker	Helgesen	Maguire, Nebr.	Sims
Deitrick	Henry	Mahan	Sinnott
Dickinson	Hinds	Maher	Slemp
Dillon	Hinebaugh	Manahan	Sloan
Dixon	Houston	Mann	Smith, Idaho
Donohoe	Hulings	Mapes	Smith, J. M. C.
Donovan	Humphrey, Wash.	Miller	Smith, Minn.
Doolittle	Humphreys, Miss.	Mitchell	Smith, Tex.
Doremus	Igoe	Montague	Sparkman
Driscoll	Johnson, S. C.	Morgan, La.	Stafford
Dupré	Johnson, Utah	Morgan, Okla.	Stephens, Cal.
Eagan	Johnson, Wash.	Morrison	Stephens, Nebr.
Eagle	Kahn	Moss, Ind.	Stephens, Tex.
Esch	Keating	Mott	Stevens, N. H.
Falconer	Kelley, Mich.	Murray, Mass.	Stone
Farr	Kelly, Pa.	Murray, Okla.	Stout
Fergusson	Kennedy, Conn.	Neeley, Kans.	Stringer
Fess	Kennedy, Iowa	Neely, W. Va.	Talbott, Md.
FitzHenry	Kent	Nelson	Talcott, N. Y.
Flood, Va.	Kettner	Norton	Tavenner
Fowler	Key, Ohio	O'Brien	Taylor, N. Y.
Frear	Kiess, Pa.	Oglesby	Temple
French	Kinkaid, Nebr.	Oldfield	Ten Eyck
Gard	Kinkead, N. J.	O'Leary	Thompson, Okla.
Gardner	Kirkpatrick	O'Shaunessy	Thomson, Ill.
Garrett, Tex.	Kitchin	Padgett	Towner
George	Knowland, J. R.	Palmer	Tuttle
Gerry	Konop	Patten, N. Y.	Underhill
Gilmore	Lafferty	Patton, Pa.	Underwood
Godwin, N. C.	La Follette	Peters, Mass.	Vaughan
Goeke	Langham	Peterson	Volstead
Good	Lee, Pa.	Phelan	Wallin
Gordon	Lenroot	Pou	Walsh
Graham, Ill.	Lesher	Quin	Watkins
Graham, Pa.	Levy	Rainey	Watson
Greene, Vt.	Lewis, Md.	Raker	Williams
Gregg	Lewis, Pa.	Rauch	Willis
Gudger	Lindbergh	Reilly, Conn.	Woodruff
Guernsey	Linthicum	Reilly, Wis.	Woods
Hamilton, Mich.	Lobeck	Rogers	Young, Tex.

NAYS—86.

Abercrombie	Davenport	Hull	Rouse
Aiken	Dent	Jacoway	Rubey
Aswell	Dies	Johnson, Ky.	Rucker
Barkley	Difenderfer	Keister	Russell
Barnhart	Doughton	Kennedy, R. I.	Saunders
Beall, Tex.	Dunn	Korbly	Sells
Britten	Edwards	Lazaro	Sisson
Brockson	Elder	Lever	Small
Broussard	Fairchild	Lieb	Stedman
Browning	Fields	Lloyd	Stephens, Miss.
Buchanan, Tex.	Finley	Madden	Thomas
Byrns, Tenn.	Fitzgerald	Mondell	Townsend
Callaway	Floyd, Ark.	Moon	Weaver
Candler, Miss.	Garner	Moore	Whaley
Caraway	Garrett, Tenn.	Paige, Mass.	Whitacre
Clark, Fla.	Gillett	Parker	White
Claypool	Greene, Mass.	Payne	Wilson, Fla.
Clayton	Griest	Peters, Me.	Wingo
Cline	Hay	Platt	Winslow
Collier	Helm	Post	Witherspoon
Cox	Hensley	Rayburn	
Danforth	Holland	Reed	

ANSWERED "PRESENT"—7.

Carter	Goulden	Kreider	Treadway
Fordney	Harrison	Stevens, Minn.	

NOT VOTING—106.

Adair	Edmonds	Jones	Roberts, Mass.
Adamson	Estopinal	Kindel	Roberts, Nev.
Ashbrook	Evans	Langley	Rothermel
Austin	Faison	Lee, Ga.	Sherwood
Avis	Ferris	L'Engle	Slayden
Bartlett	Foster	Lindquist	Smith, Md.
Beakes	Francis	Loft	Smith, N. Y.
Bell, Ga.	Gallagher	McClellan	Smith, Saml. W.
Blackmon	Gittins	McGuire, Okla.	Stanley
Bowdle	Glass	McLaughlin	Steenerson
Burgess	Goldfogle	Martin	Sumners
Burke, Pa.	Goodwin, Ark.	Merritt	Sutherland
Burke, S. Dak.	Gorman	Metz	Switzer
Burnett	Gray	Morin	Taggart
Byrnes, S. C.	Green, Iowa	Moss, W. Va.	Taylor, Ala.
Calder	Griffin	Murdock	Taylor, Ark.
Carlin	Hamill	Nolan, J. I.	Taylor, Colo.
Casey	Hammond	O'Hair	Thacher
Clancy	Hardwick	Page, N. C.	Tribble
Conry	Helvering	Park	Vare
Cramton	Hill	Plumley	Walker
Crisp	Hobson	Porter	Walters
Curley	Howard	Powers	Webb
Davis	Howell	Prouty	Wilson, N. Y.
Dershem	Hoxworth	Ragsdale	Young, N. Dak.
Dooling	Hughes, Ga.	Richardson	
Dyer	Hughes, W. Va.	Riordan	

So the bill was passed.

The Clerk announced the following vote:

On this vote:

Mr. PORTER (for Alaska bill) with Mr. BLACKMON (against).

Mr. HOWELL (for Alaska bill) with Mr. BARTLETT (against).

Mr. CALDER (for Alaska bill) with Mr. BELL of Georgia (against).

Mr. PROUTY (against Alaska bill) with Mr. DYER (in favor).

Mr. METZ (for Alaska bill) with Mr. GOULDEN (against).

Mr. ADAIR (for Alaska bill) with Mr. WALKER (against).

Mr. GLASS (for Alaska bill) with Mr. CARTER (against).

Mr. TAYLOR of Colorado (for Alaska bill) with Mr. FERRIS (against).

Mr. THACHER (for Alaska bill) with Mr. HUGHES of Georgia (against).

Mr. EDMONDS (for Alaska bill) with Mr. KREIDER (against).

Mr. HELVERING (for Alaska bill) with Mr. SHERWOOD (against).

Mr. CRAMTON (for Alaska bill) with Mr. SLAYDEN (against).

Mr. TAYLOR of Arkansas (against) with Mr. PLUMLEY (for Alaska bill).

Mr. MCLAUGHLIN (for Alaska bill) with Mr. FAISON (against).

Mr. HOWARD (against Alaska bill) with Mr. STEENERSON (in favor).

Mr. PAGE of North Carolina (against Alaska bill) with Mr. DAVIS (in favor).

Mr. HARRISON (for Alaska bill) with Mr. HARDWICK (against).

Mr. FORDNEY (against Alaska bill) with Mr. S. W. SMITH (in favor).

Commencing February 18 for 10 days:

Mr. BURGESS (for Alaska bill) with Mr. TREADWAY (against).

Until return from Colorado:

Mr. BYRNES of South Carolina with Mr. SUTHERLAND.

Commencing February 6 until return from Colorado:

Mr. FOSTER with Mr. AUSTIN.

Until further notice:

Mr. ASHBROOK with Mr. BURKE of Pennsylvania.

Mr. CARLIN with Mr. AVIS.

Mr. CASEY with Mr. BURKE of South Dakota.

Mr. CLANCY with Mr. GREEN of Iowa.

Mr. CONRY with Mr. HUGHES of West Virginia.

Mr. DERSHEM with Mr. LANGLEY.

Mr. EVANS with Mr. LINDQUIST.

Mr. FRANCIS with Mr. MCGUIRE of Oklahoma.

Mr. GOLDFOGLE with Mr. MARTIN.

Mr. GOODWIN of Arkansas with Mr. MERRITT.

Mr. ESTOPINAL with Mr. MORIN.

Mr. HAMILL with Mr. MOSS of West Virginia.

Mr. HOBSON with Mr. J. I. NOLAN.

Mr. LEE of Georgia with Mr. ROBERTS of Massachusetts.

Mr. MCCLELLAN with Mr. POWERS.

Mr. PARK with Mr. ROBERTS of Nevada.

Mr. STANLEY with Mr. SWITZER.

Mr. TAYLOR of Alabama with Mr. MURDOCK.

Mr. SMITH of Maryland with Mr. WALTERS.

Mr. WEBB and Mr. VARE.

Mr. TAGGART with Mr. YOUNG of North Dakota.

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. TREADWAY. Mr. Speaker, I am paired with Mr. BURGESS, and I desire to withdraw my vote and answer "present."

The name of Mr. TREADWAY was called, and he answered "Present."

Mr. FORDNEY. Mr. Speaker, I am paired with Mr. SAMUEL W. SMITH, who would vote for the bill if he were here. I wish to withdraw my vote of "no" and answer "present."

The name of Mr. FORDNEY was called, and he answered "Present."

Mr. HARRISON. Mr. Speaker, I am paired with the gentleman from Georgia [Mr. HARDWICK]. I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. HARRISON was called, and he answered "Present."

Mr. BEAKES. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BEAKES. I do not know whether I was or not; I am not sure whether I was or not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent Mr. SLOAN, Mr. FIELDS, Mr. O'BRIEN, and Mr. BRUMBAUGH were granted leave to extend their remarks in the RECORD.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay; and

H. R. 9848. An act for the relief of the New England Steamship Co.

ADJOURNMENT.

Mr. HOUSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p. m.) the House adjourned to meet to-morrow, Thursday, February 19, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, submitting supplementary estimate of appropriation for "Salaries, office of the Life-Saving Service," item for one civil engineer at a salary of $1,800 per annum, increased to $3,000 per annum (H. Doc. No. 747); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation in the sum of $250,000 for the purpose of beginning the construction of the Arlington memorial amphitheater (H. Doc. No. 748); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an estimate of appropriation in the sum of $200,000 for the completion of the buildings for the Columbia Hospital for Women and Lying-in Asylum, Washington, D. C. (H. Doc. No. 749); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of deficiency in the appropriation required by the Department of the Interior to provide for the care and custody of the insane of Alaska during the remainder of the fiscal year ending June 30, 1914 (H. Doc. No. 750); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, submitting an estimate of a deficiency in the appropriation for the Life-Saving Service for the fiscal year 1914 (H. Doc. No. 751); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of the Navy reporting that the Navy Department has considered, ascertained, adjusted, and determined the respective amounts due claimants therein specified on account of damages for which the vessels of the Navy were found to be responsible (H. Doc. No. 752); to the Committee on Naval Affairs and ordered to be printed.

7. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, accompanied by statement showing the name of each civilian engineer employed between July 1, 1912, and June 30, 1913, in the work of improving rivers and harbors, time so employed, compensation paid, and place at and works on which employed (H. Doc. No. 753); to the Committee on Expenditures in War Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 5303) to amend section 3 of an act entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein," approved October 1, 1890, reported the same without amendment, accompanied by a report (No. 281), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported the same with amendment, accompanied by a report (No. 282), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of Wisconsin, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 217) to convey the thanks of Congress to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer, for the prompt and heroic service rendered by them in rescuing 89 lives from the burning steamer *Volturno* in the North Atlantic Ocean, reported the same with amendment, accompanied by a report (No. 283), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BURKE of Wisconsin, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 280), which said bill and report were referred to the Private Calendar.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 4492) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, reported the same without amendment, accompanied by a report (No. 284), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 285), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 13543) to amend an act entitled, "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. DILLON: A bill (H. R. 13544) for the disposition of the proceeds arising from the sale of lots in Government town sites on reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. LINDBERGH: A bill (H. R. 13545) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY of West Virginia: A bill (H. R. 13546) authorizing the Secretary of War to donate to the town of New Cumberland, W. Va., two brass cannon or fieldpieces and a suitable outfit of cannon balls for the use of the W. A. Atkinson Post, No. 18, Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. MURRAY of Massachusetts: A bill (H. R. 13547) to reappropriate $148,000 for use in equipping the Charlestown Navy Yard for shipbuilding; to the Committee on Naval Affairs.

By Mr. SELLS: A bill (H. R. 13548) to provide for the erection of a public building at Newport, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13549) to provide for the erection of a public building at Elizabethton, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13550) to provide for the erection of a public building at Sevierville, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13551) to provide for the erection of a public building at Rogersville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. BYRNS of Tennessee: A bill (H. R. 13552) to amend section 162 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13553) providing for the improvement of the Youghiogheny River; to the Committee on Rivers and Harbors.

By Mr. DIFENDERFER: A bill (H. R. 13554) to provide for the purchase of a site and the erection of a public building thereon at Doylestown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BRYAN: Resolution (H. Res. 423) concerning the equipment of the Puget Sound Naval Station for the manufacture of cars and railway equipment for the Alaska railroad; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. CARR: A bill (H. R. 13555) granting a pension to Amanda Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13556) granting an increase of pension to John W. Stirling; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 13557) granting an increase of pension to Minerva Wood; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 13558) granting an honorable discharge to John Costen; to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 13559) granting an increase of pension to Charles T. P. Bass; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 13560) granting a pension to Martha Davenport; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 13561) granting a pension to Henry Boesen; to the Committee on Pensions.

By Mr. FALCONER: A bill (H. R. 13562) for the relief of Thomas McArthur Anderson, United States Army, retired; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 13563) granting an increase of pension to Charles Duerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13564) granting an increase of pension to John M. Tyree; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 13565) granting an increase of pension to Dighton S. Grilley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13566) for the relief of John F. Kase; to the Committee on Military Affairs.

By Mr. GARRETT of Tennessee: A bill (H. R. 13567) granting an increase of pension to John P. Tomlinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13568) granting an increase of pension to Henry Mooneyham; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 13570) to correct the military record of John S. Rhoads; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 13571) granting an increase of pension to Martha Wynn; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 13572) granting an increase of pension to Charlotte Gent; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 13573) granting a pension to Nancy A. Aydelott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13574) granting an increase of pension to John M. Hammond; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 13575) granting an increase of pension to Abigail Hunter; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 13576) granting an increase of pension to Catherine Allen; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 13577) granting an increase of pension to Nathaniel H. Isbell; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 13578) for the relief of the Daly & Hannan Dredging Co.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 13579) granting a pension to Ione I. Bell; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 13580) granting a pension to Fannie F. Clark; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the Parish of West Feliciana, State of Louisiana; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 13582) granting a pension to Tillie Bucklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13583) granting a pension to Elizabeth R. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13584) granting a pension to Toliver Roberts; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13585) granting an increase of pension to George Scruggs; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13586) granting an increase of pension to Josiah J. Waffle; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13587) granting a pension to Martin Dalgetty; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 13588) granting an increase of pension to Samuel W. Roney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13589) for the relief of Francis M. Jennings; to the Committee on Military Affairs.

By Mr. TEN EYCK: A bill (H. R. 13590) granting a pension to Mary Elizabeth Hiltson and Albert D. Hiltson; to the Committee on Pensions.

Also, a bill (H. R. 13591) for the relief of John P. Ehrmann; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 13592) granting a pension to William H. Jones; to the Committee on Pensions.

Also, a bill (H. R. 13593) granting a pension to Ulysus G. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 13594) granting a pension to Anna Coffman; to the Committee on Pensions.

Also, a bill (H. R. 13595) granting a pension to Oliver Freeman; to the Committee on Pensions.

Also, a bill (H. R. 13596) granting an increase of pension to McHenry Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13597) granting an increase of pension to John K. Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13598) granting an increase of pension to C. A. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13599) granting an increase of pension to J. W. Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13600) granting an increase of pension to John W. Gillum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13601) granting an increase of pension to William Jessee; to the Committee on Invalid Pensions.

Also, a bill (H. H. 13602) granting an increase of pension to Abner J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13603) granting a pension to Margaret Ann Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13604) to extend the provisions of H. R. 13839, Fifty-seventh Congress, granting an increase of pension to John W. B. Huntsman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13605) for the relief of W. H. Denham; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 13606) to pay a bounty to William A. Badger; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 13607) granting an increase of pension to Mary C. Jones; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Provincetown Board of Trade, Provincetown, Mass., protesting against the passage of the seamen's bill in its present form; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of the National Civil Service Reform League, protesting against section of House bill 12928 relative to taking assistant postmasters from under civil service; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the Georgetown Citizens' Association, of Washington, D. C., favoring act for the improvement of Rock Creek Park; to the Committee on Public Buildings and Grounds.

Also (by request), petitions of the Curran Club, of the Irish-American Societies, and the Lafayette Branch of the American Continental League of New York City, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petitions of Fred Welmink and 150 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Elmer A. Schaefers and 26 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition signed by C. D. Lamme and other bankers of Hiawatha, Kans., suggesting an amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of George F. Wilcox and 5 other merchants of Wooster, Ohio, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, petition of the Carpenters and Joiners' Union of Newark, Ohio, favoring investigation of the Moyer case, connected with the copper-mine strike in Michigan; to the Committee on Rules.

By Mr. BALTZ: Petition of banks of Illinois, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Monessen German Beneficial Union, District No. 17, of Pennsylvania, and citizens of Pittsburgh, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of David Wilson Camp, No. 59, United Spanish War Veterans, favoring House bill 7374, providing pensions for widows and orphans of Spanish War soldiers; to the Committee on Pensions.

Also, petition of J. McMahon, of Bronx County, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition of the Tailors' Industrial Local Union, No. 384, of Watertown, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Flatbush Unitarian Church, favoring amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. CARR: Petition of the First National Bank of Carmichaels, Pa., favoring amendment to income-tax law relative to collection at the source; to the Committee on Ways and Means.

Also, petition of the First National Bank at Connellsville, Pa., favoring amendment to income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. CARY: Petition of F. V. Marden Post, No. 126, Department of Wisconsin, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the Waiters' Union, Local No. 59, of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, petition of citizens of Milwaukee, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. DALE: Petition of Abraham Lincoln Camp, No. 90, United Spanish War Veterans, of New York City, favoring passage of House bill 7374, relative to pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of Barnhart Bros. & Spindler, of New York City, favoring passage of House bill 10310, for protection of foreign exhibits at Panama Exposition; to the Committee on Patents.

By Mr. DYER: Petition of the Stone Hill Wine Co., of Hermann, Mo., favoring Ransdell-Humphreys bill, relative to flood control; to the Committee on Rivers and Harbors.

By Mr. EAGAN: Petition of the Lady Washington Lodge, No. 414, Knights and Ladies of Honor, of Hoboken, N. J., favoring increase in pay of letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of F. A. Marden Post, No. 126, Department of Wisconsin, Grand Army of the Republic (Wisconsin Veterans' Home), protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. ESTOPINAL: Memorial of New Orleans (La.) Board of Trade, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GILMORE: Petition of the Russell Club Branch of the American Continental League, of Brockton, Mass., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Pennsylvania: Petition of bankers of Pennsylvania favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petitions of citizens and organizations of the second congressional district of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia Bourse, protesting against passage of House bill 12121, relative to corporations; to the Committee on the Judiciary.

Also, petition of the Philadelphia Bourse, protesting against passage of House bills 11757 and 9592, relative to monopolies in business; to the Committee on the Judiciary.

Also, petition of the board of supervisors of Del Norte County, Cal., favoring improvements to harbor at Del Norte, Cal.; to the Committee on Rivers and Harbors.

Also, petition of the Philadelphia (Pa.) Stock Exchange, protesting against a bill "To prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges"; to the Committee on Banking and Currency.

Also, petition of Henry & West, of Philadelphia, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of M. H. McFarland and other residents of the first congressional district of Vermont to amend act of October 3, 1913, with respect to the income tax; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of the Philadelphia Stock Exchange, against the passage of Senate bill 3895, relating to the incorporation of stock exchanges, etc.; to the Committee on Banking and Currency.

By Mr. HAYES: Petition of banks of California, asking amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of California, favoring House bill 9687, relative to bettering the condition of headquarters clerks in the War Department; to the Committee on Military Affairs.

Also, petition of citizens of California, favoring the La Follette seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. HELVERING: Petition of the Farmers & Merchants Bank, of Scandia, Kans., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. HULINGS: Petitions of banks of Franklin, Pa., and other banks of the State of Pennsylvania, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petitions of the First National Bank of Seattle, Wash., and other banks of the State of Washington, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of citizens of first district of Washington, favoring the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of bankers of St. Louis, Mo., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of banks and organizations of Missouri, favoring an inquiry by Congress into the working of grain exchanges; to the Committee on Rules.

Also, petition of E. J. O'Neill, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Lambert Pharmacal Co., of St. Louis, favoring passage of House bill 12674, relative to drawback of internal-revenue tax on exports to Porto Rico; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of the First National Bank of Hoquiam, Wash., and other banks of the State of Washington, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. KIESS of Pennsylvania: Papers to accompany a bill (H. R. 11425) for the relief of Catherine Webb; to the Committee on Invalid Pensions.

Also, petition of the First National Bank and the Coudersport Trust Co., of Coudersport, Pa., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. KEISTER: Petitions of members of the German Beneficial Union of the Allegheny Valley, District No. 24, New Kensington, and sundry German citizens of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Cigarmakers' Union No. 10, of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Cigarmakers' International Union of America, of Pawtucket, R. I., favoring passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, memorial of the Department of Rhode Island, Spanish War Veterans, favoring passage of House bill 7374, relative to pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: Petition by residents of Lincoln and McPherson Counties, Nebr., in opposition to Hobson, Sheppard, and Works resolutions, known, respectively, as House

joint resolution 168, Senate joint resolution 88, and Senate joint resolution 50, and providing for Nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

Also, petitions of citizens of Chadron, Nebr., favoring passage of House bill 8947, relative to extension of free delivery to towns of 1,000 population or more; to the committee on the Post Office and Post Roads.

Also, petition of citizens of Garden County, Nebr., protesting against passage of the Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. KONOP: Memorial of F. A. Marden Post, No. 126, Wisconsin Veterans' Home, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of F. M. Petersheim and others, of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Adam Jabs and 16 other citizens of Bristol, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Board of Supervisors of Del Norte County, Cal., favoring Government aid in providing a harbor for said county on the Pacific coast; to the Committee on Rivers and Harbors.

Also, petition of the Keasbey & Mattison Co., of Ambler, Pa., favoring amendment of the national banking act in the interest of minority stockholders; to the Committee on Banking and Currency.

By Mr. MAPES: Petitions of citizens of fifth congressional district of the State of Michigan, protesting against passage of national prohibition bills; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of business men of Waddington and Hammond, N. Y., favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. MOORE: Memorial of board of supervisors of Del Norte County, Cal., favoring construction and improvement of harbors on the seacoast of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

By Mr. NEELEY of Kansas: Petitions of various banks in the seventh Kansas district, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. NORTON: Petitions of Minot bankers, of Minot, N. Dak., and other banks of the State of North Dakota, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of S. Burt and other citizens of Fargo, N. Dak., favoring the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. H. McLeod and other citizens of Flasher, N. Dak., favoring passage of House bill 9687, for betterment of the condition of headquarters clerks of the Army; to the Committee on Military Affairs.

Also, petition of supervisors of Del Norte County, Cal., relative to construction and improvement of harbors on the seacoast of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: Petition of United Spanish War Veterans of Rhode Island, favoring House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of H. L. Koopman, of Providence, R. I., favoring House bill 11813, to establish a library post; to the Committee on the Post Office and Post Roads.

Also, petition of the Cigar Makers' Union, Local No. 94, of Pawtucket, R. I., favoring Senate bill 927, being the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of City of Newport (R. I.) Lodge, No. 255, Independent Order of B'rith Sholem, against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of S. W. Herbert, of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

Also, petition of J. L. Bourne, of Providence, R. I., favoring House bill 10080, being the pure-fabric law; to the Committee on Interstate and Foreign Commerce.

By Mr. PLATT: Petitions of banks of Millbrook, N. Y., and other banks of the State of New York, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. POST: Petitions of the London Exchange Bank Co., of London, Ohio, and other banks of the State of Ohio, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of supervisors of Del Norte County, Cal., favoring construction and improvement of harbors on seacoast of Del Norte County, Cal.; to the Committee on Rivers and Harbors.

Also, petition of J. C. Chapman, of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of the executive committee of the Massachusetts Real Estate Exchange, favoring 1-cent postage for letters; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petitions of sundry citizens of Monmouth County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of the Denver Convention Association, against national prohibition; to the Committee on the Judiciary.

Also, petition of bankers of Colorado, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. SHARP: Petition of the First National Bank of Ashland, Ohio, and other banks of the State of Ohio, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of banks of Nebraska, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of Elmer Losecy and 56 other citizens of Waldron, Mich., favoring passage of the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petitions of A. P. Harper and 14 other citizens of Kalamazoo, Mich., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of the Bank of Fort Myers, Fla., and other banks of the State of Florida, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against the Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. TEN EYCK: Petitions of various banks and trust companies of Albany and Troy, N. Y., favoring amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the board of supervisors of Del Norte County, Cal., relative to harbor sites in Del Norte County; to the Committee on Rivers and Harbors.

By Mr. VARE: Memorial of the Philadelphia (Pa.) Bourse, protesting against passage of all bills defining restraint of trade and regulating corporations, etc.; to the Committee on the Judiciary.

Also, memorial of the Philadelphia (Pa.) Bourse, protesting against passage of House bills 12120 and 12123, to create interstate trade commission, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of the Philadelphia (Pa.) Bourse, against the passage of House bill 12120 to create an interstate trade commission, and against the passage of House bill 12123, relative to interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Farmers' Institute of Tiro, Ohio; Northwestern Ohio Swine Breeders' Association; and Farmers' Institute of Lewis Center, Ohio, in favor of governmental action for the extermination of hog cholera; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of voters of New York, against national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 19, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the changeless order of Thy providence is the guaranty of Thy continued thought and care for the creatures of Thy hand. Thou hast given to us a great life and a great world—a world in which we find ample room and opportunity for the development of all our powers. Thou dost call us into fields of usefulness and into spheres of endeavor for the common good. Thou dost pledge to us Thy continued leadership and care by every day unfolding to us more and more of Thine own divine plan for human life.

Grant us grace to come into complete submission to the divine will and to feel the honor to which Thou hast called us of being coworkers together with God in the great work of bringing the world into harmony with the divine will. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. BURTON presented sundry petitions of citizens of Ohio, favoring the adoption of a resolution to submit to the States a national prohibition amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Ohio, remonstrating against the adoption of a resolution to submit to the States a national prohibition amendment to the Constitution, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a memorial of sundry citizens of Watertown, S. Dak., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. ASHURST. I have received a telegram in the nature of a petition, which I will read:

TUCSON, ARIZ., *February 16, 1914.*

Senator H. F. ASHURST,
United States Senate, Washington, D. C.:

Seven hundred railway employees here urge you to use your utmost endeavors to secure the passage of the workmen's compensation bill now before Congress.

FRANK DEITZ, *Chief,*
TOM DAVENPORT, *Secretary-Treasurer,*
Division 28, Brotherhood of Locomotive Engineers.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. ASHURST presented a petition of the Arizona Federation of Women's Clubs, praying for the passage of the so-called Smith-Lever agricultural extension bill and also for the passage of the so-called Newlands river-regulation bill, which was ordered to lie on the table.

Mr. SHEPPARD presented a memorial of the Board of Trade of Texarkana, Tex., remonstrating against the enactment of legislation providing for the appointment of clerks of the district courts of the United States and of the circuit courts of appeals and of other courts by the President of the United States, etc., which was referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the National Bank of Paris, of the American National Bank of Paris, and of the First State Bank of Paris, all in the State of Texas, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source in lieu of the present method of collection at the source, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Houston, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Seventh-day Adventist Church of Arlington, Va., and a petition of sundry citizens of Mohler, Wash., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of McPherson Post, No. 7, Department of Indiana, Grand Army of the Republic, of Crawfordsville, Ind., remonstrating against the enactment of legislation providing for a change in the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the Citizens' Bank, of Whitestown; the National Bank of Lebanon; the Boone County State Bank, of Lebanon; the Union Trust Co., of Lebanon; the Citizens' Loan & Trust Co., of Lebanon; the Farmers' State Bank, of Lebanon; and the Advance State Bank, of Advance, all in the State of Indiana, praying for the adoption of an amendment to the income-tax law to provide a method of information at the source in lieu of the present method of collection at the source, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Marion County, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Knox County, Ind., and a memorial of Local Union No. 437, Bartenders' International Union, of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of the congregation of the Methodist Church of Laramie, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the boards of directors of sundry banks in Cheyenne and Laramie, Wyo., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Md., remonstrating against the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Walkerville, Md., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the West River Literary Club, of Anne Arundel County, Md., praying for the adoption of an amendment to the Constitution to prohibit divorce, which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented a petition of sundry citizens of Fargo, N. Dak., favoring the adoption of an amendment to the income-tax law providing for a method of information at the source, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Fargo, N. Dak., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bathgate, N. Dak., favoring the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of the Turnverein of Bristol, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of the Maine Retail Jewelers' Association, praying for the enactment of legislation to prohibit the use of time guaranties on watchcases, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Branch No. 171, National Association of Civil Service Employees, of Lewiston, Me., praying for the enactment of legislation to pension civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Socialist Party of Portland, Me., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. JOHNSON presented a petition of the board of directors of the National Bank of Gardiner, the Waterville Savings Bank, the City National Bank, the Belfast Savings Bank, and the Waldo Trust Co., all in the State of Maine, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

Mr. NORRIS presented a memorial of sundry citizens of Buffalo County, Nebr., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Hall County, Lancaster County, and Seward County, all in the State of Nebraska, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of the Young People's Society of Christian Endeavor of the North Reformed Church, of Watervliet, N. Y., praying that an appropriation be made for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented sundry memorials of citizens of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry memorials of citizens of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of the board of directors of the Gogebic National Bank, of Ironwood, Mich., favoring the adoption of an amendment to the income-tax law to provide a method of information at the source, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Grand Rapids, Owosso, and Muskegon, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of Local Branch No. 74, National Association of Letter Carriers, of Saginaw, Mich., praying for the enactment of legislation to increase the compensation of letter carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. PERKINS presented petitions of the congregations of the Tenth Avenue Baptist Church, of Oakland; the First Congregational Church of Redwood City; the Friends Church of Ramona; the Evangelical Association of Fresno; the Mount Carmel Presbyterian Church, of Glenville; the Methodist Episcopal Church of Le Mesa; the Disciples of Christ of Fresno; the First Baptist Church of Waterford; the First Presbyterian Church of Redlands; the First Baptist Church of Madera; and of the Methodist Episcopal Church of Soulsbyville, all in the State of California, praying for the suspension for one year of the proposed naval programs of the great powers, which were referred to the Committee on Naval Affairs.

He also presented memorials of Journeymen Barbers' Local Union No. 253, of San Bernardino; of Waiters' Local Union No. 30, of San Francisco; of the Schutzen Verein, of San Francisco; of Local Union No. 70, Independent Brotherhood of Teamsters, of San Francisco; and of Santa Rosa Lodge, No. 25, of Santa Rosa, all in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation authorizing the free importation of exhibits at the Panama-Pacific Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of the board of directors of the Humboldt County Bank and Home Savings Bank, of Eureka, Cal., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation making owners of vessels liable for losses at sea, etc., which was referred to the Committee on Commerce.

Mr. BRADY. I present resolutions adopted by the Commercial Club and the Idaho-Washington Development League, of Lewiston, Idaho, November 22, 1913, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the resolutions were referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Resolutions relative to appropriation by the United States Government for construction of highways on the Nez Perce Indian Reservation, within the boundaries of Nez Perce County, State of Idaho, adopted by Lewiston Commercial Club and Idaho-Washington Development League, of Lewiston, Idaho, November 22, 1913.

Whereas the building of modern highways serving the natural lines of interstate travel bisecting the proposed great national highways now under construction or proposed is a pressing need; and

Whereas the disposition of the State and county governments in the Pacific Northwest is favorable at the present time to the construction of the trunk lines forming necessary links in the general system of good roads; and

Whereas Nez Perce County, Idaho, by reason of its topography, is vitally related to the north and south highway systems proposed by the States of Idaho, Oregon, and Washington; and

Whereas one-half of the total area of Nez Perce County is embraced in the Nez Perce Indian Reservation, 78,400 acres of which, valued at $2,900,000, belongs to the Indians and is held in trust by the United States Government, and therefore not subject to taxation; and in view of the fact that 167,000 acres on this reservation, valued at $3,300,000, belongs to whites and is subject to taxation; and

Whereas these white settlers, in connection with the citizens residing in those portions of Nez Perce County outside the reservation, have hitherto provided the funds by taxation for all road building throughout the reservation, approximating during the past 10 years $300,000; and

Whereas it is now important that a general system of good highways throughout the county should be constructed in order to merge practically with the extensive highway development above mentioned: Therefore

Resolved, That we urge upon the National Government, through the Interior Department, the appropriation of the sum of $300,000 for the construction of a highway system on the Nez Perce Indian Reservation in Nez Perce County, Idaho, conditional upon the appropriation by Nez Perce County of not less than $500,000, for the development of a general and permanent highway system in said county, routes and methods of construction to be determined by agreement between the proper Government and county officials.

Resolved, That we believe the construction of such proposed highways in the territory named, by reason of its topography, will provide direct wagon routes from rich productive regions to the water transportation lines of the Snake River and tributaries, which water transportation lines the Government has made possible through large appropriations hitherto made for the construction of the Celilo Canal and the improvement of the Columbia and Snake Rivers.

Further, that we believe said independent highway systems will be a perpetual guaranty to Indians and whites upon said reservation of reasonable freight rates by virtue of the connection afforded by such highways with the open river boats.

LEWISTON COMMERCIAL CLUB,
By CHRIS F. OSMERS, *President*.
WALLACE R. SLEMBEE, *Secretary*.
IDAHO-WASHINGTON DEVELOPMENT LEAGUE,
By R. C. BEACH, *President*.
WALLACE R. SLEMBEE, *Secretary*.

PREVENTION OF YELLOW FEVER.

Mr. SHEPPARD. I present the memorial of Dr. Reginald B. Leach, of Paris, Tex., praying that publicity be given by the Government to the arsenization method of preventing yellow fever, as practically demonstrated in the epidemic at New Orleans, La., in 1905. I ask that the petition be referred to the Committee on Printing with a view to having it printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred the bill (S. 1412) for the relief of James C. Hilton, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 3525) for the relief of Pay Inspector F. T. Arms, United States Navy, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 685) to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list, reported it without amendment and submitted a report (No. 266) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (H. R. 1262) for the relief of Hugh P. Strong, reported it without amendment and submitted a report (No. 267) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1807) for the relief of Daniel M. Frost (Rept. No. 269); and

A bill (S. 3878) to validate certain homestead entries (Rept. No. 268).

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 2223) to create the Crater Lake National Park revenue fund, reported it with an amendment and submitted a report (No. 270) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 2733) authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry, reported it without amendment and submitted a report (No. 271) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 4526) to permit sales by the supply departments of the Army to certain military schools and colleges; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A bill (S. 4527) to promote efficiency of instruction at the Naval Academy by providing for the systematic appointment and compensation of professors and instructors on the teaching staff; to the Committee on Naval Affairs.

A bill (S. 4528) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW. through squares 2875 and 2877, and for other purposes; and

A bill (S. 4529) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TOWNSEND:

A bill (S. 4530) for the relief of the estate of Edward J. Spaulding (with accompanying paper); to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 4531) granting an increase of pension to John E. Wheelock (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4532) to reimburse the State of Massachusetts for actual expenses incurred by it in behalf of the United States; to the Committee on Claims.

By Mr. BRADY:

A bill (S. 4533) appropriating the sum of $300,000 for the construction of a system of wagon roads on the Nez Perce Indian Reservation in Nez Perce County, Idaho, and providing the manner in which said appropriation shall be expended; to the Committee on Indian Affairs.

By Mr. WORKS:

A bill (S. 4534) for the relief of the estate of John I. Adair and others; and

A bill (S. 4535) for the relief of the estate of Robert Ayres and others; to the Committee on Claims.

A bill (S. 4536) granting an increase of pension to Elisha N. Mullinnix; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 4537) creating the national park of the cliff cities; to the Committee on Public Lands.

A bill (S. 4538) to provide for an investigation to ascertain the feasibility of the construction of a dam and irrigating ditches in the Estancia Valley, N. Mex.; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 4539) for the relief of the estate of Blas Lucero, deceased; and

A bill (S. 4540) for the relief of Nicolas Gallegos; to the Committee on Claims.

A bill (S. 4541) granting an increase of pension to Eli Caldwell; and

A bill (S. 4542) granting a pension to Anastacia S. de Abeytia; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4543) to amend an act entitled "An act to regulate commerce," etc.; to the Committee on Interstate Commerce.

A bill (S. 4544) authorizing the Secretary of War to donate to Custer Post, No. 25, Grand Army of the Republic, at Cherokee, Iowa, two brass or bronze cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 4545) granting an increase of pension to Lovina S. Remington; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4546) granting an increase of pension to William P. McGuire; and

A bill (S. 4547) granting an increase of pension to Jacob Stoves; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4548) for the relief of Watson, Frye & Co.; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4549) granting a pension to Katie M. Lakin; and

A bill (S. 4550) granting an increase of pension to William Wallace, 2d; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 4551) to give precedence to cases pending in the Supreme Court of the United States in which a State is interested; to the Committee on the Judiciary.

By Mr. O'GORMAN:

A joint resolution (S. J. Res. 112) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes," approved June 23, 1913; to the Committee on Appropriations.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to appropriate $35,200 for the support and education of 200 Indian pupils at the Indian school at Wahpeton, N. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

FRENCH SPOLIATION CLAIMS.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (S. 4136) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, which was referred to the Committee on Claims and ordered to be printed.

COAL LANDS IN ALASKA.

Mr. WALSH. Mr. President, I notice that on yesterday during my absence the Senator from Washington [Mr. POINDEXTER] introduced a bill (S. 4514) to authorize the President of the United States to mine coal in Alaska, to reserve from private appropriation or lease certain lands and coal deposits in Alaska owned by the United States, and for other purposes, and it was referred to the Committee on Mines and Mining, of which I have the honor to be chairman.

The propriety of that reference having been questioned by the distinguished Senator from Utah [Mr. SMOOT], a discussion ensued in which was brought out the fact that a bill in relation to the disposition of coal lands in Alaska had been referred to that committee. The Senator from Arizona [Mr. SMITH] then signified that when I should appear in the Chamber he would move that that committee be discharged from the further consideration of that bill and that it be turned over to the Committee on Public Lands.

I feel quite certain that the Senator from Arizona would not be moved to take that action if he understood the conditions. That bill was prepared as the result of repeated conferences, participated in by the Secretary of the Interior, the chairman of the Committee on the Public Lands of the House, the chairman of the Committee on Public Lands of the Senate, the chairman of the Committee on Mines and Mining of the House, the chairman of the Committee on Mines and Mining of the Senate, the chairman of the Committee on the Territories of the House, and the chairman of the Committee on Territories of the Senate. My colleague, the senior Senator from Montana [Mr. MYERS], the chairman of the Committee on Public Lands of the Senate, himself asked in the last conference so held that the bill be referred to the Committee on Mines and Mining.

That committee has likewise before it under consideration a bill creating a commission to revise and codify the laws in relation to the mineral lands. It is and has been holding hearings upon a bill for the disposition of lands containing radium bearing ores. It has given consideration to all three of those bills, and it will report the bill in relation to the disposition of coal lands in Alaska within the present week. It has a session this afternoon for the purpose of considering that measure. It has been considering both the other measures and is all but ready to report upon them.

Mr. President, I trust the action suggested will not be taken. There is no justification for it at all. Whatever may have been the course in the past, the Committee on Mines and Mining was constituted apparently by the Senate for the purpose of dealing with exactly such questions as these.

The Committee on Public Lands is a committee of 18 members. It deals with all the public lands of every character; at least it has done so in the past. It has a tremendous amount of work to do. The chairman of the committee indicated to us that they are overburdened with labors and asked that the Committee on Mines and Mining be permitted to take charge of this particular bill.

Mr. President, every member of the Committee on Mines and Mining save one comes from mineral-land States. There is only one other member, and he is not an active member of any committee, laboring under some infirmities of sickness and age. So you may say that every working member of that committee comes from a mineral-land State.

Not only that, Mr. President, but, without any reference to the chairman, the committee numbers among its members men of eminence as lawyers having experience in the trial of causes arising under the mining laws. It is true there are likwise some members of the Committee on Public Lands who have been called upon to deal in actual practice with these laws; but I submit, Mr. President, that the proper disposition of the bill has been made. We are practically ready to report upon the bill, and I appeal to the Senator from Utah not to press his objection to the reference. We will have the report here in just a little while, and I am sure the whole matter can be expedited by allowing the report to come in and having the merits of the various bills dealing with the question discussed upon the floor.

Mr. SMITH of Arizona. Mr. President, upon investigation before the Committee on Public Lands it was learned that this particular bill touching the disposition by lease or otherwise of coal lands in Alaska was before the Committee on Public Lands for probably a couple of years.

Mr. SMOOT. For six years.

Mr. SMITH of Arizona. For six or seven years it has been under consideration and a vast amount of testimony taken. We have the position here of one committee taking up the coal lands and the other taking up exactly the same question, and the two committees probably making different reports to this body. So there is a conflict of jurisdiction.

Though the chairman of the Committee on Public Lands and the chairman of every other committee in the Senate should have consented or requested that the bill should go to the Committee on Mines and Mining, it nevertheless confers no jurisdiction by such consent or request,

The Committee on Public Lands have always had jurisdiction of the coal lands of the country. The Committee on Mines and Mining, on which I served for many years in the other House, never once had referred to it a bill touching coal lands. I expect it is the first time in the history of this body that the great question of coal lands, not considered strictly mineral lands, has gone to the Committee on Mines and Mining. On account of this coflict of jurisdiction the Committee on Public Lands requested at its last meeting that a motion be made to refer the bill to that committee.

It was not of my own seeking that the motion was made or the notice given on yesterday. It was by order of the committee, so as to avoid confusion of jurisdiction, that the request was made of me to make the motion to have this bill transferred to the Committee on Public Lands, which for five or six years has had these questions under close investigation. The bill ought to go to the Committee on Public Lands, or else, as I have said, we shall get the jurisdiction so mixed that the Senate will have neither committee on which to rely.

Mr. SMOOT. Mr. President, I had hoped that when this matter was called to the attention of the Senator from Montana [Mr. WALSH], the chairman of the Committee on Mines and Mining, he would readily consent to the request of the Public Lands Committee that the Mines and Mining Committee be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands.

Mr. President, bills of this character have been under the jurisdiction of the Public Lands Committee ever since the Public Lands Committee was created in this body, and I want to emphasize the statement made by the Senator from Arizona [Mr. SMITH] that this same subject has been before the Committee on Public Lands for six years. That committee has had hearing after hearing upon it and report after report from not only the Interior Department, but the War Department and the Department of Agriculture as well. There is before that committee this very day reports from all of those departments upon a bill which was introduced and referred to that committee upon this identical subject. When the Public Lands Committee asked the Secretary of the Interior to make a report upon the bill it is true that the Secretary did refer to this bill and said that it was before the Mines and Mining Committee, and that the department had considered the measure and recommended that the provisions of the measure be enacted into law; but, Mr. President, the Public Lands Committee was ready to make a report a week ago Wednesday last upon the bill that was referred to them. They have, I repeat, considered this matter. There is not a single member of that committee who does not thoroughly understand it, having heard the testimony that has been given upon this measure for the last five or six years.

The Public Lands Committee consists of 15 members, and every member of the committee, with the exception of two, comes from a public-land State. The only two members who are on that committee who do not come from a public-land State are Hon. JOSEPH E. RANSDELL, of Louisiana, and Hon. WILLIAM HUGHES, of New Jersey.

Mr. President, I do not favor the change of reference because I object to the members of the Committee on Mines and Mining or because I would expect an adverse report from that committee. That is not the question involved. I would have just as much confidence in their report or the investigation they make as I would if the investigation were made and the report presented to this body by the Committee on Public Lands, but the subject, I repeat, comes under the jurisdiction of the Public Lands Commtitee, and the bill should have been referred to that committee.

Only the day before yesterday the Secretary of the Interior appeared before the Public Lands Committee of the other House, when the very bill that was referred to the Mines and Mining Committee of this body was being considered by that committee. It is recognized in the other House that the Public Lands Committee of that body has jurisdiction of this subject. I believe that, if Senators here would consider the matter, there would not be an objection on the part of Senators to the bill being referred to the Public Lands Committee of the Senate.

I hope the Senator from Montana [Mr. WALSH], since this question has been brought to his attention, as it has been this morning, will not now object to the action requested by the senior Senator from Arizona. It is a just request, and it is pursuing a course which should have been pursued in this body in the beginning.

Mr. WALSH. Mr. President, the Senator from Montana has no personal desire in this matter; he has no desire at all regarding it except to expedite the disposition of this very vexed question. The Senator from Utah [Mr. SMOOT] tells you that his committee has been laboring with this subject for six years. Meanwhile the lands of Alaska have been tied up. It is necessary to have something done about them now. We have prepared a bill, which has met with the approbation of the chairmen of the Committee on Mines and Mining, of the Public Lands Committee, and of the Territories Committee of both Houses of Congress. It is simply a matter of arranging the details of the bill, of getting the approbation of the other members of the committee, and of getting the bill into this body. I submit to the Senator from Utah that it will expedite the disposition of the bill.

Mr. SMOOT. I want to say to the Senator from Montana that this proposed legislation would have been enacted into law long ago if it had depended upon the Senate of the United States alone. It has already been reported from the Public Lands Committee and once passed this body, but failed of passage in the other House.

I will call the Senator's attention to the fact that a favorable report was made upon this bill three years ago by all three of the executive departments I have named, and that there has not been a Secretary of the Interior for the last six years who has not been in favor of this class of legislation. I repeat that we could have passed this legislation in this body at almost any time, but when passed here it failed in the other House.

Mr. President, the Public Lands Committee will report the bill at the very next meeting, and it will then be on the calendar for early consideration. There is no further hearing to be had. The Public Lands Committee has jurisdiction of the subject; and, I repeat, that the bill ought to have been referred to that committee in the first place. I hope the Senate will agree to the request of the Senator from Arizona [Mr. SMITH].

Mr. WORKS. Mr. President, this bill belongs properly to the Committee on Public Lands. It is not a question of the personal desires of members of the committee. It is a rather singular condition of things that the chairmen of the various committees of the Senate should assemble themselves together with the heads of certain departments of the Government and determine in advance to what committee a bill should be referred, thereby interfering with the due course of the proceedings of this body. Why that has been done, of course, I do not know, but it is an irregular proceeding; and the chairman of the Committee on Public Lands had no right or jurisdiction to determine that question in advance for either his committee or for the Senate.

This is an exceedingly important matter to be determined by Congress. I know since I have been a Member of the Senate and also a member of the Committee on Public Lands this whole question has received the most careful and conscientious consideration. There has been no lack of diligence on the part of the committee, and there is no reason that I can conceive of why this particular legislation should be taken out of the hands of that committee and turned over to some other committee.

For that reason, if for no other, Mr. President, I think this bill ought to take its regular course and be referred to the Committee on Public Lands.

Mr. CHAMBERLAIN. Mr. President, I am a member of the Committee on Public Lands, and I am sorry that I am not able to agree with my colleagues on that committee with regard to the reference of this bill. I feel that it ought to be referred to the Committee on Mines and Mining as has been suggested here.

The argument which the Senator from Utah [Mr. SMOOT] makes for a reference of the bill to the Committee on Public Lands is really an argument against its reference to that committee. For five years during my term in the Senate, I believe, we have been wrestling with this coal-leasing proposition, but nothing has been accomplished.

Mr. SMOOT. Mr. President, much testimony has been taken——

Mr. CHAMBERLAIN. Well, the testimony that has been taken before the Committee on Public Lands is accessible to the Committee on Mines and Mining. I am not criticizing the Committee on Public Lands—I am a member of it—but I have a right, I think, to suggest that that committee has been dilatory about this business. They have taken testimony, a good deal of it during the incumbency of Mr. Fisher as Secretary of the Interior, who favored some such bill as this; but I believe if Congress is going to do anything in the way of legislating in regard to coal lands, this measure ought to go to the Committee on Mines and Mining, which, I am sure, will avail itself of the information which the Committee on Public Lands has and will report a bill so that it may be acted upon. It is all the more essential now, because a railroad is likely to be constructed into Alaska in the very near future. I received this morning a letter on this subject from Valdez, Alaska, showing the renewed interest that is already being taken in Alaska, stating that people are going into that country with the expectation that the road will be constructed, and prophesying immediate development. The coal-leasing bill now being discussed here is one of the steps that will aid in the rapid development of Alaska; and I am sure that if the bill goes to the Committee on Mines and Mining it will be reported out quite promptly.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. CHAMBERLAIN. I yield.

Mr. FALL. I should like to ask the Senator by what process of reasoning or on what information he bases his conclusion that the bill will be more rapidly reported out for action by the Committee on Mines and Mining than by the Committee on Public Lands? I happen to be a member of both committees, and therefore I will have an equal chance to consider the matter, to whichever committee the bill may be referred; but we are assured by the Senator from Montana [Mr. WALSH] that the chairman of the Committee on Public Lands has cooperated with the chairman of the Committee on Mines and Mining in the preparation of this bill, so that it seems the chairman of the Committee on Public Lands, at least, has the information that the other members of either committee may not have equally with the chairman of the Committee on Mines and Mining. It seems to me for the Senator to say, unless he has some good reason for it, that in the interest of hastening the consideration of this necessary legislation the bill should be referred to the Committee on Mines and Mining rather than to the Committee on Public Lands is a singular statement, and I think he should give the Senate some reason for it.

Mr. CHAMBERLAIN. I can give the Senator a reason.

Mr. FALL. I should like to hear it.

Mr. CHAMBERLAIN. I judge of the future by the past in reference to this particular legislation; and if the Senator wants me to tell some tales out of school, I will say that it has been almost a physical impossibility to get the Public Lands Committee together. It is a very large committee, and we never have a full committee meeting. At the last meeting we barely had a quorum, and I do not believe, Mr. President, that it will be possible to get the committee together to take up this matter systematically and urge it promptly.

Mr. FALL. I should like to ask the Senator if it is not a fact that the Committee on Public Lands of this body has met more regularly than any other committee of this body?

Mr. CHAMBERLAIN. That may be true; but I am sorry to say, Mr. President, that none of these committees are doing their duty to the people of this country or to the Senate.

Mr. FALL. That may be; but why does the Senator, who is not a member of the Committee on Mines and Mining, insist that the Public Lands Committee is dilatory and that the Committee on Mines and Mining would hasten the legislation? I have no personal objection to the reference to either of these committees. As I have said, I have an equal opportunity, as a member of both, to consider the matter in committee.

Mr. ROOT. Mr. President, will the Senator permit me to suggest a broadening of the question that has been put? I observe that Senators are broadening it from the question regarding the Public Lands Committee to a question regarding the committees generally of this body; and it is but one step to this question which I propose—whether our methods of transacting the public business are not breaking down——

Mr. CHAMBERLAIN. I will say to the Senator that I think he is right.

Mr. ROOT. Whether our arrangement for the discharge of our duties does not imperatively demand revision; whether the business of the country is not becoming so vast and complicated that we must have new parliamentary institutions within these bodies of Congress for the performance of our duty?

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment?

Mr. ROOT. Certainly; I yield the floor.

Mr. CHAMBERLAIN. I want to say to the Senator that I am in entire accord with the sentiment he expresses. With reference to the Military Affairs Committee, of which I am chairman, with very much important legislation awaiting the attention of the committee, I can not get a quorum. For months it was impossible to get a quorum, either at a regular meeting or a special meeting.

Mr. FALL. I should like to ask the Senator, then, if upon a matter properly cognizable by the Military Affairs Committee he would suggest a reference to the Interstate Commerce Committee or to the Naval Affairs Committee?

Mr. CHAMBERLAIN. I have suggested that this bill ought to go to the Mines and Mining Committee, because that is a smaller committee, and I have every reason to believe, from the membership of that committee, that they will consider the measure and report it out.

Mr. FALL. I have the same reason to believe that the Public Lands Committee will do its duty, and I am a member of each committee. I am perfectly willing to agree with the Senator from New York [Mr. ROOT] that possibly the entire methods of legislation should be reorganized, but I do not go so far as to agree that all the methods heretofore followed should be disorganized.

I am in perfect agreement with the Senator from Oregon [Mr. CHAMBERLAIN], who is a member of the Public Lands Committee, that the committee does not always meet and attend to business as it should, but I can say the same thing of other committees of the Senate, and I can say the same thing of the Committee on Mines and Mining. They are at present engaged on a very important matter. The chairman is urging members of the committee and doing everything in the world that he can to facilitate the consideration and reporting out of that committee of legislation which is now receiving serious consideration. I think that the Public Lands Committee are, however, equally earnest, honest, and sincere in their desire to facilitate legislation.

Mr. SMITH of Arizona. Mr. President, if the Senator from New Mexico will permit me, in order to have something before the Senate, I move that the Committee on Mines and Mining be discharged from the further consideration of Senate bill 4425, and that the bill be referred to the Committee on Public Lands. On that question I desire to say just a word. There is no just complaint before this body or elsewhere of the Committee on Public Lands, and I do not think complaint lies against any one of the committees of this body, for the reason——

Mr. FALL. Mr. President——

Mr. SMITH of Arizona. Just a second. Am I taking the Senator from the floor?

Mr. FALL. No; I was just going to suggest that the rules had not been observed; but I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I thought the Senator had yielded, or I would not have proceeded. Senators have to serve on too many committees. There is the whole folly of the present organization. I am a member of six or seven committees, of which, to me, the two most important are the Committee on Foreign Relations and the Committee on Public Lands, and both of them meet on the same day.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. SMITH of Arizona. Certainly.

Mr. CLAPP. The Senator has only gotten halfway down to the foundation. The reason Senators are on so many committees is that the committees are altogether too large.

Mr. SMITH of Arizona. That is also true.

Mr. CLAPP. There is a growing tendency to accommodate Senators by constantly increasing the size of the committees.

Mr. SMITH of Arizona. That is true.

Mr. CLAPP. In that way Senators come to be on a number of committees, and then, of course, you can not get a quorum. The vice is in the inordinate size of the committees.

Mr. SMITH of Arizona. That is true, and that is the very point I was making in defense of these committees. There has not been a meeting of the Public Lands Committee at which I was present since I have been a Member of this body when I was not called to another committee meeting on the some day to make a quorum. The same thing is true of most of the members of that committee, I have no doubt, and it is true of most of the committees of the Senate.

I listened with very slight patience to the suggestion that the Public Lands Committee, or any other committee on which I am serving, is intentionally failing to do its duty, or that we are not paying proper attention to our public duties. From the very fact of the organization of so many committees here, of such unnecessary size, to accommodate so many Senators, we have gotten into a condition where we find ourselves in disagreement on the question of the jurisdiction of a committee in

a matter so plain as the disposition of the coal lands of the United States.

I venture the assertion that never before in the history of this country, up to this hour, has a bill of this character in either body been referred to the Committee on Mines and Mining. It was never part of the jurisdiction and organization of that committee in either House. Coal lands have been considered a part of the public lands of the United States. As was said by the Senator from Utah, we have had this matter under discussion for five or six years, and there has been no delay on the part of that committee in taking testimony or in bringing out a report or even in passing the bill before the Senate, as has been actually done. Now, after all that work has been done by the Committee on Public Lands, the consent of individual Senators, chairmen of other committees, has been obtained, and that consent is urged to change the jurisdiction of the committees.

I feel the charge of nonperformance of public duty thrown on the Committee on Public Lands, and resent it; but there is no personal feeling in the matter on my part, for all I have done in this motion has been done by direction of the Committee on Public Lands.

The VICE PRESIDENT. Is there any objection to the present consideration of the motion? If there is, under the rule it must go over for one day.

Mr. POINDEXTER. I object.

The VICE PRESIDENT. Then the motion goes over.

Mr. SMOOT. Under what rule, Mr. President?

The VICE PRESIDENT. Under Rule XXVI:

> All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The motion goes over until to-morrow.

Mr. LANE. Mr. President, before that is done I wish to say a word in regard to the method of carrying on the business affairs of the Government by committee work and to indorse the position taken by the Senator from New York [Mr. ROOT].

In my opinion the present method is cumbersome, and will have to be changed, and ought to be changed. I see that it has a great deal of respect and veneration on the part of this body, and it may be entitled to it; but to me it looks a good deal like the sacred bull of India, which goes about eating up all the cabbages of the poor people, and it ought to be kicked on the nose and jarred loose. The method is cumbersome, and, in my opinion, is such that it would bankrupt a barber shop, and it costs the people of this country not less than fifty cents on every dollar that is expended.

I wish to go on record as saying this, and I thank the Chair for the opportunity of doing so.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS. I offer a Senate resolution, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 277) was read, as follows:

> *Resolved*, That the Attorney General be, and he is hereby, directed to inform the Senate whether the Department of Justice has entered, or is contemplating entering, into any contract, agreement, or understanding with the officials or other persons representing the New York, New Haven & Hartford Railroad Co. regarding the reorganization of said company or the settlement of any of its financial or other difficulties, and if any such contract, understanding, or agreement has been entered into, or is contemplated, then to inform the Senate specifically whether said contract, agreement, or understanding either directly or indirectly contemplates:
>
> 1. The giving of immunity from prosecution to any person or persons connected with said railroad company or any of its subsidiaries, any of its fiscal or financial agents, or any other person or persons.
>
> 2. Whether such contract, agreement, or understanding either directly or indirectly contemplates the surrender by said railroad company or any of its stockholders of any right to begin and maintain an action for the recovery of money or damages on account of the misappropriation of the money, funds, or property of said company by its officers, agents, employees, fiscal agents, or other person or persons.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. SHIVELY. Mr. President, I do not believe I have any objection whatever to the substance of the resolution. I gave notice yesterday, however, that at the close of morning business to-day I should move that the Senate proceed to the consideration of executive business, for the purpose of taking up a number of treaties that are on the Executive Calendar. If this matter is to lead to any discussion whatever, I shall feel constrained to object, and to insist that it take its regular course by reference to the proper committee.

Mr. NORRIS. I wish to suggest to the Senator that if there be no objection, I presume the resolution will pass without consuming any time. I have no desire to debate it unless some one else wishes to go into the subject. If the Senator does not object, I presume the resolution will pass as a matter of form.

Mr. SHIVELY. No; the question never arises upon an objection to the passage of a resoluion. It arises upon the question of its present consideration. After its present consideration shall have been agreed to there may be unlimited discussion. That is what I am trying to avoid, because I wish to get the treaties before the Senate.

Mr. NORRIS. I take it if any Senator is opposed to the resolution he will object to its consideration.

Mr. BANKHEAD. I think the resolution had better go to the appropriate committee. I make that motion.

Mr. NORRIS. That would be debatable, I understand.

The VICE PRESIDENT. There being objection, the resolution goes over until to-morrow, under the rule.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 4 hours and 30 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 20, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1914.

UNITED STATES ATTORNEYS.

Claude R. Porter, of Iowa, to be United States attorney for the southern district of Iowa, vice Marcellus L. Temple, term expired.

William W. Ray, of Utah, to be United States attorney for the district of Utah, vice Hiram E. Booth, removed.

UNITED STATES MARSHALS.

Charles T. Walton, of Fresno, Cal., to be United States marshal for the southern district of California, vice Leo V. Youngworth, resigned.

E. R. Moore, of Iowa, to be United States marshal for the northern district of Iowa, vice Edward Knott, whose term has expired.

John G. Cashman, of Vicksburg, Miss., to be United States marshal for the southern district of Mississippi, vice William O. Ligon, resigned.

W. S. Vardaman, of Greenwood, Miss., to be United States marshal for the northern district of Mississippi, vice Aaron M. Storer, resigned.

Nicholas F. Reed, of Ottumwa, Iowa, to be United States marshal for the southern district of Iowa, vice Frank B. Clark, whose term has expired (now deceased).

Aquila Nebeker, of Utah, to be United States marshal for the district of Utah, vice James H. Anderson, whose term has expired.

James E. McGovern, of Wilbur, Wash., to be United States marshal for the eastern district of Washington, vice W. A. Halteman, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Hayden W. Wagner, Third Cavalry, to be first lieutenant from October 26, 1913, vice First Lieut. Edward G. Elliott, Ninth Cavalry, detached from his proper command.

Second Lieut. Fred H. Coleman, Second Cavalry, to be first lieutenant from October 28, 1913, vice First Lieut. Joseph C. Righter, jr., Fourth Cavalry, promoted.

Second Lieut. Emil P. Pierson, Fourteenth Cavalry, to be first lieutenant from December 7, 1913, vice First Lieut. William S. Barriger, Sixth Cavalry, who resigned December 6, 1913.

Second Lieut. Clark P. Chandler, Eleventh Cavalry, to be first lieutenant from January 7, 1914, vice First Lieut. Eugene V. Armstrong, Thirteenth Cavalry, who died January 6, 1914.

Second Lieut. Richard H. Kimball, Eleventh Cavalry, to be first lieutenant from January 9, 1914, vice First Lieut. Henry J. Reilly, Fifteenth Cavalry, who resigned January 8, 1914.

Second Lieut. Abbott Boone, Third Cavalry, to be first lieutenant from February 4, 1914, vice First Lieut. Jens E. Stedje, Fourth Cavalry, promoted.

INFANTRY ARM.

Second Lieut. John D. Reardan, Eleventh Infantry, to be first lieutenant from February 14, 1914, vice First Lieut. Henry A. Bell, Eighteenth Infantry, retired from active service February 13, 1914.

PROMOTIONS IN THE NAVY.

Ensign John H. Everson to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

Passed Asst. Paymaster Raymond B. Westlake to be a paymaster in the Navy from the 21st day of February, 1913.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 19, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for this moment in the day's proceedings, since the human heart is like that of a musical instrument touched by a master hand; it brings forth sweet melodies, rich, deep harmonies. Touch our hearts, we beseech Thee, with Thy skillful hand, that they may respond to the deep harmonies of life's far-reaching purposes, unperturbed by the discordant sounds around us; that we may fulfill our appointed destiny. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ERADICATING HOG CHOLERA.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from North Carolina [Mr. DOUGHTON] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

Mr. STEPHENS of Texas. I reserve the right to object, Mr. Speaker. I shall have to object.

The SPEAKER. The gentleman will have to find out first what it is. May be it is privileged.

Mr. STEPHENS of Texas. Possibly so.

The Clerk read as follows:

House resolution 425.

Resolved, That there be printed as a House document 25,000 copies of "Report on the plan of work, the results secured, and the money expended by the Department of Agriculture in demonstrating the best method of preventing and eradicating hog cholera," the same to be distributed through the House folding room.

The SPEAKER. The gentleman from North Carolina [Mr. DOUGHTON] asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I see the chairman of the Committee on Printing is here.

Mr. BARNHART. Yes; I am here.

Mr. STAFFORD. But the gentleman is very quiet.

Mr. MANN. Does this mean that the resolution has the gentleman's approval?

Mr. BARNHART. It does.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the chairman of the Committee on Printing why he permits this to go through without having it referred to the Committee on Printing?

Mr. BARNHART. Mr. Speaker, I think it is a mistake on the part of the gentleman from North Carolina [Mr. DOUGHTON]. I told him that the committee, I thought, would be favorable to such a proceeding, and arranged for him a resolution; and I take it that he understood from that that it was to be offered as a resolution for unanimous consent, whereas I intended really to have him introduce it as an original resolution and have it referred to the Committee on Printing. It is a commendable piece of printing, and I have no objection to it.

Mr. MANN. Has the gentleman received an estimate of the cost?

Mr. BARNHART. I have not; but I think the gentleman from North Carolina has.

Mr. DOUGHTON. The cost would be $30 for the first thousand and $2.75 for each additional thousand, which would make it $96.

Mr. COX. Do these copies go through the folding room?

Mr. BARNHART. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. O'SHAUNESSY rose.

The SPEAKER. For what purpose does the gentleman from Rhode Island rise?

Mr. O'SHAUNESSY. I rise to ask unanimous consent, Mr. Speaker, to have printed in the RECORD an address by the Hon. SIMEON D. FESS at Brown University on the 28th day of January, 1914.

The SPEAKER. The gentleman from Rhode Island [Mr. O'SHAUNESSY] asks unanimous consent to print in the RECORD a speech delivered by the Hon. SIMEON D. FESS at Brown University. Is there objection?

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to inquire the nature of the address.

Mr. O'SHAUNESSY. It is on education.

Mr. BARNHART. Was the orator ever a Member of the House?

Mr. O'SHAUNESSY. He is now a Member of the House.

Mr. BARNHART. Oh, I thought the gentleman said "Feltz." I beg the gentleman's pardon, I have no objection whatever.

The SPEAKER. That name is Simeon, not Simon. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. LINDBERGH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. LINDBERGH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 3, add a new paragraph, as follows:

"For the construction of a bridge across the Mississippi River on the road between Cass Lake, Minn., and the Cass Lake Indian School, in said State, at a point on Government lot numbered 3, in section 29, township 146, range 31, to a point on Government lot numbered 4, in said section, in said State of Minnesota, or at such point and in such manner as shall be designated by the Secretary of the Interior, the sum of $5,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota."

Mr. STEPHENS of Texas. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman from Minnesota if it is a navigable stream and whether the general law relative to navigable streams is applicable?

Mr. LINDBERGH. It is a navigable stream for canoes and small boats and launches, but it is not generally navigable for large boats. The building of a bridge will not prevent the use of the river for such use the same as it is now used.

Mr. STEPHENS of Texas. I desire further to ask the gentleman if this is the bridge authorized by the last Congress on the Indian appropriation bill, where the authorization carried $1,000 for the purpose of ascertaining the cost of a bridge at this point, as I remember it?

Mr. LINDBERGH. This is the same bridge.

Mr. STEPHENS of Texas. What report has been made to Congress?

Mr. LINDBERGH. A favorable report has been made, but I do not know that that report has been submitted to Congress. I was called away from Washington on account of the illness of my mother, and I have not had opportunity to look after it as early as I otherwise would have done.

Mr. STEPHENS of Texas. I would like to ask the gentleman why it is that this bridge item was not presented to the committee in making up the bill as estimated for by the department?

Mr. LINDBERGH. I think it was overlooked by the department. I have a letter here, written by the Commissioner of Indian Affairs. I went down there to see him about it this morning. The commissioner considers the bridge very necessary to the Indians.

Mr. STEPHENS of Texas. Will the gentleman have the letter read?

Mr. LINDBERGH. I will send the letter to the desk to be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 19, 1914.

Hon. C. A. LINDBERGH,
House of Representatives.

MY DEAR MR. LINDBERGH: By your informal reference, I have considered your proposed amendment for the construction of a bridge across

the Mississippi River between Cass Lake, Minn., and the Cass Lake Indian School.

In preparing the estimates for the Indian Service for the next fiscal year there was included an item requesting an appropriation of $1,000 to make an investigation and prepare plans and surveys regarding the proposed bridge in question. This bridge is urgently needed by the Indian Service, as is shown by the records now in your possession.

I shall be glad to see the item proposing to appropriate $5,000 for the construction of this bridge incorporated in the Indian bill.

Very truly, yours,

CATO SELLS, *Commissioner.*

Mr. STEPHENS of Texas. Mr. Chairman, I desire further to ask the gentleman if this bridge is located on an Indian reservation?

Mr. LINDBERGH. It is.

Mr. STEPHENS of Texas. Is the school on one side of the river and are the Indians on the other, so that they have to cross this bridge? Will it be for the benefit of the Indians?

Mr. LINDBERGH. About half are on one side of the river and about half on the other, and the half on the opposite side from the school find it necessary to cross this river at the point where this bridge is proposed to be constructed, and those living on the side on which the school is located find it necessary to cross to Cass Lake village for supplies.

Mr. STEPHENS of Texas. Does the gentleman personally know the surroundings?

Mr. LINDBERGH. I have been on the ground myself. Besides that, there is an engineer's report showing it to be the case. I know from my own observation that it is true, because I have been there a number of times.

Mr. STEPHENS of Texas. Do the Indians request this?

Mr. LINDBERGH. All the Indians in the locality do.

Mr. STEPHENS of Texas. Is this payable out of Indian funds?

Mr. LINDBERGH. It is. This whole matter will be better understood if I quote a few paragraphs from a letter written by Mr. Charles H. Allender, superintendent of the Indian School at Cass Lake. They are as follows:

This bridge is almost an absolute necessity, and I hope the honorable Commissioner of Indian Affairs will do all in his power to cause this small additional amount to be included in the Indian bill.

We have to ford the Mississippi River every time we go to town and also in going to a great many other places. About 15 Indian families have to cross this ford also to do their trading, and as many Indian families on the other side have to cross here to attend church and to visit the school. All supplies for the school have to be freighted across this place if they come during warm weather. The school team must be forced into this water in fall and spring when the ice is forming and when it is so cold that the water freezes on the horses and on the harness and wagon. A part of the year the ford can not be used at all. Some two years ago an Indian girl, a pupil of this school, was drowned while attempting to cross this place.

At the deepest place this ford is about 4 feet deep the year around. Owing to large swamp on the one side, it is necessary to keep in the water for about 30 rods. At this part of the ford the water is from 1 to 2 feet deep. Nothing perishable can be hauled across here unless it is placed above the lower box.

While this bridge would be used to a certain extent by the public, there are but one or two settlers in this section. Most of the land is allotted land, and the bridge would be used principally by Indians for many years. It is badly needed for the school alone.

I took this matter up with the War Department some months ago and received a permit to construct a bridge there at the point mention provided that the span over the channel was 24 feet wide and 14 feet high at low water.

The river is 100 feet wide, and an appropriation of $5,000 will be sufficient to construct an iron bridge and do the grading at both ends.

E. J. Dugan, engineer for the War Department, has informed me that the water in this river is to be raised from 2 to 4 feet by his department. This will make the river too deep to be forded.

A point that I have not mentioned is that strangers sometimes attempt to cross this ford, and not knowing the road drive into a place where the water is 12 or 15 feet deep. On different occasions lives have almost been lost in this way.

Mr. STEPHENS of Texas. I have no objection, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. LINDBERGH].

The amendment was agreed to.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to return to an item on page 18, under "Idaho," for the purpose of offering an amendment.

Mr. STEPHENS of Texas. In what line?

Mr. MILLER. To be inserted after the figures "$20,000," on the top of page 18. I simply want to make that reimbursable.

Mr. STEPHENS of Texas. I have no objection to that.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent to return to the first paragraph on page 18. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I move to amend line 2, page 18, by inserting, after the figures "$20,000,'" the following:

Said sum to be reimbursable out of any funds of the Indians occupying the Fort Hall Reservation, now or hereafter available.

The CHAIRMAN. Will the gentleman send the amendment to the desk? The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 2, after the figures "$20,000," insert the following: "reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation, now or hereafter available."

Mr. STEPHENS of Texas. I have no objection to the amendment. I think it is a wise one.

The amendment was agreed to.

The Clerk read as follows:

For maintenance and operation, including repairs, of the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $20,000, reimbursable in accordance with the provisions of the act of April 4, 1910, and to remain available until expended.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. MANN. I should like to ask the gentleman what is the reason for making the appropriation for maintenance available until expended.

Mr. STEPHENS of Texas. This is the reason given by the department. You will find it set forth in the hearings: That the appropriation is made for plans and specifications, which are so extensive in some instances that it will require two or three years to complete the proposed project; and under a recent law we require the projects, if they carry more than $25,000, to be approved by Congress. In the event that the amount appropriated lapses before the completion of the project, then it is necessary to have the money to carry it forward.

Mr. MANN. The gentleman did not understand my question. Probably I did not make it plain enough. I asked what was the reason for making available until expended an appropriation for maintenance of an irrigation plant.

Mr. STEPHENS of Texas. I do not think it would be necessary for maintenance only.

Mr. MANN. That is what is done in this case.

Mr. CARTER. I do not think it is necessary to make the appropriation for maintenance available until expended. That was intended to apply to repairs, and so forth, I suppose.

Mr. MANN. Oh, well, repairs are current repairs, and maintenance is current maintenance.

Mr. CARTER. I should not think it necessary to be in there. I think it would be a very good thing to knock it out.

Mr. MANN. I make a point of order against——

Mr. CAMPBELL. One moment. The department, in asking for this, on page 446 of the hearings, put the item under No. 1, and they said:

1. Current expenses: The item for current expenses is presented to cover operation and maintenance costs and stream gauging. Operation and maintenance will return to the Government all, or a large part, of the expenditure on that account. The total for all expenditures takes this into account in that it exceeds the minimum appropriation of $500,000 asked for by $22,000.

That was the reason given by the bureau when asking for this appropriation. They included not only maintenance but other work, although I see no necessity for making it a continuing appropriation.

Mr. MANN. I did not quite catch what the other work was, besides maintenance and operation and current repairs.

Mr. CAMPBELL. Gauging.

Mr. MANN. That is not covered by the appropriation, unless it is included in the appropriation for maintenance.

Mr. CARTER. Most of the appropriation is to be used for the betterment of the work. In the original construction of the work some wooden structures were put in. They have decayed and rotted out, and it is necessary to put in quite extensive new work. For that reason the appropriation was increased, and I suppose that accounts for the language—

To remain available until expended—

because it is not all strictly maintenance.

Mr. MANN. How long has this irrigation plant been in operation, may I ask the gentleman from Oklahoma?

Mr. CARTER. It has not been very long. I should have to look to see the exact time.

Mr. MANN. And they have already started to reconstruct it?

Mr. CARTER. Yes; they put in wooden structures instead of concrete.

Mr. MANN. They have to reconstruct it before they begin to get the cost of operating.

Mr. CARTER. Yes.

Mr. MANN. That is a very serious reflection upon some official somewhere.

Mr. CARTER. The difficulty comes about because of the work they had to do and the limited amount of money they had to do the work with. In the dams, ditches, and flumes there was a great deal of wooden material used, and no concrete work at

all. That is usually the case in putting in irrigation plants for Indians.

If the gentleman could see these irrigation plants of the white man and the Indians side by side, he would see the difference between the Indian's project and the white man's project. The white man's is usually all in concrete, put up in good shape, while the Indians' irrigation projects are more or less of a temporary character, constructed of temporary material.

Mr. STAFFORD. Do I understand that these irrigation projects are under the supervision, as to plans and specifications, of the Reclamation Service?

Mr. CARTER. Yes; and that accounts for the way the work is done.

Mr. STAFFORD. Does the gentleman mean to say that there is a studied effort on the part of the Reclamation Service to put inferior material into the Indian projects?

Mr. CARTER. Oh, no; I would not call it a "studied effort," but the white man is on the job all the time and gets what is coming to him.

Mr. MILLER. Is it not more likely that this character of material is used because of the size of the appropriation?

Mr. CARTER. I think so.

Mr. MILLER. In reference to the projects of the white man, that is done without specific appropriation by the use of a revolving fund in the hands of the Reclamation Service.

Mr. MANN. The gentleman says "a revolving fund." He means theoretically.

Mr. MILLER. It is likely that they have more ample funds for the construction of the white man's project, and consequently in the Indian project it is necessary that they keep themselves within the appropriation, and hence the character of the material used.

Mr. CARTER. I did not go quite so much in detail as did the gentleman from Minnesota, but I stated that it was on account of the lack of funds.

Mr. STAFFORD. Am I right in my reading of the report that the funds of the Indians go into a common fund for general irrigation purposes?

Mr. CARTER. No; in some instances the Indian irrigation projects are constructed entirely separate and distinct from that of the white man. For instance, the Indian reservation will be on one side of the river and the other side will be public land. The side that the public land is on will be the white man's project, and on the other side upon which is the reservation will be the Indian project.

Mr. STAFFORD. But so far as the construction is concerned they are under the irrigation service?

Mr. MILLER. They are, practically.

Mr. STAFFORD. I gather that from reading the report. There was some criticism expressed of the way in which the money was expended; that it was not right to have the money taken out of the Indian funds to contribute toward appropriation for the white man's projects.

Mr. STEPHENS of Texas. Mr. Chairman, I want to ask that all debate on this matter be closed in 10 minutes.

Mr. MANN. Mr. Chairman, I reserved a point of order, in order to get some information. As I recall, possibly being refreshed by the statement of gentlemen, the limit of cost on this irrigation plant was a half a million dollars.

Mr. CARTER. I think so.

Mr. STEPHENS of Texas. I will now give to the gentleman the reason why they want this made a continuing appropriation. I read from the hearings, page 443:

> In addition to the new construction, the present systems must be maintained and operated. An extraordinarily quick growth of willows in this locality makes maintenance a serious proposition. All canals and laterals here should be cleaned every fall after irrigation in order to keep them in operating condition at a minimum cost, as first-year willows can be easily disposed of, while if let run for two or more years they become tough and rooted to such an extent as to make them exceedingly difficult of extraction.

They want to carry the appropriation forward to the next year for the purpose of cleaning out the willows from this canal. The gentleman is aware that in this mountainous country the willows spring up rapidly, and the canal catches all the débris that flows down, which clogs up and destroys the canal. That is the reason for giving them this continuing appropriation.

Mr. MANN. Here is a case where we appropriate half a million dollars for the construction of an irrigation plant, and before there are receipts enough coming in from those who use the water to pay the cost of maintenance it is proposed to make an appropriation, good until expended, to in part rebuild the plant. Is not that rather an extraordinary condition of affairs?

Mr. STEPHENS of Texas. They seem to think that unless they have the money to maintain it and keep it up the dam and ditches and canal will be swept away and become worthless.

Mr. MANN. Do not the Indians use the water? Do they not get enough out of it to pay the cost of maintenance?

Mr. STEPHENS of Texas. I think nothing was reported so far on this reservation. I have no objection to the language going out, if the gentleman desires it.

Mr. MANN. Under this provision for an Indian irrigation plant, under operation, do not the persons who use the land or the water pay anything at all on account of the use?

Mr. STEPHENS of Texas. I will refer the gentleman to the gentleman from Minnesota [Mr. MILLER], who can answer it. Most of it is reimbursable from the Indian lands.

Mr. MILLER. Mr. Chairman, heretofore it has been the universal practice to make these appropriations reimbursable out of the Indian funds, without regard to the individual benefits received by the allottees. This year we inaugurated a policy to the contrary, and the expenses are designed to be distributed pro rata among the allottees who will receive the benefits. It seems to me this is extremely desirable where possible.

Mr. STAFFORD. Where is that provision?

Mr. MILLER. In the general provision in an earlier part of the bill, where we put that into the general law.

Mr. MANN. I would like to see that paragraph.

Mr. MILLER. I do not mean that it applies to this project. It applies to the expenditures provided for in that paragraph. I am not saying that we have extended this principle throughout the irrigation projects among the Indians. We have started it at a point where we can, and I am quite certain that as far as practicable in the future that principle will be made to apply to all reservations.

Mr. MANN. Does the gentleman refer to this language on page 3:

> And for lands irrigable under any such system or project the Secretary of the Interior may fix maintenance charges, which shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected.

Mr. CARTER. The next proviso deals more directly with it, I think.

Mr. MILLER. The second proviso, on page 4, which is as follows:

> *Provided further*, That the Secretary of the Interior is hereby authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian, so far as practicable, from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. MANN. That apparently does not provide for maintenance and operation.

Mr. MILLER. I would not say it did at all. It applies to the original cost of construction.

Mr. MANN. How is the cost of maintenance and operation provided on these projects?

Mr. MILLER. Those that are reimbursable are reimbursable from the funds belonging to the Indians in the hands of the United States.

Mr. MANN. Is that a fair proposition? If irrigated land is allotted to Indians and they make use of it and get the benefit of it, why should somebody else, some other Indians, pay for its operation?

Mr. MILLER. I will say to the gentleman that this individual case illustrates the situation precisely. This land has not been allotted. It is held in common by all of the Indians of the tribe. There have been expended not half of a million dollars, but about $218,000, on this project. The land is held in common by all of the Indians; and while my information does not extend in detail, I assume the benefits will be enjoyed by the Indians generally throughout the tribe. In any case where the lands have already been allotted the principle that is contained on page 4, just read, can easily be made to apply.

Mr. MANN. How do they make use of this irrigated land where it is not allotted?

Mr. MILLER. Of course in all these regions there are certain tribal methods of cultivating the soil under tribal customs and rules and regulations, if I may use that term. They are obeyed and carefully observed, the same as the white man observes the law of his country.

Mr. MANN. Mr. Chairman, I make the point of order on the language, on page 22, line 18, "and to remain available until expended."

The CHAIRMAN. The gentleman from Illinois makes the point of order against the language referred to.

Mr. STEPHENS of Texas. Mr. Chairman, I think the point of order is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word. I see that we are providing for reimbursing the Treasury for these various expenditures. At this particular

agency has there been any money ever returned into the Treasury to reimburse the outlay that is made?

Mr. STEPHENS of Texas. So far there has not, but in the future we expect there will be, when the land is placed in a suitable condition for cultivation.

Mr. GOULDEN. To what extent do Indians avail themselves of the opportunities of these various irrigation schemes?

Mr. STEPHENS of Texas. A great many of them are being induced to become farmers, and some are making money and others are improvident, along the same line as the white man.

Mr. GOULDEN. Does the gentleman believe that eventually the money will be returned to the Treasury, at all events, some time in the distant future?

Mr. STEPHENS of Texas. I do not think there is any question about that. As soon as they are capable of cultivating the farms and making a living, I think there will be sufficient funds to reimburse the Government.

Mr. GOULDEN. And these irrigation projects of the Government now in operation are producing good results among the Indian tribes in the estimation of my friend from Texas, the chairman of the committee.

Mr. STEPHENS of Texas. The very best results. These Indians can make a living only by stock raising or by agriculture, and we have not the money to set them up in stock raising, and think it much better to make farmers of them.

Mr. GOULDEN. Mr. Chairman, I agree with this statement, and withdraw the pro forma amendment.

The Clerk read as follows:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans, and estimates, $100,000, reimbursable in accordance with the provisions of the act of April 4, 1910, and to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Flathead Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States.

Mr. MONDELL. Mr. Chairman, I make the point of order against the proviso just read, that it is new legislation and changes existing law.

Mr. STEPHENS of Texas. Mr. Chairman, there are three provisions of that kind following each other in succession, and the department was very much in favor of this language, and I will read the reasons for it as given by the department.

The CHAIRMAN. Does the gentleman withhold his point of order for the present?

Mr. MONDELL. I withhold it for the moment.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to give the reasons for this language. It is found on page 379 of the hearings, and is as follows:

The CHAIRMAN. Why do you add this provision which materially modifies the law which has existed heretofore?

Mr. MERITT. We are asking that this proviso clause be incorporated in the bill in connection with a number of irrigation projects for the reason that we find it necessary if the water rights of the Indians are to be protected. Congress has appropriated in a number of cases a large amount of money for irrigation projects on various reservations and has required that those appropriations be made reimbursable out of the funds of Indians. States have passed certain laws which make it desirable, in certain cases, that the water be made beneficial use of by the Indians; otherwise the Indians stand a chance of losing their water rights or else taking their water rights status to the courts for determination. This item, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made, and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

I will state in addition to that that these irrigation projects are being constructed out of Indian funds, and if on account of the State laws interfering with the rights of the Indians to obtain the rights to the water, after it has been furnished by their own funds, those rights are extinguished and given to the white people, it will be doing the Indians a great amount of damage. For that reason the department insists and I insist that this language should remain in these bills. I admit that the language is subject to a point of order. It is certainly legislation, but I hope the gentleman will not make it, for the benefit of the Indians and for the benefit of the States that are interested. It will require legislation outside of an appropriation bill, and I think there is no question but that if a bill were presented to this House, outside of an appropriation bill, containing this language, this House would pass it.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEPHENS of Texas. I do.

Mr. STAFFORD. Then, as I understand the reason for this provision, is to protect the rights of the Indians to the water from these irrigation projects, so that no rights of private citizens will be acquired as against the rights of the Indians?

Mr. STEPHENS of Texas. Yes; for this reason: That the Indians are our wards, and the Indians are furnishing the money to build these irrigation plants, ditches, reservoirs, and so forth; and because of the fact that they are not provident enough to take advantage of putting water upon their land for their own use, that then their rights lapse under the State laws, and the white men are more provident than they and are able to take advantage of the State laws and will deprive the Indians of the use of the waters of these reservoirs, dams, ditches, and therefore there is an element of justice in this.

Mr. STAFFORD. Because they have failed originally to use water by reason of negligence or indifference, for the time being other persons lower down may have acquired rights which were obtained originally by the Indians for irrigation use.

Mr. STEPHENS of Texas. That is the exact situation.

Mr. MONDELL. Mr. Chairman, I hope I may have the attention of the committee for a moment. This item and other like items are unquestionably subject to the point of order. There is no doubt about that, the chairman of the committee admits it; and not only is that true, and I would like to have the attention of the gentleman from Wisconsin, who is interested in this I know; not only is it true that this provision is subject to the point of order, but it is also true that it would be exceedingly unfortunate for the Indians if such legislation as this should be written on the statute books. For this reason: In the arid States there is a code of water laws and a complete State organization for the management and control of water rights, and the constitution and laws of Montana, like those of Wyoming—whose constitution and laws are a little clearer relative to water rights than those of any other State, and whose legislation is a little better than that of other States in the Union—the constitution and laws of Montana make it the duty of certain officials to pass upon all applications for water rights, to record applications in due course of time and require all users of water for irrigation purposes to prove their rights and thereafter to maintain them by reasonable use. Now, I assume this is the condition in Montana on this reservation. The United States, acting for the Indians, has made an application for a water right. It is recognized under the law and the usages of the State of Montana. It is protected by the law and the administrative force of the State of Montana, and the only danger that confronts the Indian is the danger that confronts every white man, that if he shall allow his right to lapse for a series of years by absolute nonuse the right reverts to the State and can be then secured from the State by another.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. If the gentleman will allow me to finish this statement. Now, it is the duty of the Indian Service as the guardian of the rights of the Indians to see to it that Indian water rights do not lapse by nonuse, and that they are seeing to it that those rights do not lapse and that there is not at this time any danger of the lapsing of any Indian water rights is clearly proven by the statement which you will find on page 35 of the hearings. The first paragraph at about the seventh or eighth line contains this statement. It is a statement in support of a request for an appropriation for an officer who shall have charge of water rights—to look after water rights. This is the statement:

There appears to be no danger of immediate loss of water rights—

And so forth.

Now, of course, it is possible that the Indian, like the white man, may lose his water right by nonuse. For a long time the Indian Service has neglected to perform its duty in taking out water rights. I think the service is now endeavoring to perform its duty in this regard. So far as my own State is concerned, the Indian Office some years ago took out water rights for the Indian lands. The State protects with its administrative machinery those water rights, just as it protects the water rights of the white man. Now, I said a moment ago those rights can be lost by nonuse, but they are not likely to be lost by nonuse, first, because in the State of Wyoming and in most of the States there must be nonuse for five years before a water right is subject to loss, and there is no reason on earth why the Indian Service can not see to it that the amount of irrigation necessary in order to maintain the water rights is provided.

Now, this is what will happen if we adopt this sort of a position. For instance, take the great Indian reservation in my State. Our people took as much of an interest in seeing that those water rights were secured, and a greater interest, I think, than the Indian Office itself did for a time. Those water rights are secured under applications, and some of them

are, I believe, secured by certificate. If we shall write into the law that so far as the Indian land is concerned—and in my State there are 150,000 acres in one body of such land under ditch—that the Indian need not apply that water to his land now or at any time in the future, we shall have this condition of affairs, namely, a great stream in an arid region the waters of which are needed for the irrigation of lands running unused to the sea and great arid areas that ought to be irrigated barren and unirrigated. Of course in the course of time others farther up or down the stream would apply to the State authorities for the right to divert the waters of the stream. The State engineer measures the water of the stream, and has done so for years, several times during the season. He would in such case find a large amount of water unused.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. In just a moment. The gentleman from Texas withheld the point of order, as I understand?

Mr. STEPHENS of Texas. Then, Mr. Chairman, if the gentleman is going to make a point of order, I would like to have him do so, in order that we may proceed with the bill.

Mr. MONDELL. Mr. Chairman, I withheld the point of order at the suggestion of the gentleman from Texas, and he insisted on this matter being discussed. I am taking just as little time as I can in which to present it to the committee.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman a question.

Mr. MONDELL. If the gentleman will allow me to finish my statement, he can then ask it.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I ask that this matter be concluded in five minutes, before the ruling is made. Will the gentleman agree to that?

Mr. MONDELL. I will answer the gentleman's question now, if he desires.

Mr. STEPHENS of Texas. This is the question: Lines 6, 7, 8, and 9, on page 23, explain the reason for this amendment. It says:

The failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States.

It is usually held in trust for a certain period, beginning at a certain time. During that time the Indian can not dispose of the land, and the United States holds it for him. That is, for an individual Indian, and not a band or tribe. Suppose an Indian is trying to farm, and he dies and leaves a helpless wife and children, unable to take the benefit of that water, then while these children are wards of the Government and these lands are in the hands of the Government, do you think the State law should run against them and deprive them of their purpose?

Mr. MONDELL. The gentleman states a condition that will not happen. All that is necessary for the Indian to do to maintain his water right is to open the gates and let the water run. It is not asking much of him to ask him to continue to let water run over his land. I started to explain to the gentleman how harmful it would be to the Indians themselves; how impossible it would be for them to dispose of their lands finally if the department, as a guardian of the Indian, fails to exercise that supervision which may be necessary in order so see to it that the Indian does not allow his water right to lapse.

A water right does not easily lapse. In my State there must be a complete nonusage for five years before a proceeding can be instituted to cancel a water right.

Now, it is not in the interest of anybody, it is not in the interest of anyone in that country that these rights shall lapse, and the department will have no difficulty at all in insisting upon such use as shall maintain the rights of the Indian. If we provide legislation of this character, we are simply encouraging the department in its failure to provide for the irrigation of the Indian land. We are encouraging the Indian to neglect the irrigation of his land by assuring him that at any time in the coming years that he may desire to use the water, although he has allowed it to flow unused for years, he may take it up, without regard to the right of others. There are people lower down on these streams who utilize these waters, and it is to their interest that these lands at the headwaters of the streams shall be utilized for irrigation purposes. So far as domestic and stock water is concerned, that provision is entirely unnecessary, because under the usages of the arid States sufficient water is allowed to run through them for stock and domestic purposes. But as to matters of irrigation, there is no danger of water rights lapsing, so they inform us, and it is certainly our duty to insist that the department shall perform those very simple duties which are required of them in order to keep the Indian water rights in full force and effect.

Mr. STEPHENS of Texas. Mr. Chairman, I admit that the point of order is well taken, and I ask for a ruling.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] makes a point of order against the language that appears in the language of the proviso on page 23. The Chair thinks it is clearly legislation, and the point of order is sustained.

Mr. STOUT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Montana [Mr. STOUT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 22, by striking out, after the word "estimates," in line 24, the figures "$100,000" and inserting in lieu thereof "$300,000."

Mr. STOUT. Mr. Chairman, there was appropriated in the last general Indian appropriation bill for this purpose the sum of $325,000. The Reclamation Service, which now has in charge this work on the various Indian reservations of the West, or particularly on the three of Montana, estimates that in order to proceed with the work to the very best advantage there should be appropriated this year the sum of $500,000. However, I have attempted in this amendment to strike a sort of happy medium between the amount which the Reclamation Service asked for and the amount which the committee has seen fit to incorporate in this bill.

I think it is apparent to anyone who is acquainted with the situation out there that the sum specified in the bill, $100,000, will in no manner be adequate to continue the work upon this irrigation project upon that particular reservation.

Mr. MILLER. Mr. Chairman, will the gentleman yield for an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. STOUT. Yes.

Mr. MILLER. Is the gentleman aware that the department estimated for only $100,000, the full amount allowed by the committee?

Mr. STOUT. I am perfectly aware of that.

Mr. MILLER. As I understand, the $300,000 which the gentleman speaks of is the sum desired by the Reclamation Service.

Mr. STOUT. The Reclamation Service desires $500,000, but, as I say, in this amendment I have attempted to strike a happy medium.

Mr. MILLER. Have they made a definite recommendation for $500,000?

Mr. STOUT. I think so. In fact, I am sure they have.

Mr. MILLER. I know that the gentleman is right when he says they have stated it will take $500,000 each year for several years to complete it, but I doubt if they have requested $500,000.

Mr. STOUT. It will take better than $4,000,000 to complete the project.

Mr. MILLER. Yes; add two millions more and that makes it six millions.

Mr. STOUT. The figures of the Reclamation Service do not coincide with those of the gentleman.

Mr. MILLER. At first it was $3,000,000 and then it was $4,000,000 and now it is $6,000,000.

Mr. STOUT. The gentleman may be correct, but I am taking the figures of the Reclamation Service.

Mr. MILLER. I am speaking of the figures that come in from year to year. This is one of those growing projects.

Mr. STOUT. Well, most of the projects on which the Government enters are growing projects, so far as appropriations are concerned, according to my observation. I certainly think that this amount should be increased to such a sum as would enable them to proceed with this work with some degree of effectiveness.

This matter is now being handled by the Reclamation Service. There may justly be some question as to the wisdom, in the first place, of taking this irrigation work out of the hands of the Indian Service and placing it in the hands of the Reclamation Service. I am prepared to admit that perhaps some mistake might have been made at that time. But since it is now in the hands of the Reclamation Service, and since they are doing the work, I certainly feel that they should have sufficient money to enable them to go ahead in the most advantageous manner.

Mr. CARTER. Mr. Chairman, can the gentleman give us any information as to why the department did not estimate for more than $100,000?

Mr. STOUT. I will say to the gentleman that it is my opinion that the department is endeavoring to bring about a new status in the manner of conducting this reclamation work on the Indian projects.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Montana yield to the gentleman from Illinois?

Mr. STOUT. Gladly.

Mr. MANN. I understand that the gentleman proposes to increase the amount available for the next fiscal year from $100,000 to $300,000?

Mr. STOUT. Yes, sir.

Mr. MANN. Does the gentleman think that the latter amount could be used?

Mr. STOUT. That it could be used?

Mr. MANN. Yes.

Mr. STOUT. Yes. That is my information.

Mr. MANN. Well, I take it that in constructing these plants the sooner the money is used and the plant completed the better it is.

Mr. STOUT. I thoroughly agree with the gentleman.

Mr. MANN. And if they can use more money than has been estimated for, the estimate of cost having been made last summer and the gentleman having additional information now, if they can use more money, that will hasten the project, and probably cheapen the cost if they can make use of it?

Mr. STOUT. Unquestionably.

Mr. CARTER. The hearings show, if the gentleman will permit, that they used only $167,000 last year.

Mr. MANN. That was when they were probably only getting started.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman from Montana may have five minutes more.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that the gentleman from Montana [Mr. STOUT] may proceed for five minutes more. Is there objection to the request of the gentleman from Oklahoma?

Mr. MILLER. Reserving the right to object, Mr. Chairman, what is the request?

The CHAIRMAN. That the time of the gentleman from Montana be extended five minutes. Is there objection?

There was no objection.

Mr. STOUT. Mr. Chairman, my only purpose in offering this amendment is to expedite this work and get this land under water at the soonest possible date. We are endeavoring here to irrigate 75,000 acres of Indian land. The project also calls for the irrigation of 75,000 acres of land which has been settled upon by the white people. Now, the Government undertook the project to irrigate the land not only of the Indians but also those 75,000 acres which have been filed upon by the whites. These white settlers naturally assumed that the project would be pushed forward to completion with all possible expedition. I have but recently had letters from hundreds of those settlers who had taken up homesteads on this project in the firm belief that they would be given water, but they have been waiting there, unable to get the water, and have been compelled to move off and to abandon the improvements, in many cases amounting to two or three thousand dollars, and forfeit their homestead rights. Not very many have moved, but hundreds of them, I may say, have written me that if provision is not made whereby some sections of this project may be completed and water given them during the forthcoming year they will have to move away.

I think, Mr. Chairman, that we not only owe it to the Indians themselves, but in view of what has already taken place, in view of the implied promise of the Government to put water upon that land, we should certainly be derelict in our duty if we failed to make adequate provision for carrying on this work.

Mr. CARTER. Will the gentleman yield?

Mr. STOUT. Yes.

Mr. CARTER. We have here a proposition which is being financed entirely out of Indian funds.

Mr. STOUT. Yes.

Mr. CARTER. One-half for the white men and one-half for the Indians.

Mr. STOUT. Yes.

Mr. CARTER. For the year ended June 13, 1913, there was an appropriation of $200,000 and a balance of $85,000 left from the previous year; but during that year only $167,000 was used.

Mr. STOUT. The last appropriation was $325,000.

Mr. CARTER. That is for the current fiscal year. Of course, we can not predicate anything on that, because it has not been finished. I am talking of something about which we can get definite information. Of that amount only $167,573.52 was used, leaving a balance of $117,000. I presume that unexpended balance can be used, and it is available. Now, in addition to that they have the $100,000 we have appropriated, which would be more than $30,000 in excess of what they used last year.

Mr. STOUT. The gentleman will understand that as these projects are carried forward, in order to complete them to such an extent that the water may become available, increasingly large sums are constantly required.

Mr. CARTER. I do appreciate that; and I appreciate what the gentleman from Illinois [Mr. MANN] said, that the quicker you finish a project the more cheaply it can be finished. But what is the use of giving the department more money than they will expend? Two years ago we gave them all they asked, and they spent only a little more than half of it. We have already given them all they have asked again, and now if they spend only half of that there is no necessity for appropriating $300,000. I sympathize with the gentleman, and would like to see his project finished as quickly as possible.

Mr. STOUT. I will say to the gentleman from Oklahoma that the Reclamation Service have estimated that they would require $500,000, and I have taken into consideration the fact that there is a small unexpended balance from the last appropriation in submitting my amendment for only $300,000.

Mr. CARTER. There is an unexpended balance of $117,000.

Mr. STOUT. Yes; which, added to the $300,000, would leave something like $83,000 less than the Reclamation Service actually think is needed.

Mr. CARTER. The point I emphasize against the gentleman's amendment is this, that it is useless for us to carry money in an appropriation bill that will not be used if appropriated. As I have just stated, we have already given almost twice as much money as was used during the last fiscal year. Now, why increase this amount to three times its present size and turn that money over to the department, when they do not seem inclined to use even as much as they ask for? I sympathize with the gentleman, and I sympathize with the proposition that the quicker you complete an irrigation project the cheaper it will be; but there is no use to make an appropriation of money when there does not seem to be any likelihood at all of the department using it.

Mr. STAFFORD. Mr. Chairman, as a friend of the Indians, I rise in opposition to the amendment of the gentleman from Montana [Mr. STOUT]. We have just seen here an instance of the rapacity of western people. I make no criticism of their conduct, but we have seen an instance of their wishing to have large irrigation projects erected out of the tribal funds of these Indians, and when those projects are erected, refusing to allow the Indians to use them, but claiming that those farther down, on the white man's lands, have rights which are superior to those of the Indians, because the Indians have failed through laches to use them. Now, what is the proposition before the committee?

Mr. MONDELL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MONDELL. I made no such statement, and made no statement that could properly be construed to mean that.

Mr. STAFFORD. The position of the gentleman from Wyoming was that when the Government goes ahead and erects these irrigation projects out of the tribal funds on the Indian reservation lands, if the Indians fail through nonuser to use them for five years, and those farther down, on the white man's land, have used the water and have acquired so-called rights, thereafter the Indians shall be barred from the use of that water for irrigation purposes; thus having the Indians pay for the entire project and then depriving them of the use of it, just because they have failed, for some reason or other, to utilize it within five years.

Now, what is the proposition here? It is that the Indians ought to contribute more money to the building of this irrigation project, increasing it to the amount of $200,000 more than can be needed, and not have the General Government provide this money in conjunction with the Indians in the building of this irrigation project on the Flathead Reservation. In the hearings before the Indian Affairs Committee, which were of sufficient importance to be made a part of the report, attention was called to the fact of this imposition placed upon the Indian tribal funds, requiring them to pay the money in advance, whereas the white men who have no title to the land originally are given the privilege of returning the payment in 15 years.

Mr. STOUT. Will the gentleman yield?

Mr. STAFFORD. Yes; I yield to the gentleman.

Mr. STOUT. Does the gentleman understand that it will be possible to irrigate just simply the Indian allotments without also taking in some lands which have not been allotted to the Indians?

Mr. STAFFORD. I understand that it is a joint affair, in which not only those outside the reservation but those on the reservation should be considered. But the gentleman will agree that it is a wrong plan to provide that the entire expense be paid at the start from the Indian funds, whereas to those on the nonreservation lands outside you give the privilege of paying for the construction in 15 years.

Mr. MILLER. Mr. Chairman, as a matter of fact, this project is going to cost upward of $6,000,000 to complete it. We have spent already over $1,000,000. That is a much greater sum than the United States holds for these Indians. These sums appropriated are reimbursable out of the future funds of the Indians. In the meantime Uncle Sam is paying for it, and while it is proper, perhaps, to say that it is advanced on the part of the Indians for this whole project, as a matter of fact Uncle Sam is really advancing the money in the name of the Indians.

Mr. STAFFORD. My attention has been heretofore called to other altruistic projects where Indian tribal funds have been appropriated until they are almost appropriated to depletion, under the guise of being for the benefit of the Indians, and then the Indian is left without any money at all. I say that the Indian is entitled to equal consideration with the white man.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. MANN. The gentleman is both a mathematician and a prophet. If a project is to cost $6,000,000, how long will it take to finish it at the rate of a hundred thousand dollars a year, and what Indians will get the benefit of it?

Mr. STAFFORD. The gentleman is all-wise in legislation and knows that this is not the only amount being contributed to the erection of this project, and that under the estimates there are hundreds of thousands of dollars provided for to be paid out of the general fund and not from the Indian fund. The National Government provides for a part of the cost from the general irrigation fund.

I am protesting against the appropriation of Indian funds and tribal funds on a different plan than that followed on the nonreservation land.

Mr. MANN. How much is the total Indian appropriation on this plan?

Mr. STAFFORD. I should hope the amount would be less and less as time goes by.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state the reasons of the department for reducing this amount to $100,000. Mr. Meritt, the assistant commissioner, was before the committee and made this statement, which will be found on page 551 of the hearings, relative to the appropriation for the irrigation work on the Flathead Reservation, Mont.:

Amount of appropriation requested by the United States Reclamation Service for irrigation work on the Flathead Reservation during the fiscal year 1915, $500,000.

Amount of appropriation requested by the United States Indian Service for field work on the Flathead Reservation during said period, $100,000.

Referring to the above reduction in the requested appropriation for irrigation work on the Flathead Reservation in Montana, it should be stated that as it was expressly understood that the estimates for irrigation appropriations for the United States Indian Service during the fiscal year 1915 must be materially reduced, it was considered best, as far as the interests of the Indians are concerned, to make this reduction apply principally to the estimates for work upon the reservations where the Indians are less benefited than the white settlers by the system or project now under construction, where the largest reimbursable amounts have already been expended by the Indians for irrigation purposes, and where there is no immediate necessity of expediting the work for the purpose of protecting the Indian water rights thereunder.

It will be noted that we are asking for only $100,000 for this project this year, as compared with an appropriation of $325,000 last year.

Mr. STOUT. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. STOUT. Is it not probable that the Reclamation Service, which is actually doing this work, is in a better position to judge as to the amount of money needed than is the Indian Service?

Mr. STEPHENS of Texas. That is the main objection; the Indians are paying for this work and the whites are getting the benefit of it, and that is the reason why we are asking that our engineers take charge; and in the event they do, the Indians pay a pro rata part and not all of it. We want to have done with putting up all the money and paying for the project.

Mr. STOUT. The Indians get as much benefit from it as the white men.

Mr. STEPHENS of Texas. Yes; and the Indians are paying for the whole of it.

Now, Mr. Chairman, I will read the rest of this statement by Mr. Meritt:

The CHAIRMAN. You will find that it will not be necessary to ask for more than $100,000 for the purpose of carrying on this work next year.

Mr. MERITT. I will state, Mr. Chairman, that I am not prepared, personally, to justify the manner in which this project has been financed heretofore. This project, as now estimated by the Reclamation Service, will cost about $6,000,000. It will irrigate about 150,000 acres of land, and only about 75,000 acres of that land belongs to the Indians. The funds of the Indians are being used to construct a great irrigation project, and, in my judgment, the method of financing this project is wrong. It should be conducted as a reclamation project, and the Indians should pay their proportionate cost for this project rather than pay all the cost and have the white people gradually reimburse them.

Mr. Reed, who is at the head of the Irrigation Service, made a statement, and I asked him this question:

The CHAIRMAN. Mr. Reed, we will be glad to have your statement at this point.

Mr. REED. In view of the fact that only about 50 per cent of the entire land is Indian land, it does not seem right and just that Indian resources should be hypothecated for the repayment of the charges. Had these three projects been entirely Indian projects, they would not have been undertaken on the scale that they have, and the cost undoubtedly would have been less. The Indians would not have had so much of their resources hypothecated in order to build them, and it seems nothing more than fair that the Indian, as long as he has given up his land by the opening process of the reservation, should stand in the same light on these large projects as the white man. His funds should not be drawn upon for the purpose of financing, but should be drawn upon for the purpose of making repayments, the same as the white man would make repayments. We can not understand why—at least I can not—he should be called upon to make all the payments in advance, while the white man is given 15 years after the completion of the job to make his payments; and we believe that since these projects have been advanced so far, since they have been laid out on such a large scheme, it would be impossible to curtail them without a great loss. We believe that they should become irrigation projects, built in conformity with the laws under which they act and under which they are built, and that the Indians' interests should be represented as that of any other member of the water-users' association.

The CHAIRMAN. In other words, you take the position that the Indian is putting up all the security for all the money that goes into the whole project and only gets half of the benefit; is that correct?

Mr. REED. Yes, sir; and puts it up in advance, while in the case of the white men they do not put it up until 15 years after completion.

Mr. CARTER. These projects are being carried out under your supervision, Mr. Reed?

Mr. REED. No, sir; they are not. The present agreement or regulation under which the two departments are supposed to cooperate eliminates the engineering force of the Indian Office, and, if I am right in my understanding, very nearly eliminates the Indian Office entirely—not only the irrigation officers but the commissioner and the executive officers as well.

Mr. CARTER. Then we are appropriating money here to be used by the Reclamation Service?

Mr. REED. Yes, sir.

The CHAIRMAN. The time of the gentleman from Texas has expired, all time has expired, and the question is on the amendment offered by the gentleman from Montana [Mr. STOUT].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $50,000, reimbursable in accordance with the provisions of the act of March 1, 1907, and to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Blackfeet Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or their right thereto while said land is held in trust by the United States.

Mr. STOUT. Mr. Chairman, I make a point of order to the proviso beginning on line 17.

The CHAIRMAN. The gentleman from Montana makes a point of order to the proviso beginning on line 17.

Mr. STEPHENS of Texas. We concede that the point of order is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. STOUT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 23, line 14, after the word "estimates," strike out the figures "$50,000" and insert in lieu thereof the figures "$150,000."

Mr. STOUT. Mr. Chairman, I do not think any debate is necessary. There is about the same state of facts existing here as exists on the Flathead Reservation. I certainly think that this amount should be appropriated in order to continue uninterruptedly the work. This is an estimate of the department actually doing the work, the Reclamation Service, and it is reimbursable. I want to say, also, that these Indians are employed largely on the work, and so it is a sort of double benefit

to them. The appropriation of $50,000 will not last long and will simply leave the Indians that much longer in idleness.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not prevail, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation, in Montana, including necessary surveys, plans, and estimates, $50,000, the same to be reimbursable, and to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Fort Peck Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or their right thereto while said land is held in trust by the United States.

Mr. STOUT. Mr. Chairman, I make a point of order against the proviso beginning on line 5.

Mr. STEPHENS of Texas. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. However, I do not see present the gentleman from Wisconsin [Mr. STAFFORD], who recently made such a rapacious speech, and in his absence I shall withhold my remarks for the present.

Mr. STOUT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 24, line 4, after the word "estimates," strike out the figures "$50,000" and insert in lieu thereof the figures "$150,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Montana.

The amendment was rejected.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Standing Rock Indian Reservation, in North Dakota, for the purpose of purchasing cattle for the use of said Indians to enable them to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June 30, 1925, and all payments prior to that date are hereby reappropriated for this same purpose as the original fund and shall remain available until June 30, 1924, when all of said amount shall be placed in the Treasury to the credit of said Indians: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed statement as to the expenditure of this fund.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, this is an amendment in which the gentleman from North Dakota [Mr. NORTON] is interested.

Mr. MANN. Mr. Chairman, in a prior portion of the bill we struck out the provision in reference to these revolving payments being returned to the fund. I thought I would make the point of order on the provision commencing on line 14, after the word "twenty-five," as follows:

And all payments prior to that date are hereby reappropriated for this same purpose as the original fund and shall remain available until June 30, 1924, when all of said amount shall be placed in the Treasury to the credit of said Indians.

I take it that this is likely to be an annual appropriation.

Mr. MILLER. No; this is for a special situation.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, I have no great objection to striking out that provision. I wish to say in this connection that this is an amendment which I offered in the committee on my own initiative and had added to this bill. Being personally acquainted with some of the conditions on the Standing Rock Indian Reservation in North Dakota, I have thought that something along the line of encouraging the Indians on this reservation in the raising of more cattle ought to be done by the Secretary of the Interior and authorized by the Congress. The land included in the Standing Rock Indian Reservation in North Dakota contains some of the best grazing lands in the world. Soil and climatic conditions on this reservation are near ideal for stock raising. Fifty years ago this particular territory was the home and the feeding grounds of vast herds of bison. It is well known that cattle shipped from this range bring on the leading markets of this country the highest price paid for any grass-fed cattle. Frequently cattle shipped from this section, which among cattle men is known as the "Missouri slope cow country," bring on the Chicago market a price equal to that paid for Iowa corn-fed cattle.

Mr. MANN. We would have to have affidavits for that.

Mr. NORTON. The records of the Chicago stockyards will show that statement to be true. I am advised by the Bureau of Indian Affairs that a few years ago there were about 40,000 head of cattle on this reservation owned by the Indians on the reservation. At the present time there are only about 4,000 head of cattle on the reservation owned by the Indians. The fact that the number of cattle owned by these Indians has been so greatly reduced seems to me to be due in part to the poor management or mismanagement of affairs on the reservation by the Government, and in part, as the Commissioner of Indian Affairs has stated, to the neglect, carelessness, and lack of foresight of the Indians, and in part to the poor crops, due to unusual drought conditions in that section of the country the last three years.

There are a large number of cattle now on this reservation owned by white citizens and large corporations that have leased thousands of acres of the reservation land for grazing purposes. It occurs to me that it would be much better and more profitable for the Indians to have grazing on this reservation more of their own cattle and fewer cattle owned by white citizens and corporations.

Cattle raising is, in my judgment, the most profitable business that can be carried on in that section of the country. As a straight out and out business proposition I know of nothing better that can be done for the best interest of these Indians than to assist and encourage them in the raising of cattle. Believing as I do, I offered and have urged that this legislation be enacted. The point of order made to the particular wording of the paragraph by the gentleman from Illinois [Mr. MANN] is, I know, well taken. I have no great objection to that going out.

The CHAIRMAN (Mr. GARNER). Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order on the language in line 14, all after the word "twenty-five" down to and including the word "Indians" in line 18.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I have another point of order that I desire to make to this paragraph, and for that purpose I reserve the point of order on the last proviso. I would ask the gentleman how it will be possible for the Secretary of the Interior in December next to make a detailed statement of the expenditure of this money which is available for the fiscal year that does not end for seven months after December 1?

Mr. NORTON. Mr. Chairman, I see no reason why the Secretary should not be able and be in a position to make a detailed report of the expenditure of this fund made from July 1 to December 1, 1914.

Mr. MANN. Very well. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. MILLER. Mr. Chairman, I move to strike out the last word. I suggest to my colleague that the Secretary of the Interior will probably proceed to carry out this provision immediately, beginning on July 1 next, in which event he will have five months in which to purchase cattle and carry out the provisions of this paragraph, and therefore a report in December might contain very valuable information.

Mr. NORTON. I think there is not any question but that the expenditure should be made just as soon as possible.

Mr. MILLER. Mr. Chairman, I make this pro forma motion for the purpose of making one or two observations on this particular item. I am heartily in accord with the gentleman from North Dakota [Mr. NORTON] in respect to the advisability of this provision, but I do not think it ought to be included in the bill and passed without a word of comment. When we have an Indian reservation with the fertility of soil and the matchless climate such as the gentleman from North Dakota has described, and which I personally know to exist there, and when we have an instrumentality of this Government exercising supervision over the activities and industries of the Indians on that reservation, and we find that in four years their stock has decreased from 40,000 head of cattle to 4,000, there is something wrong in Israel. What that error is I do not presume to state. I suggest, however, it is very likely due to this situation: There has been a very marked advance in the price of live stock in the last three or four years at certain periods of the year, and I have no doubt that when those advanced prices are enjoyed they have marketed the kind of cattle they ought to have retained on this reservation for the purpose of continuing their herd in its then present condition; and I make this observation in the hope that the superintendent of that reservation will in some way get word and information that he ought to recognize that situation and take steps to prevent its recurrence, in which event there will be no further need for a continuance of this appropriation.

Mr. GUERNSEY. Mr. Chairman, I move to strike out the last two words. I notice in this paragraph that the money appropriated is to be taken from sums of money on deposit in the Treasury. Perhaps I am confessing my ignorance in rising for information, but I would like to ask the gentleman in charge of the bill a question. I notice in the previous paragraph sums of money are appropriated, but no mention is made as to where they come from. Where does this money come from? Does it come from the general fund? We have very few Indians in Maine; those we have are self-supporting, industrious, and so far as necessary, cared for by the State.

Mr. STEPHENS of Texas. That matter is under the control of the Secretary of the Interior.

Mr. MILLER. If the chairman of the committee will yield?

Mr. STEPHENS of Texas. Yes.

Mr. MILLER. I will answer the gentleman by saying, not at all. The matter is entirely in control of the Congress. Most of the provisions to which the gentleman has alluded are provisions for carrying out treaty stipulations entered into between the United States and the several bands of Indians. We must, of course, make those payments in accordance with the treaties for all time, or at least until the treaty provisions are complied with.

Now, this particular item is made reimbursable because the Indians on that reservation have a large sum of money on deposit with the Treasury of the United States. It is the policy of the committee and of the Congress to make these payments to Indians reimbursable out of their funds in every instance where they have funds and it will not put too great a hardship upon them. Now, we have appropriated specifically from the Treasury of the United States many sums of money in this bill for the welfare of Indians. The system of schools, special schools—that all comes from the funds of the United States. We have in some instances made appropriations to take care of the homeless and destitute Indians, and the gentleman, I am sure, will agree with me that New England for a long period of time has amply taken care of all Indians which exist within her own borders, the same as scattered communities throughout the United States take care of isolated Indians of Indian blood that do not belong to any particular tribe. Indians are found in many States and communities that have Indian blood and are citizens, like the whites, and live much the same way, and they are not objects of charity or gratuity on the part of the United States.

Mr. GUERNSEY. Then I understand in many instances the appropriations are made from the general fund for the support of some of the Indians.

Mr. MILLER. That is entirely true; yes.

URGENT DEFICIENCY BILL.

The committee informally rose, and the Speaker resumed the chair.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the year ending 1914, and for prior years, and for other purposes. (H. Rept. 288.)

The SPEAKER. The gentleman from New York, chairman of the Committee on Appropriations, reports the urgent deficiency bill.

Mr. MANN. I suppose that is without objection?

Mr. FITZGERALD. Without objection, I will say, the committee having risen informally.

Mr. MANN. Well, I will not make any objection, although I think it is a vicious practice. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill, and it is ordered printed and referred to the Committee of the Whole House on the state of the Union. The committee will resume its sitting.

INDIAN APPROPRIATION BILL.

The committee resumed its sitting.

Mr. MANN. Mr. Chairman, the question asked by the gentleman from Maine involves a great deal in this appropriation bill, and in the hope I may be of some little service to the gentleman from Maine in taking a little more money out of the Treasury I am going to make a suggestion to him. A few years ago some enterprising gentleman, having heard there were some Seminole Indians in Florida, got an item of $10,000 for their support and education. The appropriation was made three years ago. No portion of it, I think, has ever yet been expended for either the support, maintenance, or education of those Indians. Some of it has been expended by officials of the Indian Office taking winter trips to Florida [laughter], but they have found no Indians who wanted—I will not say have not found any Indians who wanted the money—but they have not found any Indians to whom they have paid money, and along this year——

Mr. FITZGERALD. Would the gentleman expect those officers of the Indian Office to make trips to Florida in the summer time?

Mr. MANN. I will say to the gentleman, having been a resident of Florida in a way, that the climate in Florida in the summer time is much more equitable than it is in Washington.

Mr. NORTON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. NORTON. When that appropriation was passed, which you say was three years ago, was the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois present?

Mr. MANN. I was present and made a point of order on it, and, having been defeated on the point of order, I fought the appropriation, and a misguided House put it in the bill. [Laughter.] And if the gentleman from North Dakota had been here, being controlled and influenced by the Committee on Indian Affairs, as most of the gentlemen who are in the Chamber are, he would have stuck to what the committee said.

Mr. NORTON. I simply want to ask whether these trips made by the department officials are not made for the purpose of civilizing these lost tribes of Seminole Indians? I thought they might justify their trip and the expenditure of money in that way.

Mr. MANN. The department was asked to see if there was any possible way in which they could expend this money, and the only way they could find out was by making trips to Florida. They are not to be criticized for that.

Now, this year there comes along our distinguished friend from Montana, who had put a fine-tooth comb at work, and had scraped over the whole of Montana and found some Indians who were not already cared for in the Indian appropriation bill. So for the first time we have in the bill an item of $10,000, just agreed to, for the support and civilization of Rocky Boy's Band of Chippewas and other indigent and homeless Indians in the State of Montana.

Now, if my friend from Maine [Mr. GUERNSEY] would just get a little busy and find some Indians in his State, he can get an appropriation of $10,000 if he can get any Indians to take the money. [Laughter.] The only people in the way of Indians who were left out in the cold by the Committee on Indian Affairs are the Indians of Tammany Hall, who are now getting it cold in every direction, and even the Committee on Indian Affairs will not take care of them.

Mr. GOULDEN. They do not require any appropriation. They are abundantly able to take care of themselves. They have done so satisfactorily to the people for 125 years and will do it for the next 125 years.

Mr. MANN. With the President against them, with the collector of customs against them, with the governor of the State against them, and the new mayor against them, they are in a very unenviable position.

Mr. GOULDEN. The gentleman should inform himself by reading the papers, getting the facts, and he will find that the governor is not against them. He is a Democrat and fully realizes and appreciates the work done by the magnificent Democratic organization of New York City.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Mr. GUERNSEY. Mr. Chairman, I move to strike out the last word. I will say to the gentleman from Illinois [Mr. MANN] that it is not my object to secure any money for Maine Indians. I would like, however, to stop the flow of money from the New England States, Maine included, to the South and West which, it seems to me, is being facilitated by this bill.

Mr. MANN. The gentleman's position is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, for the ensuing year, in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, 1914, a detailed statement as to all moneys expended as provided for herein.

Mr. MANN. Mr. Chairman, I reserve the point of order. I would like to ask the gentleman in charge of the bill what would happen to this appropriation if it were not all expended before the first Monday in December next?

Mr. STEPHENS of Texas. This appropriation runs for the year beginning the 1st of July, 1914, and ending the 1st day of June, 1915. I think the word "fourteen" ought to be stricken out and the word "fifteen" inserted here.

Mr. MANN. The proviso says:

A detailed statement as to all moneys expended under this appropriation shall be made to Congress on the first Monday in December.

And it is manifest that under that language the Secretary can not expend any money after that date out of this appropriation, because it would not be possible to report on the first Monday in December money expended thereafter.

Mr. STEPHENS of Texas. That is evidently a mistake. I ask that "fourteen" be stricken out.

Mr. MANN. Mr. Chairman, I make a point of order on the proviso.

The CHAIRMAN. The point of order is sustained.

Mr. MILLER. I sincerely trust that the gentleman from Illinois will reserve it for a moment.

Mr. MANN. I will reserve it.

Mr. MILLER. I think there is very great need for that provision. We have found it advisable—and I think the House has generally agreed to the program—to distribute among the Indians where it can be done, funds that they can use for the development of their allotments, purchasing horses, cattle, and houses, and so on, especially where they have a large fund in the hands of the United States. Now, when you give the Secretary of the Interior authority to expend these sums of money in this general way, you give him a very large power. It seems to me we ought to be advised at stated intervals as to the way in which those expenditures are made and that fund used. I can see no other way by which it can be reached excepting through reports to Congress. Now, if it is the duty of the Secretary to make this report the members of the Indian Committee, at least, and the distinguished leader of the minority, certainly will have copies of the report and will read them, and thereby become advised as to the wisdom or unwisdom of the expenditures and businesslike arrangements the Secretary of the Interior carries on. It seems to me extremely advisable, and I think the gentleman ought not to insist on the point of order, although "fourteen" should be stricken out and "fifteen" substituted.

Mr. STEPHENS of Texas. We need this for the committee, in order to be informed how the money has been spent during the past year, when we are making up our budget for the present year.

Mr. MANN. I will ask the gentleman from Texas [Mr. STEPHENS] how many of these detailed reports are now made by the Secretary of the Interior, of this character?

Mr. STEPHENS of Texas. There are 10 or 12 of them. I do not know how many.

Mr. MANN. I thought the gentleman did not know how many. Every one of these reports is laid on my desk when it is printed, and I examine them, and I guarantee that no member of the Committee on Indian Affairs does. There are a great many more than a dozen.

Mr. STEPHENS of Texas. I will say that when this bill is made up we go through those reports.

Mr. MANN. There is no information in the report that is worth having. Nobody reads them except myself, and I am green to do it.

Mr. CARTER. Mr. Chairman, if the gentleman will yield, I will say that he will find in the hearings before the subcommittee that those reports were used and referred to quite frequently by the members in interrogating officials of the Indian Bureau. You will find cases from time to time where the gentleman from South Dakota [Mr. BURKE] had occasion to refer to them, and where the gentleman from Texas [Mr. STEPHENS] and myself had occasion to refer to them.

Mr. MANN. I would like to have somebody show me that.

Mr. CARTER. You will find those matters in the hearings.

Mr. DYER. But the hearings, I will say to the gentleman, are not indexed, and you can not find anything in them.

Mr. MANN. The department has to make reports of the expenditure of this money in any event.

Mr. MILLER. But not in such form as to be available for our purposes.

Mr. MANN. They are not doing it now in such form as to convey any information.

Mr. MILLER. That may be true, but ever since I have been a member of the Committee on Indian Affairs my constant struggle has been to try to get at the facts, and the gentleman from Illinois certainly, from his long experience and his excellent industry, knows that to get at the facts in relation to Indian affairs is a very difficult thing.

Mr. MANN. Mr. Chairman, I will withdraw my point of order in the hope that, when made, this report will be examined by somebody.

The CHAIRMAN (Mr. GARNER). The gentleman from Illinois [Mr. MANN] withdraws his point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the word "fourteen," in line 21, of page 29, and insert in lieu thereof the word "fifteen."

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend, page 29, line 21, by striking out the word "fourteen" and inserting in lieu thereof the word "fifteen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The Clerk read as follows:

Amendment offered by Mr. MORGAN of Oklahoma: Page 29, line 22, after the word "herein," insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to loan to bona fide farmers, residing in the State of Oklahoma, all the funds or moneys now in, or which may hereafter be in, the Treasury of the United States, belonging to the several Indian tribes of said State, or to individual members thereof, held in trust or otherwise, which will not be required under any law or treaty, for a period of two years from date of loan, to pay any debt or obligation due any Indian tribe or member thereof, and all of such funds not subject to be loaned under the foregoing provision to farmers shall be deposited in the National and State banks of the State of Oklahoma under such conditions, for such time, and with such interest and security as shall be prescribed by the Secretary of the Interior, and the interest accruing under such loans and deposits shall be placed to the credit of the various Indian tribes and members thereof as their interests shall appear.

"That said loans shall be secured by first mortgage upon improved farm land or lands situate within the said State, and shall bear interest at the rate of 5 per cent per annum, payable annually. No loan shall exceed 50 per cent of the appraised value of the land mortgaged to secure said loan, ascertained by appraisers appointed or designated by the Secretary of the Interior. Loans may be made for a period of not less than one year and for not to exceed a period of five years. Payments on principal of not less than $100 may be made at the time of any interest payment. The amounts loaned in the various counties, so far as may be practicable, shall be equitably distributed according to the number of farmers residing in the respective counties of said State.

"That the loans and deposits herein provided for shall be made by the Commissioner of Indian Affairs under the direction and with the approval of the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the safeguarding of the interests of the United States and the Indian tribes or members thereof and for the carrying out of all the provisions of this act, and is authorized to extend the time for the payment of any loan: *Provided*, That all deposits of such funds in the banks of the State of Oklahoma heretofore made under existing law may be continued at the discretion of the Secretary of the Interior: *And provided further*, That all laws or parts of laws in conflict with the provisions of this act are hereby repealed."

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like to be heard on that point of order.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order now?

Mr. MORGAN of Oklahoma. Yes, sir.

The CHAIRMAN. The Chair is ready to rule, but of course he will hear the gentleman.

Mr. MORGAN of Oklahoma. Mr. Chairman, I will ask the gentleman from Texas [Mr. STEPHENS] to withhold his point of order so that I can be heard.

Mr. MANN. I suggest to the gentleman from Texas that he reserve his point of order for five minutes.

Mr. STEPHENS of Texas. I will reserve it, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas reserves his point of order. The gentleman from Oklahoma is recognized.

Mr. MORGAN of Oklahoma. Mr. Chairman, this amendment that I have offered embraces a House bill which I have introduced in this House and which I tried to present a few days ago to the Members of the House. I know it will strike some people as not being the proper thing, and yet I want to assure this House that I can see no objection to it from any standpoint whatever.

There is something like $28,000,000 in the Treasury of the United States, according to the best information I have had, belonging to the several Indian tribes of Oklahoma. There is

probably $18,000,000 of this fund that is composed of trust funds that will be in the Treasury no doubt for many years, a quarter of a century, probably a half a century. In addition to that, other lands will be sold, and there will be other large amounts of funds in the Treasury.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. MORGAN of Oklahoma. Yes; for a question.

Mr. CAMPBELL. Suppose it would be necessary to foreclose one of the mortgages provided for here. Who would own the land, and what would be done with it in that case?

Mr. MORGAN of Oklahoma. The United States Government would own it.

Mr. CAMPBELL. What would the Government do with it?

Mr. MORGAN of Oklahoma. The Government would sell it.

Mr. CAMPBELL. And open it up to actual settlement to the man who was near by under the homestead laws?

Mr. MORGAN of Oklahoma. That would be a question entirely for the Government to decide.

Now, Mr. Chairman, I want to present a few facts. The Government of the United States paid out last year $1,700,000 in interest from the Treasury of the United States on these trust funds. That was a total loss to the Government of $1,700,000. Of that sum $700,000 was paid to the Oklahoma Indians, so that on these trust funds the United States is losing $700,000 a year.

Now, then, I can not see how that is a good business proposition for the Government of the United States to follow. These funds are there. The Government of the United States can loan them to the farmers of Oklahoma, where the Government would make an appraisement of the lands on which the money was loaned, and the Government would have entire control and could be trusted to do a safe business for itself. The Government would save that $700,000 a year.

Now, then, the farmers of Oklahoma, according to the Census of 1910, owed $28,000,000 of farm mortgages, paying thereon about 8 per cent annual interest. If you reduced that interest to the farmers of Oklahoma to 5 per cent, you would save to them $600,000 a year. The Government would save $700,000 a year in being recouped for the interest that is now paid to the Indians on their trust funds.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. STEPHENS of Texas. Does not the gentleman believe that the Indians should pay their just debts before this money is loaned out?

Mr. MORGAN of Oklahoma. I have no objections to the Indians paying their just debts.

Mr. STEPHENS of Texas. Does not the gentleman think that those Indians, the Kiowas and Comanches and Apaches, who have stolen millions of dollars' worth of property from the homestead settlers in my State, should be required to pay back damages for the destruction of that property?

Mr. MORGAN of Oklahoma. I believe that the citizens of every State should be paid what is justly due them.

Mr. STEPHENS of Texas. Is not the gentleman aware that under the laws of the United States all funds going into the Treasury from bands of Indians are subject to damages for the destruction by those Indians of property belonging to the white people?

Mr. MORGAN of Oklahoma. That is off the line of my argument, and I do not want to discuss that.

Mr. STEPHENS of Texas. Does not the gentleman believe that we should be just before we are generous?

Mr. MANN. I will suggest to the gentleman from Oklahoma, would it not be better to do what has been proposed to be done here—to loan to all the farmers of the country all the money they want at 2 per cent interest?

Mr. MORGAN of Oklahoma. I have great respect for the gentleman from Illinois, and he is always fair when he is in earnest. But I believe the gentleman from Illinois, if he were conducting a business for this Government, would not have the Government pay out $700,000 a year when the Government could by a safe business process be recouped for that loss.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, $1,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of getting a little information. This item includes the words—

Including pay of employees.

I think those words are carried in the current law. The expression—

Including pay of employees—

occurs in so many items in the bill as a new provision that I should like to ask the gentleman whether that includes the pay of any employees in the city of Washington.

Mr. STEPHENS of Texas. I think not, because this specifies what tribe of Indians this money is payable to, and they are all within the State of Oklahoma.

Mr. MANN. I take it this money has been used heretofore for the pay of employees, and I suppose there has been a decision of some officer that some employee could not be paid out of it unless the language was changed. Has the gentleman a statement of the reason there?

Mr. STEPHENS of Texas. No; I have not; but I know it has been the practice for a good many years to have this language in the bill, and it has been found sufficient.

Mr. MANN. I can show the gentleman more than a dozen places in this bill where the words occur as a new provision.

Mr. CARTER. I do not think any decision has been made, but the fear that a decision might be made was the reason of the department, as stated to us, for putting this language into the bill. It was feared that the comptroller might rule that they could not pay the employees at that agency under that provision without this language.

Mr. MANN. It was not intended, then, to get around any decision which forbade them to pay any employees in the city of Washington.

Mr. CARTER. No; it was not.

Mr. STEPHENS of Texas. This is what appears in the hearings with reference to this item:

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, $1,500.

That is the same amount and the same language as in last year's act. We offer in support of that item the following justification:

Support of Kansas Indians, Oklahoma.

Fiscal year ending June 30, 1914, amount appropriated	$1,500
Fiscal year ended June 30, 1913:	
Amount appropriated	1,500
Amount expended	1,175
Unexpended balance	325

ANALYSIS OF EXPENDITURES.

Salaries, wages, etc	1,175

Amount asked for, $1,500.

This appropriation is used for the benefit of 158 Kansas (or Kansa) Indians, under the jurisdiction of Ponca Agency, and is expended for general agency purposes, including the pay of one physician at $600 per annum.

The reservation comprised originally about 100,000 acres, of which 99,644 acres were allotted or deeded in severalty to 247 Indians in accordance with the provisions of the act of July 1, 1902 (32 Stat. L., 636), 260 acres being reserved for cemetery, school, and administrative purposes. No surplus land remains at this point.

Mr. MANN. I withdraw the pro forma amendment.

Mr. MILLER. May I ask the chairman of the committee, or the gentleman from Oklahoma [Mr. CARTER], a question in reference to this expenditure of $1,500 for the Kansas Indians? There are 158 of these Kansas Indians in the State of Oklahoma, taken care of under the Ponca Agency. I find there was expended last year out of this appropriation of $1,500 the sum of $600 for a physician. Does not the gentleman think that in the reorganization down there it can very likely be arranged that one physician will not be required to attend 158 people, in the salubrious and beautiful climate for which Oklahoma is so justly famed, and for which she will in the future become more famous still?

Mr. MANN. The Claims Committee have just reported a bill to pay nearly that much for one service to a naval officer.

Mr. STEPHENS of Texas. It is stated in the hearings that the reservation comprised originally about 100,000 acres——

Mr. MILLER. I have read the hearings, and I do think it is outrageous to pay $600 to take care of 158 Indians.

Mr. STEPHENS of Texas. There are 247 allotments, so that there must be more Indians than the gentleman thinks.

Mr. MILLER. I have a suspicion that if the facts were known it would appear that this $600 for the physician goes to pay him not only for his services in caring for the 158 Indians,

but for a large number of other Indians, payment for which ought to be made out of some other fund.

Mr. MANN. And some whites.

Mr. CARTER. Perhaps that may be true. I can not give the gentleman the information he desires. This is one of the agencies in Oklahoma with which I am not at all familiar.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

That the fourteenth paragraph of section 18 of the Indian appropriation act approved August 24, 1912 (37 Stat. L., pp. 533, 534), be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause to be delivered to the persons entitled thereto, under such rules and regulations as he may prescribe, checks payable to the order of individual Indians who are members of the band of Mexican Kickapoo Indians residing in the Republic of Mexico, covering individual Indian moneys now on deposit to the credit of such Indians, or in any manner under the control of the superintendent of the Shawnee Indian School and other officers of the Interior Department or which may hereafter be deposited with or come under the control of the Department of the Interior or its representatives, except such moneys as may belong to members of said band who are under 18 years of age and the feeble-minded Indian known as Paw-kaw-kah, in which cases such moneys shall be paid to the proper custodians of the members of said band who are under 18 years of age, and the said Paw-kaw-kah."

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I do not know just what is the object of this provision. The original appropriation was improperly made for the benefit of some claim agents; but what is this for?

Mr. STEPHENS of Texas. These Mexican Kickapoo Indians live on a reservation in Mexico, but they own lands in Oklahoma; and this money is due them from the leasing of their lands in Oklahoma. It is a trust fund, to be paid to these Indians annually. It seems that heretofore the checks were made payable through the First National Bank of Douglas, Ariz., that being the nearest point in the United States to the reservation in Mexico where the Kickapoos are located. For some reason there seems to be trouble in getting the money to them from that point, which is a hundred miles or more from the place down in Mexico where they are located, and this change was requested by the department so that the money could be more readily paid to the Indians.

Mr. MANN. I remember when this was considered in the House before; and while I may have been in error, I believed, from the information I received, that they were endeavoring to fix it so that some agent down there could get a rake-off on the payment of these claims.

Mr. STEPHENS of Texas. I will state to the gentleman that there is nothing of that kind at all, because this money is going directly to the Indians owning the land in Oklahoma for which the rent is due.

Mr. MANN. I know we had quite a contest over it.

Mr. STEPHENS of Texas. The matter that the gentleman refers to has all been settled.

Mr. MANN. What is the change here? The gentleman has not given us any information on that.

Mr. STEPHENS of Texas. The change is the manner of reaching the Indians with the checks. The money is to be carried to them in a different way than that provided for in the first law.

Mr. CARTER. If the gentleman will permit, I just want to make this suggestion: We did have quite a lot of talk over this amendment, I think, in 1912. The Senate inserted an amendment in the Indian appropriation bill, which was modified and agreed to in conference, directing that the money be paid through a certain Indian or council. It was charged on the floor and otherwise that this council was completely under the control of a certain fellow in whom a great many Members had very little confidence, and that to turn the money over in that way would be tantamount to giving it to the fellow himself to let him pay it out, and the conference report was rejected.

Mr. MANN. That is correct.

Mr. CARTER. Another provision was brought in directing that the money be paid to the First National Bank of Douglas, Ariz. In connection with that I will state that before we agreed to that we called into conference the gentleman about whose intentions we had some doubt, and we found that he had title to all of the land that belonged to these people.

Mr. MANN. Yes.

Mr. CARTER. The gentleman from South Dakota [Mr. BURKE] required him to deed to these Indians the title which he held in trust for them before we would take any action on the amendment. Then provision was made that the money should be paid through the First National Bank of Douglas, Ariz.; but in the meantime so much noise had been made about the proposition that the First National Bank of Douglas, Ariz., did not seem to want to have anything to do with it, and the department was unable to pay the money to the Indians under that law. The purpose of this provision, as stated by bureau officials, is to enable them to pay the money out to the Indians, which they are unable to do under existing law.

Mr. MANN. I do not know where the Indians are at present, and I do not suppose that anybody else knows.

Mr. STEPHENS of Texas. I can tell the gentleman where they are.

Mr. MANN. If the gentleman from Texas knows where anybody is in Mexico, he knows what nobody else knows.

Mr. STEPHENS of Texas. They are at the head of the Yaqui River, Montezuma district, Sonora, Mexico.

Mr. MANN. Most of them have been driven out of Mexico, and I did not suppose that anybody knew where they were situated. There was a white man in connection with this matter who held a title to the Indian lands. He had proposed, or somebody had recommended—I do not know whether it was the department or the committee—that the checks be turned over to that man. He was represented to be the great and good father of these people, but it was perfectly evident to those who studied the subject that he was undertaking to get a big rake-off on these payments. Now, I want to know under the legislation which we did enact, he having failed to get his rake-off, whether the amendment that is now proposed will result in giving him control over these checks before they are paid?

Mr. CARTER. The bureau officials assured us that he would not. We asked him that question.

Mr. MILLER. Mr. Chairman, I want to call attention to the language of the paragraph where it provides:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause to be delivered to the persons entitled thereto, under such rules and regulations as he may prescribe, checks payable to the order of individual Indians.

I do not imagine that the Secretary of the Interior would give them to John Doe, or anybody else, excepting the one to whom the check was payable. If he did, he would be subject to a right of action on the part of the Indian parties.

Mr. MANN. I do not see any difficulty about that; all this man has to do is to present an order from the Indians and get the check.

Mr. MILLER. The Secretary of the Interior would not, if he had a grain of common sense, which I assume he has, deliver these checks except to the persons who are rightly entitled to them.

Mr. STEPHENS of Texas. The man that the gentleman from Illinois refers to has no longer any connection with the Indians.

Mr. MILLER. This seemed to be the only way to get out of a bad situation and relieve the condition that had to be relieved.

Mr. STAFFORD. Could not these Indians make application to the Secretary of the Interior and obtain their portion of the fund?

Mr. MILLER. They might, but when you put upon an Indian the duty of making an application, you put upon him the additional duty of going to a white man and the probability of getting into the power of the white man.

Mr. STAFFORD. I think it would be a burden now that they are resident in Mexico.

Mr. MILLER. I do not imagine these checks can be paid out immediately, perhaps not for a long time, because the Indians can not be located.

Mr. BUTLER. Is it not possible for some Government official to make the payments?

Mr. MILLER. The Secretary of the Interior might send a man from his department to make physical delivery of the checks.

Mr. MANN. The bank at Douglas, Ariz., has delivered them.

Mr. BUTLER. I understand the bank declines to have anything more to do with it.

Mr. MANN. I expect the banks are willing to have the money if you do not put too many burdens upon them.

Mr. MILLER. From the many statements about fraud and possible graft connected with the payment, the bank, by reason thereof, said it would have nothing to do with these payments.

Mr. MANN. The bank did not want to take any chances of paying checks with forged indorsements.

Mr. STAFFORD. The bank did not handle the money, but merely transferred to the proper payee the Government checks payable to the respective Indians.

Mr. MANN. The bank did not want to pass upon the genuineness of orders for these checks. The bank has the good sense not to do it; the Government has not the good sense not to do it. We are going to do the very thing a sensible man would not do. We let some man go down to the Indians, pick up the orders, and have the checks turned over to him. Well, perhaps the Indians will not be any worse off than they are

now. But, upon the statement made by the members of the committee, I shall withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

The unexpended balance of the money heretofore appropriated by the act of June 30, 1913, for the relief and settlement of the Apache Indians confined as prisoners of war at Fort Sill Military Reservation, in Oklahoma, on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, is hereby reappropriated and shall remain available until expended.

Mr. MANN. Mr. Chairman, I reserve a point of order. Is there any special reason why this money should continue available until expended?

Mr. STEPHENS of Texas. This money was appropriated for the purpose of buying homes for Indians in Oklahoma who did not go to Mexico. They were part of the prisoners who had the right to remain or go to New Mexico. This fund was appropriated to permit the Secretary of the Interior to purchase for these Indians remaining in Oklahoma certain lands in the vicinity of the original reservation. There seems to be only a part of the amount expended. The rest of it necessary to be expended for the benefit of the Indians.

Mr. MANN. I have no objection to a reappropriation of them, although I was not in favor of the original item, but the Government has adopted the policy. Why should it remain available until expended, cumbering up possibly the books of the Government for 50 years from now?

Mr. STEPHENS of Texas. Our opinion is that these lands will all be purchased in a year or so. It takes some time to go into the market and get the Indians settled on the land.

Mr. MANN. Congress is in session every year.

Mr. CARTER. Mr. Chairman, I really think this language would be in the interest of good administration, because in the purchase of lands it would be necessary to know certainly that the funds were available to pay for the land when the title could be procured, and it is necessary to have the title straightened out before the money can be paid. It might be that just on the claims of one fiscal year they were dickering for some considerable land, and the titles might not be straightened out until the following year.

Mr. MANN. I think there is force in what the gentleman says. Does the gentleman know what the highest price is that has been paid for any of these lands?

Mr. CARTER. I do not think I do.

Mr. MILLER. They have not bought any yet.

Mr. CARTER. Yes; they have bought some lands.

Mr. MILLER. There is nothing in the statement of the department furnished us that shows that they purchased any land.

Mr. MANN. They have not gone into my State and purchased any $250-an-acre land yet.

Mr. CARTER. I am sure they have not.

Mr. MANN. Have they purchased any of that high-priced land in Oklahoma?

Mr. CARTER. I do not think they have paid any very high prices for land in that part of the country.

Mr. MILLER. They have expended only a few thousand dollars, and a majority of that went for subsistence, provisions, or incidental items.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. MILLER. Mr. Chairman, I move to strike out the last word. I do so to call the attention of the House to what Congress has done for a band of Indians that for some reason has aroused a great deal of sympathy in some parts of the United States.

Mr. MANN. Maudlin sympathy.

Mr. MILLER. We have heard it repeatedly stated that Uncle Sam has misused and maltreated the Geronimo Band of Indians held on the Fort Sill Indian Reservation, and a great many crocodile tears have been shed over it. As a matter of fact, there has never been a band of Indians within the confines of the United States—there has never been a band of Indians, I will say, on the face of the earth—that has had so much done for them, as a band or as individuals, as the United States Government has done for that same band. Who are they? It is not my purpose to arouse any hatred or dislike for those Indians, but it is proper to call attention to the circumstances under which they came to be prisoners at that place. As the world knows, the great Apache chieftain, Geronimo, was a notorious outlaw, thief, and murderer. He had prevailed upon some of his followers to join with him in these depredations on the frontier, and the situation became so grave that the United States Army captured him. We have, therefore, this chieftain and his band. We did not put them within prison walls; we did not put them behind bars as we place the whites of similar character and conduct; but we put them out in the air and on the broad prairies of Oklahoma, letting them live in homes of their own on a reservation of 53,000 acres.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. GOULDEN. How many were there at the time they were first placed within those confines?

Mr. MILLER. I can not give the gentleman the exact number, but somewhere between thirty and forty. That was more than 40 years ago. In the meantime they have increased in number to two hundred and seventy-five. We not only placed them on this reservation, but we built them homes. We not only built them homes—and I will say on investigation that we built their homes in the most fertile valleys and lovely looking spots in that entire reservation; yes, even in the far-famed Medicine Creek Valley, whose beauties rival the pictures of Eden land—we not only built them homes, but we bought them cattle. We did not buy them simply ordinary scrub cattle, but we purchased the best blooded stock that could be found in the market. We not only did that, but we bought them agricultural implements, and we gave them subsistence. We kept them from day to day and we clothed them and we fed them and equipped them and gave them homes; and now, Mr. Chairman, when the time has come to make a final disposition of these people, of which I said there are some two hundred and seventy-five, not all of them desire to be removed; and so we said: "We will let you elect, and those who do not care to leave this reservation, those of you who have become so much in love with this place that here you prefer to dwell, we will let you stay here, and we will buy you all fine farms and set you up in business." That is exactly what we are doing and what this provision is to carry out.

Those who are willing to go back into New Mexico, where their brethren are located upon a wonderfully fine and large reservation of 450,000 acres of land, we take up and put on the train with a ticket to their new homes; we transport their stock and household furniture—everything in the way of possessions they may have—down to this reservation, their new home, where they are taken in as members of the tribe, permitted to share in the property of the tribe, and become possessed of all benefits incident to tribal affiliations. Not only do we do that, but they had about 10,000 head of blooded cattle, I am informed, at the time this removal was started, a year or so ago, a property we preserved to them. Do you understand what that means? They are worth not less than $75 a head, and that totals $750,000, almost $3,000 for every man, woman, and child of the band. We are not requiring them to reimburse the Government at all for these things we are doing for them. We are letting them sell some of their stock, where it can not be transported conveniently, and we are giving the proceeds to them when they get down into New Mexico. Those who prefer to remain in their old home are being presented with fine farms we are purchasing for them and with a good equipment to start them well launched in life. We have appropriated for this purpose $300,000 out of the Treasury of Uncle Sam; and I make this statement, Mr. Chairman, in the hope that some of the people who have been writing to Members of Congress and who have been preaching sermons on the treatment of that Apache Band of Indians by Uncle Sam will have the facts upon which they may reflect, and shape their ideas accordingly. [Applause.]

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. MANN. Is it not a fact that the Indian Rights Association or some other association of good people represented to everybody in the country that we had these original prisoners in prison, that we had imprisoned innocent children who have been born since the original capture, and that the Government was a monster because it was retaining in prison children born of prisoners, when the prisoners were much better off than most of the white people and far better off than they had ever been before?

Mr. MILLER. The statement of the gentleman is entirely correct, and the report thus disseminated was the vilest kind of libel against the exact facts of the case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that we pass the items with reference to the Five Civilized Tribes, as Mr. HARRISON is not present, and proceed to read the rest of the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to pass the items in relation to the Five Civilized Tribes until the end of the bill. Is there objection?

Mr. MANN. Does that mean from page 32, line 13, to page 36, line 13?

Mr. STEPHENS of Texas. Down to "Oregon."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,000; for general repairs, additions to buildings, and improvements, $12,000; in all, $114,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, in line 2, strike out the figures "12,000" and insert in lieu thereof the figures "27,000."

Mr. HAWLEY. Mr. Chairman, I offer this amendment for the purpose of complying with the recommendation made by the superintendent of the school and the Commissioner of Indian Affairs that there should be an extension to the present assembly hall at that school. The hall was authorized many years ago, and constructed within the last few years. Prior to this authorization the Alaskan Indians had not been included in the Indians to be educated in this school, and with the coming of 100 or more Indians from Alaska, in addition to the normal increase to the school, the assembly hall has become too small to accommodate the pupils. The value of an assembly hall at an Indian school, especially at one where they are doing as good work as at this school at Chimawa, is, of course, conceded by all who have ever investigated this question. I understand from the hearings that there was no testimony offered contrary to the building of this addition. It will have to be built before long, and it can be built now to accommodate the growing needs of the school in such a way as to meet them for the present and for the future, and it seems to me that it is a good opportunity, in order to continue their work properly and to derive benefits from it, and that it should be built at as early a time as possible.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HAWLEY. I will be glad to do so.

Mr. STEPHENS of Texas. Has the gentleman visited this school?

Mr. HAWLEY. I visited it about a year ago.

Mr. STEPHENS of Texas. This assembly hall is also used as a gymnasium, where they hold ball games, and so forth.

Mr. HAWLEY. No; for the general purposes of the school. They have a gymnasium made out of an old barn.

Mr. STEPHENS of Texas. At this place?

Mr. HAWLEY. Yes.

Mr. STEPHENS of Texas. This is only for the purpose of enlarging a building they have at the present time?

Mr. HAWLEY. Yes; to put in addition to the present assembly hall so they can accommodate the students for assembly and general school purposes in a room at one time.

Mr. STEPHENS of Texas. I have been there. Is not that situated on the south side of the railroad?

Mr. HAWLEY. On the west side of the railroad. This particular building is on the east side of the railroad; but the buildings generally are on the west side.

Mr. STEPHENS of Texas. It is across the railroad from the main building?

Mr. HAWLEY. Yes; from the main building.

Mr. STEPHENS of Texas. As I remember, this is rather a new building of brick and only built a few years ago, not over 8 or 10 years ago.

Mr. HAWLEY. It was authorized some time ago, and it has been built within the last few years.

Mr. STEPHENS of Texas. And built for a school of 600 pupils, was it not?

Mr. HAWLEY. It was built on an estimate of what the school had at that time; but Indian pupils from Alaska, who at that time were not allowed by law to attend this school, number over 100 at the present time in attendance at the school and are a very valuable body of students, because they are very anxious to learn, and intelligent.

Mr. STEPHENS of Texas. Does not the gentleman think it would be better to send some one there and let them investigate and see whether or not it is necessary to add to this building?

Mr. HAWLEY. If the gentleman had time when he was there to cross over and look at this building, as I did when I was there a little over a year ago, he would have seen it is plain from the floor space of that room with the gallery that there is not room on that floor space for all the school. If you send 40 people there they would make the same report, that it is absolutely necessary to build this in order to accommodate the needs of the school, that it is absolutely necessary for this building to be enlarged.

Mr. STEPHENS of Texas. I thought that the architects who planned the school and all the school buildings had planned to have this house sufficiently large for the 600 pupils that are there, and we have not permitted it to be enlarged to accommodate 700 pupils, as you state, with reference to having brought a hundred pupils from Alaska. But we have not exceeded the amount. This is a school for some 600 pupils, the buildings were erected for 600 pupils, and this is comparatively a new building, and I do not see why we should enlarge it. This is a nonreservation school.

Mr. HAWLEY. The gentleman knows that the Indians from Alaska have been admitted to this school within the last few years and subsequent to the authorization for this building; and the building, when it was authorized, contemplated the attendance at the school at that time and the natural increase in attendance that would come to the school from the Indian tribes then allowed to send their children to it.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. HAWLEY] has expired.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and the amendment thereto be closed in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWLEY. Now, the addition of the Indians from Alaska has been made since that time, and therefore the plans drawn for the building were drawn under one set of conditions and now must be applied under a new set of conditions. And the attendance at the school, according to the report of the superintendent, now runs to about 650 pupils, and will increase steadily.

Mr. STEPHENS of Texas. This is a nonreservation school.

Mr. HAWLEY. It is a nonreservation school.

Mr. STEPHENS of Texas. And an industrial school.

Mr. HAWLEY. Emphatically an industrial school, with excellent literary work also.

Mr. STEPHENS of Texas. Have they not about 240 acres of land in cultivation, or a great deal of it in cultivation, and are they not raising quite an amount of stock and different kinds of farm products amounting to $15,027?

Mr. HAWLEY. The school makes a very good showing.

Mr. STEPHENS of Texas. Would it not be possible to take a part of that sum and apply it to the purpose which the gentleman asks?

Mr. HAWLEY. That is what I am asking now, namely, that Congress authorize the use of the $15,000 for the building.

Mr. STEPHENS of Texas. Can the gentleman get a recommendation of that kind from the department?

Mr. HAWLEY. It is already in the recommendation of the commissioner.

Mr. STEPHENS of Texas. Have you any letter to that effect?

Mr. HAWLEY. Not in reference to any special matter. It is already in the report submitted to the committee, on page 611, the third paragraph from the bottom. It says:

Referring to the item for an addition to the school auditorium, it should be said that the present assembly room is much too small to accommodate the entire school, pupils and employees, not to mention a considerable number of visitors who attend at all public functions or at commencement season.

But I am asking this for the purpose of accommodating the school in its daily work, and I hope that the committee will see fit to grant this reasonable increase. It must be made in a very few years in any event, but giving it now will enable the school to do better work.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think the committee should grant this increase for the reason indicated by the gentleman. This is a comparatively new school. This building was erected about 8 or 10 years ago for the number of pupils that we find there now and that we are now appropriating for. I was at this school a few years ago and looked into the matter. The superintendent was asking for this enlarged assembly hall at that time. This is a nonreservation school, and it would do away entirely with the policy of the Government if we enlarged such schools as this in order to put more pupils in them. I think we ought to confine our activities to the reservations and to schools on the reservations.

Mr. HAWLEY. Did not the superintendent of the school, when you did it the honor to visit it, tell you that that assembly hall was too small to accommodate the needs of the school?

Mr. STEPHENS of Texas. He did.

Mr. HAWLEY. I was there a short time after you were there, and he told me the same thing.

Mr. STEPHENS of Texas. We have been denying appropriations for this purpose, when the schools were off the reservation. We have increased the schools to about 3,000 students in the past few years, and I think it is time to stop it.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. HAWLEY] has expired. All time has expired.

The question is on the amendment of the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the support and civilization of detached Indians in Utah, including pay of employees, $10,000.

Mr. JOHNSON of Utah. Mr. Chairman, I move to amend by striking out "$10,000" at the end of line 2, page 40, and insert in lieu thereof "$15,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 40, by striking out, in line 2, "$10,000" and inserting "$15,000."

Mr. JOHNSON of Utah. Mr. Chairman, I move this amendment because of information which I have recently received, and which is authentic, that a great many of these Ute Indians have been attacked with a peculiar disease of the eyes, called trachoma; that they are in a lamentable condition, and that the disease is spreading very rapidly among these Indians, and, indeed, is being communicated to some of the white men. It is not only true as to those who are on the reservation, but it is true as to the pupils who come to the public schools.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. JOHNSON of Utah. Certainly.

Mr. STEPHENS of Texas. If the gentleman will examine page 649 of the hearings, he will see that for the fiscal year ending June 30, 1913, there was an appropriation of $10,000, and the amount expended was only $6,433.50, leaving an unexpended balance of $3,566.50. And it goes on to say how this has all been spent—for salaries, wages, traveling expenses, equipment, construction and repairs, and so forth.

Mr. JOHNSON of Utah. I had not intended to ask to have this amended, but within the hour I was called to the door by the governor of the State, who urged me very strongly to secure an additional appropriation for this purpose. This disease is of recent origin. It probably did not exist at the time this matter was before the committee.

Mr. MILLER. Will the gentleman yield at that point?

Mr. JOHNSON of Utah. Yes, sir.

Mr. MILLER. I have no doubt but that the situation is exactly as the gentleman states, and I am sure we all wish to join with him in getting seasonable relief for those Indians. But I will say that a similar condition exists among many, many other bands of Indians in the United States, and we have made a general provision for all of them. In a preceding paragraph there is an item of $260,000, a very large sum, which we have provided to carry on a campaign against tuberculosis, trachoma, and other contagious diseases. I suggest to the gentleman that, rather than to increase this item, which will go to maintenance and not to medical treatment, he exert his customary industry to help his people by seeing that the Secretary of the Interior in handling the $260,000 takes good care of those Ute Indians in Utah.

Mr. JOHNSON of Utah. I thank the gentleman for his information. I had not noticed that provision. I make this suggestion at the very earnest request of the State officials. Those Indians there are in need at the present time, and physicians are now attending them. The officials of the State say that the appropriation here of $10,000 will be insufficient. I ask for the modest increase of $5,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Utah [Mr. JOHNSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds to the credit of the Confederated Bands of Ute Indians, together with the accrued interest thereon, appropriated under the act of March 4, 1913 (37 Stat. L., p. 934), and to use the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe, said funds to be immediately available and to remain available until expended: *Provided*, That the said Secretary shall report to Congress on the first Monday in December, 1914, a detailed statement as to all moneys expended as provided for herein.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Is there any special reason why this appropriation should remain available until expended?

Mr. STEPHENS of Texas. There is no special reason that I know of. None was given us.

Mr. MANN. The gentleman does not insist on that, I take it?

Mr. STEPHENS of Texas. No.

Mr. MANN. It is not a very good practice. I notice that the same proviso says that the "Secretary shall report to Congress on the first Monday in December, 1914," and so forth. I suppose the gentleman would wish to change that to "1915," anyhow?

Mr. STEPHENS of Texas. Yes.

Mr. MANN. And, of course, if that proviso remained in and the fund remained available until expended, it would not work together, anyhow?

Mr. STEPHENS of Texas. The gentleman is correct.

Mr. MANN. I make the point of order, Mr. Chairman, on the language, in line 14, page 40, "and to remain available until expended."

The CHAIRMAN. The point of order is sustained.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the word "fourteen," in line 16, page 40, and insert in lieu thereof the word "fifteen."

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 40, line 16, by striking out the word "fourteen" and inserting in lieu thereof the word "fifteen."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $10,000, to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes land allotted or to be allotted to Indians on the Uintah Reservation, or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States.

Mr. JOHNSON of Utah. Mr. Chairman, I make a point of order against the proviso.

Mr. STEPHENS of Texas. We admit it is subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, a few moments ago the gentleman from Wisconsin [Mr. STAFFORD] rose as a friend of the Indian—and I know he is a friend of the Indian and a friend of the white people as well—and made a few observations with regard to these paragraphs relating to Indian water rights that are being stricken from the bill on points of order made by me. Among other things he made this observation:

We have seen here an instance of the rapacity of western people. I make no criticism of their conduct, but we have seen an instance of their wishing to have large irrigation projects erected out of the tribal funds of these Indians, and when those projects are erected refusing to allow these Indians to use them, but claiming that those further down on the white man's lands have rights superior to those Indians because the Indians have failed through laches to use them.

I regret exceedingly that a man with so clear a mind as the gentleman from Wisconsin has failed to catch the drift and intent of my argument made a few moments ago with regard to these provisions. I assure the gentleman that it is not rapacity, but a sincere regard for the interests of the Indians, that prompts us to make these points of order. We have no desire that the Indians shall lose their water rights. On the contrary, no one can be so much interested in having the Indians retain their water rights as the people who live in the States and in the communities and in the vicinity of the Indian reservations.

What we desire to prevent is the creation of a condition under which the Indian and the Indian Department shall be tempted to forego or neglect the irrigation of these lands and leave them in their present desert state, with the waters necessary and useful for their irrigation going wastefully and uselessly to the sea.

I want to assure the gentleman from Wisconsin that the maintenance of a water right is a simple thing. There is no

necessity for any laches creating a condition under which a water right shall be forfeited. A water right can not be forfeited in my State except after judicial procedure at the end of five years of absolute nonuse.

Now, we do not want to create a condition under which these great areas in our States shall remain unirrigated and unused, unprofitable to the Indian and to the community in which the Indian lives. We have the word of the Indian Bureau in the hearings had before the committee to the effect that there is not now any danger of the loss of Indian water rights. We want to apply the same rule to the Indian as we apply to the white man. The waters of Western States belong to the people of the States. No such thing as individual property rights have been successfully asserted in regard to these waters. They are property of the people. It is the duty of all the people to guard the rights that are acquired under the law, and in order that our land may be irrigated and in order that there may be the most advantageous use of water in irrigation it is necessary to have some rule enforcing the use of the water. The only right the Indian has and the only right that the white man has is the right to use the water for beneficial purposes. If we shall say to any class of citizens, "It is not necessary for you to use the water for beneficial purposes. You may allow your lands to lie year in and year out, arid and unused and unproductive. The water may continue to run down these streams to the sea, and no one may use them, and you decline to." We do not want to create a condition of that kind. The creation of such a condition would be more harmful to the Indian than to the white man.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, there never was an instance of rapacity on the part of the westerners shown to better advantage than as illustrated by the remarks of the distinguished gentleman from Wyoming [Mr. MONDELL]. Here we have a condition where the National Government not only provides the funds for establishing these irrigation plants for the use of the residents on the white man's land outside the reservations, but we call upon the Indian tribal funds to provide for a proportionate part of that expense for the use by the Indians of this water on the Indian lands.

Where do we find the Indians represented, so far as their rights are concerned? In the State legislatures? Oh, no. Indians have no representation there. Where do we have to come to find their spokesmen? In the National Congress. And when a provision for the benefit and protection of the Indians, and their right to the use of the fruits of their funds is proposed, to utilize some of this water for which their money has been expended, then rises up the gallant Representative from the State of Wyoming and cites a statute of limitation of five years, which you can not find anywhere else, except in these rapacious western States, that grants prescriptive rights to the use of the water, and thereby bars the Indians from the use of that which they have purchased.

I am acquainted with the statement in the hearings which the gentleman has read, saying that the right of Indians have not so far been jeopardized; but the Indian Bureau comes before the committee and strongly urges that this provision be incorporated. Who fells it with one stroke? The distinguished gentleman from Wyoming. Ah, the Indians on these Indian reservations have no votes. No; but the white men outside of the reservation, who are getting the benefit of the Indian tribal funds, have spokesmen not only here but in the State legislatures. In our State we recognize the right of the prescriptive use of streams and flowing waters, but we do not pass any such law as that 5 years shall grant a prescriptive right. In our State it is 20 years. I think that the rights of the Indians should be protected and conserved; and when a committee, following the recommendation of the administrative officials who have at heart the welfare of the Indians, brings in a recommendation to conserve their interests, and that provision is stricken out at the behest of the gentleman from Wyoming, it only goes to show that poor Lo has not much chance when it comes to a large number of white men who want to take advantage of some of the fruits of his funds in irrigation plants that the Indians have established. The conduct of the westerner in appropriating these privileges is rapacious in the extreme.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

WASHINGTON.

SEC. 22. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $7,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I have tried to discuss this question fairly, dispassionately, and good naturedly with the gentleman from Wisconsin [Mr. STAFFORD], but he tries our patience when he applies the term "rapacious" to western people in connection with Indian affairs.

I represent on this floor a considerable number of voting Indians who know their rights and, knowing, dare maintain them; and I stand here, endeavoring to represent them as I endeavor to represent the white men and women in my State.

So far as the Indian reservation in my State is concerned, the Indians would not have had their water rights so well defined but for my efforts in insisting on their being secured. Years ago I talked to the Commissioner of Indian Affairs many times, urging him to make application for water rights on the reservation in our State. Finally they made their application, and by keeping after them we finally got them to outline their plan, file their map, and make their application. But because we want to see our country irrigated and see its land fruitful, because we insist that it shall not remain in its native condition, the gentleman says we are rapacious, and that we are trying to deprive the Indians of their rights. Some gentlemen—I will not say the gentleman from Wisconsin; he always talks well—some gentlemen talk best when they argue about things of which they know the least; and some recommendations made by some departments of the Government are made with the greatest force in regard to things relative to which they have the least knowledge or information. A bureau that in one breath insists that it is necessary to have legislation of this kind and in another says that nothing of the sort is necessary is not, as it strikes me, the sort of a bureau that one may properly follow in matters of this kind.

We want to see these lands reclaimed. We want them to produce crops for the benefit of these Indians, and we do not want a provision under which the gentlemen here in the department, who are charged with the duty of preserving these Indian water rights, can go to sleep and allow those lands to become desert again, after we have spent $20 or $40 an acre for their irrigation. Perhaps there are gentlemen who would prefer to have these Indian ditches fill up and the structures rot down and the lands become arid and desert as they were originally, rather than have the trouble of looking after the water rights. That is all there is in it. We insist that it is the duty of the Indian Department to see that these water rights are preserved, and it is a simple and easy thing to preserve them. All that is necessary is to keep the ditches clean and the water flowing and over the land at least a part of the season. I think we are working in the interest of the Indians rather than antagonistic to their interests when we demand that their reservations shall not only be reclaimed by irrigation but that that reclamation shall be permanent.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $43,450; for general repairs and improvements, $6,000; in all, $49,450: *Provided*, That the appropriation of $2,500 for repairing and rebuilding a barn at the Tomah School, contained in the Indian appropriation act of August 24, 1912 (37 Stat. L., p. 538), is hereby made available for the purpose for which appropriated, and shall remain available until expended.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. I should like to get some estimate from the committee as to how long it will take to build this barn that we found so absolutely essential to be built at once two or three years ago, but which has not yet been built, and for the buidling of which it is now proposed to give an indefinite time.

Mr. MILLER. If I recall, the Indian bill for 1912 passed the House some time in August or September, altogether too late to get anything like a start on this project at that time.

Mr. MANN. It certainly does not take a year up in Wisconsin to build a barn costing $2,500. I do not see the gentleman from Pennsylvania [Mr. MOORE] here. That might be

the case in Philadelphia, but it can not be the case is Wisconsin. Here they are not prepared even to build next year.

Mr. ESCH. Mr. Chairman, I want to offer an amendment, but in reply to the gentleman's suggestion I will say that the original item of $2,500 for this barn was contained in the Indian appropriation act approved August 24, 1912. That was several months later than the Indian appropriation bill is ordinarily approved. Early the following winter the superintendent of this school suggested plans for this barn, submitted them to the Indian Office, and then advertised for bids. Several responsible bidders made bids. These bids were sent in by the superintendent to the Indian Office, and after they had been receievd the Indian Office advised him that no bids were to be received and that the work was not to be done under bidding, but that he should go on and construct the barn by doing the work in the open market. When this order came the fiscal year had expired. It was no fault of the superintendent, but the fault rests in the Indian Office, as was admitted by Mr. Meritt, the deputy commissioner, in the testimony presented before the Committee on Indian Affairs.

He admits in his testimony that this was an instance of "bad administration." I sincerely trust that this school may not be made to suffer when the superintendent was guilty of no laches, and when the officials of the Indian Office themselves admit that they were negligent.

Mr. MANN. Two years ago the gentleman made a pathetic plea in the House about the importance of having this barn built at once; that the school could not continue unless the barn was built at once. Having the money in hand, they really found no occasion to build a barn. Now they do not propose to build within a year and a half.

Mr. ESCH. I had an amendment I wanted to offer to make the amount immediately available.

Mr. MANN. Mr. Chairman, I make a point of order on the language "shall remain available until expended."

The CHAIRMAN. The point of order is sustained.

Mr. ESCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 43, line 9, after the word "made," insert the word "immediately."

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was considered and agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the paragraph. I think the language "hereby made available" should be "hereby reappropriated."

Mr. CARTER. I think the gentleman is correct about it.

Mr. MANN. Where did the amendment offered by the gentleman from Wisconsin [Mr. ESCH] come in?

The CHAIRMAN. Line 9, after the word "made."

Mr. MANN. Mr. Chairman, I move to insert, after the word "hereby," the words "reappropriated and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 9, after the word "hereby," insert the words "reappropriated and."

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., including pay of superintendent, $31,025; for general repairs and improvements, $6,000; in all, $37,025.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to return to the paragraph beginning at the bottom of page 43.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to the paragraph at the bottom of page 43. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to ask what the amendment is?

Mr. MILLER. I want to insert the words "reappropriated and."

Mr. STAFFORD. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, on page 44, line 3, after the word "hereby," insert the words "reappropriated and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 44, line 3, by inserting, after the word "hereby," the words "reappropriated and."

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, $25,000, reimbursable in accordance with the provisions of the act of March 3, 1905, and to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Wind River Reservation, or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States.

Mr. MONDELL. Mr. Chairman, I make a point of order against the proviso that it is new legislation and a change of existing law.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Wyoming whether there is any real necessity for continuing this irrigation plant and whether the Indians can get any benefit from it? Here is $25,000 for continuing the work of constructing an irrigation system. What is the total cost of the system?

Mr. MONDELL. Mr. Chairman, I have not the figures near me, but I think about $600,000.

Mr. MANN. It has been nearly 10 years since we commenced this project, and we are now appropriating $25,000.

Mr. MONDELL. We have been spending the last few years on this project about $50,000 per annum.

Mr. MANN. What can they do with $50,000 for a series of years?

Mr. MONDELL. They continue the extension of the canals that were started years ago farther down and out over the land, gradually enlarging the project and bringing new lands under it. The gentleman will understand that these Indians are allotted over quite a wide area. The first canals constructed did not cover all of the allotted land. As the canals are extended year after year they reach old allotments and new allotments which are being made from time to time. As the canal is extended the work of allotment is extended so that we are constantly bringing in new Indians under the canal.

Mr. MANN. Who pays the cost of operating this plant?

Mr. MONDELL. Of course the Indians take care of their own laterals and ditches. Otherwise than that the care of the main canals, I suppose, to a certain extent, is provided for under this appropriation. The Indians are doing the work.

Mr. MANN. Here is a plant that has existed for years and it does not bring in money enough to pay its operating expenses. The whites will gradually get in and get a portion of the land. The gentleman has just stricken out a provision that would protect the Indian unless they make use of the water.

Mr. MONDELL. In the last two years the Indian Bureau has been encouraging these Indians to sell or lease the excess portion of their lands. In some cases an Indian family will have as high as 320 acres of irrigable land. Of course that is very much more than an Indian can take care of.

Mr. MANN. Or anybody else.

Mr. MONDELL. Or anybody else. In these cases the Indian department is endeavoring to secure lessees or in some cases purchasers, and they have been quite successful in leasing some of the land, so that they are gradually covering the lands of the Indians that they can not utilize with white lessees.

Mr. MANN. How much do the lessees pay annually for the water rights?

Mr. MONDELL. I do not now recall the exact terms of the leases, but they provide in a general way that the lessee shall grub the sagebrush, shall break up the land, shall fence it, shall within a certain length of time have the land in alfalfa or other crops, and in addition to that before the close of the lease shall pay a cash lease.

Mr. MILLER. Mr. Chairman, is not the reason why larger revenues are not derived from this irrigation at the present time due to the fact that water rights are under litigation and there has not been for some time an actual sale or lease?

Mr. MONDELL. These water rights are not under litigation; they are secure under the Wyoming law.

Mr. MANN. The gentleman does not think there is any controversy on the water-right question?

Mr. MONDELL. Mr. Chairman, a year or a half ago, at a distant part of this reservation, and not anywhere near this reclamation project, having no connection with it whatever, but on a part of the reservation which the Indians sold years ago, there was an old Indian allotment that drew its water from Owl Creek, and a question arose as to the exact priority of that Indian allotment compared with other Indian and white water users in the same locality. Some of the department people took a different view from that taken by the local water superintendent as to the priority of that particular Indian allotment, consisting, I think, of some 40 or 50 acres. I investigated the matter somewhat, and my personal opinion is that the water

superintendent gave the Indian a priority as early as he was entitled to. It is true the time came in the late part of the irrigation season when the Indian and his white neighbors could not get all of the water they wanted, because there was not water enough for all, but the Indian got water long after many of the white men were entirely deprived of water. That is the only case that I have heard of, and I am confident it is the only case on that whole reservation where there has ever been a question of water rights, and that is not in connection with this Indian project at all, but it is an individual Indian ditch out of Owl Creek on the other side of the reservation on the ceded lands.

Mr. MILLER. Mr. Chairman, I have not the slightest doubt but that the appropriation of $25,000 is absolutely needed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I think this project, which has cost more than $600,000, is undoubtedly a good, feasible project.

Mr. MONDELL. It is fine.

Mr. MILLER. It is one of the very best. I do not think there is any question about that. However, it has been found that the Indians are very slow to avail themselves of the advantages afforded by this irrigation system.

Mr. MONDELL. That is unfortunately true.

Mr. MILLER. Can the gentleman give us any method of overcoming that condition?

Mr. MONDELL. The Indian Bureau has been doing all it could to get the Indians to cultivate more land, and they are actually increasing their acreage; but at the same time the bureau is encouraging the Indians to lease or sell their excess lands, the leases all being based on a requirement of cultivation, so that when the lease expires the land will be cultivated, irrigated, fenced, and in condition to grow crops.

Mr. STAFFORD. Mr. Chairman, will the gentlem. n yield?

Mr. MONDELL. Certainly.

Mr. STAFFORD. I find in the hearings there have been expended $646,000 on this project, and that there are at present reclaimed 104,000 acres.

Mr. MONDELL. Yes.

Mr. STAFFORD. I also find in another place that there are some 839 Shoshones on this reservation. Is that the whole number that dwell on this vast tract of land?

Mr. MONDELL. No; there are about 2,400 Indians, about half Shoshones and half Arapahoes, the Shoshones occupying the upper part of the reservation and the Arapahoes the lower part.

Mr. STAFFORD. As I understand, the project is completed at the present time?

Mr. MONDELL. Oh, no; it is far from being completed, because ultimately much more land can be irrigated.

Mr. STAFFORD. How much of the reservation has been disposed of?

Mr. MONDELL. Over half of the original reservation has been disposed of; that is, provision has been made for its disposition; but the area remaining is all Indian land. This project is on the diminished reservation, all of which is Indian land, with the exception of a few tracts.

Mr. STAFFORD. Has no part of the reservation been allotted to the Shoshones?

Mr. MONDELL. Oh, yes; all of the land under the ditches has been allotted, and as the ditches are extended, the work of allotment goes on. Sometimes the work of allotment is in advance of the construction, but the allotments are being made on lands that can be irrigated. A complete and very excellent plan, I think, has been worked out by the Indian Service for the irrigation of all of the irrigable lands on this reservation, and they are gradually working toward completing it. They do not need more than the sum proposed this year, because of the fact that there are some funds remaining from last year's appropriation, so that there will be available about $50,000.

Mr. MILLER. A little more than that. There are about $34,000 unexpended. May I inquire what happens to those laterals and ditches that have been constructed and are not being used for irrigation purposes?

Mr. MONDELL. The Indians are, I hope, keeping the ditches open. There is necessity for that by reason of the fact that the Arapahoes occupy the lower part of the reservation at the end of the main canals, and the main canals must be kept in good condition, in order to carry water to the lower end of the reservation.

Mr. MILLER. I had reference to the laterals that are not used. Do not they grow up—fill up with weeds?

Mr. MONDELL. They do if not cared for, and it is the effort of the Indian agent to at least have the Indians keep their laterals cleaned out and water over the allotments. He has been reasonably successful in doing that, although it is a slow and toilsome process, as anyone knows who has to do with these people, who are just beginning to learn the art of agriculture.

Mr. MILLER. Do they really know how to handle an irrigation system? Is not the real difficulty due to the fact that these Indians have no conception whatever of the method of farming by the irrigation system, and is not that true generally among the Indian reservations of the United States?

Mr. MONDELL. I think, unfortunately, it is true.

Mr. MILLER. And before making these irrigation systems throughout the United States a success will we not have to carry on some kind of educational system or propaganda among the Indians to teach them how to make use of them?

Mr. MANN. Farm demonstration work.

Mr. MONDELL. I think that is true to a certain extent with certain Indians, but the gentleman must remember these Indians have been living on and beside irrigation ditches for the last 30 years, and they are fairly good irrigation farmers.

Mr. MILLER. They do not seem to use this system at all.

Mr. MONDELL. Oh, yes, they do. The gentleman realizes that there are few white men who can take real good care of more than about 80 acres of irrigated land.

Mr. MILLER. I understand that.

Mr. MONDELL. When an Indian family may finally secure as much as 320 acres of irrigated land, it is impossible for them to take care of all of it, and it would be impossible for the ordinary white man. My idea is—at least that is the view of the department, and I agree with the department—that 80 acres is all that is necessary for a family of Indians to retain. The remainder should be sold or leased, in order that the white man settling beside him may give him an object lesson in how to clear the land, prepare it for crops, plant alfalfa, and get it ready for cultivation for general agricultural products.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 25. Section 26 of the Indian appropriation act of June 30, 1913 (Public, No. 4), is hereby repealed.

Mr. STEPHENS of Texas. Mr. Chairman, I now ask that we return to the items under the Five Civilized Tribes, page 32, beginning line 12.

The Clerk read as follows:

FIVE CIVILIZED TRIBES.

SEC. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $150,000: *Provided*, That the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished and in lieu thereof there be appointed by the President, by and with the advice and consent of the Senate, a Superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I make the point of order on the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think the paragraph is subject to the point of order, but the gentleman from Oklahoma [Mr. CARTER] is more familiar with that, and I will yield to him.

Mr. CARTER. I presume, Mr. Chairman, the gentleman from Illinois makes the point of order that this is a change in existing law.

Mr. MANN. Of course it is plainly subject to the point of order, unless it comes under the Holman rule.

Mr. CARTER. Well, I want to direct the Chair's attention to some citations under the Holman rule.

Mr. MANN. The Chair, doubtless, is familiar with them. State the facts, and let the Chair rule.

Mr. CARTER. What facts does the gentleman mean.

Mr. MANN. It is subject to the point of order on its face plainly, I think, unless it comes within the Holman rule of retrenchment of expenditures, and so forth.

Mr. CARTER. I was going to get to that, and I was briefly calling the attention of the Chair——

Mr. MANN. I will say to the gentleman, I am not in a hurry myself, but I do not care to take up much time. I assume the Chair has looked the matter up——

Mr. CARTER. I think he has.

Mr. MANN. And I have no doubt he is just as well informed before the gentleman makes his speech——

Mr. CARTER. I will say I claim that it is in order under the Holman rule, and I ask the attention of the Chair to the Saunders decision.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. The gentleman has not made any statement of facts that bring it within the Holman rule.

Mr. CARTER. In the first place, it reduces the salaries. The present salaries of these two officials abolished are $5,000 and $4,500, respectively, or a total of $9,500, and this reduces the salaries to $5,000, and a great deal more money can be saved by the reorganization of the bureau, which will naturally result from a consolidation of the offices.

Mr. MANN. That is a pure matter of theory.

Mr. CARTER. No. That is not a matter of theory. That is a matter set forth by the law.

Mr. MANN. It is a pure matter of theory whether money would be saved by reorganizing.

Mr. STEPHENS of Texas. Does the gentleman deny that we abolished an office here and that we have put the salary at $5,000 per annum? There are two offices combined in one. One office of the Union Agency was abolished, that of the secretary, at $4,500. We reduced the amount to be expended and reduced one of the officers.

Mr. MANN. Mr. Chairman, I will detain the Chair for only a moment. I suppose the Chair has looked the matter up more carefully than I have. There is nothing in this paragraph which says that the office to be created shall perform the duties of the offices which are abolished. When a similar question arose under the Holman rule many years ago, I thing it was Speaker Carlisle, although I am not certain what Speaker it was, held that the Chair could not determine, because you abolished a number of offices and created a lesser number, that therefore there was a saving of money, because the duties of the office which was abolished might have to be performed by some one else at equal expense. Now, here is a lump-sum appropriation, with the proviso abolishing two offices and creating one.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. In just a second. There is not a word in it which says that the officer who is provided for shall perform the duty of the officers who were abolished. Now, I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. The gentleman is aware that from the language of this there are two offices, and "that the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency are hereby abolished, and in lieu thereof there be appointed by the President, by and with the advice and consent of the Senate, a Superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum."

Mr. MANN. I am perfectly aware of what is in the bill. Why does the gentleman take time to read it?

Mr. STEPHENS of Texas. The gentleman is aware of the law, and it may be the same with the Chairman, who is presumed to know the law, although it would be a violent presumption in many cases that this is a saving.

Mr. MANN. I think the Chair is entitled to receive information.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MURRAY of Oklahoma. I wanted to ask the gentleman from Illinois [Mr. MANN] and the gentleman from Texas [Mr. STEPHENS], to meet the statement that the gentleman from Illinois seems to think valid, if there would be any objection to adding, at the end of the paragraph, "That the said superintendent shall perform the same duties as are now performed by the offices abolished"?

Mr. MILLER. I am quite sure that the gentleman from Oklahoma [Mr. CARTER] and the gentleman from Texas [Mr. STEPHENS] would never consent to that. They do not want these functions and duties performed by anybody, and therefore they are trying to wipe them out by abolishing the office.

Mr. MURRAY of Oklahoma. Do I understand the gentleman to say that I would not favor it?

Mr. MILLER. I did not refer to the gentleman himself, but I referred to the other gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. Does the gentleman from Illinois make a point of order against the entire paragraph or the proviso?

Mr. MANN. I make it against the proviso, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the proviso, which reads:

Provided, That the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished and in lieu thereof there be appointed by the President, by and with the advice and consent of the Senate, a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum.

It is contended that this proviso is in order under that portion of the second clause of the Holman rule which reads as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The first question, of course, for the decision of the Chair is whether or not the proviso in the bill against which the point of order is made is germane to the subject matter of the bill. This section of the bill provides for expenses of the Five Civilized Tribes in Oklahoma and the compensation of employees. The proviso seeks to abolish the offices of commissioner and superintendent of Union Agency in Oklahoma, which are vested in part, if not in whole, with the administration of the affairs of the Five Civilized Tribes, and clearly, in the opinion of the Chair, the proviso is germane to the subject matter of the bill.

The next question is as to whether or not it retrenches expenditures by the reduction of the number and salary of the officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money carried in the bill.

In the opinion of the Chair, it is only necessary to read the language of the proviso in order to see that it comes clearly within the rule, and is therefore in order. It proposes to abolish two officers, that of Commissioner to the Five Civilized Tribes and superintendent of the Union Agency, with salaries, the Chair is informed, of $5,000 and $4,500, respectively, and to substitute therefor one superintendent of the Five Civilized Tribes at $5,000, which is a reduction in offices and salary and a necessary reduction of the amount of money necessary to be carried in the bill.

The gentleman from Illinois [Mr. MANN] makes the point of order that there is nothing in the proviso to show that the new office created is to perform the duties performed by the two offices which the proviso seeks to abolish. The Chair thinks the language in the proviso to the effect that these two offices are to be abolished, and, quoting from the proviso, "and in lieu thereof there be appointed by the President, by and with the advice and consent of the Senate, a superintendent of the Five Civilized Tribes," clearly shows that the new office is to perform the duties which have been heretofore performed by the two offices which this proviso seeks to abolish, and the Chair therefore overrules the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to perfect the provision just ruled upon by inserting after the word "there," in line 18 of page 32, the word "shall," so as to read "the same are hereby abolished, and in lieu thereof there shall," and so forth.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The Clerk read as follows:

Page 32, line 18, after the word "there," insert the word "shall."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I offer an amendment at the end of the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, section 17, at the end of line 22, after the word "annum," strike out the period and insert a comma and the following: "And that the said Superintendent for the Five Civilized Tribes shall have full power and authority to consolidate and reorganize all forces of the offices abolished and to bring the disbursements for salaries and other expenses of such agency within the limit of the said amount of $150,000."

Mr. MANN. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. STEPHENS of Texas. Does the gentleman desire to argue the point of order?

Mr. MANN. No. It is absolutely new substitutive legislation.

Mr. CAMPBELL. And it leaves the amount of the appropriation exactly as it is now; the very language of the amendment does.

Mr. MILLER. There is no presumption that this is going to reduce any expenditure or discontinue any officials or reduce any salaries. It simply provides for a reorganization in the department, a reorganization that can be made without any such provision in the law whatever.

Mr. CARTER. Mr. Chairman, there are at present in Oklahoma two Indian bureaus, as is indicated by this amendment. One is under the Commissioners of the Five Civilized Tribes and the other is the Union Agency. Under the Commissioner of the Five Civilized Tribes, as the Chair will see from the document which I send to the desk—Senate Document 218—there is expended something over $60,000, and under the Union Agency there is expended an amount quite in excess of that. The purpose of the amendment of the gentleman from Texas is to dispense with some of these employees, so that their salaries may be brought within the limit of the appropriation of $150,000.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. In a moment. That perhaps can not be done without this amendment.

Mr. MANN. It would have to be done.

Mr. MILLER. Has not the Interior Department now the authority to keep its expenditures within the appropriations made by Congress?

Mr. MANN. Authority? They can not exceed it.

Mr. CARTER. The gentleman may be correct about that; but we appropriated in the bill last year $250,000 for this purpose, and we have now reduced that amount by $100,000. We certainly ought to give the new man who takes charge of this work the right to reorganize his bureau.

Mr. MANN. He has that right, undoubtedly.

Mr. MILLER. He can reconstruct it and reorganize it.

Mr. CARTER. Then if he has the power now, it is not a change of existing law.

Mr. MANN. Oh, yes; it is a change of existing law.

Mr. CARTER. But you say he already has that power.

Mr. MANN. Then he does not need it.

Mr. MILLER. This gives the superintendent a power that now resides in the Secretary of the Interior, and it is giving to a subordinate a power that the superior should have; and, if enacted into law, it gives to an employee of one of the great departments of the Government the right to defy the Secretary of the Interior, the right to defy his orders, and put through any kind of a reorganization he wants.

Mr. CARTER. I am perfectly content that the Secretary should have that power.

Mr. MANN. Undoubtedly the Secretary has the power to reorganize his whole office where there is no organization provided for specifically or where there is no organization provided by statute. This is a lump sum of money.

Mr. SISSON. Mr. Chairman, it would depend entirely upon whether the Secretary of the Interior, under the existing law, had the right to spend more than this amount of money.

Mr. MANN. He has not that power.

Mr. SISSON. The existing law may limit the amount provided for that. In a great many of the statutes, however, the right to engage the service of employees in a department is not always limited by the amount of the appropriation. That eventually comes up. It would be necessary to consult the statutes with reference to the creation of these various offices and the right to employ the people in them to ascertain whether or not this limitation comes within the terms of the Holman rule.

Mr. MANN. Mr. Chairman, the Chair held the item to be in order originally. I do not know whether the Chair, in connection with that or with this, is familiar with what would be called the leading case on the subject under the Holman rule, which was a decision rendered many years ago when it was proposed to transfer the whole Indian Office to the War Department. It was then contended that by abolishing all of the offices under the Indian Bureau, thereby effecting an economy as well as abolishing the offices, that amendment was in order, and the leading decision upon this Holman rule is the decision in that case, where the Chair held and the Speaker afterwards held that abolishing an office and transferring its duties to another did not effect an economy.

Mr. CARTER. Well, Mr. Chairman, I want to ask the gentleman what would prevent the Secretary of the Interior, without this provision, from creating a deficiency—expending the money and incurring a deficiency—and coming back for an appropriation next year?

Mr. MANN. The statutes of the United States prevent the Secretary from creating a deficiency.

Mr. CARTER. How is it, then, that we have a deficiency bill every year?

Mr. MANN. That is not difficult to explain. The deficiency in some cases is to provide money for something that Congress has ordered to be done, but has not made a sufficient appropriation for. If, for instance, we have an office with a salary affixed and do not appropriate for it, as sometimes we do not, that creates a deficiency; or if we order work to be done on the Panama Canal, for example, they may have a deficiency there, because they lack the money, but they can not incur obligations beyond the authority we give them.

Mr. SISSON. Suppose there is a statute creating a bureau or creating a department of the Government, and it should give, in general terms, to the head of the bureau the right to employ such employees as may be needed.

Mr. MANN. Yes.

Mr. SISSON. As a rule we cut out that general language, if our attention is called to it.

Mr. MANN. Oh, no; we usually insert it purposely.

Mr. SISSON. When the time comes for him to make employment it is not necessary to limit it by the amount.

Mr. MANN. Certainly it is. No officer of the Government can incur obligations or expend money beyond the appropriation unless there is specific provision for it. He can not spend money, anyhow——

Mr. SISSON. That is true; and unless this statute should repeal all of the authority that might be in some of these bureaus to employ help at a certain price, which is fixed—and I understand the last appropriation carried $250,000——

Mr. MANN. If there were enough salaries fixed by statute, which there are not in this case, to equal more than $150,000, and we did not appropriate for them, and the offices were filled, those people would have a claim in the Court of Claims; but no such case exists here, so there is no use in discussing it.

Mr. SISSON. That is what I had in mind.

Mr. MANN. That case does not exist here.

Mr. SISSON. If under the present employment he was spending at the rate of $250,000 a year, would this specific appropriation in this language prevent his spending more than $150,000?

Mr. MANN. It certainly would.

Mr. SISSON. Would he be compelled to cut off his employees so as to bring the total expenditure within the $150,000?

Mr. MANN. He would, indeed.

Mr. CARTER. I call the attention of the gentleman to the fact that last year we appropriated $300,000 for the purchase and transportation of supplies in the Indian Service. The intent of the appropriation of that money was to do away with the Indian warehouses, but——

Mr. MANN. Oh, that is not a parallel case.

Mr. CARTER. But for that very specific purpose there was spent some $340,000 or $350,000, and a deficiency appropriation was passed by this Congress.

Mr. MANN. Well, I know; but the Committee on Appropriations has the same authority to bring in a deficiency appropriation which the other appropriating committees have to bring in the original appropriation, because if that committee says a deficiency exists, it has the authority to put it in a deficiency bill; and the Committee on Appropriations could bring in a deficiency appropriation for every item in this bill that is not subject to a point of order. Of course, they do not do that.

Mr. CARTER. Would not the Appropriations Committee have the same right to bring in an item in a deficiency bill for any amount that might be expended in excess of this appropriation?

Mr. MANN. They would have the same right that the Committee on Indian Affairs has to include this item in this bill.

Mr. CARTER. That is what I thought.

Mr. MANN. Certainly; but the money can not be expended unless that is done; and the gentleman and I do not anticipate that the Committee on Appropriations will mix in this row.

After this amendment is disposed of, I have an amendment that I want to offer.

Mr. CARTER. I think we have discussed this matter rather fully, and I am ready for the ruling of the Chair.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of order against the amendment that it is new legislation. The paragraph under consideration carries $150,000 for expenses of administration of the affairs of the Five Civilized Tribes of Oklahoma and the compensation of employees. It is very clear, of course, that no greater sum than that amount could be expended without an additional appropriation.

The amendment seeks to authorize the superintendent of the Five Civilized Tribes to consolidate and reorganize all forces of the offices abolished, and so forth, so as to bring the expenses of such agency within the limits of the said amount of $150,000.

The Chair fails to see how the amendment can be held to retrench expenditures to a greater degree than is already provided in the bill, or in any way to reduce the amounts of money carried in the bill.

Mr. CARTER. It has been held by the Saunders decision that it was not necessary to reduce the amount of money carried in the bill in order to make the amendment in order.

The CHAIRMAN. The Chair is familiar with that opinion, or at least has read it recently. But as the Chair has stated, the original paragraph in this bill carries $150,000, and no greater sum than that amount could be expended during the fiscal year for which this appropriation is made. The amendment does not seek to reduce that amount or to present any legislation which would bring about a reduction, and therefore the Chair sustains the point of order.

Mr. CARTER. Does the Chair hold that it must be necessary that the amendment reduce the amount carried in the bill, in order that the amendment may be in order?

The CHAIRMAN. No; the Chair does not hold anything of the kind; but the Chair does hold that it must appear from the face of the amendment that it will necessarily have the effect of retrenching expenditures.

Mr. CARTER. The Chair will take into consideration the law of the land in that regard, will he not? Has the Chair made his decision? I did not hear it.

The CHAIRMAN. The Chair has ruled. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out, in line 19, page 32, the words "by and with the advice and consent of the Senate."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, line 19, strike out the words "by and with the advice and consent of the Senate."

Mr. MANN. Just a word, Mr. Chairman. I have helped to create a number of offices since I have been in Congress—Commissioner of Corporations, Assistant Secretary of the Department of Commerce and Labor, and a number of other officials—and in not one of them below a Cabinet officer will you find that that officer is to be confirmed by the Senate. I think it is rather derogatory to the influence of the House when it comes to matters of appointment that a Member of the House who desires to make a recommendation, instead of going to the executive officers, where he goes on even terms with Senators, has to trot over to the Senate and humbly beg a Senator to listen to him about something upon which they ought to stand on an equal plane.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Does not the gentleman think that if it is necessary for the Senate to confirm the appointment of postmasters there ought to be a confirmation in this case?

Mr. MANN. I do not think it is necessary for the Senate to confirm postmasters. I think it is idiotic that the Government requires Senate confirmation of postmasters. If it was not required, Members of the House would stand in a more dignified position before the country. When we commenced in legislation they provided that all officers, practically, should be confirmed by the Senate. There were only a few of them, and that is the reason that the Senate has grown mighty in influence, until the people of the country have an idea that the Senate is Congress. While we know better, we will never convince the people differently until we assert our prerogative and say that the Senate shall have no greater influence in appointments to these places than have Members of the House. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman yield again?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman believe that the combined wisdom of the Senate would be better than the judgment of one man?

Mr. MANN. I do not believe anything of the kind. The combined wisdom of the Senate is not brought to bear upon appointments. Does the gentleman know how many appointments are pending over in the Senate? They have a list that would reach from here to the other side of the Senate Chamber and then back again.

Mr. STEPHENS of Texas. Is it not a fact that Members of the House and the Senate from the State where the appointee is from have better means of knowing the conduct, ability, and character of the man under investigation than has the President?

Mr. MANN. I am seeking to protect the rights and the influence of the Members of the House, Members from Oklahoma, who have an equal right to go before the President or the Secretary of the Interior in regard to these appointments. Under this provision they will have no chance at all except to trail along behind if the appointments are made senatorial by requiring confirmation by the Senate. I do not care to have the gentleman ask me any further questions in that line. Every Member of this House who has had anything to do with patronage, outside of postmasters, knows that Members of the House have very little influence, and they will have less and less. Give the President the power to make the appointment.

Mr. CARTER. Mr. Chairman, I have never had much trouble in going before the President, never had to crawl and humble myself over in the Senate, to get confirmations made, and I do not know of any Members that have. I do not know that I have had any great amount of influence in the appointment of any officer since the Democratic administration came in, and I have not tried to exercise any great amount. I do not know that I shall insist upon the appointment of any certain person for this position, but here you have a great big position, a man handling affairs of 101,000 people and millions of dollars worth of property, a position where you need the greatest executive ability that can be commanded for a salary of $5,000, a position in which you need character and ability. The effect of the amendment of the gentleman from Illinois [Mr. MANN] would be to place this position under the civil service.

Mr. MANN. Why does the gentleman make that statement when he must know that he is inaccurate and wrong?

Mr. CARTER. I do not see how the gentleman from Illinois can make that statement.

Mr. MANN. Because I know.

Mr. CARTER. Some man will be taken from the civil service and put into this job.

Mr. MANN. Not at all; the President makes the appointment.

Mr. CARTER. I know; but we have a parallel case in which a former President did appoint a man from the civil service, just as this one may be under your amendment. How are you going to judge of the character and executive ability of a man by a civil-service examination?

Mr. MANN. I will not argue against such ignorance.

Mr. BUTLER. Let me ask the gentleman from Oklahoma, Was it a good man that the President had appointed from the civil service?

Mr. CARTER. I will be frank with the gentleman from Pennsylvania; I do not think he was.

Mr. BUTLER. Was he bad because he happened to be a Republican?

Mr. CARTER. Oh, no; he claims to be a Democrat. Now, what do you think of him?

Mr. BUTLER. That is a certificate of character. [Laughter.]

Mr. CARTER. Mr. Chairman, there is nothing to be gained by continuing this discussion. We want a man of executive ability, a man that can do the business. The present man on the job has not done it, and we need some new blood that will turn things over and start them moving. It will take some little time to wind up the affairs of the individual allottees. There is no reason why the affairs of this tribe should not be wound up speedily. There is a treaty which provides that they should be wound up by March 4, 1907, but we have failed to keep that treaty, and now we want a man who will keep the faith.

Mr. GOULDEN. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. GOULDEN. Does the gentleman think that he can get this paragon of a man with such ability and efficiency for the sum of $5,000?

Mr. CARTER. We are hoping that he will be an improvement on the present man.

Mr. GOULDEN. That would not be much of an improvement, according to the statement of the gentleman. I hope you will succeed in getting a good man, but the salary to me seems small.

Mr. CARTER. The salary is small for such a big job, but it equals that of the Commissioner of Indian Affairs.

Mr. MILLER. Mr. Chairman, I move to strike out the last word.

Mr. STEPHENS of Texas. Mr. Chairman, before the gentleman proceeds, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MILLER. Mr. Chairman, I reserve the right to object.

Mr. MANN. Mr. Chairman, the gentleman from Kansas [Mr. CAMPBELL] desires five minutes.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, the gentleman from Oklahoma [Mr. CARTER], who has just addressed the committee, offered

the observation that he trusted the new superintendent of the Five Civilized Tribes would be much better than the one who now occupies the position of Commissioner to the Five Civilized Tribes. We all join with him in desiring that there be secured for this important position the very best man on earth, but I will say to him that he will not get a better man than the man who is now Commissioner to the Five Civilized Tribes, because a better man does not live on the face of this earth for that particular kind of work. I desire to make that statement in view of the fact that he soon will be legislated out of office.

Mr. CARTER. How long has the gentleman from Minnesota known the commissioner?

Mr. MILLER. Four or five years. I have known his work in Dakota, in Minnesota, and in Oklahoma, and it is a tremendous monument to the industry, ability, and absolute square-toed honesty of this man. [Applause.]

Mr. CARTER. How long since he was in——

Mr. MILLER. He has been in the Indian Service about 30 years.

Mr. CARTER. How long since he was in Minnesota and North Dakota?

Mr. MILLER. I do not know that I could give the exact date, but he was in Minnesota within recent times, and he is the man who first unearthed the timber frauds in northern Minnesota more than 10 years ago.

Mr. CARTER. This commissioner has been on the job in Oklahoma since 1898.

Mr. MILLER. Mr. Chairman, I have only five minutes and I can not yield for a speech.

Mr. CARTER. That is not a speech; that is a statement.

Mr. MILLER. Mr. Chairman, I do not intend to take up the time of the committee in discussing some features of this paragraph that are so plain that they do not need discussion. My good friend from Oklahoma [Mr. CARTER], I am sure, if he will read the paragraph, will never print the speech that he has just made to the House. Even if the amendment offered by the gentleman from Illinois [Mr. MANN] should be adopted, the paragraph leaves it to the President of the United States to appoint anyone whom he pleases, and he can do so. He does not need to go into the civil service, and it is almost a certainty that he will go outside of it. We may as well be frank. We know, and each knows that every one else knows, that this is merely to legislate out of office a man who is now in the office of Commissioner to the Five Civilized Tribes.

I am perfectly willing that the majority of the committee should prevail, and they can, of course, as they have the strength to do it. I am not going to criticize them particularly for that. I did not intend to say a word about it until the gentleman made the observation that seemed to reflect upon the character of the work this man had been doing. This official, soon to be swept from office by this paragraph, is, in my judgment, the best man in the whole Indian Service. The responsibility for this legislation, the responsibility for this removal of a tried and capable man, rests with the other side of the House. I well know they are cheerful in assuming that responsibility. Mr. Chairman, the President of the United States hardly needs the advice and consent of Senators from the State of Oklahoma or Senators from the respective States in the Union to enable him to select with due discretion and judgment a man to occupy the position of superintendent to the Five Civilized Tribes, at the great salary of $5,000, when there are such able Members of the House here from Oklahoma who can give him good advice. If he can not do that, then I say that the gentlemen should change about and select a man for President of the United States who has capacity to do it. I am quite sure the gentleman from Oklahoma will not seriously argue that the President will have to retain in office there the gentleman who is there already or anyone else who is in the civil service. Not at all. He ought to, but, of course, he will not, for politics must here be played, and, in my judgment, the service will suffer. He can wander outside of the sacred limits of the civil service and follow any sweet singing bird, no matter where it may lead him, and select anyone on the face of the earth who is an American citizen to fill this position. Surely that freedom and that power ought to satisfy gentlemen on that side of the House.

Mr. CAMPBELL. Mr. Chairman, there is no question that the President of the United States can appoint any man he sees fit for the position that is being created by this paragraph. He may appoint a man from within the civil service and he may appoint a man outside of the civil service, so far as that is concerned. I shall pass that matter over. I have no doubt that if we should strike this provision out here to-day the Senators from Oklahoma, who want to control this matter and take the control and influence away from the Members of the House, would have it inserted in the Senate, and the conferees would have to agree to it in conference when finally considering the bill. What I want to say is this, that while there is anything to wind up for the Civilized Tribes neither the President without the consent of the Senate nor the President with the advice and consent of the Senate can find a man as well qualified, as well acquainted with Indian affairs, or more thoroughly upright and more honest than J. George Wright, the man who is being legislated out of office by this paragraph. I hold no brief for him. I have been acquainted with him for 12 years. He was a Cleveland Democrat, and never made any sort of apologies or explanation for it. He has been protected through 16 years and more of Republican administration, and there has been no attempt whatever to disturb his position, because of the high character of the man and the splendid service that he was rendering to the Indians. Now, Democratic politicians who have not been able to use him and who know they can not use him are legislating him out of office with a view of putting a man in whom they can use for any purpose they see fit. He has stood for the Indian and for the protection of the Indian and of his rights.

The gentleman from Oklahoma says the commissioner has not wound up the affairs of the Five Civilized Tribes. That is not the fault of the commissioner; the fault, if there is any, is with Congress. Year after year we have imposed additional burdens upon the Commissioner of the Five Civilized Tribes.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. CAMPBELL. I will.

Mr. BUTLER. This superintendent or Commissioner of the Five Civilized Tribes, is he on the classified list?

Mr. CAMPBELL. He is in the classified service.

Mr. BUTLER. That is what I wanted to know; he is in the classified service.

Mr. CAMPBELL. Yes.

Mr. BUTLER. Therefore it requires this in order to remove him.

Mr. CAMPBELL. Yes.

Mr. BUTLER. I wanted to get it straight.

Mr. CAMPBELL. He still remains in the civil service and in the Indian Service—perhaps as an inspector. He can not be removed except for cause, but this paragraph legislates him out of a job. There is no man in the United States better qualified than J. George Wright, or who knows more about the Indian Service, or better acquainted with Indian Affairs, or more honest in its administration, or who has given better service to the Indians. He simply refuses to be used by the Democratic politicians of Oklahoma or anybody else. You can not use George Wright for any purpose except for the better administration of the affairs of the Indians. Of course somebody that the Democratic politicians in Oklahoma can use will be given his place.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. I yield two minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Chairman, it is unfortunate, of course, that the Democrats in Oklahoma, I presume, live in Oklahoma, at least the interpretation placed——

Mr. BUTLER. It is unfortunate they live at all anywhere.

Mr. DAVENPORT (continuing). At least the interpretation placed by my friend from Kansas would seem he thinks so. To reply to my friend who did not rise in his seat, I will say to him that if it be unfortunate that the Democrats live in the United States at all, they alone must atone for it, because there is no organized Republican Party any more in the United States. I have no desire to cast any reflection upon anyone, and I have no charge to make against the present officers in Oklahoma. My friend Mr. CAMPBELL has eulogized Mr. Wright so highly that it would be futile to attempt to say anything more, yet I say that Mr. Wright has occupied the position that he has out there, and all the deeds of crime and outrages have gone on under his administration that my friend Mr. CAMPBELL told us of the other day in such pitiful terms upon the floor of this House.

Mr. MILLER. And all the time J. George Wright has been requesting district agents and begging and begging for employees to enable him to stop the graft, stop the frauds in the probate courts, stop the evil work——

Mr. DAVENPORT. That is not true, and I challenge the gentleman's statement.

Mr. MILLER. It is a fact.

Mr. DAVENPORT. I say it is not true. I will say to the gentleman, if he will listen to me, that J. George Wright went into that office in 1898, or about that time, and you will not find a single statement or appeal for district agents or any-

thing else from J. George Wright until 1908 and until after Oklahoma became a State.

Mr. MILLER. Nobody heard of district agents until then.

Mr. DAVENPORT. I will say he has been there and these conditions have been going on. I knew my friend would rise after the eulogy, when I began to state what did take place. It was not until after Oklahoma was admitted as a State that Mr. Wright found the necessity for field or district agents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, the gentlemen are both discussing a point that is not at issue. The district agents are not under Commissioner Wright.

Mr. MANN. Mr. Chairman, has not debate closed?

The CHAIRMAN. The time for debate has not yet expired.

Mr. CARTER. If the gentleman from Minnesota [Mr. MILLER] would consult the records before he speaks, he would not be laboring under such misapprehensions concerning Oklahoma.

Mr. MILLER. I am under no misapprehension.

Mr. CARTER. Well, let us see. I believe we all agree there are two bureaus down there—one the Commission to the Five Civilized Tribes, charged with the duty of winding up the affairs of these tribes, under the head of Commissioner J. George Wright; and the other, the Union Agency, charged with the supervision of the individual Indian and his allotment, under the leadership of Dana H. Kelsey. The agents whom these gentlemen have been discussing look after the affairs of the individual Indian and his allotment and have nothing whatever to do with tribal affairs. Therefore J. George Wright, the Commissioner to the Five Civilized Tribes, has no more to do with these district agents than the man in the moon. So the gentleman was laboring under a misapprehension. The gentleman was also mistaken as to whom my first remarks concerned. They did not refer to Commissioner Wright at all.

Mr. BUTLER. Will the gentleman yield?

Mr. CARTER. I can not yield in my limited time.

I was not casting any reflection on the honor and integrity of J. George Wright. I agree that he is an honorable, straightforward man, and a lovable companion, but he is a man of somewhat negative qualities. He does not take a positive stand on things until he knows how the Secretary of the Interior feels. It is charged that he always finds out what the Secretary wants him to recommend before he makes a report. The principal charge that can be brought against Mr. Wright is that he has been on the job for lo these many years, with laws of this Government directing him to bring these tribal affairs to a final conclusion. Notwithstanding these plain specifications of law Mr. Wright has failed to close these affairs in accordance with law; and with all due regard to him, I believe we should have some new blood in this bureau.

Where the gentleman from Kansas [Mr. CAMPBELL] gets his information from that J. George Wright is a Democrat is beyond me. I have never heard him credited with that honor before. I will say, however, that he is one Indian official in Oklahoma that has not permitted the Republican machine in that State to dictate what course he should pursue; but this, I believe, Dana H. Kelsey has done, and for that reason we are against him.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. I demand a division, Mr. Chairman.

The committee divided; and there were—ayes 18, noes 24.

So the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman——

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized.

Mr. MORGAN of Oklahoma. I have an amendment pending.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read the amendment, in part, as follows:

Page 32, line 22, after the words "per annum," insert as a new paragraph the following:

"That to compensate the State of Oklahoma for loss of revenue from nontaxable Indian lands there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, under the terms and conditions hereinafter set forth, to the State of Oklahoma the said sum of $20,000,000, the said sum to be paid as follows, to wit, $1,250,000 on the 1st day of January next following the adoption of the ordinance hereinafter mentioned and $1,250,000 on each and every 1st day of January thereafter until the entire sum herein appropriated shall be paid to said State: *Provided, however*, That no part of said sum shall be paid to said State until the people of said State, by amendment to the constitution of the State of Oklahoma, shall, on or before December 1, A. D. 1916, adopt an ordinance, which by its terms shall be unalterable and irrevocable except by the consent of the United States, in which they shall accept the said sum of $20,000,000, paid as herein provided, in full payment and satisfaction of any and all claim or claims whatsoever against the United States for taxes on any lands or other property within said State made nontaxable by any law or laws enacted, treaties made, or by any other act or acts of the United States: *Provided further*, That the money herein appropriated shall be paid to said State for the use and benefit of the said State and the counties, townships, school districts, and other municipalities within said State in proportion as the interests of the State, counties, townships, school districts, and other municipalities shall appear, based upon the loss of revenue by reason of nontaxable Indian lands and other Indian property, and the same shall be apportioned and paid out under such provisions, rules, and regulations as shall be prescribed by the legislature of said State."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask the gentleman from Illinois to withhold his point of order.

Mr. MANN. I am not going to withhold the point of order. The gentleman discussed that question in general debate. It is late in the evening now.

The CHAIRMAN. The Chair is constrained to hold that the amendment is clearly new legislation——

Mr. MORGAN of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (continuing). And the point of order is sustained. The Chair will state to the gentleman from Oklahoma that all debate on the paragraph is closed.

Mr. MURRAY of Oklahoma. Mr. Chairman, I desire to offer an amendment there, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, line 22, after the word "annum," strike out the period and insert a comma, and add the words "and said superintendent shall perform the authority now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks."

Mr. MANN. Mr. Chairman, I make a point of order against that. I have no objection to giving the commissioner power to do such a thing subject to the control of the Secretary of the Interior.

Mr. MURRAY of Oklahoma. I do not object to that language. I would be very glad to have that language go in there, as follows:

Subject to the approval of the Secretary of the Interior.

Mr. MILLER. I would like to hear the amendment read.

Mr. MURRAY of Oklahoma. Add at the end, "subject to the approval of the Secretary of the Interior."

The CHAIRMAN. The Clerk will again report the amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on it.

The Clerk read as follows:

Page 32, line 22, after the word "annum," strike out the period and insert a comma, and add the words "and said superintendent shall perform the authority now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior."

Mr. MILLER. There would be no objection to that whatever if the gentleman would consent to change one word.

Mr. MURRAY of Oklahoma. The word "authority" ought to be "duty."

Mr. MILLER. I think "perform" should be changed to "exercise."

Mr. MURRAY of Oklahoma. That is all right. Make it that he shall exercise the authority.

Mr. MANN. One other word, I think, might be changed. I notice the gentleman says "Commissioner to the Civilized Tribes."

Mr. MURRAY of Oklahoma. I quoted from the statute.

Mr. MANN. It would probably be correct, but right above in the paragraph it says, "the Commissioner of the Five Civilized Tribes."

Mr. MURRAY of Oklahoma. I quoted from the books.

Mr. MANN. Very likely the gentleman is correct, but I think in the same paragraph it might be proper to denominate the same man in the same way.

Mr. MURRAY of Oklahoma. But, Mr. Chairman, I have not changed the form of it. The provision here in this new statute is "superintendent to the Five Civilized Tribes." The other is "the superintendent of the Union Agency."

Mr. CARTER. Commissioner of the Five Civilized Tribes.

Mr. MANN. The bill says "Commissioner of the Five Civilized Tribes." It ought to be changed to one or the other.

Mr. MURRAY of Oklahoma. Well, that is immaterial. I do not object to that.

The CHAIRMAN. Without objection, the amendment will be modified.

There was no objection.

Mr. MURRAY of Oklahoma. I will ask, Mr. Chairman, that it be reported as modified.

Mr. MILLER. The words "Commissioner to the Five Civilized Tribes" are correct.

Mr. DONOVAN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. I notice there is a difference between the experts. The gentleman from Minnesota [Mr. MILLER] claims that the term should be "Commissioner to," and the gentleman from Illinois [Mr. MANN] says it should be "Commissioner of." How is an unsophisticated Member to decide which one to follow?

Mr. MANN. I did not say "Commissioner of." I simply quoted from the bill, where that form is used.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "annum," strike out the period and insert a comma, and add the words "and said superintendent shall exercise the authority and perform the duties now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in connection with probate matters affecting individual allottees in the Five Civilized Tribes, $85,000.

Mr. SISSON. Mr. Chairman, I offer an amendment to change the amount "$85,000" to "$75,000."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 33, line 2, by striking out the figures "$85,000" and inserting in lieu thereof "$75,000."

Mr. SISSON. Mr. Chairman, if you will look at the hearings you will find that all that the Interior Department asked for was $50,000, and the commissioner, representing the department, said they really ought to have $75,000, but he only asked for $50,000, and the limit that he asked for was $75,000. It is in the following language:

The protection of the estates of the helpless children of the Five Civilized Tribes is, without question, one of the most important problems, and at least the appropriation asked for should be made.

That is, $50,000 should be appropriated. He continues:

In fact, it ought to be $75,000.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from North Dakota?

Mr. SISSON. I do.

Mr. NORTON. The commissioner requested $50,000?

Mr. SISSON. Yes.

Mr. NORTON. And he subsequently appeared before the committee and asked that the amount be raised to $75,000?

Mr. SISSON. Yes; that is what the hearings show, exactly. Therefore I do not believe that Congress ought to give $10,000 more than the maximum amount asked for by the authority that is going to expend the money. If you give him the $85,000, of course he will expend it, and he will be expending $10,000 more than he asked the committee to give him. It would mean, of course, the employment of some additional attorneys, and he fixes the fees to be paid to the attorneys at from $2,000 to $2,500. It simply means that you have given him from four to five more attorneys than he asked for.

I do not believe that Congress ought to give to these departments more than they ask for, because my service on the Committee on Appropriations has convinced me that they are never at all bashful about asking, not only for what they need, but for more than they need; and they always play on the safe side. I do not believe the committee is warranted in recommending $85,000 when the estimate by the department was only $50,000. The commissioner said he really ought to have, in fact, $75,000. Therefore I do not believe that this committee would be warranted in giving $85,000.

Mr. MADDEN. Mr. Chairman, would not the gentleman accept an amendment of $50,000?

Mr. SISSON. Indeed I would. I was simply intending to be liberal.

Mr. MADDEN. I will offer an amendment to make it $50,000.

Mr. SISSON. I hope the gentleman will offer the amendment, so that if my amendment is not adopted his will be. I do not believe we ought to appropriate $10,000 more than has been asked for.

Mr. MADDEN. Mr. Chairman, I move to amend the amendment by striking out the amount "$75,000" and inserting "$50,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

Amend the amendment by striking out the amount "$75,000" and inserting in lieu thereof "$50,000."

Mr. MILLER. Mr. Chairman, I will simply say that the amount—$85,000—was the result of a compromise on a number of different items. There was some effort made to increase the $150,000 in the preceding paragraph, and it was thought advisable to leave it at $150,000 and put in this additional paragraph, the two covering all items. The amount that could be used is a great deal more than the $85,000, and in the wisdom of the committee we allowed them $85,000 for this purpose, and no more. That is the result of really combining other items with the department estimate.

Mr. SISSON. This fund comes out of the Treasury of the United States and not out of the Indians. That fact may account for the liberality of the Committee on Indian Affairs.

Mr. MILLER. Not at all. The other amount to which the gentleman refers, that of $150,000, also comes out of the Treasury of the United States.

Mr. MURRAY of Oklahoma. Mr. Chairman, I trust the House will not think of reducing the amount to $75,000. Personally, I am in favor of the provision as it stands.

The great trouble we have had in our country has been from the matter of graft in probate matters, largely due to the fact that an incompetent Indian makes a mistake when he employs an attorney; that is, the Indian that needs protection. This provision was designed to give him a man who would be there and represent him.

I know of instances in my county, and in other counties of the State as well, where the Indian who did not understand his business would go out and employ a shyster, and he would go into court and agree with the opposing counsel and have an order entered with an excessive attorney's fee, and things of that character. I know of one estate in my county that was wrecked by that means. The purpose of this provision is that in the reorganization there will be enough money for the employment of probate attorneys. I think the amount ought to remain at $85,000.

Mr. MADDEN. Mr. Chairman, I withdraw my amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] withdraws his amendment to the amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that in no event should it be reduced below $75,000. We thought that in allowing it at $85,000 we were doing the best thing to protect the rights of the Indians.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken; and on a division (demanded by Mr. SISSON), there were—ayes 16, noes 22.

Accordingly the amendment was rejected.

The Clerk read as follows:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1915: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. MORGAN of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. MORGAN of Oklahoma. I am very much in favor of appropriating this $275,000. As I understand it, this sum of money is to be used in the public schools of Oklahoma. It is a direct appropriation by the Government of the United States to support the public schools of Oklahoma. Ordinarily you would not appropriate funds out of the Treasury to support the public schools of a State; but you base this appropriation upon the ground that because of the large amount of Indian lands in Oklahoma that are nontaxable under treaties made by the Indians with the United States there is a peculiar burden upon the people of Oklahoma by reason of these nontaxable Indian lands, and that the United States is responsible for this burden.

The Indian problem we have had with us since the first white settlement was attempted on the new continent. It is with us still, and is constantly assuming new phases.

Heretofore the great concern has been the proper treatment of the Indian and how to secure his welfare, provide for his education, and promote his development to the point where he will be self-supporting and able to assume all the duties, liabilities, and responsibilities of citizenship. That problem has not been solved satisfactorily, and many years will intervene before all our American Indians may be safely relieved from the special care and protection of the Federal Government.

A NEW INDIAN PROBLEM.

A new Indian problem has arisen. The Indian population is centered in a few States. The National Government has allotted to many Indian tribes lands in severalty, under laws and treaty stipulations which make these lands exempt from taxation by the several States or any minor civil subdivision thereof, for long periods of years. The National Government has assumed the right to dispose of its public lands within the States, under treaty stipulations which exempt these lands from taxation, without carefully considering the question of the right of the people of the States to demand compensation for loss of revenue to the State and its civil municipalities from nontaxable Indian lands.

TWENTY MILLION DOLLARS DEMANDED FROM NATIONAL GOVERNMENT.

During the session of Congress which expired March 3, 1913, I introduced in the House of Representatives a bill (H. R. 28670) to appropriate $20,000,000 to the State of Oklahoma, payable in 16 annual installments of $1,250,000 each, to compensate the State, and its county, township, and school district governments for loss of revenue occasioned by nontaxable Indian lands. I have reintroduced the bill. This bill was not introduced until I had given careful study to the questions involved and had reached the conclusion that the State of Oklahoma had a legal and just claim against the Federal Government for losses to the State from nontaxable Indian lands. I am thoroughly convinced that unless this claim shall be allowed the people of Oklahoma will be required to bear alone a burden which rightly belongs to the Federal Government—a burden that should be borne by all the people of the United States.

CARE OF INDIAN NATIONAL DUTY.

The Indian is the ward of the Nation. It is clearly the duty of the Federal Government to provide for his care, protection, education, and training; to see that he is exempted from such duties and responsibilities of citizenship as he is unable to assume; and to pay whatever it costs to provide such care, protection, and exemption. I assume that this proposition is so self-evident that it will not be denied. The Federal Government has allotted the Indian his land in severalty, made him a citizen of the United States, conferred upon him the right to vote, given him the protection of all national laws, guaranteed to him all the advantages, benefits, and privileges under State laws, but has conveyed him his land under laws and treaty stipulations which exempt it from taxation during a period, in many cases, of 21 years. The Indians, in some cases within my own personal knowledge, are asking that this period of nonalienation and nontaxation shall be extended. Such extensions must be made or a large per cent of the Indians will lose their lands and become helpless paupers. Homes that are inalienable and nontaxable are as essential to the welfare of the incompetent and uncivilized Indian as are schools for his education. The Federal Government has assumed the burden of educating the Indian, but now asks the people of the State to pay the cost of providing the Indian with a home that can not be alienated and that is free from taxation. This is asking the people of the State to meet an obligation which the National Government should discharge.

THE STATE'S CONSTITUTIONAL POWER TO TAX.

Under the Constitution of the United States the Federal Government has no right, power, or authority, without the consent of the State and except upon such terms and conditions as shall be prescribed by the State, and except upon the payment to the State of such consideration as may be agreed to by the State, to exempt from taxation, for any period of time, any lands which have been sold or disposed of by the National Government.

Cooley, in his work on "Taxation" (3d ed., p. 136), discussing the exemption of public lands from State taxation, says:

> The disability remains effective until the United States shall have made sale or other disposition of the lands, but it then terminates, notwithstanding the title may not have passed by the actual execution and delivery of a patent.

In the Ohio enabling act Congress made three grants to the State: Section 16 for schools, certain salt springs with contiguous land, and a per cent on net sales of public lands. Following these grants was this proviso:

> *Provided always*, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the 30th day of June next shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale.

The Indiana enabling act, passed in 1816, made certain grants to the State on the express condition that the State would not tax lands which the United States had sold for a period of five years after date of sale. Four grants were made to Illinois on the express condition that the State would exempt from taxation lands sold by the United States for a period of five years and exempt certain bounty lands granted to soldiers while the same should be held by the patentees or their heirs.

The enabling acts admitting Iowa, Alabama, Arkansas, and other States contain similar provisions.

Indeed, this proviso requiring the States to exempt from taxation for a definite period of time certain lands which the United States had sold or disposed of was inserted in practically all the enabling acts of those States in which there were lands which the United States desired should be exempt from taxation after statehood.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Did not the white people who went into Oklahoma know of these treaties before they went there, and know that these lands were exempt from taxation by treaties with the Indians?

Mr. MORGAN of Oklahoma. I will answer the gentleman by referring to the act of Congress approved May 27, 1908 (35 Stat. L., 312), which provides, in section 1, in part, as follows:

> That from and after 60 days from the date of this act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance, be as follows: All lands, including homesteads, of said allottees enrolled as intermarried whites, as freedmen, and as mixed-blood Indians, having less than half Indian blood, including minors, shall be free from all restrictions.

And section 4, in part, provides:

> That all land from which restrictions have been or shall be removed shall be subject to taxation and all other civil burdens, as though it was the property of other persons than allottees of the Five Civilized Tribes.

Mr. WEAVER. Is it not true that the Supreme Court of the United States held that statute unconstitutional?

Mr. MORGAN of Oklahoma. Yes; in the case of Choate against Trapp the Supreme Court of the United States held these provisions to be unconstitutional, as taking away the constitutional rights of the Indians contained in solemn treaties made with the Government of the United States.

Now, I know that some of you gentlemen, when you heard the proposition embodied in the amendment which I presented, to appropriate $20,000,000 to the State of Oklahoma to compensate the State for loss of revenue from nontaxable Indian lands, seemed to be greatly surprised. I will say there is nothing in the enabling act which provided for the admission of Oklahoma as a State into the Union which gives the United States any authority to reserve from taxation any lands that have been disposed of by the United States. Go back and read the history of the early enabling acts. Every one of them provided that when the United States, through any treaties or through any laws, enacted that lands in the States shall be exempt from taxation, there was a specific provision in the enabling act granting to the State certain things providing the State would agree by an irrevocable ordinance that the State would not tax those lands for so many years. Never in the history of this Government has the United States claimed the right to exempt lands from taxation in a State, after the United States had disposed of them, without the consent of the State and without proper compensation to the State. Cooley lays down the proposition that as soon as the United States disposes of lands they become subject to taxation under the laws of the States, and all through the history of this Nation the United States has recognized that it has no right to exempt land from taxation.

WHAT IT COSTS OKLAHOMA.

If this burden were light, the people of a State might bear it without murmuring. When, however, it means an annual loss of millions of dollars to the people of a State, they can not bear it without using every legitimate means for securing relief.

Few people realize the enormous value of Indian property in Oklahoma which is exempt from taxation, and it is almost impossible to comprehend the immense loss in revenue thereby occasioned to the State, county, township, and school-district governments.

There are in the United States 322,715 Indians; 117,247 of this number are in Oklahoma. We have within our State over one-third of the entire Indian population of the United States; 101,287 of this number belong to the Five Civilized Tribes; 15,960 belong to other tribes. The latter are Indians located in the western half of the State in what was formerly Oklahoma Territory.

Twenty-seven of the States have less than 1,000 Indians; 21 have less than 500 Indians; 7 of the States have less than 100 Indians. The total Indian population of 41 States of the Union is less than the Indian population of Oklahoma. In the amount of its Indian population Oklahoma stands absolutely in a class by itself.

In what was formerly the Indian Territory—now a part of Oklahoma—the allotted and unallotted Indian lands comprise 19,134,214 acres. About three-fourths of this vast area is untaxable for a long period of years. In what was formerly Oklahoma Territory there are 3,602,259 acres of untaxable Indian lands. In the entire State about 18,000,000 acres of Indian land are not taxable. This vast estate, made untaxable by laws and treaties of the United States, is equal to about one-fourth of all the taxable property of the State of Oklahoma.

The Bureau of Indian Affairs has made an estimate of the value of all the Indian property in the United States. According to this estimate the Indian property in the United States amounts to $678,564,253. The Indian Bureau values the Indian property in the State of Oklahoma at $267,603,111. Two-fifths of all the Indian property of the United States is in Oklahoma. All the Indian property in 41 States of the Union does not equal the amount of Indian property in the one State of Oklahoma.

If this property were taxed for State, county, township, and school-district purposes at 1½ per cent, it would bring to the State and its various civil subdivisions annually over $4,000,000. At this rate, in the seven years which have elapsed since statehood the people have lost in revenue from nontaxable Indian property more than $28,000,000. Congress granted to the people of the State $5,000,000 cash in lieu of public-school lands in the Indian Territory. At 5 per cent annual interest this would bring the State an annual revenue of $250,000. In the meantime the State and its various civil municipalities loses annually $4,000,000 in revenue. They are losing $16 in revenue from nontaxable Indian lands for every dollar in interest they receive from the $5,000,000 cash appropriation. This must go on until the lands may be taxed. The loss which the people of Oklahoma will sustain by reason of nontaxable Indian lands can not, of course, be accurately measured, but the loss will be enormous. In my judgment, when a final accounting is had in the matter of nontaxable Indian lands the people of the State will have lost in revenue above $50,000,000.

We all agree that the lands of the incompetent, uneducated, and uncivilized Indians should be exempted from taxation, but some one must pay for this exemption. To relieve one piece of property from taxation is equivalent to increasing the tax upon all other property. To exempt Indian lands from taxation adds additional taxes to all other lands. Revenue lost from exempted Indian property must be made up by revenue from other property. There is no escape from these conclusions, unless the people submit to an inefficient government and inadequate educational facilities. This $276,000,000 worth of property exempt from taxation belongs to the Indians. The Indians are wards of the Federal Government; they are the children of the Nation. The care of Indians is a national duty. To provide them with nontaxable property is an obligation that rests upon the National Government. It is the business of the Nation to provide the Indians with nontaxable property. The cost of providing this nontaxable property is a debt the Nation owes and a debt the Nation should pay. The cost of exempting the Indian from any of the ordinary duties, obligations, and responsibilities of citizenship in the State in which he lives should be paid by all the 93,000,000 people of the United States. It is unjust, it is unfair, it is inequitable, it is indefensible for the people of this great Nation to ask the people of one State to bear an undue and an extraordinary proportion of a burden that in justice belongs to all the people of the Union.

Now, here is my proposition: Congress did its part. It removed the restriction, as I understand, from about 10,000,000 acres, giving the State the right to tax those lands; but the Supreme Court held that under the treaties with the Indians Congress had no power to do that. Now, as you can not do that, there is one thing this Congress can do. You can appropriate to Oklahoma a sum of money that will partially compensate these people for the loss of revenue from taxation. There are 44,000,000 acres of land in the State of Oklahoma, of which 22,000,000 acres belong to the Indians, and of that 22,000,000 acres, four-fifths of the land is untaxable. The Indians own one-half of our land, but constitute but 7 per cent of our population.

Now, gentlemen, assuming the estimate made by the Commissioner of Indian Affairs to be correct, that there were $267,000,000 worth of Indian property in the State of Oklahoma, most of which is exempt from taxation, if that property was taxed at one and one-half of 1 per cent for State, county, and local purposes, the exemption of this property from taxation means a loss in revenue of more than $4,000,000 annually to the people of the State of Oklahoma by taxation.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. I ask for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. I say the exemption of that land from taxation brings a loss to the State, to the counties, and school districts of Oklahoma of more than $4,000,000 annually. Whose duty is it to protect the Indians? Whose obligation is it to provide the Indians with nontaxable lands? It is not the duty of Oklahoma. It is not the duty of any other State in the Union, but it is the duty of the National Government, of all these 100,000,000 people. Yet through your treaties and your legislation you are placing an annual burden of more than $3,000,000 taxation on our citizens which this Nation ought to bear.

I have studied this question until I have come to the conclusion that the United States ought to make some adequate compensation for this immense loss.

Mr. STEPHENS of Texas. Has not the United States Government already given you $5,000,000, and did you not accept it when you became a State?

Mr. MORGAN of Oklahoma. The United States did give us $5,000,000 in lieu of school lands in the Indian Territory side, but it took from us school lands on the Indian Territory side worth $15,000,000. If the United States had given us sections 16 and 36 in every township in the Indian Territory, the State would have had more than a million acres of additional school lands, worth $15,000,000 or $20,000,000. The United States Government gave us $5,000,000, which, at 5 per cent, brings us in $250,000 anually, but we are losing more than $3,000,000 a year by reason of nontaxable Indian lands.

Mr. STEPHENS of Texas. Mr. Chairman, the per capita payment is the next item. I ask unanimous consent that that be passed over until the remaining items are read.

The CHAIRMAN. That has already been done by a previous order.

Mr. WINGO. Do I understand that the per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians has been passed over?

The CHAIRMAN. Yes. The Chair will state that that was done yesterday.

Mr. STEPHENS of Texas. It has already been passed over.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property: *Provided*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1915, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior shall submit to Congress on the first Monday in December, 1915, a detailed report of all moneys expended from this and all other funds of the Five Civilized Tribes.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Can the gentleman from Texas give any estimate of what it will cost to carry out the provisions of the last proviso, which reads:

That the Secretary of the Interior shall submit to Congress on the first Monday in December, 1915, a detailed report of all moneys expended from this and all other funds of the Five Civilized Tribes.

Does that cover all the expenditure that has ever been made?

Mr. STEPHENS of Texas. I think not.

Mr. MANN. That is what it says.

Mr. STEPHENS of Texas. Then I am willing to have an amendment, for it is intended only for the period covered by the appropriation bill.

Mr. MANN. I think there has recently been made a reauditing for one of the civilized tribes and a council of government, and now it is proposed to have it made for all civilized tribes. I was told by some gentleman who may have known, or may have been mistaken, that it would take several years and probably cost several hundred thousand dollars to do it; that as to one of the nations reexamination had already been made two or three times, once at a very considerable expense, and that the result was that the reexamination agreed with the original examination to one cent.

Mr. FITZGERALD. Mr. Chairman, in the last Indian appropriation act there was contained a provision appropriating $10,000 for the purpose of preparing a historical and financial report and restating the accounts of the Five Civilized Tribes.

Mr. MANN. That is exactly what this would do.

Mr. FITZGERALD. The Auditor of the Interior Department has recently stated that that work would cost $150,000; that it would open up a field for the presentation of claims against the Federal Government the extent of which it was impossible to estimate. He said were it to be done he desired special employees to watch the papers of his files while persons employed to do this work were examining them; that they were of so much importance and value to the Government that he did not propose that anybody employed under any other branch of the Federal Government should take possession of those documents without somebody representing him to watch them.

One of the Five Civilized Tribes' accounts have been restated, and as I recall, three times.

Mr. MANN. The Cherokee Nation two or three times.

Mr. FITZGERALD. This provision requires another restatement. An investigation disclosed the fact that $5,000 was paid two gentlemen to restate these accounts at one time, and so far as could be ascertained, all they did was to take the work done on a former occasion, resubmit it, and draw all the compensation appropriated for the purpose. Now, this is too much—to require a detailed report of all moneys expended from this and all other funds of the Five Civilized Tribes. If that provision should ever become a law, the Auditor of the Interior Department would want at least $100,000 to do it.

Mr. MANN. He would want a million before it was through with.

Mr. MADDEN. Mr. Chairman, I make the point of order against the last proviso on page 35.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes a point of order against the proviso, lines 5 to 9, inclusive, page 35.

Mr. STEPHENS of Texas. I concede the point of order.

Mr. MANN. Then, Mr. Chairman, I withdraw the point of order as to the balance of the paragraph.

The CHAIRMAN. The Chair thinks the proviso is subject to a point of order, and sustains the point of order.

The Clerk read as follows:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light-horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520.

Mr. SISSON. Mr. Chairman, I reserve a point of order to the paragraph. I want to ask the gentleman what funds does this affect?

Mr. STEPHENS of Texas. These are all treaty items, and it is impossible to avoid making payment of treaty items.

Mr. SISSON. It only affects the annuity items provided for in the treaty?

Mr. STEPHENS of Texas. That is the way I understand it; they are all treaty items under treaties heretofore made.

Mr. SISSON. The gentleman will recall that the Dancing Rabbit treaty provides that the Choctaw Indians remaining in Mississippi should not share in the annuity fund. Is not that true?

Mr. CARTER. I do not think this has anything to do with that at all. This is under the treaty of 1855, made after the Indians moved to Oklahoma, and has nothing to do with the Dancing Rabbit treaty.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For constructing, equipping, and maintaining a hospital on lands authorized to be set apart within the Choctaw Nation for the use and benefit of the enrolled Indians of the Choctaw and Chickasaw Nations, $30,000, or so much thereof as may be necessary, $22,500 to be payable out of Choctaw tribal funds and $7,500 to be payable out of Chickasaw tribal funds, said hospital to be conducted under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. CARTER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 36, line 8, strike out the figures "$30,000" and insert in lieu thereof the figures "$50,000."

Line 9, strike out the figures "$22,500" and insert the figures "$37,500."

Line 10, strike out the figures "$7,500" and insert the figures "$12,500."

Mr. CARTER. Mr. Chairman, the $50,000 was the amount estimated for by the Secretary of the Interior and the amount asked for by the chief of the Choctaws and Choctaw Council. An appropriation was passed by the Choctaw Council, but it was decided that the Treasury Department had not the right to pay out money on such authorization, and that it would have to be appropriated by Congress. When the matter came before the subcommittee I asked that it be reduced to $30,000, because I thought $30,000 would build a good hospital. Afterwards the chief called on me and said that they wanted to build an elaborate hospital for the treatment of tuberculosis patients, and therefore I agreed to offer this amendment.

Mr. MANN. The gentleman knows that the more elaborate the hospital the less valuable it is. There is not an elaborate tuberculosis hospital in the United States that is very serviceable.

Mr. CARTER. By elaborate I meant larger.

Mr. MANN. Well, call it larger.

Mr. CARTER. So that it would accommodate more patients.

Mr. MANN. The proper way to build a tuberculosis hospital is to build it so you can keep adding to it—separate apartments.

Mr. CARTER. There are 101,000 of these Indians.

Mr. MANN. If they are all sent to a tuberculosis hospital, they will soon be all dead.

Mr. CARTER. There are 101,000 Indians—one-third of the Indians in the United States—and this is supposed to accommodate all of those who may have tuberculosis in those tribes.

Mr. MANN. The only real value of a tuberculosis hospital is to take a man who is sure to die away from where there is any chance of spreading the disease and place him where he can pass away under favorable circumstances. You can have sanitariums, or sanatoriums, or places of that sort, where people with tuberculosis can go and get fresh air—and that is what they need—to sleep in the open. The last thing that they need is a large hospital, except for the purpose of being made comfortable while they are dying.

Mr. CARTER. It is proposed by the department to have an open-air hospital. That is the intention—to have a regular tuberculosis hospital.

Mr. MANN. I am not objecting. It is easily added to.

Mr. CARTER. I will say to the gentleman in relation to this matter that a short time ago I had an opportunity of visiting several Indian hospitals, and I was in several hospitals where the Indians were receiving a great deal of benefit and where their health had been improved since they went there.

Mr. MANN. I will say to the gentleman that I have been visiting tuberculosis hospitals for personal reasons for many years, and I never yet saw any that I thought were of any great value except to teach people how to take care of themselves in a short time, possibly.

Mr. FITZGERALD. Mr. Chairman, in this city we have a tuberculosis hospital constructed along the most modern and scientific lines, and it cost $100,000. We have a population of 300,000. The modern method of providing accommodation for tuberculous patients is not in a great large building, but to put them in a number of separate small buildings, so that the cases can be isolated. It seems to me that if the gentleman takes $30,000 he will have ample to start a hospital of such a character.

Mr. MANN. As a rule the most valuable of them consists of tents. I have a boy in a tent now, and it is the only place he has ever received any benefit from these numerous hospitals that he has been in.

Mr. CARTER. I am not particular about it, and if the gentleman objects I shall withdraw the amendment.

Mr. MANN. I am not objecting to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask now to return to the item on page 33, line 20, which is the only item of the bill which has not been passed upon.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdictioin of the Secretary of the Interior, same to be made under such rules and regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may, in his discretion, withhold such payment and use the same for their benefit.

Mr. SISSON. Mr. Chairman, I make the point of order against the paragraph. This is the item that my colleague, Mr. HARRISON, was interested in, but he is unavoidably absent.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman permit me to make a suggestion? I desire to ask unanimous consent that all debate on this paragraph close in 30 minutes.

Mr. SISSON. Mr. Chairman, I do not want to make that agreement now. I want to first discuss the point of order. I have no objection to the debate on the paragraph being limited to 30 minutes if we can be first heard on the point of order.

The CHAIRMAN. The Chair will state that debate on the point of order is within the discretion of the Chair, and the Chair will state further that not having had full opportunity to investigate the various treaties and statutes which may or may not bear on the proposition, he is inclined to allow considerable latitude in debate on the point of order.

Mr. MILLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. To-morrow being Friday, under the rules of the House, will this bill be up for consideration, if it should not pass this afternoon?

Mr. MANN. It would be in order for the gentleman from Texas to make the motion to go into the Committee of the Whole for the consideration of this bill.

Mr. DAVENPORT. If this paragraph goes out of the bill, we are through with it.

Mr. MILLER. Mr. Chairman, I have just been informed by the able parliamentarian of the House, Mr. Clark, that on to-morrow a motion to go into Committee of the Whole for the further consideration of this bill would be in order, and that custom has been followed many, many times. My inquiry goes more particularly to the state of the business on the calendar, if it be such that this bill would not probably be reached in any event, even if that preferential motion be not made.

Mr. MANN. There is not much business on the calendar. In fairness to Mr. HARRISON, I think we ought to give him a chance to debate the matter.

Mr. CARTER. The suggestion that I would make is that the gentleman from Mississippi [Mr. SISSON] get through with his statement this evening, and that then we can rise and take the matter up when Mr. HARRISON is here.

Mr. MILLER. That is satisfactory to me.

Mr. MANN. Could we not reach an agreement as to the length of time, if the point of order be not sustained, that debate shall be conducted on the paragraph and amendments thereto.

Mr. SISSON. I will state to the gentleman from Illinois I have absolutely no objection to agreeing to that length of time that the merits of this question may be considered if it is held to be in order. I would like, however——

Mr. MANN. That is, the time proposition?

Mr. SISSON. But I would not like to make an agreement until Mr. HARRISON'S return——

Mr. MANN. Mr. HARRISON stated—the same matter was up the other night—that if the point of order was not sustained he proposed to offer an amendment, and would not want more than five minutes of time.

Mr. SISSON. That suits me exactly.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that debate, after the disposal of the point of order, be limited to 20 minutes, 10 minutes to a side.

Mr. MANN. Make it 30 minutes.

Mr. STEPHENS of Texas. I will make it 30 minutes.

Mr. MURRAY of Oklahoma. Make it half an hour to a side.

Mr. STEPHENS of Texas. I do not think I could agree to that; I think half an hour will be sufficient for both sides, 15 minutes to a side.

The CHAIRMAN. How is the time to be divided?

Mr. STEPHENS of Texas. Half to those in favor of the amendment and half against it—15 minutes to each side.

The CHAIRMAN. That is, in the event the point of order——

Mr. MANN. After the point of order is disposed of.

Mr. SISSON. If the point of order is sustained, of course that eliminates it from the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent, after the point of order is disposed of——

Mr. MANN. If the point of order is overruled.

The CHAIRMAN. If the point of order should be overruled, that debate upon the paragraph and all amendments thereto be limited to 30 minutes, one-half to be controlled by those in favor and one-half by those who oppose.

Mr. CARTER. I suggest that the gentleman from Texas make it 40 minutes, as several gentlemen want to be heard.

Mr. STEPHENS of Texas. I will agree to that, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas amends his request so as to make it 40 minutes, 20 minutes to a side. Is there objection?

Mr. WINGO. Mr. Chairman, reserving the right to object, I want to offer an amendment, and I would like at least five minutes on it, and from the requests and inquiries from gentlemen who wish to be heard I am afraid that I will not have that time.

Mr. MANN. Give the gentleman five minutes extra.

Mr. STEPHENS of Texas. Forty-five minutes, then.

The CHAIRMAN. The gentleman from Texas amends his request so as to make it 45 minutes, 20 minutes to be given to each side and 5 minutes to the gentleman from Arkansas. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, I shall not detain the committee at any length, since we have reached an agreement, because my colleague is much more familiar with the law than I am and will be here to-morrow. Our contention is that this is new and substantive legislation involving the distribution of certain funds of the Choctaws in Oklahoma, in which we contend that the Choctaws in Mississippi are entitled to an interest. But whether that is true or not, this is unquestionably new and substantive legislation. The present law is found in section 17 of the act of April 26, 1906, and is as follows:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

Now, I am not going to detain the committee with reading all of the facts as they appear in the last report of the Secretary of the Interior, but I am going to ask unanimous consent to put in the RECORD a history of this matter as given by Mr. Adams, the first Assistant Secretary of the Interior, for the information of Members. I will state to the committee that there are two or three of these extracts which go into the history of the entire matter, and since the matter is not going to be decided by the Chair or by the committee this afternoon I shall not read that history, thereby detaining the committee, because it will be in the RECORD and if necessary can be discussed to-morrow:

Under this act it will be observed, first, that the right to make applications was given for a period of six months—that is to say, for six months following September 25, 1902; second, that descendants of actual beneficiaries under Article XIV, irrespective of their degree of Indian blood, were to be recognized as Mississippi Choctaws; and, third, that a rule of evidence was prescribed, to be accepted in lieu of proof of ancestry, according any full blood the rights of a Mississippi Choctaw.

In the administration of this act a question arose as to whether, in case of the identification of a full-blood parent as a Mississippi Choctaw, the decision in his favor would inure to the benefit of children born to him of mixed Indian blood. An example of this kind is to be found in the case of the family of Calvin McMillan. (M. C. R., 4215.) The census card in this case shows that the wife only—Mollie McMillan—was identified. In this family there were 11 members, all of whom were alleged to be full-blooded Indians, but only one of whom was identified.

By letter of March 17, 1903, prepared under supervision of Mr. Van Devanter, then Assistant Attorney General, the Secretary of the Interior held that the mixed-blood children of full bloods were entitled to identification under said section 41. This decision was overruled, however, by the opinion of the Attorney General of June 10, 1903, wherein he held that the rights conferred upon such Mississippi Choctaws were in the nature of gifts, and therefore that the act should be strictly construed to the exclusion of all except full bloods where Indian blood was the only evidence relied upon.

A second question which arose was as to whether, under said section 41, persons of mixed blood claiming identification through proof of ancestry were required to establish their descent from an actual

patentee or might also submit proof of descent from persons who attempted to comply with the treaty. The view was adopted that it was not intended by the agreement to disturb the rule theretofore followed by the Commission to the Five Civilized Tribes permitting applicants to submit proof of their descent from persons entitled to the benefits of Article XIV who did not receive patents thereunder. However, as before stated, only very few persons of mixed blood were able to furnish the necessary facts to establish their ancestry.

Following the agreement of 1902 came the acts of March 3, 1905, and April 26, 1906, authorizing the enrollment of new-born citizens of the Choctaw and Chickasaw Tribes. Under these acts a number of children whose parents had been found entitled to enrollment by the Secretary of the Interior were added to the final rolls of the Choctaw Nation.

The term "identification," as used in connection with the Mississippi Choctaw work, refers to the preliminary decision of the Secretary of the Interior holding applicants to be entitled to the benefits growing out of Article XIV of the treaty of 1830 and the later acts looking to their removal to the Indian Territory. However, the identification of an applicant was not in any case a guaranty that he would ultimately succeed to the benefits of Choctaw citizenship. By the terms of section 41 of the act of July 1, 1902 (32 Stat., 641), "identified" Mississippi Choctaws were allowed six months after the date of their identification to remove to the Choctaw-Chickasaw country and make settlement there. If they failed to remove, they lost the benefits of their identification.

It was further provided by the same section that upon proof of their settlement in the Choctaw Nation, which proof was to be submitted within one year after the date of their identification, they should be "enrolled" by the Commission to the Five Civilized Tribes as Mississippi Choctaws entitled to allotment, as provided for other citizens of the tribes, subject to special provisions relating to Mississippi Choctaws, such enrollment to be final when approved by the Secretary of the Interior.

By section 42 of the same act it was provided that when any Mississippi Choctaw had in good faith continuously resided upon the lands of the Choctaw and Chickasaw country for a period of three years, he should, "upon due proof of such continuous bona fide residence," receive a patent for his lands. Section 44 of the same act also provided that if, within four years after enrollment, any Mississippi Choctaw, or his heirs or representatives in case of his death, failed to make proof of continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he and his heirs and representatives, if he be dead, should be deemed to have acquired no interest in the land set apart to him, and the same should be sold at public auction for cash.

These requirements made it impossible for many ignorant and indigent full bloods to take advantage of the preliminary decisions of the commission and of the department identifying them. It is true that some effort was made by the Government to assist such persons in removing to the Indian Territory. The Eleventh Annual Report of the Commission to the Five Civilized Tribes, the same being for the fiscal year ending June 30, 1904, contains, on page 19, a statement by the commission upon this point. This statement is to the effect that those identified as Mississippi Choctaws were chiefly indigent full bloods who formerly resided in Mississippi and were without means of removing to Indian Territory, and that Congress, in order that they might receive the benefits of identification, appropriated $20,000 to be used in defraying expenses incident to their removal. The expenditure of this appropriation was placed under the direction of the commission, and on July 24, 1903, a special agent was designated to undertake the work. Circulars setting forth the purpose of the Government were distributed in the full-blood settlements in Mississippi, Alabama, and Louisiana, and the special agent of the Government proceeded to Meridian for the purpose of mobilizing those of the Indians who desired to avail themselves of the aid offered by the Government. August 13, 1903, a special train carrying 264 full bloods arrived at Atoka, in the Indian Territory. Arrangements had been made for their subsistence at a camp 3 miles south of Atoka until such time as they could be placed upon their respective allotments. Twenty-six additional identified full-blood Mississippi Choctaws were removed on October 9, 1903, to Fort Towson, making a total of 290 transported under the direction of the commission. The entire appropriation was expended in the removal of these Indians and for their subsistence after removal.

The number transported by the Government (290) was only a small portion of the number identified as Mississippi Choctaws by the commission under the acts of June 28, 1898, and July 1, 1902, said number being 2,534.

Arrangements were also made by private parties for the transportation of Mississippi Choctaws. By reason of alleged expenditures in connection with the removal of such persons, suit was subsequently authorized by Congress to be instituted in the Court of Claims, and all Mississippi Choctaw lands are now held by the allottees under the cloud of an alleged lien which the claimants contend attached to such lands under the act giving the court jurisdiction, it being further contended that the lien extends also to the funds in the Treasury of the United States to the credit of such Mississippi Choctaws.

Under the laws of Congress the contracts looking to the sale or incumbrance in any way of Mississippi Choctaw lands prior to allotment were made invalid, with the result that it was impossible to provide such persons in advance with a fund to meet their expenses, even with the approval of the department.

The report of the Commissioner to the Five Civilized Tribes for the year ending June 30, 1907, shows, on page 12, that 24,634 persons applied to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws under the acts of June 28, 1898, on July 1, 1902; that of this number 2,534 were identified as Mississippi Choctaws, and that of the number so identified 1,072 persons failed to remove to the Indian Territory and submit proof of their removal and settlement within the time required by law. In this connection the commissioner stated that several reasons might be given for the failure of the identified persons to take advantage of their opportunity to submit proof of such removal and settlement; that many of them did not appreciate the value of allotments in the Choctaw-Chickasaw country; that few Mississippi Choctaws made more than a bare living in their former homes and hence had no means for transportation; that some who were transported by individuals became sick under illtreatment and died the first winter; and that those who survived advised their friends and relatives remaining in Mississippi and Alabama of their experience, which discouraged them from making an attempt at removing.

It further appears from this report that under the new-born acts of March 3, 1905, and April 26, 1906, applications were made for the enrollment of 372 children of Mississippi Choctaws; that 198 of such children were enrolled and the applications of 174 rejected or dismissed.

The final results, as shown on page 13 of said report, were as follows:

Enrollment of Mississippi Choctaws.

Enrolled under acts of June 28, 1898, and July 1, 1902	1,415
Enrolled under act of Mar. 3, 1905	11
Enrolled under act of Apr. 26, 1906	187
Total	1,643

I wish to refer in this connection to my letter of April 22, 1912, relating to the general subject of enrollment, wherein I pointed out, under the heading of "Class III," that there were approximately 10 cases where families of Mississippi Choctaws were identified by the department within the last six months prior to March 4, 1907—some of whom were identified within the last few days prior to said date—and that they were consequently deprived of the usual period of time allowed other Mississippi Choctaws under the agreement of 1902 for removal to the Choctaw-Chickasaw country. These 10 families are in a class by themselves, because, notwithstanding formal adjudication of their rights, they were prevented by the abrupt closing of the enrollment work from taking advantage of the decisions which had been rendered in their favor.

I am advised that if the work of reinvestigating and readjudicating the claims of Mississippi Choctaws be undertaken along the broad lines outlined in the bill introduced by Mr. HARRISON, the work can not be accomplished within the time prescribed therein; that if the applicants are required to establish that they or some one of their ancestors were beneficiaries under article 14 of the treaty of 1830, a vast amount of evidence will necessarily have to be taken, covering the family history of the applicants for more than 80 years; and that this work would be a repetition of work which has already been accomplished, and in the great majority of cases would be of no benefit whatever to the applicants. Experience has shown that in those cases where there would seem to be the most merit, judging by the physical appearance of the applicants, such applicants were least able to establish the facts concerning their ancestry. The great difficulty which such persons encounter is due to their frequent change of residence, the breaking up of family ties, and the substitution of English for Indian names.

If Congress shall be of the opinion that any legislation whatever is needed for the relief of Mississippi Choctaws, either at the expense of the United States or the Choctaw and Chickasaw Nations, the meritorious cases, with few exceptions, can be selected from existing records of this department now in the custody of the Commissioner to the Five Civilized Tribes, at Muskogee, Okla. As to the 10 families referred to above, it is unnecessary for me to discuss the matter of their enrollment herein, inasmuch as I have reported fully as to them in said report of April 22, 1912. With respect to the 1,070 persons who were identified as Mississippi Choctaws, but who failed to prove the facts of removal and settlement in the Choctaw and Chickasaw country, it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is grave question whether there is any just ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for their failure to comply with the law. In fact, it may be urged by the tribes that responsibility, if any, rested upon the United States instead. As to the mixed-blood children of full-blood parents who were identified as Mississippi Choctaws under the rule of evidence prescribed by section 41 of the act of July 1, 1902, which excused them from proof of ancestry, it would seem that the propriety of further action looking to their enrollment would be dependent largely upon whether the benefits of the agreement of 1902 were in the nature of gifts to the full bloods.

Section 3 of the bill provides that claimants may be represented by attorneys, whose fees shall be fixed in accordance with any contract now or hereafter made between the applicant and said attorney, and that such contract shall govern the amount of such fee, provided that the Secretary of the Interior may limit the percentage of compensation in each case, and that the contract shall be enforceable for no greater sum than that fixed by the Secretary of the Interior.

In connection with this section, it may be said that the records of the department show the Mississippi Choctaws have been to an unusual extent the victims of numerous extortionate contracts, which were doubtless obtained in some instances through misrepresentation of facts and in some cases by persons falsely representing themselves to be Government agents. I am therefore of opinion that if any legislation whatever be enacted for the purposes indicated by the bill conditions even more stringent than those set forth in section 3 should be provided with reference to such contracts. Persons desiring to negotiate with the Indians should be known to be of reputable character. They should be required to obtain permission first from the Department of the Interior to negotiate with the claimants. They should be limited by law as to the maximum amount to be paid under such contracts, and a penalty should be provided for taking any contract or attempting to enforce any agreement made in violation of law.

Section 4 of the bill provides that the Secretary of the Interior shall have prepared and make a schedule or roll of all persons entitled under the act, within eight months after its passage, and within said eight months award them the full rights of citizens and members of the Choctaw-Chickasaw Tribe. It seems almost needless to say that if the investigation and reexamination be made in the wholesale fashion proposed by the bill, it would be, as indicated in a previous connection, a physical impossibility to accomplish the work within this time.

Sections 5 and 6 of the bill would appear to be appropriate provisions in the event that such a bill should be enacted. Section 7 provides, among other things, that depositions may be taken in support of said applications in any place in the United States upon notice to the Attorney General and the Secretary of the Interior, and that the procedure as to notice and taking of depositions shall be as in ordinary cases before the United States courts. If this section should be enacted, it would be absolutely impossible for the representatives of the tribes to be represented at all hearings and to subject the witnesses to cross-examination and furnish the rebuttal evidence which would be necessary to a proper examination of the cases.

The latter part of section 7 provides that the expense of taking depositions on the part of claimants shall be paid by the applicants in the first instance, but shall be taxed as costs in each case where the applicant is successful, and said costs shall be charged to the funds of said tribe in the United States Treasury. If this clause be enacted, a burden will be placed upon the tribes not imposed upon them with respect to many thousands of unsuccessful applicants heretofore denied enrollment.

Section 8 provides a time limit of six months for the submission of applications. If the bill be enacted, some such provision as this should

be included therein, although it is questionable whether Indians of the full blood as well as those of mixed blood whose habits, customs, and language are substantially those of the full bloods should be so limited without any provision whatever for some one to act as their representative under authority of the Government.

Section 9 of the bill provides that the tribal organization of the Choctaw-Chickasaw Tribe shall be abolished and the title to all tribal lands and moneys yet undistributed be vested in the United States as trustee. This provision is not necessarily a part of an enrollment bill, and should, in my opinion, be made the subject of a separate measure, providing Congress is satisfied that the time has now arrived for the abolishment of the tribal organization.

I wish to suggest that the term "Choctaw-Chickasaw Tribe," as used in various places in the bill, is not in harmony with the history or organization of said tribes. The Choctaw and Chickasaw Nations are entirely independent in their organization. It is true that prior to allotment they did own in common all of the lands embraced within the Choctaw-Chickasaw country, but they did not constitute a single tribe.

In view of the facts stated above, I am of opinion that the bill should not be enacted into law.

Copy of the decision of the Secretary of the Interior of March 17, 1903, relating to the identification of mixed-blood children of Mississippi Choctaws, is inclosed for your consideration. The opinion of the Attorney General of June 19, 1903, relating to the same subject, appears on page 689 of Volume XXiV of tLe printed opinions of the Attorney General.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

* * * * * * *

In respect to the Mississippi Choctaws, I find that there was an error of construction on the part of the Commissioner to the Five Civilized Tribes, which must have caused many children to lose the rights of citizenship. In order that this may be understood, a word of explanation will be necessary, perhaps, concerning this class of Indians. There were two distinct stages in this work. Applicants were first identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes, following which schedules of identified Mississippi Choctaws were prepared and approved by the Secretary of the Interior. After identification they had the right, for six months, to remove to and establish residence in the Choctaw-Chickasaw country. Subsequent to their removal and upon submitting satisfactory evidence of settlement, their names were placed upon a roll similar to that established for native-born Choctaws. Like other rolls of citizenship, these Mississippi Choctaw rolls would be forwarded to the Secretary, and when approved by him the persons named thereon became enrolled citizens with substantially the same rights as other Choctaw citizens. Accordingly, when the act of April 26, 1906, went into effect a question arose as to whether their minor children living March 4, 1906, were entitled to enrollment. The Commissioner to the Five Civilized Tribes erroneously held that they were not so entitled, and, of course, during the period while his ruling was in effect the time in which they could make application was rapidly passing. The matter was brought to the attention of the department and, in a decision rendered May 25, 1906, in the case of Willis Willis, the Secretary of the Interior ruled that the children of enrolled Mississippi Choctaws living March 4, 1906, were entitled to enrollment under said act of April 26, 1906. When in Muskogee last October or November, I learned from the office of the Commissioner to the Five Civilized Tribes that, after receiving said decision of May 25, 1906, the practice was changed and the children of Mississippi Choctaws enrolled without further discrimination against them, but that there was no time to go back and take up the cases which had been disposed of under the act prior to said decision, and that no attempt was made to do so. Thus one-third of the allotted time was lost to the children of enrolled Mississippi Choctaws.

* * * * * * *

I find that the department, by letter of January 12, 1907, furnished the Senate with copy of Indian Office letter of January 10, 1907, wherein it was recommended that an extension of at least one year's time from March 4, 1907, be granted for the completion of the rolls of citizens of said tribes. In forwarding the said report the Secretary of the Interior said:

"The department concurs in the views of the Indian Office. Unless the time is extended many persons entitled to enrollment will not be enrolled. The Commission to the Five Civilized Tribes and the commissioner have been for years taking testimony and rendering decisions in cases involving complicated questions of citizenship in these tribes, and some of the cases have not yet reached the department.

"While the department has disposed of most of the citizenship cases which have come before it, it apparently can not give due consideration to all the cases still pending and to be submitted by the Commissioner to the Five Civilized Tribes and the Indian Office within the time prescribed by the second section of the act of April 26, 1906 (34 Stat., 137)."

In a letter of March 1, 1907, further report was made to the President of the Senate showing the number of cases which were pending in the office of the Secretary of the Interior on February 25, 1907, together with the number of persons included in said cases. Report was also made in said letter showing the number of cases received in the Secretary's Office from the Indian Office between February 25 and March 1, 1907, together with the number of persons affected thereby.

March 2, 1907, the President of the Senate was further advised concerning the number of cases pending before the Department of the Interior.

Final report on this subject was made March 4, 1907, to the President of the Senate. Therein it was shown that there were 2,023 cases before the Secretary of the Interior which required examination and decision after February 25, 1907, and on or before March 4, 1907. The number of individuals included in the total number of cases was not stated in said letter of March 4, 1907, but they probably averaged from two to five persons. The total number of persons could not have been less than 5,000 and probably did not exceed 10,000. The unconditional closing of the enrollment work of the fixed date, to wit, March 4, 1907, worked a great hardship upon a number of Indians who were identified as Mississippi Choctaws a few days or weeks prior to that date. As to them, it became impossible to remove to the Choctaw-Chickasaw country and to establish proof of residence therein before the jurisdiction of the Secretary to approve their enrollment terminated. Accordingly here, as in many other cases, there was injustice done and the usual period of six months for removal to said country was not allowed them. Other Indians, who were identified as Mississippi Choctaws, had sufficient time for removal to the Choctaw-Chickasaw country, and, in addition thereto, a liberal allowance of time to establish settlement and residence therein. In my recent investigation of enrollment matters in Oklahoma I found that there were several families who were identified within the last week preceding March 4, 1907, in whose cases removal to the nation was physically impossible before that date. There were at least 15 persons, and perhaps more, included in these families. The majority of them were full-blood Indians.

* * * * * * *

(o) Identified Mississippi Choctaws who were not finally enrolled because they failed to furnish proof of removal to and settlement in the Choctaw-Chickasaw country.

By section 41 of the act of July 1, 1902 (32 Stat., 641), it was required (1) that Mississippi Choctaws should remove to the Choctaw-Chickasaw country within six months following the date of their identification as such, and (2) that they should make proof of such settlement to the Commission to the Five Civilized Tribes within one year after said date. The duties imposed by this section were so arduous that a large number of identified Mississippi Choctaws, mostly full-blood Indians, were compelled to forego all benefits contemplated by the act. The total number of persons identified as Mississippi Choctaws was 2,534, but only 1,445 were finally enrolled. Thus there were 1,089 persons entitled under the law who failed to secure its benefits. This difference was due in part to the closing of the enrollment work on a fixed date. There was a considerable number of persons in whose favor decisions were rendered during the latter part of February or in the early part of March, 1907, for whom it would have been a physical impossibility to remove to the Indian Territory and furnish proof of settlement therein prior to March 4, 1907. There were others, as I found from personal investigation, who removed to the Choctaw-Chickasaw country and who, failing to find work or other means of sustenance during the three-year period preceding the issuance of patents to such persons, were compelled to return to their old homes in order to provide the necessities of life. There were still others who removed to the Indian Territory and who selected "provisional" allotments, but were induced by speculators to lease their land for an inadequate consideration and to leave the country. As such leases were usually for long periods of time, the continued absence of the allottee was very much to the advantage of the lessee.

(p) Children whose parents, although identified as Mississippi Choctaws, were not finally enrolled as citizens because they failed to establish proof of their removal to and settlement in the Choctaw-Chickasaw country within the time required by law.

The rights of these children, if living March 4, 1906, are substantially the same as their parents. See opinion of the Assistant Attorney General of February 16, 1907, in the Mississippi Choctaw case of Nicholas Charles et al.

* * * * * * *

This matter has been before the Senate and in the RECORD of June 18, 1913, the rights of the Choctaw was discussed by Senator WILLIAMS, as follows:

Mr. WILLIAMS. In this connection I wish to say just a word in explanation. I would have no objection to this legislation if it were fair and included all the people who ought to be entitled to share in this fund. I should vote for a bill to do that very readily and very quickly; but the committee has left out of all consideration, in my opinion with great injustice, some thousand or more Choctaws in the State of Mississippi, who by the fourteenth article of the Dancing Rabbit treaty of 1830 were guaranteed their rights to every privilege of the Choctaw Nation, except a share in the annuities. The treaty expressly provides that if they still remain in the State of Mississippi they shall be members of the Choctaw Nation and share in every privilege except that "persons who claim under this article"—I read a part of the fourteenth article—"shall not lose the privilege of Choctaw citizens, but if they ever remove they shall not be entitled to any portion of the Choctaw annuity."

That is the only exception. Now, no act of Congress can abridge that treaty right nor has the Choctaw Nation ever asked that it should be abridged. Nothing except a new treaty between the United States and the Choctaw Nation would have any effect upon this question. The tribe has never attempted to abridge or change in any way the Dancing Rabbit treaty, which was effected under Andrew Jackson's régime.

Congress has already treated these people very unfairly. I secured some legislation in the House some years ago, and under that legislation Congress went some distance to do them justice, but it required that they should move to the Indian Territory, as it was at that time, in order to be entitled to their right as citizens of the Choctaw Nation.

Not only is it true, Mr. President, that the treaty expressly reserved to them their rights as citizens of the Choctaw Nation, but if there had been no treaty to that effect it is a general principle of law that citizenship in barbarous or semibarbarous tribes, as they were at that time, is a matter of blood relationship and not a matter of geographical boundary. That has been the case at all times. After some rights had been given these people Congress took the matter up later. The first statute passed was this:

"Said commission shall have authority to determine and identify the Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, September 27, 1830, and make report to the Secretary of the Interior."

That was in 1893, I believe; it was in my first or second term in Congress I know.

Then later on, in 1902, Congress passed some other provision and, amongst other things, used this language:

"The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who receive a patent to land under the said fourteenth article of the treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior"—

Prior—

"to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission; but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, etc."

This act of Congress said that no person should be enrolled "whose ancestors had not received a patent from the Federal Government." The Dancing Rabbit treaty entitled these people upon certain proof to receive a patent. A man by the name of Ward was sent down there. It was a notorious scandal at the time, so much so that the Congress of the United States subsequently acted upon the matter. A commission was sent down to investigate what this man had done, and it was reported that his action was in every way discreditable and wrong. He remained drunk all the time, and after he had made up a file of the people who were entitled to entries of 160 acres of land on loose foolscap paper he used a great deal of it for shaving paper later or tore it up. It was a regular scandal.

Now, then, this cunning law with the language which I did not notice at the time, put upon the statute books at the instance and under the approbation of a noted law firm in the State of Oklahoma—the Indian Territory it was at that time—thus confined the Mississippi Choctaws to the descendants of only 143 Mississippi Choctaws. This man Ward had managed to lose or destroy or drunkenly misplace the names of all except 143 of them, and those 143 or the descendants of them are now the only ones who can apply under that law as it was.

We tried to get in the Indian Affairs Committee an amendment to this amendment so as to include these people. I did not draw it up there, but left it to be worded, and it was worded in a bill introduced by the Representative from the sixth district of the State of Mississippi, Mr. HARRISON. That, if it came in here at all, would come in at about this place.

On page 59, line 7, after the word "Indians," I would put in something like I suggest, and if the committee would do that I would be very glad to withdraw the point of order, but otherwise we are in this fix.

Here you are distributing the dividends of a concern without permitting a part of the stockholders to be entered upon the list as stockholders and to receive their share of the dividends. If you begin it, you will go through with it little by little until there will be nothing left, and then the Mississippi Choctaws could get no relief at all, unless they got it by going back and disturbing the allotments in the Territory, because they would have to sell the lands that have been allotted in order to get the money for them. So it is in the interest of the Indians there as well as of the Mississippi Choctaws that their rights should be considered before this is passed upon. The language that I would put in at the place designated would be this:

"Including such Mississippi Choctaws as have established or may prior to January 1 next establish their right to be registered or listed as Choctaws; and the Secretary of the Interior shall make rules and regulations whereby evidence may be taken within that time to determine what persons in Mississippi are by blood entitled to be enrolled as Choctaws under article 14 of the treaty of 1830 between the United States and the Choctaw Nation."

I thought it due to myself to explain why I made the point of order, because I do not want to be understood as objecting to the distribution of this Indian fund among the Indians, provided that everybody who is entitled to a part of the distribution shall have a proper day in court.

* * * * * * * *

Mr. OWEN. The Senator is talking about a different matter entirely, not the per capita. I will read article 14. It is as follows:

"14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes."

So that this is carrying out an existing law and an existing treaty and is entirely germane to and proper under this bill.

Mr. WILLIAMS. If the Senator will pardon me, I have now the act to which I referred. This is the act of 1902, and this is the language which is used:

"The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article 14 of the said treaty"—

The Dancing Rabbit treaty.

In other words, this act was so cunningly worded that only the descendants of these 143 people whose names Ward left on his torn list could make any proof at all that they were Mississippi Choctaws. Only they shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of a solemn treaty entered into by the United States Government; and in that treaty it was expressly said that these people who remained in Mississippi should have all the privileges of Choctaw citizenship, except that they were not to share in the annuity.

I say this amendment is general legislation—very general at that—and that it is new legislation, and that so far from carrying out existing law it is in contravention of a solemn treaty.

Now, I want to state, however, that the contention of those of us who feel that the Mississippi Choctaws have not been properly treated is this: The Choctaw Indian, being a ward of the Federal Government, is entitled to its full protection, and it should not permit him to be defrauded. Under the act of 1906 six months were given in which time the Choctaws in Mississippi and in Alabama might make certain proof as to their Indian blood, and if they succeeded in making proof of their Indian blood their names then would go upon these rolls. My recollection is that there are about 20,000 of those who had Indian blood in them that applied to get on that roll. About 2,600—and I am not speaking with absolute accuracy—made proof that they were full-blood Choctaws. Now, $20,000 was appropriated for the purpose of doing all of this work. After they had made this proof the Indians, many of them, were notified to go to Meridian, Miss., and take the train for Oklahoma. Something like 200——

Mr. CAMPBELL. When was that?

Mr. SISSON. That was in 1907, I believe. It was after the act of 1906.

Now, as to the Indians living back on the Yockanockany and the Pearl Rivers and other streams of that kind, where the Indians had been in settlement for a long time and were hard to find and hard to reach—the agents never got back to those Indians who had responded and proven that they were Indians of full blood. So the Secretary of the Interior, according to the report of Mr. Adams, says that there are something like 1,200 of these full-blood Indians who never had any notice of any kind that they were to go to the Choctaw Nation. The result has been that the full-blood Choctaw in the State of Mississippi has absolutely lost his rights, it is contended, because the limitation in reference to getting his name on the roll and getting his proof and going up to the Territory was only six months. It was utterly impossible for the work to be done in that time. The fund, too, was entirely too small. But under the Dancing Rabbit treaty—and Congress has not endeavored, and never will endeavor, to repeal the solemn provisions of that treaty——

Mr. CARTER. Of course I have no objection to the gentleman discussing the merits of this proposition if our side will have the same privilege under the point of order.

Mr. SISSON. I have no objection to that.

Mr. CARTER. But the gentleman is going into a discussion of the matter. I am glad to hear him do it. I hope that will be done, but——

Mr. SISSON. And I want to show by the argument I am now making that it affects the distribution of this fund. I am going to endeavor, if I can do so, to show how it affects that.

Mr. MURRAY of Oklahoma. But, Mr. Chairman, I make this point, that he is discussing the question that we have placed a limit on and which has been discussed more on that side than it has been on ours. I do not object to that discussion if there is plenty of time to go into it.

Mr. SISSON. I am addressing the Chair on the point of order, and it is my purpose——

Mr. MURRAY of Oklahoma. Wait until I state my point. It will be all right to discuss that if we are to be permitted to discuss the whole subject. But if you are going to discuss your side of it, and we are only permitted to discuss the point of order, it is not equitable.

Mr. SISSON. My contention is that the Mississippi Choctaws under the law and under the statutes, which I will put in the RECORD, are entitled to a portion of this fund. Under this act they are denied that right.

Now, Mr. Chairman, I will not discuss the matter any further, because I think that my colleague from Mississippi [Mr. HARRISON], who is more familiar with this matter, may take it up when he gets here in the morning. Therefore, Mr. Chairman, I will thank the committee for their kind attention and say nothing further at present.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

CHANGE OF REFERENCE.

The SPEAKER. There are two executive documents here, one Document No. 752, entitled "Amounts due claimants for which vessels of the Navy are responsible," from the Acting Secretary of the Treasury, and another, Document No. 730, relative to "Naval records of the Revolutionary War," also from the Acting Secretary of the Treasury, which were referred to the Committee on Naval Affairs; but that committee think they can be more expeditiously handled by the Committee on Appropriations, and therefore, without objection, the Committee on Naval Affairs will be discharged from further consideration of these documents, and the same will be referred to the Committee on Appropriations.

There was no objection.

LEAVE OF ABSENCE.

Mr. CONNELLY of Kansas, by unanimous consent, was granted leave of absence, for one week, on account of important business.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until Friday, February 20, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Assistant Secretary of Commerce reporting a claim for damages which has been considered, adjusted, and determined by the Commissioner of Lighthouses (H. Doc. No. 756); to the Committee on Appropriations and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the case of Ebenezer M. Backus *v.* The United States (H. Doc. No. 757); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (S. 3206) for the protection of the water supply of the city of Baker, a municipal corporation of the State of Oregon, reported the same without amendment, accompanied by a report (No. 287), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 85) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, reported the same with amendment, accompanied by a report (No. 289), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 76) authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc., reported the same with amendment, accompanied by a report (No. 290), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 8688) granting an honorable discharge to Lucien P. Rogers, reported the same with amendment, accompanied by a report (No. 286), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12519) granting a pension to Charles E. Johnson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 13608) providing for equalization of the Muskogee (Creek) Nation of Indians allotments, and for other purposes; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 13609) to authorize the entry and patenting of lands containing asbestos under the placer-mining laws of the United States; to the Committee on the Public Lands.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13610) providing for the appointment of a board of survey for the purpose of selecting a suitable site for a naval armor plant at or near McKeesport, Pa., and submitting an estimate of the cost thereof; to the Committee on Naval Affairs.

By Mr. COVINGTON: A bill (H. R. 13611) authorizing the Secretary of the Treasury to disregard the provision contained in the public-building act, approved March 4, 1913, requiring open space for fire protection about the proposed Federal building at Salisbury, Md.; to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SHERLEY: A bill (H. R. 13613) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. HAYDEN: A bill (H. R. 13614) authorizing the Secretary of the Interior to sell to the town of Winslow, Ariz., a tract of land for park and cemetery purposes; to the Committee on the Public Lands.

By Mr. MANAHAN: Resolution (H. Res. 424) to appoint a special committee to investigate the Chicago Board of Trade, the Minneapolis Chamber of Commerce, and the Duluth Board of Trade, and the marketing of wheat; to the Committee on Rules.

By Mr. DOOLITTLE: Joint resolution (H. J. Res. 220) proposing an amendment to the Constitution relative to the manner of amending the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 221) proposing an amendment to Article V of the Constitution relative to the manner of amending the Constitution; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 222) proposing an amendment to the Constitution, Article I, section 9, relating to taxation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of West Virginia: A bill (H. R. 13615) granting an increase of pension to Elisha P. Maconaughey; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: A bill (H. R. 13616) granting an increase of pension to Ella R. Cochrane; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13617) granting a pension to Fannie M. Huggins; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Iowa: A bill (H. R. 13618) granting a pension to William Griffin; to the Committee on Pensions.

Also, a bill (H. R. 13619) granting a pension to Catherine Patterson; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 13620) for the relief of the James H. Furman Co.; to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 13621) for the relief of Charles Pollard; to the Committee on Pensions.

By Mr. FITZHENRY: A bill (H. R. 13622) granting a pension to Daniel T. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13623) granting a pension to Charles C. Sterling; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 13624) to correct the military record of Sylvester B. Miller; to the Committee on Military Affairs.

By Mr. LIEB: A bill (H. R. 13625) granting a pension to Martha Ayers; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 13626) granting an increase of pension to Ingalls Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13627) granting an increase of pension to Charles S. Robbins; to the Committee on Invalid Pensions.

By Mr. MAHAN: A bill (H. R. 13628) granting an increase of pension to John O'Brien; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 13629) granting an increase of pension to Sarah V. Lang; to the Committee on Invalid Pensions.

By Mr. O'HAIR: A bill (H. R. 13630) granting a pension to Jackson Fisher; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 13631) to correct the military record of William C. B. Gilliam; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 13632) granting an increase of pension to Christopher S. Alvord; to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 13633) granting an increase of pension to Mary D. Hanna; to the Committee on Pensions.

Also, a bill (H. R. 13634) granting an increase of pension to Emily M. Brine; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 13635) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho; to the Committee on Indian Affairs.

By Mr. STEPHENS of California: A bill (H. R. 13636) granting an increase of pension to John Gordon Davis, alias John Gordon; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13637) granting a pension to George M. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 13638) granting a pension to Decatur D. Kinser; to the Committee on Pensions.

Also, a bill (H. R. 13639) granting a pension to Thomas G. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 13640) granting a pension to Henry C. Neal; to the Committee on Pensions.

Also, a bill (H. R. 13641) granting a pension to Daniel B. Norris; to the Committee on Pensions.

Also, a bill (H. R. 13642) granting a pension to Samuel R. Smith; to the Committee on Pensions.

Also, a bill (H. R. 13643) granting a pension to Cal Spradlin; to the Committee on Pensions.

Also, a bill (H. R. 13644) granting a pension to Parnesia M. Walton; to the Committee on Pensions.

Also, a bill (H. R. 13645) granting a pension to Filen Whalin; to the Committee on Pensions.

Also, a bill (H. R. 13646) granting a pension to Joshua B. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13647) granting a pension to Jereasy E. Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13648) granting a pension to Mariah E. Orange; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13649) granting a pension to Amanda Riley, formerly Amanda Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13650) granting a pension to Elias Shank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13651) granting a pension to Vesta V. Spears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13652) granting a pension to Green B. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13653) granting an increase of pension to A. G. Long; to the Committee on Pensions.

Also, a bill (H. R. 13654) granting an increase of pension to Frank B. Pannell; to the Committee on Pensions.

Also, a bill (H. R. 13655) granting a pension to Perry Simmons; to the Committee on Pensions.

Also, a bill (H. R. 13656) granting an increase of pension to Isaac T. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13657) granting an increase of pension to Jeremiah M. McPherson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13658) granting an increase of pension to William H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13659) granting an increase of pension to John W. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13660) granting an increase of pension to Robert B. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13661) to correct the military record of James Mesker; to the Committee on Military Affairs.

Also, a bill (H. R. 13662) to remove the charge of desertion from the military record of Granor Owens; to the Committee on Military Affairs.

Also, a bill (H. R. 13663) to remove the charge of desertion from the military record of John H. Winkfield; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 13664) granting a pension to Grafton Mumford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13665) granting a pension to Solon G. Van Derker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the International Brotherhood of Steam-Shovel and Dredge Men and other organizations of workmen in the Canal Zone, relative to extra pay for working overtime, etc.; to the Committee on Appropriations.

Also (by request), petition of business men of Missouri, favoring House bill 5308, to compel concerns selling goods direct to consumers entirely by mail to contribute their proportion of funds in the development of the local community; to the Committee on Ways and Means.

Also (by request), petition of the Star Literary Club, of Germantown, Philadelphia, Pa., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ANTHONY: Petition signed by the banks of Leavenworth, Kans., requesting an amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of John Rees and 40 other citizens of Tuscarawas County, Ohio, protesting against the enactment of Federal prohibition legislation; to the Committee on the Judiciary.

Also, petition of merchants of Shreve, Ohio, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petitions of citizens of Monessen and Homstead, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BROWNE of Wisconsin: Petitions of the First National Bank of New London, Wis., and other banks of the State, favoring change in income-tax law; to the Committee on Ways and Means.

Also, petition of F. A. Marden Post, No. 126, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Battery E, First Regiment United Boys' Brigades of America, favoring amendment to Senate bill 3777, to allow wearing of uniforms similar to United States Army uniforms by other organizations; to the Committee on Military Affairs.

By Mr. CONNOLLY of Iowa: Petition of bankers of Scott County, Iowa, favoring amendment to the income-tax law relative to the collection at the source; to the Committee on Ways and Means.

By Mr. CURRY: Petition of members of Painters' Union No. 274, of Stockton, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of the Merchants' Association of New York, favoring passage of Senate bill 1240, for a bureau of legislative reference and bill drafting; to the Committee on Rules.

Also, petition of Benjamin Raphael, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of Henry W. Lawton Camp, No. 1, United Spanish War Veterans, Department of California, and of General Guy W. Henry Camp, No. 38, United Spanish War Veterans, Department of New York, favoring passage of House bill 7374, relative to pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. DONOVAN: Petition of officers of United Boys' Brigade of America, Company D, Second Regiment of Connecticut, favoring bill relative to uniforms similar to uniforms of United States Army; to the Committee on Military Affairs.

By Mr. DYER: Petition of bankers of St. Louis, Mo., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petitions of organizations of St. Louis, Mo., and the Panama Canal Zone, relative to labor conditions on the canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants' Exchange of St. Louis, Mo., relative to Congress creating and using facilities for legislative reference and bill drafting; to the Committee on the Library.

Also, petition of Charles F. Luehrmann Hardwood Lumber Co., of St. Louis, Mo., favoring House joint resolution 204, providing for exhibit in the Forest Products Exposition; to the Committee on Industrial Arts and Expositions.

Also, petitions of citizens and organizations of St. Louis, Mo., and by Council of Grain Exchanges, favoring investigation by Congress into workings of grain exchanges; to the Committee on Rules.

Also, petition of the Bolz-McBride Cooperage Co., of St. Louis, Mo., against bill providing that all shipments shall be unlawful of edible stuffs which have been kept in cold storage longer than 30 days; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Civil Service Reform League, against section of House bill 12928 relative to assistant postmasters standing civil-service examination; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Memorial of the Jersey City Teachers' Club and West New York Maennerchor, relative to increased pay for mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Petition of citizens of Fargo, N. Dak., favoring seamen's service bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Bathgate, N. Dak., favoring amendment to Constitution forbidding polygamy in the United States; the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany a bill (H. R. 10623) granting an increase in pension to Jason J. Tilyou; to the Committee on Invalid Pensions.

By Mr. IGOE: Petitions of citizens of St. Louis, Mo., and other American citizens, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring bill providing facilities for legislative reference and bill drafting; to the Committee on the Library.

Also, petition of the Bolz-McBride Cooperage Co., of St. Louis, Mo., against bill providing that all shipments of edibles which have been kept in storage longer than 30 days shall be unlawful; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pride of the West Lodge, No. 308, International Association of Machinists, relative to labor conditions on Isthmus of Panama; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Council of Grain Exchanges, favoring appointment of a commission to inquire into workings of grain exchanges; to the Committee on Rules.

Also, petition of the International Brotherhood of Steam-Shovel and Dredge Men and other organizations of workmen on Canal Zone, relative to extra pay for working overtime; to the Committee on Appropriations.

By Mr. KAHN: Petition of Tillman & Bendel, John P. Connolly, Walter Preston, E. J. Warnecke, Henry Rathjen, Robert Carroll, C. J. Borgfeldt, A. T. Phillips, I. W. Cahen, Jules Levaggi, C. Eisenschmiel, G. W. McCarthy, H. H. Paulsen, Theo. E. Preuss, L. P. Josselyn, C. M. Steckler, Marc Goldsmith, John O'Connor, H. Bier, Harold Scheelise, H. L. Judell, E. F. Crosser, all of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of members of the Deutscher Gesang Verein Frohsim, of Latrobe, and sundry citizens of Westmoreland, Armstrong, and Indiana Counties, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Connecticut: Petition of Southington (Conn.) and Wallingford (Conn.) Branches of the American Continental League, against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. J. R. KNOWLAND: Petition from Beethoven Mannerchor, of San Francisco, Cal., protesting against passage of House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petitions from Concordia Stamm, No. 268, United Order of Red Men, of Alameda, Cal.; Deutsch-Amerikanischer Verband, of Oakland, Cal.; Deutsch-Amerikanischer Stadtverband, of San Diego, Cal.; and Concordia Turnverein, of San Diego, Cal., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the board of directors of the Chamber of Commerce of San Francisco, Cal., favoring an appropriation of $250,000 for the construction of a breakwater at Kahului Harbor, Island of Maui, Hawaii; to the Committee on the Territories.

Also, resolutions adopted by the council of the city of Oakland, Cal., indorsing House bill 5139, providing for the retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

Also, resolutions adopted by Machine Hands' Union No. 715, favoring the passage of Senate bill 136, being the Seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions passed by the San Francisco Labor Council, of San Francisco, Cal., urging the passage of Senate bill 136, being the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. KONOP: Petition of the Stephenson National Bank, of Marietta, Wis., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, protests of the German-American Alliance of Antigo, Marinette, Marshfield, La Crosse, Athens, Watertown, Chilton, Wausau, Reedsburg, Milwaukee, Kenosha, Racine, Eau Claire, Kiel, Kewaskum, Monroe, Spencer, Plymouth, Oshkosh, Merrill, Norwalk, Portage, Neenah, Sheboygan, Hartford, Medford, and Mayville, all in the State of Wisconsin, against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of E. A. Reinke and others, of Appleton, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LANGLEY: Petitions of the First National Bank of Pikeville, Ky., and the First State Bank of Praise, Ky., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of sundry citizens of the State of Kentucky, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Kentucky, against national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of the Citizens' National Bank of Frostburg, Md., and 3 other Maryland banks, asking changes in the income-tax laws; to the Committee on Ways and Means.

By Mr. LIEB: Petitions of J. C. Johnson and 4 other citizens of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LINDQUIST: Petition of residents of Sheridan and Butternut, Mich., favoring the passage of the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution adopted by the Southwestern Michigan Retail Jewelers' Association, favoring the passage of House bill 2972, a bill to prohibit the placing of time guaranties on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of Edward W. Merriman, and others, Bristol, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Civil Service Reform League of New York, protesting against requiring applicants for assistant postmasterships to take a competitive civil-service examination; to the Committee on the Post Office and Post Roads.

Also, petition of W. Bourdean and others, of Peck Lane, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Memorial of citizens of the United States, favoring an investigation of the Pere Marquette Railroad; to the Committee on Rules.

Also, petition of voters of Michigan, against national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the joint executive committee representing the International Brotherhood of Steam Shovel and Dredge Men, International Brotherhood of Electrical Workers, International Association of Machinists, Brotherhood of Railroad Carmen of America, Brotherhood of Locomotive Engineers, Order Isthmian Conductors, and Cristobal Marine Association, relative to hours of labor on Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Civil Service Reform League, against compelling assistant postmasters to stand civil-service examination; to the Committee on the Post Office and Post Roads.

By Mr. O'LEARY: Petition of the Third Company, Fourth Regiment New York State Division, United Boys' Brigade of America, and Evangelical Lutheran Trinity Church of Maspeth, N. Y., favoring amendment to Senate bill 3777, to allow wearing of uniforms by other organizations similar to United States Army uniform; to the Committee on Military Affairs.

By Mr. PATTEN of New York: Petition of the General Guy V. Henry Camp, United Spanish War Veterans of New York, favoring House bill 7374, providing pensions for widows of Spanish War soldiers; to the Committee on Pensions.

By Mr. PAYNE: Petition of voters of Cayuga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Bank of Fort Bidwell, Cal., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of members of the Rev. W. A. Harty Branch of the Ancient Order Hibernians, protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of New Haven, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Allentown, N. J., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of the Hubbell Bank, of Hubbell, Nebr., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. STAFFORD: Petitions of Plumbers' Union No. 75 and of Blacksmiths' Union No. 77 of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of citizens of Los Angeles, Cal., favoring passage of House bill 5139, known as the Hamill bill, relative to pensions for aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Santa Monica, Cal., protesting against passage of Sabbath observance bill (H. R. 9674); to the Committee on the District of Columbia.

Also, memorial of the San Francisco Chamber of Commerce, protesting against the passage of the McKellar cold-storage bill; to the Committee on Agriculture.

Also, petitions of the Citizens' National Bank of Los Angeles, Cal., and other banks of the State of California, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Friends of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., relative to free tolls through the canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Presbyterian Church of Coachella, Cal., favoring a year's suspension of the naval program; to the Committee on Naval Affairs.

Also, petitions of E. R. Partridge, M. E. Leonard, and Olive W. Lay, of Los Angeles, Cal., protesting against barring from the mails the Menace; to the Committee on the Post Office and Post Roads.

Also, memorial of members of the Woman's Missionary Union of Riverside, Cal., favoring amendment abolishing polygamy; to the Committee on the Judiciary.

By Mr. TEN EYCK: Petitions of sundry citizens, unions, and associations of Albany and Troy, N. Y., relative to national prohibition; to the Committee on the Judiciary.

By Mr. THACHER: Memorial of the executive committee of the Massachusetts Real Estate Exchange, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Provincetown Board of Trade, of Provincetown, Mass., protesting against the passage of the seamen's bill in its present form; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: Petition of the Farmers' Institute of Woodstock, Ohio, favoring the enactment of legislation providing Federal aid for the eradication of hog cholera; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of John C. Chapman and various organizations of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of sundry citizens of North Dakota, favoring passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

SENATE.

FRIDAY, *February 20, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thy name. Thou art the author of our being, the giver of every good and perfect gift. Thou dost hold within Thine own hands all the resources of our physical life. Thou dost stand guard by Thine own eternal moral law over all our moral and spiritual rights. Thou dost call us into fellowship with Thyself, into the freedom of the children of God. We pray that we may be touched and inspired by the high dignity of the sphere of life into which Thou dost call us, making us the heirs of an everlasting kingdom.

Grant us the blessing of God this day, and Thy guidance in all our ways; and at the close of the day may we have the comforting assurance of a day spent in the service of God and lives spent in the interests of those about us in this great land. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE LATE SENATOR BACON.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Counselor of the State Department, transmitting a translation of a note from the Minister of Guatemala at Washington relative to the death of the late Senator BACON. The communication and accompanying note will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communications are as follows:

DEPARTMENT OF STATE,
Washington, February 19, 1914.

The Hon. THOMAS R. MARSHALL,
Vice President of the United States of America.

SIR: I have the honor to inclose herewith a translation of a note from the minister of Guatemala at Washington, conveying to the department his Government's condolences and his own in connection with the death of the Hon. AUGUSTUS OCTAVIUS BACON, chairman of the Committee on Foreign Relations of the United States Senate. I have the honor to be, sir,

Your obedient servant,

J. B. MOORE, *Counselor.*

(For the Secretary of State.)

[Translation.]

LEGATION OF GUATEMALA,
Washington, February 16, 1914.

The most excellent Mr. WILLIAM JENNINGS BRYAN,
Secretary of State of the United States of America.

Mr. SECRETARY OF STATE: With the deepest and most sincere sorrow I have heard the news of the death of the Hon. AUGUSTUS OCTAVIUS BACON, Senator, chairman of the Committee on Foreign Relations, whose personality was given eminence by his attainments, sense of justice, and the great services rendered to his country in various lines, and particularly in the most important branch in which his special learning always made him a real authority.

I beg your excellency to accept the condolence which I have the honor to present to the American Government in behalf of my Government for such an irreparable loss, and I shall be grateful if, together with the expression of these sentiments, your excellency will deign also to accept those which I beg leave personally to offer as a tribute to the memory of the honorable Senator BACON, together with the deepest sympathy in the misfortune that has befallen us.

I avail myself of this opportunity to renew to your excellency the assurances of my highest and most respectful consideration.

JOAQUÍN MÉNDEZ.

The VICE PRESIDENT. The Chair lays before the Senate a letter from the Minister of Peru, expressing condolence on the death of the late Senator BACON, which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The letter is as follows:

PERUVIAN LEGATION,
Washington, D. C.

Federico Alfonso Pezet, minister of Peru, expresses to the Vice President of the United States, and through him to the Senate of the United States, his most sincere condolence on the occasion of the sad demise of the Hon. AUGUSTUS O. BACON, chairman of the Foreign Relations Committee, and regrets that on account of his having been absent from the city he was unable to be present at the funeral services of the late Senator.

FEBRUARY 19, 1914.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified findings of fact and conclusions filed by the court in the following causes:

In the cause of Ella M. Glass, widow of Henry Glass, *v.* United States (S. Doc. No. 430); and

In the cause of Alexander P. R. Hanks *v.* United States (S. Doc. No. 431).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, one of its clerks, announced that the House had passed the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1346. An act to authorize the Eastern Maine Railroad to construct a bridge across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine;

S. 3439. An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera and dourine; and

H. R. 11325. An act to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of Lincoln Branch, American Continental League, of Providence, R. I.; of General Muhlenburg Branch, American Continental League, of Philadelphia, Pa.; of the Star Literary Club, of Germantown,

Philadelphia, Pa.; and of the Curran Club, of the Irish-American Societies, of Philadelphia, Pa., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of the Central Civic Council, of St. Louis, Mo., praying for the enactment of legislation authorizing the appointment of a commission to select and locate the route or routes of the railroad approaches, in the State of Illinois, to the municipal bridge of St. Louis, etc., which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Rubicon and Iron Ridge, in the State of Wisconsin, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Italian Republican Mutual Aid League of the Fourteenth Ward, of Newark, N. J., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. KERN presented a petition of sundry citizens of Indianapolis, Ind., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. HUGHES presented memorials of Local Lodge No. 593, Independent Order of B'rith Abraham, of Paterson; of the Federazione Delle Societa Italiane, of Hoboken; of the New Jersey Chamber of Commerce; of the Society of John III Sobieski, of Plainfield; of the local committee of the Polish National Defense, of Passaic; and of sundry citizens of East Orange, all in the State of New Jersey, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented petitions of the Star Spangled Banner Council, Daughters of Liberty, of Paterson, Park Ridge, and West Hoboken; of Century Council, No. 100, and James T. Boyd Council, No. 244, Junior Order United American Mechanics, of Paterson; of the Horizontal Warpers' Benevolent Association, of Paterson; of Victory Council, No. 93, Daughters of Liberty, of Jersey City; and of sundry citizens of Little Falls, Paterson, Hawthorne, Bayonne, Trenton, and West Hoboken, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Hudson County, Atlantic City, Red Bank, Riverton, New Brunswick, Orange, and Perth Amboy, all in the State of New Jersey, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of George Washington Branch, American Continental League, of Clifton; of the Paul Revere Club, of Camden; of Commodore Barry Branch, American Continental League, of Passaic; and of George Washington Branch, American Continental League, of Passaic, all in the State of New Jersey, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Hoboken and Jersey City, in the State of New Jersey, praying for the enactment of legislation to increase the compensation of and grant pensions to letter carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 675, International Brotherhood of Electrical Workers, of Elizabeth, N. J., praying that an investigation be made into the conditions in the mining districts of Michigan and Colorado, which was referred to the Committee on Education and Labor.

He also presented petitions of members of the Second Regiment, United Boys' Brigades of America, New Jersey Division, of Camden, N. J., praying for the enactment of legislation to permit the wearing of uniforms by the United Boys' Brigades of America similar to those of the United States Army, which were referred to the Committee on Military Affairs.

He also presented a memorial of Robert Fulton Council, No. 274, Junior Order United American Mechanics, of Newark, N. J., remonstrating against the enactment of legislation to suppress the publication of "The Menace," which was referred to the Committee on Post Offices and Post Roads.

Mr. BRADLEY presented a petition of the Parkland Woman's Christian Temperance Union, of Louisville, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 16, International Union of Tobacco Workers, of Covington; of the Baden Benevolent Association, of Covington; of the First Ward Fishing Club, of Covington; of Coopers' International Union No. 76, of Clermont; of the Dalton Mutual Aid Society, of Covington; of Cottage Mutual Aid, of Covington; and of sundry citizens of Covington, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of sundry citizens of Evansville, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURTON presented sundry petitions of citizens of Ohio, praying for the adoption of the resolution to submit to the States a national prohibition amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Ohio, remonstrating against the adoption of the resolution to submit to the States a national prohibition amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

Mr. LODGE presented resolutions adopted by the Massachusetts Real Estate Exchange, favoring the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Company I, Third Regiment, Massachusetts Division, United Boys' Brigade of America, of East Dedham and Chelsea, in the State of Massachusetts, praying for the enactment of legislation authorizing the wearing of uniforms by members of the United Boys' Brigade of America similar to those worn in the United States Army, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented a memorial of Local Union No. 469, Bartenders' Union of Middletown, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the congregation of Trinity Church, of San Jose, Cal., and a petition of the congregation of the Westminster Presbyterian Church, of Pasadena, Cal., praying for the enactment of legislation to suspend for one year the naval programs of the great powers, which were referred to the Committee on Naval Affairs.

He also presented petitions of the board of directors of the First National Bank of Exeter, the First National Bank of Yuba City, the Savings Bank of Sutter County, and the Citrus Bank, of Exeter, all in the State of California, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source in lieu of the present method of collection at the source, which were referred to the Committee on Finance.

He also presented a memorial of the Knights of the Royal Arch, of Santa Rosa, and a memorial of the Painters' Local Union of Stockton, all in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. COLT presented memorials of Superior Lodge, No. 616, Order of B'rith Abraham, of Providence; of the Polish Citizens' Club, of Woonsocket; of the Abruzzere Society, the Society of Vittorio Emmanuele, the Society of Court Libia, the Society of St. Rocco, and the Italian Citizens' Club of the fourteenth district, all of Providence, in the State of Rhode Island, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented memorials of General Washington Branch, American Continental League, of Woonsocket; of the Wolfe Tone Literary Association, of Riverpoint; of General Warren Branch, American Continental League, of Warren; of Nathaniel Hale Branch, American Continental League, of Riverpoint; and of General Knox Branch, American Continental League, of Providence, all in the State of Rhode Island, remonstrating

against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 276) accompanied by a bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 218. Agnes Hallsworth.
S. 286. Jennie C. Marks.
S. 302. Sophronia E. Sawyer.
S. 318. Abbie A. Upson.
S. 334. Ellen M. Banning.
S. 349. Catherine A. French.
S. 509. Ellis R. Douglass.
S. 525. James E. Stalker.
S. 695. John McMillin.
S. 709. William S. Patterson.
S. 714. William Redding.
S. 716. Clinton Neligh.
S. 756. Sarah Childress.
S. 848. Mary E. Hurlburt.
S. 862. William L. Sapp.
S. 968. James F. McGrew.
S. 1016. Jacob Everson.
S. 1029. Annie Shannon.
S. 1051. Pauline G. Murphy.
S. 1194. John W. Wareham.
S. 1196. William Willis.
S. 1378. William H. H. Morris.
S. 1381. Franklin R. Simmons.
S. 1611. Matilda M. White.
S. 1669. Samuel Baughman
S. 1698. John Marsh.
S. 1713. Kate G. Caton.
S. 1817. William A. Owens.
S. 1822. Cornelia Kenyon.
S. 1823. Milo E. Cook.
S. 1839. Levin A. Harvey.
S. 1995. Oliver B. Bond.
S. 2035. Cyrus Hicks.
S. 2109. Jacob Hilfinger.
S. 2178. Austin B. Wells.
S. 2338. Sallie E. Masmar.
S. 2442. Judson Bayne.
S. 2443. Van Buren Fisher.
S. 2510. Edgar T. Limes.
S. 2536. Daniel Sullivan.
S. 2557. Daniel M. Freeman.
S. 2664. David E. Bird.
S. 2772. Mary V. Canaday.
S. 2782. Hamilton M. Steele.
S. 2784. Sidney Williams.
S. 2785. Willet Van Winkle.
S. 2809. Alfred L. Cain.
S. 2818. Jackson Stout.
S. 2829. Cornelius Curran.
S. 2846. George H. Partridge.
S. 3008. Josiah F. Gifford.
S. 2010. Peter Prock.
S. 3061. Winfield S. Brooks.
S. 3070. Andrew T. McChesney.
S. 3071. Celina Little.
S. 3073. Ira Felt, jr.
S. 3093. Adelaide W. Wheeler.
S. 3111. Rachel C. Smith.
S. 3115. Olive H. Bowen.
S. 3140. John Wright.
S. 3146. Mary Thomas.
S. 3182. Sarah E. Frazier.
S. 3205. Nettie Randolph.
S. 3214. Oden Gibson.
S. 3303. Alfred G. Hawkins.
S. 3309. Ada S. Goodrell.
S. 3324. Mary A. Burdick.
S. 3328. Thomas F. Edwards.
S. 3332. William R. Holmer (alias Charles Hoxie).
S. 3335. Charles E. Mulkin.
S. 3415. Robert W. McClaughry.
S. 3502. John Gowland.
S. 3522. Ebenezer A. Whitney.
S. 3532. Adda A. Benson.
S. 3577. Henry C. Smith.
S. 3578. Austin Groninger.
S. 3636. Edgar A. Hamilton.
S. 3771. Waddy Hoover.
S. 3772. Corydon M. Turnbull.
S. 3782. John H. Williamson.
S. 3786. Henry C. Doll.
S. 3812. Frank Laplante.
S. 3854. Cornelius T. Ham.
S. 3910. Alphonso Maddocks.
S. 3960. Adam Daum.
S. 3969. John H. McCreary.
S. 4003. Carey G. Colburn.
S. 4014. Joel R. Smith.
S. 4026. Gashem Norris.
S. 4042. George R. Hall.
S. 4063. Van R. Eels.
S. 4117. Hanson B. Simmons.
S. 4141. George W. Plaisted.
S. 4177. John Johnson, 2d.
S. 4193. Sarah Jane Palmer.
S. 4222. Margaret Delashmutt.
S. 4224. Nancy A. Albert.
S. 4227. Charles N. Points.
S. 4241. Maggie Carter.
S. 4278. Elisha J. Melton.
S. 4279. William W. Green.
S. 4351. Mary L. Tarbox.
S. 4324. George W. Berry.

Mr. BRYAN, from the Committee on Naval Affairs, to which was referred the bill (S. 3049) for the relief of Edward R. Wilson, passed assistant paymaster, United States Navy, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana, reported it with an amendment and submitted a report (No. 274) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 55) for the relief of Daniel Hampton, reported it without amendment and submitted a report (No. 275) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 7138) to provide for raising the volunteer forces of the United States in time of actual or threatened war, reported it with amendments and submitted a report (No. 277) thereon.

He also, from the same committee, to which was referred the bill (S. 542) to provide for raising the volunteer forces of the United States in time of actual or threatened war, reported adversely thereon, and the bill was postponed indefinitely.

COST OF LIVING IN DISTRICT OF COLUMBIA.

Mr. SHAFROTH. The joint resolution (S. J. Res. 93) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia, and to report thereon to Congress as early as practicable, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I report back the joint resolution, and ask that the committee be discharged from its further consideration, as it was an erroneous reference. It proposes to make an appropriation of $6,000, but not out of the contingent fund of the Senate. Being a joint resolution, the appropriation, of course, would be made out of funds available for that purpose in the Treasury. I suggest that the joint resolution be referred to the Committee on Education and Labor.

The VICE PRESIDENT. That action will be taken.

HEIRS OF SIM HARRISON, DECEASED.

Mr. SHAFROTH. I report back favorably with amendments, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate resolution 276, submitted by the Senator from Mississippi [Mr. WILLIAMS] on the 18th instant. It proposes to pay six months' salary to the heirs at law of Sim Harrison, deceased. Sim Harrison was an employee of the Senate, acting as a doorkeeper at the time of his death. This is the usual resolution which is passed for such a purpose, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 4, to strike out the word "Harrison" where it occurs the second time and insert the word "Richardson," and, in line 6, before the name "Harrison,"

to strike out the word "Simmons" and insert "Sim," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to James S. Harrison, of Hattiesburg, and Sallie G. Richardson and Annie S. Harrison, of Belzoni, Miss., children and heirs at law of Sim Harrison, late messenger, Acting Assistant Doorkeeper, of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendments were agreed to.

The resolution as amended was agreed to.

BRANCH HYDROGRAPHIC OFFICE AT LOS ANGELES, CAL.

Mr. PERKINS. From the Committee on Naval Affairs I report back favorably with an amendment the bill (S. 494) to establish a hydrographic station at Los Angeles, Cal., and I submit a report (No. 273) thereon. I call the attention of my colleague [Mr. WORKS] to the bill.

Mr. WORKS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill.

The amendment was, in section 1, line 5, after the words "provisions of," to strike out "an act entitled 'An act to establish a hydrographic office in the Navy Department,' approved June 21, 1866," and insert "the law applicable to the Hydrographic Office in the Navy Department," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to establish a branch hydrographic office at Los Angeles, in the State of California, the same to be conducted under the provisions of the law applicable to the hydrographic office in the Navy Department.

SEC. 2. That the Secretary of the Navy is hereby authorized to secure sufficient accommodations in said city of Los Angeles for said hydrographic office, and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding $9,000, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for these purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a branch hydrographic office at Los Angeles, Cal."

LANDS AT LAWTON, OKLA.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 10258) authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes, and I submit a report (No. 272) thereon.

I ask unanimous consent for the immediate consideration of the bill and in connection with the request I wish to give a word or two of explanation.

The bill is of no personal interest to me, but it appears to be meritorious and is, I think, somewhat of an emergency measure. It proposes to sell to the city of Lawton, Okla., a section and a half of public land at a dollar and a quarter per acre, to be used solely as a part of the watershed and water supply for the city.

The bill was unanimously recommended by the House Committee on Public Lands and, I think, passed the House without objection. It is unanimously recommended by the Senate Committee on Public Lands. The author of the bill, Mr. FERRIS, represents to me that there is some need for haste and some emergency in the matter. For that reason I request its present consideration.

Mr. SMOOT. I should like to ask the Senator if the usual reservation is made in the bill that in case the land is not used for that purpose it shall revert to the Government?

Mr. MYERS. It is. I ask that the bill be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 4553) to authorize the appointment of an ambassador to Argentina; to the Committee on Foreign Relations.

My Mr. ROBINSON:

A bill (S. 4554) to provide for the purchase of a site and the erection thereon of a public building at Forrest City, in the State of Arkansas; to the Committee on Public Buildings and Grounds.

A bill (S. 4555) granting a pension to Missouri Ruth Justice; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 4556) for the relief of Myron H. McMullen (with accompanying papers); and

A bill (S. 4557) for the relief of Jasper H. Powell; to the Committee on Military Affairs.

A bill (S. 4558) granting a pension to Anna L. Warren (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 4559) granting a pension to James W. Ruffin; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 4560) to amend an act approved May 30, 1910, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect"; to the Committee on Indian Affairs.

By Mr. STERLING (for Mr. CRAWFORD):

A bill (S. 4561) granting an increase of pension to John S. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4562) granting an increase of pension to Clara Talbot (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4563) granting an increase of pension to Starlin Stanfill (with accompanying papers); and

A bill (S. 4564) granting a pension to James Allen Wood (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A joint resolution (S. J. Res. 113) to place the name of Theodore Barker upon the retired list of the Navy; to the Committee on Naval Affairs.

RURAL POST ROADS.

Mr. BRADY submitted an amendment intended to be proposed by him to the bill (H. R. 11686) to provide that the United States shall, in certain cases, aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

AMENDMENT TO URGENT DEFICIENCY BILL.

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to pay the claim of any trust company or other claimant for the refund of special bankers' tax erroneously assessed or illegally collected under the war-revenue act of June 13, 1898, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. MARTIN of Virginia submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

COMMITTEE ON MINES AND MINING.

Mr. SHAFROTH. The Committee to Audit and Control the Contingent Expenses of the Senate reported in favor of Senate resolution 270, providing for a stenographer to report hearings before the Committee on Mines and Mining. The resolution was reported favorably by the committee with amendments. Inasmuch as hearings are being held, I ask unanimous consent for its consideration at this time. It is in the usual form of resolutions of this character which have been passed by the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments of the Committee to Audit and Control the Contingent Expenses of the Senate were, in line 5, after the word "committee," to strike out "and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee," and in line 8, after the word "paid," to insert "at a compensation of not exceeding $1 per folio page," so as to make the resolution read:

Resolved, That the Committee on Mines and Mining or any subcommittee thereof be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and that such stenographer be paid at a compensation of not exceeding $1 per folio page out of the contingent fund of the Senate.

Mr. SHAFROTH. The word "folio," in line 9, is a mistake. I move to strike out the word "folio," before "page," and to insert the word "printed."

The amendment to the amendment was agreed to.

Mr. WALSH. The Senator from Colorado is a member of the Committee on Mines and Mining, and, as he is aware, hearings

are now being held. I suggest to him that the value of these hearings will be very largely lost unless they are made available for the use of Members of the Senate by having printed the testimony taken before the committee.

Mr. SHAFROTH. That is the object of the resolution.

Mr. WALSH. I understand that the provision for printing the testimony has been stricken out.

Mr. SMOOT. Let me inform the Senator that there is no need of such a provision in the resolution, because under the general law a committee of the Senate or House has authority to have a thousand copies printed.

Mr. SHAFROTH. That is the reason why it was stricken out.

Mr. SMOOT. The chairman of the committee can order 1,000 copies printed. So there is no need of the clause in the resolution.

The amendments were agreed to.

The resolution as amended was agreed to.

NATIONAL AID TO GOOD ROADS.

Mr. BRYAN. I desire to have printed as a Senate document an article by Jonathan Bourne, jr., a former Member of the Senate, taken from the North American Review of September, 1913, on the subject of national aid to good roads. I ask that the article be referred to the Committee on Printing for consideration.

The VICE PRESIDENT. Without objection, that action will be taken.

DISTRICT OF COLUMBIA REVENUES AND EXPENDITURES.

Mr. MARTIN of Virginia. I ask unanimous consent to have printed as a document an opinion prepared by the Comptroller of the Treasury on the 3d of January, 1914, in relation to what is known as the half-and-half system of paying the expenses of the District government. It is a very carefully prepared opinion on a subject that is now interesting Congress, and I am sure it will be useful.

Mr. SMOOT. May I ask the Senator by whom the article was written?

Mr. MARTIN of Virginia. By Mr. Downey, the Comptroller of the Treasury. It is an official opinion.

Mr. SMOOT. The reason why I asked the Senator the question is because the other day we ordered printed an article on the same subject, and I really did not know whether this was the same one or not.

Mr. MARTIN of Virginia. It is not, I am sure, because it was just brought to me by Mr. Downey within the last 24 hours. I am sure that it has not been printed. It is an official opinion.

Mr. SMOOT. Of course, the subject matter is before the Senate, and I will not object to printing the opinion as a document.

Mr. MARTIN of Virginia. I am sure it has not been printed, and it will be a very useful document.

Mr. WORKS. Mr. President, some time ago this matter came up, and, as I understood it at the time, all such questions of printing were to be referred, without exception, to the Committee on Printing. I think that is the best course to pursue. It has been done in some specific instances by merely mentioning the fact. I have no objection to this particular document being printed, but if we are going to have a rule on the subject, it ought to be a uniform rule.

The VICE PRESIDENT. The Chair will state to the Senator from California that there is pending in reference to this matter a proposed amendment to the rules, which has not yet been passed upon by the Senate. The Chair had no right to do so, but the Chair has expressed the opinion that all such matters should first go to the Committee on Printing.

Mr. SMOOT. I ask the Senator from Virginia to allow the matter to go to the Committee on Printing for consideration.

Mr. MARTIN of Virginia. I have no objection to that; but it has not been the custom. There has not been a day for perhaps the last 30 days when such requests for printing have been made that they were not granted; and it has not been the custom, so far as I have observed, to refer such matters to the Committee on Printing. Still, I have no objection to the reference of this paper to the Committee on Printing; and if the committee shall decide that the paper ought not to be printed, it is of no particular concern to me, though I consider it a very valuable paper.

Mr. WORKS. I hope the Senator from Virginia will understand that I am not making the suggestion because I object to the printing of the paper which he has offered, but the matter was discussed a few mornings ago—I do not know whether or not the Senator from Virginia was present—and it seemed to be the general feeling of Members of the Senate that all such matters ought to be referred to the Committee on Printing, and I am inclined to that opinion myself.

Mr. MARTIN of Virginia. As I stated, I am willing that the paper shall be referred to the Committee on Printing.

The VICE PRESIDENT. The paper will be referred to the Committee on Printing for consideration.

POSTAL SAVINGS FUNDS.

Mr. BRISTOW. Mr. President, I desire to read a telegram which I received this morning from a constituent of mine, and to make a statement in regard to the matter therein referred to. The telegram is as follows:

TOPEKA, KANS., *February 19, 1914.*

Senator JOSEPH L. BRISTOW,
Washington, D. C.:

Papers say you have introduced bill to take postal savings deposits out of State banks unless they become members of a Federal reserve bank. States, counties, and cities do not discriminate against national banks, and we do not think our Government should discriminate against State banks. Kindly wire answer. I want to place the matter before our members at once.

W. MACFERRAN,
President State Bankers' Association.

The truth is the present law requires that all postal savings funds shall be deposited in national banks which are members of the reserve association. I introduced a bill to amend that provision, so as to permit postal deposits to be deposited as they were previous to the passage of the law to which I refer. It seems that the press, in transmitting the news as to the bill, have stated that it has exactly the opposite effect from that which the bill secures. The object of the bill is to permit State banks to retain the deposit of the postal savings funds, as they have done heretofore, instead of taking such funds away from them.

Mr. SMOOT. Mr. President, in this connection, I desire to say that I am in full accord with the object of the bill which the Senator from Kansas [Mr. BRISTOW] has introduced. I know of a great many cities in which there is not a national bank. Of course, if the law is put into force as passed, the postal funds in those cities will have to be sent to some other city for deposit in a national bank which has joined the present system.

Mr. BRISTOW. Certainly. Then, it has been the practice of the Post Office Department to deposit these funds with all of the banks in the community in proportion to their capital stock, so that the State banks and trust companies and the national banks all have their share of these funds. The new banking bill, which has been recently passed, I think inadvertently requires these funds to be deposited in the national banks. I am certain that Congress never intended to do any such thing. Therefore I introduced the bill to which I refer to amend the law in that respect.

RAILROADS IN ALASKA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in Alaska, and for other purposes.

Mr. PITTMAN. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. PITTMAN, Mr. CHAMBERLAIN, and Mr. JONES conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on the 19th instant, approved and signed the following acts:

S. 832. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 833. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 834. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

COAL LANDS IN ALASKA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the order submitted yesterday by Mr. SMITH of Arizona, as follows:

Ordered, That the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4425) "to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes," and that the same be referred to the Committee on Public Lands.

Mr. SMOOT. Mr. President, the Senator from Arizona [Mr. SMITH] is not here this morning; but I sincerely hope that there will be a vote upon this motion.

I merely wish to say one more word in reference to bills introduced in the Senate and as to the committees to which they are referred. I noticed the other day two measures introduced by a Member of this body, with a special request that they should go to a certain committee. One was a bridge bill that should have been referred to the Committee on Commerce, and the other was a joint resolution that should have gone to the Judiciary Committee, but they were not so referred. I wish to say, Mr. President, that if Senators will examine the bill and the joint resolution, they will immediately see how absurd the request was. I believe that a bill ought always to be referred to the committee which has jurisdiction of the subject matter to which it relates. That is all that is involved in the motion made by the senior Senator from Arizona.

I desire to say to the Senate that I am a member of about as many committees as any other Senator, and that I have never been absent from a meeting of the Committee on Public Lands, with the exception of the time when I was out of the city, last September. I desire to say, further, that I let all my correspondence and business go unattended to until nighttime or a later day rather than miss the committee meetings of which I am a member. I know, of course, that the Members of this body are overwhelmed with work; I know that many of them claim that it is impossible to attend the meetings of the committees; but this is no more true of the Public Lands Committee—and not so much so—than of a great many other committees of this body. I hope, therefore, Mr. President, the Senate will adopt the motion made by the Senator from Arizona.

Mr. CLARK of Wyoming. Mr. President, I believe that this bill should have been sent originally to the Committee on Public Lands. I believe it should be sent to that committee now. It seems to me the Committee on Public Lands, if it is to be continued as a committee of the Senate, should not be shorn of its jurisdiction. My belief is that the Committee on Mines and Mining was organized to take charge of matters connected with mines and with mining, the same as is the Bureau of Mines in the general governmental service. In the law creating the Bureau of Mines we set forth exactly what the scope and jurisdiction of that bureau should be. I read from the provision of the law creating it:

SEC. 2. That it shall be the province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries—

And so forth and so on.

Mr. President, it seems to me that the Committee on Mines and Mining has a substantive jurisdiction that need not interfere in any degree with the jurisdiction of the Committee on Public Lands so far as that jurisdiction has heretofore been exercised. The result of references of this sort, which are contested, in a way would be to take away from any committee the original and proper jurisdiction of that committee. For instance, we might say that jurisdiction over all lands containing minerals and legislation connected with them should belong to the Committee on Mines and Mining, that jurisdiction of lands and legislation connected with them devoted to agricultural purposes should be transferred to the Committee on Agriculture, and thus we might go on depriving the Committee on Public Lands of its rightful jurisdiction piece by piece, until its usefulness would be entirely destroyed.

I hope, Mr. President, that this bill will be sent to the Committee on Public Lands, which has already been considering its subject matter. I do not think anybody will challenge the industry or the good faith of the Committee on Public Lands. I have been on that committee many years, and, so far as my observation and experience have gone, that committee has not failed in its duty, but has had its regular meetings, at which it has had little or no difficulty in securing a quorum; and I am sure that, under the efficient chairmanship of the Senator from Montana [Mr. MYERS], there is no reason to fear that this bill, like all other bills dealing with the public lands of the United States, will not receive proper consideration by that committee.

Mr. CLAPP. Mr. President, I desire to complement the remarks of the Senator from Wyoming [Mr. CLARK] with an additional suggestion. When bills are referred to committees to which they ought not to go, it not only deprives committees of bills to which they are properly entitled, but simply renders impossible keeping in touch with legislation. For that reason there ought to be more care exercised in the reference of bills. We found yesterday in the Committee on Naval Affairs some claims bills that should have gone to the Committee on Claims; and we found another one this morning, referred a day or two ago to the Committee on Indian Affairs, which should have gone to the Committee on Claims. It will be impossible to keep in touch with legislation if bills are going to be referred without any regard to the propriety of the reference.

Mr. BRISTOW. Mr. President, I should like to inquire when this bill was introduced and referred to the Committee on Mines and Mining?

Mr. SMOOT. On February 9, 1914.

Mr. BRISTOW. I do not know what is the jurisdiction of these two committees, and I am not especially interested in that question; but there has not been much care in referring bills to committees. The Senator from Minnesota [Mr. CLAPP] has referred to two bills that should have gone to the Committee on Claims, but which were sent to the Committee on Naval Affairs. Bills have been introduced here which previously had been considered by the Committee on Claims and had been reported adversely, and have been sent to other committees because the parties interested thought they might secure favorable reports from such committees. That is a common practice; one that occurs at every session of Congress.

I do not like to take part in a controversy between committees over jurisdiction. It seems to me in this instance as if either committee would have a right to the control of the measure; but in a question of mining coal or the sale of public lands it seems to me that there ought to be a clear-cut definition somewhere as to what committee should have jurisdiction, so that we would not have to settle here controversies where the equities might be on either side.

Mr. SMOOT. Mr. President, I desire to say to the Senator in that connection that the question of the disposition of the coal lands of this country has always been under the jurisdiction of the Public Lands Committee in both Houses. I also desire to call the Senator's attention to the fact that a bill identical with the Senate bill was introduced in the House of Representatives by the chairman of the Public Lands Committee of that body and referred to the Committee on Public Lands. Hearings have been had before that committee; the Secretary of the Interior has appeared before it; and we have had the same subject matter before the Senate Committee on Public Lands for the last six years.

Mr. WALSH. Mr. President, I do not know of any rule of the Senate—there may be such a rule, but I do not know anything about it, if there is—which undertakes to define or limit the jurisdiction of any committee. The term "jurisdiction" has been applied in this discussion. It has no meaning at all, it has no significance as so used. The jurisdiction of the various committees simply means the appropriate scope of their activities as indicated by the name which the committee bears; that is all. There have been bills introduced in relation to the disposition of the coal lands of Alaska and the mining of coal on the public lands of Alaska, which have been referred to the Committee on Territories, the Committee on Public Lands, and the Committee on Mines and Mining, respectively; and I undertake to say, Mr. President, that there is no impropriety at all in the reference to any one of those three committees of such measures, nor can it be denied that they fall within the jurisdiction, if that is the proper term to apply, of any one of those three committees. That this so-called jurisdiction overlaps in a multitude of instances is known to everybody.

For instance, after a time we are going to consider what are known as the trust measures. Over in the House some of these measures have gone to the Committee on Interstate Commerce. Some others have gone to the Committee on the Judiciary. Over here a controversy is likely to arise as to whether the jurisdiction, so to speak, of those bills is in the Senate Committee on the Judiciary or in the Senate Committee on Interstate Commerce.

This is a mere matter of expediency, Mr. President. It is a mere matter of how the business of the Senate will be most expeditiously taken care of and dispatched.

I have heard no suggestion from any source that these measures would not have proper, judicious, careful consideration from the Committee on Public Lands. Why should the members of the Committee on Public Lands have any sort of dread that the Committee on Mines and Mining will not act as carefully, as judiciously, as cautiously, and as promptly as they would? When you talk about jurisdiction, it is a committee on mines and mining to which this bill has been referred, and which has had it under consideration, and which is all but ready to report it to the Senate.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. OVERMAN. What are the provisions of this bill? I should like to know, so that I can decide how to vote on it.

Mr. WALSH. The bill provides for the issuance by the Secretary of the Interior of licenses or leases to mine coal——

Mr. OVERMAN. To mine coal?

Mr. WALSH. To mine coal upon the public coal lands of Alaska. It does not provide for the disposition of the fee at all. The operator gets something in the nature of a lease, which permits him for a limited period to take coal from a limited area.

I was going to say, if I may proceed, that in addition to this Alaska coal-land bill there has been referred to the Committee on Mines and Mining a bill for the disposition of lands containing radium-bearing ores. The committee has had that bill under consideration. It has had extensive hearings. A resolution was adopted this morning authorizing the employment of a stenographer to take the testimony given at those hearings and to publish it for the information of the Senate. The counterpart of that bill in the House was referred to the Committee on Mines and Mining. They seem to think over there that it is entirely appropriate to do so, and it apparently was considered entirely appropriate here.

If the argument of the Senators who have talked upon this matter has any relevancy at all to this question, you must also call back from us the bill in relation to radium-bearing ores. We have no more jurisdiction, so to speak, over that question than we have over the other. Both of these bills are intimately connected, however, with the business of mining, and that is why they came to these committees in the respective Houses.

Let me proceed further. The other day the distinguished Senator from Utah [Mr. SMOOT] introduced a joint resolution providing for the appointment of a commission the business of which would be to revise and codify the entire system of laws for the disposition of mining lands. He asked that the resolution go to the Committee on Mines and Mining, and we have had it under consideration.

Mr. SMOOT. I think the Senator ought to say that the resolution specifically provided that it should not apply to coal, phosphate, gas, or oil lands of any kind. It simply referred to metalliferous ores, and laws affecting that character of minerals.

Mr. WALSH. Mr. President, the Supreme Court of the United States has decided that lands containing coal are mineral lands.

Mr. SMOOT. That is absolutely true; but I simply said that the resolution I had introduced was for the purpose of an investigation with a view of revising and codifying the laws affecting the precious metals, and specifically excluded coal, oil, gas, phosphates, and other minerals of that character.

Mr. WALSH. The Senator is absolutely correct about that; and I should like to ask him or anyone else how you are going to maintain the proposition that the Committee on Mines and Mining has jurisdiction over bills affecting the disposition of lands containing metalliferous minerals and has not jurisdiction over bills for the disposition of lands containing coal, oil, gas, and other deposits of like character?

Mr. SMOOT. I will ask the Senator if he knows of a single bill that ever passed the Senate of the United States, coming from the Committee on Mines and Mining, that affected an acre of coal land in the United States—one single bill from the time the first law was passed for the disposition of our coal lands? I say now, without hesitation, that there never was a bill of that kind referred to the Committee on Mines and Mining, and there never was a bill of that kind reported from that committee. Every bill for the disposition of the coal lands of the United States has been referred to the Committee on Public Lands and reported from that committee.

Mr. WALSH. I do not undertake to controvert the statement made by the Senator from Utah; but I reply, likewise, that I do not know of a single instance in which a bill ever came from any committee except the Committee on Public Lands in relation to the disposition of lands containing any kind of mineral, coal or otherwise. Where and when did the distinction arise?

Furthermore, I am very sure the Senator from Utah will recognize, upon reflection, that it would be an absurdity to provide a general code of laws affecting the disposition of mineral lands and exclude from it laws in relation to the disposition of coal, oil, gas, sodium, phosphates, and other deposits of like character. Indeed, the things go together, and laws in relation to them constitute a complete mining code. I undertake to say that the Senator himself will not ask that a commission be appointed to revise the laws in relation to the disposition of metalliferous mineral lands and not take into consideration and devise a system for these other lands as well.

Mr. SMOOT. I think the Senator misstates my position in that regard, because of the fact, which the Senator knows as well as any Senator in this body, that there are questions in the laws affecting the mining of metalliferous ores which ought to be amended, and which have no relevancy whatever to the mining laws of oil, coal, gas, phosphates, or any minerals of that character.

For instance, I will call the Senator's attention to the question of the apex law. That law does not affect the mining of coal; it does not affect oil; it does not affect phosphates, or any minerals of that class. Then there are other questions, such as the number of locations. I believe there are many other evils connected with the present law in regard to the location of mining claims. I think it ought to be one of the duties of this commission to look into all such subjects; and if I had time to mention them, there are scores of other questions that I think this commission ought to investigate and consider, and, with the help of the Geological Survey, the Bureau of Mines, a practical miner, and a mining attorney, make all necessary recommendations. Whether the Senate will act upon them or not is another thing; but I think the commission ought to make such recommendations. I will say to the Senator that these are some of the questions I had in mind when I introduced the resolution referred to.

Mr. WALSH. Mr. President, as a matter of course there are questions affecting the portions of the general body of mineral-land laws applicable to metal-bearing lodes that are not involved in the disposition of the coal lands. So, likewise, there are questions touching the disposition of coal lands that do not affect the others. That, however, is not the question. We should have one general code of laws. The disposition of the coal lands should constitute one chapter of the code, and the disposition of the metal-bearing lands should constitute another chapter of the same code.

Let me answer the Senator from Utah, and I will show him just exactly where the two run together. Under the existing law, oil lands are disposed of under the provisions of the placer-mining law, enacted for the disposition of alluvial deposits of gold and silver. Now, it is proposed to revise and codify the laws in relation to mineral lands exclusive of oil; but, sir, if you undertake to do that, you affect the laws in relation to the disposition of oil lands; and if you are going to declare that the placer-mining law shall no longer be applicable to the appropriation of oil lands—and you must do it—you must then make some appropriate provision for the disposition of oil lands.

Mr. SMOOT. That is absolutely true.

Mr. WALSH. I assert, sir, that no commission can revise these laws and no commission ought to attempt to codify them unless that code is to be a complete code in relation to the disposition of mineral lands of every character.

Mr. SMOOT. I wish to call the Senator's attention to one other matter. The Senator no doubt will vote for the leasing of coal lands in Alaska. I do not believe the Senator would vote for the leasing of precious-metal lands in Alaska, however. I know there are many people who are perfectly willing to support a measure for the leasing of coal lands and for the leasing of oil lands who would never think of supporting a measure for the leasing of precious-metal lands.

Mr. WALSH. That is entirely aside from the question whether a commission, when they undertake the work, should not cover the entire field and make provision for all these different kinds of mineral lands.

Mr. SMOOT. I thought if the commission went into the investigation of oil, gas, phosphate, and all the associated minerals of that kind, they would have a greater job upon their hands than could be possibly attended to within any reasonable time. What I wanted to do in relation to that resolution was to amend the laws affecting the mining of our precious ores and correct the evils in regard to them which all of us admit should be corrected.

Mr. WALSH. Mr. President, this discussion has traversed a field far more extensive than I imagined it would cover.

I simply desire to say that if this bill is recalled from the Committee on Mines and Mining upon the ground that it is not within its jurisdiction and it has no right to have consideration of such a measure, you must likewise recall from us the bill for the revision and codification of the mineral-land laws, because we likewise have no right to have that bill. You must recall from us the bill in relation to the disposition of lands containing radium-bearing ores. You must likewise deny to us in the future the right to deal with bills affecting the disposition of oil and of gas. You must withdraw from us and deny to us the opportunity to consider the bills in relation to the disposition of sodium deposits, potassium deposits, now in course of prepa-

ration by the heads of the various committees of the Senate and House, as a result of whose labors the bill that has given rise to this discussion came here. All of these matters are now pressing for consideration. The mining business of the West is paralyzed by reason of the fact that we have not appropriate laws for the disposition of these lands.

Mr. FALL, Mr. CLARK of Wyoming, and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Montana yield, and to whom?

Mr. WALSH. If the Senators will pardon me one moment, then I will yield.

You do not want to intrust the preparation of some one of these measures to one committee and some more of them to another committee, because they must be in harmony with each other, and they ought to be parts of a complete system. So, if you are going to take this measure away from us, kindly relieve us of the whole thing.

I yield to the Senator from New Mexico.

Mr. FALL. Mr. President, let me suggest to the Senator that I see this difference between the mineral-land laws and the coal-land laws, following along the old distinction that was made originally, but done away with under our laws, between the "Crown" minerals, or precious minerals, and those which go with the land itself. Of course the Senator is thoroughly familiar with that old rule, which still obtains in practically every country but the United States, that the precious metals do not go with the land—they never did go with the land—and that coal, oil, phosphates, and minerals of that kind, do go with the land.

We have to some extent preserved that old distinction yet, in practice, in this respect: Radium-bearing ores, carnotite, pitchblende, and other ores of that character are located under the mineral laws exactly as gold, silver, copper, lead, zinc, tin, and the other minerals are located under the mineral laws. For the working of those mines, for the disposition of every particle of mineral found in the land, it is not necessary to acquire title to the surface of the ground at all. Of course it all looks forward to the eventual patenting of as much as 1,500 by 600 feet, approximately 20 acres; but prior to the patent the party making the location can extract every dollar of value from the ground and need never secure a patent at all.

Under the coal-land laws, on the other hand, it is necessary at present for the locator to acquire title to the surface of the ground.

Therefore, bills relating to the disposition of coal lands, as I understand, have always been referred to the Committee on Public Lands. To refer them to the Committee on Mines and Mining would be to break a precedent. Whether or not that is a good policy for us to pursue in the future might as well be thrashed out now as at any other time, I presume; and personally I have no objection to it.

This very bill, however, provides for the survey of the public lands of the United States. It provides for the classification of the public lands of the United States. It provides for the reservation of 5,000 acres in one body, and so many thousand acres in another, for governmental purposes after they have been classified, surveyed, and declared to be coal lands. It then provides for the disposition of the surface lands of the United States under lease—not of the coal within the lands, but the surface lands bearing the coal under the surface. It provides that they shall be leased in 40-acre sections to individuals or up to 2,560 acres in a body.

This is a disposition of the public lands, not a mining law providing for the disposition of carnotite, pitchblende, copper, gold, silver, lead, zinc, tin, or other minerals contained below the surface of the public-mining lands of the United States. That is the distinction.

Mr. WALSH. Why, Mr. President, I think the Senator will agree with me that the Supreme Court of the United States long ago determined that a mining claim is a great deal more than a mere grant of the ores within the vein and is an absolute disposition of every foot of ground within the exterior boundaries of it.

Mr. FALL. So long as possession is held of it under local rules and regulations to be adopted by each mining district or each State, under the one restriction that there shall be $100 worth of work done upon that mining claim during the year, and that it shall be located within an area not more than 1,500 feet in length by 600 feet in width. When such a location is made, not contrary to the local rules and regulations, the Senator is absolutely right; it carries with it the exclusive right to the possession of the surface land so long as it is held under the location and the laws which apply to it. Why? Because, first, of the necessity of measuring to some extent the right of the individual to pursue the discovery along the course of the vein itself. His right stops at the expiration of the 1,500-feet limit. Anyone else can locate a claim, or he can locate another claim, adjoining that and acquire land and a right to the possession of the same.

But here is the distinction I am making, and I have always thought that it was a very great mistake that we ever should have adopted any such theory or law. I refer to one matter in which it works disastrously to us. I call the Senator's attention to one very peculiar feature in the mining law, and of course he has run across it. An alien is prohibited from patenting a mineral claim by the United States law, and yet that alien can locate a mine and extract every dollar of the value from it. He is not compelled to patent it. He may have taken out hundreds of millions of dollars from below the surface, but whenever he undertakes to acquire title to the surface he is estopped; he can not get the patent.

That, it seems to me, illustrates the difference between the mineral location to which the Senator referred and the acquisition of coal lands and lands of that character. Heretofore it undoubtedly was the case, and I think very properly so, that measures of this kind were referred to the Committee on Public Lands.

Mr. CLARK of Wyoming. Mr. President, I think the Senator from New Mexico [Mr. FALL] is absolutely correct in his interpretation of this bill.

Mr. WALSH. Will the Senator from Wyoming pardon me for a moment?

Mr. CLARK of Wyoming. Yes.

Mr. WALSH. Lest the remark by the Senator from New Mexico concerning the possibility of aliens acquiring coal lands——

Mr. FALL. Not coal lands; I said mineral lands. The Senator was in conversation with some one, and hence did not catch my observation. I was simply making this explanation of the difference, that an alien can deplete a mineral location of all its wealth to the extent of hundreds of millions of dollars, but if he undertakes to get a patent he can not do it.

Mr. CLARK of Wyoming. I think the Senator from New Mexico has correctly analyzed the purport of the bill. The Senator from Montana seems to take some exception to the use of the word "jurisdiction." When we refer to the jurisdiction of a committee, of course we do not mean a statutory jurisdiction conferred upon a committee, such as is conferred upon courts, neither do we assume to say that the function of the committee is always clearly defined; but we all know that without rules there are certain appropriate references that are made to certain committees, so that we may justly say that a particular committee has jurisdiction over that class of legislation.

This is a bill which deals exclusively with the disposal of public lands, just the same as though it were a bill directing how homesteads should be acquired, just as though it were a bill directing how desert claims should be acquired. The bill itself in its title is a bill to provide for the leasing of coal lands in the Territory of Alaska. That is a disposition of the public lands as much as any other disposition could be. But it provides, in the first place, as the Senator from New Mexico says, for the survey of the public lands in the District of Alaska. It provides for the segregation or reservation of lands in the District of Alaska supposed to contain coal. Then it provides that the President shall reserve from use, location, and sale certain lands for certain public purposes. Then it provides that the unreserved coal lands shall be divided into leasing blocks or tracts. All through the bill it deals with the disposition of the public lands.

Mr. SMITH of Arizona. If the Senator will permit me a minute, another thought occurs to me. The coal lands are absolutely different in location from the mineral lands of which the Committee on Mines and Mining has jurisdiction in this, that the coal-land laws spread over large tracts of agricultural land. If the Committee on Mines and Mining can go into the question of the disposition of coal lands in Alaska, it can go into the question of the disposition of coal lands in Wyoming and Colorado, and then the question of the segregation of the coal lands of the United States, a thing the Committee on Mines and Mining has never attempted, and which never in this case ought to have been attempted. Over other classes of public lands there is unquestioned jurisdiction in the Public Lands Committee; and it only complicates the matter to turn over these coal lands to the Committee on Mines and Mining. It makes a conflict between the two committees in the bills brought in by them.

Mr. CLARK of Wyoming. The Senator's suggestion is very pertinent, and I had it in my mind. If the disposition of these coal lands, by lease or otherwise, is placed within the jurisdiction of the Committee on Mines and Mining, then the disposition

of all coal lands would naturally and logically go to that committee, and if the disposition of coal lands, then the disposition of phosphate lands, and then the disposition of lands containing radium-bearing ores.

Mr. SMITH of Arizona. And of oil lands.

Mr. CLARK of Wyoming. And the disposition of oil lands. The consequence would be that in the Western States millions and millions of acres of the public lands of the United States would be taken out of the jurisdiction of the Committee on Public Lands and placed within the jurisdiction of the Committee on Mines and Mining, which, I venture the assertion or the belief, anyway, was never formed for the purpose of dealing with the public lands, but was formed for other and different purposes, such as those which were in view when we created the Bureau of Mines. I am not familiar with the bill to which the Senator referred providing for the reservation of lands containing radium-bearing ores; but, if I understand the bill, from what I have read in the public press, I do not believe that it should go to the Committee on Mines and Mining, because it does not affect the mineral itself. It affects the withdrawal of vast areas of the public domain supposed to contain this mineral. It occurs to me that even that rule, and I will not stop to discuss it, because I am not familiar with the bill——

Mr. WALSH. Let me advise the Senator——

Mr. CLARK of Wyoming. Yes.

Mr. WALSH. That bill does not contemplate the withdrawal of any land at all. It simply provides in effect that persons locating land hereafter containing radium-bearing ores shall be obliged first to tender their product to the Government for purchase.

Mr. CLARK of Wyoming. That is a very different measure. I can hardly see why the Senator should think that the Committee on Mines and Mining may be shorn of the consideration of that bill.

Mr. WALSH. Perhaps the Senator did not understand that the locator, under the bill, gets absolute title to the lands containing the mineral-bearing ores. So it is more a disposition of the public lands than the bill under consideration.

Mr. CLARK of Wyoming. Of course that brings it directly in the line of the law, as the Senator from New Mexico says. Mr. President, I may be entirely mistaken; I know I am not prejudiced in relation to this committee in the presentation of their bill, but I can see no logical place for the bill to go in view of the fact that it is the disposition of public lands and a reservation of public lands and a leasing of public lands, except to the Committee on Public Lands.

Mr. MYERS. Mr. President——

Mr. SHIVELY. Mr. President, I hoped when this matter came up that it might be disposed of in a very few minutes. On yesterday I gave notice that I would again move to-day that the Senate should proceed to the consideration of executive business to consider certain important matters.

Mr. MYERS. Will not the Senator withhold the motion for a very few moments, until I, as chairman of the Committee on Public Lands, may say a few words? Nearly everyone interested in the matter has spoken except myself.

Mr. SHIVELY. The Senator will find that the matter can not be disposed of to-day any way.

Mr. CLARK of Wyoming. I think it can be disposed of to-day.

Mr. MYERS. I should very much like five minutes to get my views in the RECORD at this time.

Mr. SHIVELY. I can not resist the request of the chairman of the Committee on Public Lands, but I give notice that at the conclusion of his remarks I will make the motion.

Mr. MYERS. Mr. President, as the chairman of the Senate Committee on Public Lands I feel that I should in a very few words define my attitude on this question. I have no personal feeling or prejudice in the matter whatever. I came in while the debate was progressing and I have learned by listening what it was about.

Before the last bill over which this contest has occurred, and which is the subject of the motion to withdraw it from one committee and refer it to another, was introduced there were pending in the Senate two other bills of similar import, I understand, for the leasing of coal lands in Alaska, and which had been referred. One was the bill of the Senator from Utah [Mr. SMOOT], which had been referred to the Committee on Public Lands, and the other was the bill of the Senator from Nevada [Mr. PITTMAN], which had been referred to the Committee on Mines and Mining, as I was informed. Before the last bill under discussion had been introduced, and before it came to my knowledge, the breach, the line of cleavage here mentioned, had already occurred; the split in the reference of bills had already occurred. At the time the matter under discussion was brought to my attention one bill had been referred to the Committee on Public Lands and another to the Committee on Mines and Mining, and I was asked what I thought about the reference of the last bill, if its reference to the Committee on Mines and Mining would be proper and appropriate.

There was then a like bill before the Committee on Mines and Mining and another like bill before the Committee on Public Lands, and it occurred to me that either committee was an appropriate committee and had jurisdiction. It occurred to me that the Committee on Public Lands, the Committee on Mines and Mining, or the Committee on Territories would be an appropriate committee and would have jurisdiction—concurrent jurisdiction, if you please.

So I said, as far as I was concerned, speaking only for myself as one member of the Committee on Public Lands, and not for the committee, that I had no objection personally to the bill being referred to the Committee on Mines and Mining, and personally I did not care where it went. I had no choice in the matter at all. I had no pride of committee in the matter, and I am not in the habit of hunting for extra jobs of work either for myself or for my committee. I stated to more than one person, on more than one occasion, that I thought it would be proper and appropriate that the bill should go to the Committee on Mines and Mining; that that course would be personally agreeable to me; that, speaking as one member of the committee, I had no objection; and the bill was introduced later and referred to the Committee on Mines and Mining.

Mr. SMOOT. Will the Senator yield for a question?

Mr. MYERS. Certainly.

Mr. SMOOT. Who asked the Senator that the bill might go to the Committee on Mines and Mining? I did not hear the Senator distinctly.

Mr. MYERS. I was consulted by several persons about it. My opinion was asked about it.

Mr. SMOOT. By Senators or by some one else?

Mr. MYERS. Yes; Senators.

Mr. WALSH. If my colleague will permit me, I think I stated the fact that the bill was drafted as a result of a conference between the Secretary of the Interior and the heads of three committees in the House and Senate, the Committee on Public Lands, the Committee on Territories, and the Committee on Mines and Mining, and it was the unanimous request of all of them that the bill should go to the Committee on Mines and Mining of the Senate.

Mr. SMITH of Arizona. Why, what was the reason assigned?

Mr. MYERS. I suggested that it was personally agreeable to me that it should go to that committee.

I want to discuss the matter a little further. Later, after the bill had been introduced and referred to the Committee on Mines and Mining, in my absence one day from the Senate Committee on Public Lands, of which I have the honor to be chairman, that committee adopted a resolution, I understand, directing me to make a motion that the bill under discussion be withdrawn from the Committee on Mines and Mining and referred to the Committee on Public Lands.

Mr. SMITH of Arizona. Requesting.

Mr. MYERS. Yes; requesting. I was not present at the meeting. The Senator from Arizona [Mr. SMITH] presided, and he informed me of the action of the committee. Inasmuch as I was not present, and as he was acting chairman of the committee at the time and heard the discussion and knew the exact nature of the resolution, direction, or request, whatever it might be, and was better versed in the premises than I was, I requested him as acting chairman to make the motion. Not that I shrank from it at all; I was willing to obey the request or direction of the committee, of which I have the honor to be chairman, but I felt that he was better informed in the premises and was better able to give the reasons that may be offered, and I requested him to make the motion for the committee, and he did so.

Now, so far as I am concerned, since this controversy has arisen, while to me it is personally a matter of indifference what committee considers the bill, and while I have no choice in the matter personally, I am going to obey the direction or suggestion of my committee in its spirit as well as its letter and intent. I feel that I am the servant of that committee. I have always put the expressed will of that committee above my individual feeling or lack of feeling, and I feel now that I am impelled and it is incumbent upon me to obey, in spirit as well as letter, the direction, suggestion, or request of the committee. The committee having spoken and feeling that I am its servant, I feel that the request that I make the motion carries with it the implied request that I vote for and support the motion; and while I am personally indifferent, I shall vote on this motion in accordance with the expressed will of my com-

mittee, and in accord with the action that my committee has taken, because I put the expressed will of the whole committee above any feeling or lack of feeling upon my part. Therefore I shall vote in accordance with the action taken by the committee of which I have the honor of being chairman and as it has willed. When my committee asks jurisdiction of a matter I stand with it.

Mr. CLAPP. Mr. President——

Mr. SHIVELY. I move——

Mr. SMOOT. Will the Senator from Indiana withhold his motion for just a moment?

Mr. SHIVELY. I yield to the Senator from Minnesota for the purpose of submitting an amendment.

Mr. CLAPP. I desire to offer an amendment to Senate resolution No. 277. It proposes to add the following:

Third. The full text of any proposed settlement or arrangement between the Department of Justice and the New York, New Haven & Hartford Railroad Co. relating to the Boston & Maine Railroad be laid before the Senate before the same is accepted.

The VICE PRESIDENT. The amendment will be printed and lie over until to-morrow.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

Mr. SMOOT. Will the Senator withhold the motion for a moment?

Mr. SHIVELY. For a moment.

Mr. SMOOT. Did the Chair state that the order we have been discussing goes over until to-morrow?

The VICE PRESIDENT. This order?

Mr. SMOOT. Not the resolution, but the question of reference the Senate has been discussing.

The VICE PRESIDENT. The Chair has made no statement about the question which has been under consideration.

Mr. SMOOT. I should like to have the order go over until to-morrow without prejudice.

The VICE PRESIDENT. As an order coming over from a preceding day?

Mr. SMOOT. From the preceding day.

The VICE PRESIDENT. Is there objection? The Chair hears none. The order will go over.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 40 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, February 21, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1914.

UNITED STATES ATTORNEYS.

John E. Green, jr., of Texas, to be United States attorney, southern district of Texas, vice Lock McDaniel, resigned.

William C. Hammer, of Asheboro, N. C., to be United States attorney, western district of North Carolina, vice Alfred E. Holton, removed.

CLERK OF THE UNITED STATES COURT FOR CHINA.

Earl B. Rose, of Ashland, N. H., to be clerk of the United States Court for China, vice James B. Davies, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1914.

REGISTER OF THE LAND OFFICE.

William J. Wood to be register of the land office at Sundance, Wyo.

COLLECTOR OF INTERNAL REVENUE.

James J. Brady to be collector of internal revenue for the first district of Michigan.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Benjamin G. Barthalow to be a lieutenant commander.
Lieut. (Junior Grade) Miles A. Libbey to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):
John R. Beardall,
John B. Staley,
John F. McClain,
Ralph G. Walling,
Henry E. Parsons, and
Laurance S. Stewart.
Allen R. Barrow to be an assistant surgeon.
Joseph J. Kinyoun to be an assistant surgeon.

POSTMASTERS.

ALABAMA.

Charles E. Hoskin, Montevallo.
Oscar C. Thigpen, Hurtsboro.

CALIFORNIA.

Kenneth V. Blair, Kennett.
Ivor B. Clark, Susanville.
John H. Dodson, El Cajon.
Charles O. Dunbar, Santa Rosa.
Wade H. Howell, Modesto.
A. G. Smith, Laton.

COLORADO.

Mae C. Cates, Seibert.

CONNECTICUT.

John T. Downey, Sound Beach.
Aaron Smith, Warehouse Point.

DISTRICT OF COLUMBIA.

Otto Praeger, Washington.

FLORIDA.

W. M. Platt, Arcadia.

INDIANA.

John J. Nolan, Evansville.
B. W. Shafer, Jonesboro.
Edward Smith, Newcastle.
George B. Spicer, Gosport.

LOUISIANA.

P. Otis Broussard, Abbeville.
Silvio Broussard, New Iberia.

NEW JERSEY.

Andrew F. Stout, Lawrenceville.

PENNSYLVANIA.

William A. Christman, Womelsdorf.
Harrison J. Kromer, Merion Station.
John S. Roberts, Linwood Station.
Rhamanthus M. Stocker, Honesdale.

TEXAS.

Giles Bowers, Tenaha.
L. L. Bradbury, Franklin.
J. M. Diggs, Munday.
E. O. Driskell, Mansfield.
Thomas H. Haynie, Grand View.
A. G. Hubbard, Paris.
John Kelley, San Saba.
G. A. Lindemann, Bartlett.
E. M. Quinn, Beeville.
Daniel B. Shrader, Frisco.
H. L. Webster, Whitewright.
George T. Wood, Olney.

UTAH.

D. R. Evans, Castlegate.
Walter W. Morrison, Richfield.

VIRGINIA.

J. L. Bland, Westpoint.
A. N. Cocks, Disputanta.
G. H. Kinzel, Winchester.

WASHINGTON.

W. P. Connors, Almira.
Emma Goodyear, Starbuck.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 20, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art supremely wise and strong, whose essence is love, impart unto us out of Thine abundance, that we may discern clearly, conceive readily, act conscientiously and fearlessly in the common daily duties of life; that we may enrich our minds and contribute to the good of mankind, keeping ever before us the life and precepts of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. GOEKE, by unanimous consent, was granted leave of absence for three weeks, on account of a trip to Panama by direction of the Committee on Interstate and Foreign Commerce.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the

state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill. The question is on agreeing to that motion.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Wait until you get into Committee of the Whole.

Mr. SISSON. That is what I do not want to do.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present; and the Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. MANN. The roll is to be called on the motion, I take it?

The SPEAKER. Yes; the roll is to be called on the motion of the gentleman from Texas [Mr. STEPHENS] to go into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The question was taken; and there were—yeas 286, nays 1, answered "present" 5, not voting 140, as follows:

YEAS—286.

Alexander	Edmonds	Konop	Reilly, Conn.
Allen	Edwards	Korbly	Reilly, Wis.
Anderson	Elder	Kreider	Rogers
Aswell	Esch	Lafferty	Rothermel
Avis	Estopinal	La Follette	Rouse
Bailey	Fairchild	Langham	Rubey
Baker	Faison	Langley	Rucker
Baltz	Falconer	Lazaro	Rupley
Barkley	Farr	Lee, Pa.	Russell
Barnhart	Fergusson	Lenroot	Sabath
Bartholdt	Fess	Lesher	Saunders
Barton	Fields	Lever	Scott
Beakes	Fitzgerald	Levy	Seldomridge
Beall, Tex.	FitzHenry	Lewis, Md.	Sells
Bell, Cal.	Floyd, Ark.	Lieb	Shackleford
Booher	Fowler	Lindbergh	Sherley
Borchers	Frear	Linthicum	Sherwood
Borland	Gard	Lloyd	Shreve
Bowdle	Garner	Lobeck	Sims
Britten	Garrett, Tenn.	Logue	Sisson
Brockson	Garrett, Tex.	Lonergan	Slayden
Brodbeck	Gerry	McAndrews	Slemp
Broussard	Gillett	McClellan	Sloan
Brown, N. Y.	Glass	McCoy	Small
Brown, W. Va.	Godwin, N. C.	McDermott	Smith, J. M. C.
Browne, Wis.	Good	McGillicuddy	Smith, Md.
Brumbaugh	Gordon	McGuire, Okla.	Smith, Minn.
Buchanan, Ill.	Goulden	McKellar	Smith, N. Y.
Buchanan, Tex.	Graham, Ill.	McKenzie	Smith, Tex.
Burke, Wis.	Green, Iowa	MacDonald	Sparkman
Burnett	Greene, Mass.	Madden	Stafford
Byrns, Tenn.	Greene, Vt.	Maguire, Nebr.	Stedman
Callaway	Gregg	Mahan	Steenerson
Campbell	Gudger	Maher	Stephens, Cal.
Cantrill	Hamilton, Mich.	Manahan	Stephens, Miss.
Caraway	Hamlin	Mann	Stephens, Tex.
Carter	Hardy	Mapes	Stone
Cary	Hart	Mitchell	Stout
Chandler, N. Y.	Haugen	Mondell	Talbott, Md.
Church	Hawley	Moon	Talcott, N. Y.
Clark, Fla.	Hay	Moore	Tavenner
Claypool	Hayden	Morgan, La.	Taylor, N. Y.
Clayton	Hayes	Morgan, Okla.	Ten Eyck
Cline	Heflin	Morrison	Thomas
Coady	Helgesen	Moss, Ind.	Thompson, Okla.
Collier	Helm	Moss, W. Va.	Thomson, Ill.
Connelly, Kans.	Henry	Mott	Towner
Connolly, Iowa	Hensley	Murray, Mass.	Townsend
Conry	Holland	Murray, Okla.	Tuttle
Covington	Houston	Neeley, Kans.	Underhill
Cox	Hughes, W. Va.	Neely, W. Va.	Underwood
Crosser	Humphrey, Wash.	Nelson	Vaughan
Cullop	Humphreys, Miss.	Nolan, J. I.	Volstead
Danforth	Igoe	Norton	Walsh
Davenport	Jacoway	Oldfield	Walters
Davis	Johnson, Ky.	Padgett	Watkins
Decker	Johnson, S. C.	Palmer	Watson
Deitrick	Johnson, Wash.	Patten, N. Y.	Weaver
Dent	Kahn	Patton, Pa.	Webb
Dershem	Keating	Payne	Whaley
Dickinson	Kelley, Mich.	Peters, Mass.	Whitacre
Dies	Kelly, Pa.	Peters, Me.	White
Difenderfer	Kennedy, Conn.	Peterson	Williams
Dillon	Kennedy, Iowa	Phelan	Willis
Dixon	Kent	Post	Wilson, Fla.
Donovan	Kettner	Pou	Wingo
Doolittle	Key, Ohio	Quin	Winslow
Doughton	Kindel	Rainey	Woods
Dupré	Kinkaid, Nebr.	Raker	Young, N. Dak.
Dyer	Kirkpatrick	Rauch	Young, Tex.
Eagan	Kitchin	Rayburn	
Eagle	Knowland, J. R.	Reed	

NAYS—1.

Roberts, Mass.

ANSWERED "PRESENT"—5.

Browning	Fordney	Stevens, Minn.	Treadway
Butler			

NOT VOTING—140.

Abercrombie	Dale	Hinebaugh	Parker
Adair	Donohoe	Hobson	Platt
Adamson	Dooling	Howard	Plumley
Aiken	Doremus	Howell	Porter
Ainey	Driscoll	Hoxworth	Powers
Ansberry	Dunn	Hughes, Ga.	Prouty
Anthony	Evans	Hulings	Ragsdale
Ashbrook	Ferris	Hull	Richardson
Austin	Finley	Johnson, Utah	Riordan
Barchfeld	Flood, Va.	Jones	Roberts, Nev.
Bartlett	Foster	Keister	Scully
Bathrick	Francis	Kennedy, R. I.	Sharp
Bell, Ga.	French	Kiess, Pa.	Sinnott
Blackmon	Gallagher	Kinkead, N. J.	Smith, Idaho
Bruckner	Gardner	Lee, Ga.	Smith, Saml. W.
Bryan	George	L'Engle	Stanley
Bulkley	Gilmore	Lewis, Pa.	Stephens, Nebr.
Burgess	Gittins	Lindquist	Stevens, N. H.
Burke, Pa.	Goeke	Loft	Stringer
Burke, S. Dak.	Goldfogle	McLaughlin	Sumners
Byrnes, S. C.	Goodwin, Ark.	Martin	Sutherland
Calder	Gorman	Merritt	Switzer
Candler, Miss.	Graham, Pa.	Metz	Taggart
Cantor	Gray	Miller	Taylor, Ala.
Carew	Griest	Montague	Taylor, Ark.
Carlin	Griffin	Morin	Taylor, Colo.
Carr	Guernsey	Murdock	Temple
Casey	Hamill	O'Brien	Thacher
Clancy	Hamilton, N. Y.	Oglesby	Tribble
Cooper	Hammond	O'Hair	Vare
Copley	Hardwick	O'Leary	Walker
Cramton	Harrison	O'Shaunessy	Wallin
Crisp	Helvering	Page, N. C.	Wilson, N. Y.
Curley	Hill	Paige, Mass.	Witherspoon
Curry	Hinds	Park	Woodruff

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

From February 6 until return from Colorado:

Mr. FOSTER with Mr. AUSTIN.

From February 6 until return from Michigan:

Mr. TAYLOR of Colorado with Mr. HOWELL.

Until return from Colorado:

Mr. BYRNES of South Carolina with Mr. SUTHERLAND.

Until further notice:

Mr. HAMMOND with Mr. SMITH of Idaho.

Mr. TAYLOR of Alabama with Mr. VARE.

Mr. WALKER with Mr. MERRITT.

Mr. THACHER with Mr. SWITZER.

Mr. TAYLOR of Arkansas with Mr. SAMUEL W. SMITH.

Mr. STEVENS of New Hampshire with Mr. TEMPLE.

Mr. STEPHENS of Nebraska with Mr. SINNOTT.

Mr. CARR with Mr. ROBERTS of Nevada.

Mr. PARK with Mr. PROUTY.

Mr. O'LEARY with Mr. POWERS.

Mr. PAGE of North Carolina with Mr. PORTER.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. LEE of Georgia with Mr. PLATT.

Mr. HULL with Mr. PARKER.

Mr. HUGHES of Georgia with Mr. PAIGE of Massachusetts.

Mr. HOWARD with Mr. MORIN.

Mr. HOBSON with Mr. MILLER.

Mr. HELVERING with Mr. MURDOCK.

Mr. HARRISON with Mr. LINDQUIST.

Mr. HARDWICK with Mr. MCLAUGHLIN.

Mr. GRIFFIN with Mr. LEWIS of Pennsylvania.

Mr. GOODWIN of Arkansas with Mr. KIESS of Pennsylvania.

Mr. GOLDFOGLE with Mr. KEISTER.

Mr. GOEKE with Mr. JOHNSON of Utah.

Mr. GILMORE with Mr. HULINGS.

Mr. FRANCIS with Mr. HINEBAUGH.

Mr. FLOOD of Virginia with Mr. HINDS.

Mr. FINLEY with Mr. GUERNSEY.

Mr. FERRIS with Mr. GRIEST.

Mr. EVANS with Mr. DUNN.

Mr. DONOHOE with Mr. CURRY.

Mr. CASEY with Mr. GRAHAM of Pennsylvania.

Mr. CARLIN with Mr. FRENCH.

Mr. DOREMUS with Mr. ANTHONY.

Mr. CANDLER of Mississippi with Mr. AINEY.

Mr. BULKLEY with Mr. CRAMTON.

Mr. BLACKMON with Mr. COPLEY.

Mr. BATHRICK with Mr. COOPER.

Mr. ANSBERRY with Mr. CALDER.

Mr. AIKEN with Mr. BRYAN.

Mr. ADAIR with Mr. BURKE of Pennsylvania.

Mr. ABERCROMBIE with Mr. BARCHFELD.

Mr. DALE with Mr. MARTIN.
Mr. BELL of Georgia with Mr. BURKE of South Dakota.
Mr. CONNELLY of Kansas with Mr. KENNEDY of Rhode Island.
Mr. CLANCY with Mr. HAMILTON of New York.
Mr. BURGESS with Mr. TREADWAY.
The result of the vote was announced as recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The motion to go into the Committee of the Whole House on the state of the Union is carried, and the gentleman from Tennessee [Mr. BYRNS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. When the committee rose on yesterday a point of order was pending against the paragraph providing for the per capita payment to the Choctaw and Chickasaw Tribes.

Mr. CARTER. Mr. Chairman, I know the Chair has taken the trouble to fully inform himself as to the law authorizing the carrying of this per capita payment amendment in the Indian appropriation bill, and I think it only necessary for me to direct the attention of the Chair to one or two specific authorizations for this payment and to the contentions that may arise in connection with them.

I desire first, however, to briefly define these funds and analyze their origin. There is now on hand in the Federal Treasury belonging to the Choctaw and Chickasaw Tribes something near $7,000,000. These funds emanate from many sources. They were placed in the Treasury as coal and asphalt royalties and rents, invested funds, treaty funds, funds in lieu of investment, proceeds of forfeited land sales, proceeds of coal and asphalt land sales, proceeds of unallotted land sales, and proceeds of town-site sales and other property.

Provision is made by the two agreements with these Indians of, first, the Atoka agreement of June 28, 1898, and, second, the supplemental agreement of July 1, 1902, and by different acts of Congress of dates running from 1898 to 1913 for a per capita distribution of all these funds, as the Chair is aware.

Let us bear in mind that the Atoka agreement of June 28, 1898, provided for the allotment of all lands owned by the Choctaws and Chickasaws, and if the provisions of this treaty had been carried out there should have been not one acre of unallotted lands, except the segregated mineral lands. These segregated mineral lands were reserved by the Atoka agreement for a permanent school fund. The supplemental treaty, however, provided for a diminished allotment of only 320 acres of average allottable land and contained the following direction for the sale of lands not allotted and a per capita distribution of the proceeds:

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

So you will see, Mr. Chairman, that the first authorization for a per capita distribution of the sales of the unallotted lands is that above referred to in section 14 of the supplemental agreement. Sections 56 to 63, inclusive, of the supplemental agreement also provided for the sale of both the surface and mineral of the segregated mineral land. So if this treaty had not been interfered with by a subsequent act every particle of tribal property would have been disposed of and the proceeds of the sales divided per capita.

But the act of April 26, 1906, which is a plain act of Congress and not a treaty with the Indians, withdrew the segregated mineral land from sale and, in accordance with the Atoka agreement, directed the sales of all other property and a per capita distribution of the proceeds thereof in the following language:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

As to that part of this language which provides that all just charges against the funds must be deducted, it is only necessary to point out that such charges relate to the equalization of allotments and charges for administration, in advertisement and sales of this land, and the collection of the proceeds provided for by the supplemental agreement.

Section 17 of the act of April 26, 1906, just above quoted, must certainly have been placed in this law as a saving clause to enable the sale of the unallotted lands and other property and in order that the Secretary of the Interior might understand that he was directed to continue the sales of the unallotted lands and other property, other than the segregated mineral land, and to distribute the proceeds thereof in conformity with section 14 of the supplemental agreement. This section 14 of the supplemental agreement is specific and plain, and it certainly can not be logically contended that the intention of this agreement was amended so as to prevent the distribution of these funds until all unallotted lands and other property are sold. If this was true, then a radical departure was intended from the supplemental agreement. If this radical amendment had been intended to the Atoka agreement, it would only have been necessary to have inserted the word "all" after the word "when," and the good lawyers in both Indian Committees and on the floor of the House and Senate dealing with this complicated matter certainly would not have made such an egregious oversight as omitting the word "all."

Let me insist, further, that since section 13 of this same act of April 26, 1906, had withdrawn from sale the coal and asphalt lands, the construction attempted to be placed on section 17 by the gentleman would certainly have made that law inoperative, null, and void, because, if his contention is agreed to, no division of these funds could be made until all tribal property is disposed of. But that part of the tribal property known as the segregated mineral land would be made impossible of sale by section 13 of the same act. I think it will be agreed that no word or line is ever placed in any law by intelligent legislators save for some specific purpose. It is certainly never the intention of legislators to insert in important acts of this character any language or provision of law which is made by the very terms of the act itself inoperative, null, and void.

We must bear in mind that these are Indian funds being administered in the capacity by guardian to ward. It can not certainly be contended that a guardian could take advantage of such language as this. Only by the most strict and rigid construction might it be contended that section 17 of this act gives the guardian "discretion" as to when such funds should be distributed per capita; and even admitting this narrow construction, it necessarily follows that the guardian—which is the Federal Government—has a right to make such distribution in its discretion, and that is all that is necessary to bring this amendment within the rules of the House. The fact of holding this amendment not in order would be tantamount to preventing the guardian—the Federal Government—from using such free discretion.

The Chair is, I know, familiar with the decision of the United States Supreme Court in the case of Choate against Trapp and other numerous decisions wherein it is laid down that in dealing with the affairs of Indians, who are wards of the Government, it is the duty of the Federal Government to give the most liberal construction on behalf of the Indian wards.

The CHAIRMAN. The Chair would like to ask the gentleman from Oklahoma with reference to the provision in section 17, to which he has referred, providing that all just charges shall be paid.

Mr. CARTER. I discussed that while the Chair's attention was diverted by some one at the desk.

The CHAIRMAN. The Chair would like to have the gentleman's opinion as to whether or not the provision that all just charges should be paid applies solely to administration charges or any possible claims that might be sued against the funds.

Mr. CARTER. The Chair is so much better lawyer than I ever hope to be that I hardly think it necessary for me to attempt to define the legal distinction between a claim and a charge. The Chair, I know, is thoroughly familiar with that definition, and I will only address my remarks to the direct inquiry of the Chair.

The charges contemplated in section 17 undoubtedly refer to the matter of administration charges for sales, collections, and so forth, and the charges that might be made upon these funds for equalization of allotments as provided in section 14 of the agreement.

The CHAIRMAN. Assuming that the gentleman is correct in his interpretation of the word "charge," does the Chair understand the gentleman to say all these charges have been paid?

Mr. CARTER. Yes; all the allotments have been made and all charges on behalf of the equalization of allotments have been fully satisfied. The charges for the sales of these lands

and collection of proceeds are carried right along annually in the Indian appropriation bill. We have an item in this Indian appropriation bill for $40,000 for charges that might accrue in the future, completing them up to the end of the fiscal year of 1915. That has been carried along each year. Furthermore, I will call the Chair's attention to the fact that there is another provision already attached to this bill providing for a distribution of these funds per capita and that provision has been in every bill since we stopped other disbursements from these tribal funds unless authorized by Congress.

Mr. LENROOT. Mr. Chairman, unless the Chair has decided to sustain the point of order, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. LENROOT. Mr. Chairman, the gentleman from Oklahoma [Mr. CARTER] has stated the only law—I do not know that he said so, but that is a fact—upon this subject, which is section 17 of the act of 1906.

Mr. CARTER. I think the gentleman is mistaken; there are 14 propositions——

Mr. LENROOT. The gentleman stated that that was the last word.

Mr. CARTER. With reference to the sale of unallotted lands; yes.

Mr. LENROOT. Mr. Chairman, I wish to call attention to the language of this section:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

The first suggestion I wish to make to the Chair is that, even if this paragraph is, in fact, in order under the view that the conditions prescribed in this act have been complied with, in that case they must affirmatively show that the conditions have been complied with, which they have not. They have not shown—there is nothing that appears to show that the unallotted lands have been sold; there is nothing appearing to show that the just charges have been paid, and the burden is upon them to show it.

Mr. CARTER. I have a letter from the Department of the Interior saying that the unallotted lands have been sold.

Mr. LENROOT. Has the gentleman a letter saying that all just charges have been paid?

Mr. CARTER. No.

The CHAIRMAN. The Chair did not understand the gentleman from Oklahoma.

Mr. CARTER. I said, Mr. Chairman, that I have a letter from the Secretary of the Interior stating that these unallotted lands have been sold; and the Indian appropriation bill will show year by year that these expenses have been paid right along.

Mr. LENROOT. Yes; but they might have been subject to a point of order.

Mr. CARTER. I am not speaking about their being or not being subject to a point of order. I am offering that as evidence to show that we appropriated what the department called for—for the payment of the just charges.

Mr. LENROOT. That may be when you come to the final distribution.

Mr. CARTER. This is by no means a final distribution.

Mr. LENROOT. I contend that the principle is the same whether it be a partial distribution or a final distribution.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. McGUIRE of Oklahoma. The rolls, as a matter of fact and as a matter of law, were closed March 4, 1907. That was after all claims had been adjudicated.

Mr. LENROOT. For allotments?

Mr. McGUIRE of Oklahoma. Claims for allotments, and after all claims had been adjudicated. As a matter of law, all the claims were closed March 4, 1907. If that be the case, then this provision is within the purview of the law in providing for the per capita payment.

Mr. LENROOT. Does the gentleman pretend that there can be no claims arising against these funds subsequent to 1907? There might be various claims.

Mr. McGUIRE of Oklahoma. Oh, yes; but does the gentleman contend that we could have reached a point where we could pay out anything if the legislative enactment or a judicial procedure fails to shut out claims?

Mr. LENROOT. Oh, not at all.

Mr. McGUIRE of Oklahoma. If that were a continuing claim, when would we reach the point when we could pay out any money?

Mr. LENROOT. I will say that I am not referring to the claims mentioned by the gentleman from Mississippi [Mr. SISSON] at all, as under the state of the law they are shut out, but there may be various other kinds of claims or charges against these funds which we know nothing about, so far as the House is concerned.

Mr. McGUIRE of Oklahoma. But if there is a claim at all it must be presented lawfully.

Mr. LENROOT. Certainly.

Mr. McGUIRE of Oklahoma. And we can only act on the records of the courts and of the Congress, and we are doing that now. Anybody might come up with a claim at any time in the future, and if we are to take the gentleman's theory, it seems to me we will never reach the point when we can hope to make a per capita payment of this money.

Mr. LENROOT. The gentleman misunderstands my position, that when we make this distribution it must affirmatively appear that there are no just claims pending against these funds. That does not appear to the House or to the committee at the present time.

Mr. CARTER. Mr. Chairman, I call the gentleman's attention to the fact that the act he is reading from does not say one word about claims.

Mr. LENROOT. Just charges.

Mr. CARTER. There is a distinction between a claim and a charge, is there not?

Mr. LENROOT. A claim is a charge, and a charge might be more than a claim.

Mr. CARTER. I think there is quite a distinction between a claim and a charge. That distinction has been interpreted by the Supreme Court of the United States.

Mr. LENROOT. If the Chair will bear with me, the gentleman claims that this is only a partial distribution, and therefore this rule I have contended for does not apply, inferring that there will still be moneys in the fund that will take care of any possible claims. Is that the contention?

Mr. CARTER. I simply say this, that the Choctaws and Chickasaws will have left, after this division of funds, about three and one-half million dollars in the Treasury. In addition to that, they will have 440,000 acres of as fine coal lands as there are in the West, which have been variously estimated at from $24,000,000 to $1,000,000,000, and in addition to that they have a million and a half acres of timberland, which is probably worth $6,000,000 or $7,000,000; so even if the gentleman's contention were correct there would be no danger, if it came to the point of danger, of subjecting the Federal Government to any claim on account of the distribution of this money; and I take it that if that word "when" would be interpreted to mean "when all," then that is the construction that must necessarily be put upon it, because we must view the act with the intent of the same, and I call the gentleman's attention further to the fact that it does not say "when all the lands," and so forth.

Mr. LENROOT. No; but it says when the unallotted lands and other property shall be sold. I want to direct the chairman's attention to this: The gentleman states that there will be something like a billion dollars' worth of resources remaining after this per capita distribution and, therefore, a sufficient amount to take care of any possible contingency; but, Mr. Chairman, directing your attention to the latter part of this section 17, it is provided that the distribution shall be made to—

the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes.

The CHAIRMAN. From what is the gentleman reading?

Mr. LENROOT. I am reading from section 17 of the act of 1906. It is provided there that the distribution shall be made to the members of the tribe then living and to the heirs of deceased members.

Mr. CARTER. On the finally approved rolls?

Mr. LENROOT. Yes.

Mr. CARTER. I think perhaps we can stop a lot of argument here by my stating to the gentleman that I can read in a dozen different places where the rolls have been closed.

Mr. LENROOT. I admit that.

Mr. CARTER. And where no just claim could come from anybody to be placed on the rolls.

Mr. LENROOT. I admit that, so far as this present argument is concerned. That is not the point. The distribution when made shall be made under the terms of this act to the members of the tribe then living and the heirs of deceased members. That is correct, is it not—as finally approved?

Mr. CARTER. Not the heirs of deceased members, if the gentleman will permit me. There shall not be a share paid out except to the member on the finally approved rolls, and if those members are dead then that share shall be paid to their descendants, but it does not mean that their descendants shall receive a separate share themselves.

Mr. LENROOT. Not at all, and the gentleman and I are agreed perfectly. Mr. Chairman, it will be readily seen that the per capita payment to each of these members depends entirely upon the time of the distribution. In other words, a per capita distribution to-day of a portion of this fund is not necessarily the same thing at all as a per capita distribution when the matter is finally closed up. And why? Because it provides that the payments shall be made to members of the tribe on the finally approved rolls, then living, and to the heirs of deceased members.

The Chair will readily understand, it is a matter of common knowledge, that as time goes on very often men die without heirs, leaving no descendants to whom this per capita payment would go, and in that case if the matter is reserved until the final distribution every one of those members of the tribe then living and the heirs would receive a larger distribution than they would if it were distributed at this time.

Mr. CARTER. Why so?

Mr. LENROOT. Because now you would pay $100 to a member now living. If he shall die without heirs before the final distribution is made, that $100 will be distributed among the members of the tribe if the per capita distribution is not made at this time.

Mr. CARTER. That is a pretty fine drawn distinction, is it not, to enforce against an Indian who is a ward of the Government?

Mr. LENROOT. Not a distinction at all. It is a question of what the Indians are entitled to. They are entitled to a final distribution.

Mr. McGUIRE of Oklahoma. The gentleman, as I understand, offers that proposition as a legal objection?

Mr. LENROOT. Certainly.

Mr. McGUIRE of Oklahoma. To the $100 per capita payment at this time?

Mr. LENROOT. I do.

Mr. McGUIRE of Oklahoma. Carrying that to its logical conclusion, when would we reach the point when there would be no legal objection?

Mr. LENROOT. There is no legal objection, whenever you have complied with all the conditions of this section read together, as to final distribution.

Mr. CARTER. Now, the gentleman will admit, doubtless, that this $100 is to be paid for the benefit of the Indians?

Mr. LENROOT. Yes.

Mr. CARTER. I will read to the gentleman something about what the Supreme Court has said as to how legal technicalities should be applied——

Mr. LENROOT. No; I will not yield for that, because I wish to say to the gentleman that if it were not that I believe it equitable I would not urge these legal propositions, but in order to save the equities I am justified in urging the legal proposition.

Mr. MURRAY of Oklahoma. I understood the gentleman to dwell upon the point where it uses the word "charge."

Mr. LENROOT. I did.

Mr. MURRAY of Oklahoma. Now, if the gentleman will permit me, I will give him a legal definition of the word.

Mr. LENROOT. Very well.

Mr. MURRAY of Oklahoma. There is a distinction between the word "charge" and the word "claim."

A claim is a challenge of interest in anything that is in the possession of another, or at least out of a man's own possession—a challenge of the ownership of property that one hath not in his possession, but which is detained from him by wrong. (Saddlesvene *v.* Arms (N. Y.), 32 How. Prac., 280; Fordyce *v.* Goodman, 20 Ohio St., 1.)

A charge is the price required or demanded for services rendered. (Fulser *v.* Southern Railway Co., 45 St., 196.)

Charges mean any matters which were supposed likely to require expenditures in amounts, either definite or indefinite. (Marathon Tp. *v.* Oregon Tp., 8 Mich., 372.)

Now, those are the only specific definitions as laid down by the courts as to the meaning of the word "charge." There can be but one charge against this claim. It can not exceed $27,000, although there are $14,000,000 worth of assets, according to the statement I hold in my hand.

Mr. LENROOT. Now, Mr. Chairman, admitting the correctness of the gentleman's statement, if there is one possible charge amounting to $27,000, and the gentleman admits that possibility, then I insist, on that statement alone, this point of order must be sustained, because it does not affirmatively appear that it is not a just charge. Now, Mr. Chairman, merely as persuasive to the Chair, I do not think it improper to refer to the fact that this identical item has been twice ruled out in the Senate upon this identical ground and presumably because of that in 1911 the Congress of the United States passed a joint resolution, joint resolution No. 11, Sixty-second Congress, reading as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, Cherokee, and Seminole Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of the moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed $50 per capita and to be made under such regulations as he may prescribe.

In other words, Mr. Chairman, because the thing could not be done that is now attempted to be done, it became necessary for Congress, in order to provide for a per capita payment of these Indians, to pass a joint resolution which of course repealed or modified the act of 1906 so far as it went, and I insist the only way that we can make the per capita payment to these Indians now is to do it by affirmative legislation, a change of existing law, and I insist, Mr. Chairman, that this plainly changes existing law both upon the ground that it does not affirmatively appear that the conditions prescribed in section 17 have been complied with, and secondly, because to make the distribution at this time, when it is admitted that the matters have not been finally closed, would deprive Indians when the final distribution is made or may deprive them of some rights to which they are now entitled. Now, just one word more.

The CHAIRMAN. Can the gentleman point the Chair to the resolution to which he refers?

Mr. LENROOT. I will send it to the Chair. Now, the gentleman from Oklahoma, as I understand him, stated that the unallotted lands had been sold. Did I so understand him? I read from the hearings, Mr. Chairman, this——

Mr. STEPHENS of Texas. What page?

Mr. LENROOT. I read from page 589.

Choctaw Nation: Twenty-six thousand seven hundred and thirty persons have been enrolled, of whom 9,434 are restricted Indians, and there have been allotted 6,953,048.07 acres, and there are remaining unsold after completion of allotments 17,504.88 acres, which, added to the timber reserve of 1,278,753 acres in the Choctaw Nation advertised to be sold, commencing January 5 and concluding January 14, 1914, and also adding 432,584 acres of the surface of the segregated coal-land area yet to be sold when regulations are approved, will make a total of 1,728,841.88 acres remaining unsold.

Mr. CARTER. If the gentleman will permit me, I stated, in effect, just what the gentleman has read from the hearings in my first statement. The act of April 26, 1906, withdrew from sale the segregated mineral land, and the timber reserve was withdrawn about the same time; so those are not the unallotted lands, strictly speaking. The unallotted lands that had been sold up to that time amounted to 17,000 acres, and there have been sold perhaps 2,500,000 acres of unallotted land. The Chairman has in his hand a letter from the Assistant Commissioner of Indian Affairs, in which he says that land is now practically all sold. The letter is dated day before yesterday, if I am correctly informed. So the gentleman is confusing the segregated mineral land and the timber reserve with the unallotted land of the Five Civilized Tribes.

Mr. LENROOT. Let me ask the gentleman a question. Does the gentleman contend that the situation there is such that we can to-day make a final distribution to those Indians of this entire matter?

Mr. CARTER. Why, certainly not.

Mr. LENROOT. If that is admitted, and if we are not prepared to make the final distribution, if I am correct, as I think the Chair must hold that I am, if we can not make the final distribution, we can not make a partial one, because of its effect upon those who shall be entitled to this distribution. And then I think the gentleman must admit, so far as facts are concerned, that this point of order is well taken.

Mr. CARTER. Mr. Chairman, let me ask the gentleman if this section 17 of the act of 1906 says that "all" allotted lands must be sold?

Mr. LENROOT. It does not say so, except, Mr. Chairman, it seems so clear to me that when a statute says when the unallotted land shall be sold it means exactly what it says, which is all the unallotted land.

Mr. CARTER. Why read the word "all" in?

Mr. LENROOT. I am not reading it in.

Mr. CARTER. You are trying to read something there that is not there.

Mr. MURRAY of Oklahoma. The unallotted lands have been sold. This is segregated land.

Mr. LENROOT. When the unallotted land and other property belonging to the Choctaws——

Mr. CARTER. I call attention to this fact, that that very act itself provided for the withdrawal of the mineral lands from sale. So if it should have been intended to mean that no distribution should be made until all the lands were sold, it would certainly have said "all," in view of the fact that part of the property was withdrawn from sale by that very act.

Mr. LENROOT. Here is the entire crux of the matter: It was the intention, by the passage of that act, that no distribution should be made unless Congress, by affirmative law, should order a distribution prior to the final winding up of the affairs of these Indians. That is the proper construction. If it is proper to make a $100 per capita payment, Mr. Chairman, there is nothing to interfere with the power of Congress to do so by affirmative legislation, and it is not within our power, under the rules of the House upon this appropriation bill, to change the provisions of law which now plainly exist.

Mr. MURRAY of Oklahoma. Mr. Chairman, I want to say in the beginning that it has always been the policy of this Government, as laid down by the courts, that an Indian treaty must be construed in the light in which the Indians themselves understood it. I have some decisions covering those particular points. I had occasion years ago to prepare quite a brief on that particular point, but I apprehend that every lawyer will recognize that fundamental fact, namely, that the treaty must be construed in the light in which the Indians understand it. Since the making of these treaties for the break-up of their tribal government there have been four several payments made, and this is only in keeping with their understanding of the Curtis Act and the Atoka agreement.

Now, the gentleman who just took his seat made an argument upon a proposition of law or a statute, but I want to say to the House and to the Chair that this whole question is predicated upon the first treaty for the allotment of these lands, namely, the Atoka agreement. The Government had to get this agreement in order to secure a break-up, and in that treaty this language is used:

> It is further agreed that all of the funds invested in lieu of the investment, treaty funds and otherwise, now held by the United States in trust for the Chickasaws and Choctaws, shall be capitalized within one year after the tribal government shall cease, so far as the same may be legally done, and a per capita payment made by some officer of the Government.

Now, Mr. Chairman, what is meant by the language "one year after tribal government shall cease"? We find in a subsequent statute that the law authorized that it must be in eight years from a given date, and the same is contained also in this treaty, which caused it to expire in 1904. So the question, then, will arise, What is the meaning of the word "government" as understood by this Government and understood by the Indian?

The CHAIRMAN. Right there, if the gentleman will permit, the Chair understands that that provision providing for the dissolution of the tribal government was repealed in a subsequent act before the time elapsed for its going into effect. The Chair thinks it was the act of April, 1906.

Mr. MURRAY of Oklahoma. But it did not repeal this promise of paying out the money whenever it did cease.

Now, then, what is "government"? Government means a control, and involves moral control, a physical control, or a political control. Let us see what the Standard Dictionary says about it. It says:

> Govern: To exercise authority; administer laws.
> Government: Any territory over which the right of sovereignty is extended; a state or community governed by an authority.

If we were to take a European definition, it would mean any authority exercising the power that goes with authority. But as understood in America, a government is the administration of law, carrying with it somewhere the authority to make that law.

Now, the commissioners who negotiated the treaty must have understood that definition. Let us consider what the Indians understood by it. When the Atoka agreement was made they had a government that was to cease. It consisted of a governor, a national superintendent of schools, an auditor, a treasurer, a secretary of state, local county courts, probate courts, district courts, and a supreme court.

Mr. CARTER. And a legislature.

Mr. MURRAY of Oklahoma. Let the gentleman wait until I get through. I am tracing now the judicial department.

It had, in addition, a legislative department consisting of a house and a senate. It had a superintendent of schools. It could exercise a power supreme, only controlled by the Federal laws. It exercised a power that no State in this Republic could exercise. There was no question as to the constitutionality of its laws; no question of the validity of its laws. No question of whether or not a law was confiscatory could be raised in the Federal courts. They could make a law providing that criminals might be hanged if they saw fit, or shot when they saw fit, and no Federal court could interfere with that. They occupied the same relation with respect to this Government as the Boers of Africa had to the British Government. There was merely a suzerainty or nationality over them; nothing more.

Now, what is more, they now have no schools that are controlled by themselves, no legislature, no officer, except one—a governor—and that governor can not control or enforce a single law; and the very key to government under American definitions is the administration of law. Why is he preserved? Because those Indians now own that land in fee simple, and it required a governor to transmit the title from the tribes to the lot owners who purchased the lots or to the individual allottees. So his duty is purely ministerial. He can not enforce a single law. There is no power of government. There is no control in the treaty and statutes. Years ago they passed out of existence.

Lay aside your technicalities. What did the Government of the United States understand? What did the Indians understand? There is not a man here who can claim for a moment that those commissioners had in their minds any other meaning than that laid down in Bouvier's Law Dictionary and in the standard dictionaries of the country. The Indians relied upon its continuation and ending of their government as it then existed. No definition, even under a monarchical definition in Europe, to say nothing of our definition, could be invoked to claim that there is a Chickasaw or Choctaw government. Now, let us keep those obligations. Let us pay that money out as the treaty provides.

There is another side to this question—the question of the meaning of the word "claim" referred to. There might be some contention in that, but what is a "claim" or "charge"? The word "charge" is used in the treaty, not "claim." I recite here from a brief two decisions of the courts—the word "claim" means a contest of an interest in the possession of another individual. A "charge" contemplates service to be done, expenses to be had, and the courts have so defined it. If you are going to construe technically against these Indians, for God's sake take your own court's definition, and you will hold this to be in order.

There is a distinction between the word "charge" and the word "claim."

> A claim is a challenge of interest in anything that is in the possession of another, or at least out of a man's own possession—a challenge of the ownership of property that one hath not in his possession, but which is detained from him by wrong. (Saddlesvene *v.* Arms (N. Y.), 32 How. Prac., 280; Fordyce *v.* Goodman, 20 Ohio St., 1.)
> A charge is the price required or demanded for services rendered. (Fulser *v.* Southern Railway Co., 45 St., 196.)
> Charges mean any matters which were supposed likely to require expenditures in amounts, either definite or indefinite. (Marathon Tp. *v.* Oregon Tp., 8 Mich., 372.)

I place in the RECORD a brief prepared by the Chickasaw attorney, Mr. Bond:

MEMORANDUM OF AUTHORITIES SUSTAINING PROVISION OF APPROPRIATION BILL AUTHORIZING PER CAPITA PAYMENT TO THE CHOCTAWS AND CHICKASAWS.

[Prepared by Reford Bond, general attorney for the Chickasaws.]

H. R. 12579, a bill making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, contains the following provision:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, same to be made under such rules and regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may, in his discretion, withhold such payment and use the same for their benefit."

In order to understand and correctly determine the issues presented by the point of order against said provision it is necessary to refer briefly to material portions of lengthy agreements and statutes, under which the tribal property of said tribes was divided in severalty among their members, disposed of under rules and regulations of the Secretary of the Interior, and under which the proceeds derived from such disposition are to be distributed per capita among the duly enrolled members of the Choctaws and Chickasaws.

The Atoka agreement between the Choctaw and Chickasaw Tribes of Indians and the United States is embodied in the act of Congress approved June 28, 1898 (30 Stat. L., 495). This agreement contains the following provision:

"It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw Tribes shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws—freedmen excepted—per capita, to aid and assist them in improving their homes and lands."

By the same act the tribal governments of the Choctaw and Chickasaw Nations were continued for eight years from March 4, 1898. The provision is as follows.

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union."

This act in effect continued the tribal governments of said tribes until March 4, 1906, and provided that their funds be appropriated and paid within one year from said date, or on or before March 4, 1907.

There is only one conclusion to be drawn from an examination of the above and foregoing provisions and that is, Congress contemplated a dissolution of the tribal governments at the advent of statehood and the distribution of tribal funds.

The act of July 1, 1902 (32 Stat. L., 641), known as the supplementary agreement between the Choctaw and Chickasaw Nations and the United States, contains the following provisions:

"No person, whose name does not appear upon the rolls prepared as herein specified, shall be entitled to in any manner participate in the distribution of the common property of the Choctaw and Chickasaw Tribes, and those whose names appear thereon shall participate in the manner set forth in this agreement."

The object and purpose of this provision was to definitely designate the persons who were to participate in the distribution of the property of the tribes.

Section 14 of this agreement makes provision for the disposition of the surplus tribal property for equalizing allotments, and provides that the balance of the proceeds shall be distributed per capita as other funds of the tribes. The exact language of same is as follows:

"When allotments as herein provided have been made to all citizens and freedmen, the residue of land not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction, under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes."

The latest legislation affecting the issues involved is embodied in the act of April 26, 1906 (34 Stat. L., 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes." Section 2 of this act fixed a time for the completion of the citizenship rolls, which provision is as follows:

"*Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

This act further provided for the disposition of all of the tribal property of the Choctaw and Chickasaw Tribes, except the coal and asphalt segregation, which was reserved from sale until further action by Congress, largely on account of conditions existing at that time, which seemed to make the sale of this segregation unwise for business reasons.

Section 16 provided—

"That when allotments as provided for by this and other acts of Congress have been made to all members and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes the residue of lands in each of said nations not reserved or otherwise disposed of shall be sold by the Secretary of the Interior under rules and regulations to be prescribed by him, and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes."

This act further provided for a per capita distribution of funds to living members and to the heirs of deceased members whose names appear upon the approved rolls of the tribes.

Section 17 provided—

"That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of such tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior."

It will be contended under the terms of the first paragraph of section 17 that a per capita payment is not permissible until all the unallotted lands and all other property belonging to the tribes have been sold and the moneys arising from such sales and other sources have been paid into the United States Treasury. Such a contention necessarily calls for an unusually strict and technical construction. In the case of Choate et al. *v.* Trapp, Justice Lamar says:

"But in the Government's dealings with the Indians the rule is exactly the contrary. The construction, instead of being strict, is liberal; doubtful expressions, instead of being resolved in favor of the United States, are to be resolved in favor of a weak and defenseless people, who are wards of the Nation, and dependent wholly upon its protection and good faith. This rule of construction has been recognized, without exception, for more than a hundred years."

The act does not say when all the unallotted lands have been sold. It does not say when all other property has been disposed of. Then why read the word "all" into the act? Why not give it a liberal construction and why not take into consideration the history of the provision, together with the Indians' understanding of the meaning, the facts and circumstances surrounding its enactment, and bring to bear all material evidences in construing same?

It will be noted that every agreement between the tribes and the United States provided for a distribution of tribal funds per capita; that practically all legislation enacted affecting the funds of said tribes provided for a per capita payment thereof. Moreover, the Government has so construed these by making three several per capita payments since their adoption. It was contemplated that they be paid their moneys as early as practicable, that they might build homes and improve their allotments. It was thought that the sale of their coal and asphalt lands would occasion considerable delay. It was understood and believed by them that their moneys would be paid per capita from time to time and that their agreements with the United States and the acts of Congress so provided. Under such belief they have lived up to and performed on their part each and every agreement made. They have allotted their lands in severalty; they have permitted the abolishment of their tribal governments until they exist only in name. The institutions they held passionately to from custom and patriotism are forever gone. Now, is it equitable and just to ask for a strict technical construction, for a construction that necessarily reads into the act words that are not found therein, simply to prevent a people from obtaining a very small portion of their own property, which in right should have been distributed per capita long ago?

It has been asserted that under the terms of the second condition of said section the funds of said tribes can not be paid per capita until all claims against them have been settled. This perversion is monstrous and absurd. Let us look to the language of the statute in question. It reads: "And when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita." The word "claim" is not found in the statute, but, on the contrary, the word "charges" is used. There is a marked legal distinction between the words "claim" and "charges."

"A claim is a challenge of interest in anything that is in the possession of another, or at least out of a man's own possession. A challenge of the ownership of property that one hath not in his possession, but which is detained from him by wrong." (Saddlesvene *v.* Arms (N. Y.), 32 How. Prac., 280; Fordyce *v.* Goodman, 20 Ohio St., 1.)

"A charge is the price required or demanded for services rendered." (Fulmer *v.* Southern Railway Co., 45 St., 196.)

"Charges mean any matters which were supposed likely to require expenditures in amounts either definite or indefinite." (Marathon Tp. *v.* Oregon Tp., 8 Mich., 372.)

The charges mentioned in the statute in question refer to charges of administration, charges of the Government for administering the estates of the tribes. When you look to the language and the purpose and intent of the statute you will agree that it is not susceptible of any other construction.

The charges against the tribes are carried and cared for annually in the Indian appropriation bill, and therefore the question of charges is eliminated from the issues involved.

The provision of the Indian appropriation bill in question has the approval, support, and indorsement of the Department of the Interior. Its letter of approval to the chairman of the Committee on Indian Affairs contained the following language:

"It appears therefrom that the total deposits and amounts on hand January 17, 1914, aggregate $7,425,213.20, and to make a per capita payment of $200 to 27,022 enrolled members entitled thereto will take $5,404,400, leaving a balance of $2,020,813.20 still on hand, which, added to $23,673,845 to become due, will make a total amount of $25,694,658.20 to become due for future payments."

It appears from the letter of the Department of the Interior that the tribes have ample funds for several $100 per capita payments, and the department in approving the provision for such payment has virtually acknowledged that it is for the purpose of carrying out the terms of existing treaties between the Government of the United States and the Choctaw and Chickasaw Tribes of Indians, and also for the purpose of carrying into effect laws of the United States pertaining to the estate of said tribes, and has virtually placed the construction on said statute contended for by the tribes.

After a careful analysis of the material portions of the statutes and agreements above set forth, after weighing certain well-known facts, and after looking to the spirit as well as the letter of the law, you are irresistibly drawn to the conclusion that the provision of the Indian appropriation bill in question is merely a partial fulfillment of the treaty obligations existing between the United States Government and the Choctaw and Chickasaw Nations, and a partial carrying into effect of the laws of the United States relating to the estates of the Choctaws and Chickasaws.

I will refer again to the fact, Mr. Chairman, that on the 18th day of June this question was up in the Senate, and on a roll call the Senate voted, by a vote of 36 to 16, that this very same provision was in order, and yet they were a party to all this legislation.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wisconsin?

Mr. MURRAY of Oklahoma. No; I do not. I do not want to break the continuity of my thought. I will yield directly to the gentleman. I will yield to him before I get through.

These several provisions of law run through a series of treaties and of statutes. They do not always harmonize. But the Indians have always understood that they were to have this money annually and a final settlement after the dissolution of tribal government. That was their understanding. They have had four payments, and, so far as the equity is concerned, this hour, above all times, demands that this payment should be made.

Perchance there exists here and there a charge, and we refuse to make a just claim when the department has shown them by this list, itemizing the permanent annuities made under treaties negotiated years ago, itemizing the several sales of land, and showing which have been paid for, how much of it is in deferred payments under the law and under the treaties. Those two tribes have now a little upward of $7,000,000 in cash. They have deferred payments up to this month of $7,100,000 that will be due in the next three years, so that there will be $14,000,000 in all. A per capita payment of $100 would take less than $3,000,000. Why make such a technical claim in the interest of a people who need their money? You have them tied down with restrictions.

The CHAIRMAN. Will the gentleman give to the Chair the figures that he has just stated of the amount of money on hand?

Mr. MURRAY of Oklahoma. Does the Chair mean the ones in reference to the word "charge"?

The CHAIRMAN. The figures of the amount of money on hand.

Mr. MURRAY of Oklahoma. Yes, sir. I sent them, and I

desire to put them here in the RECORD, showing the amount in detail due each and all these tribes:

Number of enrolled citizens and freedmen of the Five Civilized Tribes.

CHICKASAW NATION.

Chickasaws by blood	5,666
Chickasaw adopted whites	21
Chickasaw citizens by marriage	645
Chickasaw freedmen	4,642
Total	10,974

CHOCTAW NATION.

Choctaws by blood	17,396
Mississippi Choctaws by blood	1,634
Choctaw adopted whites	10
Choctaw citizens by marriage	1,650
Choctaw freedmen	5,975
Total	26,665

SEMINOLE NATION.

Seminoles by blood	2,132
Seminole freedmen	987
Total	3,119

CREEK NATION.

Creeks by blood	11,909
Creek freedmen	6,807
Total	18,716

CHEROKEE NATION.

Cherokees by blood	36,289
Delaware citizens	197
Intermarried whites	286
Freedmen	4,924
Total	41,696
Grand total	101,170

Balance of tribal fund in United States Treasury Jan. 17, 1914.

SEMINOLE NATION.

Seminole general fund (rate of interest 5 per cent)		$551,441.38
Interest on Seminole general fund		111,964.96
Seminole school fund (rate of interest 5 per cent)		500,000.00
Interest on Seminole school fund		44,167.49
Seminoles of Oklahoma fund (rate of interest 5 per cent)		528,770.00
Interest on Seminoles of Oklahoma fund		38,707.66
Indian moneys, proceeds of labor:		
Seminole Nation, Oklahoma		1,505.50
Seminole unallotted lands, etc		7,416.68
		1,783,518.67
Amount deposited in Oklahoma banks under the provisions of the act of Mar. 3, 1911 (36 Stat. L., 1058–1070), Jan. 6, 1914	$27,271.30	
Interest accrued to June 30, 1913	1,372.93	
Total in bonded banks		28,644.23
Grand total		1,812,162.90

CREEK NATION.

Creek general fund (rate of interest 5 per cent)		$2,472,946.15
Interest on Creek general fund		201,218.24
Indian moneys, proceeds of labor:		
Creek cattle tax		1,791.60
Creek right of way		25,989.24
Creek royalties, grazing, etc		9,853.28
Creek stone and timber		690.39
Creek town lots		11,635.65
Creek unallotted lands, etc		58,129.47
Total in United States Treasury		2,782,254.02
Amount deposited in bonded Oklahoma banks under the provisions of the act of Mar. 13, 1911 (36 Stat. L., 1058–1070), Jan. 6, 1914	$1,047,350.00	
Interest to June 30, 1913	41,851.40	
Total in bonded banks		1,089,201.40
Grand total		3,871,455.42

CHEROKEE NATION.

Cherokee national fund (rate of interest, 5 per cent)		$137,918.51
Interest on Cherokee national fund		1,572.84
Interest on Cherokee orphan fund		15,844.80
Cherokee Outlet fund		28,332.54
Cherokee school fund (rate of interest, 5 per cent)		270,212.05
Interest on Cherokee school fund		26,654.52
Indian moneys, proceeds of labor, Cherokee royalties, grazing, etc		11,861.87
Cherokee unallotted lands, etc		61,133.37
Total in Treasury		553,530.50
Amount deposited in bonded Oklahoma national banks under the provisions of the act of Mar. 3, 1911 (36 Stat. L., 1058–1070), Jan. 6, 1914	$266,628.70	
Interest accrued June 30, 1913	16,585.27	
Total in bonded banks		283,213.97
Grand total		836,744.47

Average rate of money deposited in bonded Oklahoma banks about 4½ per cent.

Balance in United States Treasury Jan. 15, 1914.

CHOCTAW NATION.

Fulfilling treaties with Choctaws, Oklahoma		$20,040.00
Choctaw orphan fund		39,710.69
Interest on Choctaw orphan fund		3,971.08
Choctaw school fund		49,472.70
Interest on Choctaw school fund		4,947.28
Choctaw 3 per cent fund		326,342.56
Judgment, Court of Claims, Choctaw and Chickasaw		86.08
Indian moneys, proceeds of labor:		
Choctaw cattle tax		1,006.42
Choctaw right of way		5,408.35
Choctaw royalties, grazing, etc		322,989.22
Choctaw stone and timber		4,478.39
Choctaw town lots		27,066.90
Choctaw unallotted lands		1,650,457.55
Balance in Treasury Jan. 15, 1914		2,478,199.19
Deposited in Oklahoma banks:		
Jan. 6, 1914	$2,407,449.00	
Interest to July 1, 1913	119,639.21	
		2,559,588.21
Grand total		5,037,787.40

CHICKASAW NATION.

Chickasaw national fund		$212,099.33
Interest on Chickasaw national fund		3,066.45
Indian moneys, proceeds of labor:		
Chickasaw right of way		11,376.66
Chickasaw royalities, grazing, etc		118,514.18
Chickasaw stone and timber		1,424.10
Chickasaw town lots		8,994.57
Chickasaw unallotted lands, etc		331,401.19
Balance in Treasury January 15, 1914		686,876.53
Deposited in Oklahoma banks:		
January 6, 1914	$986,853.45	
Interest July 1, 1913	39,482.68	
		1,026,336.13
Grand total		1,713,212.66
Summary:		
Choctaws		5,037,787.40
Chickasaws		1,713,212.66
Timber sold, cash paid in		381,400.00
Land sold		323,200.00
Sales of buildings		50,000.00
Timber land sold		25,000.00
Grand total available		7,530,600.06
Deferred payments		4,600,000.00
Unsold timber land remaining		2,500,000.00
Grand total		7,100,000.00

NOTE.—This does not include the coal and asphalt lands.

The Chair will find the funds of all the tribes and the membership of all the tribes stated there.

Mr. LENROOT. Now, Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. LENROOT. The gentleman stated that the Senate held this amendment to be in order?

Mr. MURRAY of Oklahoma. That is true.

Mr. LENROOT. When the question was submitted in the Senate the amendment was declared to be germane only. I have the RECORD in my hand.

Mr. MURRAY of Oklahoma. That is the question before the House.

Mr. LENROOT. No; it is not the question. Then I want to ask the gentleman another question, whether it is not true that in that very proceeding, when the Chair's attention was called to this statute of 1906, the Chair reversed all former rulings on that subject?

Mr. MURRAY of Oklahoma. Yes; I will state that. I was in the Senate at the time.

When that question was submitted to the Senate Vice President Marshall, the presiding officer, submitted it to the Senate whether it was germane. The Senate, by a vote of 36 to 15, voted that it was germane and that it was in order——

Mr. LENROOT. Oh, no.

Mr. MURRAY of Oklahoma. If it is germane, it is in order.

Mr. LENROOT. Oh, no.

Mr. MURRAY of Oklahoma. Subsequently Mr. WILLIAMS——

Mr. LENROOT. Mr. Chairman——

Mr. MURRAY of Oklahoma. I will tell the gentleman what occurred. It was on the 18th of June. Senator WILLIAMS, of Mississippi, offered a proviso, an amendment to the provision for a per capita payment offered by Senator OWEN. They began discussing it, and they discussed treaties and laws for three or four pages of the RECORD, and finally the Chair ruled everything out of order, even that question that the Senate had before voted was in order.

Mr. LENROOT. Now will the gentleman yield? The gentleman does not mean that the question whether a proposition is

germane involves the question whether it is in order as new legislation?

Mr. MURRAY of Oklahoma. That is the only question involved in this point of order.

Mr. LENROOT. The Chair had just ruled that it was in order under the treaty, and then submitted to the Senate the question whether it was germane; and then having his attention called to the law of 1906, he held it was not in order.

Mr. MURRAY of Oklahoma. The only question involved here is whether it is germane. If it is germane, it is in order.

Mr. LENROOT. Oh, I beg the gentleman's pardon. I admit this matter is germane if it is in order, but it is not in order.

Mr. MURRAY of Oklahoma. It is in order if it is germane, and if it is germane it is in order. The only question is whether it complies with the laws and treaties. The very title of the act is "An act to carry into effect treaty stipulations and laws," and this is to determine whether or not this appropriation to pay $100 per capita is in obedience to treaties and laws. If it is in obedience to treaties and laws, it is germane to the bill and the title and in order. If it is not, then it is new legislation. If it is new legislation, it is not germane, and therefore would be out of order. I took it for granted that the House understood—and I believe the House and the Chair understand—that the question involved is whether we are trying to legislate or whether we are trying to carry out a treaty provision and a statutory provision and make an appropriation in obedience to it. If it is, then this bill, to "carry out treaty stipulations and to make appropriations for the Indian Department" in obedience to the law, makes this provision in order. So far as the equities are concerned, as referred to by the gentleman, I am ready for that discussion anywhere. I am ready for the discussion both as to the technicality of the law and as to the equity of the rights of the Mississippi Choctaws. We are willing to discuss any of those questions. When we opened the rolls before we added 1,634. Many of them have returned, going back to Mississippi. We are getting tired of the generosity that holds us up, that delays land titles, that delays settlement. We want the Government at some time to keep its promises and to make this settlement in obedience to the treaty obligations of this Government. The time of "one year after the tribal government ceases" has passed long ago, and we are tired of the delay.

That is all we say, Mr. Chairman, that this is in obedience to treaty, in obedience to law even as the commissioners on the part of the Government understood it, and that every law and every treaty made with the Indians was with the understanding that this should be paid out from time to time, as fast as the money accumulated in the Treasury.

Mr. QUIN. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. QUIN. Will not that cut out the Mississippi Choctaws?

Mr. MURRAY of Oklahoma. No; I have shown that there are $14,000,000 worth of assets.

Mr. QUIN. But you are dissipating that, giving that away, and these people have not got their rights.

Mr. MURRAY of Oklahoma. Some of them went out there, and then went back to Mississippi. Are we to be held up until they are ready to go to the Choctaw Nation?

Mr. QUIN. There are thousands of them whose claims have never been paid.

Mr. MURRAY of Oklahoma. That is not relevant here. We are on the point of order. I can not go into that. This Government gave over 4,000 of those men scrip when they lost out, so that they could locate on the public domain. Over 3,000 of those scripees gave their scrip to traders to move them West, and the traders located the land for themselves.

Mr. QUIN. You mean land sharks?

Mr. MURRAY of Oklahoma. Sharks, or whatever you want to call them. Some of them returned, and when they returned the Government saw what the land sharks were after and passed a law to pay the scripees for the scrip, but those that had gone west and returned got nothing, and those are the ones you are talking about, and those are the fellows who never got anything.

Mr. QUIN. There are thousands of them that have never known——

Mr. MURRAY of Oklahoma. Oh, the gentleman does not claim that there are more than about 2,000. There are thousands of Indians all over this country who are not citizens of any nation and who have no rights with any nation, just as there are thousands of American-born men who have become citizens of foreign countries and lost their interest in this country.

Mr. QUIN. They ought to have the right to that money.

Mr. MURRAY of Oklahoma. Now, my friend, if you will go and read the law and find out what they have done, you will come to the same conclusion that I have. You will agree to the conclusion of the Attorney General and the Supreme Court, and you will hold to the same contention that we are holding to.

Mr. QUIN. I do not think I will ever hold that they should lose their rights.

Mr. SISSON. In answer to what the gentleman from Oklahoma has had to say in reference to the treaty, it is understood that the statute is always paramount over the treaty. Statutes may repeal treaties. Now, the Vice President said that if he had known that the statute of 1906–7 had been passed, he would have held that provision out of order. Everybody admits that the provision is germane if it is in order. The rules of the House contain two distinct provisions, one in reference to germaneness and the other whether or not an amendment changes existing law. At the time the question was submitted in the Senate the only question presented to him was in reference to the treaties which the gentleman from Oklahoma [Mr. MURRAY] has referred to. But subsequent to those treaties, as the Chair himself stated a moment ago, in 1906 they passed a general act covering this entire situation, and the concluding clause of that act is that it repeals all other acts of every kind and character in conflict with this act. So the Vice President was compelled to hold that it was a change of existing law. Now, let us see whether it changes existing law or not.

Mr. MURRAY of Oklahoma. It does not claim, though, to repeal the treaty.

Mr. SISSON. Indeed it does. If a law and a treaty come into conflict, then the statute prevails, and that is universal, and there is not a lawyer in this House who will contend otherwise.

Mr. MURRAY of Oklahoma. If that is true, the statute that closed the rolls of the Mississippi Choctaws puts you out of business.

Mr. SISSON. I am not discussing that question now; I am talking about the point of order. The gentleman from Oklahoma insisted yesterday on my not talking about the merits, but to confine myself to the point of order. A moment ago he was discussing not the point of order but the merits.

Mr. MURRAY of Oklahoma. I was drawn into that discussion by questions from other gentlemen.

Mr. SISSON. The gentleman ought to be able to resist temptation to do wrong. Now, Mr. Chairman, I want the Chair to carefully read section 17:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively—

Now, Mr. Chairman, that does not mean the sale of lands alone, but, in order that it may complete the entire transaction, it says, "and the moneys arising from such sales or from any other source whatever shall be paid into the Treasury." Then it goes on:

And when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

The Chair will notice that language particularly—"any remaining funds shall be distributed." It does not say a portion of the fund; it does not say $100 per capita; it does not say all funds; but it says the remaining funds shall be allotted. This is as clear as language can make it—all of the funds from every source shall go into the Treasury of the United States.

Mr. McGUIRE of Oklahoma rose.

Mr. SISSON. I can not yield now; I will later.

Now, the clause in this bill repeals that section, because in so many words it tells how it shall be done. Here the distribution should be made in accordance with the rules and regulations made by the Secretary of the Interior.

Now, let us look at the language of the bill which proposes to change the law of 1906, which is the last announcement on the subject. If the Chair is familiar with the reading of it, he will at once notice the difference. This is the provision in the bill:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, same to be made under such rules and regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may,

in his discretion, withhold such payment and use the same for their benefit.

Under existing law our contention is that he was to distribute the remaining money, because it says the moneys from the sale of unallotted lands and moneys from all other sources, showing the clear intention of the statute was to gather into the Treasury every dollar from the sale of all the lands, and other funds, so that when the distribution was made it could be a final distribution. If it was not to be a final distribution, why should the statute provide that all just charges should be settled before the money is paid? All just charges shall be paid. If portions could be paid to the Indians, it was unnecessary to put in the language and say that the remainder shall be paid. The remainder means what is left after paying all the charges existing against the fund. This provision in this bill changes that.

Now, the act of 1906 provides that this money shall be paid into the Treasury. This act does something that the present law does not do, it reaches out and gets the money in the banks and from all other sources. Therefore, before this money can be paid out under existing law, it is necessary that all charges against it be paid, else if the money is paid and the Federal Government having paid the money out without paying all the charges, it would itself become liable for the charge against the fund unless it collects it out of the fund. Therefore it was the intention of the act of 1906 to wipe this out at one time and have a final settlement with each and every Indian having a charge or claim against the Government.

Under the proposed provision of the bill it does not do that in any sense of the word. It leaves the matter unsettled; changes the statute, which provides that the remainder of the fund—all that is left of the proceeds of all of the sales of the land and from other sources after paying all the charges—then whatever is left shall be distributed among the Indians. If this does not change the present existing substantive law of the land, it is impossible to conceive of a statute that will. It specifies how the money shall be paid, to whom it shall be paid, and under the existing law it provides that it shall be paid out under rules and regulations by the Secretary of the Interior. I do not see why this act should not now, if all conditions have been complied with under the law as it exists, allow this money to be paid out.

It is because they are unable to show or convince the Secretary of the Interior, or to convince Congress, that all the charges against the fund have been settled.

Now, a few words in relation to the word "charge." Gentlemen differentiate between the word "claim" and the word "charge," but they do not take into consideration the definition of the word "charge," that it is "a burden placed upon something," "an outstanding burden," and in that sense the word "charge" and the word "claim" are synonymous. In construing a statute in reference to language you must construe it liberally, for the reason that in order to discharge the obligation resting on the fund you must be sure that you have satisfied all people, all parties having claims against it, because the Government would not undertake to pay these funds out until it was satisfied under existing law that all these charges had been paid.

It is the contention of us who advocate the rights of the Mississippi Choctaws that under the first treaty, under the first acts of any kind that enabled the Mississippi Choctaws to be carried to the Indian Territory, under the "Dancing Rabbit Creek treaty," that certain Indians were permitted to remain in Mississippi, and the Government was to allot to them lands, which the Government never did, and the Government never having allotted the lands, the Mississippi Choctaws now have claims which they have propounded to Congress and asked Congress to satisfy. They contend that the statute of 1907 was a statute which in its enforcement denied them the rights, by virtue of the negligence, carelessness, and wickedness of those who were to notify them of their rights to go to Indian Territory.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MURRAY of Oklahoma. The gentleman awhile ago used the general term "burden," but he does not deny the specific difference between "charge" and "claim," because he himself used it rightly when he said they had a claim, but the laws says "charge" and not "claim."

Mr. SISSON. Mr. Chairman, in the construction of the word "charge" in the statute the definition is broad enough to include any claim, to include any demand, that may be made against this fund, and up until that demand, charge, or whatever you may call it, is satisfied, it is the duty of Congress to see to it that this fund is not dissipated. The gentleman speaks of technicalities. I am not endeavoring to make this as highly technical as he has, in the hair-splitting definitions and terms, because in the use of words in statutes you are to take them in their usual meaning. It was evidently the purpose and the intention of this statute to have all of the charges, all of the claims, all of the burdens against this fund satisfied before it was paid out.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask whether it is possible to in any way fix a limit on this debate?

Mr. SISSON. Mr. Chairman, I have no disposition to discuss this thing a minute longer if the Chair is ready to rule.

The CHAIRMAN. The Chair has no disposition to cut the gentleman off.

Mr. SAUNDERS. Mr. Chairman, I would like to discuss this matter briefly, after the gentleman from Mississippi is through.

The CHAIRMAN. The Chair will be very glad to hear anything the gentleman has to say.

Mr. SISSON. Mr. Chairman, the evident intention of Congress was that all of the charges against this fund, in order that it might protect the Federal Treasury, should be paid before this money was paid out. This proposed measure changes that, and is permitting $100 per capita to be paid out, when the evident intention of Congress was that it should be paid out after all of these charges had been liquidated, and after all settlement had been made, and it is an admission, when they are only asking for $100 to be distributed, that the fund is not in condition where under the law they could relieve it of all of these burdens. But, in addition to that fact, in order that the records may be made, it is provided that this money shall be paid into the Federal Treasury. Evidently that has not been done, because this bill reaches out and gets money in the hands of the Secretary of the Interior or any other agents of the Government, and yet the statute provides that the money shall be paid into the Treasury.

It is necessary before this fund is dissipated that every man having a charge, having a claim, should have his day in court, and unless that day in court is had and Congress pays this money without all of these claims and charges being settled against this fund, that ought to be paid legally, justly, and honestly out of it, then, indeed, Congress assumes the responsibility.

Mr. McGUIRE of Oklahoma. Will the gentleman state just what claim or charge is now pending against these tribes which has not already been adjudicated?

Mr. SISSON. It is not up to me; it is up to the gentleman to show, under the statute of 1906, that they have all been liquidated.

Mr. McGUIRE of Oklahoma. We contend the statute settles that question; but I understand the gentleman now to state that there are yet charges and claims against these tribes.

Mr. SISSON. I am willing now to state that it is our contention that something like 1,500 or 1,600 Mississippi Choctaws were entitled in equity, by treaty rights and by the law of 1907, to have their rights protected. It is admitted they had rights there, but some gentlemen, some attorneys representing some clients and not the Mississippi Choctaws, prepared a bill, which was introduced, which gave to the Mississippi Choctaws a most outrageously unfair opportunity to go to Oklahoma, and appropriated $20,000 for that purpose, and out of the nearly 2,600 full-blooded Choctaw Indians only about 400 of them ever got the opportunity to go to Oklahoma under that act.

Mr. MURRAY of Oklahoma. Sixteen hundred and thirty-four went.

Mr. SISSON. If that is true, then the report of Mr. Adams and the Secretary of the Interior is not correct.

Mr. CARTER. They are on the rolls.

Mr. MURRAY of Oklahoma. Sixteen hundred and thirty-four of them.

Mr. McGUIRE of Oklahoma. The gentleman contends that there was a law passed.

Mr. CARTER. In 1907.

Mr. SISSON. Yes.

Mr. McGUIRE of Oklahoma. And that that law closed the rolls. It does not make any difference, so far as this point of order is concerned, whether Congress is right or wrong with respect to these claims. The adjudication of the claims, first, and the law passed as a result of that adjudication absolutely closes the matter.

Mr. SISSON. The Federal Government is the guardian of these Indians, and the Indians are the wards of the Government. The guardian can not take advantage of his own wrong in any court, nor can the Federal Government do it, and if the Federal Government has done these people a wrong, or if the Federal Government finds that an injustice has been done, it should right that wrong here in Congress. It is not right that the Choctaws in Oklahoma should inherit and take possession of that which is legally, equitably, and rightfully the property of the Choctaws in Mississippi, because the wards, being ig-

norant, and for that reason ignorant of the condition, and relying especially upon the Government to do its full duty by them, and having been left, as they testify now and as the people there know, without knowledge of their rights, it is the duty of the Government to right that wrong. Uncle Sam did not send the man whom the Indians expected, and that is the way he has treated these unfortunate people—his wards. Our contention is that this being a legislative body, a body that can right a wrong by legislation, it is the duty of the Government to right that wrong.

You are depriving them of their rights and property without due process of law. You are depriving them by an act of Congress, without due process of law, of their birthright, which they had by virtue of giving up their lands. You are depriving them of their right without due process of law, which every man is entitled to under the Constitution of the United States. They were not notified. Why, there is not a court in the world that would permit a judgment to stand taking from a man his property unless he had been duly served with a summons and had notice of the proceedings; and in God's name will the American Congress deprive the Mississippi Choctaw of his right without having that notice, especially in view of the fact that the Choctaw Indian in Mississippi is the ward of the Government and Uncle Sam is his guardian? I ask the gentleman if he stands for that sort of legislation? If he does, then he will have to answer in a court higher than the one in the middle of this Capitol, greater than this House, greater than the American people themselves, a jurisdiction that is supreme over all.

Mr. McGUIRE of Oklahoma. Do I understand the gentleman's argument to be that he says the law was not supreme as it is now against the claims of these parties?

Mr. SISSON. If the statute enacted is one that deprives a man of his right without due process of law—and a suit is pending in the courts now for the purpose of ascertaining whether or not it is true—a suit will be filed here in the District, and the attorneys are going to show that these people have been deprived of their right without due process of law.

Mr. McGUIRE of Oklahoma. Does the gentleman claim that these claims which he mentions are effective against the present law to such an extent as to operate——

Mr. SISSON. If it is adjudicated in the courts that this statute of 1907 deprives the Indian down in Mississippi of his rights without due process of law, then indeed his claim is a just claim and is a charge against this fund, and if he has 640 acres of land and other property in Oklahoma he is entitled to 640 acres.

Mr. McGUIRE of Oklahoma. Let me see if I state the gentleman right. Does the gentleman make the proclamation against the present law that the law is supreme or that the claims of these parties are supreme?

Mr. SISSON. The trouble is when they make that contention they lose sight of the fact that the Choctaws, ignorant, uneducated, had no attorneys at that time to represent them, whereas the shrewd Oklahoma attorneys, whose business it is and whose fees have been paid or will be paid, would have been paid for keeping the names of other Indians off the Choctaw rolls.

Mr. McGUIRE of Oklahoma. Is the law supreme or are these claims supreme?

Mr. SISSON. Why, if these men have been done an injustice, and if our contention is true that they have been deprived of their rights and property without due process of law, then indeed the claims are supreme.

Mr. McGUIRE of Oklahoma. And that is the gentleman's position in respect to this point of order?

Mr. SISSON. Oh, no; the gentleman is entirely mistaken.

Mr. McGUIRE of Oklahoma. Then I misunderstood the gentleman.

Mr. SISSON. I am not contending that the Chair will pass upon that question in ruling on the point of order. I am simply stating that that would be one of the charges that it might be urged has not been satisfied, and that we are contending ought to be satisfied, for final adjudication and final settlement before this fund can be paid. My contention is that this provision of this bill changes existing law and is legislation on an appropriation bill irrespective of the rights of anybody outside of these people; that it changes the method and manner of paying this fund.

Mr. McGUIRE of Oklahoma. Then the gentleman does not make any claim that these claims mentioned of the Mississippi Choctaws are supreme to the present law?

Mr. SISSON. The gentleman can not get me committed on that proposition. I am saying that that ought to be taken into consideration, but I am not contending at any time that the Chair will hinge his decision on it at all.

Mr. CARTER. Will the gentleman yield to me?

Mr. SISSON. I will.

Mr. CARTER. I take it the gentleman means by due process of law a case must go through the court for trial and up to the Supreme Court, and that that would be due process of law?

Mr. SISSON. Suppose a statute passed deprived you of your home, of your property, and you had no notice—wait a minute——

Mr. CARTER. But the gentleman is not answering the question at all.

Mr. SISSON. I am going to answer the gentleman's question now.

Mr. CARTER. All right.

Mr. SISSON. If a statute should pass this House and pass the Senate and be signed by the President, taking away from him property, without having it brought into court, and giving him a right to be heard——

Mr. CARTER. I am trying to get down to some concrete thing.

Mr. SISSON. It is not due process of law unless you had knowledge of it and had a hearing and been duly compensated.

Mr. CARTER. That would not be due process of law if you legislate a man's right away from him.

Mr. SISSON. Indeed it is, because the Constitution expressly provides you can not take a man's right away from him by acts of legislation.

Mr. CARTER. I can not understand the logic of the gentleman's argument when he says that you can legislate a man's right away from him without due process of law. That is an argument absolutely incomprehensible to me.

The CHAIRMAN. The Chair will state that the gentlemen have wandered far afield from the point of order, and trust that in the interest of time they will confine themselves strictly to the question before the Chair.

Mr. CARTER. The gentleman spoke of the due process of law. I want to say to him that every due process of law has been given to the Mississippi Choctaws, and if the gentleman had examined the record he would not have made such a statement on the floor of this House.

Mr. SISSON. My dear friend, I have examined the record.

Mr. CARTER. Have you looked into the Jack Amos case?

Mr. SISSON. Yes.

Mr. CARTER. What was decided in that case?

Mr. SISSON. I want to say to the gentleman, irrespective of what they did in the Jack Amos case or irrespective of what any court decided, I do know that these Mississippi Choctaws have not had that notice and have not had the opportunity, to which they were entitled, to go to the Indian Territory. And if you will read the record of the Assistant Secretary of the Interior, it shows that the time was entirely too short, and the Indians could not avail themselves of the rights the Congress endeavored to give them.

Mr. CARTER. I prefer to read the record of the court rather than the record of the Secretary or the President or of anybody else.

Mr. SISSON. I did not yield to the gentleman to make a speech.

Mr. CARTER. I thought you were through. I will make a speech when you are through.

Mr. SISSON. I put in the RECORD all the facts as stated by the Assistant Secretary of the Interior, as shown in the report, affecting the Mississippi Choctaws, and giving the history connected with this matter. I put it in the RECORD, and it is here, that which is favorable and that which is unfavorable. I copied it, just as it was, from the report. These matters other than this report I did not put in the RECORD; but that which I have taken from the report is there, and it gives a history of the whole matter, and it shows what I say to be the fact, that the time was entirely too short and under the limitations the Indians were not given an opportunity.

Now, Mr. Chairman, I want to thank the Chairman and the committee for their indulgence.

Mr. SAUNDERS. Mr. Chairman, this is quite an interesting legal proposition, and I will not undertake to take issue with the gentleman from Mississippi [Mr. SISSON] with respect to his statement that a Federal statute can modify, or, for that matter, abrogate an existing Indian treaty. I do not know that it is very much to our credit that this is true, but I realize that such is the fact. With respect to Indian treaties we claim the power practically to do with them as we please. However solemnly they may have been entered into, or however clear the understanding of the Indians may have been, with respect to its terms, and intent, we hold an ultimate authority that is occasionally exercised, to completely abrogate these agreements. And while that authority exists, and while under certain con-

ditions, not very much to our credit, it has been exercised, yet the general trend of interpretation with respect to Indian treaties, and legislation relating to Indian treaties, is to interpret them with respect to the understanding of the Indians, and so as to promote their substantial interests and welfare.

This being true, and this principle of construction being admitted, I submit that, having in mind both the antecedent treaty bearing on this situation, and this principle of construction, the Chair will not be disposed to strain the interpretation of an act subsequent to the treaty in order to nullify a clear understanding of the natives as to the terms and effect of this treaty.

I admit the authority on the part of the Government to do this. I admit that if this statute in terms destroys the solemn agreement between the Indians and the United States, the statute is the paramount authority, and must be followed. I admit that if the intent to abrogate clearly appears on the face of this statute, then the Chair is bound to rule in conformity with this clear plain intent.

But I wish to state in this connection one or two propositions, having in mind this fundamental canon of interpretation with respect to treaties and Indian statutes, which, I think, will make it abundantly clear that the statute under consideration, even if it is strictly construed, does not deprive the Congress of the authority to distribute from time to time the proceeds of property sold under its terms, and pursuant to its directions.

I am somewhat familiar with the facts relating to this whole subject matter, and I know the difficulty that exists with respect to the final disposition of a portion of this entire property. The United States has been at a loss to determine the proper policy with respect to the coal lands, whether they should be sold as a whole, or in sections, or be leased for the benefit of the tribes. A few years ago I went out to the State of Oklahoma, as a member of a committee, and when we looked over these coal lands, and discussed the problem of their disposition, I realized that it was one that presented substantial difficulties. We were all agreed that the interests of the Indians, and they are exclusively interested, required some immediate disposition, but could reach no conclusion as to the form this disposition should take.

The Chair will observe that another section of this statute, heretofore cited, provides that these coal lands shall be segregated, and not offered for sale. This section was an indication on the part of the Government, an acknowledgment you might say on the part of the Government, that it was not prepared to determine the disposition of the coal lands. In other words, it was a reservation of the final determination of this disposition for some future time, when, as the result of larger experience, and new facts, the Government would be better able to reach a wise conclusion, and determine whether this coal land should be sold as an entire tract, or in subdivisions, or should be held in perpetuum by the United States under an arrangement to lease the same and pay over the proceeds of these leases to the tribes.

If the view presented by the gentleman from Mississippi is correct, namely, that all of this property must be sold before any disposition can be made of the proceeds, then the withdrawal of the coal lands from sale will postpone indefinitely the distribution of the proceeds of the remaining lands, although the disposition of these lands is free of difficulty. In fact all of these lands have been sold, and the proceeds are now in hand, and available for division among the parties in interest.

Now, having in mind that all of the Indian statutes are intended for the benefit of the Indian tribes, can any sufficient reason in law be advanced, why a distribution pro tanto should not be made of the money in hand derived from sales made pursuant to the authority of the statute in question? Why not construe this statute as other Indian statutes are construed—that is, liberally in all that relates to the interests of the Indians? Why should the proceeds of sales long since made be allowed to remain in perpetuum in the hands of the Federal Government, when there are no ascertained demands upon the fund, and the people entitled to participation in their own are clamoring for a partial distribution?

Mr. HARRISON. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Mississippi?

Mr. SAUNDERS. Yes.

Mr. HARRISON. The gentleman's argument is very interesting; but assuming for the sake of argument that there are Mississippi Choctaws who have been kept from the roll who ought to be on the roll, and assuming that this is the first distribution of the fund, to be followed by another distribution of the funds to those Choctaws who are on the roll, and that in the course of two or three or four years, by these annual distributions of funds among the Choctaws who are on the roll, none would be left for those who in the course of time might be placed upon the rolls, does not the gentleman think that that question ought to enter into the consideration of this matter, and if that is true this point of order should be sustained?

Mr. SAUNDERS. Mr. Chairman, I will answer my friend's inquiry fully. Even upon his statement of the case, I do not think that he presents for consideration an element that should enter into the decision of the Chair. And yet I will say, with respect to what this House may do, that if it should clearly appear that there was a meritorious outstanding claim, against this fund, though it had not reached the point that it had become a charge, it would be a great wrong on the part of the Congress to distribute this fund pending the ascertainment and determination of this claim. A reasonable opportunity should be afforded for its prosecution to judgment, or final determination. I for one would never agree to distribute the fund in hand so as to leave nothing for outstanding claimants prosecuting in good faith an apparently meritorious demand. But I submit that this is a question for the House, and not for a ruling by the Chair. The statement of the claims of the Mississippi Choctaws as made by my friend does not bring them within the benefit of the language used in the statute. However, neither the House, nor the Chair, need concern themselves with this phase of the situation for the very simple, and sufficient reason that there is a reservation of property that in the ultimate will be far more than sufficient to discharge any possible findings in favor of the Mississippi Choctaws.

I know something about the extent and value of these coal areas. I went over them as a member of the committee that visited the State of Oklahoma a few years ago. They are practically intact, and in the aggregate of immense value. No fear need be entertained that the partial distribution proposed will in anywise imperil the discharge of any prospective finding in favor of the Mississippi Choctaws.

I take it, Mr. Chairman, that no one believes that in the result all of these claimants will be able to make good. I take it that every Member on this floor who is at all acquainted with the nature and character of these claims realizes that in the ultimate, when every opportunity shall have been afforded in the courts for the determination of their merits, quite a large proportion of them will fall by the wayside. But even upon the theory that all of the two thousand and odd outstanding claimants will establish their claims in the courts, there is a sufficient undisposed of reservation to pay these demands in full.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Mississippi?

Mr. SAUNDERS. Certainly.

Mr. SISSON. The Indians for whom we are contending now are those Indians whose claims have been established beyond question, who are shown to be entitled to have their names placed on the roll of the full-blood Choctaws.

Mr. SAUNDERS. How many of them are there?

Mr. SISSON. About 1,200.

Mr. HARRISON. The claims of at least 800 of those Indians have been approved by the Dawes Commission.

Mr. MURRAY of Oklahoma. I deny that they were identified as claimants or have been properly enrolled.

Mr. SAUNDERS. I will ask the gentleman whether there is any proportion of the Mississippi Choctaws who are now entitled to participate in the distribution of these funds?

Mr. SISSON. No. The commission was appointed to ascertain the number of Mississippi Choctaws who were entitled to enrollment and who were entitled to be enrolled as Choctaw Indians under the Dancing Rabbit treaties, and there were something like 2,600 of them. There were several thousand claimants that claimed under that treaty, but there were 2,600 of them that claimed the right to go on the roll. If they had complied with the conditions and had gone to Oklahoma, they would have probably gotten their rights, but they were entitled under the treaties up to that time, except for the statute of 1906.

Mr. MURRAY of Oklahoma. They were not entitled to anything.

Mr. SAUNDERS. I know something about this Dancing Rabbit treaty. I was a member of the Indian Committee for two or three sessions, and have heard this particular treaty discussed. It may be true that the Mississippi Choctaws were entitled to the benefits of the Dancing Rabbit treaty.

But I deny that there is any ascertainment anywhere that the Choctaws now in Mississippi are entitled to present participation in the fund in hand. These Choctaws have nothing

but a claim, a claim that may be prosecuted during all time to come, and which therefore might defer, for all time to come the distribution of this present fund.

Mr. Chairman, look at the unreasonableness of the contention advanced in behalf of the Mississippi Choctaws that they have a right to hold up the partial distribution of the money in hand, even though the undistributed balance will save them harmless. In substance this contention is, that so long as they are prosecuting their claim in good faith, though their rights are undetermined, and unascertained, they are entitled to demand a postponement of distribution among the Indians whose right to present participation in the fund in hand has been definitely settled.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. MADDEN. Is there no way by which we can force to a conclusion the cases that are pending?

Mr. SAUNDERS. None whatever. These Mississippi Choctaws will enjoy precisely the same status before the next House, as they have before the present body—namely, the right to press their claims, and ask for favorable action. Even an adverse decision by the present body, would not hinder the claimants from presenting their claims to the next House.

Mr. Chairman, as I have said, having in mind that the controlling canon, or principle of interpretation of an Indian statute is to favor the interests of the Indians concerned, why should the Chair undertake to say that the language of the statute in issue means of necessity that there shall be no distribution of the fund, until every foot of land has been sold, every dollar of the purchase price has been paid into the Treasury, and every outstanding claim has been provided for? Why should you reach that conclusion, unless the language of the statute is so compelling that no other conclusion is possible? Upon a fair consideration of the statute, it is apparent that the language used means to say that when this property shall be sold from time to time and the proceeds paid into the Treasury until such an amount is in hand as to justify a partial distribution, this distribution shall be made among the parties in interest, after provision has been made for existing demands upon the fund. This is the present situation. An immense sum is in the Treasury in the hands of the court, so to say.

The people for whose benefit this statute was presumably enacted, being the same people, or the successors of the same people who made the Atoka agreement, are knocking at the doors of the Treasury. They ask that this fund shall be partially distributed. They meet the request for postponement of distribution by pointing to this agreement, and citing the familiar rule of interpretation applied to all statutes affecting the rights of Indians. How can this request be repelled? In one was only. The gentlemen who hold the contrary view must satisfy the Chair that the terms of the statute are so absolute, so positive, so overpowering in their clear prescription distribution must be deferred until the last dollar has been brought into the Treasury from the sale of all the property of thes Indians, that no decision is possible other than to sustain th point of order. When will these final sales take place? Havir g in mind the difficulties that attend the disposition of the coal lands, there is not a Member of this House who can make a reasonable estimate of the time that will be required to work out a solution of this problem in the best interests of the Indians. The disposition of the unallotted timber and agricultural lands was an easy task. They were platted and sold on easy terms. But the disposition of the coal lands has proved to be quite another thing, and the Government has never reached any definite conclusion as to the proper policy to be pursued in relation to this most valuable and undistributed asset.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this proposition be confined to 10 minutes.

Mr. LENROOT. I should like two minutes.

Mr. MANN. This discussion is in the discretion of the Chair.

Mr. STEPHENS of Texas. Certainly.

Mr. SAUNDERS. I wish to call the attention of the Chair to the language of the section under consideration:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

Having in mind that the segregated coal lands constitute the "other property" of the Indians, it is apparent that the interpretation of this section urged upon the Chair by the gentlemen who raise this point of order, will defer the distribution of any fund in hand, even if there is not a single charge against this fund, until the final sale of the segregated coal lands, and the payment of the proceeds of sale into the Treasury.

I would like for the gentlemen who hold this view to give to the Chair some sufficient reason, having in mind the interests of the people entitled to participation and therefore entitled to be considered, why the statute should carry this meaning. Why should it be supposed that Congress, having withdrawn the coal lands from sale by another section, should withhold the proceeds of sale of other lands from the parties in interest, until such time as the coal lands should be sold and the proceeds collected? From what conceivable point of view would this policy be to the interest of the Indians owning these lands? I submit that what this statute really means, is that when any amount of this property has been sold sufficient to justify a distribution, and the proceeds of sale have been collected, this fund, after providing for all just charges shall be distributed per capita amongst the proper parties on the approved rolls. Such a construction would conform the statute to the Atoka agreement, and be in harmony with the prevailing rule of interpretation of statutes of this character.

Mr. WEAVER. Will the gentleman yield for just one moment?

Mr. SAUNDERS. Yes.

Mr. WEAVER. In 1904 there was a per capita payment of $40, in 1906 a per capita payment of $35, in 1908 another per capita payment of $20, and in 1911, from the general fund, a per capita payment of $50.

Mr. SAUNDERS. Permit me to call the attention of the Chair to the fact that according to the present contention, all of the per capita payments made since 1906, were a repeal to that extent of the present statute. This act was passed in 1906. These payments afford a very clear indication that up to the present time, this act has not been construed by the people who are charged with its enforcement, as bearing the meaning that is now sought to be impressed upon it, by the gentlemen who insist on this point of order. If these payments were in violation of the act of 1906, this point of order would have been made long ago by some one on behalf of the Mississippi claimants.

Mr. LENROOT. It is entirely proper to put legislation upon appropriation bills if no point of order is made against it.

Mr. SAUNDERS. I understand that perfectly well; I am not raising the question of authority. The gentleman can not raise an issue with me on that proposition. If no objection is made, we are agreed that legislation may be ingrafted upon appropriation bills.

Mr. LENROOT. I think so.

Mr. SAUNDERS. But the objection that the provision for these payments is contrary to law, is raised for the first time to-day. The omission to raise it heretofore raises a presumption that the payments ordered were conformable to law, and a proper part of the appropriation bill.

It is perfectly clear, that if there are no interests to be protected by the interpretation sought to be impressed upon this statute, there is no merit in the contention for this interpretation. Is it an abstract proposition that my friend from Wisconsin is seeking to establish? Why does he urge this interpretation, when it is so palpably contrary to the best interests of the people directly concerned in this fund?

Mr. LENROOT. In reply to the gentleman I will say that I believe it is not contrary to the people most concerned, and because of the equities I am standing for the legal proposition.

Mr. SAUNDERS. So far as the equities are concerned a fund is retained that will be sufficient, and far more than sufficient, to meet them. But these equities can not be considered in the determination of this point of order. So we return to what after all is the main inquiry, and that is what interpretation of this statute will best promote the interest of the people vitally concerned. That interest should be the main, determining factor of interpretation. Why should the distribution of this money that possibly is needed to relieve actual want, be postponed until in the fullness of time, some other lands the property of the same tribes, shall be sold and the purchase price paid into the Treasury? Why should money now in hand lie idle in the Treasury, until Uncle Sam can scratch his head, and solve the knotty problem of how to best dispose of the coal lands?

Mr. Chairman, the summation of this situation may be stated as follows: First, the equities have nothing to do with your determination; second, a sufficient fund is retained to provide for the equities; third, the interpretation of this statute should not be contrary to the manifest interests of the

Indians unless you are driven to that conclusion by the overwhelming compulsion of the language used by the lawmakers; fourth, there is no more reason for deferring this distribution than it would be for a court to defer a distribution of a fund in hand, when the parties were before the court, and all questions in issue had been determined. This distribution will go to the discharge of present necessities, to the discharge of present obligations, perchance to keep the wolf from the door of the desperately needy. Yet the gentleman from Wisconsin insists that distribution must be postponed until the segregated lands are all disposed of. Keep it in the Treasury, he says. Don't give it to the only people in the world who are entitled to distribution, but tie it up in a napkin, and put it away until the last acre in the coal area is sold, and the last Mississippi Choctaw is laid at rest.

I wish to put into the RECORD in response to the suggestion that some provision should be made for what are called the *equities* of the Mississippi Choctaws, and I do not undertake to prejudge their claims, or to deny them in a day in court, the fact that there are still $30,000,000 to be paid over to the Choctaw and Chickasaw Indians in Oklahoma.

Mr. LENROOT. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. LENROOT. The gentleman is aware that this paragraph does not provide that that shall be taken out of this particular beneficiary's share in case others shall come in.

Mr. SAUNDERS. It makes NO difference from whom it is taken. In the aggregate a sufficient amount will be in hand to meet the equities that the gentleman has talked about.

I wish also to put into the RECORD certain principles of interpretation taken from the case of Choate against Trapp, decided in the Supreme Court of the United States May 13, 1912 (opinion by Mr. Justice Lamar):

> But in the Government's dealing with the Indians the rule is exactly the contrary. The construction, instead of being strict, is liberal; doubtful expressions, instead of being resolved in favor of the United States, are to be resolved in favor of a weak and defenseless people, who are wards of the Nation, and dependent wholly upon its protection and good faith. This rule of construction has been recognized, without exception, for more than a hundred years.

My last word is that the language of this statute is not so compelling that the Chair is required to hold that it repeals by implication the Atoka agreement, and postpones for an indefinite period the disposition of present funds among the persons severally entitled thereto. The point of order should be overruled.

I will append as a part of my remarks the following:

> The funds belonging to the Chickasaw and Choctaw Indians now in the hands of the United States Government are as follows:

CHICKASAW.	
In the Treasury	$603,460.06
On deposit in State and national banks	852,939.88
Total	1,456,399.94
CHOCTAW.	
In the Treasury	1,918,798.69
On deposit in State and national banks	2,274,439.19
Total	4,193,237.88
Grand total	5,649,637.82

> The unallotted lands of these two nations which have been sold during the last two years brought a total of $10,137,094.85, of which there has been paid by the purchasers $4,891,310, leaving a balance due on deferred payments of $5,245,784.85.
>
> In the hearings before the Senate Committee on Indian Affairs, Sixty-second Congress, third session, on H. R. 26874, pages 313 and 314, J. George Wright, Commissioner of the Five Civilized Tribes, February 8, 1913, testified that the property of the Choctaw and Chickasaw Tribes undisposed of was worth approximately as follows:

Sale of surface of coal and asphalt lands	$4,000,000
Value of mineral deposits in coal and asphalt segregation	12,000,000
Value of timber reserve	3,500,000
Total	19,500,000

> Adding to this the total cash now on hand, $5,649,637.82, and the deferred payments still due on the sale of the unallotted lands, amounting to $5,245,784.85, makes the total tribal property of these two tribes amount to $30,395,422 67.

Mr. HARRISON. Mr. Chairman, I shall not detain the House long. The gentleman from Virginia thinks solely of the Indians in Oklahoma. I want to say that the Choctaw Indians who reside in Oklahoma went from Mississippi, and the only way in the world that the treaty was ever perfected between the Choctaws living in Mississippi, a part of whom went to Oklahoma, was by the insertion of this fourteenth article. To bring it to your mind clearly, Mr. Chairman, I want to read it, and I want the Chair to recollect that the Indian in Mississippi to-day has a right to stay in Mississippi, that he has every right under that treaty that any Choctaw Indian in Oklahoma has, and that he is entitled under this article of the treaty to share in the funds of the tribe the same as do the Choctaw Indians in Oklahoma; that the Indian in Mississippi has as much right, and that we should regard those rights here as much as the gentleman, or any other gentleman, should regard the rights of the Indians in Oklahoma.

The fourteenth article is as follows:

> 14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

Mr. MURRAY of Oklahoma. Now read section 2.

Mr. HARRISON. Oh, the gentleman from Oklahoma had plenty of time. I only cite this Mr. Chairman, to show that the Indian in Mississippi had a right to stay in Mississippi; that he is now as much a part of the tribe as are the Indians in Oklahoma, and his rights should be safeguarded in this bill, and that when you distribute the funds you ought to look in part to these Indians in Mississippi and at least give them some consideration in this matter. Now talk about the construction and interpretation of laws and treaties.

In the case of Worcester *v.* Georgia (6 Peters, 515), what did the court state?

> The language used in treaties with the Indians should never be construed to their prejudice.

This citation, with other citations, were before the Subcommittee on Indian Affairs in the Sixty-second Congress, presided over by the distinguished gentleman from Missouri [Mr. RUSSELL]. On that committee was Mr. SMITH of New York and Mr. MILLER of Minnesota. They had this matter up for consideration, and they had exhaustive hearings on the bill that I had introduced, and after hearing all the testimony and the facts connected with it they brought in a unanimous report, saying that the Mississippi Choctaws should be enrolled and should be entitled to share in this fund.

Now, Mr. Chairman, I do not want to impose upon your patience, but the gentleman from Oklahoma says that no Mississippi Choctaws are now off the roll, that they had not been identified, if I understood the gentleman, and I think I did. Here is what the Commissioner of the Indian Office says in a report to the House in discussing the Mississippi Choctaws:

> The total number of persons identified as Mississippi Choctaws was 2,534, but only 1,445 were finally enrolled.

He does not stop there.

Mr. CARTER. Why?

Mr. HARRISON. He says:

> Thus there were 1,080 persons identified under the law who failed to secure these benefits—

Mr. CARTER. Why does he not say why?

Mr. HARRISON. He goes ahead—I am not going to take up too much of the committee's time to discuss that. He says these men went there, they investigated this thing, and that 1,089 Indians who live in Mississippi were identified and proved their rights under the fourteenth article that are not now on the rolls who by the paragraph in this bill would be prevented from getting their rights and sharing in this per capita payment.

Mr. CARTER. The court prevents it, not me.

Mr. HARRISON. Ah, the gentleman knows, Mr. Chairman, if you take this amount of money out of the tribal funds of this nation—the Choctaw Tribe—that there will be that much less left, and that if you continue to do it finally there will be nothing left for the Mississippi Choctaw, if he is ever permitted to prove his rights under the treaty.

Mr. CARTER. No; it is not; absolutely not; because the segregated mineral lands can not be sold under the present law.

The CHAIRMAN. The Chair desires to call the attention of the gentleman to the fact that this discussion is for the benefit of the Chair and is not upon its merits.

Mr. CARTER. I was simply answering the question which I understood the gentleman to ask me. I do not have any desire to infringe upon the rules of the House.

Mr. HARRISON. I am glad, Mr. Chairman, to hear the gentleman say that, because I have here a copy of a letter that the gentleman from Oklahoma wrote to a constituent of his about this matter.

> WASHINGTON, *January 16, 1914.*
>
> B. M. MCDANIEL, *Durant, Okla.*
>
> MY DEAR SIR: On January 3, 1914, I proposed to the Indian appropriation bill an amendment for a per capita payment of $100 to the Choctaws and Chickasaws, which was adopted by the subcommittee and which we may be able to increase to $200 if handled properly.
>
> You doubtless know that the only legislation necessary for a winding up of tribal affairs is a provision for a per capita distribution of our funds. This amendment is the first step on the last lap of a final settlement, and we expect to try to provide for these payments every year;

so that all the funds may be distributed just as they are collected. Points of order, petitions, and every other possible opposition will be urged against this amendment, and the sentiment of our people should be made known.

You can assist materially by writing a letter to several members of the Indian Committee, whose names appear at the head of this letter, stating the long delay that has taken place in the settlement of our affairs, the necessity for bringing same to a close at the earliest possible date, and the dire need of these per capita payments.

I gave up my Christmas trip to Oklahoma because I wanted to be on hand at the proper time to get this matter started off right. Now, won't you take time to persuade your Indian friends to express their sentiments to different members of the committee? You are interested; get busy and help us.

Very truly, yours,

C. D. CARTER.

Mr. CARTER. I wrote that letter and I did not say anything in that letter contradictory to anything I have said, but what has that to do with the point of order?

Mr. HARRISON. Oh, the gentleman knows in answer to the question I put to him if this was not a method that is going to be followed by the Oklahoma delegation to constantly from year to year get a per capita payment of these tribal funds, so that in the end there will be none left for the Mississippi Choctaws in the event any should get on the rolls, and the gentleman denied that would be the method. His letter shows otherwise.

Mr. CARTER. Mr. Chairman, I did not deny any such thing. I simply stated what is the fact, that there still remains unsold, which can not be sold under the present law, the segregated mineral lands, the value of which has been variously estimated at from $20,000,000 to $1,000,000,000, and this will complete the winding up of tribal affairs under the law, because it winds up everything except the segregated mineral lands, the sale of which is prevented by existing law, and our people all understand that. I admit everything in that letter, and I admit that I am going to try to do everything that letter sets forth.

Mr. HARRISON. Mr. Chairman, I desire to read to the Chair the law that the committee evidently acted upon. I suppose this has already been cited to the Chair, but I want to read it again. Here is the law:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

I submit, Mr. Chairman, that under the construction and interpretation of treaties and laws pertaining to Indians, the only fair construction, the only right interpretation that can be placed on that law is that you can not distribute the funds of this tribe until all of their lands have been sold, until all of their property has been wiped out, and all the charges against the estate have come in, and the whole matter settled up. That is based on reason. I can not for the life of me see how gentlemen can contend otherwise. You never know when charges are coming in against the tribe. You never know how much you are going to have on hand until all of the lands are sold and all of these charges come in against the estate, and I submit that under that law, when gentlemen argue for this distribution, it flaunts itself in their face and says by its own language that it can not be done. This matter was up in the Senate last year, and the Vice President then ruled that it was subject to a point of order, and ruled it out.

The CHAIRMAN. The Chair will say to the gentleman that, as he understands the ruling in the Senate, it was both ways.

Mr. HARRISON. I understand that. Here were the facts in the Senate. When the appropriation bill came into the Senate the point of order was made by Senator WILLIAMS upon the ground that this provision was not germane and that it was legislation on an appropriation bill, and upon the ground, also, that it was a distribution of funds when this was an appropriation bill. At first the Chair stated that he would leave it to the Senators to vote upon it, and they voted and held that it was in order.

Mr. LENROOT. Mr. Chairman, the RECORD shows the Chair first held that it was in order under the treaty, and submitted the question of germaneness to the Senate.

Mr. HARRISON. Yes.

Mr. LENROOT. And later on when this statute was called to the attention of the Chair he ruled it out of order.

Mr. HARRISON. Absolutely. After it was held to be in order then Senator WILLIAMS offered an amendment to the paragraph in the appropriation bill, and the point of order was made against that amendment. The Vice President overruled the point of order, and afterwards sustained the point of order to that and also the point of order that was originally made to the paragraph. That was the final ruling.

I submit, Mr. Chairman, without taking up more of the time of the committee, that this paragraph should not be inserted in this bill; that the Mississippi Choctaw ought to have a right to prove his claims if he has just claims, and it has been proven before a subcommittee of this House that he has just claims, and when you rule that this paragraph is in order and allow this distribution to go on year by year, you prevent, you estop the Mississippi Choctaw from ever getting anything out of the funds of this tribe. I trust that the point of order will be sustained.

The CHAIRMAN. The Chair is prepared to rule.

Mr. LENROOT. Mr. Chairman, I would like to be heard for a moment. Of course I do not care to unsettle the mind of the Chair, if he is going to rule my way.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LENROOT. Just for a moment, Mr. Chairman. The gentleman from Virginia [Mr. SAUNDERS] stated the law correctly, but I am sure inadvertently, from his standpoint, and I shall not try to hold him to what he said. He did state, referring to the per capita payments of $20 and $36, that they were acts legislative in their nature, and to that extent pro tanto repealed the law of 1906. That is exactly what I claim; but, as I say, I shall not attempt to hold the gentleman to his statement.

Mr. SAUNDERS. Mr. Chairman, I am sure the gentleman will permit me to interrupt him in that connection. I said on his theory of the law.

Mr. LENROOT. I did not hear the gentleman state that. I know the gentleman did not intend to make the statement as I have stated it, but the gentleman did make the contention that the act should be construed in the light of the treaty, in the light of the whole act itself. That is true. Of course, Mr. Chairman, where there is any ambiguity in a statute resort can sometimes be had to other matters to clear up the ambiguity, but if there be none that resort can not be had; and if the Chair will examine the entire act of 1906, he will see, from the title down, that it is an act to provide for the final disposition of the affairs of the Five Civilized Tribes.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Very well.

Mr. CARTER. Let me ask the gentleman if that same act did not withdraw from sale the segregated mineral lands?

Mr. LENROOT. Certainly.

Mr. CARTER. Then would it not be a fact that the withdrawal of those lands from sale would completely prevent the operation of section 17?

Mr. LENROOT. Not necessarily.

Mr. CARTER. Section 17, according to the gentleman's contention, means when all the unallotted lands and other property are sold, and it would therefore prevent any division of these funds by its own terms.

Mr. LENROOT. Oh, not necessarily, because so far as the withdrawal is concerned, if there is nothing to sell, of course that would not be embraced within the provisions of the act.

Mr. CARTER. Let me ask the gentleman a question. It is tribal, is it not?

Mr. LENROOT. It is tribal property.

Mr. CARTER. The gentleman wants to read all kinds of language into the law.

Mr. LENROOT. Not at all. Now, Mr. Chairman, this is just the situation. Whether the property of the tribe be in lands, whether it be in minerals, or whether it be in money, it is the intention of the act of 1906 to continue the tribal relation until the final disposition. Now, the gentleman would not contend for a moment that legislation would be in order upon this Indian appropriation bill making a different disposition of property other than money of the tribe. And the entire intention of the act is to make the money simply take the place of property.

Now, just one further suggestion.

Mr. CARTER. If the gentleman will permit just a moment, I want to correct one thing. He said that I would not contend they had a right to divide other property. My contention is they have divided other property, because lands have been allotted since the act of 1906.

Mr. LENROOT. Oh, that is true.

Mr. CARTER. But that is "other property."

Mr. LENROOT. But that has been under affirmative legislation. One other suggestion and I am through, Mr. Chairman. The gentleman from Oklahoma [Mr. MURRAY] attempted to persuade the Chair that this would be in order, because there was a large amount of resources belonging to the tribe, amply sufficient to take care of any claim that might exist or might arise in the future, and I want to say just a word in reference to that. Now, Mr. Chairman, the act of 1906, in language as plain as language can make it, imposed a condition precedent

to the distribution of any of this money, namely, "when all of the just charges against the funds of the reservation tribes have been deducted therefrom." Now, I respectfully submit that the Chair can not consider that there will be any money to take care of just claims hereafter; the Chair can not consider whether that was a wise thing to put into the act of 1906—can not consider whether it was necessary to put it into the act of 1906. It is there, and so long as there is a claim, even one such as the gentleman from Oklahoma [Mr. MURRAY] admitted as existing, amounting to $27,000, so long as that remains this is new legislation, and it is changing this act of 1906 to permit a partial distribution of this fund in this way.

The CHAIRMAN. The Chair is ready to rule. The proposition submitted is attended with considerable difficulty. The Chair has permitted a very liberal discussion of the whole matter. Much has been said about the equity of the claims of the Mississippi Choctaws; but, of course, that is something with which the Chair, so far as this ruling is concerned, has nothing to do. The Chair has very carefully examined the agreements made between the Indians and the United States Government, and also the acts of Congress, and has made note of those portions which, in the opinion of the Chair, have some relevancy, so far as this particular question is concerned.

The gentleman from Mississippi [Mr. HARRISON] makes the point of order against the following paragraph in the bill:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment of $100 to the enrolled members of the Choctaw and the Chickasaw Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, same to be made under such rules and regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may, in his discretion, withhold such payment and use the same for their benefit.

It is contended that it is not authorized by existing law and, therefore, not in order on an appropriation bill.

In order to determine the issue raised by the point of order, it will be necessary to refer to certain portions of agreements and statutes under which the property of said tribes was divided in severalty and disposed of under rules and regulations of the Secretary of the Interior and the proceeds paid into the Treasury of the United States. The first agreement to which the Chair will refer is what is known as the Atoka agreement between the Choctaw and Chickasaw Tribes and the United States, and is embodied in a confirmatory act of Congress passed June 28, 1898.

In section 11 of said act it was provided that when the rolls of citizenship of said tribes were completed and the lands of the tribes surveyed, then all of the surface lands should be allotted in severalty among the citizens as shown by the roll, reserving and excepting to each tribe only the oil, coal, asphalt, and mineral deposits in the lands and a sufficient amount of land for town sites, schools, churches, and so forth. Section 15 provided for the disposition or sale of the town lots and that all the money "paid into the United States Treasury for the sale of all the town lots shall be for the benefit of the members of the Choctaw and Chickasaw Tribes—freedmen excepted—and at the end of one year from the ratification of this agreement, and at the end of each year thereafter the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws—freedmen excepted—each member of the two tribes to receive an equal portion thereof." It was further provided that royalties on oil, coal, asphalt, and other minerals, and rents should be paid into the Treasury of the United States to the credit of the tribe to which they belong, and that they were to be used for the education of the children of Indian blood of the members of said tribes. But it was provided in said agreement "that whenever the members of the Choctaw and Chickasaw Tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members—freedmen excepted—in such manner as the tribes may direct."

It may be stated here, parenthetically, that the members of the tribes are now paying taxes for the support of schools in the State of Oklahoma. Said agreement further provided—

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw Nations shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account of such disbursements to said Secretary.

The agreement contains the further provision:

It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise now held by the United States in trust for the Choctaw and Chickasaw Tribes, shall be capitalized within one year after the tribal government shall cease, so far as the same may legally be done, and be appropriated and paid by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws—freedmen excepted—per capita, to aid and assist them in improving their homes and lands.

It was also provided that the tribal governments should cease after the lapse of eight years from March 4, 1898, but this was subsequently changed by the act of April 26, 1906.

The Chair has referred to this agreement and act of Congress somewhat at length, and it is clearly to be seen that it was the intention that the lands and all the property of the Choctaws and Chickasaws should be allotted and distributed to them per capita as soon as the rolls were completed and their tribal governments should cease in anticipation of statehood for the territory in which their lands were located. Subsequently a supplementary agreement was entered into which is found in the act of Congress passed July 1, 1902, and which limits the allotment to each citizen of the tribe to 320 acres.

As to the residue of said lands, section 14 provides:

When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

It will be borne in mind that the Atoka agreement provided for an allotment of all the lands. The supplementary agreement provides for a reduction of amount of allotment and sale of residue, the proceeds to be distributed per capita as other funds of the tribes.

Section 17 of the act of Congress passed April 26, 1906, provides:

That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the money arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior.

In the opinion of the Chair, authority for this provision in the bill must rest on this section and section 14 of the supplementary agreement, as above quoted. But it is contended that under this section no distribution can be made until all of the unallotted lands have been sold. The section does not say so nor does the Chair think that to be a correct, fair, or just interpretation of it. But even if it is, the Chair has been furnished with a letter, written on February 19, 1914, by the Assistant Commissioner of Indian Affairs, Mr. E. B. Meritt, to the Hon. CHARLES D. CARTER. In that letter the assistant commissioner says:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 19, 1914.

Hon. CHARLES D. CARTER,
House of Representatives.

MY DEAR MR. CARTER: In response to your inquiry over the telephone relative to the unallotted lands of the Choctaw and Chickasaw Nations, I have the honor to advise you that said surplus unallotted unreserved land was sold at public auction under the provisions of section 14 of the act of Congress of July 1, 1902 (32 Stat. L., 641), and section 16 of the act of Congress of April 26, 1906 (34 Stat. L., 137). The entire area with the exception of a few odd tracts has been disposed of at said sales. A few tracts that have been forfeited by the purchasers by reason of the nonpayment of the deferred purchase price will, of course, be reoffered for sale at the earliest practicable date.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

So, assuming that the Assistant Commissioner of Indian Affairs has correctly stated the facts—and the Chair has no doubt about that—even if the contention be true that all of these unallotted lands must first be sold before there can be a distribution of the per capita funds in the Treasury, the Chair thinks that that requirement has been complied with. The Chair thinks, however, that said section should be construed in connection with the clear intent of the Atoka and the supplementary agreements, and that a liberal rather than a technical construction should be placed upon it, in the interest of the Indian tribes, who are the wards of the Government.

The act itself clearly negatives any such intent on the part of Congress as is claimed, for section 26 of the same act provides that any lands not sold and belonging to any part of the tribes upon their dissolution should be held in trust by the United States for the use and benefit of those whose names appear upon the rolls.

The Chair's attention has been further called to the fact that the act of 1906 withdraws all segregated mineral lands from

sale, and if the contention made by those who have supported the point of order is correct, then it will result in withholding a distribution of the funds belonging to the Choctaw and Chickasaw Tribes for an indefinite period of time, which in the opinion of the Chair was certainly never intended, as will appear from a reading of the act referred to. The Chair does not think it was the intention to withhold indefinitely, and until after the final dissolution of the tribes, the millions of dollars to which they are justly entitled, in the language of the statute, "to aid and assist them in improving their homes and lands."

It is further contended that this section provides that a per capita payment shall not be made until all just charges against the funds of the respective tribes have been deducted, and that the claims of the Mississippi Choctaws constitute a just charge. However just their claim may be, the Chair does not think it could be called a charge in the sense in which the word is used here. The courts have repeatedly held that a charge is the price required or demanded for services rendered. The charges mentioned in the statute refer to the charges of administration—charges of the Government for administering the affairs and estates of the tribes. The Chair is informed by the gentleman from Oklahoma that there are no such charges, and he assumes that it is correct.

The Chair is more content with this ruling, because it can not possibly work any injury to any person or persons who hold a claim against either tribe. It has been stated, and the Chair does not doubt the correctness of the statement, that to make the per capita payment of $100 will require the sum of $2,702,200, whereas the tribes have on deposit an aggregate of $7,100,000, and there is said to be more than $33,000,000 in addition to become due them.

The Chair has come to the conclusion herein expressed after as careful an examination of the statutes as was possible under the circumstances. His personal views of the rights or equities of the Mississippi Choctaws have had no weight, and have not been permitted to enter into this ruling one way or the other. It is the duty of the Chair to pass upon the point of order in accordance with what he believes to be the meaning of the rules of the House and the general law on the subject, and this the Chair has endeavored to do without regard to the merits of the question. The committee has the right of ultimate interpretation, and if the Chair is wrong in his conclusions the committee on appeal can so determine.

The Chair is clearly of the opinion that the paragraph does not involve a change of existing laws and is not new legislation, and therefore overrules the point of order.

Mr. HARRISON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on line 1, page 34, after the comma, following the word "heirs," by inserting the following:

"And such other Mississippi Choctaws as have been identified by the Dawes Commission in its report of March 10, 1899, and all persons who have been identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, and were approved by the Secretary of the Interior, but whose names do not now appear on the final citizenship rolls of the Choctaw and Chickasaw Nations; and also all Mississippi Choctaws, whether of full or mixed blood, whose ancestors received or were entitled to receive a patent to lands under article 14 of the treaty of 1830 between the United States and the Choctaw Nation, and the time for making the proof and the manner and rules governing the same shall be within the discretion of the Secretary of the Interior."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PITTMAN, Mr. CHAMBERLAIN, and Mr. JONES as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10258. An act authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1346) to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against the amendment, for the reason that it is not germane and that it is new legislation.

The CHAIRMAN. The gentleman from Texas makes the point of order against the amendment.

Mr. HARRISON. Does the gentleman from Texas desire to argue the point of order?

Mr. STEPHENS of Texas. No.

Mr. HARRISON. I want to be heard against the point of order.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. CARTER. Perhaps I shall want to be heard, too.

Mr. HARRISON. Mr. Chairman, the object of this paragraph that is incorporated in the appropriation bill for this per capita payment is to pay out this money to those who are entitled to receive it. That was evidently the object and the intention of the Indian Affairs Committee when they incorporated it in the bill. Assuming that that is correct, and assuming that their object was to give this $100 to each one of these Mississippi Choctaws who are entitled to it, then it certainly is in order that in the distribution of it those Indians who have made their proof, who have gone before the officials of the Government, the Dawes Commission, for instance, and have proven their claims and the justice of them, and who have been properly identified, ought to be enrolled, as well as those who, under the fourteenth article of the treaty of 1830, are entitled to be enrolled. I submit that in all fairness and in all justice this amendment should be incorporated into this paragraph, so that when the distribution of these funds is made they shall not go wholly to those in Oklahoma, but that those other members of the tribe who can prove their right and who are entitled to it shall also get their $100. I think it is germane to the paragraph. It is no more legislation than the provision in the original paragraph, and I submit that the point of order ought to be overruled.

Mr. CARTER. Mr. Chairman, I have only to call the attention of the Chair to section 17 of the act of April 26, 1906, which provides that this money shall be distributed—

per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes.

To state further, the Mississippi and Choctaw case has been fully settled. There has been a great deal said here about their not having had their day in court; but an act of Congress gave the Dawes Commission the right to settle this matter. They went down to Oklahoma and had a trial of a test case, which was known as the Jack Amos case. That case was decided adversely to the Mississippi Choctaws after a full hearing by the Dawes Commission. A subsequent act gave an appeal to the Federal district court of Oklahoma. This Federal court affirmed the decision of the Dawes Commission. It was appealed to the Supreme Court of the United States, and upon motion of the attorneys for the Mississippi Choctaws was dismissed at their cost. You will find that in the case of Amos *v.* The Choctaw Nation (19 Supreme Court, 873).

Mr. HARRISON. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. HARRISON. Does not the gentleman think there are Choctaws who are entitled to share in the funds who are not now on the rolls that you propose to distribute the funds of the tribe to?

Mr. CARTER. I am not prepared to say whether there are or not, but if there were, this is no time or place to determine those rights.

Mr. HARRISON. Is it not a fact that the gentleman has introduced bills in this Congress, and has championed bills in this Congress, to put upon the rolls certain persons, naming the persons?

Mr. CARTER. No; it is not. I have not named any person to go on the rolls in any bill I introduced.

Mr. HARRISON. Has not the gentleman introduced bills saying there were certain persons that ought to be on the rolls?

Mr. CARTER. I have not.

Mr. HARRISON. Has not the gentleman introduced a bill——

Mr. CARTER. If the gentleman keeps on guessing, he may guess right. [Laughter.]

Mr. HARRISON. Has not the gentleman introduced a bill saying that the Mississippi Choctaws had the right to a home, and making provision for them?

Mr. CARTER. I have not; the gentleman will have to guess again.

Mr. HARRISON. Then I have been misinformed. The gentleman from Oklahoma [Mr. MURRAY] has introduced bills of that character. I had the impression that in former Congresses the gentleman had been in favor of some bills and had introduced bills of that character.

Mr. CARTER. No; I introduced a bill directing the Secretary of the Interior to investigate the condition of the Mississippi Choctaws, with a view of seeing if it was practicable and just for the Federal Government to provide homes for them on the public domain. But whatever glory I may have had in that respect, Mr. Chairman, was completely stripped from me by another distinguished gentleman from Mississippi [Mr. HUMPHREYS] who marked out my name, introduced my bill, sent it down to his constituents, and I had a hundred letters asking me to support the "Humphreys bill." [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The section under which the Chair overruled the point of order to the paragraph to which this amendment is offered was section 17 of the act of 1906. It has been read many times, and the Chair will not undertake to read it again. In brief, it provides for the payment of funds to certain tribes, including the Choctaws and Chickasaws, upon certain conditions to those—quoting from the section—"whose names appear upon the finally approved roll," and so forth. The gentleman from Mississippi has offered an amendment, which has been read at the desk, and to which a point of order has been made by the gentleman from Texas, in which it is provided that certain others shall be paid from the fund per capita, and in express terms provides that certain parties—quoting from the amendment—"whose names do not now appear on the final citizenship rolls of the Choctaw and Chickasaw Nations" shall be paid.

The Chair thinks it is only necessary to read the section of the act of 1906 to which he has referred and this portion of the amendment to show that it clearly seeks to change the act of 1906, and therefore constitutes new legislation. The Chair is therefore compelled to sustain the point of order.

Mr. HARRISON. I move, Mr. Chairman, that the paragraph, line 20, page 33, down to and including line 8, on page 34, be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the paragraph beginning at line 20, page 33, and ending line 8, page 34, as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, same to be made under such rules and regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may, in his discretion, withhold such payment and use the same for their benefit."

Mr. STEPHENS of Texas. Mr. Chairman, I hope that the amendment will not be adopted.

The CHAIRMAN. The Chair will state that by order of the committee debate on this paragraph has been limited to 45 minutes. The Chair will recognize the gentleman from Texas.

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, a parliamentary inquiry. Do I understand that there is 45 minutes for debate?

The CHAIRMAN. By a previous order of the committee debate on this paragraph and amendments thereto was limited to 45 minutes, of which time 20 minutes was to be given to those in favor of the paragraph, 20 minutes to those opposed, and 5 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Has any of the time been used?

The CHAIRMAN. No.

Mr. WINGO. Mr. Chairman, I offer an amendment, on page 33, line 22, to strike out the figures "$100" and insert in lieu thereof "$200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 33, line 22, by striking out the figures "$100" and inserting the figures "$200."

Mr. WINGO. Mr. Chairman, I will withdraw my amendment for the present.

The CHAIRMAN. Without objection, the amendment of the gentleman from Arkansas will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

Mr. LENROOT. Mr. Chairman, I believe the time has come when it is proper for me to state why I so strenuously took the position I did with reference to the point of order. During that discussion I simply stated that I did insist upon the strict legal position as I believed it to be because of what I believe to be the equities in the premises.

Now, Mr. Chairman, all that I know about this matter is gathered from various reports of the Department of the Interior. I hold in my hand a Senate document entitled "Five Civilized Tribes in Oklahoma." All of it refers to this question, and I undertake to say that no Member of this House can read that document without being convinced that a very gross injustice has been done to a great many Indians that are not now upon these rolls, who are as much entitled to this per capita payment as is anyone now upon the rolls.

Mr. Chairman, I have not time in five minutes to go into the history of this matter; but a statute of limitations was enacted in 1906 that gave claimants until March 4, 1907, to present their claims and the department to adjudicate them; and I find from the report of the department that on February 25, 1907, there were before the department unadjudicated claims to the number of 2,023; that they were compelled to adjudicate those 2,000 claims between February 25 and the succeeding March 4, 1907; in other words, in seven days. The department very frankly states that because of that short time it was impossible for the department to pass upon the merits of those claims, and therefore there are a very great number of these claimants who have done everything required of them under the act of 1906, but who have been denied enrollment simply because the department did not have the opportunity to pass upon their claims; and I read from the report of Mr. Howell, the assistant attorney, who was appointed by the department to make a full investigation and report. He says:

With the extra work imposed by the act itself in connection with the enrollment of the new-born children, it became absolutely impossible for the department to complete the work within the time prescribed, and today it may be said with perfect truthfulness that the word "complete" falls far short of describing the condition of the enrollment work and the citizenship rolls as of March 4, 1907.

Mr. Chairman, I wish I had the time to go into this more at length, but I will only say, as I said before, that no Member of this House upon reading the testimony can fail to be convinced that there are hundreds of full-blood Indians that upon every principle of right and justice are entitled to be upon these rolls, but who are not. If this paragraph stays in the bill, we will pay $100 per capita to these people now upon the rolls, something between three and four million dollars, and we will deny to those to whom we may hereafter do justice by putting them on the rolls any participation in this $4,000,000, which would be a very great wrong.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield seven and one-half minutes to the gentleman from Oklahoma [Mr. MURRAY].

The CHAIRMAN. The Chair does not recollect that the time was in the control of the gentleman from Texas.

Mr. CARTER. It is in the control of the gentleman from Texas and the gentleman from Mississippi [Mr. SISSON].

Mr. STAFFORD. I do not understand it that way. I think there was no understanding as to who should control the time.

The CHAIRMAN. The Chair will recognize the gentleman from Oklahoma for five minutes and meanwhile will look up the record.

[Mr. MURRAY of Oklahoma addressed the committee. See Appendix.]

The CHAIRMAN. The Chair will recognize some one in opposition to the amendment offered by the gentleman from Mississippi.

[Mr. WEAVER addressed the committee. See Appendix.]

Mr. THOMPSON of Oklahoma. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Mississippi [Mr. HARRISON], both on legal and equitable grounds. No one, I am sure, can point to any provision of a treaty or to any statutory provision that gives to those Choctaws who have for nearly 100 years refused to leave Mississippi and establish tribal relations with their kindred who removed to the Choctaw Nation under the provisions of the Dancing Rabbit treaty.

It being confessed that they have no legal right, let us examine what equitable claim they have to share in the Choctaw-Chickasaw funds, for be it remembered that this is not an effort to have the Mississippi Choctaws declared citizens of the Choctaw Tribe so that they can remove to Oklahoma, take allotments there, and become citizens of that State. This is an effort to take from the funds belonging to the Choctaw and Chickasaw people—several million dollars—and pay to each Choctaw who

now resides in Mississippi the sum of approximately $8,400. These Mississippi Choctaws, under the Dancing Rabbit treaty, had the option of remaining in Mississippi or going with their brothers to the reservation in the West.

If they remained, they secured script which entitled them to public lands of the United States, and those who remained received this. Even after all this the Choctaws who removed from Mississippi and took up their abode in the Choctaw Nation ever since 1832 have been admitted to citizenship in the tribe and have enrolled all Choctaws who subsequently removed to the Choctaw Nation and identified themselves with the tribe. That is not all. In 1902, when the supplemental agreement was entered into between the Choctaws and Chickasaws and the United States, section 14 was incorporated in that treaty, and it provides for the identification of those Mississippi Choctaws who remained in Mississippi and for their removal to the Choctaw country. The Dawes Commission sent its agents to Mississippi to identify these people, and they were identified. We had in Oklahoma at that time a number of men who followed the commission to Mississippi for the purpose of seeing that the Choctaws there were identified and to remove them to the Choctaw-Chickasaw country. These men went into the highways and byways of Mississippi, sought out the Indians, and did everything they possibly could to have them identified, so they could bring them to our State, allot them, and secure leases on their lands. In the three counties of the fifth congressional district of the State—Murray, Garvin, and McClain—there are more than 500 of these Mississippi Choctaws. I know how the work was done, for I was there and observed it. Those Choctaws who are in Mississippi at this time are there not from necessity, but from choice. I personally know that a large number of those who did come from Mississippi to take allotments in our country left and returned to Mississippi as soon as they had made the proper proof, so they could hold their allotments.

I think, therefore, that the Government of the United States and the Choctaw and Chickasaw Tribes of Indians have done not only what they ought to have done, but much more, and all they possibly could do, to assist the Mississippi Choctaws to become citizens of our State and participate in the allotment and distribution of the tribal property. The only objection I have to the bill as reported by the committee is that it carries a per capita payment of only $100 to each Indian. This amounts to a little more than $2,000,000. It ought to be $300 per capita instead of $100, and I sincerely trust when this bill reaches the Senate that body will raise the amount to that sum. The Choctaws and Chickasaws had on deposit, through the Commissioner of Indian Affairs, on January 17, 1914, the sum of $7,425,213.20. A payment of $300 per capita could be made and a million dollars would yet remain in his hands. In addition to the money on deposit belonging to these two tribes, the appraised value of the timberlands, segregated coal lands, and all properties belonging to the Choctaws and Chickasaws on that date amounted to $23,673,845.

APPROPRIATION IN AID OF COMMON SCHOOLS.

Mr. Chairman, the appropriation in aid of the common schools for the Five Civilized Tribes ought to be much larger than $275,000, the amount carried in this bill. We ought to have at least a million dollars per year for this purpose during the time the Indian land is exempt from taxation. When the United States entered into treaty stipulations exempting Indian land from taxation, provision should have been made for the resultant loss to the State and the added burden that would attach by reason of higher taxes on personal property and lands that were not so exempt. I think a mistake was made in exempting these lands from taxation where restrictions on alienation were removed. If a man is competent to handle his property and sell or dispose of it as his wishes may dictate, he ought to stand on exactly the same footing with every other citizen. In the case of incompetents, this would not be so; but in the case of incompetents provision should have been made, where they owned property exempt from taxation, that the Government pay the taxes and not make it a charge on the people of Oklahoma. Exemption from taxation is most unfortunate for the people of my State, both white and Indian, who do not belong to the class having restrictions imposed upon them and commonly known as "incompetents," the whites for the reason that they see burdens imposed upon them by the Government that are not imposed upon their wealthier and more fortunate neighbors, and the Indian who has no restriction against handling his property very largely shares in these views of his neighbor.

There is no antagonism between the whites and Indians in that part of Oklahoma where I live. They are friends and neighbors. The Indians are among the most intelligent, most energetic, and most enterprising of our citizenship. They are engaged in every line of industry. They are merchants, bankers, real-estate dealers, and farmers. Three out of the nine presidents of the national banks in my county are Indians, and the directorships of those banks will show an equal proportion, though the percentage of population as between the Indians and whites is much smaller than this. I have heard a great deal about the white man grafting the Indian, but I submit that does not apply to that portion of the State where I reside. The Indian has always been able to take care of himself, and my observation has been that the grafter has not been able to get much the better of him. We also hear a great deal about the probate courts of Oklahoma. I had occasion to say a few days ago what I thought on that subject, and I will not repeat it here. I only want to add that the most flagrant violation of a trust toward the Indians in my part of the State has not been by the county judges, but by an Indian agent, appointed by the Union Agency at Muskogee—one Daniel A. Crafton—who was the field agent at Pauls Valley during the years 1909 and 1910 for the counties of Murray, Garvin, and McClain. In a number of cases he was appointed by the different county judges of these counties as guardian of minor Indians, and he thereby secured possession of a large sum of money, absconded, taking it with him, and has never been heard of since. Serious charges are made on the floor of this House against county officers and guardians of the State of Oklahoma, but this case—more flagrant than any case that could possibly be imagined on the part of the citizenship of my State—has never been mentioned.

Getting back, however, to the subject, I desire to say, Mr. Chairman, that the total area of that part of the State of Oklahoma formerly comprising the Five Civilized Tribes is 19,525,966.36 acres. The amount subject to taxation is 8,374,187.6 acres, and the amount exempt from taxation is 11,151,777.3 acres. It will be seen that nearly three-fifths of the total area of the eastern part of our State is not subject to taxation. If all this land were bearing its just proportion of the burdens of taxation—State, county, city, township, and district—it will be readily seen how taxation that now rests so heavily on our people would be lightened. Suppose this 11,151,777.3 acres of land were valued on an average at $15 per acre, which is a very conservative estimate of its real worth, we would have a tax valuation of $167,276,659.50, which would produce, at 1 per cent—which is about one-third the rate our people now have to pay—$1,672,766.59. Mr. Chairman, this amount coming into our treasury every year would reduce taxation, so that the thrifty, industrious, and enterprising citizens of Oklahoma would not be driven by the tax gatherer beyond the borders of our State. I am not complaining against the Indian because he takes advantage of the law and does not pay taxes on his land holdings. He is doing just what practically every citizen of Oklahoma would do if the law favored them in the same way. The fault is with the Government, that entered into a treaty which granted this exemption without compensating those upon whom the burdens of government were thrust by an appropriation that would take care of this condition. We may not secure from the Federal Government at this time an appropriation that will compensate our people for the amount added to their tax duplicate by reason of this exemption, but sooner or later the people will understand the justness of our claim and an appropriation will be made by this Congress to relieve our people of the unjust burden that is now imposed upon them.

ABOLISHING THE OFFICE OF COMMISSIONER TO THE FIVE CIVILIZED TRIBES AND SUPERINTENDENT OF THE UNION AGENCY AT MUSKOGEE AND REORGANIZING THE INDIAN SERVICE.

Mr. Chairman, I am strongly in favor of that provision of the bill which abolishes the office of J. George Wright, Commissioner to the Five Civilized Tribes, and Dana H. Kelsey, superintendent of the Union Agency at Muskogee, and provides for the appointment of an agent by the Secretary of the Interior to wind up the tribal affairs of our Indians. In 1895 the Congress of the United States passed an act creating what is commonly known in our State as the Dawes Commission; authorized this commission to treat with the Indians looking to the abolishment of their tribal status and the building of a State out of those reservations. It was expected by the Congress, by the people of this country, and especially by the people of Oklahoma, that this commission would speedily make it possible to divide in severalty and turn over to the individual Indians all of the vast property they had at that time and had theretofore held in common. Nearly 20 years have elapsed since that statute was enacted, and it seems to those of us who live in Oklahoma that we are not much nearer the end of tribal conditions in that State than we were when the Dawes Commission was provided for. Every man, woman, and child in my State—Indian and white—

most earnestly desire the final settlement of the Indian property and the final distribution among the Indians of the tribal property.

The officers and employees of the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, at Muskogee, have made a most dismal failure of winding up the tribal affairs and making final settlement of the tribal estates. I am firmly convinced that we will never be able to finally settle the Indian problem in Oklahoma and pay out to the Indians the money and funds that belong to them until we shall have effected a change in the personnel of the officers who represent the Interior Department in that State.

J. George Wright, Commissioner to the Five Civilized Tribes, and Dana H. Kelsey, superintendent of the Union Agency, have been in the service in Oklahoma for nearly 20 years. Wright, I believe, came to Oklahoma in 1897, and Kelsey's arrival, I believe, antedates Wright's. We can never secure a change of policy in that State until there is a change in the personnel of those who create and enforce the policy. It seems that the policy in existence down there at this time is to prolong matters just as long as possible and not wind them up and finally settle them. I believe if we can dispense with the services of these men, secure new blood and new ideas as to the final winding up and disposing of the tribal estates, we will speedily dispose of the Indian problem in Oklahoma, and I say this knowing that it is the universal wish of all the people of our State, both Indians and whites.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Will the gentleman in charge of the rest of the time proceed?

Mr. QUIN. Mr. Chairman, I believe this motion ought to prevail. The technical argument made by the distinguished gentleman from Oklahoma [Mr. MURRAY] to prevent the Mississippi Choctaw Indians who are not on this roll from ever participating in the funds and the lands that have been set apart for the Choctaw Tribe is specious, and for my part I believe is not in accord with equity and good conscience. This Government intended that the American Indian should have all of his rights, and because, forsooth, these Mississippi Choctaws did not have an opportunity to go to Oklahoma, because they never had the notice, because of the short time that was allowed for them to set up their rights and for them to know that they should go to Oklahoma, both because of the short time that was given and, on the other hand, the trickery of some schemers that never wanted to have these Choctaws to come in and take advantage of it, should cause this motion to be adopted now. It strikes me that these Indians who are back yonder in Mississippi yet should have that protection thrown around them under this motion and keep the fund from being dissipated and keep this $100 per capita—which amounts to $3,000,000—in the Treasury until the Indians of Mississippi can assert their rights; and, by the way, a $200 per capita amendment will be put on before you get through. Unless this motion to strike out the entire paragraph prevails, the ones who are now on the roll will get all the money, and those who were not fortunate enough to be on this roll, because of no fault of their own, but because of the negligence of the Government agents, will be barred from ever getting a dime of this fund. I am heartily in favor of this motion, Mr. Chairman. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. HARRISON. There will be but one speech on this side, and we would like to close.

The CHAIRMAN. The question is on the adoption of the amendment——

Mr. HARRISON. Mr. Chairman, I am ready to argue the proposition, but I thought, Mr. Chairman, because I had offered the amendment we would have the right to the last speech.

Mr. CARTER. Mr. Chairman, in the short time allotted to me I will not be able to give very much of the history of the relations between the Choctaws of Mississippi, the Choctaws of Oklahoma, and the Federal Government, covering a period of 84 years, but can only hope to touch the high and important places.

It has been repeatedly asserted on the floor of this House, and it was asseverated with the conclusion of a dictum that the Mississippi Choctaw never had his day in court. Let us see.

The Dawes Commission came to Oklahoma in 1893. By a subsequent act they were authorized to investigate claims of the Mississippi Choctaws to a division in property of the Indians west of the Mississippi. This commission made a most thorough investigation, not only in Oklahoma but proceeded to Mississippi and conducted there proceedings for several years. When they finally rendered their decision it was to the effect that the Mississippi Choctaws could not participate in the tribal property of the Indians in Indian Territory unless they should remove to and in good faith establish residence on that reservation.

This case was styled "Jack Amos et al. versus United States." It was appealed to the Federal court under authority given by a subsequent act. The Central United States District Court of Indian Territory took up the case and tried it de novo. This United States court affirmed the decision of the Dawes Commission, which was adverse to the Mississippi Choctaws, in a lengthy opinion, again setting forth that in order for one of these Indians to exercise any rights of citizenship and secure a division of tribal property of the Western Choctaws it would be necessary for them to remove to and establish bona fide residence in Indian Territory.

In the short time I have it will be impossible for me to read this long decision, but I will place it in the RECORD at the end of my remarks. This Amos case was appealed to the Supreme Court of the United States, and on motion of the attorney for the Mississippi Choctaws was dismissed at the cost of said Mississippi Choctaws. You will find this case in Nineteenth Supreme Court Reporter, page 873. So it looks, after all, as if our friends from Mississippi were somewhat mistaken as to the Mississippi Choctaws not having had their day in court.

Now, let us see what kind of representation the Mississippi Choctaw had in these cases. He had, I believe, Chester Howe, a leading attorney of this city, and J. E. Arnold, another attorney, also of this city. He had no less a personage than a present United States Senator, who is conceded to be one of the best lawyers on these matters in the United States Senate. He also had for his attorney W. T. Hutchins, of Muskogee, said to be one of the best attorneys in the Southwest. Do any of you think the rights of the Mississippi Choctaws were neglected with such eminent counsel as this? So our Mississippi friends were again mistaken as to their facts. But these splendid attorneys were only able to convince the court to order the enrollment of such as would establish bona fide residence on the western reservation.

An act of Congress was passed authorizing the Court of Claims to settle fees of these attorneys. They thought all the attorneys must have been included, but such vigorous demands were made by others that it was necessary, about 1908, to permit additional attorneys for the Mississippi Choctaws to interplead and set up right to these fees, and these cases are pending in the Court of Claims now. So the Mississippi Choctaw, instead of not having representation before the courts, had so many attorneys that it required two acts of Congress at two separate sessions of Congress to find them all, and the courts have not yet been able to dig them all up and distinguish among them.

But this is not all. This decision was rendered in the year 1899. It had been provided by the Atoka agreement, approved June 28, 1898, that no person should be enrolled who had not prior to the adoption of that agreement removed to and in good faith settled in the nation in which he claimed citizenship. The supplemental treaty was made with the Choctaws and Chickasaws and approved July 1, 1902, three years after the decision in the Jack Amos case. By this agreement the former date of residence was again affirmed except as to the Mississippi Choctaws. The Choctaws and Chickasaws in Indian Territory very graciously extended the time of residence to their brethren in Mississippi until March 4, 1907. More than that, the Choctaws and Chickasaws in Indian Territory ever stood ready and willing to accept their fellow tribesmen in Mississippi into full citizenship and all its emoluments at any time they would remove West, establish residence among them, and become one of their citizens.

Now, let us see what the conditions were at the time the treaty of 1830 was made. Indian Territory was an uninhabited country when it was conveyed in common to the Choctaws, who removed to Indian Territory. No rights whatever were given or could be exercised by any individual unless he resided upon the reservation. The lands under this title in common could not be conveyed nor could they be leased for any number of years. So how was anyone to receive any benefits from this reservation unless they removed to and resided upon the land? At that time no one thought of allotment of land in severalty, there was no separate title to any part of the Choctaw and Chickasaw land, and the treaty of 1830 specifically set forth that it was to "inure to them and their descendants so long as they exist as a nation and live upon it." This provision about living upon the reservation was reiterated in the patent, and unless the Choctaws had lived upon it under the terms of the patent title reverted to the United States. What would have

happened if the Indians now in Oklahoma had done as the Mississippi Choctaws did? Where would the title be now? It would be in the Federal Government, settled and owned by whites, and these Indians in Oklahoma would be exactly upon the same plane as those in Mississippi—that is to say, without a home.

I call the attention of my friends from Mississippi to the fact that the Choctaws who went to Oklahoma in the early days went there when there was no habitation in that part of the country. They went there when it was infested by the most warlike bands of Indians that this United States has ever seen. They went there when it was the refuge of desperadoes. They bared their breasts to the bullet of the white desperado and the arrow of the red warrior, when the Mississippi Choctaws were living in ease under the protection of the law, and many in luxury, down in the good old State of Mississippi.

When the Choctaws and Chickasaws moved to Indian Territory they were ceded something like 21,000,000 acres of land. They were ceded this land for what they relinquished when they abandoned Mississippi. It was not long before you came and forced them to give up a part of this land for settlement of what you called friendly Indians. These friendly Indians were the warlike Kiowas, Comanches, Cheyennes, Arapahoes, and Apaches, and the Choctaws and Chickasaws in Indian Territory were made the buffer to receive their attacks, which would otherwise have been inflicted upon the good people of Louisiana and Arkansas.

But this is not all. Finally these warlike tribes did become somewhat peaceful, and as soon as they did your white men came in. When they came these lands that had been taken ostensibly for the settlement of so-called friendly Indians were given into the hands of white men, and the reservation of the Choctaws and Chickasaws was therefore diminished from 21,000,000 acres to about 11,000,000 acres.

What was the next step? The Atoka agreement. Ah, Mr. Chairman, it took five years of conniving before you forced and cajoled the Choctaws and Chickasaws into accepting the terms of the Atoka agreement. When you did induce them to sign it you promised them by its terms that every one of the 11,000,000 acres of land which they then possessed would be divided equally among them, and this would have given them something over 500 acres per capita. But in 1901 you came back to them and told them it would be impossible to divide this land equally among them, but that if they would take a diminished allotment of 320 acres you would sell all the unallotted lands and distribute per capita the proceeds of the sales, which would be equal to the land. That is the sole purpose of this amendment. You promised them that this division should be made not later than March 4, 1907, and it is now almost March 4, 1914. All that is asked by this amendment is that you do what you agreed to do by the Atoka agreement. We ask you to keep faith with these helpless wards and pay the money that was promised them in the agreement of 1902. No man can vote to strike out this per capita amendment to-day without violating the sacred pledge of the Federal Government and without himself breaking faith with the helpless wards of this Government.

The decision in the Jack Amos case is appended hereto:

DECISIONS OF COURTS IN CITIZENSHIP CASES IN FIVE CIVILIZED TRIBES.

CHOCTAW NATION.

(Opinion of William H. H. Clayton, judge central district of Indian Territory.)

There are upon the docket of this court, appealed from the commission to negotiate with the Five Civilized Tribes, known as the Dawes Commission, 241 cases, involving the right of citizenship in the Choctaw Nation of about 2,500 applicants.

All of these cases have been by my predecessor, Judge Lewis, placed on the equity side of the docket, and in the case of Mary A. Sanders, No. 63, a motion to transfer to the law side of the docket was filed and argued and by him overruled. It is not my purpose in these cases to disturb or to go back and open up questions already decided, but to adopt the past rulings of the court and to proceed as rapidly as possible to a final disposition of them. In passing I will remark, however, that it seems to me that the peculiarity of these cases, the many suits brought by persons having a common interest and a common purpose against the same defendant, the difficulties of enforcing the rights by judgments at law, and the many equities claimed by both parties to these suits make them proper cases for a court of equity.

The question of the jurisdiction of this court to hear and determine these cases has been raised by the pleadings. The counsel on neither side, however, have seen fit to press this question or to point out, either by brief or oral argument, the reasons for this contention. The statute giving the court jurisdiction is plain, and I know of no constitutional objections. It has been said, however, that Congress does not possess the power, under the Constitution, to give to the courts of the United States appellate jurisdiction over the final orders and awards of commissions and other such tribunals. This very question was raised in the case of The United States *v.* Ritche, decided by the Supreme Court of the United States, and reported in volume 58, United States Supreme Court Reports, page 524. In that case the proceedings were originally commenced before a board of commissioners to settle private land claims in California, under an act of Congress of March 3, 1851. Provisions were made by the act, at the suit of the losing party, for an appeal to the United States district court for the northern district of California. The board decided the case in favor of the claimant and against the Government. The United States appealed, in accordance with the provisions of the statute, to the aforesaid district court, where it was again tried de novo and an appeal regularly taken to the United States Supreme Court. In that court the question of the jurisdiction of the district court to try the case was raised. The contention is stated in the opinion. In deciding the case the court say:

"It is also objected that the law prescribing an appeal to the district court from the decision of the board of commissioners is unconstitutional, as this board, as organized, is not a court under the Constitution and can not, therefore, be vested with any of the judicial powers conferred upon the General Government.

"But the answer to this objection is that the suit in the district court is to be regarded as an original proceeding, the removal of the transcript, papers, and evidence into it from the board of commissioners being but a mode of providing for the institution of the suit in that court. The transfer, it is true, is called an appeal; but we must not, however, be misled by a name, but look to the substance and intent of the proceedings. The district court is not confined to a mere reexamination of the case as heard and decided by the board of commissioners, but hears the case de novo, upon the papers and testimony which had been used before the board, they being made evidence in the district court, and also upon such further evidence as either party may see fit to produce."

Following this decision, I will in these cases proceed as if they were originally brought in this court, try them de novo, and give to all of the parties all of the advantages of an original suit—that is, all cases brought here in conformity with the statute.

It is therefore ordered by the court that the claimants to the right of citizenship in these cases may have 15 days from this date—that is, until the —— day of July, 1897—in which to take and file further proof, and that the Choctaw Nation may have immediately thereafter 15 days in which to take and file further rebuttal proof—that is, from the said —— day of July, ——, until the —— day of July, 1897—and that all legal testimony heretofore taken and filed with the so-called Dawes Commission shall be considered as competent proof on the trial of these cases.

And that the trial of all of these cases, except such as may be disposed of otherwise, are hereby set for trial on Tuesday, the —— day of ———, 1897.

These cases naturally divide themselves into six heads or classes, to wit:

1. As to the right of citizenship of those Choctaws who, under the treaty of 1830, decided to remain in the State of Mississippi, called "Mississippi Choctaws," and have not since removed into the present Choctaw Nation.

* * * * * * *

[No. 158.]

I.—JACK AMOS ET AL. *v.* THE CHOCTAW NATION.

In this case the proof shows that the claimants are Choctaw Indians by blood now living in the State of Mississippi; that neither they nor their ancestors have ever removed into the present Choctaw Nation.

The claimants base their right to be enrolled as Choctaw citizens upon the terms of the second and fourteenth articles of the treaty negotiated at Dancing Rabbit Creek on September 27, 1830, and of the conditions of the patent to the lands of the Choctaw Nation executed by President Tyler in the year 1842. (Durant Ed. Choctaw Laws, p. 31.)

Articles 2 and 14 of the treaty of 1830 are are follows:

"ART. 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United States, or to those limits; thence due south to Red River and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present treaty shall be ratified.

"ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the State, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The conditions of article 2 of the treaty, that the land should be conveyed "to the Choctaw Nation in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," are carried into the patent, and are the only portions of that instrument which shed any light on the question now being considered, and therefore article 2 and the conditions of the patent may be considered together.

The whole object of the treaty of 1830 was to procure the removal, as far as practicable, of the Choctaw people to the lands west of the Mississippi which they now occupy. The Supreme Court of the United States, in the case of the Choctaw Nation *v.* United States (119 U. S., 36), after reviewing the treaties of 1820 and 1825, says:

"In the meantime, however, under the pressure of the demand for settlement of the unoccupied lands of the State of Mississippi by emigrants from other States, the policy of the United States in respect to the Indian tribes still dwelling within its borders underwent a change, and it became desirable, by a new treaty, to effect, as far as practicable, the removal of the whole body of the Choctaw Nation, as a tribe, from the limits of the State to the lands which had been ceded to them west of the Mississippi River. To carry out that policy the treaty of 1830 was negotiated."

Again, in the case, page 27, the court says:

"It is notorious as a historical fact, as it abundantly appears from the records of this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed not so much to secure to the Indians the rights for which they had stipulated, as to effectuate the policy of the United States in regard to their removal."

Article 3 of the treaty of 1830 stipulates that the Choctaws agree to remove all of their people during the years 1831, 1832, and 1833 to those lands. (7 Stat. L., 333.)

Article 14 of the treaty, however, provides for certain privileges and rights for those who might choose to remain in Mississippi with a view of becoming citizens of that State. They and their descendants were to receive certain lands and, after living on them for five years, intending to become citizens of the State, those lands were to be granted to them in fee simple. Then follows this very peculiar clause:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The difficulty in construing this clause of the treaty is to ascertain the meaning of the word "remove." To what does it relate and how shall we give it meaning? It certainly does not purpose to impose a penalty on the Choctaw who may choose to remove for removing, and for that reason forfeit his right to the annuity, because so long as he remained in Mississippi he was not entitled to any annuity, and therefore by removing he could not forfeit that which he did not have. If he removed he was to have no annuity, and if he remained he was to have no annuity. It is evident, therefore, that the word was not used for the purpose of forfeiting the annuity in case of removal. Then what are its uses? The very object of the treaty was to procure a removal of these people. The whole of the Choctaw Nation, with all of its sovereignty, its powers, and its duties, was to be transferred beyond the Mississippi. It was to exercise its powers, confer its privileges, and maintain the citizenship of its people in another place. Those who were *left* behind to retain not this Choctaw citizenship but only the "privileges of a Choctaw citizen;" that is, that when they put themselves into a position that these privileges could be conferred upon them they were to have them, and under the conditions and purposes of this treaty how would it be possible for them to put themselves in such a position without first removing within the territorial jurisdiction of the Choctaw Nation and within the sphere of its powers? What privilege would it be possible for the Choctaw Nation to confer or a Mississippi Choctaw to receive so long as he remained in Mississippi and out of the limits of the Choctaw Nation? By the very terms of the treaty they were to become citizens of another State, owing allegiance to and receiving protection from another sovereignty. If one Mississippi Choctaw were to commit a wrong against the person or property of another, the right would be enforced and the wrong redressed under the laws of Mississippi. The Choctaw Nation would be powerless to act in such a case. The Choctaws in that State can not vote, sit as jurors, or hold office as a Choctaw citizen or receive any other benefit or privilege as such. They can not participate in the rents and profits of the lands of the Choctaw Nation, because by the very terms of the grant the Choctaw people and their descendants must live upon them. If they do not, it is an act of forfeiture, made so by the provisions of article 2 of the treaty of 1830 and also of those of the patent to their lands afterwards executed.

The title of the Choctaw people to their lands is a conditional one, and one of the conditions of the grant, expressed in both the second article of the treaty of 1830 and the patent, is that the grantee shall live upon them. And who are the grantees? Who are these people who are to live upon the land? Unquestionably the Choctaw people and their descendants, for while the grant is to the Choctaw Nation the people seem to be included, both as grantees and beneficiaries. The language of the treaty is, and it is carried into the patent:

"The President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The Choctaw Nation is not "them" and can not have "descendants." And while it may exercise its sovereignty and its national powers within certain defined territorial limits it can not "live on land." Those provisions of the grant which are expressed in the plural and attach to "descendants" and which require as a condition that the land shall be lived on beyond doubt refer to the Choctaw people and their descendants. Whatever effect upon the title the limitation upon the right of alienation expressed in the patent, so that the lands can not be sold except to the grantor or by its consent, may have, there can be no question but that the second article of the treaty of 1830, negotiated 12 years before the execution of the patent, and in which no limitation on the right of alienation is expressed, was intended to convey a fee-simple title, burdened by two conditions subsequent, the one that the grantees should continue the corporate existence of their nation, and the other that the people of that nation and their descendants should forever live upon the land. A failure of either would work a forfeiture of the title to the grantor.

Now, why was it that this fee-simple title was to be burdened by the condition that the grantee must live on the land? In the light of the knowledge of the conditions that then existed the answer is plain. The policy of the Federal Government at that time, relating to the Indian tribes, was to move them upon a reservation and keep them there; and if the Indian, either singly or in numbers, should stray off, soldiers with guns and bayonets were used to drive them back. This very treaty was negotiated with the Choctaws for that very purpose. Hence the condition in the grant that they should live on the land or it should be subject to forfeiture to the United States. This condition was inserted for two reasons: First, to compel the grantees to remove upon the lands, and, second, to compel them to remain on them after removal. It was not intended that some should go and locate on the lands and hold the title for themselves and also for the others who should choose to remain. This would defeat the very object of the condition. These lands were conveyed to the Choctaw people to be held by them as tenants in common. This intention of the second article of the treaty of 1830 is expressed by the use of the words "them and their descendants" and of the clause that they were to "live on the land." Both of these clauses are expressed in the plural and evidently do not relate to the nation as a corporate body. That a tenancy in common was intended is made clear by a consideration of section 3 of an act of Congress entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi River," approved May 28, 1830 (4 U. S. Stat. L., 412). The section reads as follows.

"And be it further enacted, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always,* That such lands shall revert to the United States if the Indians become extinct or abandon the same."

At the time the treaty of 1830 was negotiated, September 29, 1830, this act had been on the statute books of the United States for four months, and as a matter of course the commissioners to negotiate the treaty were familiar with it. But the language used in this act to limit the estate is "to them, their heirs, or successors." The language used in the treaty to limit the estate therein granted is "in fee simple to them and their descendants," and then conditions are attached not named in the statute. Why the word "successors" was left out of the treaty is plain. But why the word "heirs" was changed to the word "descendants," unless it was that a word should be used within the comprehension of those untutored Indians, who knew nothing of the technical phrases of the common law used in the conveyance of real estate, is not easy to determine. The word "successors" was omitted from the treaty because by its terms the Choctaw Nation was to have no successors. They were to live on the land forever, or it should be forfeited to the grantor. When the technical words "successors" and "heirs" were dropped and the common word "descendants" was used, these Indians could understand it. They knew what they and their offspring were. It was to them—the people and their children—that the land was sold and when the condition was added that the grant was to be made to them and their descendants only in the event that they should live upon the lands, they could not but understand that this implied a removal to and a continual residence upon them.

As a further evidence that the parties understood that by this transaction the land was to be held in common by the people, the treaty of 1833, article 1, provides, after describing the lands, as follows:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same. (4 U. S. Stat. L., 276.)"

If this be true, there is no holding in trust by the corporate body of the Choctaw Nation for the benefit of the people, but the people themselves have the title and hold it in common.

"A tenancy in common is a joint estate in which there is unity of possession, but separate and distinct title. The tenants have separate and independent freeholds or leaseholds in their respective share, which they manage and dispose of as freely as if the estate was one in severalty. * * * The interest of one tenant in common is so independent of that of his cotenant that in a joint conveyance of the estate it would be treated as a grant to each of his own share of the estate. (Tiedeman on Real Property, 235.)"

And therefore any condition of the grant would be as binding on each of the tenants in common as if the estate was in severalty and vested in the individual tenant. And therefore the condition named in the second article of the treaty of 1830 and in the patent, that "they shall live on the land," is binding individually upon each and upon all of the grantees.

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes, and thereafter exercise with them in their own country the privileges of citizenship, they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed, the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they were to live upon them or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly located nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give to every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has

passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey, and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the general council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore

"Be it resolved by the general council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is, not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the State that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

As a further evidence of the fact that all of the parties to the treaty, the United States, the Choctaw Nation, and the Mississippi Indians themselves, have always understood that the Mississippi Choctaws were entitled to none of the rights of a Choctaw citizen so long as they remained in that State, attention is called to the fact that the lands in Mississippi which were ceded to the United States by the Choctaw Nation by virtue of the treaty of 1830 were, under the laws of the United States, sold. The Choctaw Nation claimed that they had never been paid any consideration for them, and that the United States justly owed them the net proceeds arising out of the sale. For many years this contention was carried on before the departments of the Government, commissions, and other tribunals. Finally, by treaty, it was submitted to the Senate of the United States for decision. That body found in favor of the Choctaw Nation. The case then went to the Court of Claims, and from there to the United States Supreme Court, in which court judgment was finally rendered for nearly $3,000,000. This judgment was rendered in November, 1886. The money was turned over to the Choctaws by the United States, and by them, with the knowledge and consent of the United States, divided among their own people who lived in the nation. Not one farthing of it was ever paid to an absent Mississippi Choctaw, and no portion of it was ever claimed by them. During this whole litigation, running through many years, no effort was made to make themselves parties to the suit. And when the money was finally paid to the Choctaw authorities, to be divided among the people, they made no claim for any part of it and entered no protest to its being paid to the resident Choctaws, nor have they brought suit for their share since. The other party to the treaty, the United States Government, the guardian of these Indians, paid the money over without making any provision for the Mississippi Choctaws to get their share, or intimating that anything was due them. When it is remembered that this money was the proceeds of the sale of the lands in Mississippi belonging to the united Choctaw people while they lived in that State, and that the great bulk of the Mississippi Choctaws had never received one farthing for their share in the lands, if they, living in Mississippi, are entitled there to the rights of a Choctaw citizen, it is remarkable that they did not assert their rights.

Again, a few years ago, the interest of the Choctaws to lands lying west of their present boundaries was sold by them to the United States for a considerable sum of money. This, like the other, was promptly divided among the resident Choctaws with the knowledge and consent of the United States, and without protest or claim of the Mississippi Choctaws. If they are entitled to the privilege of Choctaw citizens without removing into the boundaries of the nation, they are and were entitled to their pro rata share of this money. If they do not understand that they have no claim to the rights of citizenship without moving into the country, why have they for the past 65 years silently stood by and permitted these kinds of transactions to be had without claim, protest, or suit?

The Eastern Band of Cherokees, now residing in North Carolina, sustained a relationship to the Cherokee Nation almost identical to that sustained by the Mississippi Choctaws to the Choctaw Nation. Like the Mississippi Choctaws, there were some among them who were averse to moving to their new country west of the Mississippi River. Provisions were made for them by the treaty of New Echota (the treaty of 1835) between the Cherokee Nation and the United States, similar to those with the Choctaws by the treaty of 1830. When the Cherokee people moved to the present home of the Cherokees, these remained behind in North Carolina, where they have ever since resided. Like the Choctaw treaty of 1830, the treaty of New Echota provided that their lands should be ceded to them and their descendants, etc. The Cherokee Nation, by virtue of a treaty with the United States, afterwards sold some of these lands. The Eastern Band of Cherokees, in North Carolina, unlike their Mississippi Choctaw brethren, promptly demanded their pro rata of the proceeds of this sale, and upon being denied at once sought and obtained permission of the United States to sue the Cherokee Nation in the Court of Claims for this money, and also, in the same suit, to sue for another fund which was created by the treaty of New Echota, consisting of certain annuities in the sum of $214,000, of which the Eastern Band of Cherokees claimed a pro rata share. The suit was brought and the Court of Claims, in a very elaborate and learned decision, decided against the right of the Eastern Band of Cherokees to recover, upon the ground that those Cherokees, by the act of remaining in North Carolina, had alienated themselves from the Cherokee Nation to such an extent that they could not claim any of the rights of a Cherokee citizen without moving into the Cherokee Nation and there being readmitted in accordance with the constitution and laws of that nation. The case was appealed to the Supreme Court of the United States, and there the decision of the Court of Claims was affirmed. (Eastern Band of Cherokees *v.* United States, 117 U. S., 288.) In that case the Supreme Court, after reviewing all of the treaties and statutes relating to the matter, concluded by saying:

"If the Indians in that State (North Carolina) or in any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided. They can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. Those funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation, and not in any respect for those who had separated from it and become aliens to their nation. We can see no just ground on which the claim of the petitioners can rest in either of the funds held by the United States in trust for the Cherokee Nation."

It seems to me that this decision of the Supreme Court, founded on a case so nearly similar to the one at hearing, conclusively settles the contention in favor of the Choctaw Nation. Indeed, in that case, the Supreme Court expresses a very strong intimation that those provisions of the treaty of New Echota relating to and providing for those Cherokees who should refuse to remove West were confined in their operation to that class of Cherokees then in esse, and the rights conferred by those provisions of the treaty did not descend to their offspring; that the descendants of those Cherokees did not succeed to the rights of their ancestors under the treaty. The language of the Supreme Court is:

"Nor is the band (Eastern Band of Cherokees), organized as it now is, the successor of any organization recognized by any treaty or law of the United States. Individual Indians who refuse to remove West and preferred to remain and become citizens of the States in which they resided were promised certain moneys, but there is no evidence that the petitioners have succeeded to any of these rights. The original claimants have probably all died, for 50 years have elapsed since the treaty of 1835 was made, and no transfer from them to their legal representatives is shown. (Ib.,310.)"

The court proceeds, however, to decide this case, as heretofore shown, on the ground that the Indians composing the Eastern Band of Cherokees had not removed into the Cherokee Nation and reassumed their citizenship under the constitution and laws of that nation.

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

The counsel for the claimants lay considerable stress on the effect of the provisions of article 13 of the treaty of 1866 between the United States and the Choctaw Nation. (14 Stat. —.)

By the eleventh and twelfth articles of that treaty a scheme was devised by which the lands of the Choctaw and Chickasaw Nations were to be surveyed and divided and allotted to the individual Indians, provided the councils of the respective nations should agree to it, which, however, they have refused to do. A land office was to be established at Boggy Depot, in the Choctaw Nation. When all of the surveys were completed, maps thereof were to be filed in the said land office, subject to the inspection of all parties interested, and immediately thereafter notice of such filing was to be given for 90 days, calling upon all parties interested to examine said maps, to the end that errors in the location of occupancies, which were to be noted on the maps, might be corrected. Then followed article 13 of the treaty, which is as follows:

"ART. 13. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof."

From an examination of this article of the treaty it will be seen that the Choctaws and Chickasaws recognized the right of absent members of their nation to participate in the allotment and the subsequent ownership of their lands to the same extent as they themselves enjoyed, but on conditions, however: First, that they should satisfy the register of the land office of their intention to become bona fide residents in the said nation within five years from the time of said selection; and, second, that within the said five years they should actually remove into the said nation (here is a statute of limitation); and third, that within the said five years they should occupy and commence an improvement upon the selected lands.

It will be observed that this latter clause imposes a condition on absent Indians nowhere required of the resident ones by any clause of the treaty. They were required to move into the country and show their good faith and their intention to remain bona fide citizens of the nation by actual occupancy of the land and an expenditure of money in its improvement. The notice was to be given them in order that they might have an opportunity of removing into the nation and there residing and resuming their rights as citizens; but care was to be taken, and safeguards provided by which their removal was to be actually had, and that it was to be done in good faith. First, the register of the land office was to be convinced, by such proof as might satisfy him, of the intention of the absent Indian to become a bona fide resident of the nation before he was allowed to make a selection; and, second, that was to be followed by an actual occupancy and improvement of the land; and if he failed in this, it worked a forfeiture of his rights. Nowhere within the whole treaty is any right recognized or conferred on an absent Indian except on the condition that he shall remove into the nation, and the right is not to be consummated or enjoyed until after actual removal. No treaty or act of the Choctaw council, or of any officer of the Choctaw Nation, since the treaty of 1830, can be cited, or at least I have not found them, whereby any right or privilege has been conferred, granted, or recognized in or to a Mississippi Choctaw, so long as he shall remain away from his people, but there are an infinitude of such acts and conduct granting and recognizing such rights and privileges to him after he shall have removed.

The provisions of the treaty of 1866, so far from being an authority in favor of the contention of claimants, seems to me to be strongly against them.

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable.

It is therefore the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] is recognized for three minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to call the attention of the committee to the matter in hand. We have wandered a great way from the proper determination of the section, and I desire to read that part of the language which it is moved to strike out. It is as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make a per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians of the Five Civilized Tribes entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank, or held by any official under the jurisdiction of the Secretary of the Interior, same to be made under such rules and regulations as he may prescribe: *Provided*, That in cases where such members are Indians whose restrictions have not been removed the Secretary of the Interior may, in his discretion, withhold such payment and use the same for their benefit.

I hope that this will not be stricken out, Mr. Chairman, for the reason that there are sufficient funds in the Treasury now to take care of all the Mississippi Choctaws that remain in Mississippi, and a committee has been appointed to ascertain from the various bills now pending before the Committee on Indian Affairs the necessary data relative to the putting on the rolls of such Choctaws and Chickasaws as are entitled to go upon the roll. That matter will be passed upon in due time, and there is in the Treasury now to the credit of the two tribes the sum of more than $7,000,000. In addition, they have coal lands amounting to 400,000 acres; coal lands and asphalt lands that are worth anywhere from $20,000,000 to $100,000,000. They also have a million and a half acres of timbered lands that are worth at least $7,000,000. So that you will see that there are sufficient funds belonging to this tribe of Indians to take care of those Choctaw Indians in Mississippi.

There is at present in the Treasury $260 per capita. That does not take into consideration the coal lands and asphalt lands, and all that, but it is money actually in the Treasury to the credit of those Indians. If you take out $100, that leaves $160 in the Treasury per capita for the benefit of those Indians.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STEPHENS of Texas. I have only two minutes.

Mr. NORTON. What rate of interest is this money bringing the Indians in the Treasury?

Mr. STEPHENS of Texas. Four per cent, as I am informed.

Mr. NORTON. Does the gentleman know what rate of interest these Indians are paying for money down there in Oklahoma?

Mr. MURRAY of Oklahoma. About 18 per cent. [Laughter.]

Mr. STEPHENS of Texas. It runs up to the usury laws. It runs up as far as 10 per cent.

Mr. NORTON. Is it not fair and just that they should have this money?

Mr. STEPHENS of Texas. Yes. That is the reason why I think this $100 per capita should be paid to them.

Mr. MADDEN. That is to pay interest on what they owe?

Mr. STEPHENS of Texas. That is to buy bread and meat and clothing.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SISSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 12 minutes.

Mr. SISSON. Mr. Chairman, I yield the remainder of my time to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman and gentlemen, I do not want any member of this committee to think that either the Representatives of Mississippi or the Mississippi Choctaws are trying to get anything they are not entitled to receive.

I want to lay down one fundamental proposition, and that is that when civilization was progressing in Mississippi and all the Choctaws lived in Mississippi, the only way they could get the Choctaws to leave Mississippi was by incorporating the fourteenth article of the treaty of 1830, which provided specifically that every Choctaw Indian who desired to remain in Mississippi and continue to live around his happy hunting grounds and work occasionally in the fields that he had always plowed might do it by going to the agent of the Government and signifying his intention to stay there, and in that way remain in Mississippi; and by complying with the express terms of the treaty he would not lose any of his rights as a Choctaw citizen. And consequently I would, in the very beginning, disabuse your minds of any idea that simply because these Indians live in Mississippi they are not still a part of the Choctaw Tribe.

Now, the Government sent this man Ward there in order that these Indians might prove their right or intention to stay in Mississippi. He went there, and the evidence shows that he was so careless and so reckless and that he got so drunk and stayed so drunk that he accepted the applications of only 143 Choctaws, and every piece of law that has been written in the interest of the Mississippi Choctaws since that time has been based upon the fact that the Mississippi Choctaw had to do either one of two things: One was that he had to remove to Oklahoma, and thereby violate the fourteenth article of the treaty referred to, which guaranteed him the right to remain in Mississippi; and the other was that his ancestors had to actually receive a patent.

Now, the proof, as I say, shows that only 143 of them originally received a patent, and, consequently, if you confine it to this proposition, no one could every possibly prove that he had rights under the fourteenth article of the treaty.

The gentleman from Oklahoma [Mr. CARTER] says that under the decisions of the courts so far every opportunity has been given to the Mississippi Choctaws to prove their rights. The gentleman is altogether mistaken about that. The gentleman also talks about Senator OWEN. Let me tell you what Senator OWEN says about the Mississippi Choctaws. He represented them, and in a brief filed in the court recently he says, in part:

It will thus be seen that there was a secret underhand opposition to the Mississippi Choctaws, because it must be remembered that this rule of identification, made by the Dawes Commission on March 10, 1899, and submitted by report to the Secretary of the Interior, was pigeonholed for eight years and then disapproved without notice. That is the roll where over 1,100 Mississippi Choctaws went before the Dawes Commission and proved their right to be enrolled, and when that list came up here it was never put on the final rolls of the tribe.

That is what the Senator from Oklahoma says. He differs from the distinguished Representatives of that State. He goes further and says:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, without notice or warning, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Choctaw, and finally the entire schedule was rejected without notice.

If the gentlemen from Oklahoma think that the Mississippi Choctaws are trying to get something that they are not entitled to, why have they introduced into this Congress bills asking that the Government of the United States provide homes for the Mississippi Choctaws? I will tell you what they want. They want to saddle the Mississippi Choctaws onto the Federal Treasury, and thereby have all the money for their own Oklahoma Indians. Be not deceived by it, gentlemen. They say that we are not entitled to receive anything. Let me tell you. In 1881 the Choctaw Tribe in Oklahoma sued the Government of the United States for injuries done to the Mississippi Choctaws in Mississippi. A part of the injury complained of was that the Government failed to give the Mississippi Choctaws their allotment of lands, failed to right the wrongs committed by this man Ward in Mississippi. They recovered a judgment for $8,000,000. You ask me where it went to. I say it went into the tribal funds of the Choctaw Nation. Are we doing anything that is not right when we ask you, the representatives of the American people, that this money shall, in part, go to those Indians in Mississippi, for whom the Oklahoma Choctaws recovered the judgment? Are we asking too much when we plead for simply that? And yet the Oklahoma Representatives say we are trying to get something to which we are not entitled.

Mr. Chairman and gentlemen of the committee, this matter was up in the Sixty-second Congress on a bill that I introduced. That bill went before a subcommittee composed of distinguished gentlemen in this House, men who had no interest in Mississippi, who had no interest in Oklahoma. The gentleman from Minnesota [Mr. MILLER], the gentleman from Missouri [Mr. RUSSELL], and the gentleman from New York [Mr. SMITH] gave that bill full and exhaustive consideration. They held exhaustive hearings. The distinguished gentleman from Oklahoma [Mr. CARTER] was there at the hearings. The attorneys representing the Choctaw Nation——

Mr. CARTER. I was not at those hearings.

Mr. HARRISON. The gentleman was there at some time during those hearings.

Mr. CARTER. No; I was not.

Mr. HARRISON. Then I withdraw that statement. The gentleman knew what was going on all the time, and he had a right to appear before the committee.

Mr. CARTER. But I was not there.

Mr. HARRISON. The gentleman had a right to be there, because it was an open hearing and everybody had a right to appear before the committee. Here is what Mr. RUSSELL, the chairman of that subcommittee, said:

Mr. RUSSELL. Mr. Chairman, your subcommittee, to which was referred House bill 19213, introduced by Mr. HARRISON of Mississippi, of which subcommittee I was made chairman, desires to submit its report.

Your committee has agreed upon a report, and I will submit the same in writing, after giving briefly my own conclusions and the reasons that have led me to such conclusions.

* * * * * * *

Our written report is as follows:

Your subcommittee, to which was referred H. R. 19213, having extensively considered the same, is of the opinion and recommends:

First. That a considerable number of Indians not enrolled are entitled to the benefits of Choctaw citizenship.

Second. That members of the following two classes are entitled to such benefits:

(a) All full-blood Choctaws.

(b) All mixed-blood Choctaws, who can prove descent from an ancestor who received or was entitled to receive a patent to lands under article 14 of the treaty of 1830.

Third. That the Secretary of the Interior be requested to furnish this committee from records in his possession or under his control, and within nine months from the date hereof, a list of those who comprise the two above-named classes and who are not enrolled as Choctaws.

That is signed by that subcommittee. The gentleman says that in 1902 Congress passed a law here giving to the Mississippi Choctaws the right to go into Oklahoma and prove their claims. Ah, the act that the gentleman talks about is the act of this man McMurray, whom you read about occasionally in the papers, and who once got into a controversy with Senator GORE. That man McMurray boasted that he wrote all the laws that were passed while he was attorney for the Choctaw Nation. Here is what he said:

As a matter of fact, I am willing to take the responsibility of almost all the Choctaw and Chickasaw people's doings during these years on the firm of Mansfield, McMurray & Cornish. There was hardly a bill affecting the general affairs that was passed that we didn't O. K., and there never was a bill suggested by us that was not passed; so whatever there is in this work, good or bad, it rests upon us.

Gentlemen, let me tell you the contract that he had. He was getting $5,000 a year from the Choctaw Tribe for representing them, and under this law that he says he wrote and which he caused to be passed, he got a commission, in addition to his salary, for every Mississippi Choctaw that he kept off the rolls.

Mr. CARTER. The gentleman does not mean to say that.

Mr. HARRISON. I know the gentleman differs with me on that.

Mr. MADDEN. How much was the total of the commissions which he would collect if this thing became successful?

Mr. HARRISON. I do not know.

Mr. MADDEN. It was about $3,000,000, was it not?

Mr. HARRISON. Away up there—some stupendous sum.

Mr. CARTER. I am not going to put anything into the RECORD except this——

Mr. HARRISON. Do not take this out of my time, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. CARTER. I am going to put that contract in the RECORD, Mr. Chairman.

Mr. HARRISON. If the gentleman is so much in the confidence of Mr. McMurray that he can get his contract, let him put it in the RECORD.

Mr. CARTER. The gentleman can get the contract, for it is a public record.

Mr. HARRISON. But the law that they say was so fair to the Mississippi Choctaws was written in such an astute and adroit way that the Mississippi Choctaws were not entitled to get anything under it. Let me read to you the beginning of it:

ART. 41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of the said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such application all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who receive a patent to land under the said fourteenth article of the treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the rights of citizenship in the Choctaw Nation. All of said Mississippi Choctaws so enrolled by said commission shall be upon a separate roll.

Under this act these Indians had six months after identification to go to Oklahoma, take up their allotment of lands, live there for six months and then be enrolled; but already under the law of 1898 the time for identification had expired or had almost expired. There was the joker. No matter which way they turned they could not get to Oklahoma under that act of 1902 and be enrolled, because the time for identification had expired.

I hope that the motion will prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the motion of the gentleman from Mississippi.

Mr. HARRISON. Mr. Chairman, a parliamentary inquiry. What is the pending motion?

The CHAIRMAN. The motion to strike out the paragraph.

Mr. LENROOT. I have an amendment to that.

Mr. MANN. What became of the amendment of the gentleman from Arkansas?

The CHAIRMAN. That was withdrawn by unanimous consent. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 34, by adding, at the end of line 8, the following:

"*Provided further*, That in the final distribution of moneys belonging to said tribes, the per capita payment herein authorized shall be taken into account in determining per capita payments to which each Indian shall be entitled."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against the amendment, that it is new legislation, and not germane to the subject matter of the bill.

Mr. MANN. I should not think it would require any discussion or consideration to show that the amendment is germane. It is proposed to pay a certain sum of money. We can pay it or withhold it. We can pay it on conditions.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. STEPHENS of Texas. I do not.

Mr. CARTER. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

The CHAIRMAN. The Chair thinks the amendment is germane. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Mississippi [Mr. HARRISON] to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were 43 ayes and 17 noes.

Mr. CARTER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-four Members present, not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names.

Adair	Burke, S. Dak.	Ferris	Hinebaugh
Adamson	Butler	Foster	Hobson
Aiken	Byrnes, S. C.	Francis	Howard
Ainey	Calder	Gallagher	Howell
Alexander	Campbell	Gardner	Hoxworth
Anthony	Candler, Miss.	Gilmore	Hughes, Ga.
Ashbrook	Cantor	Gittins	Hulings
Austin	Carew	Glass	Johnson, S. C.
Avis	Carlin	Goeke	Jones
Bartholdt	Carr	Goldfogle	Keating
Bartlett	Casey	Goodwin, Ark.	Keister
Bathrick	Clancy	Gorman	Kennedy, R. I.
Beall, Tex.	Copley	Graham, Pa.	Kent
Bell, Ga.	Cramton	Gray	Kiess, Pa.
Blackmon	Crisp	Griest	Kinkead, N. J.
Bowdle	Curley	Griffin	Konop
Brockson	Dale	Gudger	Lee, Ga.
Broussard	Dershem	Hamill	L'Engle
Brown, W. Va.	Difenderfer	Hardwick	Levy
Browne, Wis.	Donohoe	Hart	Lindquist
Bruckner	Dooling	Helm	Loft
Bryan	Eagle	Helvering	McClellan
Burgess	Evans	Hill	McDermott
Burke, Pa.	Fergusson	Hinds	McGillicuddy

McLaughlin	O'Leary	Roberts, Mass.	Sutherland
Maher	O'Shaunessy	Roberts, Nev.	Switzer
Martin	Page, N. C.	Rubey	Taggart
Merritt	Paige, Mass.	Rucker	Talbott, Md.
Metz	Park	Scully	Taylor, Ala.
Mondell	Parker	Seldomridge	Taylor, Ark.
Montague	Plumley	Sells	Taylor, Colo.
Mott	Porter	Sharp	Temple
Murdock	Powers	Small	Tribble
Neely, W. Va.	Prouty	Smith, Saml. W.	Vare
Nelson	Ragsdale	Smith, N. Y.	Walker
O'Brien	Rayburn	Smith, Tex.	Wallin
Oglesby	Richardson	Stanley	Wilson, N. Y.
O'Hair	Riordan	Sumners	Woodruff

The committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and finding itself without a quorum he had caused the roll to be called and 281 Members had answered to their names, and he presented a list of the absentees.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 12579, the Indian appropriation bill, and finding itself without a quorum, under the rule had the roll called, and 281 Members answered to their names. A quorum is present, and the committee will resume its session.

The House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. When the point of no quorum was made the committee was dividing on the motion made by the gentleman from Mississippi [Mr. HARRISON] to strike out the paragraph. The question is upon his motion to strike out the paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that the paragraph which it is moved to strike out be read.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk again read the paragraph in the bill.

The CHAIRMAN. The motion is to strike out the paragraph just read by the Clerk.

Mr. STEPHENS of Texas. Mr. Chairman, all debate has been closed on this amendment, but I hope the amendment will not be adopted.

Mr. HARRISON. Mr. Chairman, what was the vote in the Committee of the Whole just prior to the point of no quorum?

The CHAIRMAN. The Chair does not think that is material.

Mr. MADDEN. It was 42 to 17.

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi to strike out the paragraph.

The committee again divided; and there were 118 ayes and 49 noes.

So the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise, and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

By direction of the Committee on Agriculture, Mr. LEVER reported the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, which was read a first and second time and, with the accompanying report (No. 295), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

Mr. MADDEN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois, Mr. MANN, and the gentleman from Illinois, Mr. MADDEN, reserve all points of order on the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. NEELEY of Kansas for one week, on account of important business.

RAILROADS IN ALASKA.

The SPEAKER laid before the House the bill S. 48, the Alaskan railroad bill, with House amendments thereto disagreed to by the Senate.

Mr. HOUSTON. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House insist upon its amendments to the Alaskan railroad bill and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The Chair announced the following conferees: Mr. HOUSTON, Mr. DAVENPORT, and Mr. GUERNSEY.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11325. An act to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1346. An act to authorize the Eastern Maine Railroad to construct a bridge across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine; and

S. 3439. An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera and dourine.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 11325. An act to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed.

THE PREVIOUS QUESTION—CALENDAR WEDNESDAY.

The SPEAKER. On Wednesday last, after the previous question had been ordered on the Alaska railroad bill, the gentleman from Illinois [Mr. MANN] propounded a parliamentary inquiry to the Chair as to whether the previous question having been ordered, if the House should adjourn, the bill would come up as unfinished business on the next day or if it should go over until the next Calendar Wednesday. At that time the Chair gave the opinion offhand that it would not come up the next day, but would go over until the following Calendar Wednesday. The Chair is now absolutely certain that he was wrong in rendering that opinion, and he has his own somewhat elaborate decision rendered last year to show that he was wrong. The opinion of the Chair last year will be found on page 1929 of the CONGRESSIONAL RECORD. At that time the Chair gave as a controlling reason why it would come up on the next day that the House met, and not go over until the following Calendar Wednesday, the analogy to be drawn from the decisions as to Friday business and Monday business.

Of course, either ruling would have been sufficient originally, but the rulings ought to be harmonious and consistent, so that this Speaker and anyone else who follows him may have a system to follow, and the Chair now rules, notwithstanding the opinion he gave on Wednesday last, that under such circumstances where the previous question is ordered on a bill under consideration on Calendar Wednesday, if the House adjourn before the bill is disposed of, it will come up as unfinished business on the next legislative day and not go over until the following Calendar Wednesday.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13612, the urgent deficiency appropriation bill. Pending that motion, I ask unanimous consent that general debate on the bill be limited to

one hour, one half to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and the other half by myself.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill, and, pending the motion, asks unanimous consent that general debate be limited to one hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. GILLETT. Mr. Speaker, I shall be obliged to object to that. I have had requests upon this side for about an hour. Whether there are others who desire to speak I do not know. I think we ought to have on this side an hour and a half.

Mr. FITZGERALD. Suppose we make it an hour on a side?

Mr. GILLETT. I will be willing to agree to an hour and a half, and I will do my best to bring it down to an hour.

Mr. FITZGERALD. Suppose we make it an hour and a quarter?

Mr. GILLETT. Very well.

Mr. FITZGERALD. Mr. Speaker, I modify my request to that extent.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to two hours and a half, one hour and a quarter to be controlled by himself and the other hour and a quarter by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from New York, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill.

The motion was agreed to.

According the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill, with Mr. GRAHAM of Illinois in the chair.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I yield 30 minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Chairman, through the press and otherwise so much of misinformation has been carried to the public with relation to the matter of public buildings, their construction, and the general method of procedure on the part of the Committee on Public Buildings and Grounds and of Congress that it may not be out of place for me to submit a few observations on that subject.

The Committee on Public Buildings and Grounds, under the rules of the House, let it be understood, has no power to appropriate money to carry into execution the provisions of any measure which may come from that committee. The committee simply has the power and authority to submit to the House bills authorizing the construction of buildings at such places as may be named within the limits of cost specifically provided for each place respectively. It has been the custom of the committee for many years past to report to the House once in from two to three years what has come to be called an "omnibus public-building bill," covering the entire country and providing one or more public buildings for each congressional district at the places where the necessity appeared to be greatest. This "omnibus public-building bill" has frequently been contemptuously referred to as the "pork-barrel bill" by the press of the country, and particularly has this been true of the newspapers here in Washington. Whenever a Washington newspaper has occasion to refer to the effort being made by a Representative in Congress to secure an appropriation of $50,000 for the erection of a post-office building in some thriving little city of his district, the aforesaid newspaper describes him as "the pork-barrel statesman from Squash Center," but let that same Representative rise on this floor and advocate the expenditure of several millions of dollars for the construction of a marble palace in the city of Washington in which to transact the public business, and, ye gods, what a transformation!

The long-haired, hungry, cadaverous-looking "pork-barrel statesman from Squash Center" immediately becomes a wise, far-seeing, broad-minded, and patriotic legislator. [Applause.] I have no doubt, Mr. Chairman, that here and there during the past 10 or 12 years a building has been authorized at a place where conditions did not justify such action, but I submit that such cases have been exceedingly rare and that, on the whole, the Congress has legislated wisely in the matter of the construction of public buildings. I submit also, Mr. Chairman, that the District of Columbia, whence practically all the howl about "pork barrel" comes, has had vastly more than its share in every omnibus public-building bill which has passed Congress during the last 10 or 12 years. Let us examine the record and see just how the account stands.

The public-building act of June 6, 1902, carried $1,575,000 for the District of Columbia and $19,387,900 for the remainder of the Union, the District thus getting about one-thirteenth of the entire amount carried in the bill.

In 1903 there were two public-building bills. The act of February 9, 1903, carried a single item of $1,500,000 for the District of Columbia. The act of March 3, 1903, carried $715,000 for the District of Columbia and $7,580,359.34 for the balance of the country. Thus the District in 1903 had $2,215,000, as against $7,580,359.34, something less than one-fourth of the entire amount carried in the act.

In the act of June 30, 1906, there was carried for the District of Columbia only the sum of $13,000, whereas there went to the States and Territories $23,635,500.

By the act of May 30, 1908, the District of Columbia received $3,220,500, and the balance of the United States had $25,525,000, or a little more than one-ninth of the total sum to the District.

The act of June 25, 1910, carried $6,340,000 for the District of Columbia and $26,868,200 for the balance of the country, or something less than one-fifth of the entire amount carried by the act.

The act of March 4, 1913, authorized $11,056,000 for the District of Columbia and $38,485,350 for the remainder of the country, or a little less than one-fourth of the total sum went to the District.

Thus it is seen, Mr. Chairman, that for the last 12 years we have averaged an omnibus public-building bill every 2 years, and that during these 12 years the District has received $24,419,000, while the 48 States of the Union have received $165,901,309.34, thus giving to the District more than one-seventh of all the money authorized for public buildings during the period mentioned.

Notwithstanding the carping of the Washington press and the apparently deliberate effort on their part to place the Committee on Public Buildings and Grounds in an unenviable light before the country, I for one am in favor of going forward with the great work of constructing here in the Capital City of the Nation ample and elegant quarters sufficient to comfortably house every activity of the Government. [Applause.] I would construct here buildings not only in such number and of sufficient size to take care of all the departments, but I would build them of such materials and in such style of architecture as would both challenge the admiration of visitors and be in keeping with the dignity of this great Republic. The Government of the United States should not be a tenant in any place where it can reasonably be avoided, and under no conditions should the Government long remain a tenant at the seat of the Nation. Not only should this sentiment force us to immediately construct all buildings necessary to house the different departments of government in Washington, but purely as a business proposition we should not long delay this great work.

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Wisconsin?

Mr. CLARK of Florida. I do.

Mr. STAFFORD. Can the gentleman inform the committee the amount of the total rentals the Government pays for the use of buildings in the city for the purpose of the departments, and also the length of the terms of leases of those respective buildings erected for the prime purpose of housing some of the departments?

Mr. CLARK of Florida. I am coming to that. I can give the rent, but I have not the term of leases here; I have it in my office.

Many of the activities of the Government in the District of Columbia are to-day being conducted in tumble-down, rickety, fire-trap buildings, which are liable at any time to be destroyed and cause us to lose documents and records which are invaluable, because they could never be replaced. This is true with reference to buildings owned by the Government as well as some of those which are rented from private owners. But if we leave out of consideration the danger of loss by fire, the loss in efficient service produced by lack of decent and proper quarters and considerations of like character, and look only to the mere question of dollars and cents involved in the question of continuing to use the rented quarters which we now occupy or constructing buildings for those departments, or branches of departments now housed in rented quarters, I assert that it is the part of wisdom and in the interest of economy to build. There is not a department of the Government which is not forced to rent quarters for some branch of the service outside the buildings which we own in the District of Columbia. With the growth

of the country the public business has expanded and the demand for more room is heard from every quarter.

The annual rentals being paid by each department of the Government in the District of Columbia is as follows: The Treasury Department pays $47,000; the Department of Commerce, $70,000; the Department of Justice, $34,100; Department of Labor, $7,500; Department of the Interior, $75,175; Department of Agriculture, $99,277; War Department, $61,443.30; Navy Department, $87,274.16; Department of State, $16,860; and the Post Office Department, $63,110, making a total of $561,739.46 paid by the United States every year to individual owners for the use of property in the District of Columbia in which to carry on the business of the Government. This is very nearly 3 per cent on $20,000,000, and I think I am safe in saying that the total value of all the property in the District of Columbia rented by the Government would not exceed $6,000,000, and, in addition, nearly all the rented buildings which we are now occupying are of nonfireproof construction.

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. STAFFORD. Can the gentleman inform the committee whether these rentals include the upkeep and care and heating of the building, or whether it is merely for the bare rentals of the building?

Mr. CLARK of Florida. I think it is merely for the bare rentals.

Mr. Chairman, pride in the Capital City of the Nation, the efficient and expeditious transaction of the public business, the health and comfort of employees, as well as the economical administration of our governmental affairs, all counsel us to speedily construct these necessary public buildings.

I also desire to say, Mr. Chairman, that in the country at large, as well as in the District of Columbia, it is the duty of Congress to provide buildings in which the public business can be carried on. I would not have Congress engage in a lavish and unsystematic scheme of constructing public buildings, but I would have Congress, in an orderly, systematic, well-thought-out plan, erect a suitable public building for the transaction of the public business at every place in the United States where the expeditious, orderly conduct of our affairs justified the necessary expenditure of the people's money.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. CLARK of Florida. I will.

Mr. COOPER. I had an occasion the other day to go to the Department of Justice, over on K Street, where it is housed in what was an old residence. Does the gentleman know whether the necessarily very important papers belonging to that department are housed or kept in that building?

Mr. CLARK of Florida. They are, and are absolutely at the mercy of the flames.

Mr. COOPER. Well, I noticed that the other day, and I wondered if it could be possible that the records of the Department of Justice of the United States were kept in that building.

Mr. CLARK of Florida. Absolutely; and if the gentleman will go to the Patent Office he will find that the patent records, records that are invaluable to this country, are there subject at any time to be ignited from a match, cigar, or cigarette, or something carelessly thrown aside, and I am told that there is no power on earth that can save that building if it ever was ignited.

Mr. KINDEL. Will the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. KINDEL. I want to say further that the Patent Office is one of the most insanitary buildings I was ever in. In addition to being unsafe and liable to burn up at any minute, it is the most unhealthy place to work in of any place I ever saw, in the way of a public building, and I am surprised in this day of invention, in the way of vacuum cleaners, dust collectors, and so forth, that they have not anything of that sort in that building, and therefore I am in favor of a new Patent Office Building.

Mr. WILLIS. Will the gentleman yield?

Mr. CLARK of Florida. If the gentleman will pardon me, I am afraid I will not have time, but I will be glad to yield to the gentleman to answer anything I can, when I have finished.

I am quite sure that in times past a building has been erected here and there when existing conditions did not fully warrant the undertaking, but these cases have been the exceptions and not the rule. For the past 12 years there has been a steady increase in the authorizations for public buildings, and for the last three or four years there has been a steady decrease in the output of buildings from the office of the Supervising Architect of the Treasury. This decrease in the output began in 1911, when a reduced appropriation made it necessary to dispense with 75 of the 432 employees. For the fiscal year ending June 30, 1911, the output was 101 buildings; for 1912 it fell to 82; for 1913 it fell to 77; and the estimate for the fiscal year ending June 30, 1914, is only 70 buildings. Mr. Chairman, the office of the Supervising Architect of the Treasury is to-day between five and six years behind with its work; that is to say that if Congress should not authorize another public building, but should cease operations entirely in this direction, it would take the office of the Supervising Architect, under the present plan of procedure and with the present force, fully five and one-half years to complete the buildings already authorized. Unless the present methods are changed, therefore, I think all of us will agree that it will be the height of folly to authorize the construction of any new buildings or the enlargement of any old ones for four or five years to come. But we can not afford to do this.

The rapid growth of the country and the consequent enormous growth in the postal business, augmented tremendously by the Parcel Post Service, has created a demand not only for a larger number of new buildings throughout the country but has made imperative the material enlargement of almost every post-office building in every one of the larger cities in the land. There is a real and an urgent demand for more space in which to conduct the postal business of the country from every business center. This is not an appeal for architecturally beautiful buildings to enhance the appearance of "civic centers," it is the insistent demand of the business interests for workshop space in which the everyday postal affairs of our busy communities can be attended to.

Mr. J. M. C. SMITH. Will the gentleman yield for just one question?

Mr. CLARK of Florida. Just make it a question. I have not much time.

Mr. J. M. C. SMITH. The gentleman says that the office of the Supervising Architect commenced to get behind in 1911. Can the gentleman state how far they were behind at that time in 1911?

Mr. CLARK of Florida. I have not the information right here.

Mr. J. M. C. SMITH. I thank the gentleman.

Mr. CLARK of Florida. I will try to get to it directly if I can.

There is probably not a Member upon this floor who has been here for six years or more, unless he represents a district in one of our large cities, who has not a building authorized for his district which has been pending for three or four years and which to-day appears no nearer being built than it did the day the bill which provided for it passed Congress. Under the methods obtaining, after a building is authorized the patience of the community is worn threadbare before construction on the foundation is begun. In one place in my district, where I secured an authorization for a post-office building, some of the older inhabitants are beginning to date things back to "the time when Clark got a building for us," and yet not a shovel of dirt has been thrown toward preparing for the foundation. As I have said, the force was reduced in the Supervising Architect's office, and necessarily that has tended somewhat to delay the work, but that is not the real reason for the work being so far behind. In my judgment, there is another and an entirely different reason for the condition which confronts us. About four or five years ago the Secretary of the Treasury, of his own motion and without consulting Congress, issued an order that not exceeding $12,000,000 should be expended on account of public buildings in any one year. No matter what amount a public-building bill might carry, no matter what Congress said should be done, the order of the Secretary overrode the will of Congress and he had his way about it. Take the last bill passed by Congress, the act of March 4, 1913. By that act we authorized the construction of buildings aggregating forty-odd million dollars, and under this plan of the Treasury Department, if we had a clean start, it would require four years in which to carry out the provisions of the act. Is it any wonder that the Supervising Architect's office is five or six years behind in its work? Mr. Chairman, when Congress shall assert its power and let it be clearly and distinctly understood that no official shall be allowed to override its will, then, and only then, will the dignity of Congress be respected. [Applause.]

Several changes in the existing order can be and should be made to insure the more economical and speedy construction of public buildings. As I have said, the Supervising Architect's office is between five and six years behind. I have stated what in my judgment is the chief cause of this condition, but that is not the only cause. The methods in use are antiquated, the plan of procedure is slow, extremely slow, and something must be done to quicken the pace in that quarter. We are building both too extravagantly and too slowly. What can we do? I shall try to suggest a few things along remedial lines, and I

do not wish to be understood as criticizing the Supervising Architect. However, most architects are dreamers and theorists and not practical, wide-awake, hustling business men, and one of the important things that we need and need badly just now is a live, active, keen, progressive business man in that office or bureau as a commissioner of public works. [Applause.] He should have charge of the business of having these buildings promptly constructed along practical lines for the business to be transacted in them. These buildings, and particularly the post offices, should be built upon a common-sense, workshop plan, with more regard for their usefulness than their beauty; and when you have in the Treasury Department an organization for building purposes with a level-headed, practical business man at the head of it and the Supervising Architect in the drafting room, where he should be, you will make progress, and you will not until this is done.

I think it is also greatly to the interest of the public service that buildings should be constructed in the order of the needs of the department which is to use them. Under the existing plan buildings are given place for construction in the order in which the title to the site is vested in the Government, and constantly buildings for whose use there is an urgent necessity are compelled to wait months and years while those are being built for which there is no great and pressing necessity.

Another change which ought to be made is this. Under the law as it now stands a site for a Government building must be on a corner, and there must be land enough bought so that no other building can be erected nearer than 40 feet of the Government building. These provisions of the law should be repealed for obvious reasons. In the first place, every Government building should be of fireproof construction, and if so, there is no necessity in having the 40-foot fire limit, and therefore no necessity in buying this extra 40 feet of expensive land. In the second place, in the average city of the country the number of available and suitable corner lots is generally very limited, and when it is known that the Government is in the market for a lot, and it is restricted to a corner lot, the few owners immediately get together and up goes the price to your "Uncle Samuel." If this provision were repealed, the Government might never buy an inside lot, but the mere fact that the Government was not restricted to corner lots would guarantee fair and reasonable prices.

I desire also to take the position that the day for a monumental building to be used solely for post-office purposes is gone. In this busy commercial age we need workshops in which to conduct the postal business of the country and not monumental marble palaces. [Applause.] With the addition of the postal savings bank and the parcel post, an immense proportion of the business of the land is now being conducted through this branch of the Government service, and it will increase in volume with the passing of the years. The post-office building of the future must be built not so much with regard to its external ornamentation as to its interior fitness for the purposes of its existence. We have sacrificed months and possibly years of time in drafting plans and specifications to satisfy the demands of art, which could have been much more profitably spent in efforts to perfect plans for buildings which, while insuring the comfort of employees, would tend to secure for the Government the maximum of efficient service. [Applause.]

And now, Mr. Chairman, I come to a proposition which I am extremely anxious to see put to the test. I am not an architect, nor am I a builder, but from the viewpoint of a plain, common-sense layman I am thoroughly convinced that the solution of this whole public building matter is standardization. The architects will not agree to this. They claim that we can not satisfactorily standardize, but when you seek the specific reasons I have never been able to get but two. In the first place, they claim that the climate is different in different sections of the country, and that the material which would be all right in one section would not answer at all for another section, and that different climates require buildings of entirely different character. In the second place, our friends, the architects, claim that the topography of the country has everything to do with the construction of a building, that one lot may be perfectly level, whereas another may be on the side of a hill.

Let us examine these objections and see if they can not be overcome. As I have stated, I am neither an architect nor a builder, but I have been trying to apply a little common sense to this subject, and I believe I can suggest a plan which will overcome these objections. I recognize the fact that climate has to be considered in building operations; and recognizing this fact, I would divide the 48 States of the Union into groups in accordance with the climate. Take, for instance, the New England States and let them constitute one group; let the Northwestern States form another group; let the Pacific Slope States become another group, and so on until the entire 48 States are subdivided into groups. When this is done, then take the cities of each group and divide them into classes according to their annual postal receipts. By this arrangement you will avoid the intolerable delay consequent upon the Supervising Architect being compelled to draw separate plans and specifications for every building which is authorized by Congress. It would only be necessary to draw one set of plans and specifications for each class in each group of States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I yield the gentleman 10 minutes additional.

Mr. CLARK of Florida. I am very much obliged to the gentleman.

It will require better evidence than has yet been produced to convince me that a post-office building which is suitable and adequate for the purposes of a city in the State of Rhode Island whose postal receipts are $30,000 per annum, is not suitable and aedquate for the purposes of a city in New Hampshire whose postal receipts are $30,000 a year. A post-office building in Florida would admirably fill the bill for the same size town in Louisiana. A building which would meet the postal needs in northern Georgia would answer every requirement for a city in eastern Tennessee, where a like amount of postal business is done; and so on, through all the groups of States divided along the lines I have indicated. Of course I am referring exclusively to places where there are no governmental activities other than the post office. Where a building is intended to house the post office, the court, the customhouse, or any branch of the service in addition to the post office, I recognize that to standardize would be extremely difficult if, indeed, it would not be impossible.

Now, a word with reference to the claim that we can not standardize on account of the difference in the lay of the land. I submit, Mr. Chairman, that the topography of the country, the lay of the land, can only affect the foundation. It may be different as far up as the first floor, but from there up the building can be standardized, the superstructure can be alike. So we see, there is absolutely nothing in these two objections. Standardization not only means the expeditious construction of our public buildings, Mr. Chairman, but it means the more economical construction. It not only means this, but it means to nurture in every community where Old Glory flies from the flagpole of a public building, a patriotic love of country.

And right here let me say that while at all times we should jealously guard the Public Treasury and never become reckless in expenditures of the people's money, yet I do not believe that we should pursue a niggardly policy in providing necessary and proper means for the efficient and expeditious transaction of the business of the people. The one great branch of the Government service with which the great mass of the people come in close and daily contact is the Postal Service. This arm of Government service penetrates every nook and corner of the great Republic, carrying to the people, rich and poor alike, business communications of every character, messages freighted with friendship, with love, with sorrow, with joy—freighted with every human emotion they come into every portion of our broad land. This great arm of Government service carries into the homes of the people the newspapers, magazines, and books of the day, and now it has been extended to provide a place where the people may deposit their savings, having as security the honor of this mighty Republic. That is not all. But recently we have seen this great governmental institution rise in the plenitude of the power of this the greatest Nation of the earth, and say to the rich and powerful express companies of the land, "No longer shall you plunder an outraged people, who for many years have suffered from your illegal exactions," and thereupon the parcel post was born among the agencies of government, to remain, let us hope, forever as a safe guaranty against the heartless plunder of monopolistic greed. [Applause.]

Mr. Chairman, I tender back the remainder of my time.

The CHAIRMAN. The gentleman has six minutes left.

Mr. STEENERSON. Will the gentleman yield for a question?

Mr. CLARK of Florida. I will.

Mr. STEENERSON. What has become of the commission we created to send in a report on this question?

Mr. CLARK of Florida. I will state to the gentleman, Mr. Chairman, that the commission has been delayed in presenting its report necessarily on account of the fact that the Secretary of the Treasury, who is chairman of the commission, as the gentleman knows, has been absent from the city on public business for some time. He has lately returned and the rest of us have been at work, have advised with him when we could, and I think that the report is very nearly ready now to be submitted.

Mr. STEENERSON. Will not that cover some of the matters referred to?

Mr. CLARK of Florida. I think so. I think it will cover these and a great many others.

Mr. WILLIS. Will the gentleman yield to me now?

Mr. CLARK of Florida. Yes.

Mr. WILLIS. The gentleman was speaking a few minutes ago about the inadequacy of the quarters provided for the Patent Office. Does he know whether any proportion of the records or models of the Patent Office are stored in the House Office Building or in the subway approaching thereto?

Mr. CLARK of Florida. I understand there are some properties of the Patent Office stored over there.

Mr. FITZGERALD. There are a number of models stored in the House Office Building, for which there has been absolutely no use for years, and which Congress has been trying to get rid of for years. We did try to ship them down to an exposition in South America, on the condition that they would not be returned. [Laughter.] They are stored in the House Office Building because Congress refused to continue an appropriation of $19,000 a year for the rent of a building in which to store them, because nobody had any use for them then.

Mr. WILLIS. I wanted to call the attention of the gentleman from Florida [Mr. CLARK] to the fact that when I came through the subway a little while ago those models were standing in water about an inch deep. So there will be no difficulty in getting rid of them.

Mr. GARNER. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. GARNER. If the suggestion made in the gentleman's speech is carried out, and the Secretary of the Treasury gave instructions arbitrarily that only $12,000,000 could be used for this purpose, regardless of the wish of Congress, you would not accomplish any more than under the present system, if the Secretary of the Treasury were allowed to do that?

Mr. WILLIS. He has been doing that, according to the gentleman's statement, for some years.

Mr. CLARK of Florida. Yes; but I think he has been doing it with a tacit understanding here. There has been no effort on the part of Congress to compel him not to do it. I think the time has come when Congress ought not only to legislate along these lines, but, when they do legislate, to see that the will of Congress is carried into execution. [Applause.]

Mr. SHACKLEFORD. What method would the gentleman suggest for accomplishing that result?

Mr. CLARK of Florida. I have not gone into all that, but I think the very able Judiciary Committee of this House and the many very eminent lawyers on this floor could find some way in which an executive officer could be prevented from overriding the will of Congress. It seems to me if we can not we ought to adjourn and go home.

Mr. KINDEL. Does the gentleman seriously think that we ought to enlarge the parcel-post department of the post office under the present graduate of rates, which are in many instances 100 per cent higher than the express rates?

Mr. CLARK of Florida. I wish to say to the gentleman that I am no expert on the parcel-post question. I will refer him to the gentleman from Maryland [Mr. LEWIS] and let them fight it out.

Mr. KINDEL. I will ask the gentleman from Maryland [Mr. LEWIS] the same question. Does he think we need an enlargement of the parcel-post quarters, with rates 100 per cent higher than the express rates are since the 1st of February?

The CHAIRMAN. Does the gentleman from Florida [Mr. CLARK] yield to the gentleman from Maryland to answer the question of the gentleman from Colorado [Mr. KINDEL]?

Mr. FITZGERALD. Is there any time remaining, Mr. Chairman?

The CHAIRMAN. There are 10 minutes left.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Maryland [Mr. LEWIS] 10 minutes.

PARCEL-POST REPEAL.

Mr. LEWIS of Maryland. Mr. Chairman, a rider attached to the Post Office appropriation bill, as reported to the Senate, contains the following proviso:

That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

This proviso is designed to repeal the most substantive provision of the parcel-post law, which reads as follows:

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of service greater than the revenue, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions (of mailability), or either in order to promote the service to the public or to insure the receipt of revenue adequate to pay the cost thereof.

This provision merely confers on the Postmaster General the same right to go before the Interstate Commerce Commission, to revise or reform a rate or condition of service that is given every freight shipper and railway and express company. This is necessary in order to be able to accomplish the two fundamental objects of transportation, namely:

(a) To promote the service to the public, or

(b) Insure the receipt of revenue adequate to pay the cost thereof.

It is hardly necessary to say that these objects are complementary, and that the parcel post ought to serve the public and pay its way. It is under the same obligation to do both as is the railway or express carrier. Under the above proviso, and with a view to accomplish both objects made mandatory by the statute, after seven months' experience and the most detailed departmental investigation by his experts, the Postmaster General filed a petition with the Interstate Commerce Commission asking permission to raise the weight limit from 11 pounds to 20 pounds in the first and second zones—150 miles—and reduce the rates in such zones. After full consideration, this tribunal, the most expert in the world, granted its permission to the petition.

Again, subsequently and after many months' experience and consideration, the Postmaster General filed his second petition, asking its consideration and permission to extend the 20-pound weight limit over all zones and raise it to 50 pounds in the first and second zones, the size limit not changed; and, coupled with it, a request to reduce the rates in the other zones and include books in the parcel post. After several weeks' consideration by the Interstate Commerce Commission, permission to make these changes in rates and conditions was granted—that is, the Interstate Commerce Commission decided that the changes "promoted the service to the public," and "insured the receipt of revenue adequate to pay the cost of service."

The rates as changed to date by these proceedings are as follows:

Pound rates.[1]

Zone	Packages above 1 pound.		11-pound package.	
	Old rate per pound.	New rate per pound.	Old rate.	New rate.
Local	$0.01	$0.005	$0.15	$0.10
First	.03	.01	.35	.15
Second	.04	.01	.46	.15
Third	.05	.02	.57	.26
Fourth	.06	.04	.68	.47
Fifth	.07	.06	.79	.68
Sixth	.09	.08	1.00	.89
Seventh	.10	.10	1.11	1.11
Eighth	.12	.12	1.32	1.32

[1] The "first pound" rates were changed, second zone, 6 to 5; third zone, 7 to 6; fourth zone, 8 to 7; fifth zone, 9 to 8; sixth zone, 10 to 9; the others remaining unchanged.

The 11-pound rates, before they were revised by the Interstate Commerce Commission, on the petition of the Postmaster General, compared with the existing express rates, as follows:

Old and new parcel-post rates compared with express rates on 11-pound parcel.

[For 8 zones.]

Zone No.	From New York City to—	Number of miles.	Old parcel post.	Express rate.	New parcel post.
1	New Brunswick, N. J.	32	$0.35	$0.26	$0.15
2	Alburtis, Pa.	102	.46	.28	.15
3	Altoona, Pa.	325	.57	.33	.26
4	Canton, Ohio	545	.68	.37	.47
5	Chicago, Ill.	912	.79	.44	.68
6	Lincoln, Nebr.	1,447	1.00	.60	.89
7	Pueblo, Colo.	2,005	1.11	.82	1.11
8	Stockton, Utah	2,483	1.32	1.06	1.32
	Reno, Nev.	2,947	1.32	1.22	1.32
	San Francisco, Cal.	3,191	1.32	1.32	1.32

It appears that the express rates in every instance but one are lower than the old, legislatively made parcel-post rates, and average only about three-fourths as high. Even the new parcel-post rates average higher than the present express rates in seven out of the ten instances embracing the distances progressively from New York to San Francisco.

Mr. Chairman, it is no use mincing words. If the old, the legislative, parcel-post rates still remained, we should have no parcel post at all, except from about 1 pound up to about 5. The express rates being so much lower, only traffic going to the rural routes would have moved by post. Traffic, like water, tends to seek the lowest rate level, so that any person who

favors the retention of the old parcel-post rates must be set down in effect as being opposed to having a parcel post at all. A system of mere paper rates, that can not be used to move the potential traffic, is not what the people intended to establish as the Parcel Post Service, and anyone fighting to prevent the rational change of such paper rates into real rates, as low at least as the express rates, can not deceive anyone as to his real purpose. If these paper rates had not been reformed by the Postmaster General and the Interstate Commerce Commission and no traffic, or nearly none, had passed through the post, certainly the will of Congress and the people "to promote the public service" would have been almost utterly defeated.

Mr. Chairman, no reasonable man could be heard to object to the lowering of these absurd legislative rates if the cost of the service justified. Now, then, are such rates sufficient for that purpose? I here insert a table showing the present postal rates for each rail shipment and the estimated service cost of the same as made by the Post Office Department:

Statement showing the postage at the proposed rates and the estimated cost of handling parcels.

Weight.	Zones.							
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.
1 pound	$0.05 .0325	$0.05 .0375	$0.06 .045	$0.07 .06	$0.08 .08	$0.09 .10	$0.11 .12	$0.12 .14
2 pounds	.06 .035	.06 .045	.08 .06	.11 .09	.14 .13	.17 .17	.21 .21	.24 .25
3 pounds	.07 .0375	.07 .0525	.10 .075	.15 .12	.20 .18	.25 .24	.31 .30	.36 .36
4 pounds	.08 .04	.08 .06	.12 .09	.19 .15	.26 .23	.33 .31	.41 .39	.48 .47
5 pounds	.09 .0425	.09 .0675	.14 .105	.23 .18	.32 .28	.41 .38	.51 .48	.60 .58
6 pounds	.10 .045	.10 .075	.16 .12	.27 .21	.38 .33	.49 .45	.61 .57	.72 .69
7 pounds	.11 .0475	.11 .0825	.18 .135	.31 .24	.44 .38	.57 .52	.71 .66	.84 .80
8 pounds	.12 .05	.12 .09	.20 .15	.35 .27	.50 .43	.65 .59	.81 .75	96 .91
9 pounds	.13 .0525	.13 .0975	.22 .165	.39 .30	.56 .48	.73 .66	.91 .84	1.08 1.02
10 pounds	.14 .055	.14 .105	.24 .18	.43 .33	.62 .53	.81 .73	1.01 .93	1.20 1.13
11 pounds	.15 .575	.15 .1125	.26 .195	.47 .36	.68 .58	.89 .80	1.11 1.02	1.32 1.24
12 pounds	.16 .06	.16 .12	.28 .21	.51 .39	.74 .63	.97 .87	1.21 1.11	1.44 1.35
13 pounds	.17 .0625	.17 .1275	.30 .225	.55 .42	.80 .68	1.05 .94	1.31 1.20	1.56 1.46
14 pounds	.18 .065	.18 .135	.32 .24	.59 .45	.86 .73	1.13 1.01	1.41 1.29	1.68 1.57
15 pounds	.19 .0675	.19 .1425	.34 .255	.63 .48	.92 .78	1.21 1.08	1.51 1.38	1.80 1.68
16 pounds	.20 .07	.20 .15	.36 .27	.67 .51	.98 .83	1.29 1.15	1.61 1.47	1.92 1.79
17 pounds	.21 .0725	.21 .1575	.38 .285	.71 .54	1.04 .88	1.37 1.22	1.71 1.56	2.04 1.90
18 pounds	.22 .075	.22 .165	.40 .30	.75 .57	1.10 .93	1.45 1.29	1.81 1.65	2.16 2.01
19 pounds	.23 .0775	.23 .1725	.42 .315	.79 .60	1.16 .98	1.53 1.36	1.91 1.74	2.28 2.12
20 pounds	.24 .08	.24 .18	.44 .33	.83 .63	1.22 1.03	1.61 1.43	2.01 1.83	2.40 2.23
25 pounds	.29 .0925	.29 .2175						
30 pounds	.34 .1050	.34 .255						
35 pounds	.39 .1175	.39 .2925						
40 pounds	.44 .13	.44 .33						
45 pounds	.49 .1425	.49 .3675						
50 pounds	.54 .155	.54 .405						

The first amount in each of the above blocks indicates the proposed postage; the other the estimated cost.

The average haul is based on the radial distance of the zones, except the eighth, where it is fixed at 2,200 miles.

It will be observed that out of about 170 rates all except 3 yield a profit, and some of them a profit as high as 70 per cent of the rate after allowing 10 cents per ton-mile for railway payments and 3 cents per average parcel for other postal expense. The loading for railway transportation allowed exceeds the actual rate of pay by 20 per cent.

Mr. PAYNE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. PAYNE. Has the gentleman any means of knowing, in the first place, how much the revenue is from the parcel post? And, in the second place, has he any means of knowing whether the country will not have to pay the railroads a good deal more than they are paying now, $100,000,000?

Mr. LEWIS of Maryland. Yes; the means are ample, if the gentleman from New York had the time or the patience to investigate the means. The Post Office Department has done what the express system never did. It has conducted three censuses of the traffic, and the third census conducted was for 15 days in the month of October. It shows the characteristics of the traffic, namely, that the average parcel weight is about 4 pounds, counting the fourth-class articles from 1 pound up; that the revenue produced was 20 cents a piece; that, counting the cost of delivery, including clerk hire, and all that, the postal expense was 39 mills per vehicle delivery; the cost of paying the railroads is 9 cents per parcel; and that the parcel during October, out of a revenue of 20 cents, showed a profit of 7 cents, after debiting railway pay at 8 cents a ton-mile and every other item of expense.

Mr. PAYNE. But still the department is not counting the railway item.

Mr. LEWIS of Maryland. I would like to follow the gentleman into that labyrinth, but I have not the time.

Mr. STEENERSON. How does the gentleman figure that it cost the Government 8 cents, second class, if you carry these packages at 4 cents?

Mr. LEWIS of Maryland. I say the figures indicate that we pay about 8 cents a ton-mile to the railways for the carriage of mail.

Mr. STEENERSON. I beg the gentleman's pardon. It amounts to between 11 and 12 cents when you count the railway post-office pay.

Mr. LEWIS of Maryland. Oh, no; I am familiar with that subject. That was true years ago, but not now.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. STEENERSON. Evidently the gentleman is not familiar with it.

Mr. LEWIS of Maryland. Mr. Chairman, I would like to have five minutes more.

Mr. FITZGERALD. I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] is recognized for five minutes more.

Mr. LEWIS of Maryland. As an average fact of postal experience, it is found that parcels up to 2 pounds are delivered by the ordinary carriers without the expense of a conveyance, and it is by dividing the number of parcels from 1 pound and up into the special delivery expense that the datum, 3 cents per delivery, is reached. It may be objected to that the other services—namely, clerk hire, rent, and overhead expenses—should be added. Let this be granted. The total cost of the average mail piece, of all kinds, in 1912 was 1¾ cents. If we add a cent per parcel for these miscellaneous expenses to the known special costs, we should have an average cost per parcel of 4 cents, including the nondelivery offices. It appears clearly from a census taken of the traffic in October last that the average parcel weighed 4 pounds and produced 20 cents postage. Treating the parcel as having traveled the full length of the zone, and the actual rate of railway pay as 8 cents per ton-mile, and adding 4 cents per parcel for general postal expenses we should have the cost per parcel as 13 cents against a receipt of 20 cents, or a profit of 7 cents per parcel. The express companies secured less than 2 cents profit per parcel in 1912.

Mr. Chairman, in a sense no one has ever disputed the financial sufficiency of these rates; by which I mean to say that even those attacking the Postmaster General and the Interstate Commerce Commission do not present any facts going to show that the revised rates are not amply compensatory. I have considered it my duty to give the fullest and closest attention to this subject, and have been in constant touch with all who have actually interested themselves in it; and I have yet to meet a single investigator who has doubted the profitableness of the revised rates.

Now, to what issue does this bring us? Obviously to the question, Which is the best fitted to deal with the immense and complicated detail of these transportation rates, weight regulations, and conditions with a view to—

(a) Promote the public service.

(b) Insure the receipt of adequate revenue to pay the cost of such service.

Is it the experts of the Postal Department and the Interstate Commerce Commission, working daily with the subject, or is it 500 Members of Congress with 25,000 bills before them? In an answer to this question I ask the House to compare the legislative rates above given with the express rates and with the parcel-post rates as revised.

Sir, without impugning any man's motive—for on the average I find people as good as I am—I wish to say that the repeal of this substantive provision of the parcel-post law might well be worth $50,000,000 to the express companies. It will finally take away from the Parcel Post Service all the power to compete with them, and they will thus be enabled to capture that portion of the postal function which has saved it from a deficit of about $7,000,000 and given it instead a surplus, now indicated as from eight to ten millions, in the first year of its operation. This is a strong declaration I make and has no value except what the truth may give it.

To begin with the proof that it will destroy the parcel post, let us compare the existing parcel-post rates with the express rates, say the 10, 15, and 20 pound rates from coast to coast.

New York to—	Miles.	Express, 10 pounds.	Post, 10 pounds.	Express, 15 pounds.	Post, 15 pounds.	Express, 20 pounds.	Post, 20 pounds.	Miles up to—
New Brunswick, N. J....	32	$0.25	$0.14	$0.28	$0.19	$0.31	$0.24	50
Alburtis, Pa ...	102	.27	.14	.32	.19	.34	.24	150
Altoona, Pa....	325	.32	.24	.38	.34	.44	.44	300
Pittsburgh, Pa.	444	.33	.43	.39	.63	.46	.83	600
Chicago, Ill....	912	.42	.62	.53	.92	.64	1.22	1,000
Lincoln, Nebr..	1,447	.57	.81	.76	1.21	.95	1.61	1,400
Pueblo, Colo....	2,005	.75	1.01	1.04	1.51	1.32	2.01	1,800
Stockton, Utah.	2,483	.98	1.20	1.38	1.80	1.77	2.40	1,800
Reno, Nev.....	2,947	1.13	1.20	1.60	1.80	2.07	2.40	1,800
San Francisco..	3,191	1.22	1.20	1.73	1.80	2.24	2.40	1,800

It will be observed that up to about 300 miles, the third zone, the parcel post has rates that may be fairly called competitive, being as low or lower than the first-class express rates. Beyond this distance the parcel-post rates are so much higher than the express rates that, except from the rural routes, the traffic will all go by express. These are our parcel-post rates as they now stand. So long as they are unchanged the express companies will have the parcel post squeezed out of all the traffic territory beyond 300 miles. That is, we now have a 300-mile parcel post and the express companies have a 3,000-mile express system. How much would they give to have this condition sealed to them by law? Well, the Senate rider, which, to use a rough but descriptive expression, stabs the parcel post to its heart, provides this seal. It reads: "The existing rates, zones, weight limits," and so forth, "shall remain unchanged until otherwise provided by law." Thus the postal rates, and so forth, can not be changed, whether so high as to kill the traffic or so low as to kill the Treasury, and the express companies are given a complete monopoly of the traffic beyond 300 miles because of the proposed legislatively fixed and abnormal rates.

But how about the traffic within the 300 miles? The postal rates here will be similarly crystallized and frozen by the same rider. While the Post Office will be handcuffed and prevented from retaliating on the outlying territory, the express companies are left free, completely free, to reduce their rates and capture even the little postal traffic within the 300-mile circle. Thus the repeal rider would take away the right of the Post Office Department to either attack its antagonist outside of the 300-mile zone or to defend itself when attacked by the express company within the 300-mile zone. The express company alone is free footed and free fisted in the combat, while by this repealing rider the young giant which was set loose by the people to secure them against the exorbitant rates of a private monopoly is to be shackled almost within a year of its birth.

Mr. Chairman, there is something fiendishly unfair in such a proposal. Surely gentlemen who have given it the support of their names have failed to comprehend the operative results of the proposition. I call the attention of the House to the fact that during the calendar year 1913 a deficit was due the Post Office Department in the ordinary course of events. There was such a deficit—about two millions of dollars—in the calendar year 1912. While all the reports are not in now, yet the reports for the 50 cities commonly doing half of the postal business of the country are in for the quarter ending December 31, 1913, and they indicate a surplus of from eight to ten millions of dollars. My own judgment, after the closest study which the data permit, is that without the parcel post we should have had a deficit of about seven millions, due to stationary business conditions of 1913. The effect of the parcel post has been to wipe out that shortage and substitute a surplus of at least eight millions. This is the fruition of the parcel post for the first year. Had it a voice to speak, should we not hear it asking its master, Congress, "What is my offense, that I should be shackled? In what have I offended?"

But, sir, if this rider should prevail, the surplus would be short lived. The express companies, free to readjust their rates, would readjust them to divert all the profitable traffic from the post, leaving us with scarcely any except the rural route and star-route traffic. Two facts justify this assertion:

First. The profitable parcel traffic flows between the cities and on the rails. As to this traffic the express companies are paying the railroads an average of about 4 cents a ton-mile, while the Post Office pays about 8 cents a ton-mile.

Second. The unprofitable traffic is along the rural and star routes. Their maintenance costs the Post Office about four times as much as the revenues derived from the mail and parcels delivered over them.

Mr. FESS. Will the gentleman yield?

Mr. LEWIS of Maryland. I will answer the gentleman's question if I have the time.

Mr. FESS. I want to ask whether it is the policy of the Government to produce a surplus?

Mr. LEWIS of Maryland. Yes; all the rates are predicated on at least 10 per cent profit, and they are yielding now 30 per cent profit.

Mr. Chairman, let me illustrate how the shackled Postal System will be made to suffer through both propositions by express-company invasions of its field. To do this I shall use actual instances. The 20-pound express rate from New York to Pittsburgh is 46 cents. The postal rate on a rural route out of Pittsburgh for that weight is 15 cents. Thus the combined express and rural rate is 61 cents against 83 cents, the parcel-post rate from New York to the farm. The express company here gets the profitable rail haul from New York to Pittsburgh and then throws the parcel onto the rural route at 15 cents, or one-fourth its economic cost, for delivery to destination.

Or take another case. The 10-pound express rate from New York to Lincoln, Nebr., is 57 cents, which, added to the rural postal-route rate of 10 cents, makes 67 cents. The complete parcel-post rate from New York is now 81 cents, or 14 cents above the express and rural-route rates combined. Of course, people will ship by the cheapest means, and so if this Senate rider is adopted we must expect the rural routes to be exploited by the express companies to the limits of the wants of the 20,000,000 of farming population. The express companies will use the nonpaying part of the postal institution to push their traffic to and from the farm at a postal economic loss of 75 per cent, and when it reaches the rails and becomes profitable by a system of rates, they are left free to devise for that purpose—they will appropriate all this traffic substantially to themselves.

A very pertinent question may now be asked. Why did the Postmaster General propose and the Interstate Commerce Commission approve a rate of 81 cents for a 10-pound parcel from New York to Lincoln when they had knowledge that the express rate was 57 cents? The answer is that the Post Office has to pay the railways 60 cents to transport that parcel; that is, at the rate of 8 cents per ton-mile under the existing statute regulating payment for carrying letters, and so forth. Now, the express companies pay the railways a little less than 50 per cent (49.52), or one-half of their rate in each instance; and in this 10-pound case pays the railways only 28 cents out of the 57, or at the rate of 4 cents a ton-mile, and have their equipment carried free besides. Now, the above railway pay conditions run through the whole system of express and parcel-post rates above 10 pounds and beyond the 300-mile zone. The Postmaster General has proposed a bill regulating railway compensation which will have the effect of removing the disparity in postal and express railway pay. When it is adopted he will be able, with the assistance of the Interstate Commerce Commission, to revise these rates and render them competitive at least, provided, of course, that this rider shall not pass. With such parcel business as he can then do it is not too much to hope that the whole economic loss on the rural and star routes, about thirty millions annually, might be recouped from the profitable rail traffic. Certainly, if the Postal Department had the same rate of railway pay and charged the same rates to the public as the express companies, its profits would equal that sum. That the postal establishment can, outside of railway pay, do the parcel business at about

one-third the expense to the express company, will not be questioned by any person who fully appreciates the conditions of both. This is because it was already doing the greatest express business on earth before it undertook the parcel work; for in truth the mail piece—18 billions in number in 1912—was an express shipment in nearly all its incidents except weight. In adding the parcel, it is simply handling a larger mail unit, for which it possesses every facility except the wagons, which it has found it easy to supply.

LEGISLATIVE RATE MAKING.

Mr. Chairman, Congress has never undertaken to make transportation rates.

It has had many opportunities to do so. For example:

1. The Panama Railway.
2. The Panama Canal.
3. The railway freight rates.
4. The railway passenger rates.
5. The express rates.
6. The Alaskan railway rates.

It has laid down the principles upon which the rates shall be made—that is, "that they shall be just and reasonable and not discriminatory." The declaration of these principles was a legislative function, but their application to the technical details of transportation has never been regarded as legislative, and Congress has always treated rate making as an administrative function. In treating the parcel post in this way—that is, in laying down the principles that the rates, classification, zones, weight limits, and other conditions should be administratively determined under the mandates that they should "promote the service to the public and insure revenue adequate to pay the cost of the service"—Congress was following all the precedents of its history. It laid down the principles that should guide them, and then authorized the Postmaster General and the Interstate Commerce Commission to apply them.

Sir, the history of the subject has been the same everywhere. In no country where Government ownership of railways prevails will you find the rates legislatively made. The subject is so technical and difficult and requires such precise knowledge of the particular facts in order not to needlessly kill the potential traffic, or mulct the Treasury by insufficient rates, that trained administrative and elastic rate making is always employed. In England, Belgium, Austria-Hungary, France, and other countries, where they have a service worthy of the name, the function is devolved upon the administrative authorties, even though without the aid of a body like our Interstate Commerce Commission.

Sir, we have started right, and it will be a sad day for the revenues of the Postal System if we should commit the folly of retracing our steps and reversing the whole course of institutional history in transportation rate making in this and other lands. Just as the traditional deficit of the postal establishment is disappearing by the addition of this long-delayed function, hands are raised to paralyze its beneficial activities. Such is the iconoclast always. "Father, forgive them, they know not what they do." A Senator is quoted in the press to the effect that "we are said to be losing $50,000,000 annually through the second-class postal rates; we may have to lose $100,000,000 through the parcel rates." What a commentary, if true, this statement is on the incapacity of the legislator to make such rates. The second-class rates were legislative rates, and not administrative. As for the alleged $100,000,000 loss, if the legislative mind can not apprise itself of the truth, namely, that the new rates are producing the first surplus of a generation, what kind of competency does it offer in the way of legislative rate making?

Mr. Chairman, it may be urged that the Interstate Commerce Commission has asked to be relieved of its duties under the law. What it has said is as follows:

> One of the general duties of the commission is to regulate the practices and charges of express companies. It has not felt called upon to consider the interests of these companies in any respect when considering applications of the Postmaster General to change parcel-post rates. The rates of the express companies have been recently revised by this commission, and a very substantial reduction therein has been made. The commission feels that it should be relieved from the duty of determining the extent to which the parcel post should supersede the express system, which it has regulated. It is easily conceivable that a proposition for reduction of parcel-post rates might seem to the commission to threaten the destruction of the existing express companies before adequate provision has been made by the Government for taking over all of such business. In such case the commission would be in grave doubt as to its duty under the present law.
>
> It is recommended that the commission be relieved of all duties in connection with the parcel post. If that is not done, the duties to be performed by the commission, as well as the standards to be applied to it, should be more clearly stated.
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> * * * * * * *
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> At page 80 it is suggested that the commission should be relieved of all duties to be applied under the parcel-post law or that such duties and the standards to be applied be more clearly stated.

Mr. Chairman, in effect, the Interstate Commerce Commission suggests that the Postmaster General shall exercise this power of revision alone, and without the approval of the Interstate Commerce Commission. This was the effect of the provision when it passed the House, but in conference an addition was made requiring the Interstate Commerce Commission to join with the Postmaster General in making such revisions.

Now, this request can not be construed into any kind of support for this rider. First, the commission does not suggest that the rates should be legislatively made. It does not hint that the task of considering them is not a proper work for the commission and the Postmaster General, nor does it say that the right to make them should be reposed in Congress. We know it would not exercise it once in a generation. But what it does say by implication is that the Postal System has such superior facilities for conducting the parcel service that it will drive the express companies from the field. I share its opinion in this regard, but the prospect of superior efficiency vanquishing a merely parasitic squatter on the postal and railway functions does not disturb me. Now, what the commission asks is to know what the will of Congress is as to such a situation. I submit that Congress has already furnished adequate principles for its guidance. It is to act so as to "promote the service to the public," and the surest way to do this is to let the Post Office and the express companies fight it out, and let the most efficient win.

Now, sir, I do not think that the proper answer to the commission is to stop the parcel post competing with the express companies, by hog-tying its weight and rate limits and essential elements of transportation life and efficiency. I know the enemies of the parcel post succeeded in preventing its enactment by allegations of postal inefficiency. Do they have the right now to reverse their position and shackle it, only to overcome its conceded efficiency?

Some answer may be proper to the question propounded by the commission; but I submit we need not give the answer now. It can wait a year or two when our experience is more complete. And such an answer may well be that as the parcel function is unquestionably a postal one, and profitable under the superior facilities possessed by the Postal System for its conduct, and since it is compelled to take the heavy loss on the rural and star routes, it has a right to occupy the rail field to recoup its losses and render a service cheaper and more extensive than is within the power of the express companies.

Mr. Chairman, this is the only great country that denies its postal establishment the full parcel and communicating functions, and this is the only country that has suffered the postal deficit. The following table gives the receipts and expenditures of the leading nations:

Financial results, receipts, and expenditures of Postal Systems in respect to mail, parcel, and telegraph and telephone services.

Country.	Receipts.	Expenses.	Surplus.
Germany	$194,272,463	$171,594,102	$22,678,361
Austria	37,494,963	36,774,693	720,270
Belgium	11,276,039	7,286,550	3,989,489
Denmark	5,151,680	4,052,103	1,099,577
France	69,688,373	60,765,697	8,922,676
Great Britain	130,145,874	107,815,457	22,330,417
Hungary	18,779,415	13,217,728	5,561,687
Italy	22,922,406	17,580,193	5,342,213
Japan	31,884,235	16,557,372	15,326,863
Norway	3,849,538	3,242,909	606,629
Netherlands	7,786,553	7,418,162	368,391
Russia	68,222,406	33,590,294	34,632,112
Sweden	9,684,515	8,116,610	1,567,905
Switzerland	14,169,411	13,673,772	495,639
New Zealand	5,805,750	5,112,762	692,988
Total	631,133,621	506,798,404	124,335,217

Such are the results with the postal establishments completely exercising their normal functions. Who can doubt that our so-called postal deficits simply represent the deprivation of those profitable functions which the express companies for 40 years have succeeded in diverting from our Postal System?

Mr. Chairman, other postal establishments have always enjoyed their full rights. Why not ours? It is notorious that since the Civil War the history of our country has not been the narrative made; that is, "that they shall be just and reasonable and not of social institutions, but a stirring story of the gigantic achievements of individuals in the domain of private finance. You can think of the names of a half dozen such men quicker than you can recall the names of the contemporary Presidents of the Republic. Meanwhile the substantive powers of our national life have belonged not to the States or the Government, as representing society as constitutionally organized, but to private individuals and their personal empires, really great princes of

finance with powers exceeding those of the States, and collectively directed, exceeding, too, the active resistant powers of the National Government. At some points their private activities have trenched over onto the Government domain, with the result that some of its functions have been partly diverted and others suspended in their interest. Such has been the masterliness of their control that even the most popular national institution, the postal system, has had to yield two of its principal functions—the parcel post and the electrical method of communication. For 40 years it was deprived of the parcel function. I pray, sincerely pray, that this House, which gave it its life principle, its power of progressive development, by which it has become the poor man's express, and the only net revenue producer of the Nation, will never consent to the destruction of its most vital elements—the principle of development and growth.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. STAFFORD. The gentleman, in reply to a question propounded by the gentleman from New York [Mr. PAYNE], stated that the railroads are receiving a compensation for this extra weight occasioned by the development of the parcel post. The gentleman ought to be aware of the fact——

Mr. LEWIS of Maryland. The gentleman is not asking a question now, is he?

Mr. STAFFORD. The gentleman from Maryland yielded.

Mr. LEWIS of Maryland. I have not yielded for a speech, sir. I am aware of the facts with regard to railway transportation, as are all the Members here.

Mr. STAFFORD. I will put it in the form of a question, then.

The CHAIRMAN. The gentleman's time has expired.

Mr. STAFFORD. Will the gentleman from New York yield the gentleman two minutes' time?

Mr. FITZGERALD. I yield to the gentleman two minutes.

Mr. LEWIS of Maryland. Now state your question.

Mr. STAFFORD. Is it not a fact that the railroads have only received $1,300,000 for the increased tonnage occasioned by the increased weight of the parcel post?

Mr. LEWIS of Maryland. That may be a fact, but that is not an ultimate fact; and the parcel-post rates are not based on that fact, but are based on a loading for railway pay that is more than adequate to take care of the future.

Mr. STAFFORD. If the gentleman will permit me, the facts are that the railroads are not receiving any additional compensation whatever other than this $1,300,000 because of the increased weight occasioned by the parcel post.

Mr. LEWIS of Maryland. There are two sides to that question. Let me answer the gentleman. On a 10-pound parcel from New York to Lincoln, Nebr., the Government, under the present law, is paying the railroads 60 cents. The express companies on a like parcel are paying the railways 28 cents, and that characterizes all the parcel traffic of the express companies and the parcel post for distances beyond 300 miles. As a matter of fact, at this moment the Post Office Department, where it pays at all for these parcels, is paying at the rate of 8 cents a ton-mile to the railways, while the express companies are paying at the rate of 4 cents a ton-mile and have their equipment carried free.

Mr. STAFFORD. Will the gentleman permit further?

Mr. LEWIS of Maryland. Yes.

Mr. STAFFORD. If the present rates continue as the basis for the compensation to the railroads for the carriage of the mail, the additional tonnage occasioned by the increase of the parcel post will result in millions and millions of dollars over that which they are now receiving. The gentleman will not question that, I hope.

Mr. LEWIS of Maryland. I do not comprehend the gentleman's statement.

Mr. STAFFORD. A further question I should like to ask——

Mr. LEWIS of Maryland. The gentleman is not asking a question yet.

Mr. STAFFORD. Under this authority that the Postmaster General has of fixing rates, would he have authority to change the rates on first-class and second-class matter?

Mr. LEWIS of Maryland. I should say not.

Mr. STAFFORD. Why, then, has he changed the rates on third-class matter if he has not the right to change them on first and second class matter? He has certainly done so, so far as books are concerned.

Mr. LEWIS of Maryland. I am not answering that question. In my judgment, he has no power to change the rates on first and second class matter.

Mr. STAFFORD. He has changed the rate on third class, which relates to books.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. GILLETT. I yield 20 minutes to the gentleman from California [Mr. J. R. KNOWLAND].

Mr. J. R. KNOWLAND. Mr. Chairman, the attitude of the Democratic Party, now in control of every branch of the Government, upon the live and important question of equal suffrage is of more than passing interest to the people of California and other Western States where women have been granted the ballot. Its successful operation in these localities has fully justified the wisdom of the movement and furnished the strongest possible argument in favor of the submission by Congress of a constitutional amendment extending the franchise to all the States.

WOMEN HAVE PRESENTED CASE WITH DIGNITY AND PERSEVERENCE.

Representative women, advocates of this great cause, have presented their case at the National Capital with dignity and commendable perseverence. It is my purpose to briefly recall some of their experiences, which have been most enlightening from many standpoints. They have been initiated into the game of politics as played under the new and "improved" rules.

Mr. KEATING. Will the gentleman yield?

Mr. J. R. KNOWLAND. After I complete my remarks if I have any time left I shall be glad to yield.

As an illustration, these good women in consulting leaders at this end of the Avenue were apprised that while Congress met in the Capitol Building little legislation was now framed beneath the great Dome.

Mr. ELDER. Will the gentleman yield?

Mr. J. R. KNOWLAND. After I have completed my remarks I shall be glad to yield to the gentleman if I have any time.

Mr. ELDER. Mr. Chairman, I do not think the gentleman is speaking to the question before the House ,and I make that point of order.

Mr. STAFFORD. I believe the gentleman is entirely in order.

Mr. J. R. KNOWLAND. There was no stipulation that general debate should be confined to the bill.

Mr. PAYNE. Oh, no; we are in Committee of the Whole House on the state of the Union.

The CHAIRMAN. The Chair thinks the gentleman is in order.

Mr. J. R. KNOWLAND. Seeking further light, they were advised that to insure success it would be necessary to make a pilgrimage to the present real seat of government. With that alertness so characteristic of the gentler sex they quickly grasped the situation, and temporarily turning their faces from the Capitol wended their way down the historic Avenue to ascertain at first hand if in the promulgation of the New Freedom the cause of equal rights for women, the justice of which cause so strongly appeals to them as it does to countless others, had been accorded that thought and consideration to which it was entitled.

RECEIVED BY PRESIDENT.

Reaching the White House an audience was obtained with the Chief Executive. Having been reliably informed that a presidential message would exercise a most potent influence upon that once independent lawmaking body, they forthwith humbly craved a personally delivered appeal to those who know their master's voice. As to what occurred at that meeting, which took place on December 8, 1913, I would have the Clerk read the following account, taken from the Washington Post of December 9, 1913:

As soon as President Wilson appeared in his office at the White House yesterday a delegation of suffragists formed in a circle, and Dr. Anna Shaw, president of the National Woman's Suffrage Association, advanced with a smile.

"Come closer, ladies," said the President, and the delegates drew closer to him.

"We have come, Mr. President," said Dr. Shaw, "to ask in the name of American women that you send a message to Congress recommending a constitutional amendment favoring woman suffrage or that you indorse a committee in Congress on equal suffrage. All the committees we have appeared before have been very courteous and kind, but it seems that equal suffrage has always been buried somewhere. Won't you help us?"

PRESIDENT WILSON'S REPLY.

In answer to Dr. Shaw the President said:

"I want you ladies, if possible, if I can make it clear to you, to realize just what my present position is. Whenever I walk abroad I realize that I am not a free man; that I am under arrest. I am so carefully and admirably guarded that I have not even the privilege of walking the streets. That is, as it were, typical of my present transference from being an individual, with his mind on any and every subject, to being an official of a great Government, and incidentally, or so it falls out under our system of government, the spokesman of a party.

"I set myself this very strict rule when I was governor of New Jersey, and have followed it as President, that I am not at liberty to urge upon Congress in messages policies which have not had the organic consideration of those for whom I am spokesman."

CAN NOT PRESS PRIVATE VIEWS.

In other words, I have not yet presented any legislature my private views on the subject, and I never shall, because I conceive that to be part of the whole process of government; that I shall be spokesman for somebody, not myself.

I am an individual. When I am spokesman of an organic body I am a representative. For that reason, you see, I am by my own principles shut out, in the language of the street, from "starting anything." I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself.

GLAD TO BE CONSULTED.

I want to say that with regard to all other matters I am not only glad to be consulted by my colleagues in the two Houses, but I hope that they will often pay me the compliment of consulting me when they want to know my opinion on any subject. One member of the Rules Committee did come to me and ask me what I thought about this suggestion of yours of appointing a special committee for consideration of the question of woman suffrage, and I told him that I thought it was a proper thing to do.

So that so far as my personal advice has been asked by a single member of the committee it has been given to that effect. I wanted to tell you that to show you that I am strictly living up to my principles. When my private opinion is asked by those who are cooperating with me I am glad to give it, but I am not at liberty until I speak for somebody besides myself to urge legislation upon Congress.

"Then," said Dr. Shaw, after the President had finished speaking, "are we to understand that we are to be left without a spokesman"?

"Madam," said the President, with a broad smile, "I think you ladies are generally able to speak for yourselves."

OBSERVATIONS BY MRS. FUNK AND THE NEW YORK PRESS.

In view of recent developments it is perhaps not surprising that Mrs. Antoinette Funk, a member of the congressional committee of the National Woman Suffrage Association, in a recent interview was constrained to give vent to the following:

"We have hopes," she said, "that 4,000,000 voters of the United States and 10,000,000 persons in sympathy with them will have as much influence with the President when they ask for equal rights for American women as the Government of Great Britain, which is insisting upon repeal of a national law and repudiation of an important plank in the platform upon which the President was elected."

And in this same connection I would insert the following editorial from the New York Press of February 8, 1914:

President Wilson recently told the suffragists that he could not take a stand in favor of their cause, the cause of a suffrage amendment to the Constitution, because the Democratic Party has not gone on record in favor of it.

In the light of the White House attitude on the canal-tolls plank, it might be well for the suffragists to send another delegation to the Executive Offices.

SECOND MEETING WITH THE PRESIDENT.

Hope and persistency are dominant traits of the sex. Undaunted, these brave women made one more plea for Executive favor. On February 2 of this year a committee of working girls, keenly alive to the great importance of the ballot to the woman who toils, called at the White House, and the President's reply to their prayer was in many respects a gem. Listen to it, my Democratic friends, and you may be surprised to learn that a platform, after all, has its uses, proving particularly valuable and convenient in extricating one from embarrassing predicaments. Here is the speech, not characteristic in its brevity, but nevertheless a classic in its line:

I need not tell you—

The President said—

that a group of women like this appeals to me very deeply indeed. I do not have to tell you what my feelings are, but I have already explained—because I felt obliged to explain—the limitations that are laid upon me as the leader of a party. Until the party as such has considered a matter of this very supreme importance and taken its position, I am not at liberty to speak for it; and yet I am not at liberty to speak as an individual, for I am not an individual. As you see, I either speak to it in a message as you suggest or I do not speak at all. That is the limitation I am under, and all I can say to you, ladies, is that the strength of your agitation in this matter undoubtedly will make a profound impression.

NEW YORK SUN'S ACCOUNT OF MEETING.

The following report of this meeting, from the New York Sun of February 3, is highly interesting:

The 400 women included 50 from New York City and large delegations from Pennsylvania, Connecticut, Delaware, New Jersey, West Virginia, Maryland, and the District of Columbia. Their leader, Mrs. Glendower Evans, of Boston, acted as spokesman.

It was impossible for all the women to get into the President's office, so it was arranged that a committee of 20 should present the appeal to the President while the others waited in front of the Executive Offices. Mrs. Evans reminded the President that more than a year ago she had presented to him at Sea Girt, N. J., an argument for equal suffrage. She said that the President had expressed himself freely at that time, discussing both the merits and demerits of the suffrage movement, and that she had brought away the impression that his beliefs differed but little from those of the advocates of giving votes to women. She said that since that time she had maintained an almost momentary expectation of a pronouncement from Mr. Wilson in favor of the cause she came to present.

NO LONGER FREE TO EXPRESS VIEWS.

The President reminded Mrs. Evans and her companions that as governor of New Jersey he had certain liberties of speech upon public questions which his election to the Presidency deprived him of.

"I was freer then," he said.

"Yes; but you were gunning for votes then," said Mrs. Evans.

ADVERSE ACTION BY COMMITTEE ON RULES.

The extraordinary powers lodged in the Committee on Rules having been a subject of newspaper discussion during previous campaigns, it was decided to make an appeal in that quarter for the creation of a committee on suffrage, a committee that would not be too busy or indifferent to give their case the attention to which it is entitled, and, as Mrs. Ida H. Harper, of New York, declared at the hearing, "a committee whose appointment will hold out to us the hope that ultimately our question will be considered by the National Congress, which is elected to represent all the people, women as well as men."

The Committee on Rules refused to act. Far be it from me to transgress the rules of the House by mentioning what took place in committee in executive session. I am not a member of that committee and do not possess the knowledge to impart even should I desire to do so. I do know that some of us from the West urged the Republican members of that committee to favor the appeal of the women, and we have great confidence in their good judgment.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. J. R. KNOWLAND. I will.

Mr. GARRETT of Tennessee. I am a member of the Committee on Rules, and I want to say that there was an express resolution that all of the proceedings of the committee should be made public, and if the gentleman knows what those proceedings were he is at liberty to make them public.

Mr. J. R. KNOWLAND. I have a newspaper clipping, and I intended to get the action of the committee into the RECORD in that way. If the gentleman from Tennessee, a member of the committee, detects any error in the account, I wish he would call my attention to it.

The newspaper account is one appearing in the Washington Post the day following the adverse action of the committee. The accuracy of the report has never been questioned. I will now read the report from the Washington Post of January 25, 1914:

Democrats of the House put themselves firmly on record against woman suffrage yesterday, when the House Rules Committee, by a vote of 4 to 4, declined to report out a resolution creating a special committee on woman suffrage. * * * Those voting for the resolution were Representatives FOSTER, Democrat, of Illinois; CAMPBELL of Kansas and LENROOT of Wisconsin, Republicans; and KELLY, Progressive, of Pennsylvania.

Those against were Representatives POU of North Carolina, HARDWICK of Georgia, GARRETT of Tennessee, and CANTRILL of Kentucky, all Democrats. * * * Representative HENRY of Texas and Representative GOLDFOGLE of New York did not attend the meeting. Both were in the city. Both are said to be against the resolution.

I will ask the gentleman from Tennessee if that is correct?

Mr. GARRETT of Tennessee. If the gentleman will allow me, so far as the vote is concerned, it is correct; and, so far as the absentees is concerned, it is correct; but the attitude of the absentees I have no knowledge of.

DEMOCRATIC CAUCUS GOES ON RECORD IN OPPOSITION.

Mr. J. R. KNOWLAND. Finally, desirous of definitely fixing responsibility, it was determined to put the question squarely up to the Democratic caucus, whose dictum is final unless a higher authority intervenes. Sufficient signatures were obtained after some little effort on the part of those interested—many Members of the Democratic Party being reluctant to sign without the word from headquarters—and the caucus was finally convened on the night of February 3.

Mr. REED. Will the gentleman yield?

Mr. J. R. KNOWLAND. Yes.

Mr. REED. I would like to know who the gentleman's authority is for making the assertion that many were reluctant to yield without higher authority.

Mr. J. R. KNOWLAND. Because ladies who circulated the petition gave that information.

Mr. REED. But sometimes mistakes are made in the transmission of such messages, as this occasion on which the gentleman has spoken. I was one of the Members who signed it.

Mr. J. R. KNOWLAND. I can not yield to the gentleman further to make a speech in my time.

There was much oratory in the caucus, we learn from newspaper accounts, but finally our colleague from Alabama [Mr. HEFLIN], who has been the most active influence against suffrage in the House, carried the caucus with him by a vote of 123 to 67, the Democratic Party declaring that suffrage was not a national issue. Regardless of this action, I predict that when the next campaign is on they will find this to be one of the most live national issues. A very striking peculiarity of a Democratic caucus is its soothing effect upon those who participate. Members enter roaring like fighting lions and come out meek as lambs.

HOUSE LEADER UNDERWOOD STATES POSITION OF DEMOCRATIC PARTY.

To further emphasize the position of the party, I quote the following colloquy from the CONGRESSIONAL RECORD of February 4.

Mr. LENROOT. Will the gentleman [Mr. UNDERWOOD], as leader of the majority, use his influence in the House to report that resolution so that we may have an opportunity to vote on it?

The resolution referred to was the one pending for the submission of a constitutional amendment by Congress for the enfranchisement of the several States. To this inquiry Mr. UNDERWOOD replied:

I will say to the gentleman from Wisconsin that I would not, because I am not in favor of it. If there is one fundamental principle that my party stands for, it is local self-government.

[Applause on the Democratic side.]

Being interrogated further he said, and I again quote from the RECORD:

Mr. UNDERWOOD. I not only said I was opposed to it, but I said the party on this side of the Chamber was opposed to it, and the party that has control of the legislation in Congress certainly has the right openly and aboveboard to say that it will not support a measure if it is not in accordance with its principles.

Mr. LENROOT. That is true; but there is a distinction between supporting a measure and giving the House a right to vote upon the measure.

Mr. UNDERWOOD. The gentleman recognizes the fact that we can not vote upon every measure.

Mr. LENROOT. Now, if the gentleman wishes to take the position that the Members on that side are unwilling to let the House of Representatives vote upon this question, then he is entirely welcome to take that position.

Mr. UNDERWOOD. The gentleman from Wisconsin began his first remark by stating that the Democratic Party had taken its position last night, and it did, when by a two-thirds vote it fixed our position on that matter.

Mr. KEATING. Will the gentleman yield?

Mr. J. R. KNOWLAND. Yes.

Mr. KEATING. I want to ask the gentleman this question: If after he has stated the Democratic Party's position on the suffrage question he will favor us with the position of the Republican Party?

Mr. J. R. KNOWLAND. It is always a weak argument to attempt to shift responsibility; the women of the country are looking to the party in power.

Mr. KEATING. I agree with the gentleman that the women do not expect the Republican Party to take any action, but I wish the gentleman would state the position of the Republican Party, nevertheless.

Mr. J. R. KNOWLAND. I can not, except so far as I am concerned.

Mr. KEATING. Can the gentleman as far as his party is concerned?

Mr. J. R. KNOWLAND. I am not authorized to speak for the Republican Party.

Mr. KEATING. The gentleman does not know what the position of his party is, but he knows that they never declared in favor of woman suffrage.

Mr. J. R. KNOWLAND. I do know that they have never declared against woman suffrage as the Democratic Party has recently done in caucus and in committee.

Mr. KEATING. Will the gentleman say that the Republican Party has in the House or out of the House declared in favor of woman suffrage?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. J. R. KNOWLAND. Yes.

Mr. GARRETT of Tennessee. The gentleman is a man of great intellectual integrity, and I want to ask the gentleman if he in his heart has any quarrel with the position taken by the Democratic caucus? The Democratic Party did not declare against woman suffrage; it declared that it was a State and not a Federal question.

Mr. J. R. KNOWLAND. The Rules Committee declared against creating a special committee. I believe your party was wrong in that action, and I likewise believe that constitutional amendment ought to be submitted.

Mr. GARRETT of Tennessee. The gentleman believes it is a Federal and not a State question?

Mr. J. R. KNOWLAND. I believe it is largely a Federal question.

Mr. GARRETT of Tennessee. Is the gentleman willing to follow that matter to its logical end? The gentleman from California knows that his State has its local troubles that are very grave and not of interest to other sections of the country.

Mr. J. R. KNOWLAND. We saw an instance of that the other day, when the House voted against Japanese exclusion.

Mr. GARRETT of Tennessee. Yes; and the gentleman knows where the sympathy on the Japanese question comes from. Would the gentleman be willing to assert as a distinguished Republican, or once a Republican, asserted that the Nation would have a right to force the Japanese into the schools of the State, that the Federal Government ought to do it over the protest of the State; does the gentleman think so?

Mr. J. R. KNOWLAND. No; I do not, but that is not a parallel case.

Mr. GARRETT of Tennessee. Suppose the majority of the States so opposed to woman suffrage should undertake to interfere with California and the women of the State and exercise that right, would the gentleman agree to that?

Mr. J. R. KNOWLAND. I maintain that in this instance the women have a perfect right to ask that an opportunity be given the House to vote on the proposed amendment. That is the question involved here. You are depriving Congress of an opportunity to express itself. If a majority believe as the gentleman does, then they could defeat the amendment; but you are now depriving Congress of an opportunity to even vote upon this question. That, I take it, is what the women object to particularly.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GILLETT. I yield to the gentleman from California five minutes more.

Mr. CURRY. If a majority of the States were opposed to the adoption of this constitutional amendment, then they would not vote it in the Constitution, even if the House and the Senate submitted it?

Mr. J. R. KNOWLAND. Of course not.

Mr. CURRY. Is it not a fact that the State conventions that have indorsed woman's suffrage have, with the exception of two, been Republican?

Mr. J. R. KNOWLAND. That is true.

Mr. CURRY. Does the gentleman know of any Democratic State that has indorsed it?

Mr. J. R. KNOWLAND. I do not.

WIDESPREAD CRITICISM.

I understand that so widespread has been the criticism against the attitude of the Democratic Party upon this question that leaders have condescended to grant the women a hearing before the Judiciary Committee; but as the party has gone on record in caucus, by a two-thirds vote, the hearing will, I fear, be without result.

NO OPPORTUNITY GRANTED TO VOTE UPON THE QUESTION.

It would be useless at this time to enter into a discussion of the general subject, for it has been decreed that the membership of this House, during this session at least, are not to be granted an opportunity to vote upon this question. If accorded the opportunity, I shall, of course, support the proposed constitutional amendment. Nearly 15 years ago, while a member of the Legislature of California, at a time when the movement was not popular, I did not hesitate to go on record in favor of granting the right of suffrage to women, and I have never regretted my early attitude.

ADVANCED POSITION OF CALIFORNIA JUSTIFIED.

The experience of California under equal suffrage has fully sustained the judgment of the voters of my State in taking the advanced step. Husband and wife, sister and brother, mother and daughter accompany each other to the polls. The election booths are more orderly than ever before. Women closely scrutinize candidates and fully acquaint themselves with their public records. They are most conservative, and not easily swayed. A just cause strongly appeals to them.

In closing, let me say to my Democratic friends that the success of the equal-suffrage movement is inevitable. You might as well capitulate now as later. The strength of the cause is its justice. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I had not supposed that an occasion would arise on which I would care to discuss the suffrage question, so called, but the remarks of the gentleman from California [Mr. J. R. KNOWLAND] seem to render it at least proper, if not necessary, to state, as perhaps it has not been fully stated, the reason that controlled those of us who occupy the same position that I occupy, in declining to vote for the creation of a House committee on equal suffrage. The only purpose, let it be understood here and now, for the creation of that committee was that it should be a committee favorable to the submission of a constitutional amendment. The ladies who appeared before the Committee on Rules at the hearings that were held upon successive days did not desire the creation of a committee merely to have a committee, because there is already a committee of the House that has jurisdiction of the suffrage question. It was because that committee has been unfavorable that the ladies desired the creation of a new committee. That, of course, every man understands. The purpose was to create a committee which either now or at some time in the near future would be favorable to the submission of a Federal constitutional amendment.

So far as I am concerned, without reference to the merits of the question of suffrage, I am opposed to the submission of any such constitutional amendment, and since the only purpose

of creating a committee was to get a committee which would do that, how could one who was opposed to the submission of a constitutional amendment logically vote for the creation of a committee to do that to which he was opposed? What is the logic of the position taken by the gentleman from California? That it is a Federal and not a State question. Suppose the matter were reversed? Suppose the question were submitted in the form of permitting three-fourths of the States to declare that any State should not have suffrage? Does the gentleman believe that three-fourths of the States should be permitted to prevent his State from having woman's suffrage? I apprehend he would not be willing to support that, and yet in principle that is precisely the proposition which the gentleman would advocate. The Democratic Party, in taking its position in the caucus, did not take a position against suffrage. It did take a position which is sound and which, in my judgment, is approved in the hearts of four-fifths of the membership of this House, without regard to party, and that is that there should not be a provision whereby three-fourths of the States or any number of States could fix the qualification of voters in all the States.

Mr. J. R. KNOWLAND. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. J. R. KNOWLAND. Does the gentleman personally favor suffrage?

Mr. GARRETT of Tennessee. I will be entirely frank with the gentleman. There are some matters upon which I favor suffrage. There are some objections, I do not know whether they are sentimental or intellectual, though I think both, that I have against the general exercise of suffrage by women.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BUCHANAN of Illinois. As the gentleman probably knows, I voted in favor of reporting this resolution. I now see in the newspapers where a lady with whom I am intimately acquainted, in the city of Chicago, and who is organizing the Democratic women in my district, is quoted as saying that she is in accord with the action of the Democratic Party in the House, and that the Democratic women of that locality are, and that lady is the wife of Congressman BUCHANAN, of Chicago. [Laughter.]

Mr. GARRETT of Tennessee. I will say to the gentleman that, after all, it is a principle of government that is involved here, a principle that must be considered in connection with our peculiar system of government, our duplex form of government, State and Federal. I should oppose, I will say to the gentleman from California [Mr. J. R. KNOWLAND], just as earnestly any proposition whereby three-fourths of the States could prevent a State from giving the right of suffrage to women as I do now oppose a provision whereby three-fourths of the States can give the right in other States against the wish of such State or States.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13612, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, February 21, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, final report by a special board of engineers upon waterway from Lockport, Ill., by way of the Des Plaines and Illinois Rivers to the mouth of said Illinois River, and certain related subjects (H. Doc. No. 762); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Thomas J. Wear *v.* The United States (H. Doc. No. 759); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of Commerce, submitting an amendment to House bill 12806, authorizing the Secretary of War to grant the use of Fort McHenry Military Reservation to the mayor and city council of the city of Baltimore, etc., giving the Secretary of Commerce permission to maintain a light and fog signal to mark the channel (H. Doc. No. 760); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Postmaster General submitting an amended estimate of appropriation for salaries, office of Second Assistant Postmaster General, Division of Railway Mail Service, for the fiscal year 1915 (H. Doc. No. 761); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 12796) to provide for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture, reported the same with amendment, accompanied by a report (No. 291), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 1848) for the construction of a rostrum in the national cemetery in the Presidio of San Francisco, Cal., reported the same with amendment, accompanied by a report (No. 292), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 12533) to amend section 1 of an act of Congress approved April 9, 1912 (37 Stat., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," reported the same with amendment, accompanied by a report (No. 293), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURRAY of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13091) to provide for drainage of Indian allotments of the Five Civilized Tribes, reported the same with amendment, accompanied by a report (No. 294), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2425) granting a pension to Elizabeth Hummelbaugh; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13437) for the relief of Frederick A. Holden; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 13666) to provide for universal transfers on all street railway companies, herdic companies, and all other passenger transportation lines within the District of Columbia, and to prescribe penalties and punishments for violating its provisions; to the Committee on the District of Columbia.

By Mr. FLOOD of Virginia: A bill (H. R. 13667) authorizing the appointment of an ambassador to Argentine Republic; to the Committee on Foreign Affairs.

By Mr. HAMLIN: A bill (H. R. 13668) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 13669) providing for the purchase of a site and the erection of a public building at South St. Paul, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 13670) providing for the maintenance and increase of the national coin collection at the Philadelphia Mint by authorizing the coinage of 1,000.000 official souvenir mint medals to commemorate the completion of the canal across the Isthmus of Panama, and directing that the proceeds from the sale of such medals to the public be devoted to the extension of the collection under the supervision of the Secretary of the Treasury; to the Committee on Coinage, Weights, and Measures.

By Mr. GERRY: A bill (H. R. 13671) appropriating $25,000 for quarantine facilities at Providence, R. I.; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNER: A bill (H. R. 13672) to amend the act of July 24, 1888, and to fix rates of postage on seeds, cuttings, bulbs, roots, scions, and plants; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: A bill (H. R. 13673) to regulate the sale of unstemmed leaf tobacco in the hand; to the Committee on Ways and Means.

By Mr. DECKER: A bill (H. R. 13674) for the erection of a Federal building at Aurora, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13675) to provide for the erection of a public building in the city of Neosho, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. COOPER: A bill (H. R. 13676) authorizing and directing the Secretary of War, in his discretion, to deliver to the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., two condemned bronze or brass cannon; to the Committee on Military Affairs.

Also, a bill (H. R. 13677) authorizing and directing the Secretary of the Navy, in his discretion, to deliver to the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., one discarded anchor of a United States cruiser or battleship; to the Committee on Naval Affairs.

By Mr. TEN EYCK: A bill (H. R. 13678) to extend the provisions of section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," to seeds, cuttings, bulbs, roots, scions, and plants; to the Committee on the Post Office and Post Roads.

By Mr. LEVER: A bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915; to the Committee on the Whole House on the state of the Union.

By Mr. LOGUE: A bill (H. R. 13680) to provide for the selection of a site on ground belonging to the United States Government in the city of Washington on which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: Memorial from the State of Massachusetts approving the plan and commending the efforts made to procure the establishment of a regional reserve bank in Boston; to the Committee on Banking and Currency.

By Mr. MURRAY of Massachusetts: Memorial of the Legislature of Massachusetts, approving plan and commending efforts to procure establishment of a regional reserve bank in the city of Boston; to the Committee on Banking and Currency.

By Mr. MITCHELL: Memorial of the Legislature of Massachusetts, approving plan and commending efforts to procure establishment of regional reserve bank in the city of Boston; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 13681) granting an increase of pension to Jesse D. Vargason; to the Committee on Invalid Pensions.

By Mr. AVIS: A bill (H. R. 13682) granting an increase of pension to Benjamin F. Harless; to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 13683) granting a pension to John W. Lattimore; to the Committee on Pensions.

By Mr. CARR: A bill (H. R. 13684) granting an increase of pension to Jacob A. Singley; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 13685) granting an increase of pension to Christian Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13686) granting an increase of pension to John Maddy; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 13687) granting an increase of pension to John P. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13688) for the relief of Fones Palmer; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 13689) granting an increase of pension to Michael Kuhn; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 13690) for the relief of the Woman's Board of Domestic Missions, Reformed Church, in America; to the Committee on Indian Affairs.

By Mr. FIELDS: A bill (H. R. 13691) granting an increase of pension to Alwilda Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13692) for the relief of Sherman Lewis; to the Committee on Claims.

Also, a bill (H. R. 13693) for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce; to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 13694) granting a pension to Maggie L. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13695) granting an increase of pension to Adolphus D. Lovan; to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 13696) admitting Paul M. T. Purps to citizenship; to the Committee on Immigration and Naturalization.

By Mr. HELM: A bill (H. R. 13697) granting an increase of pension to Allie W. Thompson; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 13698) to corect the military record of Charles A. Coulson; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 13699) for the relief of John Avilla; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 13700) for the relief of J. M. Potter; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 13701) for the relief of Elizabeth Bachman; to the Committee on War Claims.

By Mr. LIEB: A bill (H. R. 13702) granting a pension to Nancy Tenant; to the Committee on Pensions.

Also, a bill (H. R. 13703) granting an honorable discharge to Frederick Slagel; to the Committee on Military Affairs.

By Mr. LOGUE: A bill (H. R. 13704) for the relief of William A. Hutson; to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 13705) granting an increase of pension to Sarah A. Call; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13706) granting a pension to Ellen Mulligan; to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 13707) for the relief of George W. Waddell; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 13708) granting an increase of pension to F. A. Porter; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 13709) for the relief of Joe Davis; to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 13710) for the relief of Lieut. Joseph A. Rogers, United States Army; to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 13711) for the relief of Mrs. Robert Leo Bowman; to the Committee on Indian Affairs.

Also, a bill (H. R. 13712) for the relief of Omer D. Lewis; to the Committee on Indian Affairs.

Also, a bill (H. R. 13713) for the relief of Charles E. McChesney; to the Committee on Indian Affairs.

Also, a bill (H. R. 13714) for the relief of the widow of George E. Miller; to the Committee on Indian Affairs.

Also, a bill (H. R. 13715) for the relief of May Stanley, widow of Will H. Stanley; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the General Muhlenberg Branch of the American Continental League of Philadelphia, protesting against the "One hundred years' peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of citizens of the United States, favoring amendment abolishing polygamy; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of Gustave Hills and 152 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of George C. Good and 42 others; Samuel E. Walters and 134 others; and Local Union No. 2, United Brotherhood of Carpenters and Joiners of America, all of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Hardwood Manufacturers' Association, of Cincinnati, Ohio, favoring Ransdell-Humphreys bill relative to improvements on Mississippi River; to the Committee on Rivers and Harbors.

By Mr. ANTHONY: Petition of officers of Iron Molders' Union, No. 418, Atchison, Kans., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petitions of Merle Roberts and 12 other merchants of Ashland, Ohio, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, petition of the Seventh-day Adventist Church of New Philadelphia, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of sundry citizens of the State of Pennsylvania, protesting against the barring from the mails the publication called the Menace; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Macon, Miss., favoring House bill 8947, relative to extension of Free Delivery Postal Service; to the Committee on the Post Office and Post Roads.

Also (by request), petitions of Martin McDermitt, of Nanty Glo, Pa., and A. G. Hormick, of Johnstown, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of Charles Zook, Charles Smaltz, John Cullison, and Andrew C. Baker, favoring passage of House bill 8605, to increase the pensions of those who have lost limbs; to the Committee on Invalid Pensions.

Also, petitions of sundry patrons of the post office at Chino, San Bernardino County, Cal., favoring the passage of House bill 8947, relative to extension of free-delivery mail service; to the Committee on the Post Office and Post Roads.

By Mr. BAKER: Petition of the National Bank of Ventnor City, N. J., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BARCHFELD: Petitions of citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Second Regiment, United Boys' Brigade of America, of Knoxville, Pa., favoring amendment to Senate bill 3777, providing for the wearing of uniforms by the Boys' Brigade similar to those worn by the United States Army; to the Committee on Military Affairs.

By Mr. BELL of California: Petitions of the Citizens' Trust & Savings Bank, of Los Angeles, Cal., and the First National Bank of Sierra Madre, Cal., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. CALDER: Petitions of members of Vandervear Park Methodist Episcopal Church of Brooklyn, N. Y., favoring amendment to the Constitution abolishing polygamy; to the Committee on the Judiciary.

By Mr. CARR: Petition of the First National Bank of Masontown, Pa., favoring amendment to income-tax law, relative to collection at the source; to the Committee on Ways and Means.

By Mr. CARY: Petitions of J. H. Newman, Joseph Mawroeki, George Lorig, Otto C. Knell, Louis Schuerder, Arthur Z. Eberhardt, Welmuth Sieloff, and Arnold Sieloff, citizens of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures, as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the several States; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of citizens and banks of Florida, favoring amendment of income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Jacksonville, Fla., favoring House bill 1873, being the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of H. J. Seager and many other citizens of Jacksonville, Fla., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petitions of Bartenders' Union, Local No. 392, of Racine, Wis., and of Local No. 562, International Brotherhood of Teamsters, of Kenosha, Wis., against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Manufacturers' National Bank, the First National Bank, and the Commercial & Savings Bank, of Racine; the Waukesha National Bank, Farmers' State Bank, and the National Exchange Bank, of Waukesha; the Citizens' Bank of Mukwonago; the State Bank of Wales; the Meinhardt Bank, of Burlington; and the State Bank of Milton Junction, all in the State of Wisconsin, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of Carl Schumaker and C. F. Lynts, of Edgerton, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of the United Spanish War Veterans, West Chester (Pa.) Camp, No. 49, favoring passage of bill to pension widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Hamilton Fish, jr., Camp, No. 1, United Spanish War Veterans, of St. Louis, Mo., favoring passage of bills for pension for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Railway Business Association, favoring bureau for bill drafting, etc.; to the Committee on Appropriations.

By Mr. DAVIS: Petitions of the Security State Bank, of Zumbrota, Minn., and the First State Bank of Brownton, Minn., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Council of Grain Exchanges of the United States, favoring appointment of committee to report on workings of grain exchanges; to the Committee on Rules.

Also, petition of the Minneapolis (Minn.) Civic and Commerce Association, relative to appropriation to enable the Bureau of Foreign and Domestic Commerce to promote American trade; to the Committee on Appropriations.

By Mr. DYER: Petition of the Railway Business Association, favoring appropriation for a bureau of legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of citizens of Missouri, against national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition signed by sundry citizens of Guttenberg, Hudson County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GARDNER: Petition of the General Court of Massachusetts, relative to establishment of a regional reserve bank in city of Boston; to the Committee on Banking and Currency.

Also, petition of the Massachusetts Real Estate Exchange, of Boston, Mass., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of the International Brotherhood of Steam Shovel and Dredge Men and other workers in Canal Zone, favoring extra pay for overtime work; to the Committee on Appropriations.

Also, petition of Fred C. Staerm, of Philadelphia, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petitions of Charles Borland and other citizens of the first congressional district of Vermont, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Petition of the treasurer of the Kennebunk Savings Bank, of Kennebunk, Me., praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petition of the cashier of the York National Bank, of Saco, Me., praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petition of the cashier of the Canal National Bank, of Portland, Me., praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petition of the officers of the First National Bank of Biddeford; York County Savings Bank, of Biddeford; Biddeford Savings Bank, of Biddeford; Goodwin Trust Co., of Biddeford; and Biddeford National Bank, of Biddeford, all in the State of Maine, praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petition of the directors of the First National Bank of Portland, Me., praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petition of the cashier of the Ocean National Bank, of Kennebunk, Me., praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petition of the officers of the First National Bank, Brunswick Savings Bank, Union National Bank, Topsham & Brunswick Savings Bank, and Pejepscot National Bank, all of Brunswick, Me., praying for an amendment to the income-tax law, so that the words "information at the source" be substituted in the place of "collection at the source," or else that an allowance be made to the banks for the collection of the income tax; to the Committee on Ways and Means.

Also, petitions of the directors of the Union Safe Deposit & Trust Co., of Portland, Me., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. HINEBAUGH: Petitions of Branch No. 3, Glass Bottle Blowers, and citizens of the twelfth congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Peru State Bank, of Peru, and other banks of the State of Illinois, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. IGOE: Petition of A. P. Rothermich and other citizens of St. Louis, Mo., favoring passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the E. W. Magee Manufacturing Co., of St. Louis, Mo., favoring passage of the Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

Also, petition of M. J. Powers, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Papers to accompany a bill (H. R. 11860) for the relief of Cora Hawkins; to the Committee on Invalid Pensions.

Also, papers to accompany a bill (H. R. 12620) for the relief of George R. Robinson; to the Committee on Invalid Pensions.

By Mr. KONOP: Petitions of citizens of Brown County, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of citizens and organizations of Pennsylvania, against House bill 1873, being the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the board of supervisors of Del Norte County, Cal., relative to harbor improvements in said county; to the Committee on Rivers and Harbors.

Also, petition of W. Y. Vasbinder, of Clarion County, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Lumberman's Exchange, Philadelphia, Pa., favoring park extension in city of Washington; to the Committee on the District of Columbia.

Also, petition of the Hardwood Manufacturers' Association of the United States, favoring Ransdell-Humphreys bill relative to improvements on Mississippi River; to the Committee on Rivers and Harbors.

By Mr. LEE of Pennsylvania: Petition of the Lumberman's Exchange of Philadelphia, Pa., favoring extension of park system in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. LEVY: Petition of the Spanish War Veterans, favoring House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the National Civil Service Reform League, against section of House bill 12928 requiring assistant postmasters to pass civil-service examination; to the Committee on the Post Office and Post Roads.

Also, petition of F. R. Low, of New York City, favoring appropriation for Bureau of Standards; to the Committee on Appropriations.

Also, petition of the Merchants' Association of New York, favoring establishment of a bureau of legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of Barnhart Bros. & Spindler, of New York City, favoring House bill 10310, relative to protection of foreign exhibits at Panama-Pacific Exposition; to the Committee on Patents.

By Mr. LIEB: Petitions of Mayor Benjamin Bosse and 5 other citizens of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petitions of the Bristol Turn Verein, and of Paul Stein and 10 other citizens of Bristol, and of Henry Koch and others, of Collinsville, all in the State of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Brotherhood of Steam Shovel and Dredge Men, of Paraiso, Canal Zone, favoring compensation to canal workers under the longevity service claims; to the Committee on Appropriations.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Nebraska, favoring House bill 9687, relative to betterment of headquarters clerks in War Department; to the Committee on Military Affairs.

By Mr. MANN: Petition of Max Gross, of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of citizens of the United States, favoring investigation of the Pere Marquette Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: Petition of the Rumford Falls (Me.) Trust Co., favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. McKENZIE: Petitions of bankers of Illinois, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of Bartenders' Local, No. 607, of Freeport, Ill., against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of business men of Madrid and Moira, N. Y., favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. NELSON: Petition of banks of Wisconsin, favoring amendment of income-tax law; to the Committee on Ways and Means.

Also, petition of citizens of Richland County, Wis., against Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. PAYNE: Petitions of voters of the county of Cayuga, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of the Chamber of Commerce of Sacramento, Cal., favoring the establishment of a bureau of legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of the Pacific Spring Bed Co., of Berkeley, Cal., protesting against Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. ROUSE: Petitions of 100 citizens of the State of Kentucky, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 200 citizens of Covington, Ky., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of bankers of Colorado, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of voters of Colorado, against national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of banks of Minnesota, favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petitions of citizens of Los Angeles and Oakland, Cal., favoring the passage of the Hamill bill (H. R. 5139), relative to pensions for aged civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. TALCOTT of New York: Petition of Coopers' Local No. 192, of Utica, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of bankers of Herkimer, N. Y., favoring change in income-tax law; to the Committee on Ways and Means.

Also, memorial of Logan Svea Baner No. 12, International Order of Good Templars, of New York, favoring erection of memorial to John Ericsson; to the Committee on the Library.

Also, petition of Branch No. 233, United National Association of Post Office Clerks, of Rome, N. Y., favoring the Taylor bill, regulating the salaries of post-office clerks; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of citizens of Creston, Iowa, favoring the enactment of House joint resolution 168, providing for national prohibition of alcoholic liquor traffic; to the Committee on the Judiciary.

Also, petition of national banks in Centerville, Moulton, Unionville, Cincinnati, Mystic, Exline, Seymour, Numa, Coin, Shenandoah, Imogene, and Nodaway, all in the State of Iowa, asking that the income-tax law be amended to provide for "information at the source" in lieu of the present provisions for "collection at the source"; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany bill (H. R. 10717) granting a pension to Earl W. Maitland; to the Committee on Pensions.

By Mr. YOUNG of North Dakota: Petitions of citizens of Maxbass, N. Dak., favoring amendment to Constitution prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of F. L. Woodward and others, of Devils Lake, N. Dak., favoring passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

SENATE.

SATURDAY, *February 21, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we worship Thee. We come to ask that there may be vouchsafed to us that miracle of grace whereby our wills may be brought into a blessed accord with Thy will. Thou dost stand so near to us in life as that all the interests committed to our hands are one with the interests of Thy kingdom; and Thou art offering to us such measures of grace as that our personal life also may be brought into accord with the great purposes of Thy kingdom.

So we pray that our life and our country may be brought into accord with God's will, and that we may live to glorify Thy name and to extend the interest of the kingdom of Thy grace among men. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented petitions of sundry citizens of Pittsburgh; of Sherwood Council, No. 160, Order of Independent Americans, of Pittsburgh; of Vine Cliff Council, No. 83, Daughters of Liberty, of Pittsburgh; of Pride of Wilkinsburg Council, No. 198, Junior Order United American Mechanics, of Wilkinsburg; of Golden Rod Council, No. 56, Junior Order United American Mechanics, of Pittsburgh; of South Side Council, No. 133, Junior Order United American Mechanics, of Pittsburgh; of Manchester Castle, No. 212, Knights of the Golden Eagle, of Pittsburgh; of Knights of Malta, No. 453, of Pittsburgh; of Star of Liberty Castle, No. 102, Ancient Order Knights of the Mystic Chain, of Pittsburgh; of William C. McCreery Castle, No. 303, Knights of the Golden Eagle, of Pittsburgh; of the Ladies' Loyal Orange Association, No. 155, of Pittsburgh; of Duquesne Council, No. 110, Order of Independent Americans, of Pittsburgh; of McKeesport Council, No. 109, Junior Order United American Mechanics, of McKeesport; of Evans City Council, No. 18, Order of Independent Americans, of Evans City; of Iron City Council, No. 171, Fraternal Patriotic Americans, of Pittsburgh; of Star of the West Council, No. 465, Order of Independent Americans, of Pittsburgh; of Puritan Commandery, No. 280, Knights of Malta, of Wilkinsburg; of Herron Hill Castle, No. 211, Ancient Order Knights of the Mystic Chain, of Pittsburgh; of J. P. Winower Council, No. 618, Junior Order United American Mechanics, of Pittsburgh; of Saratoga Council, No. 262, Fraternity Patriotic Americans, of Pittsburgh; of Bainbridge Council, No. 128, Fraternity Patriotic Americans, of Pittsburgh; of William Thaw Council, No. 396, Order of Independent Americans, of Pittsburgh; of Star of the Valley, No. 183, Knights of Pythias, of Pittsburgh; of Tube City Council, No. 378, Order of Independent Americans, of McKeesport; of Wayne Council, No. 46, Order of Independent Americans, of Phoenixville; and of Scotia Commandery, No. 116, Knights of Malta, of McKeesport, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Pittsburgh, Wilkes-Barre, Philadelphia, Shenandoah, Erie, St. Clair, Lee Park; of the German Beneficial Union, No. 331, of Ambridge; of the Turn Verein, of Monaca; of Local Union No. 218, Brotherhood of Painters, Decorators, and Paperhangers, of Scranton; of Cigar Makers' Local Union No. 295, of Scranton; of Beaver Falls Lodge, No. 112, Loyal Order of the Moose, of Beaver Falls; of Local Union No. 2041, United Mine Workers of America, of Bloomsburg, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Adam Mickiewicz Literary Association, of Philadelphia, Pa., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Pittsburgh, Pa., remonstrating against the enactment of legislation making the 12th day of October in each year a legal holiday, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 305, Knights of Pythias, of Clearfield, Pa., and a petition of Hiawatha Castle, No. 318, Knights of the Golden Eagle, of Clearfield, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woodlawn Trust Co., of Woodlawn, Pa., and a petition of the board of directors of the First National Bank of Swissvale, Pa., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which were referred to the Committee on Finance.

He also presented memorials of the Edward Duffy Club, of Philadelphia; of General Muhlenburg Branch, American Continental League, of Philadelphia; of the Star Literary Club, of Germantown; of the Allen, Larkin & O'Brien Club, of Philadelphia; of the County Mayo Men's Beneficial Patriotic and Social Association, of Philadelphia; and of the County Tipperary Men's Patriotic and Beneficial Association, of Philadelphia, all in the State of Pennsylvania, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of York, Pittsburgh, Millerstown, Greensburg, Indiana, Media, Chester, Johnstown, McKees Rocks, Titusville, Philadelphia, Phillipsburg, Bradford, Wellsboro, Lebanon, Columbia, Reynoldsville, Lancaster, and Reading, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Fargo, N. Dak., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Deering, N. Dak., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Streeter, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. WORKS presented petitions of the board of directors of the State National Bank, the Commercial Bank, the Santa Barbara County National Bank, and the Central Bank, all of Santa Barbara, in the State of California, and of the board of directors of the First National Bank of San Jacinto, Cal., praying for the adoption of an amendment to the income-tax law to provide a method of information at the source in lieu of the present method of collection at the source, which were referred to the Committee on Finance.

Mr. TOWNSEND presented a petition of the board of directors of the First National Bank of Morencie, Mich., praying for the adoption of an amendment to the income-tax law to provide a method of information at the source in lieu of the present method of collection at the source, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KENYON presented memorials of the Journeymen Barbers' Local Union of Marshalltown, of the United Brotherhood of Carpenters and Joiners, of Muscatine; of the Trades and Labor Assembly of Fort Dodge; of Local Division No. 312, Street Railway Employees, of Davenport; of Local Union No. 238, International Alliance Theatrical Stage Employees of the

United States and Canada, of Muscatine; and of Local Union No. 345, of Burlington, all in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Vigilant Court, No. 1, Guardians of Liberty, of Ridgefield, Conn., and a petition of sundry citizens of New Haven, Conn., praying for the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented memorials of Bartenders' Local Union No. 255, of Danbury; of Bartenders' Local Union No. 229, of Derby; and of sundry citizens of Bridgeport and Shelton, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and imporation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Middletown, Thompsonville, Ellington, and Hartford, all in the State of Connecticut, praying for the repeal of the exemption clause of the Panama Canal act, which were referred to the Committee on Interoceanic Canals.

Mr. SHIVELY presented a memorial of sundry citizens of Goshen, Ind., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the board of directors of the Citizens' Trust Co., the First National Bank, and the First State Bank, of Elkhart, Ind., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source in lieu of the present method of collection at source, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Perry County, Gibson County, Warrick County, Posey County, and Madison County; of sundry citizens of Elkhart and Newcastle; and of Local Union No. 656, of Anderson, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented memorials of sundry citizens of Derby, Norwalk, Shelton, and Ansonia; of Local Union No. 229, Bartenders' League, of Derby; of Local Union No. 255, Bartenders' League, of Danbury; of Local Union No. 269, Bartenders' League, of South Norwalk; of Local Union No. 469, Bartenders' League, of Middletown, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Haven and West Haven, Conn., and a petition of Vigilant Court, No. 1, Guardians of Liberty, of Ridgefield, Conn., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the board of directors of the Deep River National Bank and the Deep River Savings Bank, of Deep River, Conn., and a petition of the Norwich Savings Society, of Norwich, Conn., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 11269) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 278) thereon.

Mr. BURLEIGH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3176) to increase the limit of cost of the public building at Bangor, Me., reported it with amendment and submitted a report (No. 279) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4618) to increase the limit of cost for increased quarantine facilities at the port of Portland, Me., reported it without amendment.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor, reported it with an amendment and submitted a report (No. 280) thereon.

Mr. STEPHENSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 5487) to authorize an additional appropriation for the erection of the United States appraisers' stores building at Milwaukee, Wis., reported it without amendment.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1832) to provide for the purchase of a site and the erection of a public building thereon at Georgetown, in the State of Delaware, reported it with amendments and submitted a report (No. 281) thereon.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 227) to remove the charge of desertion from the military record of William M. Carroll, reported it without amendment and submitted a report (No. 282) thereon.

Mr. RANSDELL, from the Committee on Interstate Commerce, to which was referred the bill (S. 4395) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Health and National Quarantine, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 4565) to readjust the lineal rank of certain officers of the United States Army; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 4566) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Finance.

By Mr. KENYON:

A bill (S. 4567) to embrace in fourth-class mail matter all seeds, cuttings, bulbs, roots, scions, and plants; to the Committee on Post Offices and Post Roads.

By Mr. CATRON:

A bill (S. 4568) for the relief of the First National Bank of Albuquerque, N. Mex.; to the Committee on Claims.

By Mr. MARTINE of New Jersey:

A bill (S. 4569) to regulate the payment of salaries of post-office clerks in first and second class post offices and letter carriers in the City Delivery Service; to the Committee on Post Offices and Post Roads.

By Mr. HUGHES:

A bill (S. 4570) to provide for furnishing the pupils of the high schools of the District of Columbia with free textbooks; to the Committee on the District of Columbia.

By Mr. OWEN:

A bill (S. 4571) to prevent interstate commerce in the products of child labor, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 4572) granting a pension to I. R. Raines; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4573) appropriating $500,000 for the use of the United States Public Health Service in encouraging rural sanitation, with special reference to the prevention and suppression of malaria and typhoid fever; to the Committee on Public Health and National Quarantine.

By Mr. KERN:

A bill (S. 4574) for the relief of Francis J. Mattier (with accompanying papers); to the Committee on Military Affairs.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. LODGE. I introduce a joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution in the class "other than Members of Congress." I do so owing to the fact that the late Senator from Georgia, Mr. Bacon, was one of the regents, the Senator from Missouri [Mr. STONE], who is another, is absent, and I am the only Senator present of this class. I am not sure to what committee it is customary to refer such a joint resolution.

The VICE PRESIDENT. The Secretary informs the Chair that such joint resolutions have been taken up when brought in and acted upon at once.

Mr. LODGE. I thought that had been the case. I ask for the present consideration of the joint resolution.

There being no objection, the joint resolution (S. J. Res. 114) for the appointment of a member of the Board of Regents of the Smithsonian Institution was read the first time by its title

and the second time at length and considered as in Committee of the Whole, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution in the class "other than Members of Congress" shall be filled by the reappointment of Charles F. Choate, jr., a citizen of Massachusetts.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE TRADE COMMISSION.

Mr. OLIVER. I submit a proposed amendment to the interstate trade commission bill and ask unanimous consent that it may be read and referred to the Committee on Interstate Commerce.

There being no objection, the amendment was read and referred to the Committee on Interstate Commerce, as follows:

Add as an additional section:

"This act shall not apply to or in any way affect—

"(a) Corporations or associations having a capital of less than $100,000;

"(b) Corporations or associations transacting a business amounting in the aggregate to less than $100,000 a year;

"(c) Corporations or associations engaged exclusively in selling goods at retail;

"(d) Corporations or associations engaged exclusively in the publication of newspapers, magazines, or other periodicals.

"Any corporation may petition the interstate trade commission to be exempted from the operation of this act. Upon receipt of such petition it shall be the duty of the said commission to make an investigation as to the nature and character of the business carried on by such corporation, and if, after such investigation, the commission shall find that the business conducted by such corporation is of such a character that the corporation can not be guilty of violating the Sherman antitrust law or the amendments thereto, it shall issue an order releasing such corporation from the operation of this act until the further order of the commission."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OLIVER submitted an amendment proposing to increase the salaries of 15 division superintendents of the Railway Mail Service from $3,000 each to $3,500 each, etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

Mr. KENYON submitted an amendment relative to the use of moneys due the estate of deceased colored soldiers and sailors of the Civil War, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OWEN submitted an amendment authorizing the Ponca Tribe of Indians residing in Oklahoma and Nebraska to appear in and be made parties to any suit or suits in the Court of Claims heretofore instituted, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

JAMES F. SELLERS.

Mr. OLIVER (for Mr. PENROSE) submitted the following resolution (S. Res. 278), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James F. Sellers an additional messenger, who shall be paid at the rate of $1,200 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

THE COMMITTEE ON NAVAL AFFAIRS.

Mr. KERN submitted the following resolution (S. Res. 279), which was read and referred to the Committee on Rules:

Resolved, That Rule XXV be so amended that the clause thereof providing for a Committee on Naval Affairs shall read as follows: "A Committee on Naval Affairs, to consist of 16 Senators."

THE BATTLE OF LEXINGTON.

Mr. GALLINGER. I have a paper, being the remarks of Galliard Hunt at the meeting of the Sons of the Revolution in the District of Columbia, April 19, 1913, on the anniversary of the Battle of Lexington. I ask that the paper may be referred to the Committee on Printing, with a view to having it printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

CONDITIONS IN MEXICO.

Mr. FALL. In the nature of a petition, I present two telegrams and a series of resolutions adopted yesterday at a meeting of citizens of El Paso, Tex. I ask that they may be read. I have nothing to say with reference to them, Mr. President.

There being no objection, the telegrams and resolutions were read and ordered to lie on the table, as follows:

EL PASO, TEX., *February 20, 1914.*

Senator A. B. FALL, *Washington, D. C.:*

At an indignation meeting here to-night, attended by 2,000 people and hundreds unable to get into the building, a preamble and resolution was unanimously and enthusiastically adopted, copy of which has been wired to the President and sent out through the Associated Press to all the world. Feeling very bitter over the brutal murder of Benton. Letter explains fully and will be pleased to supply any additional information which you may want. Please advise CATRON and FERGUSSON.

GEORGE CURRY, *Chairman.*

EL PASO, TEX., *February 20, 1914.*

A. B. FALL,

United States Senate, Washington, D. C.:

William Benton was murdered like a dog by Villa. Almost certain Villa did it personally. No evidence that Benton was the aggressor. Everything shows it was cold-blooded murder. Castillo, a guest of our Government with safety from punishment. Villa boasting of his crime. Is there no protection anywhere? El Paso full of rebel officers. The business affairs of the rebellion openly done here. Your thousands of friends out here want to hear your voice in Senate in our behalf. Watchful waiting a failure.

R. M. DUDLEY.

RESOLUTIONS ADOPTED.

Whereas Mr. William S. Benton, a highly respected and honored citizen of the State of Chihuahua and subject of Great Britain, was brutally murdered and assassinated at Juarez, Mexico, by Francisco Villa, we, the citizens of El Paso, Tex., and refugees from Mexico, at an indignation meeting held in El Paso, February 20, 1914, wishing to protest most emphatically against the cruel and violent treatment which has been accorded foreigners during the last three years of revolution in that country, beg to submit to the world and the American people the following brief statement of facts:

The cold-blooded and heartless assassination of William S. Benton without any cause whatever other than the fact that he went to Juarez to protest against the confiscation of his property, the Los Remedios ranch in northern Mexico, which has been repeatedly looted, is but another crime to be added to the hundreds that have already been committed against all foreigners living in Mexico who have been driven from their homes, their property destroyed; in many cases women have been outraged and foreigners murdered in cold blood, and for no other reason than on account of their nationality.

We believe that the State Department at Washington has persistently suppressed facts concerning the true conditions in Mexico and endeavored through inspired newspaper articles and by other means to mislead the American people and form public opinion for political purposes in support of a policy that is ruinous to all foreign interests in Mexico and the Mexican people themselves.

HATRED OF AMERICANS BLAMED.

In support of the statement we would call attention to a recent article in the New York World which purported to be a semiofficial interview coming from the Secretary of State's office, and which stated that while a great many Americans had lost their lives in Mexico not one had been murdered solely on account of his nationality; this statement we know to be absolutely false, and we believe there are reports on file in the State Department from their own consuls to the contrary. We recall in the last few months such cases as the assassination of Mr. Burton at Santa Rosalia, Mr. Hayes and Mr. Thomas at Madera, and Mr. Brooks in northern Chihuahua, and in every one of these cases they were brutally murdered for no other reason than that they were American citizens.

Some months ago the State Department officially declared in one of its messages to Mexico that it would hold the Mexican leaders personally responsible for outrages committed against American citizens. At the present moment our Government is harboring Gen. Ynez Salazar, who has an unbroken record ever since he took the field in Mexico of outrages committed against our citizens. There are many citizens of this city who were cruelly and brutally treated by this man, many who have been held for ransom and at least one, Mr. Fountain, who was shot by his order, and thus far he has been immune from all punishment by our Government.

At the present moment Maximo Castillo, who for many months has been at the head of an outlaw band in northern Mexico, holding our citizens for ransom and perpetrating all kinds of outrages, whose band recently burned alive between 50 and 60 passengers in the Cumbre Tunnel on the Northwestern Railroad, is being given asylum and protection by our Government.

WEAK POLICY BLAMED.

We submit these facts as evidence that our Government is, through a weak and vacillating policy, encouraging these lawless leaders to commit all kinds of outrages against foreigners, and doing a great injustice to our own people, resulting in a loss of hundreds of millions of dollars of foreign capital, the murder of many of our citizens, the raping of American women, and ruination of Mexico itself.

The career of Francisco Villa, a man who has been an outlaw and a murderer for many years, and who is now wielding an arbitrary and despotic reign of terror in northern Mexico, is more cruel and barbarous in his methods than any tyrant in the world's history. It is a fact that he has treated with contempt the representatives of nations and that he does not hesitate to put a man to death for the slightest cause and for in any way incurring his displeasure. We believe it a disgrace to our Government and the American people to tolerate such a man, much less to give him moral support: Therefore be it

Resolved, That this message be sent to the President of the United States, the British ambassador at Washington, to our United States Senators, and those of New Mexico, with the request that it be read into the CONGRESSIONAL RECORD, and we apply to them and to all our representatives in both branches of Congress to adopt a resolution to compel the State Department to transmit to Congress its records pertaining to the outrages committed against Americans and foreigners in Mexico and to take such action as will give our people the protection guaranteed under their constitutional rights and maintain the honor and prestige of our country in the eyes of the world. We apply to you to make known the facts to the American people and to see that our citizens who are living in Mexico and have invested their money there in good faith are given the protection justly due them.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 30 minutes spent in executive session the doors were reopened.

LAND AT POPLAR, MONT.

Mr. MYERS. I ask unanimous consent for the present consideration of Order of Business 185, being Senate bill 656, and I wish to say a word in regard to it.

This is the bill which passed the Senate the other day with an amendment, recommended by the Interior Department and by the Committee on Public Lands, to grant to the Episcopal Church in Montana two lots in the Fort Peck Indian Reservation. The amendment provided that the church authorities should be allowed to purchase the lots at the appraised value. The votes whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed were afterwards reconsidered so as to see whether a way could be provided for donating the lots to the church without the payment of any purchase price. I am informed by the church authorities that they are entirely willing to pay the appraised value and are satisfied with the amendment incorporated in the bill. I also am satisfied with it, and so I ask that the bill may be passed in the same form in which it was passed by the Senate a few days ago.

Mr. SMOOT. Mr. President, I desire to say to the Senator that it was not because of the amount involved in the bill that I objected, but it was the principle that would be thereby established. I have no objection whatever to the bill passing in its present form.

Mr. MYERS. As I have stated, I am satisfied to have the bill passed in the same form in which it was passed a few days ago.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 656) granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of "Christ Church On-the-Hill," at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana.

Mr. GALLINGER. I desire to ask if the amendment which I find in the text of the bill has been agreed to?

The VICE PRESIDENT. The amendment has heretofore been agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER UNTIL MONDAY.

Mr. SMOOT. Mr. President, morning business was not closed this morning when the motion was made to go into executive session. I therefore ask that the motion made by the Senator from Arizona [Mr. SMITH], for the change of reference of Senate bill 4425, may go over without prejudice.

The VICE PRESIDENT. That action will be taken, and, without objection, this will also be done in the case of the resolution of the Senator from Nebraska [Mr. NORRIS].

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, February 23, 1914, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate February 21, 1914.

UNITED STATES MARSHAL.

Maurice Splain, of the District of Columbia, to be United States marshal for the District of Columbia, vice Aulick Palmer, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1914.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Hayden W. Wagner to be first lieutenant.
Second Lieut. Fred H. Coleman to be first lieutenant.
Second Lieut. Emil P. Pierson to be first lieutenant.
Second Lieut. Clark P. Chandler to be first lieutenant.
Second Lieut. Richard H. Kimball to be first lieutenant.
Second Lieut. Abbott Boone to be first lieutenant.

INFANTRY ARM.

Second Lieut. John D. Reardan to be first lieutenant.
Second Lieut. Thomas M. R. Herron to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

First lieutenants in the Medical Reserve Corps.

Robert Du Rant Harden.
Harry Holmes Southwick.
Raymond Ewell Scott.

PROMOTIONS IN THE NAVY.

Passed Asst. Paymaster Raymond B. Westlake to be a paymaster.

Ensign John H. Everson to be a lieutenant (junior grade).

POSTMASTERS.

IDAHO.

John R. Viley, Bonners Ferry.

MAINE.

Manley W. Bessey, Hebron.
Dwight P. Macartney, Oakland.
George H. Weeks, Damariscotta.

MARYLAND.

Andrew Beaston, Chesapeake City.
Winfred E. Berry, Rockville.
Robert E. Smith, Ridgely.

MASSACHUSETTS.

Timothy F. Lynes, Amesbury.

MONTANA.

Lee L. Minnick, Saco.
J. A. Tillett, Whitefish.

NEW MEXICO.

Martin Q. Hardin, Lordsburg.
P. J. Reynolds, Fort Bayard.

OKLAHOMA.

John W. Bane, Laverne.
Mark J. Courtney, Copan.
J. D. Crawford, Stonewall.
Floyd L. Swank, Norman.

WYOMING.

Margaret E. Vines, Gillette.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 21, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our heavenly Father, who hast ever been the inspiration of men to heroism and glory, we thank Thee that our beloved Washington lives in the hearts of his countrymen and has become the patron saint for the lovers of liberty in all the world. We remember with gratitude the great men who wrought with him, but we realize that his was the most conspicuous and inspiring figure of the American Revolution, a most potent factor in the formative and constructive periods of our Republic. The Nation has honored itself in the splendid monument reared in his memory, but the monument he reared for himself will remain when it has crumbled into dust. His heroic deeds as a soldier, a statesman, a Christian philanthropist will live on so long as men cherish life and liberty. He will be remembered by a grateful people to-day in song and story, in eulogy and encomium. Thus may we ever be inspired as citizens of a great Republic by his sublime example, and pæans of praise we will ever give to Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Indian appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

COOPERATIVE AGRICULTURAL EXTENSION WORK.

Mr. LEVER. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 7951) to provide for cooperative work between agricultural colleges in the several States and the Department of Agriculture, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina moves to take from the Speaker's table the bill (H. R. 7951) with Senate amendments, to disagree to the Senate amendments and ask for a conference. The Clerk will report the title.

The Clerk read as follows:

H. R. 7951. An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture.

The Clerk began reading of the Senate amendments,

Mr. MANN. Mr. Speaker, I ask to dispense with the reading of the amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. LEVER was agreed to.

The SPEAKER announced the following conferees: Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13612, the urgent deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13612, the urgent deficiency bill, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes.

Mr. GILLETT. Will the Chair kindly tell me how much time I have left?

The CHAIRMAN. Fifty minutes, and 16 minutes remains to the gentleman from New York [Mr. FITZGERALD].

Mr. GILLETT. Mr. Chairman, early in the session I had occasion to make some remarks criticizing the attitude of the Democratic administration toward the civil service, and showing, as I thought, that there had been more of an aggressive and successful attack upon that system, and greater injury inflicted upon it during the nine months of Democratic administration than there had been in any similar period during the whole 30 years since the law was passed. When I made those remarks I felt myself that, although the President and Congress were equally responsible for the legislation, because, while we originated he approved it, yet, I will admit, that I felt that Congress was the party which was chiefly culpable, culpable in my opinion, praiseworthy, I presume, in the opinion of the Democratic majority, for what had happened.

I knew that President Wilson before he assumed his high office had been always openly and avowedly a friend of the civil-service system. He had been a vice president of the National Civil Service League at the time he was nominated, and he had not hesitated afterwards to affirm his strong adherence to the principles of that organization. When he signed the urgent deficiency bill, which contained the first step backward in legislation about the merit system which had been taken for 30 years—when he signed that he even then avowed that, although he signed it, he still favored the theory and practice of civil-service reform, and he said:

The control of the whole method and spirit of the provision in this bill which concerns the appointment of these officers is no less entirely in my hands now than it was before the bill became a law.

Upon that declaration the organ of the National Civil Service Reform Association, Good Government, suggested to the President that he should let his conduct square with his profession, and that he should do as his predecessors had sometimes done and order the various officers throughout the country affected by the bill to select their deputies from the civil-service list. The President did not see fit to do that, but instead he issued the following general order:

Collectors of internal revenue:

Referring to that portion of the urgent deficiency act approved October 22, 1913, relating to the appointment of deputy collectors of internal revenue, collectors are advised that the object of this provision of law is efficiency, and only efficiency, and that any tendency to use this class of appointments merely for personal reward or for anything that savors of the spoils system will be regarded as a very serious disregard of public duty and that they will be expected to deal with these matters in a spirit which the whole country will approve.

Hereafter when vacancies in this class of offices occur or changes are contemplated, and before such vacancies are filled or such changes are effected, collectors will forward to this office the names of the persons whom it is desired to appoint, together with a statement of their qualifications and records.

No appointments in this class of officers shall hereafter be made by collectors without the approval of the department.

(Signed) W. H. OSBORN,
Commissioner.

By direction of the President.

(Signed) W. G. MCADOO,
Secretary of the Treasury.

How much effect that would have we can readily imagine. The spoilsmen would smile at his suggestion and openly disregard it, knowing that it was impossible for any President to decide whether they made their appointments for efficiency or not.

We had an illustration a short time ago in Massachusetts which, I think, charmingly illustrates the effect and efficiency of such an order. I do not know the full details, because my Democratic colleagues naturally did not take me into their confidence. I can only speak of what I read in the press. The collector of internal revenue in Massachusetts had the appointment of nine deputies. Did he appoint those whom he wished, as the opponents of civil service always say he would do? They criticize the civil-service system, because they say that officers who are responsible for their deputies ought to have the power to appoint the men for whom they are responsible. Did our Boston collector appoint the men he wished? Why, no; of course not. The law exempting those offices from civil-service examination was passed by Congress. The Democratic Congressmen were the victors, and to them belonged the spoils of office. Accordingly, the Democratic Congressmen were allowed to nominate the deputy collectors. Unfortunately, there were only eight Democratic Congressmen, while there were nine deputy collectors to be appointed, and I understand that was quite a disturbing element in the arrangement, and the question arose who should have the ninth deputy. In some way that was adjusted. Possibly the collector himself was finally allowed to select that one. I do not know. But it was finally adjusted; and the nine deputies were installed in office. And when the collector began to perform the duties of his office, he found around him a collection of men, not simply moderately and indifferently bad, but so insufferably bad that they were impossible, so bad that he could not go on with the conduct of his office, and he had to come to Washington. There was a meeting here of the Massachusetts Democratic Congressmen, and there were consultations with the Treasury officials, and finally in some way—I do not know how—the worst of these men were gotten rid of, and he was given a force with which he thought he could do business. If the men had been only tolerably bad, as I presume they were in most of the country, then the collector would have gone on and done business as best he could and the Government would have suffered; but, unfortunately for him, in this instance they were so utterly bad that it was impossible to do business, and the whole machine broke down.

This incident beautifully proves the fallacy of that stock argument of the opponents of civil-service reform, that there should be no competitive examination, but that the officer himself ought to be allowed the appointment of the men for whom he is responsible, because this shows that he is never allowed these appointments. They go to the politicians. And the ground upon which civil service is supported, by myself at any rate, is not that it always gets the best men, it is not that the collector can not pick out a better assistant than the competitive examination will bring, if he were left free to do so, but as the experience in this case illustrates, if you do not have competitive examinations, you will have a system of patronage and favoritism that will bring inefficient and unfit men into office.

Now, after the deficiency bill was enacted the Democratic majority, emboldened apparently by their success; delighted, no doubt, to find that their President, whom they undoubtedly supposed originally was a vigorous and active friend of civil service, would acquiesce in their encroachments upon the law, went still further, and at this session of Congress brought in on the Post Office appropriation bill an amendment taking all the assistant postmasters out of the classified service. But apparently at last they went too far. The President's patience was exhausted. I confess I still think it was not his own willing acquiescence that brought him to sign the previous bills, but that he was overborne by the hunger for spoils and the pressure from the legislative branch of Congress. He was anxious to appease them. He has certainly shown himself a wonderful master in the distribution of patronage. The most experienced politician has never shown greater skill in pacifying a voracious animosity by the distribution of loaves and fishes than this college professor, and I have no doubt that it was that pressure for patronage that compelled him to yield his own convictions and his wishes in the former bills. But, as I say, the limit of his patience was reached, and on this Post Office appropriation bill he let it be known that he would not sign such a bill. Immediately the opposition collapsed. The rule that was expected was not granted. Those in favor of it threw up their hands, and the bill went peacefully through without that amendment.

This makes me regret the more that in the last session, when the deficiency bill went through by a majority of only four, he did not then let his wishes be known, because a whisper from the White House would certainly have changed more than those four votes, and he might have prevented that irreparable damage to the civil service.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MADDEN. Is the gentleman aware that a provision for the elimination of the assistant postmasters in the Postal Service from the civil service is pending now in the form of a bill recommended by the Committee on the Post Office and Post Roads?

Mr. GILLETT. Yes; I appreciate the fact that the Committee on the Post Office and Post Roads has not given up; but I have not the slightest idea, and I fancy nobody has, that the bill can become a law after what the President has stated.

Now, as I say, in these matters I supposed that the President was a reluctant victim rather than a willing accomplice. [Laughter on the Republican side.] But there are other branches of the public service over which the House has less control. There is the whole Diplomatic Service. President Eliot, late president of Harvard College, whose unselfish devotion to the public service no one will doubt, declared in a recent address that the distribution and appointment of the diplomatic posts under this administration were a reproach to the Secretary of State, whom he marked out for his criticism. I recognize that for many years diplomatic posts have been treated as political appointments, and that partisanship has ruled very generally, and that those places have been given as a reward for party service, although of late experience and merit have gradually come to be more and more recognized in the selection of men to fill those posts, and——

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Ohio?

Mr. GILLETT. Certainly.

Mr. GORDON. The recognition of the merit system in the filling of these posts——

Mr. GILLETT. I yielded to the gentleman for a question.

Mr. GORDON. The gentleman says the merit system has been recognized, but it has not been recognized until after all the offices have been filled by Republicans.

Mr. GILLETT. I do not see the point of that remark.

Mr. GORDON. Is it not true of late years?

Mr. GILLETT. Yes; in some measure, but——

Mr. GORDON. After the offices had been filled with Republicans.

Mr. GILLETT. Yes; but the personal wishes of the President have not been so much exercised, and I do not think that all the offices have been filled by Republicans. I admit at once that those have been considered as partisan places, but I do believe that under our last Republican Presidents they have tried more and more to keep them out of partisanship, and that merit and experience should be rewarded.

Mr. GORDON. Can the gentleman name any Democrats who were appointed in the Consular Service in the last administration?

Mr. GILLETT. I know a great many were, but I can not name just now anyone in our Consular Service.

Mr. GORDON. If there were any, they were Democrats who voted the Republican ticket.

Mr. GILLETT. The Consular Service, to which the gentleman refers, is the one branch of our foreign service in which for years favoritism and partisanship has been systematically and invariably checked by rules intended to let merit and experience prevail. The attempt was inaugurated by President Roosevelt to make of our Consular Service a sane business institution.

Mr. TOWNSEND. Will the gentleman yield for a suggestion?

Mr. GILLETT. Yes.

Mr. TOWNSEND. Was not the first Executive order of the character the gentleman refers to issued by President Cleveland and written by Richard Olney?

Mr. GILLETT. Very possibly. I hope so.

Mr. TOWNSEND. I know the gentleman wants to be correct.

Mr. GILLETT. Certainly. I hope it was; but it certainly was not as far-reaching as the late one to which I refer. That attempted to build up our Consular Service so that it would advance the business of our country and inform our business men of conditions and opportunities abroad. I believe that purpose has been largely realized. In June, 1906, President Roosevelt issued the following regulations:

INFORMATION REGARDING APPOINTMENTS AND PROMOTIONS IN THE CONSULAR SERVICE OF THE UNITED STATES.

REGULATIONS GOVERNING APPOINTMENTS AND PROMOTIONS.

Executive orders.

Whereas the Congress, by section 1753 of the Revised Statutes of the United States, has provided as follows:

"The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service."

And whereas the Congress has classified and graded the consuls general and consuls of the United States by the act entitled "An act to provide for the reorganization of the Consular Service of the United States," approved April 5, 1906, and has thereby made it practicable to extend to that branch of the civil service the aforesaid provisions of the Revised Statutes and the principles embodied in the civil-service act of January 16, 1883.

Now, therefore, in the exercise of the powers conferred upon him by the Constitution and laws of the United States, the President makes the following regulations to govern the selection of consuls general and consuls in the civil service of the United States, subject always to the advice and consent of the Senate:

1. Vacancies in the office of consul general and in the office of consul above class 8 shall be filled by promotion from the lower grades of the Consular Service, based upon ability and efficiency as shown in the service.

2. Vacancies in the office of consul of class 8 and of consul of class 9 shall be filled:

(a) (As amended by Executive orders of December 12, 1906, and April 20, 1907.) By promotion on the basis of ability and efficiency as shown in the service, of consular assistants (as amended by the act approved May 21, 1908) and of vice consuls, deputy consuls, consular agents, student interpreters, and interpreters in the Consular or Diplomatic Service, who shall have been appointed to such offices upon examination.

(b) By new appointments of candidates who have passed a satisfactory examination for appointment as consul as hereafter provided.

3. Persons in the service of the Department of State with salaries of $2,000 or upward shall be eligible for promotion, on the basis of ability and efficiency as shown in the service, to any grade of the Consular Service above class 8 of consuls.

4. The Secretary of State, or such officer of the Department of State as the President shall designate, the Director of the Consular Service, the Chief of the Consular Bureau (as amended by Executive order of December 8, 1909), and the chief examiner of the Civil Service Commission, or some person whom said commission shall designate, shall constitute a board of examiners for admission to the Consular Service.

5. It shall be the duty of the board of examiners to formulate rules for and hold examinations of applicants for admission to the Consular Service.

6. The scope and method of the examinations shall be determined by the board of examiners, but among the subjects shall be included at least one modern language other than English; the natural, industrial, and commercial resources and the commerce of the United States, especially with reference to the possibilities of increasing and extending the trade of the United States with foreign countries; political economy; elements of international, commercial, and maritime law.

7. Examination papers shall be rated on a scale of 100, and no person rated at less than 80 shall be eligible for certification.

8 No one shall be examined who is under 21 or over 50 years of age, or who is not a citizen of the United States, or who is not of good character and habits and physically and mentally qualified for the proper performance of consular work, or who has not been specially designated by the President for appointment to the Consular Service subject to examination.

9. Whenever a vacancy shall occur in the eighth or ninth class of consuls which the President may deem it expedient to fill, the Secretary of State shall inform the board of examiners, who shall certify to him the list of those persons eligible for appointment, accompanying the certificate with a detailed report showing the qualifications, as revealed by examination, of the persons so certified. If it be desired to fill a vacancy in a consulate in a country in which the United States exercises extraterritorial jurisdiction, the Secretary of State shall so inform the board of examiners, who shall include in the list of names certified by it only such persons as have passed the examination provided for in this order, and who also have passed an examination in the fundamental principles of the common law, the rules of evidence, and the trial of civil and criminal cases. The list of names which the board of examiners shall certify shall be sent to the President for his information.

10. No promotion shall be made except for efficiency, as shown by the work that the officer has accomplished, the ability, promptness, and diligence displayed by him in the performance of all his official duties, his conduct, and his fitness for the Consular Service.

11 (as amended by Executive order of Dec. 12, 1906). It shall be the duty of the board of examiners to formulate rules for and hold examinations of persons designated for appointment as consular assistant (as amended by the act approved May 21, 1908) or as student interpreter, and of such persons designated for appointment as vice consul, deputy consul, and consular agent, as shall desire to become eligible for promotion. The scope and method of such examination shall be determined by the board of examiners, but it shall include the same subjects hereinbefore prescribed for the examination of consuls. Any vice consul, deputy consul, or consular agent now in the service, upon passing such an examination, shall become eligible for promotion, as if appointed upon such examination.

12. In designations for appointment subject to examination and in appointments after examination due regard will be had to the rule that as between candidates of equal merit appointments should be so made as to secure proportional representation of all the States and Territories in the Consular Service; and neither in the designation for examination or certification or appointment will the political affiliations of the candidate be considered.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 27, 1906.*

No officer or employee of the Government shall, directly or indirectly, instruct or be concerned in any manner in the instruction of any person or classes of persons with a view to their special preparation for the examinations of the boards of examiners for the Diplomatic and Consular Services.

The fact that any officer or employee is found so engaged shall be considered sufficient cause for his removal from the service.

WM. H. TAFT.

THE WHITE HOUSE, *December 23, 1910.*

REGULATIONS GOVERNING EXAMINATIONS PROMULGATED BY THE BOARD OF EXAMINERS DECEMBER 18, 1906.

1. The examinations will be the same for all grades and will be to determine a candidate's eligibility for appointment in the Consular Service, irrespective of the grade for which he may have been designated for examination and without regard to any particular office for which he may be selected.

2. The examinations will consist of an oral and a written one, the two counting equally. The object of the oral examination will be to determine the candidate's business ability, alertness, general contemporary information, and natural fitness for the service, including moral, mental, and physical qualifications, character, address, and general education, and good command of English. In this part of the examination the applications previously filed will be given due weight by the board of examiners, especially as evidence of the applicant's business experience and ability. The written examination will include those subjects mentioned in the Executive order, to wit, at least one modern language other than English—French, German, or Spanish (as amended by the board of examiners Feb. 18, 1911); the natural, industrial, and commercial resources and the commerce of the United States, especially with reference to possibilities of increasing and extending the foreign trade of the United States; political economy and the elements of international, commercial, and maritime law. It will likewise include American history, government, and institutions; political and commercial geography; arithmetic (as used in commercial statistics, tariff calculations, exchange, accounts, etc.); the modern history, since 1850, of Europe, Latin America, and the Far East, with particular attention to political, commercial, and economic tendencies. In the written examination composition, grammar, punctuation, spelling, and writing will be given attention.

3. To become eligible for appointment, except as student interpreter, in a country where the United States exercises extraterritorial jurisdiction, the applicant must pass the examination outlined above, but supplemented by questions to determine his knowledge of the fundamental principles of common law, the rules of evidence, and the trial of civil and criminal cases.

4. The examinations to be given candidates for appointment as student interpreters will follow the same course as in the case of other consular officers, provided, however, that no one will be examined for admission to the Consular Service as a student interpreter who is not between the ages of 19 and 26, inclusive, and unmarried; and provided further, that upon appointment each student interpreter shall sign an agreement to continue in the service so long as his services may be required within a period of five years. (As amended by the act approved May 21, 1908).

5. Upon the conclusion of the examinations the names of the candidates who shall have attained upon the whole examination an average mark of at least 80, as required by the Executive order, will be certified by the board to the Secretary of State as eligible for appointment in the Consular Service, and the successful candidates will be informed that this has been done.

6. The names of candidates will remain on the eligible list for two years, except in the case of such candidates as shall within that period be appointed, or as shall withdraw their names, and of candidates holding subordinate positions in the Consular Service, when eligibility shall not expire until appointment to consular rank or until separation from the service. Candidates whose names have thus been dropped from the eligible list will not again be eligible for appointment unless upon fresh application, designation anew for examination, and the successful passing of such second examination. (As amended by the board of examiners Oct. 25, 1911.)

That was the order issued nearly eight years ago, and the purpose of that order was, as its terms indicate, to raise the Consular Service into a business branch of the United States.

I believe the purpose has been largely realized and that during the past eight years our business men have relied with increasing confidence on our Consular Service, have appreciated more and more its value, and have come to look upon it as a business branch of our Government honestly and wisely separated from politics. During these eight years there has not been a single instance when the order issued by President Roosevelt and strengthened by President Taft has been departed from. I think the business interests of the country would deplore any breach of this custom and would resent any attempt now to do away with the invariable examinations and introduce favoritism into the appointments as of old.

Mr. SLOAN. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SLOAN. I do not see any of my Democratic friends from Nebraska here to defend our distinguished Secretary of State, who comes from the State of Nebraska, but I ask the gentleman from Massachusetts if he seriously wants us to understand that the present head of the Department of State is now or ever has been, in or out of office, a partisan?

Mr. GILLETT. I will not undertake to decide offhand such a difficult problem as that.

Now, from that day in June, 1906, nearly eight years ago, until last week, there has never been a single instance where a man had been appointed a consul without passing these examinations; but last week, under date of February 10, the following Executive order was issued:

Otis A. Glazebrook, of New Jersey, may be appointed to a post in the Consular Service without regard to the Executive order of June 27, 1906.

WOODROW WILSON.

Mr. HAMLIN. Will the gentleman yield?

Mr. GILLETT. For a question.

Mr. HAMLIN. Does not the gentleman think that that is a better way to do it than to do it as it was done under a previous administration where a so-called examination was held in October and two certain fellows failed. There were vacancies to fill, but these were held open, another examination given in the following January, and these two fellows passed and were given the positions. Does not the gentleman think it better, if you want to favor a man, to do it aboveboard than in an underhanded way?

Mr. GILLETT. No; I do not. [Laughter.] I do not believe there has been any such instance as the gentleman cites. I do not know anything about it. When did the gentleman say this happened?

Mr. HAMLIN. The examination was held in the first instance in October a year ago, and the subsequent examination for these two particular fellows held in January a year ago.

Mr. GILLETT. I thought the gentleman said that a year elapsed. That is only three months.

Mr. HAMLIN. No; from October to January.

Mr. GILLETT. I do not know anything about it or the details.

Mr. HAMLIN. And there are a good many details which the gentleman does not know.

Mr. GILLETT. Of course there are. Nobody can know all of the details; but I venture to say that when the facts of these cases are investigated the gentleman will find that there was good reason for the action taken.

Mr. HAMLIN. I think I can give the gentleman the reason.

Mr. GILLETT. Well, the gentleman can do it in his own time.

Mr. HAMLIN. It was political influence back of it.

Mr. GILLETT. Of course the gentleman can make attacks and insinuations, but I venture to say that when investigated he will find the deductions he wishes to draw from it can not fairly be drawn. At any rate, there has never been a waiver of the requirement of examination.

Now, for the first time in eight years President Wilson, a friend of the merit system, comes forward and makes an order exempting a New Jersey gentleman from an examination required by the regulations. That nomination was confirmed by the Senate two or three days ago in executive session. Of course I do not know what transpired in executive session, but I venture a yankee guess that no statement was made——

Mr. MANN. Does not the gentleman read the morning paper?

Mr. GILLETT. I do; but I did not see any mention in executive session of the fact that the requirements of an examination had been waived by a presidential order in behalf of Mr. Glazebrook. I venture to guess again that the administration made no revelation of the fact when this confirmation was made by the Senate.

Mr. SELDOMRIDGE. Will the gentleman allow me to ask him a question?

Mr. GILLETT. Not until I get through. I venture to say that no such statement was made. This administration has not been chary in advertising its wares in the newspapers. Whatever was of benefit to the administration has generally found its way into print. And yet this Executive order has slumbered since the 10th of February and I have seen no mention of it in any newspaper. I happened to run across it, and I was surprised and grieved that President Wilson, who I hoped was a sincere and genuine friend of the merit system, had for the first time in eight years waived the requirements of an examination, and waived them in behalf of a gentleman from New Jersey.

Mr. SLOAN. Will the gentleman yield?

Mr. GILLETT. No; not now. I know nothing of Mr. Glazebrook's qualifications. He comes from New Jersey. That to my mind is no disparagement. The fact that he is a friend of the President is to my mind a certificate of character and ability. I know nothing about his personality, about his qualifications, or about his ability. I suspect, from the fact that an examination was waived, that there are some requirements of the rules which he could not meet. But as to that I do not know. I take no account of his fitness or unfitness; that to me is a matter of minor importance. No matter what his qualifications may be, I think it most unfortunate for the Consular Service and for its standing with the business world that any man should be appointed to it who has not passed the regular examinations. It matters not how fit he may be for the position, he should have been compelled to go through that routine which has wisely been prescribed for all, and excepting him is a return to the old system of favoritism and spoils. What I deplore is not the appointment of an unfit man—as to that I know nothing—but what I deplore is that a system which has been carefully nurtured for eight years and which has established itself in the confidence of the business world and has seemed to mark a new step in our administrative development should suddenly receive a staggering blow from one who we had reason to

suppose would be its friend. Whether Jerusalem gets a good consul is of little importance compared with the overthrow of a system which we know would in the long run insure us everywhere good consuls. If the President waives the examination for a friend of his from New Jersey, how can he refuse to accept the opinion of the Vice President or the Speaker or a Senator or a Congressman that some friend of theirs is preeminently fit for a consular position and that the examination ought to be waived in their favor by an Executive order? And soon the bars are quite down again and we have returned to the old patronage practice. The only safe course is to make no exception and reply to every applicant that the rule is invariable, the entrance to this service is only by proven merit; there is no place for a favorite. And it is peculiarly unfortunate that the first breach in the merit system, the first instance of unrestrained favoritism in eight years, should be made apparently from the President's own circle of State friends.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. The gentleman might wait until I get through.

Mr. TOWNSEND. But the question would illuminate the situation so much.

Mr. GILLETT. Very well.

Mr. TOWNSEND. Does the gentleman know that this appointee to Jerusalem holds a degree of doctor of divinity, and, therefore, did not require any further examination?

Mr. GILLETT. I was not aware of that fact, but I appreciate the gentleman's humor, particularly from a Democratic standpoint. As I have tried to indicate, I do not charge him with unfitness. What I regret and deplore and criticize is the overthrow of this system, which is establishing itself in the confidence of our business world.

Mr. Chairman, I had believed that the President was a genuine friend of civil-service reform, and that his conduct in signing these bills which Congress has passed was forced upon him by the political exigencies of the case; that he did it reluctantly; but here is a case where the President alone, by his own personal official act, has waived the examination. No one can share that responsibility with him. It is but fair to say that I appreciate that cases of great exigency may arise where it would be right and wise to waive these requirements. There may be great need of some particular man in some particular place to meet a particular emergency. It may be that to-day Jerusalem is in just that condition, and that this Mr. Glazebrook, of New Jersey, was the one and only man who for great reasons of state could properly and adequately fill that position. That apparently would be the only justification of this appointment, from the President's own standpoint, for last summer the following statement was given out to the press:

The President has had under consideration the matter of appointments to the Consular Service and has authorized the Secretary of State to make the following statement:

"The civil service was by an Executive order issued June 27, 1906, extended to the Consular Service, and the President is entirely in sympathy with the purpose which the order was intended to subserve. He believes that the consular appointments should be made upon examination and that promotions should be made upon merit. If vacancies occur they will be filled from within the service where this can be done without injury to the service. If a vacancy occurs in one of the higher positions and he does not at the time find within the service a person entirely qualified to fill such a position, he will feel at liberty to exercise the right vested in him to suspend the Executive order in respect of that particular appointment, but such an appointment will be an exception to the rule and will be made only when he is convinced that the good of the service clearly requires such an exception."

If the good of the service clearly required this exception at Jerusalem, we shall undoubtedly be favored with the facts that establish it, and the State Department can undoubtedly show that its list of eligibles was carefully scanned and studied, and that there was no one fitted for this emergency post. Until so informed I think all friends of the merit system and all friends of a business Consular Service must deeply regret the action of the President.

Mr. MADDEN. May it not well be that the man who has been named by the President, being a doctor of divinity, might be considered better qualified to act as a judge over there than a good lawyer would be?

Mr. GILLETT. I do not know. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Twenty minutes.

Mr. GILLETT. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, one of the favorite claims of our Democratic friends has been that we ought to place the new tariff law on the statute books in order that we might go out and capture the markets of the world. That is a great catch phrase of our Democratic friends. We have had a little experience with that law, and I wish just briefly to submit a few figures to show how we have been capturing the markets of the world under this Democratic tariff law.

That great efficiency expert at the head of the Department of Commerce, Mr. Redfield, day before yesterday submitted some figures for publication on our foreign trade, but he gave the entire years 1912 and 1913. I want to show the effect since the present law has been in force. I take the last figures I have been able to obtain. I will give some of them. Our imports for December, 1912, were $154,000,000; for December, 1913, $184,000,000. We captured the markets there by $29,000,000 in favor of the foreigner. The exports for December, 1912, were $250,000,000, and for December, 1913, $233,000,000.

There the foreigners captured our market to the extent of $17,000,000, or, in other words, in December the loss of trade by us was $46,000,000, the first time that this has been true in the history of this Nation since the old Wilson tariff law went off the statute books. [Applause on the Republican side.] The customs receipts for December, 1912, were $24,000,000; for December, 1913, $21,000,000, a loss of a little over $3,000,000. Customs receipts for January, 1913, were $29,000,000; for January, 1914, $23,000,000, a loss of about $6,000,000. What a familiar story that is! For the first time since the old Wilson tariff law disappeared this Nation is running in debt! Every day that the new tariff law has been upon the statute books our loss of trade has been more than $2,000,000. Every day that law has been upon the statute books this Nation has run in debt over a half a million dollars. That is the way we are capturing the markets of the world.

Now, I will submit some further information. Every nation of Europe and North America and South America——

Mr. FITZGERALD. Will the gentleman yield?

Mr. HUMPHREY of Washington. When I finish the sentence. I do not want to be interrupted in the middle of a sentence. I will go back now and start in again. Every nation of South America, North America, and Europe under the new tariff law have increased their trade with us, and our trade with every one of them has decreased. Now I will yield to the gentleman.

Mr. FITZGERALD. Is it not a fact up to this date last year, before the Underwood tariff law was in effect, and in previous years, there was a deficit at that time of year as a result of the inadequate customs receipts under the Payne-Aldrich tariff law?

Mr. HUMPHREY of Washington. I did not hear the gentleman.

Mr. FITZGERALD. Up to this time this year and last year under the tariff bill was there not a deficit at this time?

Mr. HUMPHREY of Washington. If it is true, that deficit is six millions greater now, because I am comparing December a year ago, 1912, and last December, 1913, so whatever the decrease may have been it is that much greater now.

Mr. FITZGERALD. But the gentleman is aware the payments under the income-tax provision of the tariff law will not commence to be made until the 1st of June. By that time payments aggregating $80,000,000 or $90,000,000 for the 10 months of the last calendar year will commence to be paid.

Mr. HUMPHREY of Washington. If present conditions continue, there will not be very much to receive from income taxes and not very many people receiving an income. [Laughter.]

Now, will the gentleman permit me to proceed? You take Europe, and in December, 1912, we bought from Europe $81,000,000 worth of products. In December, 1913, we bought $91,000,000 worth. From North America in December, 1912, we bought $21,000,000; December, 1913, under the new tariff law, we bought $33,000,000. From South America in December, 1912, we bought $19,000,000; in December, 1913, we bought $25,000,000. That is the way we are capturing the markets of the world. Let me call attention in the same way to what we have sold. December, 1912, under the old tariff law we sold to Europe $170,000,000 worth of products. In December, 1913, we sold $156,000,000 worth. December, 1912, we sold to North America $47,000,000 worth; December, 1913, we sold $41,000,000. To South America in December, 1912 we sold $12,000,000 worth; in December, 1913, we sold $11,000,000. Behold how we are capturing the markets of the world under this tariff law.

Mr. MOORE. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. MOORE. This is a loss of $26,000,000 in one instance in——

Mr. HUMPHREY of Washington. The loss was about $20,000,000 to Europe.

Mr. MOORE. And, I understand, under the new efficiency system we will save $40,000 by turning out a number of customs employees, at least in one customhouse.

Mr. HUMPHREY of Washington. I will give the figures for a few of the leading countries. In December, 1912, we bought from Argentina $2,500,000 worth; in December, 1913, we bought $4,569,000 worth—almost double in a single month. In December, 1912, we bought from Brazil $11,000,000. I am just giving the millions. In December, 1913, we bought $14,000,000 worth.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Connecticut?

Mr. HUMPHREY of Washington. Just as soon as I get through reading these figures:

December, 1912, we bought from France, $14,000,000; December, 1913, $17,000,000; December, 1912, we bought from Germany, $14,000,000; December, 1913, $18,000,000.

Here is the way we are capturing the markets of some countries:

December, 1912, we sold to Canada, $29,000,000; December, 1913, $26,000,000; December, 1912, we sold to Germany, $40,000,000; December, 1913, $33,000,000.

Now, I yield to the gentleman from Connecticut.

Mr. DONOVAN. Mr. Chairman, the gentleman is giving out figures, of course, for the purpose of information. He ought to add to the rest of his figures the fact that the largest manufacturer of builders' hardware, and so forth, that there is possibly in the United States is in the State of Connecticut, and on the 20th of February of this year he issued a 100 per cent stock dividend. [Applause on the Democratic side.] The gentleman ought to give all the truth and not suppress part of it.

Mr. HUMPHREY of Washington. It may be that he issued the stock because he did not have the money with which to run his business. I suspect that is a fact. I suppose he got his business into a prosperous condition under Republican administration, and now has to issue stock to keep it from closing up. [Applause on the Republican side.]

Now, if the gentleman will listen, I will give him some more figures. These are from the Treasury Department. I do not know whether the Democrats will dispute them or not. However, they are their own figures and furnished by Democratic officials.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Washington [Mr. HUMPHREY] yield to the gentleman from Connecticut?

Mr. HUMPHREY of Washington. I think, as my time is about up, I will wait before I yield.

Mr. DONOVAN. There is one observation that I wish to make. In the stock market to-day all stocks are more valuable than they were when the bill went into force.

Mr. HUMPHREY of Washington. I do not yield to the gentleman, and I did not hear what he said. [Laughter.]

Now, in December, 1912, this country imported of foodstuffs in crude condition and food animals, $17,000,000. In December, 1913, under the new Democratic tariff law, we imported $30,000,000.

I wish to state in this connection that these figures are for December throughout and not for the year.

For foodstuffs, wholly or partly manufactured, in December, 1912, $11,000,000; in December, 1913, $16,000,000. That is the way the farmers of this country are capturing the markets of the world under this new tariff law. On page 18 of the report of the Underwood bill these words are used: "In our judgment the future growth of our great industries lies beyond the seas." How significant that statement in view of the figures I have given. The foreigner is capturing our markets. We are losing theirs. Can any clearer demonstration be given for our closed mills and factories and for the great army of idle men in this country?

For crude materials used in manufacturing——

Mr. GORDON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. HUMPHREY of Washington. Not just now; not until I get through with these figures.

Of crude material used in manufacturing we imported in December, 1912, $56,000,000; in December, 1913, $62,000,000.

Now, I will go down the list and show you how we have been capturing the markets of the world with the stuff we have been selling.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. GILLETT. I yield five minutes more to the gentleman from Washington.

The CHAIRMAN. The gentleman from Washington is recognized for five minutes more.

Mr. GORDON. Will the gentleman yield right there?

Mr. HUMPHREY of Washington. Not until I know whether I can get the time to do so or not.

This country in 1912 sold in foodstuffs during the month of December $18,810,000 worth; in December, 1913, $9,977,000 worth. That shows how we are capturing the markets of the world with our food supply. Foodstuffs, partly or wholly manufactured, we sold in December, 1912, $30,000,000; in December, 1913, $27,801,000.

Of crude materials for use in manufacturing, in December of 1912 we sold $104,000,000; December, 1913, $97,000,000; material for further use in manufacturing, December, 1912, $32,000,000; for December, 1913, $30,000,000. And so it runs all the way through. I will put the detailed figures in the RECORD. I want my Democratic friends to look them over. I want them to understand how we are going out and capturing the markets of the world under this new tariff law, and that if we keep on at the same rate as we have started so far, the loss of trade next year will be over $550,000,000 against us.

Mr. POU. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. POU. Just for a question.

Mr. HUMPHREY of Washington. Very well. What is the question?

Mr. POU. I wanted to ask the gentleman if he would favor the repeal of the Underwood law and the income-tax law and put back on the statute books the old Payne-Aldrich bill?

Mr. HUMPHREY of Washington. I would favor the repeal of the Underwood tariff, and would put back on the statute books a law that would permit us to sell in the markets of the world and permit us to feed the world, instead of depending upon the other nations of the world to feed us, as we are now. [Applause on the Republican side.]

Now I think, while I am on my feet, I will say a word further.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Ohio?

Mr. HUMPHREY of Washington. Yes.

Mr. GORDON. Has the gentleman taken into consideration the fact that the woolen schedule did not become effective until the 1st of the year 1914?

Mr. HUMPHREY of Washington. Well, I am taking the figures that were furnished me, but if that were so it would be worse still. [Laughter on the Republican side.] I want to be fair with the gentleman. I do not want to use something that has not happened yet. [Laughter on the Republican side.]

Mr. GORDON. Does not the gentleman understand that the holding back of imports until the law became operative would affect the business for 1913?

Mr. HUMPHREY of Washington. Certainly; and after the bill became effective there would be only that much more coming in.

Mr. GORDON. It would be just the other way.

Mr. MANN. He is complaining now because the imports are so large.

Mr. GORDON. Does the gentleman consider it a national calamity that we are importing foodstuffs more than ever before?

Mr. HUMPHREY of Washington. I think it is a national calamity that we are in a condition where we have to.

Mr. GORDON. That is exactly why I voted for this tariff law—to let in foodstuffs free, if possible.

Mr. HUMPHREY of Washington. Let me tell the gentleman what we have done on the foodstuff proposition. We have brought in and contracted for about $9,000,000 worth of corn from Argentina.

Mr. GORDON. Yes.

Mr. HUMPHREY of Washington. And the Corn Food Products Co. has already bought most of it and has made a profit of $3,000,000. And the Whisky Trust has bought a lot of it and made a profit of over $2,000,000 out of it. I want to ask the gentleman if he is buying his whisky any cheaper? [Laughter and applause on the Republican side.]

Mr. GORDON. I will say, in answer to the question, that I do not buy whisky. I do not use it. But I would like to have the gentleman tell this Congress whether or not he thinks the importation of food products on an increased scale is a bad thing or a good thing. That is the question I ask the gentleman.

Mr. HUMPHREY of Washington. I will append as a part of my remarks the following:

The usual monthly statement of the foreign trade of the United States as completed by the statistical division of the Bureau of Foreign and

Domestic Commerce for the months of December, 1912 and 1913, showing the imports and exports by great groups is as follows:

Analysis of the foreign commerce of the United States for the month of December.

Groups.	1912	1913
IMPORTS.		
Crude materials for use in manufacturing	$56,516,555	$62,463,050
Foodstuffs in crude condition and food animals	17,778,879	30,058,427
Foodstuffs partly or wholly manufactured	11,617,268	16,769,368
Manufactures for further use in manufacturing	28,704,338	28,688,135
Manufactures ready for consumption	37,878,179	44,616,400
Miscellaneous	1,600,225	1,992,191
Total imports	154,095,444	184,587,571
EXPORTS.		
Crude materials for use in manufacturing	104,812,965	97,081,219
Foodstuffs in crude condition and food animals	18,810,188	9,977,309
Foodstuffs partly or wholly manufactured	30,575,696	27,801,285
Manufactures for further use in manufacturing	32,815,385	30,118,856
Manufactures ready for consumption	59,583,039	65,096,845
Miscellaneous	747,144	699,967
Total domestic exports	247,344,417	230,775,481
Foreign merchandise exported	2,971,390	2,712,284
Total exports	250,315,807	233,487,765
Customs receipts	24,248,161	21,510,140

Details showing the value of merchandise imported from and exported to each of the principal countries during the months of December, 1912 and 1913, as completed by the statistical division of the Bureau of Foreign and Domestic Commerce, Department of Commerce, is as follows:

Imports and exports by grand divisions and countries for the month of December.

	1912	1913
Imports from:		
Grand divisions—		
Europe	$81,214,233	$91,465,007
North America	21,973,555	33,234,599
South America	19,869,663	25,055,750
Asia	24,472,303	29,777,004
Oceania	3,770,023	3,037,369
Africa	2,795,667	2,017,842
Total	154,095,444	184,587,571
Principal countries—		
Argentina	2,535,843	4,569,424
Australia	1,420,951	1,037,039
Belgium	3,460,473	3,043,076
Brazil	11,954,543	14,178,032
Canada	9,579,962	16,563,208
China	3,346,720	3,622,270
Cuba	3,328,582	4,552,640
France	14,442,101	17,553,751
Germany	15,960,363	18,272,085
India, British	5,806,497	7,550,870
Italy	5,580,162	6,056,037
Japan	8,180,036	11,969,027
Mexico	6,874,249	8,969,933
Netherlands	2,589,915	3,511,276
Russia	2,808,790	2,746,272
United Kingdom	27,262,651	28,597,188
Exports to:		
Grand divisions—		
Europe	170,229,706	156,667,211
North America	47,694,062	41,588,809
South America	12,613,608	11,846,532
Asia	9,649,700	12,866,124
Oceania	7,035,837	7,728,702
Africa	3,092,894	2,790,327
Total	250,315,807	233,487,765
Principal countries—		
Argentina	4,882,955	4,737,855
Australia	3,584,298	4,510,421
Belgium	7,975,047	5,740,512
Brazil	3,201,855	2,128,097
Canada	29,562,338	26,063,404
China	1,220,275	1,787,705
Cuba	6,041,928	5,882,522
France	18,125,435	18,341,017
Germany	40,713,106	33,210,285
India, British	1,227,541	1,009,024
Italy	7,510,389	9,109,962
Japan	5,634,275	7,614,727
Mexico	5,605,298	3,171,161
Netherlands	11,358,576	10,070,070
Russia	2,046,786	5,005,436
United Kingdom	71,373,642	64,092,740

Imports:	
December, 1912	$154,095,444
December, 1913	184,587,571
Exports:	
December, 1912	250,315,807
December, 1913	233,487,765
Custom receipts:	
December, 1912	24,248,161
December, 1913	21,510,140
January, 1913	29,334,124
January, 1914	23,528,080

Loss compared with December, 1912, and January, 1913.

Loss of revenue:	
December, 1913	$3,737,081
January, 1914	5,806,044

Imports into the United States of farm products, 1913.

Cattle:		
November		$3,306,723
October		$3,398,000
Fresh meats:		
October	pounds	5,752,207
November	do	10,908,733
Potatoes:		
October	bushels	80,000
November	do	401,063
Wheat:		
October	do	233,000
November	do	127,033
Oats:		
October	do	2,524,793
November	do	5,132,308
Corn:		
October	do	473,000
November	do	1,632,643

Mr. GILLETT. Mr. Chairman, I yield now to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York [Mr. PLATT] is recognized.

Mr. PLATT. Mr. Chairman, I ask unanimous consent to insert in the RECORD a speech by my colleague [Mr. CALDER] delivered in a debate with Mr. Bainbridge Colby on February 7, 1914, at the Logan Club, Brooklyn, on "The future of the Progressive Party."

The CHAIRMAN. The gentleman from New York [Mr. PLATT] asks unanimous consent to extend his remarks in the RECORD by printing an address made by his colleague [Mr. CALDER]. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] is recognized for three minutes.

Mr. SLAYDEN. Mr. Chairman, I must admit that what I have to say on this bill has very little connection with the urgent deficiency measure itself; but it has a vague and remote connection with deficiencies in general, because what I have to suggest and what I have heretofore suggested in connection with this same matter by my votes and by my speeches will have a tendency, if carried into law, to prevent deficiencies.

I want to quote, Mr. Chairman, as a text for my few brief remarks, something that I read in the Post this morning. Col. Goethals, known to fame in connection with a great engineering enterprise, says:

> I know little about the legal questions involved in the toll problem, but I have always been opposed to toll exemptions for coastwise shipping. I want all the money we can get for the canal.

That, I am pleased to say, Mr. Chairman, has been my attitude from the beginning. I have always thought that the traffic through the canal, built at the expense of the taxpayers and dedicated to commerce in general, should pay for its own transportation through the canal. I do not believe, and I never have believed, that there should be exemption from the usual charges on any traffic passing through the canal.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. SLAYDEN. I regret I have not time.

Mr. HUMPHREY of Washington. Just a question.

Mr. SLAYDEN. Well, go ahead. Shoot it out fast, please. [Laughter.]

Mr. HUMPHREY of Washington. I want to ask the gentleman if he was of the same opinion when the Democratic platform was written?

Mr. SLAYDEN. Yes. I have already stated as plainly as I could the opinion I entertained then and now that the traffic through the canal should pay tolls and that these tolls should be used for the maintenance of the canal, as far as reasonable and fair charges for the service will go. We are going to need all the money we can get from all the traffic through the canal, as Col. Goethals says, to help us for a long time to come, as the gentleman from Washington knows as well as I do. Moreover, I am not in favor of a subsidy to shipping on the Atlantic or on the Pacific coast. I am not in favor of putting a burden on the taxpayers in general for the benefit of a monopoly that has already been established by law.

I am pleased to say, Mr. Chairman, that we are having the support in this measure of reform of the President of the United States, who, if the newspapers are to be credited with exactness, will lend the great weight of his name and office to a change in the Panama law by which coastwise shipping was exempted from the payment of tolls.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FITZGERALD. Mr. Chairman, how much time has the gentleman from Massachusetts remaining?

The CHAIRMAN. Two minutes.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] is a "stand-pat" Republican, and it would require the logic of such a man in public life to understand the argument advanced by him.

The contention of the gentleman from Washington is that the Underwood tariff is bad for the country, because it reduces customs duties. He asserts that its effect is so extensive that there is a marked depression in business, so much so that, in his opinion, there is unlikely to be anyone who will be affected by the income-tax requirements of the tariff law. To sustain his contention he quotes figures to prove that importations have been larger under the present law than under the Payne-Aldrich law. Yet if the country were in the condition depicted, why would there be such increases in imports? If this country were in such a deplorable financial depression, if the people were so straitened financially, it would take some more ingenious effort than that of the gentleman from Washington to explain our ability to make these remarkably large increases in purchases of articles imported from abroad. When economies are enforced by the masses of the people, they are not indicated by increased imports.

Mr. Chairman, I did not intend to discuss the gentleman's speech. I have in hand the daily Treasury statement for February 18. If the same ratio continues for the balance of the fiscal year, the customs paid under the existing tariff law for the current year will be about $27,000,000 less than were paid the last year of the Payne-Aldrich Tariff Act. As it is estimated that there will be paid this year some $80,000,000 under the income-tax provision of the tariff law, it is apparent that there will be no falling off of the revenues as a result of that legislation.

The committee has before it, Mr. Chairman, an urgent deficiency bill. The estimates submitted for the consideration of the committee aggregated $11,738,798.77. The amount recommended in this bill is $9,639,397.79, or $2,100,000 less than the estimate submitted by the department.

For the benefit of some of those who have intimated that the committee has not been sufficiently liberal in dealing with these estimates, I desire to remind the committee that the appropriations for the conduct of the public service during the current fiscal year were made by a Congress in which there was a Democratic House of Representatives. The estimates were considered with that careful scrutiny demanded in the distribution of the public funds, and ample funds were appropriated to conduct all of the various services of the Government in an economical and efficient manner. The Democratic platform adopted at Baltimore in 1912 contained this paragraph:

REPUBLICAN EXTRAVAGANCE.

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

If that declaration was good Democratic doctrine before election day, Mr. Chairman, it is good Democratic doctrine now that the Democratic Party has come into power. Such promises, however, can not be performed and this pledge can not be kept unless those in the executive branches of the Government cooperate with the legislative branch and conduct the Government efficiently and economically. It is the duty of this House, more than of any other branch of the Government, to scrutinize with care the estimates that are submitted for the conduct of the public service, and to insist that officials in the executive departments shall conduct their various services within the amounts determined by the Congress to be sufficient to meet their needs. Any other system in this country means extravagance run riot.

During the entire history of this Government there has been a constant conflict between the legislative branch of the Government and the executive departments as to which branch shall determine the amount of money which shall limit the activities and the services of the various functions of the Government. The control of the purse under the Constitution is primarily in this House, the body which represents most directly the people of the country, and the responsibility is primarily upon this House to see to it that moneys shall only be appropriated for legitimate functions of the Federal Government and shall be expended with that care and frugality which befits a democratic government.

I make this statement at this time, Mr. Chairman, because the time is at hand when the Members of this House, particularly those in the majority, must take some effective steps to curtail the rapidly increasing expenditures of the Government if the party, in view of the declaration in the platform I have just read, is not to become the laughingstock of the country.

The appropriations for conducting the Federal service during the present fiscal year are liberal. They are not parsimonious. For the fiscal year 1913 the total appropriations were $1,019,412,710.91. For the current fiscal year they were $1,098,678,788.40. Practically every one of the great supply bills of the Government for the conduct of the service during the current fiscal year exceeded the amount of money carried in similar bills for the preceding fiscal year.

I am aware of the constant and incessant demand and pressure from all over the country for the extension of the activities of the Federal Government into fields which more properly should be occupied by the State Governments or by private enterprise. I know that there is constant pressure to have the Federal Government do those things which are determined to be beneficial when the expense seems to be so great that it would require some effort on the part of the State or locality to bear the burden. But, Mr. Chairman, unless there be some cessation of the extension of the activities of the Federal Government along lines not within the contemplation of the founders, but into those fields foreign to the spirit of our institutions, then new and onerous means of taxation must be devised in order to supply the funds to enable the Government to carry on its various enterprises. One of the reasons that made me rejoice at the enactment of the income-tax law, one of the reasons that induced me years ago to favor such a law and a smaller exemption, was that it would tend to bring home forcibly to the people a knowledge of the expenditures made by the Federal Government, and thus aid in stopping the indiscriminate demands for grants from the Federal Treasury. I believed it would arouse the people to an interest in such matters and make them more critical about the means for which public funds were to be expended and the manner in which they were to be expended.

Mr. COX. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. COX. If this extravagance—if it may be called extravagance—these enormous appropriations are not stopped in some way, does not the gentleman believe that in the course of a short period of time the Government will have to come to a system of direct taxation, such as it had in 1861 to carry on the war?

Mr. FITZGERALD. Mr. Chairman, while I do not desire to commit myself to the form of taxation to which it would be necessary to resort in order to meet these increased obligations, I am of the opinion that the Government would not speedily resort to direct taxation. The ingenuity of legislators has not yet been exhausted in devising means to extract money from the people in taxation by such indirect methods that they will not realize that they are paying taxes. Under the system we have enjoyed gentlemen, like the gentleman from Washington [Mr. HUMPHREY], continuously argue that taxes are a blessing to the country and that the greatest misfortune from which it has suffered in recent years was in the action of a Democratic Congress in removing many of the burdens with which it had been afflicted by the Payne-Aldrich tariff law. This has been the line of argument always resorted to when the tax is indirect and not directly felt. Everyone desires and endeavors to persuade himself that however burdensome taxes may be they do not affect him, but are borne by others.

The only unpopular tax is the tax that the individual is convinced he pays himself. He is indifferent to taxation so long as he believes or is convinced that some one else must bear the burden.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. For a question.

Mr. MANN. Is there not a much stronger argument against taxation than the one the gentleman has stated, the requirements of the Constitution? The tax of your State would be so small that you would be in favor of it. By the Constitution a direct tax is to be levied in accordance with the population of the State, and hence, without making any invidious comparison, the State of Arkansas, which comes early in the list, would pay a much larger proportion according to its wealth than would New York according to her wealth. Having more States that would do that than States like that which the gentleman and I represent, I predict that we will never have direct taxation, because they propose to make us pay the taxes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, the details of the bill can be explained as we reach them in their order. I will ask the Clerk to read.

The Clerk read as follows:

PUBLIC BUILDINGS, CONSTRUCTION AND SITES.

For sites, commencement, continuation, or completion of public buildings within the respective limits of cost authorized by law, including rent and removal expenses in cities pending extension and remodeling of buildings, as follows:

Birmingham, Ala., post office and courthouse: For additional land, $185,000.

Mr. COX. Mr. Chairman, I move to strike out the last word. I will ask the chairman of the committee when that authorization was first made for the Birmingham (Ala.) post office?

Mr. FITZGERALD. In the public-building bill passed in the last session of Congress.

Mr. COX. That was the date of the authorization?

Mr. FITZGERALD. Yes.

Mr. COX. Here is a hard thing for me to understand. I am occupying a position similar to that occupied by a great many other Members. I have had an authorization for the last four years and have been unable to get that brought forward, and I want to know how this came to be brought forward so early?

Mr. FITZGERALD. Mr. Chairman, this is for the purchase of land. A contract was made by which the price was fixed, conditioned upon immediate acceptance. The Secretary of the Treasury has transmitted to the House at this session estimates for all moneys required to pay for sites authorized, where negotiations had reached that point where it was likely the money would be needed to be paid before the end of the present fiscal year, and the committee has in every instance given the money. As these sites are selected and arrangements completed, estimates have been transmitted, so that provision could be made for them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. If authorization was made four years ago for the purchase of a site, and no action taken upon it, what special reason can there be given for the urgent need for an appropriation for a site that was authorized only last year?

Mr. FITZGERALD. In this instance the site adjoins the present building, and the provision of the bill, as I recall it, not only authorized the acquisition of this additional land but the construction of an entirely new building on the site, and arrangements have been made with the persons who own the site to make the conveyance at once.

The Clerk read as follows:

Dallas, Tex., post office: For new site, $250,000.

Mr. MADDEN. Mr. Chairman, I will ask the gentleman if he will yield for a question?

Mr. FITZGERALD. Yes.

Mr. MADDEN. This is for Dallas, Tex. The same condition does not apply in Dallas, Tex., I presume?

Mr. FITZGERALD. The limit of cost for the site in Dallas, Tex., was fixed at $300,000, and arrangements were completed by which a site was selected. Arrangements were completed upon condition that the site should be purchased at once for $250,000.

Mr. MADDEN. I understood it to be the policy of the administration to select sites in the order in which they are authorized, and that the plan is being uniformly followed to purchase, first, the site that is authorized first and to erect the building first that is authorized first, and that under the plan adopted by the executive branch of the Government the ordinary time in which a site will be purchased and building erected after authorization would be four years. While I have heard a number of men on the floor complain that action had not been taken with respect to authorizations in their respective territories, the reply has always been made that under the plan it would be necessary to follow in consecutive order. These sites seem to have been taken out of the consecutive order and placed in advance of the plan which is purported to be the policy of the department; and while I have no objections to the appropriations I thought it might perhaps be illuminating to place in the RECORD the reasons why one place can be favored as against another.

Mr. FITZGERALD. Mr. Chairman, the public-building act of 1913 authorized the acquisition of additional land or land adjacent to the present public building at Dallas or for an entirely new site. The site was selected, the price of which was placed at $325,000. As a result of negotiations, a contract was made for the acquisition of the site for $250,000. The information was that the examination of title was practically completed and the department was ready to take title. The Committee on Appropriations did not attempt to regulate or to control the administration of the Treasury Department.

Mr. MADDEN. The question that occurred to me was whether this was an urgent deficiency; whether, as a matter of fact, the expenditures in either of these cases was made necessary by the urgency of the case?

Mr. COX. And if so, what that urgency was?

Mr. FITZGERALD. Here is the situation: The transaction is ready to be completed and the money paid. In that instance where such a situation was presented to the committee the amount requested was carried in the bill, if within the authorization.

Mr. MADDEN. The question then would arise whether it would not have been possible to complete the transactions in every case authorized up to the point of making the appropriation, and whether, if that was done, it would not be an urgent deficiency and entitled to go into the bill?

Mr. FITZGERALD. It would have been according to the position taken by the committee.

Mr. MADDEN. I did not know but that the position occupied by the two distinguished gentlemen who happen to be identified with Birmingham, Ala., and the State of Texas might have something to do with the urgency of these cases?

Mr. FITZGERALD. It has nothing to do with the action of the committee, whatever it might have had to do with the activity of the Treasury Department.

Mr. MADDEN. That is perhaps where the urgency came in.

Mr. WILLIS. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman from Ohio.

Mr. WILLIS. I wanted to inquire of the gentleman whether the fact that all of these places where the appropriations are provided are located in districts that are represented by distinguished gentlemen on the majority side has anything at all to do with the urgency of the case?

Mr. FITZGERALD. Mr. Chairman, in reply to the gentleman I wish to say that I have enough to do in connection with the preparation of these bills without hunting out the particular Member who may or may not be interested in the particular items.

Mr. COX. I do not wish to be captious about this thing, but it has been going on for three or four years, and I have been very meek and mild in my requests for my district.

Mr. FITZGERALD. Is it for a new site?

Mr. COX. No; it is for an addition. Now, here is the query——

Mr. FITZGERALD. These are sites.

Mr. COX. I understand these, but here is the query I want to put to the gentleman. I understand in the wording of this bill these are sites. Now, I have been told I had to wait, and wait the Lord only knows how long, until my turn came. I have gone to the Treasury Department time and time again, and that would be the same old story. Now, here is the query: This proposes to buy sites, and now, when it comes to the question of making appropriations for the building and constructing the building on the site, will these places take precedence over our fellows who have been waiting here three or four years in order to get our appropriations made? If the gentleman can give me light on that, I will be glad to know it.

Mr. FITZGERALD. If the Treasury Department pursues the policy which has been followed up to this time, they will not. Whether there is to be any change of policy I am unable to state.

Mr. COX. Then, if I understand the gentleman, his understanding is if the Treasury Department pursues in the future the same policy it has in the past it will go back and take charge of those uncompleted jobs where sites have been authorized heretofore?

Mr. FITZGERALD. Unless the policy be changed. No statement has been made that the policy is to be changed.

Mr. SISSON. I will answer further the gentleman from Indiana. He can not charge this committee or this subcommittee with being in any way influenced by the demands for items that are pushed forward——

Mr. COX. I thought possibly the gentleman had some information, being on the committee.

Mr. SISSON. For I will state that I am exactly in the same attitude that he is, and I am just as anxious my project should get through as he is.

Mr. SHERLEY. I suggest another thing. The very fact that the gentleman from Mississippi and the gentleman from Indiana have not items in here is an evidence these items are not put on as a result of pull, because there are no more powerful men in the House than those gentlemen.

Mr. COX. I beg the gentleman's pardon; look at Birmingham, Ala., and Dallas, Tex., and see who represents them. I must appeal from that statement.

Mr. MANN. May I ask the gentleman from New York whether the items in reference to public buildings and grounds are simply for those which have been already authorized by law?

Mr. FITZGERALD. There is one that is not authorized by law.

Mr. MANN. Which one is that?

Mr. FITZGERALD. That is in connection with the barge office, city of New York, which is in excess of the limit of cost.

Mr. MANN. All the others are?

Mr. FITZGERALD. Yes. That item is to provide landing piers and slips at the barge office in the city of New York, and that is in excess of the limit of cost. All the other items are authorized.

The Clerk read as follows:

Georgetown, Tex., post office: For site, $5,000.

[Mr. DIES addressed the committee. See Appendix.]

Mr. HARRISON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I suppose the chairman can give me the information I would like. Under the public-buildings bill which was passed last year a Public Buildings Commission was created. Does the gentleman know whether or not that Public Buildings Commission has had any meetings?

Mr. FITZGERALD. The commission has had, as I understand, a number of meetings, and the gentleman from Florida [Mr. CLARK] yesterday in his remarks said that their report was almost ready for submission, and had been delayed somewhat because of the fact that the Secretary of the Treasury, on account of his duties, had been out of the city, and therefore it had been impossible to confer with him. I know personally a very large amount of work has been done by the commission along certain lines. What its report is to be, I do not know.

Mr. HARRISON. The reason I asked the gentleman was because, when this bill was up the last time we tried to put an appropriation on in order to care for these 47 delayed projects, and we were informed that the Public Buildings Commission would remedy that matter in some way. That is why I wanted to get the information.

Mr. FITZGERALD. That commission was required by law to report on the entire question of the construction of public buildings.

Mr. HARRISON. I understood from the Secretary of the Treasury that he was going to leave that question largely to this commission.

Mr. FITZGERALD. He is on the commission. He is chairman of it.

Mr. HARRISON. I know he is, but there are other members of that commission.

Mr. FITZGERALD. Yes. There are two members from the House, two members from the Senate, the Postmaster General, the Attorney General, and the Secretary of the Treasury.

Mr. HARRISON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

New York, N. Y., barge office: For additional amount necessary to provide landing piers and slips for the Ellis Island Ferry, the boarding vessels, and the revenue cutters, $50,000, together with the unexpended balance, amounting to $39,935, of the appropriation for rental and moving expenses of the barge office, which sum is reappropriated and made available for these purposes.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. On what item?

Mr. MADDEN. The New York barge office. Will the gentleman state to the committee what the sum authorized originally for this work was?

Mr. FITZGERALD. The sum was $500,000.

Mr. MADDEN. And the department let contracts for the sum of $50,000 in excess of that?

Mr. FITZGERALD. No; the situation is this: Five hundred thousand dollars was authorized to build a barge office, which is the building situated at the Battery in the city of New York. The shipping commissioner's office is there, as well as other offices. They have it completed with the exception of the slips and landing piers, which are for the revenue cutters, and the ferry slips for the ferryboat from Ellis Island to New York City. There is an unexpended balance of $64,334.

Mr. MADDEN. The barge office is at the Battery, is it? There are no slips at the barge office, are there?

Mr. FITZGERALD. The barge office is at the Battery.

Mr. MADDEN. But there are no slips there?

Mr. FITZGERALD. There are no slips there. They have an unexpended balance of $64,000, with which, they say, if this balance be not given, they will provide a slip by the use of dolphins, which will serve temporarily for three or four years, at the end of which time it will be necessary to ask Congress for $150,000 to do the work properly. Forty thousand dollars was given for rent of offices when the work was commenced, and a little less than $1,000 was used, and a balance of $39,000 was unexpended. They ask to have that reappropriated, and $50,000 additional, so that they may build the slips and the landing piers.

The Supervising Architect said that he had no excuse to make for the situation; that the limit of cost had been fixed and the work had not been done. They were there with the building completed and with the Government vessels utilizing space needed by the city of New York for other purposes.

Mr. MADDEN. The purpose of this appropriation, then, is to transfer the $39,000 originally appropriated for rent to the building of a pier at Ellis Island?

Mr. FITZGERALD. Not at Ellis Island.

Mr. MADDEN. It says here that it is for the Ellis Island boat; a slip for ferryboats and the customs boats there.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. I desire briefly to refer to some statements made yesterday by the gentleman from Florida [Mr. CLARK], the chairman of the Committee on Public Buildings and Grounds. In his speech he reflected in a certain way on a former Secretary of the Treasury because that gentleman had adopted a plan according to which $12,000,000 a year were allowed for building purposes.

I think that plan was an eminently wise one. It was not, as the gentleman from Florida intimated, an usurpation of the powers of Congress in any way. The Secretary of the Treasury had come to the conclusion, after consultation with the supervising architect, that all the work which that office could do in any one year was about $12,000,000 worth, according to their present force. So the Treasury Department simply decided that $12,000,000 every year should be allowed for building purposes. And that was just about in accordance with the action of Congress, because we generally passed a public-building bill carrying between $24,000,000 and $25,000,000 every two years. Consequently, according to the plan of the Treasury Department, adopted previously, $24,000,000 would be appropriated in two years—namely, in each Congress—and hence there is no valid reason that I can see for criticizing the action of the department under the last administration.

Mr. SHERLEY. Will the gentleman yield?

Mr. BARTHOLDT. In just a minute. I wish Congress would always be so generous as to enable the people to get $12,000,000 worth of new buildings every year.

Mr. SHERLEY. If the gentleman's statement is correct, that we only appropriated $12,000,000 a year, or more, for the session, and had $12,000,000 worth of building done, how does he reconcile that with the fact that we have gotten so many years behind?

Mr. BARTHOLDT. For the reason, Mr. Chairman, that this plan of appropriating $12,000,000 each year was adopted only three years ago, and during that time they did not complete as many buildings as would call for the expenditure of $12,000,000. Besides, the appropriation for the Supervising Architect's Office was cut down, so that at one time from 80 to 90 draftsmen had to be discharged.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARTHOLDT. Mr. Chairman, may I have an extension of five minutes?

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. In his speech the same gentleman also reflects to a certain extent upon the present Supervising Architect. He says we want to get a live business man for that office. Having had the honor of serving as chairman of that committee for a number of years, I can say with some degree of knowledge that, in my judgment, we could not find in the whole United States a man who is more competent, more efficient, and more wide-awake to fill that office than the gentleman who occupies it now. [Applause on the Republican side.]

Furthermore, it is wrong and unjust to the personnel of that office to say that they are behind in their work. It is not so. Congress has dumped omnibus bill after omnibus bill upon the office, and with the force they had and the appropriation you made for the force it was simply impossible to keep up with the legislation and complete the buildings in time; so that, in fact, they are not behind. They have done as effective and as rapid work as they have always done. It is only because of

the increased appropriations for buildings and the lack of force, superinduced by the reduction of force, that created the present situation. The only way we can get our buildings completed in a reasonable time is for Congress itself to make sufficient appropriations not merely for new buildings, but for an increase of the force in the Supervising Architect's Office.

Mr. KREIDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I will yield to the gentleman for a question.

Mr. KREIDER. I am very much interested in this matter and the question of standardization has been brought up. What is the gentleman's opinion in regard to that and the practical working out of that proposition? It seems to me that when the Supervising Architect's Office draws a separate plan for each and every building all over the United States, it is useless. I think we ought to be able to adopt one plan and stick to that.

Mr. BARTHOLDT. In answer to that, let me say that standardization, I think, is possible only to a certain extent, and to that extent it is being practiced now. But there are some things that limit its operation. For instance, you appropriate $50,000 for a building to be erected on the Pacific coast, and then you appropriate $50,000 for a building in Ohio. You should not suppose that because the appropriation is the same you use identically the same plans and erect the same kind of a building in both localities. Not at all. You must have different plans, for the reason that a building on the Pacific coast will probably cost one-third more to erect than a building in Ohio. For that reason, while standardization is desirable, there is a limit to it.

Mr. KINDEL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. Yes.

Mr. KINDEL. I would like to inquire of the gentleman why it requires one-third more in California? Is it because of the higher freight rate?

Mr. BARTHOLDT. No. It is because labor and materials are more expensive there. At any rate, that is the experience of the Supervising Architect's Office.

Mr. KREIDER. The plans could be the same, and the materials could be changed, and the cost might be changed. But the plans, so far as the office of the Supervising Architect is concerned, could be the same, though the materials used might be brick or stone or something else. That might be changed.

Mr. BARTHOLDT. That is true. But when gentlemen are advocating standardization here it means that when $50,000 is appropriated for a building in Maine and the same amount for a building in Ohio and the same amount for a building in California the same plans could be used for all those buildings. That can not be done. And, aside from other reasons, such as the difference of the grounds and sites, I doubt very much whether it would be really desirable to establish an absolute sameness and uniformity of style and character in Government building operations.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The Clerk will read.

The Clerk read as follows:

New York, N. Y., courthouse: For repairs of the old courthouse and post-office building, including alterations, rearrangements, fittings, miscellaneous repairs and painting, changes in the mechanical equipment, lighting fixtures, etc., and the cleaning of the exterior walls of the building, in order to provide increased accommodations for the United States court, and, so far as practicable, for all Government officials now occupying rented quarters, including moving expenses incident thereto, $200,000.

Mr. TOWNSEND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New Jersey [Mr. TOWNSEND] moves to strike out the last word.

Mr. TOWNSEND. I wanted to ask the chairman of the Committee on Appropriations if the measure now being promoted in the other Chamber of Congress, to secure a new post office in New York, will not result in abandoning this site?

Mr. FITZGERALD. Mr. Chairman, I believe a bill is pending to acquire a site for a new courthouse in the city of New York. It contemplates the abandonment of this building and a return of the site under the deed to the city of New York to become again a part of the City Hall Park. But the Post Office Department is moving out of this building, and it will be in such condition that in order to utilize it it must be thoroughly renovated. The building cost $8,000,000 40 years ago. The district attorney's office and the courts are in a very crowded shape. This appropriation is to rearrange and to utilize the building.

Mr. TOWNSEND. I am familiar with the condition that the gentleman speaks of. What I wanted to get at is to ascertain whether the new quarters could not perhaps be provided for the new courts under this plan.

Mr. FITZGERALD. Even if the bill passed for the acquisition of a new site and the erection of a new building so many years would be required to complete such a building that this building should continue to be utilized.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last two words.

Mr. MADDEN. I think it is very wise that we should make this appropriation of $200,000 for the purposes named in the paragraph.

In the first place, the building that it is proposed to renovate and remodel is a very expensive one. It cost about $8,000,000. It has the facilities that New York needs for the purposes for which it was erected.

Mr. FITZGERALD. Oh, no.

Mr. MADDEN. It will have when we expend this $200,000 upon it, and I am rather inclined to believe that the expenditure of the $200,000 will take away any excuse that may possibly be made for an appropriation for a new site and a new building. And if by the expenditure of $200,000 we can save an expenditure of $10,000,000 and preserve this ground for the purposes for which it is now being used, instead of turning it over to New York City for a park, we are in duty bound to adopt the plan proposed in this bill for the expenditure of $200,000. And I sincerely hope that when this is adopted and the improvements are made under the appropriation now proposed New York will not be so avaricious as to come, either to another body or to this, for an expenditure of $10,000,000 for a purpose that has already been provided for.

Mr. FITZGERALD. The gentleman is not quite accurate. This does not provide fully for the facilities required in Manhattan, which is the southern district of New York, for court purposes. Here is a building that cost $8,000,000 about 40 years ago. Only $400,000 has been spent on it in 40 years. It is in very bad condition.

Mr. MADDEN. It ought to be repaired, and I am for the $200,000.

Mr. FITZGERALD. The district attorney's office is very badly crowded and embarrassed, and it is impossible to conduct the courts as they should be conducted. This appropriation should be made, regardless of any suggestion as to another building. If the temper of Congress continues as it has been, if we are to authorize public buildings at the rate they have been authorized, I have no doubt that the movement to have a Federal court building in the city of New York for the transaction of its public business will not only be stimulated but, in all probability, will be approved by Congress.

Mr. TOWNSEND. I will say to the gentleman from Illinois that my only fear was that possibly this measure to abandon this present site and restore it to park purposes—because it would be a restoration for park purposes—might have such an impetus, in view of the power back of it, that perhaps the site might be abandoned even before this $200,000 could be expended. Of course I am in thorough sympathy with any expenditure of money to put the interior of that fine old building in proper shape; but I was fearsome that perhaps the movement to acquire a new site and erect a new building might obtain such velocity that you could not possibly get this appropriation expended before we would find that building torn down.

Mr. MADDEN. Let us hope that the gentleman's fears are unfounded.

Mr. MANN. Mr. Chairman, my colleague from Chicago just referred to possible future voraciousness for a public building in New York. I wish to compliment the distinguished gentleman from New York, chairman of the Committee on Appropriations [Mr. FITZGERALD], who earnestly and ardently protects the Treasury against all sorts of assaults upon it. I notice that this bill carries appropriations amounting to about $790,000 or $800,000 for public buildings, of which about $350,000 goes to the city of New York.

Mr. FITZGERALD. There would have been more if it had not been for me.

Mr. MANN. I suppose every man is tempted, and at times yields to temptation; and while it is the duty of the gentleman from New York [Mr. FITZGERALD] to protect the Treasury against the raids of other Members of Congress, it is the duty of the other Members of Congress to protect the Treasury against the raids of the gentleman from New York, and not his duty. I do not know how careful we are in the performance of

our duties, for while the rest of us get $450,000 out of these appropriations, the gentleman from New York gets about $350,000.

Mr. FITZGERALD. The gentleman is mistaken. None of these appropriations are to be expended either in my district or in my county. The gentleman will remember that the city of New York has 22 Members in Congress.

Mr. MANN. The city of New York is represented on the rolls by 22 Members of Congress and is represented in the main in the House by the gentleman from Brooklyn [Mr. FITZGERALD]. [Laughter and applause.] The rest of the city of New York is not represented upon the subcommittee which makes up this deficiency appropriation bill. The gentleman from New York can not say properly that this is not in his district. His district comprises the entire city of New York, if not the State of New York, locally, not to mention the rest of the country; and I simply wish to pay my respects to my friend from New York for not missing the opportunity of taking what he could get. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, in reply to the gentleman from Illinois I simply wish to say that in my position as chairman of the Committee on Appropriations I have been very greatly embarrassed by the conclusive case made out by the departments in favor of these items, which compelled me, in spite of my desire to keep this bill down, to acquiesce in the action of the committee in inserting them in the bill. [Laughter.]

Mr. MANN. I hope the gentleman from New York will not ruin his reputation at home now.

Mr. SHERLEY and Mr. KINDEL rose.

The CHAIRMAN. The gentleman from Colorado [Mr. KINDEL] asked recognition a long time ago; therefore the Chair will first recognize him, and then will recognize the gentleman from Kentucky.

Mr. KINDEL. Mr. Chairman and gentlemen, I am sorry that the gentleman from Maryland [Mr. LEWIS] did not answer the questions I put to him last evening as to what benefit the parcel post will be, with rates 100 per cent higher than the express rates. Is it not a paper tariff? I asked the gentleman that question, and he refused to answer. Noticing in this morning's RECORD that the gentleman from Maryland made a speech afterwards on that subject, while I do not impugn his motives, I challenge the statements made therein.

In order to get at this matter properly——

Mr. MANN. Mr. Chairman, a point of order. Of course, the gentleman is out of order in discussing, under the five-minute rule, a subject which does not relate to this bill. We will probably finish this deficiency bill to-day, and the gentleman will have an opportunity to come in during general debate on some other bill, when he can have the necessary time.

Mr. KINDEL. I just want to make one particular suggestion, and that is that the express rates, of which the railroads get one-half, are lower than the parcel-post rates by one-half.

Mr. MANN. How much time does the gentleman want to consume?

Mr. KINDEL. I know the matter is coming up in the Senate, and I would rather consider this under leave to print, where I can say what I want to. I can not get before either the Committee on the Post Office and Post Roads or the Committee on Interstate and Foreign Commerce, and I would like to reach the members of those committees in that way. But I want to say now that I challenge any of them to reconcile the parcel-post rate as now in effect——

Mr. MANN. I give notice now that after the gentleman finishes his speech I shall make a point of order against taking up time in general debate while we are considering this bill under the five-minute rule.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. KINDEL. Possibly 10 minutes.

Mr. FITZGERALD. I ask unanimous consent that the gentleman may address the committee on this subject for 10 minutes; and then, in order to get the bill finished, I shall request the members of the committee to confine themselves to matters which are germane to the items in the bill.

Mr. KEATING. Mr. Chairman, reserving the right to object, I shall insist that whatever the gentleman from Colorado [Mr. KINDEL] has to say must be said on the floor of the House. I shall object to any request for unanimous consent that the gentleman have leave to extend his remarks in the RECORD. I shall do that because of the manner in which the gentleman abused the privilege which was extended to him when we were discussing the resolution to investigate the Colorado strike, when, under cover of a request for unanimous consent, he made a personal and unfair and untruthful attack upon myself.

Mr. KINDEL. I challenge the statement——

Mr. KEATING. So that I must insist that whatever the gentleman says shall be said upon the floor, and not under leave to print.

Mr. KINDEL. I want to say to you, Mr. Chairman, that this can not be said inside of an hour or five hours. It is a showing that must be made in a series of tables——

Mr. KEATING. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Colorado objects.

Mr. DYER. To what does the gentleman object?

Mr. KEATING. I object to the request for unanimous consent.

Mr. DYER. The gentleman from Colorado has not asked for unanimous consent.

Mr. KEATING. The gentleman from New York [Mr. FITZGERALD] did request that the gentleman from Colorado have 10 minutes, and I object.

Mr. MANN. We will get the gentleman time in general debate.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Colorado [Mr. KINDEL] may proceed for 10 minutes. Objection is made to this request.

Mr. DYER. Is not the gentleman still entitled to some time under the five-minute rule?

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. KINDEL. Well, amen; let it go.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STRINGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 494. An act to establish a branch hydrographic office at Los Angeles, Cal.;

S. 656. An act granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of Christ Church on the Hill at Poplar, Mont., lots 5, 6, and 7 in block 30, town site of Poplar, State of Montana; and

S. J. Res. 114. Joint resolution for the appointment of a member of the Board of Regents of the Smithsonian Institution.

URGENT DEFICIENCY BILL.

The committee resumed its session.

The Clerk read as follows:

Taylor, Tex., post office: For site, $5,000.

[Mr. DIES addressed the committee. See Appendix.]

Mr. MONDELL. Mr. Chairman, has the paragraph beginning on line 5, page 7, been read?

The CHAIRMAN. It has.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I want to assure the gentleman from Illinois and others who may have any doubts on that subject—I think he really has none—that the total appropriation of $339,000 for the city of New York contained in the items just read are not so much a monument to the activity and industry of the chairman of the Committee on Appropriations as they are to the needs of that great city, though they do reflect the industry of the gentleman in looking after, in a proper way, the part of the country which he so ably represents. New York is a great city; New York transacts a very great amount of public business. These items are not only needed but they are urgent, and therefore properly on this bill. I hope when we reach other items a little later that ought to be on the bill but which are not, and in regard to which some of us are quite as familiar with the needs of the public service as the gentleman from New York is in regard to those items, the gentleman from New York will regard the amendment we may offer with the same generous eye with which we have regarded these items for the city of New York.

There is a great public service out West that has to do with the making of homes, with the building of an empire, and that service is in need of a little money in order to keep the land offices running. Unfortunately, the gentleman from New York, who is better informed in regard to the needs of the public service generally than any other man in the House or in the Capitol, can not be equally familiar with all parts of the public service. Therefore he was not particularly impressed with the needs of this particular service. I ask of him that when the amendment of $30,000 is asked a little later to keep the land offices running he may look on the appropriation with the same eye of approval with which we have now looked on the appropriations for the great city that he so ably represents. We are quite as familiar with this service as he is with the service involved in the New York items.

Mr. FITZGERALD. Mr. Chairman, since the gentleman is so much interested in my activities in connection with these items, I believe I shall make a statement regarding the course I have followed in connection with all matters in the locality I represent. I believe I was alone in the last session of Congress in antagonizing the item of $350,000 to enlarge the post office in my own district. I do not recall that any other gentleman in the House acted in a similar way. I asked to have it stricken out of the bill, and it was stricken out by the House committee, and then, against my protests, the House conferees agreed to the item when restored by the Senate.

Mr. MANN. The gentleman knew his action was perfectly safe, did he not?

Mr. FITZGERALD. No; I still believe it was indefensible and should not have been made. I had no sympathy with the action of my colleagues in doing it. In regard to this item of $50,000 to furnish the new post office in the city of New York, let me say that last session the department asked for $200,000 and I was instrumental in keeping the item out of the bill. They have now found a way to accomplish all that they desire, and $50,000 will suffice for this particular purchase.

When the new post office in New York was authorized, proposals were invited for its construction. By—I will not say manipulation; that word might be misunderstood—but by a readjustment or arrangement of the bids $300,000 was eliminated by the substitution of certain alternates, and a contract was let to one of the largest and most powerful construction companies in the country, with offices located in the city of New York.

Following the usual practice, as soon as the contract was awarded, that construction company and the architect attempted to have the limit of cost increased, in order that the $300,000 of eliminated items might be restored, so that the builders could do the work and the architect get the additional commission. Continuously the Committee on Appropriations is compelled to make provision for restoring items eliminated in that way under just such circumstances.

I served notice on the construction company and the architect that it just so happened that unless I died or resigned I would be the chairman of the Committee on Appropriations during the period within which that building must be completed, and that they would never get a dollar of the $300,000 in order to restore items eliminated when the contract was awarded.

I could go on and cite other actions on my own part, where the mere fact that matters were located in the community which I represent in part not only did not influence me to try to obtain what was requested, but which I believe made me scrutinize them more carefully, and insist, when my judgment was that way, that they be eliminated from the bill, and I commend my action. [Laughter.] Mr. Chairman, I commend my action to those gentlemen who are so vitally interested in matters affecting the localities from which they come. I hope I shall have their hearty cooperation in endeavoring to discharge the very difficult duties that come to me as chairman of the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I rise to oppose the motion of the gentleman to strike out his own item from the bill. When anybody accuses me here or elsewhere of getting something for my district, whether I am guilty or not, I never deny the accusation. I do not know whether the gentleman intends to deny the accusation against himself or not. If he does deny it, he makes a mistake. He should take the credit for it.

Mr. FITZGERALD. I neither admit nor deny.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, the gentleman from New York is only undertaking to prove the truth of the old saying, that considering his opportunities he marvels at his moderation. [Laughter.]

Mr. MANN. Well said. The gentleman from New York comments upon the fact that, contrary to his position in the House, Congress inserted in the last public building bill an item for a building in his district, and he seems to be still opposed to that item. I would like to make a suggestion to the gentleman from New York. The public building bill of the last Congress, while it was signed by the President, was never passed by both Houses of Congress and is subject to attack. It is worth no more than any other paper which the Speaker and the Vice President should sign stating that it had been passed by Congress, and which was signed by the President, even if the particular matter had never been introduced in Congress at all. The gentleman has a very effective way of disposing of that public building, either by attacking the public building bill or by refusing to make appropriations for it. But when the time comes, as it may in the course of years, I hope that he will consent to waive his present animosity toward that building, for I take it that he will still be a member on the Committee on Appropriations, though not its chairman.

Mr. FITZGERALD. Oh, I suppose I will be outvoted under those circumstances. [Laughter.]

Mr. MANN. Just as the gentleman was outvoted before, when he knew it was perfectly safe to make the proposition. I commend him not only for what he gets for his district, but for the clever manner in which he gets it.

Mr. SISSON. Mr. Chairman, sometimes I do not know whether these gentlemen are in earnest or whether they are in jest in some of the remarks in which they indulge in reference to my friend and colleague on this committee. I have been a member of the subcommittee on deficiencies since he has been chairman of the Committee on Appropriations, and I want to state to the members of the committee now that I doubt extremely whether there is a Member of Congress in either branch who opposes as many demands from his own district as does the gentleman from New York.

Mr. MANN. And the gentleman from Mississippi?

Mr. SISSON. I state without hesitation that he evinces a great deal more courage when it comes to resisting appropriations for his own district than I would be able to. I do not believe that any criticism of any kind can be lodged against the gentleman from New York, the chairman of this committee, in reference to the manner in which he deals with items affecting the city of New York, and if anyone will serve on the subcommittee with him, as I have done, he will find that he acts with absolutely a judicial mind in reference to the appropriations for his own city, and I sometimes marvel at his courage in doing so. The demands made upon him and the demands of that great city are larger than those of any other portion of the Union, and necessarily so, on account of the great amount of Federal activity in that great city. The city is not at all backward in making demands on Congress, and while my friend was perhaps jocular in commending his conduct to the Members of the House, I seriously commend his conduct in reference to appropriations for his own district to other Congressmen as an example, because I have never seen any other Member of Congress who was willing to oppose an appropriation which goes into his district with the same amount of courage that the gentleman from New York opposes items affecting his district. [Applause.]

The Clerk read as follows:

For mechanical equipment, machinery, furniture, and fixtures for the new building authorized by act of Congress approved May 27, 1908, to be expended under the direction of the Secretary of the Treasury in connection with the sum heretofore appropriated for these purposes and in such manner as to complete in every detail the equipment and furnishing of said building, $190,000, or so much thereof as may be necessary.

Mr. LONERGAN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a few questions. In the matter of the sums of money that were submitted as necessary for the compensation of employees I see the figures are $96,072 and the amount reported to the House is $64,048, leaving a reduction of $32,024. The amount submitted for plate printing was $280,725, and the amount reported to the House $187,150, a reduction of $93,575. For materials and miscellaneous expenses the amount submitted was $50,928, and the amount reported to the House $33,952, a reduction of $16,976. Will the chairman please explain why the difference in the figures and the reasons for the reductions?

Mr. FITZGERALD. Mr. Chairman, the estimates for distinctive paper, compensation of employees other than plate printers, compensation of plate printers and their assistants, engravers' and printers' material, were based on the idea that 15,000,000 additional sheets of distinctive paper could be utilized in the Bureau of Engraving and Printing during the present fiscal year. The committee, after investigation and its knowledge of the situation in the Bureau of Engraving and Printing, believes that if provision were made for 10,000,000 additional sheets of distinctive paper, with proper care and economy, without yielding to excessive demands for new notes, there should be sufficient to conduct the service. It had very grave doubts, even if that were not more than should be given.

We are now in the second year in which power presses are being used to print the backs of United States notes, so that two-fifths of those are being printed on power presses. The committee was not satisfied that the very greatly increased demand for notes was justified by existing conditions or that the department could not have been able to take care of the demands that have been made upon it. A few years ago, in an investigation of these matters, it was ascertained that there was hardly a fair relation between the amount of notes issued and the legitimate demand by the commerce of the country, and an attempt was made to bring about economies that would prevent the increased cost of this work, which will increase, if

care be not exercised, to such an extent that there could be no justification whatever for it. All I can say is, from the information the committee were able to obtain at this session, and its knowledge of the conditions cover a period of some years, that they reached the conclusion that the sums recommended would be sufficient, particularly as part of the estimate was for the purpose of providing a reserve in excess of what it had been customary to retain on hand in past years, although not in excess of what the department would consider desirable. The committee gave two-thirds of the requested amounts, and did that with a good deal of misgiving as to whether the action was justified.

Mr. LONERGAN. Did the gentleman's committee hear from Secretary McAdoo on this?

Mr. FITZGERALD. Yes; the Secretary sent me a copy of the letter which he sent to Mr. LOGUE.

Mr. LONERGAN. This is a letter to Mr. LOGUE I have here.

Mr. FITZGERALD. And a statement from the Director of the Bureau of Engraving and Printing; but as I said at the outset, Mr. Chairman, in my remarks on this bill, Congress must determine the money to be utilized each year in the conduct of the various public services. If the Congress is to turn over the determination of that question to those in charge of every service, then we will only automatically ratify what they request. It will be necessary to appropriate more than $100,000,000 for the conduct of the public service each year than is now appropriated if that course be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I move to strike out the last word. Everybody in charge of the different services in the Government look only at that service. They can not see, they can not, in my opinion, properly judge, the amount that is necessary. We are charged with the duty of keeping some relation between the expenditures of the Government and its income. Very frequently we are compelled to refuse appropriations to conduct some services to the extent desired by the head of the service because there must be something eliminated, and the thing eliminated must be that which is relatively least important. If we were to accept out of hand the recommendations of all of those in charge of the executive departments for money, we could save considerable work, although we would not conserve the Treasury of the United States. Here is a bill carrying almost $10,000,000. There is the testimony taken by the committee, nearly 500 pages of printed matter, in the effort to obtain the information that would enable us to do justice and give the money necessary to conduct the public service in the manner that the Democratic Party promised it would be conducted—economically and efficiently. It can not be conducted either economically or efficiently if the recommendations of those in charge of the public services, regardless of their politics, be accepted and not reviewed, carefully analyzed and judged by some one with some responsibility to a constituency. I do not agree with those in charge of many of those services that more money is necessary, neither did the committee, and we have submitted our recommendations to the House for its approval.

Mr. LONERGAN. Mr. Chairman, I ask unanimous consent that I may incorporate in the RECORD a letter from Mr. McAdoo to Representative J. WASHINGTON LOGUE, a letter addressed to Hon. C. S. Hamlin, Assistant Secretary of the Treasury, signed by J. E. Ralph, director, and a communication to Assistant Secretary Hamlin from George Fort, Deputy Assistant Treasurer.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to insert in the RECORD a letter from Secretary McAdoo and the other letters mentioned. Is there objection? [After a pause.] The Chair hears none.

Mr. LONERGAN. Mr. Chairman, I insert the following letter from the Secretary of the Treasury to Mr. LOGUE, a Member of this House, together with memoranda attached thereto:

TREASURY DEPARTMENT,
Washington, February 21, 1914.

Hon. J. WASHINGTON LOGUE,
House of Representatives.

DEAR SIR: Your letter of February 20, addressed to Deputy Assistant Treasurer Fort, with reference to the appropriation carried in the urgent deficiency bill for plate printing, etc., at the Bureau of Engraving and Printing, has been referred to this office.

The director of the bureau had submitted a memorandum on this subject before the receipt of your letter, and I am transmitting herewith a copy of his memorandum, which I think will give you the information you desire.

I also transmit herewith a memorandum from the Treasurer of the United States, in which he advises that he will require the present schedule of the bureau to be continued to the end of the year.

In view of the facts submitted, it is urgently necessary that the appropriations be made in the amounts estimated.

Respectfully,

W. G. MCADOO,
Secretary.

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
February 20, 1914.

Hon. C. S. HAMLIN,
Assistant Secretary of the Treasury.

SIR: I have the honor to advise you of the fact that the urgent deficiency bill as reported to the House of Representatives yesterday contained only two-thirds of the amounts requested for the Bureau of Engraving and Printing under the three heads of "Compensation of Employees," "Plate Printing," and "Materials and Miscellaneous Expenses."

The amounts submitted, the amounts reported, and the reductions are as follows:

	Submitted.	Reported to House.	Reductions.
Compensation of employees	$95,072	$64,048	$32,024
Plate printing	280,725	187,150	93,575
Materials and miscellaneous expenses	50,928	33,952	16,976
	427,725	285,150	142,575

The amount submitted was for the purpose of printing and delivering to the Treasurer of the United States 15,000,000 sheets (60,000,000 notes) of United States notes and gold and silver certificates during the current fiscal year in excess of the 60,000,000 sheets (240,000,000 notes) provided for in the regular appropriation, and the amounts reported by the Appropriation Committee of the House of Representatives will permit of 10,000,000 sheets (40,000,000 notes) additional being printed and delivered.

At the request of the Treasurer of the United States and with the approval of the Secretary of the Treasury the daily schedules of deliveries to the Treasurer were last fall established on the basis of obtaining a deficiency appropriation for 15,000,000 sheets (60,000,000 notes). Consequently, unless the prospects are that the deficiency be increased by the Senate Appropriations Committee and concurred in by the House of Representatives, the daily deliveries of notes to the Treasurer should be at once reduced from 270,000 sheets (1,080,000 notes) to 220,000 sheets (880,000 notes).

This would result in great embarrassment to the office of the Treasurer of the United States, in view of the condition of his reserve, which has been considerably reduced during the past year, and it is, according to his statements, comparatively necessary to retain the present schedule during the remainder of the fiscal year. It was expected, if this deficiency appropriation had been allowed, to deliver 75,000,000 sheets (300,000,000 notes) to the Treasurer during the present fiscal year; and his estimates for next year contemplated to deliver 5,000,000 sheets (20,000,000 notes) in excess of this quantity. Therefore if this larger quantity for next year should not be allowed and the full quantity estimated for the deficiency appropriation not permitted, the Treasurer's reserve would be still further depleted and additional embarrassment follow.

Incidentally to the shortage of notes in the Treasurer's office the failure of Congress to allow the present deficiency asked for would result in the immediate discharge of 400 employees, or their furlough without pay until July 1, 1914, when the appropriation for the fiscal year 1915 becomes available, which may permit of some or all of them to be restored to their positions.

Or the deliveries to the Treasurer could be continued as at present until about June 5 and during the remainder of that month no deliveries made, and during the latter period 2,050 employees now engaged in the manufacture of United States notes and gold and silver certificates would be furloughed without pay.

I have the honor to recommend that if the Treasurer requires the present schedule to be continued to the end of the year, the Secretary take up the matter with the Senate Appropriations Committee, with a view to having the appropriation increased to the amount submitted.

Respectfully,

J. E. RALPH, *Director.*

MEMORANDUM FOR ASSISTANT SECRETARY HAMLIN.

TREASURY DEPARTMENT,
Washington, February 21, 1914.

If the Treasurer is to be permitted to build up his reserve of new currency that it may be properly seasoned before going into circulation, and also be prepared for the hurried demands incident to a revival of business, the present daily delivery of 270 packages by the Bureau of Engraving and Printing should undoubtedly be continued.

Respectfully,

GEO. FORT,
Deputy Assistant Treasurer.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNAL REVENUE.

For paper for internal-revenue stamps, including freight, $15,000.

Mr. MONDELL. Mr. Chairman, the inquiry made by the gentleman from Connecticut a moment ago and the answer made by the chairman of the committee remind me of the great amount of labor and study that the subcommittee in charge of this bill gave to its preparation and the splendid manner in which they have presented for the information of the House the hearings which were had in connection with the bill and the papers filed in connection therewith. A few days ago, in the consideration of another appropriation bill, attention was called to the fact that, while there had been extensive hearings, those hearings had not been indexed, and that it was practically impossible for any Member of the House to find the pages of the hearings that contained information on a specific item. At that time there was a somewhat sweeping statement made that that is the usual practice of appropriation committees. I desire to call attention to the fact that the Committee on Appropriations

indexes its hearings carefully and fully, and that therefore the Members of the House can readily inform themselves with regard to the information that the committee had before it and upon which it determined upon the items of the bill.

I think it is a practice that all appropriation committees should follow, not only of having full and complete hearings, but having the hearings printed as speedily as possible after they are held and carefully and fully indexed, in order that the Members may inform themselves in regard to the items in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

Public Utilities Commission: For necessary personal and other services and expenses in making valuations of public utilities as provided by section 8 of the District of Columbia appropriation act approved March 4, 1913, to continue available until expended, $100,000.

Mr. TUTTLE. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 10, line 22, strike out the words "until expended" and insert in lieu thereof the following: "during the fiscal year 1915."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

Mr. TUTTLE. Mr. Chairman, I should like to ask the chairman of this committee how the estimate of $100,000 for this purpose was arrived at? I might explain, in asking this question, that the properties of the railroads of the State of New Jersey were revalued at an expense of only about $107,000. That included the survey of some 5,500 miles of railroad, besides the inventorying of the terminals and other property of those railroads. It seems to me $100,000 is an excessive amount for the appraisal of the utilities in the District of Columbia.

Mr. FITZGERALD. Mr. Chairman, this matter was first presented to the Committee on Appropriations when the District of Columbia appropriation bill was under consideration. After obtaining all the information possible, the committee deferred action until this bill was considered, and directed the public utilities commissioners, who are the Commissioners of the District, to make further investigation. The valuation in the District of Columbia includes not only street railways, but the gas company and the electric light company and telephone company. Commissioner Harding said they had reached this conclusion in several different ways. They had the representative of a firm of engineers in New York, Ford, Bemis & Davis, to send a man here, who spent 10 days in the city, and, without submitting a bid to do the work for this money, they estimated it would cost $125,000. They inquired of the public-service commission of the first district in New York as to the manner in which they would proceed, and, applying their rule, they reached another conclusion, and by combining the two estimates decided it would cost $110,000. In addition, they corresponded with Prof. Bemis, who is now engaged by the Interstate Commerce Commission in connection with the physical valuation of railroads. I shall read Prof. Bemis's letter, so that it may be in the RECORD for the information of the committee. It is as follows:

WASHINGTON, D. C., *January 28, 1914.*

Hon. CHESTER HARDING,
Chairman Public Utilities Commission, Washington, D. C.

DEAR SIR: Replying to yours of January 24, relative to the reasonable cost and necessary time required for such an investigation of the physical valuation and other important matters connected with your public utilities as are covered in paragraphs 6 and 7 of the law creating your commission, I beg leave to say that an expenditure of $125,000 and two years' time would be reasonable for carrying out the requirements of the above paragraphs for all the public utilities of Washington.

You are required to determine not only the estimated cost of reconstruction of all the physical properties of these utilities but, as closely as possible, the actual expenditures for their construction. You are required to study the history of their stock and bond issues and also of the floating indebtedness. You must ascertain the receipts and operating expenses in much detail. Thus it is necessary not only to secure a physical appraisal but also an exhaustive examination of the street railway and telephone and, ultimately, of the electric-light and gas records.

I have charge of a similar examination, for gas and electric light only, for the city of St. Paul, upon which $35,000 has already been spent, and which will require about $5,000 to complete it. Yet St. Paul had a population in 1910 of about 215,000, or only two-thirds of the district covered by your investigation, and no street railway or telephone investigation was included in the Minnesota work. This St. Paul work has been conducted with unusual economy.

A comparison can not be made with the cost of ordinary appraisals where no attention is paid to the accounting and financial history. This phase of the work is responsible for over one-third of the cost in the St. Paul work. Yet even a simple appraisal is expensive.

For example, in Chicago it cost the Chicago Telephone Co. $200,000 merely for the appraisal in 1912 of their telephone property within and immediately outside of the city, embracing 350,000 telephones, or about 60 cents per telephone. I was closely in touch with this work, as I represented the city of Chicago, and had charge of the accounting investigation for the city in the case. I have been also personally associated with many other appraisals during the past few years, and feel that the price of $125,000 above mentioned is none too large for a thorough investigation of the physical properties and accounts.

Further, it would be very difficult to complete such a piece of work short of about two years. With tens of millions of dollars' worth of property at stake, the work must be done with extreme care to stand the test to which it is likely to be exposed in subsequent court investigation.

Unless Washington shall have a different experience from other cities, however, the reduction in charges that would probably result from a thorough investigation, made in the public interest and under the direct supervision of as strong a board as your own, would be likely to save to the patrons of your utilities in a single year much more than the cost of the entire investigation, the effects of which reduction will be felt for many years to come.

Very respectfully, yours,

EDWARD W. BEMIS.

The committee, on this information, and other information submitted by Col. Harding, recommended that $100,000 be appropriated at this time. In the District appropriation act for the current fiscal year $40,000 was appropriated. Part of that sum, however, is for the expense of maintaining the ordinary force of the Public Utilities Commission, which has considerable current work in connection with complaints of various kinds against these public-service corporations. So far as the committee was able to ascertain, it was believed that this money would be required.

Mr. SELDOMRIDGE. I would like to ask the gentleman a question. Is there anything in the hearings to give the committee information as to the number of miles of electric railroads in the District of Columbia?

Mr. FITZGERALD. That information is in the hearings before the committee, taken when the District of Columbia bill was up for consideration. I do not have them at hand, and I do not recall the information.

Mr. SELDOMRIDGE. I thought the gentleman might know approximately.

Mr. FITZGERALD. I have not the figures in mind.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The expenditure of this sum, if appropriated, will make a total expenditure, for the purpose indicated, of $140,000. It seems to me the work can be done for much less than this and the sums already appropriated. The longer the time taken in the conduct of the work the more expensive it will be. There is a short period in which the work might be done and a long period, either of which might be most expensive, and there is an intermediate period within which the work could be completed, which would make it the most economical.

I have given some attention to the work that devolves upon the Public Utilities Commission of the District under this act, and I was rather inclined to think that this work might be done in six months. But I think if it were done within that period it might be a very expensive method, and there would have to be expensive methods employed. The commission thought it would take about three years. That would be still more expensive, but a happy medium between the two, it seems to me, would be about 15 months, perhaps a year, and that would be the most economical, because the longer the period in which the work goes on the more money you will have to expend for overhead charges, and the shorter the period used in the conduct of the work the more force would have to be employed and might be more economically employed if a longer period than the shortest were used. I think that this work could well be done for at least $65,000, in addition to what the commission has already had at its disposal. If a few experts to direct the work were employed under contract, the commission could employ its own rank and file force at the ordinary compensation paid to men who are expert clerks. While Prof. Bemis said it would cost $200,000 to investigate and obtain the information sought concerning the Chicago Telephone Co., it must be remembered that that company has over 350,000 telephones, and the territory embraced covers an area of 200 square miles.

Mr. SELDOMRIDGE. May I ask the gentleman a question?

Mr. MADDEN. Yes, sir.

Mr. SELDOMRIDGE. Do you not think that an investigation of the cost of telephones in Chicago will go a long way toward determining the value of the telephone system in the city of Washington?

Mr. MADDEN. Oh, surely. Then it must be remembered that the magnitude of the Chicago telephone service is enormous as compared with this. Chicago has more than twice as many telephones as London has, and three times as many tele-

phones as Paris, and more telephones than London, Paris, and Berlin combined. And the city of Washington is a very small user of telephones as compared with a great city like Chicago, and the matter of ascertaining the value of the telephone, electric light, and the electric railroad systems here is not a complicated task.

It is a task that ought to be accomplished within a year. It ought not to cost anything like $140,000, but it ought to be gone at systematically and scientifically and expeditiously. If the work is going to be strung out forever and a day, nobody on earth will know what it is going to cost, and the information gained will not be of any use in determining the value of these public utility corporations or the prices that ought to be paid for the facilities granted to the public.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New Jersey?

Mr. MADDEN. Yes; I yield.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TOWNSEND. The gentleman is an expert, or at least very familiar with large operations of this kind, and I wanted to ask him a question for my own information. In determining the value of construction, for instance, of a trolley line having a subway conduit, would not an examiner, arriving accurately at the cost of 1 mile, come pretty near knowing what the cost of every other mile of equal physical construction was?

Mr. MADDEN. If the construction were made under like conditions, yes; certainly; there would not be any difference. They would not have to examine every mile. Only one would be sufficient, because all the construction work here in this city is made under like conditions.

Now, for example, the capitalization of these companies is enormous compared with the actual cost of construction. The ordinary overhead trolley line can be built anywhere, depending on conditions, for from $30,000 to $60,000 a mile. But these trolley lines here are capitalized at over $600,000 a mile. The ordinary underground trolley line, built under such conditions as we have in the city of Washington, could probably be built at $150,000 a mile, including asphalt pavement and everything pertaining to them. But I understand they are capitalized at much more than $600,000 a mile. It would be an easy matter for this Public Utilities Commission to exercise the discretion necessary to arrive at a correct conclusion without going into all the technical details and depending upon somebody's imagination for the facts and at the same time reach a conclusion sometime before the millenium arrives. For example, the present conditions in the city of Washington are such as would justify the railroad companies in giving universal transfers, and the Public Utilities Commission, with its present information and power, could require them to do that, but they do not.

I do not think we ought to wait forever to get some results from the authority granted to the Public Utilities Commission. They ought to begin to exercise some of the authority they have in giving the public some of the advantages which the law contemplates, and I believe that this appropriation really ought to be cut down to $65,000 and a direction given to the Public Utilities Commission to get to work in earnest instead of working just on paper and behind closed doors.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SISSON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] moves to strike out the last two words.

Mr. SISSON. Mr. Chairman, I agree heartily with what the gentleman from Illinois [Mr. MADDEN] has just said. I am inclined to believe that the Commissioners of the District have made the estimate of the cost of the valuation of the various properties to be valued by them rather high. But the responsibility resting upon this subcommittee and upon the Committee on Appropriations is a very peculiar one, and for this reason: We all desire that the valuation should be made just as quickly as possible. Now, if we should decline to give the commissioners the amount of money that they say is necessary, then the responsibility for a bad valuation, or for an incomplete valuation, or for an unsatisfactory valuation, would be charged at the door of the committee and at the door of Congress, beginning with the Committee on Appropriations, which declined to give them the money that they say is necessary.

Mr. MADDEN. Probably that is true.

Mr. MOORE rose.

Mr. SISSON. And the committee also took this view of the situation: We believe that the physical value of these properties in the District of Columbia will have great weight in the action of other cities throughout the United States. Whether they ought or not, people in other cities will lay weight and put great stress upon the system in vogue in the city of Washington.

Mr. SELDOMRIDGE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SISSON. I will yield first to the gentleman from Pennsylvania [Mr. MOORE]. But in order that Congress might be relieved from any criticism, the eyes of the people of the country being centered upon the Capital City here, the committee gave them not what they asked for, but within $10,000 of what they asked for.

Now I will yield to the gentleman from Pennsylvania.

Mr. MOORE. The expenditure of this money will be under the Commissioners of the District of Columbia?

Mr. SISSON. Yes, sir.

Mr. MOORE. They will employ experts, will they?

Mr. SISSON. The manner in which the money is to be expended by the commissioners has not yet been given out. They still have the matter under consideration. They have employed only a small force, and they have endeavored to assemble and get together a lot of information which will enable them to select and choose a correct line of operations in the valuation of these properties.

Mr. MOORE. Who constitute the utilities commissioners?

Mr. SISSON. The three District Commissioners.

Mr. MOORE. The Commissioners of the District of Columbia themselves?

Mr. SISSON. Yes; the Commissioners of the District of Columbia are the utility commissioners.

Mr. MOORE. No other commissioners are to be employed?

Mr. SISSON. No.

Mr. MOORE. And then there is no extra compensation or extra salaries to be paid, or anything of that kind?

Mr. SISSON. The only extra compensation authorized to be paid was a thousand dollars, given in the law as it passed, to the attorney for the District. He gets a thousand dollars additional for the advice he gives to the commissioners in the performance of this work. But that is already done. He gets an extra thousand dollars.

Now I yield to the gentleman from Colorado.

Mr. SELDOMRIDGE. I agree with the gentleman that the physical valuation should be accomplished, and that it would be an incentive to other cities throughout the country to follow the example of the National Capital. But does not the gentleman think that it is important that correctness and accuracy should characterize the work that is to be done?

Mr. SISSON. I am not an expert, and I do not believe that any Member of Congress is an expert. In casting about to find somebody who knew something about this matter we found that the gentleman from Illinois [Mr. MADDEN], who just took his seat, had been connected with the municipal government in Chicago, and we had Mr. MADDEN come before our committee in the presence of Col. Harding, and he and Col. Harding then went down to the commissioners' office and went carefully over the matter, and Mr. MADDEN revised his first figures, and said that the task in the District of Columbia was broader and larger than he had at first thought it was.

If you will look at the act, you will see that it places upon them the burden not only of making the physical valuation of the property, but also that they are compelled to value the franchise. This becomes the basis for the fixing of rates and the value of all the public utilities in the city of Washington; and the District Commissioners insist, and Col. Harding insists, that the amount of money that is asked for is needed. The committee did reduce it a little, but they finally settled upon $110,000 in addition to the $40,000 already appropriated, a part of which is not used. Your committee did not feel that they were warranted, nor did they feel that they would be doing themselves justice, if they arbitrarily took away from these men who are making the investigation the amount of money that they say is absolutely necessary to do this work properly.

Mr. TUTTLE. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. TUTTLE. Did the gentleman get some of this information from experts who have actually been engaged in this valu-

ation work, or was this information and this expert advice given by engineers?

Mr. SISSON. The information that we got came chiefly from Col. Harding and the letters and estimates which he had from other sources. They had some bids from companies that do work of this kind, and he took those as a basis. They have been considering the matter for quite a while.

Now, if this Committee of the Whole House on the state of the Union see fit to assume the responsibility of cutting down this amount and reducing this appropriation, then the burden and responsibility will rest on the Committee of the Whole House on the state of the Union and not on the Committee on Appropriations. I do not know where to cut. I am frank to tell you that I do not believe a single member of the Committee on Appropriations knows where to cut, and I do not believe that even the gentleman from Illinois [Mr. MADDEN], who says $65,000 will do the work, can sit down and make an outline of how much it will take to value each of these separate utility corporations.

Mr. FOWLER. I want to ask the gentleman if his committee went into the methods by which this physical valuation was to be had.

Mr. SISSON. We made just a general inquiry. The extent to which we went into it is easily ascertainable by reading the hearings. We went into it as fully as we could, taking into consideration the time that we had.

Mr. FOWLER. Do you understand that they are to have hearings at which the owners of the property will be heard?

Mr. SISSON. I am going to state to the gentleman that, so far as the committee knows, this commission did not inform us just exactly the method of procedure which they are going to undertake, because they themselves said they did not know exactly how they were going to proceed.

Mr. FOWLER. Was there any disposition to let out this work by contract to any of the companies that have made bids?

Mr. SISSON. I think not. I do not know whether the commissioners will finally decide upon that or not.

Mr. FOWLER. Do you think that is a wise method to pursue?

Mr. SISSON. I do not know. It might be a very wise method to pursue, if you got the right sort of a company to value the properties.

Mr. FOWLER. Does not the gentleman think the responsibility of making this estimate ought to rest on the commissioners?

Mr. SISSON. It would at last rest on the commissioners. The commissioners themselves, however, are going to be compelled to rely upon the experts and engineers whom they employ to do this work.

I will state that in addition to the hearings which were had before the subcommittee which reported this item to the full Committee on Appropriations, and the full Committee on Appropriations which reported the bill to the House, the gentleman will find by looking at the hearings on the District of Columbia appropriation bill that a subcommittee of the Committee on Appropriations which considered that District appropriation bill, gave quite a number of days to hearings upon this subject.

The gentleman from Illinois [Mr. MADDEN] was kind enough to come down and give us the benefit of the experience which they had in the city of Chicago in valuing the properties there; and I state that my own judgment is that the statement made by the gentleman from Illinois [Mr. MADDEN] is perhaps correct; that this work could be done for $65,000; but he occupies a different position than that which I occupy. The burden of responsibility was upon me to be able to say to the House that the amount of money appropriated would do the work. I will say that it is a work which must be done as rapidly as possible, and if it is lengthened out over a year or two years, the deterioration in the value of the properties might be such as to materially affect the worth of the estimates placed upon the value of the various properties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for two minutes more to complete this statement. This is an important item.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SISSON. If the work is to be done rapidly and efficiently, they must have sufficient money with which to do it. If the money given them is inadequate, they will have to construct machinery for the making of the valuation in accordance with the amount of money which we give them. Then, if the money gives out, they will have to come back and get more money; and if they should fail to make an accurate valuation, they would be able to come back to us and say the reason they had not made what we wanted was because they did not have the necessary funds. Then the responsibility would be with us.

This physical examination is a very important matter, and I think it is of great consequence to the people throughout the country that the District Commissioners be given every dollar they need to make this valuation, because every community in the United States is interested in this physical valuation.

Mr. COOPER. I was impressed with the force of the suggestion made by the gentleman from Colorado [Mr. SELDOMRIDGE] that this is to furnish a precedent for other cities.

Mr. SISSON. I stated in my opening remarks that this valuation will be of very material assistance to all the cities throughout the United States. The committee took that into consideration.

Mr. COOPER. The gentleman and his committee have confidence, have they not, in the integrity and good judgment of the Commissioners of the District of Columbia?

Mr. SISSON. I know of no reason why we should not have absolute confidence in the District Commissioners; and if you will examine the hearings you will find that they stated to us that if $100,000 proves to be a greater amount than is necessary they will not expend it.

Mr. COOPER. I was about to ask a question along that line. I will ask this further question: The gentleman believes, does he not, that before making this estimate the District Commissioners carefully investigated the matter?

Mr. SISSON. They say they made a very careful investigation, and I am sure they have done the very best they could, because the District Commissioners had the time intervening between the grilling which they received before the subcommittee of the Committee on Appropriations, which considered the District of Columbia appropriation bill, and the time when they came before the subcommittee which reported this bill. They had that length of time in which to obtain further information and revise their estimates.

Mr. COOPER. Under the circumstances I am disposed to vote with the committee, and for the appropriation which they recommend, although it does seem to me to be quite a large amount.

Mr. SISSON. It does look like a large amount, and I do not believe any member of your subcommittee would feel in any way offended if the House saw fit to assume the responsibility of cutting down the appropriation.

Mr. TUTTLE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 23, strike out $100,000 and insert $65,000.

Mr. TUTTLE. Mr. Chairman, I offer this amendment because the State of New Jersey has had actual and practical experience in this revaluation work. I am very much impressed with the opinions of the experts and engineers and with the statement of Prof. Bemis; but very much of the detail referred to in the professor's letter is a matter of record and can be tabulated and compiled by clerks and expert accountants.

In no State in the Union is there a more complex system of railroads or a greater variety of railroad properties than in the State of New Jersey. We have great terminals; we have railroads great and small, short lines, trunk lines, country roads, and city roads, and yet the entire work of valuing all properties was done there for $107,000. An exhaustive report was prepared, and that report was approved by Gov. Wilson, who warmly recommended the commission for its work. The railroad companies were satisfied that it was a fair and proper valuation, and the State board of assessors also complimented the commission.

Mr. SISSON. Will the gentleman yield?

Mr. TUTTLE. Certainly.

Mr. SISSON. If the railroads were so thoroughly satisfied with the valuation of the railroads in New Jersey, I am afraid the valuation did not amount to much.

Mr. TUTTLE. I want to say that their statements were indorsed by Gov. Wilson, and I have heard no intimation from any quarter that the commission was not entirely fair to both the public and the railroads.

Mr. COOPER. Will the gentleman yield?

Mr. TUTTLE. With pleasure.

Mr. COOPER. Has there been any litigation in the courts of New Jersey which would test the accuracy of that valuation?

Mr. TUTTLE. I do not know of any.

Mr. SELDOMRIDGE. Mr. Chairman, the statement of the gentleman from New Jersey [Mr. TUTTLE] seems to me to form a basis for the judgment of the committee. Mr. Prouty, of the

Interstate Commerce Commission, made a speech in Baltimore a few days ago, in which he stated that the commission expected to value the entire railroad mileage of the United States for a sum between $25 and $70 per mile, and they expected to make this valuation within the next four or five years. I intended to ask the gentleman from New Jersey if the valuation in his State was performed under contract, or whether it was performed in another way, the appropriation being made prior to the contract.

Mr. TUTTLE. I am not informed as to that. The information was reported to me to be at a cost of $107,000. I am not informed as to the method under which the valuation was made.

Mr. SELDOMRIDGE. This matter is bound to be popular throughout the country, and we will soon have a new order of professional valuation experts, who will go about endeavoring to secure contracts from cities and States; and it seems to me that Congress should be careful in a matter of this character, and therefore I desire to support the amendment offered by the gentleman from New Jersey.

Mr. FITZGERALD. Mr. Chairman, the statement made by Commissioner Prouty in his speech the other night was not new information to Members of Congress who have been following the matter of the physical valuation of railroads. When the bill authorizing the physical valuation of railroads in the United States was under consideration by the Committee on Interstate and Foreign Commerce, statements were made that it would cost about $3,500,000 to do the work. The maximum estimate, the outside estimate, was about $5,000,000. At the last session of Congress, the law having been enacted, the Interstate Commerce Commission submitted an estimate of the amount of money required to do the work. During the investigation of that estimate Commissioner Prouty made the statement that unless Congress was prepared to spend at least $12,000,000 it ought not to undertake the work. I agreed with him that it would cost before it was ended nearer $20,000,000 than $12,000,000.

The committee recommends $100,000 to do the work required under the so-called physical-valuation provisions of the District appropriation act for the current year. The estimates ran from $125,000 up. The commission decided that it could probably do the work for $110,000. The committee recommended $100,000. I am frank to say, Mr. Chairman, that I have no way of knowing how much should be spent to do the work required under the provisions of that act. I have to form my conclusions from information furnished to the committee. Col. Harding, Engineer Commissioner of the District, the Army engineer and chairman of the commission, sought information on the question from all of the available sources at his command. He consulted the public-service commission for the first district of the State of New York, which has to do with public-utilities concerns in that city. He conferred with Prof. Bemis, now in the employ of the Interstate Commerce Commission under Commissioner Prouty in connection with the valuation of the railroads of the country. He conferred with the gentleman from Illinois [Mr. MADDEN], who contributed considerable information about the work done in Chicago and other places. With all the information he was able to acquire and all the information the committee were able to acquire they arrived at the conclusion that probably $100,000 would be required.

These valuations are to form the basis of prices to be fixed for the services to be furnished by these companies. These valuations must be thorough, they must be accurate, they must be able to stand the test of challenge in the courts. If the work is to be done at all, it ought to be done with thoroughness, efficiency, and in a manner satisfactory to everyone concerned. When finished, it should be impartial, fair, and just to all. For these reasons the committee recommended $100,000 for the work.

The statement was made that it would take 18 months to do it, and we provided that the work should be done during the 18 months. If $65,000 is appropriated, the commissioners will have to organize the work on the theory that that is all that will be allowed. I prefer to make it $100,000 and let them do the work properly.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. MADDEN. Does not the chairman of the Appropriations Committee believe that if the work is done in a year the overhead charges by high-priced experts would be very much less than if it is done in 18 months or 2 years? These men will all be kept on the pay roll for 18 months or 2 years if that is the time limit. If you cut them off in a year, you will save these overhead charges.

Mr. FITZGERALD. The gentleman from Illinois has no more horror of high-priced experts connected with the Government pay roll than I have myself. I know that when they attach themselves to the Government pay roll it seems to be impossible to separate them from it. The statement of those who had whatever information could be obtained, however, was that it was believed it would take 18 months to do the work.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 16, noes 23.

So the amendment was rejected.

The Clerk read as follows:

Refund of erroneous collections: For amount required to refund erroneous collections, including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1914, $520.79.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Will the committee please explain what is meant by "erroneous collections"?

Mr. SISSON. Mr. Chairman, there are quite a number of them. That is all stated in the hearings. This is in reference to amounts collected on various assessments and properties for water and things of that sort, and upon investigation it is found that when the matter is closed up they have collected too much or too little. Commissioner Newman goes into details. You will find it stated on page 184 of the hearings, and they are itemized on page 185 as, for instance, lot 27, special assessment, streets, $9.03. That is where the work is done by the city. The property owner fails to do the work, and under the law the city does the work and collects a certain amount of money, and after having the work done they may find that they have collected a little bit more than is necessary, sometimes on repairs. It may occur in various ways.

Mr. MADDEN. Have they not authority to pay that back without an act of Congress?

Mr. SISSON. Yes; they have. There is an appropriation of $500 for erroneous collections and assessments, but the $500 frequently does not cover the amount.

Mr. MADDEN. That is exhausted?

Mr. SISSON. Yes.

The Clerk read as follows:

To reimburse James F. Oyster, late president of the Board of Education of the District of Columbia, for amount paid in settlement of judgment for costs in the case of Mary E. Nalle *v.* James F. Oyster and others, at law No. 50569, $183.20.

Mr. WILLIS. Mr. Chairman, on that I reserve the point of order. I have read carefully what is stated in the hearings in respect to this matter, and I would like to have an explanation of it.

Mr. SISSON. Mr. Chairman, I will say to the gentleman that this is a case in which Mr. Oyster and others were sued in their official capacity, in which the plaintiff was seeking to recover from the District of Columbia a certain sum of money, and the District of Columbia won its suit, and these were costs that were incurred and assessed against the District of Columbia.

Mr. WILLIS. I have the case before me, and here is the closing paragraph of the decision of the court:

We are therefore of the opinion that the main question of fact involved in the present case is shown by the record not only to have been put in issue in the former case but to have been there decided adversely to the plaintiff. The judgment is affirmed with costs, and it is so ordered.

Mr. SISSON. Here is a statement made by Commissioner Newman.

Mr. WILLIS. I am familiar with that. I have read it.

Mr. SISSON. Let me read:

Mr. NEWMAN. Mr. Oyster was the president of the board of education, and as president of the board of education he, together with the other members of the board, was sued by a teacher whom they had dismissed. The case went to the Court of Appeals of the District, and the final decision upheld the action of the board of education. They won the case, but the costs were assessed against them. The teacher was suing them for damages and reinstatement.

The CHAIRMAN. Was it an action at law?

Mr. NEWMAN. Yes, sir.

Mr. BARTLETT. There are some cases in which the court can put the cost on either party.

The CHAIRMAN. This is a judgment, and Mr. Oyster has paid it?

Mr. NEWMAN. Yes, sir; his property was attached for it, and he paid it.

Mr. WILLIS. But the decision of the court to which I have referred does not bear out the statement of the commissioner.

Mr. SISSON. I have not seen the decision of the court.

Mr. WILLIS. It reads:

The judgment is affirmed, with costs, and it is so ordered.

In other words, the decision was in favor of the defendants. Of course the costs were assessed upon the plaintiff, and, if so, I do not see how there could be any claim against the District for any costs.

Mr. SISSON. I will state to the gentleman from Ohio, the only information the subcommittee had was the information

given us by Mr. Newman. We did not investigate the case to ascertain whether that was the fact about it or not. Mr. Newman states here that Mr. Oyster paid these costs.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. Does not the Committee on Appropriations, before it recommends the payment of a judgment, require some official to certify the fact that there is such a judgment?

Mr. SISSON. Commissioner Newman——

Mr. MANN. But he is not the man who certifies to a judgment. He evidently did not know what he was talking about.

Mr. SISSON. In cases of this character, where the estimate comes from an official who knows the facts about it, we have always taken the statement of that official as being the truth.

Mr. MANN. There is nothing in the estimate.

Mr. SISSON. Except that the District Commissioners included this item and sent this estimate up to the committee, and Mr. Newman appeared before the committee and made the statement that I have just read.

Mr. WILLIS. Mr. Chairman, unless we can have more definite and satisfactory information, a certification from somebody who has authority to make it, it does not seem to me wise to let this go through, especially in view of the rather strong statement made at page 460 of the hearings, which I will not take time now to read. There is no definite information showing that this is a just claim, and the decision of the court would indicate that it is not. In other words, it does not indicate that any costs were assessed against Mr. Oyster or the District of Columbia, and unless we can get the matter explained, I shall have to insist upon the point of order.

Mr. MANN. We would like to have this Oyster opened before we eat it.

Mr. SISSON. Yes; and the only opening that I can make of the Oyster is to simply refer you to the statement of the commissioner.

Mr. COOPER. Was not this to reimburse James Oyster for expenses incurred in defending the litigation?

Mr. SISSON. No; I do not think so.

Mr. WILLIS. It does not appear so.

Mr. SISSON. The record does not say so; it is for costs.

Mr. WILLIS. Costs were assessed, so far as we can determine from this case, upon the other party. Then how can there be any claim for costs against the District of Columbia?

Mr. SISSON. If a party incurs costs in defending a suit, and the cost can not be made out of the other party, the costs could be made out of the party who actually wins the case.

Mr. WILLIS. Does the gentleman know that is the case in this instance?

Mr. MANN. Not unless there is a judgment to that effect, he can not.

Mr. SISSON. I do not know what the law of the District of Columbia is in reference to that matter, but the law in a great many States is that the plaintiff, if he wins the suit, may be compelled to pay his own witnesses and——

Mr. WILLIS. Did the committee make any inquiry to determine whether there was any judgment of the court to that effect?

Mr. SISSON. We made no inquiry about the judgment. The only thing your committee did was to take the statement of Mr. Newman as to the facts in the case.

Mr. WILLIS. Until we get some further light upon the question I will have to insist upon the point of order.

The CHAIRMAN. The Chair would like to know from what book the gentleman read.

Mr. WILLIS. A decision of the court of appeals. I read from the appealed case, District of Columbia, volume 36, Tucker, 1910 and 1911.

Mr. SISSON. What is the number of that case?

Mr. WILLIS. It is the case of Nalle against Oyster.

Mr. SISSON. No. 50569?

Mr. MANN. That is the number in the lower courts.

Mr. WILLIS. It is the same case—a case where a schoolteacher sued the board of education. This teacher sought first, through proceedings in mandamus, to secure her former position, and, failing in that, she sued the board for libel, basing her action on certain allegations made by the board in the mandamus proceeding.

Mr. SISSON. Mr. Oyster had to pay these costs. Now, it was not Mr. Oyster's personal litigation or lawsuit, but he was sued as a member of the board of education.

Mr. MANN. It was a suit for libel.

Mr. SISSON. For his action in dismissing a teacher?

Mr. MANN. No.

Mr. WILLIS. Does not the gentleman think it would be an exceedingly bad practice to establish the precedent of paying a claim of this sort by an appropriation on the mere statement of somebody that it should be paid, and without a certification?

Mr. SISSON. I will state to the gentleman, as a matter of fact, nearly all the appropriation committees and all the committees, and nearly every Member, and the gentleman himself is as guilty as anybody, rely upon the statement of the heads of departments and those men who ask for the appropriation and come and make the explanations. I have heard the gentleman get up and read statements from the departments in reference to these matters.

Mr. WILLIS. The gentleman never heard me read a mere statement from somebody when it would be perfectly easy to get record evidence. Here is the statement of the only official record we have, so far as we have any record at all, which shows apparently exactly the reverse of the statement made by this officer upon whose mere statement the committee relied in inserting this item.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I suggest that if this committee attempted to examine all the judgments certified for payment we could not do it in a session of Congress.

Mr. MANN. Nobody is asking the committee not to take certified judgment. In this case they have taken a sloppy statement of an official that a court judgment exists, and we have not a certified judgment.

Mr. FITZGERALD. The statement is very clear that not only the jugdment was made, but that Mr. Oyster paid it.

Mr. MANN. It is a sloppy statement and there is no information in it.

Mr. FITZGERALD. It is not a sloppy statement. I will put it in the RECORD.

Mr. MANN. We have already had it. There is no information there.

The CHAIRMAN. There is nothing before the committee——

Mr. MANN. It has all been read once.

Mr. FITZGERALD. Nevertheless I shall read the record. I asked this question:

> This is a judgment, and Mr. Oyster has paid it?
> Mr. NEWMAN. Yes, sir; his property was attached for it, and he paid it.

It may be the commissioner did not know what he was speaking about. It may be that he made an incorrect statement; it may be that somebody fooled him; but if we can not rely upon the statement of the Commissioner of the District as to whether this judgment was actually paid by a man who was president of the board of education, the committee can not do its work.

The Clerk read as follows:

UNITED STATES BOARD OF MEDIATION AND CONCILIATION.

To enable the United States board of mediation and conciliation to carry out the objects of an act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913, for the fiscal year 1914, $40,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to know, Mr. Chairman, what this United States Board of Mediation and Conciliation does, how much money it has expended during the last fiscal year, and why there is a deficiency of $40,000?

Mr. FITZGERALD. The board was created by the act approved July 15, 1913, and in the act $25,000 was appropriated. In the deficiency bill at the last session of Congress an additional $10,000 was appropriated, and the commissioners requested $50,000 additional at this time. The committee recommended that they be given $40,000. They are now engaged in an attempt to arbitrate a controversy between 42 railroads east of Chicago. I shall be very glad, if the gentleman wishes, to give a statement concerning it. The commissioner is paid $7,500 a year and the deputy $5,000 a year, and the commissioners who are appointed in these cases have been paid $10 a day, and in addition there is an allowance for subsistence, traveling expenses, and so forth.

Mr. MADDEN. The work of the board is only at times when there are questions to arbitrate, to which employer and employee agree?

Mr. FITZGERALD. In all controversies affecting employers and employees engaged in interstate commerce the commissioner intervenes and attempts to bring about a situation where the parties are willing to arbitrate.

Mr. MADDEN. It is all voluntary, anyway?

Mr. FITZGERALD. And then, when that is done, they appoint arbitrators. In New York City at the present time, in the controversy between these railroads, the arbitrators are Hon. Seth Low, Mr. John H. Finley, superintendent of education of the State of New York, and some others.

Mr. BUCHANAN of Illinois. I would like to inquire what the definition of those working in interstate commerce has been? What workmen are they?

Mr. FITZGERALD. I believe the statement was made that, following the decisions arising under the Erdman Act, it related to those actually engaged in the movement of trains, such as trainmen, railroad conductors, engineers, firemen, and switchmen.

Mr. BUCHANAN of Illinois. It would not include those handling freight?

Mr. FITZGERALD. I believe it would.

Mr. BUCHANAN of Illinois. The Erdman Act, I think, did not so apply.

Mr. MANN. It did not.

Mr. FITZGERALD. I do not recall whether it included them or not. I have not looked at the terms of the act.

Mr. MANN. If my colleague from Illinois [Mr. BUCHANAN] has finished, I would like to ask the gentleman from New York if there was any inquiry made by the committee as to whether these boards of arbitration made any effort to live up to the law limiting their time of service? The law provides they shall render a report within a certain number of days, which is a very brief period. My recollection is, from newspaper reports, that in no case have they pretended to live up to the law, although the law does not permit any extension beyond the period named in the law.

Mr. FITZGERALD. There have been some extensions in the cases, and, if I recall correctly, it was with the consent of both parties to the arbitration.

Mr. MANN. Well, I suppose that is the case, but the law does not permit it, with or without the written consent of both parties, and I wondered whether the terms of any of these commissioners were likely to string out because they were being paid for their services?

Mr. FITZGERALD. That was not inquired into, because the cases cited by the commissioners seemed to be cases of such magnitude that it easily took longer than the law allowed.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

COMMISSION ON INDUSTRIAL RELATIONS.

For continuing the inquiries and investigations authorized by the act of August 23, 1912, entitled "An act to create a commission on industrial relations," and to provide the expenses of such inquiries and investigations as are enumerated in section 2 of said act, $50,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of this committee what the Commission on Industrial Relations is doing that requires an urgent deficiency appropriation? How much money have they expended during the last fiscal year, and what duty do they perform for the money expended?

Mr. FITZGERALD. The life of the commission was limited to three years. Fourteen months of the three years elapsed before the commissioners were appointed and confirmed. My recollection is that President Taft nominated the commission and later President Wilson named them. It was not until the fall that the commission was finally confirmed by the Senate. One hundred thousand dollars was contained in the act creating the commission. Up to about the 10th of February they had expended in the neighborhood of $25,000 or $30,000, leaving about $70,000 available about the 10th of February. The chairman of the commission said they had made their plans and had now arranged to put out their field forces very extensively, and they believed that if they were permitted to go right ahead they would complete their work in the time originally fixed without any extension.

Mr. MADDEN. What does the field force do when it is put out? Does anybody know?

Mr. FITZGERALD. They investigate.

Mr. MADDEN. Is this industrial commission intended to take up such cases as the case in Michigan and the case in Colorado, on which we appointed committees of the House the other day? If they are intended to look into cases of that sort, and they have already expended $25,000, and have $75,000 at their disposal, and are asking for $50,000 more in this bill, why is it that the House felt called upon to appoint a special committee to go into each one of these places to investigate a local matter over which the State had ample jurisdiction and in which the States alone, it seems to me, were interested? But if, perchance, there is a case of the United States involved, then, although having the commission, as we have, supposed to be looking after things of this sort, and spending vast sums of money out of the Public Treasury—and which does nothing but look wise, and not succeeding in that—it compels us to pay out of the contingent fund of the House sums of money that ought to be paid out of the appropriations made for the men who are supposed to be acting in the capacity of the Industrial Relations Commission, whose duties, I assume, would lead them to an investigation of the things involved in these two strikes. If there is no purpose of the commission except to expend the public money, I would suggest its disbandment. If they have a purpose and they do not perform the duties called for by that purpose, then they ought to be called to account for it. And surely no public money ought to be appropriated to carry on the work of a commission when the commission itself is doing nothing along the lines called for in the law that created it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MADDEN] has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for five minutes more, in order to give the chairman of the committee a chance to reply.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. In reply to the gentleman from Illinois [Mr. MADDEN], I might perhaps follow the course of the chairman of the Industrial Commission when pressed for information along somewhat similar lines, when he said:

Perhaps I had better read from the act creating the commission.

And he read section 4 of the act creating the commission, authorizing the work, as follows:

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners, and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor, and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

After reading that act, he said:

Now, we started by making a study of the conditions, first, a practical study of the conditions right in the field. That is to be followed by the same agencies in connection with the commission in finding out how far they are available and what is being done now. Then an additional line of investigation, as I stated a moment ago, is the investigation into the underlying causes of industrial unrest, and the gathering together of the results of other investigations of that subject and ascertaining what has been done. We have, of course, the information furnished by the Bureau of Labor Statistics and there are private agencies upon which we can draw, and, in fact, there are a great many other agencies upon which we may draw for information. We are trying to get all of that information together and prepare it in such form that it can be presented to the commission as a whole.

Mr. MADDEN. Anybody can do that. A clerk can do that.

Mr. FITZGERALD. He further says:

We have undertaken to gather together the whole material that is available on this subject.

Mr. MADDEN. Where do they get it?

Mr. FITZGERALD. He further says:

I will state, for instance, that we have outlined an investigation of the bituminous, anthracite, and metalliferous mines. There are a great many serious troubles, as you are aware, in several parts of the country with reference to these mines, and we consider it our duty to study that whole situation. For instance, instead of going right to the place where there is trouble, we will, perhaps, start at Scranton where there is no trouble now. We have already had investigators at work on this, and have a preliminary report on the places in which there is no trouble, or practically no trouble.

Mr. MADDEN. They get away from trouble, then. [Laughter.]

Mr. FITZGERALD. He proceeds:

For instance, our investigations will cover the coal fields of Trinidad, where the trouble is very marked; the Butte, Mont., field, which is filled with labor unions and in which there is no labor trouble at present; and the Michigan field, where, as you know, at Calumet, Mich., particularly, there is very serious trouble.

The commission, if the gentleman will permit me, furnished additional valuable information of the same character; and as the law provided that this work should be done within a certain time and the cost was limited to a certain amount, the committee came to the conclusion that the more quickly it was done the better it would be, because then we would have these results to utilize in whatever way might be desired.

Mr. MADDEN. The gentleman from New York takes a totally different view of this situation from what he took of the situation with respect to the ascertainment of the physical valuation

of the public utilities of the District, where he thought that the longer it took the better it would be. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, this commission was created before the Department of Labor was created. I believe it is doing a work that belongs to the Department of Labor. That is the situation.

Mr. MADDEN. Does not the gentleman believe——

Mr. FITZGERALD. If I could have my way and not stir up a dozen hornets' nests in doing it, I believe it would be advantageous to transfer this work to the Department of Labor and permit the gentlemen and gentlewoman on this commission to go their busy ways, attending to their various private matters. But I shall not have my way about it.

Mr. MADDEN. But does not the gentleman think, inasmuch as we appropriated a vast sum of money last year and are now seeking to appropriate a vast sum more this year, that this commission should have made investigations in the cases of Colorado and Michigan, where two special subcommittees of the Committee on Mines and Mining were sent at the expense of the contingent fund of this House?

Mr. FITZGERALD. The gentleman would hardly expect me to criticize the action of this House in a matter of that character.

Mr. MADDEN. I am not asking the gentleman to criticize anybody, but I am simply asking him to give us information as to the wisdom and desirability of what we did in that case.

Mr. FITZGERALD. Mr. Chairman, I offer as a new paragraph the following amendment, which I send to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

On page 14, after line 30, insert as a new paragraph the following: "On and after July 1, 1914, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of the expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time when actually engaged in the discharge of official duties."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. COOPER. Mr. Chairman, I raise the point of order that that is new legislation.

Mr. FITZGERALD. Does the gentleman make a point of order?

Mr. COOPER. I make the point of order.

Mr. FITZGERALD. If the gentleman will reserve it for a moment, I will state to him what it is.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] raises the point of order that this is new legislation.

Mr. FITZGERALD. That is not subject to a point of order in itself.

Mr. COOPER. It is not shown upon the face of the amendment itself that it would reduce the expenditures of the Government. I do not know that it would be admissible, as I understand it. Under a proper interpretation of the Holman rule, it must be shown on the face of the amendment itself that such is the case.

Mr. FITZGERALD. The object of this amendment, Mr. Chairman, is to correct what is believed to be an abuse. It provides that unless specific authority is given by law, no sum shall be allowed for subsistence in excess of the amount actually expended, nor in any event in excess of $5 per day unless there is a special provision of law authorizing it, and that the allowance shall be made only when the person to whom the allowance is made is absent from the headquarters to which he is assigned to duty. This provision is designed to eliminate an abuse that should not exist.

The CHAIRMAN. The Chair is ready to rule. The Chair is of opinion that the amendment is in the interest of economy, and the point of order is overruled.

Mr. FITZGERALD. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. MANN. Mr. Chairman, I do not intend to give any special enlightenment on the subject of this amendment, but the paragraph to which this amendment is offered is one that is worthy of some consideration.

When this Commission on Industrial Relations was created it was stated in the House, and it seemed to be apparent on the face of the bill itself, that it was created for the purpose of investigating and devising methods by which industrial disputes might be avoided. President Taft named some persons as members of that commission, but owing to a deadlock in the Senate they were not confirmed, and President Wilson finally named a commission which was confirmed.

What they have been doing I do not know, but apparently they are taking the opinion entertained by the distinguished gentleman from Michigan [Mr. KELLEY], who stated to the House when we were considering the resolution for the investigation of the mining strikes in Michigan and Colorado that it was the duty of this commission to make the investigations. They say it is their duty in the hearings before the committee, but they have made no effort to carry out their duty, and I apprehend they have no intention of using any of this money for that purpose.

I do not think it is the duty of that commission to investigate particular strikes. We have the authority to do that in the Department of Labor, as to employees who are not engaged in railroad transportation, and we have a special board authorized to act where employees are engaged in railroad transportation.

This Commission on Industrial Relations grew out of efforts which had been made here for a number of years past to find a way, through the law, of preventing strikes or lockouts. Now they have found something new to do. We wanted to increase the appropriations for them last summer, and the gentleman from New York [Mr. FITZGERALD] strenuously resisted my proposition to increase any of these appropriations, and the proposition of the gentleman from Wyoming [Mr. MONDELL] to increase some of these appropriations; but since the tariff bill has been passed and a political exigency exists in reference to the unemployed, now comes along a proposition to give them $50,000. And what do they propose to do with it? I hold in my hand a statement, furnished to the press the other day by this commission, which statement was largely published in the papers; and when you read it in the papers you did not know whether it was official or whether it was the writing of some newspaper correspondent, but the information was furnished by the industrial commission itself—I suppose by Mr. Walsh, because he is the one who is quoted:

[For release in morning papers of Monday, Feb. 16.]

Stirred by reports of 350,000 men and women out of work in New York City alone, the United States Commission on Industrial Relations has undertaken an immediate investigation looking toward action by the Federal Government to relieve unemployment.

During the next six weeks the activities of four of the commission's investigators will be restricted to a rapid survey of unemployment in industrial centers from Boston to Kansas City and a critical analysis of public and private employment agencies.

I shall not read all of this—

Frank P. Walsh, chairman of the commission, in a statement announcing the investigation, said:

"Hundreds of thousands of men, industrious and anxious to work, are either out of employment or without assurance that their jobs will continue another week or another day.

"Groups numbering from 100 to 1,000 stand on the docks outside our great industrial plants each morning at 6 o'clock, hoping the foreman will pull them out of line and put them to work. They are thankful if they get only a few hours' employment.

"Poorly nourished and thinly clad, these men gather each morning for the foreman's inspection, submit to his rapid scrutiny, and then many drift away to the cheap saloons or cheap lodging houses to wait for another chance.

"None can see this spectacle without realizing that here is something society can not afford to tolerate. An employer never thinks of laying off his bookkeeper or clerk after employing him three or four hours in a day or three or four days in a week. The problem of continuous employment for laborers is more difficult, but it is a problem that must be solved if we are to check the increase in our great army of hopeless, homeless men."

When Mr. Walsh said—

None can see this spectacle without realizing that here is something society can not afford to tolerate—

He left out of consideration our Democratic friends, the Democratic leaders. They see it without a blush or a worry. They simply deny that it exists.

Mr. GARNER. Will the gentleman from Illinois yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I do not yield at present. The gentleman will pardon me——

Mr. GARNER. All right.

Mr. MANN. I will be very glad to yield in a moment. This commission say they are going to investigate these conditions from Boston to Kansas City. That will take them through Buffalo and various other places. I have an appeal which I received this morning from Buffalo, which appeal, by the way, is not published in the New York Herald, from the Charity Organization Society of Buffalo, the leading charitable organization of that city:

Our halls have been full of cold, hungry, discouraged women, men, and children. Women and children of the unemployed, and men looking and begging for work.

Our visitors have worked early and late, and we have been untiring in our efforts to help all, trusting that a generous public would pay the bill.

This commission will also go by way of Chicago, and I hold in my hand a letter from the United Charities of Chicago, which I shall not take the time to read in full, but here is a short statement from it:

The present is a period of almost unprecedented business depression in many circles. It has resulted in more unemployment among small wage earners than Chicago has ever experienced.

Two weeks ago in one section of Chicago over 6,000 men out of 36,000 normally employed were reported laid off, while one-half of the remainder were working on half time with half pay. We have statements to this effect from superintendents of the plants over their own signatures. The cold fact is that thousands more have been laid off in Chicago since then, and employers unite in saying that not a man will be reinstated for three months.

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. Not for a moment. These are not political statements.

Mr. BARNHART. I want to know who signed that letter.

Mr. MANN. It is signed by the chairman of the finance committee and the president of the United Charities of Chicago. These are not political statements. They are the statements of men drawn from all political parties, engaged in charity work. You may denounce them as falsifiers, if you will, but you had better go into your pockets and help them, because what they say is true.

Now I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Does the gentleman know of any real good that this industrial commission is doing, other than to get out documents that are calculated, as the gentleman shows from the extracts he has read, to be in the interest of the Republican Party?

Mr. MANN. I do not know whether they have done much good yet or not. I supported the bill for the creation of the Industrial Commission. I believe that they may work out in some way a solution of the problem between capital and labor and report something to us upon which we may act in the end for the purpose of preventing industrial disputes, although I do not think it is their business to study the present unemployment of labor.

Mr. GARNER. Will the gentleman yield further?

Mr. MANN. I yield now to the gentleman from Indiana [Mr. BARNHART], if he is here.

Mr. PETERSON. The gentleman from Indiana [Mr. BARNHART] has stepped out for a moment. I should like to inquire of the gentleman from Illinois why, when he read the article from the Industrial Commission a moment ago, he omitted the part which reads as follows:

The commission, it was announced yesterday, regards the unemployment problem as a permanent one, because the present conditions in the labor field are practically the same as exist every year at this season.

How did the gentleman come to omit that?

Mr. MANN. I did not read all of the article.

Mr. PETERSON. That is pertinent, I think.

Mr. MANN. No; that is not pertinent. That part of the article, by the way, was inspired by politics. If the statement were true, which it is not, there would be no occasion for this commission to have anything to do with this subject.

Mr. PETERSON. Then the gentleman is impeaching his own witness.

Mr. MANN. I am not offering a witness. The gentleman may know how to practice law in a court, but he is not familiar with this situation. I am not offering any witnesses.

Mr. PETERSON. I apologize to the gentleman for not being experienced, but I can understand this situation.

Mr. HUMPHREY of Washington. I want to call the attention of the gentleman to the fact that while he was giving a list of these cities he missed St. Louis, and I have here in my hand a statement by the St. Louis Providence Society in which they are appealing for help. It says hundreds of people need help for the first time. I will ask the gentleman to take this article and insert it in his remarks.

Mr. MANN. I have so many of these that I can not insert it. I have one from the district of my distinguished friend from Indiana, where a few days ago, owing to the cold weather, they commenced to cut ice, and men went out on the ice fields and fought with their implements for the right to be employed.

Mr. PETERSON. If the gentleman will yield for a moment, I have another item that appears here from Indiana, which has a bearing on this subject:

Yesterday the Times carried the news of the firing of three additional open-hearth furnaces at the Gary Steel Works. There are now 30 of these furnaces and 6 blast furnaces operating; all of the rolling mills are busy and there is increased activity at the sister subsidiary plants. In the past six weeks operations at Gary have almost doubled.

Mr. MANN. That is it; almost double; and yet six weeks ago the gentleman was insisting that they were running at full capacity. Gentlemen on that side, including my friend from Indiana, six weeks ago insisted that there was no trouble in that country, and now he says that we have doubled in six weeks, and yet you are not running the full capacity.

Mr. PETERSON. It was only about a week ago that I made that assertion.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I noticed in the New York Herald to-day that a page is taken up showing how prosperous business is throughout the country, so I wish to insert in the RECORD a copy of a circular I hold in my hand sent out by the St. Louis Provident Association dated February 6, 1914. I also wish to place in the RECORD an article from the Boston Post, supposed to be an independent Democratic paper, showing conditions in Boston and how a Democratic mayor is trying to relieve the condition of 20,000 unemployed in that city.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to insert in the RECORD a circular and a newspaper clipping which he offers. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. I want to say, for the benefit of the gentleman from Indiana [Mr. PETERSON] and some others who have spoken about the steel and iron industry, that it is true some of the mills have started within the last few days. It is true there are a few more men employed than there were on the 1st of January, 1914. It is also true that the iron and steel industry in this country are not to-day running one-half of their capacity. It is also true that they are employing to-day only about one-half as many men as they did a year ago. I see a distinguished gentleman on that side shaking his head, but nevertheless it is a fact and I challenge him to dispute the correctness of it. I received a dispatch from headquarters—from the Cleveland Daily Iron Trade—the same paper that I quoted from the other day.

Mr. BARNHART. What headquarters?

Mr. HUMPHREY of Washington. The headquarters of the steel industry in this country.

Mr. BARNHART. It is not located at Cleveland.

Mr. HUMPHREY of Washington. It is at Cleveland. The headquarters of the steel industry, as far as obtaining news is concerned and keeping in touch with that industry, is in Cleveland; the question is whether it is a fact or not.

Mr. BARNHART. I know the gentleman thinks that the headquarters of the iron and steel industry is at Cleveland, because some newspaper there published in the interest of the Republicans gave wide publicity to his speech.

Mr. HUMPHREY of Washington. It is not a question of giving publicity to my speech or any other; the question is whether the facts are true.

Mr. FITZGERALD. It does not make any difference whether it is true or not to a Republican newspaper.

Mr. HUMPHREY of Washington. The gentleman from New York is always a great stickler for the rules, and I shall not yield to him unless he observes the rules that are ordinarily observed in the House.

Mr. FITZGERALD. Mr. Chairman, at times the temptation is so great that one unintentionally oversteps the rules. [Laughter.]

Mr. HUMPHREY of Washington. I know the temptation is so very great that whenever you begin to present the facts to the House the gentleman can not keep his seat.

Now, I want to continue what I started to say a moment ago. I challenge gentlemen on that side of the House to dispute the correctness of the statement that 50 per cent of the steel and iron mills of this country are closed to-day; that is, the production is not half what it was a year ago.

Mr. FOWLER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Not yet. If this condition is not true, why does not your great efficiency expert at the head of the Department of Commerce go out and investigate and find out whether these mills are closed or not?

Mr. SHERLEY. Because he is waiting for a more authoritative statement of facts than come from the gentleman from Washington.

Mr. HUMPHREY of Washington. That is about as good an excuse as you can give. I cite to the gentleman the New York Times, and that paper sent a wire to every mill, and every answer they got confirmed the statement. Does the gentleman say that the mills were not closed at the time I made the statement that they were? Answer that.

Mr. SHERLEY. I do not have to answer it. I say that the gentleman has produced nothing but a sweeping assertion, which is contrary to all the information we get.

Mr. HUMPHREY of Washington. In my statement I gave the names of the mills, location, and number closed, and that list

was published in the New York Times, a Democratic paper—at least it supported Mr. Wilson—and it came out the next day and said that every statement I made was true, so far as it was able to get the facts. Does the gentleman deny that the mills I said were closed were not closed at this time?

The CHAIRMAN. The time of the gentleman from Washington has expired.

The matter referred to is as follows:

[From the Boston Post, the independent Democratic paper of New England. Issued daily by Post Publishing Co. Feb. 12, 1914. No. 10; vol. 329. Office, 259 Washington Street, Boston, Mass.]

WORK FOR OUT OF JOBS RAZING HILL—ROURKE SUGGESTS A SOLUTION TO MAYOR.

Mayor CURLEY announced last night that he had made arrangements with Commissioner of Public Works Rourke to use Boston's army of unemployed to level a hill in East Boston and to fill in and grade a city playground there just as soon as the money is raised to pay these men for their work.

FUND FOR UNEMPLOYED.

Morrison I. Swift called upon the mayor yesterday and informed the latter that the chamber of commerce might raise a fund for the unemployed of Boston. The mayor immediately got in touch with Commissioner of Public Works Rourke and directed the latter to report to him as to how the unemployed men could be used to the best advantage.

Commissioner Rourke suggested the leveling of the old reservoir property in East Boston and the grading of the playground. It was stated by the mayor that the city now only awaits the raising of the money to pay these men to have the work of leveling the playground started. He said that the city's finances will not permit of this work being done at present, but that if citizens will provide the money to have this work done he will gladly put the unemployed of the city to work on the hill.

TWENTY THOUSAND OUT OF WORK.

At least 20,000 persons are out of work in Boston and must be given employment immediately, according to Mr. Swift in a statement yesterday. The remedy he suggests is not charity, but public work of a useful nature, to be paid for by private subscription and arranged for by the city. His statement in part follows:

"Many who have been able to exist in some manner until now are at the end of their resources. If something is not done for them, we shall be in the midst of a great calamity. Conditions might begin slowly to mend without appreciably relieving this element for a long time. Charity is not the thing, for self-respecting people never fully recover from its effects.

"The thing needed in this crisis is public relief work of a useful nature. A living can then be earned and the sense of pauperism be avoided. Full-time work is unnecessary; in fact, many would be unable to work a whole day at hard, outdoor labor without injury owing to recent underfeeding or to the indoor nature of their work.

PLANS FOR RELIEF.

"Four or five half-days' work a week, paid for at the trade-union rates, would meet the emergency. The least vigorous could be paid by the hour in order to give them a chance to build up their strength. It is wiser to pay the union-wage rate and to give less work than to adopt the other course.

"City relief work could be given at once if the city possessed the funds. Since these are lacking they must be contributed by the citizens if work is supplied. It should be useful work, such as road building or marsh-land draining, so that new values for the city would be created.

"But complete cure and future prevention of unemployment require the existence of permanent municipal works of various kinds for the absorption of a greater or less number of unemployed as the labor market fluctuates. These factories should be located upon a municipal farm, where expert farming would be one of the pursuits."

—

An emergency may develop into a disaster if not properly met. Widespread destitution prevails in St. Louis to-day. Unusual scarcity of employment has more than offset the advantages of a mild winter. Thousands of men are out of work.

Hundreds have applied for help for the first time.

The emergency has thus far been met by the St. Louis Provident Association. The hundred families a day that have appealed for aid have received prompt relief and care. Many of them will need help for weeks and scores of new families are coming day after day.

The demands upon the resources of the Provident are very heavy, indeed.

Without further accretions, its funds will soon be exhausted.

It would truly be a disaster to fail to provide food, coal, clothing, and other necessary help for helpless women and children, the sick, the aged, and the deserving families rendered destitute by lack of employment.

What can you do to avert it?

Large contributions are needed, but small ones—no matter how small—will be welcomed and appreciated. Sixty cents will supply food for a man, or $2 for an entire family for a week. A dollar and a quarter will supply a pair of shoes, or coal for two weeks.

These hundreds of families are dependent upon the bounty of our citizens. The Provident has no other resource and all contributions will be used for relief expenditures only.

You may have received other appeals. Do not let this one be in vain. Will you not kindly send something to-day, be it much or little? It is needed.

February 6, 1914.

Mr. BARNHART. Mr. Chairman, I have listened with more or less amusement and with a good deal of interest to many statements that have been made by the two gentlemen who have just been entertaining us for some time. I have lived in this country some 50 years. I have lived through a good deal of prosperity and some adversity. I take my home papers from Indiana, all of them, Republican and Democratic. I represent a district with widely diversified interests, principal among them being manufactories at South Bend, Elkhart, Michigan City, La Porte, and Mishawaka, all adjacent to Chicago and to the tenth district represented by the gentleman from Indiana [Mr. PETERSON], and I have yet to see a single instance where any more suffering prevails at this time than is always caused by severe cold in midwinter time. But there are calamity howlers. I hear them in my own little prosperous city—some Republican agitator trying to make somebody believe that calamity prevails. I see the Republican newspaper from my home city says the farmers are very much dissatisfied with the tariff. Yet I pick up that same Republican newspaper and see it quotes wheat yesterday at 93 cents, corn at 78 cents a hundred pounds——

Mr. HUMPHREY of Washington. What was corn before the Argentine corn came in?

Mr. BARNHART. Corn is as high to-day as usual at this season, and a year ago it reached $1.05 a hundred.

Mr. HUMPHREY of Washington. I will ask whether it was not true that the other day——

Mr. FOWLER. Mr. Chairman, I rise to a point of order. The gentleman from Washington is violating Rule XIV, which requires recognition before interrupting a gentleman.

Mr. BARNHART. Oh, that does not bother me.

Mr. HUMPHREY of Washington. I am glad the gentleman from Illinois comes to the rescue and assistance of his colleague from Indiana.

Mr. BARNHART. Mr. Chairman, I insist upon reading these quotations. Corn, at 78 cents a hundred pounds—in Indiana we sell it by the hundred pounds; oats, 38 cents; clover seed, $7.25; eggs, 25 cents; butter, 27 cents; timothy hay, $12; alfalfa, $13; and even wheat straw, $5.

Mr. MADDEN. When was that?

Mr. BARNHART. That was yesterday.

Mr. MADDEN. A year ago——

Mr. BARNHART. No; I beg the gentleman's pardon. I want to get on. Hogs are being sold by the farmers at this time at $8.40 a hundred and beef cattle are as high as $8 a hundred. These politicians who are now attempting to create a panic scare for the sole purpose of trying to revive the practically defunct stand-pat party are trying to do so at the expense of precipitating disaster and distress upon the people.

The words of the gentleman from Illinois [Mr. MANN] arouse a disposition in many men in the Nation when they read them in the newspapers to say, "I want somebody to give me something." That is the tendency created when a man of such standing and influence in the Nation as the gentleman from Illinois [Mr. MANN] rises in the Congress and declares that want is widespread and distress prevails everywhere. But let me call your attention to the fact of the difference between the Republican Party and the Democratic Party. When panic prevailed everywhere in 1907, there was no cause on earth for it in comparison to what little there may be now. We have changed the currency system, revised the tariff, and are now talking of regulating the trusts, and in the very nature of things business halted for the time being to readjust itself; but, after having been reassured, it has started in anew. I said, when distress prevailed everywhere in 1907, you know as well as I that the Democratic press and Democratic campaign orators stood up and said to everybody, "Keep your shoulder to the wheel, don't embarrass the banks, and let us keep prosperity going," and if they had done as you Republicans are doing to-day, this country would have gone down into the most tremendous crash in its history.

The difference between the two parties is this: When financial danger comes and disaster confronts us, the Republicans being in power, the Democrats always come patriotically to the front and assist in keeping things going, but the minute that there is a speck on the financial horizon, if the Democrats are in power, you will find the Republican leaders and Republican newspapers not only berating the Democrats for being responsible for everything that might possibly threaten, but they combine in an attempt to precipitate a fright upon the country, much to the disadvantage of every honest endeavor to legislate for public welfare. There are always men who are seeking jobs. There never has been a time when men have not been tramping about looking for work. I read in a newspaper the other day that at the city of Gary 10 days ago it was said in one of the newspapers, in head lines that reached across the page, that every man and woman could have work that day if they wanted it. Gary is within 20 miles of the city of Chicago. I will tell you what happens at any time the Democratic Party comes into power—and that has been the history of the past—Republicans encourage organization of so-called charitable societies, and they announced the other day that there was a free soup house in a prosperous little city in Indiana. And I saw a story in one of the papers this morning to the effect that that soup house had

been opened by the wives of five stand-pat Republican politicians of the city. It is the same old political trick; that is all.

Mr. MONDELL. Good women.

Mr. BARNHART. Yes; they probably made good soup; and as most everybody likes soup, they were doubtless liberally patronized.

Mr. UNDERWOOD. Mr. Chairman, I wish to detain the committee just a minute. I notice the discussion that has been going on in reference to the idle men and the idle mills. I think the gentlemen who are discussing the question have entirely overlooked the fact that there is a rate war in progress between the steamship lines, and that they are bringing immigrants in from Europe at $5 a head. I understand that the immigration records show that there are 500,000 men a month coming in.

Mr. COOPER. Five hundred thousand men a month!

Mr. UNDERWOOD. No; that 500,000 men have come in during this last summer and fall.

Mr. MANN. There are a million that come in in a year.

Mr. UNDERWOOD. Mr. Chairman, I have not any doubt that a large number of these idle men that are shown in the cities are men that are being brought into the country by reason of this rate war. What I rose to call to the attention of the House, however, is a letter from the Secretary of Commerce in reference to matters that the gentleman from Washington has been calling to the attention of the House a number of times respecting the lumber industries in his part of the country. I ask unanimous consent that the letter may be read.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the letter he refers to may be read. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, I am familiar with that letter. It will take about 20 minutes to read it, and I want to ask at the same time unanimous consent that I have opportunity to reply to it.

Mr. UNDERWOOD. Mr. Chairman, I have no objection to the gentleman having the time to reply, but as the letter is directed to him and he is familiar with it, and he has not called it to the attention of this House, I do not think it lies in his mouth to raise an objection to the information being given to the House.

Mr. HUMPHREY of Washington. Still reserving the right to object, I was waiting, for this very reason, to see whether some Democrat would not put it in. [Laughter on the Democratic side.] That is what I was waiting for. I think gentlemen will not laugh when I am through with it. I am perfectly willing for it to go in. I shall not object, because that report contradicts the evidence upon which it was founded, and evidently the Secretary who made that report never read the evidence.

Mr. UNDERWOOD. Let us hear the Secretary's letter.

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from Washington a few days ago said to me he wanted to address the House on this subject when there was a chance in general debate. I am perfectly willing for the letter to be read if the gentleman from Washington can have some time. I do not care to take two bites at this cherry and permit the letter to be read to which there can be no reply.

Mr. UNDERWOOD. Mr. Chairman, I will state to the gentlemen on that side of the House that it is seldom I ask the courtesy of the House, and I am doing it now on behalf of one of the departmental officers. Of course, if the gentlemen on that side desire that this information be withheld——

Mr. FITZGERALD. How long will it take the gentleman from Washington to muddle up things, so as to try to destroy the effect of this letter?

Mr. HUMPHREY of Washington. It will not take very long to muddle up the gentleman from New York.

Mr. UNDERWOOD. Of course, if the gentleman desires to object to my request——

Mr. HUMPHREY of Washington. I am not objecting, but I was inquiring——

Mr. UNDERWOOD. I do not desire to make terms about it if the gentleman wants to object.

Mr. MANN. But the gentleman does not.

Mr. HUMPHREY of Washington. I am not going to object; I will be glad for the gentleman to put it in.

Mr. MANN. I am going to object; I shall protect this side against any such discrimination.

Mr. FITZGERALD. How much time does the gentleman from Washington want? He has been challenging this side of the House to reply to these speeches he has been making.

Mr. HUMPHREY of Washington. I do not want any more time than that required to read the letter; and if the gentleman objects to that, I will withdraw my objection.

Mr. UNDERWOOD. I am not here to ask for terms on which the letter can be read in my time. If that side of the House desires to pursue that kind of a course, they can do so.

Mr. MANN. Nobody objects; that is not all of the request, and the gentleman is seeking to give an utterly unfair impression of the situation.

Mr. UNDERWOOD. I am asking that the letter be read in my time.

Mr. MANN. Oh, no; the time is up now.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. Mr. Chairman, then I will ask unanimous consent that this letter be read if my time has expired.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that this communication may be read.

Mr. SISSON. Mr. Chairman, I do not know, but it seems to me that the gentleman from Alabama has not occupied a quarter of a minute in stating what the letter was, but the balance of the time was taken up when objection was reserved over there by the gentleman from Washington and the gentleman from Illinois, and therefore it ought not to be taken out of his time.

The CHAIRMAN. The Chair will state that the gentleman from Alabama permitted the gentleman from Washington and the gentleman from Illinois to consume his time, and therefore the gentleman from Alabama will have to bear the responsibility.

Mr. GARNER. Let us have the request for unanimous consent put and see if there is any objection.

Mr. UNDERWOOD. I want to say to the committee this, that I have not any objection to the gentleman from Washington answering it. I know the only answer he can make is to deny it, but here is an investigation by one of the great departments of the Government that completely contradicts what the gentleman has been putting in the RECORD here in the past, and if it was me I would not close the door to the answer which the Secretary of Commerce seeks to put in the RECORD.

Mr. HUMPHREY of Washington. Mr. Chairman, reserving the right to object, I do not think the gentleman stands in a position to talk about anybody closing the door, for when he was making his speech in regard to the——

Mr. GARRETT of Tennessee. Mr. Chairman, I demand the regular order, and the regular order is whether there is objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. HUMPHREY of Washington. Reserving the right to object——

Mr. GARRETT of Tennessee. Mr. Chairman, I demand the regular order.

Mr. MANN. And that is the reading of the bill.

Mr. GARRETT of Tennessee. And that is whether there is objection to the request of the gentleman from Alabama [Mr. UNDERWOOD].

Mr. HUMPHREY of Washington. No; it is not.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the document which he sends to the Clerk's desk be read.

Mr. HUMPHREY of Washington. I want to reserve the right to object for a moment.

Mr. SHERLEY. The gentleman can not reserve the right to object on the demand for the regular order.

The CHAIRMAN. Is there objection?

Mr. HUMPHREY of Washington. I reserve the right to object.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. What is the regular order?

The CHAIRMAN. The Chair is inclined to think the regular order is an amendment to the paragraph of this bill offered by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. That is what I thought.

Mr. SHERLEY. I submit to the Chair that, having put the request, the regular order is to ask whether there is an objection to the request submitted.

Mr. MANN. The regular order is——

The CHAIRMAN. Unless there is objection, the Chair will put the request of the gentleman from Alabama [Mr. UNDERWOOD] for unanimous consent that the communication referred to may be read. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

Mr. MANN. When are we going to rise?

Mr. FITZGERALD. At about 6 o'clock.

Mr. MANN. We will rise as soon as this is through with, if the gentleman from Washington does not have an opportunity to speak, unless we have a quorum.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that I may have 10 minutes.

Mr. UNDERWOOD. I will say that I am not going to object to the gentleman having time, but I may wish to have something to say myself when this document has been read.

Mr. HUMPHREY of Washington. I am going to ask unanimous consent that I may have 10 minutes when the letter is finished.

Mr. GARRETT of Tennessee. Mr. Chairman, I have no objection to the gentleman having 10 minutes, so far as I am concerned, but the regular order is the reading of the letter, and I ask for the regular order now.

Mr. MANN. The gentleman asked unanimous consent.

Mr. GARRETT of Tennessee. The regular order is the reading of the letter now. At the end of the reading the gentleman can ask unanimous consent.

The CHAIRMAN. The Chair will put the request for unanimous consent. The Chair will state that the request of the gentleman is that he may have unanimous consent to address the House for 10 minutes at the conclusion of the reading of this letter.

Mr. FITZGERALD. To-day?

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. Reserving the right to object, does he mean to-day?

The CHAIRMAN. He means at the conclusion of the reading of the letter.

Mr. FITZGERALD. I want to know if it means to-day.

The CHAIRMAN. The Chair can not answer that.

Mr. FITZGERALD. I will not object if it means to-day, but I will object if it goes over.

Mr. MANN. Mr. Chairman, I ask for the regular order, which is the putting of the request.

Mr. FITZGERALD. I shall object for the present.

Mr. GARRETT of Tennessee. I call for the regular order, and let me state——

Mr. MANN. I object to that. The gentleman called for the regular order a moment ago, and I call for it now.

Mr. GARRETT of Tennessee. I make the point, Mr. Chairman, that the regular order is the reading of the letter, which has been agreed to by unanimous consent by the committee. At the end of the reading of the letter the gentleman can then submit his unanimous-consent request, and, so far as I am concerned, it will not be objected to.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order. The gentleman from Washington [Mr. HUMPHREY] made his request for unanimous consent, and the Chair submitted it. It makes no difference whether a Republican or a Democrat makes a unanimous-consent request, and the Chair can not think for a moment of making any difference. The old practice was when the regular order was demanded it set aside any unanimous-consent request, but recently the practice has grown up in the House, if the regular order is demanded when a unanimous-consent request is pending, to put the question for unanimous consent. The Chair so ruled a while ago when the gentleman from Alabama [Mr. UNDERWOOD] made a request for unanimous consent. I ask the Chair to rule the same way now. The gentleman from Washington [Mr. HUMPHREY] has a request for unanimous consent, which the Chair has already put.

Mr. GARRETT of Tennessee. Mr. Chairman, the point of order is that the gentleman from Washington had not the floor and was not entitled to the floor to ask unanimous consent at that time.

Mr. MANN. The Chair has submitted the request.

The CHAIRMAN. The Chair will state that he did submit the request of the gentleman from Washington to the committee, and the Chair is of the opinion——

Mr. BUCHANAN of Illinois. Did the Chair ask, when he put the request of the gentleman from Alabama [Mr. UNDERWOOD], whether there was any objection to considering the request?

The CHAIRMAN. The Chair will put the request of the gentleman from Washington.

Mr. FITZGERALD. I object to that. How many times must I object?

Mr. MANN. That is because you are afraid of it.

The CHAIRMAN. The Chair will state that the gentleman from Washington asked unanimous consent that at the close of the reading of the document now on the Clerk's desk he be permitted to address the committee for 10 minutes.

Mr. FITZGERALD. I object again.

The CHAIRMAN. Objection is heard. The Clerk will read.

Mr. CARTER. Three times and out. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 18, 1914.

HON. OSCAR W. UNDERWOOD, M. C.,
House of Representatives, Washington.

MY DEAR MR. UNDERWOOD: On the 15th of December, 1913, Hon. W. E. HUMPHREY, of Washington, sent me a letter, which was largely exploited in the press and which was made by him a portion of the CONGRESSIONAL RECORD. It made certain allegations concerning conditions alleged to arise from tariff changes in the shingle and lumber industries of Washington and called upon the department for an investigation.

That investigation has been made, and the result appears in the inclosed copy of letter addressed by me to Mr. HUMPHREY to-day and in the copy of the report of the special examiners, Messrs. Robertson and England, which is also sent you herewith.

In view of the extraordinary publicity given by Mr. HUMPHREY in Congress and in the press to his demand for an inquiry into the alleged facts which he submitted, I suggest that equal publicity be given to this reply and report. I will arrange to have it given to the press, and I trust you will select some one, if you are unable to do it yourself, who will submit the matter to the House in a public way and see that the papers are made a portion of the RECORD or a public document.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary.

Senator SIMMONS has taken the matter up in the Senate.

FEBRUARY 18, 1914.

DEAR SIR: Your favor of the 15th December, alleging certain conditions to exist in the shingle and lumber industry of the State of Washington, was acknowledged by me on December 17. It was promptly referred to the Commissioner of Corporations, with request that an examination be made into the allegations in your letter and a report be presented.

Pursuant to these instructions, Mr. T. M. Robertson and Mr. William H. England, special examiners of the Bureau of Corporations, were sent to the State of Washington. The report, signed by Mr. Robertson and addressed to the Commissioner of Corporations on February 16, is sent you herewith. This report is accompanied by a letter of like date, which is quoted in full below:

"There is submitted herewith a report on conditions in the lumber and shingle industry in the State of Washington. This investigation grew out of a letter addressed to the Secretary of Commerce by Representative WILLIAM E. HUMPHREY, of the State of Washington, under date of December 15, 1913. That letter was accompanied by a list of lumber and shingle mills reported to have been closed down on December 1, 1913, and it was claimed that their closing was largely due to the removal of the duty on their products.

"Under your direction, I proceeded to the State of Washington and made inquiry as to the facts. Mr. William H. England, a special agent of this bureau, accompanied me, and much of the credit for the thoroughness and completeness of this report is due to his earnest efforts and his intimate knowledge of the shingle industry.

"The following principal points are brought out and emphasized in the report:

"(1) The closing of the shingle mills in the State of Washington is not an unusual occurrence.

"(2) It is not claimed by shingle manufacturers that the closing down of the mills in the latter part of 1913 was due to a removal of the duty on shingles.

"(3) There was no general complaint among shingle producers, because of the removal of the duty at the time Mr. HUMPHREY made his speech in the House of Representatives on December 16, 1913.

"(4) The labor cost of producing shingles in the United States and British Columbia does not differ greatly, if at all.

"(5) The cost of timber is probably somewhat greater in the United States than in British Columbia.

"(6) American manufacturers are not abandoning their mills nor are they moving to British Columbia. On the other hand, new mills are being built and old ones enlarged in this country.

"(7) There has been no reduction of wages in the shingle mills, and in only a very few instances have there been wage reductions in the lumber mills.

"(8) There are not more idle men in the State of Washington at this time due to the closing down of shingle mills than there have been at numerous times under a protective tariff.

"(9) The competition of substitutes for shingles seems to be feared more than the competition of Canadian shingles.

"The list of 194 mills reported closed on December 1, 1913, was not an unusually long one. At some time during every year, practically ever since the development of the shingle industry in the State of Washington, almost all of the interior mills and some of those at tidewater are closed about 60 days. Every man who is now or has been connected with the shingle industry declares that during the winter months a large number of interior mills are forced to close on account of weather conditions. The records of the various shingle associations and the files of the lumber trade journals bear abundant testimony to the fact that in practically no year since the development of the industry have the mills generally been operated more than 10 months.

"The facts disclosed by the investigation indicate that the list of mills submitted to the Secretary by Mr. HUMPHREY was made up at his (HUMPHREY'S) own request. There is no evidence to show that there was any general complaint among shingle manufacturers on account of the removal of the duty. There was complaint at that time, and there is still complaint, because of the depression in the price of shingles. It can be reasonably inferred from Mr. HUMPHREY'S letter that the removal of the duty has contributed largely to this condition. No shingle manufacturer was found willing to make such a statement. Many of them, however, declared their conviction that the removal of the duty has been a factor, but they do not consider it the principal one nor are some of them positive that it is a factor at all. In fact, some declare their disbelief in any such theory.

"In order to obtain this list of 194 mills every possible means was employed by the manager of the Shingle Manufacturers' Association to learn of every closed mill in the State. He circularized the mills, and inclosed a postal card requesting reports from them as to whether or not they were closed, and, if not, whether they intended to close, and if so, when. A large majority of the manufacturers were not sufficiently interested in the tariff to respond to this request. In fact, a consider-

able percentage of the mills reported closed did not make reports, and the information in regard to them was secured by the manager of the association from other sources. Unfortunately, there are no lists of mills in most of the past years. The only other complete list obtained is one of 259 mills in March, 1904.

"A number of the manufacturers responding to the request for information sent out by the manager of the association expressed themselves unequivocally that they were of the opinion that the removal of the duty had nothing to do with then existing conditions.

"Some effort was made to ascertain the causes for closing down the mills reported in the list of December 1, 1913. In this effort 87 mills, or about 45 per cent of the total list, were covered. Not one of those mills reported that they closed because of the removal of the duty. Of the 87, 29, or exactly 33⅓ per cent, stated that they usually closed at that season of the year; others were burned down, and some were bankrupt due to bad management. Some of the mills burned have either begun or soon will begin to rebuild. One of the mills reported in the list had been closed several years. A considerable number of the mills reported closed on December 1 were operating on January 1, 1914, and a still larger number have resumed operations since that time.

"In a speech delivered in the House of Representatives on December 16, 1913, Mr. HUMPHREY declared that when he was making his campaign in the fall of 1912 the shingle industry was very prosperous; that the mills were running; and that more men were employed than ever before; and that higher wages were being paid than ever before. Investigation of conditions at the time referred to fails to substantiate the correctness of Mr. HUMPHREY'S statements in respect to those matters. As a matter of fact, during the month of October, 1912, the time at which Mr. HUMPHREY was making his campaign, a very large proportion of the mills were closed. In fact, the mills were closed in some of the very towns in which Mr. HUMPHREY spoke, and on the very dates on which his speeches were made. It is, therefore, impossible for it to be true that more men were employed in the mills at that time than ever before. In regard to wages, the facts are that there has been no material changes in the rates of wages paid in the shingle industry since 1908. The shingle-mill employees are well organized, and all of the mills in the State, except a group of mills at one point, pay not less than the union scale of wages whether they employ union labor or not.

"A large number of the unemployed men in the State of Washington have come from British Columbia. Many of the shingle mills in that Province have been closed during the present winter and the unemployed have come across the line into the United States. When they have attempted to return to Canada, the Dominion officials have turned them back.

"The statement that labor in the State of Washington can not compete with the cheap labor in British Columbia does not seem warranted. It is true that a large number of Chinese are employed in British Columbia shingle mills. It is true that the rates of pay for oriental labor are lower than the rates paid in the United States, and that they are lower than those paid white labor in British Columbia. It is also true, however, that the oriental labor employed in British Columbia shingle mills is less efficient than white labor. The facts obtained during the course of this investigation lead to the conclusion that if there is any difference between the labor cost of producing shingles in the two countries it is small. Shingle producers who own and operate mills in both this country and Canada declare that their cost of production is no less in British Columbia than it is in the State of Washington. One of the most successful shingle manufacturers in this country investigated producing conditions in British Columbia, with the view to erecting a mill in that country. After making a thorough investigation he concluded that Canada offered him no advantages, and he immediately planned to erect a mill of about 700,000 daily capacity in the State of Washington. The construction of that mill is now in progress. Two other experienced shingle manufacturers have recently organized a company to erect a new mill in the State of Washington with a daily capacity of 350,000.

"That the removal of the duty will not ruin the shingle manufacturers, and that the shingle manufacturers do not believe that such will be the case is thus evidenced by the erection of new mills. In this connection it is important to point out also that the capacity of a number of old mills is being enlarged.

"It seems to be true that British Columbia manufacturers have some advantage in the matter of timber. This, however, is not considered by American manufacturers sufficient to warrant the removal of their mills to British Columbia. In general, however, it is felt by operators of tidewater mills that some provision should be made whereby they can obtain logs from Canada free of duty.

"Some of the shingle mills in British Columbia were visited, and manufacturers in that country generally declare that they have no real advantage over the American manufacturer in so far as labor is concerned. They also declare that the advantage they have in the cost of timber is not as great as appears from a comparison of prices of logs in the two countries. The Canadian mills do not cut their timber as closely as the American mills, and there is consequently more waste. It is but fair to state, however, that they produce a better shingle, or that at least they produce a much smaller percentage of low-grade shingles. The result is that the Canadian shingle brings a better price in the market. While it may be that the British Columbia shingle producers have a slight advantage over the American producer, it is not enough to cause American manufacturers to abandon their mills, nor even to discourage the building of new ones and the enlargement of old ones.

"The effect of the removal of the duty on lumber is universally considered as negligible, if it has had any effect at all; that it has not seemed necessary to enter into that subject in any great detail.

"The report herewith may seem to be unduly voluminous. The vast amount of interesting material available for the compilation of the report made it rather difficult to draw the line between that material that should and that which should not be used. Furthermore, the short time available for the preparation of the report would not permit of as careful condensation as might otherwise have been possible."

To the above let me add by quoting from your letter thus:

"I have placed before you exact and specific information."

And as against this statement allow me to quote from pages 40, 41, and 42 of the report transmitted herewith:

"Inquiry was made in regard to 87 of the 194 mills included in the list. This represents approximately 45 per cent of the total number. The reasons assigned for the closing of these 87 mills are as follows:

Usually close at this season of the year	29
Owned by bankrupt concerns or concerns which were in financial distress and which have been for some time past	7
Cut all their timber, and had quit operations for that reason	15
Closed by high price of logs and low price on bevel siding (of these three it is believed that the real reason for two of these mills closing was on account of financial difficulties caused by poor management)	3
Mills which owned their own timber, which they preferred holding for higher prices	10
Were burned (of these 10, 3 are being rebuilt, or will be in the near future)	10
Were closed for repairs (the majority of these are now running again, and one of two of the plants will resume operations before the 1st of March. One of these is not only undergoing repairs, but is being considerably enlarged)	8
Were not closed	3
Were closed for a short time, but started again before Jan. 1	2

"In regard to the 29 mills reported as being usually closed at this season of the year, it should be pointed out that mills falling in this class close for various reasons. Many of them are located in the foothills, and operations are hindered by snow. Some of these, however, will soon open again. One of these has recently entered into a contract with the Government for furnishing more than 40,000 cords of shingle bolts.

"It is particularly significant that in order to obtain a list of 194 mills closed it was necessary to include therein those mills that are always forced to close on account of weather conditions, those that were compelled to close because they had no timber, those that were burned, and those that were bankrupt or in financial distress. In this connection it should be pointed out that the history of the shingle industry discloses the fact that many concerns have failed in all the past, either from bad management or from some other cause, and that, therefore, the bankruptcy of a few shingle manufacturers at this time can not be attributed to the removal of the duty. At least three mills in the list were not closed at all. It is not thought that those mills that were not running were placed in the list with design. Mr. Traill, the manager of the Red Cedar Shingle Manufacturers' Association, stated that a number of mills included in the list did not report to him directly, and that they were placed in the list upon what he considered absolutely reliable information obtained from various sources."

"These 87 mills are distributed in practically every shingle-producing section of the State. They include both large and small mills. It is particularly significant that not one assigned the removal of the duty as a reason for closing."

I beg to remain,

Yours, very truly, WILLIAM C. REDFIELD,
Secretary.

Hon. W. E. HUMPHREY, M. C.,
House of Representatives, Washington, D. C.

[Applause on the Democratic side.]

Mr. FITZGERALD. Let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, does the gentleman from Washington [Mr. HUMPHREY] wish to address the committee now?

Mr. HUMPHREY of Washington. I would like to have about three minutes.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, that the gentleman from Washington [Mr. HUMPHREY] may address the committee for three minutes.

Mr. MANN. You have backed down, have you?

Mr. FITZGERALD. Make it five minutes.

Mr. HUMPHREY of Washington. I ask for five minutes.

Mr. MANN. I think we had better quit.

Mr. FITZGERALD. I want to be fair with the gentleman. I want to give him an opportunity.

Mr. MANN. A few moments ago you would not.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for five minutes in which to address the committee. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, the letter which has just been read was sent to me day before yesterday. It was accompanied by a report consisting of about 90 pages of typewritten material, as I recall. I have gone through the report, and if I had time to send over to my office to get it I would be ready to make a reply to this letter.

In addition, I received a dispatch on yesterday from a gentleman by the name of E. E. Case, Raymond, Wash., telling me that he was with one of these special agents, and asking me to defer my reply until he could get some information to me. That fact, together with the fact that I did not know there was to be an opportunity to-day to reply, accounts for my not having the report here.

But, Mr. Chairman, I can not refrain from making this statement in regard to what the gentleman from Alabama [Mr. UNDERWOOD] said awhile ago, when he made some statement about the unfairness that I had shown in this matter. I started then to say that I did not think that the gentleman from Alabama was in any position to complain about unfairness when anyone was making a speech. When I made a talk here on the floor of this House and called attention to the closed steel mills throughout the country, the distinguished gentleman from Alabama [Mr. UNDERWOOD] a short time thereafter made a reply to it, and he refused to be interrupted. I attempted in various ways to interject one question into his speech, but without success, and the reason of it was that three of his own mills

in his own city were closed, and he was determined that that fact should not be made known.

Mr. UNDERWOOD. I would like to ask the gentleman to give me the information now.

Mr. HUMPHREY of Washington. I will not yield at all. The gentleman absolutely refused to yield to me at that time.

Mr. UNDERWOOD. I doubt the gentleman's statement.

Mr. HUMPHREY of Washington. Is it not true?

Mr. UNDERWOOD. I never heard of them.

Mr. HUMPHREY of Washington. I will say to the gentleman, if he wants to know, that I have a letter in my office from a gentleman in his own city, who is connected with one of those steel mills, in which he said that at the time I made that statement there were three stacks closed in the gentleman's own town. It is true. Does the gentleman deny it?

Mr. UNDERWOOD. I know of one stack that has been closed in that town for 20 years. That is different from saying that three steel mills are closed down.

Mr. HUMPHREY of Washington. I will ask the gentleman whether or not it is correct? I made the statement on the floor on that day and called the name of the mill in Birmingham, and said there were three stacks in it closed. Does the gentleman say that is not true?

Mr. UNDERWOOD. I do not know what the mills are.

Mr. HUMPHREY of Washington. I am talking about three stacks in mills in the city of Birmingham. What I said is in the RECORD. I do not recall the names now.

Mr. UNDERWOOD. I will say to the gentleman that it is nothing unusual for a furnace to shut down for repairs for a month, for relining.

Mr. HUMPHREY of Washington. I was calling the gentleman's attention to the fact that he was not in a position to call anybody to account for being unfair. I have never refused to yield to the gentleman during my service in Congress.

Mr. UNDERWOOD. What I was asking for was time to read a letter for myself. The gentleman does not make the proper distinction. The gentleman from Washington wanted to inject himself into my speech when I had but five minutes, and he now takes a very different position.

Mr. HUMPHREY of Washington. I submit to the Members of this House who heard the controversy that I did not attempt to inject myself into the gentleman's speech. I simply asked that after the reading of the letter I might have 10 minutes in which to reply to it, and the gentleman refused to consent to the request.

Mr. UNDERWOOD. I suggest to the gentleman that the letter which has just been read needs a reply from him far more than any talk about a furnace being shut down.

Mr. HUMPHREY of Washington. Oh, they sent a couple of cheap detectives out there. [Laughter.] Oh, you need not laugh. I will put the distinguished Democrat, the Hon. A. MITCHELL PALMER, back of that proposition. They come here with a report based almost entirely on anonymous evidence, and if the gentleman from Alabama had read the evidence he would have been ashamed to submit that report. I hope the gentleman from Alabama will be here when I read some of the evidence that was submitted. It is practically all based upon anonymous evidence, as I have said. They did not find anyone whose names they dared to give. It is about the same kind of evidence that a man uses to impeach the character of his neighbor when he sends anonymous letters. And not only that, but the detailed report itself contains statements that contradict every material statement that the distinguished Secretary of Commerce makes in that letter.

I do not want any better answer to it than that report. I will put it in the RECORD when the time comes. But I was objecting to the gentleman from Alabama——

Mr. FITZGERALD. Does the gentleman mean to say that the Secretary of Commerce has stated conclusions the reverse of what the report justified?

Mr. HUMPHREY of Washington. Do I mean to say what?

Mr. FITZGERALD. That the Secretary of Commerce has stated in this letter conclusions exactly the reverse of what are justified by the report.

Mr. HUMPHREY of Washington. That is exactly what I mean to say.

Mr. FITZGERALD. Knowing the Secretary of Commerce as I do, the gentleman will have to substantiate that statement.

Mr. HUMPHREY of Washington. I will substantiate it. There will not be any trouble about it; and in order that the gentlemen on that side may understand it, I assert that the statements made in that letter, sent by the Secretary of Commerce, are contradicted in every material particular by evidence that was filed to support it, and I will prove it; and I repeat what I said awhile ago——

Mr. MANN. Now, gentlemen, you may go and study it.

Mr. HUMPHREY of Washington. I repeat that if the distinguished gentleman from Alabama [Mr. UNDERWOOD] had read the evidence on which that statement was made he would have been ashamed to file it here.

Mr. UNDERWOOD. I will say to the gentleman that, of course, I have not read the report——

Mr. HUMPHREY of Washington. Of course you have not. That is perfectly evident.

Mr. UNDERWOOD. But I will say to the gentleman that I have served in this House with the distinguished Secretary of Commerce. He is a man of the highest reputation, and I do not for one minute allow the proposition to go unassailed that the Secretary of Commerce would falsify a report in a letter that he communicated directly to the gentleman from Washington himself.

Mr. HUMPHREY of Washington. What evidence has the gentleman from Alabama upon which to stand, when he says that the statement made by the Secretary of Commerce is in compliance with evidence that he has not read?

Mr. UNDERWOOD. I have not said that.

Mr. HUMPHREY of Washington. I have said it was not, and I will convince even the gentleman from Alabama, if he will give me the opportunity. It is perfectly evident that the gentleman has not read it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I admit that I have not read the report. I am simply saying that I can not conceive that the Secretary of Commerce would write a letter directed to the gentleman from Washington himself, and misconstrue a report that he sent to the gentleman.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask that I may have one minute, and then I am going to quit.

The CHAIRMAN. The gentleman from Washington asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Now, in order that we may have no misunderstanding, either in this House or before the country, I make the direct statement to the gentleman from Alabama [Mr. UNDERWOOD] that evidence submitted by the special examiner, upon which that report is based, directly contradicts every material statement in that report, and I will demonstrate it.

Mr. FITZGERALD. Has the gentleman the report?

Mr. HUMPHREY of Washington. Yes; I have it.

Mr. FITZGERALD. Will the gentleman print the report in the RECORD to-day, so that we may read it?

Mr. HUMPHREY of Washington. I will print it in the RECORD at the proper time.

Mr. FITZGERALD. The gentleman wants us to read the report. Will he include it in the RECORD?

Mr. HUMPHREY of Washington. I will choose my own time to put it in the RECORD.

Mr. MANN. You can get a copy of it.

Mr. HUMPHREY of Washington. Gentlemen on that side can get a copy of it. I will read it to you and I will publish it.

Mr. FITZGERALD. I would like to have it put in the RECORD to-day, with the Secretary's letter and the gentleman's statement.

Mr. HUMPHREY of Washington. You are getting very anxious about it now.

Mr. FITZGERALD. The gentleman has the report?

Mr. HUMPHREY of Washington. You objected a few minutes ago——

Mr. FITZGERALD. I have not seen the report and the gentleman has.

Mr. HUMPHREY of Washington. You objected a few minutes ago to my having 10 minutes to reply.

Mr. FITZGERALD. I am giving the gentleman the time now.

Mr. HUMPHREY of Washington. You are getting very anxious about it now.

Mr. FITZGERALD. The gentleman has the Secretary's letter, which has been read, and has made a statement about it and the report on which it is based. Why does he not put the report in the RECORD with the letter and his statement, so that anybody who reads the RECORD may decide?

Mr. MANN. Everybody knows that nobody will read either one of them if they are printed in that fine type in the RECORD.

Mr. HUMPHREY of Washington. Go down to the Department of Commerce and get the report.

Mr. FITZGERALD. The gentleman has it. Why does he not print it. The gentleman from Washington is the only one here who has a copy of it. Why does not the gentleman print it now?

Mr. MADDEN. I submit that the Secretary of Commerce ought to have sent the report with his letter.

Mr. GORDON. He sent it to the gentleman from Washington.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may have the report published in the RECORD. I will try and get it to-day, and if I can I will send it down to the Government Printing Office before the RECORD for to-day is closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the report in question may be printed in the RECORD. Is there objection?

Mr. MANN. I shall not object to the unusual request to print in fine type in the RECORD what no man of common sense will read. I shall not object, because the gentleman from Alabama makes the request. If anybody else asked it, I would object.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that as this controversy has arisen between the Secretary of Commerce and the gentleman from Washington over what is in the report, I think it is fair to both gentlemen that the report be printed in the RECORD.

Mr. MANN. I have no objection to its being published in some form.

Mr. FITZGERALD. Why does not the gentleman from Washington print it?

Mr. HUMPHREY of Washington. I have it in my office, not here. The gentleman knows that we can not carry these documents around.

Mr. MANN. And the gentleman from Washington has his copy marked up. He does not care to send down his marked copy.

Mr. UNDERWOOD. Then I ask unanimous consent that I may have the report printed, and if I can not get it to-night that it may be printed when I get it.

The CHAIRMAN. The Chair has already put the request, and there was no objection. Leave is given to publish the report.

The report is as follows:

[Report of T. M. Robertson, special examiner, Bureau of Corporations, to the Commissioner of Corporations, dated Feb. 16, 1914.]

PRESENT AND PAST CONDITIONS IN THE SHINGLE INDUSTRY IN THE STATE OF WASHINGTON.

PRODUCTION.

The latest statistics for the production of lumber and shingles in the United States are for the year 1912. In that year the production of lumber was 39,158,414,000 feet, and there were produced 12,037,685,000 shingles. Of the lumber the State of Washington produced 4,099,775,000 feet, or 10⅓ per cent of the total. Of the shingles, 9,500,908,000 were made from cedar, and of the cedar shingles the State of Washington produced 7,996,251,000. Cedar shingles represented 78.9 per cent of the entire production of the country. The State of Washington produced 84.2 per cent of all the cedar shingles and 66.4 per cent of the total shingle production of the United States.

There were 395 mills that produced shingles in the State of Washington during the year 1912. Of this number 273 mills produced shingles exclusively, while 122 mills made both lumber and shingles. The production of the exclusive shingle mills was 5,288,022,000, while the production of the mills producing both lumber and shingles was 2,708,229,000.

GENERAL CONDITIONS UNDER WHICH SHINGLES ARE PRODUCED.

In the State of Washington shingles are produced in two distinct types of mills. First, mills that produce shingles exclusively, and which are known as "straight shingle mills"; secondly, mills that manufacture both lumber and shingles, and which are known as "combination mills." The combination mills may be divided into two classes: (1) Those that manufacture only cedar lumber and shingles, and (2) those that produce cedar shingles and also lumber from other woods than cedar.

The number of upright machines, or their equivalent, is used as the basis for measuring the capacity of a shingle mill. Nearly all the machines are of the upright type. It is generally agreed that the most efficient unit of production is an equipment of eight upright machines. Some shingle producers consider seven as the unit of maximum efficiency. A unit of seven or eight machines gives employment to the minimum number of hands, with a maximum output per employee. The operation of any unit consisting of less than seven or eight machines is generally conceded to result in excessive labor cost, whereas the operation of any unit above this size produces like results until the increased unit reaches a multiple of seven or eight.

A striking fact in the shingle industry in Washington is that the equipment of a very large proportion of the mills operating in the State consists of fewer than seven machines. Of the total number, not less than 270 mills are equipped with fewer than seven machines, and as many as 190 mills have not exceeding three machines. There are, therefore, approximately 125 mills with an equipment of seven machines or more. In other words, less than 25 per cent of the mills, according to the generally accepted standard, are equipped for the most economical production.

The machinery necessary for the production of shingles is simple and comparatively inexpensive. Consequently, it requires comparatively little capital to embark in the shingle-manufacturing business. There are no mechanical intricacies in the processes of manufacturing. The efficient sawing of shingles requires considerable skill, and more or less skill is required of the packers. A prominent shingle manufacturer stated at a conference with representatives of the Bureau of Corporations in Seattle on the evening of January 23, 1914, that he could take any man of ordinary intelligence and make of him a skilled shingle weaver within 30 days. (The term "weaver" is applied to shingle-mill employees generally.)

MARKET CONDITIONS.

The consumption of shingles is seasonal. During the winter months outdoor building operations in a large proportion of the country are practically at a standstill, and there is consequently a falling off in the demand for shingles. In past years the shingles produced in the State of Washington have not been ordinarily marketed direct from the mills to the retail dealer. They are loaded in cars as fast as they are produced and started in transit. At certain transfer points they are either diverted directly to retailers who have placed orders or else they are held in storage at such transfer points until orders are received. Under this circumstance, retail dealers, as a rule, do not carry large stocks of shingles, the stocks being carried by the manufacturer or wholesaler at convenient transfer points. At times there may be as many as two or three thousand carloads in transit. The quantity of shingles held in storage at the mills is comparatively small; in fact, many mills never hold them at all. There are three principal reasons for not storing shingles at the mills: First, the amount of money tied up in several cars of shingles is greater than many manufacturers can conveniently command; secondly, in order to reduce the total freight charge to destination, the shingles must be very dry. When put in storage in the damp climate of the Pacific coast the dry shingles, particularly in the winter season, absorb a great deal of moisture, and the advantage of dry weights largely disappears; thirdly, very few mills are provided with storage capacity sufficient for any large quantities.

CONDITIONS REFERRED TO BY REPRESENTATIVE WILLIAM E. HUMPHREY.

From the letter of Representative WILLIAM E. HUMPHREY, addressed to the Secretary of Commerce, under date of December 15, 1913, it may be reasonably inferred that the lumber and shingle manufacturers of his State had voluntarily supplied him with information in regard to conditions in their business. It is also a reasonable inference that they had complained, and that their complaint was based upon conditions resulting from a removal of the duty from shingles. A careful inquiry into the matter failed to find such to be the case.

Under date of November 19, 1913, F. A. Traill, manager of the Red Cedar Shingle Manufacturers' Association, addressed a communication "To the shingle manufacturers." This communication or circular was sent out from the headquarters of the shingle manufacturers' association at 4192 Arcade Building, Seattle, Wash. It was as follows:

"Congressman HUMPHREY is anxious to ascertain the number of lumber and shingle mills closed at the present time, to use same in discussing the present tariff, or, rather, lack of it. Will you please advise on inclosed card whether you are operating or not; the number of machines in mill and the number of men usually employed, including the woods crew, if you have one; the value of your plant, if you care to give it; and your approximate monthly output. If not now closed, do you expect to do so, and when? Congressman HUMPHREY will be able to use this information with considerable effect, and it may help us to get some modification of the tariff during the next 12 months.

"Shingle conditions could not be much worse. Orders are scarce and prices seem to be steadily dropping. Some sales on clears are reported at $1.65, with the market generally about $1.70; stars, $1.40.

"Practically everybody concedes the necessity of closing, but in the large centers no one seems willing to take the initiative.

"Please fill out the card and return at once, so we can give Congressman HUMPHREY the information desired."

It will be noted that "Congressman HUMPHREY is anxious to ascertain the number of lumber and shingle mills closed at the present time, to use same in discussing the present tariff, or, rather, lack of it." The author of this letter was interrogated as to what prompted him to make this request of the shingle manufacturers; that is, whether he sent it on his own initiative, whether it had been suggested by complaints that had come to his office from shingle producers in the State, or whether it was suggested by Mr. HUMPHREY. He stated that the inquiry for this information came to him through one of the most prominent shingle manufacturers in the State, who had received a telegram from Mr. HUMPHREY requesting such information, and that he sent out this circular with inclosed postal cards containing certain questions and blanks for the desired information. The manufacturer who brought this matter to the attention of Mr. Traill was seen, and asked whether he had interested himself in this matter on his own initiative, or whether the suggestion had come to him from Mr. HUMPHREY. He stated that he understood Mr. HUMPHREY had made some inquiry among shingle producers as to the effect of the removal of the duty on shingles, and that he (HUMPHREY) had telegraphed him, requesting that a list of mills that had closed down might be furnished. It was under these circumstances that the circular letter above reproduced was sent out to manufacturers.

It thus appears that the idea of attributing the depressed condition of the shingle business to the removal of the duty did not originate with the shingle producers. Inquiry was made among manufacturers by representatives of the Bureau of Corporations, as to whether or not the effect of the removal of the duty from shingles had been discussed among themselves. Most of them said it had not; a few said that it had not been discussed generally, but that they had heard the matter mentioned. As a matter of fact, not half of the mills responded to the request for information in regard to closing down. Not nearly all of the mills reported closed responded. The manager of the Red Cedar Shingle Manufacturers' Association stated that he secured information regarding many mills through other sources than the mills themselves. In other words, the shingle manufacturers were not enough interested in the tariff to answer the few questions on the postal card submitted to them, and some of those answering expressed disapproval of Mr. HUMPHREY's attitude. For instance, one of them wrote as follows:

"Closed most of the time for the past four years. Tell HUMPHREY to 'hump' himself on the currency bill and forget the tariff for a minute."

A very prominent and one of the best-informed men in the lumber and shingle business in the State of Washington, wrote upon the postal card returned by him:

"Do not think tariff has anything to do with shingle business. It is the manufacturers' fault, and they deserve what they are getting for not standing by an association."

Another stated that he did not expect to close, and suggested that Mr. HUMPHREY be told that he should devote his time to getting the currency bill through, as it would do more good than "baying at the tariff."

Still another, writing under date of November 26, 1913, among other things, said:

"Now, as our confidence in Congressman HUMPHREY, as a tariff regulator in the interest of the mills, is very limited, we are sending no information with this letter, but are sending our opinion and a few suggestions in regard to these matters.

"We say to h—l with the tariff. Let it regulate itself. If you want to help the shingle market, work along lines that will help the shingle market. One of these is to devise some plan of closing the

mills in the large centers. It is very discouraging to the small millman to close down, as they have time after time, and see the big mills pounding along at full capacity. Get the large mills closed and there will be no trouble with the small ones. * * * This tariff game has been played long enough as a mask to fool us poor simps. If we are going to fight at all to prolong our short life in the shingle business, let us make our fight for something worth while.

"It is a fact that drying shingles, as we have to dry them, is very hurtful, and we do not much blame our eastern customers for using patent roofings. Why is it that we have to ruin our excellent products to get them to the eastern customer at a price which he can afford to pay? The railroads are making enormous profits from our products at present, and we are ruining our product, losing our trade to patent roofing, and at the same time paying these enormous dividends without a single kick. We think that our product would need no advertising in a few years if it were possible to sell it to our eastern customers in its natural state at a price that would not make them faint."

One of the largest shingle manufacturers in the State, and a close personal and political friend of Mr. HUMPHREY, stated that he did not agree with Mr. HUMPHREY in his "raising this political row over the tariff," and that about two weeks before he had written him to that effect.

Under date of November 21, 1913, a manufacturer replied to Mr. Traill's circular of November 19 as follows:

"We return herewith your card for statistics, but we have not filled it out, as we do not see any advantage in starting out Congressman HUMPHREY with any more misleading statistics. He has enough of that kind of dope in his files now. Our mill is closed, but we do not regard our shut-down as caused by the change in the tariff. We can make shingles in our mill as cheap as any mill we know in British Columbia, if the timber speculators will only get off our backs. The ridiculous prices that our laws here have encouraged for stumpage in this country is what is holding back our industry, and it is time for Congressman HUMPHREY to stop barking up the wrong tree and get after the 'nigger in the woodpile.'

"To my mind, the thing to work for now is free logs. The British Columbia men are starting to try and take full advantage of our tariff act by stopping log exportation altogether, and if they succeed they will then have us properly 'up a tree.' They have to keep timber cheap at home to beat us, and if we let them do it a tariff of $1 per M won't help us. Let Congressman HUMPHREY work for a law that will prohibit the importation into the United States of any wood product from a country that puts an export duty on timber. Then our mills will be able to run and our consumers can also get cheap lumber; no one will be hurt but the timber speculator both here and in British Columbia, and it is time for us to put him out of business."

The above letter appears to be a fair and frank statement of conditions. It strongly supports the conclusion that an unusual effort was made (whether at Mr. HUMPHREY'S instance or not is of no great importance) to magnify the fact that a number of shingle mills were closed and to leave an entirely erroneous impression as to the cause therefor.

THE CLOSE-DOWN CAMPAIGN AMONG SHINGLE MANUFACTURERS IN THE FALL OF 1913.

As will be shown hereafter, it is usual for the shingle mills to close down for longer or shorter periods practically every year. These close-downs are generally brought about by the systematic efforts of some official of the shingle manufacturers' association. Whenever prices begin to show weakness, mills are urged to restrict the output, either for the purpose of maintaining existing prices or for the purpose of advancing prices.

As early as September, 1913, the manager of the Red Cedar Shingle Manufacturers' Association began a campaign to bring about the closing down of the mills. This campaign was conducted in much the same manner as former ones had been, and the same argument was used with the mills as in former years, namely, that a restriction of output would result in better prices. On September 12, 1913, Mr. F. A. Traill wrote as follows to B. W. Bodine, Edgecomb, Wash.:

"Unless some decided curtailment takes place in the manufacture of shingles, we are going to see lower prices, but the reports we are getting in from the mills would indicate that we may get quite a material curtailment, which would unquestionably bring prices back to a more normal basis, although we can not hope for anything very good for the balance of this year."

Under date of September 18, 1913, Mr. Traill wrote the Carlson Shingle Co. as follows:

"We have your favor of the 10th instant, and note that you are in favor of a close-down. We are sorry that we can not get enough of the same opinion. We are, however, mighty glad to know that you are going to close down whether the others do it or not. If more of the mills would look at the situation in this light, the whole industry would be better off."

Under date of September 26 the following letter was addressed to C. B. Weatherwax, of the Drayton Bay Shingle Co., at Blaine, Wash.:

"Quite a number of the mills have closed, and we are sending out a circular to the mills to-day giving a review of the situation. With the closing of the lake navigation we will probably see lower prices, as that will turn all of the shingle into the rail territory. The Western Transit Co.'s rates are withdrawn the 30th of this month. The Grand Trunk have already withdrawn theirs. The Mutual Transit and Anchor Line will probably withdraw theirs very shortly, so that the prospects are decidedly poor. However, a good many mills have closed now that there seems to be little hope of any betterment in prices. The Anacortes mills are all closed at the present time."

On October 6 Mr. Traill wrote the Bear Creek Mill Co., at Snohomish, Wash., to the effect that the mills in Snohomish County had not been very eager to close down, but that there was a large number of mills closed in the balance of the State, probably one-third of them.

Apparently to encourage closing down and holding for better prices, Mr. Traill wrote Sturdevant & Pellerin, at Port Angeles, Wash., under date of October 8, 1913, as follows:

"The Canadian mills are holding their shingles at a higher price than our shingles, and as soon as the trade in the East finds out that they can not get any cheap stock from Canada they will probably begin to buy more freely."

The circular mentioned in Mr. Traill's letter of September 26, above quoted, among other things, contained the following:

"We are glad to advise that about 100 mills have already shut down and that more will close by the 1st of October. We understand the large Whatcom Falls Mill Co.'s plant expects to close in a few days, indefinitely. The Anacortes mills are all closed at present. There is no immediate prospect of any improvement in prices and will not be until the production is materially lessened. Will you kindly advise on inclosed postal card whether you are running or not and when you contemplate closing your plant for the winter, if at all?"

The circular continued by quoting prices at Indianapolis and Detroit, and stated that wholesalers were accepting business on the basis of $1.85 per thousand, in the belief that they would be able to cover these sales at $1.75 or less. It stated that the mills had only themselves to thank for present conditions and for the worse conditions that were almost sure to come. He pointed to the fact that the lake season was closing, that the transit companies connecting with water lines were refusing shipment, and that soon everything would be turned over to the weak all-rail market. The circular urged closing down the mills in order to help an industry which was needing help just then. It also called attention to the fact that reprints of articles from the Lumber World Review, dealing with the Birmingham matter, were being sent under separate cover.

The following is an extract from a circular dated September 6, 1913:

"If you are interested in the market and consider a close-down advisable, we will be glad to act as a clearing house for your views, and will advise just what reports are received from the mills generally. See your neighbors and talk the matter over. It looks as if this was the only solution, otherwise it is hard to say just where the market will go, probably to the place where you will close down, anyhow. It is just a question of whether it is better to close now and avoid lower prices or to wait until the lower prices force you to close. There is little question as to which is the sensible thing to do. Drop us a line with your view. That is to be done must be done quickly."

Writing to F. C. Wilcox, of the Wilcox Shingle Co., and who was also president of the Red Cedar Shingle Manufacturers' Association, under date of September 10, 1913, Mr. Traill said:

"Blair is out with a circular which you will undoubtedly get in this mail, trying to get the mills to close down. I am following it up with a circular of our own, and it would be just as well if the movement is really handled by some one outside, as it will not be so likely to incriminate the association in case of an investigation. Unless some step is taken to take a firm grip of the market there is no telling where it will stop."

A circular dated September 16, 1913, expresses some feeling of discouragement at the result of his efforts, and in this circular Mr. Traill stated that he was sorry that the effort to close the mills had not met with success. He stated that about 150 had signified their willingness to close, "but the Everett mills would close only if Clough-Hartley would close. Clough-Hartley would close only if other combination mills, particularly Seattle Cedar and Whatcom Falls, closed. Ballard would close only if Everett closed, and as it is apparently impossible to bring this about, the whole movement falls through."

Three days later Mr. Traill seemed to be more encouraged, and in a circular stated that half the mills in the State were closed, and 50 per cent of the balance, he understood, would be closed indefinitely before another week. This agitation for the closing of the mills was kept up through October and into November. In the meantime, the circular of November 19 had gone out. It was an appeal to arouse some interest among the shingle manufacturers on the tariff question. How it was received has already been shown. All these efforts, with the added weight of possible relief through Mr. HUMPHREY'S readiness to urge these bad conditions as a reason for some modification of the tariff, brought about a closing down of only about 55 per cent of the productive capacity of the mills. On December 2 Mr. Traill sent out the following circular:

"Inclosed you will find a list of the manufacturers of shingles we have a record of as being closed. If you are closed and your name is not on this list, will you please advise us?

"The list shows about 200 mills idle, with about 150 either running or not heard from. Undoubtedly a number of those not heard from are idle, and the probabilities are that only about 100 mills are operating. The bulk of these are on tidewater.

"Figuring one 10-block as 5 uprights, and 1 double-block as 3, and single-block as 2, the 200 mills closed represent the equivalent of about 700 upright machines.

"The mills running or not heard from represent about 600 machines. Of these 600 machines about 370 are tidewater mills, which are running (300 machines in straight shingle mills, 70 in combination mills). Only 58 machines in straight shingle mills and 58 in combination mills on tidewater are closed. Out of about 300 machines, or their equivalent in combination mills, 200 are closed, 100 running or not heard from. About half the capacity of the straight shingle mills are running. About one-third of the capacity of the combination mills are running. Over 75 per cent of the tidewater capacity is operating. Only about 30 per cent of the interior mills are running. A large percentage of the interior mills running will soon be down for several months on account of weather conditions."

A very significant fact brought out in the above circular is that only 116 machines in the tidewater mills were closed. The facts indicate that the mills in the interior that are usually compelled to close about this season of the year were down, whereas the mills at tidewater, which can run all the year, did not find conditions so desperate as to warrant them in closing their mills. Or, to put it another way, the mills that had to close, no matter how the market might be, were closed; and most of those that were situated so that they could secure supplies and run, were running. That this was not an unusual condition, and that the proportion of mills closed was not unusually large, will be shown hereafter.

As already stated, the reason urged for closing the mills was to insure better prices. It is interesting in this connection to note the reasons given for the bad price condition in the circulars sent out by the manager of the shingle association. As early as June, 1913, a circular was sent to the shingle manufacturers, in which was contained the following:

"The roofing people are making another drive at shingles in Birmingham, Ala. About a year ago, after a severe fight in which the cypress people spent over $1,000, an ordinance which would have prohibited the use of shingles anywhere in the city was defeated. The red-cedar industry at that time did not help in the campaign at all.

"A similar ordinance has been introduced again and has the support of the insurance people, the fire marshal, and a portion of the council, and if strong steps are not taken it may be put through. Mr. Rhodes, of the National Association, is on the ground helping in the fight against the ordinance. The cypress people did their part last time. It is up to the cedar manufacturers to help this time. If this ordinance goes through, it will only be the beginning of many others in other towns. If we win out in Birmingham, the moral effect will be tremendous. An extensive newspaper campaign is being organized in order to bring local support to help defeat the ordinance. This all costs money."

The above circular points to a condition that has greatly concerned shingle manufacturers for a number of years. The increasing use of roofing material other than shingles has been considered, and is to-day considered one of the most serious aspects of the shingle industry. The manufacturers have been urged to contribute to advertising funds, and their attention has been constantly directed to the inroads that other roofing materials are making in the business of the shingle producers. Under date of October 9, 1913, Mr. Traill sent to the shingle manufacturers of Washington a circular of considerable length, in which is given a general view of the substitute roofing problem. In that circular he quotes extracts from letters received from salesmen. The circular follows:

"If you have read carefully 'Facts about shingle roofs,' you will realize a little of what we are having to face as an industry. Milwaukee has joined the ranks of the cities prohibiting the use of shingles in the city limits; Grand Rapids has an ordinance of the same nature introduced; a number of cities in the South and in Texas have passed such ordinances; and the competitive roofing people, assisted by the fire underwriters and fire marshals, are pushing the matter. We should have expert chemists working on the proposition of fireproofing shingles. The State university is willing to undertake the investigation, and advise they are sure they can easily find some satisfactory method of making shingles practically fireproof, but it takes money. We want not less than one-half cent per thousand from every manufacturer of shingles to push the advertising campaign. Why should you wait to be individually asked for this? Why not realize not only the necessity for your doing so, but the tremendous advantage you will gain by it? It is not a philanthropic movement; it is a purely selfish one, as, if something is not done, and done quickly, we may as well figure on the shingle market gradually dropping out of sight.

"One of our salesmen writes: 'Things are working against shingle roofs in this territory. Some of the largest cities have passed ordinances not permitting shingle roofs within the city limits. This is the rule in Milwaukee and other cities. The roofing men have worked harder to put their stuff on the market than any shingle companies ever did, and they have a big portion of the business away from the shingle manufacturers.' There is no question in my mind but what the capacity for making red cedar shingles is altogether too great under present conditions, and we believe it means disaster to the manufacturers of red cedar shingles if they continue to manufacture as much in the future as they have in the past, because, on account of the large amount of prepared roofings and metal roofings of the different kinds, and also due to the fact that parties interested in these other kinds of roofing have convinced the public to a certain extent that a shingle roof is not safe, you will find a big falling off in your demand for shingles. They are making in this locality cement shingles. They are also making shingles out of felt saturated with asphalt, and making them different colors, so they appeal to the man who is building a cottage or a house. They have all kinds of schemes to appeal to the buyer of shingles. Then, there is a lot of metal roofing used, more now than there has been; so there is no doubt but what you will find the demand for wooden shingles less. Now, you have requested me to give you what information I could in regard to this, and I would not make the above statement had I not given the matter a great deal of thought. We used to sell 75,000,000 white cedar shingles a year in addition to the large amount of red cedar shingles we handled. Now we could not possibly dispose of this amount; but if it were not for the prepared roofings used in the retail yards in Wisconsin we could have increased our trade on shingles.

"Another salesman writes as follows: 'The low prices do not come entirely from the fact that no stock is being used, but partly from the fact that there is being so much other stock besides wooden shingles sold for roofing. I know some dealers who, nearly half of what business they have done this year in shingles, have handled other stock than wooden shingles.'

"These extracts are typical of others and give good reasons why our market is in the shape it is."

Again, under date of October 23, Mr. Traill issued a circular in which he called attention to the startling reduction in the production of shingles between 1909 and 1911. He pointed out that, in spite of the growth in population and increase in building, the production of shingles had been reduced 18½ per cent. He stated that it could only be attributed to the tremendous advertising campaign of the substitute-roofing people and to the fact that the shingle manufacturers had done nothing to counteract it. Under date of November 15, 1913, he said:

"Evidence accumulates daily as to the tremendous inroads made by substitute roofings in our product. One of our best salesmen writes us as follows: 'There is one thing that is likely to seriously affect demand; there is an increasing tendency to use substitutes for wooden shingles—asbestos, asphalt, and numerous other kinds of shingles. Some of our customers, formerly large buyers, have entirely cut out wooden shingles.'"

It will be noted that up to this time the troubles of the shingle man were attributed largely to competition from other roofing materials, and that the tariff was not mentioned as being a factor. Under date of October 11, 1913, in a letter addressed to F. C. Wilcox, of Aberdeen, Wash., Mr. Traill said:

"The British Columbia mills are not going to create very much disturbance in our market right away. They had a meeting a few days ago, and Hastings reported that he was getting business from the States on the basis of $2.25, Joseph Chew on the basis of $2.20, and Albert Cotton on the basis of $2.15. Parties who have been up in B. C. investigating the situation advise that it seems as though it was going to be impossible to buy any B. C. shares at less than $2 mill basis. They are expecting to get more for their stock than for our ordinary Washington grades, and Davidson, Chew, and those who are better known will undoubtedly get it. Just whether they will be able to get a great deal of business at better than 25 cents over our market is a question, and we do not believe that they will sell a great deal of stock at $2.20 or $2.25, with quotations out on Washington shingles at $1.85 and less. There is no question, however, but that when our market strengthens to the point that British Columbia shingles can be had at about 10 cents over our Washington stock that we will begin to feel the competition very keenly, and it will probably result in holding our market down unless there is a strong demand to a basis of about $1.90 or possibly $2. If there should come up a reasonably good demand, it might be possible to do better than this, but without a strong demand it does not look possible that we will be able to do better than above indications."

While the tariff is not mentioned in the above letter, it may be that Mr. Traill had it in mind when he said, "When our market strengthens to the point that B. C. shingles can be had at about 10 cents over our Washington stock, that we will begin to feel the competition very keenly." The above letter is a practical admission that the British Columbia manufacturer is able to get a better price than the Washington manufacturer, and that if the British Columbia price is maintained at about a difference of 25 cents per thousand over American shingles, the Washington manufacturers would not have much to fear. After the distribution of the Humphrey circular and the furnishing of the list of mills to Mr. HUMPHREY, the manager of the association continued to impress upon the minds of shingle manufacturers the importance of restricting the output. Under date of December 16 he called attention to the fact that the closing of so many mills had materially stiffened the market, and stated that, with further curtailment due for the holidays, he looked for some advance, and that if the curtailment should continue for at least 30 days they might expect better things for a while. Under the same date he said:

"The opening of the canal may bring us a decided improvement. It will open the way for a large percentage of our tidewater output to be shipped green or partially air dried by the canal. The greatest general objection to our shingles in the East is on account of excessive drying, and if this will be the means of overcoming this it will be a good thing and may bring about the shipment of green or partially dried stock by rail. This matter is being discussed with the railroads and a special green-shingle rate may be evolved. There are many difficulties in the way, but they can probably be overcome. This would avoid the many complaints that arise from washboard and split shingles as well as the song, 'The life is dried out.'"

It is important to note that Mr. Traill above suggests that the greatest objection to American shingles is their excessive dryness, and that he hopes when the canal is opened the shingles can be shipped green, and thereby remove this objection. It is a notorious fact that many of the complaints against American shingles are because, as Mr. Traill says, "the life is dried out." Further along in the circular he urges the mills to close as soon as possible for the holidays, and to stay down as long as possible. He also says that there is practically nothing running but the tidewater mills. It should not be forgotten in this connection, however, that the tidewater mills embrace a very large proportion of the producing capacity of the State. Again, on December 30, Mr. Traill makes an appeal to the shingle manufacturers to contribute to an advertising fund to meet the competition of substitute roofing. He calls attention to the fact that the General Roofing Co., which he calls "one of our principal competitors," spends about 5 per cent for advertising, and that the customary appropriation of business concerns for advertising purposes ranges from 2 to 5 per cent. He calls attention to the successful advertising campaign of the cypress manufacturers, and also to the fact that there are probably 20 roofing concerns, each of which is spending more than all the shingle industry of Washington combined, and that a number of these competitive roofing concerns are spending over $100,000 per year. Under date of January 14, 1914, a circular sent out by Mr. Traill contained the following:

"There never has been a time in the history of the shingle industry when there was as great a necessity for the manufacturers to get together to discuss their needs as now. The inroads made upon our market by the substitute roofings, together with the removal of the duty on shingles, permitting British Columbia shingles to come in free, have raised problems we all will have to face and which should be discussed fully and frankly."

It will be noted that in the above communication Mr. Traill refers to the removal of the duty on shingles and alludes to it as one of the problems that the American shingle manufacturer will have to face. This is the first and only direct reference made to the tariff in any of Mr. Traill's circulars, except the one that was sent out at the instance of Mr. HUMPHREY. It is clear from the foregoing that the shingle manufacturers themselves regarded the competition of substitute roofings as the principal cause for the depressed condition in their industry, and that they did not regard the tariff as being "largely responsible" for the falling off of the demand for shingles and consequent depression in the price.

CONDITIONS IN 1912.

While Mr. HUMPHREY, in his letter addressed to the Secretary under date of December 15, 1913, did not refer to conditions in the shingle industry in 1912, yet in his speech delivered in the House of Representatives on December 16 he said:

"A little more than a year ago, when I was making my campaign for reelection, I found that the lumber and shingle industry of my State was in the most prosperous condition it had ever been. There were more men employed in those mills than ever before. They were receiving higher wages than ever before. There was a greater demand for labor than ever before. There was more capital invested in that industry than ever before. The output was greater than ever before. I told the men who were working in those mills, night after night, that if the Democratic Party went into power and carried out the promises of its platform they would be thrown out of employment or have their wages reduced." (CONGRESSIONAL RECORD, Dec. 16, 1913, pp. 989, 990.)

This allusion to conditions in 1912 makes it necessary to submit some facts pertinent to the situation at that time. It will be shown that there were not "more men employed in those mills than ever before," and that the output was not "greater than ever before." In fact, it will be shown that practically every statement made in the above quotation is incorrect.

During the latter half of 1911 the shingle market was in a very depressed condition. The year 1912 opened with extra stars selling at about $1.35 a thousand and extra clears at $1.70 at the mill. By the end of March the market was showing great firmness, and before the end of May stars were selling at about $1.55 and extra clears at $1.87. There was a continuous and rather rapid advance, and by September stars sold as high as $2.15 a thousand and clears as high as $2.50. Before the end of October there was a heavy decline, and stars sold as low as $1.75 and clears as low as $2, and by November 15 prices were as low as $1.50 for stars and $1.90 for clears. This rapid decline in the price excited the interest of the manager and trustees of the Red Cedar Shingle Manufacturers' Association, and there was begun a campaign to induce the mills to close. Under date of September 24, 1912, the manager addressed a circular "To the shingle manufacturers," and inclosed a postal card, upon which he requested that the mills would express their willingness to close for two weeks beginning on Monday, September 30. He urged that since prices had been good the mills could better afford to close than they could in previous years. Under date of September 27 the manager of the association reported an excellent response to the request to close down the mills, and stated that 90 per cent of the reports received to that time had been favorable. He enumerates a number of instances in which the mills were closed and other instances where

promises of closing had been made. Under date of September 30 he reported that "we have nearly, if not quite, 75 per cent of the mills of the State from the standpoint of numbers, and more than that in output, as practically all of the large mills of the State are down." He stated that he was glad to advise that the close-down was progressing better than had been expected. On October 3 he reported that additional mills were closing every day. Reports of the above character continued to be made until October 25. The manager advised the mills that owing to the lack of sufficient support from the combination mills (a combination mill is one that produces both lumber and shingles) a number of the straight shingle mills (that is, mills making shingles only) had already resumed, and others would resume on Monday, the 28th. Under the same date, however, the manager urged the members of the association to remain closed if they could. On November 14 the manufacturers were advised that the shingle situation looked decidedly better, and that they were beginning to feel the effects of the curtailment. Regret was expressed that the close-down did not last until after election. It was also urged at this time that the manufacturers indicate on a postal card whether they were running or not and, if running, what curtailment they expected to make during the winter.

The above information was corroborated by individual statements made by a great many shingle manufacturers. The large mills at Ballard, Everett, Bellingham, and other points, and small mills in every section of the State were closed during a large part of the month of October, 1912. Mr. HUMPHREY'S statement to the effect that more men were employed and that the output was greater at the time he was making his campaign than ever before was absolutely incorrect. It is true that at the very time Mr. HUMPHREY was making his campaign many of the mills were closed, and that the mills in the very towns where he made some of his speeches were closed at the time the speeches were made. A prominent citizen of Washington, and one interested in the manufacture of shingles, stated that Mr. HUMPHREY made what might be considered his great tariff speech at Lynden, and that it was received with such coolness, if not distavor, that from that time forward he was forced to abandon a discussion of the tariff and devote his time to generalities.

The statement that more shingles were being produced in 1912 than at any other time is not borne out by the facts. As a matter of fact, the production of shingles in the United States has declined slowly since 1909, and there was a smaller production in 1912 than there was in 1908. The production of cedar shingles, which is practically confined to the State of Washington, was about 600,000,000 less in 1912 than in 1910, and more than 130,000,000 less than in 1911.

It is not true that in October, 1912, the time when Mr. HUMPHREY was active in his campaign, more men were employed in the lumber and shingle industry than ever before. A large proportion of the shingle mills were closed at that time, and necessarily many men must have been idle. Neither is it true that the men were receiving higher wages than ever before. The rates of wages in the shingle industry have remained practically unchanged since 1908. The employees of shingle mills have a strong organization, and most of the mills employ union labor. Those that do not employ union labor, with the exception of one group of mills, pay not less than the minimum union scale. The wages paid in the shingle mills in 1912 were no higher than the wages that have been paid since. Nearly all the mills were paying the union scale at that time, and they are doing it to-day. There has been no cut in the pay of men employed in this industry, and employers assert positively that there will not be. In fact, they say on account of the strength of the union there can not be.

CLOSING OF THE SHINGLE MILLS IN 1911 AND PREVIOUS YEARS.

It has already been stated that the closing down of the shingle mills in 1913 was not an unusual condition. It has been shown that in 1912, during a portion of which year the prices of shingles were abnormally high, the mills also closed. As a matter of fact, closing down of shingle mills in the State of Washington at some time in each year is a normal condition. During the winter season a large proportion of shingle mills, particularly those in the interior, are forced to close because of weather conditions. Everyone familiar with the shingle industry knows these facts, and no doubt they were known to Mr. HUMPHREY. Various shingle manufacturers stated to representatives of the Bureau of Corporations that most of the mills under normal conditions would not run more than 10 months during any year. Mr. Charles E. Patton, president of the Atlas Lumber & Shingle Co., at Seattle, Wash., stated under oath before the Interstate Commerce Commission in February 1913, that—

"There has never been a year in 15 years when the shingle mills in this State have run steadily. We can produce in this State, or could 6 or 8 years ago * * * in 6 months all the shingles that are consumed in the United States—cedar shingles—in a year."

Later on in his testimony Mr. Patton, in answer to a question propounded by his attorney, reiterated the above fact in the following language:

"There has never been a year in 12 or 15 years that we have not had mills close down among the shingle manufacturers on account of sudden decline—close the mills until the price had gotten to within the cost of manufacture."

In answer to the following question by his counsel, "So there is no such thing as 12 months' operation, is there, or steady operation of shingle mills," he replied: "There has never been of the straight shingle mills; never can be." As to the small mills, Mr. Patton said:

"Smaller mills, never has been, never can be. There are lone mills which are running the entire year, because they will sell regardless of price and keep going, but the majority in it—the large majority of the mills—are forced to close some time of the year on account of low prices."

Henry S. Stine, of Seattle, wholesale lumber and shingle dealer, and who is also interested in the production of lumber and shingles, in his testimony given before the Interstate Commerce Commission in March, 1913, corroborated the testimony of Mr. Patton. When asked by his attorney whether or not the closing down of shingle mills was a regular feature of the industry, Mr. Stine said:

"With some mills it is, but we don't have spasmodic close-downs. The mills, as a rule, close down for a week or two by the 4th of July and the holidays."

When asked as to conditions in the winter he said, "They close down by the 1st of December until, possibly, February." Being questioned further as to whether or not there are regular close-downs every year, he said, "Yes; in which possibly 50 or 60 per cent participate. The tidewater mills, as a rule, run the year round."

The above testimony by these two representative shingle men can be corroborated by the statements of every shingle producer in the State of Washington. Perhaps 50 manufacturers were questioned along this line, and there was no variation in their statements to the effect that not only do a large proportion of the mills close every year, but that it is a physical impossibility for many of them to operate continuously for 12 months.

The above testimony, to the effect that annual closing down is the rule, and that in the very nature of the case it must be so, is borne out by the history of the shingle industry as given in the records of the various shingle manufacturers' associations and in the lumber trade journals. In 1899 from 75 to 85 per cent of the mills were closed during the first 10 days of July; beginning November 11 there was a close-down involving 95 per cent of the mills and lasting about three months. During the first half of April, 1900, about 200 mills, representing approximately 75 per cent of the total number in the State, were closed; beginning May 16, over 90 per cent were reported closed for a period of 20 days; and in November a close-down began, involving 132 mills, which were closed about two months. A close-down in August, 1901, involved more than 175 mills; in the latter part of November the mills again began to close; during the first half of December 50 per cent were reported closed. Early in January, 1902, 80 per cent were reported down, and by February 1, 95 per cent were closed; there was a two weeks' close-down beginning May 17, involving 171 mills; at the Fourth of July period 100 mills were reported closed for 10 days; on December 24 more than 60 per cent of the mills closed down for 10 days.

The year 1902 was an unusually prosperous one both in the lumber and shingle business. Dullness in the shingle market led to a close-down beginning July 3, 1903, which involved about 75 per cent of the mills and lasted from 10 to 30 days; again, the 1st of November, the mills began to close and remained closed until the middle of January, 1904; during November, from 20 to 25 per cent were down, and after the 1st of December from 50 to 65 per cent were idle. Beginning March 12, 1904, more than 260 mills were closed for about 20 days; there is in the possession of the Bureau of Corporations a list of 259 mills that were closed at this time; this list, however, does not contain the names of all the mills closed at that time. On April 23 another close-down began which lasted two weeks and involved about 20 per cent of the mills; there was curtailment of production during the month of July. An extensive close-down began the 1st of December, 1905, and continued for 60 days; on December 28, 259 were closed. It is interesting to note that at this time each signer of the close-down agreement deposited with the president of the Shingle Mills Bureau a certified check of $50 for each upright machine, which check was to be forfeited in case the agreement was broken. The Shingle Mills Bureau reported that 92 per cent of the producing capacity of the State was closed. May 16, 1906, a close-down began which lasted 15 days, during which 365 mills were reported closed; it is interesting to note in this connection that the Shingle Mills Bureau, in June, 1906, adopted an annual close-down agreement, effective for two years, whereby the mills were to be closed from December 16 to March 1. Pursuant to this curtailment program, a close-down began December 15 and lasted 60 days, during the first 30 days of which period 75 per cent of the mills were reported closed. June 1, 1907, a close-down began which lasted about six weeks, during which from 60 to 80 per cent of the mills were closed; the 1st of November, weak market conditions led to a close-down which lasted almost four months and included at different periods from 50 to 95 per cent of the mills. About June 15, 1908, approximately 85 per cent of the mills were reported closed for more than a month; and in the latter part of November another close-down began which lasted four months, and according to reports at different times from 40 to 98 per cent of the mills were closed. In July, 1909, there was a close-down which lasted about two weeks; the latter part of November a close-down began which lasted more than three months, during which from 70 to 75 per cent of the mills were reported closed. A close-down began April 21, 1910, and lasted for 30 days, during which 300 mills were shut down; at this time about 9,000 men were reported out of employment; early in September a large number of mills were closed and remained idle for about six weeks, and during the Christmas holidays 80 per cent of the mills were closed for one week. In 1911 the manufacturers entered into a signed agreement to close their mills one day per week; this curtailment extended from June 3 to September 2; in addition to this, a complete shut-down, involving 90 per cent of the mills, began August 12 and continued for two weeks; during the latter part of November the mills began to close down; this lasted about three months and involved at different times from 50 to 80 per cent of the mills.

From 1899 to 1912, inclusive, there were at least 34 occasions when a considerable number, and often a very large number, of the shingle mills in Washington were closed. The main reason assigned for most of these close-downs was unsatisfactory prices. It is a fact, however, that many of them would have been forced to close on account of weather conditions, no matter what the price situation might have been.

The attempt to leave the impression that the close-down of the mills in the latter part of 1913 was an exceptional occurrence is evidence of a purpose to mislead. It is a notorious fact that when the rate of duty on shingles was 30 cents a thousand, from 1897 down to 1909, the mills were frequently closed; that after the increase of duty from 30 cents to 50 cents per thousand conditions among the mills, so far as closing down was concerned, did not change, and that when the duty was entirely removed, in 1913, the mills closed in the fall, just as they had done in every year for the past 10 or 12 years, and just as prominent shingle men declared under oath had been the condition through the history of the industry and which would continue to be the condition.

CAUSES LEADING TO CLOSE-DOWN IN DECEMBER, 1913.

As already shown, a large proportion of the shingle mills close every year, particularly during the midwinter months. It has also been shown that the list of mills submitted by Mr. HUMPHREY in his letter to the Secretary of Commerce was not an unusually long one. In fact, that list does not represent the closing of as many mills as has been the case in a number of other years.

It was not practicable to investigate the causes for closing down all of these mills. Inquiry was made in regard to 87 of the 194 mills included in the list. This represents approximately 45 per cent of the total number. The reasons assigned for the closing of these 87 mills are as follows:

Usually close at this season of the year	29
Owned by bankrupt concerns or concerns which were in financial distress and which have been for some time past	7
Cut all their timber and had quit operations for that reason	15
Closed by high price of logs and low price of bevel siding	3

(Of these three it is believed that the real reason for two of these mills closing was on account of financial difficulties caused by poor management.)

Mills which owned their own timber, which they preferred holding for higher prices 10
Were burned 10

(Of these 10, 3 are being rebuilt, or will be in the near future.)

Were closed for repairs 8

(The majority of these are now running again, and one or two of the plants will resume operations before the 1st of March. One of these is not only undergoing repairs, but is being considerably enlarged.)

Were not closed 3
Were closed for a short time, but started again before Jan. 1 2

In regard to the 29 mills reported as being usually closed at this season of the year, it should be pointed out that mills falling in this class close for various reasons. Many of them are located in the foothills, and operations are hindered by snow. Some of these, however, will soon open again. One of these has recently entered into a contract with the Government for furnishing it more than 40,000 cords of shingle bolts.

It is particularly significant that, in order to obtain a list of 194 mills closed, it was necessary to include therein those mills that are always forced to close on account of weather conditions, those that were compelled to close because they had no timber, those that were burned, and those that were bankrupt or in financial distress. In this connection, it should be pointed out that the history of the shingle industry discloses the fact that many concerns have failed in all the past, either from bad management or from some other cause, and that, therefore, the bankruptcy of a few shingle manufacturers at this time can not be attributed to the removal of the duty. At least three mills in the list were not closed at all. It is not thought that these mills that were running were placed in the list with design. Mr. Traill, the manager of the Red Cedar Shingle Manufacturers' Association, stated that a number of mills included in the list did not report to him directly, and that they were placed in the list upon what he considers absolutely reliable information obtained from various sources.

These 87 mills are distributed in practically every shingle-producing section of the State. They include both large and small mills. It is particularly significant that not one assigned the removal of the duty as a reason for closing.

EFFECT OF THE REMOVAL OF THE DUTY ON SHINGLES.

Careful inquiry was made among shingle manufacturers as to whether the placing of shingles upon the free list was largely responsible, or in any measure responsible, for the depressed condition of the industry during the latter part of 1913 and the early part of 1914. The general consensus of opinion, as expressed by a great majority of the shingle producers seen, is to the effect that the removal of the duty has been a factor in bringing about present conditions, but that these conditions are not largely due to such removal. An important fact to take into consideration in this connection is that nearly all of the shingle manufacturers of the State of Washington are protectionists; that they have been taught, and many of them believe, that a duty on shingles is necessary to the prosperity of the industry. Their attitude of mind is entirely antagonistic to free trade, or even low tariffs. Having conducted their business in an atmosphere of this sort, it is to be expected that they would naturally have prejudices in favor of a protective duty on their product. Notwithstanding this, however, it is notable that not one among all the number interviewed was willing to say that the depressed condition of the industry is due largely to the removal of the duty, nor was one found who was willing to predict that the industry would be ruined unless the duty was restored. The proportion of the shingle manufacturers seen who expressed the opinion that the removal of the duty has had nothing to do with existing conditions in the industry was small. Of course, the only competition feared by the shingle manufacturers of the Pacific coast is that that may come from British Columbia. While many unsupported statements have been made as to the vast difference in the cost of producing shingles in the United States and in Canada, the facts seem to be that, outside of an advantage in the cost of logs, the American shingle manufacturer has little to fear from the manufacturers of British Columbia. Some facts relating to this phase of the industry are discussed elsewhere in this report. More shingles were imported into the United States during the months of November and December, 1913, than during any other two months within the past three years. The increase, however, has not been as great as some protectionists predicted, nor have the imports very greatly exceeded those of some other months in past years. For instance, only about 10,000,000 more shingles were imported in December, 1913, than in December, 1911. The total importations for the year 1913 were not as great by some 26,000,000 as the total importations for the year 1911. This latter is a significant fact when considered in connection with the further fact that during 1911 the price of shingles at the mills in the United States was unusually low.

Typical expressions of opinion as gathered from a great number of shingle producers are here given. The president of one of the largest shingle-producing concerns in the State of Washington, a man who has had a wide experience in the lumber and shingle industry, one who has been prominent in Republican politics for a number of years, and one whose judgment receives the greatest consideration of other shingle manufacturers, said in substance:

"He did not know what was the cause of the present depressed conditions in the lumber and shingle business; that he did not know why any mill was closed down; and that he does not believe that any man actually knows the causes of the present conditions. He is a protectionist and a dyed-in-the-wool Republican, and has had a large experience in politics. He does not believe that the present conditions in the shingle business are due to the removal of the tariff entirely. It may be that the tariff has had some effect. He states that he does not believe in howling calamity. The shingle business will not be ruined by the tariff; cedar shingles will be manufactured in Washington; the British Columbia manufacturer can not supply the entire market of the United States.

"While he states that he does not believe that the present depressed condition in the shingle business is entirely due to the tariff, or even in a large measure due to the tariff, he does believe that it had some effect. The principal influence, so far, has been that the retail dealers have withheld their orders, and that there has not been a normal demand. He believes that it is entirely too soon to tell exactly what the effects of the removal of the duty will be. He is sure that the shingle manufacturer will be hurt considerably unless he can get logs from the Canadian side without paying an export duty."

Another large manufacturer, who operates two mills and who is planning to build a third, expressed the opinion that, if Canada would allow the free exportation of logs to the United States, American mills located on tidewater would be able to compete with Canada. He said that, while other shingle manufacturers had talked in favor of a duty on shingles, he had taken no part, because he believes there is little difference between the cost of production in the two countries. Continuing, he said, in substance:

"He does not know to what extent the removal of the tariff has affected the shingle business. He is of the opinion that the demand is less than it would have been had there been no tariff agitation. The American retailer has not been buying shingles, waiting to see what effect, if any, the removal of the duty will have upon the price of shingles. At the present time there is some improvement in both demand and price."

Both of the manufacturers above referred to operate mills at tidewater. A large interior manufacturer, who has been very prominent as an official in the various shingle manufacturers' organizations for several years, expressed himself substantially as follows:

"The greatest bear factor in the shingle business is overproduction. The mills make too many shingles. To the extent that shingles are imported and thus affect the supply, to that extent do importations affect the market; and the removal of the duty has undoubtedly increased importations from Canada. He believes that the price of shingles in the United States will be lower than at present. The removal of the duty will be the main factor in bringing about this condition. He thinks that the effect of this removal will be more pronounced later on than at present. The Canadian mills will gradually build up a trade in the United States. While this condition is to be expected, at the same time the tendency now is for slightly higher prices. The difference between the cost of producing shingles in Canada and in the United States will widen from year to year. The Canadian timber is cheaper, better in quality, and more accessible. Labor is also cheaper. The timber in the United States is becoming scarcer, poorer in quality, and less accessible. At the present time clear shingles in Canada are worth about $1.95, while here they are worth about $1.80. The Canadian shingle is better than the American product."

A manufacturer who operates a tidewater mill in Washington and an interior mill in British Columbia expressed himself to the effect:

"That in his opinion the removal of the duty from shingles has had practically nothing to do with the decline in price. The history of the shingle business shows that declines similar to those in the fall of 1913 have occurred frequently. Prices were as low, even lower, in 1911, when the duty was 50 cents per thousand, than they have been since."

A former official of the Shingle Manufacturers' Association said:

"There is no reason to suppose that the removal of the duty from shingles in October, 1913, has had anything to do with prices that shingle manufacturers have since then received for their products. The lowest prices that the mills have received for shingles in a number of years were obtained since the going into effect of the Payne-Aldrich tariff law, which provided for the highest duty on shingles ever known. In 1911, Star shingles sold as low as $1.35 at the mill. They have not been lower than that for a great many years."

One manufacturer stated that just after the passage of the tariff bill of 1909 his company went into New England, where the best shingle trade was largely in the hands of Canadian mills. The 50-cent duty imposed by that law enabled them to enter the New England market, and they practically drove the Canadians out of that business. He says that they held this trade until the duty was removed in 1913, and that now they have very little business in the East. He stated, however, that up to this time the Canadian mills have not cut prices, but if they meet the price of the American mills they will get the business. It should be stated in this connection that this mill produces very high grade shingles, and that only shingles of high grade are used in any considerable quantities in New England.

A manufacturer who is connected with a concern that sells the output of 15 or 20 mills said that he did not know just what effect the removal of the duty had upon the shingle market. He is of the opinion that it has had some effect, largely due to the fact that the retail dealers have been waiting to see what effect the removal of the duty would have on prices. Consequently there was not a normal demand during the latter part of 1913. There have been some shingles shipped in from Canada, but not in large quantities. As a matter of fact, there has been little demand for shingles at all. He does not believe that the removal of the duty will permanently injure the shingle business, certainly not to any great extent. He considers it too early to decide what the effect of the removal of the duty will be. He thinks it will probably lead to a larger use of high-grade shingles, which will, of course, limit the consumption of American shingles. He says that shingles were imported when the duty was 30 cents and were still imported when the duty was 50 cents a thousand. The American dealer readily paid a premium for Canadian shingles. At present the Canadian manufacturer can only sell his shingles to the trade which is willing to pay a premium price.

Another manufacturer, in speaking of the ability of the Canadian manufacturer to sell in the American market, said:

"Prior to 1909, when the tariff was 30 cents a thousand on shingles, they had considerable competition on premium shingles from the Hastings Shingle Manufacturing Co. (Ltd.), of Vancouver, British Columbia. This company manufactures a high-grade shingle and were able to sell their shingles in the United States after paying a 30-cent tariff and still obtain a higher price than that paid for American shingles. He considers that the tariff on shingles should never have been increased from 30 to 50 cents. Almost immediately following the enactment of the Payne-Aldrich tariff law, which increased the tariff on shingles from 30 to 50 cents, there was a most lamentable falling off in price; some Canadian shingles were still imported into the United States and were sold in Illinois territory for $3.80 per 1,000 when the American premium shingle was being sold for $3.50."

An official of one of the largest shingle concerns in the State and a man who has prominently interested himself in tariff matters, and who has represented the industry before committees in Congress, said in substance:

"That he could not say that the tariff had caused the present depressed condition of the shingle industry and the lumber industry. As a matter of fact, there have always been frequent depressions in the shingle business, the primary cause of which is too many shingles.

"If the importations of shingles from Canada are increased because of the removal of the duty, naturally he would expect the industry to be adversely affected at home. Every car of shingles imported necessarily displaces a car of domestic production."

A very active and intelligent leader in organized-labor circles, who has taken a deep interest in the affairs of the operatives in the shingle mills, in speaking of the tariff, said in substance:

"That he did not believe it had any effect whatever. He said that in 1908 there was great depression in the shingle industry, as well as in

business generally. The shingle manufacturers agreed that if they could secure higher rate of duty (which was then 30 cents per thousand), it would greatly help their business. They induced the union to use their influence to bring about an increase in the import duty. In 1909 the duty was raised to 50 cents per thousand. One of the arguments used to influence the union to assist in bringing about an increase in the rate of duty was that it would make it unnecessary to reduce wages. As a matter of fact, however, the passage of the Payne-Aldrich law was immediately followed by efforts on the part of the manufacturers to reduce wages. This resulted in strikes everywhere. There never has been a time when the union has had a harder struggle than it had in the latter part of 1909, after the duty had been raised from 30 cents to 50 cents. Since that time union men have not been very enthusiastic over tariff matters."

An official of the Red Cedar Shingle Manufacturers' Association, when asked the following question: "Do you think the manufacturers' ills are entirely due to the removal of the tariff?" said: "No. Supply and demand has a good deal to do with it, and the consumer has not been benefited by it."

This official stated in the presence of 25 or more shingle manufacturers, and also in the presence of representatives of the Bureau of Corporations, that immediately after the removal of the duty buying was stopped. That started a poor market. Since that time shingles have been as low as $1.65 for clears, which resulted in a closing down of about 80 per cent of the outputs of the mills. Those mills have all been down until possibly within a week or 10 days (prior to January 23). The reason for starting is not because market conditions are any better, but the mills had all shipped their product out pretty well, and this is the time when business is to be expected. He said:

"I am not prepared to say that the tariff has anything to do with it at all. Six months or eight months prior to the tariff having come off Canada had a panic and their buying had ceased almost absolutely. Prior to that the mills had marketed their product. I guess the Canadian mills were universally down for six or eight months in 1913, when we were running and enjoying a fair business. They could not get over here. Thirty days before that tariff came off the British Columbia mills started up."

At a conference with between 25 and 40 representative shingle manufacturers in Seattle on the evening of January 23, 1914, the question was presented as to whether or not the depressed conditions in the latter part of 1913 were brought about by any factor that was not present in bringing about similar conditions in 1911. As a matter of fact, the question was never frankly answered. There appeared to be a disposition on the part of the spokesmen for the shingle producers to evade the question. One said: "Can't tell until we go through with it." Another said: "No one claimed that a duty of 50 cents a thousand enabled the shingle producer to obtain 50 cents more for his shingles." Finally it was suggested to the manufacturers that the trouble is that too many people are making shingles. A prominent operator present replied, "That is true."

That the removal of the duty has had some effect in bringing Canadian shingles into American markets can not be denied. The figures for imports show this clearly. A representative of one of the most efficient shingle mills at Vancouver, British Columbia, stated to a representative of this bureau that when the duty on shingles was 30 cents per thousand they had a considerable trade in the United States; after that duty was increased to 50 cents they had only a very small business in this country; since the removal of the duty entirely they are receiving orders from this country. He stated, however, that they made as good shingles as are to be found anywhere, and that many consider their product the best that goes on the market. At the time this statement was made—January 26, 1914—the shingles from this mill were being sold at $1.90 for one grade and $2.20 for another. The higher price is for what is known as 100 per cent clear, all vertical grain. The $1.90 price for these Canadian shingles is fairly comparable with the $1.80 price for American clears. This indicates that the Canadian manufacturer, because of the excellent reputation of his product, is able to obtain a better price than the American manufacturer can obtain for substantially the same quality.

A few manufacturers expressed some fear of future competition from Canada. They expressed the belief that, on account of cheaper timber and possibly cheaper labor, American manufacturers will erect mills in Canada; that this will increase the Canadian production, and with these mills in the hands of Americans who are familiar with American markets there will be a character of competition that has never yet been felt. The Canadian manufacturer is not considered so aggressive as the American. Of course this is pure conjecture. As will be shown later, two or three Americans who operate mills in both countries say that it costs as much to produce shingles in British Columbia as it does in the State of Washington. Another manufacturer who went to British Columbia with the view of locating a mill there came back determined not to do so, because he felt he would not have any advantage. He is now constructing a new mill in the State of Washington.

It is a significant fact that, notwithstanding the removal of the duty, and notwithstanding the alleged dread of Canadian competition, a number of shingle mills in the State of Washington are enlarging or preparing to enlarge their capacity, and some new mills are projected. In fact, one of the projected new mills will have the largest capacity of any shingle mill in the world.

In connection with this discussion of the effect of a tariff on the shingle industry, it is interesting to note some of the arguments used in favor of an increase in the duty as presented to Congress in 1909. Perhaps the chief spokesman for the shingle men at this time was J. H. Bloedel, then, as now, a large shingle manufacturer in Bellingham, Wash. In a brief submitted by Mr. Bloedel in 1909 he called attention to the marked decrease in the production of shingles from 1905 to 1908. He pointed out that the production in the State of Washington in 1905 was 52,550 cars, and for 1908 (estimated) 36,000 cars. Claim was then made that Canadian competition was strangling the industry. He pointed to the increased importations of Canadian shingles from year to year, and called attention to the fact that these importations had increased from 5 cars in 1900 to 1,315 cars in 1908. These facts were offered in support of the contention that the duty should be increased from 30 to 50 cents per thousand. The increase was made. It is a fact that this increase in duty did not result in a decrease in the importation of shingles. While the importations for the year 1908 amounted to a little more than 263,000,000, by 1911 these importations had increased to nearly 588,000,000. There was a slight falling off in 1912, the importations for that year being 539,400,000 shingles. The year 1911 was one of marked depression in the shingle industry. Prices were generally lower than they had been for some years, and were lower upon the whole than they have been at any time since. These low prices and large importations did not result in a demand for increase of duty. The production was less in 1911 than in 1908, and prices were considerably lower. In 1912, when prices were high and importations were still larger than in 1908, there was no suggestion that Canada was strangling the American shingle industry.

These vicissitudes in the shingle industry, the wide fluctuations in prices, the decline in American production, and the increase in importations all suggest the improbability of any material, definite effect resulting from tariff legislation. At the same time, as already noted, the removal of the duty in 1913 has been followed by a considerable increase of importations, and it is not unlikely that price has been affected in some measure and that this effect will be permanent. However, it is not of such a serious nature as to threaten the industry. It will probably result in the American producer making a better shingle and in giving the consumer better value for his money. The American consumer has been buying a very cheap and inferior shingle because of its low price.

EFFECT OF TIMBER AND LOGGING CONDITIONS ON THE SHINGLE INDUSTRY.

Most of the shingle mills are peculiarly situated in respect to their supply of raw material. Many of the larger mills own little or no timber. A great many of the small mills in the interior have as a source of raw material only the cedar logs and stumps that have been left on the ground in the logging operations of lumbermen. The great bulk of the timber in the State of Washington is owned by a comparatively few concerns. Some of these larger timber owners conduct logging operations and sell the logs in the open market. In other cases logging concerns purchase stumpage from the timber owners, cut the timber, and likewise enter the open market to dispose of their product.

The supply of cedar logs available to shingle manufacturers is regulated by three factors, namely, the demand for fir logs, the proportion of cedar timber growing in a given forest, and the proportion of cedar logs that can be converted into lumber.

The cedar timber grows promiscuously among other timber and can only be cut and taken out of the forest as the other timber (usually fir) is logged. If the demand for fir logs is light, the quantity of cedar logs available for the shingle mills is proportionately light. Furthermore, if the proportion of cedar is small in a given forest there is a consequent smaller supply for the shingle men. Again, if a large proportion of the cedar logs are of such quality as to make it more profitable to convert them into lumber, the available supply of shingle timber is correspondingly small.

As already stated, a number of the larger mills, and particularly those situated at tidewater, depend entirely upon the log market for their supply of raw material. They claim that any advantage from an advance in the price of shingles goes largely, if not entirely, either to the timber owner or to the logger. The small mills in the interior, the number of which is rapidly diminishing, buy the timber as it lies on the ground or buy the stumps that have been left by the lumbermen. They sometimes secure this sort of timber at a nominal lump price for all that can be found in a given area, and sometimes they pay a comparatively small price per 1,000 feet. While the cost of timber on the ground to the small mills is thus frequently very low, by the time it has been prepared for the saw their timber cost is sometimes extremely high. The labor cost incident to preparing old logs and stumps for the saw, including sometimes considerable hauls by teams, is high.

That the above conditions place the American shingle producer at some disadvantage in comparison with the British Columbia producer is contended, and no doubt with some reason by many manufacturers. In respect to this matter one manufacturer made the following statement:

"The Canadian manufacturer does have an advantage over the American manufacturer in the cost of timber. Logs and shingle bolts in Canada can be bought for considerably less than in the United States. The price for cedar logs in Bellingham will average $2 per thousand more than the price paid by the Canadian manufacturer. The quality of the Canadian log is also superior to the American cedar log. This is largely due to the fact that the best cedar logs on the American side are manufactured into cedar siding, while the Canadian manufacturer uses practically all of the logs in the production of shingles.

"The tidewater mills are largely at the mercy of the loggers. Whenever the price of shingles increases for any length of time, the price of cedar logs is increased. Logging operations are in the hands of comparatively strong capital, and when there is a depression in the shingle market, the loggers are usually able to maintain their old prices, or at most only lower their prices a small amount, so that the shingle manufacturer very frequently operates without making any profit."

That the timber owner or logger reaps most of the advantage from any advance in the price of lumber or shingles, and that the small operator must soon disappear from the industry, is indicated by the following statement made by a prominent Puget Sound shingle producer:

"The big profits made in both the lumber and shingle business have been made, and always will be made, by the stumpage owner. The Weyerhaeuser Timber Co. bought a tremendous acreage of the best timberland of the State from the Northern Pacific Railway. At the present time the Weyerhaeuser Timber Co., Puget Mill Co., and to a lesser degree the St. Paul & Tacoma Lumber Co. (which, by the way, is owned and operated by mighty fine people), have a monopoly of the standing timber of Washington.

"Whenever the price of lumber or shingles advances the price of the raw material increases. When there is a slump in the lumber or shingle market the price of the raw material either remains stationary or declines only slightly in price. The day of the small operator, both in lumber and shingles, will soon be past, and the business will be in the hands of a few strong concerns."

One of the best informed men in the shingle industry stated that the high cost of producing shingles in the United States is largely due to the fact that timber is charged to the mills at a price that includes enormous profits. He said that when he went to the State of Washington 10 or 12 years ago he could buy good timber at as low as 25 cents per thousand feet. Those now engaged in the production of shingles who were fortunate enough to secure timber in those days are making money—not from the manufacture of shingles, but from the sale of timber that cost them little or nothing. Speaking further, he said:

"In those days nothing was counted below 12 inches, and much of the cedar (which is the only wood used in making shingles) was not considered at all. The shingle manufacturer who bought his timber then and is cutting his own timber is making money, because he is getting a good profit on his timber investment. A very large percentage of the shingle manufacturers in Washington, however, do not own their timber, and their costs for timber are $1 to $2 more than the British Columbia shingle manufacturer pays for his timber."

Another large shingle manufacturer who owns timber and who also conducts a logging business in Canada stated that his cedar timber sold during the year 1913 brought him an average price of $8.25 per thousand feet. The same quality of timber in the United States, he declared, was worth about $12.50 per thousand. He stated that the logs sold in the American markets to the shingle mills are strictly shingle logs; that is, logs that are not suitable for the production of lumber; whereas the logs sold to the British Columbia mills are what are known as "camp run." Practically all the cedar timber in British Columbia is converted into shingles, very little of it being manufactured into lumber. This manufacturer stated that the logs actually used in the American shingle mills during 1913 were worth about $11.50 per thousand. He considers that this difference in the cost of timber to the shingle manufacturers in the two countries is the chief difference in the whole situation.

From the above, and from similar information from other sources, there seems to be little doubt that the Canadian manufacturer has some advantage in the cost of this raw material. Whether this advantage will continue for any great length of time is a question. The British Columbia Government is now considering the advisability of increasing the charge it makes for stumpage. If this increase should be made, it will tend to remove the advantage now enjoyed by British Columbia manufacturers.

It is particularly significant that the lumbermen and shingle men of the State of Washington regard the timber situation as probably the most serious factor in connection with their industry. As is noted elsewhere in this report, there is a very general feeling that the Canadian manufacturer has a considerable advantage over the American manufacturer, due to the conditions under which he can secure his timber. These expressions come not only from those manufacturers who own little or no timber, but similar views are expressed even by those who own considerable tracts of timber. From statements made to representatives of the Bureau of Corporations, I think it would be difficult to find a lumberman or a shingleman in the State of Washington who does not believe that the policy adopted by this Government in the alienating of its vast forests was a tremendous mistake. They point to the fact that a very large proportion of the timber in Washington is now in comparatively few hands. While some of the lumbermen own timber that they secured years ago at a very low price, and, therefore, have a handsome profit in the timber itself, they clearly see the day when the carrying charges on their timber holdings will make the cost so great that their profits from this source will practically disappear. They point to the fact that the lumberman in British Columbia is not burdened with any carrying charge except an annual payment of about $150 per section of 640 acres, whereas the taxes on the same quantity of timber in the State of Washington are several hundred dollars, and instances were cited in which the annual taxes are more than $1,500. In general, it may be said that the tax rate on timber in Washington is about 2 per cent of its present estimated value.

This does not mean that many of the present large timber holders will not make immense profits from their timber, but it does mean that the manufacturer who is dependent for a future supply of logs upon these large owners of timber will be forced to pay constantly higher and higher prices, until an almost prohibitive maximum is reached. Of course, it is now too late to remedy the mischief that has been done by the Federal Government in the disposition of its timberlands, but it is important to note that the most serious problem confronting the lumber and shingle manufacturer, particularly the smaller one, is one that is not due to the removal of a duty from timber products, and one that could not be corrected by the imposition of a duty. In other words, if a high duty were imposed on shingles, the advantages coming from it would practically all go to a comparatively few large timber owners.

COST OF SHINGLE PRODUCTION IN THE UNITED STATES AND IN CANADA.

The precise difference in the cost of producing shingles in the United States and British Columbia can not be stated. Assertions of higher cost in the United States are common, but few persons seem to have actual knowledge of the facts. Those who speak from experience—that is, those who have produced shingles in both countries—claim that there is practically no difference in the cost. It is a fact that the rates of pay in some instances are lower in British Columbia than in this country. It is a well-known fact, however, that low rates of wages do not always mean low cost of production. Real wages from the producer's standpoint are not measured by the rate, but by the product obtained from the expenditure of a dollar in wages.

An important item in the cost of producing shingles is the amount paid for timber. It is a fact that the prices of logs are lower in British Columbia than in the United States. It is also true, however, that the British Columbia manufacturer, as a rule, does not obtain as many shingles from a given measurement of logs as are obtained by the American manufacturer. This is due to the small proportion of low-grade shingles made in the British Columbia mills. This tends to increase the timber cost per thousand shingles, but is partially, if not entirely, compensated for in a product that sells for a higher price.

Some general statements as to the relative cost of the product in the two countries were secured from men who speak from experience and from others who had made some investigation in the matter. These statements are of interest in this connection.

An official of one of the largest shingle manufacturing concerns in the State of Washington said:

"The cost of production of shingles is composed of three factors—(1) most important, the cost of timber; (2) cost of labor; (3) overhead charges. The Canadian manufacturer has an advantage over the American in the cost of timber."

Another large and progressive shingle producer made the following statement:

"During the past year he has visited British Columbia four or five different times, with a view of building a shingle mill at Vancouver. When the agitation first began for the removal of the duty on shingles, he went to Vancouver and began to make inquiries regarding cost of manufacture and cost of erection of a plant in British Columbia. After he had made careful inquiry into the cost of manufacture he became convinced that the American manufacturer can manufacture shingles as cheaply as the Canadian. This is due to the fact that the Canadian manufacturer does not obtain as large a daily output per machine as does the American. While the rates of wages paid to the shingle weavers in British Columbia are less than paid for similar work in the United States, the higher fixed charges equalize the saving in labor cost. However, the British Columbia manufacturer does have an advantage over the American. This is due to his cost of raw material. This difference in cost of raw material is partly offset by the fact that the Canadian manufacturer does not get as large a cut from a thousand shingles as does the American manufacturer. This is due to the fact that the Canadian shingle is cut vertical grain, while the American sawyer tries to get as many shingles as possible from his block."

In connection with the above statement, it is interesting to note that this manufacturer who had contemplated the erection of a shingle mill in British Columbia, after investigating conditions there abandoned the idea and is now building another large mill in Washington.

The following from another manufacturer is of particular interest:

"He believes the cost of production in the United States and Canada is about the same. The Canadians employ Chinese and other oriental labor, and while they get these laborers at a lower price, except for packing shingles, they are not as efficient as the white workmen. Five or six years ago the mills in Bellingham employed some oriental labor. During this time they found that, while they could hire a Chinaman, Jap, or Hindu at a lower wage than a white man, he was not as efficient, and that the actual cost per unit was just as great as with the white labor."

A large manufacturer who has always been insistent for a duty on shingles, and who was on at least one occasion the spokesman for the shingle manufacturers in advocacy of a higher duty, does not consider that the difference in cost of production in the two countries is more than 15 or 20 cents per thousand. The substance of his views on this subject are as follows:

"He thinks that the total difference in the cost of labor in the two countries is in favor of Canada, but he does not know how much. At the time of the passage of the Payne-Aldrich tariff bill wages in Canada were considerably lower than they are now. It was then established to the satisfaction of the authors of that bill that this difference was equivalent to 35 cents to 50 cents per thousand shingles, and they fixed the duty at 50 cents per thousand. In his opinion, the difference now is not more than 15 or 20 cents per thousand."

Another manufacturer states that British Columbia does not have much advantage over American mills in labor. He says that a given equipment in the United States will produce more shingles than the same equipment in a British Columbia mill.

A very successful manufacturer, who operates a mill in Washington and one of the same capacity in British Columbia, submitted the following facts:

"He is paying his sawyers (white) 17 cents per thousand in British Columbia and 16 cents per thousand in Washington. The cost of packing, nailing, tallying, and loading on trucks for the kiln in British Columbia, for 260,000 shingles (which is an average day's cut) is $23.40. The cost for the same labor in Washington is $25.30, a difference in favor of British Columbia of $1.90 for 260,000 shingles. This difference, however, is more than counterbalanced by the excess of wages paid for day labor in British Columbia. For instance, he pays Japanese and Chinese day labor $2.25 and white labor $2.75 in British Columbia, whereas the same white labor is obtained in Washington for $2.50. The drag sawyer in the British Columbia mill costs 50 cents per day more than the drag sawyer in Washington. The filer in British Columbia receives $7 per day, while the filer in Washington receives $6.50 per day. Taking labor as a whole, it costs about 5 cents per thousand less to produce shingles in British Columbia than in Washington. Fixed charges and overhead expenses, however, are enough higher in British Columbia to more than offset the 5 cents advantage in labor.

"The above figures for this British Columbia mill are somewhat higher than similar service can be had for in Vancouver. Labor is usually cheaper in large centers of population. This is particularly true in the winter season, when the unemployed drift to the cities. In summer there is not so great a difference in the wages paid in Vancouver and in the interior mill.

"Converting details into totals shows that it costs $1.75 per thousand in British Columbia to produce the shingles and put them on the cars, which is about 2 cents per thousand more than it costs at the Washington mill. The shingles produced at the British Columbia mill will now sell for $1.95, while those produced at the Washington mill are selling for $1.80."

The gentleman expressing the above views, in speaking of the difference in the cost of mill construction in the United States and Canada, stated that it cost him about 50 per cent more to construct his Canadian mill than it would to have constructed the same mill in the United States. Practically all of his machinery had to be purchased in this country and pay a duty before being entered into Canada. All saws, except shingle saws, are the same price in both countries.

Another manufacturer who operates a mill at New Westminster, British Columbia, and one at Ballard, Wash., made some comparisons in rates of wages paid in the two mills. These comparisons are as follows:

"All day labor is higher in New Westminster than it is in Ballard. He stated that they pay their boom man in Ballard $3 a day, and in New Westminster $4.50 a day. They employ white sawyers in their British Columbia mill and pay them 16 cents per thousand; in the Ballard mill they pay 15½ cents per thousand. They sometimes employ Chinese sawyers in the New Westminster mill. Chinamen will do better work than white men, but they waste more timber. Some Chinese are as good sawyers as white men in every respect, but this is not the rule. Another case of the difference in wages paid in British Columbia and here is in engineers. In British Columbia the engineer is paid $125 per month and is furnished a fireman. The engineer in Ballard is paid $112.50 a month and he does his own firing. The drag sawyer in the British Columbia mill is paid $3.50 a day and in the Ballard mill $3."

The chief officer of one of the most efficient shingle mills in the State of Washington and a man who is considered as a leader in the industry stated in substance as follows:

"So far as the Canadian manufacturer is concerned, he does not believe the American shingle producer need have any fear. The hustling, energetic American will beat the Canadian, but he does fear, however, that some of these hustling Americans will go into British Columbia, produce shingles, and dump them into this country at a price the domestic manufacturer can not meet."

A visit was made to a number of shingle mills at Vancouver, British Columbia, and some of the most important manufacturers there were seen. One of the best informed of these men, and a man who stands very high in the industry, stated that British Columbia mills have much less advantage over American mills in respect to labor than the rates of wages paid indicate. He is satisfied that white labor is 15 to 20 per cent more efficient than Chinese labor. This statement was corroborated by other shingle manufacturers. As an illustration of the difference in efficiency, it was stated that Chinese labor was being paid $1.80 per day for loading cars. It required three Chinamen a day to load one car. This is equivalent to a cost of $5.40 per car. An American manufacturer was present when this statement was

made, and he stated that two men receiving $7.50 per day would load three cars at his mills. In other words, it cost him $2.50 per car for loading as against $5.40 at the Canadian mill. The rate of $1.80 now being paid in the Canadian mill is lower than usual. The usual rate of pay for this kind of labor is $2. Wages are somewhat lower in British Columbia during the present winter than they were last summer.

It was stated by British Columbia manufacturers that the supply of white labor in that country has not been sufficient to meet the demands of the mills in good times. One prominent manufacturer asserted that if he could secure reliable white labor, even at higher rates of pay, he would prefer it to Chinese labor. He stated that Chinamen are very wasteful in cutting timber. He stated, however, that the Chinese packers are superior to white packers. This superiority, however, does not consist in the quantity of the work done but in the quality.

While Canadian manufacturers did not submit figures in detail to show their cost of production, there was practically unanimity in the statement to the effect that the cost per thousand shingles in the Vancouver mills is about $1.75. This figure agrees very closely with statements made by Americans who operate mills in British Columbia.

A few American manufacturers produced figures purporting to show the cost of production in their mills. These figures varied from about $1.55 to as high as $1.85 per thousand. As is the case in every industry, there is a wide variation in the cost of production in different mills. From the actual facts submitted, it can not be contended that there is any very material difference between the cost of production for shingles in the two countries. In considering cost figures for shingles it is necessary to take into account the fact that shingles are billed out on weights considerably above the actual weights upon which freight is paid. This is a profit on underweights and goes to the manufacturer and varies from 8 cents to as high as 20 cents per thousand; probably 10 to 15 cents would be a fair average, which amount, of course, should be deducted from the figures for the cost when making any comparison. The Canadian shippers do not dry their shingles to such an inordinate extent, and therefore their profits from underweights are less, even if there is any profit from this source at all.

From all the facts obtainable, it would appear that the Canadian mills may have a slight advantage in production cost. While the cost of labor is probably no less, the cost of logs is less. The waste in the Canadian mill is greater, thus making the cost per thousand about equal in the two countries. The advantage, however, in favor of Canada, if there is an advantage, is due to the fact that the Canadian shingle is more valuable. In other words, the return to the manufacturer for the expenditure of a given amount of money in shingle production may be somewhat greater to the Canadian than it is to the American.

It is quite clear that if there is any difference in the cost of producing shingles in the United States and British Columbia in favor of the latter country that difference can not be very great. The best evidence of this fact is not found in the mere assertion of American manufacturers who do not speak from actual knowledge, but it is found rather in the expressions of men who have had experience in both countries and from the actions of shingle producers who have investigated conditions in British Columbia with the view to establishing mills there. As already pointed out, a large manufacturer made a careful investigation of conditions in British Columbia with a view to establishing a mill in that country. His investigation did not justify the building of a mill in British Columbia; but, on the other hand, he has since begun the construction of a very large mill in the State of Washington. This mill will have a daily output of between 600,000 and 700,000 shingles. It will be one of the best-equipped mills in the United States and among the largest. This mill is being constructed in the city of Everett. A few days after work was commenced on this large mill a large new shingle company was organized. The capacity of this mill is to be 350,000 shingles per day. It is important to call attention to the fact that the president of this new company has manufactured shingles in the State of Washington for years, and that two years ago he sold a shingle mill. A prominent banker, who is interested in a chain of financial institutions in eastern Washington, is vice president of the company, and an official of one of the largest and most successful shingle concerns now in operation is to be the secretary, treasurer, and general manager of the new company.

If competition from Canadian shingles seriously threatened the industry in the State of Washington, it is not probable these experienced shingle manufacturers would invest their money in large new mills, nor is it likely that a careful financier would invest his money in a business that was threatened with destruction.

THE UNEMPLOYED IN DECEMBER, 1913.

Reference was made in Mr. HUMPHREY'S letter and also in his speech delivered December 16, 1913, to the reduction of wages and to the number of unemployed men in the State of Washington. The matter of the reduction of wages is discussed elsewhere.

Whenever the shingle mills and lumber mills close, as a matter of course those who had been employed in those mills become idle. To the extent to which the mills were closed in the State in December, 1913, to that extent was the number of unemployed increased. As has already been pointed out, some of the mills have closed every year, and in a number of years a great many more have been closed than in 1913. It is consequently true that in October, 1912, there was a large number of men thrown out of employment because of the closing down of the mills, and the same thing has been true in other years.

In December, 1913, and at the present time there are probably more unemployed persons in the State of Washington than have been found there in any past year. This large number, however, is not entirely due to the closing of the mills in that State. Industrial conditions in British Columbia have been depressed for more than a year. In January, 1914, it was declared by men familiar with the facts that about 50 per cent of the shingle mills in that country were then closed. It is a fact that these mills had been closed for months. When the lumber and shingle mills closed in British Columbia and the employees were unable to find work in that Province they began to come into the United States. It can be stated on no less authority than the commissioner of immigration for the district embracing the city of Seattle that hundreds, if not thousands, of the unemployed in the cities of the State of Washington are those who have come from British Columbia. A prominent official of a labor organization stated that the number of men unemployed in the State because of the closing down of the lumber and shingle mills was no larger in December, 1913, than it had been at other times. He also stated that the presence of such an unusual number of unemployed men in the cities along Puget Sound, particularly in Seattle, was due to the migration of the unemployed from Canada.

The problem of the unemployed at this time is aggravated by the fact that the immigration officials of the Canadian Government will not permit those who have left the Province of British Columbia to return. While there are unquestionably a great number of unemployed men in the State of Washington, this number has been greatly enhanced by those coming from British Columbia. The impression attempted to be made to the effect that a vast army of unemployed men has resulted from the removal of the duty on lumber and shingles is entirely erroneous.

FLUCTUATIONS IN THE PRICE OF RED CEDAR SHINGLES.

There has been compiled in the Bureau of Corporations prices for red cedar shingles from January, 1895, to January, 1914, inclusive. These prices represent what was paid for shingles at the mills. The bulk of the shingles produced in the State of Washington are represented by two brands or grades, namely, "clears" and "star A stars." In the early part of the period covered prices were very low. It was not until the latter part of 1899 that star A stars sold at above $1.30, except for a few months, and clears up to that time generally sold for less than $1.50. In 1901 there was a general advance in prices that was fairly well maintained until the latter part of 1903, at which time the price of star A stars had declined to $1.35 and clears to $1.65. There were then no significant changes in prices until the year 1906. Before the end of that year star A stars had sold as high as $1.90 and clears at $2.30. There was a very considerable advance in 1907. At one time star A stars sold as high as $2.85 and clears as high as $3.20. This was followed by a decline, reaching a comparatively low point about the middle of 1908, after which there was another advance. During 1909 and 1910 star A stars ranged from $1.65 to $1.85 and clears from $2 to $2.35. In 1911 prices ruled very low. From about the middle of September down through January, 1912, star A stars sold at about $1.35 and clears sold around $1.70 and $1.75. Beginning about the 1st of March, 1912, prices began to advance, and by September they had reached the highest figure for a number of years. At that time star A stars sold as high as $2.15 and clears as high as $2.50. In fact, some sales were made above these figures. In the latter part of September there was an abrupt decline, and by December star A stars were selling at $1.60 and clears at $2. Prices had been somewhat lower than this during a part of November. In January, 1913, prices began to improve, and before the end of February star A stars were selling at $1.70 and clears at $2.20. There was an abrupt decline of about 20 cents a thousand in the latter part of March, with a recovery of about 10 cents a thousand in April. Prices remained fairly steady until there was a break in the latter part of June, then a recovery in the latter part of July, followed by a considerable decline during the months of August and September. By December, 1913, star A stars sold around $1.40, and in some instances as low as $1.35, and clears sold at about $1.70. About the middle of January, 1914, prices began to improve, and by the 1st of February star A stars were selling at $1.55 and clears at $1.80. The prospect at this time is for still better prices. A diagram showing the movement of prices from July, 1911, to the end of January, 1914, is presented. [Diagram not published in RECORD.]

A careful examination and analysis of the prices of red-cedar shingles shows that during practically the entire history of the shingle industry there has been considerable fluctuation in prices. When the duty was 30 cents, and again after it was raised to 50 cents, these fluctuations appear. It is a rather remarkable fact that at no time since 1905 have prices generally been as low as they were during 1911. At no time in 1913 were prices lower, nor were they generally as low, as during the year 1911, when the duty was 50 cents per thousand.

It is evident from the course of shingle prices that causes other than the removal of the duty contributed most largely to the low prices of recent months.

The high prices secured during a portion of 1912 do not mean that the manufacturers were all making very large profits. The price of logs was very high, and those mills that were dependent upon the open market for logs were returning a large part of the high price of shingles to the loggers. Good logs sold as high as $15 per thousand feet at that time. At the present time the prevailing price of logs is $11. This difference in the price of logs is equivalent to about 40 cents per thousand shingles.

CONDITIONS IN THE LUMBER INDUSTRY.

The effect of the removal of the duty on lumber is almost universally conceded to be negligible. At least it is so considered among lumbermen on the Pacific coast. Representatives of the Bureau of Corporations saw a considerable number of lumber manufacturers and attended a meeting of the West Coast Lumber Manufacturers' Association, and in not a single instance was there heard any serious complaint on account of the removal of the duty on lumber; in fact, there was scarcely any complaint on this account at all. Nearly all of the manufacturers seen stated with positiveness that they did not think the lumbermen had anything to fear from the admission of free lumber into this country. For years the lumber manufacturers of the Pacific coast have successfully competed with British Columbia in foreign markets. They have gone into the markets of China, Australia, and the west coast of South America, where they have secured and held a fair share of the trade. In fact, some large export shipments are being made at this time.

It is important to point out in this connection that Pacific coast lumbermen have shipped considerable lumber into Canada. Rough lumber and lumber dressed on only one side is admitted into Canada free of duty, whereas dressed lumber pays a rate of 25 per cent. A prominent lumberman of Aberdeen, Wash., stated that during 1912 and the early part of 1913 considerable lumber was shipped from the United States into Alberta and Saskatchewan, and that the American manufacturer undersold the Canadian in his own market. The Canadian manufacturers felt so keenly the competition of American lumber that at one time they considered establishing retail yards in order to counteract that competition. In fact, some retail yards were thus established. It is but fair to state in this connection, however, that some American lumbermen do not concede that their trade in Canada is strictly competitive. They claim that they produce a better grade of lumber in the United States, and that the Canadian mills do not generally make lumber of such a quality as to compete with the higher grades manufactured in this country. As a matter of fact, however, a considerable proportion of the exports of lumber from this country into Canada has not been of the higher grades.

The prices of lumber have been generally unsatisfactory during the past three or four years. In 1911 they were low. Before the end of 1912 there was considerable improvement, which was maintained up to the latter part of 1913. At present, and for a few months past, prices have ranged at a low level. Many lumbermen, and in fact most of them, attribute the present and recent low prices to the fact that

the railroads for the past year or more have bought lumber very sparingly. The railroads are the best single customers of the Pacific coast mills. There are two reasons alleged for the falling off in railroad buying. First, the roads have been confronted with serious financial problems. They have claimed that an increasing cost of operation, without any increase in freight charges, has narrowed their net earnings to the point where they have but little to expend for improvements. Another cause of the falling off in the purchases by railroads is the fact that wood is being used less and less in the construction of railroad cars. A freight car is now rarely ever constructed entirely of lumber. In many cases they are all steel, and in other cases large portions of the car are steel, only the sides and in some cases the roofs being constructed of wood.

The outlook for the lumber industry is encouraging. The demand is increasing, and this is naturally expected to bring about some advance in prices. At the meeting of the West Coast Lumber Manufacturers' Association, held in the city of Tacoma on January 30, 1914, the president, in his annual address, spoke in a most optimistic vein. Among other things, he said:

"Brighter and better things are in store for the business of the country. Even now the pessimist is a very rare being. Wherever you go you will find thinking men advocating legislation which will give business a fair chance to recover."

He then referred to the expressions of President Wilson in his message to Congress dealing with the trust problem. He also alluded to the fact that business men had the assurance of many men in Congress that they would always be ready to help legitimate business. Referring to the currency bill, he said:

"It is regarded by a great majority of the people of this country as being the greatest piece of constructive legislation that has been passed in many years."

Further along he said:

"Other important and helpful measures are pending, with the brightest prospects of their becoming the law before a great while."

In speaking of the lumber situation further, he said:

"The country at large should know and be familiar with some of our problems. They should understand that we have a great surplus sawmill capacity, which can at any time spoil good market conditions by overproduction. This fact given publicity should at least deter others from coming in and investing in an industry already overdone. * * * We should lay our cards face up on the table and invite investigation of conditions as they really are."

He expressed the belief that the opening of the Panama Canal would extend markets for Pacific coast lumber. In closing, he said:

"I ask your indulgence if I have not confined myself to a review of the year's work or any definite suggestions for the future, but I believe that our greatest benefits will be derived from the return of confidence. This alone should make good business, and we should bend every energy to help in the reconstruction."

A careful inquiry among lumber manufacturers developed the fact that, while there were a few mills closed down during December and January, some of these have resumed operations and others are preparing to do so. The statement of Mr. HUMPHREY in his speech in the House of Representatives on December 16, which is calculated to leave the impression that the lumber and shingle mills are generally cutting wages, could not be substantiated. As already stated, wages have not been cut at all in the shingle mills. A few lumber mills, and only a few, have cut wages. In fact, no one was seen that was able to name more than two or three. There has been no general reduction, and there is not likely to be.

There is great difference of opinion among lumber manufacturers as to the advantages that will come to Pacific coast lumbermen from the opening of the Panama Canal. While the opening of the canal will give them a shorter and cheaper haul to the Atlantic seaboard markets, many of them feel that British Columbia manufacturers will have such an advantage over them in shipping that they will be able to do a great deal of business in those markets. They argue that they will have to meet competition from New Brunswick and Nova Scotia, and also some from the yellow pine and North Carolina pine regions. The fact that Pacific coast lumber destined to a domestic port can only be shipped in American bottoms, while the lumber from British Columbia can be loaded into any ship that offers, places them at a decided disadvantage.

Whatever may be the results of opening the Panama Canal, it is not claimed that the removal of the duty on lumber will injuriously affect Pacific coast lumbermen. They will still be able to hold the share of the foreign trade they already have, and it is probable that through the Panama Canal they will be able to establish some new business in western Europe.

On account of the lack of any complaint among lumbermen as to the removal of the duty on lumber, it is not deemed necessary to enter into any extended details relative to that industry. Mr. Humphrey was able to secure a list of only a few mills that were closed in December, and that list is now considerably reduced. In this connection, it is again significant to advert to the fact that most of the lumber manufacturers are protectionists and would naturally be expected to sympathize with any criticism of the present tariff law. As a matter of fact, such criticism has been very rarely heard. There was a spirit of optimistic hopefulness among the lumber manufacturers that indicates on their part a belief that an import duty is not necessary to the prosperity of their industry. Of course, there was found an occasional man who, upon general principles, and from the force of habit, insisted that the duty should not have been removed.

Mr. MANN. That matter being settled, Mr. Chairman, I make the point of order that there is no quorum of the committee present.

Mr. FITZGERALD. We have a quorum here, and I suggest we finish the next three or four lines.

Mr. MANN. I have just counted, and, unless the Chair counts the employees, there is no quorum here.

The CHAIRMAN. The gentleman from Illinois makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-five Members present, not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13612, the urgent deficiency bill, and had come to no resolution thereon.

Mr. KENT. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement made by the Hon. Joseph H. Choate concerning Panama Canal tolls.

The SPEAKER. The gentleman from California asks unanimous consent to print a statement concerning the Panama Canal tolls by the Hon. Joseph Choate. Is there objection?

Mr. FINLEY. Reserving the right to object, I would like to know what it is.

The SPEAKER. The remarks made by the Hon. Joseph Choate on the subject of the Panama Canal tolls.

Mr. MANN. Mr. Choate was the American ambassador at the time the treaty was signed.

Mr. FINLEY. I think we can get along without that, and I object.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 656. An act granting to the trustees of the Diocese of Montana of the Protestant Episcopal Church, for the benefit of Christ Church on the Hill, at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10258. An act authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday, February 23, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation in the sum of $9,000 required by the Board of Managers of the National Home for Disabled Volunteer Soldiers for the Marion Branch, at Marion, Ind., for the fiscal year ending June 30, 1914 (H. Doc. No. 763) was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TEN EYCK, from the Committee on the Library, to which was referred the bill (H. R. 9671) appropriating $25,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama, reported the same with amendment, accompanied by a report (No. 296), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 4318) to authorize the Secretary of the Interior to cause patent to issue to Erik J. Aanrud upon his homestead entry for the southeast quarter of the northeast quarter of section 15, township 159 north, range 73 west, in the Devils Lake land district, N. Dak., reported the same without amendment, accompanied by a report (No. 297), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12074) granting an increase of pension to Maria Antonia Martinez de Mink, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 13716) for the construction of new lookouts in the post office at Red Wing, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 13717) to provide for leave of absence for homestead entrymen in one or two periods; to the Committee on the Public Lands.

By Mr. PETERS of Massachusetts: A bill (H. R. 13718) providing for the refund of certain duties incorrectly collected on cutch; to the Committee on Ways and Means.

By Mr. FORDNEY: A bill (H. R. 13719) for the construction of a public building at St. Johns, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: A bill (H. R. 13720) to appropriate $250,000 for the improvement of navigation on Red River in Louisiana and Arkansas; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13721) to appropriate $30,000 to remove logs from Sabine River and condemn and expropriate them; to the Committee on Rivers and Harbors.

By Mr. CARLIN: A bill (H. R. 13722) to relieve Congress from the adjudication of private claims against the Government; to the Committee on the Judiciary.

By Mr. UNDERWOOD: A bill (H. R. 13723) to levy a tax upon the issuance of coupons, prize tickets, and other devices, and on the redemption, payment, purchase, or exchange of coupons, prize tickets, tags, bands, or other articles, things, or parts of articles or things that shall have been attached to, or packed in or with, or formed a part of, or encircling, or given with any manufactured tobacco, cigar or cigars, cigarette or cigarettes, or snuff, or any stamped package or receptacle thereof, and to forbid the packing of other things into packages of tobacco, cigars, cigarettes, or snuff; to the Committee on Ways and Means.

By Mr. AIKEN: A bill (H. R. 13724) to amend section 9 of the act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers"; to the Committee on Agriculture.

By Mr. ALLEN: Resolution (H. Res. 426) approving course of newspapers in offering reward and conducting search for the lost child, Catherine Winters, of Newcastle, Ind., and urging the country to lend its aid and support in said search; to the Committee on Rules.

By Mr. THACHER: Memorial of the Legislature of the State of Massachusetts, approving the plan and commending the efforts to procure a regional reserve bank in the city of Boston; to the Committee on Banking and Currency.

By Mr. GILMORE: Memorial of the Legislature of the State of Massachusetts approving the plan and commending the efforts to establish a regional reserve bank in the city of Boston; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13725) granting a pension to John Crump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13726) granting a pension to Elijah S. Webster; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13727) authorizing the Secretary of War to confer upon Frank C. King the congressional medal of honor; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 13728) for the relief of Richard Riggles; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 13729) for the relief of Yandell Wood and the estate of J. L. Wood; to the Committee on War Claims.

Also, a bill (H. R. 13730) for the relief of the estate of T. B. Eatherly; to the Committee on War Claims.

Also, a bill (H. R. 13731) for the relief of the estate of A. J. Tynes, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13732) for the relief of the estate of Ellen Young; to the Committee on War Claims.

Also, a bill (H. R. 13733) for the relief of the estate of M. R. Buchanan; to the Committee on War Claims.

Also, a bill (H. R. 13734) for the relief of the estate of Joseph G. Murphy; to the Committee on War Claims.

Also, a bill (H. R. 13735) for the relief of the estate of Isaac B. Mills; to the Committee on War Claims.

Also, a bill (H. R. 13736) for the relief of the estate of E. J. Boyd; to the Committee on War Claims.

Also, a bill (H. R. 13737) for the relief of the estate of Pinkney Gibson; to the Committee on War Claims.

Also, a bill (H. R. 13738) for the relief of the estate of William Jasper Taylor; to the Committee on War Claims.

Also, a bill (H. R. 13739) for the relief of the estate of Martin G. Spruel; to the Committee on War Claims.

Also, a bill (H. R. 13740) for the relief of the estate of D. T. Hatch; to the Committee on War Claims.

Also, a bill (H. R. 13741) for the relief of the estate of James P. Kennelly; to the Committee on War Claims.

Also, a bill (H. R. 13742) for the relief of the estate of Mark Newell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13743) for the relief of the legal representatives of Woods, Yeatman & Co.; to the Committee on War Claims.

Also, a bill (H. R. 13744) for the relief of the heirs of Jackson & Adams; to the Committee on War Claims.

Also, a bill (H. R. 13745) for the relief of Elm Street Methodist Episcopal Church South, successor to Mulberry Street Methodist Episcopal Church South; to the Committee on War Claims.

Also, a bill (H. R. 13746) for the relief of the legal representatives of Woods, Yeatman & Co.; to the Committee on War Claims.

By Mr. CARR: A bill (H. R. 13747) granting a pension to Orris O. White; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 13748) granting a pension to Warren E. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13749) granting an increase of pension to Margaret A. Hageman; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 13750) granting an increase of pension to George W. Oakley; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 13751) granting a pension to Samuel T. Grindell; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 13752) granting an increase of pension to Adelaide B. Wales; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13753) granting an increase of pension to William Marshall; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 13754) granting a pension to Rufus H. Dimmett; to the Committee on Pensions.

Also, a bill (H. R. 13755) granting an increase of pension to Clark Brewster; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 13756) for the relief of Augustus Dudley Hubbell; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 13757) granting an increase of pension to Philip L. Davis; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 13758) granting an increase of pension to Harriet Pierson Porter; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13759) to remove the charge of desertion standing against Nelson P. Robinson; to the Committee on Military Affairs.

By Mr. STAFFORD: A bill (H. R. 13760) granting a pension to Charles H. Raymond; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 13761) for the relief of Catherine Grace; to the Committee on Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 13762) granting an increase of pension to Elijah C. Lawrence; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 13763) granting an increase of pension to Henry R. J. Bennett; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 13764) granting a pension to John Tully; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of certain citizens of Sheboygan, Wis., against making Columbus day a legal holiday; to the Committee on the Judiciary.

Also (by request), petition of the Brookland (D. C.) Citizens' Association, opposing placing of burden of street paving on citizens of District of Columbia; to the Committee on the District of Columbia.

Also (by request), petition of the Abraham Lincoln, the General Von Steuben, and the James Madison Branches of the American Continental League, and of the John Mahony Club,

of Philadelphia, Pa., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petitions of John R. Knox and 100 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the Citizens' Commercial Club of Delphos, Ohio, favoring a bill authorizing the Treasury Department to employ architects outside the classified service; to the Committee on Public Buildings and Grounds.

By Mr. ASHBROOK: Memorial of Louis Vogel and 3 other merchants of Glenmont, Ohio, favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, memorial of the New Philadelphia (Ohio) Commercial Club, protesting against dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of William W. and C. V. Pickerill, of Conemaugh, Pa., protesting against barring from the mails the "Menace"; to the Committee on the Post Office and Post Roads.

Also (by request), petitions of John W. Myers and other citizens of Johnstown, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petitions of sundry citizens of Stowe Township, Allegheny County, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BUCHANAN of Illinois: Petition of certain bankers of Chicago, Ill., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. CARY: Petitions of John Kalt, jr., and George W. Strohmeyer, of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Brydablick Lodge, No. 31, of Milwaukee, Wis., favoring bill for appropriation for erection of monument in memory of the builder of the *Monitor;* to the Committee on the Library.

Also, memorial of the Council of Grain Exchanges, favoring a committee appointed by Congress to inquire into the workings of grain exchanges; to the Committee on Rules.

By Mr. COX: Petition of sundry citizens of Indiana, against national prohibition; to the Committee on the Judiciary.

Also, petition of certain banks of Indiana, favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. DALE: Memorial of the Chamber of Commerce of the State of New York, protesting against bill to create a Federal trade commission; to the Committee on the Judiciary.

Also, petition of F. L. Angier, of Streator, Ill., favoring bill for pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of Rawdon Wright Kellogg, of Jamaica, N. Y., favoring passage of House bill 9687, for the betterment of the headquarters clerks of the Army; to the Committee on Military Affairs.

Also, petition of C. W. Outerbridge, of New York City, favoring repeal of free tolls for American vessels through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORTH: Petition of Bartenders' Local, No. 144, of Batavia, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petition of Cooks and Pastry Cooks' Union, Local 203, Missouri, and sundry citizens of Missouri, against national prohibition; to the Committee on the Judiciary.

By Mr. GERRY: Petition of Rev. Peter Ainslie, president of the Commission on Christian Union of the Disciples of Christ; and of Rev. S. K. Carroll, associate secretary of the Federal Council of Churches of Christ in America, urging increase of chaplains for United States Navy; to the Committee on Naval Affairs.

Also, petition of the United Spanish War Veterans, urging passage of House bill 7374, granting pension to widows and orphans of men serving in Spanish American War and Philippine insurrection; to the Committee on Pensions.

Also, petition of the Cigar Makers' International Union of American, No. 94, urging passage of Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of Davis & Davis, Bodell & Co., Edgar M. Dexter Co. (Inc.), Brown Lisle Marshall, Providence Banking Co., Richardson & Clark, and Miller & George, all of Providence, R. I., urging an amendment to the income-tax act to provide for a method of "information at the source" in lieu of "collection at the source"; to the Committee on Ways and Means.

Also, petition of Frank E. Farnham, treasurer, of the Jewelers' Supply Co., of Providence, R. I., urging early consideration of Sheppard-Hobson bill relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Cigarmarkers' Union No. 10, of Providence, R. I., protesting against a national prohibition act; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of the city council of Boston, favoring passage of the Hamill bill, relative to pensions for aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of the Massachusetts Real Estate Exchange, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GOOD: Petition of sundry citizens of Iowa, against national prohibition; to the Committee on the Judiciary.

Also, petition of certain banks of Iowa, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of sundry citizens of Iowa, relative to acceptance of deposits by postal savings banks; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Petition of the First National Bank of Huttig, Ark., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of sundry citizens of Vermont, favoring regulation of express rates by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petitions of the West Seattle State Bank, of Seattle, Wash., and other banks of the State of Washington, favoring change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. IGOE: Petitions of J. William Keck and other citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of the German-Austrian Beneficial Society, of Latrobe, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of certain banks of Latrobe, Pa., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of the Lincoln Branch, American Continental League, of Providence, R. I., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of Bartenders' Local No. 157, of Woonsocket, R. I., against national prohibition; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of sundry citizens of Oregon, against national prohibition; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Portland, Oreg., favoring national prohibition amendment; to the Committee on the Judiciary.

Also, petitions of the Portland (Oreg.) Chamber of Commerce and the Pendleton Commercial Association, of Pendleton, Oreg., relative to reorganization of the United States Army; to the Committee on Military Affairs.

Also, petition of sundry citizens and organizations of Oregon, favoring the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

By Mr. LIEB: Petition of the Commercial National Bank and 5 other business firms of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LINDQUIST: Petition of certain members of James A. Sexton Post, No. 454, Department of Michigan, Grand Army of the Republic, of Central Lake, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, resolution adopted by Andrews Post, No. 294, Grand Army of the Republic, of Big Rapids, Mich., relative to recent insult to the flag; to the Committee on the Judiciary.

By Mr. LONERGAN: Petitions of Charles J. and William H. Koch and other citizens of Collinsville, and Journeymen Horse Shoers' Union, Local No. 14, of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., protesting against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. MACDONALD: Petitions of the Merchants & Miners' Bank of Calumet; banks of Menominee; and of the First National Bank of St. Ignace, all in the State of Michigan, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Progressive Party City Central Committee of St. Louis, Mo., favoring legislation for appointment by the President of commission to locate eastern railroad ap-

proach to Municipal Free Bridge of St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of the city of Saginaw, Mich., favoring investigation of the Pere Marquette Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL: Petition of the City Council of Boston, Mass., favoring Hamill bill, relative to pensions for civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MOORE: Petitions of Mrs. J. M. Levering, E. A. Lang, O. de Schweinitz, L. de Schweinitz, Mary Hartmann, Miss E. W. Roudthaler, Mrs. E. J. Bigler, and Mrs. R. W. Herbst, all members of the Bethlehem (Pa.) Branch of the American Indian Association, relative to the Navaho Indians; to the Committee on Indian Affairs.

By Mr. MORIN: Petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens and organizations of Pennsylvania, favoring the restrictive clause of the immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petition of J. A. Koch, of Pittsburgh, Pa., favoring Hughes-Bacon bill, relative to promoting efficiency of the Hospital Corps of the United States Army; to the Committee on Military Affairs.

Also, petition of the board of directors of the Equal Franchise Society of Philadelphia, Pa., favoring woman's suffrage amendment; to the Committee on the Judiciary.

Also, petition of certain organizations and citizens of Pennsylvania, against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of sundry citizens of Pennsylvania, favoring Lindquist pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON: Petition of William F. Barrier, favoring passage of House bill 9687, for the betterment of headquarters clerks of the Army; to the Committee on Military Affairs.

Also, petition of W. A. Olson, president of the Security State Bank, of Halliday, N. Dak., and other bankers of North Dakota, for amendment to income-tax law providing for a method of "information at the source" in lieu of the present provisions of "collection at the source"; to the Committee on Ways and Means.

Also, petition of Fort Buford Camp, No. 2, United Spanish War Veterans, favoring legislation granting pensions to widows and minor children of the veterans of the Spanish-American War; to the Committee on Pensions.

By Mr. PLATT: Petitions of sundry citizens of Middletown, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions of the Building Trades Employers' Association of San Francisco, Cal., protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the New Method Laundry Co., of Oakland, Cal., protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Memorial of the Chamber of Commerce of the State of New York, protesting against the bill to create a Federal trade commission, etc.; to the Committee on the Judiciary.

Also, petitions of F. G. Locber, of North Branford, and other citizens of the State of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of Harry N. Watts and other citizens of Monmouth County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of Brainard Corps, No. 36, of Eaton Rapids, Mich., protesting against change in the American flag; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of the First National Bank of Herkimer, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. THACHER: Petition of the city council of Boston, Mass., favoring Hamill bill, relative to pensions for civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. WALTERS: Petitions of sundry citizens of Cambria County, Pa., protesting against national prohibition: to the Committee on the Judiciary.

By Mr. WATKINS: Petition of sundry citizens of De Soto Parish, La., favoring change in income-tax law; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Chamber of Commerce of the State of New York, protesting against passage of bill to create a Federal trade commission; to the Committee on the Judiciary.

Also, petition of certain officers of the Waiters' Union, Local No. 2, in the fourth congressional district of the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of Old Guard Camp, No. 19, United Spanish War Veterans, Department of New York, favoring passage of the Spanish War widows and orphans' bill, relative to pensions for same; to the Committee on Pensions.

By Mr. YOUNG of North Dakota: Petition of Dr. Spencer D. Reed, protesting against passage of bills interfering with medical freedom; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 23, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we rejoice before Thee to-day in the constitutional liberty that we have enjoyed as the priceless inheritance of the toils and sufferings, the heroism and patriotism of our fathers. We bless Thee that the patriots of other days, who pledged their lives and their fortunes and their sacred honor, were inspired by so great a sense of divine obligation at the time of the birth of our Nation. We remember before Thee upon this day, a day which we always commemorate as holy in the calendar of our national history, the influence and power of one man who feared only God and who devoted his life to the interests of unborn generations. Dauntless upon the battle field, modest in the hour of victory, wise in the council of state, glorious in the retirement of private life, he lived justly, he loved mercy, and walked humbly with his God.

We thank Thee for the men surrounding him, men of high ideals, men of prayer, men of God, and for all who have followed him in places of authority and of power among us. Thou hast laid Thy hand upon mighty men to establish and perpetuate institutions founded upon the eternal principles of the Gospel of Jesus Christ.

We thank Thee to-day for the larger liberty of our times. We pray that Thou wilt send upon us the influence of Thy grace that we may maintain our national life in its purity, in its message of peace, and in its ministry of good will among all the nations of the earth.

We thank Thee for a hundred years of unbroken peace with the mother country and for Thy blessing upon them and us, who have together held such a large measure of responsibility for Christian civilization.

And now we pray for men like those of the past, who founded the Nation with faith and holy living upon the principles of eternal truth. Defend us from every force within that would disrupt and disintegrate the national spirit.

We pray Thee to guide us in the days that are to come. Help us to hold in sacred memory and honor the names that have made our history great, and grant us Thy grace to lead us still further in the conquests of peace in our day. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Smith, Ariz.
Borah	James	Page	Smith, Ga.
Brady	Jones	Perkins	Smith, S. C.
Brandegee	Kern	Pittman	Smoot
Bristow	La Follette	Poindexter	Stephenson
Bryan	Lane	Pomerene	Sterling
Burton	Lippitt	Reed	Sutherland
Catron	Lodge	Robinson	Swanson
Clapp	McLean	Root	Thompson
Colt	Martine, N. J.	Saulsbury	Townsend
Cummins	Myers	Shafroth	Vardaman
Dillingham	Nelson	Sheppard	Walsh
Fall	Newlands	Sherman	Warren
Gallinger	Norris	Shields	Works
Gronna	O'Gorman	Shively	
Hollis	Oliver	Simmons	

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON], and to state that he has a general pair with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. REED. I desire to announce the fact that my colleague [Mr. STONE] is still detained from the Senate by illness.

Mr. MARTINE of New Jersey. I was requested to state that the Senator from West Virginia [Mr. CHILTON] is necessarily absent from the Senate on official business.

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business. He has a general pair with the Senator from Pennsylvania [Mr. OLIVER].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HOUSTON, Mr. DAVENPORT, and Mr. GUERNSEY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7951) to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10258) authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. Senators, there are some of us who believe that the men who made and founded the American Republic were guided by a hand that was not human. Some of those who helped to found the Republic though dead yet speak to their children. Among all the illustrious dead whose shades loom large in the Valhalla of the American Republic there is none of such stupendous proportions as the shade of George Washington.

In accordance with the order of the Senate, the Senator from Virginia, Mr. SWANSON, will now read the Farewell Address of the first President of the United States.

Mr. SWANSON read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that while choice and prudence invite me to quit the political scene patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which, and unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude urge me, on an occasion like the present, to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a sus-

picion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists until changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable.

Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that in the place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducements or justifications. It leads also to concessions to the favorite nation of privileges denied to others,

which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it—for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and the other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

UNITED STATES, *17th September, 1796.*

Mr. POINDEXTER. Mr. President, as a further mark of respect to the memory of George Washington, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 1 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 24, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 23, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Behold, O God our Father, Thy children, seekers after truth, the lawmakers of a great Nation, who wait upon Thee with open minds and hearts for light to guide, strength to sustain, courage to move forward where Thou dost lead, that they may honor Thee, themselves, and the people whom they represent. We praise and magnify Thy holy name, that Thou didst fire the hearts of our sires to freedom's holy cause, which gave to us a government than which no greater exists, a precious heritage to be kept sacred by a grateful people. We thank Thee that the "Father of His Country" is revered and held as an example to each succeeding generation; for while his deeds are sung and his example held sacred, popular government will live under the flag he designed and carried to victory. Grant, O most merciful Father, that it may continue to float on for the good of mankind. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, February 21, 1914, was read and approved.

DISCRIMINATION IN PRICES.

Mr. STEVENS of New Hampshire. Mr. Speaker, I ask unanimous consent that the bill H. R. 13305, to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public be corrected by inserting, on page 3, in section C, line 10, after the word "thereof," the words "to dealers." Those words were left out by mistake in the print of the original bill.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to have a bill corrected by inserting two words as he states. Is there objection?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he reintroduce the bill, because to correct it in this way will make many complications. For the House by unanimous consent to amend a bill which is pending before a committee is a very unusual proceeding. I think it better to reintroduce the bill.

Mr. STEVENS of New Hampshire. Mr. Speaker, my purpose in asking for this unanimous-consent order was to affect the future reprints of the bill. There have been a great many demands for the bill.

The SPEAKER. If the gentleman introduces a new bill with the correction made, of course the printing goes with that.

Mr. STEVENS of New Hampshire. Very well, Mr. Speaker. If that be the better way, I withdraw my request.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY, by direction of the Committee on Military Affairs, reported the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, which was read a first and second time and, with the accompanying report (No. 298), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. KAHN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from California reserves all points of order.

DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business.

Mr. FITZGERALD. Mr. Speaker, pending that motion, I wish to inquire of the gentleman from Kentucky if he expects to occupy much time on District business?

Mr. JOHNSON of Kentucky. Mr. Speaker, I will say that it is my purpose to call up only one bill.

The SPEAKER. The question is on the motion of the gentleman from Kentucky.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District business, with Mr. ADAMSON in the chair.

IMPROVEMENT, CONSTRUCTION, AND REPAIR OF SIDEWALKS.

Mr. JOHNSON of Kentucky. Mr. Chairman. I call up the bill (H. R. 10308) to provide for the improvement, construction, and repair of sidewalks in the District, and for the assessment and payment of the cost thereof, and I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kentucky calls up the bill H. R. 10308, and asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the remainder of my time to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Chairman, this bill reported by the committee undertakes to change the system under which sidewalks of the city are now paid for. The present law is found in the appropriation bill for the District of Columbia approved on August 7, 1894. Under the provisions of that bill the District Commissioners have the power to order construction and repair of sidewalks, the expense to be borne one-half by the abutting property owner and the other one-half to be paid out of the funds in the Treasury. This, in effect, means that one-fourth of the expense of construction of sidewalks is paid for out of the taxes of the people of the District of Columbia and one-fourth out of the funds of the people of the United States. In reporting this bill the committee suggested certain amendments, so as to make provision for voluntary permit work. Under the present law a property owner desiring to have certain work done may, by depositing one-half of the estimated cost with the commissioners, obtain permission from the commissioners to have the work done. Complaint was made that even under those circumstances the work was done under the direction of the commissioners and by contractors who were not selected by the property owners, and in order to meet that objection the committee has reported an amendment by which the application and permit may be issued to the property owner and the property owner may proceed to have the work done. The bill also provides the same method for the assessment and a notice that is provided in the present law, and in effect the only changes made by this bill are: First, the placing upon the property owner of the entire cost and construction and repair of the sidewalks; and, second, the granting to the property owner of the privilege of applying for a permit and receiving that permit from the District Commissioners and having the work done on his own account by contractors of his own selection, in accordance with the terms and conditions of the permit.

I reserve the remainder of my time.

Mr. MANN. Will the gentleman yield?

Mr. IGOE. I do.

Mr. MANN. Under the terms of this bill, will it apply to all repair work upon sidewalks?

Mr. IGOE. Well, there was some question in the minds of the committee as to whether it would be well to separate certain repair work to distinguish what might be very expensive and what might be inexpensive, and it was deemed proper to put in the word "repair," and, I take it, it applies to all repair work.

Mr. MANN. If a sidewalk gets out of repair in some place, will it be possible under this bill to fix it without a long delay?

Mr. IGOE. I do not think there is any objection to having it repaired. I do not think the commissioners will be compelled to resort to this act. They are authorized and empowered to do certain work, and I think that, if minor repairs are to be made, there is nothing to prevent, as far as this bill is concerned, the commissioners from doing that work.

Mr. MANN. That is the reason I asked—to get the gentleman's opinion.

Mr. IGOE. It is my opinion about it; and, furthermore——

Mr. MANN. This bill is not obligatory either as to repairs or original construction?

Mr. IGOE. No; I do not think there is anything in the bill compelling the commissioners to resort to this method. On repair work, I take it, the bill will facilitate repairs in many cases. Where the property owner wishes to have this repair work done under section 5 of the bill, the permits may be issued at any time and that repair work done by the property owners within the time specified in the permit. Section 5 is an entirely new proposition in the law.

Mr. MANN. May I ask the gentleman also about Government sidewalks in front of Government property?

Mr. IGOE. The provision is exactly in this bill as it is in the present law, and I recall the objection made by the gentleman when the Borland amendment was up in the House. Written into this bill are exactly the same provisions in regard to assessment and notice that are in the present law, and it applies, I take it, to Government property as to other property, but I doubt that such a case will ever arise where the Government will refuse to pay; I would rather assume it would not arise.

Mr. MANN. Is there any authority to assess on Government property now?

Mr. IGOE. There is no provision made in this bill to distinguish Government property from any other kind of property, and I do not know of anything in any other law which provides for it, but it relates to the payment by abutting property owners. There is no line drawn in this bill between the Government and the private owner. This is exactly the same as the present law, which has been in effect since 1894, as I said.

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. IGOE. I will.

Mr. OGLESBY. I understand this bill changes the present law so as to put all the costs of building the sidewalks and repairs to the same on the property owner.

Mr. IGOE. Yes, sir.

Mr. OGLESBY. Does the gentleman think that is a fair provision in view of the fact the property owner has been paying his share of the taxes for 20 or 30 years for the building of sidewalks in other parts of the city to now have to pay the total cost of having to build the sidewalks in front of his property?

Mr. IGOE. I do. I say that if they have made a mistake in the past that is no reason why we should continue to follow an erroneous system. Now, just the other day there was a petition presented, I notice, for resurfacing Seventh Street. That is a street made long ago. Now they want to make it over again, and you are going back again to those people. I say if the system is wrong, then we should correct it.

Mr. OGLESBY. It is wrong because a man on one street is compelled to pay part of the costs of the improvement of sidewalks in front of property of a man on another street. Is that the idea?

Mr. IGOE. Well, I say every property owner, as far as sidewalks are concerned, ought to pay the cost of making sidewalks in front of his property. That is the only thing we have to deal with now.

Mr. OGLESBY. How is the property owner to be reimbursed for the money he has been paying for sidewalks in front of another man's property, unless that other man now contributes to the cost of building the sidewalk in front of his property?

Mr. IGOE. There are new improvements being made all the time, and I do not think that because the system was wrong before we ought to continue it. If somebody suffers by reason of it, why, that can not be helped.

Mr. OGLESBY. It can be helped, if the system is continued as it is now.

Mr. IGOE. At one time, perhaps, the Government paid all of it. Now they pay half of it, we will say. Was it wrong to change it from paying all of it to paying half of it? According to the gentleman's theory it would be.

Mr. OGLESBY. I am not talking about the question as to the part which the Government pays. I say that a man who has been paying for 20 or 30 years a share of the cost of building sidewalks in front of other property that is being improved, and the time has now come when his property is to be improved by the construction of a sidewalk, he gets nothing in the way of contribution from other property owners to aid him to build a sidewalk in front of his property, when he has been contributing all these years to the cost of building sidewalks in front of other property.

Mr. STAFFORD. Will the gentleman yield?

Mr. IGOE. I will.

Mr. STAFFORD. Our attention has been called recently to the neglect of property owners of the District to remove the snow that fell here a week ago, and not only the neglect of property owners, but the neglect of the Government in removing the snow from the sidewalks in front of Government property. Some years ago the commissioners passed an ordinance or regulation requiring the property owners to remove the snow. That was declared ultra vires and unconstitutional. For years we have been waiting for the District Committee to report some law that would compel the property owners to make these sidewalks passable within a reasonable time after a fall of snow. The only question in the bill before us is as to whether the property owner should bear the entire expense or whether the Government should bear a portion of that expense. Can the gentleman, who is an authority on sidewalk and street affairs in the District, inform the committee whether this very industrious committee is considering the passage of a law that will compel, as in other cities, the removal of snow from sidewalks in front of premises.

Mr. IGOE. I will say to the gentleman that I do not claim to be an authority.

Mr. STAFFORD. Whether the gentleman claims to be or not, he is.

Mr. IGOE. And in the second place, in direct answer to his question, I do not believe there is such a bill pending before the committee. If there is, I know nothing about it, and I have heard no discussion of it.

Mr. STAFFORD. Does not the gentleman recognize the need of it?

Mr. IGOE. There ought to be such a regulation, undoubtedly.

Mr. STAFFORD. Is there not much more urgent need to have a law passed at this time to meet an urgent case than to pass a law relating merely to the question of assessments for improvements and repairs?

Mr. IGOE. I do not know how often they have snow here, but, of course, while the snow is here it is necessary to have that law. But these sidewalks are being constructed all the year around.

Mr. STAFFORD. I wish to say to the gentleman that recent visitors to the city have criticized the neglect of the property owners to remove the snow. It is a disgrace to have snow accumulate on the sidewalks and not compel the property owners to remove it as in other cities.

Mr. IGOE. I think the property owners ought to remove it, and ought to be compelled to do it.

Mr. STAFFORD. I rise to call the attention of the commissioners to their default, in a way, in not calling to the attention of the committee and submitting for their attention a bill that would give them authority that would compel the District property owners to remove within a reasonable time the snow from their sidewalks.

Mr. IGOE. Let me ask the gentleman if he does not think in this city, where we hear so much about the "city beautiful," the property owners ought to have enough patriotic spirit to go and do this themselves?

Mr. STAFFORD. A great number of them do. Those who have patriotic and civic spirit do, but there are cases where there are vacant premises, and where they lack that general civic spirit which requires a law that should get back of them and force them, and make them liable to damages in case they do not perform their duty in that direction.

Mr. IGOE. I agree with the gentleman.

Mr. STAFFORD. I hope the gentleman, who is alert in these matters, will call the attention of the commissioners, who are removing the snow from the streets now after it has become frozen, to the necessity of having a law that will compel property owners to remove snow from the sidewalks.

Mr. IGOE. Mr. Chairman, I reserve the balance of my time.

Mr. TOWNER. Will the gentleman yield to a question? Referring to the matter concerning which the gentleman from Illinois [Mr. MANN] was interrogating you, as to repairs in small matters, the statement was made that the matter would be so inconsequential that it would not be worth while; that to try to tax up a part of the cost would not come under the terms of this act.

Mr. IGOE. I do not think it would. I think the commissioners would have funds by which that would be paid without the necessity of levying on the property.

Mr. TOWNER. I notice it says:

> Notice shall be given only in those cases where assessment work is proposed under the terms of this act.

So I presume that would leave to the commissioners the determination of that matter as to whether or not it was of sufficient importance to give the notice and proceed with terms and specifications.

Mr. IGOE. I think so. As a matter of fact, this bill does not make any change in the existing law in that respect.

Mr. TOWNER. Of course two weeks' notice would occasion a delay for the temporary repairs that might be immediately necessary.

Mr. IGOE. I will say to the gentleman that, so far as the notice provided in this bill is concerned, there are several notices here, and the provisions were put in to give the property owner the full right to appear and have a hearing both as to the necessity of doing the work and as to the justice of the assessment.

Mr. TOWNER. I think the bill meets all the requirements of the existing law very well in that regard.

Mr. MANN. Mr. Chairman, I do not intend to detain the House more than a moment. Ever since 1894 sidewalks in the District have been constructed by assessing one-half of the cost on the abutting property owners and paying one-half out of the General Treasury, or one-fourth out of the General Treasury and one-fourth out of the sum due from the District of Columbia. I do not recall exactly—perhaps the gentleman from Missouri [Mr. IGOE] can inform the House—what the method of payment for sidewalks was prior to 1894, as to whether it was all paid for out of the Treasury, or whether any portion of it was paid by the abutting property owners.

Mr. IGOE. I can not inform the gentleman as to that right now. I had intended to go into it, but I did not have time to do it.

Mr. MANN. Recently the House passed a bill to put an assessment against the property for the construction and repair of streets. Now comes the proposition to put all the cost of the construction of sidekalks against the abutting property owners.

I confess there is a good deal to be said in favor of that proposition, which is the general method of constructing sidewalks in the large cities throughout the country. I think it is not the method generally resorted to in the smaller cities and towns, where in many cases, at least, the cost is partly borne out of the municipal treasury and partly assessed against the property owners.

So far as I am concerned, I believe in keeping up Washington in more than the ordinary manner. I think it is perfectly fair for the General Government to pay a portion of the cost of street construction and sidewalk construction in the city of Washington. Of course, for many years the owners of much of the property have been paying taxes which will now be specially assessed for the entire cost of constructing sidewalks in front of their property, but possibly that is no argument against the proposition; not a very strong one, perhaps. It is a little unfair, as those things come. I can see no reason for changing the existing method of payment for sidewalks. Many people imagine that when in the city of Washington a new subdivision is laid out and sidewalks are constructed those sidewalks are paid for out of the Treasury. As a rule that is not the case. In most of those cases the people who make the subdivisions themselves construct sidewalks before the property is put upon the market.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. ALLEN. Is not the city of Washington in a different position from other cities in this respect, that on account of the way it is laid out there are a great many point lots, and that the assessment of the entire cost upon the front foot of the abutting property would in a great many instances be an assessment of a depth on both sides, which is very narrow, running to a point?

Mr. MANN. Undoubtedly there are a great many diagonal streets in Washington and a great many circles in Washington, which add to the beauty of the city.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BORLAND. In response to the suggestion made by the gentleman from Ohio [Mr. ALLEN], is it not true that a great many of those little points at the intersection of streets and avenues have been acquired by the Federal Government as local parks?

Mr. MANN. Well, not very many of them. There are comparatively few of them that the Federal Government owns.

Mr. BORLAND. Is it not a fact that nearly all of them that can be bought by the Federal Government have been bought, and a great many of them are being bought every year?

Mr. MANN. No; it is not a fact. The gentleman and I do not agree about that. The gentleman from Missouri has lived in Washington a good many years, and he ought to know that that is not the case.

Mr. SISSON. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. SISSON. In every District bill and in almost all of the deficiency bills you will find a great many items where they are buying these points of lots all the time.

Mr. MANN. The gentleman is mistaken as to what they are buying. All the gentleman has to do is to ride on the street cars. If the gentleman did not ride to the Capitol from his home in an automobile, he would know better than that. If he rode as I do—on the street car—he would know.

Mr. SISSON. I do not ride in an automobile, I will say to the gentleman.

Mr. MANN. I am referring to the gentleman from Missouri [Mr. BORLAND]. He can not plead not guilty. [Laughter.]

Mr. BORLAND. Mr. Chairman, if the gentleman will yield just a moment there, I will say the only lots that are not owned by the Government now at the corners of streets are, are they not, lots that have become so valuable that the owners do not want to part with them?

Mr. MANN. The gentleman is mistaken.

Mr. BORLAND. They are either used for business purposes, where they have a show-window value, or in some houses, like those on New Hampshire Avenue, where they have a value for light and air, and in the smaller and newer sections of the city they are being acquired by the Government.

Mr. MANN. The gentleman is mistaken. The Federal Government has acquired very few, and there is no intention on the part of the Federal Government to acquire them. There is hardly a case in Washington where the point is a triangle where the Government has acquired the whole piece. There are some cases like that, and in such cases there are no sidewalks at all, where there ought to be sidewalks.

Now, that is the situation. Of course, it is in the power of Congress to impose these extra burdens upon the citizens of Washington. The city of Washington, in the main, lives off the Government. The Government clerks and employees in Washington and those who depend upon them in various capacities practically support the town. We have not raised the salaries of the Government clerks, except in sporadic cases, for many years. We have made no increase in the salaries, in the classes by number, of clerks for many, many years; and yet, although the cost of living keeps going up, we proceed to add these burdens to the people who are dependent on their salaries, which we pay as a Government, without our increasing their salaries in any way. I protest that this is unjust, unfair to the people in Washington and unnecessary, and that we can afford to maintain Washington so that it will continue to be—as it is—the handsomest city in the world.

Mr. KAHN. Mr. Chairman, I thoroughly agree with the views just expressed by the gentleman from Illinois [Mr. MANN]. After all, when you analyze the population of the District of Columbia, you find that there are a few hundred well-to-do people, many of whom come here during the sessions of Congress, probably for the social enjoyment that they find here. There are comparatively few very rich people here in the District. There are a great many shopkeepers of moderate means. There are less than a dozen big department stores and establishments of that character in the District of Columbia. The great mass of the population is made up of Government clerks and clerks in the business establishments here. There are a hundred thousand colored people in the District of Columbia, and I believe that they own little of the real property here.

The city of Washington has been built up very largely as a residence community since the civil-service laws of this country have been enacted and extended. Prior to that time the Capital of the Nation was essentially a city of cheap boarding houses. Many of the clerks who came here had no definite tenure of their offices. If the Congressman or the Senator who appointed them was defeated at the next election, the employee went back into the home district. But since the civil-service laws have been in force and the employees have found that good and faithful service was to determine their official tenure, they have purchased little homes on the installment plan. All over this city you will find row upon row of pretty little houses occupied by Government clerks and clerks in the business establishments of this city. They have paid for them in installments, and the burden of the cost that this legislation and some of the other proposed legislation in regard to District affairs will fall upon this great majority of the people here, who are not wealthy, who have nothing but their little homes, and who should not be burdened with this unnecessary expense.

Mr. GORDON. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GORDON. Can the gentleman from California cite a single other city in the United States where the benefits accruing from special assessments are not assessed upon the abutting property, other than at the street intersections?

Mr. KAHN. There is no other city in the United States that has so much Government property within its limits as this city of Washington; and the Government property is not assessed, and does not contribute a cent toward the maintenance of the District government.

Mr. CAMPBELL. There is only one National Capital.

Mr. KAHN. As my friend from Kansas says, there is only one National Capital. Therefore you have a different condition here from the conditions that prevail in other cities throughout the Union.

Mr. GORDON. Will my friend yield?

Mr. KAHN. Certainly.

Mr. GORDON. Why, then, ought not the General Government to construct the residences and the buildings on this private property?

Mr. KAHN. Oh, the gentleman knows that no man in this House would stand for any proposition of that kind.

Mr. GORDON. No; I do not.

Mr. KAHN. And yet I will tell the gentleman that there are men who have gone so far in their socialistic ideas that they think this Government ought to issue bonds for the purpose of

constructing homes for people throughout this country. Would the gentleman vote for a proposition of that kind?

Mr. GORDON. No; I would not.

Mr. MANN. Probably the gentleman will before long. [Laughter.]

Mr. KAHN. I want to say, Mr. Chairman, that I certainly hope this legislation will not be enacted.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I yield to the gentleman.

Mr. BARTON. I would like to ask if it is not true that in the capital of nearly every State in the Union there are many State buildings that do not pay taxes, and yet can the gentleman name a State capital that relieves the tax payers from their proportionate share of sidewalks and street improvements?

Mr. KAHN. In the capital of a State there is generally a capitol building——

Mr. BARTON. Oh, more than that.

Mr. KAHN. I can think of no State capital offhand that has any additional State buildings.

Mr. BARTON. You ought to come out to Nebraska. We will show you some there.

Mr. MANN. What is the capital of Nebraska?

Mr. BARTON. Do not you know?

Mr. MANN. No; I do not know.

Mr. BARTON. I would infer from the remarks the gentleman made awhile ago that he did not.

Mr. MANN. I really do not. I suppose if I should think for a moment I would know. But everybody in the world knows where the Capital of the United States is. That is different.

Mr. KAHN. And you have a different condition here from that which prevails in any State capital?

Mr. BARTON. I would like to ask one more question.

Mr. KAHN. Certainly.

Mr. BARTON. Is it not true that in cities all over the United States there are many poor men, drawing less wages than the Government employees in the city of Washington, who pay for their sidewalks and pay for their street repairs?

Mr. KAHN. I do not know of any city in the Union that has as many homes of comparatively poor people as Washington, because the Government clerk does not ordinarily get much beyond a living wage. As I said a moment ago, I know of no parallel case in the entire Union to the conditions that prevail here in the District of Columbia. I have frequently heard it asserted that there are so many millionaires here and that they ought to bear these expenses. I will warrant that if any gentleman on this floor were to make an investigation of the number of millionaires here in the District of Columbia he would find that there are less than 50. They probably come here just for the social season and as soon as Congress adjourns close up their houses and go elsewhere.

Mr. STAFFORD. The gentleman is furnishing the House with very interesting information as to the number of millionaires infesting the city of Washington. Can the gentleman furnish the House with the average property holding of these 50 millionaires?

Mr. KAHN. I do not know how much property they hold, nor do I know just how many millionaires there are in Washington. I think 50 would be a pretty good guess. But I do know this: That in the northwest, in the northeast, in the southeast, and in the southwest there are rows after rows of houses that are occupied by Government clerks and clerks in the various establishments here in the city of Washington.

Mr. STAFFORD. Does the gentleman know how much property they hold that is escaping taxation?

Mr. KAHN. I have not looked into that matter.

Mr. BARNHART. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BARNHART. I notice in the newspapers from time to time advertisements for the sale of these houses that are built by speculators to be sold to Government clerks and others, in which they say that there will be no sidewalk assessment and no street assessment, because it is in the city of Washington. Does the gentleman from California believe it is right that his constituents at home who earn the money should pay for the sidewalks of those people who buy property for speculative purposes?

Mr. KAHN. I have not looked into the question carefully, but I am informed that it is customary to lay the sidewalks even before the construction of the houses is begun. The gentleman from Illinois [Mr. MANN] at my left says that that is a fact. So far as my constituents are concerned, I want to say to my friend from Indiana that some of them drift into Washington every day of the year. They are all proud of this Capital of their country. They have never yet expressed a desire to have me vote against proper appropriations for the improvement of the Nation's Capital. They say it is a beautiful Capital, and they want it beautified still more.

Mr. BARNHART. Has the gentleman ever asked any of them if they are willing that he should vote their money for the personal gain of people who are located here?

Mr. KAHN. I do not think that question enters into it. I rather think that the amount involved in the matter is comparatively small, and I think if I were to ask them whether they would pay a proportion of the cost of the sidewalks or whether they would deprive the Government clerks of an opportunity of acquiring modest, but comfortable, homes, they would say, "Vote for the sidewalks." I would ask the gentleman from Indiana whether any of his constituents ever objected to his voting money for this purpose?

Mr. BARNHART. I will say that whenever I mentioned in my campaign speeches if they were in favor of voting certain assistance to the people who live in Washington who buy property for speculative purposes my interrogatory was always greeted with a whoop of noes.

Mr. KAHN. Did the gentleman ever have an opponent who took the opposite view?

Mr. BARNHART. No.

Mr. KAHN. With whom he debated the question?

Mr. BARNHART. No; but I would be glad to have my friend from California meet me on the stump at home, and I now extend an invitation to him.

Mr. KAHN. Mr. Chairman, I have always enjoyed my visits to the gentleman's State, but I am afraid that circumstances would not allow me to accept. But I am satisfied that if he were to debate the matter with an opponent who took an opposite view from his, that opponent could show the people of his district that no great harm was done them and much good was being done to the Capital and the Nation.

Mr. HAYES. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. HAYES. I desire to ask the gentleman from Indiana whether or not he knows of any case where the sidewalks have been built for owners who bought the property for speculative purposes? My experience is that where a piece of property is bought and it is desired to be improved by the owner, neither the District of Columbia nor the United States has improved the property, but that the sidewalks have been built in every case by the owner of the property.

Mr. BARNHART. In order to get at the matter in a definite way I will ask the gentleman from California if he has made investments in real estate in Washington?

Mr. HAYES. I have; and I will say that I have paid for the improvements myself, and so has everybody else that I know of. I will ask the gentleman if he knows of any case where it has not been done by the owner?

Mr. BARNHART. It is a common rumor, and I have seen it in the newspapers. If there is nothing in it, we are losing time in discussion.

Mr. HAYES. I think we are, and I think there is nothing in it.

Mr. BORLAND. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman.

Mr. BORLAND. I understand the gentleman from California, Mr. HAYES, to say that he has bought property and paid for these improvements himself.

Mr. HAYES. I have.

Mr. BORLAND. Then why does the gentleman object to this measure?

Mr. HAYES. Because I think it is unjust. Take Pennsylvania Avenue, a wide avenue. When property is first developed it is proper for the owner to pay for all improvements, but after an avenue like Pennsylvania Avenue has been accepted and used by the public for years and years it would be grossly inequitable to ask the adjoining property owner to pay for keeping the streets and sidewalks in front of the place in repair.

Mr. BORLAND. The gentleman thinks it would be unjust to compel the owner adjoining Pennsylvania Avenue to pay for the construction of sidewalks or keeping them in repair?

Mr. HAYES. Grossly inequitable.

Mr. BORLAND. He thinks it should be paid for by the people of the Nation?

Mr. HAYES. Yes.

Mr. BORLAND. I do not agree with the gentleman.

Mr. KAHN. I want to say to the gentleman that the way we do it in the West is this: After the streets have once been put in proper condition by the property owners and the city has accepted them, thereafter the city pays for the repairs.

Mr. WILLIS. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Ohio.

Mr. WILLIS. As I understand, this bill contemplates the establishment of a system whereby street improvements shall be paid for by the abutting property owners. What provision is made in the bill whereby assessments will be made against the United States in case it owns the property?

Mr. KAHN. There is no provision in the bill; but the gentleman in charge of the bill states that he thinks the United States Government property would stand in the same position as the property of a private owner.

Mr. IGOE. There is no question about that.

Mr. KAHN. The gentleman must know that in order to get a sidewalk repaired surrounding a Government building there would have to be an appropriation by Congress, and the repairs would be held up until the appropriation was made.

Mr. IGOE. I will say that every cent of money spent for maintaining sidewalks is paid out of an appropriation, and when collected it is turned back into the fund, and so you would have to have an appropriation anyway from Congress.

Mr. KAHN. The thing I have in mind is that if you begin to pick out separate parcels of land for repairs you will have to make a separate appropriation for the separate parcels, and you may have considerable difficulty in getting those appropriations.

Mr. IGOE. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I am interested in this bill because I think it is very much needed in the District of Columbia and puts the property owner in the District in the same attitude as the property owner in other cities of the size of the city of Washington. It would be interesting indeed to find out how many Members of Congress advocating a change of this law are owners of real estate in the District. In many cases those who rise oftenest against any change are usually men who own a piece of real estate in the District of Columbia. I do not know how many have real estate, or how many are developing real estate in the District. It would be interesting to let the RECORD show who they are.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. HAYES. The gentleman does not wish to imply that any of his colleagues would be influenced in their conduct on this floor simply by the fact that they had a few dollars invested in land here?

Mr. SISSON. I mean to say this, that the men who are quickest to rise and oppose anything like a fair assessment and a fair proposition for building the streets, as a rule, are men who are interested in the development of subdivisions in the District. I do not know whether that influences them or not. These men should answer.

Mr. HAYES. I want to say to the gentleman that I am interested a little in real estate in the city of Washington, and I resent the imputation that because I happen to have a few dollars in real estate here I will vote upon this floor in my own interest rather than in the interest of the public. I resent that.

Mr. SISSON. I am glad hear the gentleman make that admission.

Mr. HAYES. I made no admission.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. The gentleman's statement would be a very severe reflection upon those of us who have consistently opposed the gentleman's propaganda. By what right does he make such a statement as that? Take myself, for instance; by what right does he make that statement?

Mr. SISSON. I do not know——

Mr. MANN. I do not own as much property in the District of Columbia, nor anywhere else, as does the gentleman from Mississippi.

Mr. SISSON. I do not believe the gentleman does own any property in the District—my information is that the gentleman does not. A newspaper in the city of Washington, some time ago, in an editorial, said that when Members of the House and the Senate acquired property in the District, as a rule, they would look more favorably upon the District than those men who did not. I do not know whether that editor knew what he was talking about or not, but they generally do. I do know that some fine gentleman, misguided, perhaps, like my good friend from Illinois [Mr. MANN], who does not own any property in the District, do take a different view of this matter from what other gentlemen do, but it is a very difficult matter for one always to determine just what it is that does influence his views on public matters.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. Does the gentleman think the fact that he owns a large amount of property in Mississippi in any way affects his views upon this subject?

Mr. SISSON. I do not know whether it does or not. I do know this, that if you are taxing me in Mississippi on the land which I own there for the purpose of developing property in the District of Columbia and burdening my property with that, I resent it.

I am willing that the people of the District of Columbia should pay taxes just as they pay in my city, just as they pay in your city. I want the burdens to be the same. I am unwilling that the burdens shall be greater in the District of Columbia in proportion to population and size than they should be elsewhere, and if the fact that the National Capital is located here, if the fact that the Capital was laid out on magnificent lines, puts upon these people a burden they ought not to bear, I am willing that the Federal Treasury should respond for the difference, but I am unwilling that a man owning property in the District of Columbia shall have a special privilege over the people living in various cities of like size and character throughout the United States, and, therefore, when the District appropriation bill was up I made the statement on the floor of the House, and I am willing to stand by it, that the property of the District of Columbia should be assessed at a fair valuation, and upon that fair valuation a reasonable tax should be levied, and if that fund was insufficient to pay the expenses of the District of Columbia, as Congress wanted the District Government to be run, then that excess should be paid out of the Federal Treasury. That is right. A man in the District should pay taxes in proportion to the property he owns, just as a man does in any city in the United States. You are not placing an extra burden upon him. You are simply requiring him to bear the burdens all must bear in other cities, and in some the taxes are as high as 3 per cent and in some 4 per cent. I do not believe you will find a city in the world where the tax is as low as it is here, taking into consideration that all of the invisible personal property in the District is not taxed at all, only the visible personal property and the real estate is taxed here. It is a magnificent place for men who want to dodge taxes. Men with great fortunes may bring with them their personal property, their stocks and bonds, and live here in the District and escape all taxation on their great fortunes, and I am unwilling that the law shall remain as it is now so that this may become a haven of tax dodgers throughout the country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. IGOE. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. SISSON. Mr. Chairman, the statement was made on the floor a moment ago that no triangular or small parks were being acquired. In the last appropriation bill in reference to these triangular parks, it was stated that all of the triangular parks in the old city that could be acquired have already been acquired. The District Commissioners are satisfied. My recollection is that there were 275 of these small areas in the old city that had already been acquired during the past number of years. Some of these little triangular pieces have been improved by valuable property, and the District can not get hold of that without paying an enormous price for it. Almost every unoccupied piece in the old city limits has already been acquired. Now, we have appropriated in the current bill $25,000 for the purpose of acquiring these small triangular pieces; they are called or designated in the hearings as small parks. We appropriated $25,000, which is now being used to acquire triangular pieces outside the old city limits. In the next year's appropriation bill, the one which is now pending in the Senate, we appropriated $15,000 for the purpose of acquiring parks in the new portion of the city. Therefore, we are gradually acquiring these triangular pieces all over the new part of the city, as we now hold practically all the property within the old area. So the gentleman from Illinois is in error when he says we are not acquiring any of these pieces of property, because here is a list of small areas, or small property here, which Col. Harding says is a tentative list, and they propose within the current fiscal year to acquire these pieces of property. I will not read them all, but I will count the numbers. There are 11 pieces that appear in the list at the intersection of streets, which they propose to acquire by purchase if they can at a reasonable price and by condemnation if they can not.

Mr. SCOTT. Will the gentleman yield?

Mr. SISSON. I will.

Mr. SCOTT. Are those triangles completely surrounded by streets or——

Mr. SISSON. They are points where streets intersect at circles and where the avenues cross the streets. They do not cross at right angles, but the gentleman knows that each comes to a point——

Mr. SCOTT. But the gentleman from Illinois distinguished between triangles and points such as were under discussion a while ago.

Mr. SISSON. Those are streets continuing, and when they are cut off by a circle it would not come to a point and there is an irregular piece of land. You can not get at it; it is rather technical, and I do not know what designation could be made.

Mr. SCOTT. I understand a triangle to mean a triangular point of land entirely surrounded by streets, whereas the points which were under discussion by Mr. Mann——

Mr. SISSON. The gentleman will find a great many if the gentleman will follow the line completely; triangles would be formed, and they are cut up by circles; and there are these pointed pieces of land. They are the pieces of land where the avenues and streets intersect. They are all over the city, and the Members of the House are generally familiar with the character of pieces we are talking about. They are little parks at the intersection of streets.

Mr. SCOTT. But the gentleman still has not recognized the clear distinction between the class of property discussed by the gentleman from Illinois [Mr. MANN] and that which is now under discussion, a triangle that stands out isolated completely and surrounded by streets, and a point of some one's property only two sides of which are exposed to the streets.

Mr. SISSON. I understand these triangular pieces of land are completely surrounded by streets.

Mr. SCOTT. I do not understand that that is the class of property to which the gentleman from Illinois referred.

Mr. SISSON. Most of these little triangular pieces have been acquired, the most important points in the city have been acquired. Next you have points of land out in the new portion of the city. I do not know how many, but there are several thousand of them. I do not recall, but the testimony shows the number of small pieces outside the city limits which are now being acquired. But coming back to this bill, in every city I know of the property owner—that is, the overwhelming majority of the cities—is required to build his own sidewalk, but here the Government builds the sidewalk and one-half of the amount that is to be paid by the property owner is paid one year one-third, the next year one-third, and the next year one-third.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. I yield to the gentleman three minutes more.

Mr. SISSON. And all the guttering on his sidewalk is paid for absolutely by the city or the District treasury, half of which comes out of the United States Treasury.

Now, this is manifestly unjust and unfair. The property owner here should bear the burdens like the property owner does in my State, like he does in the majority of the States, and as they do in nearly every city of the size of Washington. The property owner improves the property in front of his own property. Now, there may be a few cases where a property owner would be burdened by an extremely wide sidewalk. The peculiar formation of some of the street corners upon which property is located, if it is a triangle, we will say, will cause him to have extra burdens, perhaps, to bear, with the long sidewalk on both sides of his residence instead of just in front of it, but he has the advantage of having light in every direction, having air from every direction; and I believe that the man who buys that sort of a piece of property, having all those advantages, is certainly not done much damage, if he gets property situated that way, even if he pays for all the sidewalks.

Now, Mr. Chairman, I want to state in conclusion that it is not my purpose to impugn to anybody any designs or dishonorable motives, but you will find that the greatest champions, as a rule, of letting these assessments remain as they are, are the newspapers, the influences in the city of Washington, Members who own property, the influences which surround Members of Congress, and by the large property owners and real estate men who are developing great subdivisions in this city.

Mr. CALLAWAY. You are not impugning the motives of any man when you state that his personal interest will influence his judgment, are you? That is an established fact of human nature.

Mr. SISSON. I do not know how far men's personal interests will influence their judgment. But I do know the men who are enjoying the protective tariff, we will say, old Schedule K, are the men who always find it to be their patriotic duty to defend a high schedule.

Mr. BORLAND. Will the gentleman yield a minute?

Mr. SISSON. Yes.

Mr. BORLAND. I want to call the gentleman's attention to Rule VIII, as follows:

> Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

Mr. MANN. Is the gentleman from Missouri going to vote on this proposition?

Mr. BORLAND. Yes; I am going to vote for it. What does the gentleman mean by that?

Mr. SISSON. Now, Mr. Chairman, the rule recognizes the fact, and the old practice, if this is correct, is that when a man is interested in any particular subject, has any financial matter that might be affected in any way by the passage of a measure in the House, the gentlemn should rise in his seat and decline to vote on the measure.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. IGOE. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. SISSON. You will find that in every State in the Union wherever a circuit judge is interested, directly or indirectly, in the trial of a case the laws of the State say that he must make known that fact, and shall not try that case unless it is by the consent of all parties. You will find in examining a juror to sit in judgment upon a case he is always asked whether or not he has any interest in it. Why? The law recognizes the fact that when men do have financial interest in such matters, although they may be as honest as the sunlight, human nature is the same the world over, and it is a difficult matter for a man to rise above his own financial interests. It is difficult for him to be conscious of the fact whether he is or is not influenced by reason of the fact that certain legislation is helping his property. I do know that the people living on the Mississippi River are the ones most interested in the levees on that great stream. I do know that people living in New York City are people most interested in developing the harbor. I do know that Members of Congress who have navy yards in their districts are the men most interested in building great ships and building battleships. It is true that many of them might want to vote against it, but they say that their constituents want it. Why do they want it? Because it is to their business interest to have them there. You find that the people of the great West are interested in irrigation, because they are interested in having that irrigated land. And it is difficult for me to understand why any man should feel that it was any sort of reflection upon him, because he happens to own real estate, for some man to say that that might have some influence upon his views of District legislation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, I have a great deal of respect for the gentleman from Mississippi [Mr. SISSON] and the gentleman from Missouri [Mr. BORLAND]. But I am rather surprised that, living in glass houses themselves, they undertake to throw stones at the people of the city of Washington, and charge that their views are wholly influenced because they own property here.

Mr. SISSON. Will the gentleman yield?

Mr. MANN. I yield for an apology.

Mr. SISSON. I did not say that it was wholly influenced.

Mr. MANN. I yield for an apology.

Mr. SISSON. I am not apologizing at all.

Mr. MANN. I think the gentleman is apologizing partly, and he will apologize more pretty soon, I hope.

Mr. SISSON. Mr. Chairman, I am not apologizing. I simply want the gentleman to state what I stated.

Mr. MANN. The gentleman made his argument, and most of his talk was for the purpose of showing that the gentlemen opposed to this legislation were opposed to it because they owned property here, and that they were the first ones to rise on the floor of the House to oppose such legislation, which is not true, to begin with. The gentleman is mistaken about that.

Mr. SISSON. The gentleman from Illinois may be an exception to the rule.

Mr. MANN. But I am not an exception to the rule. That is just it. What is the use of dealing in innuendoes of that sort, which have no foundation in fact. Now, the gentleman complains that the people of Washington who oppose such legislation are interested in property in Washington, and the in-

nuendo is that they are opposed to it because they are personally interested here.

The gentleman from Mississippi [Mr. SISSON] complains that under the existing law his people help to pay the taxes. If the gentleman from Mississippi owns property outside of Washington, does he help to pay the taxes here? Is this his position, that he helps to pay the tax in Washington on property outside of Washington? The gentleman from Missouri [Mr. BORLAND] takes the trouble to read a rule of the House forbidding gentlemen from voting upon a proposition in which they have a personal interest, and then says, or said before, that he is opposed to the existing law because his people, including himself, pay taxes to help support the city of Washington.

Is that a personal interest? If it is not a personal interest in his case, it is not a personal interest in the case of anyone who owns property in Washington. What is the distinction between owning property in Washington and owning property outside of Washington, so far as this question is concerned? Because on the one side they seek to put all the taxes upon the property here and on the other side seek to bring in a portion of the money from taxes outside of the city of Washington. There is no distinction, and there is no reason for dwelling upon such a reflection and innuendo, that may be hard to meet, and that has no foundation, and is unworthy of such gentlemen as the gentleman from Mississippi and the gentleman from Missouri.

Mr. HAYES. Mr. Chairman, the gentleman from Mississippi [Mr. SISSON], if his argument were pursued to its legitimate conclusion, would exclude practically the whole membership of this House from voting on many propositions that come before it. Now, so far as I am personally concerned, the fact that I happen to own a little property in the city of Washington does not affect my attitude upon this bill, because it does not affect my interest in any way, and if it did it would not affect me in the performance of my public duty. I believe I am able to rise above any little personal matter that I may have when it comes to the performance of my public duty, and I believe that every man on this floor whom I have the honor to know is large enough to rise above a few dollars which might be affected on matters that come before this body in which he must act as a public official.

Although I and the gentleman from Mississippi may pay a few dollars tax in the District of Columbia, does he suppose that the fact that I do or that he does influences us, or does he suppose that it influences me? I do the gentleman the credit of believing that although he may pay something, and perhaps more largely than others, to support the Government of the District of Columbia, that fact does not influence his conduct and his judgment in matters that come before this House for consideration.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HAYES. Certainly.

Mr. CALLAWAY. The gentleman never would take a man on a jury who was at all interested in the case?

Mr. HAYES. It all depends on the man. I have seen men where that consideration would not affect me a particle in deciding whether they should sit on the jury.

Mr. CALLAWAY. Have you ever seen a man who was interested in a case before a jury where you would select him as a juror?

Mr. HAYES. I know of many men who, if they were interested, would do just as an ordinary honest man would do. In order to be straight, he would lean backward. If he had an interest, he would see to it that he leaned on the other side rather than on the side of his own interests. Any man would do that if he is honest.

Now, so far as my personal interest in this matter is concerned, let me say to the gentleman from Mississippi that I have a small piece of real estate in Washington. I got it when I first came here, intending to build a home for myself, but circumstances rendered it desirable that I should not build it. I had it for sale for some years, but I could not sell it as a whole. For that reason I own a little real estate in the District of Columbia. Now, whenever I have made any improvements or have desired any improvements on the property that I own, I have made them myself. I have never asked the District of Columbia or its commissioners or anybody else to spend a dollar for me in the improvement of my property, and I never expect to.

This proposition that is now before us is a very different proposition. Having been interested in that way in real estate in the District of Columbia, I understand something that perhaps other Members do not understand about the laws that apply to the District. For more than 20 years it has been unlawful for the District revenues to be applied to the improvement, in the first instance, of suburban property in the District of Columbia. Therefore I asked the gentleman from Indiana [Mr. BARNHART] whether that has been done. If it has been done, it is in violation of the law. The law of 1893 prevents anything of that sort. I know of no case where it has been done.

Now, in the matter of the improvement of sidewalks, when an owner of property—like myself, for example—has improved the property and laid down the sidewalk and put in the water and sewer and improved the street, and every public improvement has been made, and the property has been sold and occupied by the owner, I believe that it is grossly inequitable, when the city desires vastly to improve or to change the sidewalk in front of his property, for the city to ask him to do this for the benefit of the public, because that is what it amounts to.

In the city where I live, and in various other cities out in that country, the sidewalks and street improvements are made by the owner, and he having made those improvements, it becomes the duty of the city to see that the sidewalks and streets are kept in repair, because they have then become public property, and it is in the public interest and the public should pay for it. If there is a city where that is not the rule, then I say it is inequitable. The streets are the property of the public. The public uses them, and therefore the public should keep them in repair.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. GORDON. May I ask the gentleman why it is that he paid all the costs of those special improvements on his property when the law authorized him to get rid of part of it and impose it on the people of the United States and on the people of the District?

Mr. HAYES. The law does not authorize that.

Mr. GORDON. That is the law we are repealing now in this bill.

Mr. HAYES. No; I said not. The law does not allow the commissioners to spend the funds of the people of the District for improving suburban property in the first instance. You can not spend money for improving streets and laying down sidewalks and making other improvements in the suburbs of this District. That is the law, and has been the law for 20 years. That is the law of 1893.

Mr. GORDON. What does the gentleman mean by suburbs?

Mr. HAYES. I mean the localities outside of the old-established cities of Washington and Georgetown. That is what I mean; the territory outside of that.

Mr. GORDON. This bill does not affect your property.

Mr. HAYES. I say it does not; and for that among other reasons I resent the suggestion of the gentleman from Mississippi [Mr. SISSON] that I am influenced in my opposition to this bill because it affects me. It does not affect me in any way.

Mr. SISSON. Does the gentleman mind telling the location of his property?

Mr. HAYES. I have a piece of property in the north part of town on Nineteenth Street. All the public improvements have been made there. That is the only piece of property I own personally.

Mr. SISSON. Is that the Foxhall property?

Mr. HAYES. I have an interest in that, but I do not own it personally, and that is entirely outside of the old-established city.

Mr. SISSON. Is the property which the gentleman mentioned outside of the Foxhall property?

Mr. HAYES. Yes.

Mr. SISSON. Does the gentleman own any other property besides those two pieces, Foxhall and the other?

Mr. HAYES. I do not.

Mr. SISSON. Foxhall is a development property, is it not?

Mr. HAYES. It is. It is a subdivision entirely outside of the city, and the improvements have been paid for by the owners entirely.

Mr. SISSON. The Foxhall development is located in the District of Columbia?

Mr. HAYES. In the District of Columbia; yes.

Mr. OGLESBY. Mr. Chairman, I asked one of the gentlemen in charge of this bill whether this had anything to do with the change of the present half-and-half system, and I understood from him that it had not. The trouble is that gentlemen are confusing this bill with the proposition to change the half-and-half system. I do not think it is very creditable to the gentleman from Mississippi [Mr. SISSON] or the gentleman from Missouri [Mr. BORLAND] or any other Member of this

House to attempt to cast suspicion upon the motives of another Member of the House because of his position on any bill which may be before the House for discussion on the ground that he may own property in the District of Columbia or anywhere else. I want to say that if the gentleman had information he would not have his suspicions.

I own a house in the District of Columbia. The sidewalk in front of it is already built. I bought that house and have received the benefit of that improvement. Property owners in the District of Columbia have for a number of years been paying taxes each year, a portion of which taxes have been applied to the payment of a part of the expense of laying sidewalks in other parts of the city. The property which I own has received some of that benefit. Taxpayers in other portions of the city have paid a part of the expense of laying that sidewalk. If I supported this bill, I would be voting to relieve the property which I own of the expense of paying for the building of sidewalks in front of any other property in the District; but I do not think that is just or fair. I am perfectly satisfied to continue to pay my share of the tax of improving the sidewalks in other parts of the city when it comes other people's turn to have their improvements made.

Now, the question of changing the half-and-half system is another proposition. If the doing away with the half-and-half system will impose more taxes on the property owners of the District of Columbia than they have heretofore paid, then that will affect my interest; and on a proposition of that kind, if I took a position which would tend to relieve my property from the additional tax, I think my conduct might properly be criticized. If it is true that this bill now before the House does not attempt to make any change in the half-and-half system, the arguments which gentlemen have made do not apply at all to the question now under consideration. [Applause.]

Mr. IGOE. I should like to ask if we can agree on some time for the limitation of debate?

Mr. MADDEN. The gentleman can not do that now. Anybody who gets the floor has the right to an hour.

Mr. IGOE. I am informed that there are so many gentlemen who want to speak on this proposition that we had better let it go on for a little while.

Mr. SISSON rose and was recognized.

Mr. CAMPBELL. Mr. Chairman, will the Chair kindly inform me who has the floor?

Mr. SISSON. I had recognition from the Chair. I do not know whether that means that I have the floor or not.

Mr. CAMPBELL. The gentleman from Missouri [Mr. IGOE] was recognized for the purpose of preferring a request for unanimous consent to close debate.

The CHAIRMAN. That is true.

Mr. SISSON. Then the gentleman from Missouri stated that there seemed to be a good many gentlemen who desired to speak, and he would let debate run awhile. Then I addressed the Chair and got recognition.

The CHAIRMAN. The Chair thought gentlemen were trying to make an arrangement as to the time for the discussion of this bill.

Mr. SISSON. There have been two speeches made on the other side anyway, and I thought I had recognition.

The CHAIRMAN. The Chair did recognize the gentleman. The Chair will recognize the gentleman from Kansas later.

Mr. SISSON. Mr. Chairman, I do not see why gentlemen should be captious about this proposition. It might be a good idea to have an experience meeting, to see how many gentlemen here do really own property in the District of Columbia. I take it that the mere fact that a man owns a home in the District of Columbia might have but little effect upon his views on public matters in the District of Columbia.

Mr. MADDEN. Has the gentleman there a list of Members who are property owners?

Mr. SISSON. I have not, but I have frequently thought it might be well for each Member of Congress to arm himself with a list of the owners of the various pieces of property in the District, owned not only by Government officials but by Members of Congress, and then analyze the positions taken by them here.

Mr. MADDEN. I did not know but that was a copy of the Bible that the gentleman had in his hand.

Mr. SISSON. This is the bible that ought to control the Members of the House. It is the book of rules of the House. I call attention to one of the rules here:

Where the private interests of a Member are concerned in a bill or question he is to withdraw. And where such an interest has appeared his voice has been disallowed even after a division. In a case so contrary, not only to the laws of decency but to the fundamental principle of the social compact, which denies to any man to be a judge in his own case, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

That is in Jefferson's Manual——

Mr. MADDEN. Will the gentleman yield there?

Mr. SISSON. Yes.

Mr. MADDEN. If that rule were strictly adhered to it would prohibit any taxpayer from representing the people in any legislative body in the country, would it not?

Mr. SISSON. Mr. Chairman, there is a great difference between the system of taxation in the State and the system of taxation here. In the State when a member of the legislature votes a tax rate upon the people of the State he votes the same rate upon himself. But a Member of Congress here voting on a tax matter, voting on the improvement of property, votes $1 out of the Federal Treasury and $1 to come out of the District treasury, which bears one-half of the burden of taxation. If down in my State, every time the State put up a dollar for any purpose, some gentleman was to duplicate that dollar by laying down another dollar beside it, you would find that the people of the State would be much more willing to be taxed than they are willing to be taxed now. Therefore a man buying property in the District of Columbia and living in the District of Columbia without a vote can not take part in any law affecting property here. He is without representation. But when a Member of Congress is elected to this House by a constituency at home he comes to Congress and then acquires property here for the purpose of developing it, for the purpose of engaging in the real-estate business, for the purpose of putting it on the market, not buying it for a home for the term that he represents his people in Congress—I say, at the least, it is getting very close to the breach of propriety.

As I said in my opening remarks, because men interested can not separate their votes from their interests, that it is extremely doubtful whether Members of Congress should become interested in the development of any particular locality or become interested in speculative real estate in the District of Columbia.

Mr. OGLESBY. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. OGLESBY. Does the gentleman understand that this bill proposes to change the half-and-half system?

Mr. SISSON. It does not altogether.

Mr. OGLESBY. The gentleman's argument has been directed to the question of taxation and not to this assessment. In what way could the change made in the assessments operate to the advantage of a man whose property has already been improved?

Mr. SISSON. It is the difference in the development of the District property. This bill provides that the property owner shall pay for sidewalks, and under the present law he does not.

Mr. OGLESBY. There is a sidewalk already in front of my property. How can this bill affect me or help me?

Mr. SISSON. If the gentleman does not have to repair it soon, it will not affect him at all, but if he owns it long enough it will affect him.

Mr. OGLESBY. Would it not relieve me of paying taxes toward the building of some other man's sidewalk who has been contributing in taxes upon his property to the improvement of my property?

Mr. SISSON. That does not follow.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. I will yield to the gentleman from Illinois.

Mr. MANN. I understood the gentleman to say that his opinion was that it was of doubtful propriety for anyone to have anything to do with legislation relating to taxation of Washington real estate who was an owner of property here for development.

Mr. SISSON. Yes.

Mr. MANN. This is being celebrated as Washington's Birthday. Does the gentleman mean to cast any reflection on the Father of His Country who owned a great deal of land here?

Mr. SISSON. I do not believe the Father of our Country——

Mr. MANN. He did the identical thing that the gentleman condemns.

Mr. SISSON. At that time he was not a Member of Congress. He was never a Member of either branch of Congress.

Mr. MANN. He was a Member of both branches of Congress, having the veto power; that is, he was President of the United States.

Mr. SISSON. I do not believe, if what they say about it is true, that it is to the credit of the Father of our Country that he was interested in developments of real estate here, and if he located the Capital with any idea of locating it anywhere near his property it is not to his credit.

Mr. MANN. I think it is very much to the credit of the Father of His Country that when the Capital of the Nation was

located here he endeavored to develop it instead of opposing it, as is the gentleman from Mississippi.

Mr. SISSON. If he developed it in any unselfish way, without any idea of himself obtaining profit by virtue of the advance in real estate here by taxing the people of other portions of the country, then it was all right. But the gentleman from Illinois must recall that the system of taxation in the District of Columbia at that time was entirely different from what it is now.

The gentleman must understand that the people of the District of Columbia had the right of suffrage and had a legislature of their own. They taxed their own property, levied their own tax rates, and as it is now it is within the power of Congress. The power is in Congress to control the development of this city. It is within the power of the majority of this House and of the Senate to control it. But when they had the legislature elected by the people——

Mr. MANN. They did not have any legislature in the District of Columbia.

Mr. GARRETT of Tennessee. This city was never the seat of the Government while George Washington was President of the United States.

Mr. SISSON. The gentleman from Tennessee is right about it. I am sure that the Capitol or the White House was not built when Washington was President. The gentleman from Illinois will have to revise his history a little.

Mr. MANN. No; I will not. I have said nothing to the contrary.

Mr. SISSON. Now, during the time Washington was here, it has been said—I do not know how true it is—that he owned property to the east of the Capitol, but the city grew the other way. At that time, I am reminded by the gentleman from Tennessee, Washington was one of the commissioners to locate the Capital. As President he had nothing to do with legislation with reference to the District of Columbia.

Now, I believe if a man wants to be absolutely above any sort of suspicion, if he wants to guard his vote upon this floor with sacredness, in view of the fact that you vote to take out of the District of Columbia treasury only one half of what it takes to run the District, and out of the Federal Treasury the other half, his interest then in spending money in the District of Columbia and in the development of property falls upon him with half the weight that it would if it were being developed in his home State.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I do.

Mr. MADDEN. If a man owns property that is fully improved here to-day, the streets paved and the sidewalks built—if this bill passes and he had voted for its passage, he would have voted to relieve himself from the burden of taxation for building sidewalks throughout the city, and he would be charged, and properly so, with voting selfishly, would he not?

Mr. SISSON. No; he would not, for this reason: The moment his sidewalk gets out of repair he will have to repair it himself. Under the present law the District of Columbia would improve the sidewalk and keep up the improvement. Under this law he would not only build his sidewalk, but he would improve his own sidewalk.

Mr. MADDEN. But with his sidewalk already built, he would be subject under the present law to taxation for other sidewalks to be built.

Mr. SISSON. That is true, but because you happen to have a bad law, it is utterly impossible to change the law without in some way affecting somebody.

Mr. MADDEN. But this man might have influence enough to change it back again before his sidewalk got bad.

Mr. SISSON. That is perfectly true, and that is why Members of Congress here interested ought not to vote on these matters.

Mr. OGLESBY. This system might have been wrong to start with, but having inaugurated it, and so many people having contributed to the construction of sidewalks in front of other property, does not the gentleman think it would be wholly unjust to change it now?

Mr. SISSON. I do not. On the contrary, if that is true, when you inaugurate a bad tariff system, according to the gentleman's argument you can not change it, and when you have a bad banking and currency law and people have obtained certain advantages or disadvantages under it you can not change that. The only question is, Is his bill a just bill?

Mr. OGLESBY. Does the gentleman think that argument analogous in any sense?

Mr. SISSON. Absolutely; or I would not have made it.

Mr. MADDEN. I want the gentleman to tell me what to do. I own a house here, and the sidewalk in front of that house is constructed.

Mr. SISSON. Yes.

Mr. MADDEN. If I should vote to pass this bill, I would be voting to relieve myself from taxation. Would the gentleman feel that I had a right to vote to pass the bill?

Mr. SISSON. Oh, I am not doing the feeling. It is the gentleman from Illinois who must consult his own conscience and mind. I am going to try to do my own voting, and that is as much as I can do.

Mr. MADDEN. If I vote agaist the bill, then what?

Mr. SISSON. My friend on my right would refer the gentleman to the Bible. I am not trying to control anybody's conscience or anybody's vote, unless it can be done by reason and right. I never ask anybody to vote, directly or indirectly, otherwise than as his conscience dictates, nor is this any case where one should dictate to another. The rules of the House and of Jefferson's Manual refer to these things, and it is certainly within my right to refer to these matters, because the rules of the House permit me to do so. I am not singling out any particular man. I am talking about it as a general proposition, and I want to assert now that I do believe that it is a breach of propriety for a man to come to Congress representing his constituents at home to become interested in the development of property in various sections of this city or in the opening up of streets and the laying out of sewers, becoming a member of the board of aldermen, and endeavoring to have property developed along lines which would benefit the particular section or property that he is interested in.

It is natural for men to have their interests control them, because when the States pass laws that affect materially any one line of industry, affect materially banks or railroads, you find those men rise in protest against it. And why? Because it is to their interest to do so, and it is very difficult, indeed, for legislation of any kind to be passed that does not affect the interest of some. The ideas are conflicting here, and a man certainly ought to relieve himself of the temptation of voting to develop a certain subdivision in which he may become interested after he gets to be a Member of Congress.

Mr. MANN. The gentleman voted for the Agriculture appropriation bill, and has for years past?

Mr. SISSON. Yes.

Mr. MANN. Carrying an appropriation for the boll weevil and other things in reference to cotton, which the gentleman is raising?

Mr. SISSON. Yes.

Mr. MANN. Does the gentleman consider that he was doing anything improper in voting for that?

Mr. SISSON. Absolutely not.

Mr. MANN. But that was for his personal interest just as much as this.

Mr. SISSON. When the bill carries money to handle the moth trouble in New England and all of the troubles throughout that part of the country and money to destroy or handle the boll weevil, when that is done it not only inures to the benefit of the people of the South and the people of the East, but to all of the people, and when the crop of that country is great, when the crop of that country is enormous and cotton is cheap, the people all over the United States get the benefit of it, and when the corn crop is plentiful the people in the gentleman's State get the benefit of it, and when the great grain crops are also plentiful and the harvest is abundant the people throughout the country get the benefit of it. The basis of all wealth, the foundation of all prosperity is to be found there. That is the source of all our wealth. It is either dug out of the ground or gotten out of the sea. The political economists lay that down as being the source of man's food and clothing.

Mr. MANN. I quite agree with the gentleman now in what he has just said, but under the gentleman's statement awhile ago I can not understand how he thought he was justified in voting for an appropriation which might be, and would be, very helpful in the amount of cotton that he raises on his farm.

Mr. SISSON. Now, the system of taxation is entirely different here in the District of Columbia. Where you want to develop a piece of property the entire benefit of which flows to the man who owns the property, and when you take one dollar out of the Federal Treasury to help to benefit that property, and they then pay less taxes than are paid by men in other sections of the country, then that man is getting more than he is entitled to.

Mr. MANN. But it is a question of the personal interest to which I called the gentleman's attention. I do not own property, but it is the question of personal interest to which I am referring.

Mr. SISSON. I know; if the gentleman will pardon me, I will come to that in a moment. Now, when you take out of the Treasury of the United States one-half the money and pay

it on the development of property in the District of Columbia, and that amount is just the amount of difference between the burden placed upon the people of the District and the burden placed upon the people in our home cities, then I have no word to say; but my position is that the people of the District of Columbia, owning property here, are not paying their just burden of taxation. They are not carrying the burden they ought to carry with the benefits which they enjoy, and when you look at the assessment roll of this city and find that the assessment of invisible and intangible property is relieved of taxation and then find real estate and visible property is taxed, then I say before the District of Columbia ought to complain, or ought to have the right to complain, it ought to provide a reasonable assessment of all kinds of property in the District and then place a reasonable assessment on the property and tax it at a reasonable rate of taxation. Then if that does not raise enough money to pay the expenses of this government, then the difference will be ascertained, because the difference will be the extra expense the city bears on account of its peculiar situation and the manner in which the streets, alleys, and so forth, are laid out. Some people want the District of Columbia run on a more magnificent scale than cities elsewhere are run. I see no reason for that, but men do; and if Congress should want more done than the tax raised in this way will do, then let Congress pay for it.

If you will assess this property properly, all kinds and character in the District, and then put a reasonable rate of taxation on it, and if that does not raise enough money to run this District government as it should be run I am more than willing to have the balance paid out of the Treasury, but until it does bear its just burden of taxation and assessment I will not permit that payment to be made except over my protest.

Mr. MADDEN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MADDEN. Will the gentleman be willing to include in what he calls the reasonable assessment just described the property which the United States Government owns in the District?

Mr. SISSON. No; I will not.

Mr. MADDEN. Why not?

Mr. SISSON. I am willing for the United States Government to take care of its own property and build its own sidewalks, because if it were not for the enormous pay roll, if it were not from the fact that money comes flowing from every State of this Nation into the Federal Treasury, with a pay roll amounting to——

Mr. JOHNSON of Kentucky. Six million dollars a month.

Mr. SISSON. As the gentleman to my left says, $6,000,000 a month paid here. Failures in great manufacturing cities, bad health conditions, may affect them, but in the District of Columbia the salaries have been increased, not only in the amount paid per individual, but they have been increased gradually in number, and there is no such thing as a dearth of money in the District so far as wages paid is concerned, but in the steel industry when you close a steel mill down it affects the wages paid where it is located. In a great city like Chicago when you have great failures in mercantile establishments it affects the wages. So it is throughout the country. In the District of Columbia this perennial stream of money goes into the Treasury and from there it goes into the salaries of these wage earners, who in turn spend it here in the District of Columbia, keeping property values at what they are, increasing the value of property rentals, because all the property is to be developed from the benefit they get from the location of the capital city here.

Mr. MADDEN. Will the gentleman yield right there?

Mr. SISSON. The city of St. Louis at one time was willing to take the Capital and duplicate these buildings here. The great city of St. Louis and the State of Missouri, in the center of the Nation, could well afford to duplicate all this property and carry the Capital City to the center of the Nation. In other words, mileage and expenses necessarily attached to getting to the Capital would soon pay for the Capital again. You talk about moving this Capital from the District of Columbia, and you will hear a howl go up, and after that they will complain that the Capital City is a curse to them. I have talked with them, and they complain about the Capital City having so much land, owning so many parks, and yet the men who own the real estate will turn over great tracts of lands and have the Government condemn them and tear down great buildings in order to force the development of the city along certain lines and in certain directions. They are the men who are behind all this park movement. In one breath you will hear them complain about the land that is in parks, and in the next breath you will hear them complain because Congress is so penurious that they will not buy the parks from them.

Mr. MADDEN. The gentleman's contention is that without the Capital here the property of the city would be of no value, and yet how is it that in cities like Milwaukee, St. Paul, and Cincinnati, and all cities of that class, where they have no capital to make their prosperity, they continue to be prosperous and happy, and the values of their land are equal to the values of the land here, and yet the tax rate there is not as high on the property owner per capita as it is here?

Mr. SISSON. Now, I will answer the gentleman. This was a perfect wilderness. It was set apart here not as a manufacturing city, but it was intended to be the seat of government. This is the seat of government, but this is not a city where without the Government it would have developed, surrounded as it is by Baltimore on the one side, Philadelphia on another, Richmond on another, Norfolk on another; and Alexandria is also an illustration of what happens to a town unless it happens to contain the Capital.

But no man contends that this city which we have here now would have ever existed at all on the map but for the location of the seat of Government here. That being true, these people are here, getting more and more benefit out of the Capital and out of the money that is spent here than anybody else in the United States, and more personal benefit; and if it were not for this, then the Capital City would have no enormous wage scale. No State government has ever paid taxes on the property in its capital city, and this Government will not permit it to be——

Mr. MADDEN. The fact that we have the Capital of the Nation here has prevented the development of a manufacturing industry here of any kind.

Mr. SISSON. I think that is true; but I do not think it ought to be permitted. But the Capital being located here, and having built a city, then these people want to add to this a manufacturing center. The contract between the States of Maryland and Virginia and the Federal Government was that this should be a capital city, and it ought to be a capital city. And I am willing that it should be treated fairly and properly. I am willing that all the burdens that they bear over and above the burdens which they ought to bear should be paid out of the Federal Treasury, and in that way the District of Columbia would pay what she ought to pay and the Federal Government would pay out of the Treasury the amount necessary to supplement that fund and conduct the Government as they saw fit and proper to have it conducted.

The people of the country are going to wake up on the proposition. When you tell me that you can go before your constituents and discuss this matter and justify the present system, I think you are mistaken. I do not think there is a constituency in the country that does not want the Capital City to be what it ought to be, but, on the contrary, I do not believe there is a constituency in the country that wants the landowners of the District to enjoy all the benefits without bearing their just share of the burdens in this city.

Mr. COOPER. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. COOPER. The gentleman has spoken several times about the necessity for having the law compel the District and the Government of the United States, respectively, to share equitably in the expenses, the burdens of taxation, and so forth, of the District. Has the gentleman from Mississippi clearly in his own mind just what he thinks would be a just division of these expenses and burdens?

Mr. SISSON. If the gentleman had paid close attention, he would have remembered that this is what I said: Let the property of the District of Columbia of all character be assessed at a reasonable value, and then levy a reasonable rate of taxation against that. If it does not raise enough money to pay the expenses of the District of Columbia as Congress thinks the District ought to be maintained, then let the Federal Treasury supplement that difference. These estimates would come, then, to Congress, and if the District funds and the District revenues did not pay the demands made upon Congress with the showing which they could make, then Congress could supplement that with any fund they saw fit and proper. In that way the people of the District of Columbia, each and every property owner, would be paying his just share.

Mr. COOPER. He would not know in advance just what his just share would be.

Mr. SISSON. He would in this way: The exact amount would be indeterminate, but under the present system the District now raises a certain amount of money, and under the peculiar law they report it all to Congress; that then is reported to the Appropriations Committee, and we are then called upon to pay just as many dollars that they have raised by taxation as we see fit and proper to do.

Mr. COOPER. I wish to ask the gentleman a question.

I will preface it by saying that some time since I introduced a resolution here, and that I have never owned, nor do I now own, any interest in real estate in the District of Columbia—though there would be nothing necessarily wrong if I did. The resolution provides for the appointment of a commission consisting of two Members of the House to be appointed by the Speaker, two Members of the Senate to be appointed by the Vice President, and five other persons not members of either House to be appointed by the President, subject to confirmation by the Senate, to take up this whole subject of the past and the present fiscal relations of the District of Columbia and the United States, to make a thorough investigation of these, and after such investigation to report to Congress what, in the opinion of the commission, ought to be the future fiscal relations between the people of the District and the National Government.

Now, what does the gentleman think as to the advisability of passing something of that kind?

Mr. SISSON. Something of that kind may be done. Perhaps something of that kind ought to be done. But that ought not to affect this bill.

Mr. COOPER. There is such a dispute here every week as to what ought to be done——

Mr. SISSON. I will submit this proposition to the gentleman: Does not the gentleman believe that all of the personal property of men moving into the District of Columbia and taking up their abode here——

Mr. COOPER. That is not germane to the question I asked.

Mr. SISSON. The proposition which the gentleman presented is not germane either.

Mr. COOPER. It was entirely germane to the statement of the gentleman from Mississippi to which I referred.

Mr. SISSON. I answered the gentleman's question courteously. Does the gentleman not believe that personal property of men moving into the District of Columbia, to live here, should be assessed in the District of Columbia?

Mr. COOPER. The law of taxation is that real estate is taxed——

Mr. SISSON. I am not talking about real estate.

Mr. COOPER. In my State, and I suppose everywhere else, personal property is taxed in the place where the owner resides.

Mr. SISSON. Very well. Ought it not to follow him into the District of Columbia?

Mr. COOPER. Of course; but there ought not to be double taxation.

Mr. SISSON. But it does not follow him into the District. If a man came here from the outside with $100,000,000 of railroad bonds or notes, they would not be taxed.

Mr. COOPER. I am not speaking in favor of, or intimating that I am in favor of, any evasion of taxes, or anything of that sort.

Mr. SISSON. That is the system here now and many people are moving here to evade all taxation.

Mr. COOPER. One moment. The city of Washington is the Capital of the greatest Republic the world has ever known, and of incomparably the richest Nation. There is, in my judgment, a very distinct difference between what ought to be a system of taxation in the District of Columbia, where the National Government owns so many millions dollars' worth of property——

Mr. SISSON. Mr. Chairman, I decline to yield to a speech.

Mr. COOPER (continuing). And a city where there is no seat of a great Government.

Mr. SISSON. The gentleman has not answered my question, and that is, Does he believe that a man should come here from New York City, or from anywhere else, and bring with him intangible assets, running into the millions, and pay not a cent of tax on them, and that the greatest Republic in the world should permit its Congress to perpetuate that sort of thing? That is what is being done.

Mr. BORLAND rose.

Mr. COOPER. Mr. Chairman, I answered the gentleman's question by saying that personal property is taxed where the residence of the owner is located. I stated that in so many words.

Mr. SISSON. Then, if that be true, the District tax should be changed. Now I will yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. On the question of the gentleman from Wisconsin [Mr. COOPER], does not the gentleman from Mississippi realize that the District Committee of the House in this Congress is now actively engaged in investigating these tax inequalities, and that it has reported bills for the correction of them, and that this is one of the bills that has been brought out for those various purposes, and that it also has a bill to tax intangible property and is designed to bring the taxation of the District of Columbia to an average uniformity with the taxation of other places of like size?

Mr. SISSON. That is true.

Mr. BORLAND. Then why is there any necessity for a commission to be paid for out of the Treasury?

Mr. SISSON. That is true.

Mr. COOPER. Mr. Chairman——

Mr. SISSON. I do not yield, Mr. Chairman. I want to state, Mr. Chairman, before I sit down that I am very much interested in a proper assessment and a proper tax rate for the District of Columbia. I believe that the duty devolves upon Congress to change the present system of taxation, which was put in vogue after the Boss Shepherd régime and the feather-duster legislature, which had placed this District overwhelmingly in debt.

Congress found it bankrupt, and in order that the District of Columbia then might be relieved of its burdens and the burdens of that corrupt government, Congress took the entire situation in hand. They had this anomalous situation to deal with, that one-sixth of the white voters and the entire colored vote of this city could elect all the officers of the city government. The result was that they had a bad system of government, a system so bad that the history of it still "smells to heaven." Congress then even assumed to guarantee the payment of the debt of the District in consideration of the taking away from the people their right of suffrage and their right to control and their right to vote. Congress said, "In order that you may be safeguarded properly, Congress itself will pay one dollar every time you pay a dollar." Now, the District of Columbia is out of debt.

Mr. CAMPBELL. It has $22,000,000 of debt.

Mr. SISSON. Oh, no. The gentleman is consulting some old figures. The gentleman does not know anything about it. The District is practically out of debt now. Practically that has all been done out of the Federal Treasury, and the Federal Government has been paying half the expenses. And because the Federal Government came to the rescue of the District, because the Federal Government rushed to the aid of the District in time of need, the land promoters are now citing that as a precedent, and they are contending that a special privilege has ripened into a vested right. I contend that no man has a vested right in any system of taxation of any kind or character. But if you will read the public press in the city of Washington you will find that everyone of us is arraigned and traduced as an enemy of the District, because we complain of the evils that exist here. I would do no man an injustice. I do not believe that my friends who know me believe that I would intentionally do any man an intentional injustice. I would not do the humblest taxpayer or the humblest servant of the colored race in the District of Columbia one particle of injury. I would not do the richest man in the District one particle of injury.

But I do want a system of taxation that will be just and fair and honest, so that these people may bear the burdens of taxation about in the proportion that they bear in the city of the gentleman from New Jersey [Mr. TOWNSEND] or in the city of San Francisco or in the city of Richmond or in the city of Nashville or the city of Memphis or the city of New Orleans and elsewhere throughout the country. And when that is done I am willing to give the people here in the District of Columbia the benefit of the doubt, and if they pay a taxation reasonably within the limit paid in other cities throughout the country in the maintenance of their city government I am satisfied. If Congress feels that sufficient taxes are not collected, and that the Capital city is not managed as it ought to be, then let Congress in its wisdom supplement that fund. That is the proposition I stand upon. It is a proposition I can defend anywhere, at all times, and under all conditions. [Applause.]

Mr. OGLESBY. Will the gentleman kindly answer a question?

Mr. SISSON. I will if I can. I do not know that I can.

Mr. OGLESBY. By whom would the gentleman have these assessments levied?

Mr. SISSON. By a board of assessors.

Mr. OGLESBY. And by whom would they be appointed?

Mr. SISSON. By the President.

Mr. OGLESBY. Would they be residents or property owners in the District?

Mr. SISSON. If I had my way about it, if you could restrict the suffrage of the District of Columbia to an intelligent electorate, I would turn the government of the District of Columbia over to the people of the District of Columbia and let them run their affairs and let the Federal Government run its affairs.

Mr. OGLESBY. Would the gentleman permit the assessment to be made by people holding property in the District of Columbia?

Mr. SISSON. No; not unless the President saw fit to appoint men who owned property here.

Mr. OGLESBY. Under the gentleman's theory that every man is influenced by his own selfish interests, would not these men, in order to hold their jobs, be inclined to make assessments against the property of people in the District of Columbia which would not be fair to those people?

Mr. SISSON. My judgment is that they would give a fair assessment. If they did not, you could have your appeal just as they have in all the States. The only trouble is not that the property is assessed too high in any city, or in this District. The great trouble is that property is not assessed high enough, as a rule, everywhere. That is what makes the rate appear to be higher than it ought to be.

Mr. OGLESBY. Would not these assessors have to assess Government property as well as private property?

Mr. SISSON. Of course not. The sovereign is never going to permit its property to be assessed. On the contrary, if this city pays a just amount of taxes on its own property, and that does not give a sufficient revenue to run the District government as it ought to be run, then it will be the duty of the Government to supplement it by whatever amount is necessary, on account of the peculiar situation here.

Mr. OGLESBY. I understood the gentleman to say that under the system he proposed an assessment would be levied upon all the property in the city, both private and Government property, at an adequate rate?

Mr. SISSON. I would not have Government property assessed at all.

Mr. CAMPBELL. Mr. Chairman, I make no apology for having some pride in the fact that we have in the United States the city of Washington and that it is our National Capital. It belongs to the people of the whole country. In answer to a considerable portion of the discussion that has been going on here, I regret exceedingly to have to state that I do not have a personal interest in any real property in the District of Columbia. I regret that I do not own a large number of houses in this city. I have a small van load of second-hand furniture. By moving rapidly the assessors have some difficulty in finding it, and I think that it comes within the exemption, anyway. So that I am not speaking in behalf of a tax in the District of Columbia that would relieve me of any burdens or benefit any property that I possess here.

Ever since I have been a Member of Congress I have been interested in the growth and development of Washington. I have been glad to see this city becoming year after year more and more beautiful, more and more attractive—a city that is attracting tourists from foreign countries.

Mr. BORLAND. Will the gentleman yield?

Mr. CAMPBELL. Not now.

Mr. BORLAND. Just for a short question.

Mr. CAMPBELL. What is the gentleman's question?

Mr. BORLAND. Does not the gentleman realize that much of that beauty has been attained through appropriations made by Congress out of the Federal Treasury, without assessment on the District and without contribution by the District of Columbia?

Mr. CAMPBELL. I realize nothing of the kind. The city of Washington has become more and more beautiful largely because there have been public-spirited men here, who have been assisted by public-spirited men elsewhere in the country, and who, by devising plans and by public discussions of the things that would promote the growth and enhance the beauty of the city of Washington, have contributed to its growth and its beauty. I am surprised that the gentleman from Missouri [Mr. BORLAND], who voted a few days ago for an appropriation out of the Treasury of the United States of the amount of $25,000,000 for the purpose of building public highways—some of them in Jackson County, Mo.—I am surprised that since he has voted money out of the Public Treasury to be dumped into the Missouri River, at every opportunity——

Mr. BORLAND. For the commerce of the Nation.

Mr. CAMPBELL. For the commerce of Kansas City, which will never be carried by river.

Mr. BORLAND. For the commerce of Kansas.

Mr. CAMPBELL. The only thing accomplished by these millions of dollars voted for the Missouri River is to make Kansas City a basing point for lower railroad freight into and out of Kansas City, and raising the freight rate into and out of every city in the State of Kansas that is not on the Missouri River.

Mr. BORLAND. The gentleman is mistaken about that.

Mr. CAMPBELL. I know what I am talking about.

Mr. BORLAND. The gentleman is utterly mistaken.

Mr. CAMPBELL. I know exactly what I am talking about. Every time rates are readjusted in Kansas they have to be raised to Topeka and Pittsburg and Independence and Winfield, in order that Kansas City, because it is upon an imaginary navigable river, may have a lower freight rate. And that is the reason the gentleman has the face to stand up here when the river and harbor bill is under consideration and vote millions of dollars out of the Public Treasury, out of the taxpayers of Kansas, the effect of which is to raise their freight rates for the benefit of Kansas City, and the gentleman votes millions of dollars out of the taxes of other people who live in the cities to be expended on the public highways in front of his farm in Jackson County, Mo. Yet he holds up his hands in holy horror because a few mills per capita are paid out of the revenues of the United States for the purpose of making uniform the sidewalks of the city of Washington and making them fit to walk upon. That brings me to the discussion of the question before the House, the sidewalks in Washington.

Before the present system of sidewalks was established the sidewalks of Washington were a disgrace to the Capital of the Nation. Everybody knows that. There were mudholes here, stones there, boards over here, bricks somewhere else, and the people simply stumbled through the mud and over such stone and brick and planks as the abutting property owners, for their own convenience and for the convenience of the traveling public, saw fit to build in front of their residences and their property.

We adopted the present system, in the first place, for the purpose of having suitable sidewalks to walk upon. These sidewalks are primarily for the benefit of the pedestrian public in Washington—for the people who come from Kansas City.

Mr. BORLAND. And Pittsburg, Kans.

Mr. CAMPBELL. And from Pittsburg, Kans., and from Kansas City, Mo., and every other State in the Union; and they come here in great numbers. These sidewalks have been improved so to-day we have in Washington sidewalks that are a credit not only to Washington, but to the Nation. The people of the Union, when they come here, have a pride in the city.

A couple of days ago I had a number of constituents here. Each one was a taxpayer in a small way. They spent a large part of the time in praising Washington, because of its streets and sidewalks and because of its parks and the general beauty and symmetry of the city in its growth and in its development. I have never seen a visitor in Washington from any part of the country who did not have a pride in the fact that this was the National Capital.

Now, as I said, we have the sidewalks that have been built under the policy which has been in vogue for years. The portion of the city that is now developed accommodates some 335,000 people, and their sidewalks have been built under this policy. There are others under contemplation. The young man just admitted to public service under a civil-service examination has been led to believe that because of the manner in which the law has been executed he is entering upon a life service if he maintains good behavior in Washington; he will go out in the remote parts of the District and purchase a piece of ground for a house and have one built upon it on the installment plan. Under the present policy a uniform sidewalk would pass that house. He would pay his proportion of the taxes and the sidewalk would be in conformity with the law as it now exists, a uniform sidewalk for the use of the whole people of the District.

The proposition now is, and I believe the gentleman from Missouri claims that he is the father of the idea, to make that young man pay for putting in the sidewalk, every dollar of it, notwithstanding the fact that the 350,000 people who are all provided with sidewalks and have had them built under the present policy and the supervision of the engineer commissioner, making them uniform in width, uniform in depth, and uniform in material, making them of a permanent nature and of durable quality.

The young man is told that now he must build his sidewalk. Of course, he will build it as cheaply as he can, or he will not build it at all unless he is compelled to; but if he does not build it, it will be built and his property will be assessed for the benefit of the public, to furnish a public sidewalk to be walked upon by the people of the District, by people who come from remote parts of the country. The young man must build it, and the logic of the proposition now before the House is to relieve the 350,000 people who have had their sidewalks built of any liability toward the new sidewalk that the young man is to have in front of his little house.

Everybody else has contributed to build the sidewalks that the citizen now has within this developed area, but the undeveloped area on the outside will have to build its own sidewalks and make its own improvements and relieve the bondholder and the rich property owners that we have heard so much about from any taxation for development, for the purpose of making a uniform sidewalk in the outskirts of the city,

where the poor and the small wage earners and the men and women who receive low salaries live. That is the proposition before the House. I submit to you that if there were nothing else—if the question of uniform sidewalks, the fact that this is the capital of the Nation, in which the whole people are interested, were eliminated from the question—if there were nothing in the case at all but the fact that the people who go into the outskirts of the city to make for themselves homes are required to pay for all improvements, relieving the people who have had the benefit of the present policy within the developed portion of the city—I say if that were the only question involved in the case this bill would be unjust and unfair.

Mr. KEATING. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. KEATING. I understood the gentleman from California [Mr. HAYES] to say a few moments ago that in the districts outside of the old city of Washington the original cost of sidewalks was levied against the abutting property.

Mr. CAMPBELL. During the time I was a member of the District Committee, when I was acquainted with these matters, when a subdivision was laid out and when we provided for a street of uniform width, the persons making the addition made the sidewalks under the supervision of the commissioner and paid for them.

Mr. KEATING. Who paid for them?

Mr. CAMPBELL. The owners of the addition.

Mr. KEATING. Was that the uniform practice?

Mr. CAMPBELL. It was for eight years. I do not know what has been done for the last three years.

Mr. COOPER. As I understood the gentleman from California [Mr. HAYES], he said that that had been the law since 1893.

Mr. KEATING. He said for 20 years the original cost of the sidewalks outside of the old city of Washington had been paid for by the property owners. Therefore I could not quite follow the reasoning of the gentleman from Kansas.

Mr. CAMPBELL. Well, that depends altogether upon the addition. Every addition that I knew anything about, where the sidewalk was put in, the property owners paid for it.

Mr. SISSON. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. SISSON. The gentleman is familiar with the general law in the District of Columbia. The law is, is it not, that one half of the sidewalk is paid for by the property owner and the other half out of the District funds? One-half of the cost is assessed against the property owner for three years, one-sixth each year. Now, if a subdivision is opened up and the owners want to get it quickly on the market, the property owner gets permission from the street commissioner, submits plans and specifications, and pays for the entire sidewalk. When he does that the city later pays for it, does it not?

Mr. CAMPBELL. No; he paid for putting in his sidewalk. He put it in to make his addition immediately available.

Mr. SISSON. But when they want to make it immediately available they get permission to lay their own sidewalks.

Mr. CAMPBELL. Yes.

Mr. SISSON. But the law still remains?

Mr. KEATING. The gentleman from California must have been in error.

Mr. CAMPBELL. In that regard I think that is true. If the addition had been laid out and developed as there was a demand for the lots, the improvements would have been made as the city's necessities demanded and under the law as it now exists.

Mr. Chairman, I have regretted on other occasions, and I regret now, what appears to be a disposition to look upon Washington as a place that can be made a target for attack when there is nothing else to do. I hope that this is not done for the purpose of making cheap campaign material to be used at home. If that is the effort, I am confident that gentlemen will find at home men are not engaged in that species of small peanut politics. The people of the United States still have a pride in the city of Washington, and they do not want to see it degenerate into such a city as we had here 40 years ago, with sidewalks that were a disgrace to the city and to the Nation, with streets that were no credit to the people of Washington or to the people of the country. The people of this Nation have as great pride in their Capital as the people of any Nation on earth, and I have never heard any sort of complaint about keeping up the National Capital. The people of this country welcome the people of other nations here as tourists to compare our Capital with their own and the capitals of other nations, and I am hoping that the time will come when the Congress of the United States will take the view of Washington that will build it up, make it attractive rather than make it a target for attack, and not attempt legislation that will degenerate it into a third-rate city.

I want to see the streets beautified and the sidewalks kept uniform. We have here in Pennsylvania Avenue the greatest parade ground in all the world. It is an avenue on which incoming and outgoing Presidents have for a century made their trips from the White House to the Capitol and return. It is an avenue upon which marched the greatest triumphant army that was ever mustered out of service, remembered by every man who yet survives and will be remembered for centuries by the posterity of those men who paraded up Pennsylvania Avenue in that grand review; and I should like to see some of those old rookeries upon that Avenue torn down and in their places public buildings for the use of the Nation and statuary that would be a credit to the Nation and to the taste of the people. I should like to see this city a city that would be more attractive than London, Paris, Berlin, St. Petersburg, or the capitals of any other nation in the world; but you can not make it that kind of a city by standing here every Monday and advocating legislation that will retard its growth, that will make its beauty and uniformity and symmetry impossible, that will make it a place where Members of Congress shall come only to carp about the people of Washington and then go back home and tell their constituents, "I tell you, I made those people down there at Washington understand that you could not be taxed for the benefit of Washington."

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. LOBECK. The gentleman, then, would be in favor of all the property along Pennsylvania Avenue becoming Government property?

Mr. CAMPBELL. I would like to see most of Pennsylvania Avenue on both sides beautified by public buildings for the use of this Nation, so that we could save about $500 a year rent.

Mr. LOBECK. Does the gentleman know the ownership, for instance, of the property on the north side of Pennsylvania Avenue from Seventh Street toward the Capitol?

Mr. CAMPBELL. I do not. I do not know the owner of a single foot of property on Pennsylvania Avenue.

Mr. LOBECK. Why I asked the question is to suggest that these people in Washington who have a great deal of pride in their city and probably get very good rental out of this property down lower Pennsylvania Avenue ought to improve it so that it would be suitable property and look respectable.

Mr. CAMPBELL. I yielded merely for a question.

Mr. LOBECK. I wanted to know how that could be cured if the Government does not hold that?

Mr. CAMPBELL. It can not be cured by the policies that are being advocated here every District day.

Mr. LOBECK. I am in sympathy with a good deal of what the gentleman says.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. NORTON. Does the gentleman not think that those splendid things he has pictured for Washington would be well done if, at the same time, the people living in the District were fairly taxed on their property as they are in other cities?

Mr. CAMPBELL. I want them to be taxed.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. LOBECK. The gentleman is in favor of building and paying for sidewalks in the manner done now?

Mr. CAMPBELL. Yes.

Mr. LOBECK. Would the gentleman be in favor of a law that the people who have sidewalks in front of their houses should use a little human energy and probably expend a little money and have the sidewalks cleared after a snowstorm, as we do at home?

Mr. CAMPBELL. Mr. Chairman, I would almost give the remainder of my time to the gentleman——

Mr. LOBECK. But you have to clean your sidewalks at home, and these people here are evidently too indolent in this city to do it.

Mr. CAMPBELL. It is not a creditable thing to any property owner that 12 hours after a snowstorm the snow is still on the sidewalk in front of his property, I do not care where he owns property.

Mr. LOBECK. The gentleman can not leave snow on the sidewalk at his home, and neither can I, and we take some pride in having clean walks.

Mr. CAMPBELL. Now, Mr. Chairman, I close, as I began, by saying I make no apologies for having a pride in Washington, and I want to see it grow and become beautiful and a good place in which to live for those who come here, rather than to have

its growth retarded, as the policies now advocated on this floor would retard it.

Mr. PROUTY. Mr. Chairman, I do not intend to enter into a discussion of the proprieties of the situation, but I would like to say a word in regard to the justice of it. Every time that any attempt is made by the committee, of which I am a humble member, to do what we think is justice, straight even-handed justice between the people living in the District and the people living outside the District, we are not only assailed by every newspaper in the city, but by many Members of this House, and accused of a purpose on our part to make the city of Washington an old cowpen. Now, I am just as proud of the city of Washington, my National Capital, as the gentleman from Kansas [Mr. CAMPBELL], but I think I recognize something that the gentleman seems to be somewhat devoid of, and that is that justice precedes, and should precede, pride. I am proud of the city in which I live. I like to see it with beautiful sidewalks; I like to see women all beautifully clothed. I recognize Washington; I want to see Washington beautiful, her citizens handsomely dressed, but back of all this lies a duty upon every Member of Congress before gratifying his instinct of pride that he do absolute justice between the people of this country. Now, there has been a good deal of diversion in this discussion, and I want to say for a few minutes something involved in the specific question. Under the laws of the United States applicable to the District of Columbia now the property owner pays for one-half of the sidewalk in front of his property. The Federal Government and the District jointly pay the rest. Now, I submit that that is not fair.

I do not care how much of pride you have got; I do not care how much of sentiment you have; I do not care how much you desire people to come here from other parts of the country and view this Capital; it is not fair. Let me take a little illustration. Just a few days ago I had, under the appointment of this House, the privilege of visiting the beautiful city of Macon, Ga., the home of Senator Bacon. When we entered that city I was attracted by its beauty. Its streets are wider than Pennsylvania Avenue ever was or ever will be. On each side there are sidewalks which I estimated by stepping as being about 47 feet wide. I was told they are 50 feet wide. In front of these sidewalks was a beautifully paved street and in the middle of the street was a beautiful park with trees, in which a sidewalk ran in the center, and on the other side it was the same way. It attracted my attention, because I had been told so many times that you could not have a beautiful Washington without going into the Federal Treasury to provide it, so I took special pains to inquire about what the situation was. I first went to the mayor and said to him, "Now, who pays for this great, big beautiful sidewalk in front of these buildings?" He said, "The property owners pay for it." "Well," I said, "who pays for this pavement in front here?" He said, "The street railway company pays one third, the property owner one third, and the city the other third." That led me to think about the situation you have in Washington. Here are men taxed for the pavement of the entire sidewalk 47 or 50 feet in width. It does not seem to have bankrupted the property owners, because the town seems to be thrifty, healthy, and beautiful. Not only that, but they pay for the pavement in front of their property, and I wondered, as I stood there and looked at it, if I had the nerve to come back to Washington and say, "You men should not only pay for your pavement and sidewalks in front of your property, but help the other property owner in Washington who is just as rich as you are to pay part of his pavement and sidewalk."

Mr. CAMPBELL. Will the gentleman yield?

Mr. PROUTY. With pleasure.

Mr. CAMPBELL. The Iowa Legislature a short time ago appropriated something like $2,000,000, if I am correctly informed, to buy an addition to the gentleman's home city. Does the gentleman think that was just and right to the taxpayers outside of Des Moines.

Mr. PROUTY. The gentleman is just as inaccurate in his facts in this case as in the one before.

Mr. CAMPBELL. I may be incorrect as to the amount and as to the acreage.

Mr. PROUTY. Entirely incorrect. I will give the gentleman the facts and then ask him a question.

Mr. CAMPBELL. All right.

Mr. PROUTY. The State of Iowa made an appropriation for the purchase of a tract of land adjoining the capitol, for the purpose of enlarging the capitol grounds, and paid for it out of the State funds.

Mr. CAMPBELL. Do you think that was right?

Mr. PROUTY. Yes, sir; if they wanted to do it, but I was not there and did not help them do it. What would you think of the proposition that Des Moines should come in now, and claim that because the State has done this the State should pay for all the sidewalks and all the curbing and all the paving in the streets of Des Moines, because you are taking that particular property out of reach of taxation?

If he should carry out the argument which he has announced in every speech which he has ever made upon this floor on this subject, the fact that the State of Iowa has taken part of the property in the city of Des Moines puts upon it an obligation to pay part of the expenses of running the city of Des Moines.

Mr. CAMPBELL. Is not that true?

Mr. PROUTY. Pardon me, but I want to yield to the gentleman from New York [Mr. OGLESBY]. I will take you up later.

Mr. OGLESBY. I was very much in hopes that the gentleman would adhere to his promise that he was going to stick to the subject.

Mr. PROUTY. I ought to have put into that statement "unless some fellow asked me some fool question." Of course, then I would not be expected to do so. [Laughter.]

Mr. OGLESBY. I am always interested in hearing the gentleman from Iowa. I am sure that he did not mean myself.

Mr. PROUTY. No; because you have not asked your question yet.

Mr. CAMPBELL. He is just anticipating the question.

Mr. OGLESBY. The gentleman said he thought it was unfair for the property owner to pay half, the District a quarter, and the Government a quarter. What part of it is unfair—that the District should pay a quarter or the Government should pay a quarter?

Mr. PROUTY. My judgment is that the people of the city of Washington should pay just like any other humble citizens throughout the realm, and that these special improvements in front of their property should be paid for by them, just like they are in any other town in the country.

Mr. OGLESBY. We will leave out the question of the Government entirely. In this city the sidewalks have been paid for in part by the property owner and in part by the citizens of the rest of the city, and of course the Government has paid its proportion. A man who has had his sidewalk paid for by the rest of the town has, after that, to pay his share for building a sidewalk in front of other property that has not yet been improved. Would he now want to say, "Having got my sidewalk, having been assisted in the payment for my sidewalk, I will stop this plan and let the people who will have their sidewalks improved hereafter pay the total cost of it"?

Mr. PROUTY. I heard the gentleman ask my friend the same question a while ago. There are two answers to it. In the first place, the law is not as you define it. As has been truthfully said here, on property outside of the old line, which is comparatively narrow, the fellows who built their sidewalks there now have to pay for it themselves, unless they wait for the slow process of the grinding in the mills of the gods, which they never seem willing to do. So there is no pertinency in your question.

Mr. OGLESBY. Is there not a great deal of property in the center of the city——

Mr. PROUTY. There is a little; but I will say this: That any man who has been holding property for speculative purposes within the old part of the city of Washington has no right now to complain.

Mr. OGLESBY. For 20 years he has assisted in the building of sidewalks in front of other property.

Mr. PROUTY. Conceding it was wrong 20 years ago and it is wrong now because it was in force 20 years, will you say it never can be righted; and if righted, will you say when?

Mr. OGLESBY. Will the gentleman yield to one more question? Let us assume that the gentleman and myself and two other gentlemen have a luncheon arrangement together whereby each one pays the total cost for each successive day. It runs for three days and then it comes the gentleman's turn. Would he say, "We will now change the plan, and let each man pay for his own luncheon before the cycle has been completed"?

Mr. PROUTY. When do you say the cycle is completed?

Mr. OGLESBY. When every man who has been paying taxes has his sidewalks laid.

Mr. PROUTY. Then the cycle will never end, because they never will all be built.

Mr. OGLESBY. Having started that way, the plan should be followed to the end.

Mr. PROUTY. My answer to the question as the gentleman propounded it, and making it a somewhat personal matter, I would say it would depend very much on what the other fellows had served as to whether I would be under obligations to continue until we went clear around.

Mr. TOWNSEND. It would depend on how the game was made up.

Mr. PROUTY. That would depend on whether anything of unfairness entered into it or not. If it was fair, it would be all right, but if a fellow had treated me shabbily in the first three meals that were served, it would not impose upon me an obligation to give them a turkey dinner.

Mr. PLATT. Leaving the United States out of it, as my friend from New York [Mr. OGLESBY] did just now, does it make the least bit of difference which way you do the thing, provided you keep it in the end. Whether a property owner pays half, or somebody else pays the other half, or whether it is all charged on him, what difference does it make in the long run? As long as you do not change the rules of the game while it is going on, it works out the same way in the long run.

Mr. PROUTY. Here is the United States putting up its part without any reward.

It is a good deal like a story that I heard one time. I remember Gen. Stone told this story after he returned from the war. He said he had a man who was always good at foraging. One day he saw him coming up the hill carrying a great big rooster with spurs on him about an inch long. As the boys saw him coming up the hill, knowing his propensity for gambling, they said, "Let us get up a little game for the rooster." The forager hung it on the lower branch of a tree, and the boys said, "Say, let's play seven-up for that." He said, "All right," and got out his old, greasy deck; and they played away for awhile, and the boys won his rooster. Then he got up and said, "Look a-here boys; you fellows seem to have played fah, and you seem to have won fah, but what in thunder did you fellows have up against my rooster?" [Laughter.]

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. In a moment. Now, let me make the application. Here you are making the United States Treasury put up money year after year, money that is paid by the people who have sidewalks of their own to construct at home. My good friend has a little home here. I have one out in Iowa. I built the sidewalk in front of my house. He builds his here; no, he builds one half and asks me to build the other half. I ask, What has he up against my rooster? That is the question I am asking him. [Laughter.]

Mr. PLATT. Leaving the United States entirely out of the question, does it make any difference whether the property owner pays half and the city pays half, provided you keep up the system to the end? Is it not to the interest of every millionaire, for example, in the city of Washington who has his sidewalk laid down to have this bill passed, so that hereafter he will not have to contribute payment for the laying down of other people's sidewalks?

Mr. PROUTY. Suppose several fellows who have built their sidewalks within the last 40 years should say, "I want this change, so that I do not have to help build other people's sidewalks"?

Mr. PLATT. That is what you are saying now.

Mr. PROUTY. No; what I am saying is, if it is wrong, the sooner you change it the better.

Mr. PLATT. It is not wrong, provided the system entered upon is kept up. The only wrong is the changing of the rules of the game while the game is going on.

Mr. PROUTY. The game was in existence the other way longer than it has been this way.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Yes.

Mr. OGLESBY. I do not want to unduly interrupt the gentleman, but it seems he does not agree with the gentleman from Missouri [Mr. BORLAND] that this is a proposition which does not involve the half-and-half system; and in order to answer the argument as to its justice or injustice the gentleman continues to interject the proposition that the Government should not pay any share of this expense. Does this proposition involve the half-and-half system as it was understood between the Government and the District of Columbia?

Mr. PROUTY. Of course, I do not undertake to stand sponsor for what anybody else has said on this floor. I only stand sponsor for what I say myself. I would say that in a way it might be considered an infraction, a slight breach, in that sacred, hallowed, divine thing that we have heard here referred to occasionally as the "hawf and hawf." [Laughter.] Is that frank?

Mr. OGLESBY. Now, let me ask this question: Would it not be a good idea, if you are going to change that system, to change it whatever way would make a fair and equitable division between the citizens here and the Government in the payment of the cost of the District government and not to do it piecemeal in this way?

Mr. PROUTY. Because you have eaten your pie is no reason why you should stop eating entirely. [Laughter.] We do not want to divide this piece of pie. We say it belongs to the other fellow. He ought to take care of it.

Now, to be accurate and careful from the purely legal standpoint, this law now upon the statute book does not, in a sense, recognize what you call the half-and-half principle. It is a violation, if you please, of the half-and-half principle, because it makes the property owner now pay half. If it makes him pay half it would certainly not be any further violation of the half-and-half principle to make him pay all of it, because it is his property. We are not required to assign any reason why you gentlemen in Washington should have your sidewalks built for you when everywhere else the people are required to build their own sidewalks.

Mr. OGLESBY. I do not ask my constituents to pay for my sidewalk in Washington, but I insist that I should assist other residents here to build theirs when they have assisted and are assisting me to build mine.

Mr. PROUTY. If you have lived here 40 years, others have assisted you.

Mr. OGLESBY. This is not a personal proposition with me. I have got mine, and I am willing to assist the other fellow.

Mr. PROUTY. We are overlooking this point, that this proposition embraces the repair of sidewalks as well as the construction of sidewalks. Do you mean to say that a sidewalk in Washington will last forever?

Mr. OGLESBY. Mine will last longer than I will.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PROUTY. With pleasure.

Mr. FOWLER. As I understand, the gentleman is a member of the District Committee?

Mr. PROUTY. I am.

Mr. FOWLER. I would like to get it clearly in my mind how the sidewalks in Washington have been built up to this time. Can the gentleman inform me?

Mr. PROUTY. For about 80 years they were built by the private owners; up to 1874.

Mr. MADDEN. Up to 1893.

Mr. PROUTY. That is the law that was passed. Of course I can not undertake to give you all of these laws. It would take the rest of my hour and somebody else's, too. In a general way for practically 40 years the city of Washington or the District of Columbia and the Federal Government have paid for one half of the sidewalks and the property owners for the other half. I think the particular act we are working under now was passed in 1893.

Mr. FOWLER. The Government has paid one-sixth and the District of Columbia one-sixth and the property owners one-fourth?

Mr. OGLESBY. The gentleman means one-fourth?

Mr. FOWLER. Congress pays one-half, as I understand?

Mr. PROUTY. Yes.

Mr. FOWLER. And the District one-fourth and the Government one-fourth?

Mr. PROUTY. Correct.

Mr. FOWLER. Now, as I understand this bill, it provides not only for the building of sidewalks but for the maintenance of sidewalks?

Mr. PROUTY. It does.

Mr. FOWLER. What I am interested in more than anything else is, if this bill passes, will it materially change the plan that is now in operation?

Mr. PROUTY. Not materially, but to that extent it does.

Mr. FOWLER. It is simply carried just a little further. Is not that true?

Mr. PROUTY. Perhaps it is the clipping off of a little bit of the plan.

Mr. FOWLER. Yes.

Mr. OGLESBY. It puts the whole cost on the property owner.

Mr. FOWLER. What do you think about the advisability of doing the same as they do in Macon, Ga., requiring the street car system to pay a portion of the taxes to keep up the sidewalks and streets?

Mr. PROUTY. I have no question about the equity of that.

Mr. FOWLER. Do you think it would be a wise plan here?

Mr. PROUTY. I have no doubt of it.

Mr. FOWLER. They get the benefit of it, do they not?

Mr. PROUTY. Yes; but as I said, I wanted to confine my remarks to this particular subject of sidewalks.

Mr. OGLESBY. The street car companies do not pay for the sidewalks, do they?

Mr. PROUTY. No.

Mr. FOWLER. I thank the gentleman very kindly for his explanation.

Mr. PROUTY. I want to make a general observation before I sit down. There has been a good deal of refinement here apparently upon the proposition as to what constitutes robbing the Treasury, or, as one Member put it, looting the Treasury. It seems to me a strange mental operation that does not distinguish the difference between legislators appropriating money for the general benefit of the whole people and appropriating money the direct and immediate effect of which is to affect them personally. We could not any of us legislate if we did not vote upon some matters that indirectly affect us as a part of the common people of this country, but that is not the question that is involved here. The gentleman from Kansas [Mr. CAMPBELL] referred to the good-roads bill as looting the Treasury by taking out $25,000,000. Can not anyone recognize the distinction? What is looting the Treasury? Looting the Treasury is taking out the money that has been put in there by one man and giving it to another. It is not looting to take it out and give it back in fair proportion to those who put it in. The bill that the gentleman has characterized as a looting of the Public Treasury was simply a recognition of the great principle that since the agricultural interests of this country have paid since the foundation of this Government more than a moiety of the taxes that have been paid into the Federal Treasury the time has arrived when a fair proportion of it should be returned to them in direct benefits. That is no looting of the Treasury. [Applause.]

Mr. SIMS. Mr. Chairman, this ever-recurring subject of taxation in the District of Columbia and the division of its burdens is not new. I have heard of the half-and-half plan until it almost nauseates me to hear it mentioned; but I want to tell you where I first heard of it, and how I was touched with sympathy for the taxpayers of the District of Columbia. I was placed on the District Committee away back in the days when Mr. Cowherd, of Missouri, one of the most brilliant men that ever sat in this House, ranked me on that committee, and was, as I recall, the ranking Democratic member. His present successor [Mr. BORLAND] is another very brilliant Representative, who is an advocate of the pending bill, hailing from the same city.

Just prior to that time the opening up of Sixteenth Street to the boundary and the building of the Connecticut Avenue Bridge across Rock Creek, and other very large permanent improvements, had been authorized. The District revenues arising from the collection of taxes were wholly insufficient to pay the District's half currently. There were certain so-called enterprising, public-spirited citizens of the District of Columbia—I do not deny that they are enterprising, as well as energetic, because I have never heard of their sleeping day or night when anything touching the half-and-half plan was involved—who came before the District Committee and said to us, "It is impossible for us to meet our half of these requirements. We can not issue bonds and put the burden on the future. These great permanent improvements are made for the future as well as for the present"; and they had the grace to ask us to loan the District money without interest. They asked the Government of the United States to advance to the District without interest so much money as was necessary to enable it to pay its half, in excess of the amount raised by current taxation. My recollection is that they asked us to advance it without interest. It has been a long time ago—too long to remember the exact details. I opposed loaning the money without interest. The argument was made, "We are voiceless. We stand here as sheep, dumb before our legislative shearers. We have no vote in ordering these great improvements. We are taxed without being consulted, without representation; and inasmuch as you have put these enormous burdens upon us for improvements made necessary by this being the Capital City of the Nation, without any corresponding benefit to us, we certainly ought not to have to pay interest on the amount you force us to pay in excess of our annual revenues."

That was a strong argument and well presented. It was made before the District Committee many times. When the question came up as to the amount of interest, I advocated not less than 3 per cent for the excess that we loaned them over and above their current revenues. That was less than any city in the Union could borrow money for. Finally we compromised on 2 per cent interest to be paid by the District on the funds advanced by the Government in order to enable the District to pay its half over and above current revenues. These gentlemen did not ask for a repeal of the half-and-half plan. I do not want to make any false impression. But they used the condition in which they were placed to argue that the half-and-half plan was an exceedingly great hardship as to these large permanent improvements. I got to studying about the matter. I could see that we have the power to vote to open a 500-foot street through this city if we want to, and not a man in the Capital can say aught, only by way of arguments before a committee or to Members individually. We could absolutely ruin these people, for we could vote for public improvements on a scale away in excess of the ability of people to pay, and then raise their tax rate until their annual revenues would equal one-half of those payments. They have no power to protect themselves, and we could absolutely bankrupt them. The power to tax is the power to destroy. They made such arguments. They instilled them into my mind. I got my impression of the injustice of the half-and-half plan, when it was liable to wreck and ruin the helpless, voteless, voiceless people of the District of Columbia. They got the money advanced by the Government at 2 per cent. I do not know whether that borrowed money has all been paid back or not.

Mr. MADDEN. Yes; it has been paid back.

Mr. SIMS. But, if you will compute the difference between the rate of interest which they paid the Government and what they would have had to pay in the open market, as other cities have to pay, I have no doubt you will find that they in this way saved hundreds of thousands of dollars. Yet, we have newspaper men in the District of Columbia—or some people who write for the papers here—and men who make speeches in public gatherings here who speak of some of us as "enemies of the District." I never saw a new Member of Congress who was an enemy of the District; he comes here an enthusiastic friend of the District. He regards the Capital of the Nation as a beautiful city and hopes to continue his service here as long as he lives. [Laughter.] He comes absolutely bubbling over with friendship for the District. Now, when does he become an "enemy"? Why should the long residence here make an enemy of any man to the District? Such characterization has been one method pursued toward Members of this House, as I believe, to coerce action. I do not say that the substantial, sensible people of the District of Columbia are guilty of anything of the kind; but it has been a common characteristic of the campaign of certain interests in this District against Members of the House. "Enemies of the District" and "friends of the District." Everybody is a friend when they come here, and there is no reason why they should not remain friends. But I want to say that true "friends of the District" means friends of the District as a whole—everybody in it and every institution in it. It does not mean that you are friends to a small ruling coterie of citizens who want to say what shall and shall not be done.

I served 10 years on the District Committee and I know from actual experience how this thing is done. Some people want a public improvement in the southeast, some people want a public improvement in the northwest, somebody wants a public improvement in the northeast, and other people want an improvement in the southwest. The current revenues will not admit of all this improving being done at once. What do they do? They talk to you, those in favor of the northwest, and say that the other projects are not needed, that it is merely a real estate movement; and every other fellow in each of the other sections does just the same thing. Not being able to pay for all of them at once out of current revenues, one section wants its own particular project and consequently becomes an enemy to all the others. Gentlemen who have been here a long time, and particularly those who have been on the committee handling this kind of legislation, must know that I am speaking the naked truth. They attempt to discredit everybody's proposition except the one they are for, but if by praising them all they can get them all through they pull together. It grows out of the necessities of the situation. One section of the city that wants an improvement feels that it needs it worse than any other section. I do not know how it is now—I have not served on the committee for a long time—but the people of the northeast and of the southeast honestly believed that they had not been justly treated. They honestly believed that bills were passed through the House and the other body through the influence of certain prominent citizens in the District of Columbia, and whether it is true or not they believed it. They believed that Members of the House were controlled by such influence as that. It is unfortunate for the Capital, which gentlemen want to make so beautiful, for a large proportion of the people to believe that we do not consider merit in our legislation for the District. But such has been the fact. I do not know how it is now; I can not speak for the present.

At the time these gentlemen wanted to borrow money without interest, and did borrow it at only 2 per cent, the Government of the United States could sell 2 per cent bonds at par because they were nontaxable and enjoyed the note-issuing privilege, but no State government could borrow money at that rate. As a solution of the situation which might not be altogether desirable in every respect, I arrived at the following

conclusion: Some evils may follow it, but you have to put to a practical test any law before we can find out how it will work. I said to myself: Why all this friction and contention about this half-and-half plan of taxation or District support? Why should the United States Government be hampered in making improvements in its own Capital because the local people are not able to pay one-half currently of such proposed improvements? Why should we be required to loan the funds of the people out of the Treasury of the United States to District taxpayers at a less rate of interest than any other city could get it and thus make in its favor a palpably unjust discrimination? I said to myself that the only solution I can see is practicable is to levy a fair, reasonable, and just tax upon the people of the District of Columbia, pay the same into the Treasury of the United States as miscellaneous receipts, then make your appropriations for District purposes out of the Treasury of the United States without any reference whatever as to the amount paid by the District, whether it should be one-half, one-third, or three-fourths, or any other rate per cent of the total appropriation.

I advocated that, and for a long time I did not know that anyone else had ever advocated it. The people here would not care anything about how wide a street was to be or how expensive it was to make a contemplated improvement unless it increased their taxes. Under the system I speak of it does not increase anybody's taxes. One year the amount of such improvements might far exceed the amount collected from the local taxpayers, and in another year the amount that the local taxpayers paid in proportion to the current expenses might be far less. If this plan was adopted, it would stop the ever-recurring contention that we are or are not standing by the organic act. What is an organic act of Congress? Is it not one as easily repealed or amended as any other? I am not making any quarrel about the passage of that bill when it was passed. I do not want to go backward; the past is gone and we can not bring it back; why not act for the future? It must be plain to anyone who has ever made the slightest examination of this matter that the Government's expenses as a capital will not increase in a ratio equal to those of the District; that its needs will not increase in a ratio equal to those of the people who live in the city, and especially when it is extended. If it was just for the Government to pay one-half when it was a little provincial town, will it be just to pay one-half when it becomes a city of a million? How is it worth less to the people of the United States to pass a national law in a city where the population is 300,000 than to pass it in a city like Paris, where the population is 2,000,000? I can not see how it is possible for anybody to believe that it is conducive to the interests of the Nation that this Capital's expenses should increase simply because the population increases.

As far as population is necessarily brought here by reason of its being the Capital is concerned, such increased population will be so small that any additional city expense due to such a cause will be so little as to be negligible. I have heard some people say that because you send your children to school here the people of this country should pay one-half of all the public-school burden in this District. Pray, tell me, how many children of Senators and Members are attending the public schools here? Before the administration of President Taft, as a rule, we had a three months' session one year and a seven months' session the other, so your family was not necessarily brought here for more than three months one year and seven the other. As a rule many families did not come to Washington at all for the short session, but remained at home. We had much better pay the tuition of the few of our children who attend the public schools here than to burden your people and my people with half the expenses of all the public schools in the city of Washington. I am in favor of public schools, and I would be for public schools here if the city was not able to pay one dollar for their support and the Nation had to pay all. But gentlemen keep talking here about this beautiful city. It is a beautiful city, and it is going to remain beautiful, but when we had our trouble with the mother country and set up a government upon principles we contended for and for which we fought, was it the beauty, the physical perfection of the Capital City that was going to follow our success that we fought for, or was it the beauty of that we were going to establish for which we shed our blood?

You have here a disfranchised people that, measured by intelligence and education, is the highest of any city in the United States, black or white, and yet they are not willing to trust themselves to govern themselves if it will increase their taxation one dollar. At least that seems to be a reasonable conclusion at which we must arrive. I have never yet advocated having a form of local self-government here for local purposes and thus permitting the people to manage their own affairs and levy their own taxes in their own way, whether levied all on real estate or only in part or whether on personal property or otherwise, without its being whispered to me, I suppose because I am from the South, "Why, we can not have local self-government here on account of the negro vote." Now, the negroes in Washington are not one-third of the population. Go to the city of Memphis, in my own State of Tennessee. The percentage of black population far exceeds the percentage here. But the people there are not overawed by it. I have never yet seen an educated, intelligent, white population that could not outvote the negro. There is no menace about it. There are very few so far who will agree to the proposition I advocate. I learned after I reached my conclusion that Senator Hoar had advocated the same plan many years before I had. It came to me through the people of the District wanting us to advance them funds because they were not able to pay their one-half out of current revenues. I say, let them vote on these things and thus assume their own burdens as to strictly local matters, but I am perfectly willing to do just as I have said, levy a just, reasonable, and fair tax on the property here and make your appropriations out of the Public Treasury without any reference whatever to the amount that is received from the taxpayers for any one year.

Mr. OGLESBY. Has the gentleman any plan as to how that fair and equitable amount could be arrived at?

Mr. SIMS. With all the cities in the country to look to, how could it be hard to get a plan? Besides, every city in the Union that I know anything about, when the property of the citizen is taxed, pays money thus raised that is spent beyond the borders of the city. Take the city of Nashville, the capital of the State of Tennessee. The State does not pay any portion of the burdens of the city of Nashville because it has its capitol there, but the property of the city of Nashville is taxed for State expenditures that are spent all over the State.

Mr. CARAWAY. Mr. Chairman, I want to ask the gentleman a question. The gentleman says that he would be willing to have a plan devised, or rather the plan that he suggests, that the people pay a fair tax and the Government pay all the rest?

Mr. SIMS. Pay the appropriations whatever they were.

Mr. CARAWAY. Why should the Government do that? When the gentleman's State fails to raise by its revenues enough to pay all of its expenses it issues a bond issue, and they have a bonded indebtedness. Why should these people be permitted to have all of the improvements they want, and if they do not have money to pay for them have you and everybody else all over the country pay taxes to help them out?

Mr. SIMS. I will show the distinction, and the injustice of the thing suggests itself at once. The people of the capitals of the States are not dehorned citizens; they are not deprived of all political power and influence, while the people here have none.

The people here are subject to taxation with absolutely no power in their hands, political or otherwise, to say how much money should be raised by taxation or how it is to be expended.

Mr. CARAWAY. Suppose you gave them the right to raise their local revenues and expend them as they pleased?

Mr. SIMS. They had that right once and they bonded the District——

Mr. CARAWAY. Suppose that is true—suppose they stole out of the revenues 30 or 40 years ago—should the country pay the taxes because they were not honest when they had local government?

Mr. SIMS. I appreciate the force of the case, but I can not say they were not honest; I do not know. It was charged that Mr. Shepard, called Boss Shepard, was a very bad man, and his bad management of the District was the chief argument for the passing of the acts of 1874 and 1878, the half-and-half plan, so called, and yet I was invited not many years ago to attend the unveiling of a statue to Boss Shepard in the District of Columbia in front of the Municipal Building. I conclude from the fact that a statue was raised to his honor that it is equivalent to saying that that charge was false or else they approved of what he did.

Mr. OGLESBY. I would like to ask the gentleman his opinion—because he has had so much experience, and I have tried to get some answer from other Members—in fixing the amount of taxes to be paid by residents of the District, does the gentleman think that any attention should be paid to the relative proportion of the value between the Government property and that of residents?

Mr. SIMS. If the Government is going to pay any of the taxes, it is exceedingly important, and if the Government is going to pay a portion regardless of receipts, what difference does it make what the value of the Government property is if we only tax the citizen fairly on what he has? It will not increase the taxes because the Government owns property here.

Tax it as though the Government was not interested at all but only the property owner. What difference does it make whether the Government pays taxes or not?

Mr. OGLESBY. Of course the gentleman would not get any two people to agree upon what is a fair amount that the citizen should pay. Would not it be much simpler to tax with some proportion between the relative value of public and private property?

Mr. SIMS. I think so. Now, one of the objections to the plan I have suggested is this, and it may be a very material one, too: Whenever the people who live in the District of Columbia pay a tax not increased in any way by reason of expenditures in the way of permanent public improvements, it will be to their interest to advocate the most extravagant expenditure in the District for such improvements, and will, as a natural result, bring all the influence they can to bear upon Congress in behalf of such expenditures. That is one of the weaknesses in the plan I have mentioned.

Mr. BAILEY. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. BAILEY. I just wanted to ask the gentleman if it is not a fundamental weakness in the proposition which he makes.

Mr. SIMS. I think it is, but what I am trying to do is this. Under the plan I propose that——

Mr. BAILEY. One more question I would like to ask the gentleman.

Mr. SIMS. Certainly.

Mr. BAILEY. The gentleman spoke of the improvement of Sixteenth Street and Connecticut Avenue, and building a bridge out there, and the great burden it was upon the people at that time.

What was the value of that property after the improvement was made, as compared with the value of the property before it was made?

Mr. SIMS. I can not answer that.

Mr. BAILEY. That is the crux of the whole question.

Mr. SIMS. I can not answer that definitely, but I know it was very greatly increased.

Mr. BAILEY. In other words, the value of the property, after the improvement was made, was far greater than the cost of the improvement, was it not? It was not a mistake, was it?

Mr. SIMS. Well, I would not like to make a definite answer and find out afterwards that I was incorrect. I do not know just the extent of the added values. From the standpoint of a Government making physical adornments of the surface of the earth, it might all be a mistake, but if the United States as a Nation should want to build a 500-foot street from here to the boundary, they have the power to do it whether it turns out to be a mistake or not. Then why should an unrepresented, voiceless people be taxed to pay one-half of that which to them is wholly unnecessary. There is legislation needed and will continue to be needed in this District, outside of street improvements, outside of questions of taxation and things of that sort, but the ever-recurring half-and-half plan blocks this House, and blocks the committee, and the committee can not do anything, however wise it thinks it is, if it can be construed as not following the half-and-half plan.

Remember what a war we had here with the playgrounds proposition, a strictly local affair, to take care of the children in hot weather, when all the so-called enterprising, public-spirited citizens had gone to the seashore, or to the mountains, or to Europe. And they fought furiously to make the Government pay half of that cost, because not to do so would be a violation of the organic act.

Now, it is nearly impossible for gentlemen who have their ideas formed by knowledge of cities in which they live to be prepared for intelligent legislation in the District of Columbia without considerable service here and on the District Committee.

Mr. JOHNSON of South Carolina. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. JOHNSON of South Carolina. The gentleman referred to the organic act. I have noticed that expression in the papers over and over again. What is there about that act of Congress that differentiates it from any other act of Congress?

Mr. SIMS. Absolutely nothing that I can see.

Mr. JOHNSON of South Carolina. Then why call it "organic"?

Mr. SIMS. I can not answer the gentleman. The idea held out is that the Government obtained a great benefit by passing that act, and that after passing it and receiving the benefit it would be immoral and unjust to repeal the organic act, when the truth is the District received the benefit of the organic act and the Government assumed a burden of responsibility that was not on it before.

As I was saying, gentlemen are not qualified by that experience which is necessary to legislate with regard to District affairs the moment they come here. They talk about some of us making speeches on District affairs in this House in order to use them in our districts at home. Show me a man who ever paid one dime to have published anything he said on District affairs in this House for the purpose of sending it to his district. I served on the Committee on the District of Columbia for 10 years, and I never sent out a word of anything that I said on District affairs. We are compelled by the necessities of the case to depend on the District Committee. So far as an intimate knowledge of local affairs is necessary in order to legislate, we have to rely on the committee, especially as to details. Therefore it always follows, not because they were the wisest men in the House but because they know more about District affairs, that they should be relied on as to District legislation. I know that after I had been on that committee for a number of years my telephone bell was rung all the time by somebody who wanted to ask some question relating to District matters. The smallest thing anybody wanted in this District they seemed to think came as a matter of influence—not as a matter of right, but as a matter of pull which they had with a Member or Senator or with somebody somewhere.

Mr. CALLAWAY. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. CALLAWAY. When these fellows continually come to you like they thought influence had something to do with this matter, do you not take that as a definite assurance that in the years past they have been educated to think that these things went by influence?

Mr. SIMS. You are absolutely correct. They did not think they could get anything without influence. It is unfortunate to have such a state of things.

I attended, by invitation, a banquet in the District of Columbia early in President Taft's administration at which the President was present and made a speech. One of the first speeches was a speech by Justice Stafford, of the Supreme Court of the District of Columbia, and it was a speech that ought to be in the CONGRESSIONAL RECORD and read as often as Washington's Farewell Address.

Mr. MANN. We are not permitted to read that to-day.

Mr. SIMS. Justice Stafford made a great speech in favor of self-government for the District, and I advise you to-day, if you can find it printed anywhere, to read it. Considerable applause followed the speech. But President Taft, after the Judge's speech, called Washington a Federal city and opposed local self-government, and gave his reasons for so doing. After the banquet what did I hear from some of the participants who live in Washington? I heard many of the guests say, "If you do not like the District under the Federal Government, move out." That is the way they talked about it—"If anybody does not like the government we have got, let him move out."

Now, if you do not like the government Congress gives you, you have only the suggested remedy, namely, to move out.

There is another possible solution, and that is one to meet the oft-repeated argument that the Government owns so much property here that the Government ought to pay one-half of all local tax burdens. Now, the Government does not own near so much property here as it is going to own, and if it should own all that these so-called public-spirited citizens want it to own, it will own nearly all of it. Some of them get an option on it and want to sell it to the Government.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. CARAWAY. Practically all that the Government owns here is in parks, and the entire citizenship enjoy the use of them, do they not?

Mr. SIMS. Yes. Let me tell you, my friend, this: The people discount the free use to themselves and magnify the ownership of the Government.

Mr. CARAWAY. In their view, it owns it only for the purpose of paying on it?

Mr. SIMS. Yes. You will see that, if you look into these propositions that are coming up all the time, where people are urging the Government to buy this tract of land and that tract of land and the other tract of land before it goes up. They are always trying to save the Government and not the people; urging the Government to buy lands before the price goes up. That was the case with respect to the proposed Rock Creek Park extension. They said: "Buy it now, before the Government has to pay too much for it." Oh, my! Such sympathy for the Government!

There is another method by which you can solve this problem, but the moment it is suggested somebody says, "Oh, you are trying to commit Congress to the single-tax theory." It is this: Levy no taxes upon personal property at all. Levy no taxes upon improvements at all. Levy on the land owned by the Government and on the land owned by everybody else. The Government not owning any personal property, you can not put any personal tax on the Government. The question of depreciation can not be figured on these great public buildings as it is on private buildings. The way to do that is to levy a land tax; levy it on what the Government now owns and what it may hereafter acquire. Then, if the tax rate is increased, the Government's share would increase just as the other land is increased in value. The Government's share of land in quantity will increase more and more. The Government needs more land, and these people here are trying to sell it many squares that it does not need. When they shall have sold those squares these people will proceed to try to sell the Government other lands, and so on to the end of time.

The people of this District might just as well know that this half-and-half plan—which now is unwise, no matter how wise it may have been when it was adopted—which enables them to ask for improvements and to get them on an ever-decreasing contribution by themselves is to be terminated. You may increase the annual appropriations by millions and the one-half which the District pays may be obtained every year on a decreasing tax rate or by a reduced rate of assessment valuation. I understand there is now about a million dollars or so in the Treasury credited to the District, representing the excess above one-half of current appropriations, and the cry now is, "You must appropriate the whole of the amount we pay and add on an amount equal to the amount we pay."

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. BORLAND. The District is now raising about $7,000,000. If we double that and raise another $7,000,000 from the Treasury, that makes $14,000,000.

Mr. SIMS. Certainly.

Mr. BORLAND. And if we decide this year to spend only $12,500,000, that would leave $1,500,000 that we must either spend or else it goes into Uncle Sam's hat?

Mr. SIMS. Yes. It is unwise to raise taxation that you do not need. It is nonsense to talk about the people of this District being excessively taxed.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. REED. The gentleman does not claim that the District of Columbia is paying half the running expenses of the District, does he?

Mr. SIMS. I do not. I am merely speaking of the claim advanced by the supporters of the so-called half-and-half plan.

Mr. REED. Mr. Chairman, will the gentleman yield for another question?

Mr. SIMS. I have talked longer than I intended to, and I want to yield the floor.

Mr. REED. I would like the gentleman, in the course of his speech, if he has not already done so, to emphasize the pro rata taxation between the District and the United States Government, that part of it pertaining to this feature, that in all of our cities at home we are paying on 100 per cent valuation of our property. In this District they pretend to assess at 75 per cent of the value, but in our hearings it was brought out and demonstrated that in many cases they were not paying in excess of 33⅓ per cent of the true value.

Mr. SIMS. I will answer that in this way: If you do not need the money, why raise it? Why increase the assessment?

Mr. REED. If we are paying full value at home and they are paying only 50 per cent in the District of Columbia, ought we not, in justice to the people of the country, compel the District to pay 100 per cent on the value of its property, just the same as the people in the country?

Mr. SIMS. As I said, if 100 per cent value made the burden on the Government less, that would be an argument for it. But if 50 per cent of the value raises the half required, what difference does it make to the Government of the United States?

Mr. REED. About 50 per cent.

Mr. SIMS. If all the lands were assessed at 50 per cent of their value, and that 50 per cent valuation gave all needed to pay half the expenses of the District government, why increase the valuation?

Mr. REED. But at home we are paying 100 per cent.

Mr. SIMS. Certainly; and you have got no State or other government paying one-half of your expenses.

Mr. REED. And in this District they have no State or county taxes to pay.

Mr. SIMS. That is absolutely true. I know all about that. That is why I say the people pay less taxes here in gross and in percentage of value than the people of any of the States. They have no highway tax or State tax or any taxes that do not go to the direct support of the District itself.

Mr. REED. That is absolutely the fact, and if the gentleman will permit me, I will say they are not paying 33⅓ per cent.

Mr. SIMS. That may be true. I am not controverting the statement of the gentleman, because I do not know as to that.

Now, Mr. Chairman, I did not want to take the time of this committee to the extent that I have, and I would not have done so had I not thought that something ought to be done to stop this eternal war on everything that comes up which indirectly affects the sacred act of 1878, erroneously called the organic act.

Mr. IGOE. I ask unanimous consent that general debate on this bill close in 15 minutes, 10 minutes to be controlled by the gentleman from Missouri [Mr. BORLAND] and 5 minutes by the gentleman from Minnesota [Mr. SMITH].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that general debate on this bill close in 15 minutes, 10 minutes of that time to be occupied by the gentleman from Missouri [Mr. BORLAND] and 5 minutes by the gentleman from Minnesota [Mr. SMITH]. Is there objection?

There was no objection.

[Mr. SMITH of Minnesota addressed the committee. See Appendix.]

Mr. BORLAND. Mr. Chairman, I served four years in this House with the distinguished gentleman from Illinois, Mr. Joseph G. Cannon, and in all those four years I remember having agreed with him only once. On one occasion I heard him say that in the more than 30 years he had served in Congress he had never invested a dollar in property in the District of Columbia, that he was not and never had been a property owner here. I agree with him most sincerely in that respect. I do not know whether any misapprehension could have occurred from the remark of the gentleman from Illinois [Mr. MANN], but he could not have meant to convey the impression, which he did convey to some Members of the House, that I was a property owner in the District. I am not a property owner in the District. If I were a property owner in the District, I suppose it would be more to my credit that I am insisting upon a readjustment and equalization of taxes in the District to make property here bear a little nearer its just share of public burdens.

I have no criticism to make of gentlemen who own their homes in Washington when they can afford to do so. I think, however, that men who engage in buying property in Washington for speculative purposes must submit to all of the usual burdens that property elsewhere bears for the same purposes.

Now, whenever a reform is proposed in legislation relating to the District of Columbia the debate takes a wide range, including a great deal of filibustering against the bill. You would think, to hear some gentlemen opposing these measures, that we were tearing down the pillars of the Constitution every time we undertake to pass a little bill for sidewalks for the District of Columbia. If no bills are passed by Congress and no attention is given to the District, we are just as bitterly assailed because we have not given proper consideration to District affairs.

Here is a little bill, as the last speaker said, proposing to do what? To make the same regulation for the District of Columbia that exists in all other cities of the same size and class in the United States.

Mr. OGLESBY. Will the gentleman yield?

Mr. BORLAND. I am sorry I can not. I know the gentleman wants to ask me if it is fair to change this system at this time.

Mr. OGLESBY. No; I was not going to ask the gentleman that.

Mr. BORLAND. I think that question has been thoroughly answered. Whenever a bad system is started any change may cause some hardship.

Mr. JOHNSON of Kentucky. If the gentleman will pardon me, I want to say that I believe it is an established fact that only about one-sixth of the District of Columbia has been built up; therefore the bad system the gentleman speaks of has been made applicable to only one-sixth of the District, and it should not now come in and be made applicable to the remaining five-sixths.

Mr. BORLAND. Of course we must legislate for the future; we can not restore the status that has existed in the past. But the great argument that has been made here, especially by the

gentleman from Kansas, who, I am sorry to see, is not present in the House to take part in the discussion and vote on the measure—his argument was that the Government clerk was the one to be affected. These people come here and always shelter themselves behind the Government clerk. I have never seen anybody come forward in opposition to these propositions of reform except the man who is exploiting property here. The Government clerk back in Kansas City and Pittsburg, Kans., if it is large enough to have Government clerks, and I hope it is, who is going to buy his home has to pay the usual expenses that such property bears, and pays them relatively out of the same salary that the Government clerk here pays.

I am not here to justify Government salaries; they may be too low; but certainly if they are too low in Washington they are too low in the country at large. How about the Government clerk at home who wants to buy a little home; how about that young man when he buys a piece of property; does he not have to pay for sidewalks, street paving, and sewers? Of course he does. The truth about the matter is it is not the Government clerk that is objecting. There are 40,000 Government clerks here; and being here and under the civil service, with a reasonable assurance of a job, a paymaster that never misses the pay roll, in an industry that has no seasonal depression, never has a strike, a lockout, or a panic, these employees are here to be exploited by certain parties of real estate men. These real estate men build homes for the purpose of selling them to Government clerks at a dollar down and a dollar for life, or whatever they charge. They sell them at a price not measured by what the raw land and building would cost, but what the property is worth after all the improvements are made; and if any portion of the improvements have been put in by the Federal Government it is charged in and the Government clerk pays it and pays interest on it, every dollar, from the time he occupies the house.

Every dollar that enters into that class of improvements is added to the value or the sale price by the real estate men, charged to the Government clerk, and collected from him. When the agent sells the house he sells it on the representation that taxes are reasonably low, a reasonable cost, and that there are no assessments for special benefits.

Mr. PLATT. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. PLATT. Can the gentleman prove that what the Government puts into the sidewalks is charged in the value of the property?

Mr. BORLAND. I do not think that requires much proof. I can prove it by specific instances if the gentleman is in need of that information, but I do not think it would be necessary for any jury of business men. I do not think it needs any particular proof.

Mr. PLATT. Does not the gentleman think that if the system is changed the cost of these homes would be largely increased?

Mr. BORLAND. No; I think the profits of the men who build the houses will be decreased a little. It is absolutely right to say that we have the responsiblity of governing this District. It is the Federal Capital, and therefore private property in it should bear the same rate of taxation that similar private property bears elsewhere in the United States.

Gentlemen can defend it as they choose, I do not question their own consciences, but to my belief it is morally wrong to vote for these exemptions for private property in the District of Columbia that a man would not dare to vote for in his own district. There is no reason why private property used for private purposes, whether it be home or business, should not bear the same level rate of taxation that is customary and usual and necessary in every other city throughout the United States. For this law imposes no heavier burden on private property in the District than is customary in other cities; it is unobjectionable from a moral or economic standpoint. These tax exemptions, if they exist, and I believe they do, should be corrected. I have listened to all the speeches made pointing out the abuses which have grown up here—and made them myself. There are numerous tax exemptions in the District that are indefensible.

There is the exemption from taxation of intangible property. If these abuses exist, they have no relation whatever to the beautification of Washington as the national capital—not a bit. We do not find these gentlemen who are enjoying these tax exemptions engaged in any private enterprise for the beautification of Washington. We do not find that they are erecting public halls, convention halls, or any other civic improvements of any kind. The beautification of Washington has been done by the people of the Nation through the hands of Congress, and it will continue to be done by the people of the Nation through the hands of Congress, without charging the people of the District of Columbia therefor. But reasonable burdens of the government of the District of Columbia should be laid upon private property in the District of Columbia to the full extent it would be laid on private property elsewhere. A great deal of the land that the Government owns in this District it does not use for Federal purposes at all, and never will. It holds it merely as a trustee for the public, for the beautification of Washington, for the people of the Nation, for the people of the District. This law should pass.

The CHAIRMAN (Mr. Cox). The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. SMITH of Minnesota was granted leave to extend his remarks in the RECORD.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require it, or whenever application shall be made therefor, accompanied by a deposit equal to the estimated cost of the work, to improve, construct, and repair sidewalks in the District of Columbia of such form and materials as they may determine, and to pay the total cost of such work from appropriations for assessment and permit work.

Said commissioners shall give notice by advertisement twice a week for two weeks in some newspaper published in the city of Washington of any assessment work proposed to be done by them under this act, designating the location and the kind of work to be done, specifying the kind of materials to be used, the estimated cost of the improvement, and fixing a time and place when and where property owners to be assessed can appear and present objections thereto, and for hearing thereof.

With the following committee amendments:

Page 1, lines 5, 6, and 7, strike out the words—

or whenever application shall be made therefor, accompanied by a deposit equal to the estimated cost of the work.

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 13, after the word "thereof," insert:

"If, after such hearing, the said commissioners shall decide to proceed with the proposed work, they shall serve notice of their decision upon the property owners to be assessed. Such notice shall be served upon each lot owner in the same manner as provided in this act for the service of notice of assessment. Each of said property owners may, within 10 days after service of said notice, make application for a permit to do that part of the work for which said property owner would be assessed, said application to be made and said work to be done in accordance with the provisions of section 5 of this act. At the expiration of 10 days from the service of said notice, the commissioners shall proceed with that part of the proposed assessment work for which the property owners have not received permits and the total cost of the proposed assessment work shall be levied, collected, and enforced as herein provided."

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

I suppose there has been all the debate on this bill that gentlemen here want to listen to; but I have been asking some questions that may leave some doubt as to where I stand on the matter. I want to relate a little experience that I had while I was chairman of the finance committee of the common council of the city of Chicago. The city of Chicago was organized in 1837. The territorial area of the city from that time on until 1889 was 37 square miles. In 1889 the city annexed a large additional area, making the total area of the city about 196 square miles. Prior to the annexation in 1889 the city always built its sewers out of what was known as a general fund, assessments being levied on the basis of 2 mills on the dollar, to be used exclusively for sewerage purposes. From 1837 to 1889 all the people living within the boundaries of the old city had their sewers constructed out of this general fund. After annexation the first thing that was done by a member of the city council coming in from the new territory was to introduce an ordinance for the construction of a sewer in what was known as the twenty-seventh ward. The cost of the sewer would amount to $350,000. The value of the property in the territory embraced in the ward, if assessed on the 2-mill basis, would yield a revenue of $5,000 a year, making it necessary to levy assessments on that basis for 70 years in order to make payments for the first sewer that was proposed to be constructed by this gentleman from the general fund.

Those of us who felt responsible for the integrity of the finances of the city saw at once that if we continued to build sewers out of a general fund we would only last about 30 days before the city would become bankrupt, and so we decided after consultation to begin to build sewers by special assessments, and from that time up to this, although it might have worked some injustice to those who lived within the boundaries of the old city and had paid their taxes from 1837 to 1889, we realized that the time had come when we must go upon a special assessment basis, and that every street in which a sewer was constructed from that time on must have it constructed by an assessment against the property fronting on the street. The jus-

tice of the thing appealed to everybody at once, and the sanitation which resulted from the act of forcing a change in the system from the construction of sewers out of a general fund to that of constructing them by special assessment became manifest, and our city has been able to go on with the extension of its sewers, the improvement of its sanitary condition, and the protection of the health of the city. We build sidewalks there by special assessments. Everybody who owns a foot of property on a street is assessed for the construction of a sidewalk in the first instance and in the next instance and forever during his ownership of that property. We build the streets by special assessments also, not only in the first case but in every case. I see no reason why we should not even now in the District of Columbia, though it may do some injustice to those who have been paying taxes for sidewalks and have got them, change the system and compel in the future the construction of all sidewalks at the expense of the abutting property.

Mr. OGLESBY. What is the special reason in the gentleman's mind for the change?

Mr. MADDEN. I have not changed my mind.

Mr. OGLESBY. In the gentleman's mind what is the special reason for making this change in the system?

Mr. MADDEN. It is evident from what has been said by those who have given study to the question that it would be unjust for those who are in one section of a city to be compelled in the future to pay for the building of sidewalks in another section of the city, and it is no great hardship, anyway. If a man owns a 25-foot lot here and has a house built upon it, he would be very glad to pay for building his sidewalk. I think this bill ought to pass.

Mr. PLATT. Mr. Chairman, I rise to oppose the amendment. It seems to me that this change of the system of assessments is a change away from the changes of policy made in most places. The gentleman from Illinois has just told us his experience in the city of Chicago in changing from a sewer system built by the whole city to a sewer system built by special assessment. I could give him an instance in my home city of Poughkeepsie where sewers had always been constructed by special assessment on the property owners, where they had to change the charter to require the city to pay for some of them, because it was necessary sometimes to put a trunk sewer through sections where the property was not built up at all for the benefit of the health of the city.

Now, it is a fact, of course, that in the United States, generally speaking, what are called "benefits" are assessed on the property owners, but it is an American development, and all economists will say that. In Europe, as a general thing, cities have paid for all the improvements, paid for both paving and sidewalks, and it is only recently that some of them have changed in part to our system, while the development in this country, I think, has been away from assessing everything against the property owners in order to get more improvements made. For instance, in my home city we used originally to assess all pavements against the property owners, but paving proceeded so slowly that it was necessary after awhile to change that system and assess one-third on the city.

Now, it seems to me it does not make any difference whether you assess all the cost of sidewalks on property owners or half the cost on the city and the other half on the property owners, providing you keep the system unchanged, so as to equalize it in the long run. Just because in most of the cities in the United States the cost of sidewalks is assessed on abutting property is no good reason why Washington should have it. Other cities furnish merely precedents, but that is no reason. It seems to me if this bill is passed it ought to exempt at least the old city, for the old outlying section between the Capitol and the river, much of which has no sidewalks, and has paid its taxes for other sections, should not be compelled to pay all the expense for its own. You will never get sidewalks there at all if you make the property pay for it, for the people can not afford to pay.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. PLATT. I will.

Mr. SMITH of Minnesota. Then it is the gentleman's theory that because property deteriorates in value it should not be assessed for special improvements.

Mr. PLATT. I would not say so necessarily, but I think it is unfair to change the system for all the old outlying property. I admit that this bill may be all right to apply to the new District that is divided by the old city line of Florida Avenue NW. I do not think it would be fair to apply it to the old part of the city.

Mr. KEATING. The gentleman has referred to New Jersey Avenue running to the river front?

Mr. PLATT. Yes.

Mr. KEATING. And the gentleman says it is without proper sidewalks?

Mr. PLATT. Part of it.

Mr. KEATING. A greater portion of it?

Mr. PLATT. Yes.

Mr. KEATING. How does it come under the system which the gentleman is advocating that there have been very few sidewalks laid down in this section of the city where the poor post-office clerks live, whereas out in the Northwest where the millionaires live you have good sidewalks.

Mr. PLATT. The assessment of half the cost of the sidewalks on this property is a heavy burden, and now you propose to put it all on him, and you will never get any sidewalks there.

Mr. KEATING. There has not been any paving under the present system.

Mr. PLATT. You can not pave there because the people are poor. Many of the cities of Europe pay the whole cost, and there is no assessment for sidewalks. It seems to me that either system is right. You can not say one is right and the other wrong. One has just as much right as the other, provided it is followed through to the end. But the change proposed in this bill is a change in opposition to improvement and progress.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The question was taken, and the committee amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word for the purpose of getting an expression on certain language used in this paragraph. The bill reads, on page 1:

That hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require it.

The word "it" seems to be superfluous.

Mr. IGOE. I will say to the gentleman, Mr. Chairman, that the language is copied from the law as it now is, but I think the word is proper. Now, if the gentleman will give a reason why he thinks it does not belong there——

Mr. FOWLER. I do not think it is good English at all, and it ought to be stricken out. I think it very crude, but, of course, if it has been carried in the act heretofore——

Mr. IGOE. It is in the present law, and we simply copied it into this bill. This is exactly the language of the present act.

Mr. FOWLER. I think the language ought to be—

That hereafter the Commissioners of the District of Columbia are authorized and empowered, whenever in their judgment the public health, safety, or comfort require to improve—

and so forth, omitting the word "it." Mr. Chairman, in order to get the sentiment of the committee I move to strike out the word "it."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "it," after the word "require."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the total cost of the assessment work herein provided for, including the expenses of the assessment, shall be charged against and become a lien upon abutting property, and an assessment therefor shall be levied pro rata according to the linear frontage of said property. The cost of the assessment work done under the provisions of this act shall be paid to the collector of taxes of the District of Columbia as follows: One-third of the amount within 60 days after service of notice of such assessment, without interest; one-third within one year; and the remainder within two years from the date of such service of notice, and interest shall be charged at the rate of 8 per cent per annum from the date of service of such notice on all amounts which shall remain unpaid at the expiration of 60 days after service of notice of such assessment, which in all cases shall be served upon each lot owner if he or she be a resident of the District and his or her residence known, and if he or she be a nonresident of the District, or his or her residence unknown, such notice shall be served on his or her tenant or agent, as the case may be, and if there be no tenant or agent known to the commissioners, then they shall give notice of such assessment by advertisement twice a week for two weeks in some newspaper published in said District.

The service of such notice, where the owner or his tenant or agent resides in the District of Columbia, shall be either personal or by leaving the same with some person of suitable age at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing and filed in the office of said commissioners: *Provided*, That the cost of publication of the notice herein provided for and the service of such notices shall be paid out of the appropriations for assessment and permit work.

During the reading of the above,

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry. I want to know whether this bill will be read by paragraphs or by sections?

The CHAIRMAN. It will be read by sections.

The Clerk concluded the reading of the section.

Also, the following committee amendment was read:

Page 3, line 9, after the word "property," insert the following language:

"The said commissioners shall notify each of the said property owners of the amount of his or her proposed assessment and fix a time and place when the said property owners may appear and present objections and for hearing thereof. Said notice shall be served in the same manner as provided herein for service of notice of assessment."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I offer an amendment, on page 3, line 22, to strike out the word "eight" and insert the word "six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 22, strike out the word "eight" and insert in lieu thereof the word "six."

Mr. FOWLER. Mr. Chairman, I am in favor of the passage of this bill. I think it presents an equitable and fair proposition which ought to command the respect of everybody. While I am in favor of the abutting property owner paying for the building, improvement, and maintenance of the sidewalks, yet I would not impose upon him any extra burdens. It is provided in this section of the bill that he shall pay an interest rate of 8 per cent on certain levies which are to be paid in the future. I think that is too high. We have seen the interest rates of various States cut down from 12 to 10, 8, 6, and even 5 per cent, and the legal rate throughout the country, as a rule, does not reach above 6 per cent. So I feel, Mr. Chairman, that the liberality, which is the watchword in rates of interest, ought to be extended to these people. There is no good reason why it should not.

Mr. BORLAND. Will the gentleman yield?

Mr. FOWLER. I will be glad to yield to the gentleman, but I had some thoughts I wanted to present.

Mr. BORLAND. On that very point of the rate of interest I wanted to ask the gentleman if he did not realize the difference between charging a man a rate of interest for money which he borrows and putting on him a rate of interest in the nature of a penalty to compel him to promptly pay some public obligation?

Mr. FOWLER. Yes; I do.

Mr. BORLAND. If we made the rate 8 instead of 6, would it not make the payments come in a little faster and work a little bit better? Is not that the way they work?

Mr. FOWLER. That is probably true, Mr. Chairman, but I do not understand this to be a penalty rate. I understand it to be the rate required to be paid on certain moneys which are to be paid in the future, after the levy has been made. If that be the purpose of this rate, Mr. Chairman, I think it is too high. I repeat that if a change in the system of sidewalk building is to be effected, as proposed by this bill, we ought to give the home builder an opportunity to build his home and surround it with sidewalks necessary for convenience at as little cost and expense as possible.

Mr. Chairman, I understand that 8 per cent is the rate that is allowed now in the law here in the District of Columbia, one of the gentlemen on the committee having so informed me, and yet I presumed the law was passed many years ago fixing the rate at 8 per cent. I know that in Illinois the rate used to be 10 per cent when I was a boy, but we have hewed that rate down until to-day the lawful rate is 7 per cent but the legal rate is 6 per cent.

Now, Mr. Chairman, I offer this amendment in behalf of the home builder that we have heard so much about here on the floor of this House during the discussion of this bill. I offer it in harmony with the progressive idea of to-day of hewing down extortionate rates of usury so that money may be commanded at a rate within the reach of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. Mr. Chairman, I agree with the gentleman that if we were to fix this thing over, and knew the whole proposition, they ought to pay 6 per cent, perhaps. But there is this objection. At the present time, with the special assessment work for alley improvement and for sewers, under the law as it stands and will stand after the passage of this bill, if it does pass, the property owners will be paying 8 per cent for those special assessments, and it seems to me the rate ought to be uniform. And, in addition, there are 60 days given to the property owner under this bill for which there is no interest charged, and I think the amendment should not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

Mr. OGLESBY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 5, after the word "That," insert the word "one-half," so that the line will read:

"SEC. 2. That one-half of the total cost of the assessment work," etc.

Mr. OGLESBY. Mr. Chairman, I do not intend to reargue this proposition. I want to say, in my judgment it is not a question of the half-and-half system, but a question between the individual property owner and the general fund of the District. If it is not fair the Government should pay one-half of the expenses of running the District of Columbia, then some plan should be devised whereby the Government will pay its just proportion; but there has been for a number of years a system in vogue whereby the sidewalks have been built, one half of the cost being assessed against the property benefited and the other half paid out of the general fund. This bill seems to me subversive of the elementary principles of justice. We have no annexed district, and all of the property in the District of Columbia has for 20 or 30 years been paying a share of the expense of constructing sidewalks in front of property as it is improved, and to change the system now and relieve the people who have gotten those benefits of the expense of paying any portion of the cost of building sidewalks in front of other property which has not yet been improved is unfair and unjust.

Now, so far as aiding in real estate schemes is concerned, the Commissioners of the District have it entirely within their power to say what improvements shall be made. Wherever a man is developing a piece of property in the suburbs or outlying districts for speculative purposes, he can not get the improvements put in. He has to pay for them out of his own pocket, because the commissioners will not make the sidewalks ahead of the natural development of the city. But as the city grows, the man whose property is in line of development is entitled to be assisted in the payment of the cost of his sidewalk when he has for years and years paid his share of the expense of building sidewalks elsewhere in the District.

Now, the gentleman from Missouri [Mr. BORLAND] stated that this added cost would not be paid by the man who bought the property, a Government clerk, or somebody else who had bought a piece of property on which to build a modest home, but that it would be paid by the real-estate speculator. The gentleman ought to know, if he knows anything about real-estate speculation, that the man who sells the property will add that extra cost to the price, and the fellow who buys the land on the installment plan and puts his house on it has to pay that, together with the rest of his expenses.

Mr. BORLAND. I claim that he puts it on the price now, although the Government pays it in the first instance.

Mr. OGLESBY. I have heard the gentleman make a good many other claims which he can not substantiate.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. SMITH of Minnesota. Is it not true that if the owner of a piece of property can represent to the purchaser that from this time on he will have to pay only a small tax, he can put a larger price on his property?

Mr. OGLESBY. Does the gentleman mean that if the sidewalk already exists, and he does not have to pay for the sidewalk of somebody else, therefore it will increase the value of that property?

Mr. SMITH of Minnesota. No. The gentleman does not understand my question. Suppose the real estate man says, "From this time on, no matter how long it may be, you will never have to pay more than one-half of the price of repairing or rebuilding this sidewalk." Does he not add that to his price? Is not that the reason why lots in this city are worth twice as much as similar lots elsewhere in any city of the same size?

Mr. OGLESBY. I will say to the gentleman, if the agent tells him the whole truth he will say, "You have only to pay one-half of the cost of building your sidewalk and keeping it repaired, but you will also have to pay in taxes each year something for the expense of building sidewalks in front of other people's property wherever it is improved, anywhere in the District."

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. What does the gentleman desire us to do with the second amendment here?

Mr. OGLESBY. It was simply to carry out the provisions of the first, and the first has been lost.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That any property upon which assessment and accrued interest thereon, or any part thereof, shall remain unpaid at the expiration of two years from the date of service of notice of such assessment shall be subject to sale therefor under the same conditions and penalties which are imposed by existing laws for the nonpayment of general taxes; and if any property assessed as herein provided for shall become liable to sale for any other assessment or tax whatever, then the assessments levied under this act shall become immediately due and payable, and the property against which they are levied may be sold therefor, together with the accrued interest thereon, and the cost of advertising, to the date of such sale. Property owners who request improvements under the permit system shall deposit in advance with the collector of taxes of the District of Columbia an amount equal to the estimated cost of such improvements, and in such cases it will not be necessary to give the notice herein provided for.

All moneys received by the collector of taxes of the District of Columbia for work done upon the request of property owners, as herein provided for, shall be deposited by him in the United States Treasury to the credit of the permit fund.

Upon the completion of work done as aforesaid at the request of property owners, the commissioners shall repay to the then current appropriation for assessment and permit work, out of the permit fund, a sum equivalent to the cost of the work, and shall return to the depositors, from the same fund, as application may be made therefor, any surplus that may remain over and above the cost of the work.

With a committee amendment, as follows:

Page 5, line 8: After the word "sale" strike out the remainder of the page.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

With a committee amendment, as follows:

Strike out all of section 5 in lines 7 and 8, and insert in lieu thereof the following:

"SEC. 5. Whenever any owner of property in the District of Columbia shall make application to the Commissioners of the District of Columbia for authority to improve, construct, or repair, at his own expense, the sidewalk abutting said property, the said commissioners shall grant to such owner a permit to improve, construct, or repair said sidewalk. Said permit shall be granted only on condition that the work shall be completed within the time specified therein and in the manner and of such materials and according to such plans and specifications as may be approved by the said commissioners. The said commissioners may revoke said permit at any time for a violation of any of the terms and conditions thereof. In the event of a revocation of said permit, the said commissioners may cause the said work to be completed and the cost thereof shall be charged against and become a lien upon the abutting property and an assessment therefor shall be levied and collected in the same manner as is provided in this act for assessment work.

"SEC. 6. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent that we return to section 2, page 4, line 13.

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] asks unanimous consent to return to section 2, page 4, line 13. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, for what purpose?

Mr. SMITH of Minnesota. For the purpose of offering an amendment.

Mr. MANN. What is the amendment?

Mr. SMITH of Minnesota. The amendment is to insert after the word "age," in line 13, the word "discretion," so that it will read "a person of suitable age and discretion."

The CHAIRMAN. Is there objection?

Mr. IGOE. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. IGOE. I will say to the gentleman that that is already the law at the present time.

Mr. Chairman, I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10308) to provide for the improvement, construction, and repair of sidewalks in the District of Columbia and for the assessment and payment of the cost thereof, had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. IGOE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. KIRKPATRICK, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

TWELFTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS.

Mr. MANN. Mr. Speaker, I rise to present a resolution involving the privileges of the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] presents a resolution involving the privileges of the House. The Clerk will report it.

The Clerk read as follows:

House resolution 427.

Whereas JAMES M. CURLEY was duly elected and qualified as a Member of this House from the twelfth congressional district of the State of Massachusetts; and

Whereas the said JAMES M. CURLEY was thereafter elected mayor of the city of Boston in said State January 13, 1914, and duly qualified and entered upon the duties of the office of mayor of said city of Boston February 2, 1914; and

Whereas the offices of Representative in Congress and mayor of the city of Boston, Mass., are incompatible, and it is impossible for any one person to perform the duties of both; and

Whereas the acceptance of the office of mayor aforesaid of said JAMES M. CURLEY was, in effect and in fact, a vacation of the office of Representative in this House: Therefore be it

Resolved, That the name of JAMES M. CURLEY be stricken from the roll of membership of this House and the seat formerly occupied by him be, and it is hereby, declared vacant.

Mr. FITZGERALD. Mr. Speaker, I reserve a point of order against the resolution.

The SPEAKER. The gentleman from New York reserves a point of order.

Mr. UNDERWOOD. I desire to ask the gentleman from Illinois if this resolution is not similar to one that was passed by the House some years ago in reference to the governor of Connecticut?

Mr. MANN. It is very similar to the resolution which was passed in the Lilley case.

Mr. UNDERWOOD. I do not suppose the gentleman desires to take up the matter in the House at this time.

Mr. MANN. Oh, no. I ask to have it referred to the proper committee.

Mr. FITZGERALD. I withdraw the point of order.

Mr. UNDERWOOD. Mr. Speaker, I move that the resolution be referred to the Committee on the Judiciary.

Mr. MANN. I think that is where the other resolution went.

The SPEAKER. The gentleman from Alabama moves to refer the resolution to the Judiciary Committee.

The motion was agreed to.

Accordingly the resolution was referred to the Committee on the Judiciary.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill (H. R. 13612).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, with Mr. BOOHER in the chair.

Mr. MANN. Mr. Chairman, I move to strike out the first word of the pending paragraph simply for the purpose of calling the attention of the gentleman from New York [Mr. FITZGERALD] to the amendment which was agreed to Saturday night to the paragraph in reference to the payment of traveling expenses and subsistence of the members of the Committee on Industrial Relations. Apparently, the way the language reads, if it were not violently construed, it would forbid the payment of any traveling expenses whatever except not to exceed $5 a day for subsistence. Of course that was not the purpose. It may be that if it should get into the law in this shape it would be construed

to apply only to subsistence. I will ask the gentleman to reexamine the matter, so that to-morrow, if the gentleman desires to shift the language of the amendment, he may do so.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of Capt. J. R. McAndrews, Sixth United States Cavalry, the sum of $460 disallowed against him on the books of the Treasury.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out the paragraph.

Mr. FOWLER. Mr. Chairman, I understand that this allowance of $460, which is provided for in this item, was rejected by the Auditor of the War Department on the ground that it was included in an original contract for the making of some improvements. I am not able to tell all of the details of the improvements. I understand that it involves the construction of some electric lines, that there was an amount agreed upon for doing the work, and that after the work was completed and turned over it was found that there was a failure to comply with the contract, and that certain telegraph poles had to be remodeled or reestablished, and after the beneficiary in this item had complied with the requirements of the department he presented this bill of $460, and it was promptly turned down by the Auditor for the War Department.

Mr. Chairman, if I am correct in my information, this item ought not to be carried in this bill, but ought to be stricken out. If the Auditor for the War Department was wrong in his conclusions, the beneficiary ought to have taken an appeal to the Comptroller of the Treasury for the purpose of having the matter finally passed upon in the regular way; but instead of doing that he sought to come before the Committee on Appropriations, and he has lodged his claim in the deficiency bill. I do not think it is just, if I am correctly informed as to the history of this claim.

Mr. Chairman, I desire to read from a report concerning the matter, so that I may get myself before the committee properly. This is the item in the bill:

The accounting officers of the Treasury are authorized and directed *to allow and credit* in the accounts of Capt. J. R. McAndrews, Sixth United States Cavalry, the sum of $460 disallowed against him on the books of the Treasury.

In the deficiency estimates underneath this item appears the following annotation:

NOTE: This amount was expended by Capt. McAndrews, under proper instructions, in making repairs to the electric-lighting system at Fort Bayard, N. Mex., payment having been made on voucher 3, abstract B, of his money account for June, 1911.

It appearing that the transmission line between the power house and the post at Fort Bayard, N. Mex., was in poor condition, requiring $405 to replace a number of telegraph poles; that two iron poles should be relocated in rear of a building No. 4 at a cost of $10; and that a 2-kilowatt transformer was necessary in the power plant in order that transformer losses could be done away with by cutting off the post line at times when lighting was needed in the power plant only (the transformer to cost $45), authority was given September 9, 1910, for the repairs, etc., at a total cost of $460. The Auditor for the War Department disallowed this expenditure by Capt. McAndrews, taking the ground that the work was included in a contract previously made for the remodeling of this line, and that no additional expense should have been incurred. But at the time the specifications covering the remodeling were prepared in the office of the Quartermaster General there was no information to show that the pole line in question was in poor condition, and the changes recommended by Capt. McAndrews as constructing quartermaster being deemed necessary and considered entirely in the interests of the service, were duly authorized. It is believed that had this work been delayed, the cost to the Government at a later date would have been very much greater. (Henry G. Sharpe, Brigadier General, Quartermaster Corps, U. S. Army, Acting Chief of the Quartermaster Corps.)

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, it is evident to my mind that this amount was included in the original contract; that this repair work for which this item is presented was included in the original contract; and that McAndrews ought to have had that repair done under the original contract. That being the case, I feel quite sure that had he taken an appeal to the Comptroller of the Treasury he could have had a decision thereon, upon which we could have based some kind of conclusion, and I have no doubt that the decision of the Comptroller of the Treasury would have been in harmony with the decision of the Auditor of the War Department. For that reason I do not think this item ought to be allowed.

Mr. FITZGERALD. Mr. Chairman, I do not believe that the motion of the gentleman from Illinois should prevail. The gentleman has stated the facts substantially, but he seems to be laboring under a misapprehension. Capt. McAndrews had no contract with the Government. He was an Army officer stationed at Fort Bayard, where there is a sanatorium, and he was in charge of certain construction work. A contract had been made for the overhauling of certain matters about the place. The specifications that were prepared in the Quartermaster General's Department in Washington did not show that the particular items mentioned in this paragraph were required. Capt. McAndrews reported that certain things should be done—two poles set up and a 2-kilowatt transformer installed, and he was instructed to have the work done. It was done and paid for. When his accounts were transmitted to the Auditor of the War Department he disallowed the item of $460. There was a difference of opinion as to whether the contract included this work. But the Army officer in good faith, acting under the instructions of the War Department, had had this work done and he had paid for it. The only question now is whether he shall be required to pay for it out of his own pocket or whether, in view of all the circumstances, the item shall be allowed in his accounts.

Mr. FOWLER. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. FOWLER. Is it not a fact that the reason assigned by the Auditor of the War Department for disallowing this claim was that the work was embodied in the original contract?

Mr. FITZGERALD. That is what the auditor stated, but at the same time the specifications prepared in the Quartermaster General's Department in Washington and transmitted to Fort Bayard did not make it clear. These things were necessary to be done. Capt. McAndrews wired the department, stated the facts, and asked for authority to have them done. He was instructed to do the work; he had it done and paid for it out of the funds in his hands. When the account came in the item was disallowed. The only question now is whether this officer, acting in good faith, under instructions of his superior officer, shall pay for the work himself or whether it shall be credited to his account.

Mr. FOWLER. Why was it not presented to the Comptroller of the Treasury?

Mr. FITZGERALD. I imagine that no appeal was taken to the comptroller because it was believed that the auditor's decision would be sustained. While it is not a common thing, it is not infrequent that a difference may arise as to what a contract should have included, particularly when, as at Fort Bayard, it is not easily accessible in communication with the department. But the officer acting in good faith and under instructions from the department ought not to be compelled—and it is not justifiable to compel him—to pay the $460 for work that has been done for the Government for which the contractor has been paid. It is merely a question of whether the item shall be allowed in his accounts or whether he will be compelled to pay it. We have stricken out of the bill a number of requests to allow credit to be made in accounts, but it seemed to the committee that there could be no justification for penalizing an officer who acted in good faith under the circumstances disclosed here.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FOWLER. I ask unanimous consent that he have two minutes longer, for I want to ask him a question.

The CHAIRMAN (Mr. GRAHAM of Illinois). The gentleman from Illinois [Mr. FOWLER] requests that the time of the gentleman from New York be extended two minutes. Is there objection?

There was no objection.

Mr. FOWLER. In the committee's investigation of the matter, did they investigate as to whether the Auditor of the War Department was correct?

Mr. FITZGERALD. No; in the investigation we assumed that he was. We assumed that he had justification for his opinion. It was stated to the committee that the items the auditor said were included in the original contract did not appear when the specifications were prepared in Washington to be required.

Mr. FOWLER. Does not the gentleman think that the best course to pursue is for him to take an appeal?

Mr. FITZGERALD. No; I do not. I do not think it would do him any good. He realizes, probably, as everybody else does, that the comptroller, under the facts appearing, would sustain the auditor.

Mr. FOWLER. Does not the gentleman think the item ought to be stricken out in all good faith?

Mr. FITZGERALD. No; I do not; for we would then compel an officer, acting in good faith, acting under instructions from the Quartermaster's Department, at a place distant like Fort Bayard, to pay this from his own pocket. He applied to the department, suggesting that certain things should be done and asked authority to do them. As the auditor decided that they should have been included with some other work, I do not believe it is justifiable to compel him to pay for it. If there was an error and anybody should be penalized, it should be those in the department who ought to have had the information and who ought to have included it in the original contract. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER] to strike out the paragraph.

The question was taken, and the amendment was lost.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For transportation, including the same objects specified under this head in the naval appropriation act for the fiscal year 1913, $57,931.53.

Mr. SISSON. Mr. Chairman, I want to call the attention of this committee to this item, because I think the Navy Department in the future ought to be more cautious about their methods of transacting business. The fact about this item of $57,931 is that they had a naval review of some kind in New York and they wanted the ships all to have a full complement of men. They permitted Naval Militia men to enlist in the Navy so that they could carry them to the place of enlistment and fill out the complement of men.

The law is that when they enlist they must be enlisted for four years. Immediately after the naval review was over the Secretary of the Navy discharged the men and they went back to the Naval Militia post. In other words, it was a clear evasion of the four-year enlistment law. They had no authority to have these men carried to New York for the purpose of making a show unless they enlisted them for four years. So he arbitrarily enlisted these men for four years, and as soon as the naval review was over they were immediately discharged.

Mr. MADDEN. They were naval militiamen?

Mr. SISSON. Yes.

Mr. MADDEN. Would they be required to enlist them to use them in the maneuvers?

Mr. SISSON. Yes; to put them on the ships as members of the crew. They admit that.

Mr. MADDEN. I thought perhaps they could draft them into the service without enlisting them?

Mr. SISSON. No; they can not enlist them and put them on the ships. They put them on the ships as sailors.

Mr. MADDEN. All of this $57,000 is due to that?

Mr. SISSON. Due to that expense. These naval militiamen were around the lakes generally, and they took them wherever they could get them, in fact, and tried to get them convenient to the city of New York to reduce the expense; but I do not believe that an officer of the Navy Department or the Secretary of the Navy or anyone else is justified in evading the plain provisions of the law. I did not favor the proposition personally, but your committee felt that in view of the fact that the money had been expended in that way it ought to be covered in the deficiency bill.

Mr. MADDEN. Was it necessary to have these naval militiamen in order to have the maneuvers successful?

Mr. SISSON. I do not know that it was, but they wanted the Navy to appear in good shape and each ship to have its full complement of men ready for war duty.

Mr. MADDEN. What was the special reason for the maneuvers?

Mr. SISSON. It was at the time they had the review up there in New York, and they invited the President and others to see it.

Mr. MADDEN. Does the gentleman suppose anybody who went there to see the maneuvers would know whether they had a full complement of men or not?

Mr. SISSON. I do not think so.

Mr. MADDEN. How many men were there?

Mr. SISSON. I do not remember the number of men carried. This was simply for transportation, and I do not believe the Navy Department in the future ought to be guilty of matters of this kind, and I think it is well enough to throw this little piece of dirt or grass, and I hope Congress will never permit an item of this kind to go in again.

The CHAIRMAN (Mr. GRAHAM of Illinois). The Clerk will read.

The Clerk read as follows:

Freight: For freight, including the same objects specified under this head in the naval appropriation act for the fiscal year 1914, $200,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, after line 1, insert the following:
"For clerk hire, rent, and other incidental expenses of district land offices, $30,000."

Mr. MONDELL. Mr. Chairman, there was presented to the committee for its consideration an estimate for the reappropriation of the unexpended balance of the appropriation for 1913 under this head. That unexpended balance amounted to $50,000. The committee did not see fit to approve the estimate. I have consulted with the Commissioner of the General Land Office relative to the needs of that office, and I am satisfied that these land offices could be kept running with the present force of clerks for the balance of the fiscal year with an additional sum of $30,000—the amount I have named in my amendment. The appropriation for this purpose for the fiscal year 1913 was $310,000. There was an additional appropriation of $90,000, making $410,000. The amount actually used was $360,000 for the fiscal year 1913, and, with the allowance of the $30,000 now asked for, the department will have $10,000 less for the current year than it had for the fiscal year 1913. I have a statement prepared by the Commissioner of the General Land Office, at the request of the chairman of the committee, showing the business for the fiscal years 1912 and 1913 and for the first six months of the current year, showing that under all classes of business, original filings, homestead filings, final proofs, final homestead proofs, and so forth, the business transacted for the first half of the present fiscal year was as great, or nearly as great, as the business for the past fiscal year. The department, it is true, did not contemplate as large an expenditure for the current fiscal year as was expended the year before, because they expected a falling off in business. That expectation has not been realized, and while they have discharged 20 clerks, the business is and promises to continue to be as great in volume as it was the last fiscal year, when the department had $10,000 more for this service than it will have if this item of $30,000 is allowed.

Let me call the attention of the committee to the class of business that is transacted by these offices. They have to do with all original filings, with all final proofs, and they are the local representatives of the Government in all matters relating to settlement upon location or entry of or securing titles to the public lands. The commissioner tells us that unless he is allowed this additional $30,000 it will be necessary to curtail the force in a considerable number of these land offices. There are 104 of them, and many of them are somewhat behind with their business at this time, owing to the constantly growing heavy volume of original filings and of final proofs. The discharge of these clerks will result in very great hardship to entrymen and loss to the Government. It will necessitate delays in the making and passing upon final proofs and in transacting all of that vast volume of business that the land seeker has with the Government agents all over the western country.

I sincerely hope that the chairman of the committee will accept this item of increase.

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILSON of Florida. In addition to the duties which the gentleman has stated, which fall upon these offices, is it not also a fact that they have to investigate fraudulent entries and matters of that character, entailing great expense of time and labor?

Mr. MONDELL. That is true. They are the representatives of the Government in the field. Of course, in addition to those men, there are the special agents, but those are the men with whom the people locally do their land business.

Mr. WILSON of Florida. The reports of the special agents go to the Land Office for investigation and criticism.

Mr. MONDELL. They do.

Mr. HAYDEN. Will the gentleman permit me?

Mr. MONDELL. I will.

Mr. HAYDEN. There is another suggestion I would like to make in connection with this which I think the gentleman overlooked. The gentleman remembers last year we passed a

law permitting final proof of a homestead to be made in three years instead of five years.

Mr. MONDELL. Yes; that is true.

Mr. HAYDEN. And a great many people of Arizona, to my knowledge, have taken advantage of that law, and it has created a congestion of business at this time. It may be that after the effect of that reduction period has passed the need for keeping up the clerical force of these offices might not be so great, but at the present time they are not only pressed by the ordinary business but by the fact that a great many have taken advantage of the shorter period, and it has created a large amount of business.

Mr. MONDELL. That is true, and the statement which I have here, and which I think the gentleman has seen, makes it very clear that not only has the volume of these final proofs kept up, but there has been no decrease in the number of original filings, so that the land offices have done quite as much business now for the first six months of the present year as they did for the year 1913, during which time they had $90,000 more for the current year, $40,000 of which was used, leaving a balance of $50,000. The reappropriation of the unexpended balance was asked for, I assume, because the Commissioner of the General Land Office desired to call attention to the fact that the $90,000 to take care of the three-year proof was only used to the extent of $40,000 and the balance returned to the Treasury. That fact makes it very clear that the land office will not use any more of this fund than is necessary to take care of the business, but unless we do give them this additional sum it will be necessary for them to discharge some clerks, and entail loss and hardship on entrymen. They have already discharged 20, and it will be necessary for them to discharge 60, and that means the discharge of one clerk in approximately two-thirds of all the land offices. I am familiar, as is the gentleman from Arizona and many gentlemen here, with the conditions in these land offices. The work is congested, and they are doing all they possibly can. A reduction of the force would mean a very great loss to entrymen and a very great loss to the Government, and I hope the chairman of the committee will see his way clear to allow this additional sum. I shall insert in the RECORD the statement of Land Office business prepared by the Commissioner of the General Land Office to which I have referred. It is as follows:

Statement of filings, homestead applications, proofs, and homestead proofs made in each land office from July 1, 1911, to December 31, 1913.

Months.	Original filings.			Homestead filings.			Final proofs.			Final homestead proofs.		
	Fiscal year.			Fiscal year.			Fiscal year.			Fiscal year.		
	1912	1913	Fractional 1914.	1912	1913	Fractional 1914.	1912	1913	Fractional 1914.	1912	1913	Fractional 1914.
July	7,761	7,720	7,628	5,647	5,794	6,172	6,596	4,498	6,984	5,659	3,935	6,137
August	7,310	7,908	7,394	5,387	6,099	5,994	6,265	6,027	6,359	5,487	5,444	5,527
September	6,813	7,509	7,727	4,854	5,574	6,395	5,413	8,081	6,345	4,717	7,330	5,712
October	7,898	8,229	8,125	5,527	6,427	6,007	5,619	9,119	6,418	4,806	8,308	5,678
November	6,699	7,684	8,000	4,772	5,995	6,222	5,699	8,993	6,201	4,939	8,101	5,315
December	6,401	7,081	7,440	4,483	3,301	6,005	5,413	8,191	6,230	4,300	7,142	5,296
January	5,778	6,072	.....	4,017	4,747	.....	4,370	6,588	.....	3,331	5,662	.....
February	7,338	6,242	.....	5,527	5,049	.....	3,356	5,043	.....	2,641	4,430	.....
March	7,114	9,463	.....	5,281	7,919	.....	3,920	5,628	.....	3,071	4,756	.....
April	9,627	10,349	.....	7,303	8,641	.....	3,888	6,270	.....	3,154	5,559	.....
May	9,373	8,963	.....	7,286	7,271	.....	4,443	6,579	.....	3,239	5,749	.....
June	8,771	8,955	.....	6,350	7,486	.....	3,684	5,776	.....	2,996	5,068	.....
Total	90,883	96,175	46,314	66,434	76,303	36,795	58,666	80,793	38,537	48,340	71,484	33,665

NOTE.—Figures for January 1914, are not given for the reason that a number of offices have not yet transmitted their reports for that month.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERGUSSON. Mr. Chairman, I move to strike out the last word simply to add my voice to what has been said by the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Arizona [Mr. HAYDEN].

New Mexico is a new State and the land offices are all congested with business under the present force they have at their command, and I think I can appeal to the chairman of the committee, and to this committee itself, that it is an absolute necessity, so far as my State is concerned and I am well acquainted there and get letters almost every day bearing upon the subject, to afford these land offices relief in their already great congestion of business.

Mr. FITZGERALD. Mr. Chairman, the committee did not believe that it was justified in recommending the additional appropriation for the contingent expenses of these land offices at this time. The appropriation for this service has been increased very rapidly, and no matter how rapidly it is increased there never seems to be any stop to the demands for more. In 1908 appropriations were $225,000, based on an estimate of $225,000. Seventy thousand dollars additional was given for that year. In 1909 the appropriation was $295,000 and $6,000 additional. In 1910 and 1911, $295,000 for each year. In 1912, $320,000. In 1913, while the appropriation bill was pending Congress passed the three-year homestead act permitting proof to be made in three years instead of five, and in order to take care of the rush of applications it was expected would be made during last year a very large additional sum, amounting to $90,000, was placed at the disposal of the Commissioner of the General Land Office. For the current year $320,000 was estimated as being sufficient. The Commissioner of the General Land Office in explaining the estimate stated that the amount of money recommended for last year was very much in excess of what could be used, and that instead of requiring the $90,000 additional he would only use $40,000; that in this year the first rush would be over and the offices would be down to their normal basis.

The deficiency estimate was submitted to Congress on the 15th of January of this year asking that the unexpended balance of $50,000 from last year be made available for this year. On the 12th of February, within a month of the time the estimate was submitted, under questioning of the members of the Committee on Appropriations, it was ascertained that the land office had decided that instead of $50,000 being required $20,000 would be sufficient. Then it was stated, so that there should not be any doubt, that it might be better to give $30,000, particularly as there was pending in Congress a bill to create an additional land office. The experience of members of the committee has been that whenever it is possible inside of a period of less than a month to reduce a deficiency estimate by more than one-half, with almost five months still to go in this fiscal year, the probabilities are that this great rush will be over and the money will not be required. For the present year, with the exception of last year, when this particular law was enacted, the appropriation is the largest made in our history for such purposes. I can only repeat, Mr. Chairman, what I said when their bill was presented to the committee, that in appropriating money for the conduct of the various public services during the current fiscal year the Committee on Appropriations, with the knowledge that a Democratic administration was to be in charge of the affairs of the Government, carefully and deliberately appropriated such sums as in its opinion would be sufficient to conduct the public business efficiently and economically. It has not found any reason to change its opinion that the appropriations that were made so advisedly are not sufficient. In my opinion it is not necessary to make this increase at this time. I do not believe the conditions of the public service require it. As the estimate came before the committee it was a request to permit to be spent during this fiscal year the money that could not be spent during the last fiscal year. If such a policy were to be pursued, and the heads of the service were to be encouraged in the belief that because money could not be expended in the conduct of the public service in the one fiscal year, it should be made available to be expended in another fiscal year, the appropriations would exceed all reasonable sums.

I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 18.

Mr. MONDELL. Tellers, Mr. Chairman.

Tellers were refused.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, how many were there who voted in favor of demanding tellers?

The CHAIRMAN. Thirteen. The Chair has announced that the amendment is rejected, and the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of Solicitor of Labor: For one clerk of class 1 during the balance of the fiscal year 1914, $400, or so much thereof as may be necessary.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to amend the preceding paragraph by striking out the figures "1914," and spell them out.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to strike out the figures "1914," and insert the spelling of the same in lieu thereof. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read.

The Clerk read as follows:

The accounting officers of the Treasury are authorized and directed to allow, upon the approval of the Attorney General, from the annual appropriations for the maintenance of the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., the expenses of travel and subsistence, not exceeding $268.86 incurred by R. J. W. Brewster during the fiscal years 1913 and 1914 in connection with the supervision of prisoners on parole from said penitentiaries.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on that. I do not think this item ought to be carried in this bill. It is proposed to allow a deputy United States marshal whose duties were confined by law to the District of Columbia traveling expenses in other parts of the country. I do not think he had any business in other parts of the country which entitled him to transact business under the law and be paid for it by this Government. I feel that there is no authority whatever under the law for this provision, and it ought to be rejected for one reason only, if for no other, and that is to teach men in authority to comply with the law of the land. This way of doing business loosely, and then coming in and asking Congress to appropriate in a deficiency bill money to pay the expenses thereof, I think, Mr. Chairman, ought to be stopped. And, unless the chairman of the committee can give some good reason, which I have never seen yet, and I have read the evidence submitted before the committee, I shall insist on my point of order.

Mr. FITZGERALD. Mr. Chairman, I have no information additional to what has been submitted to the Committee on Appropriations. Mr. Brewster was an inspector of prisons. The parole law provides that the supervision of paroled prisoners shall be under the parole officers of the penitentiary and the United States marshals. Mr. Brewster was appointed a United States deputy marshal for the District of Columbia, so that when he was sent out to inspect the prisons it was thought he might also do certain work in connection with the obtaining of information regarding some persons who were on parole. He did this work, covering some period of time—I do not know how long—until the 1st of last July, when, for some reason, the question was submitted to the comptroller as to whether that could be done, and the comptroller held that certain items of expense incurred by him as United States deputy marshal for the District of Columbia while doing work in connection with the parole of certain persons outside of the District could not be allowed.

Now, it was considered much more economical and better administration to have this man, while doing this inspection work, look up certain prisoners who were in localities near where he was required to go, rather than to send parole officers either from Leavenworth or from Atlanta, Ga., to the particular places.

There has been disallowed in his accounts $268.86, money which was expended by him for actual expenses while performing the duties which devolved upon him. The object of this provision is merely to permit him to have these items allowed in his accounts. Otherwise he will be compelled to pay out of his own pocket the expense of doing the work, which was done in good faith, and it was believed it was an economical and wise way to do it. The gentleman does not get much compensation.

Mr. FOWLER. He gets $2,500 as a salary.

Mr. FITZGERALD. He was appointed United States deputy marshal for the District of Columbia, and he could act as a parole officer within the District of Columbia, but when he was sent outside of the District on inspection work and endeavored to act as a parole officer outside of the District, it was held that the authority did not go that far, and the money he expended in doing parole work outside of the District is disallowed. It is a case of charging to some man who is not paid a very large sum for his services more than a month's salary for expenses incurred by him in the discharge of his public duties.

Mr. FOWLER. Mr. Chairman, does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. FOWLER. I find from the hearings that Mr. McGlesson says the shortage is $74.94.

Mr. FITZGERALD. That is out of one appropriation. It could have been charged to two appropriations, part to Leavenworth and part to Atlanta.

Mr. FOWLER. The amount of the bill was $268.86.

Mr. FITZGERALD. Yes; and the one part would have been chargeable to the Atlanta prison and the other to the Leavenworth prison.

Mr. FOWLER. His duty as a parole officer was confined strictly to the District of Columbia?

Mr. FITZGERALD. Yes.

Mr. FOWLER. He had no authority to act as an officer outside.

Mr. FITZGERALD. He was an inspector of prisons, and he was sent to inspect prisons in which Federal prisoners were confined. If the paroled prisoner lived at some place where it would be convenient for him to go while making the inspection trip, it would be more economical to have him go and ascertain whether the paroled prisoner was living up to the regulations than it would have been to have sent a parole officer from some other place. If they had sent him from some other place, either Leavenworth or Atlanta, there would be no question about the expenditure.

Mr. FOWLER. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word. There is quite a heavy snowstorm outside, and Members will undoubtedly be delayed in getting home beyond the usual hour.

Mr. FITZGERALD. There are only two or three more items under the Department of Justice.

Mr. MANN. I hardly expect to get home for dinner now.

Mr. FITZGERALD. There are only two or three items; another page; that is about all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Rent of rooms: For rent of rooms for the United States courts and judicial officers, not exceeding $9,144, for the balance of the fiscal year 1914, and for the purchase of necessary furniture and other like equipment for court rooms in the city of New York, $13,000; in all, $22,144, or so much thereof as may be necessary.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to strike out the paragraph. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 22, noes 1.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Attorney General is authorized to enter into a lease for rent of rooms for the United States courts and judicial officers in the city of New York at an annual rental, not exceeding $8,810, for a period of five years.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to strike out the paragraph.

Mr. CANTOR. Mr. Chairman, I hope this provision will not be stricken out. There is a necessity for these rooms in New York. The post-office building is being reconstructed for the benefit of the courts, but it leaves the judges without any chambers. An opportunity is had now in the city of New York for leasing rooms for the judges for their own use and for court purposes, and not only for the judges of New York City but judges from the South and the West who help us on our calendars; and it seems to me that it is essential that the Secretary of the Treasury should be permitted to lease these

rooms for the purposes of the judges for five years. Under the present law it can not be done for more than one year.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CANTOR. Yes.

Mr. MANN. Why should we appropriate for leasing these offices there and at the same time make an appropriation of $200,000 for additional accommodations in the courthouse?

Mr. CANTOR. Because the additional accommodations are not sufficient. The courts will require a number of rooms there; they will require rooms for the judges there as well as elsewhere.

Mr. MANN. We have an item on this bill for $200,000 for additional quarters.

Mr. CANTOR. That is in the post-office building only.

Mr. MANN. It is in the old courthouse. We appropriate $200,000 to give additional accommodations to the courts in that item for a term of five years.

Mr. CANTOR. Perhaps I have not made myself clear. I wanted to say to the gentleman from Illinois that even the accommodations provided for under the item of $200,000 are insufficient for the courts and the justices. I wanted to explain that the Post Office Department would still retain one or two of the floors in that building, and that therefore there would not be sufficient room for the judges and the courts. We ask therefore that outside accommodations be provided for the judges, so that there will be an orderly procedure in the courts of New York City.

Mr. FITZGERALD. Mr. Chairman, this motion is made by the direction of the Committee on Appropriations. I regret that my colleague [Mr. CANTOR] has requested me to make a statement regarding it. After further consideration the Committee on Appropriations decided that these items should go out. Instead of asking for $8,810 a year for the rental of these offices, the department asks for $18,620. It is proposed to provide quarters for six Federal judges in the Woolworth Building, and two rooms for the holding of courts there without juries, together with accommodations for the judges' secretaries and large rooms for the marshal and clerk. It appeared to the committee on a further consideration, in view of the expenditure that is to be made for the rehabilitation of the old post-office building, to be entirely too much. I myself in the hearings called the attention of the United States district attorney for the southern district of New York, who appeared before the Committee on Appropriations in connection with this matter, to the fact that as it appeared from the diagram submitted by himself it was proposed to give to each of the judges, both the four judges belonging to the southern district of New York and the two judges who are expected to sit there by assignment from other districts offices about double the size of one of the rooms of the Committee on Appropriations. In addition, there would be rooms for their clerks.

I am somewhat familiar with office rooms and conditions in the city of New York, and upon a more thorough consideration of the entire matter the members of the committee decided that they did not care to make this recommendation.

In view of all the information at hand, I can not say that we are justified in renting over 11,000 additional square feet of space in the Woolworth Building, proposed to be rented for the accommodation of these courts. The six courts will not be in session the entire year. The business in the southern district of New York is very greatly congested, more than 300 criminal cases and more than 400 civil cases in which the Government is a party being undisposed of when the present district attorney was appointed; nevertheless, in view of the fact that a very large sum is to be expended on the post-office building, it is believed it should be possible by some rearrangement to make better accommodations in the post-office building or to obtain accommodations not so extensive nor so expensive if additional offices are required outside, it seems to the committee that this item ought not to be allowed.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. FITZGERALD], chairman of the committee, to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans., in the sundry civil appropriation act for the fiscal year 1914, and for supplies for guards, $2,000.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until Tuesday, February 24, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERWOOD, from the Committee on Ways and Means, to which was referred the bill (H. R. 11245) extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported the same without amendment, accompanied by a report (No. 299), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 13766) to establish in the Department of Agriculture a Bureau of Farm Power; to the Committee on Agriculture.

By Mr. DANFORTH: A bill (H. R. 13767) to provide for the purchase of a site for and the erection of a public building at Albion, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. J. M. C. SMITH: A bill (H. R. 13768) in aid of pensions to the soldiers and sailors of the War of the Rebellion and the War with Spain; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 13769) to authorize the acceptance and administration of savings by the postal savings bank service of the Post Office Department for crescent life annuities; to the Committee on the Post Office and Post Roads.

By Mr. CHURCH: A bill (H. R. 13770) to consolidate certain forest lands in the Sierra National Forest, Cal.; to the Committee on the Public Lands.

By Mr. CLARK of Missouri: A bill (H. R. 13771) extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 13772) to segregate Government employees of the white race from those of African blood or descent; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Texas: A bill (H. R. 13773) to authorize the Secretary of the Interior to lease unallotted Indian lands for mining purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 13774) providing for the lease of the public grazing lands in the arid States and Territories of the United States; to the Committee on the Public Lands.

Also, a bill (H. R. 13775) making a per capita payment of $100 to the enrolled members of the Choctaw and Chickasaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. MANN: Resolution (H. Res. 427) to strike from the rolls of the House the name of JAMES M. CURLEY, of Massachusetts, and declare his seat vacant; to the Committee on the Judiciary.

By Mr. WALLIN: Memorial of the Legislature of the State of New York, petitioning the Government of the United States to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

By Mr. BRUCKNER: Memorial from the Legislature of the State of New York, favoring the amendment of the Federal immigration laws to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Memorial from the Legislature of the State of New York, favoring the amendment of the Federal immigration laws to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

By Mr. DALE: Memorial from the Legislature of the State of New York, favoring the amendment of the Federal immigration

laws to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Memorial from the Legislature of the State of New York, favoring the amendment of the Federal immigration laws to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

By Mr. TALCOTT of New York: Memorial from the Legislature of the State of New York, favoring the amendment of the Federal immigration laws to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 13776) granting a pension to Mary E. Plummer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13777) granting an honorable discharge to George B. Caswell; to the Committee on Military Affairs.

By Mr. ANDERSON: A bill (H. R. 13778) granting a pension to Gustave W. Koschel; to the Committee on Pensions.

By Mr. BROWN of New York: A bill (H. R. 13779) granting an increase of pension to Richard Allen; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 13780) granting a pension to Barbara Klug; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13781) granting an increase of pension to Louis Fields; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13782) granting an increase of pension to James P. Barton; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13783) for the relief of the heirs of William B. Hall; to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 13784) granting an increase of pension to Josephine M. Chittenden; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 13785) granting an increase of pension to Nickolas S. Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13786) granting an increase of pension to Moses F. Allen; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13787) granting a pension to A. Ben Crossley; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 13788) granting a pension to Sarah M. Miller; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 13789) for the relief of the heirs or estate of David Jameson, deceased; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 13790) granting a pension to Peter Reno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13791) for the relief of the heirs of Eliza Sturgess, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13792) for the relief of the heirs of David Ballenger, deceased; to the Committee on War Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 13793) granting a pension to Eliza K. Leman; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13794) to enroll James B. Nichols and others as Choctaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. TAVENNER: A bill (H. R. 13795) granting an increase of pension to Christian Harchelrode; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13796) for the relief of the heirs of Henry H. Johnston; to the Committee on War Claims.

Also, a bill (H. R. 13797) for the relief of Benjamin F. Proctor; to the Committee on War Claims.

Also, a bill (H. R. 13798) for the relief of Sallie J. Broady; to the Committee on War Claims.

Also, a bill (H. R. 13799) for the relief of the heirs of George W. Gray; to the Committee on War Claims.

Also, a bill (H. R. 13800) for the relief of the heirs of Wilson Ryan; to the Committee on War Claims.

Also, a bill (H. R. 13801) appropriating $4,500 to the heirs of Campbell Glover, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13802) for the relief of George R. Harbison; to the Committee on War Claims.

Also, a bill (H. R. 13803) for the relief of the heirs of Edmund P. Lee; to the Committee on War Claims.

Also, a bill (H. R. 13804) for the relief of the estate of Mrs. O. F. Moore, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13805) for the relief of the estate of Herman Whitney; to the Committee on War Claims.

Also, a bill (H. R. 13806) for the relief of Mrs. Repsay Rowan; to the Committee on War Claims.

Also, a bill (H. R. 13807) for the relief of the heirs of Anderson Crenshaw; to the Committee on War Claims.

Also, a bill (H. R. 13808) appropriating $300 to the heirs of Howard Newman, deceased; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 13809) granting an increase of pension to James McMahon; to the Committee on Pensions.

By Mr. WALLIN: A bill (H. R. 13810) granting an increase of pension to John H. Fralick; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the General Lafayette Branch, the Rochester Branch, and the Marquis de Lafayette Branch of the American Continental League, and the Emmet Hurling Club, of Philadelphia, Pa., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the Union Savings Bank, of St. Charles, Mo., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. ALLEN: Petitions of sundry citizens of Mount Healthy and Cincinnati, Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. C. W. Kemper, pastor of Wyoming (Ohio) Baptist Church, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Henry Melcher and 23 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Hardy Grange, Holmes County, Ohio, favoring an appropriation for the eradication of hog cholera; to the Committee on Agriculture.

Also, petition of certain merchants of Apple Creek, Ohio, favoring change in interstate-commerce laws; to the Committee on Interstate and Foreign Commerce.

By Mr. BAILEY: Petition of sundry citizens of Larchmont, N. Y., favoring House bill 8947, relative to extension of Free Delivery Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of sundry citizens of Imperial, Mifflin Township, Homestead, and Redman Mills, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of certain banks of California, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BRITTEN: Petition of L. J. Zuidt, of Chicago, Ill., relative to the Kodak Trust; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of Thomas Selfridge, of Salem, N. J., against national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of Joseph E. Marx, of New York City, favoring repeal of clause exempting American coastwise shipping from the Panama Canal toll; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of New York State, relative to trade-commission bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: Petition of sundry citizens of South Dakota, against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Resolutions adopted by Carpenters and Joiners' Local Union, No. 657, of Sheboygan, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88 and all similar measures relative to national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of R. H. Sieloff, a citizen of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 50 and 88 or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, petition of the Council of Grain Exchanges, favoring investigation by Congress into workings of grain exchanges; to the Committee on Rules.

By Mr. CONNOLLY of Iowa: Petition of sundry citizens of the third Iowa district, protesting against House joint resolution

168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, affidavits in support of a bill (H. R. 4006) granting a pension to George B. Knowland; to the Committee on Invalid Pensions.

Also, petition of various banks in the third Iowa district, favoring an amendment to the income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. COX: Petition of sundry citizens of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Indiana against national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of certain veterans of the Spanish War, favoring House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. DANFORTH: Petition of the Chamber of Commerce of the State of New York, relative to establishment of a Federal trades commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 24, International Coopers' Union, of Rochester, N. Y., and Local No. 47, Amalgamated Glass Workers' International Association of America, of Rochester, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of Hoboken (N. J.) Aerie, No. 603, Fraternal Order of Eagles, favoring increased compensation to letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of various trade and labor councils of La Crosse, Wis., favoring seamen's bill; to the Committee on Merchant Marine and Fisheries.

By Mr. GARDNER: Petitions of various savings banks of Salem, Mass., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: Petition of sundry citizens of Ashley County, Ark., against national prohibition; to the Committee on the Judiciary.

By Mr. GORDON: Petition of Ford Gray, of Olmsted Falls, and 288 other citizens of Cleveland and of Cuyahoga County, Ohio, protesting against the enactment of House joint resolution 168 and Senate joint resolutions 88 and 50, or any similar prohibition measures; to the Committee on the Judiciary.

Also, petition of Harry Sullivan and 602 other citizens of Cleveland, Ohio, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, and similar prohibition measures introduced in Congress, as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the States; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of T. F. J. Cleary, of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of the board of directors of Equal Franchise Society, of Philadelphia, Pa., favoring woman's suffrage amendment; to the Committee on the Judiciary.

Also, petition of the Good Government Club of Pennsylvania, against issuing Federal licenses to corporations; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of certain Spanish War veterans, favoring House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Harvey & Outerbridge, of New York City, favoring repeal of the "free tolls for American coastwise shipping" paragraph in the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Supervisors of Del Norte County, Cal., favoring harbor improvements in said county; to the Committee on Rivers and Harbors.

Also, petition of Barnhart Bros. & Spindler, of New York City, favoring House bill 10310, relative to affording protection to foreign exhibitors at the Panama-Pacific Exposition; to the Committee on Patents.

Also, petition of the Merchants' Association of New York, favoring Senate bill 1240, providing for the establishment of a bureau of legislative reference and bill drafting; to the Committee on Rules.

Also, petition of various pharmacists of New York, favoring House bill 1, relative to promoting the efficiency of the Hospital Corps of the United States Army; to the Committee on Military Affairs.

Also, petition of Company L, Third Regiment, New York Division, United Boy's Brigade of America, favoring amendment to Senate bill 3777, so as to allow members of said organization to wear uniforms similar to the United States Army uniform; to the Committee on Military Affairs.

By Mr. HENSLEY: Petition of sundry citizens of Missouri, against national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of sundry citizens of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Compton Hill Protective Association, of St. Louis, Mo., relative to the approach to the Municipal Bridge at St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. KEISTER: Petition of the People's National Bank, of Monessen, Pa., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of the Rudolph Breault Camp, United Spanish War Veterans, of Woonsocket, R. I., favoring House bill 7374, relative to pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Rhode Island State Branch, of the American Continental League, against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. LIEB: Petitions of August F. Illing, president of the Germania Maennerchor, and 10 other citizens of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the National Bank of New Britain, Conn., favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. MAHAN: Petition of the Bartenders' Union of Middletown, Conn., against prohibition legislation; to the Committee on the Judiciary.

Also, petition of the Union Bank & Trust Co., of New London, Conn., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. MANN: Petition of the city council of Chicago, Ill., favoring House bill 5139 relative to pensions for employees in the classified service; to the Committee on Reform in the Civil Service.

By Mr. McKENZIE: Petition of the Holman Post, Grand Army of the Republic, of Thomson, Ill., against any change in American flag; to the Committee on the Judiciary.

By Mr. METZ: Petition of the Chamber of Commerce of New York, relative to the trades commission bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE: Petition of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the Chamber of Commerce of the State of New York, relative to a Federal trades commission; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petition of sundry citizens and organizations of Connecticut, favoring the Burnett immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petition of Joseph Koors, of New Haven, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of the Malden (Mass.) Trust Co., favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. ROUSE: Petitions of sundry citizens of Kentucky, against national prohibition amendment; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of the United Anglers' League, of Brooklyn, N. Y., favoring House bill 7019, relative to the establishment of a fish-cultural station on Long Island, N. Y.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of various labor organizations on the Isthmus of Panama, relative to hours of labor on the canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of various banks of New Jersey, favoring amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. SLAYDEN: Petitions of sundry citizens of Bexar County, Tex., against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of sundry citizens and organizations of Michigan, against any change in the United States flag; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of C. L. Longfield, of Moorhead, Minn., against national prohibition; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of the Chamber of Commerce of the State of New York, relative to a Federal trade commission; to the Committee on Interstate and Foreign Commerce.

By Mr. TEN EYCK: Petition of sundry citizens and organizations of Albany and Rensselaer Counties, N. Y., relative to the American seaman's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of sundry citizens and organizations of Albany, Troy, and Cohoes, N. Y., relative to the Bacon-Bartlett anti-injunction bills (H. R. 1873 and S. 927); to the Committee on the Judiciary.

Also, petition of sundry citizens, Spanish War veterans, and organizations, favoring the passage of Spanish War widows and orphans' bill (H. R. 7374); to the Committee on Pensions.

By Mr. WALLIN: Petition of sundry citizens of Gloversville, N. Y., against the enactment of any legislation looking to prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of E. M. Cregmile and 112 other citizens of Delaware, Marion, Wyandot, Hancock, Morrow, and Union Counties, Ohio, against the adoption of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. S. T. McCormick and 200 other members of the Woman's Christian Temperance Union of Hardin County, Ohio, in favor of the adoption of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of sundry citizens of Worcester, Mass., against national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *February 24, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

O Lord, Thou art the all-wise and the all-loving One. We bow before Thee and worship Thy holy name. We pray that our hearts may be the inward sanctuary for Thine own indwelling, and that out of their fullness we may speak words of wisdom and truth. For Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE LATE SENATOR BACON.

The VICE PRESIDENT. The Chair lays before the Senate a note from the minister of Venezuela expressing regret at his inability to be present at the funeral services of the late Senator BACON, which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The letter is as follows:

LEGACIÓN DE LOS ESTADOS UNIDOS DE VENEZUELA,
Washington, D. C.

P. E. Rojas, minister from Venezuela, presents his respects to Mr. James M. Baker, Secretary of the Senate, and expresses his sincere regrets that, due to an indisposition in his health, he was unable to be present at the funeral services of the honorable Senator AUGUSTUS O. BACON, distinguished chairman of the Senate Committee on Foreign Relations.

The minister from Venezuela begs to state that he presented his regrets verbally yesterday through the Chief Clerk of the Department of State.

WASHINGTON, D. C., *February 18, 1914.*

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 10258) authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes, which had heretofore been signed by the Speaker of the House of Representatives.

HOUSE BILL REFERRED.

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, was read twice by its title and referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Dayton, Ohio, remonstrating against the repeal of that part of the Panama Canal act which exempts American coastwise shipping from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Brookland Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation proposing to place the cost of street paving upon the taxpayers of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of James Madison Branch, American Continental League, of Philadelphia, Pa.; of Abraham Lincoln Branch, American Continental League, of New York City, N. Y.; of the John O'Mahony Club, of Philadelphia, Pa.; of General von Steuben Branch, American Continental League, of Philadelphia, Pa.; of General Lafayette Branch, American Continental League, of Philadelphia, Pa.; of the Emmet Hurling Club, of Philadelphia, Pa.; of Local Division No. 1, Ancient Order of Hibernians, of Dayton, Ohio; of Rochester Branch, American Continental League, of Rochester, N. Y.; and of Marquis Lafayette Branch, American Continental League, of Cincinnati, Ohio, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. OLIVER presented petitions of sundry citizens of Carnegie, Carrick, and Pittsburgh; of U. S. Grant Council, No. 352, Order of Independent Americans, of Pottstown; of Sons of Joshua, No. 13, Loyal Orange Lodge, of Pittsburgh; of Hazelwood Lodge, No. 28, True Americans, of Pittsburgh; of Smoky City Lodge, No. 119, Junior Order United American Mechanics, of Pittsburgh; of Mantua Council, No. 83, Order of Independent Americans, of Philadelphia; of James E. Hyatt Council, No. 923, Order of Independent Americans, of Philadelphia; and of Twin City Loyal Orange Lodge, No. 36, of Pittsburgh, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Pittsburgh, Philadelphia, Bellwood, Juniata, and Wilkes-Barre, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Allegheny County, Pa., remonstrating against the enactment of legislation to make October 12, Columbus Day, a legal holiday, which were referred to the Committee on the Judiciary.

He also presented a memorial of the board of directors of the Farmers' National Bank, of Reading, Pa., remonstrating against the enactment of legislation to guarantee bank deposits, etc., which was referred to the Committee on Banking and Currency.

He also presented memorials of the Philadelphia Bourse, of Philadelphia, Pa., remonstrating against the enactment of legislation to create an interstate trade commission, prescribe conditions under which corporations may engage in interstate commerce, etc., which were referred to the Committee on Interstate Commerce.

He also presented memorials of General von Steuben Branch, American Continental League, of Philadelphia; of the John O'Mahony Club, of Philadelphia; and of James Madison Branch, American Continental League, of Philadelphia, all in the State of Pennsylvania, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. NELSON presented memorials of sundry citizens of Moorhead, St. Paul, Duluth, Minneapolis, and Lakefield, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to amend the antitrust laws, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Eastern Minnesota Dairymen's and Buttermakers' Association, remonstrating against the enactment of legislation to regulate the cold-storage of food products and also the manufacture of oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce, of Minneapolis, Minn., praying that an investigation of grain exchanges be made before legislation is enacted to regulate dealing in farm products, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Duluth Commercial Club, of Duluth, Minn., praying that an appropriation of $40,000 be made for the construction of two bridges over the Mississippi River within the national forest in Cass County, Minn., which was referred to the Committee on Commerce.

He also presented a memorial of the City Lodge, No. 65, Order of B'rith Abraham, of Minneapolis, Minn., remonstrating against

the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Minneapolis, Minn., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the board of directors of the State Bank of Silver Lake; the First State Bank of Rochester; the Security State Bank, of Zumbrota; and the First National Bank of Hawley, all in the State of Minnesota, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which were referred to the Committee on Finance.

Mr. WARREN presented a memorial of Bartenders' Local Union No. 657, of Cheyenne, Wyo., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of James G. Blaine Council, No. 1, Junior Order United American Mechanics, of Stamford, Conn., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a memorial of Bartenders' Local Union No. 367, of Norwich, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a memorial of sundry citizens of Ottawa, Kans., remonstrating against any change being made in the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Atchison County and Pittsburg, in the State of Kansas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lawrence, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURTON presented sundry memorials of citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Ohio, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HITCHCOCK presented a memorial of the Nebraska Retail Jewelers' Association, praying for the enactment of legislation to prevent frauds in the sale of watchcases and watch movements, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 221, International Association of Bridge and Structural Iron Workers, of Omaha, Nebr., and a memorial of the German-American Alliance, of Seward County, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of Local Union No. 429, United Order of Plumbers, Gas and Steam Fitters, and Steam Fitters' Helpers, of Spokane, Wash., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LIPPITT presented a memorial of Bartenders' Local Union No. 285, of Providence, R. I., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Rhode Island Branch, American Continental League, of Providence, R. I., and a memorial of General Washington Branch, American Continental League, of Woonsocket, R. I., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented memorials of sundry citizens of Evansville, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Starke County and Ripley County, in the State of Indiana, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Shelbyville, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Colonel Chester Thomson Circle, No. 40, Ladies of the Grand Army of the Republic, of La Fayette, Ind., remonstrating against any change in the flag of the United States, which was referred to the Committee on the Judiciary.

He also presented a memorial of S. S. Banner Branch, American Continental League, of Indianapolis, Ind., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. LODGE. I present resolutions adopted by the Legislature of the Commonwealth of Massachusetts relative to the establishment of a regional reserve bank in the city of Boston. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the resolutions were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1914.

Resolutions relative to the establishment of a regional reserve bank in the city of Boston.

Whereas the matter of the establishment in the city of Boston of a regional reserve bank under the currency law lately enacted by the Congress of the United States is now under consideration: Therefore be it

Resolved, That the General Court of Massachusetts hereby expresses its hearty approval of the plan and commends the efforts made to procure the establishment of such a bank in the city of Boston.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the Representatives in Congress from Massachusetts and to the Secretary of the Treasury of the United States. In house of representatives adopted January 28, 1914. In senate adopted, in concurrence, February 11, 1914.

A true copy.

Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. LODGE presented resolutions adopted by the board of directors of the Massachusetts Peace Society, favoring the repeal of the clause in the Panama Canal act, exempting American coastwise vessels from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted by the city council of Boston, Mass., favoring the enactment of legislation to pension civil-service employees of the Post Office Department, which were referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of sundry citizens of Lynn and Fitchburg, in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Menominee and Kalamazoo, in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the board of directors of the Alpena County Savings Bank, of Alpena; the Montmorency County Savings Bank, of Hillman; the Atlanta Exchange Bank,

of Atlanta; and the Onaway State Savings Bank, of Onaway, all in the State of Michigan, praying for the adoption of an amendment to the income-tax law to provide a method of information at the source, which were referred to the Committee on Finance.

Mr. JONES presented memorials of sundry citizens of Centralia, Ferndale, Farmington, Ariel, Carrollton, Kalama, Battleground, Aberdeen, and Lynden, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of North Yakima, Wapato, and Vancouver, all in the State of Washington, praying for an investigation of the publication called The Menace, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Baptist Church of Charleston; the First Methodist Episcopal Church of Bathell; the Shelton Circuit Methodist Episcopal Church, of Shelton; the University Methodist Episcopal Church, of Seattle; and the Spokane Valley Presbyterian Church, of Wellpinit, all in the State of Washington, praying for the suspension for one year of the naval programs of the great powers, which were referred to the Committee on Naval Affairs.

Mr. McLEAN presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Shelton, Conn., and a petition of James G. Blaine Council, No. 1, Junior Order United American Mechanics, of Stamford, Conn., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CLAPP presented a memorial of sundry citizens of Minneapolis, Minn., and a memorial of Duluth City Lodge, No. 133, Order of B'rith Abraham, of Minnesota, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Hutchinson, and of Anoka County and Hennepin County, all in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of Plasterers' Local Union No. 65, of Minneapolis; of Stone Cutters' Local Union, of St. Paul; of Electrotypers' Local Union No. 45, of St. Paul; of Flour City Lodge No. 7, of Minneapolis; of the Arbeiter-Unterstuetzung Verein of New Ulm; and of sundry citizens of Arlington, Gaylord, and St. Paul, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by sundry citizens of Minnesota, favoring the adoption of an amendment to the Sherman antitrust law, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the St. Paul Association of Credit Men, of Minnesota, favoring an appropriation for the prevention of floods, especially those at the Mississippi Delta, which were referred to the Committee on Commerce.

Mr. BRADLEY presented a petition of the congregation of the Christian Church of Morehead, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of St. Augustine Commandery, No. 67, Knights of St. John, of Covington; of the Volunteer Mutual Aid (Inc.), of Covington; of the Mutual Association, of central Covington; of the West End Building Association, of Covington; of the Kentucky Sunshine Club, of Covington; of Latonia Lodge, No. 125, International Association of Machinists, of Covington; and of sundry citizens of Covington and Paducah, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of Barbara Lodge, No. 329, Order of Harugari, of Manchester, N. H., and a memorial of Local Union No. 398, Bartenders' League, of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Council No. 9, Daughters of Liberty, of Claremont, N. H., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. ROOT presented memorials of sundry citizens of Syracuse, Troy, Cohoes, Green Island, Albany, Middletown, Peekskill, Hudson, and Buffalo, all in the State of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the board of directors of the Rideout Smith National Bank of Oroville, Cal., praying for the adoption of an amendment to the income-tax law to provide a method of information at the source in lieu of the present method of collection at the source, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of San Francisco, Cal., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of the Allied Trades Council of San Francisco; of Bartenders' Local Union No. 284, of Los Angeles; of Bartenders' Local Union No. 378, of Bakersfield; of Bartenders' Local Union No. 566, of Fresno; and of sundry citizens of Stockton, all in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by the board of directors of the Massachusetts Peace Society, favoring the repeal of the clause in the Panama Canal act exempting American coastwise vessels from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Wolf Tone Club, of North Adams, Mass., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented memorials of Local Union No. 42, Teamsters' Protective Union, of Lynn; of Local Union No. 12, International Brotherhood of Paper Makers, of Fitchburg; and of sundry citizens of Boston, Stoneham, Melrose, Everett, Jamaica Plain, Cambridge, and Medford, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the city council of Boston, Mass., favoring the enactment of legislation providing for the retirement of civil-service employees of the Post Office Department, which were referred to the Committee on Civil Service and Retrenchment.

Mr. PAGE presented a memorial of sundry citizens of Woodstock, Vt., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. JOHNSON presented a memorial of sundry citizens of Bangor, Me., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Socialist Local Party of Portland, Me., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of Local Branch No. 171, National Association of Civil Service Employees, of Lewiston, Me., and a petition of Local Branch No. 131, National Association of Letter Carriers, of Rockland, Me., praying for the enactment of legislation providing for the retirement of superannuated employees in the civil service, which were referred to the Committee on Civil Service and Retrenchment.

CLERKS TO DISTRICT COURTS.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 2902) to reduce fees in the United States district courts, to fix the salaries of the clerks of such courts, to increase the mileage and per diem of witnesses and

jurymen therein, and to repeal section 840 of the Revised Statutes and all other conflicting laws, reported it with amendments and submitted a report (No. 284) thereon.

THE NATIONAL ACADEMY OF SCIENCES.

Mr. SUTHERLAND. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, and I submit a report (No. 283) thereon. I ask unanimous consent for the present consideration of the bill. It is a very short measure.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, however, That the Congress may at any time limit the amount of real estate which may be acquired and the length of time the same may be held by said National Academy of Sciences.

So as to make the bill read:

Be it enacted, etc., That the act to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, approved June 20, 1884, be, and the same is hereby, amended to read as follows:

"That the National Academy of Sciences, incorporated by the act of Congress approved March 3, 1863, be, and the same is hereby, authorized and empowered to receive, by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust, and to invest, reinvest, and manage the same in accordance with the provisions of its constitution, and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of the donors: *Provided, however,* That the Congress may at any time limit the amount of real estate which may be acquired and the length of time the same may be held by said National Academy of Sciences."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FALL:

A bill (S. 4575) granting the public lands within the State of New Mexico to said State and regulating the disposition thereof; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 4576) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893; to the Committee on Commerce.

A bill (S. 4577) granting a pension to Sophia Armstrong (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4578) to place on the pension roll of the United States the members of the Eighteenth and Nineteenth Regiments Kansas Volunteer Cavalry and their widows; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4579) for the relief of L. J. Phipps; to the Committee on Claims.

By Mr. LIPPITT:

A bill (S. 4580) granting an increase of pension to Mary Ella Fales;

A bill (S. 4581) granting an increase of pension to Elizabeth Martin;

A bill (S. 4582) granting an increase of pension to Benjamin F. Corey;

A bill (S. 4583) granting an increase of pension to Mary Bonner;

A bill (S. 4584) granting an increase of pension to Selena E. Noland;

A bill (S. 4585) granting an increase of pension to Mary A. Conway; and

A bill (S. 4586) granting an increase of pension to Harriet R. Sweet; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4587) granting a pension to Perlie A. Haskell; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4588) granting a pension to William A. Taylor (with accompanying paper); and

A bill (S. 4589) granting an increase of pension to Catherine Burroughs (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4590) granting a pension to Sarah F. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4591) granting an increase of pension to Lewis Estes (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4592) granting an increase of pension to James Irvine; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 4593) providing for the sale of public lands for the building of national highways and post roads; to the Committee on Public Lands.

By Mr. WALSH:

A bill (S. 4594) to provide for agricultural entries on oil, gas, and phosphate lands; to the Committee on Public Lands.

By Mr. NEWLANDS:

A bill (S. 4595) to construct a sanitarium or hospital for the Indians of Nevada, and making an appropriation therefor; to the Committee on Indian Affairs.

By Mr. JOHNSON:

A bill (S. 4596) granting an increase of pension to Enoch F. Anderson;

A bill (S. 4597) granting an increase of pension to Theresa Sampson;

A bill (S. 4598) granting an increase of pension to James E. Carter (with accompanying papers);

A bill (S. 4599) granting an increase of pension to Almond R. Spaulding (with accompanying papers); and

A bill (S. 4600) granting an increase of pension to Mary W. Kilgore (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4601) to authorize the Director of the Census to enumerate the population of the city of Tulsa, State of Oklahoma; to the Committee on the Census.

A bill (S. 4602) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903; to the Committee on Indian Affairs.

By Mr. POMERENE (by request):

A bill (S. 4603) for the relief of the Columbus, Delaware & Marion Railway Co., of Columbus, Ohio; to the Committee on Claims.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to appropriate $5,000 for the purchase and erection of a suitable monument over the grave of Maj. Gen. Henry W. Lawton in Arlington Cemetery, Va., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, I send to the desk a resolution to be read, and, with the accompanying documents, ask that it be referred to the Committee on Printing.

The resolution (S. Res. 280) was read, as follows:

Resolved, That there be reprinted in one volume, for the use of the Senate document room, 500 copies of Senate report entitled "Memorials of Authorities of the City of Washington, etc.," by Mr. Southard, Twenty-third Congress, second session, February 2, 1835; report of the joint select committee of Congress appointed to inquire into the affairs of the government of the District of Columbia, Senate Report No. 453, Forty-third Congress, first session, part 1, pages I to XXIX, inclusive; report from the Committee on the Judiciary of the House of Representatives on "Legal Relations of the District of Columbia and the United States," House Report No. 627, Forty-third Congress, first session; and report of a joint select committee appointed to prepare a suitable form of government for the District of Columbia, etc., Senate Report No. 479, Forty-third Congress, second session.

The VICE PRESIDENT. The resolution, with the accompanying documents, will be referred to the Committee on Printing.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On February 23, 1914:

S. J. Res. 110. Joint resolution authorizing the President to accept an invitation to participate in an international commission of phytopathology; and

S. 3439. An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera and dourine.

On February 24, 1914:

S. 1294. An act to regulate the hours of employment and to safeguard the health of females employed in the District of Columbia.

COAL LANDS IN ALASKA.

The VICE PRESIDENT. The Chair lays before the Senate an order coming over from a preceding day, which will be read.

The Secretary read the order submitted by Mr. SMITH of Arizona on the 19th instant, as follows:

Ordered, That the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4425) to provide for the lessing of coal lands in the Territory of Alaska, and for other purposes, and that the same be referred to the Committee on Public Lands.

Mr. KERN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smith, Ariz.
Bankhead	Gore	Norris	Smith, S. C.
Borah	Hitchcock	Oliver	Smoot
Brady	Hughes	Overman	Stephenson
Brandegee	James	Page	Sutherland
Bristow	Johnson	Perkins	Swanson
Bryan	Kern	Pittman	Thompson
Burleigh	Lane	Poindexter	Townsend
Burton	Lippitt	Robinson	Vardaman
Catron	Lodge	Saulsbury	Walsh
Clark, Wyo.	McCumber	Shafroth	Warren
Colt	McLean	Sheppard	Weeks
Cummins	Martin, Va.	Sherman	Works
Dillingham	Martine, N. J.	Shields	
Fall	Myers	Simmons	

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is necessarily absent. He is paired with the junior Senator from Wyoming [Mr. WARREN]. This announcement may stand for the day.

Mr. KERN. The Senator from Tennessee [Mr. LEA] is unavoidably absent, on account of illness.

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from West Virginia [Mr. CHILTON] on imperative official business.

Mr. BRYAN. I wish to announce that the Senator from Georgia [Mr. SMITH] is detained from the Senate on account of illness. He is paired with the Senator from Massachusetts [Mr. LODGE].

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON], and to state that he has a general pair with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. SMITH of Arizona. I was requested to announce the unavoidable absence of the Senator from Mississippi [Mr. WILLIAMS]. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. LANE. I wish to announce the unavoidable absence of my colleague, the Senator from Oregon [Mr. CHAMBERLAIN]. He is paired with the Senator from Pennsylvania [Mr. OLIVER].

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the order submitted by the Senator from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. President, if I thought the motion I have made, at the request of the Committee on Public Lands, to transfer the Alaskan coal land leasing bill to the Committee on Public Lands, meant a delay in the proper consideration of that measure, I should have been somewhat averse to accepting the duty imposed upon me. A bill of a similar nature—an identical bill, in fact—is, as I understand, before the Public Lands Committee of the House of Representatives. I further understand that that bill has been under consideration in that body, and in the course of time the House bill will come to the Senate. Naturally it will be referred to the Committee on Public Lands, for any member of that committee being present would make the motion and the reference would necessarily follow by a vote of the Senate or by the very proprieties of the occasion. I expect the Committee on Public Lands will give the bill instant consideration and as careful consideration as any other committee of this body could possibly do. There is no more industrious committee in the Senate, nor is there one that has a quorum present more frequently on the regular meeting days, and which holds many more extra meetings than the Committee on Public Lands. When the House bill to which I have referred shall come to the Senate the Committee on Public Lands will expect to consider it, and it being the identical bill now under consideration in the Committee on Mines and Mining, it would bring confusion in the regular order of business here rather than add to the prompt conduct of the business of the Senate.

In making the motion to discharge the Committee on Mines and Mining from the further consideration of this bill, neither I nor any other member of the Committee on Public Lands is attempting in any way to cast the least reflection on the Committee on Mines and Mining, for every member of that committee has the confidence and respect of every member of the Committee on Public Lands, but the motion is made in the interest of the regular conduct of the business of the Senate, so that this may establish the precedent that the control of the coal lands of the United States, scattered all over the country, is a matter only for the Public Lands Committee of the Senate. When we refer the question to any other committee—to the Committee on Territories, to the Committee on Mines and Mining, or to any other committee—it simply adds to the confusion of business. Therefore, Mr. President, if there is no further argument to be made concerning the matter, so far as I am concerned, I am ready to have the question submitted to the Senate.

The VICE PRESIDENT. The question is on the adoption of the order.

Mr. GALLINGER. Mr. President, is this an original motion? If so, I would suggest that, under the rules, it must lie over for one day.

The VICE PRESIDENT. The matter has previously been before the Senate.

Mr. GALLINGER. My absence from the Senate on public business deprived me of the knowledge that the motion had heretofore been discussed.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, I desire to make reference to the fact that this coal-mining bill, by the very nature of the subject, has properly been referred to the Committee on Mines and Mining. The Committee on Mines and Mining was organized for the express purpose of dealing with that special feature of the public lands. There is not any question, nobody disputes the fact, that all questions relating to the acquirement of title to public lands for the purpose of mining the precious metals are considered by the Committee on Mines and Mining. Jurisdiction of all questions of mining was the express purpose for which that committee was created. So long as that committee has been created for that purpose and this bill has been referred to the committee and the committee is proceeding promptly to its consideration, I can see no sufficient reason for discharging the committee from its consideration.

The desire of everybody in the Senate and everybody in the country, I think substantially, is that action should be taken upon this matter. It seems to be somewhat of an impression from the making of this motion and the conditions under which it has been made that it is meant for the purpose of forestalling the action of the Committee on Mines and Mining.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator.

Mr. SMOOT. I desire to say to the Senator from Washington that there is no such intention. The Committee on Public Lands of the Senate has heretofore reported a similar bill, which has once passed this body. There is no need of any further hearings. The committee has had hearings upon this bill at different times for the last three or four years. I will say to the Senator that I am quite sure the bill can be reported from the Public Lands Committee just as quickly as it can be from the Committee on Mines and Mining.

Then, Mr. President, I wish to say to the Senator that this identical bill is before the Committee on Public Lands of the House of Representatives. I desire to call his attention to the fact that the Committee on Mines and Mining of the Senate has never in the history of the Senate had referred to it a bill of this character.

Mr. POINDEXTER. That may be very true, Mr. President. There are a great many bills referred to the Committee on Mines and Mining which heretofore have been referred to some other committee. New committees for the purpose of considering special features of the public business which have heretofore been considered by older committees are constantly being created. The fact that heretofore titles to coal lands have not been considered by the Committee on Mines and Mining is a very poor reason for objecting now, when the Committee on Mines and Mining is about to act and when the committee has a bill under consideration, to the further proceeding with it before that committee.

The great trouble that the country suffers from, so far as committees and the reference of business to them is concerned, has been the burying of bills in committees, the inaction of committees. It has not come from undue haste on the part of committees nor from the reporting of bills by committees. It is impossible that the business of the Senate should be obstructed or that any delay should occur by the reporting out of this bill by the Committee on Mines and Mining. Even if we should report it out and a similar bill should also be reported out by the Committee on Public Lands, it would then be for the Senate to consider them both, to determine which of them it would proceed with. There could not be any confusion resulting. The Senate would then have the benefit of the advice for whatever it may be worth, and the consideration of two committees instead of one. If there were any difficulty to be avoided by discharging the Committee on Mines and Mining from the consideration of this bill, the motion would have more weight.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit an interruption, the very purpose of the motion is to avoid a duplication of work, so that the matter may be considered and reported upon by the Committee on Public Lands, which has had a bill of similar import before it for quite a long time and which has taken hearings on the bill and had them printed. I received a letter this morning from a gentleman who is on his way to appear before the committee with some suggestions as to the proper handling of those coal lands. He is a man who, I think, knows as much about the coal formations in Alaska, being a practical coal man, as any other who has ever been in that country.

A bill identical with the bill now before the Committee on Mines and Mining of the Senate has been before the Committee on Public Lands of the House, has been reported by that committee, is now on the calendar of the House, and was recently under consideration in that body. That bill no doubt will be passed, and when it comes to the Senate it should be referred to the Committee on Public Lands. In the meantime the Committee on Mines and Mining may have made a report on the bill now before it, although by that time the House may have passed a different bill, which will be referred to the Committee on Public Lands in the Senate. That committee will investigate and consider the House bill and will probably make amendments to it and submit a report. Then we shall have the anomalous condition of the Committee on Mines and Mining reporting on a question which the Committee on Public Lands have had under consideration for years, on which they have made a report and have once secured the passage through the Senate of a bill covering the subject.

Mr. POINDEXTER. It would be, Mr. President, very much to the credit of the Committee on Mines and Mining if it should be more expeditious in reporting on the matter than the Committee on Public Lands, which has delayed for years making a report. Even if the condition resulted which the Senator from Arizona describes, there would be no confusion; there would be no obstruction to the public business. We are not concerned as to what committee the House of Representatives refers certain bills. The bills in relation to this matter will all come before the Senate, and the Senate will not make any inconsistent disposition of the same bill. I think it would be advantageous to the country if two or three committees were considering the matter of the opening up of the coal fields of Alaska. If it is intended to get action, then we would have some result.

Mr. SMITH of Arizona. If the Senator will permit me, his purpose seems to be to get immediate action without consideration at all.

Mr. POINDEXTER. Not at all.

Mr. SMITH of Arizona. If it is a mere question of getting action, you can get it by bringing the bill before the Senate without reference to a committee at all. It is, however, a question of considering the bill.

Mr. POINDEXTER. Not at all; the Senator has no reason for assuming that the Committee on Mines and Mining is going to report on any bill without just as careful consideration as the Committee on Public Lands would give.

Mr. SMITH of Arizona. Nor has the Senator a right to conclude that the Committee on Public Lands will not report the bill out just as speedily as will the Committee on Mines and Mining.

Mr. POINDEXTER. I have the reason for assuming that which the Senator has just stated, that the Committee on Public Lands has been considering the question for some seven or eight years.

Mr. SMITH of Arizona. The Senator from Arizona also stated that the Committee on Public Lands have not only reported but secured the passage of bills of similar import in the Senate. We have been just as expeditious as any other committee of the Senate has been.

Mr. POINDEXTER. Not in this Congress; in some previous Congress.

Mr. SMITH of Arizona. No committee has reported a bill on this subject at this Congress; but we have been investigating it. The Committee on Mines and Mining have not reported it. By the way, in this connection I want to say that the reference to the Committee on Mines and Mining was not due to the action of the Vice President. The bill was presented at the desk, as bills usually are, with a request for reference to the Committee on Mines and Mining. In such cases it follows, as a matter of course, that unless there is objection the presiding officer refers the bill to the committee requested. That is the way this bill was referred to the Committee on Mines and Mining. The presiding officer proceeded in the regular way. He can not stop to read bills and see where they should go, but he accedes to the request of a Senator for a particular reference, unless objection is made, and that is the way the bill got before the Committee on Mines and Mining.

Mr. POINDEXTER. Mr. President, nobody is moving to deprive the Public Lands Committee of jurisdiction of any bill which has been referred to it. The Committee on Public Lands can proceed and report the bill to which the Senator from Arizona has referred and the Senate will take such action upon it as it sees fit. There is no more occasion for the members of the Public Lands Committee moving to discharge the Committee on Mines and Mining from the consideration of bills pending before it than there is for the Committee on Mines and Mining to make a similar motion with reference to bills before the Committee on Public Lands. No conflict is going to result; no embarrassment in parliamentary procedure will result from leaving matters just as they are.

Mr. KERN. Mr. President, it is a matter of more or less embarrassment to be called upon to decide upon the conflicting claims of committees. If this were a matter of first impression, if the bill had just now been introduced in the Senate, an entirely different situation would be presented. When this bill was first introduced it might have appropriately been referred to any one of three different committees. It pertains to Territories. Alaska is the only Territory we now have in continental United States, and the bill might properly have been sent to the Committee on Territories. It deals with the public lands of the Nation, and therefore might with great appropriateness have been referred to the Committee on Public Lands. It deals in every section, as I read the bill and remember it, with the mining of coal and other minerals, and of course might properly be referred to the Committee on Mines and Mining. It was referred to that committee; and the question now is whether a bill which has been referred to a committee to which it might appropriately have been referred shall be taken away from that committee. As a matter of comity and courtesy, it seems to me it should not be done except for very grave reasons.

Mr. SMITH of Arizona. If the Senator will allow me the interruption, if the bill could have been properly referred to the Committee on Mines and Mining, I would have said nothing about it.

Mr. KERN. It has occurred to me, as I said a moment ago, that the bill might properly have been referred to either of three committees. It was referred to the Committee on Mines and Mining. I think it would be a violation of the courtesy which prevails here to take it away from that committee. I should not have favored taking it away from the Public Lands Committee if it had been sent there or from the Committee on Territories if it had been sent there. I can not view it in any other light than that. I have no doubt that either of these committees will give the matter careful consideration and give the Senate the benefit of an intelligent investigation; but it is now in the hands of the Committee on Mines and Mining.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. I yield to the Senator.

Mr. BORAH. I was going to suggest that I suppose, from the number of bills which are before the Public Lands Committee and the amount of work which it has to do, it has more work than it can possibly do now. It must be a busy committee.

Mr. SMOOT. I will say to the Senator from Idaho that such is not the case. I know of no bill that is pressing before the Public Lands Committee that has not been considered, and there is no Senator that I know of, and no Member of the other House for that matter, who has ever requested consideration of a bill when immediate consideration has not been given it at the following meeting.

Mr. BORAH. Well, Mr. President, I do not know that there are any bills before the committee that are pressing, but I know that the public-land laws now are, and I think have been for 10 years, in a demoralized condition; and if the Public Lands Committee could find time to do so, there would be nothing that would be more beneficial to the people of the West than to have the committee recodify and reconstruct the public-lands laws in a great many ways. I know that there are some bills before the committee that it would take considerable time to dispose of. I do not know that there is any bill of any importance before the Mines and Mining Committee, and I do not know just why that committee was created if it was not for the purpose of taking care of such measures as this. This is a mining proposition——

Mr. CLARK of Wyoming. If the Senator will pardon me——

Mr. KERN. Mr. President, I think I have the floor.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. KERN. I yield.

Mr. CLARK of Wyoming. It is far more than a mining proposition, as the Senator from Idaho will see if he will take care to read the bill; it is a proposition that involves public surveys; it is a proposition that involves the withdrawal of land.

Mr. BORAH. Of course, those things would necessarily appear in it; but, while the question of surveys and, to some extent, the question of public lands, are involved in the bill, on the other hand there is the question of mining.

Mr. CLARK of Wyoming. Not at all.

Mr. BORAH. Then I have misread the bill. I supposed that that was what it covered. I feel that I am not in error that a question of mining is involved.

Mr. SMOOT. Not at all.

Mr. POINDEXTER. Mr. President, the Senator from Idaho [Mr. BORAH] is entirely correct in that statement. It does involve the matter of mining.

Mr. CLARK of Wyoming. As I understand, it involves the leasing of certain land for mining purposes.

Mr. POINDEXTER. The leasing of certain land for mining purposes and the manner in which the mines shall be operated.

Mr. CLARK of Wyoming. No; I think not.

Mr. POINDEXTER. I think the Senator is mistaken about that.

Mr. CLARK of Wyoming. I have read the bill very carefully.

Mr. POINDEXTER. There are a number of bills, of course, I do not know that all of them deal with the matter of mining.

Mr. CLARK of Wyoming. I refer to the particular bill which is now under discussion.

Mr. POINDEXTER. For instance, some of the bills——

Mr. KERN. I yield further.

Mr. POINDEXTER. Some of the bills, and I think this one, limit the amount of coal land that shall be owned by a single company, for the purpose of preventing monopoly of coal lands.

Mr. CLARK of Wyoming. Exactly.

Mr. POINDEXTER. That is essentially a mining proposition.

Mr. CLARK of Wyoming. It seems to me it is the disposition of public lands.

Mr. KERN. One word further, Mr. President, and I shall have finished.

It is a matter of entire indifference to me as to which of these committees shall have jurisdiction over this bill. I have great confidence in all the committees. I find the bill in the hands and possession of one committee. It seems to me the only question is whether or not there shall be, unnecessarily, a reflection on that committee by taking the bill out of its hands.

Mr. SMITH of Arizona. It was a reflection on the other committee to have the bill take the course it did.

Mr. WORKS. Mr. President, I have been somewhat prejudiced against the attempt to retain this bill in the Committee on Mines and Mining.

In the first place, according to the statement of the chairman of that committee, certain heads of committees got together and amongst themselves, in connection with the Secretary of the Interior, determined in advance that this bill should be referred to the Committee on Mines and Mining. That, it seems to me, was an improper interference with the orderly procedure of the Senate.

Again, the Senator who introduced the bill is chairman of the committee to which it was referred. It is fair to presume that he had the bill referred to his own committee so that he might control it and bring about a favorable report.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. WORKS. I do.

Mr. WALSH. In view of the statement made by the Senator from California, I think it is due to the Senate to repeat what I said the other day.

The bill was prepared as the result of conferences between the Secretary of the Interior, the chairmen of the three committees of the House on Public Lands, Mines and Mining, and Territories, respectively, and the chairmen of the same three committees in the Senate on Public Lands, Mines and Mining, and Territories. Those participating in that conference requested the chairman of the Committee on Mines and Mining to introduce the bill in the Senate, and requested him to have it referred to the Committee on Mines and Mining, so the personal feature is entirely eliminated from the matter.

Mr. WORKS. That is precisely what I stated, and that is the matter to which I object—that manner of determining how a bill shall be referred when it comes into the Senate.

I know of no reason why this bill should not have been referred to the Committee on Public Lands. The efforts to retain it in the Committee on Mines and Mining have assumed the phase of a direct reflection upon the Committee on Public Lands. The Senator from Oregon [Mr. CHAMBERLAIN], early in this discussion, put it upon that ground. That statement has been made by various Senators upon the floor of the Senate—that the bill should remain in that committee, because a report would not be expected from the Committee on Public Lands.

That is entirely unjust. The Committee on Public Lands has dealt very carefully and conscientiously with this whole question. As has been stated here by other Senators, a report has been made upon a bill, and it has actually passed the Senate. So there is no reason for any reflection upon the Committee on Public Lands in connection with this controversy.

Mr. CLARK of Wyoming. Mr. President, I should like to ask a question of the Senator from Montana, who has taken us into his confidence thus far in regard to this gentlemen's agreement between the chairmen of the three committees of the two Houses and the Secretary of the Interior.

We have a Committee on the Public Lands in the House and a Committee on Mines and Mining in the House. We have a Committee on Public Lands in the Senate and a Committee on Mines and Mining in the Senate. Why was it that in this conference the bill was to be referred by the conference to the Committee on the Public Lands in the House and to the Committee on Mines and Mining in the Senate?

Mr. WALSH. Mr. President, I shall be very glad to answer the Senator from Wyoming with respect to that matter.

It perhaps will not be forgotten that the chairman of the Committee on Mines and Mining took a very deep interest in the passage of the Alaska railroad bill. The consideration of that bill necessarily required very earnest consideration of the subject of the disposition of the coal lands of Alaska. The chairman of the Committee on Mines and Mining attended the conferences referred to in the hope that the bill would receive speedy consideration by the Senate, a hope he expressed at the time the other bill was before it. The probability is that by reason of the fact that he evinced some special interest in the measure and aided in some small way in its preparation, it was thought by the conference that perhaps its passage might be expedited by having it take this course.

Let me say further, that at the same time, and in connection with it, the same conference had under consideration the preparation of a bill for the disposition of lands containing radium-bearing ores. The chairman of the Committee on Mines and Mining in the House, Dr. FOSTER, of the State of Illinois, had taken a special interest in that matter. He had made a special study of the use of radium in the treatment of diseases. It was agreed upon all hands that Dr. FOSTER, the chairman of the Committee on Mines and Mining, should present that bill in the House, and that it should be referred to that committee in the House. There was no more reason why it should go to the Committee on Mines and Mining than why the Alaska coal bill should. Both of them referred to the disposition of the public lands, but one of them referred to the disposition of mineral-bearing lands.

Mr. CLARK of Wyoming. I might suggest, then, that all bills relating to public health and national quarantine should be referred to the committee of which our friend the Senator from New Hampshire [Mr. GALLINGER] might be chairman, because of his professional interest in those matters, rather than to the committee itself.

Mr. WALSH. If you followed the assignment of any of these matters to a logical conclusion, you would reach an absurdity nearly every time. I have answered the question of the Senator from Wyoming, however, as to why one bill was sent to the Committee on Public Lands, and the other to the Committee on Mines and Mining.

Mr. CLARK of Wyoming. I thank the Senator.

Mr. SMOOT. Mr. President, I wish to say that the question as to whether a bill for the mining of radium should go to the Committee on Mines and Mining or to the Committee on Public Lands was very well presented the other day by the Senator from New Mexico [Mr. FALL], who pointed out the reason why one bill should go to the Committee on Mines and Mining, and the other to the Committee on Public Lands. I do not know whether all the Senators present heard him or not; but to my mind there is not a particle of doubt as to the wisdom of the statement that was made by the Senator from New Mexico.

Mr. PITTMAN. Mr. President, I was present at the meeting which assisted in framing this bill, and I was also chairman of the Committee on the Territories at the time the question was under discussion whether the Senator from Montana should present this bill and have it referred to the Committee on Mines and Mining. I belong to all three of the committees which might have jurisdiction of the bill, and therefore I have no particular personal interest in the matter. I wish to say, however, that I believe the Committee on the Territories properly has jurisdiction of this bill, as it is special legislation, affecting only the coal in the District of Alaska and nowhere else. Hereafter, when any such bill is presented to the Senate, I am going to request that it be referred to the Committee on the Territories, and if it is objected to leave it to the Senate to determine the matter.

In the meantime I wish to say that as between the Committee on Public Lands and the Committee on Mines and Mining, I think a bill dealing with the mining of coal should go to a mining committee. I know that the Senator from Utah will say that it has always been treated as land. It may be treated as land, but it is not mined as land. It is mined as ore. It is mined as any other ore is mined, and it requires a knowledge of mining to legislate concerning it.

It is presumed that the Mines and Mining Committee was constituted of Senators who have some knowledge of mining. As between the two committees, I believe the bill should go to the Committee on Mines and Mining. There never was any objection to that phase of it when the representatives of all these committees were present.

Although I believe the bill should have gone to the Committee on the Territories, I do not believe it is right at this time, after the Committee on Mines and Mining has actually considered the bill, and after it has offered amendments to the bill, to come in now and ask to have it changed to another committee.

Mr. POINDEXTER. Mr. President, if the Senator from Nevada will permit me, I should like to call the attention of the Senator from Wyoming [Mr. CLARK] to section 12 of the bill, in answer to his statement that it does not deal with mining. That section provides—

> That no lease issued under authority of this act shall be assigned except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed shall be observed, and such other provisions as are needed for the protection of the interests of the United States.

It seems to me that in the narrowest construction of mining that would be within the definition.

Mr. CLARK of Wyoming. Mr. President, that is one of the last sections of the bill, and it simply follows out the general plan of the bill. The bill provides for the leasing of land. It also provides, as do other bills for the leasing of land, that the lease shall be executed by the Secretary of the Interior. It also provides for certain matters that shall be safeguarded in the lease. It all depends upon the leasing of the land. That is the prime purpose of the bill.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LANE (when Mr. CHAMBERLAIN's name was called). I wish to announce the necessary absence of my colleague [Mr. CHAMBERLAIN] and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. In the absence of that Senator, I am compelled to withhold my vote. If he were present, I should vote "yea."

Mr. FALL (when his name was called). I have a pair upon some matters with the senior Senator from West Virginia [Mr. CHILTON]; but upon this question as well as upon some others I have reserved the right to vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a standing pair with the Senator from New York [Mr. O'GORMAN]. For that reason I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. Not knowing how he would vote, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. Not knowing how he would vote, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. ROOT (when his name was called). I have a pair with the Senator from Colorado [Mr. THOMAS]. I am credibly informed that he would vote upon this question as I intend to vote, and I therefore vote. I vote "yea."

Mr. SAULSBURY (when his name was called). Has the junior Senator from Rhode Island [Mr. COLT] voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. Then I withhold my vote, having a general pair with that Senator.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from New Hampshire [Mr. HOLLIS] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and I therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. Not knowing how he would vote, I withhold my vote.

Mr. RANSDELL (when Mr. THORNTON's name was called). The Senator from Louisiana [Mr. THORNTON] is absent on account of sickness. He is paired with the Senator from Connecticut [Mr. BRANDEGEE].

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. By his permission, I vote "nay."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER], and I therefore withhold my vote.

The roll call was concluded.

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. LEA] on account of illness. He is paired with the senior Senator from South Dakota [Mr. CRAWFORD].

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Illinois [Mr. LEWIS] and permit my vote to stand.

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. GALLINGER. I have already announced my pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. SMITH of Arizona. I again announce the unavoidable absence of the Senator from Mississippi [Mr. WILLIAMS]. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. SMOOT. I desire to announce the unavoidable absence from the Senate of the senior Senator from Delaware [Mr. DU PONT].

Mr. MYERS. I announce the unavoidable absence, on account of serious illness, of the senior Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE (after having voted in the affirmative). I voted inadvertently. I am paired with the Senator from Louisiana [Mr. THORNTON], and not knowing how he would vote on this question, I withdraw my vote.

The result was announced—yeas 34, nays 19, as follows:

YEAS—34.

Bankhead	Jones	Robinson	Stephenson
Bradley	McCumber	Root	Swanson
Burton	McLean	Shafroth	Thompson
Catron	Myers	Shields	Townsend
Dillingham	Nelson	Shively	Vardaman
Fall	Overman	Simmons	Wecks
Gallinger	Page	Smith, Ariz.	Works
Hughes	Perkins	Smith, S. C.	
James	Ransdell	Smoot	

NAYS—19.

Ashurst	Gronna	Martine, N. J.	Saulsbury
Borah	Johnson	Newlands	Sheppard
Bristow	Kern	Pittman	Sherman
Bryan	Lane	Poindexter	Walsh
Gore	Lee, Md.	Pomerene	

NOT VOTING—41.

Brady	Cummins	Lodge	Sterling
Brandegee	du Pont	Martin, Va.	Stone
Burleigh	Fletcher	Norris	Sutherland
Chamberlain	Goff	O'Gorman	Thomas
Chilton	Hitchcock	Oliver	Thornton
Clapp	Hollis	Owen	Tillman
Clark, Wyo.	Kenyon	Penrose	Warren
Clarke, Ark.	La Follette	Reed	Williams
Colt.	Lea, Tenn.	Smith, Ga.	
Crawford	Lewis	Smith, Md.	
Culberson	Lippitt	Smith, Mich.	

So the order submitted by Mr. SMITH of Arizona was agreed to.

The VICE PRESIDENT. The bill is withdrawn from the Committee on Mines and Mining and referred to the Committee on Public Lands.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 277, by Mr. NORRIS, directing the Attorney General to inform the Senate if any contract has been entered into or contemplated with the officials of the New York, New Haven & Hartford Railroad regarding the reorganization of said company.

Mr. BANKHEAD. Mr. President, it seems to me that this is a very important resolution and that it is very far-reaching in its provisions. I think, in justice to the Department of Justice and to all parties interested, the resolution ought to go to the Committee on Interstate Commerce. I make the motion that it be so referred.

Mr. NORRIS. Mr. President, this resolution simply calls on the Attorney General for information. I understand that there have been for several weeks conferences between the Department of Justice and the people representing this road as to a reorganization of the various roads that have heretofore been combined under one management; that the proposition there is, if possible, to agree upon a settlement of the difficulty; and that when such an agreement is reached the Attorney General will bring the proper suit in the proper court, and that judicial sanction shall thereupon be given to the agreement reached.

One of the particular things involved is the separation of the Boston & Maine Railroad from the New York, New Haven & Hartford Railroad, and the contention, as I understand it, is as to an agreement as to who shall compose the board that shall manage these two roads after the dissolution takes place and as to how long the board thus selected shall be in control. In other words, it is practically conceded, I understand, that the combining of these two roads is contrary to law, but on account of the financial condition of both the roads it has been deemed advisable that the dissolution shall be gradual and that some time shall be given to bring about a dissolution without bringing disaster to either of the roads.

As everyone knows, and it is unnecessary to go into it now, I think, various financial transactions have taken place, the result of which has been practically to bankrupt what was before the beginning of these transactions one of the most prosperous railroads in the civilized world.

The object of this resolution is to ask the Attorney General to give information as to whether in this contemplated agreement there is in contemplation "the giving of immunity from prosecution to any person or persons connected with said railroad company or any of its subsidiaries, any of its fiscal or financial agents, or any other person or persons."

Mr. OVERMAN. Mr. President, may I ask the Senator, has the Attorney General a right to give anyone immunity?

Mr. NORRIS. Probably not. I am going to come to that in a minute. The object is also to ascertain "whether such contract, agreement, or understanding, either directly or indirectly, contemplates the surrender by said railroad company or any of its stockholders of any right to begin and maintain an action for the recovery of money or damages on account of the misappropriation of the money, funds, or other property of said company by its officers, agents, employees, fiscal agents, or other person or persons."

It will be noted that in the body of the resolution this language is used:

> And if any such contract, understanding, or agreement has been entered into or is contemplated, then to inform the Senate specifically whether said contract, agreement, or understanding, either directly or indirectly, contemplates—

the things that I have mentioned.

Now, while I am not contending, and I do not believe anyone will contend, that the Attorney General can make a specific agreement which will give immunity, I believe he can make agreements that, if carried out by a subsequent judicial action, will, in effect, indirectly, do that very thing, that will in effect prevent those who have been robbed in the past from beginning and maintaining actions for the recovery of that which has been wrongfully and illegally taken from them.

If the new board that is going into the control of these railroad is controlled by the same interests that wrecked the roads in the past, it will be easily seen that by their control of the situation, while in theory they could not make it impossible they can practically make it at least extremely difficult for any action of any kind to be successfully maintained.

Mr. OVERMAN. I understand the Senator says that he doubts whether the Attorney General can give immunity by a contract which he may enter into. I ask him also if he thinks that the Attorney General could enter into any agreement which would prevent anyone from having an opportunity to bring a suit in any court of the United States.

Mr. NORRIS. No; I have not claimed that. But let us suppose that some men who have wrongfully taken, in round numbers, from the stockholders of these railroad companies about $200,000,000 in the last five, six, or seven years, when this reorganization takes place under the sanction of the Government of the United States are left in control of these railroads, does anyone doubt for a moment that it would be extremely difficult to get the facts, to get the information, to get sufficient publicity that would enable anyone to mainain an action either criminal or civil?

Mr. LIPPITT. I noticed the statement of the Senator just now in which he said that some men had wrongfully taken from the stockholders of the road $200,000,000. Does the Senator mean to make that statement?

Mr. NORRIS. In round numbers, something like that.

Mr. LIPPITT. In round numbers or any other?

Mr. NORRIS. Yes; in round numbers, as I remember it. I am speaking from memory. I gave the figures in the Senate the other day. I think it amounts to somewhere in that neighborhood.

Mr. LIPPITT. Will the Senator kindly state who took $200,000,000. That is a very large sum of money for anyone to take.

Mr. NORRIS. That is what I should like to have this investigation disclose. The money has disappeared. The railroad stock which was selling up as high as $200 is now down to less than 50 cents on the dollar. A railroad, one of the most profitable institutions of the kind in the world, is now practically bankrupt. The money has disappeared. I can not give the Senator the information as to just exactly who took it and in what amounts and in what way they took it. If I knew that, I would not have introduced the resolution.

Mr. LIPPITT. Has the Senator any fact at all on which to make such a statement as that, that anybody has taken $200,000,000? If the Senator means that there have been $200,000,000 spent by the former directors of the road in acquiring certain property for the road, I will have nothing more to say; but when the Senator implies that somebody has stolen $200,000,000, I venture to say that he can find no facts anywhere to justify such a statement.

Now, I am not and do not want to be captious about this matter; but it is a subject of great importance to the people of New England, and I do not like to have such a general and loose statement as that go in the RECORD unchallenged.

Mr. NORRIS. Mr. President, I did not intend to-day to go into it, and I do not believe I will be led into a discussion of all the details that were brought out here the other day. I have gone over the matter in the presence of the Senate here. I am stating to-day from memory. I supposed it was admitted that the stockholders of this railroad company had been systematically robbed.

Mr. LODGE. Which railroad?

Mr. NORRIS. The New Haven Railroad Co. I do not know that anyone even hinted at a denial of it when the matter was discussed here the other day and the first resolution was passed.

Mr. LIPPITT. Mr. President, I think that would be a proposition it would be impossible to maintain. While I do not want to go into the argument at this time or perhaps at any time, because I think if there is anything of the sort it is really a question for the courts to decide; but if the Senator is trying to maintain the proposition that the directors of that road systematically robbed the stockholders of the road, which is what I understand the statement to be that he now makes, I think he is in very great error.

The directors of that road did make investments at various times amounting in round numbers to some $200,000,000. On very many of these investments no one questions that they had a good basis of fact. On some of them it is very doubtful whether they were wisely made or not, but at the most they were errors of judgment so far as anybody has been able to

show any facts in regard to them. Any supposition that there has been any such sum as $200,000,000 stolen by anybody is directly contrary to the facts as I understand them. The rehabilitation of the New Haven Railroad is a matter of great importance to the people of my section and to the people of my State, and it can not go along with the best results if unwarranted statements of that kind are made about them and are allowed to prejudice the public mind. I think the statement is entirely unwarranted.

Mr. NORRIS. Mr. President, I think I have explained the statement sufficiently without going into the record to give an itemized account.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. SUTHERLAND. I wish to ask the Senator's view about one phase of this matter. I have not any doubt in my own mind that there have been some transactions in connection with this railroad that ought to be very thoroughly investigated by the executive department of the Government, and that in all probability there have been some transactions of such a nature that somebody ought to be prosecuted; but primarily those are matters which belong to the executive department. I should like the Senator's view upon this phase of the matter. Suppose we pass this resolution and the Attorney General can furnish us the information which it calls for, then what can the Senate do about it? What is the function of the Senate in the matter? Suppose the Senate is informed that in some contract that is being made immunity from prosecution is given to some person or persons connected with the railroad, what can the Senate do about such a matter?

Mr. NORRIS. This resolution is no reflection on the Attorney General, as might be imputed from some of the questions that are being asked. The Attorney General, in my judgment, can only answer it in one way. He will say that he has no intention of giving immunity, that he has no intention of entering into any contract that either directly or indirectly will give immunity or will preclude a civil action on the part of the stockholders who have been wronged. In my judgment the passage of this resolution and the answer of the Attorney General, as it undoubtedly will be along the lines I indicated, will strengthen his hands in the negotiations that are now going on as to the reorganization of these companies. And the good will then have been accomplished. If the Attorney General says that neither directly nor indirectly is he going to make any agreement or contract that will give immunity from either civil or criminal prosecution—if the Attorney General says that, and I think he will say it—then it follows that in making that agreement he can never consent that the men who have been guilty of the wrecking of this railroad should be on the board of control under the new management that he is going to sanction. I think that is the good that is coming from it. It will mean publicity; it will mean that the men who have before controlled will not control when the Attorney General makes this agreement and receives judicial sanction in a court for it.

Mr. SUTHERLAND. Mr. President, I am not inquiring what good might result from it in a general way, but I was trying to ascertain in what aspect of this matter it would be any business of the Senate. The Senate is a law-making body; it is not a publicity bureau; it is not an organization to elicit facts and set the Attorney General right, if there is a misunderstanding about them, before the country. The functions of the Senate are pretty well settled by the Constitution. I am asking the question in absolute good faith, because I can not see upon what theory it is any business of the Senate as an official body. Of course, as citizens we may all be interested in these questions; it may be a very gratifying thing to us as citizens to ascertain what the Senator from Nebraska thinks we shall ascertain if the Attorney General is required to make answer to the resolution; but, after all, conceding the good that it may do in the country, conceding that it may set the Attorney General right, conceding that we may have these facts to publish to the country, we come back finally to the question again, What business is it—what official business is it—of the Senate as an official body?

Mr. NORRIS. I will undertake to answer that question. The Senator from Utah intimates that it is none of the Senate's business. We have here one of the greatest railroads of the world brought to ruin, an interstate railroad, one the regulation of which we have, in part, not only the right but the responsibility to legislate for. That railroad has been wrecked financially; thousands and thousands of innocent people who have invested their savings of a lifetime in its stock have practically seen the work of a lifetime disappear and are without any income whatever. There is now a proposition to reorganize; there is a proposition to go into court with a suit, the judgment of which will be agreed upon in advance, by which this railroad can again do the business that it ought to do—bring proper results in the way of financial returns to its stockholders and comply with its duty to the public. There, it seems to me, is where the Senate becomes at once interested; the entire country is interested. If we are going now to say to the men who have robbed the stockholders of this railroad, now that it is down and out and without any income, "We are going to leave you in control and permit you again to build it up, if you can in the meantime, while you are demanding, in order that you may do it, an increase of rates that must come out of the public generally." It seems to me that it is brought home directly to the Senate to see, in so far as we are able, that this organization does not cover up any of the sins of the past by which innocent men will be deprived, as a practical proposition, of the right to maintain suits to recover what they have lost, or that those who may have been guilty of violations of the criminal statutes may escape punishment.

It may be said by the Senator that, while technically this will bring no result, for the reason that the Attorney General can not make an agreement that will preclude a bringing of civil actions, let us say, yet we all know if those in control of the railroad from now on are going to "sit on the lid" and prevent publicity, cover up the sins and crimes and wrongs of the past, it will be a practical impossibility for any individual stockholder, unless he is a very wealthy one, to recover anything that has been taken from him by the wrongful action of those in control during the last few years.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. In all seriousness, I would ask the Senator from Nebraska if he thinks that under any conditions the Attorney General would, in advance, state what class of men he would be willing to put in control of this property?

Mr. NORRIS. In answer to our question?

Mr. GALLINGER. Yes.

Mr. NORRIS. No; I do not expect him to do that. I am not asking the Attorney General to give the names or anything of that kind. I do not suppose that he would do so.

Mr. GALLINGER. As I understand the matter, it is in contemplation at this moment that most of the directors of the New York, New Haven & Hartford Railroad Co. intend to resign and that a new set of men will take their places; and I think the Senator from Nebraska need have no fear that the Attorney General or anyone acting in behalf of the Government will in the reorganization of this great property allow the public to be further wronged, if they have been wronged; and I think they have been in many particulars.

Mr. NORRIS. Well, I will say to the Senator, that is the object of this resolution. I think it will strengthen the Attorney General's hands. When he goes on record in a public answer that he is not going, even indirectly, to agree to any settlement that will either directly or indirectly prevent these men from recovering what they have lost I believe he will be in better shape to contest with the other side and to bring about an agreement that will faithfully carry out that kind of a proposition.

Mr. GALLINGER. Mr. President, the Attorney General has not asked for our assistance in this matter.

Mr. NORRIS. No.

Mr. GALLINGER. He is a very capable official, universally recognized as a man of ability and integrity, and it does seem to me that we are interfering in a matter that does not concern us. I feel sure that if the Attorney General, in a matter that was before the Senate, should undertake to interfere with us and to advise us we would resent it, and so I sincerely think——

Mr. NORRIS. Now, the Senator from New Hampshire must not get the idea that we are advising the Attorney General. We are doing here what has been a common and ordinary and almost an everyday practice both of the Senate and House of Representatives. We are asking for information from the head of one of the departments. What do we ask him? Nothing but two simple questions, as I take it; and the answer could only be one way as to either one of them.

Mr. GALLINGER. Mr. President, during a somewhat protracted service in this body I will say that I think our habit has not been to ask any department of the Government for information concerning a matter of great importance that that department has under consideration. We do ask for information to aid us in legislative matters, and it is proper that we

should do so, and we direct that the department shall furnish such information to us; but to interfere by resolution in a matter that is being seriously considered by the law department of the Government, asking in advance for information concerning what an officer proposes to do and what he proposes to advise, is, to my mind, bordering on, I might say, impertinence; and I do not believe that the Senate will act wisely if it does it.

Mr. NORRIS. Mr. President, I am sorry that the Senator from New Hampshire takes the view of the matter that we would be acting with impertinence if we asked the Attorney General, not for his opinion, but what he contemplates doing in a matter in which the entire country is vitally interested. That may be impertinence; but if it is, the Senate and the other House have been guilty of impertinence for a great many years. I have no such idea. My own judgment is that, after the passage of this resolution, when it is known that the Senate is taking an interest in the settlement of this almost vital question, the Attorney General would feel encouraged, with hands upheld by the legislative branch of the Government, to go on and bring about a settlement, if any is brought about, that shall put in the control of those railroads men who have not been instrumental in the past in committing the wrongs that it is practically conceded have been committed.

Mr. President, I might go on at great length. I have had several consultations——

Mr. WEEKS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WEEKS. I want to ask the Senator from Nebraska what form of settlement or what provision of settlement he thinks the Attorney General has in contemplation which may be properly submitted to the Senate at this time?

Mr. NORRIS. Well, in answering the questions propounded in the resolution he would not need to submit anything that would be improper. The questions are plain. We ask him whether this contract or agreement, if there is one or if one is contemplated, involves the giving of immunity to any person or persons or involves the surrender on the part of anyone of a civil right for damages.

Mr. WEEKS. Mr. President, let me ask the Senator from Nebraska if he thinks the Attorney General has any power to give immunity to such men?

Mr. NORRIS. I think, Mr. President, I have answered that question several times. I have explained it, but I do not know whether the Senator was present at the time.

Mr. WEEKS. I was not here.

Mr. NORRIS. I have explained that, as a matter of law, I am not contending for anything of that kind; but I have said, and I will repeat, that indirectly this can be done: If an agreement were made in the reorganization of these railroads that would put in control the same men who wrecked the railroads, and give them, say, 10 years before they would have to turn the property over, that would be practically and indirectly depriving every stockholder of a civil right to maintain an action for damages that otherwise might be his right, for the reason that he would not be able to get the evidence without the expenditure of a large amount of money. If, on the other hand, the men placed in control through this agreement would "take off the lid," open up the books, and say, "Here and there are forgeries" or "here and there are instances where this person or that corporation has fraudulently taken the money of these stockholders," and give some publicity to it, it would be practically an easy matter for anyone who had a right under the law to maintain an action to recover damages. That is the reason I say that indirectly involved in this proposition, it seems to me, are the rights of innocent stockholders, many of whom have lost practically everything that they had been able to accumulate in a lifetime.

Mr. WEEKS. I do not want unreasonably to take the time of the Senator from Nebraska, but I would like to make the suggestion to him that, as I understand, the Attorney General is now in deliberation with the governor of Massachusetts, the governor of Maine, the governor of New Hampshire, and the governor of Connecticut, trying to determine who the five men shall be in whose hands as trustees shall be placed the Boston & Maine stock which is owned by the New York, New Haven & Hartford Railroad Co. Now, I want to ask the Senator from Nebraska if he thinks that is a matter with which the Senate has any interest, outside of the general individual interest that every man has, and is it a matter in regard to which the Attorney General could furnish the Senate any information?

Mr. NORRIS. Yes; I think it is. I think that is a matter outside of the ordinary interest of the individual. The Boston & Maine Railroad is a part of a great system of railroads which has been wrecked. The entire public are interested in it. Senators may laugh and scoff at it, but I want to say to Senators that when we reach the point in this country where men who are worth millions can wreck railroads owned by thousands of stockholders, many of whom are poor, and take all they have and all that they have been able to save in a lifetime of industry; then put the mantle over it, cover it up, and say, "We have no business with it"—I say when that time comes, and if we have reached that point, then we are on the brink of danger. After we have enacted laws applying to the individual, to the ordinary person, to the poor man who goes out and steals a nickel or a loaf of bread and send him to jail, when some financial pirates, through their control of a great artery of commerce, can rob the people who own that great system of railways, and then go scot free, and the Senate will do nothing to give publicity, either to punish those who have committed the wrong or to give publicity, in order that those who have been wronged may get what is honestly their due—if we are in that state, then we ought not to wonder why we have anarchists in this country. If we have reached that stage where those who rob by the millions can go scot free, and with the money still in their pockets escape even civil suits for damages, then we have reached a stage where the very fundamental principles of our Government are at stake. That the matter be covered up and that nothing be done is not demanded by the innocent stockholders who have been robbed; it is not demanded by the public whose conscience has been outraged, but it is demanded by the financial pirates who have committed the robbery, and, with the stolen money still in their pockets, they are demanding that they continue in control of these railroads, in order, perhaps, that if in a wave of prosperity or after an increase of rates the roads will be built up again they can perform the operation a second time.

Mr. WEEKS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WEEKS. Inasmuch as I was on my feet when the Senator commenced the remarks which he has just concluded, and he said something about "Senators may smile," I want to resent any implication that I or any other Senator within my vision was smiling at anything, unless it was the extravagance of the remarks of the Senator from Nebraska. The truth of the matter is, Mr. President, that the Attorney General of the United States and the governors of four or five New England States are trying to select five men to act as trustees of the stock of the Boston & Maine Railroad which was purchased by the New Haven Railroad and which is now in the New Haven treasury. They are searching industriously to find men who have no entangling complication whatever or no connection with any railroad company, past or present. That is what they are trying to do; and if we can not, without a senatorial investigation, trust those five officials, representatives of the people not only of the United States but of the four New England States, to work out this proposition to the extent of finding five trustees, then I say the public service is in bad shape; but the Senator from Nebraska has no right to imply that anybody is trying to cover up robbery or trickery or anything of that kind, because every Senator, so far as I know, wishes it exposed; but we do not wish to have public officials hampered in their legitimate duties by resolutions which have no application.

Mr. NORRIS. Mr. President, the Senator assumes something that I have not undertaken to do. I have not charged that either the Senator from Massachusetts or any other Senator wanted to cover up anything. I have not charged that any Senator here wants to give immunity to anybody guilty of crime. I have said, in substance, as far as these negotiations are concerned, what he has said: That certain officials—the Attorney General, the governor of Massachusetts, and some other governors—have been negotiating for some time to agree upon a board of directors to serve when this reorganization takes place.

I want to arrange it so that that board will consist of men who do not want to cover up anything. I have not said that Senators here were trying to get men on the board who did want to cover up anything; but I do say that in the negotiations that have been going on those who have represented the railroads in those negotiations have so far refused to agree to a board that would be in favor of giving assistance to, instead of blocking, either a criminal prosecution or a civil action for damages.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. NORRIS. I yield to the Senator.

Mr. LIPPITT. I have been listening here for some time to try to find out exactly what the Senator did expect to accomplish and what he wanted to do. Now he says that what he

wants to do is to provide that a board of directors of a certain character shall be elected by the New Haven Railroad. I should really like to have him connect up this resolution, asking about the effect upon immunity of an agreement that is being made, with the question of who is going to constitute the board of directors of the New Haven Railroad. I confess I do not exactly see that proposition.

Mr. NORRIS. I do not know who is going to constitute the board of directors of the New Haven Railroad, and so far as I am concerned I am not trying to name anybody that shall compose it.

Mr. LIPPITT. The Senator has just said, as I understand him, that what he was trying to accomplish was to provide that men of a certain character should sit on the board of directors of the Boston & Maine Railroad.

Mr. NORRIS. Yes.

Mr. LIPPITT. How does this resolution do that?

Mr. NORRIS. I have gone over that once or twice, and the Senator has been here and heard it. Of course, either my explanation does not explain or he is not exercising his usual intelligence in trying to find out just what I do mean. I have said that if this new board is composed of men who are the same men, or in sympathy with the same men, who have done the wrongs in the past, then there will be very little accomplished, and indirectly there will be immunity given, and there will be impediments placed in the way of any civil suit on the part of the directors.

Mr. LODGE. Mr. President, if the Senator will allow me, do I understand that the Attorney General and these governors of the States are at the present time trying to pick out a board of directors for the New York, New Haven & Hartford Railroad Co.?

Mr. NORRIS. No; I think it is the Boston & Maine Co. That is one of the subsidiary companies of the New Haven Co., as I understand.

Mr. LODGE. They are trying to pick out five trustees, are they not, to take the stock?

Mr. NORRIS. I have not been enlightened as to just what they would be called; but, as I explained at the beginning, if the agreement is made and carried out there will be a suit commenced, and they are trying to agree now——

Mr. LIPPITT. Mr. President——

Mr. NORRIS. Since I have such difficulty in making anybody understand what I say, I wish the Senators would help me just a little——

Mr. LODGE. I have not interrupted the Senator before.

Mr. NORRIS. No; and I am not objecting to interruptions, but I can only answer one question at a time.

Mr. LODGE. And I should not have done so then.

Mr. NORRIS. Let me finish the sentence. I should like to answer the question from one Senator before another Senator insists on his question being answered.

If this suit is commenced after an agreement is made as to just what shall be accomplished by it and what kind of a suit it will be, as I understand, it will contemplate the appointing of a board. Whether you call them directors, or trustees, or presidents, or what not, I do not know; but they will be appointed under the decree of the court, and this railroad will be——

Mr. LIPPITT. Appointed under the decree of the court?

Mr. NORRIS. Will the Senator please let me finish my sentence? This railroad will be turned over to them. Within a certain time the temporary control—if you might call it such—that would be provided for by this suit would be dispensed with, and the road would be taken in charge by the stockholders themselves.

Mr. LIPPITT. Do I understand the Senator——

Mr. NORRIS. There are two things involved in this proposition.

Mr. LIPPITT. Do I understand——

Mr. NORRIS. I want to finish this statement, if the Senator will permit me. One is the personnel of that board. Now, you may call them trustees if you wish. If I call them a board, and I am wrong about it, some man picks me up right away and says, "Why, they ought to be called trustees." I do not know what they are going to be called. I do not know the form of the decree; I do not know what they may be called. But one contention is as to the personnel of those men, and another contention is as to how long they shall be permitted, under the decree, to hold this property and manage it. What I am trying to get at is that the personnel of this board shall be one that is entirely free from the financial transactions that have taken place in the past, and that they shall not be left in control such a long time that the statute of limitations, for instance, might run against any actions that could be properly commenced.

I now yield to the Senator from Rhode Island.

Mr. LIPPITT. The question I asked was, how in the world the information the Senator asks the Attorney General to give him has any bearing upon what he now says is his purpose. As I now understand, the purpose of the Senator from Nebraska is to have some influence over the personnel of some board that is going to manage some part of this railroad system, or have some connection with it; and the question——

Mr. NORRIS. I want to interrupt the Senator there and say that I have already gone over that matter at least twice, to the best of my ability. If I have not made it plain to the Senator, I shall not be able to do it by making the attempt a third time.

Mr. LIPPITT. I am quite aware that I tried to ask the question, and the Senator made an answer twice.

Mr. NORRIS. That answer will have to stand. If it is not good, and I have to suffer for it, I will take the consequences. If it is good, and the Senator does not understand it, he will have to blame himself.

Mr. LIPPITT. No doubt all the things that I do not understand are due to my own thickheadedness.

Mr. NORRIS. Oh, no.

Mr. LIPPITT. This is the third time the Senator has prevented me from asking the question I have been trying to ask him.

Mr. NORRIS. Let the Senator ask it the fourth time then.

Mr. LIPPITT. This will be the fourth.

The Senator's resolution asks, in the first place, that the Attorney General shall say whether what he has in contemplation or what he is doing will give—

> immunity from prosecution to any person or persons connected with said railroad company or any of its subsidiaries, any of its fiscal or financial agents, or any other person or persons.

That is the first question he wants to have answered—whether immunity is being given to anybody by the agreements that are being made between the Attorney General and the railroad officials. The second question he wants to have answered is:

> Whether such contract, agreement, or understanding, either directly or indirectly, contemplates the surrender by said railroad company or any of its stockholders of any right to begin and maintain an action for the recovery of money or damages on account of the misappropriation of the money, funds, or property of said company by its officers, agents, employees—

And so forth.

I may be very thickheaded, but I really can not see how the answering of those questions has any bearing at all or any influence upon the question of who are going to be appointed as a board of receivers or as trustees to hold certain railroad property. If what the Senator says he wants is what he really wants, this resolution has no bearing upon that at all; and I really can not see any reason why at this time the Senate should go into the details of this question in regard to this railroad.

Mr. NORRIS. Will the Senator ask the question that he started out to ask five minutes ago? I am waiting for the question.

Mr. LIPPITT. I thought the Senator would understand it. The question was, How can the Senator connect up the demand for that information and the giving of that information with the question of the directors of this road or the board of trustees that the Senator talks about?

Mr. NORRIS. Mr. President, I did want to have this matter disposed of before 2 o'clock; and while I have answered the question two or three times to the best of my ability, I will answer it again for the benefit of my friend. This answer may not be satisfactory to him. It may not appeal to him, and it may not appeal to other good, wise, able men like him. To me it does appeal. I believe it will have some effect.

My resolution asks if the Attorney General contemplates or has agreed upon anything that either directly or indirectly takes away the right of an individual stockholder to sue for his loss. Now, let us take up that part of the resolution, and that will answer both of them. My theory is that when the Attorney General says, as he undoubtedly will say: "I have no idea of making such a contract or agreement; I will make no such contract or agreement," and publicity is given to that, and it comes to the Senate of the United States, it strengthens his arm in refusing to agree to any personnel who are now or have been in the past connected with the financial transactions of these roads, and would necessarily imply that he must insist on having men in control who are in favor of giving all the assistance they possibly can to stockholders who want to begin actions, and thus indirectly be of great assistance to them. On the other hand, if he agreed upon a personnel of men the same

as those who have controlled the finances of this road in the past, he would be indirectly blocking the right of any stockholder to maintain a civil action in the courts, because the stockholders' source of information would be covered up by these men.

If we had authority to give instructions or advice to the Attorney General, this resolution would have been entirely different, if I had drawn it. It seemed to me, though, that in asking for this information, having the Attorney General go on record before the country as to what stand he was going to take would be notice at once: "If there is any agreement made here, this must be the basis, and no other kind of men will be put on this board, at least with the consent of the Government."

Of course, the Attorney General has the right to begin a suit, if he wants to, without anybody's consent. He can commence this suit, even against the opposition of the men who are opposed to it, if he wants to; but he is undertaking to bring it about by peaceable means. If he can accomplish this perfectly, well and good.

That is the explanation, and the only one I can give. To me it means something. Probably it is not as full as it ought to be. It is not a direct method of reaching the matter, because we are handicapped in that respect and can not reach it directly.

Mr. President, the Senator from Minnesota [Mr. CLAPP] the other day offered an amendment. He could not be here to-day. I suppose under the parliamentary situation it would not be in order until after the motion is disposed of, and not in order then unless the motion is defeated. I wish to say, though, that if this motion is voted down, in a modified form, a form agreed upon by the Senator from Minnesota, I want to offer his amendment to the resolution.

Mr. LODGE. Mr. President——

Mr. NORRIS. Mr. President, will the Senator permit me for a moment?

Mr. LODGE. I thought the Senator had yielded the floor.

Mr. NORRIS. I was going to suggest that I suppose there will be some debate, judging from what Senators have said. It is now 5 minutes to 2. I ask unanimous consent that the resolution may go over without prejudice until to-morrow.

Mr. LODGE. Mr. President, I should like to say something upon this question.

Mr. NORRIS. I will say to the Senator from Massachusetts that I have no objection; I am not trying to take the Senator off his feet; but it will be 2 o'clock soon, and if the Senator will permit me at 2 o'clock to make that request I have no objection to his talking until then.

Mr. LODGE. I repeat that before this resolution is disposed of I should like an opportunity to say something in regard to it.

I have been reminded by the discussion here of an anecdote of Judge Hoar, who was Attorney General in President Grant's Cabinet. He was asked what was thought in Massachusetts of a gentleman who had just been appointed to high office from Massachusetts. He replied: "I do not know; his reputation is exclusively national."

I have been led by this debate to suppose that these railroads were exclusively national, and therefore I have naturally some slight hesitation in saying anything about them. They concern very deeply the State I in part represent and the three New England States north of Massachusetts. They concern them very immediately and directly. I feel rather diffident about pushing any local considerations into a purely national discussion. At the same time I should not feel justified in allowing this resolution to go to its final disposition without an attempt to say something about the effect it would have on the interests, the prosperity, and the well-being of the people of my State and of the adjoining States, who are directly interested in it.

I suppose the Senator from Alabama intends to go on with the Post Office appropriation bill at 2 o'clock?

Mr. BANKHEAD. Yes.

Mr. LODGE. Therefore I hope this resolution may go over.

Mr. NORRIS. I ask unanimous consent that it may go over.

The VICE PRESIDENT. Is there any objection to the request that the resolution may lie over until to-morrow? The Chair hears none. The calendar under Rule VIII is in order.

Mr. BANKHEAD. Mr. President, has morning business been concluded?

The VICE PRESIDENT. Yes; long since.

Mr. BANKHEAD. I gave notice some time ago that on yesterday I should ask the Senate to consider the Post Office appropriation bill. The unexpected adjournment yesterday prevented the taking up of the bill. I ask that the bill may be laid before the Senate at this time.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Chair lays before the Senate a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

LOUISVILLE & NASHVILLE RAILROAD.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes.

Mr. BANKHEAD. Mr. President——

Mr. LODGE. The unfinished business is before the Senate.

Mr. BANKHEAD. I beg pardon; I thought it had been informally laid aside.

Mr. NELSON. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. LODGE. I object, Mr. President. I have no objection to its being done by motion.

Mr. NELSON. I move that it be temporarily laid aside.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota.

Mr. BANKHEAD. Let the motion be restated.

The VICE PRESIDENT. The question is on the motion to lay the unfinished business temporarily aside. [Putting the question.] The ayes have it, and the motion is agreed to. The unfinished business is temporarily laid aside. The Senator from Alabama will proceed.

Mr. LODGE. I think there must be some misunderstanding. I thought the Senator from Minnesota moved to lay the unfinished business aside.

The VICE PRESIDENT. He did.

Mr. LODGE. Not temporarily. That can not be done. He moved to lay it aside. If that is correct, of course the resolution goes to the calendar.

Mr. NELSON. I asked unanimous consent to lay it aside.

Mr. LODGE. I objected.

Mr. NELSON. Then the Senator from Massachusetts came up to my desk and told me "you can not ask for unanimous consent; you must make a motion."

Mr. LODGE. That is right.

Mr. NELSON. And I complied with his request and made the motion.

Mr. LODGE. Certainly. That is what I understood, and so did everyone else, until, in answer to the Senator from Alabama, the Chair stated that it had been laid aside temporarily. That is just what I wished to avoid.

Mr. NELSON. I made the motion.

Mr. LODGE. I understood the Senator from Minnesota to make the motion to lay it aside.

Mr. NELSON. No; to lay it aside temporarily.

Mr. BRANDEGEE. No such motion as that can be made.

Mr. LODGE. No; there is no such motion.

Mr. BRANDEGEE. If the resolution is displaced and the Senate proceeds to something else, of course it ceases to be the unfinished business. The Chair announced, if I understood him correctly, that the motion to lay it temporarily aside had prevailed.

The VICE PRESIDENT. That was the motion.

Mr. LODGE. There is no such motion.

Mr. BRANDEGEE. I am aware of that; but the Chair announced that it had prevailed, and what has become of the resolution is the question.

The VICE PRESIDENT. This is exactly the status of the resolution: The Senator from Minnesota asked to lay aside temporarily the unfinished business and the Senator from Massachusetts objected, but said he would not object if a motion was made to lay it aside, and that motion was made and carried.

Mr. LODGE. Exactly.

The VICE PRESIDENT. The Chair accordingly rules that it is temporarily laid aside.

Mr. LODGE. The Senator from Minnesota asked in regular order for unanimous consent to lay it aside temporarily. That is the only request which can be made. I objected. I could not have objected to a motion to lay it aside, of course. One objection does not stop a motion. Then the Senator from Minnesota moved, as I understood him, to lay it aside, and that is the pending motion.

The VICE PRESIDENT. He moved to lay it aside temporarily.

Mr. LODGE. I am not aware that one can condition such a motion.

The VICE PRESIDENT. The Chair has ruled upon it, and an appeal may be taken from the decision of the Chair.

Mr. BRANDEGEE. Pending that right, I would ask as a parliamentary inquiry what has become of the unfinished business which the Chair has declared upon motion to have been temporarily laid aside?

The VICE PRESIDENT. The unfinished business was a Senate resolution about which the Chair knows nothing. When the hour of 2 o'clock arrived, and it was laid before the Senate, the Senator from Minnesota requested that it be temporarily laid aside by unanimous consent, as has been done many times since the present occupant of the chair has been here.

Mr. LODGE. It is constantly done.

The VICE PRESIDENT. That would take it over as the unfinished business until to-morrow. The Senator from Massachusetts said that he would object, but that he would not object to the Senator from Minnesota making a motion that it be temporarily laid aside.

Mr. LODGE. That the record may stand right, I said that I would not object if the Senator from Minnesota would make a motion.

Mr. BRANDEGEE. Of course; but whether the Senator from Massachusetts objected to the Senator from Minnesota making a motion or not is immaterial. The question is whether the motion is in order.

Mr. POINDEXTER. Mr. President, I rise to a point of order.

Mr. BRANDEGEE. I am making a parliamentary inquiry and I have been recognized for that purpose.

Mr. POINDEXTER. I rise to a point of order.

Mr. BRANDEGEE. A parliamentary inquiry is a point of order.

The VICE PRESIDENT. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. I desire to ask the Chair, if a motion is made to temporarily lay aside the unfinished business and it is carried, will he then have the matter remain on the calendar as the unfinished business? That in my opinion is not possible.

The VICE PRESIDENT. The Chair is clearly of opinion that under any ordinary circumstances a motion to pass over a pending subject made and carried would put it back on the calendar. The Chair may be entirely mistaken as to the purpose of the Senator from Massachusetts, but the Chair was clearly of the opinion when the Chair put the motion of the Senator from Minnesota that if carried the unfinished business would go over as the unfinished business of to-morrow; but as a strict parliamentary question there is not any doubt that when business is laid aside on motion it goes to the calendar.

Mr. BRANDEGEE. And ceases to be the unfinished business?

The VICE PRESIDENT. And ceases to be the unfinished business.

Mr. BRANDEGEE. Then, what is the status of what was formerly the unfinished business?

The VICE PRESIDENT. It goes to the calendar.

Mr. BRANDEGEE. It loses its place as the unfinished business?

The VICE PRESIDENT. It loses its place. There is no doubt about that.

Mr. KERN. Mr. President, I have just come into the Chamber. I do not believe that the status of the resolution ought to be changed in the absence of the Senator from Tennessee [Mr. LEA], who is ill. I think, to be fair and courteous to him, it should retain its present status until his return, which will be, I understand, in a day or two.

Mr. LODGE. Then we can not take up the Post Office appropriation bill except by unanimous consent.

Mr. KERN. Has anyone objected?

Mr. LODGE. I objected.

Mr. NELSON. Mr. President, I had no interest in the resolution; but knowing that the Senator from Tennessee, who introduced it and was interested in it, was absent, I felt, as a matter of fairness to him, that the resolution ought not to be disposed of or be put back on the calendar and that, as a matter of courtesy to him, the resolution ought to hold its place.

Mr. SMITH of South Carolina. Mr. President, in case the resolution is temporarily laid aside and the Post Office appropriation bill is discussed, then could not the same motion be made from day to day when the request was made to proceed with the Post Office appropriation bill, and from day to day, under the rules, the resolution be temporarily laid aside until the Senator from Tennessee might be present and make such disposition of it as he saw fit?

The VICE PRESIDENT. The Chair has trouble enough ruling upon pending questions without passing upon what would be the rule in a case suggested for the future.

Mr. LODGE. Mr. President——

Mr. SMITH of South Carolina. I am still on my feet, and I have put a question to the Chair.

The VICE PRESIDENT. The Chair refuses to decide in advance what can or can not be done.

Mr. SMITH of South Carolina. I am just making a parliamentary inquiry. What would be the status of the resolution if it was to go through the process that I have mentioned from day to day? Could it not be temporarily laid aside and still remain the unfinished business?

The VICE PRESIDENT. By unainmous consent it may be temporarily laid aside and remain the unfinished business.

Mr. SMITH of South Carolina. I beg the Chair's pardon for interrupting him to make the inquiry.

Mr. LODGE. I had forgotten for the moment that the Senator from Tennessee [Mr. LEA] is ill. I do not wish to take any advantage whatever of an enforced absence of that kind, and therefore I withdraw my objection, so far as I am concerned, to the resolution being temporarily laid aside.

The VICE PRESIDENT. Is there objection to the request that the resolution be temporarily laid aside? The Chair hears none. The resolution remains as the unfinished business. The appropriation bill will be proceeded with.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BANKHEAD. Mr. President, before proceeding with the reading of the bill, I desire to make a very brief statement with reference to it.

The bill carries the largest appropriations of any supply bill that has ever been presented to the Senate for the Post Office Department or any other department of the Government. The total appropriation carried in the bill is $310,000,000 in round numbers, an increase over the bill of last year of $25,000,000 in round numbers. The reason for this large increase is obvious. It comes from the fact that the Post Office Department has engaged in a number of activities heretofore unknown so far as that department is concerned.

The Rural Delivery Service has increased enormously. In 15 years the appropriations have grown from $14,000 to $50,000,000, the number of routes being about 46,000. The Post Office Department, under authority given by Congress in the postal-savings-bank act is one of the largest banking institutions in the country. There are now organized and in operation 8,600 postal savings banks. The parcel post is another controlling factor in the increased appropriation this year. It will be remembered that the original parcel-post act authorized the establishment of the system with a limit of 11 pounds, fixing certain zones and rates. Very soon after the system went into operation, following the discretion given the Postmaster General in the act creating the parcel-post system, the weight limit was increased to 20 pounds and the rate materially reduced, and the zones were changed under that discretion. Very soon after this change went into operation another change was made, increasing the weight limit to 50 pounds, changing zones and rates, and the distinctive stamp, which was intended to enable the Post Office Department to reach something like an approximate estimate of the amount of revenue derived from the system, was abolished. So it is that all of these new activities, so to speak, have been going at a runaway pace ever since they were started.

A little further along in this bill perhaps there will be some discussion of a provision proposed by the committee prohibiting the Postmaster General from making further increases in weight limits or rates. When that provision comes up I shall seek an opportunity, Mr. President, to give some views I hold on that important question. This is all I care to say just now.

I ask unanimous consent that the formal reading of the bill be dispensed with, and that——

Mr. SMOOT. Before the Senator makes that request, may I ask him a question?

Mr. BANKHEAD. Certainly.

Mr. SMOOT. Yesterday afternoon I undertook to compare the present bill with the bill of a year ago to see what changes there were, and I sent for the report, thinking perhaps there was a report made when the bill was reported, but I find that there is no Senate committee report.

Mr. BANKHEAD. There is a report, but it is not a detailed report going into the changes.

Mr. SMOOT. This is the report the Senator refers to?

Mr. BANKHEAD. Yes.

Mr. SMOOT. What I was going to ask the Senator is, Did the House committee make a full report on the bill? I did not have time to send to the House for the report made there.

Mr. BANKHEAD. The House committee made a full report after extensive hearings, all of which can be furnished to any Senator who desires it.

Mr. SMOOT. What I wanted to get was a concise statement showing just what are the changes or the increases.

Mr. BANKHEAD. The Senator will find that given in the report.

Mr. SMOOT. In the hearings before the House committee and the report of the House committee?

Mr. BANKHEAD. Yes. I will say further, Mr. President, while I am on my feet, that it was the purpose of the committee in preparing the bill to follow as nearly as possible the provisions of the appropriations made by the House. In only one or two instances, I believe, have the appropriations made by the House been changed. As a rule they have been accepted because they were agreed to by the House committee after very thorough and complete hearings of the heads of bureaus of the Post Office Department.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Alabama asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

Mr. SMOOT. I ask the Senator if he intends now to proceed with the consideration of the bill.

Mr. BANKHEAD. Certainly.

Mr. SMOOT. The Senator does not expect that the bill will be passed to-day?

Mr. BANKHEAD. That depends upon the Senate.

Mr. SMOOT. What I mean is this: If we are going into a discussion of the bill with the idea of passing it to-day, I think we ought to have a quorum here. I am quite sure that there are many Senators who are interested in a number of items that will lead to discussion. I would not like to see the bill pass this afternoon with those Senators absent.

Mr. BANKHEAD. Our only purpose now is that the Senate shall consider the committee amendments. If any Senator desires to offer an amendment to the bill, he will have ample opportunity after the committee amendments have been disposed of. I will say further that we have no burning desire to press the bill to a conclusion to-day, but we do want to make as much progress as possible with it.

Mr. SMOOT. I am in full accord with the Senator as to that, but I want the Senator to know that I would not wish to have the bill passed this afternoon without the Senators who are absent knowing at least that the bill is before the Senate. I have no objection now to the consideration of the bill for action on the committee amendments——

Mr. BANKHEAD. That is all we ask.

Mr. SMOOT. But I do not want the Senator to ask that the bill be passed to-day.

Mr. BANKHEAD. Oh, no.

The PRESIDING OFFICER. There being no objection, the Secretary will proceed to read the bill in accordance with the agreement.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the First Assistant Postmaster General," on page 10, line 18, after "$44,470,000," to insert "and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum," so as to make the clause read:

> And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade; in all, $44,470,000, and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The amendment was agreed to.

The next amendment was under the subhead "Office of the Second Assistant Postmaster General," on page 14, after line 16, to insert:

> That the personnel of the membership of the committees and commissions created and provided for in sections 1 and 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, shall continue with the same authorities, powers, and provisions for expenses until final report is made to Congress, which shall be made on or before March 4, 1915.

Mr. SMOOT. Mr. President, may I ask the Senator having the bill in charge whether there is any expense attached to those commissions?

Mr. BANKHEAD. Mr. President, of course there is a very little expense attached to them in the way of clerical help. There are no salaries attached.

Mr. SMOOT. What I was going to ask the Senator was, if there is any expense, from what appropriation will it be paid?

Mr. BANKHEAD. The appropriation was made when the commissions were created.

Mr. SMOOT. And is there enough of that appropriation?

Mr. BANKHEAD. Oh, yes; an ample amount. Very little of it has been spent.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 15, after line 4, to insert:

> *Provided*, That out of this appropriation the Postmaster General is authorized, in his discretion, to use such amount thereof as may be necessary for the purchase and maintenance of wagons or automobiles for and the operation of an experimental combined screen wagon and city collection and delivery service.

The amendment was agreed to.

The next amendment was, on page 15, line 11, after the word "routes," to strike out "$55,188,000" and insert "$56,188,000," so as to read:

> For inland transportation by railroad routes, $56,188,000.

The amendment was agreed to.

The next amendment was, on page 15, at the end of line 22, to insert the following proviso:

> *And provided further*, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

Mr. ASHURST. Mr. President, I shall be brief, and in opposing the amendment I must not be understood as in any way disparaging the work of the Senate Committee on Post Offices and Post Roads. Much as I appreciate their work, however, much as I honor them for the services they have preformed to the country and to the people at large, I must, in the most vehement manner, respectfully, of course, take this opportunity to express my extreme disapproval of this proposed amendment.

Mr. President, the action of the Committee on Post Offices and Post Roads in proposing the amendment we are now considering amazes me. No provision of the parcel-post law was more thoroughly discussed prior to its enactment than the provisions which this amendment now proposes to nullify. The wisdom of their adoption has been proved in the developments of the parcel post that have taken place as a result of the administrative powers thus granted. No legislation enacted by Congress has so generally commended itself to the people, and particularly to the farmers, as these very provisions, which will become a dead letter if this amendment be adopted. They have become known far and wide as the "farmer amendments." They were advocated and fought for by the organized farmers of the Nation, even to the point of repudiating and rejecting any parcel-post measure that did not include them.

Senate Document No. 895 of the Sixty-second Congress, presented by Mr. LA FOLLETTE, was a memorial stating the farmers' position on the parcel post by the secretary of the Farmers' National Committee on Postal Reform. Its main contention was—I quote the exact words—

> That no limited parcel-post measure could be accepted as meeting the reasonable expectations of the people which did not provide in unmistakable language for the handling of farm products.

And—

> For the regulations for rates, weights, and zones by the Postmaster General, subject to the review or order of the Interstate Commerce Commission.

And the memorial specifically stated that the then pending bill was unsatisfactory, even as a beginning, because it did not contain these provisions.

This memorial was an able presentation of the farmers' position. Mr. George P. Hampton, its author, is well known to Senators as a thorough student of this subject, and I am somewhat surprised that the committee did not see fit to give him and other representatives of the farmers a hearing upon this point before taking a step which the farmers will undoubtedly construe, and justly so, it seems to me, as a direct slap and turning down of that part of the parcel-post law which they feel to be especially their own and which they believe to be vital to a parcel-post service that shall be of any practical value to them.

I desire now to quote an excerpt from an address delivered by the man who is known in this country as the father of the

parcel-post system—Hon. DAVID J. LEWIS, of Maryland—in the House of Representatives on Friday, February 20, 1914:

PARCEL-POST REPEAL.

Mr. LEWIS of Maryland. Mr. Chairman, a rider attached to the Post Office appropriation bill, as reported to the Senate, contains the following proviso:

The same proviso which we are now discussing—

"That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law."

This proviso is designed to repeal the most substantive provision of the parcel-post law, which reads as follows:

"If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of service greater than the revenue, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions (of mailability), or either, in order to promote the service to the public or to insure the receipt of revenue adequate to pay the cost thereof."

This provision merely confers on the Postmaster General the same right to go before the Interstate Commerce Commission to revise or reform a rate or condition of service that is given every freight shipper and railway and express company. This is necessary in order to be able to accomplish the two fundamental objects of transportation, namely:

(a) To promote the service to the public, or

(b) Insure the receipt of revenue adequate to pay the cost thereof.

It is hardly necessary to say that these objects are complementary, and that the parcel post ought to serve the public and pay its way. It is under the same obligation to do both as is the railway or express carrier. Under the above proviso, and with a view to accomplish both objects made mandatory by the statute, after seven months' experience and the most detailed departmental investigation by his experts, the Postmaster General filed a petition with the Interstate Commerce Commission asking permission to raise the weight limit from 11 pounds to 20 pounds in the first and second zones—150 miles—and reduce the rates in such zones. After full consideration, this tribunal, the most expert in the world, granted its permission to the petition.

Again, subsequently and after many months' experience and consideration, the Postmaster General filed his second petition, asking its consideration and permission to extend the 20-pound weight limit over all zones and raise it to 50 pounds in the first and second zones, the size limit not changed; and, coupled with it, a request to reduce the rates in the other zones and include books in the parcel post. After several weeks' consideration by the Interstate Commerce Commission, permission to make these changes in rates and conditions was granted; that is, the Interstate Commerce Commission decided that the changes "promoted the service to the public," and "insured the receipt of revenue adequate to pay the cost of service."

Mr. President, I wish now to read some excerpts from an editorial from a recent issue of the Washington Times of this city:

The Senate Committee on Post Offices and Post Roads has need to put forth a prompt and detailed defense of its action in hog-tying the parcel post and undertaking to prevent its expansion and development. It is nothing less than amazing that at this particular time, when the whole country is peculiarly gratified with the results of the parcel-post experiments thus far, and when there is universal conviction that its development has only fairly begun, the Senate committee should undertake to stunt it. For that is just what has been attempted.

The law as it now stands provides that the Postmaster General, with the assent of the Interstate Commerce Commission, may make changes in weights, zone limits, or rates of postage on parcels. This is left to the discretion of the Postmaster General, in consultation with the Interstate Commerce Commission. Its effect is to make possible the ready adjustment of conditions to the needs of the service. It removes one of the very greatest obstacles to effective Government management of such a facility by making it easy to achieve adjustments and readjustments without a lot of delay and red tape.

Under this wise and common-sense provision changes have already been made in the service, and further ones are contemplated. If this power be taken away from the people in control of the service, it will be utterly impossible for the parcel post to adapt itself to the necessities imposed by the vigorous competition which the express companies are inaugurating.

Yet the Senate committee actually does propose to take away all this discretion. It has inserted in the Post Office appropriation bill, reported to-day, a proviso which reads thus:

"There shall be no change in the existing weight limits, rates of postage, or zones of fourth-class mail matter until authorized by law."

Those few words, if they shall remain in the law, will be the deathblow to it. The express companies are right now diligently at work adjusting their rates, practices, and services to the purpose of taking everything possible away from the Postal Service. That is perfectly natural. Competition is necessary, certainly it is desirable, so long as the Government does not frankly assume a monopoly of this business. The express companies, being free to adjust their conditions to the momentary necessities of business, can take advantage of whatever opportunities may present. Not so the Government, if this provision shall remain in the law. No weight limit or distance zone of rate can be changed without first getting Congress to pass the necessary law.

It is just as plain as day that such a change would be the biggest possible victory for the express companies and the worst possible blow to the parcel post.

When I began my remarks I stated what obligation the American people owed to the Senate Committee on Post Offices and Post Roads. The junior Senator from Mississippi [Mr. VARDAMAN] has since come into the Chamber. He is a member of that committee. I am utterly amazed that this committee, composed of men who have rendered such services to the public as the Senator from Kansas [Mr. BRISTOW], the Senator from Mississippi [Mr. VARDAMAN], the Senator from South Carolina [Mr. SMITH], the Senator from Florida [Mr. BRYAN], and the distinguished chairman of the committee [Mr. BANKHEAD]—I am not only amazed, but saddened, that this backward step should have been taken with respect to the parcel-post law.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. ASHURST. I yield to the Senator.

Mr. VARDAMAN. Lest my position on this matter be misunderstood, I desire to say that I do not in any way favor the provision which the Senator from Arizona is criticizing. I hope sincerely that the parcel post may be extended further. I think it is a great advantage to the people of the whole country, and I want to extend its benefactions rather than contract them. I should like to see it take the place absolutely of the express companies. Such a change would be of great pecuniary advantage to the people of the entire country.

Mr. SMITH of South Carolina. Mr. President, I should like to state——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. Certainly.

Mr. SMITH of South Carolina. Since my name has been mentioned in connection with this matter, I should like to state that at the proper time I will give to the Senate my views on this particular amendment to this bill, and I think at that time it will be known to members of the Senate just where I stand in reference to it.

Mr. ASHURST. Mr. President, I ask that I may include the remainder of the editorial in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remainder of the editorial referred to is as follows:

You might as well turn two gladiators into the arena to fight, one with hands and legs shackled, the other free and fully armed, and expect a fair fight, as to presume that the Government can make a fair show in such a contest as this.

Competition is not competition unless it is full and free competition. To announce that the Government rate shall be as now established, and that it can't be changed save by law, means to invite the express companies to readjust their rates and arrangements with the specific purpose of taking the remunerative part of the business, with all the profits, and leaving the Government to do the unremunerative part and carry all the losses.

It is very easy to understand how any interest desirous of proving that Government operation of such a service is certain to fail would want to get just this provision written into the law. There could be no surer way to make Government business management appear incompetent and incapable. But it is wickedly unfair. The Postmaster General, if anybody will take the trouble to ask him, will say that he does not want such a restriction written into the law. He will say—because he is a man of common sense and is an honest friend of this Parcel Post Service—that it would hamper him and his assistants at every point in developing the service.

All experience in parcel-post operations—in England, in Germany, in Austria, Belgium, Hungary, Canada, and other countries—has demonstrated clearly that the rates and regulations are purely administrative and not legislative matters, and can not be written, hard and fast and right, into the statute. They must be subject to readjustment at the discretion of some proper administrative authority. Congressman LEWIS of Maryland, who is our American authority on this whole set of questions, demonstrated this particular point beyond cavil in his speeches in the House on the subject. It is difficult to believe that anybody who has given the matter a moment's serious thought can have failed to appreciate that point.

There will be tremendous rejoicing among the people who want the parcel post to fail if that provision remains in the law.

There will be eminent satisfaction among the people who want to see it proved that the Government is incapable of running any business.

Mr. ASHURST. Mr. President, before yielding the floor, I wish to say that I shall demand a roll call upon this amendment.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum before this important question is discussed further.

The PRESIDING OFFICER. The absence of a quorum being suggested by the Senator from Utah [Mr. SMOOT], the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Page	Smoot
Bankhead	Jones	Poindexter	Stephenson
Brady	Lane	Pomerene	Sterling
Brandegee	Lee, Md.	Ransdell	Sutherland
Bristow	Lippitt	Saulsbury	Swanson
Bryan	Lodge	Shafroth	Thompson
Catron	McCumber	Sheppard	Townsend
Clark, Wyo.	Martin, Va.	Sherman	Vardaman
Fall	Martine, N. J.	Shively	Walsh
Gore	Nelson	Simmons	Warren
Gronna	Norris	Smith, Ariz.	Weeks
Hughes	Oliver	Smith, S. C.	Williams

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN].

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. LEE of Maryland. Mr. President, the item objected to appears at the bottom of page 15 in the Post Office appropriation bill and reads as follows:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

Mr. President, this proposed amendment throws a heavy burden of explanation upon the Post Office Committee. The general attitude of the press and of the public, so far as I am advised, is to the effect that this proposed amendment will seriously cripple the whole Parcel Post System. Of course, it may be that the committee have excellent reasons for this proposed change, but I should like, as an illustration of the public sentiment on this proposed amendment, to read the following editorial from the Baltimore Sun of February 14:

A BLOW AT THE PARCEL POST.

The Senate committee's amendment to take away from the Postmaster General the right to fix rates and change zones is a direct blow at the parcel post. Its success is dependent upon adjusting rates to meet conditions, and the fixing of hard-and-fast rates or districts while the system is in a formative state will be a decided handicap to its development. It is hard to believe that the proposition comes from the real friends of the parcel post. What good reason can be brought forward for such a change? The Postmaster General's power is not arbitrary; in fact, it is distinctly limited by the provision that the rates he proposes must be approved by the Interstate Commerce Commission, as are the rates proposed by express and railroad companies. What more safeguard is needed?

Postmaster General Burleson's course has not been radical. The changes in zones, reduction in rates, and increase in the size of packages have been necessary to make the system what its founders intended. They have been in the interest of the public. Perhaps it is this very success in making it a vital public service that has aroused opposition that calls for restrictions. It is a power that some official or body must exercise, and where else could it be as well placed as in the hands of the Postmaster General?

Forty years of effort were required to establish the parcel post. Shall its usefulness be diminished and its growth hampered by unworkable restrictions before it has had a chance to prove the full measure of its worth? It was this very provision that Congressman DAVID J. LEWIS made the fight of his life to have included in the law. He regards its elimination as suicidal, and no man knows more about the system and its requirements than Mr. LEWIS. Leaving changes in rates, zones, and weight limit to Congress means opening the door to politics. Years might be required to secure changes that should be made in weeks; sectional and other interests would be involved in fixing zones. It would substitute the slow process of legislation for the adaptable, workable method that has already justified itself; and to what advantage? The proposed amendment may serve one good purpose in rallying friends to the support of the parcel post and arousing them to the necessity of constant vigilance to prevent any change that might hamper the development of a service that in its first year has become a necessity.

I simply lay this editorial before the Senate with a view of giving the committee, if they have not already got it, some conception of the onus probandi that this amendment lays upon them.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee, on which the Senator from Arizona [Mr. ASHURST] demands the yeas and nays.

Mr. SHEPPARD. Mr. President, I make the point of order that the clause is general legislation on an appropriation bill.

Mr. BRYAN. Mr. President, it will be noticed that the amendment is a limitation upon the appropriation for inland transportation by railroad routes. Therefore, I contend, the amendment is in order.

It will be observed by examining the bill that the Senate committee increased the appropriation for inland transportation by railroad routes from $55,188,000 to $56,188,000. That was done in pursuance of the estimate made by the department. In other words, the House fell a million dollars short of the amount of appropriation the Postmaster General felt would be necessary to pay the railway mail expense.

Certainly it is germane in making an appropriation to limit the use of it. If, by reason of the carriage of parcels under weight limits much greater than the present ones, the appropriation would need to be increased, the committee can obviate the necessity of such an increase by allowing the conditions to remain as they are.

I submit, therefore, that the point of order is not well taken. A limitation upon an appropriation bill is always in order, as I understand, under the rules.

Mr. BANKHEAD. Mr. President, in addition to what the Senator from Florida has said with reference to this amendment being obnoxious to the rule, it seems to me there is another well-established principle of parliamentary law that properly might be invoked. That is that when an amendment is offered, a point of order can not be made after consideration has been entered upon and the amendment debated. That is a general principle of parliamentary law.

Besides that, briefly, this amendment is not new legislation in the sense that it is obnoxious to any rule of the Senate. This amendment is simply a limitation upon an appropriation made by the Senate and contained in the bill, and is certainly germane to it.

It seems to me that the matter is so plain that it is hardly necessary to cite authorities or to read rules on the subject. Therefore I confidently submit the question to the decision of the Chair.

Mr. LODGE. Mr. President, I was not in the Chamber when the point of order was made; but I suppose the point of order is made on the amendment at the bottom of page 15 on the ground that it is general legislation. It could be made on no other ground that I can see.

In both Houses the rules especially provide against amendments to increase an appropriation or to add a new item of expenditure. Our rules provide particularly against that. It has always been held in both Houses, however—I think the precedents are unbroken—that an amendment which in its effect limits an appropriation is always in order on an appropriation bill.

It is perfectly clear that this amendment has the effect of limiting the public expenditure; and it seems to me, therefore, that it is clearly in order.

Mr. SHEPPARD. Mr. President, it seems to me that the language of this proviso is clearly the language of general legislation. If it were intended as a limitation, it should read:

And provided further, That no part of this appropriation shall be available if there shall be changes in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

It seems to be an attempt to legislate directly and independently in an appropriation bill. Of course, in one sense, any legislation whatever would be a limitation of some kind on the appropriation bill. You may put any kind of legislation which the mind of man may conceive in an appropriation bill and in a certain sense it would be a limitation on the appropriation; but this clearly, as you can see by looking at the language, is independent legislation.

I submit the matter to the Chair.

Mr. McCUMBER. Mr. President, I think this amendment is certainly proper for another reason, which has not been mentioned.

Whenever we make an appropriation we have a right to direct just exactly how that appropriation shall be used and how it shall not be used. When we provide that it shall be used in such a manner that it will apply to the present weights we mean that it shall not be used in another manner.

Therefore the amendment is proper, as directing the particular channel in which the appropriation may be used and how it may be used within that channel.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. Certainly.

Mr. SHEPPARD. But this amendment makes no specific reference to the manner in which the appropriation shall be used. It is an independent enactment that there shall be no change in existing weight limits, rates of postage, and so forth.

Mr. McCUMBER. Why, certainly. That means the manner. That means that it shall not be used on a different weight, and the Postmaster General can not provide other rates and apply the appropriation so that it shall be used in transporting a greater bulk and for different rates.

Mr. SHEPPARD. But what the Senator says is a mere inference. So far as the language of the law is concerned, there is no reference whatever to the use of an appropriation. This amendment does not mention the appropriation. It does not mention the use of money. It is an independent legislative act in so far as the language here used is concerned.

Mr. McCUMBER. But we must construe it according to its purpose. We do not have to say "money." We are simply passing a bill for the appropriation of money. This provision simply goes to show that the money may not be used, and therefore it is perfectly appropriate for that purpose.

Mr. SMOOT. Mr. President, I call the attention of the Senator from Texas to the appropriation itself. I will cut out all the balance of the section, with the exception of that making the appropriation, and the proviso. That is all there is to be considered in determining whether a point of order will lie against the proviso.

It would then read in this way:

For inland transportation by railroad routes, $56,188,000: *Provided*, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

That is a limitation, and it is always in order to offer an amendment to an appropriation bill that is a limitation.

Mr. SWANSON. I should like to ask the Senator how that is a limitation on this appropriation? All of this appropriation

goes to the railroads—every dime, cent, and nickel of it. It is fixed by the weight. Not a cent of it goes to the parcel post.

Mr. SMOOT. But every pound of it is to be carried by the railroads.

Mr. SWANSON. But they do not get any of this appropriation for carrying it. There is no limitation on the appropriation. It is a clear change of existing law. It is a change and a repeal of general legislation. A repeal of general legislation is as much general legislation as the original general legislation itself. This has nothing to do with the appropriation. It does not touch it.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. Let me inquire of the Senator from Virginia if this appropriation is not primarily an appropriation of $56,188,000 for the payment of the railroads for carrying the mails?

Mr. SWANSON. That is true.

Mr. BRISTOW. Do not the railroads carry parcel-post mail?

Mr. SWANSON. They do.

Mr. BRISTOW. Does not this amendment provide that there shall be no increase in the weight of the particular kind of mail in payment for which this amount of money is to be expended?

Mr. SWANSON. The Senator is correct in saying that this provision repeals the existing law, which is general legislation; but a limitation on an appropriation is one that provides some disposition or limit on the specific money appropriated. Now, I should like to ask the Senator a question.

Mr. BRISTOW. But I should like first to have the Senator from Virginia answer the question I asked him, if he will. I asked the Senator if this is not an appropriation of $56,188,000 for the purpose of paying the railroads for carrying the mails?

Mr. SWANSON. It is.

Mr. BRISTOW. That is admitted. Now, the railroads are required to carry parcel-post mail. Part of this money goes for that purpose. There is an amendment here providing that there shall be no change in the existing weight limits on this mail. Is not that a limitation on the amount of weight that may be put into the railroad trains for which the Government has to pay? And if the weight should be far in excess of what it has been, would it not require an additional appropriation because of the using up of this fund?

Mr. SWANSON. If the Senator will permit me, an amendment of this kind is permissible only where it imposes a limit on the appropriation. That is admitted. There are precedents for it only where there is a limit controlling the specific appropriation. Now, you can have general legislation affecting the appropriation, affecting whether the Government will pay the railroads so much or not, but this can not affect the payment of the railroads one iota by way of limiting the amount they shall receive. It might control the amount of money that would go over, but it is not a limitation on the specific appropriation. It seems to me it is a clear repeal of general legislation, and a repeal of general legislation is the same as general legislation itself.

Mr. LODGE. Mr. President, there can be no question that to repeal general law is general legislation. That is undoubtedly true. It seems to me, however, that it is absolutely clear that this is a limitation, because if the parcel post limit is largely increased, of course it means a deficiency. It is a limitation on expenditure.

Mr. SWANSON. If the Senator will permit me right there——

Mr. LODGE. In one moment. The Senator in charge of the bill, the chairman of the committee, will correct me——

Mr. SWANSON. It is a limitation on the legislation.

Mr. LODGE. I have not yielded yet. I wish to ask the chairman of the committee a question as to the addition of $1,000,000 that was made by the Senate committee to the gross amount appropriated for transportation. Was not that increase made at the request of the department?

Mr. BANKHEAD. It was.

Mr. LODGE. On account of the increase of the parcel post?

Mr. BANKHEAD. It was.

Mr. LODGE. Precisely. Therefore we have increased it because of the parcel post. Now, unless you limit the weight in some way you are bound to add to the amount of that appropriation in another bill, of course—a deficiency bill.

Mr. SWANSON. If the Senator will permit me now, this legislation does limit the parcel post, but it does not limit the appropriation. It is permitted to remain in the bill only where it is a limitation on the appropriation, and not on the subject of the appropriation.

Mr. LODGE. That is precisely what it is. It is a limitation on the public expenditure—that, and nothing else.

Mr. SWANSON. No; it might affect it, but it is no limitation on it.

Mr. LODGE. Of course it is a limitation.

Mr. SWANSON. Any legislation in this bill might affect the amount of mail that the railroads would carry, but you can not go into a question of general policy. This amendment specifically repeals general legislation.

Mr. NORRIS. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. NORRIS. I thought the Senator from Virginia [Mr. SWANSON] had the floor.

Mr. SMOOT. No. I wish to ask the Senator from Virginia a question. Suppose this appropriation had remained $55,188,000, and at the end of the year, with this limitation or without any limitation, the amount for carrying the parcel post amounted to $56,188,000. Does the Senator say that we would not have a deficiency bill to cover that?

Mr. SWANSON. You might have a deficiency bill, and that would be proper. The point I make is that under the construction contended for you could have any kind of legislation on an appropriation bill if it affected in any degree the amount of money you would have to appropriate.

Mr. SMOOT. The Senator said that the proviso here did not affect the appropriation.

Mr. SWANSON. I said it affects it, but it does not limit it, because it has nothing to do with the appropriation of this money. All legislation affects it. I say it is not germane merely because it affects the subject matter. It must be a limitation on the expenditure of the specific money.

Mr. SMOOT. There is not any question in my mind about the fact that it affects it in this way: Suppose we should raise the parcel-post limit to 100 pounds. The Senator must know that $56,188,000 would not pay the expense in that event. If that is true—and I think the Senator will admit it—then it does affect this proposition.

Mr. SWANSON. If the Senator had listened to me, he would know that I said that it affected the amount of money that would be paid the railroads. That is true; but that does not come within the rule. The rule requires it to limit the specific sum appropriated. Any legislation in a bill affects the amount of money to be expended for any of these purposes; but this is no limitation on that $56,000,000. There is no limitation on it.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. SWANSON. I will.

Mr. LODGE. Will the Senator point me to the rule which says that it must directly limit the appropriation?

Mr. SWANSON. Here is the general rule. I will read the rule, on page 17.

Mr. LODGE. I know the general rule. I can read that. The rule I want to find out is not the rule in the book, but the rule the Senator is laying down.

Mr. SWANSON. There is no specific rule. I say the precedents have established the rule that where an amendment limits an appropriation it is not general legislation. This is not a limitation of that appropriaton. It may affect it; it may increase it or decrease it; but I say the precedents that have been established are that it must be a limitation of the appropriation.

Mr. LODGE. I wish the Senator would favor the Senate with some of those precedents. I have read them with great care.

Mr. SWANSON. I wish the Senator would present a case where general legislation was repealed and where such a provision has been held in order.

Mr. LODGE. Why, I can show the Senator any number of precedents for anything limiting the appropriation.

Mr. SWANSON. This does not limit the appropriation. It might affect it.

Mr. LODGE. If it affects the appropriation, it either increases or decreases it.

Mr. SWANSON. What you mean by limiting the appropriation is specifying that it shall not be used for a certain purpose. If you should say that the $53,000,000 appropriated for rural delivery should not be used for city delivery, it would be a limitation on that specific appropriation. Here, however, you come in with general legislation affecting the general parcel-post system, and say because it affects it that it is in order.

On page 17 there is this rule:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That rule is clear, broad, and specific. Here is general legislation affecting the parcel post; and a repeal of general legislation is as much general legislation as the original enactment of it.

The VICE PRESIDENT. May the Chair inquire, for the information of the Chair in ruling, what the present law is with reference to the parcel post?

Mr. BRYAN. Mr. President, in the last Post Office appropriation bill there will be found this provision:

Provided further, That on account of the increased weight of mails resulting from the enactment of section 8 of the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, the Postmaster General is authorized to add to the compensation for transportation on railroad routes on and after July 1, 1913, for the remainder of the contract terms, not exceeding 5 per cent thereof per annum, excepting upon routes weighed since January 1, 1913, and to be readjusted from July 1, 1913, until otherwise provided by law.

That provision is not in this appropriation bill; but the Post Office Department asked the House for the increase of 5 per cent, which would have made the amount recommended by the Senate committee. The House appropriated $1,000,000 less. We put the appropriation up to what the department asked for. Then, in order that that amount of money might be sufficient, in our judgment, we added the amendment in dispute, providing that the weight limits, the zones, and the rates should not be changed, because, in our opinion, if the weights are raised, if the zones are extended, if the rates are reduced, this $56,000,000 will not be enough to pay——

Mr. SWANSON. If the Senator will permit me——

Mr. BRYAN. If the Senator will wait until I get through—this $56,000,000 will not be enough to pay the amount called for by the contracts with the railroad companies.

I now yield to the Senator.

Mr. SWANSON. If the Senator will permit me, this provision does not say that the Postmaster General shall increase them or decrease them. It says he shall not change them.

The President of the Senate asked what the existing law is. The existing law is that the Postmaster General, with the consent of the Interstate Commerce Commission, can change these rates and zones when he sees fit. This law repeals that one and says they can not be changed until authorized by Congress. Consequently, this is a direct modification of the general law at present controlling the parcel post.

Mr. SMITH of South Carolina. Mr. President, I should like to ask a question of the Senator from Virginia, if he will permit me, at this juncture.

The Postmaster General made the recommendation of the additional million dollars, which the Senate committee incorporated here, upon the presumption that the present law would remain, giving him discretionary power, and that the million dollars authorization would be adequate to protect him in testing out and trying the different zones and different rates and different weights, and not presupposing that he would be arbitrarily shut off and the million dollars appropriated, as the matter now stands.

Mr. BANKHEAD. Mr. President, during the absence of the present occupant of the chair I suggested that the point of order raised by the Senator from Texas [Mr. SHEPPARD] was not in order. Under general parliamentary law a point of order can not be raised against an amendment after discussion of it has begun in the Senate and it has been spoken on.

As corroborating that position I beg to read a decision on this very point delivered by Senator Hoar while he was a Member of the Senate, and I state what I believe to be the general conclusion of the Senate, that he was an expert on parliamentary law. Here is what he said:

The Presiding Officer (Mr. Hoar in the chair) decided that a question that an amendment was not in order could not be made after debate had proceeded upon the merits of the amendment.

And he cites here the authorities upon which he makes this decision.

Mr. SWANSON. But we are in Committee of the Whole now. This amendment would come into the Senate again and have to be read and submitted to the Senate. So if it is decided on that point now in Committee of the Whole, when the bill comes into the Senate that point would not be available.

Mr. BANKHEAD. It would be available anywhere.

Mr. SWANSON. No; the action of the Senate can not be controlled by what was done in Committee of the Whole. If that point of order prevails now, when the bill is reported to the Senate and the bill is read again for amendments it will not be conclusive.

Mr. BANKHEAD. We will cross that bridge when we get to it.

Mr. SHEPPARD. Mr. President, may I interrupt the Senator?

Mr. BANKHEAD. Certainly.

Mr. SHEPPARD. Rule XX says:

A question of order may be raised at any stage of the proceedings except when the Senate is dividing.

Mr. BANKHEAD. That very point was made right here when this decision was made.

The VICE PRESIDENT. Will the Senator from Alabama state the page on which that ruling appears?

Mr. BANKHEAD. Page 59 of the Precedents of the Senate.

Mr. SUTHERLAND. Mr. President, will the Senator from Alabama permit me to ask the Senator from Virginia a question about this matter?

Mr. BANKHEAD. Certainly.

Mr. SUTHERLAND. The substantive provision of this paragraph is:

For inland transportation by railroad routes, $56,188,000.

Now, as a proviso to that substantive provision, the paragraph goes on:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

Suppose that proviso should be adopted. The appropriation which has been made is for the current year. It will lapse at the end of the fiscal year 1915. Suppose in the next session of Congress a bill is brought in which makes an appropriation for inland transportation by railroad routes of so many million dollars, and that bill does not contain this proviso, would the Senator contend that the proviso to this paragraph would have the effect of suspending the powers of the Postmaster General under the latter bill?

Mr. SWANSON. Does the Senator mean with this proviso on a deficiency bill which is brought in?

Mr. SUTHERLAND. No; this is a proviso to this existing appropriation, which expires——

Mr. SWANSON. This is no proviso to this appropriation. It is really not relevant to it. It does not affect it.

Mr. SUTHERLAND. It is a proviso, whether the Senator thinks——

Mr. SWANSON. It is a proviso inserted here, hoping that it may attach to this subject.

Mr. SUTHERLAND. It is a proviso to the paragraph in the appropriation bill. There is no question about that.

Mr. SWANSON. It is included in the paragraph.

Mr. SUTHERLAND. Whether it is a limitation is another question, but it is a proviso. The question I am submitting to the Senator from Virginia is this: This is a proviso to the paragraph which makes an appropriation for the fiscal year which expires in 1915. What I ask the Senator is, Suppose this proviso shall be adopted, but that in the appropriation bill which is brought in next year we shall make an appropriation for the inland transportation by railroad routes of a given sum of money, and in that bill shall not include this proviso—then I ask the Senator whether or not the effect of the proviso in this bill would be to suspend the power of the Postmaster General to deal with the change of weight and limit of rates of postage and zones for fourth-class mail matter for the year?

Mr. SWANSON. It would, because this is general legislation, and we would construe that it would repeal for all time the power of the Postmaster General to change it, unless authority was given him by Congress to do so.

Mr. SUTHERLAND. But I call the Senator's attention to the fact that the general rule of law, the well-settled rule of statutory construction, is that a proviso is to be strictly limited to the subject matter of the substantive paragraph of which it is a proviso, and it can not be extended further. There is no rule——

Mr. SWANSON. If it were a proviso attached to an appropriation, that would be true. If you were to make such a proviso to limit a certain appropriation and say that the appropriation should not be used, for example, for the prosecution of violations of law by labor organizations or farmers' unions, that would be a limitation upon that appropriation.

Mr. SUTHERLAND. Oh, but——

Mr. SWANSON. The Senator himself will admit that the intention was to have the provision apply for all time, and not merely apply to the appropriations contained in this bill.

Mr. SUTHERLAND. It would make no difference.

Mr. SWANSON. Whether the Senator admits it or not, he is bound to admit the effect of the plain language employed. The language is plain. It is not limited to this appropriation; it does not attach to this appropriation.

Mr. SUTHERLAND. But what I am saying to the Senator from Virginia is that the rule of statutory construction, which has been settled by the authorities, is that a proviso to a paragraph is always to be construed as a limitation upon that particular paragraph.

Mr. SWANSON. That might have been the case if the language of the proviso was that no part of this appropriation shall be paid for postal rates in excess of the rates prescribed. If you would have that kind of a provision, the Senator's contention would be true. That is not what this amendment says. This amendment says that the law is repealed.

Mr. SUTHERLAND. If the Senator will pardon me a moment, it is a limitation only upon the paragraph of which it is a proviso. It is as though we said "for transportation by railroad routes, $56,108,000; but not withstanding this appropriation, there shall be no change," and so on.

Mr. SWANSON. It does not affect railway mail pay one iota. It does not affect the amount paid; it does not affect the rate; it does not affect anything except to repeal an existing law. Now, if you would have a provision in the bill saying that under even this appropriation it shall not go to pay for the Parcel Post Service, the Senators' contention would be true, but the proviso does not say that. It simply says that if such a condition should exist, the Postmaster General would no longer be given the power to change rates or zones.

Mr. SUTHERLAND. That is not what it says. It says, in effect, that notwithstanding we have given the Postmaster General $56,000,000, nevertheless there shall be no change, and so on.

Mr. McCUMBER. Mr. President——

Mr. SUTHERLAND. I have not any doubt, if the Senator will permit me further, that it would be construed simply as relating to this single appropriation, and it would lapse with the appropriation itself, and if we wanted to carry it next year we would have to repeat it in the next appropriation bill.

Mr. McCUMBER. Mr. President, I desire to address a question to the Chair himself before he passes upon this case. Is there any precedent which can be found in the books anywhere that would prevent an appropriation bill defining how the money appropriated may be used, even though it does change a general law? I think you will find that there is no limit of authority as to what shall be done with the particular money, and when we appropriate a given amount we may provide that that amount may be used in a certain way and in no other way, even though that provision may be in conflict with a general existing law. I understand it to be the rule that has always been adopted by the Senate, and by the House also, that we have absolute authority over every dollar that we appropriate and we may direct in the appropriation bill how it shall be used.

In this appropriation bill we have this fact. Under the present system we can not carry in our parcel post a package that weighs more than 50 pounds. That is the present rule. As I understand the law, the weight may be increased to 100 pounds or 200 pounds or 500 pounds, but in this bill, in which we have a right to say how the money shall be expended, we say it shall not be expended in the carrying of packages by parcel post that weigh over 50 pounds, if that is the present rule under existing law.

I insist, Mr. President, that with the general authority to appropriate there is always carried the authority to direct how the particular fund appropriated may be used, notwithstanding its effect upon any previous law, general or special.

Mr. HUGHES. Mr. President, I agree with the Senator from Virginia that this language is not in the nature of a proviso. I disagree absolutely with the other Senators who seek to regard it as a limitation. It does not pretend to be a limitation on an appropriation. It is possible to effect general legislation by means of a limitation if the language is properly drawn. If we provided that no part of a certain appropriation shall be spent unless those receiving it have certain qualifications or it is spent in a particular manner, even though that limitation brought about a change in existing law, it would be a valid limitation.

This language does not seek to limit the appropriation in any way. It effects a change in existing law. I understand it is admitted that under the law now the Postmaster General or some other authority may make a change in the existing weight limit, rates of postage, or zones, or the Interstate Commerce Commission may make them upon the application of the Postmaster General. This language proposes to change that. I am not passing upon the merits of the proposition at all.

Now, so far as the argument of the Senator from Utah is concerned, I should like to call his attention to a fact with which I am familiar, the case of a limitation on an appropriation which was carried in a bill of this character. It provided that no part of a certain sum appropriated in the bill should be used for the purpose of the repair of mail bags and other appliances under contracts which permitted the employment of convict labor. That was a pure limitation. Yet the nature of the language was such that from that time on the Postmaster General has regarded it as substantive law.

Mr. SUTHERLAND. May I ask the Senator was that in the form of a proviso?

Mr. HUGHES. It was a proviso, put in the form of a limitation, attached directly to the money that was appropriated. It said in terms that no part of the appropriation should be spent in a certain way.

I had occasion to follow up the item the next year, just as the Senator from Utah suggested, that this provision would have to be revived. When the next appropriation bill came in, I followed up the matter to find out how the department viewed the limitation and to find out what would be the policy of the department in the coming year. I was informed at the department that, even though it was a limitation upon a specific sum of money, if the language had a certain character of finality about it and showed a disposition on the part of either or both Houses of Congress to bring about certain legislation, the department regarded it as substantive legislation.

Mr. SUTHERLAND. Of course, Mr. President, but——

The VICE PRESIDENT. The Chair thinks that the Chair must intervene at this point. There are now, I believe, two questions pending, two points of order having been made.

Mr. SHEPPARD. If the Chair will permit me, I suggest that the point of order that my point of order was made too late was not made until debate had proceeded on my point of order.

The VICE PRESIDENT. Rule XX of the rules of the Senate provides that—

> A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and unless submitted to the Senate shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

The Chair would not have permitted the discussion to go so far upon the proviso if the Chair had intended to rule upon the question as to whether it is or is not general legislation to a general appropriation bill. The point of order raised by the Senator from Alabama was decided by the present occupant of the Chair contrary to the opinion of Senator Hoar. The present occupant of the Chair has ruled that a question of order may be raised at any time, and he gave as a reason for it that frequently in the course of a discussion on an amendment a fact might arise which would indicate that a point of order should be made and should be sustained by the Chair which might not be apparent upon the face of the record.

The Chair has taken occasion to examine the original RECORD where Senator Hoar made his ruling, and believes there is nothing in the ruling as made by Senator Hoar, he proposing to submit the question to the Senate if any Senator desired. Finally, he said:

> The Chair rules that a point of order that an amendment is not in order can not be taken after discussion has proceeded upon the merits of the amendment.

And thereupon the Senate adjourned.

The Chair can not recede from his original ruling, that a point of order may be raised at any time of the proceeding.

We now come to the question as to whether this is general legislation or whether it is a mere limitation upon the expenditure of the money, and necessarily, if so, germane to the bill. In view of the opinions that have been expressed by Senators in the discussion of the point of order, that question the Chair will not decide, but submit to the decision of the Senate. The question is, Is the amendment in order?

Mr. POINDEXTER. The question is subject to debate, I understand.

The VICE PRESIDENT. The Chair understands that when a question of order is submitted to the Senate it is open to debate, but if the Chair decides it, it is not open to debate, unless an appeal is taken from the decision of the Chair.

Mr. POINDEXTER. It seems to me it would be a very good test as to whether the proviso is a mere limitation upon the expenditures of the appropriation provided in the bill to ascertain if the adoption or rejection of the proviso would make any difference in the expenditure of the appropriation. If it makes no difference in the manner in which the appropriation is to be expended whether the proviso is adopted or not, then it is perfectly obvious that the proviso is not a limitation on the appropriation. It seems to me there is no escape from that. It is perfectly clear that, whether we retain or reject the proviso, the money appropriated will be expended in the same way. It will be paid to the railroads for carrying the mail whether we reject it or whether we retain it.

Now, Mr. President, as to its being general legislation, the parcel-post act is itself one of the most distinct and prominent pieces of general legislation that Congress has enacted in many long years. It is claimed by some that if the proviso is adopted it will strike a deadly blow at the parcel-post law. It will at least make a most material change in the existing parcel-post law. If that is the case, it certainly is general legislation, and general legislation in regard to a matter which is probably as prominently before the people as any other piece of general legislation. It is proposed to make that great change in the exist-

ing law by a rider upon the appropriation bill. It seems to me, Mr. President, that, if we propose to make that change, it should be taken up as a separate piece of legislation and not be attached to a section of the Post Office appropriation bill.

As to the significance of it, we might as well try, it seems to me, to fix railroad rates by legislation; we might as well determine by an act of Congress every application for an increase or for a decrease in the railroad rates of the country as to undertake to decide by an act of Congress every increase in the weight of parcels or decrease in the rates to be charged for them. This is not an administrative body. When we undertake to do it, when we take that power away from the executive and administrative branch of the Government, we so shackle the law that it practically becomes inoperative and impracticable.

I think Representative DAVID J. LEWIS has come to be recognized as somewhat of an authority upon this question on account of having devoted a great deal of special attention to it, and I want to read a short extract from a recent address of his as to the significance of this proposed amendment. He said:

Sir, without impugning any man's motive—for on the average I find people as good as I am—I wish to say that the repeal of this substantive provision of the parcel-post law might well be worth $50,000,000 to the express companies. It will finally take away from the parcel-post service all the power to compete with them, and they will thus be enabled to capture that portion of the postal function which has saved it from a deficit of about $7,000,000 and given it instead a surplus, now indicated as from eight to ten millions, in the first year of its operation. This is a strong declaration I make and has no value except what the truth may give it.

That declaration was made after a most careful investigation. So it seems the operation of the law as it stands now, with the discretion given the Postmaster General, with the permission of the Interstate Commerce Commission to adjust and rearrange weights and rates, has meant a profit to the Post Office Department of $15,000,000 or $16,000,000.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield to the Senator.

Mr. BRISTOW. If the Senator will permit me, I should like to state in this connection that there is no way possible by which Mr. LEWIS or any other man can tell what has been the revenue derived from the parcel post. They can approximate the expense, but no man can tell the revenue, and parties who, in my opinion, are just as familiar with this subject as Mr. LEWIS think that the operation of the law has resulted in a loss instead of a revenue.

Mr. POMERENE rose.

Mr. POINDEXTER. I will yield in just a moment. I want to say in answer to the Senator from Kansas that I have here a very elaborate table of figures from the Post Office Department giving the cost and the receipts of the parcel post.

Mr. BRISTOW. I desire to state to the Senator from Washington that the estimates are mere guesses. Whenever the use of the distinctive stamp was abolished all opportunity of ascertaining the revenue from the parcel post was destroyed. To determine it is utterly impossible. You may inquire of postmasters anywhere throughout the country and they will tell you that these estimates are mere guesses, and nothing else.

Mr. POINDEXTER. Mr. President, we will accept it as subject to the uncertainties that nearly all transactions of the kind are subject to, and yet it is a careful estimate, made by men who in our common parlance are entitled to be called experts. As such their estimates are entitled to great weight and consideration. It is quite significant, altogether apart from the special figures as to the parcel post, to consider what there is a certainty about, and that is the increase of the postal receipts generally since this parcel post has been in effect.

I hold in my hand a statement showing that for the four quarters ending March 31, 1913, reading only the percentages, there were increases as follows:

In first-class mail, 8.51; in second-class, 2.90; in third-class, 3.43; in all, an increase of 7.19 per cent.

I ask leave to incorporate this statement as a part of my remarks, and then I yield to the Senator from Ohio.

The statement referred to is as follows:

Comparison of gross receipts at presidential offices for the years ended Mar. 31, 1912 and 1913.

	First class.	Second class.	Third class.	Total presidential.
Year ended Mar. 31, 1913..	$178,193,061	$31,065,845	$22,969,819	$232,228,725
Year ended Mar. 31, 1912..	$164,212,428	$30,235,815	$22,207,302	$216,655,545
Increase.....	$13,980,633	$830,030	$762,517	$15,573,180
Per cent of increase.....	8.51	2.90	3.43	7.19

The increase last year was 4.97 per cent, as compared with 7.19 per cent this year. Over 89 per cent of the increase was at first-class offices.

Mr. POMERENE. Mr. President, my purpose in rising was to suggest to the Senator from Kansas that certainly there must be some way of ascertaining the revenue which is derivable from the parcel post. If it could not be done in any other way, it could be done by keeping a record of the canceled stamps that are placed on the packages.

Mr. BRISTOW. But such a record is not kept. There is no such record in existence.

Mr. POMERENE. Then, it seems to me it would be well to provide for keeping such a record.

Mr. BRISTOW. I desire to say to the Senator from Ohio we supposed when we enacted the law that we had required the department to put distinct stamps on the parcel-post matter, but the Postmaster General has refused, from our standpoint, to carry out that provision. That would have given us an absolute record as to the amount of money received by the department for parcel-post matter; but when that method was not used, and ordinary stamps were used, all record was obliterated, and no man can tell how much money is received for any of the different classes of mail. I will say that the special stamp was used until, I think, the 24th of March last, and then the Postmaster General declined further to use it.

Mr. POMERENE. As I understand, the reason which was in the mind of the Postmaster General for making the change, he did not see why there should be one postage stamp to carry a piece of first-class mail and another postage stamp to carry a package; and I think he was right in that view. I can see the purpose which evidently the Senator from Kansas had in mind in providing a special stamp for the parcel post, but a record can be kept just as well, in my judgment, by keeping some account of the stamps as they are canceled upon the packages.

Mr. BRISTOW. Mr. President——

Mr. POINDEXTER. I should like to limit somewhat the discussion, but I will yield to the Senator from Kansas if he desires to make a further statement.

Mr. BRISTOW. If the Senator from Washington will pardon me, I regret to interrupt him so much, but I desire to say to the Senator from Ohio that the most convenient way by far to ascertain the amount of money that would be received for carrying matter by parcel post would be to require a distinct stamp. Then the accounting is easy, because you simply keep an account of the number of stamps of this particular kind with which a postmaster is charged and then receive an account of the number of stamps he has on hand at the end of a month or a quarter. Then you know just what he has used in this service. But to count the number of stamps on every package and then make a record of them is an enormous undertaking. The department never has done it and, of course, it never will.

Mr. GALLINGER. And I would suggest to the Senator likewise, that it is practically of no cost to the Government to have distinct stamps.

Mr. BRISTOW. None whatever.

Mr. VARDAMAN. Mr. President——

Mr. POINDEXTER. If the Senator from Mississippi will allow me just one moment, I will conclude, and then I will yield the floor to him.

I wish simply to read a couple of lines from the third paragraph of Rule XVI in order that it may be in the RECORD in connection with my remarks:

No amendment which proposes general legislation shall be received to any general appropriation bill.

As I have said before, it seems to me so clear that it is scarcely capable of dispute that this proposed amendment comes within that rule, and in view of the fact that it involves a law which I think is one of the most useful, and has been of more general benefit to the country than any statute which has been passed for some years, if our rules mean anything at all, and we are going to give effect to them, the Senate should now enforce the plain provisions of the rule which I have just read.

Mr. VARDAMAN. Mr. President, the question before the Senate is not whether the amendment proposed by the Committee on Post Offices and Post Roads should be adopted; the merits of that proposition are not before the Senate at this time; the question is whether the amendment proposed by the committee is violative of Rule XVI, section 3, found on page 17 of the Senate Manual, which says that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

I understand the law to be that the Postmaster General, with the advice and consent of the Interstate Commerce Commission, may change the weights of packages, zones, and the rate of postage on articles that may go through parcel post. It is a

general law which gives him this power. The proposed amendment reads:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

Now, until some subsequent statute shall be enacted, such as is proposed by the committee, that remains the law; but if this amendment shall be adopted the discretion with which the Postmaster General is now vested by a general law will be forever taken from him. If that is not general legislation, I must confess that I do not know what "general legislation" is. The proposition is so clear that it does not admit of argument. I do not want this question, however, to go off on the merits of the proposition; it is a question of interpretation of this rule. I merely rose to make the suggestion that the record might be kept straight.

Mr. BANKHEAD and Mr. SMITH of South Carolina addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. Mr. President, inasmuch as this question is to be decided by the Senate—and I think it is a very proper ruling of the Chair—it becomes necessary in a way to discuss the merits of the proposition.

It will be recalled, Mr. President, that when the parcel-post system was inaugurated Congress fixed in the bill certain rates, prescribed certain zones, and fixed certain weights. The weight limit originally was 11 pounds and numerous zones of the different districts were established. It was true that a discretion was given the Postmaster General in the law. That discretion was natural and wise perhaps at the time, because the whole system of parcel post was new. We had had no experience with a business of that character operated by the Post Office Department. I agreed at the time that a wise discretion might be exercised by the Post Office Department; and if, after trial, after investigation, the Post Office Department decided that they could safely change the rates, the weights, and the zones, it might be done.

Before the parcel post had been long in operation—I do not exactly recall the time—the only possible means prescribed in the law by which the department could ascertain approximately what were the revenues derived from it was abolished, and that was distinctive stamps. The department immediately, however, changed the weights from 11 to 20 pounds, practically doubling it. It is true that the Post Office Department went through the form of consulting the Interstate Commerce Commission and got their approval. How long did the Interstate Commerce Commission consider the question? Not a day. As they admitted, they accepted the figures and conclusions of the Postmaster General. That may have been wise, but before that plan had been tried out, before the Post Office Department of the country had had an opportunity to determine what the result and effect of these changes would be, another and more radical change was made, from 20 to 50 pounds, without having been investigated by the Interstate Commerce Commission. As members of the commission said, in a hearing before the Committee on Post Offices and Post Roads, they accepted practically the figures of the Post Office Department.

Mr. VARDAMAN. Mr. President, will the Senator from Alabama yield for a question?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. VARDAMAN. The Senator from Alabama agrees with me, then, that the object of this provision is to repeal a general law, which gives to the Postmaster General the power, with the advice and consent of the Interstate Commerce Commission, to enlarge the zones and increase the weight of the packages?

Mr. BANKHEAD. No; I do not agree to that, Mr. President.

Mr. VARDAMAN. Does it not repeal——

Mr. BANKHEAD. I am coming to that.

Mr. VARDAMAN. Well, I ask the Senator if it will not take that power away from the Postmaster General?

Mr. BANKHEAD. Yes; it takes it away from him for the present; but does the Senator from Mississippi mean to say that a discretion given to a departmental officer in the beginning of the operation of a great system like this can not be changed until he has swamped the Post Office Department?

Mr. VARDAMAN. Most assuredly, Mr. President, it can be changed, and it ought to be changed if it is being improperly used, if it is being abused; but the proper way to change it would be by a general law, and not by general legislation on an appropriation bill.

Mr. BANKHEAD. Well, Mr. President, I do not quite agree with my friend from Mississippi. I usually find great pleasure in agreeing with everything he says, but at this time I am unable to agree with him.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. BANKHEAD. I do.

Mr. POMERENE. The Senator from Alabama has stated that the Postmaster General by order changed the limit, first, from 11 pounds to 20 pounds and, secondly, from 20 pounds to 50 pounds. Is the Senator able to state whether the service has suffered by reason of either of those changes?

Mr. BANKHEAD. I am able to state, Mr. President, that, in my opinion and from the best evidence I can get, there will be a very large deficiency in the Post Office Department if another change is made and the weights again increased, because they do not know——

Mr. POMERENE. Can the Senator give us the data upon which he bases that conclusion?

Mr. BANKHEAD. No; I can not give the Senator the figures, because I have not been able to get any. I am not myself supposed to make these figures. The Post Office Department is unable to give anything excepting a mere guess—an estimate.

Mr. POMERENE. Mr. President, may we not just as well estimate that there will be a surplus as a deficit?

Mr. BANKHEAD. I do not think so. I think that would be a very violent presumption, because we know that the Rural Carrier System has been a losing business for the Government, and we know—at least I think we know—that the parcel post, even under the present weight limit and the zones is going to be a losing institution. I am willing, however, to test that out.

What I was going to say, Mr. President, if the Senator will pardon me, was that when this bill was passed a joint commission, composed of members of the Post Office Committee of the two Houses, was appointed and instructed to investigate the question of the parcel-post rates, zones, and weights. They began an investigation under the 11-pound provision of the law and the rates and zones as the bill passed Congress. Before they had proceeded very far an order from the Post Office Department changed the whole situation, increased or doubled the weights, reduced the rates, changed the zones, and put the weight at 20 pounds, so that this commission had to begin again. They had then to undertake to make the investigation for conditions existing after the change was put into operation. They went to work diligently to acquire information under that state of affairs. Just as they felt that they were making progress and would be able to report to Congress at an early time their conclusions as to the results of these changes and the operation of the system, another change was made by order of the Post Office Department increasing the weight to 50 pounds and changing the general conditions. The commission had to go to work over again. Now, we are told—not perhaps officially, but we have it from the best authority obtainable—that it is the purpose to increase this weight to 100 pounds.

Well, Mr. President, what will happen? This is a practical business proposition. The Senate can not afford to go off and settle this question on sentiment or speculation. We are here charged with legislation that will make the Post Office Department efficient; we are here for the purpose of making appropriations sufficient to enable the Post Office Department to be operated in the most practical, efficient, economical, and serviceable manner; but we are not here, as I understand, to legislate and to make appropriations upon a mere suggestion from somebody that the people of the country will be disappointed if the Postmaster General is not permitted to increase these weights to 100 pounds, and if, under his discretion, that is so sacred that it can not be touched by Congress, he may increase these weights to 150 pounds, he may increase them to 200 pounds, or to any other amount he may desire; and we have no reason to believe that such will not be the result a little later on.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. BANKHEAD. Yes.

Mr. SIMMONS. I understand this proviso recognizes the existing weights, rates, and zones?

Mr. BANKHEAD. Yes; of course.

Mr. SIMMONS. That is, any change which has been made by the Postmaster General up to this time is recognized?

Mr. BANKHEAD. Of course.

Mr. SIMMONS. The Senator says that there is great danger of the department being swamped by increase in the weight limit?

Mr. BANKHEAD. Yes.

Mr. SIMMONS. I want to ask the Senator if he has any apprehension with reference to any change that the Postmaster

General might make in the rate of postage or in the zones of fourth-class matter; and if the Senator has no apprehension with reference to those, and if the gravamen of the Senator's fears is based upon the weight limit, why not limit the proviso and the restrictions which it imposes to the weight limit and not to the rates of postage or to the zones?

Mr. BANKHEAD. Well, Mr. President, I frankly confess that the increase in the weight of the parcels to be carried is the main question. What is going to happen? We may just as well face this question and look at it as practical, common-sense men. If the Senate prefers to sacrifice the Rural Delivery Service and increase without limit the Parcel Post Service, they may do so; but I confidently believe, Mr. President, that another increase—and I am not so sure, from observation and the information I have already obtained, that the statement is not true of the present increase—will very materially impair the Rural Delivery Service.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. BANKHEAD. I do.

Mr. GALLINGER. The Senator alludes to the Rural Delivery Service. If the Senator's apprehension is well founded that the weight of the packages will be increased to 100 pounds, will it not more than impair the City Delivery Service?

Mr. BANKHEAD. Mr. President, in my deliberate judgment, it will swamp the Post Office Department from end to end.

Mr. GALLINGER. It is very evident that the carriers in our city post offices can not lug around hundred-pound packages on their routes, unless they have teams furnished them for that purpose.

Mr. BANKHEAD. Mr. President, it will probably have an even more disastrous effect on the rural delivery carrier with a one-horse wagon—and that is about as expensive an outfit as he can afford to operate—and a 24-mile route, or any number of miles, if he is compelled to carry 100-pound packages of different kinds of merchandise. We are turning the Post Office Department into a great store; we are turning the Post Office Department into an immense mercantile establishment. Out on a route to-day in the State of my friend the Senator from Ohio [Mr. POMERENE], where, I presume, the ground is covered with snow, as it is now in almost every other section of the country, a man at a point 10 miles from where the rural delivery starts may telephone his merchant, "Send me 50 pounds or 100 pounds of bacon to-day; I can not afford to come to town; the roads are too bad, and I can get it by parcel post cheaper," or a rural blacksmith may say, "Send me a keg of horseshoes or a keg of nails and 50 pounds or 100 pounds of flour or sugar," or a groceryman or a liveryman in town telephones out to his friend in the country, "Send me two or three bales of hay by parcel post to-day; send me 50 pounds of potatoes."

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

Mr. BANKHEAD. I yield to the Senator.

Mr. FALL. I want to say to the Senator that one of my constituents in New Mexico notified me a short time ago that he is under bond running a star route 40 or 50 miles out into the mining camps, over mountains, where it is very difficult to transport freight and where the necessities of life are supplied by small merchants. As soon as the 50-pound ruling went into effect there was an enterprising merchant in El Paso who shipped 11,000 pounds of flour in 48-pound sacks, and this contractor wanted to know what he was going to do about it. I investigated the subject and found he had to carry the flour under his old rate, at the rate of pay for which he agreed to carry the mails, and that there was no recourse for him at all. Now, I should like to ask the Senator from Alabama if there is any provision in this bill increasing the appropriation in proportion to the increased expense in the event the weight of the packages is increased?

Mr. BANKHEAD. Mr. President, there is a provision in this bill that increases the pay of rural carriers.

Mr. FALL. I mean if the weight is still further increased?

Mr. BANKHEAD. No.

Mr. FALL. I am not speaking of rural carriers; I am speaking of star routes. In my State, Mr. President, there are approximately about 300 miles—I have forgotten just exactly the mileage—of rural routes, as against something like 5,000 or 7,000 miles of star routes.

Mr. BANKHEAD. Mr. President, there are numerous instances all over the country where merchants are shipping every conceivable kind of merchandise. For instance, bricks are being shipped by parcel post. A man who wants to send out to his customers a thousand or two thousand or five thousand sample bricks bundles them up and ships them by parcel post, because it is perhaps a little cheaper and a little quicker to send them in that way.

Now, it appears that some Senators have not entirely grasped this situation; some Senators express the fear that if this amendment is adopted we are going to destroy the parcel post; that we are going to impair its usefulness; that there is going to come up a great howl from the country that we have prohibited the Government, through its rural carriers and its star-route service, from delivering to the people every conceivable kind of merchandise.

The Parcel Post and the Rural Delivery Services, Mr. President, were inaugurated for what? For the convenience and benefit of the rural dweller, for the man who desired to have his daily mail carried to his home every day. That was the purpose of the rural service; and when the parcel post came along that received its impetus—it had its origin, I might say—with the farmers of this country. They were exceedingly anxious to have the parcel post inaugurated in connection with the Rural Delivery Service; but if they had believed for one moment that the inauguration of the parcel post was going to impair or practically destroy the Rural Delivery Service they would not have hesitated a moment as to their choice between the two.

What is to become of the star-route carrier, of whom there are thousands carrying mail all over the country, on ponies, mules, burros, or any other means of transportation they can find? Are you going to put them all out of business? Are you going to compel all these men to surrender their contracts and forfeit their bonds? They have no remedy; and the Post Office Department holds them severely to their contracts. I warn some of my good friends who have not had the time or the opportunity to investigate this question and look into its merits, who have not had an opportunity to determine what the results are to be, that they must choose, Mr. President, to-day between the Parcel Post and the Rural Delivery Services. That is what we are confronted with; and nobody can escape that conclusion who will take the trouble to investigate this question as the Committee on Post Offices and Post Roads has investigated it.

It is unfair, it is unjust, it is unkind for any Senator on this floor to intimate, remotely or otherwise, that a single member of the Post Office Committee would, under any circumstances or conditions, consent to the enactment of a law or the adoption of an amendment that would tend to impair the Parcel Post or the Rural Delivery Service. Our only purpose and our only hope, Mr. President, were that we might be able to preserve both. We were not willing to permit the destruction of the one in order to gratify the avarice and the desire for gain of the great commercial houses of this country, the great order houses, and other classes of men who are engaged in selling merchandise and who wish to be able to ship their goods by express to one point and from there by parcel post to another, or to ship by parcel post through two zones to a point and then reship through two others at the same low rate. Is the Senate prepared to sanction that practice? Are we prepared to go on and permit this extension to 100 pounds or 150 pounds or 200 pounds, and swamp the rural service, swamp the city delivery, and, in the end, swamp the Postal Service in this country and transform it into a great house of merchandise? That is what is coming, in my deliberate judgment.

Mr. President, we are gravely told that we must compete with the express companies. I agree to that, and we are competing with the express companies. I would be glad if all the business that is done through the express companies could be done through the parcel post if we could carry it at a rate that would not involve us in great financial loss.

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield to me for a moment?

Mr. BANKHEAD. Certainly.

Mr. MARTINE of New Jersey. I ask did we not learn from the Postmaster General that the parcel-post system was self-sustaining under the 50-pound weight limit?

Mr. BANKHEAD. No, Mr. President; we have not any such information as that, so far as I know.

Mr. MARTINE of New Jersey. My impression was that the Postmaster General said, regarding the first limit of 20 pounds, that the service was self-sustaining; and then, in answer to the question, Is it self-sustaining under the weight limit of 50 pounds, he said, "Unquestionably, yes." That is my memory of the testimony of the Postmaster General.

The Senator speaks about carrying 40 pounds of bacon. Why not as well carry 40 pounds of bacon as 40 pounds of books?

Mr. BANKHEAD. Why not make it 100 or 200 pounds or more?

Mr. MARTINE of New Jersey. I would make it 100 pounds. I want to ask the Senator——

Mr. BANKHEAD. What are you going to pay the carriers, and what sort of wagons are you going to furnish them?

Mr. MARTINE of New Jersey. I want to ask the Senator if he does not know that in Switzerland they will deliver you by parcel post a ton of coal? I do not know that I particularly desire that; but I do want the most liberal facility of transportation through the parcel post to the people. There is no trouble about getting men to deliver the parcels. There is no trouble about getting horses or wagons to deliver them. There are millions of young men who would like to take the job at $50 or $75 a month. We would be benefiting them and at the same time we would be benefiting the people. I want the utmost freedom of intercourse amongst the people.

Mr. BANKHEAD. Will the Senator from New Jersey yield to me for a moment?

Mr. MARTINE of New Jersey. Yes; but I thought I had the consent of the Senator to interrupt him. I certainly have made but very few remarks on the subject, and I know I am advocating that which is near and close to the hearts of the people, indeed nearer and closer to the hearts of the people than any recent legislation which has been enacted.

Mr. BANKHEAD. May I ask the Senator from New Jersey, in his deliberate opinion and judgment, from his knowledge of the people of his State, which do they prefer—the rural delivery or the parcel post?

Mr. MARTINE of New Jersey. Great heavens! I believe we are big enough and broad enough and bright and intelligent enough to accomplish them both, and we will do it.

Mr. BANKHEAD. Yes; we can do anything, Mr. President.

Mr. MARTINE of New Jersey. Well, we can pretty nearly. With a Democratic majority there is no limit to our hopes and possibilities. [Laughter.]

Mr. BANKHEAD. We are conducting the Rural Delivery Service to-day at a clear loss of $30,000,000 or $35,000,000 or perhaps $40,000,000 to the Treasury. Does anybody dispute that? That is the best estimate the Post Office Department can make. Of course we can go on and spend $50,000,000 more than the receipts; we can go on and spend any amount of money for the parcel post that we desire; but it must come from somewhere. Nobody proposes to interfere with the present arrangement of the parcel post. It may be all right now. They have been trying it, and just as they have concluded that it is self-sustaining they propose to increase the weight limit to 100 pounds.

I want to ask the Senator a question. Why can not the Senate of the United States limit the discretion it has given? That is what this is. We have given the Postmaster General a discretion. He has been using that discretion, and in my judgment he has been abusing that discretion in a certain way. I say that, although I have a very high regard for the Postmaster General. Does the Senator mean to say that if we committed an error in giving this unlimited discretion to an official of the Government we must sit quietly down here and permit that discretion to be used and extended to the great detriment of the public service?

That is the question. I can not believe that this is new legislation in any sense. It is simply an attempt to limit the discretion we have conferred. I do not believe it could be said that it is a change of existing law. The law simply gives discretion; and if we can not change the law and limit that discretion, where in the name of heaven will we stop with respect to this question of discretion?

Now, I have expressed my view. I have no more interest in this matter than any other Senator. I should exceedingly regret to see the Rural Delivery Service practically destroyed, as in my opinion it will be, and the City Delivery Service practically destroyed, as it will be, unless the Senate is willing to appropriate two or three times as much as it is appropriating now for rural delivery and city delivery. If the Senate is willing to do that, and let them get two-horse and four-horse and in some cases six-horse wagons to haul these parcels, then all right; but the Senate ought to understand that that condition is to confront them, and to confront them seriously in the near future. Are you ready to meet it—that is the question—or would you rather yield to popular sentiment or popular clamor from gentlemen who do not understand this situation?

All of this public clamor has been created by a conspiracy concocted here in Washington and sent out to all the papers of the country, a premeditated misrepresentation and misstatement of the facts. The people do not understand the situation. They can not. They have only the misinformation that has gone out, and that is the only information they can get. There is the whole question.

In conclusion, I wish to say this: Senators say, "You have got to compete with the express companies." That is all right. Compete with them; put them out of business, if you want to; but do not spend enough money in competing with the express companies to buy out the express companies before your competition begins. You will have wasted all this money, and, in your competition, millions and millions of dollars, and in the end you may have to take over the express companies; and then you will have lost all the money you have foolishly spent in a nonsensical attempt to compete under existing conditions.

Mr. BRYAN. Mr. President, it was the Senate Committee on Post Offices and Post Roads that presented to the Senate the parcel-post law. It was the same committee that now is supposed to be the enemy of the law it drew.

I have seen much said in the newspapers on this subject, and I express no surprise that the chairman of the committee should feel irritated that newspapers over the country should charge this committee with a deliberate purpose to destroy the parcel post. But, Mr. President, we need not worry ourselves about every irresponsible simpleton who writes in a newspaper. It seems to me we have a duty to perform in the consideration of this bill.

Some months ago, when the Postmaster General first undertook to make the change, I objected upon what to me was a sufficient ground. In order that anybody who wants to understand the facts may have them, I desire to put into the RECORD section 8 of the House bill on the subject of the parcel post, which was embodied in the appropriation bill for 1913.

Section 8 of that bill as it came to the Senate contained nothing more than a provision for the establishment of a parcel post, with a limit of 11 pounds, upon the rural routes. It was this Senate committee, under the leadership of the then chairman of the committee, after an investigation by four other members of the subcommittee, which proposed a broad, general parcel post upon the zone system. That bill went into conference, and it was in conference that the proviso was written in giving to the Postmaster General power to change these rates, with the approval of the Interstate Commerce Commission.

My friend the Senator from Arizona said he was amazed at the action of the committee in reporting this bill to the Senate, because he said the provision giving to the Postmaster General power to change zones and rates and weight limits was very fully discussed here in the Senate. Mr. President, it was never discussed here one minute. It was written into the bill in conference.

Now, sir, when it was written in there I was opposed to it; and I think if this matter keeps on there will be much injustice done under a system that will allow one individual, not responsible to the people for his action, to extend zones, to eliminate the zones we have, and finally, perhaps, to come to a flat rate all over this country.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from North Dakota?

Mr. BRYAN. I do.

Mr. GRONNA. I should like to ask the Senator from Florida a question. If the amendment proposed by the committee is adopted, what will be the weight limit of packages that can be carried by parcel post?

Mr. BRYAN. At present the weight limit upon the rural routes and upon the first and second zones established by Congress, which have now been consolidated into one zone by the Postmaster General, is 50 pounds. A parcel of 50 pounds is carried upon the rural routes for 30 cents. It is carried within the combined first and second zones for 54 cents. The Postmaster General has left the other zones as established by Congress.

Mr. GRONNA. The original amount, as I understand, was 11 pounds.

Mr. BRYAN. Eleven pounds.

Mr. GRONNA. What increase in payment to the rural carriers is provided for in this bill?

Mr. BRYAN. Just a minute; perhaps I have not stated it correctly. I will state the weight limits over again: Fifty pounds on the rural routes and in the first and second zones; 20 pounds in zones beyond; and the zones have not otherwise been changed. I am coming to the point about the pay of the carriers in a few minutes.

Mr. GRONNA. Very well.

Mr. BRYAN. I have seen it stated in the newspapers that nobody knew how the parcel-post bill originated. Mr. President, I wish to stop long enough to say that everybody who can read print ought to know that the bill was prepared by the former Senator from Oregon, Mr. Bourne, after he had spent his vacation and almost a year in working upon it; and it was not until after great opposition by him that he finally yielded to a pro-

posal to allow the Postmaster General to change the zones, weight limits, and rates of postage.

Here are Senators living around the great mail-order houses of Chicago, in near-by States. The reason the Senate committee made the first zone 50 miles was because we did not think it was fair to put the merchants of small towns around these mail-order houses and large cities at the mercy of the great business houses. We thought, furthermore, that the people in the small towns were entitled to the natural benefit that distance gave them in the carriage of freight. We thought it would be unfair for the Government, even though it had the power and, of course, could appropriate the money to do it, to put those people in competition with the mail-order houses and enable them to get their goods into the hands of the constituents of the country merchant without the payment of even a freight rate.

I am not a hero-worshiper, Mr. President. I have no doubt Mr. LEWIS of Maryland has given great study to this question. I had the honor to serve upon the subcommittee with Senator Bourne. At that time his proposition was, as I remember, to buy out the express companies, and to pay them $40,000,000.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. BRISTOW. That was the proposition of Mr. LEWIS.

Mr. BRYAN. That is what I say. That was his proposition then. What did we need with the franchises of the express companies? So that went by the board. Now, we, in the Senate committee, are held up as the great enemies of this law.

Several Senators have quoted from what Mr. LEWIS had to say, but none of them have quoted what seems to me to be a demonstration of the inadequacy of these rates that are to be put into effect not by the Postmaster General but by two or three clerks under him, who tell him what he ought to charge for doing the business.

The references to what Mr. LEWIS said on the floor of the House render it permissible for me to call attention to this statement made by him.

But, sir—

Says Mr. LEWIS—

if this rider should prevail, the surplus would be short lived. The express companies, free to readjust their rates, would readjust them to divert all the profitable traffic from the post, leaving us with scarcely any except the rural route and star-route traffic. Two facts justify this assertion:

First. The profitable parcel traffic flows between the cities and on the rails. As to this traffic the express companies are paying the railroads an average of about 4 cents a ton-mile, while the Post Office pays about 8 cents a ton-mile.

Second. The unprofitable traffic is along the rural and star routes. Their maintenance costs the Post Office about four times as much as the revenues derived from the mail and parcels delivered over them.

It would be an unwise provision to make any rates that were not self-sustaining; but, above all, the rates for the carriage of parcels upon the rural routes ought to be self-sustaining, because otherwise, with the express companies having half the transportation expense that the Government has, of course they can carry the parcel to the point where the rural route will take it and deliver it at a loss of 75 per cent to the Government, according to this expert cited by several Senators. In whose interest is that done? In the interest of the express companies.

I take an illustration that he gives:

The 10-pound express rate from New York—

Quoting from Mr. LEWIS—

to Lincoln, Nebr., is 57 cents, which, added to the rural postal-route rate of 10 cents, makes 67 cents. The complete parcel-post rate from New York is now 81 cents, or 14 cents above the express and rural-route rates combined. Of course, people will ship by the cheapest means, and so if this Senate rider is adopted we must expect the rural routes to be exploited by the express companies to the limits of the wants of the 20,000,000 of farming population. The express companies will use the nonpaying part of the postal institution to push their traffic to and from the farm at a postal economic loss of 75 per cent—

He changes a little. A while ago it was 4 to 1; now it is 3 to 1—

and when it reaches the rails and becomes profitable by a system of rates, they are left free to devise for that purpose—they will appropriate all this traffic substantially to themselves.

A very pertinent question may now be asked. Why did the Postmaster General propose and the Interstate Commerce Commission approve a rate of 81 cents for a 10-pound parcel from New York to Lincoln when they had knowledge that the express rate was 57 cents? The answer is that the Post Office has to pay the railways 60 cents to transport that parcel.

So there is the situation. We actually have to pay to the railroad companies more money than the express rate is. Now, how much are you going to reduce it?

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. BRYAN. I do.

Mr. OWEN. I should like to ask the Senator from Florida if there is no way of amending that so that the railroads will be required to carry this freight for the Government of the United States as cheaply as for the express companies?

Mr. BRYAN. Whenever that is done that will be the time to reduce these rates; but, as the Senator from Kansas said on a former occasion, when a railroad commission reduces an express rate it reduces what the express companies pay to the railroad companies, but when we fix by statute the payment to the railroad companies that remains fixed. We can reduce the amount we receive, but we can not reduce the expense. The Senator asks a very pertinent question.

Mr. OWEN. I really wanted to know what the truth was about it, why we do not get as low rates from the railroad companies as the express companies do, and why the Government of the United States, through the party now responsible for government, does not take the necessary steps to accomplish it.

Mr. BRYAN. I will say to the Senator, as perhaps he knows, that there is a commission now studying the question of railway mail pay, and this bill carries an extension of time for them to make their report. If we pay twice as much as the express companies for railroad transportation, then it follows absolutely that in the carriage of large packages the Post Office Department can not compete with the express companies without the loss of a tremendous amount of money.

Mr. OWEN. With that premise, I agree with the conclusion; but I am not willing to have that premise remain a fact.

Mr. BRYAN. I will join the Senator as readily as any man in this Chamber to change it, but it is a fact; and yet the express rate from New York to Lincoln, according to Mr. LEWIS, is less than the money the Government pays to the railroad company for the transportation of a 10-pound package. What does that lead up to? That as to that 10-pound package, between those two cities, we can not compete without an absolute loss.

It is stated by the Interstate Commerce Commission in its report—and the comparison will bear it out—that the rates now in effect disclose that the prescribed express rates for packages over 4 pounds, when carried for distances of more than 200 miles and less than 3,000 miles, are generally lower than the parcel-post rates. For distances of more than 3,000 miles the parcel-post rates and the express rates are practically the same.

Another fact which will be ascertained by an examination of that report is that practically country wide the parcel-post rates up to 4 pounds are cheaper than the express rates, and that in shipping small packages it will be to the advantage of the people to use the parcel-post rates. Now, why is that? Because the Government has its equipment, the rural carriers; it has its city delivery carriers; it has a more thorough organization for the handling of small packages than the express companies; but when you come to large packages, especially packages of 20 pounds and more, because of the rates we have to pay in comparison with the rates the express companies are supposed to pay we are eliminated by reason of the vast difference.

Another argument made is that it will not do for Congress to say, "Hold on, Mr. Postmaster General; we do not know whether these rates are self-sustaining or not. Let us wait long enough to find out. Here you abolished the distinctive stamp; in August you cut the rates in two over some of the zones, and raised the weight limit to 20 pounds on the first two zones and on the rural routes and let it remain the same on the others; and then, before an examination and a determination could be made as to the effect of that order, on the 1st of January another order was made raising the weight limit on two of these zones to 50 pounds and on the other zones to 20 pounds, and you appear here and say that a weight limit o 100 pounds has no terrors for you. Let us let the rates that are now in effect, and the weights that are now in effect, and the zones as now established remain long enough for you and for a commission that Congress has had appointed here to find out the truth about this matter."

It is said that by the adoption of this amendment we withhold from the Postmaster General the power to make any change, but that the express companies can make a change any day. Mr. President, that is not so. The express companies are bound to maintain the rates established by the Interstate Commerce Commission. They can not raise them and they can not lower them without permission, upon 30 days' notice. Congress is in session practically all the time; and all this provision requires is that they must come and let Congress, by a joint resolution or in some other manner, approve a further change.

We have taken it for granted for the purposes of this amendment that the rates are self-sustaining as now existing; but, Mr. President, if we examine the method by which that result is arrived at, I doubt very much if any man would concede that they are self-sustaining.

It is claimed by the department, by the Postmaster General and his assistants, that the increase of expense due to the parcel post is about $5,000,000, made up as follows:

First Assistant:	
Clerks first and second class offices	$80,000
Watchmen	25,000
Contract stations	65,000
Rent, light, and fuel	150,000
Miscellaneous items first and second class offices	32,000
City delivery carriers	250,000
Substitute carriers	200,000
Horse hire	670,000
Car fare, bicycles, etc	50,000
Second Assistant:	
Power boat, natural growth, and parcel post	135,000
Mail messenger, natural growth, and parcel post	90,000
Screen wagon, natural growth, and parcel post	667,000
Post car service, statutory rate on additional space	436,000
Terminal post offices	410,000
Fourth Assistant:	
Natural growth, parcel post (office)	20,000
Office supplies, parcel post	40,000
Trucks, laborers, parcel post	10,000
Miscellaneous items, natural growth, parcel post	18,000
Star routes	1,570,000
Total	4,918,000

They overlook the increase of 5 per cent involved in this paragraph of this bill, amounting to two and a half million dollars, put in the appropriation bill of last year. In the report they make they say that there is no cost for 73 per cent of the deliveries made, because those deliveries are made by the rural carriers. Well, now, let us see if there has been any additional cost.

In last year's appropriation bill we added a hundred dollars a year to the pay of each rural carrier, did we not? There were at least 42,000 of them. That is $4,200,000 added to the cost. This year there are 42,805. That is $4,280,500 more, because this bill carries another raise of a hundred dollars a year each. That makes about eight and a half million dollars. Five million dollars more is over thirteen million. Yet they expect to make from eight to ten million dollars a year. Of course you can make it if you credit everything you take in and do not charge any of your expenses.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. BRYAN. I do.

Mr. SMITH of South Carolina. I should like to ask the Senator from Florida if the increase in the pay of the Rural Carrier Service last year and this year was on account of the increased service that they rendered on account of the parcel post? Was it not rather because of the extension of the Rural Carrier Service?

Mr. BRYAN. Not at all; it was because of the increased work put upon them.

Mr. President, we might as well face the situation. This committee was fortunate to get off with a raise of $100 a year. Amendments have been introduced to pay the rural-route carriers $1,400 a year. If they are going to have to carry so many of these parcels as to make them go to that expense, I do not know but that we will have to come to that compensation. We are going to have to raise their pay, and it is not very fair figuring to say that we will not take into account any of the raises given directly and absolutely because of the increase in the work put upon the rural carriers and the star-route men.

Mr. President, there is very great contention as between the railroad companies and the Government as to the justice of the railway mail pay. That is a question that is being investigated by a commission of Congress. As was said by the Interstate Commerce Commission, "so far as the rail carriers are concerned, it is of no consequence to them whether they furnish rail transportation for the express respondents herein or for the Post Office Department." Because if we should pay to the railroad companies more than the express companies pay to them they would not be damaged, but, on the contrary, they would be benefited if all of the express were carried by the parcel post.

Of course the express companies will be injured. I do not enjoy the position of appearing even to appeal for them, because in my judgment they have no right to exist in this country. I believe if the State railroad commissions and the Interstate Commerce Commission would simply say to the railroad corporations "You are common carriers; you have to do the transportation business, and if you see fit to farm out a part of your profits to express companies in order to hide away from the railroad commissions a part of your earnings in the fixing of rates, we will ignore the fact that you have done so."

The arrangement between the express companies and the railroad companies to-day is this: The railroad companies furnish the cars. They furnish all the equipment, all the freight, free of charge. The express companies handle it at the terminals, deliver it, and divide with the railroad companies about 50 per cent of the net earnings, amounting, I believe, to about $20,000,000.

So it ought to be perfectly apparent, Mr. President, that we can not compete in large packages with a situation of that kind. If the railroad commissions and the Interstate Commerce Commission would bend their energies toward getting a ruling by a court of final resort upon the question whether they have not the right to ignore the express companies in the fixing of rates, then rates might be reduced, and the Government and the public alike would derive benefits from it.

But the proposition is true that the Government no more than an individual can force a railroad company to carry for less than a reasonable charge. We can not get merchandise carried by parcel post, however large the package we make, for any less than a railroad commission can force a railroad company to carry it.

But, Mr. President, I have found it always dangerous to dispute with an expert. I do not base my opposition to the order of the Postmaster General to change rates and zones and weight limits upon the pure question of whether his rates are self-sustaining.

I was very much interested yesterday in hearing the Senator from Virginia [Mr. SWANSON] read from Washington's Farewell Address this paragraph:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. Tucker, in his work on the Constitution, quotes from Baron Montesquieu as follows, and it has gone down in our constitutional history as Montesquieu's Maxim:

> In every Government there are three sorts of power: The legislative; the executive, in respect to things dependent on the law of nations; and the executive, in regard to matters that depend on the civil law. By virtue of the first the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third he punishes criminals or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the State. * * * When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything were the same man or the same body, whether of the nobles or of the people, to exercise those three powers—that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

In the act establishing the Department of State, the Department of Justice, and the Post Office Department provision was made that the heads of those departments should report to the President of the United States; but when Congress constituted the Treasury Department provision was made that the Secretary of the Treasury should report to the Speaker of the House of Representatives. So to-day the Secretary of State reports to the President, the Attorney General reports to the President, the Postmaster General, the Secretary of the Interior, and all the others report to the President, but even down to the latest report the Secretary of the Treasury directs his reports to the Speaker of the House of Representatives.

It is hardly necessary to refer Members of the Senate to the reason for this. It was found in the great proposition fought over and won by the House of Commons against Charles I on

the right of the House of Commons to control the purse strings of the nation.

If we give to the Postmaster General or any other head of department unlimited power in the spending of money, we might as well not make any appropriation at all; it becomes a mere sham; the good faith of the Government would be bound to pay whatever deficit might be created either by the ignorance or by the intention of the head of a department.

The truth is that we have been too prone to turn over legislative power to bureaus and individuals, and we are dull students if we do not know the penalty that sooner or later is bound to come from that kind of legislation.

I have no doubt that the Postmaster General is doing his level best to make the Parcel Post Service a success. But, Mr. President, it is giving a great deal of power to him to let him fix the rates that he pleases—the rates and the weight limit—all with the consent of Congress that he shall go ahead and we will pay the bill. If we are going to do that, in order to be consistent we ought to allow him to fix the railway-mail pay on first-class mail matter.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. Certainly.

Mr. CUMMINS. The sentiment just read by the Senator from Florida from Washington's Farewell Address is an admirable one. I fear, however, it is rapidly becoming obsolete.

Mr. BRYAN. I am afraid so, too, Senator.

Mr. CUMMINS. I do not rise to comment upon our decadence in that respect, but to ask the Senator from Florida a legal question. The United States has now entered the business of a common carrier. It has undertaken to transport freight from one point to another. I do not quarrel with that policy; I voted for the law which established it; but does the Senator from Florida believe that it is within our constitutional competency to delegate to any individual, no matter whether he holds an office or not, the legislative power of fixing the rates of freight?

That question is not new. We have undertaken to fix the rates for the common carriers, and it is perfectly well known the Supreme Court has declared over and over again that the fixing of rates for transportation is a legislative function, and that Congress can not delegate that power to a commission or to an individual without accompanying it with a rule, a standard, a law which the commission must apply to the particular case.

When we attempted two years ago to give to the Postmaster General the right to fix rates for freight carried by the United States without any rule, without any guide, I believed it to be an unconstitutional exercise of power. I believe so still. I rise to ask the opinion of the Senator from Florida upon it. Have we any power, if we regard at all the Constitution and the institutions of our country, to say to the Postmaster General, "You may fix whatever rates you please for the transportation of packages under the parcel-post law"?

Mr. BRYAN. No; I do not think so; but, if we are going to give him that power, we ought to be consistent and give him power to fix the pay. What more reason is there for giving to him the power to fix the rate on fourth-class mail matter than there is on first-class mail matter, and what Senator would ever vote to let the Postmaster General or any individual say how much we should pay on our letters or on second-class mail matter, the carriage of newspapers and magazines?

Now, Mr. President, in the report of the Postmaster General he brought out a situation that I confess I am unable to understand.

Mr. OVERMAN. Will the Senator from Florida yield for a motion to proceed to the consideration of executive business? It is now a quarter after 5.

Mr. BRYAN. I yield to the Senator for that purpose.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 25, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1914.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Harvey M. Hutchison, of Porto Rico, to be associate justice of the Supreme Court of Porto Rico, vice James H. McLeary, deceased.

UNITED STATES MARSHAL.

John M. Boyle, of Washington, to be United States marshal for the western district of Washington, vice Joseph R. H. Jacoby, resigned.

SURVEYOR GENERAL.

Lucius Dills, of Roswell, N. Mex., to be surveyor general of New Mexico, vice John W. March.

RECEIVERS OF PUBLIC MONEYS.

S. P. Ascarate, of Las Cruces, N. Mex., to be receiver of public moneys at Las Cruces, N. Mex., vice Robert H. Sims, removed.

Felipe Sanchez y Baca, of Santa Rosa, N. Mex., to be receiver of public moneys at Tucumcari, N. Mex., vice Nazario V. Gallegos, resigned.

W. G. Cowan, of Carlsbad, N. Mex., to be receiver of public moneys at Roswell, N. Mex., vice Harold Hurd, resigned.

REGISTERS OF THE LAND OFFICE.

Rome P. Donohoo, of Tucumcari, N. Mex., to be register of the land office at Tucumcari, N. Mex., vice Royal A. Prentice, resigned.

Emmett Patton, of Hagerman, N. Mex., to be register of the land office at Roswell, N. Mex., vice Thomas C. Tillotson, resigned.

John L. Burnside, of Silver City, N. Mex., to be register of the land office at Las Cruces, N. Mex., vice Jose Gonzales, removed.

Oliver C. Harper, of Independence, Cal., to be register of the land office at Independence, Cal., vice Valentine F. Gorman, term expired.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Fairfield to be a lieutenant commander in the Navy from the 1st day of July, 1913.

Lieut. (Junior Grade) Raymond A. Spruance to be a lieutenant in the Navy from the 2d day of October, 1913.

Gunner Maxwell Case to be an ensign in the Navy from the 30th day of July, 1913, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended.

Gunner Edward S. Tucker to be a chief gunner in the Navy from the 3d day of February, 1914.

POSTMASTER.

TENNESSEE.

George E. McKennon to be postmaster at Columbia, Tenn., in place of John W. Jackson. Incumbent's commission expired February 18, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1914.

ASSISTANT ATTORNEY GENERAL.

E. Marvin Underwood to be Assistant Attorney General.

UNITED STATES ATTORNEY.

William C. Hammer to be United States attorney for the western district of North Carolina.

UNITED STATES MARSHALS.

John G. Cashman to be United States marshal for the southern district of Mississippi.

W. S. Vardaman to be United States marshal for the northern district of Mississippi.

Clarence E. Smith to be United States marshal for the northern district of West Virginia.

POSTMASTERS.

ARIZONA.

Ellen M. Dial, Safford.

GEORGIA.

Lonnie C. Brown, Elberton.
Frank S. Murray, Fort Valley.
John T. Stilwell, Montezuma.
Samuel H. Timmerman, Plains.

ILLINOIS.

A. O. Haines, Atlanta.

MISSOURI.

Frank Freytag, St. Joseph.

NEBRASKA.

O. K. Jones, Lexington.

NEW HAMPSHIRE.

Louis P. Ladd, Epping.
Harris A. Morse, Tilton.

NEW JERSEY.

William F. Bodecker, Tenafly.
George M. Ockford, Ridgewood.

VIRGINIA.

Martha L. Lee, Fortress Monroe.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 24, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee Almighty God for every great thought which has illumined the minds of men and made clear the way for every earnest and noble endeavor which has accelerated the march of mankind toward the perfected manhood in Christ Jesus; for we realize that in the last analysis whatever else is worthy of attainment it is character alone which will stand the test of time and eternity. Help us, we beseech Thee, to build such a character for ourselves. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

RIVER AND HARBOR BILL.

Mr. SPARKMAN, chairman of the Committee on Rivers and Harbors, by direction of that committee, reported the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time and, together with accompany papers, referred to the Committee of the Whole House on the state of the Union. (H. Rept. 300.)

Mr. MANN reserved all points of order on the bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to file a supplementary report to the river and harbor bill, setting forth my views on the Mississippi River.

Mr. FITZGERALD. I ask that it be printed with the majority report.

Mr. MANN. I think they had better be printed separately.

Mr. SPARKMAN. I think they had better be printed separately, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to file supplementary views on the river and harbor bill and that it be printed separately from the majority report. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SHACKLEFORD. Mr. Speaker, I rise to a question of personal privilege, affecting my rights, reputation, and conduct as a Member individually, growing out of an editorial in the Philadelphia Public Ledger of February 13, 1914, in relation to the road bill which passed the House on February 10. That editorial bears the caption, "Let public opinion smash pork-barrel politics." The words in the editorial to which I call especial attention are these: "The danger is imminent. Once this graft has started it can not be stopped. It must be throttled now." The Century Dictionary defines the word "graft" to mean "dishonest gain, acquired by corrupt agreement or connivance, especially in positions of trust, as by promising or accepting bribes, or promising or using, directly or indirectly, one's official influence or power to assist or protect wrongdoing."

It is well known that I took an active part both in the preparation and passage of the bill, and that therefore this editorial refers individually to me as well as others.

Mr. Speaker, there are two things without which civilization, even in its crudest form, could not exist. They are the public road and the public press. Both of these are all the better if they are kept free from mud. Dirt roads should be kept compacted and firm by the frequent use of the split-log drag. Newspaper editorials should be kept free from slime by the constant use of the fair-play drag.

It is not for me to lecture the press on the subject of journalistic ethics, yet I venture to suggest that in dealing with public questions public men might be discussed without resorting to the unwarranted use of language implying official dishonesty.

No newspaper man in this Capitol or out of it has the slightest suspicion that any Member of the House was moved to support the road bill through any motive of graft. Then, with such a splendid vocabulary as the English language affords, why did not the Public Ledger use a milder term?

Of course we all know the efficacy of an ad hominem attack—an attack not on a measure, but on the character and motives of the man who advocates it. Under such an assault the timorous take to cover. They shrink from a personal attack upon themselves and flee when they should stand and fight. Nobody understands better than journalists and operators of editorial canning factories the immense possibilities of this method of guerilla warfare.

A few days ago the road bill passed the House by an almost unanimous vote. Outside of the five States of New York, New Jersey, Massachusetts, Rhode Island, and Connecticut, there were only 12 votes against the bill.

Within the last few days the country has been flooded with editorials against it. This long line of opposition has sprung up in a night. We have been taught that nothing happens by accident—that everything comes from design. If that be true, then from whose design has come this endless chain of malevolent editorials. Every can of this editorial stuff has upon it the same label, which conclusively shows that they all came from the same editorial canning factory.

Mr. Speaker, look at these editorials. Here is one headed "Another pork barrel." Here is another which says: "It is distinctly a bad bill, the effect of which would be, first, to plunge the good-road movement head over heels into Federal pork barrel." Here is another: "Think what an entering wedge and scandal that 'pork barrel' road bill would be." Here is another: "Judge Lowe is warning all supporters of the good-road movement throughout the length of the proposed old trails route to help defeat the pork barrel." Here is another, from Kansas City, headed "J. G. Paxton opposes the national road pork barrel." Here is another: "That at least would stimulate State and local road building and would not be a distribution of pork." The distinctive feature of all of these editorials is the words "pork barrel."

If one comes across a quadruped and wants to know to what particular species it belongs, there are certain distinctive features which will point him to a correct solution. If a naturalist should go afield and discover a little animal under a hedge and he looked at it and was in doubt what it was, he would approach it closely. He would notice that it had a nose; so has a horse. He would discover that it had two eyes; so has a cow. He would discover that it had a tail; so has a dog. He would discover that it had teeth; so has a wolf. Approaching nearer still, he would suddenly discover the air filled with a fog which would penetrate his eyes, his mouth, his nose, his ears. From the distinctive odor of that fog he would instinctively discover the particular family to which the animal belonged.

Mr. Speaker, where did the term "pork barrel" get its start? Pork barrel! Who first applied this epithet to this road legislation in behalf of the people of this great country, this legislation whose beneficence extends out and blesses every citizen of the United States? Who, I say, first called it a "pork barrel"? I will trace it for you. There are in this country a number of road associations made up of men of great wealth who have special interests that they want to promote, and they have undertaken to shape all road legislation that is adopted here or in the States. I shall not undertake to enumerate all of these road associations. I can now recall the National Highways Association, the National Road Builders' Association, and a number of others of that character, made up of whom? Big contractors, the engineers who serve big contractors, manufacturers of road machinery, the manufacturers of road material, and the men who expect to purchase in the market the bonds that are to be issued for road construction. They have an immense membership spread out all over the land. First, these associations do not want a road built unless it shall have such magnificent proportions that it calls for the letting of a big contract out of which great profit may be made by the men who make up these associations. Then there is another association organized for the purpose of promoting the pleasure of its members. I refer to the American Automobile Association, an association whose ramifications extend into every nook and corner of the great Republic.

They have a membership to whom they can reach out their hands and get funds for carrying on editorial canning factories out of which come editorials like this in the Public Ledger, every one carrying the expression, "pork barrel." These are scattered broadcast over the land. What does this association want? Some fancy boulevards over which the rich automobile owner can spend a part of his leisure in touring the country. Peacock lanes built at the expense of the taxpayers. They have said that they are opposed to expending any money on roads within a State, because if the money is frittered away on these community roads—these farm roads—there will not be funds enough left with which to build the peacock lanes upon which they have their hearts set.

I want to locate for the newspaper men who have used this term "pork barrel" the factory in which that term was manufactured.

A report of a meeting of the American Automobile Association carries the following:

We contend that it is the duty of the Federal Government to supplement State and county road systems with a plan of national highways connecting all parts of this country.

I read further:

This national assembly of the American Automobile Association, for the third time in its existence, met in Chicago, December 2 and 3, at the Auditorium Hotel.

Before the meeting concluded, following the recommendation of a special committee, it was decided to establish additional headquarters in Washington, D. C., particularly for accelerating the activities of the good-roads board in securing national legislation.

Mr. Speaker, my colleagues on this floor are supposed by the American Automobile Association to be incompetent to legislate for the constituencies who have sent them here, and therefore a highly paid executive committee has been sent down here to guide these representatives of the American people out of dirt roads into the peacock lanes over which rich automobile owners hope to strut at the expense of the American public. [Applause.] When the big industries desired to erect a tariff board they organized headquarters in Washington, and until yet the stench of Mulhall rises up to high Heaven; but the money expended by Mulhall and his coadjutors is as dimes to dollars as compared with the money that is being put into this propaganda now for the peacock lanes that extend from New York to San Francisco. I continue to read:

In the meeting of the new board of directors Chairman Diehl put forward resolutions, which were unanimously adopted, emphatically placing the association on record as being opposed to any Federal aid to "pork-barrel" propositions.

Mr. Philadelphia Ledger, where did you get your term "pork barrel"? Was it not from the editorial canning factory of the American Automobile Association? [Applause.]

I read further:

The following preamble and resolutions were unanimously adopted by the American Automobile Association at its tenth annual meeting, held in Chicago, December 2 and 3, 1912:

"Whereas the American Automobile Association is distinctly and definitely opposed to any and all projects for Federal participation in highway construction that do not comprehend a general system of national roads, constructed and maintained under the supervision of the Federal Government and equitably apportioned among the States: Now, therefore, be it

"*Resolved*, That this association hereby declares it is in favor of national roads as the specific object upon which Federal appropriations for good roads should be spent; and be it further

"*Resolved*, That this association, as one national body of automobilists, shall do all in its power to discourage pork-barrel methods in the national road appropriations, and in its local clubs to induce them as organizations and their members as individuals to assist in averting a great harm which the good-roads movement would suffer if Federal appropriations for highways are permitted to become prizes for distribution among congressional districts as a reward for political services."

Read the copyrighted labels—pork barrel. Wherever that legend is borne in an editorial it comes from the editorial canning factory of the American Automobile Association. In the report by the president of that association to its members Mr. Robert Hooper said:

I do not wish to be overoptimistic, but have no hesitancy in saying that inside of two years I believe we will have committed our Federal Government to a system of national roads that will connect all parts of the country.

It would be my recommendation that the annual meeting should in some manner place itself positively on record in regard to what is rather inelegantly referred to as "pork-barrel" legislation in connection with this now country-wide good-roads movement. The duty devolves upon a community to build its own local roads, and the natural sequence is that when the highway becomes of interstate importance it should then demand Federal attention. To distribute national funds in strictly community expenditures is illogical and basically wrong, and I feel that we should not hesitate to say so in an unmistakable manner.

Mr. Hooper further said:

The report which you will receive from the committee in regard to establishing additional headquarters in Washington has had my very careful consideration, and I can not but feel, in view of all the circumstances, that it will be better for you to consider such a movement favorably. Inasmuch as our work is now entirely of a national scope, not only in regard to good roads, but also as to touring and legislation, I feel that the closer we can keep in touch with Congress the greater amount of influence we can wield.

Chairman Diehl, of the executive board, said:

The good-roads board consists of at least one member of each of the 451 clubs belonging to the association. The members of the board have been much more active than ever before, and practically all of the work of the highway improvement and agitation for comprehensive laws and liberal appropriations have, in a measure at least, resulted from the efforts of the individual members of the good-roads board. The appropriations by the several States, counties, and towns have been larger and the work resulting therefrom has been more systematically and carefully done.

The main object of the good-roads board remains the construction of a national system of highways, built and maintained, in whole or in part, by the Federal Government.

The magnitude of the task at times is appalling, but it is a positive fact that from semichaotic conditions a definite method of procedure is being evolved. Of course, help of all sorts is being given to the constituent State bodies, who naturally appeal to the national good-roads board for advice as to the methods of procedure.

Now, Mr. Speaker, there is the source of all these misguided editorials that come floating into these newspaper offices. I do not believe that the editors of the press generally understood the significance of these articles. Newspaper editorials must be hurried up; there is no time to ponder over what the journalist must write and what the editor inserts in his paper. It is touch and go, and here comes along a can of this stuff. There is no time to stop and consider from whence it comes, so it is pushed into the public press.

Mr. Speaker, the insolence of the American Automobile Association can not be better pointed out than by reference to a letter which I now send to the Clerk's desk and ask to have read.

The SPEAKER. Without objection, the Clerk will read the letter.

Mr. SHACKLEFORD. Before it is read I desire to make this statement: In the last Congress we passed in the House what was called the "Shackleford good roads bill." I sent a copy of it to various parts of the country, among others to the members of the Automobile Club of St. Louis. The Automobile Club of St. Louis passed a resolution indorsing the bill. As time went along that bill was defeated in the Senate, and the letter I have sent to the Clerk's desk will explain how it was defeated in the Senate, as the writer of that letter understands it. When the Sixty-third Congress met I introduced that bill again. The writer of that letter, a member of the committee on resolutions which passed these resolutions of the American Automobile Association and vice president of that association and member of its executive board, wrote that letter to the president of the Automobile Club of St. Louis. I would like to have the Clerk read the letter.

The Clerk read as follows:

KANSAS CITY, MO., *September 3, 1913.*

Mr. EDWARD M. FLESH,
President Automobile Club of St. Louis,
Planters' Hotel, St. Louis, Mo.

DEAR SIR: I understand that at one time last year your club, through the influence of Mr. Roy Britton, passed a resolution indorsing what is known as the "Shackleford road bill."

This bill, as you probably know, carries with it an appropriation of $15 per mile for dirt roads through the rural free-delivery districts of the United States. We consider this bill the biggest joke ever introduced into Congress. The American Automobile Association, through its influence, beat this bill once in the Senate after it had been passed by the House.

Mr. SHACKLEFORD has shown throughout his course to be antagonistic to the automobilist and to automobile interests both in this State and in the United States. The probabilities are that he will continue to create trouble as his mental make-up leads him altogether in that direction. I consider Mr. SHACKLEFORD a joke and we look for him to be retired in the district in the coming election.

If this resolution was passed at a regular meeting of your club and not by a few members, or by its directors, I would like to have a resolution, if possible, ordered passed rescinding the former action taken and reported as the action of your club.

The American Automobile Association, of which you are a member, is doing everything in its power to beat this man for the coming term.

Yours, respectfully,

H. D. TRAIN, *President.*

Mr. Speaker, that is one letter that by accident came to my attention. How many others like it have been sent out over the country no man can tell. Looking at that thing I should say that men who have dared to vote in favor of a community system of roads that will aid in hauling the products of the farm to the nearest town or railroad station are marked. Wherever Mr. Train and others like him can do anything to put some of those members out of commission it will be done. They have not many votes in my district, and I do not know to what method they would resort to defeat me at the coming election, as he says, they have determined to do, except by putting their hands down into their treasury and fill the papers of my district and my State with canned editorials against me. This is an outrage, but they can not defeat me. My people may retire me some time, and surely will, if I do not carry myself circumspectly. I call the attention of this House and the country to the nefarious methods that are being resorted to in order to defeat legislation in which all of the people are interested. [Applause.]

The man who wrote that letter I happen to know, as does my friend from Missouri [Mr. BORLAND]. He is no weakling. He is a business man. He knew what he was doing. He never intended that letter for my eye. It was his expression of a deliberate purpose. Mr. Harry D. Train, the author of that letter, never wrote it spasmodically or without consultation with his fellows. And now, let me warn some of you country-road advocates, look out! There will be somebody in your district, too. You may not be fortunate enough to get hold of a letter, but all of you "knights of the dirt roads" who attempt to go against the edict of this association, look out! [Applause.] Who leads their forces here in this Capital, where they have established headquarters in order to influence the action of Congress? Not Mulhall. He was discredited long ago. They must get another leader if they would be effective here.

With 451 subordinate associations from whom they are collecting funds, they must every year get hundreds of thousands

of dollars, which they are expending in pushing their scheme for national highways. I have never heard of their spending a dollar on a road, but they spend all they collect.

Now, there are a number of other road associations. This is the joy riders' concern. They want to try out the automobiles from New York to San Francisco in order to see which one can win the race. They want a road that is adapted to their purposes, and they want the farmer down on the muddy roads in my district and yours to pay the expenses of this peacock lane over which these peacocks shall strut in luxurious automobiles. [Applause.]

Now, I take up another road association. I do not know its methods. I have not any letters that I can use against it like the one which I have just read, but I am going to call attention to its fundamental organization. I speak now of the National Highways Association. That association is fairly well organized, like this "Three A" association. They have different grades of members—some who are high up and some who are high privates in the rear ranks, with no duty to perform except to pay their dues and do the bidding of those above them.

Mr. Speaker, I take the liberty of calling the attention of the Members of this House to the different varieties of membership in that association, and let each one of them look at his own pocketbook and determine to what class of these memberships he will belong. The founder members make a payment of $25,000 each. Those founder members are limited in number to 53, each one of whom puts in $25,000. Fifty-three times $25,000 I have not time now to calculate. Take it home with you, sleep with it, and figure it out yourself. Next, they have a national member. The national member pays $10,000. Next comes the collective member. He pays $2,500 for his membership. And next comes the life member. He pays $1,000 for his membership. Then comes the sustaining member. We are getting down now, Mr. Speaker, into the pond where the suckers swim. [Laughter.] A sustaining member pays $100. Then what? They take his $100 in order to put across national roads in this House and in the Senate, against the wishes of the people that these Members here are sent to represent.

Then, coming on down to smaller suckers, they have contributing members, who pay $10 each, and then they have assisting members, who pay $5 apiece. Lastly, in order that no man, however humble, shall be permitted to escape this dragnet for funds relied upon to prosecute this propaganda for the rich and special interests, they have a subscribing membership for a dollar apiece. And then, in order to get the other fellow who has a little vanity in him, they have what they call an "associate membership," who gets down to 50 cents apiece. [Laughter.] They have spread this net out all over this country, taking in every man, from the fellow willing to pay $25,000 for a founder's membership down to the man who pays 50 cents in order that he may wear upon the lapel of his coat the badge of an apostleship in the peacock-lane propaganda. [Laughter.]

I have not the time to go through all of this, but this National Highway Association to which I have referred has its ramifications throughout the country. That brings me to my own State. There is the Old Trails Association, hibernating up in the district of my brother, the gentleman from Kansas City [Mr. BORLAND]. [Laughter.] It is powerful. If it lived in my district I would be afraid of it. [Renewed laughter.] The head of that institution is one J. M. Lowe.

Now let us get down to him—this Old Trails man. What does he do? When he needs money to carry on his editorial canning factory he takes a United States map and a piece of red chalk and marks an old-trails highway across some State and then goes to the people in the towns along that line and collects dues. His association is a branch of the same association whose organization I read to you a while ago.

I see where he went down into the district of my good friend the gentleman from Arkansas [Mr. WINGO]. He went into Fort Smith. He was getting hard pressed because this bill had passed the House. He wants to defeat it in the Senate. He wants to bring up public sentiment enough to scare the Senators, so that they will run away from it and avoid being personally attacked as "pork-barrel statesmen." In order to accomplish that he must have more money. He went down into my brother WINGO's district, as I say, and marked off a red line on the map and extended it through a number of those towns, among others Fort Smith. He called the credulous of Fort Smith together [laughter] to organize an old trails association. Now, Mr. Speaker, I have no complaint against my friend BORLAND who introduced the bill, whose caption I now read:

A bill to provide a national ocean-to-ocean highway over the pioneer trails of the Nation, thus making a continuous trunk-line macadam road from the site of Jamestown, Va., and from the City of New York, N. Y., to the city of Washington, D. C.; thence by way of St. Louis, Mo., to Gardner, Kans., and there to branch, one branch leading through Santa Fe, N. Mex., the other branch from Gardner, Kans., through Kearney, Nebr., to Olympia, Wash.; also to aid the States through which the highway herein described as the national old trails road shall run in extending, constructing, rebuilding, and repairing same.

That is the bill that Judge Lowe wants. Mr. BORLAND introduced it. Judge Lowe is seeking to build a peacock lane that is going to put out of commission the transcontinental railroads that go between New York and San Francisco, if you believe what he will tell you. [Laughter.] Here is a letter published in multiform, sent to every newspaper throughout the country, from Washington to San Francisco:

THE NATIONAL OLD TRAILS ASSOCIATION,
Kansas City, Mo., February 14, 1914.

Mr. ———,
———, Mo.

MY DEAR MR. ———: I am sending you herewith extracts from the Kansas City Journal (Republican), the Kansas City Star (Progressive), and the Independence (Mo.) Examiner (Democratic), along with the National Highways Association Bulletin, as ideas upon which to base an editorial expression of your own, if you have the time and space.

The National Old Trails Association needs your support at once in the fight, which is to benefit your community, on the floor of the United States Senate. It is needless to add that we beg of you your best effort, for it will be read in the Senate, together with the name of your paper and your own name and politics. What you say now will do more than the rantings of any legislator at Washington to hasten the day when your city will be linked with a rock road to the rest of the United States.

Can you send us a copy of your paper, accompanied by a short personal letter stating your desires in the good-roads movement, your politics, and a little data concerning your public service in your community, length of residence there, etc.? Tell us whether or not you, together with the citizens of your city, would be glad to be a link in the national-highway chain.

Hoping that this is not asking too much, I remain,
Yours, truly,
J. M. LOWE.

The newspapers out in my country, like the Congressmen, are not rich. They have nothing to sell but their space. [Laughter.] If this old trails hero is asking all of these newspapers to put up free hundreds of square feet of space in order to push his propaganda, then all I have got to say for him is that he is a little stingy in his disposition. He has got the money. Why does he not pay these people for the space he uses, if he does not.

Mr. Speaker, I make this final appeal: In passing that bill we were legislating in behalf of the entire country. It was called a "pork-barrel bill." Why? Because everybody had a piece of pork in the barrel, I suppose. It is subject to that criticism. There is not a man, woman, or child in the United States who would not be benefited by the enactment of that law. Civilization would perish if it were not for ways of travel. Civilization can only grow by having ways of travel. Civilization should exist along every roadway and every lane in this country, and not be confined to the few chains of peacock lanes that these people have in mind. There are a million miles of post roads in this country over which the mail is being carried. Why is the mail carried there? Because people live there. It would take $45,000,000,000 to make all of the roads in this country up to the standard of a peacock lane.

Mr. Speaker, nine-tenths of all the commerce of this country is hauled to market over dirt roads. Nine-tenths of all the rural mail is carried over dirt roads. This must continue for a great many decades. The man who raises his hand against improving and keeping up our dirt roads disregards the welfare of the people in whose midst he lives. What we want to do is to reduce the expense of our farmer in getting his stuff from his farm to the table of the man who eats it, and that the consumer may get it at lower cost. These newspapers, coming from these large cities, cry out about pork barrels. When we dropped $14,000,000 into the harbors of the State of New York in one year, paid in part by the farmers of my district, they said not a word about a pork barrel. You have said to the American farmer, "You must compete with the farmer of every other country for the markets of your own land. And, Mr. Missouri Farmer, not only must you do that, but you must pay a tax to dig deep and wide the harbors on our coasts, so that Canada and Mexico and Argentina can bring their farm products to our shores with more facility to capture the markets of your country. After you, Mr. Missouri Farmer, have paid your share of the taxes that give these increased facilities to the foreigner who competes with you for the markets of your own country, then the Federal Government is going to leave you alone in peace, in the mud where you now are, to stay in the mud or dig out for yourselves, as may seem best to you." That is what these people want you to say. They are trying to bluff the Senate. Not only that, but they are trying another scheme that is impossible. They pretend that they have advance information that the President will veto this legislation if it is passed. I am chairman of one of the committees of this House, the

committee that reported this bill; and I know that if our President entertained any such notions as that he would have made it known to me before he did to proprietors of the editorial canning factory to which I have referred. Our President is not built that way. He was elected upon the Baltimore platform. The Baltimore platform carried a declaration which was but a repetition of what had been before carried in our national platform adopted at Denver. I quote it:

We favor Federal aid to the States and to local authorities in the construction and maintenance of post roads.

Why was that put in the platform? There is a Republican politician in my district whom I have heard speak. When he was called to book because he had not lived up to the platform of his party, he replied to the questioner in the audience, "You darn fool, sit down. Don't you know that a platform is not made to ride on; it is made to get in on?"

Mr. Speaker, the splendid President whom we have elected to carry out the policies for which his party stands is not built on that principle. He does not believe that the platform was made simply to get in on, but that it was an expression of Democratic thought; and as a great leader, one of the greatest this country has ever seen, we may confidently rely upon him to lead on to victory in behalf of the people for whom I am now speaking. [Applause.]

The farmer of this country is not receiving more than his share of the good things that come from legislation. Building up the roads is not for the farmer alone. If you look into the rural mail box, what would you find? Nine-tenths of the letters that have gone into it are from city men who want to sell goods to the farmer. If you waylaid the carrier as he took the outgoing mail from the box, you would find that nine-tenths was correspondence of the farmers to city men. Now, Mr. Speaker, the big cities of this country are as much interested in the system of good roads among the farmers as are the farmers.

You are holding congresses of college professors and bank presidents to determine what shall be done to keep the boys and girls from leaving the farm. I will tell you how to do it—make farm life tolerable; treat the farmer as though he was an American citizen. [Applause.]

But over and above all that—I may be wrong, God only knows, for it is human to err—this peacock boulevard provided for in Brother BORLAND'S bill may be the best; it may be that it is what we ought to have; it may be that the struggling masses of this country from Texas to Canada should be taxed to make the old trail road through my district and Brother BORLAND'S. That may be; but if it is right, then put it through on its merits; let these big road associations get out of the field; let Congress legislate with freedom; let Judge Lowe stop his canning factory of sinister editorials; let the representatives of the American people legislate upon the merits of the proposition.

Now, Mr. Speaker, I regret that circumstances have called for just such a speech as I have made. This ought to have been said in behalf of every Member who voted for the bill. It is an outrage that the public press should hold up to the public as grafters every man who votes against special legislation that a lot of these special interests want to put across. Somebody ought to have said it, and I have said it.

Will Harry Train get my scalp for this? What if he does? Many soldiers have died on the battlefield before. [Loud Applause.]

ROCK ISLAND RAILWAY.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for half a minute. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I desire to announce that during the consideration of the military bill in Committee of the Whole House on the state of the Union, after the introductory speech, I will address the House with reference to the Rock Island Railway with respect to holding companies and their effect on the public service.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

DEPARTMENT OF LABOR.

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor, and to appoint commissioners of conciliation at not exceeding $10 per day while actually employed in any case of labor dispute, and for their traveling expenses and subsistence while so employed, $5,000, or so much thereof as may be necessary.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 3, strike out the figures "5,000" and insert the figures "20,000."

Mr. BUCHANAN of Illinois. Mr. Chairman, this is a matter of urgency. The Labor Department has now been crippled for lack of funds to select efficient commissioners for conciliatory purposes. It is probable that if in the extra session of the Sixty-third Congress the Appropriations Committee had not ignored the request of the Secretary of Labor, so that he might have had money to efficiently carry out the efforts of the department, it would not have been necessary for this Congress to go to the expense of appropriating $50,000, it may be, in investigating the coal strikes and the miners' strikes in Colorado and Michigan.

It is, to my mind, Mr. Chairman, especially important that the department should receive this $40,000, because at this time of year, especially in the building industry in the country, there are many industrial troubles threatening, and if the Secretary of Labor had sufficient funds to enable him to select men among the citizenship and pay them for their work and expenses a great many industrial troubles may be averted.

Mr. GOULDEN. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Certainly.

Mr. GOULDEN. I am seeking information. What amount was carried for this item in the last appropriation bill, and how much of it used?

Mr. BUCHANAN of Illinois. I am not prepared to answer that question. I do not think there was anything carried.

Mr. GOULDEN. No amount set aside for the purpose?

Mr. BUCHANAN of Illinois. The chairman of the Committee on Appropriations can answer. I think from the fact that the department was a new one they were sort of feeling their way and were modest in asking for funds to operate with. Therefore they did not think of or did not ask for the amount of money that would make this department efficient. I am not aware whether they did or not.

Mr. GOULDEN. From what funds or where did they obtain money to carry on what they have done during the current year?

Mr. BUCHANAN of Illinois. What they have done is they have taken officers out of the department that were placed there for other purposes. I believe in the Colorado case Mr. Stewart was sent there, and also to Indianapolis, and I have in mind now one or two places where they are sending the immigration inspectors to undertake to do the work of conciliation, with the result of probable embarrassment to that work.

Mr. GOULDEN. Would it not tend to cripple the department in its work to take men away from their regular duties?

Mr. BUCHANAN of Illinois. Yes; I think so. It has resulted in the work being behind in the other departments. There are other amendments that I intend to offer to cover that very thing.

Mr. GOULDEN. There must have been some value in the work done by these commissioners or the Committee on Appropriations would not now be asking for $5,000 as a deficiency. I am in favor of the amendment and will vote for it.

Mr. BUCHANAN of Illinois. They have asked for $20,000 and the committee has allowed them $5,000; and in the hearings, if the gentleman wishes to refer to them, he will see that there are statements in regard to what has been done. I will also state that that can be found in the report of the Secretary of Labor. The gentleman will see that able work has been done under the trying conditions they have been working under; that in spite of the work they have not been properly equipped, yet a wonderful amount of good has been done in preventing and settling industrial disputes. I think the committee itself ought not to object to this appropriation. It seems to me that

it ought to realize the importance of the work. It seems to me also that our acquaintance and the acquaintance of this committee with the Secretary of Labor should assure us and the committee that if this money is not needed to do this work he would not ask it, and it would also assure them that it would result in a great many benefits to the industries and the workingmen in them in the way of settling and preventing industrial disputes. They must know that he would not unnecessarily spend any money, and it seems to me no one should have any objection to an appropriation of this kind.

Mr. RAKER. Mr. Chairman, I should like to say a few words in behalf of the amendment of the gentleman from Illinois [Mr. BUCHANAN]. It appears from the hearings on the urgent deficiency bill, at page 374, when the Secretary of Labor was before the committee, that if $20,000 were provided in the bill, outside men who were competent and qualified and perfectly familiar with information at hand would be able to make a thorough investigation, and that possibly the Colorado strike, as well as the Calumet strike, would have been thoroughly investigated and good results obtained, and the sending of the committees of the House to each place might have been prevented. The statement of the Secretary filed before the committee upon this appropriation is so clear that I am going to ask unanimous consent to insert it in my remarks. I trust the amendment will be agreed to. We all know the Secretary. Many of us were acquainted with him and worked with him, and we know his earnestness and ability and the effort that he has made in these matters, and the little money expended has certainly been worth while. We ought to give such a splendid man, whose heart is in the right place, who is working in the right cause, an opportunity to get results, because I am satisfied he can and will obtain proper results.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in his remarks the statement of Secretary of Labor Wilson. Is there objection?

There was no objection.

COMMISSIONERS OF CONCILIATION.

The CHAIRMAN. The next item is for commissioners of conciliation. "To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor and to appoint commissioners of conciliation in labor disputes, whose appointments shall be made without reference to the provisions of the civil-service act of January 16, 1883, and for their compensation, traveling expenses, and per diem in lieu of subsistence, $20,000."

Secretary WILSON. In connection with this estimate, I desire to state that we had an appropriation of $5,000 for the current fiscal year. That is limited to expenses only. It can be utilized only for the payment of expenses. If that limitation continues, there will be no need for this additional appropriation we are asking for.

Mr. BARTLETT. I do not understand what you mean.

Secretary WILSON. Under the existing appropriation we can utilize it only for the payment of expenses of conciliators.

Mr. BARTLETT. Is not that the law? As I understand, this appropriation of $5,000 was granted in the language of the law.

Secretary WILSON. The law provides for the appointment of conciliators in trade disputes by the Secretary whenever, in his judgment, it is necessary or advisable to do so. Authority has been given to pay the expenses of these conciliators, but no authority has been given to meet the compensation of conciliators. We have been placed in the position of detailing men from the different bureaus of the department to handle this class of work; and, if we are to continue with that limitation, then the $5,000 that has been provided will be sufficient to carry us through the current fiscal year. We believe, however, that that limitation should be removed and that the Secretary should have authority to select from outside of the service men who can be utilized for the purpose of adjusting trade disputes; and, if that authority is given to us, then we can utilize to very good advantage the $20,000 we are asking for here.

The CHAIRMAN. Mr. Secretary, how many occasions have arisen during the past year during which it might have been possible to have had conciliators appointed in cases coming to the department?

Secretary WILSON. There have been a number where we could have utilized men from the outside to very great advantage. For instance, in the Colorado coal-mine strike, if we had been able to select a coal operator—a man like Howell Davies, of Kentucky, the president of the coal operators' association, who, by virtue of his position, naturally has the confidence of the coal operators—and have sent him, in conjunction with the representative of the department, there would have been greater likelihood of our securing an adjustment of the difficulty than by simply sending a representative of the department who had no such standing in the estimation of the employers. The same was true with regard to the Calumet strike. If we had been able to select a prominent employer of labor and sent him out there in conjunction with a representative of the department, our chance of success in bringing about an adjustment of the difficulty would have been greater than by simply sending a representative of the department who, no matter what his qualications might be, did not have that standing in the public eye or in that of the employers that would be convincing in his approach of the subject.

The CHAIRMAN. Have you any suggestion to make as to how much such men should be paid?

Secretary WILSON. I do not think it is necessary that the compensation should be extremely high. In my estimation, $10 per day would be a maximum in cases of that kind; but there is a hesitancy on my part, and I presume other men in the same position would have some hesitancy, in asking these men to undertake this class of work at least without being in a position to offer them compensation. They might not accept it; they might be willing to go into the work without the compensation; but to approach them and to ask them to go into this work without being in a position to offer them compensation is, to me at least, an embarrassing situation.

As to the situation at the present time, we might be able to be of great service if we were in a position to go outside the personnel of the department and select some one to undertake an adjustment of the difficulty. For over two years there has been a strike of the shopmen on the Harriman lines, the Illinois Central, and nearly all of the southwestern lines. That strike is still going on.

The CHAIRMAN. That is being handled, is it not? Is not that a case where the commissioner of arbitration and mediation comes in?

Secretary WILSON. No. They deal only with those who are engaged in transportation. We have dealt with shopmen. We adjusted, for instance, the dispute between the shopmen on the Baltimore & Ohio system, and on the Baltimore & Ohio Southwestern system, and the employers. We adjusted the dispute of the shopmen on the Chicago & Alton system. We adjusted the dispute of the clerks on the New York, New Haven & Hartford system. We are now working upon a dispute of the clerks on the Pere Marquette system. Those are all in connection with railroad systems, but they are not in the transportation portion.

The CHAIRMAN. They are not considered as coming within that jurisdiction?

Secretary WILSON. They are not considered as coming within the jurisdiction of the Board of Mediation and Conciliation.

As I was proceeding to say, in this case after this strike has gone on somewhere about two years it has reached a stage where, if we could bring into the negotiations some one of prominence, some one who would have from the beginning the respect and confidence of both the employers and employees, we might bring about an adjustment of the matter. It is still dragging out. The employers, these railway systems, do not feel like making a concession, and the employees do not feel like making a concession, because if they make a concession the other side may take it for granted that they are defeated and undertake to impose still worse conditions. If we had a man of standing who had the confidence of both sides to step in about that stage, at the present time, there is a possibility that we might adjust that difficulty. There have been a number of other instances.

The CHAIRMAN. Is it the purpose to appoint these commissioners as each dispute arises, or is it the purpose to appoint men in fact permanently as commissioners?

Secretary WILSON. I have in mind this, that we ought to have here a sufficient clerical force to handle the details of the work and then handle each dispute as it comes up with temporary appointments. There are instances where one man might be available for adjusting the dispute, and when another instance arises that man would not be available for adjusting the dispute. Now, I have in mind the creation of a division here with sufficient clerks to handle the details of the work and the selection of the conciliators for the handling of each particular dispute as it arises. In the $20,000 we are asking for here there is no provision for the establishment of such a division, however. There is in the estimates we have submitted for the next fiscal year.

Mr. BARTLETT. You speak of a strike among the shopmen and the railroads in which you thought you could have been of service. Do you not think that such a strike, if it interfered with the companies engaged in transportation, would come within the jurisdiction of the act of July 15, 1913, known as the mediation, conciliation, and arbitration act?

Secretary WILSON. No, sir.

Mr. BARTLETT. Let us see if it does not. It says:

"That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage, etc.

"That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy."

Now, would not a serious strike in a shop of a railroad engaged in interstate commerce, which shop and which employees are engaged in repairing and keeping in repair cars and engines engaged in this business, come within the provisions of this act?

Secretary WILSON. That is the exact language of the Erdman Act under which they have been operating for a number of years and the interpretation which they have placed upon it (not us, but which the Board of Mediation has placed upon that act), is that it deals only with those who are actually engaged in transportation.

Mr. BARTLETT. But the Supreme Court of the United States, in construing the employers' liability act, decided that a man engaged in a shop and a man engaged in building a bridge came within the purview of that act, he being an employee of the personnel engaged in interstate commerce.

Secretary WILSON. That may have been the decision of the Supreme Court.

Mr. BARTLETT. That is the decision of the Supreme Court.

Secretary WILSON. That may have been the decision of the Supreme Court.

Mr. BARTLETT. I myself think it is wrong and that it is going very far, but they decided it all the same. It seems to me under the decision of the court construing what an employee of a company engaged in interstate commerce is, that those people would come within the purview of the act, because their service, while they may not run the engines, while they may not actually be engaged in transporting or carrying the machinery of interstate commerce from one State to another, their services are as essential almost to the transportation business as the man who runs the train. Is not that true?

Secretary WILSON. Yes, sir; their service is just as essential. That may have been the decision of the Supreme Court in the particular case which came before it, but in the handling of this work the board that handles it has itself determined that it has no jurisdiction in the case of shopmen. It declines to take jurisdiction in the case of clerks. It takes jurisdiction in the case of switchmen, conductors, engineers, firemen, and trainmen, but it declines to take jurisdiction of clerks and shopmen and other men who are not directly engaged in transportation.

There is nothing obligatory upon the department to interfere in any of these trade disputes. When the department interferes at all at the request of either side or both sides to a controversy, it interferes solely for the purpose of offering its good offices. It does not undertake to impose its own suggestions upon either of the contending parties. It

simply offers its good offices for the purpose of bringing about an adjustment, if it possibly can.

Mr. BARTLETT. Even section 8, which you referred to, does not limit the power of the Secretary of Labor to engage in conciliation.

Secretary WILSON. That is true; we are not confined to interstate commerce, nor are we restricted to any particular line of industry. We may go in after having been invited by either of the parties.

Mr. BARTLETT. You do not have to be invited?

Secretary WILSON. No; not necessarily. We may go in after being invited or without being invited. The purpose, as I understand it, of giving that authority to the Secretary is this: That there might arise a condition where a trade dispute would be so great that it would affect a large portion of our people, and yet the bitterness on the part of both the employer and employees would be so great in their contest that they would not want the good offices of the department or the good offices of anyone, and in a controversy of that kind the Secretary would have the authority to step in and offer his good offices and endeavor to find a common basis upon which the dispute might be adjusted. The board of mediation not assuming jurisdiction in those cases and that jurisdiction being given to us, we have handled those cases, and we have handled those cases which we have gone into successfully, we believe, to the advantage of both the employer and employee and the public at large. We believe that we should be authorized to select not only from the personnel of the different bureaus of the department or the department itself, but from any of our citizenship the necessary parties to bring about an adjustment of a trade dispute if we can find them.

Mr. STEWART. Mr. Secretary, may I cite a concrete case there?

Secretary WILSON. Certainly.

Mr. STEWART. In the case of the Colorado coal strike the Secretary of Labor sent me out there, I being in the Bureau of Labor Statistics, to effect a settlement. Our first conference with the operators was before Gov. Ammons. The operators took the position that no coal operators could operate their mines under an agreement with the United Mine Workers. I cited a number of cases, particularly in my own State, where the mines had been operated since 1897. The operators replied that the coal operators of Illinois were on the verge of ruin and were simply waiting for a chance to get out from under that agreement; that they were simply biding their time to get into and fight and smash the union. I said that I had very different information from that, and, of course, there simply came a clash of opinions as to the attitude of the Illinois operators. I had to admit that I had not been in Illinois or in touch with the situation in that State for three our four years. They replied that I ought to get on earth; that I ought to be up to date, etc. On my way back I stopped in Illinois and called upon Mr. Taylor, the man who had been president for years of the association there, and I asked him about the situation, and he said that it was not true that the Illinois coal operators were trying to get away from their contract or trying to smash the union or wanted to, and he said to me: "If you had wired me, I would have come to Denver on the first train and have placed the Illinois situation squarely and fairly before the governor up to date."

The CHAIRMAN. What was he the president of?

Mr. STEWART. He was the president until last year of the Illinois Coal Operators' Association. He is now president of the National Association of Coal Operators' Associations; in other words, a grouping of all the State coal operators' associations into a national association. I knew Mr. Taylor very well, but I did not have the nerve to ask a man who had no authority to pay to even telegraph me a reply to that question.

The CHAIRMAN. Have there been any other disputes in which the department was requested to intervene?

Secretary WILSON. Yes, sir; a number of them, which are cited in the annual report of the department. I mentioned that we intervened in the New York, New Haven & Hartford Railroad clerks' pay dispute at the request of the clerks. That we adjusted. Mr. G. W. Hauger, who was at that time chief clerk in the Bureau of Labor Statistics, handled the cast on the part of the department. He is now the assistant commissioner in the United States Board of Mediation and Conciliation. We settled a dispute of the Erie forge employees at the request of both parties. We brought a dispute of the car workers of the Reading Railroad to the point of adjustment and secured what was accepted by both parties as an adjustment, but which afterwards fell through as a result of misunderstanding. We brought about an adjustment of a dispute of the Reading Hardware Co. with its employees. We entered it at the request of the employees. We brought about an adjustment of a dispute of the Baltimore & Ohio Railroad shopmen.

That dispute was within three days of a strike stage when we engaged in it, and we brought it to a satisfactory adjustment, an adjustment satisfactory to both parties. We adjusted satisfactorily a trade dispute of the shopmen of the Western Maryland Railroad, which had about reached the strike stage. I have already mentioned the adjustment of the Chicago & Alton Railroad shopmen's trade dispute. We assisted in securing an adjustment of the strike of the street car men at Indianapolis, and also of the teamsters' strike at Indianapolis. We have had a number of instances in which mediation was requested on the part of the employees and rejected on the part of the employers, in which the good offices of the department were of no avail. We have pending a number of negotiations. We attempted mediation in the Colorado coal strike situation, but did not succeed in adjusting the dispute. We also attempted mediation in the Calumet copper strike situation, but failed to adjust the dispute. In both of those instances the request for mediation came from the employees. As I have said, we have a number of cases pending at the present time which we are endeavoring to bring to a satisfactory adjustment.

Mr. BARTLETT. How much would it take to organize a clerical force in Washington in order to be ready when the occasion arises?

Secretary WILSON. That is not included in these estimates, because we do not contemplate organizing that division from this deficiency, but as I have it in mind, a chief clerk of that work—I do not care anything about the title—at $3,000, an assistant chief clerk at $1,800, as I recall the figures, one at $1,400, and one at $1,200. I believe they would be sufficient to handle the details of the work here in Washington.

Mr. BARTLETT. This $20,000 is to pay for the men actively engaged in the work of conciliation, the commissioners?

Secretary WILSON. Yes, sir; the commissioners of conciliation. We can utilize it to very good advantage if we are permitted to use it for the temporary employment of conciliators, going out of the department to secure the conciliators. If, however, we are tied down to the use of that appropriation solely for the meeting of expenses and consequently have to detail men from the bureaus and the department to handle the work, it will not be necessary to give us the $20,000. If you untie our hands so we can utilize the appropriation for the selection of men anywhere that we can find them who can accomplish the purpose in view, then we should have the $20,000.

Mr. BARTLETT. Have you an appointment clerk now?

Secretary WILSON. We have an $1,800 clerk who is doing the appointment work at the present time, who is designated as our appointment clerk. We have him under the current appropriation and we are asking for a continuance of that position in the legislative bill.

Mr. BARTLETT. $1,800; is that the salary originally asked for?

Secretary WILSON. We asked for a clerk at $1,800. In organizing the department we felt that we should go slow and not create any more positions than were absolutely necessary for the handling of the work of the department. So we combined the divisions of publications and supplies, which had been two separate divisions in the department from which we came, and then we put our appointment clerk under the jurisdiction of the chief clerk instead of creating a separate division of appointments, and we have an $1,800 clerk handling that work now. That is what we asked for originally, as I recall it.

Mr. J. I. NOLAN. Mr. Chairman, I move to strike out the last two words. I believe the amendment of the gentleman from Illinois [Mr. BUCHANAN] to be a good one. In the Sixty-second Congress we created a Department of Labor, and among the duties imposed upon the Department of Labor was the conciliation of and mediation in labor disputes, and the amendment is to give a sufficient amount of money to the Department of Labor to meet a deficiency and to take up this work as it should properly be taken up by that particular department. The United States Conciliation and Mediation Board have been allowed $40.000 in this urgent deficiency bill. Their duties are to take up disputes among the railroad men—the transportation workers of the country. We have a big Department of Labor here that takes up general cases of labor disputes and tries to conciliate and mediate between the employer and the employee. They were allowed $5,000 to carry on that work, but they were restricted in the carrying on of the work, because the money was to be used only for the expenses of those employed in connection with the department. It did not give them the opportunity the Secretary would have liked when the question in Calumet and the question in Colorado came up. He had in mind sending to Colorado to take up with the coal operators there Mr. Davis, of Kentucky, a coal operator, whom he thought would have sufficient influence with the coal operators in Colorado to get them to agree to a meeting with their men, with a view of conciliation and settlement of that dispute. On account of restrictions placed upon that $5,000 appropriation the Secretary of Labor was prohibited from going outside of his department and paying anybody not on the pay roll any portion of the money.

Mr. FITZGERALD. Mr. Chairman, the gentleman is incorrect in that statement. There is nothing to prohibit him from going outside of the department.

Mr. J. I. NOLAN. That $5,000 was for expenses. I do not believe I am incorrect, and I have the word of the Secretary of Labor himself.

Mr. MADDEN. Will the gentleman define what expenses means?

Mr. J. I. NOLAN. Traveling expenses and hotel expenses.

Mr. MADDEN. Would not that be the only thing that he would have to expend?

Mr. J. I. NOLAN. I will say this. We will take those two big situations, the Calumet and the Colorado strikes: If a man was to be paid for services and paid for expenses incurred in conciliation and mediation, $5,000 would not be sufficient money for carrying on the work of that department. The Department of Labor has taken up and settled the disputes of the Indianapolis street car men, the case of the Erie Forge Co., the case of the Baltimore & Ohio shopmen, the case of the Chicago & Alton shopmen, and the New York, New Haven & Hartford clerks, and a number of other instances in this country where they have offered their services, and they have had $5.000 to pay all of the expenses of that conciliation and mediation.

Now, I think this is very important work. If it is important that the commissioners appointed under the terms of the Erdman Act and the Newlands amendment to that act are to receive a big appropriation like $40,000 in this urgent deficiency bill, if their work is important, I think it is important that the general strikes throughout the country that are not concerned with the transportation workers on public utilities ought to receive more attention. I think that they might have stopped the strike in Colorado and possibly stopped the strike in Calumet.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. J. I. NOLAN. Just let me get through with this sentence. And if the department could have stopped one of those strikes, we would not have had to appoint the special committees which are now sitting in Colorado and Michigan investigating the strikes in those States; the two investigations are going to eat up thousands and thousands of dollars. If I read the papers correctly, they have taken already in Colorado almost 10,000 pages of typewritten testimony, and that investigation is going to cost the Nation some money. I think it is a good and

wise policy to give this department a sufficient amount of money so it can step in and mediate and conciliate in these labor disputes. Now, I will yield to the gentleman.

Mr. MADDEN. What are the labor departments in the various States for except to deal with the question which the gentleman is trying to get power delegated to the Secretary of Labor to do?

Mr. J. I. NOLAN. If that was the intention of Congress when they created the Department of Labor, we ought to have taken it out of the hands of the Secretary of Labor when we legislated creating that department, and divorced it from the Department of Commerce.

Mr. MADDEN. Every State has its department of labor.

Mr. J. I. NOLAN. Every State has its department of labor, but it is not possible to get the various State departments to act.

Mr. MADDEN. It is purely a State matter, and why not leave it to the States?

Mr. J. I. NOLAN. It is not a State matter in Colorado. These companies are engaged in interstate commerce; so are the Calumet copper companies. It was within the province of the Secretary of Labor to settle the Erie Forge trouble in Erie, Pa. The State of Pennsylvania did not do it, but he stepped in and settled it. He settled the Baltimore & Ohio shop strike which had been going on for several years, and it is his intention to try to settle the Harriman strikes going on over two years, and if he had the money he would go ahead——

Mr. MADDEN. That may be true in interstate matters, but in many of the cases referred to by the gentleman they are strictly State matters.

Mr. J. I. NOLAN. I am referring to the Erie Forge Co., where several hundred men were involved.

Mr. MADDEN. That was a State matter and it was the duty of the State to settle that, and they could do it.

Mr. J. I. NOLAN. If the Department of Labor can settle these strikes in interstate matters and in purely State matters, I think it is good policy for them to do it throughout the country. That is what that department is created for. A few dollars more or less will not make much difference to this National Legislature. I believe, Mr. Chairman, that $20,000 is a small amount of money, considering the great importance that might accrue from its expenditure along this line by the Secretary of Labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, just a word on this. When the deficiency bill was before the House in August last an amendment was offered increasing the amount of this appropriation from $5,000 to $25,000 and voted for by this side of the House. A motion was made to recommit the bill by the gentleman from Wyoming, including that proposition to increase the amount of this appropriation from $5,000 to $25,000, and all the Members on this side who were here voted for the proposition and all the Democrats voted against it. I am glad that my colleague, after additional experience, has offered this amendment, although he voted against the proposition which we made in August last.

Mr. BUCHANAN of Illinois. Will the gentleman yield? I know the gentleman does not want to make an erroneous statement.

Mr. MANN. I am not making one.

Mr. BUCHANAN of Illinois. Does the gentleman mean I voted against it?

Mr. MANN. I mean that the gentleman voted against it on a roll call.

Mr. BUCHANAN of Illinois. The gentleman is mistaken.

Mr. MANN. I just looked at the roll call and I am not mistaken. [Laughter.] The gentleman had better look at it, and all the other gentlemen on that side of the House voted against it, and now I am very glad indeed that the gentleman, my colleague, offers the amendment, because I think that the amount ought to be increased. I think that the Department of Labor ought to have this money; they ought to have had the money last August, when we wanted to give it to them, so they could endeavor to prevent and settle these strikes.

Possibly there would have been no strike at Calumet or in Colorado if the Democrats of the House had had confidence enough in their own Secretary of Labor to have given the money for this purpose. We tried to get it. Now, I hope that enough gentlemen on that side of the House will support the amendment, so that at this belated hour we can give them some additional money for the balance of this fiscal year. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois [Mr. MANN] wants to appropriate all the money that can possibly be appropriated at this session of Congress. That seems to be the last desperate resort of the Republican Party for the coming campaign, and therefore they are very anxious to have the appropriations made by this House just as large as they can possibly be made. Under the organic act creating the Department of Labor the Secretary of Labor was empowered to act as a mediator in certain labor disputes, and, when in his judgment it was desirable to do it, to appoint conciliators in such disputes. At the last session of Congress he requested an appropriation of $50,000 to enable him to perform the functions imposed upon him by that law. He can not delegate his power to act as a mediator to anyone. After the mediation has reached a certain point, where it is possible to have conciliators appointed to adjust differences, he can then appoint conciliators. They can do nothing until the time is reached when there is opportunity to adjust the differences. Fifty thousand dollars was requested, and the statement was made that it was desired to create in the Department of Labor a division of mediation and conciliation, with a chief and an assistant chief and certain other officials. The attention of the Secretary was called to the fact that there was no authority to create such a division and that he could not expend any of the money requested for the purpose that he had indicated.

The question was also argued whether it had been in the contemplation of the Congress when the organic act was passed that the persons selected as conciliators should be such men as should be taking these temporary assignments in an effort to adjust these labor disputes merely for the compensation involved or whether it had not been the purpose of Congress to provide for the selection, through the Secretary of Labor, of men of such standing in the community that they would have the confidence of both sides of these controversies and who would gladly volunteer their services, provided their expenses were paid.

And so Congress made an appropriation of $5,000, limited to the payment of expenses of conciliators in labor disputes. It was at the beginning of this work, and a desire was expressed to have the department ascertain just what the probabilities would be of necessity for such an appropriation and in just what respects it could be useful. It was recognized, Mr. Chairman, that in conferring this power upon the Secretary of Labor an advanced step had been taken, and unless it was exercised at the outset with the utmost care, instead of ever proving of any value in the adjustment of labor disputes, and unless progress was made slowly, the inevitable result would be that the whole system would fall into disrepute and the services of such men would be of no value whatever.

Mr. J. I. NOLAN. Will the gentleman yield?

Mr. FITZGERALD. In just a moment. Most of the States have commissioners and boards of arbitration, but for one reason or another they have never been of much value in the adjustment of difficulties between employers and employees. The chief reason, from my observation, is that there has been such a lack of confidence on the part of one or the other of the parties that they could not reach an agreement.

Mr. J. I. NOLAN. Does not the chairman of the committee believe that after pretty near one year's experience by the Secretary of Labor in running that department he ought to be willing——

Mr. FITZGERALD. Will the gentleman let me complete my statement? I will come up to the present situation in a moment.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I can say to the gentleman from New York that the reason why the boards of arbitration appointed in various State governments have never had any influence between employer and employee is that they do not represent anything or anybody. They are generally a lot of cheap politicians that nobody will trust—either labor or capital.

Mr. FITZGERALD. If that be true, and not ever having had enough experience in that respect to express an opinion, at any rate it was recognized, Mr. Chairman, that great work could not be accomplished by running pell-mell into labor troubles throughout the country, but that the Secretary of Labor, slowly finding his way, could perhaps bring about a situation where those involved in labor controversies might be willing to acquiesce in the result or in any determination made by men appointed by him.

The Secretary of Labor made a further request at this session of Congress for $20,000. He said that unless he was to be authorized to pay persons appointed for their services there was no necessity for additional funds to those already appropriated. If they were to be permitted to pay persons for their

services, $20,000, in his opinion, could be utilized. That would mean 18 men permanently employed during the balance of the year under the appropriation he requested.

So far as the Calumet and Colorado situations are concerned, in my opinion, they would have been developed to their present condition whether this appropriation had been made or not. The Secretary of Labor said that had he been in a position to offer compensation he would have requested the gentleman mentioned by the gentleman from California [Mr. J. I. NOLAN], a large coal operator in Kentucky, to go to Colorado in an attempt to adjust the differences there. The inquiry developed that the man was of such a standing in the community that, it seems to me, had he been willing to go at all, the question of actual compensation for his services would not have entered into his decision. The department was in a position to pay his expenses. A representative of the department was sent to Colorado and attempted to bring about an adjustment of the situation there, but neither party could agree upon what the situation was outside of Colorado in the mines, and he could make no progress.

I believe, Mr. Chairman, that it is wise to proceed slowly. So far as the two strikes are concerned, the Industrial Commission was created to investigate such situations. It is in existence. It has three members representing organized labor, three members representing capital, and three other men supposed to represent the people of the country at large. They had ample funds at their disposal. They were specifically charged with the duty of ascertaining the causes of the conflict between capital and labor, and if they had performed the duties devolved on them they would have been in the Colorado and Michigan fields some time ago. If they had been worth anything, perhaps there would have been no necessity for any action by this House.

Mr. J. I. NOLAN. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. J. I. NOLAN. I would like to ask the gentleman, if it is a fact that the Industrial Commission had neglected their duties, is it a wise proposition to deprive the Department of Labor of the opportunity of accomplishing some good in that direction?

Mr. FITZGERALD. Well, I have not argued that way. The gentleman can not put that argument into my mouth.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Yes; I yield to the gentleman.

Mr. J. I. NOLAN. The gentleman will not answer, then?

Mr. FITZGERALD. I said that I did not make that argument, and I do not propose that the gentleman shall put that in my mouth.

Mr. J. I. NOLAN. You said if the Industrial Commission had performed their duty there would not have been any necessity——

Mr. FITZGERALD. That is the gentleman's argument, not mine. The gentleman was arguing on certain lines.

The committee believed, Mr. Chairman, that this bill will not become a law before the 1st of March, and——

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Wait until I have finished this statement. The committee believed that with $5,000 additional to the money now available, with the authority to compensate conciliators, the Secretary would have an opportunity during the four months that are to elapse to ascertain what could be done; and for the fiscal year commencing on the 1st of July next provision must be made for this service in another bill. I am anxious, if this service can be made valuable, to have it made valuable, but I know from my experience, and I believe other Members of this House know from their experience, that the most delicate and difficult thing to do is to have men engaged in controversies, labor controversies, agree to accept the decisions of men appointed by outside parties.

Mr. MADDEN. Mr. Chairman, will the gentleman yield? I would like to ask the gentleman a question for information.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MADDEN. I ask unanimous consent, Mr. Chairman, that the gentleman from New York be given five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] proceed for five minutes more. Is there objection?

There was no objection.

Mr. MADDEN. I would like to ask the gentleman from New York how long the appropriation made in this bill will be available?

Mr. FITZGERALD. It will be available until the 30th of June.

Mr. MADDEN. So that if an appropriation of $20,000 be made, it would have to be all expended before the 1st day of July if it is to be available?

Mr. FITZGERALD. Probably. The appropriation carried in this bill——

Mr. BUCHANAN of Illinois. The gentleman does not mean that it has to be expended. It is only available.

Mr. FITZGERALD. It is available.

Mr. MADDEN. It can not be spent after the 1st of July?

Mr. FITZGERALD. No; it can not.

Mr. MADDEN. Then the question I would like to ask is, Is there an emergency to-day, or is there likely to be an emergency between now and the 1st of July next, that calls for the expenditure of this $20,000?

Mr. FITZGERALD. I do not believe so. There are some situations, some cases, the Secretary of Labor has said, where if he were in a position to compensate men for their services, he would like to act. The committee believes that with $5,000 he would be able to take care of those cases, and next year, which commences on the 1st of July, provision must be made for this service in another appropriation bill. The committee believe that if the work is to be done in this way, it should be done in such a way that confidence will be established in the men appointed by the Secretary of Labor in these matters, so that when he exercises his authority it will result in benefit to those affected. For that reason I hope the amendment will not be agreed to.

Mr. MOORE. Mr. Chairman, will the gentleman yield to a question?

Mr. FITZGERALD. I yield.

Mr. MOORE. What is the difference between the conciliators to be appointed under this paragraph and the United States Board of Mediation and Conciliation, for which provision has already been made?

Mr. FITZGERALD. The Commission of Mediation and Conciliation has jurisdiction over men engaged in interstate transportation.

Mr. MOORE. Only?

Mr. FITZGERALD. Yes. That power is limited. Of course the Secretary of Labor can not force himself upon any person, but it was hoped and believed that it might be possible for a member of the Cabinet, the head of a department of this character, if the confidence of those engaged in the controversy were established in him, to bring about in many instances an adjustment of the troubles.

Mr. MOORE. In any other troubles other than railroad troubles?

Mr. FITZGERALD. Oh, yes. It covers everything except railroad troubles.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. COOPER rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. COOPER. Mr. Chairman, I do not rise to speak to the merits of the amendment proposed by the gentleman from Illinois [Mr. BUCHANAN], but to reply briefly to some of the criticisms—I think very unjust criticisms—of the gentleman from New York [Mr. FITZGERALD] concerning the Commission on Industrial Relations. The gentleman has imputed to that commission neglect of duty, and has asserted that if they had done their duty there would have been no necessity for such boards as the Board of Conciliation nor for efforts under the direction of the Secretary of Labor to bring about settlements of labor disputes.

A few days ago the gentleman from New York himself said that 14 months elapsed after the enactment of the law for the appointment of the commission before the commission was appointed and confirmed. I take that statement to be true, Mr. Chairman. And I recall distinctly that it was in August, 1912—it was about that time—before that bill passed and went to the President. Fourteen months from August, 1912, was October, 1913, before the commission was appointed. Then they had to arrange their personal affairs, come together, get acquainted, study the problems before them, and map out and adopt a working program for their solution. I remember that by the terms of the act itself there must be among the membership of the commission three employers of labor, three representatives of labor, and three others. In other words, three of each, representing as distinctly disagreeing interests as could well be conceived, and all in one commission, to take up some of the most important questions that have confronted the United States of America since the Civil War.

Now, what were they called upon to do? Here is the law. Under it they must—

Inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners, and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor, and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Multifarious duties are imposed upon the commission, duties that in the aggregate make its task one of supreme importance to every man, woman, and child in the Nation. And yet the gentleman alleges that they have neglected their duty. I am personally acquainted with certain members of that commission, and I know of no individuals in all my acquaintance who are of higher moral character nor who have a greater desire to do their whole duty and nothing but their duty under all circumstances, and to impute to them a neglect of duty is a pretty hard criticism, especially when it falls from the lips of a gentleman so prominent in the councils of his party and in the Congress of the United States as is the distinguished gentleman from New York [Mr. FITZGERALD].

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for three minutes more. Is there objection?

There was no objection.

Mr. TOWNSEND. Will the gentleman yield?

Mr. COOPER. In one moment. If the gentleman has any question, he can ask it just as soon as I have finished this statement.

Mr. TOWNSEND. I thank the gentleman very much.

Mr. COOPER. If the gentleman will not try to inject his comments into the auditory organs of listening Members while I am trying to engage their attention it will oblige me very much. [Laughter.] I have talked with one of the members of the commission very recently. He told me that he had rarely been confronted with a duty more difficult than that of assisting in the preparation of a satisfactory program to be followed by the commission. It may well be believed that the views of its various members were not only diverse but in some respects hostile, and that it has taken much time and hard work to devise a program which would enable them to discharge the great burden of duties imposed by this statute with promptness, regularity, and a due regard for scientific thoroughness and accuracy.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. COOPER. I will.

Mr. FITZGERALD. The gentleman is criticizing me for saying that the commission neglected its duty. He has just stated that one of the members of that commission has given him certain information. Did the member of the commission with whom the gentleman from Wisconsin spoke tell him that certain appointments had been made by which their pay roll was padded, and that they had to put those people out?

Mr. COOPER. I did not say that, because I knew nothing about it; and I can not believe——

Mr. FITZGERALD. It was in the RECORD, and was stated by the chairman of the commission that appointments were made on this pay roll, and when he ascertained what the facts were he dismissed the people because they should not have been appointed. I do not think I am harsh when I say that commission was neglecting its duty.

Mr. COOPER. That does not meet the criticism I made. It is very possible that in the preparation of a force to act under the commission there may have been certain appointments more or less improvident; but I do not understand how the gentleman can impute a neglect of duty from that fact. On the contrary, they did their duty when, finding that the appointments ought not to have been made, they discharged the appointees. It is not necessarily wrong to make a mistake, and for correcting their mistake immediately upon its being ascertained the commission should be complimented, not criticized. The gentleman is hoist by his own petard, so to speak.

Mr. FITZGERALD. Oh, no.

Mr. COOPER. He is criticizing them for doing exactly what he would have done. He would have done the same thing if he had found out his mistake.

Mr. FITZGERALD. I do not think they would have gotten on in the first place.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. FOWLER. Mr. Chairman, I do not desire to enter into any great length of argument concerning the duties of the industrial commission, because really I believe that the duties which are committed to the hands of that commission ought to be placed with the Department of Labor. This department was organized because of necessity. It represents one of the greatest forces in the world. There is nothing which ought to attract the American people more than the question of labor. Through it all other arts and professions live. Without it they would all die. Being such a mighty force in the world, labor ought to have the greatest consideration. The information which I can obtain leads me to believe that the Department of Labor, which has been established so recently, is handicapped and crippled because of a want of sufficient means to carry out the ends for which it has been established. In fact, Mr. Chairman, the clerical force in that office is not properly provided for, either in funds or in the number of the clerical force. If we handicap this great organization in its office and then handicap it by refusing to appropriate money enough to enable it to investigate the great questions which are arising between capital and labor, we have then tied its hands and destroyed the object for which it was created. Give to this department all the means that are necessary to carry out the ends for which it was established. Do it readily and without stint, because in my opinion, through the efforts of the Department of Labor, a reconciliation will be brought about and a better understanding will be had between labor and capital. In my opinion, money can not be expended in any better way, to settle these disputes, than by properly arming the Department of Labor with all the necessary means and instrumentalities to transact the business of that department.

Mr. Chairman, I am not only in favor of voting for the amendment of my colleague from Illinois [Mr. BUCHANAN], but I am in favor of extending the appropriation for this department in the future and putting it upon a solid basis of activity, so that it can become a living force in the industrial relations of this country. And if properly armed in that way, I look forward to the time when the Department of Labor will be recognized not only by labor, but by capital, as the great emancipator of labor and a common peacemaker of all disputes between labor and capital. Mr. Chairman, I hope this amendment will pass.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto close in 10 minutes.

Mr. LOGUE. I should like five minutes.

Mr. FITZGERALD. Then, Mr. Chairman, make it 15 minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, it was not the purpose, aim, or intention of the subcommittee that reported this bill to cripple in any way the Department of Labor in the performance of its proper functions and duties; but the Members of the Committee of the Whole will realize that this bill can not possibly become a law until about the first or the middle of April, so at the outside there could not be more than about two and one-half or three months within which this appropriation could be used.

I would like for gentlemen of the committee to understand that the amount of money appropriated in the current law has not yet been exhausted.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. BUCHANAN of Illinois. The gentleman says it is two and a half months. It is three and a half months to the 30th of June.

Mr. SISSON. Yes; but it is not likely that this bill will pass before the first of April. It will be a month or six weeks before it will finally become a law. It will have to go to the Senate and then to conference, be agreed upon, and then voted upon in

both Houses before it reaches the President, and, I say, it is likely to be a month or more.

Mr. BUCHANAN of Illinois. The gentleman does not think the Secretary will expend the money if he does not have to?

Mr. KEATING. In case the Secretary does not find an opportunity to spend the money it will be turned back into the Treasury.

Mr. SISSON. Mr. Chairman, that is not the way to appropriate money. If that were true, you might pass a general appropriation bill that these departments should have the use of all the money which they saw fit and proper to use. It is not right to appropriate money in that way. We ought, and our constituents ought, to demand that we keep an absolute restraint on the expenditures which we are responsible for.

Your subcommittee in reporting the bill took into consideration the fact that the $5,000 has not been exhausted. The Secretary, who is a warm friend of mine, and in whom I have a great deal of confidence, was unable to specify or determine any particular case in which he would need more money. The subcommittee heard the testimony, and in view of the fact that the only thing that can be done except in international matters, which is under the control of the other commission, the Secretary of Labor can only go and, in a friendly way, invite them to permit him, through an agent, to settle the differences.

Mr. J. I. NOLAN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. J. I. NOLAN. I would like to ask the gentleman whether he thinks it fair to give $40,000 to the commission for mediation and conciliation——

Mr. SISSON. Oh, the gentleman is entirely wrong, because the board of mediation covers an entirely different field of labor. The gentleman does not appreciate the situation; he does not know what he is talking about. The purposes of the two are so entirely different. They are endeavoring to bring back to Congress a plan of action which will give the Secretary of Labor——

Mr. J. I. NOLAN. The gentleman misunderstands me; I did not say the industrial commission, I meant the board of conciliation under the Erdman Act.

Mr. SISSON. Well, that is an entirely different proposition. The money that we are giving to the Secretary of Labor is to enable him to go and see the parties or send a man to see the parties who are having the trouble with labor, and see if they can appoint a commission, of which labor may select one and capital the other. Now, in the nature of things, within the next two and a half months the Secretary can not use more than $5,000, with the money that he has from the last appropriation unused.

In answer to the gentleman from Colorado, that the Secretary will not spend the money if he does not need it, why, my friend has not been here long, but he has been here long enough to know that when you give money to a department they will usually find a way to spend it.

Mr. LOGUE. Mr. Chairman, a word or two in connection with this amendment. The section under consideration, providing for $5,000 is appropriated under certain conditions, providing for the appointment of commissioners of conciliation at compensation not exceeding a certain sum per day in time of labor disputes. Therefore the very $5,000 is being appropriated conditionally and only to be used in disputes arising in which the Secretary may deem it right to act. The advantage of the Secretary's acting has been manifested on many occasions. I have had a visit from a member to the city of Philadelphia to have an introduction to gentlemen who, while located in Philadelphia, were interested in the affairs of a western corporation that was involved at that time in labor troubles. The visit of the commissioner did much to settle the existing dispute.

I am advised, and the hearings manifest it, that the Secretary is of the opinion that he should have a larger sum of money at his disposal. According to recent statements made here this bill will not be effective for some time, and there is the thought that it will not be expended. No harm can be done, because it does not take money out of the Treasury; it temporarily assigns it over. No one can say when a labor dispute is going to arise. The Secretary believes that he should be better equipped, and I am firmly of the opinion that he should. I do not know of any better work in which we can be engaged than to equip the Department of Labor so that it can put into active work forces at the time of the commencement of labor troubles and thereby end trouble in the beginning.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. BUCHANAN of Illinois. I want to say for the gentleman's information that the Secretary of Labor did say that there were existing troubles at this time, and that if he had the funds he could bring about an adjustment. He spoke of one on the Marquette Line in Michigan. He referred not only to what might occur but what now existed.

Mr. LOGUE. Carrying out the information given by the gentleman from Illinois, it only shows that it is important to have these funds. It is not for the purpose of looking around for trouble, but handling those troubles that become manifest by active hostilities.

Mr. SHARP. Will the gentleman yield?

Mr. LOGUE. Yes.

Mr. SHARP. The gentleman referred to the hearings a moment ago. Did the Secretary of Labor state how much additional funds he wanted?

Mr. BUCHANAN of Illinois. The amendment that I have offered provides for $20,000, what the Secretary asked for.

Mr. LOGUE. I did not know whether the gentleman's amendment covered the exact figures or not. We have the Secretary's request—a request that is not asking that money be taken out of the Treasury to make an investigation, but only to take the money when it is to be used and actually expended under actual hostile conditions. The gentleman says the bill will not be in force for six weeks from now. Let us all hope it will not be expended at all until the regular appropriations have been made for the department, but in the meanwhile let us be equipped through the Department of Labor so that if labor troubles do come this conciliatory work can be carried on, and take advantage of being able to act at the commencement of trouble and turmoil, so that it can be ended at the commencement.

Mr. KEATING. Mr. Chairman, the gentleman from Mississippi [Mr. SISSON] has suggested that if my congressional knowledge were a little more extensive, I would not want to make appropriations in a loose fashion. Mr. Chairman, we are not endeavoring to make this appropriation in a loose fashion. As a matter of fact, we are throwing all the necessary safeguards about it; and while my congressional experience may be limited, it is sufficient to teach me that neither the gentleman from Mississippi, nor the Secretary of Labor, nor any man on this floor or outside of this building can foresee labor troubles in this country. It has been sufficient to convince me also that we have as Secretary of Labor a man who may be trusted with the expenditure of $20,000 or any other sum of money. It is inconceivable that the gentleman from Mississippi or any other man who served in this House with the present distinguished Secretary of Labor would feel that he would misuse this fund if it were placed at his disposal, and I feel that the vote of this House will in a measure be a vote of confidence in the Secretary of Labor.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. SISSON. Because we decline to give to a department the amount of money that it demands, is it expressing a lack of confidence in the head of the department?

Mr. KEATING. Not at all; that is not the proposition. But this is giving $20,000 for a specific purpose. It is for the purpose of employing conciliators to adjust labor disputes, and the Secretary must expend it for that purpose or he must pad his pay rolls with employees who are not needed, and I submit he will not do that.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. MANN. The gentleman just stated that the vote in favor of this amendment would be a vote of confidence in the Secretary of Labor. Does the gentleman think that the 176 Democrats who voted against this proposition in September last were voting a lack of confidence in the Secretary of Labor?

Mr. KEATING. I hope not.

Mr. MANN. I made the same remark then which the gentleman has now made.

Mr. KEATING. I want to say to the gentleman that possibly he will find my name in that list.

Mr. MANN. Oh, no; the gentleman was not here last summer.

Mr. KEATING. He was here a large part of last summer, and he was here some days last summer when I think the gentleman from Illinois was not.

Mr. MANN. I think the gentleman was not here last summer.

Mr. KEATING. The gentleman is mistaken.

Mr. BUCHANAN of Illinois. What date in September would that be?

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired. The question is on the

amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 53, noes 20.

So the amendment was agreed to.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 4, after the word "necessary," insert the following paragraph:

"For additional employees in the office of the Secretary of Labor, as follows: Four clerks of class 4, $2,400; four clerks of class 3, $2,133.33; three clerks of class 2, $1,400; four clerks of class 1, $1,600; two clerks, at $1,000 each, $666.67; one clerk, at $900, $300; one telegrapher, at $900, $300; four assistant messengers, at $720 each, $960; one messenger boy, at $480, $160; one engineer, at $1,200, $400; three skilled laborers, at $840 each, $840; four laborers, at $660 each, $880; one cabinetmaker, at $1,000, $333.33; one chief watchman, at $960, $300; five charwomen, at $240 each, $400; two conductors of elevators, at $720 each, $480; in all, $13,753.33."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the positions enumerated in the amendment are not authorized by law and it is legislation.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like the gentleman to state why this is legislation?

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois is required to show the authority for these positions under the rulings. They are not authorized by law.

Mr. BUCHANAN of Illinois. Mr. Chairman, I differ with the gentleman. The department ought to be equipped to properly do its work.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. BUCHANAN of Illinois. Mr. Chairman, I contend the matter is in order. It is for the purpose of the continuation of the work of the Department of Labor, and I do not understand how it is new legislation. The Department of Labor ought to be able to operate as the law intended it should, and it must have sufficient force.

Mr. FITZGERALD. Mr. Chairman, it is the gentleman's duty to show that these positions are authorized by law. The statute provides the character and qualification and compensation of employees that may be provided for in appropriation bills, and this amendment contains employees not authorized by law. It is not my duty to show the gentleman how to prepare his amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, the gentleman seems to think it is his duty to chloroform the Department of Labor.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not in order.

Mr. BUCHANAN of Illinois. By not giving a sufficient sum of money.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not in order. He can not characterize my action in trying to prevent indefensible appropriations, simply because he happens to be interested in particular services.

Mr. BUCHANAN of Illinois. The gentleman is very keen in making points of order, but not so keen in assisting the Department of Labor.

The CHAIRMAN. The Chair is compelled to hold that this is new legislation and, therefore, subject to the point of order. The Chair sustains the point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 4, after the amendment, insert:

"For contingent and miscellaneous expenses for the offices and bureaus of the Department of Labor to be available for the objects named in the appropriation for contingent expense for the Department of Commerce and Labor, contained in the act approved March 4, 1913 (Public, No. 427), and for all other miscellaneous items and necessary expenses not included therein (acts Mar. 4, 1913, vol. 37, p. 736, secs. 1–11; Mar. 4, 1913, vol. 37, p. 738, sec. 1; Oct. 22, 1913, vol. 38, p. 225, sec. 1), $17,950."

Mr. BUCHANAN of Illinois. Mr. Chairman, following the appropriation just made for the Department of Labor to operate with any degree of efficiency it is stated here by the chief clerk of the department that it has been necessary for them to borrow typewriters and other material necessary for them to operate the office, and the amount that was requested by the Department of Labor, in my judgment, is a very modest request and should be allowed.

Mr. FITZGERALD. Mr. Chairman, this appropriation can not be justified. When the Department of Commerce and Labor was divided and the Department of Labor created, Congress passed an act requiring the segregation of the appropriations that had been made for the conduct of the Department of Commerce and Labor between the Department of Commerce and the Department of Labor. At the last session of Congress it appeared that out of the appropriation of $60,000 for the contingent expenses of the Department of Commerce and Labor $26,100 was transferred to the Department of Labor. In addition to that, Congress at the last session appropriated $5,000 additional for the contingent expenses of the Department of Labor. At that time a request was made by the Department of Labor to authorize the Secretary of Labor to purchase three automobiles—a seven-passenger touring car for himself, at $4,500; an electric runabout for the use of himself and others, for $2,500; and an automobile truck.

The committee declined to include that authority in the bill, based upon the fact that authority had never been given to any of the departments to purchase automobiles for the Secretary or others connected with the department. In some way or other the information got noised abroad that such a request had been made, and innumerable Members of this House served notice upon the committee that they would not tolerate such a situation. The authority was not given, and yet it appears that during this session of Congress an automobile has been purchased for the personal use of the Secretary of Labor. A construction was placed upon the provision by the comptroller never contemplated by Congress and inconsistent with its action. There is a difference of opinion between those conducting that department and many Members of Congress who have for long years been charged with the responsibility for the determination as to how much should be appropriated for the conduct of the various services, as to how rapidly that department should be built up. A statement was submitted during the last session of Congress requesting additional employees. If this committee had brought in the recommendation made by the department and based its action upon the request given by that department, it would have been laughed off the floor of this House. They had a number of men assigned to the discharge of different duties, and the duties they were to perform were of such a character that it would have been impossible to have kept them busy more than an hour or two a day in the discharge of the work.

Mr. Chairman, in appropriating for this service it makes no difference who is at the head of a department. I have served in this House with three members of the present Cabinet. I have served in other Congresses with Members of the House who afterwards were members of the Cabinet. When a man is in this House and when he is at the head of a department of the Government he is occupying two entirely different positions. Our duty is to conserve expenditures of public money. Whatever is needed to carry on the public service economically and efficiently ought to be appropriated, regardless of the amount that eventually will be carried in the appropriation bills, but not another penny should be appropriated to gratify anybody because of our high opinion of the personal integrity or efficiency of the man at the head of the service. I have a great many personal friends in charge of various services of this Government with whom I am compelled to differ radically. It does not affect me in the discharge of my duty and should not affect Members of this House that because they know men——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. FITZGERALD (continuing). That whatever they ask should be given. Yes; I yield.

Mr. BUCHANAN of Illinois. Would it not be fair for the gentleman to state that the Secretary of Labor explained that automobiles would be cheaper in operation and to purchase than it would be to purchase teams and rigs as the other departments had?

Mr. FITZGERALD. Suppose he did; Congress did not authorize it and that is the point. No man in any department of the Government can do as he pleases because he thinks it is desirable. All he can do is to obey the law.

Mr. BUCHANAN of Illinois. What I wanted the gentleman to make clear was if he was not asking for an expenditure that was not made by every other Cabinet officer of the Government.

Mr. FITZGERALD. I believe it was the same in some respects.

Mr. BUCHANAN of Illinois. Is it not fair to explain——

Mr. FITZGERALD. No, Mr. Chairman; I am not complaining about the request for the conveniences enjoyed by other departments. The Secretary of Labor was given authority to get horses and carriages the same as the other departments. This appropriation should not be made, and I hope the committee will not adopt the amendment.

Mr. MANN. I would like to ask the gentleman from New York a question in my time, if I may. Has any investigation been made of which the gentleman knows that shows it is

cheaper to own and operate automobiles than it is a pair of horses and one of these little carriages, one of these dinky carriages the Secretaries have?

Mr. FITZGERALD. There have been investigations made which apparently demonstrate that it is cheaper to operate certain automobile trucks than a given number of horses.

Mr. MANN. Well, I am not talking about automobile trucks.

Mr. FITZGERALD. It depends on the character of the automobile, the use to which it is to be put, and the number of horses and carriages which it is to supplant.

Mr. MANN. I wondered if anybody could be made to believe it is cheaper to own, operate, and repair an automobile than it is to take care of horses and a carriage, because if it is I may think of buying an automobile.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BUCHANAN of Illinois. I will say to the gentleman that it depends on how much he uses it. A horse has got to eat all the time.

Mr. MANN. My observation in Washington, which has been considerable, is that an automobile or a team and a carriage, owned by a Cabinet officer, do not lie idle. They are busy practically all the time, and I think properly. I have no objection to them.

Mr. BUCHANAN of Illinois. I will say that I have an automobile which I purchased from my income as a Representative. I paid about $900 for that automobile, and I operate it myself and pretty generally look after it, and if anyone can keep one horse as cheaply as I am taking care of my automobile he is a better financier than I am.

Mr. MANN. I have a horse in Chicago that I never ride that costs less to feed in six months than gasoline that can be used in an automobile in that time. I just wanted to express an opinion on the automobile question. I think the Cabinet officers ought to be given automobiles, not on the ground of economy, which is absurd, but on the ground of dignity.

Mr. FITZGERALD. What ought to be done is one thing——

Mr. MANN. And I am not saying the Secretary had the authority. I do not know. I suppose that these purchases were made out of the contingent fund of the departments without any authority.

Mr. MADDEN. I want to say to my colleagues that the average cost of keeping a team and shoeing it and feeding it and repairing the harnesses and doing everything connected with its maintenance will be about $300 a year, and that the cost of maintaining an ordinary automobile is about $100 a month.

Mr. MANN. And that is not to mention repairs.

Mr. J. I. NOLAN. Mr. Chairman, I believe this amendment ought to be approached on its merits, and I do not believe this issue ought to be clouded with a statement that it is for the purchase of automobiles. I am reading from the statement of the Chief Clerk of the Department of Labor before the committee. On page 371 he states:

> To enable us to maintain that building and operate it and buy necessary supplies we had to make a 25 per cent deduction from each of the various bureaus at the beginning of the year. So that to-day those bureaus have, respectively, Naturalization, $76.11; Labor Statistics, $291.10; Immigration, $319.03; and the Children's Bureau, $2,270.85, from which their (Children's Bureau) travel expenses for field agents must be paid. Those are the balances on the 1st of this month. Now, we wish to restore to them the amounts we have deducted from their allotments in order that they may meet their contingent expenses for the balance of the year, and in addition to that we will need some of this to provide for the executive office of the department. In addition to borrowing clerks from the various bureaus, we have had to borrow machines, etc., from other governmental offices and from outside people. We have 5 borrowed typewriters and 16 borrowed adding machines.

I do not believe that this $17,000 has been asked for the purpose of furnishing automobiles for the Secretary of Labor or for anybody in connection with his department. It has been asked for the contingent expenses, on account of having to draw from other departments at the beginning of the year 25 per cent of their allotment. Now, there are pages of testimony here by the chief clerk and those connected with the Department of Labor. I do not know whether $17,000 is too high or not, but I believe that they ought to have further allowance, so far as their contingent expenses are concerned. I think that department has been doing a great deal of good work; that they have but about one year of experience, and ought to be encouraged. The statement has been made that they have got to use other clerks to do the messengers' work; that they have got to use their messengers to do the janitors' work; and they have got to use the messengers to do the cleaning up around. Now, they have only one elevator running out of the two which they have there. They have to use a messenger, I believe, to run that elevator. They are seriously crippled, as far as an engineer is concerned, in the fireroom, and I believe if the same condition prevailed in any other building in the city of Washington to-day that your commissioners, or the bureau of safety in connection with the Commissioners of the District of Columbia, would jerk the owners of that building up with a round turn. There is not any service in that building that houses the Department of Labor. All you have got to do to understand this is to make a visit there. They have to draw from their other force in order to get service in that building for elevator work, and they are seriously handicapped. I believe more consideration should be shown the Department of Labor than is shown in this deficiency bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FITZGERALD. Division, Mr. Chairman.

The committee divided; and there were—ayes 37, noes 34.

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. FITZGERALD and Mr. BUCHANAN of Illinois took their places as tellers.

The committee again divided; and the tellers reported—ayes 37, noes 46.

So the amendment was rejected.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 30, after line 4, amend by inserting a new paragraph, as follows:
>
> "For miscellaneous expenses in the Bureau of Labor Statistics: For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor Statistics, for the subvention to "International Association for Labor Legislation," and necessary expenses connected with representation of the United States Government therein, $29,015."

Mr. FITZGERALD. Mr. Chairman, I make a point of order it is not authorized by the law.

Mr. BUCHANAN of Illinois. Mr. Chairman, I contend that this is only a continuation of the work that has been done previous to this time, or is being done, under authorization of the law. This appropriation is necessary for the continuation of this work, such research work, for instance, as making investigations in regard to accidents and in regard to diseases in industry. It is not new legislation, because it is a continuation of the work that has been done in the past or I believe is being done now. Unless this appropriation is made it will be necessary to stop this work, which is of great importance, because it relates to the investigation of accidents, the cause of accidents, and the prevention of them which are among the most important things confronting the people of this country to-day in the industries of the country. We are all ready to do what we can to bring about the minimum of accidents. This work has not yet been completed, as I understand, and it is necessary to have this appropriation for the continuation of it. I contend it is not subject to the point of order for that reason.

Mr. FITZGERALD. The services mentioned in there, Mr. Chairman, are not authorized by law. The gentleman is mistaken when he says they are.

Mr. BUCHANAN of Illinois. I will ask the gentleman from New York [Mr. FITZGERALD] if it is not a continuation of the work that is being done now?

Mr. FITZGERALD. No; it is not. Some of it is not being done at all. There are some features of that which not only are not authorized but are prohibited by law.

The CHAIRMAN. What features are prohibited?

Mr. FITZGERALD. Payment for subventions and expenses of the United States Government in participating in certain matters.

Mr. BUCHANAN of Illinois. Mr. Chairman, that is certainly an erroneous position to take, because the purpose of this Bureau of Labor Statistics is to secure information in regard to the conditions in the industries of the country of woman employment, and so forth, and other conditions that make it necessary and more economical to cooperate with other commissions and organizations of the same character and the same nature.

To say that it is not authorized by law is certainly, in my opinion, begging the question, because the very purpose of the bureau itself is the purpose of seeking and securing information that may be of benefit to the people in passing legislation in regard to this matter. The gentleman says it is not author-

ized by law, because this particular effort that is to be made is not mentioned in the law. Such a statement is to me ridiculous, and if the gentleman has no better ground than that upon which to base his point of order I am certain it can not be sustained.

Mr. FITZGERALD. The gentleman must produce his authority to justify his amendment.

The CHAIRMAN. The Chair is not informed at this time as to the existing law on this question, and the Chair would suggest that the burden is upon the proponent of the amendment [Mr. BUCHANAN of Illinois] to show that it does conform to the existing law.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have not the information at hand. I would like to ask some of our parliamentarians here who have been discussing these subjects to explain the situation. I would like to ask my colleague from Illinois [Mr. MANN] whether this is not authorized by law or permissible by law?

Mr. MANN. I did not even hear the amendment read, I will say to my colleague.

The CHAIRMAN. Without objection, the Clerk will report the amendment. [Laughter.]

There was no objection.

Mr. BUCHANAN of Illinois. The gentleman is not interested.

The amendment was again read.

Mr. MANN. Mr. Chairman, I did not make the point of order or argue it. I do not remember, in reference to the international conference or subvention, or whatever it is, whether that has been authorized by law or not. Of course all the other amendments are authorized by law, but I do not recall this.

Mr. BUCHANAN of Illinois. My information and understanding is that this work has heretofore been done. If it is not done at the present time, it is due to the lack of funds.

Mr. MANN. The appropriation for the international congress, of course, properly comes through the Committee on Foreign Affairs, although this would be a deficiency appropriation. But the authority would come through the Committee on Foreign Affairs. I do not remember whether such authority has been granted or not.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to have a little more time on this.

Mr. FITZGERALD. I want the question of order decided. These matters are not authorized, and the gentleman from Illinois can not produce his statute.

The CHAIRMAN. The Chair assumes that the gentleman from Illinois [Mr. BUCHANAN] will address himself to the point of order, and for that purpose the Chair has refrained from ruling.

Mr. BUCHANAN of Illinois. Mr. Chairman, the gentleman, of course, is taking advantage of me. I have not time to properly look up this law. Probably I would have in a very few minutes.

The position that the gentleman takes, that the Bureau of Labor Statistics has not authority to do work in a certain way, is to me ridiculous. I do not think there would be a law that would direct just how it was to be done, and certainly it would be an unwise law that would prevent any bureau that has been established for the purpose from seeking information in regard to industrial conditions in this country, or that would prevent cooperation with all other like bureaus or commissions. The understanding that I have is that the Chief of the Bureau of Statistics is a sort of counselor for the State commissions and bureaus of labor, and that they cooperate so as to have some kind of uniformity.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BUCHANAN of Illinois. Yes.

Mr. MANN. I do not think that there is any question about the gentleman's amendment being in order, so far as it relates to real efficiency for the Bureau of Labor Statistics, as to printing and collecting information, or anything of that sort. That is all authorized by law. The same kind of an item appears every year in all the appropriations relating to every department, and it has repeatedly been held that those items are in order, so far as that is concerned. But the gentleman has a provision in the amendment that he has not yet explained.

Mr. FOWLER. Mr. Chairman, I feel quite sure that the organic law creating the Department of Labor is broad enough to give to the Secretary of Labor the authority to collect statistics with reference to labor in whatever way and by whatever means he may deem proper. I hold in my hand a copy of that law, from which I read the following:

SEC. 4. That the Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and the distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department, and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

Now, Mr. Chairman, under this paragraph of the organic law creating the Department of Labor the duty is imposed upon the Secretary to collect statistics regarding the condition of labor in this country. And it is not confined to labor in this country alone, but it is broad enough, in my opinion, to enable him to collect statistics with reference to labor wherever the Secretary may deem proper and wise, and I think the special objection to this amendment made by the gentleman from New York [Mr. FITZGERALD] is not in harmony with the provisions of this section of the organic law. I feel quite sure, Mr. Chairman, that the amendment falls within this provision and that it ought to be submitted to the House for its consideration and vote.

The CHAIRMAN. From the discussion of this question it appears that there is at least one item in the amendment which is unauthorized by existing law and which should have been reported by a committee other than the Committee on Appropriations, namely, the provision for the subvention to the International Association for Labor Legislation and the necessary expenses connected with the representation of the United States Government therein. As to other items in the amendment, it appears—at least the Chair gathers from the discussion—that they are covered by existing legislation. But as the Chair has no power to discriminate between the various items in the amendment and must treat it as a whole, and on account of the unauthorized provision in it the Chair feels constrained to sustain the point of order.

Mr. KEATING. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. KEATING].

The Clerk read as follows:

Amend, by inserting on page 30, after line 4, a new paragraph, as follows:

"Miscellaneous expenses of Bureau of Labor Statistics: For per diem in lieu of subsistence of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor Statistics, $29,015."

Mr. KEATING. Mr. Chairman, this is the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] with that portion eliminated which was subject to the point of order.

The object of this amendment is to place the Bureau of Labor Statistics on its legs. At the present time the bureau is behind with its work. It would be a long story to tell why it is behind with its work; but the fact is that it is in a condition where its efficiency is very seriously affected, and the object of this appropriation is to enable the men in charge of that bureau to bring their work up to date by the 1st of July.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. KEATING. Yes.

Mr. MADDEN. This amendment carries the same amount as the other amendment?

Mr. KEATING. Yes.

Mr. MADDEN. How much was it intended to spend for the delegate to the international convention?

Mr. KEATING. There are no delegates.

Mr. MADDEN. There must be some expense connected with that feature of the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] that was stricken out, because it was in violation of existing law.

Mr. KEATING. I will tell the gentleman very frankly that in all probability there is a charge in connection with that.

Mr. MADDEN. How much?

Mr. KEATING. My understanding is that it is a very small charge, and therefore I did not reduce the amount. I want to be very frank with the gentleman, though, and state that there is a charge.

Mr. MADDEN. Would it not look right for the gentleman from Colorado in introducing his amendment to make such deduction as in his judgment is indicated on account of the expense for that item?

Mr. KEATING. It may be that the gentleman is right on that point. I could not find the exact sum stated in the hearings and had to depend upon the advice given to me by gentlemen near me, who have no definite information on that particular subject.

The object of this amendment is to place this bureau on its feet. We want to make it an efficient bureau, and later on I expect to offer another amendment to permit the printing of the bureau to be brought up to date. The fact is that Congress ought either to make it an efficient bureau and give it sufficient funds to carry on its work in an efficient fashion or it ought to abolish the Bureau of Labor Statistics. This amendment should be adopted.

Mr. FITZGERALD. Mr. Chairman, the first thing this bureau ought to do is to obey the law and stop violating it, as it has been doing. For the current year it has had $64,090 for its work. It has had the same appropriation every year since 1907. In 1905–6 it had $65,140. In 1912 $20,000 was given to it additional to the regular appropriation, because Congress had put upon it certain investigations which took its force away from its ordinary work and necessitated this expenditure for work not contemplated in the regular appropriation. So that with that exception it has not asked for a deficiency since 1905. If the committee will notice the language of the amendment, they will see that this appropriation is for a field force. It is for special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for the employment of experts and temporary assistants paid at the rate of not exceeding $8 a day, and for the traveling expenses of officers and employees.

In 1882, as the result of the gross abuses that had grown up in the Government through the habit of obtaining lump appropriations for field services and then padding the departmental rolls with permanent employees out of appropriations obtained for field service, Congress passed this law:

That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall, after the 1st day of October next, be employed in any of the executive departments, or subordinate bureaus or offices thereof, at the seat of Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of Government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services.

It developed in the investigation before the Committee on Appropriations that this appropriation, made for a field service, has charged to it 19 permanent employees, 8 of whom are employed in Washington all the time and the balance of them part of the time. That is in express violation of the law, and it takes up between $11,000 and $20,000 of the appropriation made for this field service. If these employees were not employed in violation of the law, there would be ample funds here to do the work in the field, and until that bureau adjusts its force and obeys the law Congress should not encourage or indorse its action in continuing the employment of these employees in violation of law. In 1912, in order to prevent a repetition of the abuses that had grown up prior to 1882, and to make impossible the violations which from time to time were shown, Congress amended that law by putting in the following provision:

That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882, shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

If this committee desires to ratify the violation of law and to indorse the conduct of officials contrary to this law, then it might just as well determine that it will not attempt to control or to regulate the expenditures made in any department of the Government.

Because if it is to be published that the laws need not be observed, that those in the executive departments can violate the law, and that no penal statute will be enforced, our efforts at economy will be futile.

Mr. LEWIS of Maryland. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LEWIS of Maryland. Perhaps I am the only one who does not understand, but does the amendment here proposed provide funds for debts that have been consummated, or is it for prospective transactions in the future?

Mr. FITZGERALD. They could not incur liability if they did not have the money. They have a permanent force employed here; they are paying them now out of this appropriation, and it is in violation of law.

Mr. BUCHANAN of Illinois. Mr. Chairman, the gentleman from New York, in my opinion, is stretching his imagination greatly when he says that the Bureau of Labor Statistics or the officials are violating the law. The reason that there are so many employees in the headquarters in the city of Washington is due to the fact that this Congress, with its economical Appropriations Committee, especially when it comes to these things that will give labor relief, has not given it sufficient funds to take care of the office properly, and therefore when this information that they have collected in the field in research work comes to be compiled it becomes necessary that they be called in to work in the office instead of continuing their field work.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Yes.

Mr. FITZGERALD. Is a woman who is assistant librarian in Washington one of the field employees?

Mr. BUCHANAN of Illinois. I do not know anything about that.

Mr. FITZGERALD. I am reading from the testimony.

Mr. BUCHANAN of Illinois. The fact is, Mr. Chairman, that this Department of Labor and its bureaus has been sort of chloroformed by Congress, due to a lack of appropriations and consideration for the interests of labor. Due to great doses of chloroform, this bureau may have been in a dazed condition and hardly knew how to operate their crippled-up force and get results, and in trying to comply with the law perhaps they have done certain things with the meager and insufficient funds they had to expend; they may not have hewed exactly to the line altogether. I deny, however, that they have violated the law. It has not been shown by the gentleman from New York, who is one of the ablest lawyers in the House, that they have violated the law.

Mr. FITZGERALD. They admitted it.

Mr. BUCHANAN of Illinois. Well, for the sake of argument, I will agree that they have violated the law, which they have not. [Laughter.] But if they have, what are we going to do? Are you going to let this Bureau of Labor Statistics, one of the most important to the people of the country and to this Congress, go without sufficient funds to accomplish their work? You are going to have matters come up here upon which you will want information—the wage scale, the number of men out of employment, and so forth. That information will be very important for us to have, and perhaps would clear away some of these confused statements that we have heard made on the floor.

I say to you that it is no argument to me for the gentleman from New York to say that they have in some way or other stepped over the line of the law. If it has been the practice in past years, it is very strange that the gentleman from New York has not called attention to it until they ask for funds to do this work placed upon them.

Now, I have requests from labor unions throughout the country for information that the bureau has almost completed. They have it almost completed, but they have not the force to complete it and have not the money to have it printed if they had it completed.

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Certainly.

Mr. JOHNSON of South Carolina. Who furnished the labor unions information upon which they sent a letter to the gentleman? Was not that a propaganda sent out from this very bureau to these people, and they wrote back to you?

Mr. BUCHANAN of Illinois. The gentleman is under a misapprehension. I said I had requests from labor unions for information that the bureau had compiled but not completed. They were not requests for the passage of this amendment. There is no labor union that has said anything to me in regard to this appropriation bill. None, so far as I know, know anything about it. What I said was that I had requests from labor unions over the country to secure information prepared by the bureau, which they desired for their own use—one in particular, the hygiene of the painting trade.

Mr. JOHNSON of South Carolina. If an appropriation of this kind were made, they could not pay for the printing of it.

Mr. BUCHANAN of Illinois. I know; we have another amendment for that. This appropriation would permit them to complete the investigations that have been under way in securing information that I have been asked for. I myself desire some of that information. They have under way an investigation as to what Governments in foreign countries have done for home builders and farmers. That is information I would like very much to have. This work can not be completed under the present force and the funds they have to expend. If the information is compiled they will not be able to print it, because they have not the money to pay for the printing. I have already

asked for the printing of the information on the hygiene of the painters' trade, because they lack the funds to print it.

DRAINAGE OF SWAMP LANDS.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a document by Dr. William H. Deaderick, of Hot Springs, Ark.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an address by the gentleman whom he names. Is there objection?

There was no objection.

URGENT DEFICIENCY BILL.

Mr. JOHNSON of South Carolina. Mr. Chairman, I think I can state in a very few words the condition of this appropriation. This appropriation is carried in the legislative bill and is to enable the Bureau of Labor to gather certain information in the field. The appropriation for the current year is just exactly, as I now recollect, what the department estimated it would need. It is the exact amount that has been carried in the previous appropriation bills for that purpose. The fact is that, although the law provides that no personal service shall be secured in the District of Columbia out of lump-sum appropriations, the Department of Labor has kept on its pay roll here in the District of Columbia, in violation of the law, a large number of people. And instead of using this money for the purpose for which it was appropriated, to wit, to gather the information in the field, they have used it to pay clerks here in the office, and that is the reason why they have not money enough to keep their force in the field until the end of the fiscal year. There is not any doubt about their having violated the law.

Mr. LEWIS of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. LEWIS of Maryland. Has the gentleman information as to whether the infractions referred to have occurred since the organization of the department as such, or whether that is a hold-over condition from the time when it was a bureau?

Mr. JOHNSON of South Carolina. I can not say when it began. I am telling you what the trouble is now. Gentlemen, those are the facts. This appropriation was made in the legislative appropriation bill. We gave them just what they have had every year before. We gave them just what they asked for, and they have expended it in a way that the law did not authorize.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. BUCHANAN of Illinois. Does the gentleman think that that justifies Congress in not continuing this work, simply because somebody happened to violate the law or not to comply strictly with it?

Mr. JOHNSON of South Carolina. I think that is a matter for the Committee of the Whole to decide. We have made the appropriation for this work. They seemed to think that other work was more important, and they have used the money for other work. It is the intention of the Department of Labor to keep every man now on the pay roll until the 1st day of July, but they say that they can not keep them on the pay roll and, in addition to their monthly pay, pay their traveling expenses in the field.

Mr. BUCHANAN of Illinois. They say they can not continue the work they have started.

Mr. JOHNSON of South Carolina. They are going to work them here just as they have been doing.

Mr. SISSON. Mr. Chairman, your committee, in its investigation of this matter found the conditions just as stated by the chairman of the committee and as stated by the gentleman from South Carolina [Mr. JOHNSON]. The money that was intended to be used by the employees in gathering statistics and paying the expenses of these people has been diverted to the payment of a certain number of employees in the District of Columbia, as stated by the gentleman from South Carolina, in violation of the law. I do not believe that any department ought to be permitted to expend money for a purpose other than that for which Congress had already made provisions. It is true that many people throughout the country who keep up with this important work might not have known that condition of affairs in the Department of Labor. The legislative bill could have taken care of it and could have made the corrections and adjustments and it would not have been necessary to say these things on the floor of the House; but will Members of Congress, who pass the law and who are responsible to their constituents for the manner in which this money is expended, justify and excuse and give the right in the future to these departments to expend money as they please? If this department shall suffer, it suffers in this instance by reason of the fact that it misused the funds, diverted them from the channel intended by Congress.

Mr. LA FOLLETTE. Mr. Chairman, is it the gentleman's contention that the Department of Labor did not need these employees, that they have been paying them unlawfully out of this money?

Mr. SISSON. I say they had no right to use this money. Congress ought to authorize the employees before they obtain them.

Mr. LA FOLLETTE. Does the gentleman not think that if they really needed those employees in order to continue the business of the country that we should overlook a technical thing of that kind?

Mr. SISSON. No, I do not; and I am surprised to hear the gentleman say that Congress should overlook the fact that the law of the land has been violated, and when you do you say to every member of the Cabinet, to every bureau chief, "Use the money as you see fit and proper, not as we see fit and proper"; and when that time comes, then the House of Representatives and the Senate ought to quit business, because to do business longer would be a farce and a fraud.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield further?

Mr. SISSON. Yes.

Mr. LA FOLLETTE. Have not these same employees been employed by the bureau which has done this work in the past, before the formation of this new department?

Mr. SISSON. The gentleman is entirely ignorant, I presume, of the method of segregation between the Department of Commerce and the Department of Labor, when the Department of Labor was created. There were certain employees, sometimes irrespective of exactly where they worked, under the act which created the Department of Labor, and the Secretary of Commerce and the Secretary of Labor were enabled to divide their forces, which had theretofore been under the Secretary of Commerce and Labor. The truth of the matter is that if this Appropriation Committee can do what these gentlemen want them to do in a deficiency bill, then we could, if we saw fit and proper, load down these deficiency bills and create innumerable offices, but the moment we did we would be accused of arrogating to ourselves power that we ought not to have, and every member of every other committee would rise up in arms against it; but here is the Labor Committee now urging us to do those things not authorized by law, because this money which has been expended for these employees in the District of Columbia is money which has been appropriated for other purposes. We are not responsible for the condition in which the Secretary of Labor finds his department. Congress did not place him in that position, and if he thought, in his wisdom—let us be that charitable with him—that it was better to use it for the benefit of the department by employing men in violation of the law than to do this other work, then this work can certainly wait for two or three months until the legislative bill can take it up and straighten the entire matter. I do not believe that anyone is more friendly to the man who toils and labors with his hands than I am.

But when the demands of labor come we should look at them as we would the demands of bankers, lawyers, doctors, merchants, and everybody else. I do not believe in giving labor any special privilege. I do not believe in giving the farmer any special privilege. I do not believe in giving anyone any special privilege, and these men who are now urging this be done, if it were done by the Secretary of the Treasury, would perhaps be the first men to raise their voices in protest against it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for two minutes more.

Mr. BUCHANAN of Illinois. I object.

Mr. SISSON. If the gentleman objects, he is going to have a little more trouble about getting his own time extended in the future. We have been more than indulgent with him. I am a member of the subcommittee and have taken but little time on this bill.

Mr. BUCHANAN of Illinois. The gentleman would not yield for a question.

Mr. SISSON. I told the gentleman that I would yield in a minute. I never decline to yield to anybody when I have time, if the gentleman asking me to yield is courteous.

Mr. BUCHANAN of Illinois. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. SISSON. I will now yield to the gentleman from Washington [Mr. LA FOLLETTE], who has asked me a question, and then I will yield to the gentleman from Illinois.

Mr. LA FOLLETTE. The thing I want to get at and get a better idea of is whether or not these employees were superfluous, whether they were not needed. I can easily see in forming a new bureau there might be conflict between two bureaus as to the number of employees which should go to one bureau or the other, but the thing I wish to know is whether these employees were needed.

Mr. SISSON. Every employee not authorized by law is superfluous, every one of them, because Congress is responsible and controls the departments. The departments do not control Congress. As a matter of fact, Congress is now assuming such a miserable position in the eyes of the country and bureaucracy has increased so rapidly in this country that we are beginning to make Russia look like a piker in bureaucracy.

Mr. LA FOLLETTE. I will agree with the gentleman there is something in that contention.

Mr. SISSON. I now yield to the gentleman from Illinois.

Mr. BUCHANAN of Illinois. The gentleman states that they were employed in violation of the law. I want to have an explanation about this.

Mr. SISSON. In other words, the money that has been paid these 19 employees who were in the service for the purpose of gathering the very statistics the gentleman asked for have been placed at something else.

Mr. BUCHANAN of Illinois. They did not gather statistics.

Mr. SISSON. They were employed for that purpose and were being paid $3 per diem and traveling expenses, and have been retained here in the city of Washington in violation of law. Now, is that plain?

Mr. BUCHANAN of Illinois. I understand they have been doing——

Mr. SISSON. It does not matter what they have been doing. They were on the pay rolls to do certain specified work which the law required them to do, and if they do other work and are paid out of an appropriation made for another purpose, it is a violation of law; in this case of a specific statute.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISSON. I ask two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. I want to call the attention of the committee——

Mr. BUCHANAN of Illinois. Will the gentleman yield further?

Mr. SISSON. Let me finish this, because I have it jotted down here. I want to call the attention——

Mr. BUCHANAN of Illinois. Does the gentleman want to finish telling what a friend to labor he is, when he is trying to keep——

Mr. SISSON. Oh, the gentleman is not the only pebble on the beach or the only lawn mower on the grass. He is not the only friend of labor in the entire world. [Applause.] The gentleman from Illinois has no brief to speak for me; I have not authorized him to speak.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. SISSON. I will not yield right now, and I do not want these interruptions taken out of my time either. I want to call the attention of the House to the various departments that are engaged in gathering statistics. The Census Department, they are gathering statistics; in the Child's Labor Bureau they are gathering statistics; the Bureau of Foreign and Domestic Commerce are gathering statistics, and in other departments they are gathering statistics. The Department of Labor is gathering statistics, and nearly all the other departments have some sort of statistical attachment for gathering statistics. Now, I want to call the attention of the House to this condition, so that it may go into the RECORD that these legislative committees that have jurisdiction of these matters may bring in legislation to remedy this condition. The Appropriations Committee can not do it. The proper committee should report a bill covering this entire matter of gathering statistics and charge one bureau with the duty to gather all statistics, thus using the same machinery, and not have a multifarious number of duplications of the same work, costing many millions of dollars more than if all these facts were gathered in one department. If one department did all this work, we would not have this useless expenditure of the people's money and useless duplication of work.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending amendment close in five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to have two minutes.

Mr. FITZGERALD. I ask that they close in five minutes.

Mr. BUCHANAN of Illinois. Make it seven.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent for five minutes in my own right.

Mr. FITZGERALD. I move to close debate on the pending amendment in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to close the debate on the pending amendment in five minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Maryland [Mr. LEWIS] is recognized for five minutes.

Mr. LEWIS of Maryland. Mr. Chairman, I should not claim the attention of the committee now were it not for the declaration made by the gentleman from Mississippi [Mr. SISSON]. I do not at this moment know how I shall vote upon this amendment, because I must admit that the statements made by the committee in charge of the bill have produced grave doubts in my mind, and perhaps would have produced a state of certainty with regard to the amendment had it not been for the declaration of which I complain. The gentleman from Mississippi [Mr. SISSON] saw fit to drag in and characterize the Committee on Labor——

Mr. SISSON. I want to say, Mr. Chairman, if that was done in any sense of the word with any idea in the gentleman's mind that it was intended as a reflection upon that distinguished committee, I will say that I did not intend any such impression to get out.

Mr. LEWIS of Maryland. It is very well to withdraw it now, but the statement was made.

Mr. SISSON. It was made here in the heat of debate, and I do not recollect now just exactly the language used; but if the gentleman wants to force me to rely absolutely on what I said, I will stand by it.

Mr. LEWIS of Maryland. I care not whether the gentleman stands by it or withdraws from it. I do care as to the fact, sir, and perhaps the Committee of the Whole House on the state of the Union will care. The fact is that the Committee on Labor, as such, has never had anything to do with these amendments, has never discussed them, has never had before it the subject of appropriations to the Department of Labor. I want to say, so far as I personally am concerned, although it may not be my portion to be charged with the particular responsibility on these matters, as the gentleman from Mississippi is now, that I give way to no man in this House in my purpose to enforce strictly administrative laws or to economize the resources of the people. And the Labor Department presents no exception to that rule, in my mind. If the Labor Department or a preceding bureau has violated the law and has expended money in a manner unwarranted by the law, it of course can not ask for special privilege, and I am not here to defend it. But I am here, sir, to defend the Committee on Labor in this matter. The characterization it has received is absolutely unfounded and unjustified.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. KEATING].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Chairman, I ask for a division.

The committee divided; and the Chairman announced there were—ayes 33, noes 33.

The CHAIRMAN. The Clerk and the Chair differ as to the result. Therefore it will be necessary to put the Members to the trouble of being counted again.

The committee again divided; and there were—ayes 39, noes 39.

Mr. BUCHANAN of Illinois and Mr. J. I. NOLAN demanded tellers.

Tellers were ordered.

The committee again divided; and Mr. FITZGERALD and Mr. KEATING took their places as tellers.

The committee again divided; and there were—ayes 41, noes 45.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMMIGRATION SERVICE.

Ellis Island Immigrant Station, New York Harbor: For completion of additional story on baggage and dormitory building and metal and masonry projection on northern side of said building, $200,000.

During the reading,

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer the following amendment.

Mr. SISSON. Mr. Chairman, the Clerk has not completed the reading of the paragraph. I make the point of order the amendment is not in order yet.

The CHAIRMAN. The Clerk will read to the completion of the paragraph.

The Clerk concluded the reading of the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] is entitled to recognition if he desires.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 12, insert as a separate paragraph the following:

"To meet a deficiency in the appropriation 'Expenses of regulating immigration' for the fiscal year ending June 30, 1914, to wit: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States,' and acts amendatory thereof; for expenses of necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation; and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers, all to be expended under the direction of the Secretary of Labor (act June 23, 1913, vol. 38, sec. 1, p. 65), $95,000."

Mr. SISSON. Mr. Chairman, I make the point of order that the paragraph to which he offers an amendment has been passed.

Mr. FITZGERALD. Mr. Chairman, I suggest that the gentleman withhold that amendment until this paragraph is disposed of.

Mr. SISSON. Mr. Chairman, the gentleman offers an amendment in line 5, as I understand it.

Mr. BUCHANAN of Illinois. I tried to get the floor to offer it before.

Mr. MANN. The amendment is in order after line 9. Make it to read after line 9.

Mr. FITZGERALD. Mr. Chairman, I suggest to the gentleman that he withhold it until any action may be taken on the pending paragraph, and then offer it. It is in order.

Mr. BUCHANAN of Illinois. All right.

Mr. SISSON. Mr. Chairman, I was not making any point of order, except the gentleman wanted to put it in after line 5, and that line was passed.

Mr. MANN. He wanted to put it in the right place.

Mr. SISSON. But the place had been passed.

Mr. BUCHANAN of Illinois. I desire to offer it after the paragraph is finished.

Mr. MOORE. Mr. Chairman, I want to strike out a word at the end of the paragraph, line 9, at the proper time. I do not want to be taken off the floor.

Mr. FITZGERALD. The gentleman from Illinois [Mr. BUCHANAN] withholds his amendment for the present.

The CHAIRMAN. The gentleman from Illinois, as the Chair understands it, has yielded the floor at this time.

Mr. BUCHANAN of Illinois. I withhold the amendment for the present.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE. Will the gentleman explain the urgency for this $200,000 appropriation at this time for building an additional story on the baggage and dormitory building at Ellis Island?

Mr. FITZGERALD. Under authority of law a contract was entered into to construct an additional story upon this building, at a cost of $350,000. When the authority was given it was stated $150,000 would be required during the present fiscal year. The contract was made, the work commenced, and the contractor during the month of January reached the point where the entire $150,000 was exhausted. This is to enable the work to be carried on, else he must stop work, as he is not able to advance his operation.

Mr. MOORE. One hundred and fifty thousand dollars worth of work has been done?

Mr. FITZGERALD. Yes; $150,000 worth of work has been done, and this is to complete the contract.

Mr. MOORE. And the $200,000 was authorized in a previous appropriation?

Mr. FITZGERALD. Yes.

Mr. MOORE. The second paragraph, providing for $30,000 for equipment, is to equip this addition when completed?

Mr. FITZGERALD. Yes; to furnish double-tiered beds—I believe 1,200 double-tiered beds—and ordinary park benches to go around the outside of the building.

Mr. MOORE. Is there any urgency about the equipment when the building is not completed?

Mr. FITZGERALD. They must be ordered and contracted for and ready to be installed when the building is completed.

Mr. MOORE. How many additional immigrants will this new building take care of?

Mr. FITZGERALD. Twelve hundred beds.

Mr. MOORE. Twelve hundred additional?

Mr. FITZGERALD. Yes; twelve hundred beds.

The CHAIRMAN. The Clerk will read.

Mr. FITZGERALD. Mr. Chairman, let the Clerk read the next paragraph.

The Clerk read as follows:

For furnishings and equipment for additional story on baggage and dormitory building, including beds, benches, and miscellaneous furniture, $30,000.

Mr. BUCHANAN of Illinois. Now, Mr. Chairman, I want to change my amendment and offer it to line 12.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, page 30, by inserting after line 12 as a separate paragraph the following:

"To meet a deficiency in the appropriation 'Expenses of regulating immigration' for the fiscal year ending June 30, 1914, to wit: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said law; for the enforcement of the provisions of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States,' and acts amendatory thereof; for expenses and necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for other expenses authorized by said acts; also for preventing the unlawful entry of Chinese into the United States by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor (act June 23, 1913, vol. 38, p. 65, sec. 1), $95,000."

Mr. BUCHANAN of Illinois. Mr. Chairman, it seems to me this amendment is so fair and so just that it ought to appeal even to the members of this Committee on Appropriations.

I probably made a mistake in talking about the committee a while ago, saying that they were permitting the Labor Department to be chloroformed, crippled, hamstrung, bucked, and gagged for want of funds. I do not believe they know any better, to tell the truth. Most of them are lawyers and do not know much about the labor question. I do not believe they intend to be so unjust, but I do believe that whether they intend it or not the result is just the same. If they can sustain their position upon this amendment before this committee, then it is not necessary for anyone, with the small ability that I have, anyway, to try to get anything through Congress or through a committee like this for the benefit of labor on the ground of justice and fairness.

The Bureau of Immigration, as I remember it, has $2,550,000. I will ask the chairman of the Committee on Appropriations if that is correct?

Mr. FITZGERALD. Two million five hundred and fifty thousand dollars.

Mr. BUCHANAN of Illinois. Yes. It has $2,550,000 appropriated. The receipts from the immigrants for head tax and other things—and I do not know what else—amounted during the first six months of this fiscal year to $3,009,000, or about that. If I could calculate rapidly I could tell you how much more they have taken in in six months than they have had appropriated for the whole fiscal year. I think it amounts to something like $450,000 more.

But that is not a reason why we should make this appropriation, I agree; but the need for this appropriation arises on account of the fact that there has been a large increase in the number of immigrants coming to this country and the fact that new immigration stations have been built and are now being put into operation at New Orleans, Chicago, Philadelphia, and other places, and on account of the fact that there has been an increased amount of work, which makes it necessary to have an increased force or else the work will go undone.

Now, the fact is, as I get it, that the Naturalization Bureau is at this time clogged up, and if this appropriation is not made they will not be able to take care of the naturalization of those who are qualified to be naturalized in this country. And there are many other things that ought to be done to catch up with the work, so that they can do this work efficiently

and properly, and it is essential that they have this appropriation. That is what makes it an urgent and important matter.

Now, another thing that is rather an abnormal condition which is due to the war in Mexico. There have been many Chinese brought into Mexico as laborers, and after having gone there as laborers they have drifted to California. This is of especial interest to the western people, who know the need of keeping out undesirable immigrants, such as the Chinese; because if this appropriation is not made it is simply going to chloroform even the Immigration Bureau of this department.

Some of the amendments have been turned down here on the flimsy argument that somebody has done something that was not strictly in accordance with the law. Nobody has said that they did not need this money. Nobody can say that. It is a fact that they do need it, and it is urgent that they should have it. But because somebody said that somebody did not comply strictly with the law, these other urgent matters will have to wait—these matters for the safety and the health of the working people of this country—this information that might be brought forth so that we might at an earlier date legislate in the States, as well as in the Nation, to give relief to the existing situation and find a preventive of these diseases and these accidents that are killing the working masses of this country in large percentages all the time. What will they say now? In their opposition there is only one position left for them to take; they have no ground for opposition otherwise. Will they say that somebody, somewhere, at some time or other, has not strictly complied with the law, and therefore this appropriation should not be allowed, and thereby permit this bureau to be hamstrung, buckled, and gagged the same as the whole department has been?

I want to apologize for anything I said that might cast any reflection on the splendid Committee on Appropriations of this House. [Laughter and applause.]

Mr. MADDEN. Mr. Chairman, it has occurred to me, from reading the hearings in this matter, that this appropriation proposed in the amendment of my colleague is not needed. The hearings read as follows. The chairman of the Committee on Appropriations said:

> The next item is "Immigration Service: For expenses of regulating immigration, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1914, $95,000." The appropriation is $2,550,000. How much was actually expended in 1913?
> Mr. O'DONNELL. That has been reported in the form of a printed document. I have not a copy with me, but the amount, I think, expended was $25,000 less than the total appropriation.
> The CHAIRMAN. For this year you have $75,000 more than you expended last year?
> Mr. O'DONNELL. No. We received an increase of $25,000 over the appropriation for last year. Last year the appropriation was $2,525,000, and this year it is $2,550,000.
> The CHAIRMAN. But you only spent $2,500,000?
> Mr. O'DONNELL. That was the total of the expenditures.
> The CHAIRMAN. So you have $75,000 more?
> Mr. O'DONNELL. Yes, sir.
> The CHAIRMAN. How can you have a deficiency?
> Mr. O'DONNELL. We have a potential deficiency this year, which I can give you the particulars of.
> The CHAIRMAN. A potential deficiency?
> Mr. O'DONNELL. We are obligated, in other words, for more than our appropriation.
> The CHAIRMAN. You can not, under the law. You have to apportion your appropriation and you can not create a deficiency.
> Mr. O'DONNELL. The department is at the present time obligated for more than the appropriation.
> The CHAIRMAN. You can not do that. You have no authority.
> Mr. O'DONNELL. Well, for example, if you want to create a position and appoint a man at $1,200, effective on the 1st of July, you are obligated for $1,200 in that case.

And Mr. O'Donnell goes on with his statement, and from start to finish admits that they have a surplus of $75,000, that they do not legitimately need a dollar of this $95,000, and this amount is in strict contradiction of the statement made by the man in charge of the service for which this appropriation of $95,000 is sought to be made.

Now, I submit to the committee that with a statement coming from the bureau itself to the effect that they have $75,000 more than they need, there is no deficiency, and that it is not within the power of the bureau to create a deficiency in anticipation of what might happen a year from now. Mr. O'Donnell says they have created place after place, evidently without authority of law, and because they have created those places without getting the authority of Congress, in anticipation of the work to be performed by the men who are to fill the places they are looking forward to a deficiency, and they want $95,000 to meet that deficiency.

Mr. GOULDEN. I should like to ask for information who is this gentleman Mr. O'Donnell? What is his position in the department?

Mr. MADDEN. I assume that he is the Immigration Commissioner, or whatever his title may be; and, by the way, that is a title that has not been created by law. There is no such position created by law. But nevertheless the position is in existence. It has been created by the edict of the Department of Labor. There is no reason why the Department of Labor, because it happens to be the Department of Labor, should have privileges that are not accorded to any other department. The work of Congress should be conducted along lines calculated to conserve the Treasury of the United States, to do ample justice to every interest involved, and to see that no man is placed anywhere by anybody in authority unless that man has the power to do so under the law.

Mr. RAKER. Mr. Chairman, any one reading the statement of Mr. O'Donnell, who appeared before the Committee on Appropriations, and the record of whose statement begins at page 379 and ends on page 388, can not help but come to the conclusion that this $95,000 is money that will be actually needed by the Department of Labor to enforce the laws up to the 30th of June, 1914. The additional immigration stations create new offices, new liabilities, and new expenses that the department must encounter and provide for, and they show that in certain cases they will even be compelled to shut down and cease work if the money is not provided.

In regard to the unlawful entering of persons from Canada, it appears from the statement before the committee that there are many unlawfully entering the United States from the Dominion of Canada at the present time, and the department says that if the money is not provided it will be compelled to withdraw its men and thereby permit the undesirables and those who are prohibited by law from entering to come into the United States, and they can not be deported.

Mr. OGLESBY. Will the gentleman yield?

Mr. RAKER. Not just at present. I will in a moment. Now, in regard to the southern border of the State of California, it appears that last year alone there were 3,461 Chinese who unlawfully entered the United States who were deported; and if the truth were known there were practically five who unlawfully entered and who were not arrested and deported for every one who was legally deported. For the last six months there have already been 2,359 deported who unlawfully entered the United States from Lower California, and this work will have to cease between now and the end of the fiscal year if this Congress does not provide the necessary means for the department to carry out its work. On account of the unpleasantness in Mexico these men are landed by the steamship companies in Mexico and in Lower California, and it is easy to see how they can cross the border, and as an additional inducement the price per head for smuggling a Chinaman across the border is from $500 to $1,000. It well becomes Congress to provide the necessary sinews of war, so that this department can carry out the mandatory provisions of the law which require the Secretary of Labor and the Commissioner of Immigration to enforce this law and to arrest and return those who unlawfully arrive in this country.

There are a great many more who unlawfully enter and are smuggled into the country along the seaboard. The department also states that from the Canadian border there are many Hindus who come across, and that if a sufficient fund is not provided there will be no means to arrest them and enforce the law, and deport those who have unlawfully entered. The official figures show that more than $2,000,000 was collected from immigrants last year over and above the expenses of this department, and now the Department of Labor, for the purpose of properly equipping itself, of properly enforcing the law, asks Congress to return the small pittance of $95,000 in order that the department may be properly maintained. In view of the fact that the Immigration Department has collected over $2,000,000 in excess of the money expended for all its operations, I insist that this appropriation is reasonable.

There is no more important duty to be performed by the Secretary of Labor and Commissioner General of Immigration than enforcing the immigration law, excluding the Asiatics, as far as the law now goes, and all others, and deporting those who have entered the United States in violation of the law. This money will be most properly used and for a good cause. We should keep from this country those who are prohibited from entering this country. If they are smuggled in or otherwise enter they should be deported. Better conditions should be provided by those who come to this country. They should have every humane care and treatment that it is possible to give them. The department needs money to provide the necessary accommodations and officials to give such care. I shall vote for this amendment and urge the members of the committee to support this amendment.

The statement made by the department officials who appeared before the committee shows the necessity of this appropriation.

EXPENSES OF REGULATING IMMIGRATION.

The CHAIRMAN. The next item is "Immigration Service. For expenses of regulating immigration, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1914, $95,000." The appropriation is $2,550,000. How much was actually expended in 1913?

Mr. O'DONNELL. That has been reported in the form of a printed document. I have not a copy with me, but the amount, I think, expended was $25,000 less than the total appropriation.

The CHAIRMAN. For this year you have $75,000 more than you expended last year?

Mr. O'DONNELL. No. We received an increase of $25,000 over the appropriation for last year. Last year the appropriation was $2,525,000, and this year it is $2,550,000.

The CHAIRMAN. But you only spent $2,500,000?

Mr. O'DONNELL. That was the total of the expenditures.

The CHAIRMAN. So you have $75,000 more?

Mr. O'DONNELL. Yes, sir.

The CHAIRMAN. How can you have a deficiency?

Mr. O'DONNELL. We have a potential deficiency this year which I can give you the particulars of.

The CHAIRMAN. A potential deficiency?

Mr. O'DONNELL. We are obligated, in other words, for more than our appropriation.

The CHAIRMAN. You can not, under the law. You have to apportion your appropriation and you can not create a deficiency.

Mr. O'DONNELL. The department is at the present time obligated for more than the appropriation.

The CHAIRMAN. You can not do that. You have no authority.

Mr. O'DONNELL. Well, for example, if you want to create a position and appoint a man at $1,200, effective on the 1st of July, you are obligated for $1,200 in that case.

The CHAIRMAN. But you have no authority to do that if you have not the money. How do you get the so-called potential deficiency?

Mr. O'DONNELL. For the fiscal year 1914 there have been obligations assumed by the creation of new positions in the manner which I will indicate. The New Orleans immigration station, which was a new station, ordered erected by Congress, was not turned over by the contractors until March, 1913, and we avoided the necessity of manning the station, so far as we could, until the beginning of the next fiscal year, because we were not prepared to incur any obligation at the latter end of the fiscal year. The increased force required at New Orleans and which was authorized during the fiscal year is costing $9,480, which is an entirely new obligation.

The CHAIRMAN. What did you have there last year?

Mr. O'DONNELL. I have not the figures with me.

The CHAIRMAN. Is this in addition to what you had last year?

Mr. O'DONNELL. Yes, sir; new positions created for this fiscal year. At Philadelphia that station was opened in August of 1912, but this fiscal year we have had to create two positions on account of the new station at a total cost of $1,560 for salaries—additional positions. At Galveston, Tex., there was a new station erected by direction of Congress, and there we had no force at all to man the station; it was simply an office force—an inspection force—but the entire operative force of the station went into effect in the month of June of the last fiscal year and really became an annual obligation on the 1st of July, of $14,460. At Charleston, S. C., where we have a station which is unfurnished and not operated as a station, that was finished during the last fiscal year—I am not certain about the date, but I think it was January or February—and we put temporarily two watchmen there, and we finally secured permanent men during the present fiscal year at $1,440.

The CHAIRMAN. You had them there during the last fiscal year?

Mr. O'DONNELL. A part of the time; yes, sir.

Now, at the last regular session of Congress there was a bill passed authorizing a station at Chicago, Ill. Later on there was an appropriation of $20,000 made for furnishing that station and for rent for this fiscal year. That station has been rented, but we are even now postponing the manning of it until we get some additional money. We do not care to go any further in the hole than we are. That will cost for the remaining four months of this fiscal year, figuring from March 1, $5,520 for employees. That makes a total, on account of new stations (salaries only), of $32,460.

For the general immigration Service we have put into force in this fiscal year on the Canadian border alone additional employees drawing $14,720. That has been made necessary because of the fact that immigration from Europe to Canada has been the largest in the history of the Dominion, and as against that industrial conditions there have not been of the best. The result was that in the early summer of last year those immigrants who found that conditions in Canada were not to their liking came streaming over the border and it became necessary for the department to tighten up the lines in order to keep them out, and the result was the creation of these positions which the Secretary did with the idea that if Congress could not see its way clear to allow us the money to meet the deficiency thereby created, we would have to cut down the force before the end of the year by furloughing men or letting them out as best we might.

The situation as to the interpreters at New York has already been called to the attention of this committee. It was brought up last year. The Secretary responded to the pressure for additional interpreters, in order to handle the immigration and enforce the laws, by allowing an increase of four men, which was about the 1st of July of this fiscal year, and also three additional inspectors, making a total of $8,940.

At the port of Boston the increase in the number of steamship lines coming there made it necessary to increase their force by two inspectors and one clerk, entailing an expenditure of $3,780.

The CHAIRMAN. What additional steamship lines come to Boston?

Mr. O'DONNELL. The Hamburg-American and the North German Lloyd.

The CHAIRMAN. How many vessels a week?

Mr. O'DONNELL. I am not able to speak offhand. I should say that the Hamburg-American Line has been running about two vessels a month and the North German Lloyd Line about two vessels a month; in all, say one ship a week additional. I understand that they are going to double the number.

The CHAIRMAN. How many inspectors did you have at Boston?

Mr. O'DONNELL. We had in Boston, I think, about 15 inspectors and perhaps 6 or 8 clerks.

The CHAIRMAN. How many immigrants did you have in 1913?

Mr. O'DONNELL. The total immigration through the port of Boston during the fiscal year 1913 was 54,740. That is the total for the year. For the first six months of this fiscal year the number of immigrants has been 42,154 at Boston, which for the year would make it over 84,000.

The CHAIRMAN. How many immigrants did you have in New York last year?

Mr. O'DONNELL. Eight hundred and ninety-two thousand six hundred and fifty-three.

The CHAIRMAN. And how many inspectors there?

Mr. O'DONNELL. I should say that we have about 80.

The CHAIRMAN. Please place the number accurately in the record.

Mr. O'DONNELL. Yes, sir.

(NOTE.—The statement referred to is as follows:)

"At Ellis Island there are 80 inspectors and 117 clerks, each of whom performs duty as indicated by title, and there is no overlapping of duties. At Boston there are 21 inspectors and 7 clerks; most of the inspectors at Boston are stenographers and typewriters and take their own notes, thus avoiding the need for many clerks; the inspectors at Boston also do all the statistical work between steamer arrivals. When ships are in port the entire force of inspectors is required to dispatch the business in that line, as there are three separate inspection stations widely remote from each other, and it frequently happens that forces are working at two of these stations at once."

Mr. O'DONNELL. There was a necessity for opening an office at Des Moines, Iowa. We had no office in the State of Iowa. We attempted to do the work by sending men from Chicago and St. Louis as occasion demanded, but it was not satisfactory. The number of cases that were being reported requiring investigation necessitated the opening of an office there.

The CHAIRMAN. An office for what purpose?

Mr. O'DONNELL. For immigration cases, including warrant cases, and there was an inspector in charge appointed at $2,250. He is in charge and does all of the work himself.

The CHAIRMAN. What do they do?

Mr. O'DONNELL. Assume the case of an alien coming to New York destined to Davenport, Iowa, and claiming to have an aunt or uncle residing there, whose address, perhaps, he is uncertain about, and he is not an immigrant who would be likely to get along at the start without some assistance from his relatives; he is rather hazy in his ideas as to the financial circumstances of those relatives, i. e., how they are situated. In many of those cases it is necessary to send an officer to make an investigation of the case. In thousands of other cases we get reports from municipal, State, and Federal agencies, but there are many other classes of cases which must be investigated. The State insane asylums in Iowa report many cases through the course of the year of inmates of those institutions whom they believe to be subject to deportation, and an investigation must be conducted in each and every one of those cases. There are several thousand Chinese in the State of Iowa who are constantly going and coming. Each one of those Chinese, when he applies for a return certificate, must be investigated, and when he applies for permission to reenter a further investigation is necessary in order to determine that the conditions which existed when he went out have not changed in the interval elapsing since then. That is a mere outline of the character of investigative work which must be done.

The CHAIRMAN. How many such stations have you in the United States.

Mr. O'DONNELL. We have offices all over the country, almost in every State, except the Western States—where one office will cover several States.

The CHAIRMAN. Please put in the record a statement showing the location of the offices.

Mr. O'DONNELL. Yes, sir.

NOTE.—The statement referred to is as follows:

Organization of Immigration Service.

District No.	Title of officer.	Location of headquarters.	Extent of districts.
1	Commissioner of immigration.	Montreal, Province of Quebec, Canada.	Canadian border and Canadian seaports.[1]
2	.....do.....	Boston, Mass.....	New England States, including port of Boston and subports of Portland and New Bedford.
3	.....do.....	Ellis Island, New York Harbor.	New York and New Jersey; immigration matters only.
	Chinese inspector in charge.	17 State Street, New York, N. Y.	New York and New Jersey; Chinese matters only.
4	Commissioner of immigration.	Philadelphia Immigration Station, Gloucester City, N. J.	Eastern Pennsylvania and Delaware; port of Philadelphia and substations of Chester and Wilmington.
5	.....do.....	Baltimore, Md....	Maryland and District of Columbia; port of Baltimore and subports of Annapolis and Washington.
6	Inspector in charge.	Norfolk, Va.....	Virginia and North Carolina; port of Norfolk and subports of Newport News and Wilmington.
7	.....do.....	Jacksonville, Fla..	Georgia, Florida, Alabama, and South Carolina; port of Jacksonville and subports of Savannah, Brunswick, Tampa, Miami, Key West, Pensacola, Mobile, and Charleston.
8	Commissioner of immigration.	New Orleans, La..	Louisiana, Mississippi, Arkansas, and Tennessee; port of New Orleans and subports of Gulfport and Pascagoula.

[1] The following are designated as Canadian seaports of entry for aliens bound for the United States: Halifax, Nova Scotia; Quebec and Point Levi, Quebec; St. John, New Brunswick; and Vancouver and Victoria, British Columbia.

The following are designated as Canadian border ports of entry for aliens: Eastport, Calais, Vanceboro, Fort Kent, Fort Fairfield, Van Buren, Houlton, Madawaska, and Lowelltown, Me.; Beecher Falls, N. H.; Island Pond, Newport, Richford, St. Albans, Swanton, and Alburg, Vt.; Rouses Point, Malone, Fort Covington, Nyando, Ogdensburg, Morristown, Waddington, Alexandria Bay, Clayton, Cape Vincent, Charlotte, Olcott, Lewiston, Niagara Falls, and Buffalo, N. Y.; Cleveland and Toledo, Ohio; Detroit, St. Clair, Port Huron, and Sault Ste. Marie, Mich.; Chicago, Ill.; Duluth, Ranier, International Falls, Warroad, Beaudette, and Noyes, Minn.; Hannah, Pembina, Neche, Walhalla, North Gate, Portal, and St. John, N. Dak.; Sweet Grass and Gateway, Mont.; Porthill and Eastport, Idaho; and Danville, Ferry, Marcus, Oroville, Sumas, and Blaine, Wash.

Organization of Immigration Service—Continued.

District No.	Title of officer.	Location of headquarters.	Extent of districts.
9	Inspector in charge.	Galveston, Tex....	The port of Galveston and subports of Port Arthur and Corpus Christi, Tex. The territory bounded on the north and east by the Louisiana-Texas border and the Gulf of Mexico; on the west by the westerly boundaries of the following counties in Texas: Shelby, Nacogdoches, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, Wharton, Jackson, Victoria, Refugio, San Patricio, and Nueces; and on the south by the southerly boundary of Nueces County, Tex.
10	.....do.....	Cleveland, Ohio...	Ohio and Kentucky; substations at Toledo and Cincinnati.
11	.....do.....	Chicago, Ill.....	Illinois, Indiana, Michigan, and Wisconsin.
12	.....do.....	Minneapolis, Minn	Minnesota and North and South Dakota.
13	.....do.....	St. Louis, Mo.....	Missouri, Iowa, Kansas, and Oklahoma; substations at Kansas City, Mo., and Des Moines, Iowa.
14	.....do.....	Denver, Colo.....	Colorado, Wyoming, Nebraska, and Utah; substation at Salt Lake City.
15	Inspector in charge.	Helena, Mont.....	Montana and Idaho; substation at Havre, Mont.
16	Commissioner of immigration.	Seattle, Wash.....	Washington; port of Seattle and subports of Tacoma, Port Townsend, Hoquiam, Everett, and Bellingham; substations, Spokane, Walla Walla, Custer, and Nooksack.
17	Inspector in charge.	Portland, Oreg....	Oregon; port of Portland and subport of Astoria.
18	Commissioner of immigration.	San Francisco, Cal.	Northern California and Nevada; port of San Francisco; substations, Sacramento and Eureka.
19	Inspector in charge.	Pittsburgh, Pa....	Western Pennsylvania and West Virginia.
20	.....do.....	Ketchikan, Alaska	Alaska; port of Ketchikan and substations of Skagway and Nome.
21	Commissioner of immigration.	San Juan, P. R....	Porto Rico; port of San Juan and subports of Ponce and Mayaguez.
22	Inspector in charge.	Honolulu, Hawaii.	Territory of Hawaii, including all ports.
23	Supervising inspector.	El Paso, Tex.....	Texas, except portion comprising district No. 9; New Mexico, Arizona, and southern California; port of El Paso; subports of Brownsville, Eagle Pass, Laredo, Hidalgo, and Del Rio, Tex.; Nogales, Douglas, and Naco, Ariz.; and San Diego, Tia Juana, Campo, and Calexico, Cal.; substations of San Antonio, Fort Worth, Harlingen, Amarillo, and Big Springs, Tex.; Tucumcari, Alamogordo, Albuquerque, San Marcial, and Deming, N. Mex.; Bowie, Benson, and Phoenix, Ariz.; and Los Angeles, Santa Barbara, San Luis Obispo, Fresno, Bakersfield, and Andrade, Cal.

Mr. O'DONNELL (continuing). There was one new position created from the first of the fiscal year, a special officer, who reports directly to the department, for investigative work, more particularly a specialist in investigating smuggling and other criminal or quasi-criminal doings on the part of interests which are undertaking to introduce Chinese aliens in violation of the law. He was formerly in the service; his services had been discontinued as a measure of economy, but it was deemed advisable and necessary to have him back.

The CHAIRMAN. What does he do?

Mr. O'DONNELL. He travels all over the United States in making investigations of the matters I have indicated, more particularly criminal matters, large smuggling enterprises, and things of that kind.

The CHAIRMAN. Smuggling what?

Mr. O'DONNELL. Chinese and other undesirable aliens; Chinese principally.

Secretary WILSON. If I may be permitted to supplement here; the information comes to us that a Chinaman imported into this country is worth from $500 to $1,000, and that there is a considerable trade carried on in smuggling Chinamen into this country. His duties are principally to run down those smuggling cases.

The CHAIRMAN. Do you not have special Chinese inspectors?

Secretary WILSON. They do not engage exclusively in running down these smuggling cases. The Chinese inspectors handle legitimate business coming into the country. They are not detailed into strange places and out-of-the-way places for the purpose of running down smuggling cases.

The CHAIRMAN. A man who is not familiar with the Chinese business would never know whether a Chinaman was there or not.

Mr. O'DONNELL. The smuggling of Chinese in southern California is carried on not by dozens, but by the wholesale. They bring them in by boatloads or automobile loads. The officers in that section of the country are perhaps just as capable as they are in any other section, but they are not detectives, they are not experts in criminology, they have never been engaged or employed for the reason that they are detectives; it is a little bit out of their line. This man goes around in the capacity of an instructor in how to run down depredations of that kind. He is a former secret-service officer. He travels about the country and reports, as I said, directly to the department.

The CHAIRMAN. How much does he receive?

Mr. O'DONNELL. $3,000. That makes the total increase in the force authorized for this fiscal year $32,690.

Now, these new stations I have mentioned have naturally increased their expenses for upkeep. It has been necessary to increase the allotment of money to these districts to maintain these new buildings. At the New Orleans station that allotment has been increased for this year $1,550. The station cost $120,000. At Galveston the allotment has been increased $5,150.

The CHAIRMAN. How much altogether?

Mr. O'DONNELL. $9,585 for those four new stations.

The CHAIRMAN. It only costs $75,000?

Mr. O'DONNELL. That is a wooden building.

The CHAIRMAN. It is altogether very expensive; it is out on an island, and is submerged at high tide.

Mr. O'DONNELL. It is at least four times the size of the New Orleans station, which is built of reinforced concrete, and as a consequence you have four times the roof area, and you have a wooden building to keep up, which is more expensive than a concrete and brick building. I think I explained to you last year why they built it where they did, so in the event of another Galveston flood the building would float instead of drowning the immigrants like a lot of rats in a trap. That was the real reason.

The CHAIRMAN. That is not a house-boat; it is not a building to float?

Secretary WILSON. My judgment is that it never should have been built there.

The CHAIRMAN. The information we have is that it is built on a sand bar, 15 or 20 feet above the surface of the sand, which is covered when they have a high tide.

Mr. O'DONNELL. I am only telling you what the report from the architect shows.

At the Philadelphia station we have taken care of practically all of that in the last year. We have increased the allotment this year $785. We estimate that to pay the miscellaneous expenses of the Chicago station during the four months of this fiscal year will cost $2,100. That makes a total of $9,985 increase on account of the new stations.

Section 24 of the immigration act gave the Secretary of Labor authority to employ certain men for the enforcement of the alien contract labor law. The total outlay for that object during the last fiscal year was $41,778.42. The obligations for the present fiscal year aggregate the whole amount authorized by section 24 of the act, to wit, $50,000. That is a difference of $8,281.58.

We have cut the allotments in some of these districts. For example, at the Ellis Island station we took their estimate for this fiscal year for ordinary upkeep and expenses and reduced it $100,000. The result has been that during this present fiscal year we have had no money to keep the station up—to keep up the buildings and to repair them.

The CHAIRMAN. What did you do with the $100,000?

Mr. O'DONNELL. It has been scattered among the rest of the service. Part of it goes to make up the increase we are carrying right now. The Canadian border is about $7,000 behind in their allotment for traveling expenses and other items. Boston about $4,000. St. Louis, Mo., which has done a very large deporting business in the last year (that section of the country has seemed to have a great many undesirable immigrants—I can not tell you the number of deported cases we have had there), is $5,000 behind what they should have. Seattle, $4,000. There has been an influx of Hindus from the Philippines. Those Hindus have been arrested on departmental warrants, and we have one bill for maintaining one lot of them, the first lot which came, that ran over $3,000 for their maintenance until the warrant procedure can be concluded and they are returned.

The CHAIRMAN. Will not they be carried back?

Mr. O'DONNELL. No, sir. They were arrested under departmental warrants. They were not from a foreign country, but from the Philippine Islands. It is coastwise business. El Paso, Tex., $5,500. That may be explained in very large part in this way: The steamship companies have been bringing a large number of Chinese, thousands of them, into Lower California, Mexican territory, to work on certain plantations that are down there, particularly around a place called Mexicali. Those people, on account of the military operations down there, have been simply pouring over the border of southern California, and we have been kept very busy rounding them up and deporting them. We have spent in that way about $5,000 already this year, and they are still coming. Our transportation account is about $8,000 short for the year.

We have a deficiency therein of about $8,000. That, of course, is scattered. A large part of it will go, for example, in connection with the transportation and deportation of Chinese from southern California, and the large increase in deportation on departmental warrants means additional transportation, because even though the steamship companies take them from the seaboard, we must transport them and guard them from the interior points to the seaboard. The deportations for the entire fiscal year last year on warrants were 3,461, and for the first six months of this fiscal year they have been 2,359, or an increase of 28 per cent. It will be seen where that money has gone. I might say that it represents increased efficiency in ridding the country of undesirables. The grand total of the amounts which I have given you in detail is more than $95,000.

The CHAIRMAN. How much more?

Mr. O'DONNELL. $141,456.58. As against that, you gave us an increase of $25,000. Taking that off would make the difference about $116,000, but if you will give us the $95,000 we can get along.

The CHAIRMAN. You have $50,000 more than you used last year, $29,000 unexpended balance, plus $25,000 additional which we gave you, making $54,000. You have no right to employ persons and create deficiencies in this way. This appropriation must be apportioned under the antideficiency act. You can not take a lump appropriation like this and add a lot of services at the beginning of the year and create a deficiency.

Mr. O'DONNELL. But the Secretary was of the opinion, and I think he was right, that the act of Congress which directed the exclusion and deportation of such aliens was also to be observed, and he deemed it advisable, in his wisdom, to take the measures I have indicated.

The CHAIRMAN. For instance, you have 15 inspectors at Boston for 54,740 immigrants as against 80 at New York for 892,653 immigrants?

Mr. O'DONNELL. The service at Boston also handles the entire New England States in respect to the arrest and deportation of aliens.

The CHAIRMAN. What does that amount to?

Mr. O'DONNELL. I have not the figures with me. They do all this investigative work. The service at Ellis Island attends to itself: it does not do any outside investigative work. There is the Chinese business, which in the State of New York is under a separate jurisdiction.

The Ellis Island situation must be said to be self-contained, while Boston is the headquarters of a large district, and so the comparison is not an apt one.

The CHAIRMAN. How many inspectors are used in the purely inspection work at Boston?

Mr. O'DONNELL. The entire force is turned on the inspection work when the steamers are in.

The CHAIRMAN. They have nothing else to do when they are not handling this other work; otherwise there would not be any work?

Mr. O'DONNELL. They have this investigative work between steamers.

Mr. WATSON. The inspectors at Boston have to do their own typewriting and clerical work, whereas at Ellis Island they do not.

Secretary WILSON. Taking the existing conditions as compared with the conditions which existed when the estimate was submitted——

The CHAIRMAN (interposing). we made an exhaustive investigation into the situation in regard to these two stations and the other work, and we found that the Immigration Service, for instance, is fixed to take care of the maximum number of immigrants that come in, and also that there was a tremendous falling off in immigration.

Secretary WILSON. There has been a tremendous increase in immigration, a larger number by far than there was during the preceding fiscal year. There has been a larger number over the Canadian border; there has been a larger number over the Mexican border; there have been unusual conditions on both sides of us; and in order to meet the situation we have increased this force, with this understanding and this in mind: That if Congress does not see fit to meet the deficiency we will have to cut down the force in accordance with the existing appropriation.

The CHAIRMAN. Please put in the record a statement showing the immigration for the last two or three years, the immigration up to the 1st of February of this year, and the receipts.

Mr. O'DONNELL. The receipts from the head tax in the last fiscal year were $2,000,000 more than the aggregate expenditures for the maintenance of the service. I can insert the table if you would like to have it:

Immigration to the United States.

During fiscal year:	
1911	878,587
1912	838,172
1913	1,197,892
During 6 months ended Dec. 31, 1913	734,869

Moneys collected by Immigration Service.

During fiscal year:	
1911	$3,759,174.97
1912	3,457,010.91
1913	4,818,805.28
During 6 months ended Dec. 31, 1913	3,009,033.33

Mr. O'SHAUNESSY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

Mr. BURNETT. Mr. Chairman, I carry no brief for the Department of Labor, and I know nothing as to the suggestion made by the gentleman from New York that money has been expended without authority of law; but I do know that I have been informed by those in authority, and who ought to know, that unless this additional appropriation is made the work along the border and at the immigration stations from now on, during the next four months, will be very much handicapped, indeed.

There is a reason why there has been a demand for excessive expenditures. Already more than 400,000 immigrants came in during the last 12 months more than did during the 12 months preceding. Now is the busy season of the year for the arrival of immigrants. From now on this will increase very greatly until the 1st of July.

I am informed by immigration officials that they are now seriously crippled in regard to careful and sufficient investigation of arrivals at Ellis Island. Of course, there are medical inspections the same as before, but there are many whom the inspectors themselves could detect and turn over to the medical inspectors for more careful medical inspection that to-day are coming in and landing finally in the insane asylums in New York and other States because of inadequate inspection.

I am informed that unless this appropriation is made some inspectors will have to be laid off; inspectors along the Canadian and Mexican borders will have to be discontinued.

As has been stated, the Mexican troubles have brought about a surreptitious immigration from that country more than has prevailed before. Gentlemen ought not to desire to punish the country, to punish the efficiency of the service, simply because they contend that some officials have not done right. It is not right for gentlemen to undertake to handicap the service, to prevent the proper inspection of these people that ought to be kept out, as far as they can be, although many escape, even with the best of service.

The head tax, Mr. Chairman, has netted more than $8,000,000 in excess of what it has cost to run the bureau since its creation. During the last two years more than $2,000,000 in excess of expenditures have been turned into the General Treasury. During the last six months more than a million dollars in excess of the expense of running the bureau have been turned into the general fund. The time was, up to a few years ago, when all the money that was derived from head tax and fines of steamship companies, and so forth, went into what was known as the immigration fund. That was repealed by a rider on an appropriation bill, which would no doubt have been subject to a point of order if it had been made.

When a service is giving such great returns to the country, when millions and millions of dollars accrue from it in excess of what it takes to run the service, certainly there ought not to be a curtailment of the necessary expenses to carry out the requirements of the law excluding inadmissible aliens.

A new immigration station was created last year at Chicago. That, I am informed, will entail an expenditure of $5,000 to $10,000 more than the amount provided for under the last appropriation. Other stations are coming on and the entries are increasing in numbers, and hence it is necessary that the bureau should be provided with necessary funds or else the service will suffer.

Under the poor restriction laws that we have, let not this committee curtail the work of turning back those who ought to be turned back and cripple the inspectors' work along the Canadian and Mexican borders. If officials of the bureau have erred—and I will not say one way or the other—do not visit punishment on the country, whose interests are at stake in this appropriation. [Applause.]

Mr. KENT. Mr. Chairman, I do not believe for one moment that the Federal Government should look upon immigration as a source of revenue. It seems to me we can do no better act than to expend all this head-tax money on two propositions—first, to keep out the unfit, and second, in looking after those whom we welcome to our shores as being fit.

It is the pettiest policy imaginable to cut off support and supply in a matter which so vitally affects our welfare and our citizenship. It is easy to criticize officials here and there. They may or may not do their duty, but that performance or neglect should not lead to the denial of funds adequate to perform the designated functions of each bureau and department. If officials are unfit they should be fired. At the same time, we ought not to cripple any service by denying it adequate support. We should expend the receipts from the head tax and as much more as is needed in inspecting and caring for our immigrants. [Applause.]

Mr. FITZGERALD. Mr. Chairman——

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman from Massachusetts.

Mr. GARDNER. In connection with the proposed appropriation for the Bureau of Labor Statistics, the gentleman from New York stated that certain money which had been appropriated for field service was used for service here in Washington, did he not?

Mr. FITZGERALD. Yes.

Mr. GARDNER. Is any such statement true in the present instance? Was any of the money appropriated originally for the Immigration Service used for any other service?

Mr. FITZGERALD. My recollection is that there was none. Mr. Chairman, the appropriation for the current year for all of the purposes specified in the pending amendment was $2,550,000. Last year the appropriation was $2,525,000, and there was an unexpended balance of $25,000. In 1912 the appropriation was $2,525,000, and there was an unexpended balance of $50,000. Although there was an unexpended appropriation of $50,000 in 1912, for 1913 $2,575,000, an increase of $50,000 was requested of Congress. The same amount was appropriated for 1913 as for 1912, and still there was an unexpended balance of $25,000. For the current year the estimate was $2,626,000, and there was appropriated $2,250,000.

If the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] should be adopted, there would be appropriated not only the original estimate made by the department, but $19,000 in excess of what was originally asked. The gentleman from Illinois on a number of amendments offered by him has spoken of the attempts made to chloroform the Department of Labor, to gag and bind and hinder it in its work. I am not accustomed either to dealing or communicating with those who have had any experience in chloroforming methods, and if that is common to the gentleman from Illinois, it is not common to me. I know, Mr. Chairman, the gentleman from Illinois does not represent either the Department of Labor or organized labor or men who have the interest of organized labor at heart when he speaks in a slighting and trivial manner of the violation of law by anybody. One of the things that has brought the labor movement in this country into contempt and under suspicion in the minds of a great many men has been a tendency to lawlessness upon the part of a few men, who took advantage of the power which they obtained in labor organizations.

Mr. BUCHANAN of Illinois. Mr. Chairman, will be gentleman yield?

Mr. FITZGERALD. In a moment. For the gentleman from Illinois to treat as a trivial matter the violation of law by representatives of the Department of Labor, or to accuse Members

of this House who are attempting to perform their duty, regardless of the effect their conduct may have upon themselves, as an attempt to chloroform a great department, is to set himself up as a censor which can not be justified. I now yield to the gentleman.

Mr. BUCHANAN of Illinois. Mr. Chairman, I want to state that I do not agree with the gentleman.

Mr. FITZGERALD. Mr. Chairman, I did not yield for an argument.

Mr. BUCHANAN of Illinois. And I have not said anything to justify the gentleman in saying that I acquiesce in any violation of law.

Mr. FITZGERALD. Mr. Chairman, I decline to yield. I yielded to the gentleman for a question.

Mr. BUCHANAN of Illinois. But the gentleman charged me with being in accord with a violation of law.

Mr. FITZGERALD. I will discuss that in a minute. If the gentleman wishes to ask a question, I will yield.

Mr. BUCHANAN of Illinois. I want to know why he takes the position that I favor a violation of law?

Mr. FITZGERALD. Mr. Chairman, I was referring to the gentleman's statement that it made little difference if the law had been violated by the officials of the department. The gentleman asked whether that was so, and for his benefit I desire to point out that Congress, because of the great abuse that existed in the executive departments a few years ago, was compelled to pass what are known as the antideficiency laws, which require appropriations such as this one to be apportioned so as to prevent the expenditure in one portion of the year of a greater sum than in another and to prevent a deficiency. This is one of the appropriations that come within the provisions of that law. The gentleman in charge of the administration stated that the appropriation had not been apportioned, and such apportionment had not been waived, as required by law. Not only must it be waived in writing by the head of the department, but the reasons for so doing must be transmitted to Congress. That has not been done. The gentleman is speaking of the efficiency of the present Department of Labor. I hope it is more efficient than it has ever been in its past history, but last year, with an appropriation of $25,000 less than for the current year, there was a surplus of $25,000, and in 1912, with an appropriation of $25,000 less than for the current year, there was a surplus of $50,000. It is expected that these services will be more efficient under Democratic officials than they have been under Republican officials.

Mr. MANN. By whom is it so expected?

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. Is it not also true that in previous fiscal years immigration of all kinds to the United States was less than 1,000,000 and that this year it is 1,400,000?

Mr. FITZGERALD. Yes; but in the year of the greatest immigration the expenditure was not as large as it now is.

Mr. GARDNER. This is the year of greatest immigration.

Mr. FITZGERALD. In 1907.

Mr. GARDNER. The gentleman confuses the fact that there is a new system of differentiating between immigrant aliens and nonimmigrant aliens. A number of aliens coming to the country this last year is greater than at any time in our history.

Mr. FITZGERALD. It makes no difference what the number of aliens coming to the country is. The force as established was never reduced because of a great falling off in immigration. The same force of inspectors, the same force of interpreters, the same force of physicians, and the same force of clerks were retained in the service, and there is now no excuse for increasing the force of inspectors. It might be that if some of the employees who are now being scattered through the country in the interior of the country as immigration inspectors——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for a few minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. If those employees were put on the border, there might be sufficient service.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. The gentleman does not think that the Immigration Service has been overmanned, does he?

Mr. FITZGERALD. I think, considering the immigration that came into the country, it was.

Mr. GARDNER. I should question that.

Mr. FITZGERALD. If the gentleman can explain in any other way the fact that when the immigration runs up to a million a certain force is retained, and when it falls off to 700,000 the same force is still retained, his contention may be sound, but I should say that it has been either overmanned or undermanned. The truth of the matter is that the number of immigrants does not of itself regulate the number of employees required. They require employees at certain places, and unless the number of immigrants coming to that place is so great that they have to work more than the required number of hours, it would be immaterial what the immigration is, because the employee is stationed in that position, and he either works or does not, as the number coming in may require.

Mr. Chairman, I do not believe that this money is required. So far as the exclusion of the Chinese referred to are concerned, up to two or three years ago there was carried a separate appropriation of $500,000 for the enforcement of the Chinese exclusion act. That appropriation was consolidated with the general appropriation and the appropriation for the enforcement of the contract-labor law. The purpose of consolidating them, as pointed out at the time, was because when the Chinese violations would be large the men could be diverted to that work from other places where they would not otherwise be required. There has never been a situation where there has been such a greatly increased volume of work along every line that would require this increase. This simply means that if this appropriation is made that Congress shall not determine what the service shall cost, but that it shall be determined by the particular individual in charge of the service itself, and there is no limit to the extent to which this appropriation will grow. I hope the amendment will not be agreed to.

Mr. J. I. NOLAN. Mr. Chairman, while it may be true that the Immigration Department has received larger appropriations over the present fiscal year than it did during 1913, there is not any question in my mind as to the increase in the work through a number of causes. In 1912 the total number of immigrants that entered this country was 838,172. In 1913 it was 1,097,869, and in the 6 months ending December 31, 1913, we have admitted 734,869. If that ratio keeps up during the 6 months of this current fiscal year, the total number of immigrants will amount to 1,469,738, or 271,869 more than during the year 1913. Now, that brings in additional revenue to this country through the Immigration Service. The $1,359,340 of revenue that is brought into the country does not cut any figure in connection with this appropriation, but it seems strange to me with two hundred and seventy-odd thousand immigrants coming into this country that we expend the same amount of money during 1913 and 1914 as compared with the number admitted during 1912 and 1913. There is no doubt in my mind but what they must have an additional force to carry on the work of the department. We have provided by law for additional stations. We have provided for new immigration stations at New Orleans, at Galveston, at Charleston, S. C., and at Chicago. Twenty thousand dollars was appropriated for rent and furnishing of the Chicago station, and on account of a shortage of money in the Department of Immigration the station at Chicago has not been manned up to date. It has been absolutely valueless.

Now, there is another feature in connection with the work of this department in the past year. The Immigration Service has been cooperating with the State Department and the War Department along the Mexican border, and the officials of the Immigration Service have been of considerable value to this Government in patrolling the Mexican border. I have that statement from the Commissioner General of Immigration, that they have done considerable work there which necessitated the expenditure of a good deal of money. The man who has charge of the Immigration Service on the border has had to go from one point to another at the command of his superiors; the railway fare has been considerable, and he has had to take his inspectors and guards along the Mexican line, and it caused the Immigration Service considerable trouble. Recently the Commissioner General of Immigration in his annual report has called attention to the fact that a good deal of money has been spent not alone on the Mexican border but on the Canadian line to keep out Hindus, Japanese, Chinese, and other aliens we have legislated against. Chinese that have been brought to this country in transit sent through California and Arizona into Mexico have come over the line in droves, and the Immigration Service of this country has had to spend considerable money in keeping them out. Now, there is no question but that the expenses of the Immigration Service have been increased from time to time on account of the connection that service has with other services where they have had increased work. This $75,000 has not been urged over and above what they had last

year. According to the way I read the testimony of Mr. O'Donnell, they have had $25,000 surplus in 1912–13, but they have had so much additional work to take care of during the years 1913–14, and this $95,000 is estimated by the Department of Labor as needed for the Immigration Service. I trust the amendment of the gentleman from Illinois will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

Mr. GARDNER and Mr. TOWNER rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized.

Mr. GARDNER. Mr. Chairman, it is true that the law attempts to prevent the heads of the departments from creating deficiencies, and it was a good motive which inspired Congress to pass that law. Generally, when it is necessary to incur a deficiency, it is true that the heads of departments, as I understand it, usually comply with the provision of the law which requires them to give their reasons in writing when they permit their subordinates to exceed the appropriation. Am I correct in that? They generally give their reasons in writing, do they not?

Mr. FITZGERALD. I do not think the law is generally violated under any circumstances.

Mr. GARDNER. There are a great many exceptions to the law.

Mr. FITZGERALD. The law provides a way by which apportionment can be waived.

Mr. GARDNER. That is what I said. I said usually the law has been complied with. In other words, the head of the department has given the requisite waiver, and has reported his reasons in writing. It is true on this occasion that the Secretary of Labor did not do so, and to that extent he is at fault.

But, Mr. Chairman, the gentleman does not seem to remember that in former days the Bureau of Immigration did not have its money appropriated to it by Congress as other bureaus had their money appropriated. The head of that service took the money received from head taxes and expended it exceedingly liberally, and, to my mind, exceedingly efficiently. With some misgivings, I myself, three or four years ago, consented to a change in the law under which I am continually told by the immigration officials that the bureau is cramped. Nowadays that bureau gets its appropriations annually in the same way that other bureaus get their appropriations. Yet so peculiar is the rising and falling of the flood of immigration, and so ever changing are the requirements of the immigration stations that the bureau is continually hampered in adjusting its expenses to its appropriation. Sometimes the appropriation is too great. Now, the gentleman thinks that the cost of enforcing the immigration law does not diminish when immigration falls off. I assure him that he is mistaken.

Mr. SHERLEY. Will the gentleman yield for a question right there?

Mr. GARDNER. I will.

Mr. SHERLEY. In 1912 the immigration was 838,172 and in 1913 the immigration was 1,197,892, or something more than 300,000 greater, and yet the expenditure was about $25,000 greater only. Now, the same ratio of increase would be taken care of by the increased appropriation which was given last year.

Mr. GARDNER. The ratio of increase in the country would be about taken care of by the $95,000 which it is intended to appropriate.

Mr. SHERLEY. Oh, but the gentleman forgets we gave them $50,000 over what they spent last year.

Mr. GARDNER. I do not forget it.

Mr. SHERLEY. I supposed you did, because that is the only way your mathematics could tally.

Mr. GARDNER. I am not sure about that. Possibly the gentleman is making the same mistake the chairman of the committee made a few minutes ago in confusing immigrant aliens with the immigration of aliens. Immigrant aliens, to be sure, in the fiscal year ending 1913 amounted only to 1,197,892. The total number of aliens who came to this country during that year and were taken care of at our immigration stations was 1,427,227. The gentleman shakes his head, but I am sure he is mistaken.

Mr. SHERLEY. I did not shake my head at the gentleman's statement.

Mr. GARDNER. I did not refer to the gentleman from Kentucky. I referred to the gentleman behind him, the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I do not think the gentleman could tell which way my head was wagging. [Laughter.]

Mr. GARDNER. Now, Mr. Chairman, this is entirely different——

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. GARDNER. I will.

Mr. FITZGERALD. The gentleman and myself wish to have all of these services maintained efficiently. I do not know if the gentleman is aware of the fact that the estimates for the next fiscal year for this service is $2,910,000, an increase of $300,000 over what is asked for the current year. Having some knowledge of the way these things go, it is very apparent that if the department is to be permitted to determine for itself how much it will spend, the appropriations will grow more rapidly than even its friends are anxious to have them grow.

Mr. GARDNER. I quite agree with the gentleman as to that. I also predict, if the pending immigration bill becomes a law, the requirements are such that there will be a deficiency over what the gentleman may decide to allow for the fiscal year ending June 30, 1915.

Mr. FITZGERALD. If the so-called Burnett bill becomes the law, my recollection is it is estimated it will take $1,000,000 to enforce it.

Mr. GARDNER. The gentleman may or may not be correct. But what I wished to bring to his attention was this: I think he is entirely mistaken in supposing that this service is overmanned. I think it is undermanned. I think that during the hours in which they work those inspectors work harder than almost any other employees of the United States Government. I feel that they could do a great deal more than they do if there were more of them. I think in the interest of the immigrant a great deal could be found out about him that is not found out, a great deal could be found out about his relations that is not found out. I think when it comes to a question of deportation, if the bureau had more money it could deport those who ought to be deported and abstain from deporting those who ought not to be deported.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The gentleman from Iowa [Mr. TOWNER] is recognized.

Mr. TOWNER. Mr. Chairman, I can hardly understand the statement of the gentleman from New York [Mr. FITZGERALD], if I heard him correctly, when he said he did not think that the increase of immigration would result in increased expenditures. It occurs to me that such a result is almost necessarily true, in view of the provisions already in existence in our law. Under existing law we have to determine as to whether the insane are coming in, which is prohibited under the law; as to whether or not those mentally or physically defective are coming in. We have to determine a great many matters of that kind, which require special and particular investigation by experts, and it seems to me almost self-evident that the larger the number the greater help and the longer the time of service that would be required for this service. Again, the bill which has already passed this House will strengthen those requirements along all of the lines that I have mentioned.

Besides, it will require, in addition, the imposition of the literacy test, which the department estimates will add $1,000,000 to the annual cost of enforcing the immigration law. I do not know whether I speak correctly or not, but as I understand it, if this were passed—that is, if the new immigration law were in a short time to become effective—during the remainder of this fiscal year it would be in operation, and large additional requirements would be certainly brought upon the department in order to meet and effectively enforce the new provisions of the law.

It occurs to me, Mr. Chairman, that we must give some credit to these heads of departments and heads of bureaus in regard to these things as we have heard them discussed here, these matters that have been referred to. As one without special knowledge of the workings of this department, it has seemed to me that the bureau was entirely justified in asking for this additional deficiency appropriation, and therefore I shall favor this amendment that is offered to the bill. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, performs an unpleasant and sometimes a very disagreeable duty in endeavoring to protect the Treasury, and sometimes, possibly, he unduly endeavors to protect the Treasury. There is one thing which the gentleman from New York, I think, does not fully appreciate, and that is that under a Democratic administration it will cost more to operate the Government than under a Republican administration. [Laughter on the Republican side.]

The gentleman from New York expresses great surprise that, although we have a large increase in immigration from 1912 to 1913, it took only $25,000 to perform the duties of the service; but now there is asked more than $100,000 additional for the

current fiscal year. I am not surprised at all at the size, except at its smallness.

It is undoubtedly true in all the branches of the Government that it takes more to run the Government under a Democratic administration than it did under Republican administrations. In every branch of the service, in every department of the Government, they are asking for increased appropriations to perform the same service. And while we were told during the campaign and in advance of the campaign how the Democrats, coming into power, would reduce the expenditures of the Government, yet we all know, as a matter of fact, that the expenditures have been constantly increasing. And these deficiency items that have been presented here to-day by my colleague from Chicago [Mr. BUCHANAN] are ample evidence of the inability of the Democratic administration to perform the service in the same satisfactory manner without a great increase in cost.

But after all, Mr. Chairman, a man is not to be blamed for being a Democrat if he does not know any better. [Laughter on the Republican side.] The Democratic administration is in power. Here is a service that needs to be performed. Even when they perform it in an extravagant manner we can not stop the service. Although it is said the Secretary of Labor inadvertently, inadvisedly, has violated the law, still the service must be performed. The immigrants must receive attention, and the people of the country will appreciate the fact that if they prefer a Democratic administration, as they did at the last election, they must pay the expenses. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I remarked earlier in the day, in the course of some remarks, that it would cost much more to conduct the Government under a Democratic administration if the gentleman from Illinois [Mr. MANN] continued to deliver the votes on that side of the House to aid some gentlemen on this side of the House who, regardless of the pledges that have been made by the Democratic Party, looking only in a narrow and selfish way at the things they were interested in, are endeavoring to override the recommendations of the Committee on Appropriations in these matters. Later in the session a different song will be sung. I hope it will not be one that will disappoint the country and disappoint the party; but I do know that if we are to accept the statements of the heads of departments, regardless of their politics, as to their needs and the amount that should be expended in the conduct of every branch of the public service, then all promises of economy will be broken and the record that will be made by this House will not be to the credit but will be to the everlasting damnation of the Democratic Party.

Mr. MANN. That is sure. [Applause on the Republican side.]

Mr. FITZGERALD. And I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. FITZGERALD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 43, noes 42.

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. BUCHANAN of Illinois and Mr. FITZGERALD.

The committee again divided; and the tellers reported—ayes 51, noes 42.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. O'SHAUNESSY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Rhode Island [Mr. O'SHAUNESSY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 12, on page 30, add as a new paragraph the following: "For supplying and furnishing a temporary quarantine station at Providence, R. I., the sum of $25,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. It is not germane. The Public Health Service is carried on pages 9 and 10.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard?

Mr. FITZGERALD. I make the point of order that this amendment is not in order. It is not germane. The Public Health Service is carried in a different part of the bill.

The CHAIRMAN. Does the gentleman from Rhode Island wish to be heard?

Mr. O'SHAUNESSY. I do. I merely wish to ask unanimous consent that we may return to the page indicated by the gentleman from New York [Mr. FITZGERALD] in order that I may offer my amendment. I would not make this application if it were not for the urgency of the matter, which I will be pleased to explain to the committee if opportunity is afforded.

Mr. FITZGERALD. I shall have to object to that. No estimates have come from the department for it.

The CHAIRMAN. The gentleman from Rhode Island [Mr. O'SHAUNESSY] asks unanimous consent to return to page 9 for the purpose of offering an amendment. Is there objection?

Mr. FITZGERALD. I object, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

MONUMENT TO COMMEMORATE THE WOMEN OF THE CIVIL WAR.

The commission under whose direction the expenditures are to be made for the site and memorial authorized by the urgent deficiency appropriation act approved October 22, 1913, to commemorate the service and sacrifices of the women of the United States, North and South, for the sick and wounded in war, shall consist of the Secretary of War, the chairman of the Joint Committee on the Library of Congress, the chairman of the House Committee on the Library, and the president of the American Red Cross.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that this provision follows the statute law and provides that one member of the commission shall consist of "the chairman of the Joint Committee on the Library of Congress," and then inserts the words "the chairman of the House Committee on the Library." The language "the chairman of the Joint Committee on the Library of Congress" is the language in the existing law, but there is no such committee and no such title. There is recognized in the law, though not provided for by the rules, a joint committee of Congress upon the library; and while this may be highly technical, I see no reason why by amending it we could not put in the proper description if we put in anything at all. The custom is, however, in these bills to say, "the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library." That is the proper language.

Mr. FITZGERALD. The gentleman understands the purpose of this.

Mr. MANN. I understand that it is to add the chairman of the House Committee on the Library, which I think is proper.

Mr. FITZGERALD. I have no objection to offering an amendment to strike out the word "joint" and substitute the word "Senate."

Mr. MANN. And leave out the words "of Congress."

Mr. FITZGERALD. Yes. I move to strike out the word "joint," in line 23, page 30, and the words "of Congress" and to insert in lieu of the word "joint" the word "Senate."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 23, strike out the word "joint," at the beginning of the line, and also strike out the words "of Congress," after the word "Library," and insert in lieu of the word "joint" the word "Senate."

The amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay the widow of William H. Wilder, late a Representative from the State of Massachusetts, $7,500.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, after line 3, add a new paragraph, as follows:

"To pay the father of I. S. Pepper, late a Representative from the State of Iowa, $7,500."

Mr. SISSON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Mississippi reserves a point of order.

Mr. SISSON. I want to state, for the benefit of the gentleman from Iowa, my purpose in reserving the point of order. These are gratuities which Congress has heretofore paid to the widows and children of deceased Congressmen. This amendment proposes a departure. My information—and it is what others say and not what I know—is that the father of Mr. Pepper is not in any sense of the word dependent upon him; that he is a man of some means, and I do not believe we ought to make a departure now. I reserve the point of order, however, for the present.

Mr. GOOD. Mr. Chairman, these two items in the bill are, as the gentleman from Mississippi well states, merely gratuities. I recognize the fact that the item I have offered is subject to a

point of order; but I want to submit that if it is to be the policy of Congress to indulge in these gratuities we should not scrutinize too closely the pocketbook of the person to whom they are granted. The facts are that the father of I. S. Pepper is not a well-to-do man by any means. I was asked some time ago by a member of the committee, or by one of the clerks, with regard to the matter, and I told him I did not know; but I immediately instituted an investigation to find out the condition of the finances of the father of the late Representative from the second Iowa district. The facts are that he has a small home in the outskirts of the city of Ottumwa, and that our late colleague, Mr. Pepper, and his brother, who is a physician, have for a number of years been giving to their father and their mother, until her death, something for their support; how much I have been unable to ascertain. Other members of the family may have contributed. Mr. Pepper is a man of very limited means, and it seems to me that when we appropriate, as we do year after year, money to the widows of deceased Members of Congress, oftentimes giving it to widows who have been left very large fortunes, never raising any question about it, we ought not to investigate the question whether the dependency of Mr. Pepper's father goes to the extent that he would have to mortgage his home in order to buy the necessities of life.

His little home is not worth more than $2,000 or $3,000, and for a number of years his children contributed to the support of their father and mother. A short time ago I saw an item in the newspapers giving what purported to be the last will and testament of the late Mr. Bremner, in which half of his estate was given to a brother or a sister. In view of the fact that we propose to pay to Mr. Bremner's widow $7,500, I think we ought not to raise any question about the amendment which I have offered. Mr. Bremner left a portion of his estate to a brother or sister, not dependent in any sense.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. GOULDEN. What is the age of Mr. Pepper, sr.?

Mr. GOOD. He must be upward of 70 years of age.

Mr. TOWNER. He is 76 years old.

Mr. GOOD. He is an old man, broken in health, without any other property, and I do hope that my friend from Mississippi will not make the point of order. He well knows that the item that follows is also subject to a point of order. This is a worthy amendment, and I hope the gentleman will not make the point of order against it.

Mr. SISSON. Mr. Chairman, Mr. Pepper, the father of our late colleague and friend, is a man well up in years; they say about 70 years old.

Mr. GOULDEN. It is stated that he is 76 years old.

Mr. SISSON. He is a man who has nobody dependent upon him. His wife is dead. My information from a gentleman sitting on this floor, who knows the facts, is that he is a man in easy circumstances, not in any sense of the word dependent upon his son. This is a departure. These other gratuities have been given to members of deceased Congressmen's families dependent upon them for support.

These painful duties devolve upon somebody. I do not know that Congress is doing altogether the proper thing in granting these other gratuities; I am unwilling that they shall be enlarged upon.

Mr. MANN. Will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. MANN. I take it the gentleman has looked up the matter. What has been the practice of Congress? Has it been to pay only the widow or children, or those dependent?

Mr. SISSON. The widow or children, or those absolutely dependent upon the Congressman.

Mr. MANN. I was under the impression that we had paid the personal representatives of a deceased Member, and that we always paid the money, on account of the death of each Member.

Mr. SISSON. The clerk of the committee, who is more familiar with the history of these things than any of us, having been here so long, informs me that in a few rare cases where the sisters of a Congressman have lived with him and have been dependent upon him for support, as members of his household, have been paid the year's salary, but in no case have we ever departed from that rule, and I am unwilling that the precedent shall be set now.

I do not think that men are always understood. I performed what I thought to be a duty the other day. It was painful to me, but I thought I was right and did it. I do not like to do these things, because we all have great sympathy with people in distress or bereavement. But the money of the people in the Treasury ought to be cared for and guarded. I appreciate the efforts of my good friend from Iowa and I sympathize with him.

Mr. GOOD. I think the gentleman's attention was attracted in another direction when I made the statement that Mr. Pepper had supported, or contributed to the support, together with his brother, of his father. I would like to know the source of the gentleman's information.

Mr. SISSON. The gentleman is sitting on the floor, and if he does not care to have his name mentioned I shall not mention it myself. In order to end the matter, Mr. Chairman, I make a point of order.

Mr. TOWNER. Will the gentleman withhold it for a moment?

Mr. SISSON. I will withhold it.

Mr. TOWNER. I am quite sure that the gentleman from Mississippi is mistaken about what really is the point of his objection.

Mr. SISSON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay the widow of R. G. Bremner, late a Representative from the State of New Jersey, $7,500.

Mr. GOOD. Mr. Chairman, I reserve a point of order. I would like to inquire if the widow of our late Member from New Jersey is dependent. If we are to establish a rule here, let it be an equitable rule. I do not know whether the information I received from Iowa in response to the letter I wrote to Ottumwa to find out the financial standing of Mr. Pepper was correct or not. But when the gentleman states that the Member of Congress is sitting on the floor who knows positively the circumstances of Mr. Pepper and that they are at variance with the statements I have made I think, in all fairness, that that Member ought to stand up and state what his financial circumstances are. If I have been misinformed, I do not wish to do an injustice to any person who might be the recipient of other provisions in this bill. But I do say, Mr. Chairman, that I understand that Mr. Bremner's estate amounted to a considerable sum of money, a part of which was left to his brother. Now, if this old gentleman out in the State of Iowa, who has had the support of his son for years, can not receive something of the gratuity granted by Congress time after time, if he must be singled out and not given this sum, then I want to know why we should continue this gratuity.

Mr. SISSON. Mr. Chairman, I want to state to the gentleman that it was not altogether on account of the condition of the father that caused me to make the point of order. It is solely because it is a departure from what has been the universal rule and custom in Congress. The question of the amount of money which the widow and children of a Member may have has never cut one particle of a figure. We ought to do it I expect, but the inquiry has never been made so far as I know. It has been given as a matter of course, as a matter of gratuity to the widow and children. That far Congress has been going, and I do not see that it was fit and proper to break that precedent. I do not want to engraft any new precedents on that rule.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word. Now, just a word about what has taken place. To my mind it seems strange, when the $7,500 would have been paid to a Member if he does not come here at all—even for a single day. [Laughter.] And now for a gentleman to raise the question that on account of his passing away he can not be paid this amount of money, I can not appreciate it.

The gentleman from Mississippi the other day stated on the floor of the House that a law could not be suspended. We have a law here prohibiting the paying of a salary to an absent Member. That was suspended for many, many years, by consent of the gentleman from Mississippi, by consent of every Member here present.

The gentleman from Illinois offered a resolution yesterday expelling a Member on account of his holding two positions, when the law, if enforced by Congress, would have settled the matter, because the minute you take away the salary there is nothing to the position. [Laughter.]

Now, for the gentleman from Mississippi to rise here at the death of a Member and raise the question of pay, to my mind, is far-fetched when he will not rise in his seat and object to the paying of a Member that is never here. And that Member stated here publicly, addressing the Chair, that he received the largest salary of anyone in the United States, except the Speaker and the Secretary of State, in the lecturing business outside the Halls of Congress. He does that without the objection of the gentleman from Mississippi or the gentleman from Illinois.

Mr. MANN. There are some here who would be willing to contribute to the payment of the $7,500.

The Clerk read as follows:

For allowance to the following contestants and contestees for expenses incurred by them in contested-election cases, audited and recommended by the Committee on Elections No. 1, namely:
H. Olin Young, $2,000;
William J. MacDonald, $2,000;
John M. C. Smith, $2,000;
Claude S. Carney, $2,000;
Walter M. Chandler, $500;
In all, $8,500.

Mr. COX. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I could not find anything in relation to these items in the hearings. Was this money actually expended?

Mr. FITZGERALD. The statute provides for the payment up to $2,000 to the contestee and the contestant provided it is certified by the chairman of one of the election committees. All these sums were certified by the chairman of one of the committees on election whose duty it is to audit the claims.

Mr. COX. They have been certified in all these cases, have they?

Mr. FITZGERALD. They have certified to these sums and the committee included them in the bill.

The Clerk read as follows:

For printing and binding for the Department of Labor, $3,000.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 33, line 18, strike out "$3,000" and insert "$8,000."

Mr. BUCHANAN of Illinois. Mr. Chairman, this is very necessary for the Labor Department to print the publications it has now prepared. The Secretary of Labor could not print a sufficient number of his own reports, on account of a lack of funds, to supply the Members of Congress even. It is important that this money should be appropriated for general printing.

Mr. FITZGERALD. Mr. Chairman, the Department of Labor had $84,000 for printing the current year, transferred from the Department of Commerce under the provisions of the last deficiency appropriation act. It requested $8,000 additional in this bill. The committee recommended it be given $3,000, and in addition inserted a provision in this bill permitting the use of large quantities of special paper which is on hand in the Bureau of Naturalization in connection with the printing of its forms. Heretofore it had been the practice of this bureau to purchase its own paper and to send it to the Printing Office and have it printed. By a decision of the Attorney General all paper must be purchased by the Printing Office. This paper which would otherwise have been sold as condemned stores by the provision which has already been passed can now be used, and it will not be necessary to draw on the printing fund for that purpose. When the question of the segregation of the two funds between the Departments of Commerce and Labor was under discussion, the Secretary of Commerce stated that when the adjustment was made he and the Secretary of Labor were present, and the adjustment was satisfactory to all concerned. His attention was called to the fact that the Department of Labor complained that it had not received the proper proportion in certain cases, whereupon he stated that in any instances in which that department showed that it had not received the funds to which it was entitled, he would upon their pointing that out direct the transfer of the sums they believed they were entitled to. With this appropriation the Department of Labor will have for printing this year $87,000, in addition the use of the paper already appropriated.

Mr. SAUNDERS. What do they print with all that money?

Mr. FITZGERALD. They have a number of bulletins and publications of various kinds; but the committee believed that for the current year $87,000 is ample.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to ask the gentleman if they do not have to print a large number of blanks for the Immigration Service?

Mr. FITZGERALD. Yes; and for the Naturalization Service; and they print a number of various kinds of bulletins; but $87,000 worth of blanks and bulletins seems quite a large quantity, and the committee believes the amount ample for the work of the department at this time.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KELLY of Pennsylvania. I notice in the hearings, on page 397, a statement that there is a deficit of $5,000 at the present time in the office of the Secretary.

Mr. FITZGERALD. Oh, they say they have a deficit, but I do not know how they can create a deficit.

Mr. KELLY of Pennsylvania. What is the balance of $22,000 to which the gentleman refers?

Mr. FITZGERALD. That is what they said they had on hand; and the amount of money that is given them for printing will regulate the amount of printing they do. Depending upon whether they get three, eight, or ten thousand dollars, the more that is given to them the more they will print. The committee wanted to be fair with the department and gave them, in addition to the $84,000 which is already available this year, $3,000, which is for the balance of the fiscal year, and also inserted the provision which enables the use of the paper now on hand. It seems to me that $87,000 for printing and binding in a new department of the Government should certainly be enough.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RAKER. The allotment of $84,000 for printing in this department is used also by the Commissioner General of Immigration as well as by the Department of Labor.

Mr. FITZGERALD. It is used by the Department of Labor for all of its bureaus.

Mr. RAKER. I was down to the Department of Labor about a week ago and I found the Commissioner General of Immigration with a brief in an important case, unable to print the brief because they had not enough money to print it with.

Mr. FITZGERALD. But briefs in important cases are not to be printed out of a fund supplied to the Department of Labor. We furnish printing appropriations for the Department of Justice. Briefs are not printed out of this appropriation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. In the case to which I refer the Commissioner General under the law may appear personally, and the brief was prepared by him personally, and he expected to appear before the court.

Mr. FITZGERALD. What kind of a case was it?

Mr. RAKER. An immigration case. I have a copy of the brief in my papers, and I was going to try and have it printed as a public document in the RECORD so we can have it used.

Mr. FITZGERALD. I am glad the gentleman has stated that, because I shall try to prevent its being printed at the expense of Congress. We have a great Department of Justice, which costs many millions of dollars a year, to attend to our law work.

Mr. RAKER. I have been waiting my opportunity and have not seen it open yet.

Mr. FITZGERALD. The idea of having briefs to be presented to courts printed out of this printing allotment in a department, if it were allowed, would bring about a condition where every department would want to print things that belonged to other departments out of its own appropriation. Why not send the brief to the Department of Justice?

Mr. RAKER. The Department of Justice has its own matters to attend to. The Department of Labor has its matters, and it has a right to represent the case with its own counsel and to appear in court. I simply make this suggestion to show the necessity for money in order that these matters might be cleared up and printed, in order that it might be properly presented in court, with the records properly printed, as well as documents that they have down there now which one can not get because they have no money with which to print them.

Mr. FITZGERALD. There was a balance of $22,000 on hand when the gentleman was down there, and if this were of such imperative importance there was ample money there to print that brief.

Mr. RAKER. Let us give them enough to do the work.

Mr. FITZGERALD. We are giving them enough. Perhaps we have made a mistake in recommending $3,000.

Mr. KELLY of Pennsylvania. Mr. Chairman, I am unable to reconcile the statement in the hearings and the statement made by the chairman of the Committee on Appropriations with reference to the balance of $22,000. The statement is explicitly made in the hearings that there is a deficit of $5,000 in the Labor Department. I have had some opportunity to test that, having endeavored to secure a supply of bulletins of a certain kind for the use of constituents. I was unable to get them, the explanation being that the funds provided were not sufficient to pay for the publication of the required quantity. I notice that there are a number of bulletins which should be printed, bulletins of the utmost importance, especially in industrial districts,

bulletins with reference to the question of accident prevention and other kindred topics. If we are to know the truth regarding conditions industrially, it seems to me we should have a department properly equipped to give the knowledge desired. I have introduced a bill in this House for the appointment of a commission on social insurance, which would use the very facts which should be provided and published in these bulletins. For instance, there is no accurate statement in any governmental publication as to the number of fatal accidents in the industrial establishments of this country. You can not state within 100,000 of how many cases of nonfatal accidents there have been in the mines, mills, and factories during the past year. Some estimate that there are 500,000 a year; others, 2,000,000 a year. It seems to me we ought to have definite information on such an important question and that it should be presented to the public.

Mr. Chairman, I stand for the most widespread knowledge possible in the realm of industrial affairs. We need it here, and every citizen needs it, for the industrial life of this Nation is tangled and clouded by ignorance and misunderstanding. Most of our notions of what public policy should be are heritages from days when the gigantic industrial establishments of to-day were unknown. We have tried to solve new problems in the old ways, forgetting that new occasions teach new duties and that the blood-rusted key of the past will not open the portals of a new era.

Out of this ignorance has come a kind of helplessness, which is evidenced by the multitudinous measures introduced into this Congress to correct various maladjustments. We recognize that there is something wrong; that conditions are unjust; that life and limb and health are being sacrificed in reckless carelessness, and each man has a measure which he hopes will solve the particular phase of the problem in which he is most interested.

Still, if we pause to consider, we will be forced to realize that no piecemeal treatment will solve the problems of America's industrial system. No party or sect or organization can solve it single handed. It is a question too big for President or Congress or court. No solution is possible until the country understands the question thoroughly, for it must be settled by the American people.

For that reason I believe that the facts should be put within the reach of every citizen, and I know of no more important duty resting on Congress than that. The best intentions in the world and all the courage needed will not take the place of an intelligent understanding of the situation. The light must be turned on, for we need a flashlight far more than a muckrake at this time. Not only is it necessary to realize that something is wrong, but it is necessary to know just what is wrong and the reason for the condition.

Careful diagnosis is the first step toward the intelligent application of any remedial agency and diagnosis presupposes exact knowledge. No matter what the remedy is, the facts must come first, for any solid foundation must be that of the facts.

Therefore it seems to me that every encouragement should be given the publication of these bulletins of the Department of Labor, which give the facts collected by careful and accurate work. The list of bulletins given in the hearings is a comprehensive one and shows the vital value of the work being done. The titles include Woman and Child Labor in the United States; Wages and Hours of Labor; Retail and Wholesale Prices, 1890 to 1913; Minimum Wage Legislation; Labor Laws of the United States; Employers' Welfare Work; Hygiene of the Painters' Trade; Workmen's Compensation Laws; Accidents and Accident Prevention; and many others of equal importance.

I contend that no effort is too great in order to secure the facts and almost any expenditure of money is justified to put those facts before the American people. Such action will help to answer the question of why in this land of ours, with its wonderful resources and possibilities and hopes, there exists such widespread unrest and dissatisfaction. If the Labor Department can do this, and I believe it can with proper help from Congress, it will help to clear up the confusion that exists and will perform an incalculable service to the Nation. It will furnish the basis of knowledge upon which constructive action must rest, and it is within the realm of possibility that it may, by studying and defining and publishing the facts, direct the solution of the problems arising out of our industrial relations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the Chairman announced the noes appeared to have it.

Mr. J. I. NOLAN. Division!

The CHAIRMAN. A division is demanded.

Mr. SISSON. Mr. Chairman, nobody rose to call for a division.

Mr. J. I. NOLAN. Mr. Chairman, I asked for a division, but I withdraw the request.

The CHAIRMAN. The noes have it.

So the amendment was rejected.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 18, after the figures "3,000," insert "for printing for the Bureau of Labor Statistics in the Department of Labor, $28,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the item, that under the law all printing for the department must be made out of its allotment, and this is a specific appropriation, which is in violation of the law.

The CHAIRMAN. The point of order is sustained.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer an amendment. On page 33, line 18, strike out the figures "$3,000" and insert in lieu thereof "$30,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 18, strike out the figures "$3,000" and insert in lieu thereof "$30,000."

Mr. BUCHANAN of Illinois. Mr. Chairman, I have not consulted my attorney, and I have some fear I may make some remarks that would leave my friend from New York under the impression that I am encouraging a violation of the law. I feel quite courageous this afternoon, however, and I will take the chances by again asking for what I consider is very important for the Department of Labor. I have offered an amendment here to enable the Department of Labor to secure the printing of some important publications, the titles of some of which I desire to read. These are about ready for printing and can not be printed on account of a lack of money. I desire to mention the titles of some of these publications, and Members will understand what they mean by their titles.

Bulletins now ready for printing or which will be ready and ought to be printed before June 30, 1914

Title.	Number of copies.	Estimated cost.
Lead Poisoning in the Smelting and Refining of Lead in the United States	8,000	$900
Butter Prices from the Producer to the Consumer	9,500	500
Retail Prices, 1890 to December, 1913	10,500	1,700
Mortality and Morbidity among Locomotive Engineers	8,000	400
Administration of Labor Laws and Factory Inspection in European Countries	9,000	1,500
Administration of Labor Laws and Factory Inspection in the United States	9,000	1,000
Foreign Labor Legislation, Great Britain	9,000	750
Foreign Labor Legislation, Germany	9,000	750
Minimum Wage Legislation in the United States and Foreign Countries	9,000	1,300
Decisions of Courts and Opinions Affecting Labor, 1913	8,500	800
Conciliation and Arbitration in the Cloak, Suit, and Skirt Industry in New York City	9,000	1,200
Conciliation and Arbitration in the Bituminous Coal Industry in United States	9,000	2,000
Women in Industry	8,500	1,000
Women in Industry	8,500	700
Woman and Child Labor in the United States	9,000	2,500
Public Aid to Home Owning and Housing in Foreign Countries	8,000	900
Wholesale Prices, 1890 to 1913	9,000	1,350
Prices and Cost of Living in Foreign Countries	10,000	1,000
Retail Prices, 1890 to February, 1914	10,500	1,700
Retail Prices, 1890 to April, 1914	10,500	1,700
Union Scale of Wages and Hours of Labor, 1913	9,500	1,400
Wages and Hours of Labor in the Iron and Steel Industry	9,500	2,300
Wages and Hours of Labor, 1890 to 1913:		
Cotton	9,500	800
Woolen	9,500	475
Silk	9,500	300
Millwork	9,500	300
Furniture	9,500	400
Labor Laws of the United States, Jan. 1, 1914	9,500	12,000
Total		41,625

The labor laws have not been compiled since 1907, and it is important information for the labor people of the country. The financial condition is such, understand, gentlemen, that after going to the work to compile these, and everything is practically done but the printing, they lie there and can not be used because there are not sufficient funds for printing them. Are you going to let a condition of that kind obtain, or are you going to appropriate money sufficient for this department to print these publications that are of such great value and importance to the people of the country?

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN of Illinois. The persistent request of the Department of Labor and its bureau heads for money necessary to bring up its arrearages and provide for the additional work made necessary by the increased number of immigrants, abnormal conditions in Mexico, and other emergencies has been completely ignored by the Committee on Appropriations, and all this is covered up by an item giving $230,000 to a building contract for Ellis Island, N. Y. Thus, while the department seems to be getting much it gets little or nothing—a bare $5,000 as a department, and the Bureau of Labor Statistics gets nothing. The Bureau of Labor Statistics under the present administration has inherited a trail of arrearages, not only in its work but in its funds to print the reports as prepared. Those at present in charge of that bureau have a right to a chance to start even.

I here desire to insert the following statement from Mr. Ethelbert Stewart, the able chief clerk of the Bureau of Labor Statistics:

STATEMENT OF REASONS FOR REQUEST FOR URGENT DEFICIENCY APPROPRIATION FOR BUREAU OF LABOR STATISTICS, DEPARTMENT OF LABOR.

JANUARY 29, 1914.

The miscellaneous expense fund of the Bureau of Labor Statistics, for which this deficiency appropriation is asked, constitutes the working capital of the bureau. From this fund all the expenses of our investigations, such as railroad fares, per diem to employees in the field, and salaries of all temporary employees, must be paid. It is our only working fund. The appropriation for 1914 was $64,090. On January 15, 1914, with practically one-half of the fiscal year unexpired, the working balance in this fund is $12,377.27, or less than one-fifth of the total, and this total is a reduction of $16,000 from the amount asked for under this fund for the year 1914.

The estimate of $29,015 for this bureau, to be included in the emergency deficiency appropriation, is made necessary by the fact that a like request was omitted from the appropriation by the special session of the Sixty-third Congress. In the original estimates for the fiscal year 1914 an increase of $47,490 over the estimates for 1913 was urged. This increase was not granted, but the development and extension of some of the work of this bureau was deemed imperative and has proceeded as far as possible. The annual investigations into wholesale prices and rates of wages, which constitute two of the regular lines of work of this bureau, have been revised, and arrangements are well under way, through the cooperation of foreign labor departments with this bureau, to inaugurate a uniform and comparable system of international price and wage reports. Money is needed to further perfect this arrangement and carry it into effect, also to extend and perfect the investigations into wages and hours of labor, and the working conditions and wages of women in industry.

The extension of the work of the women in industry division has been forced upon the bureau by reason of the urgent demands for assistance or cooperation from the various States and by the constantly increasing requests for information.

The growing demand for detailed information as to unemployment, wages, and hours of labor in an ever-widening range of industries has made the expansion of the wage inquiries of the bureau imperative.

The necessity for cooperation with other bureaus and commissions in such parts of their work as specially belong to the functions of this bureau, such as the wages and labor conditions in an industry, places special strain upon the finances of this bureau, and this in an unsual degree during the balance of this present fiscal year, occasioning unforeseen drains upon the financial resources already overstrained. To be more specific on this particular point, we are at this very time in a serious difficulty growing out of this urgency for cooperation with other bureaus in matters of vital concern to us. Under date of January 29, 1914, the Secretary of Commerce wrote the Secretary of Labor as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 29, 1914.

The SECRETARY OF LABOR,
Washington, D. C.

SIR: In further reference to the proposed cooperation of the Department of Labor with this department in such phases of the investigation of the cost of production in the clothing industry as lie within the interest of your department, as proposed in my letter of January 20, I have the honor to inform you that at a recent informal conference held between the representatives of the Bureau of Foreign and Domestic Commerce of this department and the Bureau of Labor Statistics of the Department of Labor it was agreed that recommendation be made that so much of the work of investigating the cost of production of certain commodities as can be more conveniently done by the Bureau of Labor Statistics, namely, the securing of data concerning the rates of wages, hours of labor, and other labor conditions affecting the cost of production be transferred to the latter bureau, and that the two bureaus cooperate to such an extent that as nearly as practicable the same establishments will be covered by their respective investigations.

This recommendation meets with my approval, and if you approve it also it is proposed that the following items now on this department's schedules of inquiry for the investigation of the cost of production of clothing be eliminated from those schedules, and that the Department of Labor include them in its concurrent investigations. * * *

In addition to the above items of inquiry to be transferred from the cost schedules of this department, it is proposed that the Department of Labor take up the collection of statistics of wages and hours of labor in the same branches of the clothing industry that are now being studied by this department, and as nearly as practicable in the same establishments.

It is also recommended that the Department of Labor collect such data concerning the general characteristics of the labor supply, the cost of living, factory hygiene, sanitation and safety, and other labor conditions in the clothing industry as may be of interest in this connection.

With regard to the publication of the material to be obtained by the two departments, it is proposed that each department publish its own information, and that the Department of Commerce will be at liberty to use such part of the published information of the Department of Labor as it may desire to complete its reports on the cost of production, provided that due credit is given concerning the source of the data so used.

Respectfully,

WILLIAM C. REDFIELD,
Secretary.

This is in conformity with the general purpose to have the Bureau of Labor Statistics cover the wages feature of industries being investigated by the Bureau of Foreign and Domestic Commerce for cost of production purposes. In other words, the Bureau of Labor Statistics is recognized, it is fair to say, as the best equipped to handle all labor and wages questions, and it must be prepared to do this line of work when done by the Government at all.

Again, the law directs that there shall be cooperation with the Commission on Industrial Relations. Up to date this has meant that the division of the bureau handling investigations concerning women in industry has necessarily been increased, and the field work in this division has been augmented, with accompanying increase in expense. These requests could not be ignored, but all of this must be done at the expense of our regular work. Requests for cooperative work with State bureaus and commissions have been declined, except in the case of Indiana, because of lack of funds. This is doubly unfortunate, because in case of cooperation the work thus performed would be on a basis that would make the work done by the States comparable with the work of this bureau, greatly enhancing its value both to the State bureaus and to this bureau.

The civic waste this involves is deserving a moment's consideration. There are now 38 State bureaus of labor or permanent industrial commissions; 9 States have minimum-wage commissions, and several States have temporary industrial commissions. All of these are conducting investigations along lines in which the experience of the Bureau of Labor Statistics especially fits it to be a counselor and guide, and such guidance is frequently, in fact, generally, asked. If it could be given, it would mean that most, if not all, work done by State authority would be done on a plan which would fit in with similar work done in other States and by the Federal bureau, so that the results would be comparable, combinable, and mutually strengthened. In a short time a practical uniformity of method could be established. As it is, each State and each commission, board, or bureau in each State is going its own way, and in most cases the work of one such body can not be compared with the work of any other. Only the Bureau of Labor Statistics can bring order out of this chaos, for only this Bureau is invited to do so, and it is barred from assisting in preventing this waste of effort by lack of funds. Just now invitations to cooperate from Connecticut and from Pennsylvania are in hand. Each new commission or new organization of a State bureau usually brings such request, and this bureau ought to be in a position to respond immediately and effectively.

There are several distinctive lines of investigation which the bureau carries on continuously and in which uniformity and continuity are of vital importance. To permit a break in the record, or to have the data gathered on a radically different plan for two or three years and then attempt to connect up the record of prices, wages, or other continuous lines of inquiry, would be impracticable and wasteful of funds. Inquiries, like wages, prices, etc., in which for comparative purposes continuity on a uniform basis for a series of years is an essential element of value, should be consistently maintained in a bureau of permanent existence where a continuous record is possible, and should neither be broken into nor interfered with by temporary requirements. The extra strains put upon the bureau jeopardize the continuity of much of that work to which continuity of record is most important.

Next in importance to continuity and uniformity of record comes promptness in gathering and publishing the data covered by our regular wages and prices investigations. We are behind in this work, for the reason that the special investigation called for by a Senate resolution on the iron and steel industry called off so many of our men and took so much of our money that we have never been able to get even. It is true we got a deficiency appropriation of $20,000 in 1912 on account of that special work, but this covered only a small fraction of the loss to our regular work. With our present funds the field work can not be prosecuted for much more than six months in the year. Many special agents who ought to be in the field are now in the office and must remain there on clerical work until after July 1, unless this committee will grant relief through a deficiency appropriation. With the appropriation here requested, the bureau could get on its feet; the wages data for 1914 could be gathered, tabulated, and printed in 1914, thus putting us once more abreast of our work, and at the same time enable the bureau to do thoroughly the work desired by other bureaus to be done through it.

The lines of work conducted by this bureau which will suffer most from a break in continuity or from lack of being strictly up to date, are:

Retail prices: This work involves the monthly collection of retail prices of food in the principal cities throughout the United States. These current prices, connected up as they are with prices of identical commodities by identical firms for a series of years, have been of greatest assistance in the adjustment of differences between employers and employees in which wages are involved, and there is, as our correspondence files will show, a very insistent and widespread demand that more articles and more cities be included.

Wholesale prices: This extensive and important compilation of wholesale prices, published annually with price index to show relative changes, has taken the place in the public mind of those of Dunn and of Bradstreet, which have been discontinued for several years. As stated, the list of articles has been revised and negotiations are well under way to establish between this bureau and similar bureaus in England, France, and Canada a system of international prices and wages reporting on a comparable basis. The importance of this one piece of work is such as to justify the additional funds requested for its completion. Once the countries above named join in a system of uniform and comparable reports on wholesale prices and wages, it will be but a short time until the other principal commercial and industrial countries of the world will join in with the plan.

Rates of wages: This consists of the collection of pay-roll data relative to rates of wages and hours of labor for all industries in which 75,000 or more persons were employed, according to the census of 1905, throughout the United States. The wages are collected as of a certain date in identical establishments from year to year. As before stated, the bureau is behind in this work, not having completed the field work for 1913, while in one industry the rates for 1912 have not yet been published. As up-to-dateness is an essential element in the value of such reports, the bureau would urge upon the Congress the importance of being permitted to get on its feet once and have a chance

to start even on this important work. The industries included in this series of reports are:

1. Cotton goods manufacturing and finishing.
2. Woolen and worsted goods manufacturing.
3. Silk goods manufacturing.
4. Lumber manufacturing.
5. Millwork.
6. Furniture manufacturing.
7. Boot and shoe manufacturing.
8. Hosiery and knit goods manufacturing.
9. Clothing manufacturing.
10. Cigar manufacturing.
11. Car building and repairing.
12. Iron and steel manufacturing:
    a. Blast furnaces.
    b. Bessemer converters.
    c. Open-hearth furnaces.
    d. Rolling mills—
        Blooming mills.
        Plate mills.
        Rail mills.
        Bar mills.
    e. Sheet and tin-plate mills.

Union rates of wages: This consists of data derived from the wage-scale agreements between employers and their employees in 39 cities. The most important trades covered are the building trades, the metal trades, printing trades, and bakery trades. The cities selected are those from which retail prices of certain articles of foodstuffs are secured. The wage rates are as of the date May 15. The field work for 1913 is practically done. With adequate relief through this deficiency appropriation bill, the field work for 1914 on this investigation would start May 15 and six weeks of valuable time would be saved. As this fund stands now, not a dollar could be spared for this work until after July 1.

Labor legislation and digests of court decisions affecting labor: This is another of the continuous lines of work of this bureau most seriously crippled and retarded by lack of funds.

Other lines of work which, while not necessarily continuous, are nevertheless urgent and should be kept up to date, but which are being delayed and made to suffer from lack of sufficient current working funds, are: Vocational education, industrial hygiene, industrial accidents and accident prevention, workmen's insurance and compensation, conciliation and arbitration, digests of foreign labor reports, and practically all of the special studies conducted by the bureau.

Vocational education: Taking these enumerated studies up in more detail, it is but fair to say that the Bureau of Labor Statistics has put more study into the subject of industrial education and vocational training than any other single institution in this or any country. It was the pioneer and blazed the way for all subsequent work along this line. Our eighth annual report, published in 1892, our seventeenth annual report, published in 1902, and our twenty-fifth annual report, published in 1910, were devoted to this subject, and in addition several special studies have been published by this bureau.

The problem of vocational education is sufficiently vital that 40 cities in the United States have appointed commissions or boards to study the subject and formulate plans. One city is ready to spend $1,000,000 in the endeavor to safely guide the young in their life work. In every case these cities are groping in the dark not only as to what to do, but as to what has been done and what they themselves want to do. Much of their funds will be wasted before they get started. The Bureau of Labor Statistics is the best-qualified institution in America to organize, guide, and safely direct the energies of this movement. It ought to be in a position to put itself in the lead in each of these 40 cities and to guide along the lines of a practical, positive, constructive plan for vocational education which would adapt the work of each city to its own local needs without neglecting the interest of the child for more widely useful industrial skill. Vocational education is an industrial and economic problem primarily, and as such is preeminently within the scope of this bureau's functions. At present the expert knowledge and experience derived from our various investigations can not be made practically helpful to any of the cities requiring it because the bureau can neither spare the men nor stand the expense.

Industrial hygiene: The work done by this bureau along this line is partly represented by the following reports already published:

Bulletin No. 75: Industrial hygiene.

Bulletin No. 79: The mortality from consumption in dusty trades.

Bulletin No. 82: Mortality from consumption in occupations exposing to municipal and general organic dust.

Bulletin No. 86: Phosphorus poisoning in the match industry in the United States.

Bulletin No. 95: Industrial lead poisoning, with descriptions of lead processes in certain industries in Great Britain and the western States of Europe. The white-lead industry in the United States, with an appendix on the lead-oxide industry. Deaths from industrial lead poisoning (actually reported) in New York State in 1909 and 1910.

Bulletin No. 100: List of industrial poisons and other substances injurious to health found in industrial processes.

Bulletin No. 104: Lead poisoning in potteries, tile works, and porcelain, enameled, and sanitary ware factories.

Bulletin No. 120, Hygiene of the painters' trade.

Bulletin No. 127, Dangers to workers from dusts and fumes and methods of protection.

In addition, there is in the office, but not ready for publication, a study of the hygiene of the smelting and refining of lead. Field work is now being done on a study of the hygiene of the printers' trade and also on a study of anthrax as an occupational disease in the United States. Similar studies in other industries will be taken up as soon as possible. This bureau has gained for itself a position as an authority on many of the questions of industrial hygiene. Its report on phosphorus poisoning in the match industry was made the basis of a Federal law calculated to prohibit the manufacture and sale of such matches. Industrial diseases and the best, cheapest, and easiest methods for preventing them or for reducing them to a minimum are matters of vital interest, and many States, notably Illinois, New York, and Massachusetts, are legislatively experimenting with the problem. The reports of the Bureau of Labor Statistics are recognized as valuable guides in shaping this legislation.

Industrial accidents and accident prevention: The study of accidents in various industries has for several years been carried on in a limited way by the bureau, and in recent years it has published several studies in this field—one in the cotton textile industry, a second in the metal trades, and a third and more elaborate study in the iron and steel industry. This latter study covered not only the collection of accident statistics and the study of causes of accidents, but also the study of methods of safeguarding and preventing the accidents. This volume should serve to indicate the usefulness of such studies, showing, as it does, the methods of safeguarding and accident prevention which are in use and which may be readily adopted in many other plants.

The line of study illustrated in this report of accidents and accident prevention in the iron and steel industry is now being followed by the bureau. The study of the subject is being continued in the iron and steel industry, and a similar study is also being made in plants engaged in machine building. Work of this character could be extended at relatively small cost and with most useful results. In such work emphasis would naturally be placed more and more upon those safety devices and methods of safety work which are found to secure definite results in the prevention of accidents.

The work here referred to is being developed gradually, inasmuch as it is believed that the best results can be secured in that way. Additional funds should be provided, so that the work can be extended by taking up a larger number of industries, by completing and publishing the results of studies more rapidly, and especially by giving greater attention to the study of safety devices in detail. Great advances have been made within a very short time in the development of safety devices both in this country and abroad, and the fullest information should be made available in regard to these matters.

The possibility of substantial reductions in the accident rates and great saving in life and suffering by organized safety work is beyond question. In the iron and steel industry in the United States, where organized safety work has probably reached its best development, the Bureau of Labor Statistics found, in comparing the accident records of a group of plants in which safety work has been fully developed with a group in which such work had not been done, a rate of 167.1 per 1,000 300-day workers for the former group and 507.9 for the latter group, a reduction of 67.1 per cent, or of 2 accidents out of every 3. The greater part of this accident reduction appeared in the accidents resulting in temporary disabilities, but a reduction of 21.5 per cent in the permanent disability rate and of 30.2 per cent in the fatal accident rate indicated that the saving extended to accidents of practically every class.

There are many reasons for believing that what has been accomplished in the manufacturing plants of a single industry can be accomplished by similar methods in most other industries with a high accident rate. Such results have been brought about by a careful study of the causes of accident, organization of systems of inspection, educational work, and the introduction of direct safety appliances. Even with the passage of well-considered laws calling for all reasonable safeguards, such laws can not come into general effect or produce the full measure of the results which should be expected without careful study of the conditions and causes of accident occurrence. Accurate statistics and the careful study which should accompany them can alone furnish a reasonable basis for improvement.

Workmen's insurance and compensation: Here again this bureau was the pioneer in this country. Our fourth special report in 1893, under the title "Compulsory Insurance in Germany," was the first report published in this country devoted to the subject of workmen's insurance. Our twenty-third annual report, published in 1908, and our twenty-fourth annual report, published in 1909, were devoted to this subject and brought together the laws of all countries relating to it. In addition to this the bureau has published more than a score of special reports and studies relating to these subjects. Within the last five years no less than 23 States, not including the United States, have passed such laws, while commissions to investigate and recommend have been appointed in 26 States, 5 of these having been appointed during the last year in Indiana, Louisiana, Maryland, Vermont, and Missouri.

Our Bulletin No. 126, now in proof, shows the status of legislation on this subject in the United States and foreign countries, summarizing laws in force in this and in foreign countries and reproducing the texts of American laws. This report was ready for the printer several months ago, but the bureau had no money to print it. Finally a Member of the Senate was so impressed with the value of the report that he secured the passage of a resolution providing for its printing as a Senate document. No information in the possession of the bureau is more in demand at present than that relating to workmen's compensation, and it is unfortunate that the equipment of the bureau, represented by the experts who have studied the practical application and working out of these laws, can not respond to the many and frequent calls from State commissions for information and practical guidance.

Conciliation and arbitration: Conciliation and arbitration has been the subject of investigation and report by the bureau in numerous bulletins or publications, notable among which were the following studies:

Voluntary conciliation and arbitration in Great Britain, in 1900.

Labor conditions in New Zealand, in 1903.

Labor conditions in Australia, in 1905.

Government industrial arbitration, in 1905.

Conciliation in the stove industry, in 1906.

The Canadian industrial disputes investigation act, in 1908 and again in 1910 and 1912.

Mediation and arbitration of railway-labor disputes in the United States, in 1912.

Conciliation and arbitration of railway-labor disputes in Great Britain, in 1912.

Conciliation and arbitration in Great Britain, in 1912.

Conciliation, arbitration, and sanitation in the cloak, suit, and skirt industry in New York City, in 1912.

Industrial courts in France, Germany, and Switzerland, in 1912.

Conciliation and arbitration in the building trades in Greater New York, in 1913.

Report of the industrial council of the British Board of Trade on its inquiry into industrial agreements, in 1913.

These studies of conciliation and arbitration are regarded as of the first importance in the work of the bureau. The successful methods in the prevention and adjustment of labor disputes are not matters of chance, but are invariably the results of careful study and experiment. The knowledge of these methods necessary to their application in new industries or communities can only be gained by careful study of the history and workings of those plans which have been successful. It will be obvious, then, that continuous and systematic study of the questions involved in conciliation and arbitration is practically essential in order that the available experience may be of value to the public.

At the present time two studies in regard to conciliation and arbitration are being carried on by the bureau, one a study of the operations of the protocol agreements in the various clothing industries in New York City and in Boston, the other a study of the methods in the bituminous coal mining industry. These studies have been much hampered and delayed by the lack of available funds.

Another matter which can not be too strongly stated in defense of this request to have the working fund of this bureau materially strengthened at this time is the necessity of meeting emergency demands. At the present time these must all be refused, however important, and without regard to the bureau's eagerness in some cases to respond. Such, for instance, is the general demand from all quarters for immediate information as to the present unemployment of workmen. Within the last two days we have received a request from the clerk of the Committee on Ways and Means of the House for information as to the unemployment of labor. No question is of more vital concern; yet the bureau is not in a position to make even the most superficial survey of the present situation, certainly not from any unwillingness or indisposition to take up such a study, but because the entire balance in the working fund of the bureau would not be sufficient to prosecute safely such investigation.

Again, matters of more local importance are urged upon the bureau almost daily which are so distinctively within its functions that only disappointment can come to the public when nothing is or can be done to throw light upon the conditions to which attention is called. This is illustrated by picking up almost at random any of the daily requests for investigations. For instance, a telegram to a Congressman from a man in Seattle refers to the labor conditions in the fish canneries along Puget Sound. The telegram, referred to the Bureau of Labor Statistics, is as follows:

"Have Attorney General and Department of Labor investigate wage scandal fish-cannery operatives. Contractors make big profits, but pay only 25 per cent transient labor. No remedy in courts. Mayor, judges, and newspapers interested. Alaska and Puget Sound canneries' foreign labor fed now by charity—Hawaiians and Filipinos."

There is no doubt that an investigation here would throw light upon the situation and, through the influence of public opinion, effect beneficial results. In this particular case the expense would probably not be great, but too great to be risked in the present condition of this fund, and the bureau was forced so to state in its reply.

It is therefore submitted that the working fund of this bureau should be strengthened at this time sufficiently to enable it to cooperate during the next six months with the Bureau of Foreign and Domestic Commerce in securing wages in the clothing and such other industries as that bureau elects to investigate for cost of production, and this without crippling or retarding the regular continuous work of the Bureau of Labor Statistics; that this working fund should be sufficiently strengthened to enable the bureau to catch up with its regular work within this fiscal year, and this without the necessity of being forced to decline all emergency demands upon it.

It is but fair to state that the appropriation for this bureau's working fund is less now than it was 10 years ago; that it has never been increased with the increase of the demands made upon the bureau for work; and that for 16 years the bureau has not had one cent of increase in its regular working appropriation, and, with the exception of 1912, when it was allowed $20,000, has not had a deficiency appropriation since 1898.

This statement proves the contention of the opposition wholly without reasonable grounds. The amendments I have offered are worthy of the support of every member of this committee.

Mr. KELLY of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS of Maryland. Mr. Chairman, I would like to have the attention of the House to this subject matter for a few minutes. I want to say that the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] is one that I should have offered myself if he had not done so. The printing of the bulletins of the Department of Labor, as the successor to the Bureau of Labor, merely continues a function of the bureau which I think can be said to be the parent function of all its activities.

Now, as chairman of the Committee on Labor it is my duty to say to the House that a number of the bulletins and studies completed by the bureau, which can not be printed unless this amendment prevails, will be absolutely essential to the proper consideration of legislation now before the House itself, or at least before committees of the House. The ones I refer to specifically at this moment are a number of bills pending before the Committee on Labor with reference to the regulation of hours of laboring women and minor children. I will run hurriedly over the details of these studies—and let me say to the Members of the House who may not have had the advantage of acquaintance with them that they represent scientific investigations of their respective subjects. They represent a kind of treatment of the subjects that can not, in the nature of things, be obtained through private sources, first, because you have the partisan motive when private parties handle those subjects, and, second, because there is no private motive at all to produce the laborious statistics and to conduct the painstaking investigations essential in these studies. Those to which I will refer are as follows:

Lead Poisoning in the Smelting and Refining of Lead in the United States.
Butter Prices from the Producer to the Consumer.
Retail Prices, 1890 to December, 1913.
Mortality and Morbidity among Locomotive Engineers.
Administration of Labor Laws and Factory Inspection in European Countries.
Administration of Labor Laws and Factory Inspection in the United States.
Foreign Labor Legislation, Great Britain.
Foreign Labor Legislation, Germany.
Minimum Wage Legislation in the United States and Foreign Countries.
Decisions of Courts and Opinions Affecting Labor, 1913.
Conciliation and Arbitration in the Cloak, Suit, and Skirt Industry in New York City.
Conciliation and Arbitration in the Bituminous Coal Industry in United States.
Women in Industry.
Woman and Child Labor in the United States.
Public Aid to Home Owning and Housing in Foreign Countries.
Wholesale Prices, 1890 to 1913.
Prices and Cost of Living in Foreign Countries.
Retail Prices, 1890 to February, 1914.
Retail Prices, 1890 to April, 1914.
Union Scale of Wages and Hours of Labor, 1913.
Wages and Hours of Labor in the Iron and Steel Industry.
Wages and Hours of Labor, 1890 to 1913: Cotton, Woolen, Silk, Millwork, Furniture.
Labor Laws of the United States, January 1, 1914.

I want to say to the Members of the House that unless they have paid attention to the publications of this Bureau of Labor they can have no conception of their invaluable importance to our legislative action and legislative guidance in many of the States of the Union. They really constitute a library of sociology, essential not merely to explain the status of labor in this country but to define by fact and experience the extent to which remedial action should properly go.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to ask the chairman of the Committee on Appropriations whether he desires to pass this bill to-night?

Mr. FITZGERALD. There is not much more of it left.

Mr. STAFFORD. We wasted an hour at the opening of the session to-day.

Mr. FITZGERALD. This is not a holiday; it is a labor day.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Maryland [Mr. LEWIS] is recognized for five minutes more.

Mr. LEWIS of Maryland. Now, Mr. Chairman, these are not cases in which the information can be gotten in any other way. This kind of information is not collected or published by private initiative, nor is it collected and published by any State or by any other department of our Government. And I want to say to the members of the committee that, personally, I shall be unable to know how to discharge my duties with reference to the important subjects contained in them unless I have the advantage of their publication. I trust the House will not be penny-wise and pound-foolish on this subject. I appreciate, of course, the attitude of the committee which has charge of the purse and feels it a particular duty to conserve the revenues of the Government. But this is an instance in which it would be a delinquency of the Government not to provide proper funds. And I trust that the members of this committee will sustain this amendment, so absolutely essential to sound public information and to proper and intelligent public procedure in the legislative bodies of the country.

Mr. FITZGERALD. Mr. Chairman, the total allotment for the printing for the Bureau of Statistics for the current fiscal year is $32,000. It was stated that if all the bulletins which it was hoped might be finished by the 30th of June were ready for printing by that time, it would require $60,000 to print all of them. Some of these bulletins are now in the course of preparation, and some are in the Printing Office. This bureau has been taken into this department, and it is necessary to readjust some things in connection with it, and an attempt has been made to do that for the next fiscal year. It seems to me that, from the information at my disposal, the allotment of $32,000 is sufficient, and that there is no necessity at this particular time to increase it, particularly as no formal request was made by way of estimate. I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. KEATING. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 26, noes 25.

Mr. FITZGERALD. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. BUCHANAN of Illinois and Mr. FITZGERALD.

The committee again divided; and the tellers reported—ayes 29, noes 27.

Mr. FITZGERALD. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes the point that there is no quorum present. The

Chair will count. [After counting.] Fifty-five gentlemen are present—not a quorum.

Mr. FITZGERALD. I move that the committee do now rise, Mr. Chairman.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 13612, the urgent deficiency appropriation bill, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BAILEY, by unanimous consent, was granted leave of absence, for two days, on account of attending the funeral of a friend.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 10258. An act authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 25, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LAFFERTY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12594) to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner, reported the same with amendment, accompanied by a report (No. 301), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6357) granting a pension to D. C. Creese, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. L'ENGLE: A bill (H. R. 13812) to provide adequate means for aerial national offense and defense; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 13813) to drain swamp and wet lands; to the Committee on Agriculture.

By Mr. EAGAN: A bill (H. R. 13814) providing for the acquiring of a site and construction of Federal building for Weehawken post office in the town of Union, Hudson County, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY: A bill (H. R. 13815) to increase the limit of cost for the construction of a public building at Marlin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. BROWNING: A bill (H. R. 13816) to prescribe a shape and design to be used solely for antiseptic tablets containing poisons, especially mercuric chloride, and to regulate traffic therein; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma: A bill (H. R. 13817) for the regulation of the use of the mails by cattle, cotton, fruit, tobacco, grain, or stock exchanges and their members, and to amend certain sections of the Criminal Code of the United States, Compiled Statutes, relating to lotteries, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. JONES: A bill (H. R. 13818) to provide a civil government for Porto Rico, and for other purposes; to the Committee on Insular Affairs.

By Mr. SINNOTT: A bill (H. R. 13819) to increase the limit of cost of Federal building at Pendleton, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. BORLAND: Resolution (H. Res. 428) relating to a lobby existing in the city of Washington; to the Committee on Rules.

By Mr. PATTEN of New York: Memorial of the Legislature of the State of New York, favoring an amendment of the Federal immigration laws so as to make the support of alien insane a national charge; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Memorial of the Legislature of the State of New York, favoring legislation making the support of alien insane a Federal charge; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 13820) granting an increase of pension to Martha E. Stephens; to the Committee on Invalid Pensions.

By Mr. AINEY: A bill (H. R. 13821) for the relief of John F. Kingsley; to the Committee on Claims.

By Mr. ALEXANDER: A bill (H. R. 13822) granting a pension to Alongo B. Van Ausdall; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 13823) granting an increase of pension to Eva G. Klug; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13824) granting a pension to Paulina Manchester; to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 13825) for the relief of the heirs of Marianne Sainte Ana Schrepper; to the Committee on the Public Lands.

By Mr. CAMPBELL: A bill (H. R. 13826) granting an increase of pension to John F. Leonard; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 13827) to readjust certain coal leases on the segregated mineral land in Oklahoma; to the Committee on the Public Lands.

By Mr. CARY: A bill (H. R. 13828) granting a pension to McCulloch Talley; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 13829) for the relief of Henry C. Deming; to the Committee on Military Affairs.

By Mr. DIES: A bill (H. R. 13830) for the relief of William A. Howard; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 13831) granting a pension to Bernard Higgins; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 13832) granting an increase of pension to George W. Hatton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13833) granting an increase of pension to Cad Ingram; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13834) granting an increase of pension to Nimrod Pratt; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 13835) granting an increase of pension to William H. Hastings; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 13836) granting an increase of pension to Thomas Connor; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 13837) granting an increase of pension to John W. Sweet; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 13838) granting an increase of pension to George W. Allison; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 13839) granting an increase of pension to John Winemiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13840) correcting the military record of James Orange; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 13841) granting a pension to Arthur D. Leavenworth; to the Committee on Pensions.

Also, a bill (H. R. 13842) granting an increase of pension to Sarah A. Parker; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 13843) granting a pension to Mary F. Lukecart; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 13844) granting an increase of pension to Henry S. Hankins; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 13845) granting a pension to Benjamin F. Copley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13846) granting a pension to William Gurnett; to the Committee on Pensions.

Also, a bill (H. R. 13847) granting a pension to Marceline Weaver; to the Committee on Pensions.

Also, a bill (H. R. 13848) granting an increase of pension to Virginia Battin; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 13849) granting an increase of pension to Lyman H. Fowler; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 13850) granting an increase of pension to Adelia A. Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13851) granting an increase of pension to Francis Sybolle; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13852) granting an increase of pension to Calloway Roberts; to the Committee on Invalid Pensions.

By Mr. SHERWOOD (by request): A bill (H. R. 13853) granting an increase of pension to William Anderson; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 13854) granting a pension to John J. Brogan; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 13855) to correct the military record of Bernard Cavanaugh; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 13856) for the relief of the estate of James Henry; to the Committee on War Claims.

Also, a bill (H. R. 13857) for the relief of the estate of Asbury Stalnaker; to the Committee on War Claims.

By Mr. UNDERHILL: A bill (H. R. 13858) granting an increase of pension to Teresa C. Ganung; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 13859) granting a pension to Julia O'Neil; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Andrew Jackson Branch, the Thomas Payne Branch, the Rhode Island Branch, the Wolf Tone Branch, and the Fort Schuyler Branch of the American Continental League, also of the Limerick's Guards, of Philadelphia, Pa., against "One hundred Years of Peace"; to the Committee on Foreign Affairs.

By Mr. AINEY (by request): Petition of sundry citizens of Forest City, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of Dr. George B. Tritchell and 100 other citizens of Cincinnati, Ohio, and of the Shuster Co., of Cleveland, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 11719, to reimburse D. Dale Conduit; to the Committee on Claims.

By Mr. BAILEY: Petitions of sundry citizens of Morenci, Mich.; Duncansville, Blair County, and Parkesburg, Chester County, Pa.; Larchmont and Hicksville, N. Y.; Ittabena, Miss.; and Hardwick, Vt., favoring passage of House bill 8947, for extension of free-delivery postal service to all towns of 1,000 or more in the United States; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petition of sundry citizens of the seventeenth ward, of Pittsburgh, Pa., and of St. Clair Borough, Allegheny County, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of Company G, Second Regiment, Pennsylvania United Boys' Brigade of America, favoring amendments to Senate bill 3777, providing for the wearing by the boys' brigades of the same uniform used in the United States Army; to the Committee on Military Affairs.

By Mr. BELL of California: Memorial of the San Francisco Labor Council, protesting against the landing on American soil of alien Chinese seamen; to the Committee on Immigration and Naturalization.

Also, petition of the First National Bank of Whittier, Cal., favoring a change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BOOHER: Petitions of George T. Sturgiss and other citizens of Edgerton, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the First National Bank of Brooklyn, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. CARY: Petition of J. M. O'Neill, of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. CLANCY: Petition of sundry citizens of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of Manhattan Camp, No. 1, Department of New York, Spanish War Veterans, favoring passage of House bill 7374 for pensions for Spanish War veterans' widows and orphans; to the Committee on Pensions.

Also, petition of John Osmers, of Kings County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Petitions of the Pittsburgh Plate Glass Co., of St. Paul, Minn., and the Archer-Daniels Linseed Co., of Minneapolis, Minn., relative to an appropriation for a bureau of foreign and domestic commerce to promote American trade; to the Committee on Appropriations.

By Mr. GARNER: Memorial of the Hard Yarn Spinners' Association, of Gastonis, N. C., favoring the bill regulating cotton exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: Petition of Victor Keinath and 84 others, all voters of the fourth congressional district of Ohio, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petitions of Lewis Louth and 57 others of the fourth congressional district of Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Frank A. Gladen and 88 others, all voters of the fourth congressional district of Ohio, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Mart Smith and 59 others, all voters of the fourth congressional district of Ohio, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of W. L. Stuckey and 50 others, all voters of the fourth congressional district of Ohio, protesting against House joint resolution 168 and Senate joint resolutions 50 and 88 relative to national prohibition; to the Committee on the Judiciary.

By Mr. GOOD: Petitions of the Exchange State Bank of Walker, Iowa, and other banks of Iowa, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of Bartenders' Union, Local No. 962, of Virden, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of J. L. Greenbery, of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of the New England Peace Workers and of Achille Harace, of Brooklyn, N. Y., relative to repeal of the exemption clause in the Panama Canal Act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Civil Service Reform League, protesting against removal of assistant postmasters from protection of civil service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of New York, favoring House bill 1, relative to increasing the efficiency of the Hospital Corps of the United States Army; to the Committee on Military Affairs.

Also, petition of the Woman's World, protesting against second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of David Wilson Camp, No. 59, United Spanish War Veterans, favoring passage of House bill 7374, for pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petitions of William Schleintz and of William J. Cronin, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of P. J. Burns, of Brooklyn, N. Y., favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Spanish War veterans of New York City, favoring House bill 7374, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. HARRISON: Petitions of sundry citizens of Mississippi, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HINEBAUGH: Petition of sundry citizens of Indiana against national prohibition; to the Committee on the Judiciary.

Also, petition of various banks of Belvidere, Ill., favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. KELLEY of Michigan: Petition of various banks of Michigan, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of the Religious Liberty Association, protesting against passage of Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. LEVY: Petitions of the Massachusetts Peace Society and of C. H. Outerbridge, of New York City, favoring the repeal of the clause for free tolls for American vessels through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Manhattan Camp, No. 1, Department of New York, United Spanish War Veterans, favoring passage of House bill 7374 for pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petitions of Julius Kaufman and 1 other citizen of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Clifford Shopbell, the White Swan Laundry, A. A. Wittekindt & Son, and Kleiderer Bros., all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petitions of various workmen of the Canal Zone, relative to back pay which they claim is due them; to the Committee on Appropriations.

By Mr. LONERGAN: Petition of Ludwig Janetzki and 10 other citizens of Bristol, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petitions of sundry citizens of South Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of the Workingmen's Aid Society of Grand Rapids, Mich., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Department of Michigan Women's Relief Corps, Auxiliary to the Grand Army of the Republic of Michigan; Custis Corps, No. 27, and William F. Borden Post, No. 2, Department of Michigan, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of Mrs. Katherine Goetz and others of College View, Nebr., protesting against passage of the Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. McKELLAR: Papers to accompany a bill (H. R. 13789) for the relief of the estate of David Jameson; to the Committee on War Claims.

By Mr. MOORE: Petitions of Henry J. Crosby, W. B. Scott, A. H. Hadley, Sydney B. Hunn, David B. Provan, James Kane, Daniel McCarthy, C. H. Sullivan, Joseph Donohue, Philip Faherty, John Corrigan, Frank Breman, Edward Moore, and Stephen Fitzpatrick, all citizens of Philadelphia, Pa., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, and all similar prohibition measures; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of the New York State Drainage Association, favoring the passage of House bill 8189, for flood protection; to the Committee on Rivers and Harbors.

By Mr. J. I. NOLAN: Petition of Stuart F. Smith, cashier, and J. V. Reardon and H. A. Thayer, assistant cashiers, of the Mission Bank, San Francisco, Cal., for the amendment of the income-tax law to provide a method of "information at the source" in lieu of the present provisions of "collection at the source"; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of the Lincoln and Rhode Island Branches of the American Continental League against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the Massachusetts Peace Society, favoring repeal of the exemption clause in the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. J. Campbell, of Butler, Mo., against requiring assistant postmasters to stand the civil-service examination; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of Rhode Island, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of various banks of Providence, R. I., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. PATTON of Pennsylvania: Petitions of the Hamlin Bank & Trust Co., of Smithport, Pa., and the First National Bank and Farmers' Trust Co., of State College, Pa., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. PAYNE: Petitions of sundry citizens of Cayuga and Wayne Counties, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Manhattan Camp, No. 1, Department of New York, United Spanish War Veterans, favoring passage of House bill 5139 relative to pensions for Spanish War veterans, widows, and orphans; to the Committee on Pensions.

Also, petition of F. H. Losey, of Auburn, N. Y., protesting against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. REILLY of Connecticut: Petition of the Andrew Jackson Branch of the American Continental League, of New Haven, Conn., protesting repeal of clause for free tolls for American vessels through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Wisconsin: Petitions of 32 organizations of the State of Wisconsin, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any similar prohibition measures; to the Committee on the Judiciary.

Also, petitions of five banks of Fond du Lac, three banks of Oshkosh, two banks of Neenah, and one bank from each of the following cities, Menasha, Brillion, Montello, Kiel, and Oakfield, all in the State of Wisconsin, petitioning that the act of October 3, 1913, with respect to the income tax be amended at the earliest possible date, to provide for a method of "information at the source" in lieu of the present provisions of "collection at the source"; to the Committee on the Judiciary.

By Mr. ROUSE: Petitions of 274 citizens of the State of Kentucky, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SHARP: Petition of sundry voters of Huron County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of C. W. Nelson, of Moorhead, Minn., against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of sundry citizens of Los Angeles, Cal., favoring the passage of House bill 5139, relative to pensions for aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, petitions of the Building Trades Employers' Association of San Francisco and the Founders and Employers' Association of Los Angeles, Cal., protesting against the passage of the anti-injunction bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of the Ralphs Grocery Co., of Los Angeles, Cal., protesting against bill to fix prices on goods to be sold; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Bank of San Pedro and other banks of California, favoring change in income-tax law, relative to collection at source; to the Committee on Ways and Means.

Also, petitions of J. N. Russell and W. F. Uralke, of Los Angeles, Cal., protesting against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of certain officers of the Bartenders' Union, No. 284, of the fifteenth congressional district of California, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Hon. A. O. Eberhart, governor of Minnesota, favoring passage of bill providing for a suitable memorial for John Ericsson; to the Committee on the Library.

Also, memorial of the Chamber of Commerce of Minneapolis, Minn., favoring appointment of committee to investigate workings of grain exchanges; to the Committee on Rules.

By Mr. SUTHERLAND: Papers to accompany a bill (H. R. 13856) for the relief of the estate of James Henry; to the Committee on War Claims.

By Mr. UNDERHILL: Petitions of Sutherland, Turnbull & Co., of Campbell, N. Y., and of sundry bank officials of Groton, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the State of New York, protesting against bill to create a Federal trade commission; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *February 25, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for all the attending mystery of life and for the spiritual law in the natural world. We bless Thee that Thou art in all, through all, and over all. We have to do with Thee, and we must come at last to stand before Thee.

We pray for that measure of grace which will enable us to meet all the exigencies of life, that we may not be driven into any crisis by the stern necessities of heartless law, but that we may be brave to face all conditions through the grace that God alone can supply and which will bring us out more than conquerors through Him who loved us and gave Himself for us. We ask in His holy name. Amen.

The Journal of yesterday's proceedings was read and approved.

COOPERATIVE AGRICULTURAL EXTENSION WORK.

The VICE PRESIDENT laid before the Senate the action of the House of Representative disagreeing to the amendment of the Senate to the bill (H. R. 7951) to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBINSON. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Georgia, Mr. ROBINSON, and Mr. BRADY conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 10308) to provide for the improvement, construction, and repair of sidewalks in the District of Columbia, and for the assessment and payment of the cost thereof, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of Andrew Jackson Branch, American Continental League, of New Haven, Conn.; of Washington Branch, American Continental League, of Hazelwood, Pa.; of Anthony Wayne Branch, American Continental League, of Philadelphia, Pa.; and of John Adams Branch, American Continental League, of Philadelphia, Pa., remonstrating against the repeal of the provision in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

He also presented memorials of Thomas Paine Branch, American Continental League, of Philadelphia, Pa.; of Rhode Island State Branch, American Continental League, of Providence, R. I.; of Fort Schuyler Branch, American Continental League, of Philadelphia, Pa.; of Farmington Branch, American Continental League, of Farmington, Conn.; of Limerick Guards, of Philadelphia, Pa.; and of the Wolf Tone Club, of Philadelphia, Pa.; remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Lettish Branch, Socialist Party, of Philadelphia, Pa., remonstrating against the enactment of legislation to provide an educational test for immigrants, which was referred to the Committee on Immigration.

Mr. NELSON presented a petition of Brainerd Division, No. 197, Order of Railway Conductors, of Staples, Minn., and a petition of Minnehaha Lodge, No. 827, International Association of Machinists, of Minneapolis, Minn., praying that an appropriation be made to cover longevity pay of employees in the Panama Canal Zone, which were referred to the Committee on Appropriations.

Mr. SHAFROTH presented memorials of sundry citizens of La Junta, Pueblo, Boulder, Hayden, Palisade, Grand Junction, Gunnison, Longmont, Montrose, Clifton, Silt, Redvale, Fort Lupton, and Niwot, all in the State of Colorado, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of Miners' Local Union No. 36, of Rico; of Mount Blanco Lodge, No. 553, International Association of Machinists, of Alamosa; and of sundry citizens of Salida, all in the State of Colorado, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Tarrant; of the Texas Staats-Verband; of the Local Dutch-American National Bunde, of Flatonia; and of Bushdale Lodge, No. 61, all in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRYAN presented a petition of sundry citizens of Bradentown, Leroy, Pensacola, and Zephyshilk, all in the State of Florida; of sundry citizens of Washington, D. C., Reno, Nev., and Chicago, Ill., praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of Local Union No. 304, Waiters and Cooks' Union, of Hartford, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Farmington Branch, American Continental League, of Farmington, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. BRADLEY presented a petition of Lincoln Council, No. 68, Daughters of America, of Mason, Ky., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented memorials of the Wampus Fishing and Outing Club, of Covington; of the Arion Maennerchor, of Newport; of Waiters' Local Union No. 663, of Covington; of Lewisburg Court, No. 4, Guardians of Liberty, of Lewisburg; and of sundry citizens of Louisville, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LANE presented a telegram in the nature of a petition from sundry rural carriers of Lynn, Lane, and Benton Counties Branch of the Oregon Rural Carriers' Association, praying for the adoption of an amendment to the Post Office appropriation bill granting a salary of $1,200 to rural letter carriers and an additional $300 for the maintenance of horse hire, which was ordered to lie on the table.

Mr. McLEAN presented memorials of the Farmington Branch, American Continental League, of Farmington, Conn., and of Andrew Jackson Branch, American Continental League, of New Haven, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a memorial of Bartenders' Local Union No. 304, of East Hartford, Conn., and a memorial of sundry citizens of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of the boards of directors of sundry banks located in Eugene, Salem, Portland, Pilot Rock, and Enterprise, State of Oregon, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Banks and Portland, in the State of Oregon, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHIVELY presented memorials of sundry citizens of Evansville, Muncie, Anderson, and New Albany, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Board of Directors of the First National Bank of Bristol, Vt., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which was referred to the Committee on Finance.

Mr. LA FOLLETTE presented memorials of sundry citizens of Milwaukee, Albion, Arpin, Bethel, New Franken, Green Bay, Gleason, Ellsworth, Neenah, Lincoln, Bloomville, Milton, Racine, Raymond, Mosinee, Appleton, Ashland, Pine River, Luck, and Oshkosh, all in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of Local Union No. 30, Cigar Makers' International Union, of Racine; of Journeymen Plumbers' Local Union No. 75, of Milwaukee; of Local Union No. 168, Cigar Makers' International Union, of Oshkosh; of Carpenters' Local Union No. 657, of Sheboygan; of Electrical Workers' Local Union No. 680, of Fond du Lac; of Coopers' Local Union, No. 30, of Milwaukee; of Tailors' Industrial Union, No. 384, of Watertown; and of Teamsters' Local Union No. 562, of Kenosha, all in the State of Wisconsin, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

RURAL CREDIT.

Mr. GRONNA. Mr. President, as an indication of the great interest the farmer is taking regarding the question of rural credit, I present a resolution adopted by the Farmers' Equity Exchange at Watrous, Hettinger County, N. Dak., on January 24, 1914.

Mr. President, only a few days since I called attention to the vital importance of enacting a law which in some way would be helpful in furnishing the farmer with capital at a lower rate of interest than he is now paying.

We have pending before the Senate and before the other House bills touching upon this question. I have carefully examined these bills, and, in my judgment, none of them, if enacted into law, contain provisions that will give the farmer the relief he is seeking. The farmer is not asking for more credit, but as a matter of right and justice he is demanding that his paper shall be recognized in the channels of trade and commerce and placed on an equal footing with commercial paper. When a farmer gives a mortgage on a valuable, productive farm he feels he is entitled to the same consideration, to get his money at as low a rate, as the rate paid by the commercial organizations. His mortgage is as good as a Government bond, and it is an injustice to the people of this class engaged in this great industry to discriminate against their paper and compel them to pay a higher rate than is paid on the so-called commercial paper.

I ask that the resolution may be read at the desk.

There being no objection, the resolution was read and referred to the Committee on Banking and Currency, as follows:

To Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.:

We, the undersigned, members of Watrous Equity Exchange, pursuant to a resolution passed at a regular meeting of our exchange, respectfully represent that

Whereas it is always the lot of settlers of comparatively new farming districts of our country to be burdened and handicapped by an unduly high rate of interest on farm securities, thus hindering development and being to a large extent the cause of hardships and failures that such settlers must endure; therefore

It would be proper and meritorious action on the part of the present Congress of the United States, as recommended by President Wilson in his annual message to Congress, to establish by legislation a system of rural credits whereby money could be secured on farm securities at a low rate of interest, and thereby remove the present handicap to the advantage of the American farmer in general, and to such of your petitioners in particular who have to start out under adverse conditions and with very small, if any, capital; and therefore

We, your petitioners, respectfully ask and request that you, as Member of the United States Senate from our State, use your utmost influence and energy for the drafting and adoption of an effective law on that subject at the present session.

Dated at Watrous, Hettinger County, N. Dak., January 24, 1914.

MANUFACTURE AND DISTRIBUTION OF PRODUCTS.

Mr. JONES. I have a letter here, in the nature of a petition, from A. W. Anderson, a business man in my State, making some very valuable suggestions in reference to the method of doing business, and making some legislative suggestions which he would like to have considered by the Committee on Interstate Commerce, which has before it proposed legislation along those lines. I shall not ask to have the letter read, but I should like to have it printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the letter was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE COLVILLE LOAN & TRUST CO.,
Colville, Wash., February 19, 1914.

Hon. WESLEY L. JONES,
Washington, D. C.

DEAR SENATOR: I understand that business legislation is to be taken up and discussed before and by the committees at Washington, and I would like to present a few phases of the matter that never seem to occur to legislators, the people, or even to the business men themselves.

What we call "business" or commerce is such a complicated and interrelated system that whatever change is made in one item has its relative effect all along the line, and it would seem shortsighted policy in making sweeping and radical changes in some items without following the effect down the line and correcting the evils that may result to other items where conditions will not permit of self-adjustment to the change in item 1.

However, it is not the tariff, trust busting, or the parcel post that I wish to discuss, though the latter two have seriously affected the retail business, and in a way that we are powerless to overcome until Congress follows the effect down the line and corrects the evil, and it is this: The manufacturing and distribution that need attention now.

There are now two systems of distribution struggling for supremacy—the old and established system of merchandising from factory through the jobber or broker and retailer to the consumer; the other the catalogue house, which seeks to eliminate the jobber and retail merchant.

All legislation so far has been to advance the interest and success of the catalogue house.

The catalogue house has just as much right to exist and do business as any other concern, and if its system is the correct one it will exist and acquire supremacy on an equal basis; it will of itself eliminate the jobber and the retailer, if its system is the correct one, without legislation favorable to it and injurious to the other system. Therefore if any business legislation is to be enacted it would be well to analyze the systems and endeavor to enact legislation that will tend to give uniformity and fairness to all classes.

First, the old system of distribution through the jobber and retail merchant to the consumer; this is the result of a natural growth evolved and established through necessity, the fact that the distribution to the consumer requires a service that the factory can not give. It may be that time and the development of the country has made it possible, or will make it possible, to eliminate the jobber, but it has not and will not make it possible to eliminate the retailer, for this service given can not be rendered in any other way.

Aside from the strictly mercantile service that he performs for the factory and the consumer referred to above, he has performed another service for which he should be given credit; in all towns of this developing country he was the pioneer, for he catered to the first wants and the necessities of his people. Around him grew up the smithy, the church, the industry various, and the school.

He carried the people on his books when to have done otherwise they would have been obliged to leave the country, and every community to-day has its men now able to buy out their local merchant twice over, who could never have remained in the country to acquire their prosperity had it not been for the local merchant.

He encouraged industries, looked up and made markets for the settler, and assisted him to get his products to them.

He had community and State interest and always put these foremost; he helped to lay out and build roads and highways; he gave and gives to the church as much as the rest of the community as individuals frequently, and always gives.

In encouraging and building up his community he has raised valuation and holds property and pays taxes himself.

Surely these things might be considered in connection with the purely commercial services he renders, and what has been true is true now and will be true in the future.

Yet with the agitation over the high cost of living, the articles in the press from cartoon to editorial, from socialist Pearson's to supposedly conservative Saturday Evening Post, the reader is left with the impression that their retail dealer is a rascal and a crook.

The catalogue houses encourage this and deliberately use it as an argument, and when the administration starts in "trust busting" and Congress investigates and legislates for the high cost of living, it gets more airing with the same impression dominant and they proceed to help out the mail-order house.

The matter has gone too far to stop now, and now is the time to endeavor to get commerce on a stable and equitable basis.

One of the first evils that should be corrected is the discrimination against buyers of merchandise.

It has always been held that the man who bought great quantities was entitled to a better consideration in the price than the man who bought small quantities, but whatever the arguments may be for this procedure, it is not democratic, and it leads to unfair competition.

For instance, a small buyer goes to a knitting factory and buys a case of underwear at a price of $1 per garment. The large buyer goes to the same factory for the same garment, but buys 25 cases, and he obtains a price of 87½ cents. Is this fair?

The large buyer lists the garment at $1.12½ in his catalogue, the customer pays the freight, and owing to his large business and the evasion of the service that the local retailer must necessarily give his cost of doing business is very small.

The small local dealer pays $1 for the garment; freight from 3 to 5 per cent, as the case may be; cost of doing business, which can not be surmounted, and in this State is 15 per cent, which makes the garment cost him $1.20, and he sells for $1.35.

The customer makes the comparison, and goes down and calls one of his best friends a robber.

If the factory can sell its output at 87½ cents per garment, it should be made illegal for it to charge any person $1 therefor.

If it must get $1 for the garment to yield it a fair profit, it should be made illegal for it to charge any person 87½ cents therefor.

If the average, or 94 cents, is required to yield it a fair return, that is the price that should be charged and charged to all alike.

This may sound radical, but there are already several large factories that have of their own accord adopted this system; and, as further justification, will refer you to the rebate provision in the interstate commerce act.

Certainly it is worth just as much to the railroad to give a better price consideration to the shipper who gives them $100,000 worth of business a year against the one that only gives them $100 worth, as it is to the factory that makes the same concession, yet the law has stepped in and said, "No; you must make a rate that will yield you a fair remuneration, publish this rate, and charge it alike to all, and any evasion of this will be prosecuted, and you must file this rate for review with the representatives of the law."

If this is true and correct in the case of the railroad, it is just as true and correct of the factory or any other commercial transaction, and whether it is correct or not, as I have said, it is too late to stop now; it must be carried on down the line till all business is on an equal basis, and any action taken should embrace uniformity of price whether it be among factories, jobbers, or retailers.

Another reform that should be embraced is that a factory or importer should be legally bound to sell and deliver to any retail dealer any order for the goods they manufacture or import, regardless of the quantity ordered, and at their regular price.

We are now able to buy some goods direct from the factory and importer, much that we can not—that is to say, we can purchase from the factory, but the goods will be shipped through the jobber, and the price we pay contemplates the passing of the goods and account through the jobber.

To sum up, the small retailer is a necessity in the distribution of goods, he performs a service that can not be entirely dispensed with, and to eliminate him will require the substitution of some other agency to perform this service.

That it is not justice to eliminate those now in business involving such a great financial sacrifice in order to substitute other agencies which can do no more nor any better.

Inasmuch as all administrative action and legislation so far has been in the interest of big business, unless something is done now for the small dealers there is but one result possible.

And the first relief should be along the lines above indicated.

They would injure no one and would bring equity and balance in a very large way to commerce.

Action along these lines would be fought by catalogue houses and jobbers, of course, but it will not injure catalogue houses. They would still have the advantage of capital, and the only elimination of jobbers would be only as jobbers in some instances, as the jobber also performs a service that would still be necessary, and such as could not meet this would simply transform to mail-order or catalogue houses.

Yours, truly,

A. W. ANDERSON.

EMORY SCOTT LAND.

Mr. JOHNSON. I am directed by the Committee on Claims, to which was referred the bill (S. 67) for the relief of Emory Scott Land, to submit an adverse report (No. 285) thereon. I call the attention of the Senator from Wyoming [Mr. WARREN] to the report.

Mr. WARREN. I should like to have the report go to the calendar.

The VICE PRESIDENT. The bill, together with the adverse report, will be placed on the calendar.

DISTRICT OF COLUMBIA REVENUES AND EXPENDITURES (S. DOC. NO. 432).

Mr. SMOOT. From the Committee on Printing I report back favorably an opinion prepared by the Comptroller of the Treasury on the 3d of January, 1914, in relation to the half-and-half system of paying the expenses of the District of Columbia, which was submitted by the Senator from Virginia [Mr. MARTIN] on the 20th instant. I am directed by the Committee on Printing to request that the article be printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 4604) to provide a civil government for Porto Rico, and for other purposes; to the Committee on Pacific Islands and Porto Rico.

By Mr. SIMMONS:

A bill (S. 4605) granting an increase of pension to Susannah S. Ramsey (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 4606) to correct the military record of James Capehart; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4607) granting a pension to Mary Adair Kendall (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4608) to amend subdivision 8 of section 24, Chapter II of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 4609) granting an increase of pension to Austania E. Barrows (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4610) for the relief of the Right Rev. N. S. Thomas; to the Committee on Indian Affairs.

By Mr. REED:

A bill (S. 4611) granting a pension to Eugene P. McFadden;

A bill (S. 4612) granting a pension to Nettie Nieschang (with accompanying papers); and

A bill (S. 4613) granting an increase of pension to Leonidas Recob; to the Committee on Pensions.

A bill (S. 4614) to remove the charge of desertion from the military record of Joseph Clark; to the Committee on Military Affairs.

By Mr. MARTINE of New Jersey (for Mr. O'GORMAN):

A bill (S. 4615) granting an increase of pension to Isaac Nebbenburgh; and

A bill (S. 4616) granting a pension to Francis I. Helm, alias Francis Boyd (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4617) granting an increase of pension to August Schnelle (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4618) granting an increase of pension to Thomas P. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4619) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes; to the Committee on Indian Affairs.

By Mr. POMERENE:

A joint resolution (S. J. Res. 115) to authorize the Commissioner of Patents to make temporary loans of models, deposited with the Patent Office as exhibits and not as part of the record, to certain educational institutions in the continental United States; to the Committee on Patents.

By Mr. SIMMONS:

A joint resolution (S. J. Res. 116) making appropriations for reimbursement of appropriations for the support of the Army for the transportation and care of interned Mexican soldiers and refugees; to the Committee on Appropriations.

OMNIBUS CLAIMS BILL.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $6,000 for the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WOMAN SUFFRAGE.

Mr. ASHURST. I desire to give notice that on Friday, February 27, 1914, immediately upon the conclusion of the routine morning business, I shall move that the Senate proceed to the consideration of Order of Business No. 52, being the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 277, by Mr. NORRIS, directing the Attorney General to inform the Senate if any contract has been entered into or contemplated with the officials of the New York, New Haven & Hartford Railroad regarding the reorganization of said company.

The VICE PRESIDENT. An amendment was offered to the resolution by the Senator from Minnesota [Mr. CLAPP].

Mr. NORRIS. I should like to suggest that the pending question is the motion of the Senator from Alabama [Mr. BANKHEAD] to refer the resolution.

The VICE PRESIDENT. The pending question is on the motion to refer the resolution to the Committee on Interstate Commerce.

Mr. LODGE. Mr. President, the Senator from Alabama [Mr. BANKHEAD] moved to have the resolution referred to the Committee on Interstate Commerce. I think a resolution of this importance ought certainly to be referred, but——

Mr. CLARK of Wyoming. Mr. President, owing to the importance of the resolution, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Sheppard
Bankhead	Fall	Myers	Sherman
Bradley	Gallinger	Nelson	Simmons
Brady	Gronna	Norris	Smith, S. C.
Brandegee	Hughes	Overman	Smoot
Bristow	Johnson	Page	Stephenson
Bryan	Jones	Perkins	Sterling
Catron	Kern	Poindexter	Thompson
Chamberlain	La Follette	Ransdell	Townsend
Clapp	Lane	Reed	Vardaman
Clark, Wyo.	Lodge	Robinson	Weeks
Cummins	Martin, Va.	Shafroth	Works

Mr. KERN. I desire to announce that the Senator from Tennessee [Mr. LEA] is absent owing to illness. He is paired with

the Senator from South Dakota [Mr. CRAWFORD]. This announcement may stand for the day.

I desire also to announce that the Senator from Georgia [Mr. SMITH] is detained from the Senate on account of illness. This announcement may stand for the day.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by illness. This announcement may stand for the day.

Mr. RANSDELL. The senior Senator from Louisiana [Mr. THORNTON] is detained on account of illness.

Mr. SHAFROTH. I desire to announce the absence on account of illness of my colleague, the Senator from Colorado [Mr. THOMAS]. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from West Virginia [Mr. CHILTON] on important business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY] on account of public business.

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague [Mr. CULBERSON] and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. ASHURST. I wish to announce the unavoidable absence of my colleague [Mr. SMITH of Arizona].

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD], to refer the resolution to the Committee on Interstate Commerce. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, when the call for a quorum of the Senate was made I had just said that I hoped this resolution, which I regard as one of very great importance, would be referred to a committee, and I was proceeding to say that I also hoped the Senator from Alabama would move to refer it to the Judiciary Committee instead of to the Committee on Interstate Commerce, because it is clearly a matter that comes within the jurisdiction of the former committee. The questions are asked of the Attorney General; they are purely legal questions; the resolution in its nature relates to the Department of Justice and its operations, and that department and all appointments under it under our rules and practice come before the Judiciary Committee.

Mr. ROBINSON. Mr. President, if the Senator from Massachusetts will yield to me for a moment I will say that the chairman of the Committee on Interstate Commerce is unavoidably absent from the Senate on public business. He communicated with me a moment ago, asking me to look into the matter and to request that such action be taken as seems to be proper. It appears to me from an inspection of the resolution that the jurisdiction of it would probably lie in the Committee on the Judiciary, as has been suggested by the Senator from Massachusetts [Mr. LODGE]. I am of the opinion that the resolution should be referred to some committee. I therefore make no objection to its reference to the Committee on the Judiciary.

Mr. BANKHEAD. In view of the suggestion made by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Massachusetts [Mr. LODGE]—the Senator from Arkansas being a member of the Interstate Commerce Committee—I will move that the resolution be referred to the Committee on the Judiciary.

Mr. CLAPP. Mr. President——

Mr. LODGE. I think I have the floor.

Mr. CLAPP. I was going to ask the Senator from Massachusetts if he would yield to me for a moment.

Mr. LODGE. Certainly.

Mr. CLAPP. There is an amendment to this resolution which is pending and printed, and is now on the table, to which I suppose, of course, it is proper to refer.

Mr. LODGE. Certainly; but the amendment would go with the resolution.

Mr. CLAPP. That amendment, in addition to making the inquiry as proposed by the Senator from Nebraska [Mr. NORRIS], asks that the Attorney General lay before the Senate his agreement, arrangement, or understanding, which would not involve any judicial inquiry, but would simply bring before the Senate the fact itself for the Senate to deal with either directly or, if in the opinion of the Senate that involved a subject that should go to the Committee on the Judiciary, it would then be so referred.

Mr. LODGE. Mr. President, that amendment also is a matter which concerns the Attorney General, and it seems to me that all matters relating to the Department of Justice belong, and always have belonged, to the Committee on the Judiciary; but the Senator from Alabama [Mr. BANKHEAD] has made his motion in that form, and I do not care to enter into any further discussion on that point. It seems to me that is the proper reference.

The VICE PRESIDENT. The Senator from Alabama now changes his motion and moves that the resolution be referred to the Committee on the Judiciary.

Mr. LODGE. Mr. President, I desire to speak in regard to the resolution itself. The Senator from Nebraska [Mr. NORRIS], in speaking of the inquiry contained in the resolution, said—and said very truly—that in his opinion it could be answered only in one way. In that I entirely agree with him. Therefore we can not look to this resolution for anything in the nature of information; and I am a little at a loss to understand just what the actual purpose of the resolution is, as it is not calculated to give us any information. Whatever the purpose of the resolution may be, however, it will have a very bad effect, in my opinion, upon what the Department of Justice and the governors of the States through which this railroad system passes, especially the governor of my State, are trying to bring about.

Although the New York, New Haven & Hartford is the only railroad mentioned in the resolution, the matter under consideration affects at this moment the Boston & Maine Railroad—that is, it relates to the separation of the Boston & Maine from the New York, New Haven & Hartford road. The resolution seems to imply that the Attorney General is entering into a contract with somebody. I can not understand—perhaps it is my own fault—how the Attorney General can enter into any contract with anybody. He may be contemplating a suit for dissolution, unless he is satisfied that such a dissolution is to be brought about voluntarily in a proper and satisfactory manner and in a way beneficial to the public interest. Therefore I presume the arrangement, whatever it may be, will be submitted to him for his approval; but he certainly does not himself, in his official capacity, enter into any contract with anybody.

Now, Mr. President, I wish to say a word about the situation as it is where this railroad actually exists. It is not necessary to go over the whole history of these two roads, but the situation of the Boston & Maine, which it is now proposed to separate from the New York, New Haven & Hartford system, is totally different from that of the New York & New Haven road. In the first place, it is not conceded by everybody, as the Senator from Nebraska stated yesterday, that the taking possession of the Boston & Maine by the purchase of a majority of its stock by the New York & New Haven was a lawless proceeding. It was done in full light of day, after protracted public discussion, under the laws of the State of Massachusetts, which is the State from which the Boston & Maine holds its franchise; and whether it was in contravention of the Sherman Act is a point not raised at the time and is now, as then, a point open to considerable doubt.

The Boston & Maine system is not suffering because it has been plunged into debt by extravagant or unwise expenditures in buying up other properties, as is the case with the New York, New Haven & Hartford. The Boston & Maine system proper has no bonded debt; it has some debenture bonds, but not a large amount. The trouble with the Boston & Maine is that the road for many years has been starved and, in ordinary parlance, has been "skimmed." No money has been spent on it for improvements for many years. The former president of the road, Mr. Tuttle, a very able and most competent officer, again and again, I know, represented the need of expenditures on the road in order to keep it up to a proper condition, but was not permitted to expend the money that was necessary for this purpose.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I think the Senator from Massachusetts might well add to what he has said that the Boston & Maine Railroad was very unwise in leasing a great many small lines of railroad and promising to pay an annual charge upon those roads which their earning capacity did not warrant. In other words, the Boston & Maine Railroad has a great many leased lines that do not pay sufficient to enable them to meet their obligations without taking from the funds of the Boston & Maine Railroad proper.

Mr. LODGE. That is undoubtedly true in regard to some of the leased lines; but I think the Senator will agree with me that the road also was starved, that it was not kept up as it should have been, and that the board of directors would not permit the former president to spend even the money that was absolutely necessary for that purpose.

Mr. GALLINGER. Certainly; that is undoubtedly so.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. I do.

Mr. WORKS. I should like to ask the Senator from Massachusetts if he knows whether the contemplated agreement or contract, or whatever it may properly be called, involves anything more than the dissolution of what is alleged to be an unlawful combination? In other words, does it go to the extent of undertaking to determine how these different railroad companies, or whatever they may be, shall be operated in the future?

Mr. LODGE. I do not know what the Attorney General and the governor of Massachusetts and the representatives of the roads contemplate. I have not been consulted by them.

Mr. WORKS. That is one of the things I desire to be informed about.

Mr. LODGE. I know the principal point at issue is as to who shall constitute the board of trustees who are to take over the New Haven stock in the Boston & Maine and operate the road for two years or three years, as the case may be—two years, I suppose is the term. That is the vital question which is being discussed.

Mr. WORKS. I asked the question because I have never believed that the Attorney General has any right or authority to make agreements with anybody for the future business of these corporations that are separated from each other either by contract or by a decree of court.

Mr. LODGE. That is my understanding. I agree with the Senator. I do not think he has, and I think——

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the senior Senator from Massachusetts yield to his colleague?

Mr. LODGE. Certainly.

Mr. WEEKS. Mr. President, I desire to suggest to my colleague that it is generally understood, and I have been so informed by good authority, that the New York, New Haven & Hartford Railroad Co. has made an arrangement with the Attorney General for the severance of the Boston & Maine and New Haven properties, and that the only matter in controversy now is who the five trustees shall be, into whose hands shall be placed the Boston & Maine stock which is now in the New Haven treasury.

Mr. LODGE. That is what I understand is the state of the case at this time, and the Attorney General——

Mr. NORRIS. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. Certainly.

Mr. NORRIS. Can the Senator inform the Senate how long the stock of the Boston & Maine has been held by the New Haven road?

Mr. LODGE. The Senator means when it was purchased originally?

Mr. NORRIS. Yes.

Mr. LODGE. I can not say at once, but I should think it was some three or four years ago.

Mr. NORRIS. My judgment is that it was probably more than that. I do not know definitely. Now, I want to ask the Senator——

Mr. LODGE. The exact date has escaped my memory, although the transaction I remember very well.

Mr. NORRIS. Let me ask the Senator, now, if the "skinning," as the Senator termed it, has not to a great extent, at least, taken place since the Boston & Maine came under the control of the New Haven Railroad?

Mr. LODGE. No, Mr. President; it has not. The New York & New Haven Railroad, whatever its faults may have been in other directions, spent a great deal of money on the Boston & Maine after it came into their possession. It did not come into their operating possession until about two or three years ago. To cite one thing which shows the situation of the road at that time, the Hoosac Tunnel got into such a condition with the gases there that it was becoming almost impossible, as well as very dangerous, to operate trains through it. It is a tunnel a trifle over 4 miles long.

Mr. LIPPITT. Mr. President——

Mr. LODGE. I should like to finish that statement.

Mr. LIPPITT. I merely want to say to the Senator that the date of the purchase of the Boston & Maine by the New Haven road was June 30, 1910.

Mr. LODGE. That was the date of the purchase, but it did not pass into the operating control of the New Haven road until somewhat later.

Mr. LIPPITT. That was when the New Haven road assumed operating control.

Mr. LODGE. Then it was three years ago; I said two or three. The condition of the Hoosac Tunnel was so bad that engineers and firemen fainted in the cabs and passengers suffered very much in going through it. One of the first things the New York & New Haven Railroad did was to spend over a million dollars in electrifying that tunnel. They bought a thousand freight cars. The freight cars of the Boston & Maine system had been practically used up. The New Haven road also bought for the Boston & Maine some 30 or 40 locomotives. The Boston & Maine had been operating with old locomotives and old cars; and the New Haven road, in one way and another, spent a large amount of money on the Boston & Maine.

I will not enter into further details, for the only reason I have for referring to the condition of the road is to show that it is not a road weighed down with debt. It has a floating debt, which it has incurred lately, which must be taken up and put into the form of bonds.

Mr. President, my own personal belief is that if the Boston & Maine, when separated from the New York, New Haven & Hartford system, could be placed in good hands—in the hands of such trustees as are suggested—in two or three years the road could be put upon a dividend-paying basis. It is a fine property, it has a fine territory, and I have not any question that it can be restored to the stockholders.

I have confidence, Mr. President, that the Attorney General, so far as he has any power in the matter, is interested solely in the rescue of the property and in securing the best possible management for it. I do not believe, nor does anyone else believe, that the Attorney General has the faintest idea of protecting anybody who has done wrong at any time in regard to it.

Mr. OVERMAN. How could he?

Mr. LODGE. He could not, Mr. President, as a matter of fact. But I do not believe that he has the faintest idea of doing anything of the sort; nobody has, and nothing that is being done would have any tendency to do that. The governor of Massachusetts, who is the only person with whom I have talked with regard to it—I saw him for a few moments while he was here—is deeply interested in securing a reorganization of the road. His whole interest is the interest of the Commonwealth of Massachusetts. I know no one who will have an authoritative voice in the matter who does not take that view.

For myself—if I may say one personal word, so that my position may be clear—I have no personal interest whatsoever in the road. I never in my life owned a share or a dollar of interest in either the New York, New Haven & Hartford or the Boston & Maine road. The interest I take in the matter is solely because it is of such vital importance to the great community which I in part represent and to the communities of the New England States north of Massachusetts, in whose welfare I am also deeply interested.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. Certainly.

Mr. WORKS. I agree with what has been said, that the Attorney General certainly can make no contract or agreement or arrangement of any kind that would deprive individuals of their right, whatever they may be; but the thing that appeals to me is the question whether or not the United States Government should be a party at all to any agreement or arrangement for the selection of trustees to operate a railroad. That is what it comes down to, as I understand.

After these railroad companies are separated, there is a proposition here that is being discussed as between the officers of one of these roads, or perhaps both of them, and the governor of the State of Massachusetts, and probably others, as to who shall be selected as trustees to operate this road. If it turns out all right and is successful, nobody will complain; but if it turns out badly, the Government at least ought to be held responsible for the consequences. I am puzzled to know what right the National Government has to deal with that question at all.

Mr. LODGE. I may be wrong, because I do not see very clearly what the part of the United States Government is as suggested by this resolution; but, as I understand it, the Attorney General has the power to bring a suit for the dissolution of those roads. For instance, after the arrangement is made for the present management of the Boston & Maine Railroad, if he is satisfied that it is not bona fide, that it is still really, though not nominally, under the control of the New York, New Haven & Hartford Railroad, I think that would influence his action in a suit for dissolution, and ought to. I suppose that is the position he takes and the reason the matter is brought before him—that an arrangement must be made which will satisfy him that it is a bona fide separation; that the Boston & Maine is to be run by men who do not represent the New York, New Haven & Hartford Co.; and that it is to be run in the interest

of the stockholders and of the community which the railroad serves.

I wish to come back to the importance of that road to our people. A large part of Massachusetts is served by it. It is of very great importance to the people of the State. The eastern part of my State, through which the main line of the Boston & Maine Railroad runs, is the most densely populated part of the United States. Most roads carry 2 tons of freight to a passenger. In the region through which the Boston & Maine Railroad runs in Massachusetts they carry a third of a ton to a passenger. You can see from that how enormous the passenger business is. One hundred and five thousand people go out of the North Station over the Boston & Maine lines every day. In one week there passes out of that station more than the entire population of the city of Boston. They are always carrying on this immense passenger business, which of course is largely local. The condition of that road and the service that the road is able to give are matters of vital interest to hundreds of thousands of people in their daily occupations.

If that road is crippled, if its reorganization is delayed, if it is forced into bankruptcy, it means an impairment of the service for that whole great community which it now serves. Already they have been obliged to take off certain trains, which causes serious inconvenience, to say the least, to many people. From motives of economy they have been obliged to cut down the working force to the lowest point, and they employ a great many men. Therefore it affects the community in the service it renders; it also affects gravely the men whom they employ.

Furthermore, I wish to call the attention of the Senate to the character of the ownership of the Boston & Maine Railroad; that is, who the stockholders are. The stockholders of the Boston & Maine Railroad number 23,968.

Mr. CLARK of Wyoming. What is the date of the statement?

Mr. LODGE. September 30, 1913. They number 23,968. Of those stockholders, 9,008 are males—that is, 33 per cent of them—10,474 are females, and 3,702 are trusts and guardianships. Sixty-one per cent of those stockholders are women and trusts or guardianships. It has been long a safe and profitable property. *People* of very small means have invested in it, as those figures show. It has been held by trusts. The stoppage of the dividends has caused great injury, and even suffering, to many people of very small means.

The bonds of some of the subsidiary lines, on which there are bonds, are held in our savings banks. The savings banks of Massachusetts alone—I am not speaking now of New Hampshire or Maine—have over $800,000,000 of deposits. The average deposit a few years ago was $125. Not more than $1,600 can be deposited by any one depositor. That demonstrates the character of the $800,000,000 in those savings banks. They are the savings, the accumulations of the working people and the people of the smallest means in the community. The savings banks are, of course, owing to those great accumulations, the largest lenders in the community and they hold in large the bonds of the subsidiary lines of the Boston & Maine.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I do.

Mr. CUMMINS. I do not quite understand the statement just made. If 61 per cent of the stock of the Boston & Maine Railroad is in the ownership just described, how can the New York, New Haven & Hartford Railroad control it? What percentage of the stock did the latter railroad company buy?

Mr. LODGE. I was reading, of course, the distribution of shareholders. I was not reading the amount of stock. I was reading the number of shareholders.

Mr. CUMMINS. I understood, though——

Mr. LODGE. I did not mean they held 61 per cent of the stock. I meant that 61 per cent of the shareholders were trusts and women.

Mr. CUMMINS. Without regard to the amount?

Mr. LODGE. No; I was not reading the amount, Mr. President.

As to the distribution of shares in the Boston & Maine Railroad, from 1 to 10 shares are held by 4,895 people; from 11 to 50 shares, by 2,531 people; 14 people hold 1,001 shares and over.

Mr. CUMMINS. What proportion of the stock, in amount, did the New York, New Haven & Hartford Railroad Co. purchase and hold?

Mr. LODGE. They bought an amount which, with that held by certain other owners of stock, gave them a control—51 per cent.

I was describing this matter of the banks simply to show how much harm it had done to innocent people. As to the stock owned by the New York, New Haven & Hartford Road in the Boston & Maine Road, they paid, as my colleague tells me, $150 for the stock they bought. It is now selling for less than 50 cents on the dollar. That stock, which is in the treasury of the New York & New Haven Road, belongs to the stockholders of the New York & New Haven Road; and those stockholders are suffering through the breakdown of the Boston & Maine just as much as any other stockholders.

I should like to see this road placed in a position where the interests of the stockholders could be safeguarded, where the interests of the investors, particularly of the savings banks, could be safeguarded and protected, and where the service that the road must give to the community which it serves could also be guarded and made as good as possible. That can be obtained only by giving the company a reorganization which will enable it to take up its outstanding notes, to improve its road and its equipment, and to proceed to do its great business in the manner in which it should be done.

In order to do this it must borrow money either from its own stockholders or from the community or from the business world generally. It can not do that, except at exorbitant rates, unless the people who lend the money are convinced that the road is in good hands, that it is going to be run in the interest of the property and in no other interest, and that it is not to be made the football of politics in the United States Senate. There is not the slightest danger of anyone escaping who has done wrong. No one is seeking to protect them, so far as I am aware.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. BORAH. I should like to ask the Senator a question. In what respect would the passage of this resolution injure the business interests of the situation, so far as going ahead and accomplishing the things the Senator desires to have accomplished is concerned? In what respect would the passage of this resolution have a tendency to affect that or to injure the situation?

Mr. LODGE. Why, Mr. President, it is a question of getting the confidence of the community, so that they will lend money to the road. That is what is needed now. The road must borrow money in order to go on. If it can be allowed to borrow money to take up its outstanding floating indebtedness and meet its immediate payments, I believe it can be restored both for the benefit of the community and for the benefit of the stockholders; but if those who are invited to lend money for the reorganization of the road find that its affairs are being discussed and dragged over here every little while; if they understand that the Senate, which has no executive authority whatever, is to pass up and down on any arrangement that is made and discuss and assail it, of course it impairs public confidence; it will be impossible to get the money, except at exorbitant rates, and within six months the road will be in bankruptcy.

Mr. BORAH. Mr. President, if the Senator will pardon me, I do not see why the discussion of this matter in the Senate would be more calculated to have a bad effect if it were discussed, as it has been discussed throughout the business world and in the newspapers and in places where they have money to loan, and so forth. The discussion of the matter here has relation to but one proposition, and that is whether or not immunity is going to be granted to certain parties who have violated the law. There is no proposition here to censor the business feature of the matter, as I understand, which the Attorney General has in charge.

Mr. LODGE. That is exactly what it is, a proposition to criticize and hold up any plan of reorganization. If this proposed amendment is adopted—and I understand the mover of the resolution is ready to accept it in some form—we are to have here the Senate set up to pass upon an arrangement made for the future conduct of the road. The Senator is as well aware as I am that the thing that business dreads most, that every investor dreads most, and that everyone who has money honestly to lend dreads most, is uncertainty and suspense. They want to know what they have to go upon and what the conditions will be. If they do not know and can not find out, that is a sufficient reason for not investing their money.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. LODGE. I do.

Mr. LIPPITT. With the permission of the Senator from Massachusetts, I should like to read a reply to the question of the Senator from Idaho [Mr. BORAH] that is contained in the

report of the Interstate Commerce Commission, written by Mr. Prouty.

Mr. Prouty made an investigation of this subject, and after quite an exhaustive consideration of the situation he made a report, one section of which is headed "Remedy." This is the first remedy:

What is needed, first of all, to improve the railroad situation in New England is rest and an opportunity for constructive work. There is much truth in the claim of these carriers that they have been so occupied with investigations and so criticized by the public that no fair opportunity has been given for the operation of their railroad properties.

Mr. LODGE. I could not put it better than that. There is no doubt of the truth of that statement. In some way they must raise $27,000,000 between now and the 1st of July. In order to do that this reorganization ought to be effected as soon as possible. I do not believe there is the slightest ground for supposing that the Attorney General would approve—whether he has any authority to act or not, he certainly would not approve—any board that was not a good board. The governor of Massachusetts would not accept any board which was not sure to act wholly in the interest of the State and the railroad. There is nothing in the whole matter of reorganization that is intended to protect or cover up any wrongdoer. Nobody means to do that. The State of Massachusetts and the stockholders of the road are probably more anxious to have the wrongdoers punished than anybody else, for it is they who are immediately affected.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. NORRIS. Right along that point, I wish to ask the Senator if he believes it would be proper for the Attorney General or the governor, or anyone else having anything to do with the selection of the personnel of this board, to agree that those who have been in control in the past, and who are guilty of the wrongs of the past, should be in control of the new board simply because they are in position to furnish the money to finance it?

Mr. LODGE. Certainly not, Mr. President, and no such names have been suggested that I have heard. I know nothing except what I have seen suggested in the papers and what the governor told me. Of the names mentioned to me not one of them was within that class.

Mr. NORRIS. Then would it harm the negotiations, would it not in fact be a good thing, if the Attorney General in answer to the resolution here if it were passed should say that? In effect would it not have a tendency to strengthen the financial arm of the railroad?

Mr. LODGE. No; I think it would have the very reverse effect. When the Attorney General is engaged in this great and complicated business, to keep harassing him with Senate resolutions, asking questions which it is admitted can only be answered in one way, can have nothing but a bad effect on the whole work that he is trying to do. What I am pleading for are the people, the communities, the innocent stockholders whose all in many cases is at stake on what is being done.

I have never been able to see what business the Senate has in plunging into executive departments before they have acted and intimating by resolutions that they can not be trusted unless we look over what they are trying to do. I do not think it is a matter that concerns the Senate. We are here as a legislative body. I do not like to have our powers interfered with, and I do not care to see the Senate interfere with the other departments of the Government.

Mr. President, I have said this much because I am extremely anxious that this reorganization should go through as speedily as possible. They must raise in the neighborhood of $27,000,000, as I have said, before the 1st of July. Immediate action is of the greatest importance. To suggest that anyone, if he had the power, is going to grant immunity to wrongdoers or hand the road back to the people who it is said have ruined it, is to imply that the Attorney General and the governors of those States are dishonest men and unfit to hold their offices.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. Certainly.

Mr. OVERMAN. I have received a telegram, and I have no doubt every Senator has received one similar to it. We know how such telegrams are gotten up. It was shown by the lobby committee that they are frequently gotten up by one or two men. I do not know whether it was gotten up by the "Wolf of Wall Street" or not, but it is signed by the Massachusetts Real Estate Exchange. Does the Senator from Massachusetts know any such organization?

Mr. LODGE. Yes; there is an exchange known as the Massachusetts Real Estate Exchange.

Mr. OVERMAN. I should like to have the Senator from Massachusetts give us some information about the Massachusetts Real Estate Exchange.

Mr. LODGE. It is an association of gentlemen who are engaged in the business of real estate. There are two such exchanges in Boston. This is one recently formed. It is very active, and it has a very active president, who has been talked of for one of the trustees. I know nothing more about it than that. He is a very energetic, earnest man, and, as I said, he has been talked of as one of the trustees.

Mr. President, I think that I have said enough. I hope the resolution will be referred. I hope it will be carefully considered by the Committee on the Judiciary. It seems to me as it stands, if passed in its present form, to be little more than a vote of want of confidence in the Department of Justice. I think the Committee on the Judiciary ought to look into it, and look into it carefully, before we commit the Senate to the policy which the resolution seems to embody, and especially to the policy embodied in the amendment.

I am utterly at a loss to know what business it is of the United States Senate to pass on any settlement or arrangement that is made for the reorganization of the Boston & Maine Railroad. If anybody representing the Government has any part in it, it must be the Attorney General, who is an executive officer. I have entire trust in his integrity and in his determination to enforce the law; and I am unable to see what business it is of the Senate to interfere with him. Desiring as I do a speedy reorganization, desiring it in the interest of the great communities which this railroad serves, and representing in part the States through which alone it passes, I think we of New England have some claim to be heard in regard to it. We are anxious to have this reorganization brought about, to have that road established; and in our opinion to keep its affairs continually before the Senate on the idea—I will not use the adjective I was about to use—but on the mistaken idea that there is a hidden plan, a dark conspiracy, somewhere to shield somebody unnamed, is most unfair to the innocent people who are suffering from the present condition of the road. It is unfair to the States through which the road passes. It is an injury to the people of Massachusetts. Every day that this matter is delayed it is an injury and an obstacle to reorganization.

I hope, I sincerely hope, that the Senate will show some regard for the States and the communities involved, and that it will allow the Attorney General to proceed so far as he has power, and the governors of the New England States to proceed so far as they have power, in enabling that road to make a reorganization which will permit it to continue business and give good service and at the same time rescue the property for the benefit of its stockholders.

Mr. REED obtained the floor.

Mr. NORRIS. Will the Senator from Missouri yield until I can have read into the RECORD a telegram regarding this matter?

Mr. REED. I yield for that purpose.

Mr. NORRIS. I send to the desk a telegram that I think bears directly on one of the statements of the Senator from Massachusetts. I received it last night. It relates to a meeting that was held yesterday in Boston. I ask that the Secretary may read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

BOSTON, MASS., *February 2½, 1914.*

Hon. GEORGE W. NORRIS
United States Senate, Washington, D. C.:

A thousand business men, representing boards of trade and chambers of commerce throughout New England, assembled at Faneuil Hall to-day and enthusiastically indorsed Norris resolution and Clapp amendment by unanimous vote.

WM. T. HAINES,
Governor of Maine.
JAMES M. CURLEY,
Mayor of Boston.
GEO. F. WASHBURN,
HERBERT S. FROST,
CHAS. S. JUDKINS,
Full Committee.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Catron	Gallinger	La Follette
Bankhead	Clapp	Hitchcock	Lane
Borah	Clark, Wyo.	Hughes	Lippitt
Bradley	Cummins	Johnson	Lodge
Brady	Dillingham	Jones	McCumber
Brandegee	Fall	Kern	Martine, N. J.

Nelson	Pomerene	Simmons	Swanson
Newlands	Ransdell	Smith, Ariz.	Thompson
Norris	Reed	Smith, Md.	Townsend
Overman	Robinson	Smoot	Vardaman
Page	Root	Stephenson	Warren
Perkins	Saulsbury	Sterling	Weeks
Poindexter	Sheppard	Sutherland	Williams

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, I wish to occupy the attention of the Senate just a few minutes on the resolution and the amendment. If I understand aright, and I am sorry the Senator from Nebraska is not at this moment in the Chamber, no one has charged that an improper contract has been drawn or that the Attorney General has undertaken to bind the United States by becoming a party to that contract. No one has asserted that the Attorney General has any authority of law to make a contract with relation to the business transactions of these roads.

The question, then, that is presented to all of us is simply this or the alternative: If the Attorney General does have authority and he is acting within the scope of that authority, it is highly improper for the United States Senate to interfere in advance with the exercise of that proper power and authority. On the other hand, if the Attorney General has no authority of law, then any act he may undertake to do will bind anybody, will be utterly void, and of no effect whatever. In that situation it seems to me that the resolution and the amendment can have no possible or conceivable effect except to reflect upon the Attorney General of the United States and to interfere with the reorganization of these properties.

I repeat to the Senator from Nebraska, if the Attorney General is within the purview of his legal authority the Senate can not stop him and ought not to attempt to stop him. If he is outside his authority then his acts are null, void, and of no effect whatever. Hence I am inquiring what is the purpose of the resolution. Why is it here at all? What object can it serve? What end is to be met by the resolution? Are we to assume that the Attorney General is acting within his authority, and having assumed that, demand that he shall submit to the Senate for its inspection and for its opinion the propriety of his proper acts done within the purview of his authority? Are we to seek to set up an espionage and a supervisory right over an Attorney General acting within the scope of his authority? Is that what the Senator from Nebraska desires?

Would it be a proper thing in any case to do, assuming that the Attorney General is acting within his authority? Manifestly it would be a mere piece of impertinence, of pestiferous interference, of seeking to prevent the proper exercise of authority by an officer of the Government of the United States. I repeat, if he is acting without his authority, if he is assuming to do a thing he has no business to do, then the act is null and void, and there is no use in passing a resolution of this kind.

It seems to me that the purpose of the resolution is exactly as the Senator from Massachusetts [Mr. LODGE] said, to pass a vote of lack of confidence in the Attorney General.

Mr. President, if it were proposed to have an investigation by a committee of the Senate of these railroads and of the plans and schemes by which they have been organized, combined, and looted, as has been charged by the public press, it would be a legitimate exercise of power by the Senate, and it might accomplish something, because the Senate as a part of the lawmaking body of the country is interested in knowing whether interstate corporations engaged in the transportation of freight and passengers are so conducting themselves as to render to the public a service at a reasonable and proper charge, and such an investigation of the affairs of these railroads might have some good effect. If that were the proposition now before the Senate, I would be heartily in favor of it.

But, sir, this is a proposition to investigate the Attorney General's office, and it is bottomed upon the assumption that the Attorney General is doing something wicked or wrong—either that or else it is an assumption of superior wisdom in this body and of the proposition that we alone are capable of handling these great matters.

Let us see what the Attorney General can do. The Attorney General can not make a contract for these roads; the Attorney General can not bind the United States to any contract, agreement, or arrangement that may be made by these roads or by any officer of these roads. He has no such authority, and it is safe to say he has assumed no such prerogative or right. If he did, it would fall dead from the pen that indited the pretended agreement. What can he do and what ought he to do? He can bring suits for the purpose of dissolving trusts and combinations and monopolies, if they exist; and, if one exists in this case, it is his duty to bring such an action. But, Mr. President, he has another duty. The duty of a practical officer, in any capacity, is to get results, and to get them promptly and efficiently. It is not a duty to file a suit if the same end can be reached by negotiations more speedily and more justly to the people. So it is entirely proper for the Attorney General, if the management of these roads have now reached a point where they are willing to acknowledge the law and to obey the law, to say to these concerns: "If you will dissolve voluntarily, if you will reorganize as separate institutions, if you will proceed hereafter in the right way, I will assist you in the furtherance of that project of disorganization and reorganization. If that is what the Attorney General is doing, then the Senate ought not to interfere. It is, in my judgment, all he can do and all that he can possibly be attempting to do.

The Attorney General can do one thing further; he can grant immunity to witnesses. He has the right to call witnesses in a judicial proceeding and to say to a witness who testifies—indeed, the law says it for him—"If you give testimony and it is against you, it shall not be used for your conviction." That has not been done, because judicial proceedings have not yet been had, but I want to know what Senator there is in the Senate who is prepared to say to the Attorney General, "If, in your judgment and discretion, you need the testimony of any witness, you shall not have the right to call that witness." Is it pretended here by the author of this resolution, or by anybody else, that the Attorney General is making contracts of immunity; that he is saying to the men who have organized what we are told is a combination in restraint of trade, "I will see that you are not punished for your past misdeeds"? Is that asserted? If it is asserted, I should like to have it done now. Mr. President, silence is my answer. No one makes that charge; no one, I think, dare make that charge; but if it were charged and if the Attorney General were to attempt it, it would not bind his successor for a moment; and he would have a successor very quickly, in my opinion.

What is the purpose of this resolution? What shall we gain by its passage? Will the Senator from Nebraska cast his eagle eye over the documents prepared by the Attorney General and give us the flood light of his intelligence, so that we may observe where the Attorney General is making mistakes? Will some other Senator essay that duty and perform that office?

It seems to me, Mr. President, that this resolution has no proper place here, and I move that it be laid on the table.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri [Mr. REED] to lay the resolution on the table, which motion is in order and is not debatable.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. NORRIS. I am not going to debate the motion, Mr. President. I merely wish to ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness.

Mr. REED. I feel authorized to release the Senator from Wyoming from his pair with my colleague on this vote.

Mr. CLARK of Wyoming. In view of the statement of the junior Senator from Missouri [Mr. REED], being released from the pair with his colleague which I have just announced, I will vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. SMITH], who has informed me that, if present, he would vote in the same way that I shall on this resolution. I therefore vote. I vote "yea."

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS], but I am specifically released from the pair on this vote. I accordingly vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. STERLING (when hi name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. Not knowing how he would vote if present, I therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], who is absent. Not knowing how he would vote, if present, upon this question, I withhold my own vote.

Mr. WARREN (when his name was called). I have a pair with the Senator from Florida [Mr. FLETCHER] and therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES] and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but having good reason to believe that he would vote "yea" if present, I vote "yea."

The roll call was concluded.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON], but I am informed that if he were present and voting he would vote "yea." I vote "yea."

Mr. CUMMINS. I desire to announce the absence of my colleague [Mr. KENYON].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. MYERS. I desire to inquire if the junior Senator from Connecticut [Mr. MCLEAN] has voted.

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. MYERS. I have a pair with that Senator, and in his absence withold my vote.

Mr. SMOOT. I desire to announce that the Senator from Ohio [Mr. BURTON] is detained from the Senate to-day, and he is paired with the senior Senator from Louisiana [Mr. THORNTON].

I also desire to announce the unavoidable absence of the senior Senator from Delaware [Mr. DU PONT].

Mr. RANSDELL. I desire to announce the unavoidable absence of the senior Senator from Louisiana [Mr. THORNTON] on account of sickness. As already announced, he has a pair with the senior Senator from Ohio [Mr. BURTON].

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from West Virginia [Mr. CHILTON] on official business of the Senate.

Mr. LIPPITT (after having voted in the affirmative). I inquire if the Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. LIPPITT. I have a general pair with that Senator, and, as he has not voted, I withdraw my vote.

Mr. REED (after having voted in the affirmative). When I voted I did not notice the absence of my pair, the senior Senator from Michigan [Mr. SMITH]. I now transfer my pair with the Senator from Michigan to the Senator from Oklahoma [Mr. GORE] and will allow my vote to stand.

The result was announced—yeas 33, nays 23, as follows:

YEAS—33.

Bankhead	Hughes	Perkins	Smith, Md.
Bradley	Johnson	Ransdell	Smith, S. C.
Brandegee	Kern	Reed	Smoot
Bryan	Lodge	Root	Stephenson
Clark, Wyo.	Martin, Va.	Saulsbury	Swanson
Colt	Nelson	Shafroth	Williams
Dillingham	Newlands	Sherman	
Fall	Overman	Shively	
Gallinger	Page	Simmons	

NAYS—23.

Ashurst	Cummins	Martine, N. J.	Sheppard
Borah	Gronna	Norris	Thompson
Brady	Hollis	Pittman	Townsend
Bristow	Jones	Poindexter	Vardaman
Catron	La Follette	Pomerene	Works
Clapp	Lane	Robinson	

NOT VOTING—38.

Burleigh	Gore	Myers	Stone
Burton	Hitchcock	O'Gorman	Sutherland
Chamberlain	James	Oliver	Thomas
Chilton	Kenyon	Owen	Thornton
Clarke, Ark.	Lea, Tenn.	Penrose	Tillman
Crawford	Lee, Md.	Shields	Walsh
Culberson	Lewis	Smith, Ariz.	Warren
du Pont	Lippitt	Smith, Ga.	Weeks
Fletcher	McCumber	Smith, Mich.	
Goff	McLean	Sterling	

So the resolution of Mr. NORRIS was laid on the table.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the act (S. 1346) to authorize the Eastern Maine Railroad to construct a bridge across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine.

INTERNATIONAL FISHERIES COMMISSION (S. DOC. NO. 433).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report of the Secretary of State in response to the resolution of the Senate of the 5th instant, requesting the Secretary of State to inform the Senate whether the International Fisheries Commission created under the treaty of April 11, 1908, for the preservation of food fishes in the waters contiguous to the United States and Canada has completed its work and whether further regulations under the treaty are now or soon will be ready for action by Congress.

WOODROW WILSON.

THE WHITE HOUSE, *February 25, 1914.*

THE PHILIPPINE COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Philippines:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Fourteenth Annual Report of the Philippine Commission for the fiscal year ended June 30, 1913, together with the reports of the Governor General and the secretaries of the four executive departments of the Philippine Government, for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *February 25, 1914.*

HOUSE BILL REFERRED.

H. R. 10308. An act to provide for the improvement, construction, and repair of sidewalks in the District of Columbia, and for the assessment and payment of the cost thereof, was read twice by its title and referred to the Committee on the District of Columbia.

POST OFFICE APPROPRIATION BILL.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of the Post Office appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The question is, Is the amendment reported by the committee inserting the proviso beginning in line 22 and ending in line 25, on page 15, in order?

Mr. BRYAN. Mr. President, when the bill was laid aside yesterday I was considering the propriety of Congress delegating legislative power to the Postmaster General. The Senator from Iowa [Mr. CUMMINS] questioned the constitutionality of the provision in the Post Office appropriation bill of 1913 under which the Postmaster General has proceeded to change the weight limits, the rates of postage, and the zones, upon the ground that it delegated power to change at the will of the Postmaster General any of these matters without any regard to the question whether the change was reasonable or unreasonable.

That calls to my mind the authority under which the Government can carry parcels at all. Bearing in mind that the Constitution authorizes the establishment of post offices and post roads, in the consideration of the bill before it was reported to the Senate the subcommittee took the precaution to inquire of the members of the Judiciary Committee of the Senate as to the right of the Government to put in a general parcel-post system. It seemed to be the consensus of opinion of the members of that committee that the right existed if the parcel post were but an incident to the carriage of the mails; but that if it reached a point where the carriage of the parcels was the principal business and the carriage of the mails was incidental, Congress would not have the power.

I quoted yesterday from the work of Mr. Tucker on the Constitution. I desire at this point to insert another quotation from the part of the work in which he is considering this clause of the Constitution:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Commenting upon that, Mr. Tucker says:

This legislation under these constitutional provisions shows that the doors to and from the Treasury are under legislative control, and the key is in the hands of Congress. The obstructions to drawing money from the Treasury except through sworn officers, without whose concurrent action the custodian of money in the Treasury can never permit it to pass from him, make the appropriation by a law of Congress to be the only pass-key to the vaults of the Treasury, as the Constitution intended; and all legislation which Congress is authorized to pass as necessary and proper to carry this important provision into execution must be directed to the point of fencing the contents of the Treasury beyond the reach of any other power than the Congress of the United States. The last provision of this clause was fully commented on in the convention—that the people, by public reports, from time to time should be made aware of the collections of money as well as of its disbursement.

Of course, it is true that Congress has to make the appropriations to pay any expense brought about by reason of any rates which the Postmaster General may establish, but in an indirect way we permit appropriations to all intents and purposes to be made by an executive department, because under this clause in that appropriation bill of 1913 Congress authorizes the Postmaster General to change the rate, and if he creates an obligation the good faith of Congress is at stake; and I apprehend that no voice will be heard upon the floor of the Senate to deny a just compensation for the rates established.

Speaking of that indirect method of accomplishing what can not be done directly, Mr. Tucker says:

If the King collected and held the revenue under his authority, the parliamentary power to grant subsidies and appropriate money to the Crown would be a sham. Hence all the machinery, not only for levying but for collecting and keeping the public revenue, is under the supreme control of Parliament. The freedom of grant would be transformed into the enforced exactions of the King if the revenue were, through the machinery of collecting and keeping, directly or indirectly under the royal power, and the device of appropriations for the army for one year only would cease to be any check upon the prerogative. It is the independent holding of the revenues within parliamentary hands that effects the divorce of the purse from the Crown, and which makes prerogative impotent in its assaults upon liberty.

So, upon the broad question, I am unwilling to turn over to one man power so tremendous as that carried in the appropriation bill of 1913. I do not now ask that we shall take it away, but that we shall say, "We will ratify what has been done up to now; but we want enough time taken before any more changes are made, so that Congress, which must raise and collect this revenue, shall determine whether it chooses to conduct the business at a loss, or to increase weight limits, or to change rates of postage."

If Senators are willing for that power as to fourth-class mail matter to be lodged in the hands of one man, then consistency of argument demands and compels that they also should go to where the logic of their position would carry them, and vote to let the Postmaster General fix the rate upon first-class matter, upon letters; upon second-class matter, upon newspapers and magazines; and upon third-class matter.

Mr. President, what would the Postmaster General do if he had the power to fix second-class rates? He tells us in his report. Ought Congress to turn over to him that power? If it ought not as to newspapers and magazines, why should it as to merchandise?

In his report the Postmaster General says:

The mailings of newspapers and periodicals as second-class matter at the cent-a-pound rate and free in the county of publication, during the fiscal year 1913, were greater than during any previous year, and for the first time in the history of the Postal Service exceeded a billion pounds. Although second-class matter constituted approximately 62 per cent of the aggregate weight of the domestic revenue-producing mail, it produced only 4.98 per cent of the postage derived from such mail. The difference between the receipts from second-class matter and the expenditures chargeable thereto is not as disproportionate, yet it is so great as to deserve the most careful consideration with a view to fixing more equitable postage rates on the several classes of mail so that the revenue from each may be more nearly commensurate with its cost for handling and transportation. The commission created in 1911 under a joint resolution of Congress to investigate the subject found the cost of handling and transporting second-class matter, exclusive of certain expenditures regarding which exact information was not at hand, to be approximately 6 cents a pound, and recommended that the postage rate thereon be increased from 1 cent a pound to 2 cents a pound, such charge being regarded as reasonable and a step in the direction of the equalization of the postage charges on the several classes of mail. The report of the commission, on February 22, 1912, was transmitted by the President to Congress with a recommendation for favorable action. Upon receipt of the commission's report Congress created a joint committee composed of Members of the Senate and House of Representatives to give the subject further consideration, and the question of proper rates of postage on second-class matter is now before this committee. It is understood that the committee is making an inquiry into the subject and will report its findings with recommendation not later than March 4, 1914, as provided by law.

The findings of the commission which were transmitted to Congress by the President, as above stated, and which are now under consideration were reached after full and exhaustive hearings accorded not only the officials of the Post Office Department, but all publishers and others interested who desired to appear and present their views. There can be no doubt whatever as to the fairness and conservative nature of the finding. It is sincerely hoped that appropriate action will be taken at this session of Congress amending the existing laws and raising the rate in accordance with the recommendation of the commission. Until some such action shall be taken to readjust rates on second-class mail matter no serious consideration can be given to plans for revising and reducing rates on first-class mail matter.

The question that I have never been able to solve to my own satisfaction, the question that I have been unable to have solved by any expert, either in or out of the department, is, How is it that second-class mail matter, which carries a rate of a cent a pound, is carried at a loss of 5 cents a pound, with a part of it carried by freight to save expense, while fourth-class mail matter, carried at the same rate, is carried at a profit?

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. BRISTOW. And the same expense per pound attends carrying both second and fourth class matter on the part of the Government.

Mr. BRYAN. I think it would cost the Government more to carry the fourth-class mail matter, because the travel of the daily newspapers is to the cities, more largely, and this fourth-class matter is supposed to go out on the rural routes. If that be so, then it would cost the Government more to handle packages, but undoubtedly it costs as much. How it can be argued that we lose 5 cents a pound on second-class mail matter and make a profit of ten to twelve million dollars a year on fourth-class mail matter, when practically the same rate is imposed on both, I never have been able to understand.

Mr. President, the only objection urged here to this amendment was that the action of the Postmaster General has been popular. I do not see present the Senators who made the inquiry and who insisted that this provision should remain unchanged because, forsooth, the order was popular. I suppose that question was not intended to be answered in the Senate. When Senators ask a question and do not wait for the answer, perhaps they have some other purpose than asking the question for information in the Senate.

I know it is popular to carry this matter at 1 cent a pound. It would be twice as popular if it were carried at half a cent a pound, and four times as popular if it were carried free. Little of the popularity would be lost, and there would not be quite so much denunciation by the newspapers of Senators who refuse to vote for an appropriation bill which in their judgment means a loss to the Government, if the same power to change the rate on second-class mail matter resided in the Postmaster General. I am almost tempted to be willing to try it, to let him double the rate on newspapers and magazines, and see what would happen. All this cry about Senators on this committee being "under the control of the express companies" would change when the interests of the newspapers became affected, and it was proposed to double the charge upon them. Then "the liberty of the press" would be involved and it would not be so popular.

Mr. President, we do not gain much by calling each other names. Senators do not gain much by reading into the RECORD attacks upon their fellow Members made in ill-considered newspaper editorials. It would be just as proper for those who do not care to see this Government involved in a great expense, and who are trying to protect the expenditures so that there may not be a big deficit, if like-minded, to turn and say, "Gentlemen opposing this amendment are instigated by the great mail-order houses of this country."

I do not believe there is a single Senator on this floor who is interested or who is concerned as to the advantages that may accrue to the mail-order houses by keeping this provision out of the bill. Neither do I believe there is a single Senator here who is actuated in his position here by any benefit that may come to an express company by the inclusion of this amendment.

Can we not have a little confidence in ourselves? Have we so little confidence in our own integrity as to be driven from a position we believe to be right because some newspaper says that this provision will operate to the benefit of the express companies?

As I said upon yesterday, I believe that the Interstate Commerce Commission in interstate shipments and the State railroad commissions in intrastate shipments have the power to ignore the existence of an express company in fixing rates. It seems to me there is the remedy. Certainly the remedy can not be to have a statutory rate remaining inflexible and then reduce these rates to a nonsupporting point. The Congress or the executive department that is going to lower the rates ought also to have the power to lower the mail payments. The commission is now taking evidence, and has been for many months, as to the

amount that should be paid for the carriage of the mails, and if we could have it so fixed that when a rate is reduced the payment will be reduced we need not fear a deficit every time a change is made.

Mr. President, if it be true that by the establishment of the larger limit of reductions in the rates of postage we are to have a surplus in the Post Office Department, then it occurs to me to be relevant and pertinent to inquire why the great increase in this bill over the bill of last year. The appropriation of 1914 was only $11,000,000 over the appropriation of 1913. The appropriations for the Post Office Department had grown at about that rate for several years. But the appropriation for 1915 is $310,752,000, an increase over the appropriation of 1914 of $27,000,000—$15,000,000 more than the normal increase.

Mr. President, as far as I was concerned, I did not care whether this measure was attempted to be placed on the bill or not. When it was undertaken to give that power to one man I opposed it, and introduced a bill to take the power away from him before a single act had been done under the law, because I believe the proper function of the executive departments in matters affecting appropriations is to collect information and present it to Congress and let Congress do the legislating for the country. But when the matter was presented I joined cheerfully in the effort to bring back to Congress the power to control the expenditures of the Government. You can not change the rates of postage every Tuesday and have anything that anybody can depend upon. I have the honor to be serving on the commission which is trying to find out what reduction can be made in rates. We thought we had some way of finding out by providing distinctive stamps, so as to show what the revenues were. That was abolished by executive order in the Post Office Department.

The truth is the Government is about to be ruled by bureaus. By another order in the Post Office Department weights were increased. Then the commission began to try to collect information on the new basis. The 1st of January the rates were again increased. So the purpose of this provision is to let the thing remain stationary long enough to get the data and to provide for it. I believe the Senate and the House will respond to the reasonable public opinion of the country.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Jersey?

Mr. BRYAN. I yield to the Senator.

Mr. HUGHES. In my judgment, the language under discussion amounts to a change of substantive law until a contrary law of a substitute character is passed by Congress. Would the Senator have any objection to changing the phraseology under discussion so as to limit its operation to one year, so that automatically the present situation would revert at the end of that time?

Mr. BRYAN. No; I would have no objection to that. I will state to the Senator why it was worded in that way, as far as I am individually concerned. I can not speak for the committee, but, as I understand, the reason that the claim was made was that the express companies reduce their rates, and if this were passed the Post Office Department would be unable to do so. So the language was drawn with the idea in view that if such a situation came about application could be made to Congress and the rates or rules could be prescribed in a joint resolution, which could be passed.

It was not the intention to carry this beyond the year. We want to find out where we are. We want to find out whether the claim that the business is being carried on at a great profit or the claim that it is being carried on at a great loss is correct. I think it would be perfectly satisfactory to the committee if that were done. The idea is not to cripple the parcel post. I said yesterday that it would be a peculiar body of men who, after having brought the law into operation, would then turn around and undertake to kill it.

Mr. SHEPPARD. Will the Senator yield for a question?

Mr. BRYAN. Certainly.

Mr. SHEPPARD. Suppose a decrease in express rates should take place in vacation?

Mr. BRYAN. I will be glad to answer that question. Suppose that should happen. I believe the answer is to be found in a consideration of the statement made by Representative LEWIS, who has been referred to upon several occasions in this debate. If the rates of the express companies are less than the rates the Government makes to the railroad companies for the carriage of its parcels, we can not compete, unless it be that we are to turn over to the Post Office Department the right to go into a rate war with the express companies. Would the Senator from Texas be willing to have the Government enter into a rate war with the express companies of the country?

Mr. SHEPPARD. The Senator has just said that if the express companies decrease their rates the Postmaster General can make application to Congress and secure permission to decrease these rates.

Mr. BRYAN. Yes; he could, but I apprehend that Congress would not be very quick to say it will allow him to decrease rates below living expenses. The Senate would never consent to do that.

Mr. SHEPPARD. The Senator made that suggestion himself. He said that that was the remedy the Postmaster General would have, and the inference was——

Mr. BRYAN. Of course, if the Postmaster General can convince Congress that the rates ought to be changed, either because the express companies have changed their rates or for any other reasons, it would be right for Congress to do it.

Mr. SHEPPARD. If the decrease in rates of the express companies occurred in vacation, there will be three or four or five months before that opportunity would be presented.

Mr. BRYAN. Let me ask the Senator if he ever knew rates to be decreased except by the order of some legislative or executive department or commission. Can the Senator point to a single reduction that was ever made in the history of this Government by the transportation companies of their own volition?

Mr. SHEPPARD. I was simply referring to the contingency the Senator himself suggested.

Mr. BRYAN. Well, what is the matter with it? That is the fact. They can come in and get permission from Congress and we will establish the rates. Does the Senator believe that the Postmaster General ought to have the credit of the Government to enter into a rate war when the rates are as low as they can be placed, and make such reductions as may be necessary in order to drive out of business some private enterprise? I have never understood that that was the theory upon which the law was passed. I thought it was to take advantage of an opportunity to serve people who could not be accommodated with reasonable rates by any existing machinery. Of course the Government could win in a rate war, but would it be proper to take out of the taxes of the people money to pay whatever it might cost?

Mr. President, I have detained the Senate too long already. I believe the amendment of the committee is in order, and I shall so vote.

During the delivery of Mr. BRYAN'S speech,

The VICE PRESIDENT. The morning hour has expired. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators to assist the Interstate Commerce Commission to investigate certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes.

Mr. ROBINSON. The Senator from Tennessee [Mr. LEA] is unavoidably absent from the Senate on account of illness. I therefore ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is laid aside. The Senator from Florida will proceed.

After the conclusion of Mr. BRYAN'S speech,

Mr. BRISTOW. Mr. President, I was very much interested in the discussion of this question by the Senator from Florida [Mr. BRYAN], and I want to submit some practical suggestions to the Senate in regard to the operation of the rule by which the Postmaster General has amended the parcel-post law.

The Senator from Florida was correct when he stated that the parcel-post law was drafted by a subcommittee of the Senate Committee on Post Offices and Post Roads. When the bill came to us from the House it contained a simple provision providing for a limited parcel post on rural routes. The Senate committee took the bill and amended it by incorporating into the bill as a substitute for that provision the parcel-post law.

Now, what were the provisions of that law? First it divided the United States into zones eight in number, and fixed the rates according to the zone. There was a local rate which was the rate from the central post office out on the rural routes or to be delivered within the city by carriers. That was the local rate, and that rate is still maintained.

The first zone embraced the territory within a radius of 50 miles of the post office.

The second zone embraces the territory within a radius of 150 miles of the post office and outside of the 50-mile radius.

The third zone embraces a radius within 300 miles and outside of the 150, and so on until eight zones were created, the last zone being all beyond an 1,800-mile radius. Rates were fixed by law for each one of the zones. Great care was exercised by the committee in fixing these rates to guarantee that they would pay the expenses of the maintenance of the particular service which we were establishing.

The rates on the first and second zones I think, from the experience we have had, were somewhat high and should have been reduced by law by this time or sooner. But it was out of caution that we fixed them as high as we did, because we did not want to establish a service that would bring another drain upon the postal revenues—that is, we did not want to make the same mistake that was made by Congress when it established the second-class rate something over 30 years ago. No one now who is familiar with the operations of the postal establishment will state that the second-class rate is not lower than it ought to be. No one will question that Congress at that time made a mistake in fixing the rates too low.

Why are they not raised, then? is the question that is asked. They are not raised because when you once establish a postal rate, to increase that rate imposes a tremendous burden upon the business concerns that have grown up under the rate. If you should double the second-class rate throughout the United States to-day, you would destroy the business of thousands of men. You would destroy the business of men who have devoted their time from their boyhood to old age in building it up. So I have never been able to get the consent of my mind to increase those rates, because of the conditions that have developed as a result of their operation during a generation. In fixing the rates originally for the parcel post we did not want to make the same mistake, so we fixed them high enough, expecting to reduce them as experience demonstrated that they could be safely reduced.

The bill passed the Senate with this provision, written very largely by ex-Senator Bourne, then a Senator from Oregon. I was somewhat amused yesterday to hear a Senator state that a Member of the House—Mr. LEWIS—was the father of the parcel post. As I remember, he is not a member of the Post Office Committee, and had nothing to do with preparing the House provision. I know that he did not draw a line of the parcel-post bill as it passed the Senate and became the law. If anybody deserves the credit for the Parcel Post system, it is ex-Senator Bourne, of Oregon, who spent 14 months in working it out and accumulating a fund of information that is now on file in the Committee on Post Offices and Post Roads of this body, which will stand as a monument to his energy as long as the records of that committee are preserved.

Now, the bill went to conference, and in the conference there was included a clause which was not in either of the bills, and it came in here in the conference report. At that time I opposed it with what vigor I could. I went to the limits of the rules of this body, I believe, in denouncing the action of the conferees in incorporating it into the bill, because I believed then it was a vicious provision, and I know it is now, as I shall undertake to demonstrate before I get through. But this is the provision:

> The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater—

"To permanently render the cost of the service greater"—

> than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, after investigation, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

Under the authority conferred in that paragraph of section 4 the Postmaster General has made the changes which are under discussion and which led to the amendment to the bill which we now have before us.

In the same bill there was created a commission in the following paragraph:

> That for the purpose of a further inquiry into the subject of the general parcel post and all related subjects a joint committee of six persons (Members of Congress), three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress at the earliest date possible.

That committee organized and began work. Its desire was to cooperate with the Postmaster General and with the Interstate Commerce Commission for the purpose of determining what changes ought to be made in this new feature of the Postal Service which we had established.

On the 6th day of March last the chairman of the commission addressed to the Postmaster General a letter in which he called upon him for a large amount of detailed information. I desire here to submit a copy of that letter and a copy of the statement which he forwarded to the Postmaster General asking him for information in regard to the operation of the parcel-post law.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. I yield.

Mr. SHEPPARD. Will the Senator give us the names of the gentlemen composing the commission?

Mr. BRISTOW. The Senator from Kansas who is now addressing the Senate is chairman; the Senator from Florida [Mr. BRYAN] is a member, and also the Senator from Michigan [Mr. TOWNSEND]. These three represent the Senate. A Member of the House, Mr. LEWIS of Maryland is a member, Mr. FINLEY of South Carolina is a member, and Mr. Gardner of New Jersey is a member.

Mr. SHEPPARD. How many meetings has the commission held?

Mr. BRISTOW. I will get to that if the Senator will permit me. The committee has held as many meetings as it was desirable to hold. It met and organized and asked the Postmaster General for the information indicated in the letter and statement that I have just submitted. A copy of the letter and the information I have filed herewith and ask that it be incorporated in the RECORD.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the document referred to may be printed in the RECORD. If there be no objection, the statement will be printed.

The papers referred to are as follows:

WASHINGTON, D. C., *March 6, 1913.*

Hon. ALBERT S. BURLESON,
The Postmaster General, Washington, D. C.

MY DEAR GENERAL: I inclose you herewith data which the joint committee of the House and Senate to investigate general parcel post desire from the department. If you will refer this to the various bureaus of your department and direct them to provide the committee with the information as early as convenient, I will appreciate it.

I trust you are finding your new duties agreeable and interesting.

Very truly, yours,

JOSEPH L. BRISTOW,
Chairman Joint Committee to Investigate General Parcel Post.

INFORMATION DESIRED FROM THE POST OFFICE DEPARTMENT.

Number of fourth-class shipments per month, 1913.
Estimated gross weight of same.
Estimated number of packages sent as by the old fourth class.
Estimated number of packages sent as by new fourth class (giving basis upon which estimate is made).
Additional cost to postal system of handling fourth-class business, exclusive of railway pay and permanent expenditures (e. g., maps, scales, etc.), for given period, and list in detail.
Additional cost per shipment on new fourth class.
Additional cost for incoming shipments.
Additional cost for outgoing shipments (giving detail as to methods of computation).
Average haul of fourth class in all zones.
Percentage of shipments for local delivery.
Percentage of shipments in each zone.
Percentage of revenue from each zone.
Number of parcel shipments delivered by wagon.
Cost of such delivery, wagons.
Cost of such delivery, hire of substitute carriers.
Number of parcel shipments delivered by automobile, trucks, etc.
Cost of such delivery, hire of trucks.
Cost of carriers, etc.
Weight and cost per piece of handling different classes of mail, excluding payments to railways (each class stated separately).
Gross pay to railways for latest available year.
Table showing comparatively, by columns, the following data: Ton-miles and percentage of gross railway pay assigned to routes carrying 211 pounds or less, 212 pounds to 519 pounds, 520 pounds to 1,019 pounds, 1,020 pounds to 1,519 pounds, 1,520 pounds to 2,059 pounds, 2,060 pounds to 3,559 pounds, 3,560 pounds to 5,079 pounds, 5,080 pounds to 48,103 pounds, 48,104 pounds and over.
This table should be arranged with columns showing gross weight, compensation for weight and for space, and for each class per ton-mile for each class.
Number of car-foot miles utilized for mail.
Number of car-foot miles utilized for express.
Number of car-foot miles utilized for passengers. (With revenue per thousand car-feet in each service and cost to railways for each service; with estimated weight of express and mail matter carried per car-foot mile.)
Number of persons engaged in Postal Service from 1886 to date, including those under contract, giving estimates where exact data are wanting.
Number of mail pieces for same period, actual or estimated.
Number of mail pieces handled per employee per annum.

Cost per average mail piece for each year (of all classes) from 1886, with columns added excluding the additional cost of rural delivery.

Gross weight of mails, including equipment, for years 1907 to date, with estimates of increases after date of actual weighings.

Resultant per ton-mile railway pay.

Percentage of weight and ton-miles of equipment to total weight of railway mail carried.

Percentage of weight and ton-miles of equipment carried to weight of fourth-class matter.

Estimates of railway pay per ton-mile on the assumption that the total weight of mail should increase—100 per cent, 200 per cent, 300 per cent, 400 per cent—taking into consideration the "sliding scale" of compensation for increasing weights provided by the statute.

Mr. BRISTOW. The committee then proceeded to inquire of all the countries of the world that are operating parcel-post systems for the detailed facts in regard to the operation of such systems, and that information was called for through the Secretary of State by the following letter:

[Copy of letter to Secretary of State.]

WASHINGTON, D. C., *March 10, 1913.*

Hon. WILLIAM JENNINGS BRYAN,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: The joint committee of the House and Senate to investigate general parcel post desire to secure some information in regard to parcel post, express, and freight as it is now in operation in certain foreign countries, and I append below a series of questions which it is desired should be answered separately, where possible, and in those cases where information is not available the fact should be stated. I would respectfully request your cooperation in obtaining the desired information through our diplomatic representatives in Australia, Austria, Belgium Denmark, Egypt, Germany, Italy, Japan, Liberia, Luxemburg, Netherlands, Norway, Russia, Servia, Spain, Sweden, Switzerland, and the United Kingdom of Great Britain and Ireland.

For clearness the questions are divided into divisions as follows with explanatory notes:

I.

Maximum weight of parcel-post package carried.
Minimum charge per package carried, parcel post.
Minimum charge per package carried, express.
Minimum freight weight, package carried.
Minimum express weight, package carried.
Minimum charge per package carried, freight.
Charges by post for letters merchandise, etc., otherwise than by parcel post.

NOTE.—The above questions are designed to elicit precise information as to the maximum weight limit of parcels carried by post and the minimum weight limit for purposes of shipment by express and freight. Thus in the United States the minimum weight limit by freight is 100 pounds, and if the shipment should weigh less the charge would be as for 100 pounds.

It is also designed to find the minimum charges for such weights when carried by post, express, or freight, and it is especially desired to know whether articles of very small weight can be shipped by post otherwise than by parcel post, and the postal rates therefor. Thus, in Belgium the minimum charge by railway parcel post is said to be one-half franc, or 10 cents, for which sum 11 pounds can be shipped. Give full information showing whether there are lower postal rates under which shipments of a half pound or a pound might be made.

II.

Charges and regulations for collection, parcel post.
Charges and regulations for collection, express.
Charges and regulations for collection, freight.
Regulations and charges as to delivery, rural delivery.
Regulations and charges as to delivery, town delivery.
Weight limit in each delivery.
Special charges for delivery, regular delivery.
Special charge for delivery, special delivery.
As to notice for consignee.
As to notice to consignor.
Including experience by parcel post, express, and freight.

NOTE.—This series of questions is designed to secure information as to the charges made, and the working cost of the service, if obtainable, for the act of collection of the shipment at the place of origin, culminating in its deposit in the post office or railway car, and the act of delivery of the shipment to the consignee, and whether the charge is included in the regular rate. If possible, this information should be given separately with reference to weights for parcel post, express, and freight shipments. In some countries the services are performed by private parties, and typical instances of charges in such cases should be given.

III.

Insurance rates and regulations, parcel post, express, and freight.
C. O. D. rates and regulations, parcel post, express, and freight:
(a) On the price of the article.
(b) On the carrying charge.
Rate when made singly on above and rate in combination, with charges for insurance, for return receipt, both upon the collection of the price and of the rate charge.
Return of empties, rates, regulations, etc.
Packing facilities, regulations, and cost of paper or other containers and hampers, etc.

NOTE.—The above questions are designed to elicit information as to existence of insurance and C. O. D. privileges, with their related rates and regulations. It is important to know whether an uninsured article going by post or express or freight carries any right of indemnification in case of loss or injury, and also to know what the charges are for the insurance and C. O. D. service. Distinction should be made between collecting the price of the article on delivery and collecting the transportation charges therefor, and the charges should be given singly of each of the elements of service, as well as collectively where such services are rendered in combination.

Information is desired as to the rates and regulations for the return of empties or containers, as well as the cost of their purchase, by the private parties or the transportation agencies employing them; and in this connection the regulations as to packing requirements for eggs and the other more fragile articles of commerce should be explained.

IV.

Statistical report.

Receipts.	Parcel post.	Total postal receipts.	Express freight.
Number of shipments			
Number of tons			
Number of ton-miles			
Average journey, package			
Number mail pieces of all classes handled per employee, several years			
Number telegrams			
Number phone calls			
Number mail pieces per capita of populations in country			
Estimated value of parcels declared insured			

In number of postal employees an estimate of number of the employees of telephone and telegraph should be deducted.

NOTE.—It is desired to secure the fullest statistical information obtainable in connection with this service, and answers to each of the specific questions above should be given where possible. To the number of mail pieces handled should be added the number of phone calls or telegrams per employee per annum, where these services are performed by the postal agency, together with the gross financial receipts of each service and the total postal receipts from all services.

V.

Railway pay.

	Parcel post.	Express.
Cost per piece handled		
Cost per pound		
Cost per journey		
Cost per ton-mile		
Cost per "axle-meter"		

NOTE.—"Axle-meter" is the continental measure of car space by size of truck. Information with reference to the compensation paid the railways is desired showing the amount per piece handled, etc., as indicated in the above questions.

In countries where parcel-post zones are established the information should show the number of shipments in each zone and the average weight of such shipment. From the length of the zone the average journey may be inferred. Thus, first zone 100 miles, average journey 50 miles; second zone 200 miles, average journey 150 miles; third zone 300 miles, average journey 250 miles, etc.

By the terms "express" is meant matter carried on passenger trains, whether wholly or in part, and matter carried on scheduled trains, whether passenger or not, which make the highest speed—say, from 20 to 35 miles per hour. If the shipment during any part of the journey is carried upon a passenger train or upon the trunk lines, if carried grand vitesse or eilgut, such matter comes under the term "express."

By axle-meter is meant a unit of car movement in use on the Continent, and where the statistics are reported for car movement a note should be added explaining the meaning of the "axle-meter" with reference to the amount of car space included. In the United States the statistics give car-miles, and our cars have 8 wheels with 4 axles. Thus, the axle-meter report to be given should indicate the average ton capacity of the car and the relation of the number of axles to the number of cars.

VI.

Limitations as to size of package accepted, parcel post and express.
Classifications: What admissible in each classification, by each service.
Sizes, in miles, of zones.

NOTE.—These questions relative to the size of the package acceptable by parcel post and by express, and it is desired to know whether any distinction is made in charges for the article shipped in its "set-up" condition as compared with its "knocked-down" condition.

By classification it is meant to elicit the character of the articles admissible to parcel post and express service, with a list of the principal articles excluded.

In this connection considerable practicable information should be given as to the use made of the service, especially with reference to the sale and shipment direct by producer to consumer of standardized commodities in their retail forms and of the shipment direct from the farm or the fishery to the consumer of various food products.

VII.

Comparative chart considering classifications and charges both as to weights, sizes, and distances traversed for parcel post, express, and freight.

Tables showing comparatively the tables of rates of parcel post, express, and freight for different distances and weights.

NOTE.—The above questions require some general explanation.

In Prussia, for example, a shipment of 110 pounds may be sent by parcel post, by express, or by slow freight. The rates for each of these services are supposed to be different. The minimum weight by parcel post, let us say, is 11 pounds; by express, 22 pounds; and by freight whatever it may be. It is desired that a series of charts should be made showing comparatively a parcel-post, express, and slow-freight charges on the highest minimum weight for either (say 22 pounds) for the average distance delivered, which, let us say, in Germany would be 75 miles, with a like chart showing the comparative rates for each service on 110-pound shipment for the same distance.

In the "comparative rate tables" the actual rates themselves for different weights and distances from 11 pounds up to 110 pounds or the maximum weight limit of the parcel post should be given. Shipments will tend to move by the lowest rate where the services meet the shippers' requirements, and it is the design of the questions in the above division to secure information giving information as to rates for like weights and distances for the three services. In countries where the railway net work is divided into two or more controls these rates

should be given for the control commanding the greatest railway area. Thus, in Germany, Prussia, and in England for the largest railway company.

VIII.

A copy of the legislative act or acts under which the Parcel Post Service was established.

I would appreciate it greatly if you would cause this information to be procured with the greatest possible dispatch.

I beg to suggest that possibly it might expedite the matter if several copies of these questions be sent to each of the various diplomats.

Very truly, yours,

JOSEPH L. BRISTOW,
Chairman Joint Committee to Investigate General Parcel Post.

In due time we began to hear from the other countries. We heard from all the European nations, but we got no information of any value from the Post Office Department of the United States until the 30th day of December last. The last report to come to the joint commission was from our own department located here in Washington. We heard from England and other European countries months before we heard from the department here, and before that information was furnished to the commission three or four changes had been made by executive order by the Postmaster General.

Now, the Senator from Texas [Mr. SHEPPARD] may think such action is good administration. He may think that it is such proper cooperation, as the law requires between the department and a committee of Congress. I do not think so.

I want now to come to the practical side of this question. The American people are not so much interested as to when or how these orders were made as they are in the orders and their value to them as a part of their Postal Service.

Now, what are they? The first order increased the weight of the packages delivered in the first and second zones from 11 to 20 pounds, and very materially reduced the rates. That continued for a few months, and then the Postmaster General issued another order increasing the weights in the first and second zones to 50 pounds and the weights in the remaining six zones to 20 pounds.

In the first order he abolished the first zone and made the rates on both the first and second zones as created by law the same, as follows:

One pound, 5 cents. That was within the radius of 150 miles. Two pounds, 6 cents, and so forth. Five cents for the first pound, and 1 cent for each additional pound up to 50 pounds.

That is the way the law stands now as amended by the Postmaster General, and it is the same whether the package of 50 pounds is carried 5 miles or 150 miles.

I want to call the attention of the Senate to the manner by which this rate is being applied and how it is working out. I will do that by illustrating certain rates here.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I assume that we are all very much more interested in the actual result of this change than we are in the manner in which it was made, but I am curious to know one thing, as the Senator proceeds, if he can answer me at this point. The law requires changes to be approved by the Interstate Commerce Commission.

Mr. BRISTOW. After investigation.

Mr. CUMMINS. After investigation. The law creating the Interstate Commerce Commission and the law that applies to this work in fixing rates for common carriers prescribe that the rates which they affix must be just and reasonable and without discrimination. That is understood in the law, of course, to be rates which, at the least, will return to common carriers the cost of the service and a fair reward upon the value of the property through which the service is performed. I should like to know what rule the Interstate Commerce Commission adopted in determining whether the rates or changes made or suggested by the Postmaster General were just and reasonable and without discrimination. Did the Interstate Commerce Commission apply the same rule that it applies to common carriers?

Mr. BRISTOW. I will say to the Senator that the commission made no investigation of its own at all. A member of the commission told me that they listened to the representatives of the Post Office Department who presented the case to the commission one afternoon, and that the commission approved the action. This member stated to me that the commission did not devote more than two hours, all told, to the consideration of the case. So, of course, they applied no rule to it; they regarded it as a pro forma matter, and approved what the Postmaster General recommended.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. POMERENE. I gather from what the Senator from Kansas has said that he feels that these changes in the zones and in rates and weights were not proper or were not justified by the extent of the service?

Mr. BRISTOW. I do.

Mr. POMERENE. Assuming that it be so—and I am expressing no opinion about that now—why is it that the committee makes a report here recommending an amendment which will continue these rates, zones, and weights until they shall be changed by law?

Mr. BRISTOW. Mr. President——

Mr. POMERENE. Pardon me, further. If they are so radically wrong—and the Post Office Committee has had sufficient experience to justify them in saying that they are wrong and that they ought to be changed—why not make a suggestion as to what changes ought to be made?

Mr. BRISTOW. I shall suggest to the Senator, before the debate closes, what changes I think should be made; and I will further say that I favor holding the rates as they now are until the joint committee can submit to the Senate and the House of Representatives a proper schedule of rates which they believe would be just and equitable. Judging from the experience which we have had in the operation of the system which is now in force, I think it would have been much better to have left the old system until we could have changed it by reducing rates and making changes which we all now admit would have been desirable; but I do not feel that I could myself formulate a perfect system without giving very careful consideration to the operations of the law as it is. You must hold the law somewhere long enough to investigate the matter; you can not change these rates every month or so and then obtain any knowledge that will be safe to follow in formulating a permanent system.

Mr. POMERENE. Mr. President, I assume, of course, that the committee would not recommend any change in rates or in weights or in zones unless, after a full investigation, they felt justified in so doing. Why may we not apply that principle to the Post Office Department in view of the fact that neither that department nor Congress has had any particular experience with reference to the parcel post save only such as it has been able to gather since the adoption of this law?

Mr. BRISTOW. If the Senator from Ohio will listen to me for the next half hour and let me demonstrate to him what these rates are which the department has adopted and how they operate, then, if he believes that it is a proper system of rates, I suppose he will vote to let the department continue to change the rates indefinitely. If he thinks that they are not adopting for the country a system that is just and equitable, then I suppose he will want it to stop until Congress can formulate rates that will be just and equitable.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. I should like to ask the Senator from Kansas whether the attitude of the Post Office Department, the figures of the department, and the justification of these changes in weights, classifications, and zones have been placed before the committee so that they would be accessible to the committee?

Mr. BRISTOW. I think so. I think the chairman of the committee can answer that question, however, better than I.

Mr. BANKHEAD. Mr. President, all that there is on this subject, so far as the committee is aware, is found in the annual report of the Postmaster General and in the hearings. He made a general statement. I will say to the Senate that I wrote to the department to send the committee all the information they had on the question of weights, rates, and zones, and they sent up a partial statement and said that that was all the available information which they had.

Mr. BRISTOW. Mr. President and Senators, I want to invite your attention to the rates charged in the Parcel Post Service, and I am first going to illustrate that subject by some rates in my own State, then I will submit rates that relate to other States, in order to show that it is a general condition. I shall take points in my own State with which I am very familiar. We will take Kansas City as the commercial metropolis of our section of the country. What was originally the first zone being abolished, the rate now in the first zone covers the radius of the first and second zones, or a radius of 150 miles around Kansas City. That rate is 5 cents a pound for the first pound and 1 cent a pound for each additional pound delivered anywhere in the territory within a radius of 150 miles of Kansas City; that is, a 50-pound package will be delivered anywhere in this region here [indicating on the map] for 54 cents. Salina, Kans., is

186 miles from Kansas City, on the Union Pacific Railroad by rail, but it is within the radial distance of 150 miles of Kansas City; so that the rate under the parcel-post scheme of Mr. Burleson from Kansas City to Salina on a 50-pound package is 54 cents for a distance of 186 miles, and it costs the department, according to Mr. Burleson's figures, 50 cents to deliver that 50-pound package from Kansas City to Salina. The shipper of that package is charged 54 cents, making a profit of 4 cents for delivering that 50-pound package, according to the department's figures. Of course I do not think that any profit is made; I think the package is carried at a loss. But for the purpose of this discussion I am going to accept Mr. Burleson's figures.

Bavaria is a village which is 7 miles west of Salina, or 193 miles from Kansas City.

Mr. TOWNSEND. By rail?

Mr. BRISTOW. By rail. It is within the radial distance of 150 miles. The rate to Bavaria from Kansas City is exactly the same as it is to Salina, 54 cents per 50-pound package. The rate from Salina to Bavaria, a distance of 7 miles, is 54 cents for a 50-pound package. According to Mr. Burleson's figures, it costs the Government 50 cents to deliver a 50-pound package from Kansas City to Salina; it costs the Government 51½ cents to deliver it from Kansas City to Bavaria, and that package from Kansas City to Bavaria goes through Salina to reach Bavaria. A citizen of Salina who would ship a similar package to Bavaria would be charged 54 cents, the same amount as Kansas City is charged, though it costs the Government, according to Mr. Burleson's figures, but 6½ cents to carry that package from Salina to Bavaria. I want to ask any Senator here if he thinks that is a just and equitable rate to charge the people of this interior Kansas town, 54 cents for 6½ cents of service, when the Government carries a similar package of 50 pounds from Kansas City through Salina to Bavaria, 193 miles, at a cost to the Government of 51½ cents for the service. I want to ask the Senator from Texas if he believes that is equitable and just in transportation rates?

Mr. SHEPPARD. I think it is just on the same principle that you charge the same for carrying a letter either 5 miles or 50 miles.

Mr. BRISTOW. Does the Senator think that the same rate should be applied to freight as to letters?

Mr. SHEPPARD. So far as the parcel post is concerned, and to a limited extent; yes.

Mr. BRISTOW. Well, this is express. Then suppose we increase this to a hundred pounds, will the Senator say that the same rate should be applied to hundred-pound packages as to letters?

Mr. SHEPPARD. I have not studied this question sufficiently to state whether I should agree to go that far or not; but I do know that the weight limit in Germany is 110 pounds; in Belgium, 132 pounds; in Switzerland, 110 pounds; in Hungary, 110 pounds; in Russia, 120 pounds; in Roumania, 110 pounds; in Luxemburg, 110 pounds; and in Sweden and Norway it is 110 pounds.

Mr. BRISTOW. I do not care anything about that; I do not care if it is a thousand pounds. The question I am addressing to the Senator from Texas is, Does he believe when the Government charges a citizen of Kansas City 54 cents for delivering a package of merchandise 193 miles, when it costs the Government 51½ cents to deliver it, that it is just to charge a citizen of Salina, Kans., the same amount for delivering a similar package 7 miles at a cost of 6½ cents to the Government?

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. Is the Senator from Kansas making this argument in support of the proposition that the Postmaster General shall not be allowed to change these rates?

Mr. BRISTOW. I am, upon the proposition that, having misused the power we gave him, it ought to be taken away.

Mr. OWEN. Notwithstanding that they are unjust, as he says, he wants to make them permanent?

Mr. BRISTOW. I do not. I want them to remain until Congress can establish a system of rates that will be equitable and just; and it will not be very long about it if the Senator from Oklahoma will join with me in an amendment which I expect to offer to this bill later on.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. I do.

Mr. CLAPP. Is it not a fact that Salina, in turn, would be the center of a zone for packages originating at Salina, and that within that zone the Salina citizen, provided he had occasion to ship as far as the Kansas City man ships, would get the same rate from Salina that the Kansas City man gets from Kansas City?

Mr. BRISTOW. I am coming to that just now.

Mr. POMERENE. Mr. President, may I be permitted to interrupt the Senator from Kansas?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. POMERENE. As I understood in the course of the debate on yesterday it was stated that the Post Office Department had no records of the cost of continuing the parcel-post service, and the Senator from Alabama [Mr. BANKHEAD] seemed to be very uncertain about whether or not this service was being conducted at a loss. To-day the Senator from Kansas [Mr. BRISTOW] says that the Post Office Department gives certain figures as to the cost of carrying a package from Kansas City and Salina to some other places named. How has the department arrived at that cost, in view of the statements which were made yesterday?

Mr. BRISTOW. Mr. President, I will say these are estimates. The department's estimate is that it costs 2.58 mills per pound per 50 miles to handle mail on the railways. Since that estimate was made there has been an increase of cost in the operation of the Railway Mail Service because of a marked increase in the salaries of railway postal clerks; so in all of these estimates, instead of multiplying by 2.58 I have taken 2.60, which is a very slight increase, but it applies to all and is as approximate a cost as the department has been able to furnish. That is the statement which they have made in their official report as to the estimated cost of carrying the mail on the trains.

Mr. POMERENE. Now, Mr. President, if we have that estimated cost, can not the department arrive at some rate which would be more equitable than the ones to which the Senator has just referred?

Mr. BRISTOW. Certainly. If the department had not abolished the first zone and had allowed the 50-mile zone to remain, it would have approximated equity. My complaint is that it has abolished the original first zone, and when it will abolish the next zone nobody knows. You can not, in handling small packages, observe perfect equity with every citizen; but as you handle large packages, where the amounts involved are more, then you can divide the cost more equitably; and in such cases the zones should be multiplied still further. I expect to discuss that phase of the subject before I get through.

Mr. POMERENE. I think we are all interested in making the parcel-post system a complete success.

Mr. BRISTOW. Yes; there is no doubt about that.

Mr. POMERENE. The Senator from Kansas has pointed out here a great inequality, it seems to me, in the rates, if I understand his statement fully.

Mr. BRISTOW. Yes.

Mr. POMERENE. And, for that reason, I am at a loss to understand why an amendment should be offered here to leave the zones as they are after the Senator has made the statement that it would have been better if the zones had been left as they originally were. Without the amendment, inequalities could be changed by the department.

Mr. BRISTOW. The reason which I give may not satisfy the mind of the Senator, and if he has a better system I will be glad to cooperate with him in getting it adopted; but my judgment is—and it is the judgment of the committee—that there should be no further changes until we can formulate a system of rates that approach equity as nearly as it is possible to do. That can not be done if the Postmaster General is permitted to change the rates every 50 or 60 days, because the experience that would come from the short use of a rate would be absolutely useless to the commission. You must have time in order to determine the effect of the operation of a transportation rate. It will not show its result in a month or two.

The Senator from Minnesota [Mr. CLAPP] inquired if there was not a radial distance from Salina that would give the Salina citizen the opportunity to ship a package by parcel post 150 miles, the same as is given the citizen of Kansas City; and I am just coming to that. Here [indicating on the map] is Salina, Kans. Norton, Kans., is located on the Rock Island Railroad here. [Indicating.] That is within the radial distance of 150 miles from Salina; but to get there a package must travel by rail about 330 miles, because the railroads do not run as the parallels of latitude run. That package from Salina delivered at Norton would cost the Government about 57 cents, for which it would get 54 cents. A citizen of Norton mailing a similar package to Almena, a distance of 9 miles, would be compelled to pay 54 cents, and it would cost the Government a little

less than 7 cents to deliver that 50-pound package from Norton to Almena. Now, I want to know if there is any man here who believes that it is a just and equitable system of transportation to carry that package from Salina to Almena or to Norton for 54 cents, when it costs 57 cents to deliver it there, and still charge a citizen of Norton 54 cents for transporting a similar package 9 miles when it cost less than 7 cents to do so?

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. NORRIS. I want to ask the Senator if this difference comes about on account of the extension of the first zone?

Mr. BRISTOW. Yes; because of the abolition of the original first zone.

Mr. NORRIS. Is that the cause of the difficulty?

Mr. BRISTOW. That is what I am directing my objection to now, namely, the abolition of the first zone.

Mr. NORRIS. In other words, under the rule as it stands now, the first zone is 150 miles, as I understand?

Mr. BRISTOW. It is.

Mr. NORRIS. Then, within that zone the rate is always the same for the same weight package?

Mr. BRISTOW. Yes; that is right.

Mr. NORRIS. So that the same thing would occur in any zone system, except there might be a difference in degree?

Mr. BRISTOW. Yes; except a difference in degree.

Mr. NORRIS. So that the evil of which the Senator is speaking now comes about because, in his judgment, the present first zone is too large?

Mr. BRISTOW. Entirely. My objection is to the abolition of the first zone by the order of the Postmaster General. I think when he did that he did an absolute injustice, an act that was absolutely indefensible. No man can defend it upon any ground of equity.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. I do.

Mr. CLAPP. I think what the Senator from Kansas meant was not that the evil came from abolishing the first zone, but the extent of an evil that is inherent increased because of the abolition of the first zone.

Mr. BRISTOW. Yes; that more accurately expresses my view.

Mr. NORRIS. The evil would exist in any case, but not to the same degree if the zones were smaller.

Mr. BRISTOW. Not to the same degree; that is right.

Mr. CLAPP. Now, if the Senator please, of course he is perfectly familiar with this matter, as probably most of the Senators here are, but, in order that his speech may be clearly understood, I make the suggestion—for I think there is a misunderstanding on the part of the public—that every point in the United States, in turn, becomes the center of a zone for shipments initiated from that point.

Mr. BRISTOW. Yes.

Mr. CLAPP. Of course I know that, but I merely wanted to bring it out plainly.

Mr. BRISTOW. That is true. Now, it might be asked by those somewhat hypercritical why the people of Salina or of Norton, when they can get within a 150-mile zone the same rates, are complaining of Kansas City coming into their territory and delivering goods, sometimes at a loss to the Government, under the noses of the local business men and merchants? It is well known that the great mail-order houses of the United States are taking advantage of the rates which Mr. Burleson has put in force, which give them a tremendous advantage over the local merchants in every community in the United States.

I am going to illustrate that before I get through, and show that this system, if it had been written by the representatives of the mail-order houses of Chicago, New York, Kansas City, and other great cities, could not have been framed more to their advantage.

I will now take the State of Virginia, for I see before me the junior Senator from that State [Mr. SWANSON], who is a member of the Committee on Post Offices and Post Roads. I will take Staunton, Va., which is 154 miles by rail from Washington. It is within the radius of 150 miles, and is therefore within the first zone, as it is now constituted according to Mr. Burleson's order, but not according to the way in which the bill was originally prepared. The Post Office Department, under the order of the Postmaster General, will carry a 50-pound package of merchandise from a Washington department store to Staunton, Va., for 54 cents. It costs the Government 45 cents, according to Mr. Burleson's figures, to deliver that package. If a citizen of Staunton wanted to send a similar package to Christians, which is a village 10 miles beyond Staunton, he would pay the Government 54 cents, the same rate for which the Washington store could send the same package to Christians, although the package goes through Staunton and 10 miles farther on to Christians, and it is delivered for 54 cents, at a cost to the department of 47.6 cents. If a citizen of Staunton wants to send a package to Christians, which is 10 miles instead of 164, as it is from Washington, the Post Office Department, under Mr. Burleson's order, charges that citizen of Staunton 54 cents, just the same as it charges the department store in Washington, although it costs the Government but 7.6 cents to deliver it. Now, I want to ask the Senator from Virginia if he thinks that is fair to the people of Staunton? Is that a fair rate? Of course, there is but one answer to that, as the Senator from Virginia will promptly see. It is not and it can not be a fair rate. It is not fair to charge the citizen of Staunton 54 cents for doing 7.6 cents' worth of service, and then charge the department store in Washington only 54 cents for rendering 47.6 cents of service.

Take Lynchburg. Lynchburg by rail is 173 miles from Washington, but it is within the radial limit of 150 miles; it is within the first zone, according to Mr. Burleson's order. The rate, therefore, on 50 pounds is 54 cents, and the cost to the department, according to Mr. Burleson's figures, of delivering that 50-pound package to Lynchburg is 50 cents, for which it charges 54 cents. Amherst is a village 13 miles from Lynchburg. If a citizen of Lynchburg sends a package of 50 pounds from Lynchburg to Amherst, 13 miles, he is charged 54 cents, just the same as if that package had been sent from Washington to Amherst. In the one case the Government is serving the citizen in hauling his goods 13 miles, and in the other instance it is 160 miles.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. I do.

Mr. HUGHES. Are both those cities within the zone?

Mr. BRISTOW. Both of them are within the first zone.

Mr. HUGHES. Then, of course, that is bound to happen if you have the zone system.

Mr. BRISTOW. Why, to be sure; it is bound to happen. What I am complaining of, however, is the abolition of the first zone, which was created by law to give a more equitable adjustment of rates; and I am going to wait this afternoon for somebody to rise here and defend the abolition of the first zone in this law by the order of the Postmaster General. I am contending against giving the executive the right to abolish a zone which the Congress fixes after 14 months of study and deliberation by its committees.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. One result of abolishing the first zone was to give the second zone cheaper rates than theretofore, was it not?

Mr. BRISTOW. Probably.

Mr. POINDEXTER. So all within the second zone got rates as low as those originally within the first zone.

Mr. BRISTOW. Why not abolish all of them, then?

Mr. POINDEXTER. That is an entirely different question.

Mr. BRISTOW. It is an entirely different proposition only in degree, is it not?

Mr. POINDEXTER. Three thousand miles is quite different from 150.

Mr. BRISTOW. Yes; but it is a difference in degree only, is it not?

Mr. POINDEXTER. A difference in degree may be so great as to amount to a difference in principle.

Mr. BRISTOW. Does the Senator think it is a good system of transportation of merchandise to charge the same for 150 miles that you do for 5 miles?

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas further yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. My own preference would be, if I were fixing either parcel-post rates or freight rates, to charge so much a mile, to charge a rate in accordance with the distance hauled; but we have not that system.

Mr. BRISTOW. No.

Mr. POINDEXTER. That system was not established by Congress. The zone system was established by Congress; and the comment I made upon the Senator's statement was in an-

swer to his objection to a change which practically doubled the size of the first zone.

Mr. NORRIS. It trebled it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I should like to ask the Senator from Washington a question at that point.

Suppose every railroad in the United States were to draw a circle with a radius of 150 miles around every point in the United States at which it did business and agree to transport all freight within that radius of 150 miles at the same rate. How long does the Senator think that rate would stand under the investigation of the Interstate Commerce Commission? I venture to say that it would excite universal complaint and condemnation and that it would be overthrown just the moment the Interstate Commerce Commission could take it under consideration.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas further yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. For 30 years or more the community in which I live has been the victim of far worse practices than that on the part of railroad companies, and the Interstate Commerce Commission, while remedying the situation from which we suffered, itself fixed a series of zones for freight rates covering the entire United States.

Mr. CUMMINS. From the western points?

Mr. POINDEXTER. From the eastern points to the West. One zone was from New York and vicinity to Buffalo and Pittsburgh zones; the next one was from Buffalo and Pittsburgh to Chicago; the next one was from Chicago to St. Paul; and then there was one from there to the far West.

Mr. CUMMINS. That does not answer my question. Suppose every railroad in the United States were to draw a circle around each of the points that it serves, and publish a rate that would be uniform within the radius of 150 miles. Does the Senator from Washington believe it would be right, or does he believe it would stand under an investigation?

Mr. POINDEXTER. Why, it is a rather fanciful supposition, and it is impossible to form any opinion as to whether it would stand or not; but it would not be more unjust nor would it be so unjust as the system upon which railroad rates are fixed at present as between different communities.

Mr. CUMMINS. There are many instances in which that is true, and they are being complained against every day.

Mr. POINDEXTER. Yes; but in the struggle of 30 years we have not been able to change them.

Mr. CUMMINS. And we now have the Government of the United States, through its Postmaster General, doing the very thing that we have complained against for all these years.

Mr. BRISTOW. The Senator from Washington lives at Spokane. I am slightly familiar with some of the struggles of Spokane for justice in rate making. I happen to live at an interior point in Kansas that has suffered just as Spokane has.

Twenty-five years ago, when we got a carload of sugar from San Francisco we paid the rate to Kansas City plus the rate from Kansas City back to Salina, although it was dropped at Salina and never went to Kansas City. For years we fought that injustice. I want to know if the Senator from Washington proposes now to ratify exactly the same principle in fixing the rates when the Government of the United States proposes to go into the transportation business?

Mr. POINDEXTER. Why, Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas further yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. The Senator has asked me a question. That is the only reason I ask him to yield to me.

Mr. BRISTOW. I am glad to yield.

Mr. POINDEXTER. The Senator apparently entirely misunderstands the position of Spokane if he compares it with the situation created by the Postmaster General's merging of these two zones. In the first place, we have gotten very far away from the original suggestion I made, that the result of the order of the Postmaster General was to give cheaper transportation to every one within the increased zone. Since the Senator has raised the question of the Spokane rates, however, I want to say that we have been contending in Spokane for freight rates based upon a principle similar to that of which the Senator is now complaining. All that Spokane has asked for is that she should get the same rates that other communities receiving the same service in the same territory receive, and not that she should get a better rate——

Mr. BRISTOW. Receiving the same service——

Mr. POINDEXTER. Just a moment, if the Senator will let me finish the sentence.

Mr. BRISTOW. Yes.

Mr. POINDEXTER. We would be satisfied, on freight rates from Chicago or New York, to receive the same rate at Spokane that is given to Seattle, 400 miles farther west.

Mr. BRISTOW. Yes.

Mr. POINDEXTER. I am willing to concede, if the Senator maintains that—I do not know what his position is in regard to it—that it would be more just to give Spokane a lower rate on that haul, which is 400 miles shorter.

Mr. BRISTOW. I think so.

Mr. POINDEXTER. We would be satisfied, at least for the time being, if we could accomplish what we never yet have been able to accomplish and get an equal rate.

Mr. BRISTOW. I shall not pursue that any further, because I have some illustrations in the Senator's State, and I want him to discuss this subject further when I get to them.

Mr. SUTHERLAND. Mr. President, I have known, but I have forgotten, and therefore I ask the Senator what was the first zone?

Mr. BRISTOW. The first zone was 50 miles.

I have submitted these illustrations as to Virginia, and I do not think either of the Senators from Virginia will contend that this order of Mr. Burleson's abolishing the first zone was a just one. Do we want to leave it within his power to abolish the second zone and to make the same rate for the third, or should we fix these zones according to law and let the business of the country adjust itself to that system?

Take the State of Maryland. The junior Senator from Maryland, I see, is not present. He was here yesterday, and read from a Baltimore paper an editorial criticizing the committee very severely. I am sorry he is not present now, because I wanted his opinion on some of these Maryland rates, to see if he thinks they are just and equitable to all the people of Maryland. I will put the matter in the RECORD in any event, and then the Senator can discuss it at some other time when he returns.

The distance from Baltimore to Cumberland by rail is 192 miles. Cumberland is within the radius of 150 miles from Baltimore; therefore it is within the first zone. The distance from Baltimore to Mount Savage, Md., a village 4 miles beyond Cumberland, is 196 miles. The rate from Baltimore to Mount Savage is 54 cents for 50 pounds. The cost to the Government for delivering a package from Baltimore to Mount Savage, carrying it, through Cumberland, 4 miles farther, is 56 cents, 2 cents more than the Government gets out of it. Now, if a citizen of Cumberland ships a package of 50 pounds of identically the same merchandise, or whatever it may be, to Mount Savage, the Government charges him 54 cents for carrying that package of 50 pounds 4 miles. It costs the Government, according to Mr. Burleson's figures, 6 cents to render that service.

I want to inquire of any Senator here if he thinks that is a just charge, if he thinks that is a fair system of rate making for transporting merchandise? The big department stores at Baltimore get 56 cents' worth of service from the Government for which they pay 54 cents. The citizen of Cumberland gets 6 cents' worth of service from the Government for which it charges him 54 cents. Does the Senate think that is just? Do the Senators from Maryland want to ratify that system of rate making? If they do, they will vote to ratify the action of Mr. Burleson by voting against this amendment.

I will take the city of Baltimore. The city of Baltimore is a great city, 40 miles northeast of here. It has a number of great establishments that use the mails very extensively. So has the city of Philadelphia, which is 96 miles from Baltimore. A citizen of Philadelphia can ship 50 pounds of merchandise from Philadelphia to Rossville, Md., which is 84 miles from Philadelphia, and the charge which the Government makes is 54 cents. The cost is 26 cents. If a citizen of Baltimore sends a similar package to Rossville, a distance of 11 miles, he is charged 54 cents, although the Government renders him but 7.9 cents' worth of service.

I wish to ask the Senator from Maryland—I see he is here now—if he believes that is a just system of rate making, to permit a citizen of Philadelphia to land goods in the suburbs of Baltimore for one-fourth the amount of expense per mile that is imposed upon the Baltimore citizen?

Now we come to the State of Mississippi. I have been pleased to see the Senators from Mississippi present this afternoon.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Maryland?

Mr. BRISTOW. I yield to the Senator.

Mr. LEE of Maryland. I am not familiar with the rates, and I certainly would not say offhand, upon a mere prima facie appearance of inequality, that the whole system was badly adjusted or that the whole system was inequitable. There is certainly nothing in the individual inequality the Senator points out that should in any sense justify Congress in taking away from the Postmaster General the power to alter the inequality.

If I may make a further remark, with the permission of the Senator from Kansas——

Mr. BRISTOW. Yes.

Mr. LEE of Maryland. I was very much interested yesterday in listening to the invocation of the spirit of George Washington by the Senator from Florida [Mr. BRYAN], with which the Senator from Iowa and the Senator from Utah seemed to sympathize. There was a sort of passage of sympathy and understanding between the Senators. There was a disapproval in the atmosphere of the aggressiveness of the executive department in encroaching—I think that was the word quoted from the Farewell Address of the Father of his Country—upon the prerogatives, so to speak, of Congress.

Mr. BRISTOW. Mr. President, if the Senator will pardon me, if he will reply to the Senator from Florida in his own time, and just devote himself to this particular question, I shall be obliged, as I wish to get through.

Mr. LEE of Maryland. I was going to bring the matter down to the remarks of the Senator from Kansas in just one moment.

I gathered from the remarks of the Senator from Kansas, so far as I have had the pleasure of listening to him, that, far from any encroachment by the executive upon the legislative, there is a proposition on foot to take away from the executive certain powers with which he has been previously vested. The encroachment seems to come from the Capitol, and not from the Post Office Department. The spirit of George Washington seems to have been invoked too soon. If he is coming here to reprove anybody, he must come here to reprove the legislative branch of our Government.

I think the Senator from Kansas has dealt with this matter with wonderful vigor and with great interest, but I have not gathered from what he said any conception of this matter except that it is clearly an executive business matter; and yet I think he describes it as being somewhat in the hands of a legislative committee, and I understand he proposes very clearly to change the law, to take this plain executive function away from the Postmaster General and restore it to a legislative committee.

Mr. BRISTOW. If the Senator will pardon me a moment, does the Senator think the fixing of postage rates is an executive function?

Mr. LEE of Maryland. I should think that so complicated a system, involving so many details and involving possible competition with other systems of carriage, is clearly a matter that can be more safely intrusted to executive action than to legislative deliberation. Furthermore, I do not think the action of the executive in this matter should be subjected to the regulation of Congress, and possibly that of the Interstate Commerce Commission as well, when the competing carriers apparently are only subjected to the regulation of the Interstate Commerce Commission.

Mr. BRISTOW. Does the Senator see any reason why the executive should not fix the rates on first, second, and third class mail matter as well as on fourth-class mail matter?

Mr. LEE of Maryland. You probably would have a much more philosophical and harmonious system if you did put it right up to the executive to get results by fixing the rates.

Mr. BRISTOW. Then, does the Senator see any objection to authorizing the Secretary of the Treasury to fix the tariff duties? The fixing of tariff duties is a very complicated thing, more complicated than the fixing of postal rates.

Mr. LEE of Maryland. Of course there are limitations upon all of these functions, and the reductio ad absurdum is very readily reached; but we all know, if I may invoke the advent of the shade of George Washington, that there was nothing which hampered the progress of the War of the Revolution so much as the interference of Congress in the conduct of the war—the legislative jealousy, the legislative ambition, so to speak, hampering the great commander whose shade was invoked here yesterday at every turn of that vital controversy.

Without discussing the entire schedule, in which, of course, the Senator is much more of an expert than I am, and without going into other details of legislation, instead of being an attack upon Congress by the aggressive executive this appears to be the taking away by Congress of powers already vested in the executive and not yet fully developed or completely harmonized.

I do not mean to say, Mr. President, nor do I wish to be understood as saying that this is not a proper subject for legislation on the part of Congress; but I do say that this is no occasion for the suggestion that the administration has been too aggressive, whereas under the present circumstances of this report and this amendment the entire aggression appears to come from the legislative end.

Mr. BRISTOW. I understand the Senator from Maryland considers my suggestion as to the levying of customs duties somewhat different; he thinks that would be absurd, while he thinks that it would be an improvement to permit the Postmaster General to fix the postage rates. In my opinion there is no more reason why he should fix postage rates than why the Secretary of the Treasury should fix the rates of internal taxation or of customs duties. The one, I think, would be just as consistent as the other.

The Senator says we are undertaking to take from the executive an authority which he already has; we are, in fact, undertaking to take from the executive an authority which we believe he has not used for the best interests of the people, an authority which we gave him, which was ours to give, and which was given, according to some able lawyers here, in violation of the Constitution; but be that as it may, we gave it. Since we gave it, if we think it has not been properly used, have not we the right to withhold from him any further exercise of the power which we bestowed? That is all we are asking here.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. WILLIAMS. I should like to ask the Senator from Kansas, if we passed this bill with this proviso left out of it, whether we would not leave the Postmaster General of the United States with the power to make a new law every Tuesday or every Friday, whenever he got ready?

Mr. BRISTOW. Just as often as he wanted to; yes.

Mr. WILLIAMS. That is what I thought.

Mr. BRISTOW. Now I want to take up Mississippi.

Hazlehurst, Miss., is 150 miles from New Orleans. Under the present law the rate on 50-pound packages from New Orleans to Hazlehurst is 54 cents. According to Mr. Burleson's figures, it costs the Government 44 cents to carry that package from New Orleans to Hazlehurst. Crystal Springs, Miss., is 9 miles from Hazlehurst. Under this order of Mr. Burleson's the Government will carry 50 pounds from New Orleans through Hazlehurst to Crystal Springs for 54 cents, and it costs the Government to deliver that package, according to Mr. Burleson's figures, 46.3 cents. Now, if a citizen of Hazlehurst were to ship a package of exactly the same weight and the same material from Hazlehurst to Crystal Springs, a distance of 9 miles, he would have to pay 54 cents for transporting that package 9 miles, the same as a New Orleans merchant paid for transporting his package 159 miles. It costs the Government 7.3 cents to carry that package from Hazlehurst to Crystal Springs. It costs it 46.3 cents to carry it from New Orleans to Crystal Springs. Now, is it just to charge the citizen of Hazlehurst 54 cents for rendering him 7 cents' worth of service and to charge the citizen of New Orleans 54 cents for rendering him 46 cents' worth of service? Is that equal or fair treatment?

Mr. VARDAMAN. Mr. President, does the Senator address that question to me?

Mr. BRISTOW. Yes.

Mr. VARDAMAN. I do not know of any law or of any system that operates with perfect equality. This system is to-day in the uncompleted stage. Now, I am going to ask the Senator from Kansas a question. The Senator says that is the law now?

Mr. BRISTOW. That is the order of the Postmaster General.

Mr. VARDAMAN. Now?

Mr. BRISTOW. Yes.

Mr. VARDAMAN. Does the Senator propose to change it?

Mr. BRISTOW. No; not now; but I propose to have us change it as soon as we can.

Mr. VARDAMAN. Does not the Senator favor letting it remain as it is?

Mr. BRISTOW. I favor taking from the Postmaster General the authority to make any more changes.

Mr. VARDAMAN. That is not the question.

Mr. BRISTOW. Just a minute. That is based upon the fact that the changes he has already made are unwise and unjust, and he should not be permitted to make any further changes; and if the Senator will support me, before this debate is over we will correct the inequalities that he has put in the law.

Mr. VARDAMAN. Then, when the Senator proposes a measure that will correct the existing inequalities and perfect the system, he may rely not only upon me to support him, but upon every other Senator on this floor. I do not understand that it is the purpose of the Senator to change the law as it now stands, but to have it remain just as it is?

Mr. BRISTOW. Yes; until Congress can legislate.

Mr. VARDAMAN. But the Senator has no remedy for the imperfection that at present exists?

Mr. BRISTOW. Yes; the Senator has.

Mr. VARDAMAN. When the Senator proposes it I shall be very glad to consider it.

Mr. WILLIAMS. Mr. President——

Mr. BRISTOW. Pardon me just a moment. I wish to ask the junior Senator from Mississippi if he believes the Postmaster General, when he abolished the first zone, did a wise and equitable thing?

Mr. VARDAMAN. Mr. President, I rather think that he did.

Mr. BRISTOW. That he did?

Mr. VARDAMAN. That he did. I rather think that the system as it now is is better for the American people than it was before. As to errors still in existence, or rather the imperfections of the system, I do not pretend to say that they do not exist.

Mr. BRISTOW. The Senator believes then——

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the senior Senator from Mississippi?

Mr. BRISTOW. In just a minute. The Senator believes, then, that it is right to charge the citizen of Hazlehurst 54 cents for rendering him 7 cents' worth of service, while the Government renders the citizen of New Orleans 47 cents' worth of service and charges exactly the same price for it?

Mr. VARDAMAN. No; the case as stated by the Senator from Kansas brings about an inequality it is true, but in the general working of the system the whole people are greatly benefited by it.

Mr. BRISTOW. By these changes?

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Kansas a question. If an ordinary common carrier should do just what the United States Government is doing in that case, would it not be attacked before the Interstate Commerce Commission?

Mr. BRISTOW. I should think so. Suppose the express companies charge the same rate from Hazlehurst to Crystal Springs that they charge from New Orleans to Crystal Springs, would the junior Senator from Mississippi say that they were making fair charges?

Mr. VARDAMAN. The order of the Postmaster General which the Senator from Kansas complains of was made after conference with the Interstate Commerce Commission and with the approval of the Interstate Commerce Commission.

Mr. WILLIAMS. I think I have the permission of the Senator from Kansas to interrupt him. Then we have come to a point where the United States Government is doing things for which it would punish a common carrier. I wish to ask the Senator from Kansas this question. Of course I have no sort of feeling against the Postmaster General. He is one of my old, lifelong friends. I am devoted to him personally. He was one of my "crowd" in the other House. I believe in him thoroughly. I do not believe he would do anything purposely wrong. I make no attack upon him at all, but I do say the Postmaster General of this country has not a right to do a thing for which we would punish a common carrier, an express company or a railroad company, and that when you undertake to charge more or charge as much for a short haul as for a long one you are violating the general principle of ethics and equality that ought to prevail in the United States. It was suggested to my mind a moment ago that perhaps the Senator from Kansas is struggling toward this point, that he did not want the Postmaster General to increase the number of his errors, and that even if he could correct the errors the Postmaster General has already made he did not want to have them increased.

Mr. LANE. I should like to ask the Senator from Kansas a question.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. I do.

Mr. LANE. I should like to suggest that while under the parcel-post system the rates are discriminatory in some of the charges for the short haul, in the main the business of the Government is done more equitably than was that of the express companies. Whereas the Government in some cases may overcharge for short hauls the express companies invariably overcharged for both long and short hauls.

Mr. WILLIAMS. If the Senator from Kansas will allow me, nobody disputes that. There is not any Government in the world that could act worse than the express companies have acted.

The PRESIDING OFFICER. The Senator from Mississippi will please address the Chair.

Mr. BRISTOW. If the Senator from Oregon [Mr. LANE] will stay with me patiently this afternoon, I will demonstrate to him that the system which is now in force, as changed by the Postmaster General, is in the interest of the express companies and not against their interest. I hope that he will wait until I get to that.

I will continue another illustration from Mississippi. The postage rate on 50 pounds from Memphis to Greenwood, a distance of 152 miles, is 54 cents. It costs the Government 44½ cents, according to Mr. Burleson's figures. The distance from Greenwood to Carrollton is 16 miles. It costs the Government, according to Mr. Burleson's figures, 9 cents to deliver this package 16 miles. Yet the Government charges the citizen of Greenwood 54 cents for rendering him 9 cents' worth of service, while it renders the citizen of Memphis 44½ cents' worth of service for the same amount. If the Senators from Mississippi think that that is equitable and just, then they will favor the system which Mr. Burleson has established in abolishing the first zone.

Mr. SHEPPARD. May I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. SHEPPARD. Under the law, could the Postmaster General have any other discretion than to act under the zone system?

Mr. BRISTOW. He did not establish the zone system. The zone system was established by Congress.

Mr. SHEPPARD. Exactly.

Mr. BRISTOW. He abolished the first zone.

Mr. SHEPPARD. Certainly; but he was compelled to follow the zone system, and Congress is responsible for the inequality and not the Postmaster General.

Mr. BRISTOW. The Senator has listened to me without effect if he has not learned that there is no claim here that any zone system can be so organized as to make all charges exactly equal.

Mr. SHEPPARD. The Postmaster General is not responsible for the inequalities of the zone system.

Mr. BRISTOW. But, if the Senator will pardon me a moment, the Postmaster General is greatly exaggerating the very inequalities.

Mr. SHEPPARD. The Senator is trying to make the Postmaster General responsible for the whole proposition.

Mr. BRISTOW. The Senator from Texas is mistaken, for I have said time and again that the zone system was written into the law by the Committee on Post Offices and Post Roads.

Mr. SHEPPARD. Did you support it?

Mr. BRISTOW. I did. I drew it. I voted to put it in the bill.

Mr. SHEPPARD. How can you defend the inequalities that have made possible the exaggerations?

Mr. BRISTOW. The Senator must see that I admit that we can not have it absolutely without inequalities.

Mr. SHEPPARD. Yet you are attempting to criticize the inequalities.

Mr. BRISTOW. My contention is that when the Postmaster General abolishes one zone he exaggerates without cause those inequalities.

Mr. SHEPPARD. You are attacking inequalities for the original inauguration of which you are yourself responsible.

Mr. BRISTOW. If the Senator wants to put that construction on it, he may do so; I have no objection. If his mind does not encompass a question of this kind with any more capacity than his statement indicates, that is his misfortune and not mine.

Now, we will proceed to take up an illustration from the State of Nebraska. From Omaha to Hastings, Nebr., the distance is 152 miles. Omaha is within a radius of 150 miles of Hastings. It is within the first zone as created by the order of the Postmaster General. Kenesaw is a village 14 miles out of Hastings and 14 miles beyond Hastings from Omaha. The rate from Omaha to Kenesaw is the same. It is within the first zone, and the rate on 50 pounds is 54 cents. The rate from Hastings to Kenesaw, a distance of 16 miles, is 54 cents. It costs the Government 48.2 cents, according to Mr. Burleson's figures, to deliver a package from Omaha to Kenesaw. It costs the Government, according to Mr. Burleson's figures, 8.6 cents to deliver a package from Hastings to Kenesaw. The department charges a citizen of Hastings 54 cents for rendering 8.6 cents' worth of service, while for the same amount it renders

the Omaha man 48 cents' worth of service. The packages pass through Hastings en route to Kenesaw, but the citizen at Hastings is charged just as much to get his 50-pound package 14 miles as the citizen of Omaha is charged to get his package 166 miles.

Mr. NORRIS rose.

Mr. BRISTOW. The Senator from Nebraska may think that is just, but I do not.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. NORRIS. I should like to say to the Senator from Kansas I do not believe that is just.

Mr. BRISTOW. I knew the Senator did not. I should not have so intimated.

Mr. NORRIS. I would not like the Senator to impute that to me.

Mr. BRISTOW. I beg the Senator's pardon. I know the Senator would not stand for that a minute.

Mr. NORRIS. I should like to ask the Senator a question on that point.

Mr. BRISTOW. Certainly.

Mr. NORRIS. Take the same amount charged from Hastings to Kenesaw. Between the two towns, about half way, there is the town Juniata. Has the Senator any figures from which he can state what a 50-pound package would cost from Hastings to Juniata?

Mr. BRISTOW. No; and I will tell the Senator why. When we developed in the committee the Parcel Post System we limited it to 11-pound packages. The Senator will see, on a fair consideration of this matter, that where you deal with small quantities for short distances you can not make the charge absolutely equitable, because you can not divide up the charges so as to do it.

Mr. NORRIS. I understand that.

Mr. BRISTOW. When you get into large amounts, 50 or 150 or 200 pounds, then, in my opinion, you should have a different system of rates; there should be a different system established.

Mr. NORRIS. In both cases they are merchandise.

Mr. BRISTOW. In both cases they are merchandise.

Mr. NORRIS. The only difference is in degree. I concede that an arrangement which would be suitable for a very small package would be different entirely in the case of a very large package, a package of two or three hundred pounds. It would be more important to have a whole lot of zones if you were to take packages of a large and heavy size.

Mr. BRISTOW. It would be absolutely essential.

Mr. NORRIS. In other words, the nearer you would approach a charge that should be a compensation for the service rendered.

Mr. BRISTOW. That is right.

Mr. NORRIS. I should like to ask the Senator a question. He does not favor the abolishment of the zone system?

Mr. BRISTOW. I am for it. I am very much for it, of course. What I am objecting to is abolishing the first zone by the Postmaster General. I want to take from him any authority to abolish any more of them.

Mr. NORRIS. If the package is increased in size, assuming that we first have a zone system that is right, then, of course, the size of the packages carried ought to be increased with the number of zones.

Mr. BRISTOW. I think that is equitable when you get into big packages. I agree with the Senator on that point exactly.

Mr. NORRIS. The point on which I can not agree with the Senator is that he proposes now to make a law of the act of the Postmaster General which has brought about this very difficulty.

Mr. BRISTOW. No.

Mr. NORRIS. I think it should be plain to anyone that Congress, the House and the Senate, as a practical proposition can not fix the rates for the payment of the transportation of merchandise.

Mr. BRISTOW. I think it has got to do it.

Mr. NORRIS. I do not believe that it can.

Mr. BRISTOW. It must do it. We might just as well undertake it. We have authority to do it, technically speaking. There is, perhaps, not as much reason for it, but the same theory would apply as in fixing freight rates. I think that ought to have been done in the beginning.

Mr. NORRIS. By Congress?

Mr. BRISTOW. Surely.

Mr. NORRIS. If that is true, then I do not believe the Senator and myself can get together on any proposition of that kind, because I believe that it is an impracticable proposition for the House of Representatives, with over 400 Members, and the Senate, with nearly 100, to fix rates. The Senator will find, I believe, that they would never fix them and fix them right. It would be a job that they never could get through with.

Mr. BRISTOW. The Senator misunderstands me. I would not say that Congress ought to go through all the detailed service of the United States and fix the individual rates, but I do say that originally there should have been some law which prescribed the way in which the rates should be fixed, and not on the ipse dixit of selfish men, who seek to exploit one community to the detriment of another.

Mr. NORRIS. I think it was the intention of the law we passed last year that we would give to the Postmaster General, with the approval of the Interstate Commerce Commission, the right to fix the rates; but I think we would all agree, and it would probably be found upon trial, that it would not be always equitable. We limited his authority, as I remember the law, and practically provided that the readjustment, if any should be made, should take place under his supervision, so as to correspond with the cost of the transportation.

Mr. BRISTOW. That is, we are undertaking now to correct abuses that have grown up in the transportation system which should have been prevented in the first place, if we had known what we now know. That was impossible, of course, because, we were entering upon a new era of development; but our legislation in regard to the fixing of rates for 25 years has been to correct evils the creation of which, if we had known then what we know now, could have been prevented. I would not want it said that we should fix every individual rate. Of course that would be ridiculous. I would not want anyone to understand that I advocate any such idea. The only way that I now see for equitably adjusting these postal rates for parcel post is by a zone system. We worked out a zone system as best we could, and my complaint now is that the Postmaster General has abolished the first zone of the system, and the result of that abolition has been to create these marked discriminations that can not be defended. No man has ever said that a 50-mile zone was not equitable or just or convenient in the administration of the postal affairs, and the Postmaster General had no business, in the interest of the service, in the interest of the American people, to abolish it.

Now, take O'Neill, Nebr. O'Neill is 197 miles from Omaha. The rate to O'Neill which the Government charges is 54 cents, because it is within a 150-mile radius of Omaha. It costs the Government, according to Mr. Burleson's figures, 56.2 cents to deliver a package of 50 pounds at O'Neill, 2.2 cents more than the Government gets out of it. When a citizen of O'Neill sends a package of exactly the same quality and character to Inman, 8 miles away, he is charged 54 cents, although it costs the Government but 7 cents to deliver that package.

Now, it can not be fair to charge the citizen of O'Neill 54 cents for rendering him 7 cents' worth of service and then charge the citizen of Omaha 54 cents for rendering him 56 cents' worth of service. That can not be defended. Yet the abolition of the first zone has brought about just such an indefensible situation.

Mr. NORRIS. I may have asked a question of the same nature before, and I do not care to go over it again. If we had the 50-mile zone now, the zone that was abolished, with the exception of the difference the same evil would exist.

Mr. BRISTOW. No; not the same.

Mr. NORRIS. It would be only a difference in amount.

Mr. BRISTOW. It exaggerates the inequality.

Mr. NORRIS. Exactly; but that is true of any zone system.

Mr. BRISTOW. I understand. I have said that a number of times this afternoon. Why should you exaggerate this inherent inequality?

Mr. NORRIS. I am not desiring to exaggerate it, Mr. President.

Mr. BRISTOW. My complaint is that the Postmaster General has done so without any occasion for it.

Mr. NORRIS. And my complaint of the Senator's position is that, after the Postmaster General has done that, he would have Congress pass a law that would prevent the remedying of that very evil.

Mr. BRISTOW. No; I am not. The Senator does me injustice.

Mr. NORRIS. I do not want to do that, I assure the Senator.

Mr. BRISTOW. What the Senator from Kansas is undertaking to do is to prevent the Postmaster General from making any more mistakes like this, and then the committee will undertake to formulate, with the experience we now have, a just and equitable system.

Mr. NORRIS. Let me ask——

Mr. BRISTOW. We had one in the beginning.

Mr. NORRIS. Assuming that the Postmaster General is acting in good faith, and I do assume that, even though I might disagree with him as to the abolishment of that zone——

Mr. BRISTOW. I do not question that.

Mr. NORRIS. When the matter is brought out and the Postmaster General says that he has taken a step which will bring about an injustice, does the Senator think that the Postmaster General would not himself want to rectify it, or that there would be any danger of his making again any mistake of the same kind? Here, when we prevent by law the Postmaster General from making another mistake, the same law prevents the Postmaster General from rectifying the mistake that he has made in the past.

Mr. BRISTOW. The Postmaster General does not admit that he has made a mistake.

Mr. NORRIS. That may be true.

Mr. BRISTOW. The Postmaster General, I take it for granted, thinks that he has not made any mistake.

Mr. NORRIS. Would not this be true: If we pass the amendment which the Senator supports, while we would prevent another mistake from being made, we would prevent the rectifying of mistakes that have already been made?

Mr. BRISTOW. No; the Postmaster General does not intend to reestablish this zone. This is his action. That is what I am complaining about. If he makes any changes, he will make more mistakes just like this. He proposes now to increase the weight to a hundred pounds.

Mr. NORRIS. I do not know whether he would make more mistakes or not, but while the Senator would prevent him from making more, assuming that is a mistake, would not this same law prevent him from rectifying the mistake that the Senator is complaining of?

Mr. BRISTOW. It would prevent him from throwing any more responsibility on Congress to rectify mistakes he has already made, and I take it for granted the Senator from Nebraska will join me in undertaking to correct this as rapidly as possible.

Mr. NORRIS. I would be very glad to do so, but it seems to me the committee could have reached it better if they had provided by this amendment to restore the zone that has been taken away or perhaps make the first zone smaller than it was before, because we recognize the fact that the packages have been increased, and that is one reason for making the zone smaller instead of larger.

Mr. BRISTOW. The Senator would rather depend upon the Postmaster General who has made these mistakes to correct them than have Congress do it.

Mr. NORRIS. As I said a while ago, I do not believe that it is a practical proposition for Congress to legislate on the details of any system of carrying merchandise. I thought when we passed the law we had placed the matter in a very good place. If we were mistaken and if we have given authority to make these changes to some official who ought not to have the authority, then we ought to change the law; but somebody ought to have the authority; and it seemed to me when we gave it to the Postmaster General and provided that he should make no change except when the Interstate Commerce Commission consented to it that we had placed the responsibility exactly where it ought to be.

Mr. BRISTOW. Does the Senator think the changes have been properly made?

Mr. NORRIS. I do not say that. My own idea is that the Postmaster General could have made changes that would have improved the system. I have my doubts about the wisdom of the Postmaster General in abolishing this first zone. I am inclined to think that the first zone ought to remain; but the rates were too high, and the weight of packages, I think, was too small. We started in with a sort of experiment in the law. I felt, and suppose the Senator felt, that we had established the rates a little too high.

Mr. BRISTOW. Yes; I am convinced of that.

Mr. NORRIS. We made the rate on the packages a little too high. I felt that way, but I wanted to be on the safe side, and I anticipated that after the law was in force the Postmaster General would cut down the rates and would increase the weight of the packages.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I should like to ask the Senator from Nebraska a question, preceding it with a brief statement.

I think he is entirely right as to the best way of making rates. I do not believe Congress can adjust a complicated system of rates. But it is easy for Congress to declare a policy and for the executive officer to administer it or carry it into effect. What rule did we give the Postmaster General by which he was to be guided in making these changes? None at all. We left him at perfect liberty to apply the postage-stamp theory, eliminating distance and cost entirely; and he is approaching that in these changes. I have no doubt about his good faith; but is it not true that we ought to give him some rule that will control him or govern him in determining what these rates shall be? It seems to me we ought to do it, and we ought not to vest in him or anybody else that undetermined, that unrestricted authority which the provision in the original act gave to him

I have no objection at all to the power being vested in the Interstate Commerce Commission, or jointly in the Interstate Commerce Commission and the Postmaster General, if we say to him what our policy is with regard to these rates. Must they be nondiscriminatory? We have said that in regard to rates for our common carriers. The United States has now become a common carrier of freight. Are the rates to be just and reasonable as between individuals and as between communities? Are they to be sufficient to defray the cost of the service? Are they to be sufficient to lay aside any surplus over the cost of the service? What is our policy with regard to that? We ought to have one, but if we have not announced it, we have simply abdicated all our legislative power and have attempted to vest it in the Postmaster General. I do not think we have any authority to give the Postmaster General the power that we gave him in this act. Now is the time, it seems to me, to declare some policy, and if this power is still to reside in the Postmaster General we should give him guideposts anyhow that would lead him to the proper end.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from Nebraska?

Mr. NORRIS. The Senator from Iowa directed his question to me. That is my excuse for interrupting the Senator now, but I will not be offended if the Senator does not desire to yield.

Mr. BRISTOW. I am willing to yield if it does not take too long.

Mr. NORRIS. The Senator will realize that the Senator from Iowa asked me a question. I do not want to discuss it. I will be as brief as I can.

Mr. BRISTOW. I would like to get through, but I will yield at this time to the Senator from Nebraska.

Mr. NORRIS. I will answer in a very brief way. I will not go into the details, because I do not want to take the time of the Senator from Kansas.

I think it would be all right to give to the Postmaster General a policy. I really think in a degree we give him one. If I had my way about it, I would provide a policy. I would by a specific statute instruct him, as near as I could, as a practical proposition to provide rates that would compensate the Government for the expense, so that at least we would be getting back the actual cost of transportation of this merchandise. I do believe in the zone system, but when we have a zone system there will be some inequalities naturally, because no matter what limit you put on the zone towns within the zone or towns without the zone will be charged for a short distance the same rate as for a longer distance.

Mr. BRISTOW. I must hasten through, because I wish to put in some more illustrations here. I now take up the State of Iowa. By rail from Chicago to Dubuque is 172 miles. Dubuque is within the first zone from the city of Chicago. Durango is 8 miles beyond Dubuque, or 180 miles from Chicago. That is within the first zone. The rate from Chicago to Durango through Dubuque is 54 cents, and the cost to the Government, according to Mr. Burleson's figures, is 51.8 cents. The distance from Dubuque to Durango is 8 miles, and the rate from Dubuque to Durango is 54 cents. It costs the Government, according to Mr. Burleson's figures, 7 cents to deliver a 50-pound package from Dubuque to Durango; that is, the citizen of Dubuque is charged 54 cents for 7 cents' worth of service, while the citizen of Chicago is given 51.8 cents' worth of service for the same amount.

I have other illustrations here from Iowa, illustrating the rates from Chicago to Davenport and Clinton, from Des Moines to Fort Dodge, from Minneapolis to Mason City and Norwich, carrying out the same principle and showing the same discrimination and inequality. They carry out what is illustrated by the Dubuque and Durango rates referred to.

I now call the attention of the Senator from Washington [Mr. POINDEXTER] to these rates. The distance from Spokane to North Yakima is 236 miles by rail. North Yakima is within the

first zone from Spokane. Spokane is a commercial center in that region of the country. The rate from Spokane to North Yakima on 50 pounds of merchandise is 54 cents.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. Yes.

Mr. POINDEXTER. What was the distance the Senator stated?

Mr. BRISTOW. Two hundred and thirty-six miles.

Mr. POINDEXTER. If I understand, the first zone is 150 miles?

Mr. BRISTOW. Yes; that is the radial zone; that is, 150 miles in an air line, but the distance by rail is 236 miles to North Yakima from Spokane, which is in the first zone on the postal map. The rate is 54 cents and the cost to the Government in delivering that package is 66.4 cents—that is, 12.4 cents more than the Government gets out of it—a loss of 12.4 cents.

Mr. POINDEXTER. Mr. President, some other Senator has already commented on the fact that the Senator from Kansas yesterday stated that it was impossible to ascertain the cost of this service. Now the Senator is stating the cost.

Mr. BRISTOW. I am stating it from Mr. Burleson's figures. I think the department underestimates the cost. I think the cost is more than that given; but it can not be accurately obtained. I have said several times this afternoon that the Post Office Department says that it costs to ship on the railroads 2.6 mills—to be accurate, 2.58 mills—per pound for 50 miles. I am using the figures which the department furnished in their estimate of the cost.

Mr. POINDEXTER. Of course, the Senator from Kansas concedes that there must be a zone system; the Senator does not contend that there should be a flat mileage rate. So there must be more or less discrimination. Taking the system as a whole, as it is standing now, the Postmaster General insists that there has been a very large profit to the Government, and just as much credence should be attached to that statement of the Postmaster General as is attached to the figures which the Senator gives.

Mr. BRISTOW. Let me ask the Senator from Washington a question. The Postmaster General says—and when I speak of the Postmaster General I speak of the department; of course, his officials do this work under his direction—the Post Office Department says that there is a loss of more than 6 cents a pound on second-class matter. The charge for handling second-class matter is 1 cent per pound. It is plain that if there is a loss of 6 cents per pound for handling that matter that it costs the department about 7 cents a pound. The Hughes commission found that there was a loss of about $50,000,000 per annum in handling second-class matter. Can the department charge the same rate for fourth and second class matter, as it is doing, and make money on one and lose on the other, when the expense is the same in handling both?

Mr. POINDEXTER. It seems, Mr. President, if the figures which the Senator from Kansas is stating are correct and reliable, that they are doing it.

Mr. BRISTOW. I am giving the figures which the department furnishes.

Mr. POINDEXTER. The Senator is citing those figures himself, and he ought to accept his own figures.

Mr. BRISTOW. If the Senator from Washington wants to be fair in this discussion, he will concede that I have stated here at least several times this afternoon that I think these figures underestimate the real cost. That is my opinion. I think it costs more than 64 cents to deliver a package of 50 pounds from Spokane to North Yakima, but I am using the figures which the department furnishes as their estimate of the cost.

Mr. GRONNA and Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Kansas yield?

Mr. BRISTOW. I yield to the Senator from North Dakota.

Mr. GRONNA. I simply want to suggest to the Senator from Kansas that in the rate on second-class mail matter there are no zones.

Mr. BRISTOW. That is true.

Mr. GRONNA. But one flat rate is charged, and so it is hardly fair to make the comparison of the parcel post, which has several zones, with the second-class mail matter, which has, you might say, but one zone.

Mr. BRISTOW. That is true. There would be on a part of the fourth-class mail matter an increased rate—that is, a part of the second-class mail matter goes beyond the first zone—and the rate, if it were sent under the same system as the parcel post, would be increased.

Mr. GRONNA. If the Senator will permit me further, I will say that I believe it is contended that there is no loss in the handling of the second-class mail matter within a distance of 50 miles, but that it is in the long haul where the loss is sustained.

Mr. BRISTOW. That is probably true. I do not know whether it is conceded that there is no loss within 50 miles, though that might be conceded; but I have not clearly in my mind those figures, as it has been some time since I looked them up.

Mr. GRONNA. I think I am correct in stating that the hearings before the Post Office Committee show that within the 50 miles there is no loss.

Mr. BRISTOW. There may not be within what we originally fixed as the first parcel-post zone.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BRISTOW. I do.

Mr. SMITH of South Carolina. The point raised by the Senator from North Dakota [Mr. GRONNA] is the very one which we had under discussion this morning in the committee, and it brings out the difference between the calculation made by the Post Office Department and the one which the Senator from Kansas [Mr. BRISTOW] is now making, because the rate on this class of mail matter increases as the zone increases. We have no figures, however, to determine the amount of matter that is confined within the zone of short distance, which really brings in the greatest revenue or shows the least loss. Under the flat rate we might carry the matter at a loss throughout the entire distance, but that is not the case under the zone system, where in the short distance we have the greatest amount of income. One of the gentlemen present this morning testified before the committee that within a radius of 44 miles of the city of Boston they had cut the express rate in two, had almost approximated the parcel-post rate, and yet had been able to realize a profit of $12,000 on the carriage from one city to another city.

Mr. BRISTOW. I would not disturb the rates within the 50-mile zone. My contention at present is, as the Senator understands, not for the abolition of the system of zones.

Pursuing this illustration from the State of Washington, I will say that the distance from Spokane to North Yakima is 236 miles, and it costs 66.4 cents to deliver a package from Spokane to North Yakima—12.4 cents more than the postage rates. Wapato is a village that is 12 miles from North Yakima. The rate on 50 pounds from North Yakima to this village, a distance of 12 miles, is 54 cents, the same as from Spokane to North Yakima, a distance of 236 miles. It costs the Government 8 cents to deliver that package from North Yakima to Wapato, a distance of 12 miles. I want to ask the Senator from Washington if he thinks it is fair for the Government of the United States to render a citizen of Spokane 66.4 cents' worth of service and to charge him but 54 cents for it, while it charges the citizens of North Yakima 54 cents for 8 cents' worth of service?

Mr. POINDEXTER. Mr. President, in the first place, I altogether deny the accuracy of those figures as to cost. The Government has a system established; it has its clerks on the trains; and, of course, there is some difference in the amount that is paid to the railroads; but the greater part of the expense of the Government in carrying these packages would be just the same between North Yakima and Wapato as it would be between Spokane and North Yakima.

Mr. BRISTOW. If the Senator from Washington will permit me—I know he means to be right—he is mistaken now. The Government pays the railroad for carrying this package from Spokane to North Yakima, according to Mr. Burleson's figures, 61.4 cents; that is the railroad charge. That is based upon weight. The railroad gets 7 cents more out of this than the Government gets in postage.

Mr. POINDEXTER. Mr. President, in the first place, the basis of payment to the railroad companies is a very uncertain basis.

Mr. BRISTOW. No; that is one of the things which can be ascertained with some accuracy.

Mr. POINDEXTER. I do not think it has been settled on any accurate basis; and it is the subject now of investigation, for the very reason that it is not settled upon any accurate basis.

Mr. BRISTOW. Let me understand. It may not be an equitable basis of payment, but the amount which is paid to the railroad can be ascertained with some accuracy, because you simply divide the number of tons carried by the number of miles they are carried, and you can get a fairly accurate estimate.

Mr. POINDEXTER. But that is only one item in the cost of transporting these packages.

Mr. BRISTOW. It is only one item; but that item alone is more than the entire receipts for the package referred to.

Mr. POINDEXTER. And the other items, the maintenance of the system, the employment of the force of the Post Office Department would go on whether a package is carried from North Yakima to Wapato or not.

Mr. BRISTOW. Yes; to a certain extent.

Mr. POINDEXTER. The Senator, I understand, advocates the zone system; so I do not understand that the question here is between the zone system and a flat rate throughout the country.

Mr. BRISTOW. The question I am discussing now is the action of the Postmaster General in abolishing the first zone and thereby magnifying the discriminations incident to the zone system.

Mr. POINDEXTER. In the territory which the Senator has selected as an illustration we have been accustomed all our lives to discriminations in transportation rates so infinitely more unjust than those to which the Senator calls attention that we do not look upon the rates under the Parcel-Post System as discriminatory. The people of those two towns pay the same to the Government for the transportation of packages, whereas under the system of private transportation, which included a large portion of the merchandise which is now carried by parcel post, the discrimination was so great that we were compelled to pay more for a short haul than we paid for a long haul, and it was so great that towns themselves were destroyed. The very town of North Yakima itself owes its existence to the fact that the railroad company so discriminated against the original town of Yakima that it could not exist, and the people had to move away. Some of them carried their houses on wheels up to the place which the railroad by discrimination fixed as the place where the town ought to be. So that when we have a zone 150 miles wide or 300 miles wide—150 miles each side of the center—within which the people pay the same rate, instead of being discriminated against by being compelled to pay more for a short haul than for a long haul, we regard it as a great relief over the conditions previously existing.

Mr. BRISTOW. Mr. President, the Senator can not get into any controversy with me in regard to discriminations which the railroads have imposed on interior towns. I thoroughly agree with him; but that does not justify the Post Office Department in practicing exactly the same discrimination. I am not justifying the discriminations which have been made; I am complaining against a continuation of them under the order of the Postmaster General. What I am contending for is that we take out of this law the same character of discriminations concerning which the Senator from Washington has been complaining, to my knowledge, since he has been in Congress.

Mr. POINDEXTER. Mr. President, it is not the same character of discrimination. Where different communities within the same zone pay the same rate and all are put upon the same basis and all receive the same service, in that sense there is no discrimination at all. You may calculate that the service costs less for one than it does for the other, but the rates are the same, and so all are upon an equal basis, so far as the people themselves are concerned, as to what they are required to pay. There is no discrimination in favor of one community as against another within that zone in that one is charged more than another; and so it is an entirely different class of discriminations from those which the Senator says I have been protesting against. I have been protesting against conditions where the people were not upon the same basis and not given the same service or the same rates.

Mr. BRISTOW. Now, the Senator is defending a proposition here to charge a citizen of North Yakima the same amount for carrying a package of 50 pounds weight for him 12 miles that is charged a citizen of Spokane for carrying exactly the same package 236 miles, although in the first case it costs the Government but 8 cents, while in the last case it costs 66 cents. Let me ask the Senator this question: Suppose an express company should charge the same rate on packages from Spokane to North Yakima that it charged from North Yakima to Wapato, does the Senator think that would be a fair rate to charge the people of those communities for the service rendered?

Mr. POINDEXTER. Why, Mr. President, it would be a great deal fairer rate than the rates which we now pay.

Mr. BRISTOW. I am not asking whether or not the rates the express companies have been charging are fair; I am asking the Senator if he thinks that would be a fair system?

Mr. POINDEXTER. I am not defending, necessarily, Mr. President, the extension of the zones from 50 miles to 150 miles.

Mr. BRISTOW. I am glad the Senator from Washington and I are getting on common ground.

Mr. POINDEXTER. But I am insisting that the parcel-post system can not be a success if you are going to petrify the details of its administration and require an act of Congress, with all of the delays incident to an act of Congress, in order to change any one of them. On the other hand, I do not agree with the Senator as to the extension of the first zone being such a great abuse. I imagine that in some instances it is unreasonable and in other instances it is not. It depends somewhat upon the conditions of the country; but the same result follows from any zone system.

The Senator a moment ago asked me, if I favored the extension of the first zone from 50 miles to 150 miles, why not extend it throughout the country and make it a universal flat rate? Yet the Senator himself, when he was asked a moment ago if he was opposed to the extension of the first zone to 150 miles, why he did not oppose the creation of any zones at all, stated that it is a question of degree.

Mr. BRISTOW. Can the Senator think of any reason why the first zone should have been abolished?

Mr. POINDEXTER. The reason that I think of, taking a view of the whole country, is one which I suggested some time ago. Taking a view of the whole zone and all the people in it, it seems to me to be a very wise action on the part of the Postmaster General, in that it gives to additional millions of our people cheaper transportation so far as the parcel post is concerned; it has a tendency toward reducing the cost of transportation. If it proves inequitable, the zones can be readjusted; but the act itself whereby the rates were reduced over such a wide area of country and for the benefit of so many millions of people is an answer to the question of the Senator from Kansas as to the reason why the first zone should have been extended.

Mr. BRISTOW. Of course it benefits the people of Spokane to get their merchandise carried out into the country 236 miles for less than it costs the Government to carry it and less than it pays the railroad for transporting it, and then make up that deficit by charging a citizen of North Yakima an exorbitant price for carrying his package 8 miles as a result of it.

Mr. POINDEXTER. The Senator is entirely mistaken about it. No such result as that follows from it at all. There are not very many packages that are carried from North Yakima to the town of Wapato. It may be true that the citizens of Spokane will get some benefit from the low rates on packages as far as North Yakima, but, of course, it is not so great a benefit as the Senator imagines, because Spokane is not the commercial center of the territory including North Yakima. The city of Seattle is closer to North Yakima than is the city of Spokane, and is a much larger commercial center.

Mr. BRISTOW. Well, we will take Seattle.

Mr. POINDEXTER. But the benefit which the Senator describes for Spokane is also had by the citizens of North Yakima in shipping their produce to the city of Spokane, and the same applies to all the people in the great Yakima Valley. They can ship their produce to either Seattle or Spokane, so that it is not a benefit, as the Senator would deduce here, which is applicable to any one center. North Yakima is the center of a zone just as much as is the city of Spokane. It can be said of them all as Proctor Knott said of Duluth, that the sky comes down the same distance in every direction around each one of them. The benefits which are derived from the extension of this zone do not discriminate in favor of any locality. They can be obtained by the citizens of every town in the country.

Mr. BRISTOW. Does the Senator think that the Government ought to carry packages from the vicinity of North Yakima to the city of Spokane at a loss?

Mr. POINDEXTER. I think that they ought to carry them at a loss, Mr. President, if that results from the establishment of a general system which, on the whole, is profitable.

Mr. BRISTOW. If the Senator thinks the Government ought to carry packages from North Yakima to his community and from his community to North Yakima at a loss, I have nothing further to say; but I do not think so.

Mr. POINDEXTER. I will call attention, however, in that connection to the law which the Senator seeks to repeal, so far as carrying parcels at a loss is concerned.

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of service greater than the revenue, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions (of mailability), or either, in order to promote the service to the public or to insure the receipt of revenue adequate to pay the cost thereof.

The Senator talks about carrying them for less than cost; but the very law which the Senator seeks to repeal lays down the rule that meets the objection which the Senator from Iowa [Mr. CUMMINS] made to vesting this discretion in the Postmaster General, when he said that it was not subject to any rule—the rule laid down there is that the Postmaster General shall be allowed to fix such rates, weights, limits, and so forth, as will prove profitable to the Post Office Department and at the same time render due service to the people.

Mr. BRISTOW. And under that law the Postmaster General has established rates which, according to his own figures, resulted in a loss to the Government, when he was only authorized to make the change if it appeared that the rates which Congress had fixed were resulting in a loss. Now, I must hasten on, because I do not want to take too much time.

Mr. POINDEXTER. Since the Senator has put that question to me, I would like to comment on the proposition that, following it logically to its conclusion, the Senator would make every single rate profitable.

Mr. BRISTOW. Oh, no. I must decline to be interrupted by questions that have been asked me here at least six times, and I think once or twice by the Senator himself, when I have already answered that no zone system can work with absolute equity. My protest is against the Postmaster General abolishing the first zone, and thereby greatly exaggerating the inherent difficulty in the zone system.

Mr. POINDEXTER. While it may exaggerate some of the difficulties, it also enlarges the benefits.

Mr. BRISTOW. It enlarges the benefits?

Mr. POINDEXTER. But I was not asking the Senator a question so much as answering the question which the Senator asked me. I will conclude with just this word: The Senator complains because under this enlargement of zones parcels are carried from Spokane to North Yakima, taking that as an illustration, at less than cost. The necessary inference is that the Senator objects to carrying parcels at less than cost, and yet he has just admitted that under the zone system which he advocates it is necessary, whatever zones are adopted, to do that in some instances.

Mr. BRISTOW. No such conclusion can be drawn from anything the Senator from Kansas has said, and the Senator from Washington knows it.

Mr. SMITH of South Carolina. Mr. President, I should like to understand clearly what the Senator from Kansas means when he says that it was a mistake for the Postmaster General to abolish the first zone and have the same rate apply to all points within a radius of 150 miles. Does he mean to say that he has sufficient data to show that there is a loss on the gross? That is, the Senator says that within a certain radius there was considerable profit, but that by carrying it to the limit of 150 miles there will be a loss. Has the Senator figures there to show that the aggregate, the gross within that zone, entails a loss?

Mr. BRISTOW. No; there are no such figures available; but if there were, I should think it was a very grave injustice to make a zone so large that you would be carrying a large part of your traffic at a loss, and making up that loss by charging somebody else for it.

I have here illustrations from the State of Washington of rates from Seattle to North Yakima and Wapato, and from Seattle to North Yakima and Evans, showing exactly the same condition that exists, so far as Spokane and North Yakima are concerned. I ask permission to incorporate those in the RECORD without reading, so as not to take additional time of the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

Washington.

	Cost for 50 pounds, cents.
From Seattle (unit 5553) to—	
North Yakima (unit 5355; miles, 164)	42.6+5=47.6
Wapato, Wash. (unit 5356; miles, 176)	45.8+5=50.8
North Yakima to Wapato, Northern Pacific R. R. (miles, 12)	3.1+5=8.1
From Seattle (unit 5553) to—	
North Yakima (unit 5355; miles, 164)	42.6+5=47.6
Ellensburg (unit 5405; miles, 127)	33 +5=38
North Yakima to Ellensburg, Northern Pacific R. R. (miles, 37)	9.6+5=14.6

Mr. BRISTOW. Then I have an illustration here from the State of North Carolina, showing that from Raleigh to Weldon, a distance of 96 miles, within the first zone, a rate of 54 cents is charged, and the same rate from Weldon to Gumberry, showing the same discrimination as between the small towns and the smaller communities in the State of North Carolina that there is in the other States.

I also have illustrations from Norfolk to Newbern and to Vanceboro, showing that the department is charging the shippers from Norfolk 54 cents for carrying packages 171 miles to Newbern, and is charging the people of Newbern the same amount for carrying their packages 16 miles, showing that the discrimination which has been brought about as the result of the abolition of the first zone covers the entire country and inflicts an injustice upon the communities of every State.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to interrupt him?

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. The Senator from Kansas has said several times that the effect of abolishing the first zone was greatly to exaggerate the inequalities that naturally inhere in the zone system. That, to me, seems quite obvious.

I wish to ask the Senator this question in connection with that statement: How do the differences between carrying the freight, say, 151 miles and carrying the same freight two or three or four or five hundred miles at the same rate compare in degree with the differences which occur between carrying the freight 30 or 40 miles and carrying the same freight up to 150 miles at the same rate?

In other words, is it not true that the difference within the 150-mile zone for carrying the very short distances as compared with carrying the entire distance of 150 miles would be very much greater than the difference between carrying 150 miles and carrying four or five hundred miles as we get beyond the 150-mile zone?

Mr. BRISTOW. That is true. An illustration which I will give a little later will show what tremendous losses the enlarging of the first zone has brought about.

Mr. SUTHERLAND. So that really, if we are to have the zone system, the most important thing in it is to preserve the small zone?

Mr. BRISTOW. Oh, certainly.

Mr. SUTHERLAND. Because it is there that these great inequalities exist?

Mr. BRISTOW. Certainly. The greatest mistake that has been made in the changes made by the Postmaster General has been, in my opinion, abolishing the first zone. There is not any defense for it.

Now, take the State of South Carolina. I have some illustrations here that I will put in the RECORD. The rate from Charleston to Chester, 194 miles——

Mr. SIMMONS. Mr. President, I understand the Senator attributes these inequalities very largely to the abolition of the first zone. If the proviso reported by the committee is adopted, of course that abolition will continue.

Mr. BRISTOW. It will continue until we can correct it.

Mr. SIMMONS. Until Congress changes it?

Mr. BRISTOW. Yes.

Mr. SIMMONS. The question I desire to ask the Senator is this: Should we not provide in this bill for the restoration of that zone? I do not hear from this side of the Chamber any denial of the proposition of the Senator that the abolition of the first zone has brought inequality and discrimination and has worked hardship. If that is so, why should we by law deliberately provide for the continuance of that condition, for a year at least, when we might possibly remedy it right now in this very bill?

Mr. BRISTOW. I think the suggestion of the Senator from North Carolina is a good one; but I should not want that statement to be interpreted as a concession on my part that there is any possibility of our permitting the abolition of the first zone to stand for a year. If the amendment which the committee proposes is adopted, immediate attention will be given by the committee to the recasting of this entire system.

Mr. SIMMONS. That will have to await the report of the commission, as I understand the Senator to say, which is now at work upon the question. We all know how dilatory these commissions sometimes are. That might delay the matter a considerable length of time; and then we do not always get bills through Congress as speedily as we should like.

Mr. BRISTOW. I agree to that, Mr. President.

Mr. BANKHEAD and Mr. OWEN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Kansas yield, and to whom?

Mr. BRISTOW. I yield first to the Senator from Alabama and then to the Senator from Oklahoma.

Mr. BANKHEAD. In reply to the question of the Senator from North Carolina, I think I might properly say that the committee, in considering this amendment, discussed that very question; and we concluded that perhaps it might be held that it was new legislation; that it changed existing law; although that law was simply made by an order of the Post Office Department. We thought perhaps it was best to let existing conditions alone for the present, in order that the Post Office Department might have an opportunity to work it out, and to

present to the Senate a little later some practical suggestions on the subject. Therefore we did not attempt to change the regulations of the Post Office Department, because we thought if we did the suggestion would be made that it was new legislation inasmuch as it changed existing law. We did not think this amendment could be so construed, because it does not change existing law. It simply provides that the existing law shall be maintained until Congress acts otherwise.

Mr. OWEN. Mr. President——

Mr. BRISTOW. I yield to the Senator from Oklahoma.

Mr. OWEN. I only wanted to observe that I did not feel content to have the remark of the Senator from North Carolina, that there was no question made on this side as to the premises laid down by the Senator from Kansas, go without a challenge so far as I am concerned.

I do not concede the premises of the Senator from Kansas, I do not agree to his conclusions, and I do not agree to the parliamentary propriety of this whole procedure. We have now been debating here a day and a half over a matter which is obviously legislation; a violation of parliamentary law and a violation of our own rules of procedure in this body. When the Senator from Kansas has concluded, I shall submit some observations upon that matter.

Mr. SIMMONS. Mr. President——

Mr. BRISTOW. I yield to the Senator from North Carolina.

Mr. SIMMONS. My remark to the Senator from Kansas was that I had heard no dispute on the proposition submitted by him. I have not been in the Chamber during the whole day; but when the Senator from Kansas was making his statement and giving his illustrations to show the discriminations which have been brought about by reason of the abolition of this zone, I was amazed, if it was not true, if the Senator from Kansas was wrong, that some member of the committee or some Member of the Senate who might be advised as to the facts did not controvert his statements.

I do not know whether the statements of the Senator are entirely warranted by the facts or not, but up to this time I have heard no one controvert them. I have heard no member of the committee controvert them. If they are true, as the Senator states them, then it would seem to me that a condition that is discriminatory has been brought about as the result. As I say, I am not myself familiar with the subject, and have ventured no opinion of my own with regard to the matter.

Mr. BRISTOW. So far as the facts and figures are concerned, no one will question them who has looked them up at all, because there is no doubt as to their accuracy, and they will not be denied by anyone. Whether it will be advisable for the Government to carry this merchandise for some people at less than cost and charge others an exorbitant price for it is a question of opinion. If the Senator from Oklahoma thinks that is just and desirable, of course he is entitled to his opinion. So far as this debate is concerned, which seems to have offended the Senator from Oklahoma, running on here for a day and a half without any authority, according to his opinion, of course I take it that the Senator thinks this amendment is not a limitation of the appropriation, and therefore is out of order. I disagree with him. That is a question which the Senate later on is to determine.

Mr. OWEN. I did not intend to say that the debate was out of order. I think the debate is entirely in order under the rules.

Mr. BRISTOW. Now, take the State of South Carolina. From Charleston to Chester is 194 miles. That is within the first zone. The rate on 50 pounds is 54 cents. It costs the Government 55.4 cents to deliver the package from Charleston to Chester, which is 1.4 cents more than the postage receipts. Rockhill is 19 miles beyond Chester and 213 miles from Charleston.

The postage rate which the Government charges from Charleston to Rockhill is 54 cents for 50 pounds. The package is carried from Charleston, through Chester, to Rockhill. It costs the Government, according to the department's figures, 60.4 cents—6.4 cents more than the postage receipts. The Government will charge the citizen of Chester 54 cents for carrying a similar package 19 miles to Rockhill, though it costs the Government but 9.9 cents, or practically 10 cents. That is, it charges the citizen of Chester 54 cents for less than 10 cents' service, while it renders the citizen of Charleston 60.4 cents' worth of service and charges him but 54 cents. Now, the Senators from South Carolina may think that is just. I do not.

Now, take the rate from Atlanta to Spartanburg. A mail-order house in Atlanta, say, sends to Spartanburg, a distance of 192 miles, a package of 50 pounds for 54 cents. It costs 54.9 cents to carry it, or nine-tenths of a cent more than the postage receipts. Clifton is 8 miles beyond Spartanburg, 200 miles from Atlanta. It is within the first zone from Atlanta. The rate from Clifton to Atlanta is 54 cents. The cost is 56 cents; 2 cents more than the entire postal receipts. The Government will charge the citizen of Spartanburg 54 cents for carrying the package from Spartanburg to Clifton, 8 miles, though it costs the Government but 7 cents to do it, while it renders 56 cents' worth of service to the mail-order house at Atlanta for 54 cents. Now, the Senators from South Carolina may think that is just. I do not.

Take Texas: From Houston to Taylor, a distance of 165 miles, which is within the first zone, the charge is 54 cents on 50 pounds. It costs 47.9 cents. If a citizen of Taylor sends the same kind of a package to Elgin, 16 miles away, he has to pay the same rate of 54 cents, though he gets but 16 miles of service, which costs the Government but 9.2 cents. The Senator from Texas may think that is just to his constituents about Taylor, but I do not.

Mr. SHEPPARD. Mr. President, I am not prepared to pass judgment upon the merits of the system. I think the proposition before us is as to whether or not this is general legislation on an appropriation bill. It was for that reason that I raised the point of order, from a parliamentary standpoint.

Mr. BRISTOW. Of course I do not think it is general legislation. I think it limits the appropriation. I will discuss that matter a little later; but the question has been thrown open so that the discussion as to the merits of the amendment is really on the point of order, and that is my reason for submitting these figures.

Now, I want to call attention to just two more sets of figures and then I will pass on, because I have wearied the Senate with these figures; but I wanted to illustrate the indefensible position which the department has taken in abolishing this zone.

Take the State of Colorado. Glenwood Springs is within the first zone from Denver; that is, it is within the radius of 150 miles. The distance by rail on one route from Denver to Glenwood Springs is 360 miles. The rate on 50 pounds from Denver to Glenwood Springs is 54 cents. According to the departmental figures, it costs the Government 98.6 cents to carry that package from Denver to Glenwood Springs, but the Government charges the citizen of Denver only 54 cents for carrying that package. Now, if the citizen of Glenwood Springs wants to send a package of exactly the same quality and weight to New Castle, 13 miles away, he will have to pay 54 cents. The citizen of Denver can ship that package through Glenwood Springs to New Castle, a distance of 373 miles, and the Government charges him 54 cents, though it costs the Government $1.02 to carry it; yet it charges exactly the same rate to the citizen of Denver that it charges the citizen of Glenwood Springs for carrying it 13 miles. Now, the Senators from Colorado may think that is just. I do not.

Another illustration to the same effect, from Denver to Glenwood Springs and New Castle by another railroad, which carries out the same principle, I ask to incorporate in my remarks without reading.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

Colorado.	Cost for 50 pounds, cents.
From Denver, by Colorado Midland Railroad (unit 3819) to—	
Glenwood Springs (unit 4069; miles, 289)	75. 1 + 5 = 76. 5
New Castle (unit 4119; miles, 301)	78. 3 + 5 = 83. 3
Glenwood Springs to New Castle (miles, 12)	3. 1 + 5 = 8. 1

Mr. BRISTOW. Now we come to the last illustration I have, and that is in New Mexico. To me it is the most interesting one that has been presented, and I want to say that this New Mexican illustration is not the only one of this kind that can be found. There are many others, so I am advised, in the sparsely settled regions of the country. From Farmington to Gallup is 591 miles by rail. Gallup is within the first zone from Farmington. It costs the Government $1.59 to transport a 50-pound package from Farmington to Gallup, yet the postage rate on this package is 54 cents.

It may be a wise provision on the part of the Postmaster General to abolish the first zone, impose upon the revenues of the department such enormous losses, and confer such discriminating advantages upon one community as against another. Senators may want to vote to approve such an iniquitous exercise of authority which we conferred. Personally I do not intend to do it.

I want to call attention now to another matter, and then I will soon be through, unless I am interrupted, because I know I have already wearied the Senate. I should especially like to have the attention of Senators who have had experience in transportation matters to this proposition:

It is a well-known rule of transportation, which I think will be admitted, that the through rate should not be more than the

sum of the locals. No system of transportation can be defended where the direct through rate is more than the sum of the locals; but under the system that has been submitted by Mr. Burleson, in many instances, the through rate is more than the sum of the locals.

To illustrate, you can send a 20-pound package from St. Louis to Kansas City—Kansas City being within the third zone from St. Louis—for 44 cents. A package going from Kansas City to Emporia, Kans., 100 miles away, comes within the first zone under Mr. Burleson's rule. The rate from Kansas City to Emporia is, therefore, 24 cents; 44 plus 24 is 68. That is, if that 20-pound parcel is sent to Kansas City, and remailed there to Emporia, the sum of the two rates is 68 cents. If it were sent directly over the same route from St. Louis to Emporia through Kansas City, without stopping at Kansas City, the rate would be 83 cents, Emporia being in the fourth zone from St. Louis.

That is repeated all over the United States. If you are sending these packages to Emporia or Newton or Hutchinson or Wichita, Kans., you can stop them at Kansas City or at Topeka and have them sent to the post office and delivered to the citizen anywhere within the delivery of that office; he can readdress them to the towns west—Hutchinson, Emporia, or any of the towns there—the Topeka post office goes to the citizen's place of business, gets the package, takes it down to the depot, reloads it on the train, and it goes on; and for every 20-pound package that is mailed by this process of stopping at intermediate points the shipper will save 15 cents in postage.

Is there any Senator here who thinks that is a wise system of rate making? Yet that is exactly the system which the Postmaster General has put in force under the authority which we gave him. A mail-order house at St. Louis can send a thousand packages to Hutchinson or Wichita, stop those thousand packages at any point from Kansas City as far west as Topeka, remail them there, impose all of that burden and expense on the department, and save $150 in postage by so doing.

Mr. SUTHERLAND. I should like to ask the Senator from Kansas how that condition arose. Was it by changing the law which we made?

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. That is, if the law had been left as it passed Congress that condition could not have arisen?

Mr. BRISTOW. It would have been impossible.

No one is going to defend that. It can not be defended. It violates every principle of transportation. I should like to have any Senator show me what justification there is for conferring our authority—for it is our business to fix these zones and rates; that is the function of Congress—on a department and letting the department make these mistakes that not a single Member of Congress can defend.

It has been alleged that those of us who are criticizing the rates which Mr. Burleson put in force are "owned by the express companies." There have been some very interesting articles sent out from the Post Office Department—not by the Postmaster General, but by the publicity bureau there, I understand—which declare that the chairman of this committee and the Democratic members are reactionaries; and I think even the Senator from Arizona suggested that he was amazed that the Senator from Kansas should have joined any such association of Senators as those who were perpetrating this "outrage" upon the American people.

Let us see about this. Mr. LEWIS of Maryland, who has been quoted with approval here quite freely by Senators, admits in the speech which he made, and which was read yesterday by the Senator from Florida [Mr. BRYAN], that the Government is losing money on these short hauls; that the express companies are letting the Government make the short hauls, where the rates are so low, and that the express companies are making the long hauls, where there is a profit. Therefore he says it is necessary for the Postmaster General to have authority to reduce the long-haul rates in order to enable the parcel-post service to compete with the express companies in those hauls where the express rates are lower than the parcel-post rates which the Postmaster General has put in.

Now, let us look at this a minute. Let us see how the Postmaster General can reduce the high rate which he has established here and meet the competition of the express companies successfully.

The express rate from New York to Grand Rapids on a 20-pound package is 62 cents. The parcel-post rate, under Mr. Burleson's order, is $1.22. The cost to the department for carrying that 20-pound package, according to Mr. Burleson's estimate, is $1.03; that is, our cost for carrying 20 pounds from New York to Grand Rapids is $1.03. The express company's charge to the public is 62 cents. The express company pays the railroad one-half of the total charge, or 31 cents.

Now, how can Mr. Burleson meet that competition? How can he reduce his rates, because in so doing he would be carrying the package, if he meets the express company rate, at far less than the cost to the Government?

I suppose if he is justified in abolishing the first zone and carrying packages, as he is, to some points in Colorado, New Mexico, Washington, Kansas, Texas, and other points for less than cost in the first zone as created by him, it will be argued that he would be justified in carrying the business for less than cost in the other zones, if it is necessary to meet the express rate.

Mr. LANE. I should like to ask the Senator, Why not secure the same rate of transportation?

Mr. BRISTOW. I think we ought, but——

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do.

Mr. GRONNA. The Senator from Kansas has given us the express rate in the fifth zone. Can the Senator give us the express rate in all the zones?

Mr. BRISTOW. Yes; I have them here.

Mr. GRONNA. I should like to have the Senator give them.

Mr. BRISTOW. I realize that the Senate is weary. I am perfectly willing to close for to-night, as the Senator from Indiana [Mr. KERN] said that he wished an executive session. If he wants an executive session now, I will proceed to-morrow or I will close up this evening, just as the Senate may prefer. I can go on and give the rates clear through in the different zones and show just how it is that the order of the Postmaster General operates.

Mr. GRONNA. I do not ask the Senator from Kansas to give all the rates. I simply want to know the rates in the different zones on a 20-pound package.

Mr. BRISTOW. I have it here.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Alabama?

Mr. BRISTOW. I do.

Mr. BANKHEAD. I should like to ask the Senator from Kansas if he believes that the Post Office Department in making the estimate of the cost of transportation of the Parcel Post Service takes into consideration the fact that at the present time the Government is paying practically nothing for the transportation of its parcel-post matter; and when the time comes for the next weighing, when we can adjust the charges, how will it affect the cost of this transportation?

Mr. BRISTOW. That point has not been discussed, and I am glad the Senator called my attention to it. Of course, the Senate understands that the railways are paid by weight for carrying the mails, and the mails are weighed once every four years; that is, there is a quadrennial weighing of the mails. The country is divided into four zones, and there is a weighing in one of the zones every year. That weighing fixes the compensation of the railroads for four years.

Since the Parcel Post System was adopted of course there has been a reweighing in but one of the four zones, and in the other three zones there is no additional compensation for the railroads except the 5 per cent which was added in the last appropriation bill. That additional compensation has been given.

Now, as to whether that makes up for the additional weight or not, is a question which, of course, Congress will have to deal with. The railroads claim that it does not anything like compensate them for the additional tonnage that is imposed upon them, while the department has a contention in regard to the matter. However, I am free to say——

Mr. POINDEXTER. I should like to ask the Senator whether, after the extensive investigation he has made, he is of the opinion that the rates paid the railroads are reasonable.

Mr. BRISTOW. I think the rates paid on first-class mail probably would be all right, but since the Government has gone into the transportation business in transporting merchandise it is absolutely necessary, in my opinion, to classify the freight which the Government is sending over the railroads. It is preposterous, it seems to me, from the standpoint of practice, to carry cabbages and potatoes and baled hay and brick and articles of that character and pay the same that we pay for handling first-class mail, which is of great value. We must have a reorganization of the system of payment to the railways for handling the United States mail. It absolutely has to come.

Mr. POINDEXTER. So far as the cost of the parcel post is concerned, it would be materially affected if it should be ascertained that the rates paid the railroads are too high and that those rates should be reduced. I understand that the Senator is satisfied they are too high.

Mr. BRISTOW. I think the rates paid are entirely too high for handling parcel-post matter.

Mr. POINDEXTER. So all this question of cost which the Senator has made the basis of his argument is subject to being affected by legislation as to the amount to be paid the railroad companies for the tonnage that they haul?

Mr. BRISTOW. Yes; but if Congress exercises any judgment, from my point of view it will first revise its expense before it revises its charge. If a man was conducting a business and had no more sense than to reduce the price of the article he was producing to less than it cost him before he reduced the cost, he would not be in business very long. The first thing the Post Office Department and the Senators who are attempting to defend these unwarranted orders should have done was to reduce the cost of transporting and the tonnage of merchandise; but they are filling the railroads full of heavy, bulky, coarse freight, and paying the railroads under the law which exists, if they pay them anything—and I am not saying but that the railroads can under the law force a payment—the same that they would pay for transporting the most valuable mail. It would be just as reasonable to charge the same rate for transporting a ton of coal as a ton of silk.

Mr. POINDEXTER. I do not think I ought silently to accept the position the Senator places those in who are opposed to this amendment of the bill. We are not any more inconsistent in regard to the method of proceeding than he is. We can pass a law here readjusting the amount paid the railroads for the mails that they carry just as quickly as we can pass a law readjusting the rates. There is as much difficulty about the one as there is about the other.

My opinion is that it is a much more proper and reasonable subject of legislation to fix the amount that we pay the railroads for the merchandise that is carried by parcel post than it is to undertake to go by legislative act into the abstruse and complex proposition of making rates on that merchandise.

Mr. BRISTOW. The Senator, nevertheless, wants to continue the authority of the Postmaster General to reduce rates and increase amounts when no action has yet been taken reducing railway charges. I think that action should have been taken. I protested a year ago against the 5 per cent advance. I think it is indefensible for us to continue the system of payment for transportation of mails since we have gone into the freight-handling business.

Mr. POINDEXTER. We could build a great many railroads for the amount of money which would yield an annual return in interest of $56,000,000. It would amount, at Government rates, to one and three-quarter billion dollars. For that sum we could build, own, and operate a good many of them.

Mr. MARTINE of New Jersey. Apropos of that very thought, I find in the Journal of Commerce of yesterday a showing that I think will not bring out many tears or much sympathy for the railroads. It reads thus:

Lackawanna Railroad Co.'s good showing—Year's net income $15,210,306, an increase of $1,792,218—Balance available for dividends $9,699,615, equal to 32.04 per cent on capital stock, as compared with 33.16 per cent earned in 1912—Small gain in express earnings.

That does not look as though they needed additional recompense.

Mr. BRISTOW. I hope the Senator will call that to the attention of the administration and the Interstate Commerce Commission.

Mr. MARTINE of New Jersey. I shall be very happy to do so.

Mr. BRISTOW. I hope he will call it to their attention in connection with this effort to raise the rates. I understand that the railroad speculators on the stock exchange are waiting with breathless interest for the advance in railroad charges, in order that the stocks may be put up.

Mr. MARTINE of New Jersey. They will get no sympathy or aid from me.

Mr. BRISTOW. I believe that the Senator from New Jersey is thoroughly sincere in that declaration.

Mr. President, I have some other references here that I would rather go over until to-morrow, because I think I can save time by stopping now and finishing in the morning.

Mr. BANKHEAD. I ask that the Post Office appropriation bill be temporarily laid aside.

The VICE PRESIDENT. That will be done by consent.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 26, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 25, 1914.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Louis A. Craig, Fifth Cavalry, to be second lieutenant in the Coast Artillery Corps, with rank from June 12, 1913.

CAVALRY ARM.

Second Lieut. Paul D. Carlisle, Coast Artillery Corps, to be second lieutenant of Cavalry, with rank from June 12, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25, 1914.

UNITED STATES ATTORNEYS.

Claude R. Porter to be United States attorney for the southern district of Iowa.

John E. Green, jr., to be United States attorney for the southern district of Texas.

UNITED STATES MARSHALS.

Charles T. Walton to be United States marshal for the southern district of California.

Maurice Splain to be United States marshal for the District of Columbia.

Aquila Nebeker to be United States marshal for the district of Utah.

POSTMASTERS.

GEORGIA.

W. T. Thurmond, Commerce.
Thomas C. Spivey, Eatonton.

KENTUCKY.

C. Y. White, Cave City.

NEBRASKA.

Benoni S. Keck, Stromsburg.

NEW YORK.

Irving Barrett, Bedford Hills.
Stewart B. Butler, Croton Falls.
Thomas F. Connolly, Norfolk.
Luther Hasbrouck, New Paltz.
Justus W. Hackett, Wilson.
James L. Hutchens, Pulaski.
James A. McDonald, Mamaroneck.
Albert C. Salisbury, Waterville.

MISSISSIPPI.

H. M. Sims, Monticello.

MISSOURI.

Wyatt Cannady, Marionville.
John J. Hall, Novinger.
Charles C. Hamilton, Marshfield.
Henry Macom, Poplar Bluff.
Henry C. Murphy, Richland.
Hugh J. Patten, McFall.

OHIO.

J. H. Biddle, St. Paris.
W. H. Chilcote, Edgerton.
Charles P. Gabelman, Waverly.
Ward G. Haviland, Pioneer.
Charles B. Maier, Covington.
John N. Petersen, Delta.
Thomas B. Richey, Georgetown.

PENNSYLVANIA.

Thomas O. Humphrey, Sharon Hill.
Philip F. Roof, Fredonia.

WISCONSIN.

Nicholas H. Berigan, Foxlake.
M. J. Elstad, Mattoon.
Caroline Fitch, Nekoosa.
William A. Hume, Chilton.
H. J. Kinne, Amery.
William A. Koch, Brillion.
John D. Laughlin, Marion.
W. W. Lauson, New Holstein.
Albert Liebl, Luxembourg.
A. D. McDonald, Ashland.
F. M. Patterson, Wild Rose.
Thomas H. Ryan, Wausau.
J. H. Smith, Elroy.
A. T. Swedborg, Prentice.
J. J. Voemastek, Rib Lake.
Harry P. Walker, Plainfield.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 25, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, Father Soul, out of whose substance Thou didst evolve life and all things, Thou hast never forsaken Thy children, but art ever working in and through them to larger purposes and grander possibilities.

We would draw near to Thee, hear Thy voice, and feel Thy presence, that our thoughts may be enlarged and our hearts moved to greater service for Thee and our fellow men; that the coming of Thy kingdom may be hastened and Thy will be done after the similitude of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL STATEMENT.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent for five minutes in which to make a personal statement.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for five minutes in which to make a personal statement. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, in an effort to boom industry or to print optimistic stories, the New York Herald has for the last week or ten days been conducting a steady campaign, quoting the low prices at which stocks can be bought and stating the opportunity for their advance. I only state this fact incidentally. In these stories has appeared a reference to a statement which I made on the floor of the House under date of January 16. I hold in my hand an article which appeared in the New York Herald on Thursday, February 19, telegraphed from Pittsfield, Mass., and headed "Industries booming in Massachusetts." The article begins as follows:

> The reported statement of Representative ALLEN T. TREADWAY, of Stockbridge, Republican, that business is very poor in western Massachusetts is at total variance with the facts.

Mr. Speaker, I have never as yet knowingly made a statement at total variance with the facts, and I object to being accused of having made such a statement on this floor. Therefore, in corroboration of the statement which I made on January 16, I wish to submit an extract from a letter. This story in the Herald refers to a certain business concern in my district as being very prosperous at the present time. I hold in my hand a letter from the manager of that concern, under date of February 23, in which he says:

> The New York Herald or any other combination that sees fit to do so can publish an optimistic story. The facts, however, remain that this change in tariff has already cost us many thousands of dollars. We ran short of business on the light-weight season, and it is our honest opinion that had business been normal and the tariff agitation eliminated that we would have been several thousand dollars better off than we are at the moment. We do not think it is at all fair for the New York Herald to criticize any statement that you might have made two months ago, as there is a great opportunity for change in business conditions in that length of time. We hope that conditions will materially improve over the present; on the other hand, we can see where there is a big opportunity for prospects not to be nearly as bright two months hence as they appear to-day.
>
> Would further state that in our opinion the reduction of tariff on raw materials does not in any way offset a like reduction on manufactured products, the character of which we make. To make myself clear, the price of raw materials has been so much advanced on the other side that we see very little difference in the cost of foreign wools as against previous seasons.

That is from one of the concerns which the Herald article refers to.

A letter from the manager of another concern quoted by the Herald says:

> Business during the last six months was essentially the same as it was the last six months of two years ago, and 33⅓ per cent less than the last six months of last year.
>
> The prospects for business during the next six months are not bright; in fact, we expect to see further decline in volume.
>
> In regard to local employment, we have laid off in the neighborhood of 1,000 men out of a total of 6,500, and a portion of our present force is working only four and one-half days a week.

There are statements from two of the three concerns referred to in the New York Herald article, which accuses me of making a statement at total variance with the facts.

I submit, Mr. Speaker, that the evidence of the parties concerned absolutely corroborates the statement which I made on the floor on January 16, and I therefore wish to set myself right, so far as any newspaper publication may be concerned, as to any statement that I have made here. [Applause on the Republican side.]

Further, the remarks that I made in January were the results of compilations from a large number of letters and were truthful statistics. I always respect a fair and honest difference of opinion, but I can not allow to go unanswered a newspaper item that I would so far fail to respect the dignity of this House as to make a statement "at total variance with the facts." [Applause.]

RESIGNATION.

The SPEAKER laid before the House the following communication:

CITY OF BOSTON, OFFICE OF THE MAYOR,
February 24, 1914.

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

DEAR FRIEND: I herewith tender my resignation as a Member of the Sixty-third Congress, the same to be effective from February 4 of the current year.

With every good wish, I beg to remain,
Yours, sincerely,

JAMES M. CURLEY.

SWEARING IN OF A MEMBER.

The SPEAKER. The gentleman from Iowa, Mr. HENRY VOLLMER, recently elected a Member of the House from the second Iowa district, is ready to take the oath. His credentials are in the Clerk's office. If there be no objection, he will be sworn in.

Mr. MANN. Reserving the right to object, I should like to have a statement——

The SPEAKER. The Chair states that his credentials are in the Clerk's office, and the Chair will have them sent for and read if the gentleman desires.

Mr. MANN. I would not object anyway, Mr. Speaker.

Mr. VOLLMER appeared at the bar of the House and took the oath of office.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Committee on Education was called.

ADULT ILLITERACY.

Mr. HUGHES of Georgia. Mr. Speaker, I call up the bill (H. R. 2494) to investigate illiteracy among the adult population of the United States and the means of eliminating or reducing the same, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. MANN. I think it ought to be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois objects, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Texas [Mr. GARNER] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 2494) to investigate illiteracy among the adult population of the United States and the means of eliminating or reducing the same. The Clerk will report the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate illiteracy among the adult population of the United States, and the means by which this illiteracy may be eliminated or reduced, and report to Congress, through the Secretary of the Interior, the results of his investigations; and he is hereby authorized, upon request or invitation, to advise and cooperate with school officials, teachers, and others in devising and putting into operation such plans as will give to illiterate men and women and to those of meager education an opportunity to learn to read and write and to supplement and extend their education.
>
> SEC. 2. That in carrying out the provisions of this act the Secretary of the Interior is hereby authorized to use, at his discretion, for the employment of field and clerical services and for the payment of necessary expenses such sums as may be appropriated for this purpose from time to time by Congress or contributed by individuals and societies; and he is hereby authorized to accept donations for this purpose from disinterested individuals and societies, all such donations and the disbursements thereof to be reported by him in his annual report to Congress.

Mr. HUGHES of Georgia. Mr. Chairman, this bill has had most careful consideration by the Committee on Education. After having that consideration it was favorably reported by the unanimous vote of the committee. I yield 15 minutes to the gentleman from Iowa [Mr. TOWNER], who is a member of the committee.

Mr. TOWNER. Mr. Chairman, this bill was introduced by the gentleman from South Carolina [Mr. LEVER]. I was selected by the committee to make a report upon it, and hence the chairman of the committee has yielded to me.

The power granted under the statute to the Bureau of Education and to its commissioner is exceedingly limited, being to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information.

It will be noticed from the reading of this bill that some additional power is conferred on the bureau and on the commissioner. The commissioner is authorized to advise and cooperate with school officials, teachers, and others in an organized and concerted effort to reduce, and as nearly as possible to eradicate, adult illiteracy in the United States.

Mr. MILLER. Will the gentleman yield for a question?

Mr. TOWNER. I am glad to yield.

Mr. MILLER. Is it intended by this bill, after the facts in relation to illiteracy are obtained, to provide a means for relieving that condition; in other words, for decreasing illiteracy in the United States?

Mr. TOWNER. As the gentleman is aware, the Bureau of Education can hardly do more than is contemplated by the language of this bill. It is for the purpose of correlating this work, if possible. There is already a movement started, and a very general effort about to be made for the purpose of eradicating adult illiteracy in the United States. As the gentleman is aware, the proportion of adult illiteracy in the United States is quite large, about 8 per cent, or much larger than in most of the other civilized nations of the world. France made a concerted effort of this kind under the direction of the national authorities, and in a very few years almost wiped out adult illiteracy in that country.

Mr. MILLER. That was the occasion of my inquiry. Of course, illiteracy can not be wiped out by legislation.

Mr. TOWNER. Oh, no; it is not expected to do that. This is only to enable the Department of Education to cooperate, and in a measure to take charge of and direct this work.

Mr. GOULDEN. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman from New York.

Mr. GOULDEN. The gentleman made the statement that France had reduced illiteracy from 45 per cent to 5 per cent. Will he tell us how long it took to accomplish that desirable end?

Mr. TOWNER. I can not.

Mr. GOULDEN. Has the gentleman any idea?

Mr. TOWNER. I think it was extended over a period of some years. However, the work was so remarkably effective that the result ought to be encouraging to us in this country.

Mr. GOULDEN. I agree with the gentleman that the bill is in the right direction if it can be put into successful execution.

Mr. TOWNER. In Kentucky an effort was made, which is referred to in the report, which is nothing less than marvelous in its effect. In one county, under the leadership of Mrs. Cora Wilson Stewart, the percentage of adult illiteracy in three years' time was reduced from 13 per cent to almost nothing. In a recent letter to the Commissioner of Education she says that there are only six adults unable to read and write in that county.

Mr. GOULDEN. Does that include the colored population?

Mr. TOWNER. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. TOWNER. With pleasure.

Mr. STAFFORD. Will the gentleman explain what the idea in mind is in the language "in devising and putting into operation such plans as will give to illiterate men and women," and so forth, "an opportunity to learn to read and write and supplement their education"?

Mr. TOWNER. Does the gentleman think the language is unwarranted?

Mr. STAFFORD. I am trying to ascertain from the gentleman what is intended to be covered in that scope of undertaking.

Mr. TOWNER. Certainly nothing more than I have already said; nothing more than would be proper for the Commissioner of Education to do; nothing more than might be done by advice and assistance in sending field workers into the field, by consultation and furnishing literature and matters of that sort.

Mr. STAFFORD. The gentleman is a distinguished lawyer, and I ask whether it would not permit the Commissioner of Education to send into the various districts field workers and teachers to assist in relieving the illiteracy of the States?

Mr. TOWNER. I think it would enable him, and the effect would be, to send field workers, not in the sense we understand it, but lecturers and those who might assist the local authorities in taking up and formulating the work.

Mr. STAFFORD. The language is broad enough to send teachers into the districts.

Mr. TOWNER. I think that is true, so far as the language is concerned, but I think the gentleman will agree with me that nothing of that kind would be contemplated. If the gentleman thinks that the language ought to be changed I am quite sure the committee would have no objection to changing it.

Mr. STAFFORD. I am merely seeking to ascertain the committee's intent in using the phraseology, whether or not the Commissioner of Education should have authority to send teachers into the respective States.

Mr. TOWNER. I think I am justified in saying that the committee did not so intend.

Mr. LAZARO. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman.

Mr. LAZARO. The gentleman stated that France had reduced the illiteracy among adults from 45 per cent to 5 per cent. I would like to know how this was accomplished, if the gentleman has the information.

Mr. TOWNER. I can not give the gentleman the details, but it was done by cooperative methods, in which the National Government bore a much larger part than we could be expected to do here. However, it was done by cooperation of the General Government with the local authorities, by school-teachers, and also by private assistance in the way of contributions to the fund.

Mr. LAZARO. I asked the question for information. I am a friend of the measure.

Mr. TOWNER. Mr. Chairman, let me say, further, in regard to the objection that was raised the other day by the gentleman from Indiana, who, I believe, is not present, that this bill would perhaps mean the expenditure of a large amount from the Treasury in carrying it out. I will say now what I could not say then, that the Commissioner of Education is asking, through the Appropriations Committee, for an appropriation of $10,000 to assist in the performance of this work. However, in that connection let me say, Mr. Chairman, that the Commissioner of Education will, if he is given authority to do this, carry on this work as far as possible, with or without the appropriation. He will be able to do a considerable amount contemplated by the bill in assisting in the work and advising, even without the appropriation; but, of course, it can be made much more effective with an appropriation.

It should be understood by Members that this bill does not carry an appropriation, as the work can be carried on even if an appropriation should not be secured.

Mr. MILLER. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. MILLER. I have no special criticism of an appropriation being made for the purpose of this act, although personally it seems to me that if there is a situation that should be left to the communities and States to correct this should be one of them. It may be conditions require the Government's attention, but it seems to me that if anything like a comprehensive scheme is to be promulgated to relieve illiteracy in the United States $10,000 would not be a marker, and that it would be useless to appropriate such a small sum.

Mr. TOWNER. Mr. Chairman, it is not contemplated that the Government shall enter extensively on this work. All of us understand that the work must be accomplished almost entirely by the States and local authorities. It is only for the purpose of stimulating this work, organizing it and assisting in it, that this bill gives some additional authority to the Commissioner of Education.

Mr. MILLER. I have been trying for two or three years to find out just what the Commissioner of Education could do and could not do, and I am frank to say I do not know and have not found anyone who does know. I am trying to find out what additional civic authority this bill is going to give him. I think he ought to have some additional authority, but does this give it?

Mr. TOWNER. He can advise and cooperate with the school officials.

Mr. MILLER. Can not he do that now?

Mr. TOWNER. No; I think not.

Mr. MILLER. If they should write to the Commissioner of Education for advice, would not he have the authority to give it to them?

Mr. TOWNER. I think that is true. But he does not feel authorized under his authority as given him by law to affirmatively take action in the assistance of this work.

Mr. MILLER. "Upon request or invitation." Does not the gentleman think it might be advisable to allow him some initiative in the matter?

Mr. TOWNER. That is what this bill attempts to do.

Mr. MILLER. It says:

He is hereby authorized upon request or invitation to advise and cooperate—

And so forth.

Does not that limit him to sitting in his office and waiting until some one asks him a question?

Mr. TOWNER. That language was put in the bill, as the gentleman will understand, to indicate that it was not the purpose and the intention of the department to enter the broad scheme of trying to effect this education of adults by the United States. It is merely for the purpose of cooperation with the local and State authorities in that way. There is a further authority given, by which this department is authorized to receive sums that may be given to it—contributions from associations and societies—and that language is put in there for the reason that the Commissioner of Education has been proffered donations by associations and individuals for the purpose of carrying on this work. It was suggested by the gentleman from Illinois the other day that there might be an objection to the language of the bill, if it should authorize the commissioner to solicit funds or to do anything in that way which might be considered as making the General Government a begging institution for the purpose of securing money to carry on this work. I will say in reply to that that I am authorized to say by the commissioner that nothing of that sort is contemplated. His position will be only that of accepting these funds if they shall be donated, and nothing more.

Mr. STAFFORD. Mr. Chairman, can the gentleman inform the committee whether these proffers have taken the form of actual donations, and what the amount has been?

Mr. TOWNER. I am unable to say. However, that is a matter that I regard as of so little consequence that if it should be deemed objectionable by the committee I would have no objection to its being eliminated.

Mr. MOORE. Mr. Chairman, I would like to be recognized.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORE. Mr. Chairman, will the gentleman from Iowa [Mr. TOWNER] be good enough to explain in my time why this investigation of illiteracy is to be confined solely to the adult population?

Mr. TOWNER. It is a distinctive movement of that sort, because our public-school facilities are expected to take care of the children of school age. This is to meet the proposition that we have no organized and adequate means for the education of adult population of the United States.

Mr. MOORE. The report refers to an experimental work conducted in Rowan County, Ky.

Mr. TOWNER. Yes.

Mr. MOORE. Solely amongst adults. It is the idea of the committee that this work should proceed along those lines throughout the country or in certain specified districts?

Mr. TOWNER. Mr. Chairman, I will say to the gentleman that the matter is very interesting if considered in all its aspects. I did not desire to take up the time of the committee to do that. Of course the conditions in Kentucky are such as pertain only to a rural community. There are some very interesting experiments being carried on of cooperative work. We have before the committee the testimony of some gentlemen who have been operating in connection with the employers of labor in cities. The employers of labor in cities are giving in some instances time to their employees, allowing them to have pay for the time, to attend a school for the purpose of acquiring at least enough education to read and write.

Mr. MOORE. How would this movement affect those States where compulsory education may not be enforced?

Mr. TOWNER. I think it would have probably no effect except a stimulating effect generally on educational work.

Mr. MOORE. In such instances would not the children go without that consideration the adults would receive in this movement?

Mr. TOWNER. Oh, I think not. I think certainly it would have no such effect. The probabilities are that any educational work along any lines has a stimulating effect on all educational work in all lines.

Mr. MOORE. In confining the work to adults, was it the assumption of the committee that the children were being taken care of in the public schools?

Mr. TOWNER. It was.

Mr. MOORE. Of course the gentleman is aware that there is a variety of schools for the education of children, some public schools, some parochial, and some other schools that are sectarian, and that we might not include all children in the advantages that are therein contemplated.

Mr. TOWNER. This bill contemplates only the adult population of the country—that is, the illiterates. Of course it might include those of school age to some extent, because all adult illiterates include those who are of 10 years of age and over, and many of them would be within school-age limits, but I do not think there will be any effort made under the provisions of this bill to do anything except to stimulate the work along the lines of the education of adult illiterates.

Mr. MOORE. The gentleman is familiar with the discussion had on this floor several weeks ago with regard to limiting the immigration into this country. The question of illiteracy was very freely discussed at that time, and it was charged that the foreigner brought with him illiteracy, and that therefore he ought to be barred, that he was in large proportion illiterate, and that his illiteracy affected the welfare of the United States.

This report, in which, I presume, the gentleman participated and perhaps prepared, indicates that the Federal census of 1910 shows that there were in the United States 5,516,163 persons 10 years of age and over who were unable to read or write, and that this was nearly 8 per cent of the population. Now, in view of what has taken place in regard to immigration this would be a very startling indictment against the educational facilities of the United States.

Mr. STAFFORD. Will the gentleman yield right there?

Mr. MOORE. I will.

Mr. STAFFORD. If the gentleman will read further he will find that that 5,516,000 included 1,300,000 colored persons who could not have immigrated to this country, and there were but 3,184,000 illiterate white persons 10 years of age and over unable to read, or only 5 per cent of the population. And if the gentleman will read still further down the report he will find there were but 2,273,000 of illiterate males of 21 years of age and over, even including colored people, so there can not be so many illiterate foreigners in this country, as the gentleman's first supposition would lead one to suppose.

Mr. MOORE. Quoting from the report—and I am very glad to have the authority of so distinguished a committee of the House on the subject—we find:

> That a country such as the United States should have such a proportion of her population wholly illiterate is a disgrace to the Nation.

Now, that is a very strong statement, and it is a very strong indictment against the educational facilities of the United States, if true; and it is not so much a reflection upon the men who come into the United States to better their condition here. I presume the gentleman stands by the statements in this report.

Mr. TOWNER. I think there is no question they are true. They are taken from the census report.

Mr. MOORE. Then, may I ask the gentleman whether this scheme committed to the Commissioner of Education might not be made to apply to the children of the United States as well as the adult population? I ask the question because on perusing the report of the committee, on page 3, taking Rowan County (Ky.) cases as an example, there appears that there were a great many native Americans, descendants of American families, who, up to 70 and 80 years of age, were unable to read and write. If such a condition prevails in any section of the country—and doubtless it prevails in many sections of the country—the question naturally arises, Why have such men and women lived here in ignorance so long, and why should they not have been taught in childhood to read and write?

Mr. TOWNER. Of course I could not answer the gentleman's question, and I think the question is impossible of being answered satisfactorily. That means really an indictment of the common-school system of the United States, at least to a certain extent. It is really a reflection upon the educational facilities of this country that so large a proportion of adult illiteracy exists, but now we are contemplating that the proportion of adult illiteracy is too great for this country to maintain, either with safety, honor, or dignity to itself. I think the gentleman will agree with the committee that if effort is made, if it shall not result in anything except that of stimulating activity, that such effort ought to be fostered and encouraged as far as we are able to do so.

Mr. MOORE. This bill does not contemplate doing anything more than to give the Commissioner of Education the right to proceed to teach adults to read and write, with a view to supplementing and extending their education. There is nothing more than a scholastic training contemplated here; no vocational training?

Mr. TOWNER. Oh, no.

Mr. MOORE. Mr. Chairman, I intend to support this measure, because the conditions set out in the report indicate a lamentable state of affairs regarding illiteracy in the United States. During the discussion of the immigration bill a few weeks ago it was asserted that the real objection to the immigrant was due to the fact that some of them could not read and write. It was also asserted time and time again in that discussion that the immigrant was less subject to the charge of

illiteracy, in proportion, than were certain native Americans. That is to say that while we have a common-school system and while we profess to take care of our children and to educate them in the way they should go, to properly equip them for the affairs of life, we had remaining in our country—amongst the natives, amongst those who were descendants of natives from almost the beginning of time—hundreds, thousands, yes, hundreds of thousands of children and of men and women long past the age of maturity who were still unable to read and write. Of course, this was a reflection upon the institutions of our country.

This report, however, indicates that there are as many as 5,516,163 persons officially ascertained by the census of 1910 to be unable to read and write, and these more than 5,000,000 people are upward of 10 years of age.

Now, the only regret I have is that such an unfortunate condition of affairs should exist in this land of the free, where we boast of our educational facilities. I am not going to point out the sections of country where this condition exists. It may exist in some proportion in all sections, and it is to be greatly regretted that it does. If it does exist, whatever we may do to remedy it ought to be done by Congress.

Mr. GOULDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. MOORE. Yes.

Mr. GOULDEN. The gentleman from Pennsylvania will recall, I am sure, that it was shown, when the immigration bill was under discussion, that the percentage of illiteracy was much less in the cities that received a large influx of immigrants than it was in many other sections of the country that received little or none of it.

Mr. MOORE. That is true.

Mr. GOULDEN. Showing, I think, Mr. Chairman, that either our school system was better or that the assertion that large numbers of ignorant immigrants come in here is not founded upon fact.

Mr. MOORE. That is undoubtedly true, and enables me to give point to what I desire to say before taking my seat, which is that the foreign-born child who comes into the United States, particularly of the Italian race or of the Jewish faith, comes under a certain degree of pressure which has not characterized the American child, certainly not the free-born American child of the mountains or of the country, far removed from the attractions of the city. The Jewish child, for instance, who comes into this country, comes here as the result, very largely, of a feeling of oppression. It is very much the same with the Italian child. They both come in a spirit of hopefulness and expectation. They come with limited facilities, and certainly with limited education; but the moment they arrive—at least it has been so in the vicinity that I represent in Congress—the moment they arrive they determine that they will improve their God-given opportunities in conformity with the laws of the United States. And thus they begin a course of study, taking advantage of the public schools and the other schools that are provided either from the public purse or by private philanthropy. They seek at once to learn, and they stick tenaciously to their studies, because the opportunities were denied them in the old country.

Take the unfortunate Jew who comes out of Russia or Roumania, where no legal rights of any consequence are accorded to him at all, where he can obtain an education only under very great difficulty and hardship. As soon as he enters this country with its boasted liberty, with its free-school institutions, he begins to burn the midnight oil. He seizes the opportunities which unfortunately, perhaps, the 5,000,000 of illiterates in the United States have failed to attain, and taking advantage of every chance to improve his condition he makes an excellent scholar. He has no time to lose.

I will not point out any particular college or university, but I think it is easily possible to call them by name, where a very large percentage, and in some instances, perhaps, the greater percentage, of those who matriculate are of foreign birth or immediate extraction. The Jewish student is one of very great aptitude in the universities in the East.

Mr. COOPER. In that connection I would like to ask the gentleman if he has ever read that wonderful book by that young Jewish woman, Mary Antin, entitled "The Promised Land"?

Mr. MOORE. I have read it.

Mr. COOPER. Everybody in the House ought to read it.

Mr. MOORE. And it clearly illustrates the ambition and hope of the downtrodden the moment they arrive in the United States. Why, in contests of educational supremacy in the public schools and in the universities cases can be cited without number where the boy or the girl coming in from Russia or Roumania has but one thought in mind, and that to worthily succeed, to win, to achieve. Now, we proposed recently to bar such as these from the United States.

Mr. GOULDEN. Will the gentleman yield again?

Mr. MOORE. I will.

Mr. GOULDEN. The gentleman, coming from the great and prosperous city of Philadelphia, is, of course, aware of the fact that evening schools are maintained in all the large cities. That is particularly true of the city of New York, which I have the honor to represent here in part. We furnish the evening schools, and those schools are patronized almost entirely by foreigners whose ages range from 16 to 60. I have visited them frequently as an official, and have found that 95 per cent of the pupils were composed of foreign immigrants desirous of learning how to read and write. In fact, that is one of the purposes of these evening schools, and they are furnished in as large a number as is found necessary, and the immigrants are thereby securing an education to fit themselves for citizenship; and I think this illiteracy test would not apply nearly so closely to the foreigners, to those who have immigrated here from all parts of Europe, as to those of native birth. The gentleman from Pennsylvania, like myself, opposed the literacy test in the recent immigration bill principally for this reason, believing it unnecessary and not to the best interests of the country.

Mr. MOORE. It surely would not; and the conditions which the gentleman has described as prevailing in his district are very similar to those that prevail in my district and in the districts of other gentlemen who represent the same city.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MOORE. Yes.

Mr. BUCHANAN of Illinois. A recent report of an investigation of the steel industry showed that the workingmen there were working about 12 hours a day about 365 days in the year, and that a large percentage of those were foreigners. Does the gentleman think they had an opportunity to take advantage of the schools that the gentleman is so ably advocating?

Mr. MOORE. If the gentleman will take the testimony of Mr. Morrison, the secretary of the American Federation of Labor, as he delivered it before the Committee on Immigration and Naturalization and as I quoted it in a speech which is to be found in the CONGRESSIONAL RECORD, he will find that the larger percentage of the men who are organized in the mining industry are of foreign birth, and that there is absolutely no complaint with regard to their noneducation or their foreign birth so long as they are organized and in the union.

Mr. BUCHANAN of Illinois. I was not speaking of the organized; I was speaking of the unorganized workingmen in the steel industry. The Steel Trust does not permit them to organize.

Mr. MOORE. If they are organized they are the best on earth; but if they are unorganized they are different.

Mr. BUCHANAN of Illinois. If they are working 12 hours a day, 365 days in the year, what opportunity have they to become educated?

Mr. MOORE. I was just explaining to the gentleman, and the gentleman from New York [Mr. GOULDEN] also just stated that they were burning the midnight oil in order to acquire an education. They do it with very great credit to themselves.

I would like to say to the gentleman, quoting his distinguished friend the secretary of the American Federation of Labor, that he comments on the wages paid to the foreign born. If the gentleman will take the testimony of Mr. Morrison, the secretary of the American Federation of Labor, in regard to the garment workers of the United States, he will find that there are about 200,000 who are organized and affiliated with the American Federation of Labor, and that the greatest proportion of them are foreign born. On the east side in New York they obtain wages equal to $25 a week, and more or less than that, but usually round about that figure, and that when organized they are all right.

Mr. BUCHANAN of Illinois. Our opinions are not in conflict in regard to organized labor. Organized labor has favored the restriction of immigration. I am against the admission of those foreigners who are brought in here to keep down the price of wages here. There is no doubt but that organized labor has done much to educate the workingman.

Mr. MOORE. In the mines, when unorganized, they get $1.87, as against $2.56 when organized. Hence the $1.87 man is not popular in the union. The foreigner who gets $2.56 in the mines is just as popular in the mines as any other man. I do

not contend with the gentleman, nor with Mr. Morrison, nor with the American Federation of Labor for taking this viewpoint. It is their business to organize the workers. It is their mission to bring the workers together and draw them into the union. But I say they do not find fault with the worker at all, whether native born or foreign born, if he operates at the wage scale fixed by the union.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. TOWNSEND. A moment ago, in a colloquy with the gentleman from Illinois [Mr. BUCHANAN], the gentleman used the word "education" as synonymous with the word "literacy." Does not the gentleman think there are many kinds of education that have nothing to do with literacy—skillful handiwork of all kinds that is not dependent at all on literacy?

Mr. MOORE. I am glad the gentleman asked that question. In answer to my inquiry, the gentleman from Iowa [Mr. TOWNER] indicated that this bill did not contemplate anything more than scholastic education. It had no reference to vocational education or the use of the hands in the trades. I would very much like to see vocational education provided for in this bill. Here is an old woman down in Rowan County, Ky., 70 years of age, who after eight nights' study was able to write a legible letter in consequence of the educational work conducted there. She was able to write letters. That was an excellent thing, but I do not know whether she lived on to be 70 years of age without operating at some time or another in the useful art of kneading bread; possibly she did some baking for some one in her family, which was an excellent thing to do.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Certainly.

Mr. TOWNER. I will say to the gentleman that the Committee on Education will certainly be glad to assist, and are endeavoring to assist in every possible way they can, in the work of vocational education throughout the United States. We have already, as the gentleman knows, passed a bill to provide a commission for the purpose of taking that very matter up and reporting, if possible, and as soon as possible, a plan whereby national aid can be granted in vocational education. The gentleman may rest assured that the committee will favor that by every possible method.

Mr. MOORE. As I understand, the difficulty in the particular measure now before us is that it does not carry an appropriation that will make effective the fine work that is put in the hands of the Commissioner of Education, but permits him only to receive contributions from people kindly disposed toward education, which he may utilize at his discretion.

Mr. TOWNER. The commissioner has asked for an appropriation of $10,000, not in this bill but in a bill for the support of the bureau.

Mr. MOORE. That question was raised when the other bill was before the House sometime ago, and I understood it was explained then that no appropriation was to be carried in the bill. Subsequently I read in the newspapers that the commissioner intended to ask for some money, and that he has since asked for it in another bill.

Mr. TOWNER. The gentleman is correct.

Mr. MOORE. Now, in regard to these people who come in from foreign shores, and whom this House decided a few weeks ago to bar forever from the United States because they could not read, and with reference to whom these particular illustrations have been cited by the gentleman from New York [Mr. GOULDEN], I want to say that there is no more commendable thing than the efforts of these Jewish boys and girls in the ghetto, or in the vicinity of it, after the work of the day is done, sitting down with their books and digging into the tomes for information which the American youth does not sometimes have time to seek for.

They want to know about the things they have heard of. They want to be able to read and to master the situation. They want to understand our laws. And so, answering again the gentleman from Illinois [Mr. BUCHANAN], I say they can be found in my district steadily and earnestly burning the midnight oil to acquire information and knowledge, with the result that in competition with our own native youth they go forward into the universities and colleges and prove after all to be useful in occupations and amongst the best of our scholars. I question whether in the course of my whole life I have ever seen a Jewish boy or girl or man or woman asking for alms upon the street. Yet I have seen people of other nationalities, and a little more frequently during the last two or three months, perhaps, than at any time previous during the last 10 years. The poor of the Jewish faith do not beg. They seem to know how to acquire a livelihood by their own labor, knowledge, and skill without asking favors of anyone else. To be sure, there are special organizations looking out for whatever may be required in the way of charity amongst the unfortunate, the poor, and the distressed, but as for begging on the street, that is practically unknown among the Jewish race.

Again, with these foreign-born boys and girls seeking information as they do, breaking out through the long centuries of ignorance and oppression endured by their forefathers in foreign lands, we have contrasted more than 5,000,000 men and women, largely native born to the United States, who can not read or write. I would again refer the gentleman from Illinois [Mr. BUCHANAN], who speaks so strongly in this House in the interest of organized labor, to the testimony of the secretary of the American Federation, Mr. Morrison, in reference to the question of organization in certain of our States where much of the native illiteracy is supposed to prevail. Organization is not very effective there. Organization of labor is not very effective in the mountains or in the South. Only where there are great industries, only where there is great activity, is there an opportunity for the organizer of labor to succeed. I make no reference to any special State, but recently an investigator of the Marine Hospital Service returned from an inquiry in the mountain district not far south of us, and it developed as a result of a conversation with him—and I assume that his report will soon be made public—that in that region, where the old Anglo-Saxon race has held its own for two centuries, where the people still use the expressions of the Shakespearean era, there is perhaps more poverty and illiteracy than is to be found in any one of the congested centers of the country where the foreign population is predominant. I found in conversation with this official of the Government that that disease for which we turn back hundreds and almost thousands of immigrants yearly, trachoma, an infectious disease of the eye, is prevalent amongst the native whites, and that it was probably due to a lack of personal care as well as of education upon the subject. Such a condition does not prevail even among the Hindu race, which, if the testimony of one of its leading representatives before the Committee on Immigration and Naturalization be true, at least has the merit of requiring a cleansing of the body every morning. Now, it is a reflection upon the native American, it is a reflection upon our boasted institutions of which we are all so proud, it is a reflection upon any State that tolerates it, that there should be even a proportion to the forty-eighth degree of 5,300,000 illiterate adult persons largely native to the United States. What have we been doing to help our own people since the days of George Washington, whose birthday we celebrated so gloriously here at the beginning of this week? What have we been doing to improve conditions in the region inhabited almost entirely by the Anglo-Saxon in the United States?

Mr. STAFFORD. Will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Does the gentleman mean to say that it was a proper manifestation of our reverence for the Father of his Country that on his birthday, without in any way referring to the fact that it was his birthday, we spent four and one-half hours in this Chamber on a local paving bill? Is that what the gentleman considers a proper glorification of the birthday of the Father of his Country.

Mr. MOORE. The gentleman forces me from the sublime to the ridiculous when he puts the education of the 90,000,000 people of our country in juxtaposition with the question of paving sidewalks in the city of Washington. It is true that in this House we devote a great deal of time to the small things, at a tremendous cost to the people of the United States, while we devote very little time to questions of vital interest, of which this is an example—the education and uplift, the hope and encouragement of more than 5,300,000 men and women whom we now discover are unable to read and write.

I do not propose to pursue this question further, except to say to those who have been standing here like adamant in defense of our Anglo-Saxon institutions, who have been insisting that we should bar from our shores the "scum" of the earth and that we should wield the sword of the Goddess of Liberty to protect ourselves against the outcast, should give some little consideration to these unfortunates of our own native-born population, whom we now learn have been denied the beneficent influences of our own educational institutions. We should help them if we can.

Mr. Chairman, let us take up this question of the education of the illiterate people of the United States. Let us consider the welfare of the five and one-half million people whom we have thus far ignored. And while we are doing that, in the spirit of the uplift, in the spirit of Him who was Master of us all, let us also not forget that if the unfortunate coming from a foreign land who seeks an opportunity here is willing to avail himself of the facilities afforded by this country, and will make

himself a useful citizen, he is not to be despised, but shall receive at least some consideration at our hands. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TOWNSEND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7951) to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Georgia, Mr. ROBINSON, and Mr. BRADY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

The message also announced that the President had approved and signed joint resolution and bills of the following titles:

S. J. Res. 110. Joint resolution authorizing the President to accept an invitation to participate in an International Commission of Phytopathology;

S. 3439. An act appropriating funds for the purpose of the investigation, treatment, and eradication of hog cholera and dourine; and

S. 1294. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia.

ADULT ILLITERACY.

The committee resumed its session.

Mr. HUGHES of Georgia. I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, the authority of the Commissioner of Education is limited largely to advice and suggestion. In my opinion, this bill will greatly help the condition of illiteracy in this country, for two reasons. In the first place, the very moment that you concentrate the attention of the people of the country upon the fact that we have 5,000,000 illiterates, and create discussion and investigation, you will improve the conditions. If the bill does nothing more than to concentrate the attention of the country upon this situation, it will be helpful. It does not authorize the Commissioner of Education to take any initiative, to interfere in any way with any of the States; it merely calls upon him for suggestions when invited.

In the second place, the bill will be helpful if it will give any new opportunity or new encouragement to the Commissioner of Education. I think the Members of this House know that within the past few years some pamphlets have been published by the Commissioner of Education that would be valuable to all the people of the country sections; and yet when you write for several copies of this pamphlet for constituents you are sent the enormous number of 12 for the whole district.

It is not the fault of the commissioner or the Department of the Interior; it is the lack of support. If this bill will create some new responsibility which will result in giving the Commissioner of Education more money with which to perform the functions of his important office, it will have rendered great service to the country. I believe those who have thought about this matter will agree that this Congress should either equip the Commissioner of Education with the means of doing his work or the Bureau of Education should be abolished. The commissioner is handicapped and helpless in his efforts to uplift the educational conditions of the country, for which there is now unusual demand.

Another thing, in this report you will note certain States are mentioned which have the highest percentage of illiteracy, and my own State is one. It will be helpful to the whole country if this investigation by the commissioner will bring the facts to the attention of the country as to what nationality, what race, occupies certain conditions with reference to illiteracy. In other words, I think it would be valuable to the country and fair to the States if the investigation should bring the attention of Congress to the relative rank of illiteracy among the different races. It would be proper. The white people of my State rank with any other in the country in intelligence and education; and yet, by the presence of a large negro population, we are rated very low in the scale of literacy or high in illiteracy. This is not a fair or correct record.

I will say that in my opinion there has been no bill before this House for a long time that will mean more for the general uplift of the people that have been described by the gentleman from Pennsylvania.

Another thing, it would be a mighty good thing for the whole country to have the facts presented by the gentleman who speaks of burning the midnight oil in his district. The commissioner would have an opportunity to go and find this information and spread it over the land and create a spirit of emulation and fire the hearts of those who are now discouraged. I hope the bill will pass without an opposing vote. [Applause.]

Mr. MANN. Mr. Chairman, there are two new and startling propositions in this bill, and I think it is proper to call the attention of the House to what they are. There has been very little reference to these propositions as yet. In the first place, the bill provides—

that the Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate illiteracy among the adult population of the United States, and the means by which this illiteracy may be eliminated or reduced, and report to Congress.

That is a matter of making recommendations, which, I take it, the commissioner already has the authority to do, unless it contemplates doing the census work over again, which I assume it does not. Then the bill goes on:

And he is hereby authorized, upon request or invitation, to advise and cooperate with school officials, teachers, and others in devising and putting into operation such plans as will give to illiterate men and women and to those of meager education an opportunity to learn to read and write and to supplement and extend their education.

There can be but one meaning to this proposition, and that is that the Government shall aid in the school work of teaching illiterates not only how to read and write, but otherwise "supplement and extend their education." It has always been the policy of the people of this country that the common-school education should be secured through the States, not through the National Government. What can be the possible purpose of providing in the bill that the Commissioner of Education shall put into operation such plans as will give the illiterate men and women an opportunity to secure an education? Even if it went no further, if the bill stopped there, it would be an authorization of a national appropriation for the purpose of helping to maintain schools for the benefit of the illiterate adults. It would be taking the place of the common school. We have passed a bill for the practical education of farmers; we are doing the work. We may pass a bill to aid in vocational education, but I question the desirability of Congress proceeding, through the aid of the National Treasury, in providing the people with common-school education. If we start upon that, saying we will maintain schools or help to maintain schools, common schools, for the illiterate adult, we can not stop there. We will have to proceed further along the same lines. While my distinguished friend from Iowa [Mr. TOWNER] rather had the notion, as I should judge, that that was not the intention of the bill, it is what that provision of the bill says, and it goes much further in the next section, because it provides not only for appropriation but for starting out the Commissioner of Education upon a big tour of getting the money for this purpose.

Section 2 provides:

That the Secretary of the Interior is hereby authorized to use at his discretion for the employment of field and clerical services, and for the payment of necessary expenses, such sums as may be appropriated for this purpose from time to time by Congress.

Here is an express provision that the Commissioner of Education shall aid in putting into operation plans to teach illiterates, and the provision that Congress may appropriate money for this purpose, which shall be applied by the Secretary. I do not believe that the time has arrived when the National Government, in addition to the scope of its present authority extending in almost every direction, shall include within the scope of that authority common-school education. I think if there is any one thing that can and ought to be left to the States it is the question of the control of the common schools and common-school education. [Applause.]

There is another provision of the bill which I decidedly take exception to. Almost for the first time, in my experience at least, it is proposed to confer upon an official of the Government the official authority to go out and beg for funds. And if this bill shall be passed the Commissioner of Education will be putting in a considerable portion of his time and the work of his office begging Rockefeller and Carnegie and other wealthy men to furnish funds for an enterprise which, if it shall be entered upon at all, we ought to furnish funds for out of the National Treasury. I am not in favor of giving to some officer of the Government official authority to go begging for the benefit of the National Government. The bill provides not only that the Secretary of the Interior shall use for the purpose indicated in the bill—which is the education of illiterates—the

money appropriated for that purpose, but also the money contributed by individuals and societies.

He is hereby authorized to accept donations for this purpose from disinterested individuals and societies.

Disinterested individuals and societies! I apprehend that means everybody or nobody. In a way everyone is interested in education, and no one is disinterested unless you apply it to everyone. So that here is a license—not merely a license, but official authority for the Commissioner of Education to organize an office for the purpose of begging money to be donated for the uses of the United States in place of Treasury appropriations. We might just as well give to all of the officials of the Government the right to go out and beg money for various purposes. There is no more reason for begging money for this purpose than there is reason for begging money for a thousand other purposes for which the Government appropriates money. Under the law we do not permit officials to accept money. That is a good law. We ought to maintain the law. I am not in favor of organizing any bureau of the Government for the purpose of soliciting private funds for governmental functions. If we should educate these illiterates through the National Government, we ought to pay the bills ourselves. Who will propose that we beg money to maintain the Army or the Navy; that we beg money for any of the other purposes for which money is appropriated? There are a great many people who could be induced, through proper solicitation, to donate money to the Government for various purposes. If we ought to do the work, this country ought to be and I believe is big enough and strong enough to pay its own bills, and we should not place the Government under obligations to any private individual, who may, perhaps, in the donation of his funds attempt to indicate the direction in which they shall be applied, so as to control the education which may be given. Private individuals can donate their funds to private corporations and institutions. There is no reason why we should permit them to donate funds for governmental functions.

I note in the report on this bill something I would like to have very carefully vouched for, although I do not in any way doubt the authority of the distinguished committee which made the report. The committee in its report pays a very deserved tribute to Mrs. Stewart, of Rowan County, Ky., for the work that she has done toward teaching illiterates how to read and write; but if it can be done as easily as the committee would indicate, then illiteracy ought soon to be abolished. Here is a serious statement made in a serious report:

The experiment in Kentucky showed that in most cases an adult could learn to read and write in a month. One man, aged 30, after four lessons in the evening school, wrote the superintendent a legible letter. Another man, aged 70, wrote a legible letter after seven nights. A woman, aged 70, wrote a legible letter after eight nights of study. In most cases a few weeks' attendance at the night schools was sufficient to enable the adult pupils to pass over the dark line of illiteracy and into the class of literates.

While the statement is not directly made, yet the inference is conveyed that illiterates—those who have never learned to read and write—can, after four nights, learn to write a legible letter. Utterly absurd! If they have such remarkable characters in Rowan County, Ky., that in four nights or eight nights, knowing theretofore nothing of how to read or write, they are able to write good letters, then we ought to resign our places on the floor of this House and invite those people to legislate for the country.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. DIES. If the report about which the gentleman is just now speaking is true, that would remove to a large extent, would it not, the objections to the literacy test in the Burnett immigration bill?

Mr. MANN. It certainly would. There would be no objection. All you would have to do, if this is true, would be to detain immigrants for eight days when they came to the country and teach them how to read and write. [Laughter.]

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. McKENZIE. I agree fully with everything that my colleague has said, and I assume that he has investigated this matter very thoroughly.

Mr. MANN. That is a rather violent assumption.

Mr. McKENZIE. I would like to ask him, before taking his seat, to state whence comes the demand for this legislation, if he knows?

Mr. MANN. Oh, I think everyone knows where the demand for this legislation comes from. It comes from the Commissioner of Education, who is a very live wire, a very active man, who finds himself in an office where there is not very much to do and who naturally wants to increase his authority. The Commissioner of Education now, under existing law, has his main duties in conducting reindeer stations, and such things as that, in Alaska. Very naturally he desires to have more authority. That is the case of nearly every official of the Government, but there is no reason why Congress should depart from the policy of the Government, since the Government began, and undertake to do things that are entirely contrary to everything we have done before—namely, first, to maintain common schools, and, second, to beg for funds for governmental functions. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 6, 1914:

H. R. 9317. An act to regulate the payment of postal money orders.

On February 10, 1914:

H. R. 10084. An act to authorize the changing of the names of the steamships *Buckman* and *Watson;* and

H. R. 9574. An act to authorize the Missouri, Kansas & Texas Railway Co. to construct a bridge across the Mississippi River near the city of Hannibal, in the State of Missouri.

On February 16, 1914:

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania; and

H. R. 8667. An act to promote the efficiency of the Naval Militia, and for other purposes.

On February 20, 1914:

H. R. 9848. An act for the relief of the New England Steamship Co.

On February 23, 1914:

H. R. 11283. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

On February 25, 1914:

H. R. 11325. An act to authorize the reconstruction of the existing toll bridge across the Hudson River at Troy, in the State of New York, and the maintenance of the bridge so reconstructed.

ADULT ILLITERACY.

The committee resumed its session.

Mr. TOWNER. Mr. Chairman, we are all of us indebted to the gentleman from Illinois [Mr. MANN] for most careful and acute examination of bills that are presented to this House. In that regard I am quite sure Members on both sides of the House will agree that the gentleman from Illinois renders invaluable service to this House and to the country. It may be that in a measure his extremely critical suggestions regarding this bill are justified. However, in large measure, I am very sure that they are not. The gentleman, in the first place, says that this bill authorizes the Commissioner of Education and the Bureau of Education to embark in the cause of education, and says that this phrase "put into operation" these schemes is to be given by this language to the Commissioner of Education. If gentlemen will examine the bill, they will see that there is no such language as that in the bill. The language of the bill is that he is authorized, upon request or invitation, to advise with school officials, teachers, and others in devising and putting into operation. It is not expected that he will do more than this. The bill very carefully guards against it by saying that he will only advise and assist upon requests from school officials and others who are engaged in this work. It seems to me that that is a sufficient answer to that particular criticism of the gentleman from Illinois. The gentleman from Illinois then makes the criticism that this bill authorizes and, indeed, empowers the Commissioner of Education to go out and solicit funds. There is no such language in the bill, and there is nothing that implies it. Of course the gentleman knows that the Commissioner of Education has nothing of that sort in mind or in view. He is only authorized to receive contributions, not to solicit them. Because the Commissioner of Education is authorized to receive voluntary contributions does not even imply that he will solicit funds.

Mr. DYER. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. DYER. Can the gentleman state to the committee whether such a provision has ever been enacted in any form?

Mr. TOWNER. I am unable to state. So far as I am concerned, I would not care very much whether that language remained in the bill or not. I am not altogether satisfied that it would be the best thing to do to allow it to remain.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. FITZGERALD. Does the gentleman believe it a matter of wise governmental policy that any work to be done by governmental function should be dependent upon or should be paid for by voluntary contributions of outsiders? If this work is to be done, should it not be done at governmental expense?

Mr. TOWNER. I certainly think the gentleman is entirely correct about that. That is not the question here. The question involved is this. This is work in which charitably inclined individuals would be interested. Now, would it be any embarrassment to the work of the Government if it should receive and be be authorized to use in the prosecution of this work these voluntary contributions?

Mr. FITZGERALD. I think it would, if the gentleman will permit me, for this reason: Whatever service needs to be performed by any governmental function should be regulated, determined, and controlled by the Congress. If some Government officer is authorized to receive contributions from private sources and to regulate and conduct his work by contributions obtained from other sources, then the control of the work is taken from out of the Congress and placed in him and private individuals.

If it is not a governmental function it should not be paid for out of the Government Treasury, then no Government official should be permitted to perform work which is desirable from the standpoint of some individual who is willing to pay for it. Whatever is proper for a governmental function ought to be paid for out of Government funds.

Mr. TOWNER. I will say to the gentleman I am not at all sure but what the gentleman is right in that matter. Of course that language can be eliminated from the bill without in any way affecting the result we desire to obtain.

Mr. COOPER. Will the gentleman permit a question?

Mr. TOWNER. Certainly.

Mr. COOPER. I desire to ask the gentleman whether the proposition in the bill differs in principle from that embodied in a certain act of Congress appropriating several thousand dollars, which money, together with the various amounts appropriated by the Republics of South and of Central America and with the large sum of $750,000 donated by Mr. Andrew Carnegie, made the fund which constructed the Pan American Building in this city? Why did not the Government of the United States stand on its dignity then and put up the building or have the other Governments do it and refuse to contribute a cent to a fund consisting in large part of the contribution of a private individual?

Mr. TOWNER. So far as I am concerned, I am unable to answer the question. I will turn that over to the gentleman from New York.

Mr. FITZGERALD. I can answer it very easily when I have the time.

Mr. TOWNSEND. Will the gentleman permit a question?

Mr. TOWNER. Certainly.

Mr. TOWNSEND. Before the gentleman takes his seat I would like to have him explain a little of the effect of this particular stress on literacy developed by this bill and the Burnett bill. It seems to have been the observation, it has been mine, that some of the highly educated men I have encountered were illiterate; some of the most usefully educated men I have met and observed were illiterate. Now, the trend seems to be here in all recent legislation to ignore the value of other education and emphasize only the value of education in letters, and if the gentleman will expose his views on that question it will relieve my suspicion that I may vote against the bill.

Mr. TOWNER. Well, I am very sure I would go very far in order to secure the support of the gentleman from New Jersey.

Let me say this, that I entirely agree with the gentleman that literacy is only a part of the education of any man, woman, or child. Let me say further, that the committee will do everything it can in the furtherance of the movement now in existence, which is world-wide in extent, toward vocational education. I hope to see a system of vocational education established in this country as is now in vogue in our public-school system, so that all the youth of the United States may at least have the opportunity to become educated not only through the brain but also through the eye and the hands, and become good workmen as well as good thinkers. I am very sure that this is not designed to discredit or disprove that line of work. The committee will be glad to cooperate in bringing about, as effectively as possible and as soon as possible, legislation that will assist on those lines.

I wanted to say in regard to the further criticism of the gentleman from Illinois [Mr. MANN], regarding the work in Kentucky, that I am quite sure if he had a wider knowledge of the facts he would hardly discredit it. He seems to discredit the statement that a man aged 70 wrote a legible letter after seven nights' work; that a woman aged 70 wrote a legible letter after eight nights of study. The gentleman is inclined to be facetious regarding those statements and to say if that is the case anybody under any circumstances can very easily acquire an education. Those, of course, are exceptional instances. Let me say to the gentleman from Illinois and the committee, however, that those cases are vouched for and are unquestionably true. If the gentleman, however, had gone further he would have seen this statement:

> In most cases a few weeks' attendance at the night schools was sufficient to enable the adult pupils to pass over the dark line of illiteracy and into the class of literates.

And that is literally true, as the sworn evidence before the committee unquestionably shows. I think we do not realize, all of us, how really easy it is for the adult who is intelligent to pass from the line of illiteracy to literacy, and to learn to read and write. That does not mean to learn to read Shakespeare's tragedies and to understand them. It does mean to learn to read the simplest and easiest of printed matter. When we say that they learn to write it does not mean that they shall become skillful penmen, but it does mean that they shall be able to formulate in writing the letters, and, with great care, perhaps, and much time, write a little so that it can be read by others. These things can be accomplished in a comparatively short time. They have been accomplished under circumstances about which there can be no question, and that is the encouraging thing about it. When an entire county—Rowan County, Ky.—with 13 per cent of illiteracy, can virtually wipe it out in three years' time, then in this country we ought to be able to pass over the dark lines of illiteracy which are a disgrace to us and make us a literate Nation.

Mr. DIES. Mr. Chairman, I would like to ask my friend from Iowa what, in his judgment, would be the good to the Government in the wiping out of the kind of illiteracy of which he is speaking? What good would result to the body politic from the eradication of that kind of illiteracy now under discussion?

Mr. TOWNER. I hardly think the gentleman from Texas would desire me to defend the necessity of an educated citizenship rather than an ignorant one, or an educated and intelligent electorate rather than an ignorant one. All of this is involved in that. When a man learns to read it opens the door of knowledge. He can then read the newspapers and become more intelligently able to perform his duties as a citizen and as a voter. I am sure the gentleman does not mean to discourage education. We have come to think in this country not that it is everything, but that it opens the door to everything; not that in itself it is a thing desirable, but that it leads to almost everything that is desirable, and it is absolutely essential for the purposes of an intelligent performance of the duties of an American citizen.

Mr. DIES. In that I quite agree with the gentleman from Iowa. I only wanted to ask him if he did not think a very good way to begin the treatment of illiteracy is to cease importing illiterates into this country?

Mr. TOWNER. Well, I am not in favor of the literacy test, I will say to the gentleman, but I do not think that is involved in this question. Whether or not they are allowed to come to this country we have already a pretty large burden on our hands. More than five millions of them are here already, and I will say to the gentleman that not a very large proportion of them are foreign, either.

Mr. DIES. Mr. Chairman, if my friend from Iowa thinks that the illiteracy we now have is dangerous to free institutions, how can he reconcile his desire to import it at the rate of 200,000 or 300,000 a year in addition to that which we now have?

Mr. TOWNER. I refuse to consider another question now. But I will only say, in passing, this: If, as is shown here, it is such an easy matter with organized effort to educate the foreigner after he comes to this country, even if he is an adult foreigner, it certainly seems to me it is not a very dangerous thing for him to come. The question is so wide-reaching in its scope that I do not desire to enter upon a discussion of it at this time.

Mr. GOULDEN. The cases as stated in the report that occurred in Rowan County, Ky., I do not think the gentleman would claim could be regarded as an established rule in the education of adults who could not read or write. He certainly would not claim that that was a rule that could apply generally to all illiterates, would he?

Mr. TOWNER. I do not think I quite understand the gentleman.

Mr. GOULDEN. I am referring to the claim made in this report as to the cases of three persons who in from four to eight lessons learned to read and write.

Mr. TOWNER. Those are exceptional cases.

Mr. GOULDEN. They are unquestionably exceptional cases.

Mr. TOWNER. But they are sufficiently remarkable to be encouraging. I think the gentleman will agree.

Mr. GOULDEN. I want to state to the gentleman that, in common with many others on the floor, it has been my good fortune to have been a teacher and a school official, and I want to say that the cases mentioned in the report are extraordinary ones. I have never in my experience known anything like them. They must have exceptionally bright people in Rowan County, Ky. But if the gentleman will pardon me, I think the sum and substance of the committee's report in favor of the measure, it seems to me, appears on page 4, where it says:

> The national bureau can map out the dark territory and stimulate there a desire for self-help. It can advise as to methods and formulate plans for the campaign. It can receive and distribute funds for the work.

It seems to me that covers everything claimed by the committee, and it ought to call for favorable action on this bill. It is simply permissive, and does not give authority to the commissioner to initiate proceedings. He can do nothing except when requested.

Mr. TOWNER. Especially do I think I am justified in saying for the committee that it is no intention of the committee or of the author of the bill or of the Commissioner of Education to in any way interfere with the work of the common schools. It has nothing to do with the general system of education.

I agree as thoroughly as the gentleman does that the public-school system is a State matter and should be under State control. Happily, this is a way or method by which I am quite sure the work of the common school, especially in such rural districts as Rowan County, Ky., which has been referred to, can be largely stimulated and encouraged. There, it will be remembered, Mrs. Stewart was the superintendent of schools in the county. It should be remembered that she called for the voluntary assistance of her teachers; that every one of those teachers responded; and that they gave their services voluntarily to these moonlight schools. It was a work that not only helped the people who received the benefit directly from it, but it also stimulated the county school system. There can be no educational work of this sort on one educational line that will not help all.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNER. Certainly.

Mr. McKENZIE. Mr. Chairman, I have been reading this bill and looking it over. Of course there would not be any power under this bill to compel any of the illiterates to come in and take advantage of this law if it were enacted?

Mr. TOWNER. Certainly not.

Mr. McKENZIE. Now, is it not a fact that the people whom you are trying to reach under this bill now enjoy opportunities if they would only improve those opportunities?

Mr. TOWNER. No. I will say to the gentleman it certainly is not true. There are very few opportunities for the adult population of the country to acquire an education, even to learn to read and write.

Mr. McKENZIE. If they really were desirous of obtaining an education, does not the gentleman think that the facilities are now furnished by all the States whereby they could obtain this very common education?

Mr. TOWNER. Of course, if they really desired; but this work has to be largely stimulated and encouraged.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNER. Yes; I yield to the gentleman from Michigan.

Mr. J. M. C. SMITH. I would like to inquire where the United States stands now? It appears that the desire is to accomplish a concerted amount of nation-wide action, which will place the United States where it belongs. I would like to inquire what position the United States now occupies in education among the nations of the earth?

Mr. TOWNER. I do not know what the relative rank of the United States is. I think the percentage of illiteracy in this country is very large as compared with that of the other civilized nations of the world; large as compared with that of England, and as compared with that of Germany, and as compared with that of France.

Mr. J. M. C. SMITH. There do not appear to be any statistics here in the report.

Mr. TOWNER. No.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. With pleasure.

Mr. MADDEN. I suppose the gentleman is aware of the fact that in nearly all the great centers night schools are held under the direction of the board of education, to which all adults who choose to go may go without any charge. Now would this law, if enacted, add to the opportunities that are already provided?

Mr. TOWNER. I will say to the gentleman that the evidence before the committee is that that is not by any means as extensive as the gentleman seems to think. The opportunity is not nearly so widespread as is the amount of illiteracy. In other words, there are not nearly enough night schools in any city of the Union to furnish an opportunity for all the adult illiterates to obtain an education.

Mr. MADDEN. I speak only of the city from whence I come, and there night schools are held in all sections of the city where people can be found who are willing to go to school, and every facility that can be afforded in any way, except by compulsion, is afforded to those who are adults and have not the ability to read and write to learn what they choose to learn.

Mr. TOWNER. While a great deal of that work is being carried on, it is not yet sufficient to supply the demand.

Mr. MADDEN. Will this do it?

Mr. TOWNER. Let me say further that there is a work now under contemplation by which the employees in the large establishments in the cities who are illiterate are afforded an opportunity during working hours, in which they will not be deprived of their wages, to attend these schools; and that work is being now instituted in some cities with splendid results.

Mr. MADDEN. Does the gentleman wish to convey to the House the information that industrial establishments allow the men employed by them time off in which to go to school?

Mr. TOWNER. Industrial establishments not only allow it, but are glad to do it in most instances. I think the evidence before the committee so far is that in no case that we now know of has a suggestion of this kind been made to large employers of labor where they have not been perfectly willing and glad to cooperate in this way; and that is one of the objects of this bill—to assist and encourage in that way.

Mr. MADDEN. Well, is the gentleman able to give any information as to how extensive this practice is prevailing?

Mr. TOWNER. No. I will say to the gentleman that there is evidence before the committee which will be published, and which will be available, if the gentleman desires to read further about that matter.

Mr. MADDEN. I simply want to say that I do not know of a case myself among large employers where that practice prevails.

Mr. TOWNER. It is being done in some of the cities of the United States.

Mr. DIES. Mr. Chairman, I confess that I do not have as great a familiarity with this bill as I should, and still it is a very short matter. As was well said by the gentleman from Illinois [Mr. MANN], the first part of the bill, the first section, authorizes the gathering of information. Undoubtedly the proponents of this bill do not contend that the officers of the Government in charge of these matters can not now gather all the statistics with reference to illiteracy that they regard as of value. In treating the question, therefore, nothing could be added, so far as the first section of the bill is concerned, to the present facilities or opportunities of the Commissioner of Education to gather new data upon which to base recommendations to Congress.

In the second section of the bill I find it stated that—

> In carrying out the provisions of this act the Secretary of the Interior is hereby authorized to use, at his discretion, for the employment of field and clerical services and for the payment of necessary expenses, such sums as may be appropriated for this purpose from time to time by Congress.

Undoubtedly the Secretary of the Interior could now, without another line of law, do all that he is authorized to do in this second section of the bill. Then the bill continues:

> Or contributed by individuals—

And so forth. There is nothing in this law that will give individuals a greater opportunity to contribute their money for the purpose of removing illiteracy in this country than they now possess.

What, then, is the object of this measure? To increase the activities of the Federal Government; to give a bureau more money to the end that it may employ more clerks, more helpers; to begin a thing which will end in an appropriation; to start the ball rolling in a direction the end of which is an appropriation by the Federal Government.

Now, Mr. Chairman, there is not a man in this Committee who believes more strongly than I do that ignorance and illiteracy are the foes of free government; because I know that free government can exist only by having citizens who are intelligent and patriotic; but I say it is worse than idle to talk about

beginning appropriations of Federal money to cure illiteracy in this country when we are importing it into this country every year to the tune of 200,000 or 300,000 from Europe.

It is said that there are a lot of adults in this country who are illiterate. There is not an adult in this country who could not learn to read and write if he chose to do so. Our States abound with public schools. Texas is often pointed to as one of the frontier States of this Union, but every boy and girl in that State can get a common-school education if they possess the intellectual curiosity and the desire to have education. My friend from Illinois [Mr. MADDEN] stated just a moment ago that in his State they not only have free day schools wherein children may get an education, but night schools are provided free of charge where adults may go and learn to read and write and get the rudiments of an English education. I do not care how many schools you have nor how many colleges you have, you never can get an education into the head of a man until he has some sort of intellectual curiosity. You may lead the horse to water, but you can not make him drink. This is just another movement, as I stated a moment ago, to increase the activities of the Federal Government. We have not gone far enough yet. We tell the farmer when to plant and when to reap. We tell the huntsman when to shoot and when it is against the law to shoot, and down in my country we get the game law fixed up so that he can shoot just after the ducks have gone over and just after they have passed back. We are making laws for everything. We are making laws to control the habits and morals of the people, to tell them when they shall work and when they shall play; and now we want to set up a great Federal bureau of education, with a great appropriation, with another great long army of Federal employees to be pensioned at last, for the purpose of making the people learn to read and to write.

There is a good deal in the suggestion of my friend from New Jersey [Mr. TOWNSEND] that the mere thing of reading and writing does not do a great deal toward making citizens who are capable of self-government. That is, I gathered from his statement, that that is the criticism he directed against the bill. I will say to my friend that that is true. You may have a native-born American citizen who has lived in this country from his childhood to his manhood, who has been imbued with the principles of free government, who has been told around the fireside of the battles fought for liberty by the patriots of his country, who is familiar with all of her glorious history from Bunker Hill to Santiago, and it does not take much book learning for him to vote to uphold that flag of liberty and to maintain a government based upon the consent of the governed. And it is also true that a man who comes from a country that has not learned to love liberty, who has not that traditional education for free government, might read and write 40 words and still never be capable of assisting in that function known as free government in this country.

I am opposed to this bill. If there was nothing else in it to condemn it, the last part of the bill, authorizing officers of the Government to go begging around over the country, would condemn it to my mind. It is proposed to allow them to go to some man who has built up a fortune by importing cheap labor from Europe or the owner of some vast enterprise who has brought in shiploads of ignorant immigrants and used their pauper labor in competition with the free labor of this country to make millions. It is proposed to have the officers of the Government go around to him soliciting and receiving subscriptions for the eradication of illiteracy in this country. I am opposed to that. If the Government of the United States wants to embark upon this matter of appropriations, it is amply able to supply the money to do it. We have a graduated income tax, and it is going to wax fat and grow. It is going to increase like insects in the sun, and pretty soon we are going to have a graduated inheritance tax, and that will likewise expand, and new ways will be found in this Republic to tax wealth and raise money for appropriations. Gentlemen need not be worried about that. That era is upon us now. But we need not be in a hurry to begin appropriations for universal education, and that is what this bill means. This bill does not appropriate a dollar. That is one reason why it is not going to pass.

If it appropriated $40,000,000 or $50,000,000 it would go through with a whoop, but it does not appropriate a dollar. It is only an insidious suggestion that leads toward the Treasury. It is a desire on the part of the ambitious head of a department to extend his influence, to extend the number of his employees, to make himself important by a long coterie of helpers, aids, and employees. And, of course, as every intelligent man must know, the tracks of this bill all lead in the direction of the doors of the Treasury. If you pass it next week or next month or next session, they will be here saying, "Now, you have given us all this work to do for the eradication of human unintelligence. The head of this bureau needs a vast deal of money to do that." They will come in here and suggest estimates for millions. They will say, "We want men to go over into Pennsylvania and down into Texas looking for ignorant people." Men on salaries of $1,200 a year will go roaming around over the country looking for illiteracy; and of course they will find it. There will be new jobs. We have got enough people running around over the country now attending to other people's business, showing them how to farm, showing them how to hunt ducks, showing them how to set up a silo. We have an army looking after the trees, picking bugs off the bark of the trees, seeing that fire does not break out; and I am told upon what seems to be very good authority that it requires about all the revenues we get from our forest reserves to pay the long army of men who are watching trees and watching the bugs on the trees and protecting them.

Mr. Chairman, the sovereign States of this Union are every one of them providing a great public-school system for the education of the people in those States. I hope the Federal Government will leave something for the individual States of this Union to do for themselves. I love individuality, whether it is personal or whether it is conceived in the coordination of sovereign States that make a nation. I believe something ought to be left to the individual. Do you tell me in this land of newspapers, in this day of the printing press, in this day of circulating libraries, in this day when labor will produce more of the necessities of life in a given time than ever before, that there is any excuse for a man or a woman possessing the physical and mental faculties that God gives to the ordinary person not to learn to read and write?

You could not keep a boy or girl in this country from getting the rudiments of an education, and, more than that, the Government, with all of its power and all of its appropriations, has never in the history of a community and civilization forced either morals or education of the right sort into the heart and head of a human being.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. DIES. I will.

Mr. KELLEY of Michigan. I notice from the report issued by the Commissioner of Education that out of every thousand white people in the State of Texas there are forty-three over 10 years of age who can not read or write.

Mr. DIES. Very likely that is true.

Mr. KELLEY of Michigan. How are you going to cure that?

Mr. DIES. I will tell you how we got that. You set the negroes free, and you neglected to educate them. You set them free for us to educate, and we are taxing ourselves every year, and we are doing it the best we can and getting along nicely. The illiteracy the gentleman speaks of is the illiteracy among the colored people.

Mr. KELLEY of Michigan. But this report says that forty-three out of every thousand white people are illiterate.

Mr. DIES. Oh, well, then, there is more immigration from foreign countries into Texas than I imagined there was. [Laughter.] But, gentlemen, you do not need any increase in the Federal appropriations to take care of illiteracy in Texas. We do have a few adult whites in Texas, and very few, who are illiterate, but that is no sign that they do not make good citizens. They can tell you the story of David Crockett, they can tell you the story of Sam Houston, they can tell you of the immortal stand the Texans made at the Alamo, and they can tell you how Houston won at San Jacinto.

They may not be able to read or write or teach school, but they know what it is to live under the flag of a free government; they know what it was to wrest liberty from Mexico when in a state of subjection; and they know how to keep it now, although they do not write a real pretty hand or read Shakespeare. [Laughter and applause.]

There is a vast difference between illiteracy of men born to the soil and imbued with the great traditions of the country and the illiteracy of persons who come from a foreign country unknown to free government and opposed to the rise of free government and progress for a thousand years.

Mr. Chairman, I hope that we will not send the Commissioner of Education about to see Andrew Carnegie and John D. Rockefeller and the millionaires of this country and relieve them of a lot of millions that they do not need. I hope this Government may never become a partner with private wealth in the matter of public appropriations. Do you know, if the Commissioner of Education went out looking for money he might get some tainted money? Some trust magnate might contribute something to the Commissioner of Education. We do not know what influence might contribute, and, moreover, it is unnecessary.

If you look at the appropriations we are making, you will find that we have money for every known purpose. We are expending a billion two hundred millions a year, a staggering, stupendous sum. If this work was necessary to be done, if you do want to create another avenue of appropriation, if you want to create another long army of Government employees to be pensioned when they get too old to work, you have plenty of money to spend, and the resources in taxable wealth of the Nation to do it with without constituting the head of a department, an officer and agent, to go around and solicit funds from any person whatsoever. [Applause.]

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the purpose of consolidating a number of speeches that I made during the consideration of the immigration bill.

The CHAIRMAN (Mr. HARRISON). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I have not been surprised in recent years at the growth of the sentiment for the administration of our affairs from Washington. Alexander Hamilton, in the days of his most ardent ambition for a central government, for Federal authority, never dreamed of such power and authority for the Federal Government as is being exercised to-day from Washington.

I have subscribed myself as a disciple of Hamilton. I have had considerable pride in the fact that his theories of government have been workable in the administration of our national affairs. But I confess that I can not keep up with the followers of Thomas Jefferson in the exercise of national authority to-day. The Democratic side of this House is going altogether too fast in the direction of nationalization and away from local self-government for me. You are going almost as fast as the colored man who heard the bullet twice—once when it passed him and again when he passed it.

Mr. J. M. C. SMITH. He was going some.

Mr. CAMPBELL. And so are we and so is the country. I think we might well pause occasionally and take a moment for serious consideration as to just how far we are going if we follow in the direction in which we are headed at this time. Here is a proposition for the Federal Government to do what ought to be done in the very smallest political division of the United States, the school district.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. KELLEY of Michigan. From the hearings which have been held here it appears that that has not been done. That being the case, is there not some duty on the part of the Federal Government to at least require that the common-school education shall somewhere be provided for? Have we no duty in relation to the question of education?

Mr. CAMPBELL. Of course to concede the position taken by the gentleman from Michigan is simply to say that we are incapable of local self-government, and that the people can not be governed so well in the school district, in the township, in the county, and in the State as they can be governed from the seat of government in Washington.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. MONTAGUE. Does this bill provide that the Central, the Federal, or the Hamiltonian Government, whatever he may please to call it, can interfere in these communities in any way unless it be requested so to do?

Mr. CAMPBELL. Why, the very purpose is to interfere and to recognize the power and the authority and the greater wisdom of the Federal Government. That is the object of the bill.

Mr. MONTAGUE. Perhaps the gentleman did not understand my question, and, with his permission, I will repeat it.

Mr. CAMPBELL. Very well.

Mr. MONTAGUE. Does this bill provide that the Federal Government can intervene in any way, save upon request of the State or the community, and then can the commissioner intervene otherwise than in an advisory and persuasive capacity?

Mr. CAMPBELL. I am not so sure that the limitations of the authority granted here will be confined to such operations upon the part of the Commissioner of Education as he may be called upon to do by the local communities. I am not so sure that he could not initiate action in some of the counties in the State of Virginia by sending his agents down there to work up a sentiment or a request to start a night school. I believe that the bill would authorize him to do just that thing.

Mr. MANAHAN. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. MANAHAN. If, as suggested by the gentleman from Virginia [Mr. MONTAGUE], a request were made to the National Government to assist in this work of educating the illiterates, and the National Government appropriated money for that purpose and educated the illiterates in the States where they are illiterate, would not the next logical step which the Government would take be to enforce the civil rights of the ward which the National Government's money educated and enforce his right to vote in those very districts?

Mr. CAMPBELL. There is no way of prophesying to what extent the national authority would be used if we keep on in this direction. If we may go into the State upon the request of a local organization and establish a school in a school district under the general supervision of the Commissioner of Education, operating from the seat of government in Washington, how long will it be until we are exercising other authority in that same community as much out of harmony with our idea of local self-government as is the idea of establishing public schools?

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. ASWELL. Does the gentleman think that in our scheme of Government there is any place for a Commissioner of Education?

Mr. CAMPBELL. For a Federal Commissioner of Education, I do not.

Mr. ASWELL. Then the gentleman does not admit that the office of commissioner, which is existing and has for many years, should exist? The gentleman is against the whole proposition of a Commissioner of Education?

Mr. CAMPBELL. If the matter were left entirely to me, I should not have more than about one-third of the commissions that we have in the United States to-day, and one of the things that I think could be easily dispensed with is the office of the Commissioner of Education.

Mr. MONTAGUE. Then, if the gentleman will permit, has he not deceived himself, therefore, all of these years in classifying himself as a Hamiltonian?

Mr. CAMPBELL. Not at all. I believe in a Federal authority to do those things that can not be done by local authority. National matters should be controlled by Federal authority, but matters that come purely within the authority of the State ought to be exercised by the State authorities.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield further?

Mr. CAMPBELL. Yes.

Mr. MONTAGUE. The gentleman is so courteous I avail myself of the opportunity.

Mr. CAMPBELL. It is always a pleasure to yield to the gentleman from Virginia.

Mr. MONTAGUE. Strip from this bill the subject of receiving appropriations, then does it give to the Commissioner of Education any power which he does not now possess? I ask that question in that form in order that the gentleman may address himself to my inquiry as to whether this bill embarks us upon any enlargement of national power?

Mr. CAMPBELL. I think we are enlarging his authority. I think without this bill he would hardly have the authority to go into the State of Virginia and establish a night school, and this bill gives him that authority, or he would exercise that authority under the provisions of this bill.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. TOWNER. Does the gentleman think this bill means that the Commissioner of Education will go into any State and establish a school?

Mr. CAMPBELL. Oh, not individually. He will send some one, or have some one do it. It will be done under his supervision.

Mr. TOWNER. And institute or establish a school through some of his agents?

Mr. CAMPBELL. If not, why the bill?

Mr. TOWNER. Simply because of this fact, if the gentleman will pardon me for saying so in his time, that the bill is intended for the purpose of advising and assisting local authorities to do this. It is for the purpose of correlating them; it is for the purpose of bringing to the school authorities——

Mr. CAMPBELL. I get the gentleman's idea.

Mr. TOWNER. And the State authorities in one State the benefit of the knowledge and experience had in another.

Mr. CAMPBELL. All of which concedes that we should wipe out school district, township, county, and State lines and administer the affairs of the people of the United States from a central authority in Washington.

Mr. TOWNER. Again, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. TOWNER. Does the gentleman think now that this bill has anything to do with the public-school system about which he is talking so much? This is for the purpose of the education of the adult illiterates, to provide a means for their education.

Mr. CAMPBELL. I have a sort of crude notion that teaching in a public way people who do not know how to read and write is a system of public education.

I think this could fairly be classed as a public school, for I take it that every illiterate within a district would have a right to attend.

Mr. TOWNER. Has the gentleman read the language of the bill?

Mr. CAMPBELL. I have.

Mr. TOWNER. Does the gentleman understand what is meant where it says "among the adult population"?

Mr. CAMPBELL. Adults partaking of the opportunities to learn to read and write, I take it, are acquiring learning such as is taught to minors in the public schools.

Mr. TOWNER. Does the gentleman understand that the public-school system does not embrace adult teaching?

Mr. CAMPBELL. I do.

Mr. TOWNER. And does not allow——

Mr. CAMPBELL. But I hardly recognize——

Mr. TOWNER (continuing). And does not allow them in most States to enter the public schools at all?

Mr. CAMPBELL. They may enter the public schools in some of the States by special arrangement, but even that is a matter within the State. The State of Iowa and the State of Kansas should open their schools to adult illiterates if they are not now open. There is no reason why the Congress of the United States should take up its time and the time of the people of the country in dealing with matters of this character when there are matters of the greatest possible import pressing themselves upon the Congress for consideration.

Mr. TOWNER. The gentleman talks about control and directing. Does the gentleman understand that the language which says they may advise means to control directly?

Mr. CAMPBELL. Being construed in the logical way in which it must be construed it means that the Commissioner of Education will control and direct it.

Mr. TOWNER. Let me ask the gentleman this question: Did the gentleman support the provisions of the bill which was before the Congress by which the Department of Agriculture sends men into his territory and pays them to advise his farmers how to carry on their work? Did the gentleman at that time urge that this was an interference with the rights of the State with regard to their farmers carrying on their work in the way they chose? [Applause.]

Mr. CAMPBELL. The gentleman from Iowa probably has in his enthusiasm over this matter overlooked the fact that the Department of Agriculture is engaged in an entirely different line of work from that of giving a general education and the teaching of unlearned minds the letters or how to correlate them or how to make them. There is a vast difference between that sort of learning and of taking a new species of wheat or of corn or of cattle or of swine into a community and showing the local community how they may be developed.

Mr. TOWNER. Did the gentleman vote for the bill appropriating $500,000 in large part to teach the farmers of his district how to cure the hog cholera? Did the gentleman vote against the bill?

Mr. CAMPBELL. I am not sure I did. In any event, I will not parley with the gentleman from Iowa over these matters. I have been opposed here for 12 years to all of these insidious attacks on the power of the people at home or the rights of the people at home or the duty of the people at home doing some little thing for themselves.

Mr. BARKLEY. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. BARKLEY. Is it the gentleman's contention that the Government owes more to the people in the matter of enabling them to improve the breed of hogs, sheep, cattle, and horses than it does to the improvement of their minds?

Mr. CAMPBELL. Oh, no; and I will tell the gentleman from Kentucky this: The Government of the United States does not owe anything but protection to life, liberty, property, and opportunity. Has a follower of Thomas Jefferson come to concede that we have a paternal Government that owes everything to the people, even to go into local communities to teach people how to read and write?

Mr. BARKLEY. Now will the gentleman yield to one further question?

Mr. CAMPBELL. Yes.

Mr. BARKLEY. Is it not the theory of our Government, and of all true governments, that it is merely an instrumentality through which the people have their general welfare promoted, and is not any governmental action which promotes the general welfare of the people a proper governmental action?

Mr. CAMPBELL. True. But the school district is a governmental division, and I maintain that that school district can be better organized, established, and maintained, and the school better taught from the district than from Washington.

Mr. BARKLEY. I agree with the gentleman on that proposition. But is there anything in this bill that would prohibit the local board of school trustees carrying on the common schools in any State by reason of interference?

Mr. CAMPBELL. What I am objecting to is the assumption on the part of the Federal authority that it is a duty devolving upon it to go into the school districts and tell the people how to teach people to read and write.

Mr. BARKLEY. I do not agree that that is the object of this bill.

Mr. CAMPBELL. Then, if that is not the object of this bill, it has none.

Mr. HARRISON. May I ask the gentleman a question?

Mr. CAMPBELL. Yes.

Mr. HARRISON. Part of the bill reads this way—and I wish to get the gentleman's opinion in regard to it. It says:

> And he is hereby authorized, upon request or invitation—

It does not say what invitation, or from whom—

> to advise and cooperate with school officials, teachers, and others in devising and putting into operation such plans as will give to illiterate men and women and to those of meager education an opportunity to learn to read and write and to supplement and extend their education.

What is meant there by "upon request or invitation"? By whom is it? Is it from the county?

Mr. CAMPBELL. I take it that any agent who had succeeded in inducing Carnegie or Rockefeller to make a donation and was sent down into one of the school districts in the State of Mississippi and worked up a sentiment for the night school, in which adult citizens of that district who could not read and write might be taught, should write to the Commissioner of Education and make a request, the latter would authorize him to establish a school there or cooperate with the local authorities in establishing a local school.

Mr. HARRISON. Does not the gentleman think that under this loosely drawn provision the Federal Government could go into any locality in the United States and supplement or make preparations to carry on the work without the consent of the locality, or even upon the invitation of an individual there?

Mr. CAMPBELL. I do not think there is any sort of question about it, unless some citizen in that community should bring an action in which the constitutional authority of the United States to engage in school teaching in a school district should be raised.

Mr. STEPHENS of Nebraska. In the beginning, in our independent school districts, the States did not provide for superintendents of schools. It was found that the county supervision greatly stimulated education in the independent districts. Now, later on, they found that the State could also stimulate the county by having a State supervisor of schools, who could disseminate from locality to locality the best method of education. Now, does not the gentleman believe that, aside from this question of State rights, the National Government could greatly stimulate the education of illiterate people simply in an advisory capacity, as I understand this bill to provide for? And, if so, would it not be a good thing, aside from this question of State rights?

Mr. CAMPBELL. I do not see any necessity for any such action from the Federal Government at Washington or on the part of the Government of the United States, in a matter that is so essentially a matter for the school district, with a county superintendent and State superintendent of public instruction, to direct and control, and with the local community that has authority to vote such a levy of taxes as necessary to maintain such schools.

Mr. STEPHENS of Nebraska. That is undoubtedly fundamentally true, but if we could, through these teachers of the National Government, remove some of this illiteracy——

Mr. CAMPBELL. What I am objecting to, if the gentleman from Nebraska will permit me, is the frame of mind that the American people are falling into, to the effect that everything must be done from Washington. There will be no necessity in 50 years from now——

Mr. FOWLER. Mr. Chairman——

Mr. CAMPBELL. Let me proceed for a moment. There will be no necessity in 50 years from now for a single political division in the United States, as we now have them, namely, the school district, the township, and the county, and the State, if we keep on in the direction in which we are going. All legislation, all control—everything will come from Washington. Con-

gressmen are to-day called upon to do things that ought to be done in the school districts, and Congressmen spend their time here seriously discussing such local questions as ought to be settled in the township, the county, and the State. [Applause.] I am not so sure that that will be a good thing for the country. I am not so sure that we would have better government from Washington than we can have from the school district, the township, the county, and the State. I believe fundamentally that we can have better government right off the minds of the people where the government is to be exercised than we can have when it is exercised through a commission or anybody else a thousand or two thousand miles away.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. CAMPBELL. For a question.

Mr. STEPHENS of Nebraska. Do you think that the States have lost anything through the fact that they have provided a supervisory department over the independent schools? They have still maintained their independent system of education, and it has been greatly enhanced.

Mr. CAMPBELL. There is no question but that our system of public schools has become more efficient in the last 25 years.

Mr. STEPHENS of Nebraska. Do you not think that that is largely due to the State supervision which they have had?

Mr. CAMPBELL. Not necessarily so. I believe much of the good that has come has come from the fact that the school-teachers have taken their work more and more seriously and are giving better instructions than the average school-teacher gave 25 years ago, when teachers only taught school for the purpose of getting a little money that they might do something else. School-teaching in late years has become a profession in which the teacher has pride, and men and women are to-day devoting their entire lives to it, when 25 or 30 years ago they taught school as an expedient to enable them to embark on something else.

Mr. HOWARD. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. HOWARD. As a matter of fact, do you not think that the great normal schools of the country that have prepared teachers have had a more beneficial effect upon the educational system of the State than all the State supervision that has ever been had?

Mr. CAMPBELL. I do not think there is any question about that. I think the county institute, in which the teachers meet for a month and talk over the more modern methods of teaching, have had more to do with making effective the work of the teacher or improving the public schools of the country than any sort of academic discussion that might be engaged in by the State superintendent or by the national Commissioner of Education.

Mr. MADDEN. That is a compulsory requirement, is it not, to attend those institutes for 10 days?

Mr. CAMPBELL. Yes; it is.

Mr. FARR. The normal-school instruction is under State supervision, is it not?

Mr. CAMPBELL. Yes; under the law. The law provides for it.

Mr. FARR. They grade the work of the normal schools?

Mr. CAMPBELL. Yes. The law provides that the teachers—and I think it is especially true in Pennsylvania—shall have their institutes, in which they have discussions upon the best methods of teaching.

Mr. FARR. Under the direction of the State law?

Mr. CAMPBELL. Oh, the law provides that they shall go, but does not go into minute detail and tell them just what to do and how to do it.

Mr. FARR. Pretty nearly.

Mr. CAMPBELL. The objection that I have to this and other laws like it is that it creates commissions. I do not believe in government by commission. We have too many commissions now. I do not believe in government by bureaus. We have too many bureaus now. We have bureaus directing affairs from Washington that reach out into the local communities and have almost autocratic power, power that Hamilton never deemed would be exercised by the Federal Government in any political division of the United States, perhaps, outside of the District of Columbia or the Territories. And yet to-day we are enlarging the scope and the authority of these commissions and increasing their number, and we are enlarging the authority of these bureaus and increasing their number, and giving them more and more power; and constantly the problems of life are becoming more and more intricate, more and more involved, and the cost of living is mounting higher and higher. The problem of making a living for the average man is a greater problem to-day than it has been.

Mr. FARR. Mr. Chairman, may I ask the gentleman a question?

Mr. CAMPBELL. And in all these years we have been increasing bureaus and commissions that have been created for the alleged benefit of the individual down in Rock Creek Township, in Walnut Grove Township, or in school district No. 58.

Mr. FARR. I will ask the gentleman if they are not national problems to be settled in due time, when they are properly settled, from Washington?

Mr. CAMPBELL. Some problems are. There are some functions of government that must be exercised from here. Of all of those I am most heartily in favor, but I am not in favor of the exercise by the Federal Government of any function that can be better exercised by the school district or by the township or the county or the State. I am not in favor of creating a bureau or a commission for the exercise of such authority from Washington.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. CAMPBELL. Yes.

Mr. BARKLEY. Does the gentleman favor the continuation of the present Bureau of Public Health, and does he think that the bureau was organized properly under the Federal Government?

Mr. CAMPBELL. I do not think the Bureau of Public Health has justified its creation.

Mr. BARKLEY. Does the gentleman think it was properly made a national bureau?

Mr. CAMPBELL. I do not.

Mr. BARKLEY. Does the gentleman think it ought to be abolished?

Mr. CAMPBELL. What was the gentleman's question?

Mr. BARKLEY. I asked the gentleman if he thought it ought to be abolished?

Mr. CAMPBELL. That is one of the commissions which, if I were reorganizing this Government, I would leave out in the reorganization.

Mr. BARKLEY. What are some of the other commissions that the gentleman would abolish if it were left to him?

Mr. CAMPBELL. I am not reorganizing the Government here this afternoon. I am protesting against the creating of another commission.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. MONTAGUE. I understand from the gentleman's long experience in statecraft and his familiarity with the discussions of this House that he has grown gradually from the Hamiltonian idea to the idea of State government?

Mr. CAMPBELL. I am still trying to preserve a sense of humor and to keep a sense of perspective that will enable me to see the difference between the prerogatives of a county or a State and the prerogatives of the Federal Government. I am endeavoring to hold to the distinction that Hamilton made and that Jefferson made. I am endeavoring to hold myself to the views that would require the township and the county and the State to exercise the functions that would properly be exercised by them and require the Federal Government to exercise the functions that properly belong to it.

Mr. MONTAGUE. I misunderstood the gentleman when I thought he said that he favored the Government doing whatever should be done, if it could do it better than the people themselves could do it.

Mr. CAMPBELL. My contention is that the Government at Washington can not do better for the people of a school district or of a township or a State such things as are naturally within their own right and their duty.

Mr. MONTAGUE. In other words, the gentleman says that it is the function of the local government to take care of that and not the function of the Federal Government?

Mr. CAMPBELL. Absolutely.

Mr. MONTAGUE. I just wanted to get the gentleman's idea.

Mr. CAMPBELL. My contention is that there are certain things—and the establishment and maintenance of public schools is one of them—which can be better established and maintained by the local authority than by the Federal Government.

Mr. MONTAGUE. I understood the gentleman to be rather broad in his opposition to the Federal Government performing functions within the States.

Mr. CAMPBELL. I am.

Mr. MONTAGUE. How about the gentleman's attitude on the tariff commission?

Mr. CAMPBELL. That is a different proposition. I could easily be led into a discussion of the tariff, but——

Mr. MONTAGUE. I would not like to enter into such a discussion with the gentleman, but I would like to have the gentleman reconcile his statements.

Mr. CAMPBELL. Even the polished manner of the gentleman from Virginia can not induce me to embark upon a discussion of the tariff at this moment. Some time later I might be induced to do so.

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Nebraska. Would you make a distinction between a road district and a school district? That is, do you think the National Government could build roads for a road district better than the road district could do it for itself, as compared with the Government interfering with education in the school districts?

Mr. MANN. Would the gentleman from Kansas yield to me for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. Has any provision been made anywhere for the National Government aiding road districts except post routes?

Mr. CAMPBELL. Not that I have heard of.

Mr. STEPHENS of Nebraska. But in an indirect way the Government does aid post districts. I speak aside from the rights of States to do these things constitutionally.

Mr. MANN. We maintain a resemblance to the constitutional requirements, anyhow.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield for another question?

Mr. CAMPBELL. Yes; I yield.

Mr. BARKLEY. What analogy would the gentleman draw between the national appropriations now given to the State agricultural colleges for the purpose of improving and promoting knowledge of agriculture among the people and the bill now under consideration?

Mr. CAMPBELL. There is a difference in degree only.

Mr. BARKLEY. Does not the gentleman favor that appropriation for agricultural colleges in States and for the purpose of fostering a scientific knowledge of agriculture?

Mr. CAMPBELL. There is a difference in some ways.

Mr. BARKLEY. Will the gentleman explain that difference? In what respect are they different—I mean in the objects to be attained?

Mr. CAMPBELL. In the objects to be attained there is this difference: We have scientific information that can be applied to agriculture in the States and in the townships that nobody in the townships knows anything about; that perhaps no one in the State knows anything about. We have gathered here scientists who have developed facts. They have experimented with plants and animals and have demonstrated certain things that would be of benefit to the States, to the townships, and to the people at large that they can get in no other way. Does the gentleman claim that you can not teach a man to read and write, except from Washington?

Mr. BARKLEY. I do not. Now, let me ask the gentleman another question: Do you think that these numerous soil surveys conducted all over the United States by the Federal Government, and the maps distributed from Washington amongst the people of the different localities showing the character of the soil and the purposes to which it is adaptable in the way of production, are proper Federal functions, or that they ought to be left wholly to the States?

Mr. CAMPBELL. Many of the States exercise those functions, and I am not so sure but that it would be better for them to do it, if they had as good a soil surveyor as the United States has, and some have.

Mr. BARKLEY. If I understand the object of this bill—if I am wrong I am subject to correction and am glad to be corrected—it is not that the Federal Government shall reach its arm into any particular locality for the purpose of managing or handling or conducting public schools or private schools, but that by the passage of this bill it may gather information which may be submitted to the local authorities or distributed among them for the purpose of advising and informing them.

Mr. CAMPBELL. The bill provides for instruction for illiterate adults, a very simple question.

Mr. BARKLEY. It does not provide that the National Government shall conduct schools.

Mr. CAMPBELL. I knew an old Baptist minister who settled on the prairies, who exercised that function on his own part. He taught day schools and night schools among illiterate adults and illiterate minors, and he never asked for any authority or direction from Washington or anywhere else, and he did a world of good in that kind of work, and his memory is cherished by all the old settlers of that community.

Mr. BARKLEY. I have no doubt the gentleman's statement is true; but is that any reason why the Federal Government ought not to lend its aid?

Mr. CAMPBELL. That is every reason why the Federal Government does not need to give any aid in that direction, because it is not necessary. I am surprised that a follower of Thomas Jefferson would concede the necessity of the Federal Government engaging in the teaching of a man how to read and write down in Bull Creek township in his district.

Mr. BARKLEY. My district has no Bull Creek township.

Mr. CAMPBELL. Well, Durham Township.

Mr. BARKLEY. My friend from Arkansas [Mr. WINGO] reminds me that that is in his district.

Mr. KELLEY of Michigan. Just getting back to the particular purpose of this bill here, I think the gentleman from Kansas probably stated his position a little more strongly than he intended to when he said he was not in favor of continuing the Bureau of Education.

Mr. CAMPBELL. I said if I were reorganizing the Government, the Bureau of Education is one of the things I would eliminate.

Mr. KELLEY of Michigan. I suggest to the gentleman from Kansas that in view of the fact that illiteracy ranges from 1.4 per cent to 16.4 per cent in various States—that is, from 14 in a thousand in some States to 164 in a thousand in others—does not the gentleman think it is entirely proper for the Congress of the United States to authorize the Commissioner of Education to study this question and report his findings or suggestions for a method of eliminating that condition?

Mr. CAMPBELL. What is the necessity for further findings? The gentleman from Michigan has just given us the percentage of illiteracy. That is already known. Every State in the Union knows just what its percentage of illiteracy is to-day.

Mr. KELLEY of Michigan. Would it not be a good idea for us to disseminate the information and to inquire why the percentage of illiteracy is so much greater in one State than in another?

Mr. CAMPBELL. The reason is so simple that it does not require the Commissioner of Education or anybody else to give it. The reason is because the people have not gone to school or otherwise acquired that learning.

Mr. KELLEY of Michigan. They certainly have not acquired it.

Mr. CAMPBELL. That is the reason for it. I do not believe it is necessary to teach school from Washington.

Mr. KELLEY of Michigan. That is absolutely true. But has the matter of education no place in the Federal Government? Is not the matter of education a paramount national question in this country?

Mr. CAMPBELL. Undoubtedly it is one of the greatest questions. Our Government, our interests, our civilization rest upon it. But it should come from the school district up. It should not go from the Federal authority down.

Mr. KELLEY of Michigan. No; but there are many questions with which one central authority can deal, upon which it can report better than 48 authorities. Now, is education excluded from that general range of subjects?

Mr. CAMPBELL. We have done fairly well with our system of education from the district school so far.

Mr. KELLEY of Michigan. I have sometimes thought——

Mr. CAMPBELL. The fact is, I am getting quite as much out of this discussion as are the gentlemen who are interrogating me. I am learning here, as everybody here is learning, that the minds of men have changed. Even the gentleman from Michigan [Mr. KELLEY] joins the gentleman from Kentucky [Mr. BARKLEY] in the assumption that you can teach school better from Washington than you can from school district 58, which is an erroneous assumption which is leading the Government of the United States into activities that were never contemplated by its founders.

Mr. BARKLEY. How does the gentleman explain the fact that in the 50 or 75 or 100 years during which the various States have been wrestling with this problem, illiteracy has not been eliminated either by the local or national authorities?

Mr. CAMPBELL. There are some townships in which there is not a single illiterate. If one township can reach that result, another can. The percentage of illiteracy is very low in the State of Kansas. That is a new State. We started about 60 years ago without a thing except energy, ambition, and a high standard of citizenship. To-day we have a great State, with a percentage of illiteracy among the lowest of any of the States

in the Union. Why can not Kentucky do the thing that has been done in Kansas? It can do it if it will.

Mr. BARKLEY. It is doing it now.

Mr. CAMPBELL. It is doing it now, without any help from the United States.

Mr. BARKLEY. We are not asking assistance for Kentucky; but if by reason of any investigation which the National Government makes it is able to give us ideas which will help us to do it ourselves, that is a good thing.

Mr. CAMPBELL. The only idea you need in Kentucky is that it is a good thing to know how to read and write; and you can get a teacher in any township in that State, I take it, who can teach his neighbor and his neighbor's children to read and write.

Mr. MURDOCK. Does not the gentleman from Kansas think that he ought to add to that the fact that the National Government, in the case of Oklahoma, gave a gratuity in the way of land?

Mr. CAMPBELL. I do not object to that.

Mr. MURDOCK. That was Federal aid to education of a very beneficial kind.

Mr. CAMPBELL. That is a very different thing from controlling education from Washington. That does not create a bureau or a commission to direct the affairs of a local community. The Federal Government had large areas of Government land and wisely gave certain townships for school purposes. In the case of Oklahoma we could not give these sections of lands for school purposes, and therefore we made the donation in money outright, but that is a very different proposition from directing education by a Government commission.

Mr. MOORE. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. MOORE. Assuming, as reported, that the census shows that there are 5,500,000 people above the age of 10 years in the United States who can not read or write, and assuming that the various States will not look after the education of these 5,500,000 people, what are we to do with them?

Mr. CAMPBELL. I am not assuming, nor am I willing to assume, that the people of any school district will refuse to do their duty with regard to education of the people of that district.

Mr. MOORE. But the report says that there are 5,500,000 illiterates in the United States.

Mr. CAMPBELL. Yes; scattered throughout the United States. There are more than that number who have not a real good education or much learning.

Mr. MOORE. The percentage of illiteracy in Kansas is extremely small. Grant that. Assuming that some other State has a very large percentage and that that State has not paid very careful attention to the education of its people. Would the gentleman deny such Federal oversight and consideration as might be granted the people of that State who have not been cared for by their own State?

Mr. CAMPBELL. There are some States in which, I presume, the babies and children are improperly spanked, but I would not be in favor of establishing a bureau for the purpose of regulating the spanking of children.

Mr. MOORE. Suppose that in one State all the roads have been nicely and well constructed, and that they are all "peacock alleys," like those that were described yesterday, and in another State they have no good roads, or very few, because the State has been unable to build them; would the gentleman approve of a law enacted by Congress giving Federal aid to the State that was unable to build its own roads, whereas another State had already provided roads for itself?

Mr. CAMPBELL. When I was being examined orally for admission to the bar I was examined by a lot of lawyers who were in the midst of the trial of a closely contested lawsuit. I was asked questions that led me to reverse the decisions of the court during the progress of a trial covering a period of about three weeks. Finally the court came to my rescue and said, "This court does not recognize an applicant for admission to the bar as a supreme court with authority to reverse its decisions." I had reversed the decisions of the court a number of times. I do not propose now to settle controversies that the gentleman from Pennsylvania has been engaged in on this floor.

Mr. MOORE. I thank the gentleman for his explicit answer to my question about good roads. Will he answer another question?

Mr. CAMPBELL. I yield.

Mr. MOORE. Suppose in a series of States they were sorely afflicted with an ailment which we know throughout the United States as the boll weevil, and in a large number of other States we did not have any such ailment and never would be likely to have it. Would the gentleman approve of a Federal provision to aid those States which have the boll weevil, the appropriation coming from all the States, including those that do not have and are not likely to have the boll weevil?

Mr. CAMPBELL. The gentleman from Pennsylvania is not serious in propounding that question. There is this distinction between the Federal appropriation for the suppression of the boll weevil and a Federal appropriation for the direction and teaching of illiterates how to read and write. It is well known now how to teach an individual to read and write. It is not well known to everyone how to suppress the boll weevil. The necessity for suppressing the boll weevil is imminent, and I have for that reason voted for appropriations to suppress it.

Mr. POU. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. POU. I would like to follow up the question of the gentleman from Pennsylvania. If one State was so unfortunate as to have a large amount of property destroyed by a flood and no other State in the Union had such flood, does the gentleman think it would be fair and right to take the money contributed by all the States and devote it to the relief of the distressed condition of the people who suffered by the flood?

Mr. CAMPBELL. We have recognized in recent years great calamities of that kind and have given Federal aid.

Mr. HUGHES of Georgia. Mr. Chairman, I ask unanimous consent that debate on this bill be now closed.

Mr. FIELDS. Mr. Chairman, I would like a few minutes.

Mr. COX. I object.

The CHAIRMAN. The gentleman from Indiana objects.

Mr. HARRISON. Mr. Chairman, I shall not detain the House long. I merely want to reenforce what the gentleman from Illinois [Mr. MANN] said in his argument. There are evidently many Members here who were not in when he made his speech, and I think many of the suggestions he made are well worth repeating. I think we ought to look at this bill and analyze it and see what we are doing in voting on a matter that, in my opinion, is very important.

I am not particularly opposed to the first part of the bill, although I am inclined to think that the Commissioner of Education now has authority under the law to make an investigation and report under the first part of the bill. It says:

That the Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate illiteracy among the adult population of the United States, and the means by which this illiteracy may be eliminated or reduced, and report to Congress, through the Secretary of the Interior, the results of his investigations.

If the bill only went that far and no farther, I would see no particular objection to it, unless it be that the commissioner now has that authority, and I am of opinion that he has. But the committee goes further than that and says:

And he is hereby authorized, upon request or invitation—

Mark you, "upon request or invitation." It does not say upon whose request; it does not say upon whose invitation. It may be the invitation of the community; it may be the invitation of the county; it may be the invitation of the State, but it does not say that. It may be upon the request or invitation of any individual in a community.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. J. M. C. SMITH. The bill does not require the commissioner to go. It does not compel him to go. It simply authorizes him to exercise that right.

Mr. HARRISON. It does not compel the Commissioner of Education to go; certainly not. The committee would not be so foolish as to say he had to go, but it clothes him with authority and jurisdiction, when invitation or request comes to him, to go, no matter if that invitation be from a foreigner who can not speak a word of English or from a negro who can not speak a word of English or anyone else. He may go, and this clothes him with that authority, no matter if there are ninety-nine people out of every hundred in the particular community that do not want the Commissioner of Education to go there and do this particular work, no matter what objection there might be by a majority of people in a particular locality to his doing this work. If he gets a request or an invitation from one individual, he can go there and under this bill do that particular work, and to that extent, I submit to the committee, this bill interferes with local affairs and interferes with the rights of the States.

Mr. J. M. C. SMITH. Is there any objection to his going, even though he were not invited? Could he not go?

Mr. HARRISON. If he has the authority now, I do not see any use in passing the bill.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. TOWNER. Does the gentleman object, even on his interpretation of the bill, to the Commissioner of Education sending

somebody to advise and assist and cooperate with the work of education?

Mr. HARRISON. I have no objection to the Commissioner of Education getting up data on the question of illiteracy, for I remember that some time ago the Commissioner of Corporations got up data under a resolution that passed this House about cotton exchanges in this country. That work was most valuable. The information was such as will do any Member of the House good to read. The information obtained was valuable, and if this bill went no further than that resolution went in the case of the cotton exchanges, in the matter of getting data about illiterates, I would not oppose the proposition, because I think probably it would do some good. He would get up information and data for the various localities to work on. They are the ones that ought to do this work, and not the Federal Government.

Mr. TOWNER. Does not the gentleman think, if plans had been established that were a success in one State and those in another State desired to be advised regarding how those plans could be carried out, that the Central Government might assist in that without interference with the local authorities?

Mr. HARRISON. But the bill is not so drawn.

Mr. TOWNER. I beg the gentleman's pardon, but I think it is. It is for the purpose only of advising and cooperating in devising plans for putting these matters into operation. It is not to do it, as the gentleman seems to assume.

Mr. HARRISON. I understand what the gentleman's ideas are. The difficulty is that you clothe this Congress in the future with power under the law to pass appropriations to supplement the work of the various localities in eradicating illiteracy.

Mr. TOWNER. No more than was done in the case the gentleman mentioned. There we authorize an appropriation of money for the purpose of collecting data with regard to cotton exchanges.

Mr. HARRISON. Oh, the gentleman is mistaken about that, for there is a great deal of difference.

Mr. TOWNER. I think there is a difference myself, but in both cases there was an appropriation of money from the General Treasury to assist and advise those that were within a State, and it seems to me that we can not appropriate money at all for the benefit of people unless it goes somewhere, in some way, to the people of some State.

Mr. HARRISON. I want to tell the gentleman the difference between the two resolutions. Under one resolution the data was procured, with respect to cotton exchanges of this country, under an appropriation to get up that work, and after the Commissioner of Corporations had made his report that finished the law; there was no law for any future legislation on that, though I wish there were; but there is none. Under this bill you not only provide for getting up data and eliminating illiteracy among the adults, but you place a law on the statute books that will give jurisdiction to future Congresses to appropriate money to supplement the work of the States along this particualr line.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BARKLEY. What is the gentleman's idea of the bill as to the original purpose of creating the Bureau of Education, if it was not anticipated that in some way the bureau would be of some assistance to the States in solving the problem of education?

Mr. HARRISON. May I answer the gentleman by asking him a question? Does the gentleman think that we ought to appropriate money to go to the various localities for the education of the children in those localities?

Mr. BARKLEY. I do not. I do not believe we ought to do that; but I do not understand that this bill attempts to do that.

Mr. HARRISON. Does not the gentleman think it gives groundwork for legislation in the future for that purpose?

Mr. BARKLEY. I do not.

Mr. HARRISON. Let me read to the gentleman one part of a section and get his views as to what it does mean. Speaking of the Commissioner of Education—

> And he is hereby authorized, upon request or invitation, to advise and cooperate with school officials, teachers, and others in devising and putting into operation such plans as will give to illiterate men and women and to those of meager education an opportunity to learn to read and write and to supplement and extend their education.

If that means anything, it means just what I say.

Mr. BARKLEY. Now, I think there is a very serious difference of interpretation between the gentleman from Mississippi and myself. Now I will undertake to answer his question. My interpretation of that means simply that the Commissioner of Education shall upon request of any education officer of any State, county, or community advise and cooperate with such officials, teachers, and so forth, in devising—that is, he shall advise with them in devising—and putting into operation such a system. Now, that does not mean the commissioner shall put in operation, but that he shall take advantage of the facts he may obtain in these investigations and advise with the local men as to how they shall devise a method and put it into operation.

Mr. HARRISON. That may have been the intention of the committee, but the wording of the bill does not so state at all.

Mr. BARKLEY. On the next page, to supplement and extend their education does not have reference to the Commissioner of Education, but it has reference to aiding the individual in supplementing and adding to his education. As I interpret the bill, I may be mistaken, that is the idea which I get from a reading of the bill.

Mr. HARRISON. I am inclined to think the committee, when it drafted the bill, only intended that the Commissioner of Education was to cooperate with the various localities, get up this information, and then advise with them and help them along without the Federal Government's encroachment upon the right of these particular communities, but the wording of the bill does not so state. It states that they may go in there and put into operation this work and interfere, if the Commissioner of Education choose, with the work of the particular locality.

Mr. TOWNER. The gentleman, I think, still fails to get the idea. It does not say put in operation the work, it does not say put in operation the schools, but it says put in operation the plans for carrying them out.

Mr. HARRISON. Yes.

Mr. TOWNER. I think the gentleman is making a forced construction, and I would like to ask him this question: Does not the gentleman think seriously, if he is in favor of assisting in this line of education work, that any such difficulty can be easily cured by amendment?

Mr. HARRISON. I hope the gentleman can so cure the bill that I can support it.

Mr. TOWNER. Certainly there is no objection on the part of the committee to guard against any possible idea such as the gentleman suggests is put in the bill.

Mr. HARRISON. I will say to the gentleman I am in favor of a bill that will aid the various communities in this country to do the work for themselves, but I will never be in favor of appropriating money here to educate the people and children in the various localities, for I think that is a function that ought to be exercised by the locality for itself and by the various States of this Nation.

Mr. HOWARD. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. HOWARD. Does not the gentleman think that if this work is going to be done at all that the Government ought to do it and ought not to make it a fund of mendicancy and beggary by asking for donations?

Mr. HARRISON. I was just going to get to that point in discussing the second section of this bill. The second section says:

> That in carrying out the provisions of this act the Secretary of the Interior is hereby authorized to use at his discretion for the employment of field and clerical services.

I do not know whether that comes under the civil service or not, but I presume and take it that the Commissioner of Education, if some individual should donate $10,000 or $100,000, would not be influenced in the appointment of these men to formulate these plans and appoint these men on his or their recommendation. I assume that the Commissioner of Education would not do that, but some day you might get some Commissioner of Education in office who could be influenced by contributions or by men who would donate large sums of money, and then the commissioner might appoint some men that this particular donor requested him, and the ideas of education and thought of this donor might be formulated into the plan of education by the men he had appointed.

Mr. POU. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. POU. The gentleman has now reached the point in the bill which, to my mind, constitutes the only real objectionable feature. Does not the gentleman think that the possible objection could be cured by amendment, say, after the word "donations," in line 10, section 2, by adding the words "without any conditions or limitations whatever"?

Mr. HARRISON. Well, that would cure it so far as that is concerned and as far as the amendment goes, but I would be opposed to the proposition because my opposition to it would go further than that. I am opposed to the Federal Government being a mendicant to anybody who might desire to contribute money to this work. If it is a worthy proposition, if we are to go into it, I think this Government is rich enough to do it

without any donation made from any of the rich people of this country.

Mr. POU. If the gentleman will permit me, I would like to say that I believe there is a very serious objection that might be lurking in the provisions of this bill in having men give large sums of money, and hitching onto those amounts of money conditions or limitations to carry out some ulterior purpose that the donor might have in mind. I think it would be well to guard against that.

Mr. SHACKLEFORD. Mr. Chairman, I had not considered this bill myself at all until I heard it called up here. Has the gentleman thought of how large a force the Commissioner of Education would require, if funds should come in and he would undertake to investigate the various localities in this great Republic of ours, to adequately perform that service?

Mr. HARRISON. I imagine it would be a very large force.

Mr. TOWNSEND. Before the gentleman goes on with his discussion of section 2, I wanted to ask him what possible contributions to the general fund of information in regard to education in counties any Federal force could obtain that is not already perfectly well known to the educational forces employed in the counties now? For instance, each of us is familiar with the conditions in his own county. In my county, of course, there is a board of education, and I suppose there is one in most counties in the United States. There is a very large staff of principals of schools, there is a very large staff of teachers, and the principals of the schools are supplied with secretaries. Now, with such machinery as that I can not conceive of a Federal force going into that county and doing anything else than they already know, instead of teaching them what is necessary to be done. What could this force do any better than can be done already?

Mr. HARRISON. I will confess I am not sufficiently in the confidence of the Commissioner of Education to know what advantages he expects to get by this bill. I agree with the gentleman that they can get very little information other than is already procured.

Mr. SHACKLEFORD. Suppose the Commissioner of Education located his headquarters here. If some community out in Oregon needed to be investigated with reference to a better method of educating its people, somebody would have to be sent from here there, and it would take 4 days to go and 4 days to come back and 2 days in which to investigate, which would be 10 days for that neighborhood. I wondered if that was carried out adequately—and, of course, we would not undertake anything here that was not going to be adequately carried out—if they sent a man east, and another man west, and another north, and another south to seek for these illiterate people and bring them in, would it not entail a very large expense to administer it?

Mr. HARRISON. I think so.

Mr. SHACKLEFORD. And if that is true, ought we not to have it sufficiently equipped both with men and money to adequately administer it, or else let it alone?

Mr. HARRISON. I think so.

Mr. TOWNER. Does the gentleman think it would be necessary to send a person out, as he says, to these communitites?

Mr. SHACKLEFORD. If the gentleman asks me if I think it would be necessary, I will say no, because in every community to which he would go there would be already educational men there who would know better what ought to be done in that community than anybody who would be sent from here could find out.

Mr. TOWNER. Those instances, I think, would not be at all numerous, I think the gentleman will agree.

Mr. SHACKLEFORD. I believe that in ninety-nine townships out of one hundred there is somebody there who knows better what would develop the literacy in that neighborhood than any man sent from here could find out.

Mr. TOWNER. In any event the assistance that could be rendered, either directly or indirectly, by the General Government regarding the experience of the States and methods used certainly might be very helpful.

Mr. SHACKLEFORD. All of this goes on an assumption that prevails here in this Capitol that I think ought to be frowned down—and I beg the pardon of the gentleman from Mississippi [Mr. HARRISON] for taking so much time—which is this, that a Federal functionary immediately upon his appointment to office takes upon himself a wisdom superior to what any officer in any State could possible have.

Mr. TOWNER. I will say to the gentleman if any such assumption exists I do not know of it.

Mr. SHACKLEFORD. We see it here every day.

Mr. LINTHICUM. I want to ask the gentleman from Mississippi [Mr. HARRISON] whether he does not think that sometimes these teachers or these educators in various sections would be very much assisted by ideas from without? Sometimes they are on the grind themselves to such an extent that they do not have an opportunity to get around.

Mr. HARRISON. I certainly do.

Mr. LINTHICUM. I want to state an instance——

Mr. HARRISON. I agree with the gentleman, but he might convince me he was wrong if he should continue. [Laughter.]

Mr. LINTHICUM. No. I want to state an instance. Some time ago I wanted an official promoted, and I made the argument that this official was acquainted with the business of that office and knew all about it, and, therefore, ought to be promoted. Against that argument I was told this: That probably he had been at work there so steadily that he had not been able to get any ideas from the outside, and it might be able to bring a man in who could give him some ideas. I would like to know if the gentleman does not think that might be possible?

Mr. HARRISON. In the first place, the gentleman is talking now about the education of boys and girls under the age of 21. This bill, of course, applies to adults altogether.

Mr. LINTHICUM. Yes.

Mr. HARRISON. It does not apply to minors. I agree with the gentleman that good ideas and new ideas are often transmitted by reports and otherwise to the teacher and are of much benefit to them; and in the beginning of my remarks I said that, so far as the first part of this bill is concerned, I had no objection to it. I believe that the bureau is now getting out information that aids the teacher in the performance of his work, and the States also are doing that.

But, getting back to the second section of the bill, I am opposed to the Federal Government going into partnership with men who may have made their money in ways that have not been just, although sometimes within the pale of the law, and the acceptance by the Government of this money. There are cases that I can imagine where these contributions might influence the appointment of certain persons, who you propose shall go around and get up the data and devise the means whereby this work should be put into operation. I say that if the Government is going out to do this work we certainly ought to leave out that provision of allowing the Commissioner of Education the power to accept donations from these various people.

Mr. DIES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Texas?

Mr. HARRISON. Yes; I yield.

Mr. DIES. I would like to ask my friend from Mississippi if he does not believe that if the Federal Government begins, even in a small way, to take over education, the effect of it will be to injure the cause of education in the States? That is to say, will not the States begin to relax their own activities, and more and more want to place the burden upon the Federal Government, as they have done in a great many other instances?

Mr. HARRISON. Yes. I believe the gentleman is correct. I think it is wrong for the Federal Government to appropriate money for education in the States.

The point was well put by the gentleman from Michigan [Mr. KELLEY] in a question asked by him of the gentleman from Kansas [Mr. CAMPBELL]. The gentleman from Michigan is in favor of this legislation. He asked this question of the gentleman from Kansas: "Conceding that certain localities are not educating the children, do not you think that the Federal Government ought to demand that it be done?" Do the gentlemen who are in favor of this legislation believe that because we have jurisdiction, because we can pass this legislation, we can say to the locality, "You have got to educate your children"? Do you think you can enforce education upon the people in the counties and in the States, and usurp the powers of the States, and enforce in their stead the powers of the Federal Government?

I submit that is going too far. But that was in the mind of the gentleman from Michigan, and it is in the minds of many others who are in favor of this legislation and other similar legislation.

Let me tell you, gentlemen, that down in my country the boy or the girl who does not get an education before reaching the age of 21, in the first place, ninety-nine times out of a hundred, will never amount to anything, and after he becomes 21 years of age, if he wants an education, he is going to get it, and no power on earth can keep him from getting it. He does not have to be encouraged by the Federal Government to do it, and he will not be encouraged by this business of trying to eliminate illiteracy among the adults in this country. What class will it help? It will help the illiterate foreigner who can not read and write. As was suggested by the gentleman from Texas [Mr.

DIES], if you want to remedy that situation of illiteracy, bring influence to bear on the Senate to report out the bill that we passed here a couple of weeks ago, and bring influence to bear on the President of the United States, when that legislation comes to him, so that he will sign the bill. Then you will directly secure the result that you are now proposing to secure by disarranging the relations between the Federal Government and the States and tearing up by the roots the rights of the States. [Applause.]

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. HARRISON. Certainly.

Mr. STEPHENS of Nebraska. I want to ask the gentleman if he would support this bill provided the bill were amended by cutting out the words in line 11 of page 1, "putting into operation," and by eliminating, in line 9, after the word "Congress," all the words following?

Mr. HARRISON. I think it would help the bill a great deal, and I am inclined to think it would almost cure all the defects I see in the bill. I think that would eliminate the greatest evils that lurk in this bill.

Mr. STEPHENS of Nebraska. I want to ask the gentleman another question.

Mr. HARRISON. Very well.

Mr. STEPHENS of Nebraska. Does the gentleman make a distinction between the aid that the Government gives in agriculture and that which it might give in an educational line? For instance, a few years ago hog cholera broke out in my herd of swine, and I telegraphed the Secretary of Agriculture, and the department here sent a man to my farm to assist the local State veterinarian in curing that disease. Now, is not that an absolute parallel with the assistance that the Commissioner of Education might give in directing and devising methods that he is in possession of, and that the local authorities would not be in possession of, in assisting in the elimination of this great national evil of illiteracy?

Mr. HARRISON. Oh, I do not think it is a parallel case. In the first place, it could not grow to the magnitude that education would grow to. Education is inherently a function that ought to be exercised by the smallest units in the country, and is being justly and magnificently taken care of by them.

Mr. STEPHENS of Nebraska. The gentleman does not think it would interfere with that?

Mr. HARRISON. I do not believe they would do it; but I say they could do it; and I will never sanction by my vote a measure that will vest that power in the Federal Government.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. HARRISON. I do.

Mr. HOWARD. Is it not a fact that the general average in the reduction of illiteracy throughout the United States in the last 10 years was over 10 per cent, and does not the gentleman think that is getting on pretty well under the present system?

Mr. HARRISON. I expect the gentleman is correct about that.

Mr. DIES. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. HARRISON. Certainly.

Mr. DIES I would like to know of my friend from Mississippi whether he thinks if we would attempt to do this, and would appoint all these employees under the civil service, and they would go out to elevate the condition of these hundreds of thousands of illiterates, when they got old and could not go out and help the illiterates any more they would want a pension, to be paid for by these same illiterates? [Laughter.]

Mr. HARRISON. I think so. I think the gentleman is correct.

Mr. WINGO. Mr. Chairman, I think the reporting of this bill has served a useful purpose. I am informed that the gentleman from Kansas [Mr. CAMPBELL] has knelt for many years an abject devotee at the shrine of Alexander Hamilton; and if the reporting of this bill has served to cause him to view with a friendly regard the beauties of the doctrine of State rights, the labors of the committee have not been in vain.

This bill is also a partial fulfillment of an old prophecy which said it should come to pass that the young men should see visions and the old men should dream dreams. The bill is a beautiful vision of the gentleman from South Carolina [Mr. HUGHES], its author. The report of the committee is a very beautiful dream; but I think that an analysis of the bill will show that there is nothing in it but a dream. As a matter of fact, the object of the bill, as set out, is to undertake to discover some unknown plan by which you can decrease illiteracy among the adults of this country. In the report of the committee they advise you that they have already discovered this plan; that some good lady who is a county superintendent down in Kentucky has already discovered it, and the report of the committee goes on to show that if you will just simply pass this bill and let them realize their dream, before the next census comes around they will have the illiteracy of this country all wiped out. Then, why this bill?

It is a very beautiful dream, but I do not think there is anything to it. It discloses the fact that a lady out in Kentucky has discovered a plan by which you may correct the evil of which you complain. She is a county superintendent under a State school system. I want to say that I have some pride in the fact that I taught school for a while. I finally discovered that I was not of any very great use to my fellow men in that particular field of endeavor, and I quit it and took up something else for which I felt I was better fitted and, incidentally, more remunerative.

I think all of you who have taught school will recognize the fact that the only way to wipe out illiteracy is to wipe it out by teaching the illiterates. You do not need any plan. It is not any hidden secret to be discovered by any Federal agency going out and making what they are pleased to call these Federal "surveys." I do not know what they mean by that expression. But I will say it does not take any Federal "survey" to go out and discover what is the cause of illiteracy, or how it may be removed. Down on the banks of Bear Creek, where I live, in Bear Creek Township, our trouble is not to get some plan. Our trouble is the lack of funds, and that is the trouble all over this country. It is not the lack of a plan. It is the lack of money in most of the rural districts where you complain of illiteracy.

I want to tell you another thing, gentlemen. There is not one-half the illiteracy in this country that you are told there is by the last Federal census. You can not absolutely rely upon these census figures as to illiteracy.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. WINGO. With pleasure.

Mr. MADDEN. I suppose all the States of the Union have compulsory education laws, have they not?

Mr. WINGO. I do not know as to that.

Mr. KELLEY of Michigan. That is one trouble. They have not.

Mr. MADDEN. If they have compulsory education laws, then a method of overcoming the difficulty that is sought to be corrected by this bill would be to enforce those laws, would it not?

Mr. WINGO. I was coming to that. But the chief trouble is the lack of funds, as every school-teacher knows who has had practical experience.

The next difficulty is that where you have the funds you can not get the boys and girls to go to school. That is a problem that can not be reached by this bill. The only way you can reach adult illiteracy is in the way pointed out by this lady in Kentucky. I do not think it is going to take a Federal "survey," or groups of Federal officials to go out and get county superintendents to adopt the plan of Mrs. Stewart.

Mr. TOWNER. The gentleman speaks about the necessity for money, and he says that no plan could be carried out without money. Does the gentleman know that there was not one dollar appropriated for the carrying out of the work which was done under the direction of Mrs. Stewart in Kentucky, but that it was entirely voluntary?

Mr. SHERLEY. Does the gentleman also know the fact that they are asking over 100 per cent increase in the estimates for the Bureau of Education, on the ground that money is absolutely necessary to do anything?

Mr. TOWNER. Does the gentleman from Kentucky know of any better service to which the money could be put?

Mr. SHERLEY. I do, as to some of the uses that it has been put to; and I know that when a public official writes to the different heads of educational institutions all over the country, to build a back fire on Congress, he is properly subject to censure instead of praise, and that is what has happened in regard to the present Commissioner of Education.

Mr. TOWNER. That is an entirely different matter.

Mr. WINGO. Now, Mr. Chairman, I wish to continue the line of argument which I was pursuing, but in passing I will notice the suggestion made by my friend from Iowa [Mr. TOWNER]. He asked me if I did not know that there was no money at all expended by the friends of Mrs. Stewart and her coworkers. I believe that was the gentleman's question. That may be true, but there you had an idealistic proposition. That

was the work of an idealist. You are not going to stimulate idealism in this country by Federal bureaus. I will tell you what you will stimulate. You will have about the same results under the second section of this bill that you have in some of your forest reserves. Idealistically it is a pretty thing for us to try, but you will find employees going out, not trying to be of practical benefit to the adult illiterates of this country, but you will find that under that provision there the clerical force will be filled up with lame ducks and hangers-on of politicians.

Mr. BARKLEY. Will the gentleman digress from his line of argument long enough to tell us the method which is adopted whereby Members of Congress can get any of these jobs?

Mr. WINGO. No; I was just coming to that. I do not want to get too far away from my main proposition, which is that the trouble with education in most of the States and in the communities where they complain of illiteracy is a lack of funds. That is a problem that goes to the maintenance of your schools for the education of children; but the gentleman from Mississippi [Mr. HARRISON] has hit the nail on the head when he says that a man who has grown up to manhood's estate without learning to read or write will learn to read and write if he really wants to. He will find in every community some public-spirited person like Mrs. Stewart who will aid him in the effort to acquire that knowledge. I want to say that my observation of school-teachers has been that they are always ready to help the unfortunate classes who are sought to be reached by this bill. There is not a country-school teacher in the States of Iowa, Alabama, Georgia, or anywhere else who is not willing to help the man or woman who wants to learn to read and write. Such a person can always find a school-teacher who will be glad to give him tuition and assistance.

I do not believe that any Federal bureau will ever stimulate the ambition in the breasts of the unfortunate people that do not know how to read and write. Now, coming to the question of my good friend from Kentucky [Mr. BARKLEY], who wants to know how to locate the jobs and to get them, I want to say that if I knew I would not tell him until after I took care of my constituents. [Laughter.] So far I have not been able to locate one. You have so many commissions and bureaus that I have come to the conclusion that I shall be compelled to serve 10 years in this House before I have made the personal acquaintance of the heads of the different bureaus and commissions.

Mr. BARKLEY. Is the gentleman urging that so that his constituents will keep him here that long?

Mr. WINGO. Yes; I am looking for all these reasons and storing them away, as will my friend from Kentucky, I have no doubt.

Now, what you are going to do is to build up more machinery. What will be the result? The result will be, as the gentleman from Kentucky [Mr. SHERLEY] called attention, that you will have these people on our backs saying you must give more appropriations because we have increased the office force and the lines of activity; you want to stamp out illiteracy, and if you are in earnest we must have more appropriations. You know how it is going to be, because that will be the practical result.

Now, Mr. Chairman, I am opposed to another feature of the bill, and that is, under this bill you authorize the bureau or the commissioner to go into these communities and establish a school if you can get Andrew Carnegie to say he wants it down there and will give $5,000 to establish it. I think there has been more harm done to education in the South by outsiders butting in and telling us how to educate our people than anything else that has occurred. You do not want it in New York, you do not want it in New Jersey, you do not want it in Georgia or Alabama. If you do that, you are doing more harm to the ideal that you hold up before us than you will do it good.

Mr. BARKLEY. Will the gentleman yield?

Mr. WINGO. I will.

Mr. BARKLEY. I am unable to bring myself to the construction of the bill stated by the gentleman from Arkansas when he says that the Commissioner of Education, by reason of its terms, could go into Bear Creek Township in his district and establish a school. My reading of this bill only gives the Commissioner of Education the right to advise with the local authorities in devising methods whereby they shall establish schools of this kind to facilitate education.

Mr. WINGO. I think my good friend from Kentucky is wrong. The bill says that he is authorized to advise and cooperate with school officials, teachers, and others in devising and putting into operation such plan. How are you going to put into operation a plan? Suppose the plan is this: Andrew Carnegie says, "I will finance the placing of schools in every county in Kentucky or Arkansas where these conditions exist if you will furnish teachers for it." That would be a plan, and under this bill the Commissioner of Education would be authorized to put that plan into operation.

Mr. BARKLEY. Would that interfere with any State or county system of schools?

Mr. WINGO. It certainly would, and my good friend knows that it would. The gentleman well knows that if any Federal commission or agent should come into a township in Kentucky and undertake to establish a Federal school it would interfere with the temperament of the community.

Mr. BARKLEY. He is not undertaking to establish a Federal school; but suppose Mr. Carnegie wants to donate money to a private institution for education, he has a right to do it now, has he not?

Mr. WINGO. Yes.

Mr. BARKLEY. Does the gentleman from Arkansas think that this bill contemplates that the Commissioner of Education shall canvass over the United States to get funds, or is it merely to accept funds that are offered him for the purpose of facilitating this scheme?

Mr. WINGO. The gentleman asked me a question, and I will tell him what I think is the practical operation of it. I think that human nature is the same, whether it be a Commissioner of Education or a Member of Congress. I think that they will want to make a big showing, so as to get big appropriations. They will try to put up propositions to you that will show that they need large appropriations to support them. Now, Mr. Carnegie, or some other philanthropist who is endeavoring to make physical connection with a legalized guaranty upon future fame, would undertake to establish these schools, and later on you would have a representation to us that the chairman of the Appropriations Committee is familiar with—they would come along and say that the local aid had failed, donations had failed; you have a fine property, a fine institution, and it would be a shame to allow it to be lost; that if we would make the appropriation to cover the incumbrance that is upon it and the running of it we would get a fine property. I think that would be the result of it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WINGO. With pleasure.

Mr. FITZGERALD Mr. Chairman, I hold in my hand a few letters sent to me as chairman of the Committee on Appropriations from educational institutions throughout the United States urging me to favor all of the items for the Bureau of Education for the next fiscal year. These estimates are 200 per cent more or three times as great as the appropriation for the current year.

The Commissioner of Education has admitted before the Committee on Appropriations that these letters and this propaganda are the result of communications sent out from the Bureau of Education to all of these institutions. And not only that, but the same statement has been published in various papers throughout the country.

If the gentleman will permit me to show the insidious manner in which the work is done, I desire to say that this is a part of a communication sent out:

This will probably be considered by the Appropriations Committee of the House before January 20. The names of the members of the committee are given below. Those starred are members of the subcommittee on the legislative appropriation bill, in which the bureau's estimates are included.

Then is appended a list of the Committee on Appropriations, beginning with myself, and if the gentleman will permit me, I shall read one letter to show the character of those received. This letter is from the president of a university. I shall not read the name, because I believe that I have received one from the president of almost every State institution.

When in Washington recently I had some business with the Bureau of Education, Department of the Interior. During a conversation with the Commissioner of Education he outlined to me what new work the bureau was undertaking, work for which it was necessary that increased appropriations be made to his department. The last appropriation for his department amounted to $89,900. He has estimated that to do the work which is much needed for his department it will require an additional $178,700, making a total for the Bureau of Education for the next year of $268,600. The work that the commissioner has planned is one that urgently needs to be done. I venture to express the hope that your committee will find it possible to increase these appropriations to somewhere near the amount that has been asked for.

So that this propaganda is going on throughout the country in an effort to compel Members who are attempting to determine from the information that is furnished by this bureau the extent to which its activities should be conducted. These communications are piling up for the purpose of influencing and in some instances of coercing Members to vote for appropriations regardless of the merits.

Mr. SLAYDEN. What becomes of the campaign pledges about economy in that instance?

Mr. MANN. Oh, they have been lost a long while ago.

Mr. FITZGERALD. What have?

Mr. MANN. Your campaign pledges about economy.

Mr. FITZGERALD. I am not discussing them. I am more vitally interested in this increasing, persistent movement to enlist the Federal Government in every activity of government that should be confined to localities and to States. It is a movement which, if continued and not stopped, means an entire change in our system of government, a practical subordination of State and local governments, if not the elimination of local self-government in this country, and the building up of a great Federal centralized Government, which I believe is the greatest menace which confronts the country.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MONTAGUE. What do we now appropriate to maintain the Bureau of the Commissioner of Education?

Mr. FITZGERALD. Eighty-nine thousand nine hundred dollars.

Mr. MONTAGUE. And that is all, then, that the United States Government does in the way of education?

Mr. FITZGERALD. Oh, no; it is not. Nearly every department of the Government is engaged in educational work of one kind or another. The greatest department of education, the greatest work in education by the Federal Government is done by the Department of Agriculture.

Mr. MONTAGUE. I should think that is true.

Mr. FITZGERALD. In 1867 Congress created a Department of Education. The following year it amended the law and changed it to the Bureau of Education, because within one year after the law was enacted the danger was seen of the Federal Government attempting to set itself up to control the education of the people of the country. Congress changed the law inside of a year.

Mr. MONTAGUE. I am very much interested in the reply of the gentleman. I just wanted to know how much was appropriated for this particular bureau. The gentleman says it is a bureau?

Mr. FITZGERALD. It is a bureau; yes.

Mr. MONTAGUE. My inquiry was addressed for this reason, that the House might consider by comparison what little support the Educational Bureau of this Nation receives from the Federal Government.

Mr. FITZGERALD. I call the gentleman's attention to this fact, that the action of Congress may be influenced somewhat by the character of the work done by the Bureau of Education.

Mr. MONTAGUE. Will the gentleman contend that this bill appropriates one cent?

Mr. FITZGERALD. Oh, no. This bill has been too shrewdly drawn to appropriate money. This is the camel's head; and if this bill be enacted into law the camel will be under the tent next year. I have in my hand——

Mr. MONTAGUE. Will the gentleman permit me to finish the question? The gentleman's experience is much greater than mine, but in the process of legislation here is it not a fact that this question of the camel's head so frequently arises that the gentleman and myself, and everyone who serves in the House, will have to decide for himself whether he will vote against a measure because subsequent appropriations may arise? Must we not act upon the merits of the particular pending measure rather than be controlled now as to some subsequent possibility?

Mr. FITZGERALD. No, Mr. Chairman——

Mr. SHERLEY. Now is the cutting time.

Mr. MONTAGUE. But that is a mere question of opinion.

Mr. FITZGERALD. My experience is that once a service is authorized and appropriations are made for it those who are particularly interested in the service will organize in order to get the appropriations, and the other Members are indifferent. I had some experience in that regard as recently as yesterday, while in charge of an appropriation bill on the floor of this House.

Mr. Chairman, I have here one of the bulletins issued by the Bureau of Education. It is Bulletin No. 49, 1913, and is entitled "The Farragut School," a Tennessee county high school. If any gentleman will take this pamphlet and examine it and tell me in what way it should be changed, if it were prepared as a prospectus to advertise this particular high school, I should be very glad to have him point it out. Yet it is prepared by the Bureau of Education. It is printed and circulated at the expense of the Government of the United States, and it is one of the things that we are supposed to see merit in, as coming from this bureau. It tells of excellent work done by the Tennessee high school. So that no gentleman will be offended, let me say it is conducting its work in a satisfactory manner. But this bulletin is practically a prospectus, prepared and issued by the Bureau of Education. Here is part of the description of the school contained in the pamphlet:

> On the school grounds is located a cottage for the principal, the use of which is given to him rent free. The building is plain and simple, but well arranged and adequate for the purpose for which it was built. It is equipped with a complete bathroom, private toilet for servant, and a "cool room," with concrete sink, through which water is kept running in warm weather. This serves as a refrigerator. The cost of this cottage was very small, as the main part of the cottage consists of one of the abandoned schoolhouses of the district, moved here and remodeled.
>
> At the junction of the Kingston Pike and the Concord Pike, at the corner of the school grounds, a concrete water box for horses and a public drinking fountain, with concrete bowl and base, for people have been erected. The fountain has proved to be of great convenience, not only to the community but also to travelers on the pike. The money for the water box and fountain was subscribed by the pupils, teachers, and patrons of the school. Every pupil subscribed, and has therefore a feeling of ownership. On the water box, in brass letters, are these words: "Erected by the Farragut School and community, 1910." On the fountain are the words: "Farragut drinking fountain."

There is more to the same effect. Does anybody believe that the funds of the Federal Government should be used in carrying such information about a particular high school at any place in the country, put in the form of an attractive bulletin, with photographs and illustrations, and circulated at the expense of the Government in order to advertise this school? I have another bulletin——

Mr. ASWELL. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. ASWELL. Does not the gentleman know this represents a type of high school and illustrates a model that is intended to be distributed throughout the country, so that other high-school communities could have an ideal before them?

Mr. FITZGERALD. All this does is to point out the fact that the Farragut High School in Tennessee——

Mr. ASWELL. Is a model school.

Mr. FITZGERALD. Has taken some of its land and had it cultivated by its pupils for the purpose of instructing them in agriculture, and also points out that a house that has been abandoned for school purposes was remodeled as a home for the principal, and that such a remodeled house could be utilized for such purpose.

Mr. MANN. Will the gentleman yield in the gentleman's time to enable me to ask him a question? [Laughter.]

Mr. FITZGERALD. I yield.

Mr. MANN. Does not the information go further than the gentleman states? Does it not give to the world the startling information that if you will erect a drinking trough or fountain on a side of the pike that some people will use it in hot weather?

Mr. FITZGERALD. I have another bulletin, entitled "Agricultural and rural life day," and it contains a number of different selections from standard English and American authors. The one which attracted my attention particularly——

Mr. WINGO. Mr. Chairman, I hope the gentleman will not inject any poetry into my remarks. [Laughter.]

Mr. FITZGERALD. In this bulletin, in part 4, under "Our domestic animals," is the following:

THE CALF PATH.

A calf walked home as good calves should,
But made a trail all bent askew—

Mr. WINGO. Mr. Chairman, what did I tell you? [Laughter.]

Mr. FITZGERALD (reading):

A crooked trail, as all calves do.
Since then 300 years have fled,
And I infer the calf is dead.
But still he left behind his trail,
And thereby hangs my mortal tale.

The trail was taken up next day
By a lone dog that passed that way,
And then a wise bellwether sheep
Pursued the trail o'er vale and steep;
And drew the flock behind him, too,
As good bellwethers always do.
And from that day, o'er hill and glade
Through those old woods a path was made.

And many men wound in and out,
And dodged and turned and bent about,
And uttered words of righteous wrath
Because 'twas such a crooked path;
But still they followed—do not laugh—
The first migrations of that calf,
And through the winding woodway stalked,
Because he wobbled when he walked.

I will not take up more of the time of the gentleman from Arkansas [Mr. WINGO] in reading it——

Mr. BARKLEY. Is there any more of the poetry?

Mr. FITZGERALD. In another portion of the article, under the heading "Men influential in improving agriculture"——

Mr. ASWELL. Will the gentleman yield for just one question?

Mr. FITZGERALD. Yes.

Mr. ASWELL. Will the gentleman explain what the purpose of that is? What is the name of the publication from which the gentleman has been reading?

Mr. FITZGERALD. "Agriculture and rural life day; material for its observance," and the commissioner himself admitted it was a mistake to put in that "Calf path" poem in this publication when I called his attention to it. Now, how much information does it furnish to anybody interested in a rural school?

Mr. ASWELL. I want to ask the gentleman in good faith, Has the gentleman ever been in a rural school?

Mr. FITZGERALD. Yes.

Mr. ASWELL. The gentleman has been?

Mr. FITZGERALD. Yes; I spent three years in a rural school myself.

Mr. ASWELL. In a country school?

Mr. FITZGERALD. And I hope I am a credit to them. I read:

HORACE GREELEY (1811–1872).

As the first great editor of a daily paper printed for the general public to open his columns to agricultural topics and to advocate better farming methods, Horace Greeley gave a great stimulus to the betterment of the farmer's condition. In addition to writing many editorials in his newspaper, the New York Tribune, on country life, Mr. Greeley founded an "agricultural department," appointing Solon Robinson as the Tribune's agricultural editor.

Is that information of a character that a Bureau of Education should collect, publish, and distribute at the expense of the Federal Government? It is not a trifling matter. Is that anything which can be said to be within the proper functions of the Federal Government? It is very interesting in some respects. I take the trouble to examine all of the publications that the various departments of the Government send to me, and I find more information regarding the work and the value of the work and the propriety of the work, many times, than I can obtain from questioning the officials.

Apologizing to the gentleman from Arkansas [Mr. WINGO] for intruding in his time, I thought that this information might be interesting and of some value to the committee if inserted at this time.

Mr. WINGO. Mr. Chairman, when I took the floor, something less than an hour ago, I had an idea that I wished to present to the committee, but inadvertently I was happily diverted from the line of my thought, and I frankly confess I have forgotten what the idea was.

Mr. BARKLEY. You were talking about Bull Creek, in your district.

Mr. WINGO. No; Bull Creek is in your district. Bear Creek is in my district.

Seriously, I think this bill is bottomed on the presumption that the system of education maintained in the various States has fallen down and is a failure. I repeat it. This bill could not be adopted by anyone unless he yields and agrees to the presumption that the States are not able to maintain an efficient common-school system for the education of its citizenship. I do not believe that presumption exists. I think, especially in the light of the activities in the improvement of the common-school system mantained by the different States within the last 10 years—I say in the light of that rapid improvement in the school systems in the different States that such a presumption can not appeal to any man who is familiar with that work. And I am not ready to admit that in my State we are not able to cope with the question of the proper education of the youth or taking care of those illiterates who are adults and who may have an ambition to repair the neglect of their childhood days.

Mr. Chairman, time was when a Democrat repelled with all the vigor he could command any suggestion that tended toward Federal control of education in the States. But after having read this bill and after having listened this afternoon to the gentlemen upon this side of the aisle there springs to my lips that old expression that I have heard so often since coming to this body, "Oh, how the times have changed! How the times have changed!" [Applause.]

Mr. TOWNER. Mr. Chairman, at least now we can see some of the extraordinary reasons that are urged why this bill should not be passed. The chairman of the Committee on Appropriations comes here and tells the committee there have been letters sent out from the Commissioner of Education, and that these letters have requested the Committee on Appropriations to enlarge their appropriations for the Bureau of Education. That, in the gentleman's eyes, is a great crime.

Mr. FITZGERALD. That is not a crime; but what I complain of is of an official of the Government utilizing the force given to him to perform certain work to send out matter to persons for the purpose of stimulating an agitation to have his appropriations increased. That is the vice of the situation.

Mr. TOWNER. Even with the explanation of the gentleman, I fail to see where there is any very great criticism that can be brought upon the Bureau of Education if it desires its appropriations enlarged. In my judgment the appropriation that is annually given to this Bureau of Education, of $89,000, is a disgrace to this country and to this Government. [Applause.] It is less than is given by any other civilized nation in the world for similar service. Regarding the statement so often made to-day on the floor of the House that this is an extension of the powers of the Government, I want to say there never has been a bill that has been more carefully drawn for the purpose of excluding that than this bill here now. It is only that the General Government can, by having the powers given to it by the passage of this bill, aid and assist the States to more freely and fully perform their functions. That is the reason the passage of this bill is asked.

Mr. SHERLEY. Will the gentleman yield?

Mr. TOWNER. Certainly; I will yield.

Mr. SHERLEY. If it does not enlarge the power of the bureau, what is the need of it?

Mr. TOWNER. It does enlarge the power of the bureau, but not to the extent of interference with the work of the States. It is only for the purpose of assisting in the work of the States. That is the defect of all of these arguments that have been made. Every effort on the part of the General Government to assist in the work that is common to every part of the United States is considered, when gentlemen desire to oppose it, as an interference on the part of the Government and as an undue extension of the powers of the Government that will never stop until we become an absolute autocracy and all the powers of the States will have been absorbed. There are certain things which the General Government can do that the States themselves can not do, and it is especially on the line of assisting and advising and correlating and bringing to the knowledge of one State the knowledge and experience of another that such legislation is justified.

Mr. ASWELL. Is there any difference in principle between this bill and the Lever bill?

Mr. TOWNER. Certainly not; but if there is it is in favor of this bill as against an undue extension of governmental power. But, gentlemen, the House is considering now a question that receives unquestionably the approval of all the educational forces in the United States, and you can not afford to discredit it. It is very easy here to take up these things and make light of them. The gentleman from New York [Mr. FITZGERALD] has read a poem from a book that was prepared for the purpose of showing what might be done in preparing a program of exercises in rural schools. I presume the gentleman will remember the poems, that now seem silly, that were contained in the first books of our schools all over the country. These were not intended for adult consideration. They were intended for the consideration of children and for their encouragement. It is very easy to ridicule such things as that. But adult men, considering an adult question such as we have now, should not let such considerations influence them in an attempt to defeat a plan for encouraging education in this country, for wiping out illiteracy, and removing that disgrace from our land; and gentlemen will draw no credit to themselves by attempting to ridicule such efforts.

Mr. MANN. Mr. Chairman, would not the gentleman from Georgia [Mr. HUGHES] make some kind of a proposition now as to the length of general debate?

Mr. HUGHES of Georgia. I will say to the gentleman from Illinois that I have asked unanimous consent.

Mr. MANN. The gentleman from Kentucky [Mr. FIELDS] wants some time. How much does the gentleman desire?

Mr. FIELDS. Ten minutes.

Mr. MANN. And the gentleman from Pennsylvania [Mr. AINEY] wants 10 minutes. That makes 20 minutes.

Mr. HUGHES of Georgia. Then, Mr. Chairman, I ask unanimous consent that all general debate on this measure close in 20 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. HUGHES] asks unanimous consent that general debate close in 20 minutes. Is there objection?

Mr. FIELDS. Pending that, Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Pending that, the gentleman from Kentucky [Mr. FIELDS] asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to closing debate in 20 minutes, 10 minutes to be occupied by the gentleman from Kentucky [Mr. FIELDS] and 10 minutes by the gentleman from Pennsylvania [Mr. AINEY]? [After a pause.] The Chair hears

none. The gentleman from Kentucky [Mr. FIELDS] is recognized for 10 minutes.

Mr. FIELDS. Mr. Chairman, the bill H. R. 2494 proposes to enlarge the scope of action of the Bureau of Education by giving it authority to collect statistics and facts showing the condition and progress of education in the several States and Territories, and authorizes it to diffuse such information among the States and Territories and cooperate with the States or subdivisions thereof in an effort to eliminate illiteracy from among the adult population. This movement is a great step forward in the promotion of education, and should receive the unanimous support of the membership of this House, which would be approved by the citizenship throughout the length and breadth of this land, because its enactment would result in a revival of educational activities among the people of every State, which would eventually eliminate illiteracy.

Mr. Chairman, to me it would be an ideal day in our national and social life could I live to see the day when every American citizen would be able to sit down by his fireside after his day of labor was ended and read his Bible or newspaper or search the magazines or other educational documents for information or knowledge which would enable him to better serve his fellow man, his country, and his God. I do not contend, and be it far from me to entertain even a thought, that the uneducated men and women of our land are not good and useful citizens, and I most bitterly disagree with the gentleman from Mississippi, who said a few moments ago that "the individual who fails to learn to read and write by the time he is 21 years old does not amount to anything, anyway," for many of our best and most moral and upright citizens are illiterate. Many men who can not read and write are successful in business and have acquired considerable fortunes through their own efforts and by their own management. But while this is true, it is no argument against education, for every fair-minded man will concede, and no one will do it more readily than the uneducated business man, that, regardless of how successful he may be, his success, his achievements, and his happiness would be enlarged by an education; and no one realizes the value of an education more than the business man who does not possess it.

It may seem strange to some gentlemen who have been reared and spent their lives in communities blessed with every educational advantage to hear reference made to the illiterate business man. But, strange as it may seem to some, there are in this great and glorious country successful men who are wholly unable to read and write, and their illiteracy is not due to their lack of intellect or energy, for they are both intellectual and energetic. It is due to a lack of opportunity in their school days. The lack of opportunity may have resulted from one cause or another, but whatever the cause or causes may have been this bill if enacted into law will seek to find and remove them, and for that reason I can not understand how any man who looks with any degree of pride on the progress of his country can oppose its passage.

We hear as one objection the old familiar song of State rights, with great emphasis on the declaration that the Federal Government would invade the right of any State should it open up its great Bureau of Education and diffuse the facts contained therein to the citizens of the State, and by so doing rob it of its illiteracy. But, Mr. Chairman, I do not understand how some gentlemen can harmonize their opposition to this bill with their support of other measures which have passed this House. Not long since a bill passed this House authorizing the Federal Government to attempt to exterminate the boll weevil from the cotton fields of the South; and, as I recall, no gentleman from the cotton districts of the South contended that that measure was in violation of State rights. Another bill was passed, the purpose of which was to eradicate the cattle tick from Texas, and if any gentleman from that State raised his voice against it or even expressed a fear or the slightest suspicion that it was in violation of the spirit of State rights I failed to hear him. Only a few days ago we passed a bill authorizing the Government to take steps toward the eradication of hog cholera from the herds of the farmers of the several States, and that measure, like the others just referred to, was not in violation of State rights for the reason, I suppose, that it preserves the financial interests and guards the pocketbooks of many of our constituents.

I am not objecting to those bills. I supported them. They were good measures, and it was right that they should pass. But now that the Committee on Education has unanimously reported a bill, the object of which is to eliminate illiteracy, which affects our civilization and the happiness and contentment of our citizens, some gentlemen who were extremely anxious to have the Government eradicate the Texas cattle tick, the boll weevil, and the hog cholera rise in their places and contend that Congress is about to invade the rights of the several States. Some gentlemen contend that the object of the bill is to take the educational machinery out of the hands of the States and place it in the hands of the Federal Government. Why, Mr. Chairman, that contention is absurd. The bill provides that the Commissioner of Education shall investigate illiteracy and the means by which it may be eliminated or reduced and report such information to the States or subdivisions thereof. Mr. Chairman, I agree with one statement of the gentleman from Texas [Mr. DIES], "that the object of the bill is to create renewed activities in the Bureau of Education"; and I trust that it may not fail in its purpose if it becomes a law. For the God in heaven knows that if there is a bureau in the Government that needs a revival of activities and an increase in its appropriations it is the Bureau of Education. However, it might be well to state that the present bill does not call for an appropriation, so there can be no objection to it on that ground. And of the great sum that was appropriated by the Government for the last fiscal year only $89,000 was appropriated for the support of our great Bureau of Education, the mission of which is not, or should not be, confined solely to the problem of advancing the education of those of our citizens who can read and write, but should be given every power that will assist it in eliminating illiteracy from the millions of people throughout the country who are wholly illiterate, and of whom 1,534,272 are native-born white citizens, as shown by the Census Report of 1910, which is as follows:

Number of illiterates in 1910 who were 10 years of age and over.

States.	All classes.	Native whites.	Foreign-born whites.	Negroes.
Alabama	352,710	84,768	2,063	265,628
Arizona	32,953	3,776	13,758	122
Arkansas	142,954	55,025	1,466	86,398
California	74,902	7,509	50,292	1,329
Colorado	23,780	8,133	13,897	856
Connecticut	53,665	3,583	49,202	792
Delaware	13,240	3,525	3,359	6,345
District of Columbia	13,812	960	1,944	10,814
Florida	77,816	14,871	3,390	59,503
Georgia	389,775	80,203	875	308,639
Idaho	5,453	707	2,742	37
Illinois	168,294	40,486	117,751	9,713
Indiana	66,213	40,955	18,200	6,959
Iowa	29,889	11,541	16,894	1,272
Kansas	28,968	9,472	13,787	5,341
Kentucky	208,084	146,797	3,300	57,900
Louisiana	352,179	85,359	12,085	254,148
Maine	24,554	9,824	14,394	93
Maryland	73,397	18,952	12,047	42,289
Massachusetts	141,541	9,163	129,412	2,581
Michigan	74,800	17,846	54,113	826
Minnesota	49,336	5,838	40,627	215
Mississippi	290,235	28,699	1,364	259,438
Missouri	111,116	65,242	22,631	23,062
Montana	14,457	736	8,445	114
Nebraska	18,009	4,278	12,264	482
Nevada	4,702	187	1,344	26
New Hampshire	16,386	2,839	13,485	51
New Jersey	113,502	12,253	93,551	7,405
New Mexico	48,697	30,338	6,580	191
New York	406,020	36,318	362,025	5,788
North Carolina	291,497	132,189	477	156,303
North Dakota	13,070	1,413	9,474	23
Ohio	124,774	47,310	66,887	10,460
Oklahoma	67,567	33,569	3,828	17,858
Oregon	10,504	1,841	6,120	45
Pennsylvania	354,290	59,680	279,668	14,638
Rhode Island	33,854	3,253	29,781	752
South Carolina	276,980	50,245	399	226,242
South Dakota	12,750	1,239	4,896	38
Tennessee	221,071	120,966	1,488	98,541
Texas	282,904	90,591	67,295	124,618
Utah	6,821	832	3,636	49
Vermont	10,806	4,495	6,239	69
Virginia	232,911	81,457	2,368	148,950
Washington	18,416	1,836	11,233	239
West Virginia	74,866	51,407	13,075	10,347
Wisconsin	57,769	11,468	43,662	113
Wyoming	3,874	298	2,548	102
United States	5,516,163	1,534,272	1,650,361	2,227,731

Mr. Chairman, this report shows how generally illiteracy exists in the country and should arouse the interest of every section of the country toward its elimination, which I will admit can only be accomplished by the efforts of the educators of each community, coupled with the interest of those to be educated. Then the question arises as to how their efforts and interests can be increased. This bill solves the problem, or goes a long way toward it by permitting and directing the Commissioner of Education to cooperate with the educators and institutions of learning of every State and of every community in devising and putting into operation plans by which the illiterate adults may be induced to make an effort to acquire an educa-

tion. These united efforts between the local and national forces will create a new interest in the community. That interest will materialize into enthusiasm, and enthusiasm will materialize into real results; hence we will reach the goal that this measure seeks to attain.

Now, some one said a few moments ago that the reason for placing limitations upon the Bureau of Education which were not placed upon the Department of Agriculture was due to the fact that the Department of Agriculture was in possession of scientific information and methods not possessed by the Bureau of Education, and that there have been no scientific methods disclosed for the elimination of illiteracy from the adult population. Ah, Mr. Chairman, the gentleman has not read of the methods that have been employed and the achievements that have been attained by and under the leadership of Mrs. Cora Wilson Stewart, of Morehead, Rowan County, Ky., whose name has been mentioned so frequently in this debate, and whose work is the basis of this proposed legislation. She has discovered and contributed to her county, her State, her Nation, and the world a plan so scientific in principle, so correct in operation, that it eliminated illiteracy from her county in less than three years; and I desire to read into the RECORD at this point what the report of the committee says with reference to the report of Mrs. Stewart. The report reads as follows:

Indeed, it is not too much to believe that with prompt action on the part of Congress the result expected by the commissioner may be secured by the time the next national census is taken.

Experimental work along this line already made shows that rapid progress is possible. In Rowan County, Ky., through the cooperation of the people and the teachers of the public schools under the leadership of the county superintendent of schools, Mrs. Stewart, the illiteracy among grown-up men in that county has been reduced in three years from over 13 per cent to practically nothing. Mrs. Stewart wrote the commissioner a short time ago that there were now only six men and women in the county who could not read and write.

The history of that accomplishment is one of the most interesting and hopeful chapters in the records of educational progress in this country.

Mrs Cora Wilson Stewart, whose name deserves an honored place among American educators, having carefully studied conditions in her county, decided to make an effort to wipe out the stain of illiteracy. She called her teachers together, outlined her plans, and called for volunteers. All the teachers of the county responded. On Labor Day, September 4, 1911, these teachers visited the homes of the people throughout the county, explained the plan, and announced that moonlight schools would be opened the next evening. More than 1,200 men and women, from 18 to 86 years old, were enrolled the first evening. Among these were not only illiterate farmers and their illiterate wives, sons, and daughters, but also illiterate merchants, illiterate ministers, and illiterate lumbermen.

Almost one-third of the population were enrolled, for many besides the illiterates came to add to their meager education received in the inadequate schools of their childhood.

Mrs. Stewart said of the work done in these schools:

"Their interest, their zeal, and their enthusiasm were wonderful to witness. It was truly an inspiring sight to see these aged pupils bending over the desks which their children and grandchildren had occupied during the day. Their delight in learning and their pride in their achievements exceeded any joy that I have ever witnessed."

In September, 1912, the number enrolled in the Rowan County schools had risen to 1,600, and the movement had spread to 8 to 10 other counties.

As we have seen, illiteracy in Rowan County, Ky., was eliminated almost entirely in three years. This demonstrates the fact that with proper leadership and under proper direction adult illiteracy is easily and quickly wiped out. Illiteracy is much more easy of eradication than the hookworm or pellagra. The experiment in Kentucky showed that in most cases an adult could learn to read and write in a month. One man, aged 30, after four lessons in the evening school, wrote the superintendent a legible letter. Another man, aged 70, wrote a legible letter after seven nights. A woman, aged 70, wrote a legible letter after eight nights of study. In most cases a few weeks' attendance at the night schools was sufficient to enable the adult pupils to pass over the dark line of illiteracy and into the class of literates.

This experiment conclusively shows that it is possible to bring help to illiterate men and women even under the most adverse circumstances.

If all communities could have the able leadership, the constructive ability, and the healthy cooperation of all the forces used as had Rowen County, Ky., perhaps this legislation might not be needed. But unfortunately in many places where conditions call as loudly for action there is not available the resources necessary for the work. Especially is it needed to make known in any given locality both by literature and by oral appeal what has been done and what may be done. The national bureau can map out the dark territory and stimulate there a desire for self-help. It can advise as to methods and formulate plans for the campaign. It can receive and distribute funds for the work. Especially is it important that this power be conferred upon the bureau as it has already had offers of contributions which without this legislation it has not power to accept or distribute.

It will be a great accomplishment, entirely feasible, to inaugurate and superintend a movement concerted and nation wide in extent, which will place the United States where it belongs—at the head of the nations of the world in literacy.

Mr. Chairman, I announce with earnest pride that the county of Rowan, whose fame has gone out to the world by reason of its progress in education under the leadership of her favorite daughter, Mrs. Stewart, who has immortalized herself by the achievements she has attained, is one of the counties of the district which I have the honor to represent and adjoins the county in which I live. I am personally acquainted with Mrs. Stewart and the people of Rowan County, and can vouch for the statements contained in the report bearing upon the work that she and they have done. The report contains a beautiful statement with reference to the honored name of Mrs. Stewart, but even that fails to do justice to her name and the work she has done. [Applause.] Her work, Mr. Chairman, has not stopped with the boundary lines of her own county. It has been taken up by other enthusiastic educators of Kentucky and is producing the same result in other counties of the State and other States of the Union. Nor has it stopped there. It has attracted the attention of the Commissioner of Education and convinced him of its merit and worth. And to enable the country to familiarize itself with the methods that she employed to eliminate illiteracy from her county the Commissioner of Education has devoted Bulletin No. 20, 1913, to the subject of illiteracy in the United States, and deals largely with the work of Mrs. Stewart, giving photographs of her moonlight schools and letters written by adult students who learned to read and write by attending them. I commend this document to your favorable attention, and trust that it may be examined by every Member of this body and eventually by every educator in the land, for the reason that it is the most valuable document known to the literary world in the campaign now being waged against illiteracy.

Mr. Chairman, I wish to say that the work which Mrs. Stewart has done will stand as a monument to her long after she shall have passed from the stage of action and serve as a blessing to future generations. [Applause.] The campaign which Mrs. Stewart has waged against illiteracy in Rowan County has proved to the world that illiteracy can be eliminated, and has brought the people of that section of the country to a realization of their possibilities and created within them an incentive to press onward toward greater achievements. It has caused an increase in the circulation of the daily and weekly papers and more extensive reading of the Bible, for each adult who learned to read and write in the moonlight schools was presented with a Bible by the superintendent. It has awakened new interest in the common schools and the education of the children upon whom the future responsibilities of citzenship must devolve.

Mr. Chairman, I recall that upon two former occasions in the discussion of the illiteracy clause of the immigration bill the per cent of illiteracy in Kentucky has been referred to by gentlemen opposing the bill with the statement that the illiterate in the mountains of Kentucky were native-born citizens. We accept that statement with pride, and wish to add here that they are not only native born, but that they are the pure Anglo-Saxon blood, and it has been through lack of opportunity and encouragement that they have failed to receive an education and not because they lacked intelligence or ambition. My suggestion that this illiteracy among our people is chargeable to lack of opportunity may seem strange to some gentlemen who come from the cities or the older or more densely populated sections of the country that have had splendid schools within the reach of all for the last century. This, my friends, has not been the case in the mountains of Kentucky.

We look back a little more than a half century and see Kentucky full of wealth and gallant manhood, with great possibilities before her. With her blue-grass soil and her natural resources in timber and mineral she was an inviting field for investment and for agricultural and commercial activity. And the hardy pioneer who had followed the lead of Boone and the counsel of Shelby in the establishment of a white man's citizenship had just begun to realize that there was reality in his pioneer dreams of the fertility of Kentucky's soil and the richness of her mineral resources. When the clouds of the Civil War began to darken his prosperous pathway unlike the citizenship of many other States Kentucky's men divided on that question, some swearing their allegiance to the Union and others declaring their allegiance to the Confederacy, and being as they were full of patriotism and devotion to duty, they left their homes and loved ones and went forward as two great and powerful specimens of manhood to do battle either for the North or the South, and returned as broken and shattered remnants after the conflict was over to find their property destroyed and in many instances their homes in ashes. The prosperous conditions that they had left on their enlistment had disappeared. Their good wives were toiling in the fields to support their children and their school system had been almost entirely discarded. And I wish to say in this connection that the great bulk of illiterate men and women in Kentucky to-day are those who were deprived of an opportunity to acquire an education because of the Civil War, which called from them their fathers and their teachers and destroyed their schools and their opportunities. And, Mr. Chairman, realizing as I do the hardships that they suffered and the privations that they

endured during their tender years and the period in their lives when they should have received an education. I can not suppress the spirit of resentment when I hear gentlemen here or elsewhere point to the fact that 13 per cent of the population of Kentucky is illiterate.

But there is another and a brighter side to the picture. The civil conflict in which our Kentucky fathers took up arms and arrayed themselves against their neighbors on the battle field is over. That remaining remnant of each side returned to their old Kentucky homes and again clasped hands in friendship, and engaged in a united effort to regain their lost fortunes and to blaze the pathway to a still higher civilization. Their progress was slow for a time, for being, as they were, physically incapacitated by the hardships of war they were compelled to have the assistance of their sons and daughters in their battle for sustenance, which continued to prevent their education. And the sons and daughters of those heroes who never returned were forced to wage their own battle for bread. But, Mr. Chairman, they have succeeded. They have cleared their fields and tilled their soil and opened up their mineral resources and are to-day a happy and prosperous people. On the ashes of the old churches that were burned during the war or destroyed by the occupancy of soldiers they have builded new and modern churches in which to worship their God and modern schools in which to educate their children, and are to-day waging as fierce a campaign for higher education as was ever waged in any State of this Union. They are a happy, prosperous, energetic, and patriotic people, proud of their ancestry and the land of their birth, and one of their greatest ambitions is that the word "illiteracy" shall cease to be connected with Kentucky's fair name. And, Mr. Chairman, I predict that within a few years the educational world will look with pride upon Kentucky as one of the leading States of the Union in the rank of education. The campaign for the entire elimination of illiteracy has been launched in Kentucky. I commend our methods and efforts to the favorable consideration of the country, and appeal to this body to encourage and assist this great work by the passage of this bill. I thank you. [Applause.]

Mr. AINEY. Mr. Chairman, I have introduced a resolution this afternoon which I desire to call to the attention of the committee. It reads as follows:

House resolution 429.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives all information that may be in his possession or in the possession of the Department of State regarding the treatment in Mexico of citizens of the United States of America and of other countries, with respect to their safety and the security of their lives and property, and to inform the House of Representatives what action, if any, has been taken for the protection of American citizens and other persons in Mexico.

Mr. Chairman, the American people are a peace-loving Nation desirous of maintaining friendly relations with all the other nations of the globe. Territorial greed has no place in her international policy. Her unselfish wish is that Mexico shall sustain a position among the peoples of the world and perform the functions incident to a stable and sane government, assuring to her citizens and the peoples within her borders security in their persons and estates.

Recognizing such a friendly responsibility as the stronger should bear toward the weaker, this Nation has looked with sorrow upon the fratricidal struggle so long continuing in Mexico.

We have seen the war cloud gather and grow in size and strength until the full burst of its fury is now upon that land, and war with all its savagery, inhumanity, and fearful brutality possesses the heart and life of all its people.

The nations of the world stand aghast at the conditions and demand both for Mexico and for the rights of others within Mexico that this intolerable condition should cease.

The people of these United States have demanded peace—peace for themselves, peace in Mexico. They have consistently opposed intervention, because they wished for peace. They were prepared to follow any policy without thought of partisanship which would assure such peace.

No President of the United States ever occupied his exalted position with a larger measure of popular good will supporting him than he had in his expressed desire to bring about peace in Mexico without our armed interference.

On February 18 Gen. Huerta overthrew the Madero government, and on February 23 President Madero was shot. An official statement emanating from Huerta claimed that Madero was shot in a scrimmage during an attempted rescue. The American ambassador, Henry Lane Wilson, "accepted" this version of the tragedy "in the absence of other reliable information," and expressed a feeling of certainty that Madero's death was "without Government approval."

After the inauguration of President Wilson, President Huerta applied for official recognition. Practically all of th European powers—England, Germany, France, Spain, Austria—gave their official recognition to Gen. Huerta as the head of the de facto government.

President Wilson alone refused, in a statement declaring that "nowhere can any government long endure which is stained by blood or supported by anything but the consent of the governed."

This and other nations have stood upon the policy which President Pierce set forth in his message to Congress in 1856:

It is the established policy of the United States to recognize governments without question of their source of organization or the means by which the governing persons attain their power, provided there be a government de facto. * * * It is more necessary to apply this rule to the Spanish-American peoples, in consideration of the frequent and not seldom anomalous changes of organization or administration which they undergo and the revolutionary character of most of the changes.

Notwithstanding the beaten path of wise policy which had kept us outside the turmoil of the shifting conditions in many Latin-American countries; ignoring the advice of the many, and most of the great students of international law; refusing the companionship of all the other great nations, President Wilson refused to recognize the de facto Huertan Government, and thus deprived it, at least for the time being, of financial aid in quelling what was then a rebellion of small size and incipient in character.

A recognition of Huerta then would no doubt have brought peace; it would have saved thousands of lives; it would have prevented the ruthless destruction of property; it would have saved Mexico from a condition of brigandage and would have preserved the dignity of the American Nation and prevented the present administration from bespattering itself with an inefficient and inane policy which, were it not for the awfulness of the conditions in Mexico, would make us the laughingstock of the world.

With an approach in a path where angels would fear to tread, the President dispatched a representative to Mexico with instructions to "press very earnestly upon those who are now exercising authority or wielding influence that the Government of the United States does not feel at liberty any longer to stand inactively by while no real progress is being made toward the establishment of government in the City of Mexico which the country will obey and respect."

In the light of the tragedy of the months since these brave words were uttered they may be characterized only by the language of the street, "buncombe" and "bluff."

Since that time the Chief Executive at the White House has fulminated against Huerta, and Huerta has suggested a joint meeting place of tropical aspect before he would resign the Presidency. To-day he seems as firmly intrenched in Mexico as ever; he still continues the man of iron, the man of imperious will.

When the American people, tired of a policy of words, were expecting an authoritative and dominant act upon the part of the President calculated to restore peace without the necessity for intervention, a message was delivered from the rostrum of these Halls of Congress in which he announced his virile policy of "watchful waiting." Such a policy had its counterpart and perhaps originated when the Egyptians, beholding the distress of the people of Israel as the advancing Assyrian hordes bore down upon them, withheld their promised aid and the prophet then revealed to his terrified people that the Egyptians followed the policy of "watchful waiting," for said he, "Their strength is to sit still."

I am opposed to war. I am opposed to intervention. I am opposed to a policy which is rapidly and with almost unerring certainty drifting us into war. I have introduced this resolution in the hope that it will awaken both the people and the administration to an appreciation of the fact that if we are to avoid war, if we are to avoid intervention, the policy which now actuates the White House with respect to Mexico must change.

The American people have waited patiently for results; they have seen conditions grow worse instead of better; the blood of innocent American citizens has been shed on Mexican soil; helpless women as well as men have been offered up. The property of American citizens has been confiscated. Rapine, murder, pillage, and plunder have had unchecked sway under the blood-mad fury of contending forces.

I am creditably informed that consular reports have been sent in to the State Department which if made public would show such outrages to American and other citizens as would make the American people arise en masse in demanding the inauguration of a new, strong, and efficient policy.

Where does this policy of watchful waiting lead us? After Huerta, what? Villa! Carrillo! Carranza! Do these names give sweeter odor in the public nostrils than Huerta?

With the murder of Benton, whether under or without the forms of military law, the recognition of the constitutionalists is closed to the administration by the standard of its own creation.

The truth is there is no present possibility for a constitutional government in Mexico which would fulfill the ethical requirements heretofore imposed by the Chief Executive of the United States as a condition precedent to recognition.

The first step is a firm and possibly a dictatorial government; the next is a popular government. Mexico in ability has never passed beyond the first stage; it is useless to expect the second.

During all these months we have been watching and waiting. Watching light go out in many a home, watching the slaughter of thousands in a sister State, watching, yea sending in arms with which to accomplish it. Watching while women were debauched, children destroyed, men murdered, and houses sacked; merely watching while the appealing eyes of our own flesh and blood were turned toward us for help.

Waiting for what? For Huerta to resign? For a constitutional government to arise from the ashes and blood of Mexico? For Villa or Carranza or Carrillo to free their names from the charges which the recording angel has placed against their names?

Watchfully waiting while the widow of Benton visits the open grave of her murdered husband, deprived of even the poor comfort of taking with her his mutilated remains.

The policy of watchful waiting is a policy of deadly drifting. It spells war, not peace. James Creelman, from Mexico City, February 24, sends the following to the New York Mail:

There is a ghastly thrill in the political silence of this old scene of Mexican magnificence, treason, bloodshed, and roaring strife for loot in the name of a constitutional democracy that never was and never will be possible.

The masterful warrior who reigns in the 700-foot-long, pink-turreted palace that has been the scene of so many gorgeous triumphs and barbarous crimes has his back to the wall like a true Indian.

Banks are tottering, silver and gold are disappearing, script money is pouring out, business is almost prostrate, hundreds of millions of dollars' worth of property and business have been destroyed, immense regions have been desolated, 3,500 miles of railway are out of commission, 3,500 railway cars have been burned by the rebels, the peaceful work of 30 years of industry and government has been laid in ruins.

This vast scene of misery and destruction, made appalling by the wanton slaughter of prisoners and noncombatants and the unspeakable dishonoring of women and girls, stirs no spirit of patriotic sacrifice in the gay Mexican capital.

A NATION UPON ITS DEATHBED.

The Mexican nation is on its deathbed.

As matters stand, there are roughly 3,000,000 inhabitants in the territory controlled by the bandit Villa and his allied savage forces, while there are about 12,000,000 in the territory held by Huerta, the dictator.

The rebel hordes have thoroughly looted the more or less sterile and thinly populated country they dominate, but Huerta has not even begun to reach deeply into the mighty wealth of the rich cities and fertile lands in his power.

DICTATOR A MAN OF TREMENDOUS FORCE.

Huerta has an enormous advantage in population and the money and property upon which he can draw when he chooses to resort to general forced levies to support the war.

In spite of his dissipations he is a man of tremendous force, quick in thought and action, and with a driving will power rarely to be found in Mexicans.

DICTATOR AND RICHES.

Apparently the dictator does not dare to risk extreme or violent means of taking the immense riches piled up within his reach, for fear of provoking the active hostility of the business men and property-owning classes, who at first strongly supported him as the "strong man," capable of forcibly restoring comparative peace, but who now believe that President Wilson's opposition will crush him in the end.

It looks as though the rebels will not be able to come south of Zacatecas and San Luis Potosi, and it may be that in the end the north will separate from the south, and there will be two Mexicos.

The most astonishing thing about the situation is the growing feeling that the United States has assumed national responsibility for the future of this restless, revolutionary, and irresponsible people.

WHAT WILL WILSON DO?

"What is President Wilson going to do?"

You hear the question on all sides and every hour. It is shrieked at you, whispered to you, and re eated in a hundred forms by the European diplomats, the property owners, and business men of every country, and by intelligent Mexicans who believe that their nation is at last practically dead.

One has only to be in Mexico City now and see the whole strain of government, war, and desperate international pressure borne by one fearless man, intent on protecting life and property, as well as his own power, and corrupt opportunists against the armed chaos advancing from the north, to realize the hopeless situation.

It is absolutely certain that Huerta has decided to die at his post rather than resign, and it is equally certain that if he is overthrown his successor will presently face a fresh revolution, and that the wrecking of Mexico and the slaughter and pillage of its inhabitants will go on until some powerful armed master like Porfirio Diaz arises or the United States ends Mexican independence by force.

It might startle even President Wilson were he here to look upon this strange political quicksand in which he proposes to erect the solid foundations of a real republic.

With an Indian military dictator in the national palace, laughing at President Wilson's dream of democratic constitutional government in Mexico, and with half of the country laid waste by brigandage and murder, the people of this great and beautiful capital are as calm and indifferent as though the nation were not riven and ruined by one of the most brutal and merciless civil wars of history.

REBELS SACKING AND SLAYING.

Everybody knows that the rebels are sacking and slaying in the north and that the federals are growing rich by grafting in the south—Government concessions are hawked about here every day—and nearly everybody shrugs his shoulders and declares that he has no political conviction or sympathies one way or the other, only he hopes that there will soon be an end to the war.

The gay, chattering crowds stream through the streets in the brilliant sunshine by day and in the blazing electric light by night, and there is no sign of the awful tragedy that has smitten the nation.

Along the miles of splendid residences rich Mexicans—those who have not gone abroad—still live in lazy luxury and saunter in their gardens among the flowers and fountains and statues, all intent on evading political responsibility of any kind, while peace and order and prosperity are vanishing.

Even the announcement that the United States had lifted the embargo on arms failed to stir the people. The Mexican newspapers shrieked against Mr Wilson as an ally of the northern bandits, but the population of the capital went on in its usual careless, pleasure-loving way.

HUERTA ON CAROUSE.

The ghastly humor of the situation was shown in the celebration of the anniversary of the Mexican constitution.

Not only was the dictator's palace brilliantly decorated in honor of the organic law he has trodden under foot, but a monster Mexican flag flew above the great Cathedral of Mexico in memory of the constitution which drove the church out of power, dispersed the religious orders, and stripped the churches and monks of $200,000,000 of property, with an annual income of $20,000,000.

While the dictator's artillery thundered in celebration of the constitution that he and all other Mexican leaders, save the noble Indian, Juarez, have trampled in the dust, Huerta himself went about the city drinking brandy and joking with his companions, while under the Mexican flag on the cathedral priests, forbidden by law to wear their clerical dress in the streets, disfranchised from the right to hold office, and interdicted from all religious service outside of the church walls, even at a graveside, celebrated mass at the shrine which holds the dust of Iturbide, the traitorous general who brought about Mexican independence by turning over the Army of Spain to the rebels in order that he might become Mexican Emperor and later on be executed by his own people.

And in the open-air pantheon cemetery of San Fernando, while the dictator caroused about the city, his bespangled, glittering officers laid flowers upon the white sculptured tomb of Juarez, the apostle of democracy and constitutional government.

Even while the memorial music sounded in that place where so many Mexican traitors and patriots lie in common glory, there passed a mournful procession of Indian peons, so-called volunteers, dragged from their homes and fields, and surrounded by a close cordon of soldiers, on their way to fight for a cause in which they had no interest—listless prisoners, with drooping heads.

The rebel forces are inspired to fight by their fierce love of looting, burning, and violating women. The Federal forces serve through fear of their remorseless master.

The sober truth is that nearly all the ablest men of Mexico have selfishly left the country.

COUNTRY WITHOUT NATIONALITY.

In a practical sense Mexico to-day is a country without a nationality.

Yet it has 15,000,000 inhabitants and its 768,883 square miles contain almost incalculable national wealth, the development of which is the almost exclusive result of foreign capital and foreign energy.

In justice to this amazing man Huerta, it must be said that, except for offenses against himself, he is stoutly protecting life, property, and the ordinary course of business wherever he has authority, although he has authorized his generals at the front to make forced levies to pay the soldiers in the field.

All other dictators in Mexican history have been given to gold lace, princely pomp, and high-sounding titles. Santa Anna had his amputated leg buried with almost royal ceremony and rode himself in the resplendent funeral procession, shedding tears when he listened to the oration over his honored Christian limb.

"IRON, IMPERIOUS MAN."

But Huerta, iron, imperious man though he is, dresses in plain business clothes, usually of butternut brown, and a soft felt hat, and in public plays the part of a simple, jovial, unpretending man of the people, who goes about freely night and day without a guard, visits the restaurants and cafés, slaps his friends on the back, and utters witty sayings between drinks.

The most astonishing thing about the man is that with the whole affairs of government and war on his hands he wanders about the city at will, sometimes absenting himself from the palace for days at a time, and even his minister of war has to trace him from point to point to consult him in the gravest crises.

Murder and rapine in the rebel north and wholesale corruption in the south! The country is sinking into an abyss of misery and degredation, with the entire world looking on.

Three solutions are possible:

First. The continuance of the inactive policy of the administration, leaving Mexico to bleed herself to death, and refusing protection to American citizens whose interests have required them to reside in Mexico.

Second. To intervene.

Third. To fall back upon the suggestion made by the distinguished Director General of the Pan American Union, unceremoniously and flippantly rejected by the administration months ago, which called for a joint intervention of the Republics composing the Pan American Union, and to participate with them and the other European powers having interests in Mexico.

The last is the only feasible plan. It would avoid the charge that the United States had any selfish interests to be served.

It might cause some hesitation among those who feared an infringement of the Monroe doctrine, but that might be safeguarded by agreement between the cooperating nations.

Whether this is the best solution I know not, but I am convinced that every day makes the danger of intervention greater, with all its horrors, for Mexico would then turn to a man against us, and the slaughter of thousands and thousands of our young men and the waste of millions of treasure the inevitable result.

We have sinned away our first day of grace; now let us no longer procrastinate. Let us have peace. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate illiteracy among the adult population of the United States and the means by which this illiteracy may be eliminated or reduced, and report to Congress, through the Secretary of the Interior, the results of his investigations; and he is hereby authorized, upon request or invitation, to advise and cooperate with school officials, teachers, and others in devising and putting into operation such plans as will give to illiterate men and women and to those of meager education an opportunity to learn to read and write and to supplement and extend their education.

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment.

Mr. FITZGERALD. Mr. Chairman, I ask the Chair to recognize me to make a preferential motion.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves to strike out the enacting clause. Does the gentleman desire to be heard?

Mr. FITZGERALD. Mr. Chairman, I make this motion in order to test the sense of the committee on this bill. I believe that its purposes and merits have been thoroughly discussed. In my opinion, it proposes to have the United States Government undertake a work which, in my opinion, is not a proper function of the Federal Government, and which is inconsistent with its relations with the various States. Without delaying the committee I am willing to have a vote.

Mr. TOWNER. Mr. Chairman, I certainly hope that the motion of the gentleman from New York will be voted down. There are two committee amendments that will remove most of the objections that have been urged. The first amendment is to strike out in lines 10 and 11 the words "and putting into operation."

The next amendment that will be offered by the committee is to strike out on page 2, after the word "Congress," in line 9, all the remainder of the bill. That will strike out all the part which authorizes the Secretary of the Interior to receive contributions from individuals or societies.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York [Mr. FITZGERALD] to strike out the enacting clause.

Mr. MANN. Mr. Chairman, just a word. The amendments which have been suggested by the gentleman from Iowa [Mr. TOWNER] would, if adopted, remove practically all the objectionable features of the bill, but if those amendments are adopted there will be nothing left. The Commissioner of Education and the Secretary of the Interior, without any more legislation, already have the authority which would be left in the bill. Suppose we adopt the course suggested by the gentleman from Iowa and amend this bill so as to leave in it nothing except a skeleton and pass it through the House. Thereupon, following the inevitable course of human nature, the office of the Commissioner of Education will be devoted for a considerable period of time to getting these amendments reinserted in the bill in another distinguished body which, with this, makes legislation. When reinserted the bill will come back to the House, and the House will disagree to the amendments and send the bill to conference.

The conferees, if they are human, as I suspect they are, will, in the main, follow the advice of the original author of the bill, the Commissioner of Education. The conference report will be brought before the House in the closing days of a session of Congress, perhaps on the last day, when no one dares even ask for a roll call, because there is, in fact, no quorum in town; and you can not pass the appropriation bills in the absence of a quorum if the point is raised. Hence the conference report will go through and the bill will become a law. Now, I would be far from imputing bad faith to the gentleman who proposes the amendment. I only suggest that the committee and its members are, like the rest of us, very human. If the Members of this House do not believe in the Government invading the province of the common schools of the States and do not believe in the Government soliciting contributions from charitably inclined people to help carry on the Government, the way to do is to strike out the enacting clause and end the proposition here and now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. TOWNER. Division, Mr. Chairman.

The committee divided; and there were—ayes 41, noes 17.

Mr. FIELDS. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Kentucky makes the point that no quorum is present. The Chair will count. [After counting.] Eighty-three gentlemen present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Doughton	Kennedy, Conn.	Porter
Aiken	Dunn	Kettner	Prouty
Anthony	Dupré	Key, Ohio	Ragsdale
Ashbrook	Eagle	Kiess, Pa.	Rainey
Austin	Edmonds	Kindel	Reilly, Conn.
Avis	Estopinal	Kinkaid, Nebr.	Richardson
Bailey	Evans	Knowland, J. R.	Riordan
Baker	Faison	Konop	Roberts, Mass.
Barchfeld	Falconer	Korbly	Roberts, Nev.
Bartholdt	Fess	La Follette	Rucker
Bartlett	Floyd, Ark.	Langham	Rupley
Bathrick	Foster	L'Engle	Sabath
Bell, Ga.	French	Lever	Scully
Blackmon	Gallagher	Levy	Sells
Brown, W. Va.	Gard	Lewis, Pa.	Sharp
Brumbaugh	George	Lobeck	Shreve
Bryan	Gillett	Loft	Sinnott
Burgess	Gittins	McDermott	Slemp
Burke, Pa.	Glass	McGuire, Okla.	Smith, Idaho
Burke, S. Dak.	Goeke	McKenzie	Smith, Saml. W.
Byrnes, S. C.	Goldfogle	McLaughlin	Smith, Tex.
Carlin	Goodwin, Ark.	Mahan	Stephens, Nebr.
Carr	Gorman	Maher	Stout
Casey	Gray	Manahan	Stringer
Chandler	Greene, Mass.	Martin	Sumners
Clancy	Hamill	Merritt	Sutherland
Cline	Haugen	Metz	Switzer
Connelly, Kans.	Hawley	Mondell	Taggart
Copley	Hayden	Morin	Taylor, Ala.
Covington	Helgesen	Moss, W. Va.	Taylor, Ark.
Cramton	Helm	Neeley, Kans.	Taylor, Colo.
Crisp	Helvering	Neely, W. Va.	Vare
Cullop	Hobson	Nelson	Whaley
Dale	Howell	Norton	Whitacre
Dent	Hoxworth	O'Brien	Willis
Dershem	Hughes, W. Va.	O'Hair	Wilson, N. Y.
Donohoe	Hulings	Peters, Mass.	Winslow
Dooling	Jones	Phelan	Woodruff
Doolittle	Keister	Plumley	

The committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2494) to investigate illiteracy among the adult population of the United States and the means of eliminating or reducing the same, and finding itself without a quorum had caused the roll to be called; that 278 Members had answered to their names, and he presented a list of the absentees.

The SPEAKER. A quorum is present and the committee will resume its session.

The House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

Mr. HUGHES of Georgia. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. FITZGERALD and Mr. HUGHES of Georgia.

The committee again divided; and the tellers reported that there were 133 ayes and 49 noes.

So the amendment striking out the enacting clause was adopted.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendment be agreed to.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2494) to investigate illiteracy among the adult population of the United States and the means of eliminating or reducing the same, and had directed him to report the same back to the House with an amendment striking out the enacting clause with the recommendation that the amendment be agreed to.

The SPEAKER. The gentleman from Texas, Chairman of the Committee of the Whole House on the state of the Union, reports

that that committee has had under consideration the bill H. R. 2494, and reports it back with an amendment striking out the enacting clause, with the recommendation that the amendment be agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House concur in the amendment.

The question was taken; and the Chair announced that the ayes had it.

Mr. FIELDS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Twenty-three gentlemen have arisen. Those in the negative will rise. [After counting.] One hundred and sixty-four have arisen in the negative. Not a sufficient number, the yeas and nays are refused, and the amendment striking out the enacting clause is agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the amendment was agreed to was laid on the table.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Thursday, February 26, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War submitting an amendment to the estimate of appropriations for the fiscal year ending June 30, 1915, under the heading of "Buildings and grounds in and around Washington" (H. Doc. No. 793); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of appropriation for reimbursement of appropriations for the support of the Army, for the transportation and care of interned Mexican soldiers and refugees (H. Doc. No. 794); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Napa River, Cal., with a view to making the necessary cut-offs, consideration being given to any tender of cooperation on the part of local interests (H. Doc. No. 795); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Acting Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1913 (H. Doc. No. 765); to the Committee on Ways and Means and ordered to be printed.

5. A letter from the Secretary of War, transmitting report of a board of engineer officers, United States Army, under Indian appropriation act of August 24, 1912, on the San Carlos irrigation project in Arizona (H. Doc. No. 791); to the Committee on Indian Affairs and ordered to be printed, with illustrations.

6. A letter from the Acting Secretary of Commerce, submitting an amended estimate of appropriation for the Lighthouse Service, Department of Commerce, for the fiscal year ending June 30, 1914 (H. Doc. No. 792); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 4544) to reserve certain lands and to incorporate the same and make them a part of the Caribou National Forest Reserve, reported the same with amendment, accompanied by a report (No. 302), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 6040) for the relief of the heirs of James Caughlen, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. METZ: A bill (H. R. 13860) to prevent discrimination between different consumers and localities by establishing uniform prices for uniform commodities; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: A bill (H. R. 13861) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903; to the Committee on Indian Affairs.

By Mr. WINGO: A bill (H. R. 13862) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. PROUTY: A bill (H. R. 13863) to amend section 6 of chapter 1352 of the laws of the Fifty-seventh Congress, being "An act making appropriations to provide for the expenses of the general government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes"; to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 13864) to amend section 44 of an act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 13865) to authorize the establishment of auxiliary or field fish-cultural stations on the Columbia River in the State of Oregon; to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 13866) granting 50,000 acres of land to the forestry department of the University of Idaho as an endowment; to the Committee on the Public Lands.

Also, a bill (H. R. 13867) providing for the apportionment of moneys to be paid to the States and Territories in which forest reserves are located, under the act of May 23, 1908, and the amendments thereto; to the Committee on the Public Lands.

Also, a bill (H. R. 13868) granting pensions to soldiers and sailors who were incapacitated for the purpose of manual labor who served in the War with Spain; to the Committee on Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 13869) making additional appropriation for the purchase of a site for a post-office building in the city of Rockingham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 13870) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. J. I. NOLAN (by request): A bill (H. R. 13871) to establish a workers' home board for the purpose of making loans to workers with which to build or buy their homes; to the Committee on Banking and Currency.

By Mr. AINEY: Resolution (H. Res. 429) requesting the President to transmit to the House information concerning the treatment of American citizens and other persons in Mexico; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13872) for the relief of James M. Cochran; to the Committee on Claims.

Also, a bill (H. R. 13873) to remove the charge of desertion from the military record of John McLaughlin; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 13874) granting an increase of pension to Albert Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13875) granting an increase of pension to Martin M. Eldred; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13876) granting a pension to Annie Abney; to the Committee on Pensions.

Also, a bill (H. R. 13877) for the relief of Nathan Whitaker; to the Committee on War Claims.

Also, a bill (H. R. 13878) for the relief of the heirs of William Morrow; to the Committee on War Claims.

Also, a bill (H. R. 13879) to remove the charge of desertion from the record of Joseph A. Choate; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 13880) granting a pension to L. D. Ingle; to the Committee on Pensions.

Also, a bill (H. R. 13881) granting an increase of pension to Ella L. Veach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13882) granting an increase of pension to John Sheehan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13883) granting an increase of pension to Frank Appleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13884) granting an increase of pension to Sarah J. Offutt; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 13885) for relief of heirs of Thomas J. McCarty; to the Committee on Claims.

By Mr. COOPER: A bill (H. R. 13886) granting an increase of pension to Charles G. Turney; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 13887) granting a pension to Peter B. Daughters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13888) granting an increase of pension to Thomas E. Larabee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13889) granting an increase of pension to William H. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13890) granting an increase of pension to John Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13891) granting an increase of pension to Emily Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13892) granting an increase of pension to William T. Merrill; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 13893) granting a pension to Rose Wood; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 13894) for the relief of S. H. McLean; to the Committee on Claims.

Also, a bill (H. R. 13895) granting an increase of pension to George W. Brown; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 13896) for the relief of Philip A. Hertz; to the Committee on Military Affairs.

By Mr. HART: A bill (H. R. 13897) granting an increase of pension to Everett R. Barrett; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13898) for the relief of Capt. David C. Creese; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 13899) granting an increase of pension to Cornelius McLaughlin; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 13900) for the relief of Frank T. Aydt; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 13901) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 13902) granting a pension to Ida Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13903) for the relief of Maxim Lizette; to the Committee on Military Affairs.

By Mr. MOSS of Indiana: A bill (H. R. 13904) for the relief of William Horsley; to the Committee on Military Affairs.

By Mr. O'HAIR: A bill (H. R. 13905) granting an increase of pension to Capt. John W. Fisher; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13906) granting an increase of pension to Henry Vickers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13907) for the relief of Mary Randall; to the Committee on Military Affairs.

By Mr. PLUMLEY: A bill (H. R. 13908) granting an increase of pension to James A. Hyland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13909) granting an increase of pension to James Rouhan; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 13910) granting a pension to Sarah M. Hall; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 13911) for the relief of Charles Vetter; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 13912) for the relief of David Curry; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 13913) granting an increase of pension to Levi Durflinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13914) granting an increase of pension to Alexander Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13915) granting an increase of pension to Charles La Fayette Wilson Neff; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13916) granting a pension to Sarah J. Hiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13917) granting an increase of pension to Alfred T. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13918) for the relief of W. S. Dickinson; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Jewelers' Board of Trade, of New York City, protesting against bills for amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of the Abraham Lincoln Branch of American Continental League, of Cohoes, N. Y.; of Admiral Stewart Branch of the American Continental League, of New York City, N. Y.; of Washington Branch of the American Continental League, of Hazelwood, Pa.; and of Thomas Jefferson, John Adams, and Anthony Wayne Branches of the American Continental League, of Philadelphia, Pa., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. ALLEN: Memorial of the Marquis Lafayette Branch of American Continental League of Cincinnati, Ohio, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petitions of William Diebold and 172 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of sundry citizens of the fifth congressional district of Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of sundry citizens of East St. Louis, Ill., favoring two-battleship program; to the Committee on Naval Affairs.

By Mr. BELL of California: Petition of the First National Bank of Claremont, Cal., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BRITTEN: Memorial of the City Council of Chicago, Ill., favoring passage of House bill 5139, for pension of employees of United States under civil service; to the Committee on Reform in the Civil Service.

Also, petitions of Local Union No. 275, Brotherhood of Painters, Decorators, and Paper Hangers of America, and of sundry citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BROWNE of Wisconsin: Petitions of the First National Bank of Stevens Point and other banks of the State of Wisconsin, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petitions of sundry citizens of the thirty-first congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various banks, trust companies, and others of the State of Pennsylvania, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Petition of sundry members of the Painters, Decorators, and Paper Hangers' Local Union No. 876, of Watertown, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of officers of the Twenty-first Company, Second Regiment, New York State Division, United Boys' Brigade of America, and of the Fenimore Street Methodist Episcopal Church, of Brooklyn, N. Y., favoring passage of bill relative to uniforms similar to United States Army uniforms; to the Committee on Military Affairs.

Also, petition of the National Jewelers' Board of Trade, against amending Sherman Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of the National Jewelers' Board of Trade, against amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: Petition of the Hyde & Britten Bank, the Second National Bank, and the Beloit State Bank, all of Beloit, Wis., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of the Simons Manufacturing Co., of Kenosha, Wis., favoring establishment of a legislative reference bureau; to the Committee on Appropriations.

Also, petitions of the Bartenders' International League, of Kenosha; Philip Costigan and Adolph Trasteno, of Beloit; the Metal Polishers' and Rubbers' Union, the Platers' and Brass Molders' Union, and the Brass and Silver Workers' Union of Racine, all in the State of Wisconsin, protesting against certain resolutions relating to the traffic in liquor; to the Committee on the Judiciary.

By Mr. DALE: Memorial of the National Jewelers' Board of Trade of New York City, protesting against bills amending the Sherman Act; to the Committee on the Judiciary.

Also, petition of the Captain George H. Tilly Camp No. 66, Department of New York, United Spanish War Veterans, and of E. E. Edwards, of Troy, N. Y., favoring passage of House bill

7374, for pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petitions of J. T. K. Walsh and others, of Brooklyn, N. Y., soldiers on retired list, favoring passage of House bill 4897, relative to advancement to next higher grade and pay; to the Committee on Military Affairs.

Also, petition of the New York Photo-Engravers' Union No. 1, of New York City, favoring the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. DIXON: Petition of 460 citizens of Jefferson County, Ind., protesting against adoption of House joint resolution 168 and all similar prohibition measures; to the Committee on the Judiciary.

Also, petition of sundry citizens of Indiana, favoring House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, petition of sundry citizens of Indiana against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petitions of various bankers of Indiana, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of 96 citizens of Aurora, Ind., protesting against adoption of House joint resolution 168 and Senate joint resolutions 50 and 88 and all similar prohibition measures; to the Committee on the Judiciary.

Also, petition of 36 citizens of Lawrenceburg, Ind., protesting against passage of House joint resolution 168 and Senate joint resolutions 50 and 88 and all other prohibition measures; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Indiana, against Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. DYER: Petition of the Central Coal & Coke Co., of Kansas City, Mo., favoring House joint resolution 204, relative to providing for exhibits at forest-products expositions to be held in Chicago, Ill.; to the Committee on Industrial Arts and Expositions.

Also, petition of the Compton Hill Protective Association, St. Louis, Mo., relative to municipal bridge at St. Louis, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Bryan Haywood, of Kansas City, Mo., favoring Lindquist pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Missouri, relative to national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition signed by sundry citizens of Guttenberg, West New York, and North Bergen, in the county of Hudson, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Lodge No. 361, International Association of Machinists, of Hoboken, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the National Jewelers' Board of Trade of New York City, protesting against bills for amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Third Ward Mutual Aid Society of La Crosse, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FRENCH: Petition from banks at Mullan and Wallace, Idaho, asking for amendment of income-tax law to provide for a method of "information at the source" in lieu of "collection at the source"; to the Committee on Ways and Means.

Also, petition of sundry citizens of Forest and Ferdinand, Idaho, against House bill relative to Sabbath observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the First State Bank of Kellogg, Idaho, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition from the First Trust & Savings Bank and the First National Bank of Idaho, asking for amendment of income-tax law, to provide for a method of "information at the source" in lieu of "collection at the source"; to the Committee on Ways and Means.

Also, petitions of the State Bank, Parma, Idaho, and the Empire National Bank, Lewiston, Idaho, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 13787, granting a pension to A. Ben Crossley; to the Committee on Pensions.

By Mr. GRAHAM of Pennsylvania: Petition of the Pennsylvania State Camp, Patriotic Order Sons of America, at Philadelphia, Pa., favoring the literacy test in the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petition of the Anthony Wayne Branch of American Continental League, of Philadelphia, Pa., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the National Jewelers' Board of Trade, protesting against bills amending the Sherman Act and relative to national stamp act not effective in preventing fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petition of the New York Photo-Engravers' Union, No. 1, of New York City, favoring passage of Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the National Jewelers' Board of Trade, protesting against amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Papers to accompany a bill (H. R. 13750) granting an increase of pension to George W. Oakley; to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany a bill (H. R. 4093) granting a pension to Carrie Hollenbeck; to the Committee on Invalid Pensions.

By Mr. IGOE: Petition of the Central Coal & Coke Co., of Kansas City, Mo., relative to House joint resolution 204, for exhibits at Forest Products Exposition in Chicago, and appropriation for same; to the Committee on Industrial Arts and Expositions.

Also, petition of the National Jewelers' Board of Trade, of New York City, protesting against bills amending the Sherman Act, and relative to national stamping act not effective in preventing fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Potter County, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petitions of the Embroidery and Lace Manufacturers' Association of New Jersey, favoring changes in House bill 11321 relative to embroidered wearing apparel, etc.; to the Committee on Patents.

By Mr. LANGHAM: Petition of the National Jewelers' Board of Trade, relative to national stamping act not effective in checking fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petitions of sundry citizens of Shenandoah, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Jewelers' Board of Trade, protesting against bills amending the Sherman Act and relative to national stamping act not effective in checking fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDQUIST: Resolution of Billy Curson Post, No. 347, Grand Army of the Republic, Department of Michigan, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the Employees' System of Federation, Pere Marquette Railroad, requesting an investigation of the Pere Marquette Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. G. Cameron and other residents of Mecosta, Mich., protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of the Citizens' State Bank, of Big Rapids, Mich., favoring an amendment to the income-tax relative to "information at the source"; to the Committee on Ways and Means.

Also, petition of F. S. Clarke and other residents of Carson City, Mich., protesting against the passage of the Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. LONERGAN: Petition of Waiters and Cooks' Local, No. 304, of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Jewelers' Board of Trade, of New York City, favoring amendment to the national stamping act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Farmington Branch of the American Continental League, of Farmington, Conn., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. MAHAN: Memorial of the National Jewelers' Board of Trade, protesting against bills amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Farmington (Conn.) Branch of the American Continental League, protesting against the "One hun-

dred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. McCLELLAN: Protest of Eugene Bullus, of Ellenville, N. Y., against House joint resolution 168 and Senate joint resolutions 88 and 50 and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of the Local Union of the United Brewery Workmen and others, of Hudson, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the First National Bank of Highland, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. McKELLAR (by request): Petition of sundry citizens of the tenth district of Tennessee, in reference to national prohibition; to the Committee on the Judiciary.

Also, petition of the Seattle Anti-Food-Trust League, favoring McKellar cold-storage bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: Petition of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of the West Chazy Grange, No. 979, Patrons of Husbandry, New York, favoring Smith-Lever bill relative to agricultural extension; to the Committee on Agriculture.

By Mr. MOTT: Petition of the local Watertown Socialist Party, protesting against proposed increase of freight rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Photo-Engravers Union, No. 1, favoring the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the National Jewelers' Board of Trade, protesting against bills amending the Sherman Act and relative to national stamp act not effective in preventing fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN: Petition of the Captain George H. Tilley Camp, No. 66, United Spanish War Veterans, favoring passage of House bill 7374, for pension for widows and orphans of Spanish War Veterans; to the Committee on Pensions.

Also, petition of sundry citizens of New York, against antitrust legislation; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of New York, relating to trades commission bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New York, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. PAYNE: Petitions of R. P. Gardenier, of Newark, N. Y., and Tony Greer, of Auburn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PETERS of Massachusetts: Memorial of the Massachusetts Real Estate Exchange, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of J. G. Grimes and 59 other citizens of Newport, Ky., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of Solomon L. Elias, of Long Branch, N. J., and of Jos. P. Bennett and others, of Red Bank, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of the Michigan Improved Live Stock Breeders' and Feeders' Association, favoring passage of bills for control of hog cholera; to the Committee on Agriculture.

Also, petition of Bartenders' Union, Local No. 368, of Michigan, and of George Barnard and 15 others, of Kalamazoo, Mich., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of sundry citizens of Wisconsin against national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of the First National Bank, of Frazee, Minn., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of the New Method Laundry Co., of Oakland, Cal., and of the Master Housesmiths' Association, of San Francisco, Cal., against Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the San Francisco (Cal.) Labor Council, relative to landing of alien Chinese seamen in the United States; to the Committee on Immigration and Naturalization.

Also, petition of the Business Men's Association of Riverside, Cal., favoring House bill 5139, relative to retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of the Veterans National Protective Association, Westgate, Cal., favoring transfer of said institution to the United States War Department; to the Committee on Military Affairs.

By Mr. TUTTLE: Petitions of sundry citizens of Elizabeth and Rahway, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New Jersey, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the National Jewelers' Board of Trade, relative to the national stamping act not effective in preventing fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York State Drainage Association, favoring House bill 8189, relative to prevention of floods; to the Committee on Rivers and Harbors.

By Mr. WALLIN: Memorial of the Association of Culinary Workers of Schenectady, N. Y., protesting against bills relative to shipment of intoxicating liquors; to the Committee on the Judiciary.

By Mr. WHITACRE: Petitions of citizens of Youngstown, Salem, Alliance, and Canton, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the New York State Drainage Association, favoring passage of House bill 8189, for flood prevention; to the Committee on Rivers and Harbors.

Also, petition of the National Jewelers' Board of Trade, protesting against bills for amending the Sherman Act and relative to national stamping act not effective in preventing fraudulent marking of gold and silver; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: Petition of sundry citizens of North Dakota, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of North Dakota, favoring seamen's bill; to the Committee on the Merchant Marine and Fisheries.

SENATE.

THURSDAY, *February 26, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art Spirit. Those who worship Thee must worship Thee in spirit and in truth. With reverence and godly fear we come before Thee and make our morning prayer. We know that we are not heard for our much speaking, for Thou dost know our needs. And yet Thou dost give to us the high privilege of prayer, and every thought born out of our communion with God is a thought that elevates our spirit and fits us for the great service of life. So we would carry with us from this sacred moment out into the duties of this day the influences of Thy grace in answer to our prayer. We ask it in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the Progressive Labor Conference, held at New Haven, Conn., favoring an investigation of the existing conditions in the copper-mining districts of Michigan and Colorado, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Turn und Gesang Verein Eintracht, of Monongahela, Pa., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Pontiac, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of Richard Henry Lee Branch, American Continental League, of Philadelphia, Pa., and a memorial of Admiral Stewart Branch, American Continental League, of New York City, N. Y., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented memorials of Abraham Lincoln Branch, American Continental League, of Cohoes, N. Y.; of Thomas Jefferson Branch, American Continental League, of Philadelphia, Pa.; of Franklin Branch, American Continental League, of Philadelphia, Pa.; and of Samuel Adams Branch, American Continental League, of Philadelphia, Pa., remonstrating against

the repeal of the provision in the Panama Canal act exempting American coastwise shipping from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. LIPPITT presented a memorial of Local Branch No. 5, Amalgamated Lace Operatives of America, of Alton, R. I., and a memorial of Local Union No. 152, Bartenders' Union, of Woonsocket, R. I., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of South Bend, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Mooresville and Kewanna, in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of Local Union No. 317, Bakery and Confectionery Workers' International Union, of Concord, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Twentieth, Twenty-second, and Twenty-ninth Assembly District Locals, New York Socialist Party, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. STEPHENSON presented a petition of sundry citizens of Friendship, Walworth, Kiel, and Walworth County, all in the State of Wisconsin, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of Local Union No. 75, Journeyman Plumbers of Milwaukee; of Local Union No. 384, Tailors' Industrial Union, of Watertown; of Local Union No. 59, Culinary Alliance, of Milwaukee; of Local Union No. 304, Cigar Makers' International Union, of Racine; of Local Union No. 118, Journeyman Plumbers' Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Racine; of the Germania Society of Norwalk; of Monroe Branch, German-American Alliance; of the Plymouth Verein Ehem Deutscher Soldaten; of the German-American Alliance of Spencer; of the Deutsch-Amerikaner Stadtverbund, of Antigo; of the Deutscher-Krieger Verein, of Neenah; of Marshfield Branch, German-American Alliance; of the Chilton City Alliance; of the German-American Alliance of Kiel; of the Stadtverbund of Kenosha; of the Stadtverbund of Racine; of the German-American Alliance of Eau Claire County; of the German-American Alliance of Wausau; of the Deutsch-Amerikaner Central Verein, of La Crosse; of the Germania Club, of Reedsburg; of the German-American Alliance of Marinette; of the Hartford Germania Maennerchor; of Sheboygan Verein No. 42, German-American Alliance; of the Germania Unterstuezungs Verein, of Superior; of the Stadtverbund of Milwaukee; of the Stadtverbund of Medford; of the German-American Alliance of Maynke; of the German-American Alliance of Athens; of the German-American Alliance of Watertown; of Branch No. 56, Stadtverbund of Merrill; of the Eighth Ward Aid Society; and of the Stadtverbund of Portage, all in the State of Wisconsin, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LANE presented a petition of Portland Lodge, No. 268, Brotherhood of Railway Carmen of America, of Portland, Oreg., and a petition of Railroad Lodge, No. 433, International Association of Machinists, of Portland, Oreg., praying that an appropriation be made for the longevity pay of certain employees in the Panama Canal Zone, which were referred to the Committee on Appropriations.

He also presented petitions of the board of directors of the Grants Pass Banking Co., of Grants Pass, Oreg.; of the Josephine County Bank, of Grants Pass, Oreg.; of the First National Bank of Grants Pass, Oreg.; of the Benton County National Bank, of Corvallis, Oreg.; and of the Corvallis State Bank, of Corvallis, Oreg., praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which were referred to the Committee on Finance.

Mr. PITTMAN presented a memorial of the Central Trades and Labor Council of Reno, Nev., and a memorial of Local Union No. 121, Western Federation of Miners, of Tonopah, Nev., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of Local Union No. 577, Bartenders' League, of Riverside, Cal.; of Local Union No. 287, Teamsters' Union, of San Jose, Cal.; of Local Union No. 561, Cooks and Waiters' Union, of Sacramento, Cal.; and of Local Union No. 65, Coopers' International Union, of San Francisco, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Epworth Methodist Episcopal Church, of Los Angeles, Cal., and a petition of the congregation of the United Presbyterian Church of Fowler, Cal., praying for the suspension for one year of the naval programs of the great powers, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Business Men's Association of Riverside, Cal., praying for the enactment of legislation granting pensions to superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Building Trades Employers' Association of San Francisco, Cal., and a memorial of Master Housesmiths' Association of San Francisco, Cal., remonstrating against the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Adrian, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Coldwater, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. LODGE presented memorials of sundry citizens of Boston, Lynn, Worcester, Fall River, Cambridge, Waltham, Newton, Auburndale, and Watertown, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of Local Union No. 436, Bartenders' Union, of Rock Springs, Wyo., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of New York, Albany, Mount Vernon, Brooklyn, Bellmore, Buffalo, Troy, Rochester, and Utica; of the Bavarian Sick Aid Society, of Utica; the Hessen Darmstadter Verein, of Buffalo; the Danische Club, of Buffalo; the Buffalo Master Bakers' Association; of Local Union No. 24, Coopers' International Union, of Rochester; of the Master Brewers' Association of Buffalo; of the Retail Liquor Dealers' Association of Buffalo; of the Buffalo Retail Grocers' Association; and of the Wood Carvers and Modelers' Association, of New York, all in the State of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the boards of directors of sundry banks in Patchogue, Oneonta, and Buffalo, all in the State of New York, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source, which were referred to the Committee on Finance.

Mr. SHIVELY presented memorials of sundry citizens of Evansville and South Bend, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Court No. 9, Guardians of Liberty, of Indianapolis, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a memorial of Local Union No. 200, Bartenders' Union, of Hartford, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Men's Union of the First Baptist Church of Burlington, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Waltham, Cambridge, Auburndale, Newton Center, Watertown, Maynard, Newton, and Fall River, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of George Washington Branch, American Continental League, of Newton, Mass., remonstrating against an appropriation for the celebration of "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. BRADLEY presented a petition of sundry citizens of Carlisle County, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of the Pike Street Mutual Aid Society, of Covington; the West End Men's Society, of Covington; the German Pioneer Society of Covington; and of St. George's Mounted Commandery, Knights of St. John, of Covington, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the State Council Daughters of America, of Kentucky; of Custer Council, No. 15, Daughters of America, of Dayton, Ky.; and of Ida McKinley Council, Daughters of America, of West Covington, Ky., praying for the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 4262) for the relief of the trustees of the Davenport Female College, reported it with an amendment and submitted a report (No. 286) thereon.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4159) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va., reported it without amendment and submitted a report (No. 287) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries, reported it without amendment and submitted a report (No. 288) thereon.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, reported it with amendment and submitted a report (No. 289) thereon.

Mr. SHIVELY, from the Committee on Foreign Relations, to which was referred the bill (S. 4437) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported it without amendment and submitted a report (No. 290) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 4620) granting a pension to Mabel C. McCauley (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4621) to establish the University of the United States; to the Committee on the University of the United States.

A bill (S. 4622) granting an increase of pension to Daniel Prince (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4623) to restore to the active list of the Navy for special duty Capt. Washington Irving Chambers, United States Navy, retired (with accompanying papers); to the Committee on Naval Affairs.

By Mr. STEPHENSON:

A bill (S. 4624) granting a pension to Fred Kamm (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4625) relating to fees and mileage of United States marshals; to the Committee on the Judiciary.

A bill (S. 4626) to correct the military record of George W. Cathers (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4627) granting a pension to Bert Goodknight (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 4629) granting an increase of pension to Rachel A. Chadwick; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 4630) granting a pension to Emma E. Bear (with accompanying papers); and

A bill (S. 4631) granting an increase of pension to Bessie Pearce Dummer (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota; to the Committee on Indian Affairs.

By Mr. BRADY:

A bill (S. 4633) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho (with accompanying papers); to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 4635) authorizing and directing the Secretary of War to appoint a commission to designate, define, and survey the battle field of The Crater, at Petersburg, Va., and to collect certain data concerning the same and make report thereupon; to the Committee on Military Affairs.

FOREST RESERVES MONEYS.

By Mr. BRADY:

A bill (S. 4634) apportioning the moneys received from forest reserves in each State and providing the manner in which such moneys shall be expended.

The VICE PRESIDENT. The bill will be referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CLARK of Wyoming. Mr. President, I desire that the title of the bill shall again be stated.

The VICE PRESIDENT. The Secretary will state the bill by title.

The Secretary again read the bill by title.

Mr. SMOOT. Mr. President, if the Senator from Idaho [Mr. BRADY] has no objection, I think the bill ought to go to the Committee on Agriculture and Forestry. The subject matter involved has always been dealt with by the Committee on Agriculture and Forestry, and I think that the bill ought to go to that committee.

The VICE PRESIDENT. The Chair does not care to what committee the bill goes, but would like to refer it to the most appropriate committee.

Mr. SMOOT. I will say to the Senator from Idaho that legislation upon this subject has been in the Agricultural appropriation bill a number of times, and I think that the Committee on Agriculture and Forestry is the committee to which the bill should be referred.

Mr. BRADY. I shall be satisfied with whatever assignment of the bill the presiding officer makes, but I much prefer that it should be referred to the Committee on Agriculture and Forestry.

Mr. LANE. I beg to differ with the Senator from Idaho. I understood the presiding officer to assign the bill to the Committee on Forest Reservations and the Protection of Game. That is a very good committee; I am chairman of it. [Laughter.] I do not see why it can not be well handled by that com-

mittee. I notice there has been a great deal of prejudice in these matters heretofore. Do I understand the bill is indorsed to be referred to the Committee on Agriculture and Forestry?

Mr. SMOOT. It is so indorsed.

Mr. LANE. Well, I shall not object to having it go to that committee this time.

The VICE PRESIDENT. The bill will be referred to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment authorizing the Court of Claims to assume jurisdiction in law and in equity and moral right of the claim of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, against the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LIPPITT submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

COLON FIRE CLAIMS.

Mr. POMERENE submitted the following resolution (S. Res. 281), which was read and referred to the Committee on Printing:

Resolved, That Senate Document No. 264, Fifty-seventh Congress, first session; Senate Document No. 264, part 2, Fifty-seventh Congress, first session; Senate Document No. 123, Fifty-seventh Congress, second session; and Senate Document No. 199, Fifty-eighth Congress, second session, all relating to the Colon fire claims, be, and they are hereby, ordered to be printed as a Senate document.

AMENDMENT OF THE RULES.

Mr. OWEN. I desire to give notice of a proposed amendment to the standing rules of the Senate, which I ask may be read.

The Secretary read as follows:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for the final vote upon any matter pending in the Senate: *Provided*, That upon the motion of a Senator, sustained by one-fourth of the Members of the Senate, debate of not to exceed 48 hours shall be allowed within the time fixed for such final vote, one-half of the time for debate to be controlled by the proponents and one-half by the opponents of the pending question.

The VICE PRESIDENT. The notice of the Senator from Oklahoma will lie over under the rule and be printed.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Nelson	Shively
Bankhead	Hughes	Norris	Simmons
Brady	Jones	Overman	Smith, Ariz.
Bristow	Kern	Page	Smith, S. C.
Bryan	La Follette	Perkins	Smoot
Catron	Lane	Pittman	Stephenson
Chamberlain	Lippitt	Pomerene	Sterling
Clark, Wyo.	Lodge	Ransdell	Sutherland
Cummins	McCumber	Robinson	Swanson
Dillingham	McLean	Root	Thompson
Fall	Martin, Va.	Sheppard	Townsend
Gallinger	Martine, N. J.	Sherman	Works

Mr. CUMMINS. I desire to announce that my colleague [Mr. KENYON] is absent from the city and will probably be absent during the week. I make this announcement for the day, so that it may apply to any other roll call.

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague [Mr. CULBERSON] and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from West Virginia [Mr. CHILTON] on official business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA], and also the unavoidable absence of the senior Senator from Missouri [Mr. STONE], both Senators being absent on account of illness.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present.

POST OFFICE APPROPRIATION BILL.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of the Post Office appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The question is, Is the amendment reported by the committee inserting the proviso, beginning in line 22 and ending in line 25, on page 15, in order?

Mr. BRISTOW. Mr. President, when the Senate adjourned last evening I was discussing some of the irregularities and inconsistencies of this new rate system which has been adopted by the Post Office Department, and I now desire to call the attention of the Senate to a few more of them. I am referring to the system of transportation which these alleged experts think is a just and equitable one.

Suppose the Senator from Massachusetts [Mr. LODGE], living here in Washington, should desire to send a package by parcel post to Boston. The natural thing would be, of course, for him to mail it here directed to Boston. That would cost him 83 cents, if the package weighed 20 pounds; but if he is as shrewd a financier as most New Englanders are, under this new system he would send that package to some friend in New Haven, Conn., which would cost him but 44 cents, and the friend would readdress it to Boston, which would cost 24 cents additional; 44 and 24 being 68, or 15 cents less than if he sent it direct from Washington to Boston; and the department in the meantime would have unloaded it at New Haven, sent it out to the house of the Senator's friend, and the friend would have readdressed it, and the department would have called for it and taken it to the train and on to Boston. That is the system of transportation which these experts have given us; and the Senator from Maryland [Mr. LEE] yesterday thought that it was a much wiser system than the Senate could provide.

Suppose the Senator from Michigan [Mr. TOWNSEND], who is a member of the committee, should want to send a package from Washington to Detroit. This system of transportation which these experts have furnished us would enable him to send that package first to a friend in Cleveland, Ohio, which would cost him 44 cents, and then his friend in Cleveland could remail it to Detroit, and that would cost 24 cents, making a total of 68 cents for transporting it from Washington to Detroit; while if he had sent it direct and not paid Cleveland the honor of having it stop there, it would have cost him 15 cents more, or 83 cents. You can take every rate in every zone beyond the third and repeat that operation; yet we are told that we must let this alone and allow these experts who know so much about transportation to handle the question.

Take Chicago. The Senator from Iowa [Mr. CUMMINS] is an expert on rate making. He lives at Des Moines. If a mail-order house in Chicago wanted to send by parcel post a large amount of merchandise in 20-pound packages to Iowa within a radius of 150 miles of Des Moines, the natural thing would be for them to send it direct to the different towns in Iowa where their customers were; but, being business men, if they had a thousand packages they wanted to send into that region, they would send the packages first to Des Moines. That being within the third zone from Chicago, the parcel-post charge from Chicago would be 44 cents per package. Some of these packages might be bound for Omaha, so they would be remailed at Des Moines to Omaha. The charge for that would be 24 cents more, or 68 cents from Chicago, by way of Des Moines, to Omaha; while if this mail-order house had sent the packages direct from Chicago to Omaha the postage would have been 15 cents more per package, or $150 more on a thousand packages. That process could be repeated as to every one of the Iowa towns in the vicinity of Des Moines.

Mr. NORRIS. Mr. President, I should like to ask the Senator if this comes about from the evil of the eradication of the first zone?

Mr. BRISTOW. Yes; and the charging of too low a rate in the 150-mile radius.

Mr. NORRIS. If the Postmaster General had not abolished the first zone——

Mr. BRISTOW. If he had not abolished the first zone and had established a higher rate in the second zone than in the first, it would be impossible. Senators who have given any study to rate making—and they do not have to be experts; we have here but few experts on rate making, and it does not require an expert to see the fallacy and ridiculousness of such a proposition as this. If any intelligent attention had been given by anybody to the working out of this system, that could not have happened. As I said last night, just before closing, there is one fundamental law that relates to transportation, and that is the sum of the locals must not be less than the through rate. If it is less, it invites the rehandling of freight all along the line, because money is saved by the shipper by forcing the rehandling of it. Of course there is no sense in such a proposition.

The Senator from Michigan [Mr. TOWNSEND], who is probably as well informed as any man in the Senate on transportation matters, can see that every fundamental principle of transportation is violated by this order.

I do not see the Senator from South Carolina [Mr. SMITH] present now, I regret to say; but suppose he wanted to send a package from Washington to Florence, his home in South Carolina. If he sent it direct, it would cost him 83 cents; but, being a frugal man, he would therefore first send it to Fayetteville, N. C., and there have a friend remail it on to Florence and save 15 cents by so doing, although compelling the postmaster at Fayetteville to handle it twice.

If the Senator from Ohio [Mr. POMERENE], who was here yesterday and evinced some interest in this discussion, wanted to send a package to Cincinnati from Washington, he could send it direct from Washington to Cincinnati for 83 cents, but he could save money by mailing it to Huntington, W. Va., and having a friend there readdress it on to Cincinnati, and in that way get it there for 68 instead of 83 cents.

As I have said before, you can repeat this operation in every zone beyond the third in the United States. If the Senate wants to approve that as the wisest system that can be devised for handling freight by mail, of course it has the opportunity of so doing by voting to sustain the department and against this amendment.

I started out—and I am going to close pretty soon now—to discuss the difference in the express rates and the parcel-post rates as established by the Postmaster General. As I said yesterday, some of us have been attacked by the press because we did not concede that Mr. Burleson had more wisdom than anybody else in the framing of the rate schedules. We have been denounced as laboring in the interests of the express companies and against the public welfare. Of course, a man in public life has to take those things; they come to all of us sooner or later, in greater or less degree. That leads me to make some comparisons between express rates and parcel-post rates.

The Interstate Commerce Commission in their recent order as to express rates divided the United States into five zones and fixed a different rate for each zone. Here [indicating] is their map. In fixing the rates, the distances, and so forth, they have followed the same rule the Post Office Department adopted in determining the distances for parcel posts; they have taken the block system.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for just a moment?

Mr. BRISTOW. Yes.

Mr. CLARK of Wyoming. Am I correct in understanding that the express rates as thus designated by the Interstate Commerce Commission are now in operation? I think they went into operation——

Mr. BRISTOW. I think they are in operation; I know they are in my country.

Mr. CLARK of Wyoming. I think they went into operation on the 1st of February.

Mr. BRISTOW. There is a good deal of complaint in the West, in the section that I come from and in other sections—I think probably the Senator from Wyoming will find some complaint from his State in time—of the increase in the rates.

Mr. CLARK of Wyoming. Not the long rates, but the short rates.

Mr. BRISTOW. The short rates; yes. In zone No. 1, which is composed of New York, New England, part of Pennsylvania, and Ohio and Illinois, the rate is the lowest; it is 10 cents, I think, for 50 pounds or 100 pounds per block—I have not worked it out accurately. In the South, which is zone No. 2, the rate is higher; it is 15 cents; in the Middle West it is 19 cents, almost double what it is in New England, Ohio, and Illinois; and in the Rocky Mountain region it is 23 cents per block. So it is impossible to get an exact comparison of the express rates and the parcel-post rates by zones. You can get a comparison of the rates between points, but you can not make an exact comparison, because one postal zone will run into two or three different zones or sections of the express-rate schedules or plan. So I have taken the rates to certain towns, which is the only way you can get any accurate comparison.

The express rate on 20-pound packages from New York to Newark, N. J., which is within the first postal zone, is 31 cents. The postal rate under Mr. Burleson's order is 24 cents. The cost to the Government, according to his estimate, is 8 cents. So there is, according to his estimate, a fine profit in handling that class of matter within the 50 miles. The first zone is the 50-mile zone.

Mr. LODGE. Mr. President, will the Senator allow me to ask him a question there?

Mr. BRISTOW. Yes.

Mr. LODGE. How does the Postmaster General ascertain the cost of transportation? I understand the separate stamp has been abolished, and the ordinary letter stamp may be used.

Mr. BRISTOW. Yes.

Mr. LODGE. How, without a separate stamp, can he reach accurately the cost of the parcel post?

Mr. BRISTOW. He can not. It is an estimate.

Mr. LODGE. Then we have no means of knowing accurately what the parcel post costs?

Mr. BRISTOW. No; there is not any way of telling.

Mr. LODGE. And we can not tell while we have no separate stamp?

Mr. BRISTOW. No.

Mr. LODGE. It is all jumping in the dark?

Mr. BRISTOW. I think so.

In the second zone—this is, in what was formerly the second zone, between 50 miles and 150 miles, and what ought to be the second zone now—the charges are the same for the parcel post as they are in the first zone. In that zone, from New York to Philadelphia, where the towns are located between which these rates are given, the postal rate is 24 cents and the express rate is 38 cents—a higher express rate than postal rate. I think the express companies are wise in fixing their rate higher, because I think the Government loses money in this region between the 50 and 150 miles on most of its packages; and the express companies, not being in business to lose money, fix a higher rate than the Government rate.

The region from New York to Boston is in the third zone. That is beyond 150 miles and short of 300 miles. The parcel-post rate in that region on a 20-pound package is 44 cents, while the express rate is 36 cents. That is within the first section of the express scheme.

Mr. LODGE. Mr. President, if it will not disturb the Senator, I should like to say that I do not think I put my question quite properly. Of course the stamp determines the receipts of the Government.

Mr. BRISTOW. Yes.

Mr. LODGE. I did not mean by my question to imply that it determined the cost to the Government of carriage; but, of course, if the Government does not know the receipts, it can not possibly tell what the service as a whole is costing.

Mr. BRISTOW. That is true; and I did not answer the Senator's question as I should, because the department estimates the cost by taking 5 cents as the cost of picking up the package, and then multiplies the distance by 2.58 mills per pound for 50 miles, and in that way gets an estimate.

Mr. LODGE. But at the present time, as to the original cost to the Government, is it not true that they are carrying these parcel-post packages up to 50 pounds under the old contracts, both with star-route contractors and with others?

Mr. BRISTOW. Oh, yes.

Mr. LODGE. They are carrying them under the old contracts?

Mr. BRISTOW. Yes.

Mr. LODGE. So that we have no means of knowing what it will ultimately cost the Government?

Mr. BRISTOW. Oh, no. There is not any possible way of finding out at present.

Mr. LODGE. Except we do know, do we not, that the star-route contractors can not possibly go on under the existing contracts and carry tons of ordinary freight?

Mr. BRISTOW. That is true; and a good many of them have thrown up their jobs, and the bondsmen are filling out the contracts. I think you will find that all over the western part of the country.

Mr. LODGE. While I do not want to deflect the Senator from his argument, in that same connection the committee proposes to raise the pay of the rural carriers and make it a very handsome pay; but how are the rural carriers to carry the freight which this 50-pound limit makes on $1,200 a year?

Mr. BRISTOW. In some places they can not. It is a very grave problem. This is not a matter to be treated lightly. Take a rural carrier in the South, in Virginia, in North Carolina, and in through that section, where the roads are clay roads and bad roads at this season of the year when there is thawing, and they get very muddy. He handles his mail on horseback at this time of the year, and he can not carry many 50-pound packages on horseback. What he is to do I do not know. The Senator from Alabama [Mr. BANKHEAD] has very grave fears that it will seriously interfere with the rural service in that region of the country; and I think myself that his fears are well grounded.

Mr. LODGE. I know that in my own State, which is a small State and a State of good roads, if the rural carrier there is

obliged to haul freight—which is what the 50-pound limit makes now—he simply can not do it on the salary that is proposed. Instead of having a small wagon with one horse with which he could carry his mail, one bag or more, he would have to be prepared with a big team, two horses at least, and a corresponding wagon in which to carry it.

Mr. SIMMONS. Mr. President, we can not hear on this side of the Chamber what the Senator from Massachusetts is saying.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. BRISTOW. I do.

Mr. CLARK of Wyoming. In a large part of the country, especially in the western country, the people are served by star routes or rural free delivery routes.

Mr. POINDEXTER. Mostly star routes.

Mr. CLARK of Wyoming. Mostly star routes. I have no question, from a knowledge of the country, but that the adjustment that has been made or may be made by the Postmaster General in changing the weight limit, and the other changes mentioned, will absolutely destroy the star mail routes and the rural free delivery routes, or will render the payment for the service on those routes so extremely high that the deficit in the Post Office Department will be something alarming.

It is a fact that in many places freight is now being carried over these star routes at one-fifth the cost of ordinary transportation in the various localities. In my own State instances have occurred where carloads of flour have been shipped into mining camps at substantially 1 cent a pound, where the regular freight rate by team—bull team we call it, or mule team, or stage—is from 3 to 5 cents a pound. Now, there is a loss there. It must result either in breaking down the delivery outside of railroad points, or in such a deficit that we will be alarmed at it when it comes before us.

The shipment of 2 tons of beans into a mining camp resulted in clogging for a month the post offices on that route and clogging the work of the mail carrier, who had hard work to get through even with his horse, let alone his buckboard or wagon.

I have just taken on the same route another illustration. At the end of that route is what we call a tie camp, 80 or 90 miles from the railroad. A tie camp, as we all know, is a lumber camp where they get out railroad ties, and either float them down the river or haul them to the railroad for consumption. I have cut from one of the papers this item, which relates to the shipment of beans that I spoke of first:

LANDER, WYO., *February 21.*

Frank Welty's beans are no longer the only beans in the Dubois parcel-post pot. A more tragic thing than that famous shipment has happened to the mail carriers between Lander and the tie-camp town on the Upper Big Wind.

The first of the week a lot of tie cutters quit the McLaughlin company and hiked for the railroad towns. All owned beds and bedding—

All of us from that country know that every man working in that way has his roll of blankets that he calls his bed and bedding. There are no hotels. His home is where night overtakes him. If he is in a lumber camp he has in the bunk he is furnished with his own bed and bedding, a roll or two of blankets—

The stage company asked 5 cents a pound freight between Dubois and Lander—

I will say, knowing that country, that that is not an unreasonable rate of freight—

The "tie hacks" were hard up. They had read about the Welty bean shipment, and they began to make inquiries. They found they could send their beds by parcel post in 50-pound packages for 1 cent per pound—4 cents less than the stage freight rate—so they sewed their belongings into gunnysacks and filled the Dubois post office full to overflowing with mail matter. There may have been a few bugs in the bundles, but Uncle Sam carries small livestock at the 1-cent rate. The Dubois postmaster sprained his arm selling postage stamps.

Once again the joke is on the Fort Washakie-Dubois and the Lander-Fort Washakie star-route mail contractors—

That is the gist of this article—

They have a blanket contract to carry the mails between the points named, and they will not receive a cent extra for lugging all those beds from Dubois to Leander for those close-fisted "tie hacks."

When the Postmaster General assures us that there is at the present time a great surplus, and more revenue coming in to the mail service or the Post Office Department by reason of the parcel post, he fails to take into account the mail carriers and the mail contractors that he is forcing into bankruptcy because they are carrying all this increased mail at no increased cost to the Government; and when he comes to let his new contracts he will either have to throw up these mail routes or else he will have to let them at such figures as will permit the carrying of freight.

The apparent revenue vanishes into thin air when those things are considered. We are compelling these contractors to carry this mail for nothing, and taking the revenue and calling it a net profit on the service. Mr. President, it would be the worst thing that could happen to this country if any scheme should be evolved that would break down the star-route service in the country remote from railroads.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. POMERENE. Assuming that the statements made by the Senator from Wyoming are correct——

Mr. CLARK of Wyoming. My statements are correct. I am not sure as to this newspaper item, but I assume it is correct.

Mr. POMERENE. I say, assuming that—I am not informed in regard to it except as the Senator has made the statement here—what remedy has the Senator to suggest? I take it we are all interested in finding a remedy.

Mr. CLARK of Wyoming. I do not know that the Senator is called on to suggest a remedy. The Senator is now pointing out what he believes to be an evil that has been caused by the unlimited exercise of authority by the Postmaster General. If it should go on, and if the limit should be increased to 100 pounds, as we have had notice served on us it will be, and that before very long, I should be glad to see something put into this bill, such as is proposed in the pending amendment, to prevent that.

Mr. LANE. Mr. President, right there I should like to ask the Senator if he would not be equally willing to allow a proper remedy to be applied to it?

Mr. CLARK of Wyoming. Why, without any question.

Mr. LANE. I should think so.

Mr. CLARK of Wyoming. I want some remedy.

Mr. LANE. It will not be hard to find.

Mr. BRISTOW. Mr. President, I was making the comparison between the express rates and Mr. Burleson's parcel-post rates. I had just spoken of the third zone, and had given the rates from New York to Boston. Now I will take up the fourth zone.

Pittsburgh, Pa., is in the fourth zone from New York. The parcel-post rate from New York to Pittsburgh is 83 cents for a 20-pound package. The express rate is 46 cents. From New York to Grand Rapids, Mich., the fifth zone, Mr. Burleson's parcel-post rate is $1.22 for a 20-pound package. The express rate is 62 cents. From New York to Des Moines, Iowa, the sixth zone, the parcel-post rate is $1.61. The express rate is 82 cents, about half the amount.

I referred a short time ago to the case of a mail-order house in Chicago sending by parcel post a thousand packages to Des Moines and redistributing them from Des Moines at 24 cents a package, and saving by this process, on a thousand packages, $150. The fact is that from New York the mail-order men send parcels by express to Des Moines and redistribute them there by parcel post under the 24-cent rate, which is cheaper than the express rate.

One of the arguments the defenders of the Postmaster General make here is that we must give him the opportunity to meet express competition or the parcel post is ruined. He has the opportunity now, and this is the way he has met it. He takes the packages and delivers them within the 150-mile radius at a loss, as I demonstrated yesterday beyond any doubt, cheaper than the express companies are willing to do it, because they do not work for a loss, if they can help it, and they are letting him handle the business within the 150-mile radius; but when he gets beyond that, where there is a profit, then they undercut his rates, take the profits, and the mail-order houses use the express to the local point and distribute by parcel post. If Mr. Burleson is so anxious to meet express competition, why does he not do it now? He has the opportunity.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I yield to the Senator; yes.

Mr. POINDEXTER. If the Senator succeeds in defeating this amendment, he will not have any opportunity.

Mr. BRISTOW. But he has now. Why does he not do it now? Why has he created this condition? He did it. It was not in the law before he changed it.

Mr. POINDEXTER. I understand the Senator is referring to the rates on the long hauls?

Mr. BRISTOW. Yes; partly, and partly on the short hauls; the combined long and short haul rates.

Mr. POINDEXTER. It is the long-haul rates which the Senator says give the express companies an opportunity of undercutting him. The Postmaster General has made some changes.

The Senator differs with me as to whether or not they are advantageous. I think myself that, on the whole, the changes he has made in rates, weight limits, and so forth, fixed by the statute are advantageous. The Senator apparently proposes to take away all discretion, all opportunity for any future change, because the Postmaster General has not done everything that it is possible to do in the short time the law has been in operation.

Mr. BRISTOW. I am sorry the Senator from Washington can not understand this discussion that I am undertaking to make. As the law was before the Postmaster General interfered with it, this was not possible. The mail-order house could not send by express to a community and redistribute its packages there by parcel post advantageously, because the sum of the two locals was always more than the through rate. Now, the Postmaster General reverses that universal law of transportation and makes the sum of the locals less than the through rate. Of course, the mail-order houses take advantage of it, and it burdens the department with an enormous expense in delivering within the 150-mile zone which he created.

Mr. POINDEXTER. If I may do so without being charged by the Senator with inability to understand his argument, I should like to ask the Senator a question.

Mr. BRISTOW. I will be very glad to answer it if I can.

Mr. POINDEXTER. Has the Postmaster General made any change increasing rates on the long haul?

Mr. BRISTOW. No; he has not increased the rates on the long haul.

Mr. POINDEXTER. Consequently the high rate of which the Senator is complaining, which enables the express companies to undercut, was not made by the Postmaster General at all.

Mr. BRISTOW. Some of them were originally fixed in the law.

Mr. POINDEXTER. Further, my contention is that if you leave the discretion in the Postmaster General and give him reasonable time he may reduce those rates. He did not raise them. They were fixed by law.

Mr. LODGE. Mr. President——

Mr. BRISTOW. I yield to the Senator from Massachusetts.

Mr. LODGE. I wish to ask the Senator from Kansas, who is an expert on this question, and has given great attention to it——

Mr. BRISTOW. I am not an expert, and I do not pretend to be. I am debating with experts.

Mr. LODGE. The Senator is as good an expert as we have. I wish to ask this question: Is it not the fundamental trouble now that this is an attempt to change the very character of the parcel post from a parcel post and mailing agency into a freight agency?

Mr. BRISTOW. I think the Senator is right about that.

Mr. LODGE. If the Government is going to enter into the business of carrying freight, it should carry it at freight rates and not at mail rates.

Mr. BRISTOW. That is exactly the point.

Mr. LODGE. I think I am right in stating that in England the parcel-post limit is 11 pounds, and in every country in Europe it does not vary materially from that. In a country like Germany where they own the railroads and in France where they own the railroads in part they undertake to carry heavy freight through the mails. Now, is not that the fundamental difficulty?

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Massachusetts if he means that the rate is too high on heavy packages?

Mr. LODGE. Mr. President, the Senator from Kansas will set me aright if I am mistaken about it, but the whole point is that the Government, by these high limitations of 50 pounds or 100 pounds, is undertaking to carry freight, and that is not the business of the parcel post. The parcel post was never intended to carry 2,000 pounds of flour, as in the case the Senator from New Mexico described.

Mr. POINDEXTER. But I am speaking of the rate.

Mr. LODGE. I am not discussing the rate. I am trying to get at the fundamental wrong of the whole system.

Mr. POINDEXTER. But the Senator did say that if the Government carried packages of that weight it ought not to carry them at first-class rates, and I inferred that he thinks the rate ought to be reduced.

Mr. LODGE. They ought to do it as freight business is done; they ought to carry it at freight rates and as heavy freight, and not with the delivery and at the rate which the mail service costs. It seems to me that we are now going along on the apparent idea that this is a profitable system. Just as long as you are robbing the star routes and robbing the railroads and robbing the rural carriers you can say that it is profitable, but it will not last; it will end the moment the Government is brought face to face with the actual cost it will have to pay to carry the freight, and if it owned every railroad in the country it is going to cost as much as it costs the railroad. It is distorting the Parcel Post System to a system not within the range of the mail transportation. That is what seems to me to be the fundamental trouble.

I hope the Senator from Kansas will excuse me.

Mr. ROOT. Mr. President——

Mr. BRISTOW. I will yield in just a moment. The Senator from Massachusetts is mistaken as to the limitation in foreign countries. In some foreign countries the limitation is as high as 100 pounds, but their condition is entirely different from ours, and we must discuss the condition that confronts us here.

Mr. LODGE. Those are countries that own the railroads.

Mr. BRISTOW. I think they are.

Mr. LODGE. They carry it as freight.

Mr. BRISTOW. The regulations are different from ours, of course.

Now, just a moment, and then I will yield to the Senator from New York. The Senator from Massachusetts is absolutely right. We have undertaken to adapt the freight business to a postal system. As long as you can confine the parcel post to small packages it is all right. Under the zone system which we developed, if the Postmaster General had let it alone, we would have gone along nicely, and then if we had concluded that it was desirable to increase the weight of the package so as to make it freight business we would first have organized a system for carriers of freight different from that for carriers of mail. That is the fundamental difficulty which is confronting the Congress now.

Mr. VARDAMAN. Mr. President——

Mr. BRISTOW. I yield first to the Senator from New York, and then I will yield to the Senator from Mississippi.

Mr. ROOT. Mr. President, I rose not to enter into a discussion, but to ask the Senator from Kansas whether the intention we all had in adopting the parcel-post system was not being ignored, pushed aside, and prevented by the administration, which is pointed at in the provision under discussion?

We can all remember that when that bill was before the Senate there were active opposition and objections on the part of small dealers, country dealers, who said that the effect would be to put them at the mercy of the big mail-order houses. We thought, I know, that the zone system would be a reasonable protection against having the entire retail business of the country absorbed by the mail-order houses; that it would be a reasonable protection to the small dealers in country towns. We said so to them. I know I did.

I understand the zone system is being broken down so that the protection we meant to give is being destroyed. I know we meant to give protection to them, whether we did technically accomplish that purpose or not. I remember using the argument that the letter carriers of the rural free delivery routes could just as well carry the small packages of the postal system as they were making their rounds as to go about with empty buggies. To utilize the facilities of the rural free deliveries was one of the objects we had in view. Now, I know the letter carriers of the rural free delivery system in the part of the country in which I live can not carry these great hundred-pound packages or 50-pound packages. The system will break down under it.

Mr. MARTINE of New Jersey. Mr. President, they are not obliged to adhere to that sort of vehicle. They can buy stronger vehicles.

Mr. ROOT. Then you have to build up a new system. What I say is that we did not contemplate, when we passed the law, what is being done by an executive officer and which was not the intention of the act of Congress.

Mr. MARTINE of New Jersey. I realize the force of the argument made by the Senator from Massachusetts that it would cost something. The public know that. The public do not want it without cost. They are willing to pay the cost. We have to pay somebody. We are either paying the parcel post or paying the express company, and I believe it is the universal sentiment of the people of this country that they would rather pay the Government of the United States a little additional cost for better contrivances to deliver these packages than pay Tom Platt's express company.

Mr. LODGE. The precise point is that they do not know that it will cost more, because it is hidden now under the appearance of costing less. They are working with the star routes and the railroads and the other carriers under old contracts. The moment those contracts expire the expenses will jump to an extent which no one realizes, because nobody yet understands that you can not carry freight as you carry letters.

Mr. MARTINE of New Jersey. Of course, it would impose an additional burden of cost on the Government; it would require something to provide better vehicles, probably additional horses; but, after all, the great end we desire to accomplish is to offer the greatest facilities of communication not only for the transportation of mail, but for the transportation of the necessities of life. How many times I have thought in my mind how delightful if, when I break a mowing-machine wheel weighing 100 pounds, when I have to send to Schenectady and it comes through the slow process of freight, and everybody knows how slow freight generally is, if, by sending a post card, it could be sent to me through the parcel post, doing me an advantage and doing nobody any evil.

Mr. BRISTOW. I would rather not send a mowing machine or a sewing machine by mail. If we are to handle those articles, we should rather organize an express system independent of the mail.

Mr. MARTINE of New Jersey. I would a good deal rather allow a sewing machine to be sent by mail than several volumes of Blackstone.

Mr. POINDEXTER. The Senator from Kansas knows more about this matter than anybody else——

Mr. BRISTOW. I do not. I deny the allegation.

Mr. POINDEXTER. I really think the Senator has given more attention to it than anyone else.

Mr. BRISTOW. No; I do not think so.

Mr. POINDEXTER. I should like to ask the Senator if it is permissible under the law to send babies by parcel post?

Mr. BRISTOW. I think not.

Mr. POINDEXTER. I notice that they are doing it.

Mr. BRISTOW. I think not.

Mr. POINDEXTER. In this morning's papers there is an account of a 5-year-old child having been sent by parcel post.

Mr. BRISTOW. I think the Postmaster General has changed that somewhat.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I think the American people are very desirous of information upon this great question. As I said yesterday, this system is in the inchoate, incomplete state, not thoroughly developed. The Senator from Kansas has given a great deal of thought to it. Really he is as full of information on this question as an egg is of meat. I want to ask him as he proceeds in the discussion to state the difference between the system in vogue in American and in foreign countries. If the foreign countries can carry 100 pounds as parcel post with convenience to the people and profit to the Government, why can it not be done here? I should like to have the Senator explain to the Senate and to the American people the difference between the systems there and the system here.

Mr. BRISTOW. I must ask the Senator from Mississippi to excuse me from going into any elaborate discussion on that point. In the first place I am not competent to do it. There are fundamental differences between those countries and ours in their method of transportation and cost of transportation. In a parcel-post law we can not change our system of transportation or make the conditions we have here conform to the conditions that exist, we will say, in Great Britain or Belgium or Germany, for instance.

Mr. VARDAMAN. I was not present this morning when the Senator arose to discuss this question. I was detained from the Chamber on other business, and I am really anxious to find out the proper solution of this problem.

I do not think Senators should content themselves with simply criticizing and pointing out the defects of the present system unless they have some better plan to propose. As I said to the Senator yesterday, I want to follow him and assist him in the perfection of this system. So far as I am personally concerned, I have always thought the express companies of America were a sort of economic fifth wheel—that they did not do any good. If the parcel post could, to the profit of the people and not to the expense of the Government, take the place of the express companies absolutely, I should like to see it done; and I think it can be done and make the Post Office Department a source of revenue rather than a deficit, as it has been for so many years in the past.

Mr. BRISTOW. Mr. President, I should like not to be interrupted from now on except for a question, because I do not want to stand here all day. Senators can discuss these questions in their own time. I am not complaining; I am guilty myself of continuously interrupting Senators; but I want to get through.

Mr. VARDAMAN. I want the Senator to understand, Mr. President, that I did not interrupt him in order to inject any remarks of mine into his speech.

Mr. BRISTOW. No.

Mr. VARDAMAN. I simply want light from the Senator from Kansas.

Mr. BRISTOW. I appreciate that.

Mr. VARDAMAN. The Senator has given a great deal of patient, intelligent, and patriotic thought and consideration to this question, and I want to profit by his lucubrations and study.

Mr. BRISTOW. I do not want the Senator to think that I am complaining at all, except that I do not want to be continuously on the floor. I do not want to take the whole afternoon, and would rather somebody else should have charge of the time.

Mr. VARDAMAN. I will not interrupt the Senator any more.

Mr. BRISTOW. If the Senator wants to ask a question at any time, I shall be glad to yield to him.

Mr. SIMMONS. Mr. President——

Mr. BRISTOW. I will yield to the Senator from North Carolina.

Mr. SIMMONS. Let me ask a question for information. Has the Senator compared the weight limit of parcel-post packages in this country and in foreign countries? It has been stated that while the limit here is only 50 pounds, in many foreign countries it is 100 and 200—probably as high as 300 pounds.

Mr. LODGE. If the Senator will allow me, those railroads are owned by the Government.

Mr. SIMMONS. That is not the question I wanted to ask the Senator from Kansas. I wanted to ask the Senator from Kansas if in the foreign countries where the weight limit is high they carry those high-weight parcel-post packages over dirt roads, or do they simply carry them over the railroads?

Mr. BRISTOW. They are carried for short distances over the railroads.

Mr. SIMMONS. And not over the dirt roads at all?

Mr. BRISTOW. I do not think they have any system of star routes at all in foreign countries that will compare with ours. I would not say that they never have a parcel post running over a dirt road, but it would be very unusual indeed to have a dirt road that was a mail route in a country like Belgium or Germany, as the Senator will know.

Mr. SIMMONS. I think probably the Senator is right. I think probably those heavy packages are simply carried over the railroads.

Mr. BRISTOW. To near-by markets.

Mr. SIMMONS. If they are carried in countries of Europe over dirt roads there is a very marked difference between the condition of the roads there and the condition of the roads here. It would probably be much less expensive to carry a 250-pound package over the roads of France, Germany, and Great Britain than it would be to carry a 50-pound package over the average road in certain sections of this country.

Mr. BRISTOW. Oh, yes; I have no doubt about that.

Mr. SIMMONS. I want to say to the Senator that I rather agree with him in his contention that to fix a higher limit than 50 pounds might seriously handicap the rural service in this country on account of the condition of the roads in certain sections. I know as to my section of the country, I do not believe it would be feasible in parts of my State, in the mountain sections, to carry packages of over 50 pounds over the dirt roads we have. The point I distinctly differ with the Senator about is as to his method of getting at the limitation.

Mr. BANKHEAD. Mr. President——

Mr. BRISTOW. I yield to the Senator from Alabama.

Mr. BANKHEAD. If the Senator from Kansas will yield to me for a moment, I think I can answer the question of the Senator from North Carolina from official figures with reference to the weight limit in foreign countries. I have them here. For instance, in the United Kingdom the weight limit is 11 pounds. In France the weight limit is 22 pounds; in Australia it is 11 pounds; in Japan it is 13 pounds; and so on. There are, however, one or two, or perhaps three, small countries where the weight limit has been extended to 110 pounds, but none above 110 pounds.

Mr. SIMMONS. The Senator from Alabama will recall that the Senator from Texas [Mr. SHEPPARD] yesterday read a list of several countries where the limit was very much above 100 pounds.

Mr. BANKHEAD. That is true, but it must be borne in mind that those are countries very limited in area, and there is the further fact that instead of being a postal system it is a kind of freight system which they have there.

Mr. SIMMONS. I understand the Senator from Kansas is now saying that he is under the impression that those heavy

packages are not carried over the dirt roads of those countries, but are confined to railroad transit?

Mr. BANKHEAD. They are not conducted in connection with the Postal Service.

Mr. BRISTOW. If Senators will allow me to proceed, I would like to get through. I was comparing the express rates between cities in the various zones from New York in order to get a comparison in the seventh zone of the parcel-post rates from New York to Denver on a 20-pound package—the rate is $2.01, while the express rate is $1.30. Beyond the seventh zone, in the eighth zone, take Salt Lake City; the parcel-post rate is $2.40 on a 20-pound package, while the express rate is but $1.71. In these long hauls, where the big profit is to the express companies, the express rate is always lower than the parcel-post rate which Mr. Burleson has established; but when you get into the first zone of his charges—the first and second zones on the map—then the express rate is more than the postal rate, because it costs more proportionately to the handling carrier to handle the package in the short haul than in the long haul.

Mr. SIMMONS. Now, will the Senator permit me another question, for I am really anxious to get more information about the matter? I am troubled about this question.

Mr. BRISTOW. I yield to the Senator.

Mr. SIMMONS. The Senator from Kansas says that in these long-distance zones the rate fixed by the Government is higher than that fixed by the express companies. I want to ask him is that true of a small package as well as of a large package or does he mean to confine his remarks to the large package?

Mr. BRISTOW. I am comparing the rates on the 20-pound package. Take the small package, and the discrepancy does not appear until you get into the farther zones. Take a 2-pound package——

Mr. SIMMONS. Suppose you take an 11-pound package, if the Senator will pardon me, as that is the weight limit fixed by the original law?

Mr. BRISTOW. I am sorry to say I have not the express comparison here as to the 11-pound package. I thought I had it, but I took the 20-pound package. I am confident, however, that on the smaller packages there would not be that discrepancy, because the express companies charge proportionately more for the handling of the package than they do for the transportation of the package. You take any 50-mile zone, and the express company will charge from New York to Newark, for instance, 31 cents, while the Post Office Department will charge but 24 cents. That is, within the 50-mile limit you will always find the parcel-post rate lower than the express rate; that is a part of the business which even Mr. LEWIS, of the House, admits is carried at a loss on the business which the Government is doing now. Where the profit is, in the long haul, the express companies are still handling the business.

Mr. SIMMONS. I understand the situation with reference to the short haul, but what I am trying to get at is as to the long haul. If it be true that with respect to the long haul the present postal rate is higher on a small package——

Mr. BRISTOW. No; it is not higher on a small package.

Mr. SIMMONS. Well, a package weighing around 11 pounds.

Mr. BRISTOW. It is on an 11-pound package.

Mr. SIMMONS. Upon an 11-pound package. Then the argument which the Senator from Kansas is making is an argument which goes to the fundamentals of our original enactment as much as it does to the reorganized service by the direction and authority of the Postmaster General.

Mr. BRYAN. Mr. President——

Mr. BRISTOW. Mr. President, I can not myself see that. I think that is a mistake, because the Post Office Department handles the small packages cheaper than does the express company; it was intended that it should do so; and we did so under the old rates and we do under the present rate.

Mr. SIMMONS. I understood the Senator to say that a package around 11 pounds——

Mr. BRISTOW. An 11-pound package is a good-sized package. Take a package weighing 2 or 3 pounds.

Mr. SIMMONS. Eleven pounds is the limit fixed in the law as originally passed. If it costs the Post Office Department more to deliver such a package in these outer zones over these long hauls than it costs the express companies, then the argument which the Senator from Kansas is making would go to the fundamental provisions of the original enactment.

Mr. BRISTOW. I will say to the Senator from North Carolina that I have always felt that our rates for the long zones were lower than they should have been. I think we lose money on all of the business we handle in the eighth zone, but I will say to the Senator that in committee, when the bill was originally framed, I proposed to have 12 zones, running up to a 3,000-mile radius and have the rate 16 cents a pound beyond that, but the parcel-post rate between European countries and the United States was 12 cents a pound for an 11-pound package, and the argument was made that we could not charge our own people more for handling our domestic business between points in the United States than we charge for handling business between the United States and Europe. So the committee, with a very decided majority, fixed 12 cents a pound as the maximum charge for any distance. Now I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, the Senator from North Carolina [Mr. SIMMONS] is mistaken in supposing that the rates established by Congress in the first two zones were greater than the express rates, for they were much less.

Mr. SIMMONS. I did not say that; I said in the first two zones, the near-by zones, they were less to all points. I think that has been admitted.

Mr. BRYAN. They were less?

Mr. SIMMONS. Yes.

Mr. BRYAN. Under the law they were less, I think, in the third zone; but it is admitted that when the Government undertakes to go beyond the third zone, because of the freight rate it has to pay, it loses money. So before the parcel post was established raising the weight limit provided under the act of 1912, the express company would take the short haul and give the Government the long and expensive one.

Mr. SIMMONS. Then, I understand the Senator from Florida to say that when we pass beyond the third zone, even at the rate fixed in the original law, the Government would lose?

Mr. BRYAN. It certainly would not make anything.

Mr. SIMMONS. It certainly would not make anything; but the charge made by the Government is a little higher than the express rate.

Mr. BRYAN. That comes about because of the statutory rate that the Government has to pay for the carriage of the matter.

Mr. SIMMONS. I think so.

Mr. BRYAN. The Senator also inquired as to the relative cost now, since the express rates have been reduced by order of the Interstate Commerce Commission. Stating it generally, subject, perhaps, to a few minor exceptions, under the rates established by the Interstate Commerce Commission for the express companies and under the rates which the Postmaster General has established, the postal rates are less than the express rates up to 4 pounds; they are about the same for 5 and 6 pounds, and then the parcel-post rates are greater than the express rates.

Mr. SIMMONS. Let me ask the Senator, is not that because we are now carrying parcel-post packages upon the weight basis, as other mail matter is carried?

Mr. BRYAN. Undoubtedly.

Mr. SIMMONS. Does the Senator think that is the right and correct basis for carrying parcel-post packages?

Mr. BRYAN. There are only two ways; either by weight or by space. That is a subject that is being investigated very thoroughly by the joint commission of the House and the Senate, and I would not presume to express an opinion upon it.

Mr. SIMMONS. Does the Senator not think that, if we could get away from the present weight basis, by which all these parcel packages are carried, we might be able, without running counter to the constitutional provision, which does not permit us to fix a rate which would be confiscatory of the property of the railroads, to secure for the carriage of parcel packages the same rates that the railroads now charge the express companies?

Mr. BRYAN. Well, I hope we could.

Mr. SIMMONS. If the express company can carry a 50-pound package, bearing all the expense of its handling and its distribution, and give the railroad one-half of that amount, and if that one-half received by the railroads is a reasonable rate and is not confiscatory, why can not the Government insist that the railroads shall carry mail in parcel packages at the same rate without running any danger of violating the constitutional rights of the railroads?

Mr. BRYAN. The only reason——

Mr. SIMMONS. In other words, if the Senator will permit me, have not the railroads by their contracts with the express companies precluded themselves, estopped themselves, so to speak, against raising the question that that rate is confiscatory?

Mr. BRYAN. Perhaps they have, but the trouble is that we are trying to carry freight at mail rates. I apprehend, perhaps——

Mr. SIMMONS. I think that is the trouble; that is what I am trying to get at.

Mr. BRYAN. I apprehend that perhaps the rate paid for the carriage of newspapers, magazines, and letters is not too large;

but certainly we ought not to carry bricks, as it has been claimed they are being carried in the parcel post, at the same rate that we carry letters and newspapers.

Mr. BRISTOW. Mr. President, if I can have the floor for a few moments I will conclude. I have made three efforts to indicate the difference in the various zones upon Mr. Burleson's parcel-post rates and the express rates.

In every one of the last five zones, including the fourth zone, the express rate is less than the estimated cost of carrying the package by the department, according to Mr. Burleson's figures; so that if Mr. Burleson met the express rate in these other zones he would lose the same amount of money which I think he is losing in the second zone, or in what was formerly the second zone, which he has included now in the first zone.

To show how impossible it is under present railway mail pay to make a competing proposition between the parcel post and the express, I want to give to the Senate briefly a few illustrations of the differences in express rates as fixed by the Interstate Commerce Commission throughout the country. From Portland, Me., to Chicago, Ill., is the same distance as from Cheyenne, Wyo., to Sacramento, Cal. The express rate as fixed by the commission between Portland, Me., and Chicago on a 20-pound package is 69 cents. The parcel-post rate—Mr. Burleson's rate—between those two points is $1.22 for a 20-pound package, almost double the express rate. That is between Portland, Me., and Chicago, Ill. From Cheyenne, Wyo., to Sacramento, Cal., which is the same distance, but in a different part of the country, the express rate as fixed by the Interstate Commerce Commission on a 20-pound package is $1.39, as against 69 cents for the same distance in the eastern part of the country. The parcel-post rate there, of course, is the same; that is, $1.22. Between Cheyenne and Sacramento our rate is 17 cents per package less than the express rate fixed by the commission, while between Portland, Me., and Chicago our rate is 53 cents more than the express rate. Between Chicago and Cheyenne the distance is similar to the distance between Chicago and Portland, Me. The express rate on a 20-pound package between those two points is 99 cents, while the parcel-post rate is $1.22; that is, Mr. Burleson's rate.

Another interesting illustration is from Chicago to Sacramento, which is the same distance as from Portland, Me., to Cheyenne, Wyo. From Chicago to Sacramento the express rate is $2 for 20 pounds, and from Portland, Me., to Cheyenne the express rate is $1.37—the same distance, but in a different section of the country. The parcel-post rate in both instances is $2.01. From Chicago to Sacramento it is 1 cent more and it is 64 cents more from Portland to Cheyenne than the express rate.

Of course it is impossible to make an accurate comparison between these rates or to undertake to have a postal rate meet an express rate when the country is divided into five sections and has different rates in every section, so far as the express matter goes. So when the superficial argument is made—and it seems to me it is the most superficial argument I have ever heard intelligent men advance—that we have to fix these rates or leave them with the Postmaster General in order that he may meet the express competition, he can not do it, unless he divides the country into five sections and fixes a parcel-post rate for each section. If you go into the freight business you have to establish a freight system and not try to carry tonnage with letters.

Mr. President, I wish to close by saying that I am in favor of this amendment because I believe it is absolutely necessary to protect the department and the Postal Service from chaos. I am going to offer an amendment to the bill after this amendment is voted upon. It may be objected to; I do not know whether it will be accepted or not; but it undertakes to correct the abuses now existing. I would rather have a month or so to work out some of the questions involved; but before that month passes, or certainly before two months pass, we probably will be carrying 100-pound packages; and, in addition to having a ton of flour unloaded at a railroad station for a mail contractor or star-route contractor to take up and carry, we are likely to have almost anything. The fact is that some wholesale grocery houses out in the West are now using the parcel post to ship their canned goods and freight of all kinds to their customers.

I desire to read at this point a statement incorporated in the RECORD on February 5 by the junior Senator from Idaho [Mr. BRADY]. This, as the Senator states, is a letter from a star-route contractor who wrote him for some help or relief. He says:

> For example, let us take the rate from Mackay to Bonanza, a distance of 118 miles, at the rate by parcel post of $1.08 per hundred: By slow freight during summer months the rate is $1.25 per hundred, making a difference of 17 cents per hundred. During the winter months the rate by slow freight is $2 per hundred, so you will readily see that if business improves, which it no doubt will, the mail contractor will be unable to handle the same, except by so doing at an enormous loss. The man who handles slow freight is at a very trifling expense compared to a mail contractor, as the mail must go through regardless of expense and the slow freighter can take his time; the slow freighter employs no help.
>
> I do not think the department is aware of the conditions as they exist in a mountainous country, as we have waterspouts to contend with in the summer months and snowslides and blizzards in the wintertime, to say nothing of excessive cold.

Now I come to another interesting statement:

> Allow me to call your attention to the contractors on the routes between Boise and Idaho City, and Mountain Home and Rocky Bar. When the contractor of the Boise-Idaho City took the contract his bid was for $7.68 per trip; parcel post so increased the mail and diminished the express that he was forced to give up his contract, and his bondsmen, who are now operating the line, are doing so at the cost of $46 per day. The same facts are true in the case of the Mountain Home contractor.

Here is another statement which will be of interest.

Mr. BRADY rose.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BRADY. I should like to have the Senator first finish reading the statement.

Mr. BRISTOW. Another interesting statement which I want to call to the attention of the Senate is this:

> After throwing up his hands in despair and calling for aid, when three carloads of ore, in 50-pound packages, shipped by parcel post, were handed him to deliver recently—

Now, think of that. I should like to call the attention of the Senate to this proposition.

Mr. GALLINGER. Three carloads?

Mr. BRISTOW. Three carloads of ore—

> the contractor who handles the mail between Stites and Elk City, Idaho, is expected to succumb when he begins to receive from Spokane a 50,000-pound parcel-post shipment of groceries over the same route. Stites is on the railroad and Elk City is not, and the parcel-post shipments are carried 60 miles by a Government mail carrier between the two points. He has been using light wagons, but may have to engage a battery of automobile freighters if business picks up. The grocery shipment comprises one thousand 50-pound packages, and goes at the rate of 54 cents for 50 pounds. To top it off, it is understood the Elk City retailer expects to have dry goods and hardware supplies shipped in by parcel post from Spokane.

Mr. BRADY. Mr. President——

Mr. BRISTOW. I yield to the Senator from Idaho.

Mr. POINDEXTER. Mr. President, if the Senator from Idaho will permit me to ask just one question on that exact matter, whatever may be said as to the desirability of doing that kind of business, it tends, does it not, to show that the apprehension that the country merchants would not receive any benefit from the parcel post was not well founded?

Mr. BRISTOW. Oh, I do not think so. I think that illustration shows the utter folly of attempting to carry freight by mail.

Mr. POINDEXTER. Does not the Senator think that service is some benefit to that country merchant?

Mr. BRISTOW. Does the Senator think the United States Government ought to haul that sort of freight in there at a great loss?

Mr. POINDEXTER. Mr. President, that is an entirely different question. The Senator is not answering my question at all.

Mr. BRISTOW. If the Senator will pardon me, I do not think his question has any relevancy to this discussion.

Mr. POINDEXTER. Very well. I am perfectly willing to have the Senator take that view of it.

Mr. BRISTOW. I can not take any other view of it, and I will tell the Senator why. When it is proposed to defend the proposition of hauling this material, in a mountainous country like this, for 54 cents for 50 pounds, and delivering it at a far-interior point to a merchant for a rate which probably will be not more than one-third of the actual expense the Government incurs in delivering it, if the Senator from Washington thinks that is a proper function of a mail service then it is useless for him and me to discuss this question any further.

Mr. POINDEXTER. Mr. President, I will not discuss the matter any further with the Senator, except so far as I feel called upon to do so; but since the Senator has referred directly to me, and has refused to answer the question I asked him, and has assumed to define my position as to the shipment of freight of that kind by parcel post, I will say that it is altogether an assumption on the part of the Senator. The question I asked him did not bear on that phase of the subject under discussion, but it was relevant to the general question. The Senator knows perfectly well that one contention in regard to the establishment of the Parcel Post System, and a very serious one, was that it would destroy the country merchant; and yet the illustration the Senator has made obviously shows that

so far as that phase of the question is concerned the country merchants may be benefited by the parcel post.

Mr. BRISTOW. I will say to the Senator that the particular country merchant who gets the Government to haul his freight from Spokane for a third of what it costs the Government to do it is being benefited; but to apply that to country merchants in general, it seems to me, would be very far-fetched.

I now yield to the Senator from Idaho.

Mr. BRADY. Mr. President, the people of our State are very much interested in a fair and equitable postal rate, but they are more interested at the present moment in saving the star-route contractors from bankruptcy under their present contracts with the Government. The present arrangement is bankrupting every star-route carrier in Idaho.

The letter that has just been read by the senior Senator from Kansas is from a Mr. Hansen, a perfectly reliable gentleman, and every statement he makes in that letter is absolutely true. Not only is his route in that condition, but every other star route in the State is in the same condition, and in many instances they have turned the contracts over to the bonding companies, and in many instances have not only lost all they have invested in equipment but all the other property that they possessed.

Just this morning I received a telegram from Mr. N. B. Pettibone, who is interested in the Stites to Elk City (Idaho) contract. He is trying to get an adjustment with the Fourth Assistant Postmaster that will simply save him from bankruptcy. That is all he asks—an arrangement that will simply give him money enough to pay his expenses, and he will lose any possible profit. His telegram is as follows:

STITES, IDAHO, *February 21, 1914.*

Hon. JAMES H. BRADY,
Washington, D. C.:

Blakslee, Fourth Assistant, wired postmaster Stites regarding hauling parcel post. Can you see him? Wire my expense.

N. B. PETTIBONE.

As I said before, all that Mr. Pettibone asks the Postmaster General to do is simply to save him from bankruptcy.

Since these letters that I have read into the RECORD came in, in the case of one contract that was turned over to the bonding company, the bonding company took it over and put a man in charge, and the man who had lost all his equipment in trying to carry out the contract went to work for the man who took the contract to protect the bonding company, and since that time that man, in turn, has failed, and the bonding company has had to take the contract over again.

It seems to me the time has arrived when the Senate should insist on at least a fair and equitable adjustment of these rates for the star-route men, until such time as the Postmaster General or the Senate, in cooperation with him, may establish rates that would be at least fair and equitable.

There is only one way the carrying of these mails on rural and star routes can be equitably adjusted, and that is by the Government paying so much per pound per mile. This will eventually be done, but it should be done without further delay. I happen to know most of the star-route contractors in my State, and I know them to be honest men endeavoring to make an honest living, and they will be satisfied with any rate that will permit them to do that, but it is unfair to them to try to compel them to carry this increased weight without extra pay, and I am sincerely in hopes that the department will find a way to save these contractors from financial ruin before it is too late.

I am in favor of the parcel post, and I want to do everything I can toward making it a success in every way. This can only be done by paying a fair and just rate for service rendered.

Mr. BRISTOW. Mr. President, in closing, I desire to say——

Mr. GALLINGER. Before the Senator closes, I should like to say a few words, with his permission.

Mr. BRISTOW. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have not interrupted the Senator before, but have listened very attentively to this discussion, because I wanted to get all the light possible on the question. I wish simply to add a contribution of a few words to the discussion.

I have recently received a letter from a star-route contractor and also a letter from a rural delivery carrier telling me that they must necessarily throw up their contracts. One of them said in his letter that when he took the contract he supposed it was to carry the mail—letters and newspapers—but he did not suppose he was expected to provide a freight train; and inasmuch as it has developed into that condition he feels that he must surrender and lose whatever the Government may exact from him.

Mr. President, one other phase of this matter has troubled me considerably. The sending of these large packages is increasing. The people have just begun to learn that they can do this—that they can send mowing machines and bedding and iron ore and all sorts of things through the mails. It is going to increase very rapidly, because the information has just penetrated the minds of the people. I am troubled about the free city delivery.

A man starts out to deliver the mail in my little city. He travels, I think, nearly 20 miles a day. He is loaded down with newspapers, letters, books, pamphlets, and so forth, especially during the Christmas season, to the point of exhaustion. How many 50-pound packages can he carry in addition to the ordinary mail? How many 100-pound packages could he carry? If this service is to be extended, as has been suggested, it is simply going to embarrass, if not break down, the carrier system in every city of the country, and compel the employment of many more carriers than we have at the present time.

I am troubled over the situation very much indeed. Unless this matter can be stopped in some way, unless it can be kept within reasonable bounds in some way, not only will the star-route contractors have to go out of business but many of the rural delivery carriers will have to surrender, and the city delivery carriers will have imposed upon them a burden that will be intolerable.

I am very glad indeed that the Senator from Kansas has so luminously and at such length explained the situation, believing as I do that the Senate, in its wisdom, will see some way out of this difficulty, because it is pressing upon us in a shape that demands immediate attention.

Mr. BRISTOW. I will say to the Senator from New Hampshire that the city-delivery situation can be handled with much more ease than the rural-delivery or the star-route situation.

Mr. GALLINGER. Yes.

Mr. BRISTOW. Because the department will simply have to establish another delivery system within the cities.

Mr. GALLINGER. Why, certainly.

Mr. BRISTOW. We will have to establish a package-delivery system——

Mr. GALLINGER. Unquestionably.

Mr. BRISTOW. And handle the packages in wagons.

Mr. GALLINGER. We will have to furnish them wagons or automobiles.

Mr. BRISTOW. And let the regular carriers simply deliver the mail and the papers, as they have done heretofore.

Mr. GALLINGER. And in that way possibly double the present expenditure for the carrier system.

Mr. BRISTOW. It will very materially increase the expenditure; but when you double the expenditure for the rural delivery system by the same process, as you will have to do, because in time the demand for rural delivery will be far greater than the demand for city delivery, because the service in going out in the country 4, 5, 6, 8, or 10 miles and delivering a package at a very nominal fee will be very convenient, and there will be thousands and millions of tons of freight handled by this service, it will necessitate the establishment of a parcel-delivery service for the rural regions of the United States in addition to the mail service for the rural regions of the United States.

I have gone into this matter at great length, far greater length than I had intended to, but there have been a great many interruptions. I wish to say, however, that the weight limit should not have been increased beyond 20 pounds at the most until experience had demonstrated its effect, and the first zone never should have been abolished, and the rate for the 150-mile zone, or the second zone, never should have been reduced to the point where it is now until there was organized some means by which this increased, additional business could be successfully handled. That certainly appeals to the common sense of any man. But what has happened? With but a few months' investigation, practically with little investigation, we have gone from step to step until now we are loading tons of iron ore and groceries into the mails and breaking down the rural contractors, who contracted to carry letters and papers and simply incidental small packages.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. VARDAMAN. It will not disturb the Senator if I ask him a question?

Mr. BRISTOW. Not at all.

Mr. VARDAMAN. The Senator deplores the change that has been made in the system for the reason that the mail matter carried through the mail is more than can be carried with convenience and dispatch. Is that the only objection?

Mr. BRISTOW. Oh, no.

Mr. VARDAMAN. If the machinery were such that the matter carried through the mails could be carried promptly, would the Senator then approve the system?

Mr. BRISTOW. If the business is confined to parcels that can be conveniently carried through the mails, I think it is a fine thing.

Mr. VARDAMAN. Then the Senator——

Mr. BRISTOW. Let me answer the Senator's question. But I think we should consider first with some deliberation the question as to whether we are going to organize a freight-delivery service in the United States. I do not know that I have any objection to that. I would greatly prefer to require the railroads to handle the small packages of freight and permit the Interstate Commerce Commission to fix a schedule of rates for them. I think the express companies are parasites; that they are useless. There is no use for them, and we never ought to have had them. The railroad companies——

Mr. VARDAMAN. I will ask——

Mr. BRISTOW. If the Senator will pardon me a minute, the railroad companies should have arranged for transporting and handling packages of 20 pounds and up, and then I think the post office can handle the smaller packages.

The VICE PRESIDENT. The morning hour has expired. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators to assist the Interstate Commerce Commission to investigate certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes.

Mr. BRISTOW. As no one else has risen for the purpose, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. VARDAMAN. I wanted to get the Senator's opinion on another matter. The Senator said, as I understood him, that if the machinery and arrangement were such that larger packages could be carried through the mails with dispatch and promptness he would rather favor the system in vogue.

Mr. BRISTOW. I would not say that.

Mr. VARDAMAN. Does the Senator think that to-day the rate is satisfactory?

Mr. BRISTOW. What rate?

Mr. VARDAMAN. The rate now in force or in vogue.

Mr. BRISTOW. No, no; I do not think it is.

Mr. VARDAMAN. You do not think that?

Mr. BRISTOW. Oh, no.

Mr. VARDAMAN. Then before you would be willing to carry on the system and extend it to the larger packages you would insist that there should be a change in the rate?

Mr. BRISTOW. Certainly.

Mr. VARDAMAN. You are not satisfied with that?

Mr. BRISTOW. It is my judgment that the first necessary thing to do in extending the Parcel Post Delivery Service to a freight service, which is contemplated, is to classify the pay which the railroads receive for handling the mail according to the character of the mail, and let the freight go at one rate, let the letters go at another rate, and provide a slower train for the freight and cheapen the cost of transporting the freight. The abnormal situation that confronts us is that we are undertaking to carry freight in a Postal System according to the standards of expense fixed for carrying fast mail.

Mr. VARDAMAN. The Senator has no doubt but that the Post Office Department is bringing to bear the best thought, the most patriotic and intelligent service, to the consummation of this plan. The Senator also knows that nothing could happen which would render this administration more unpopular with the American people than the impairment of the Postal Service and especially the Rural Delivery Service. Now, does not the Senator think that if the department were given a free hand, with all the expert assistance which it is capable of bringing to bear upon the question, it could more nearly approach the perfect in the formation of the system than could be done by Congress?

Mr. BRISTOW. Oh, no; I would not concede that for a minute. No, no. I do not know whether the Senator was here when I explained the question this morning when I first began.

Mr. VARDAMAN. I was not here, and I regret it very much.

Mr. BRISTOW. I presented some figures then and gave some illustrations to show the absolutely ridiculous effect of the orders that have been made, so far as a transportation system is concerned, that I think would appeal to anybody's judgment. I do not want to repeat them, but I will just in a word state that the Senator from Mississippi knows there is one fundamental underlying principle in all transportation business, and that is that the through rate must never be more than the sum of the local rates. Yet outside of the third zone there is not a single zone where the through rate is not more than the sum of the local rates. I showed instance after instance here. If the Senator from South Carolina [Mr. SMITH], who sits by the Senator's side, were to send a package from here to his home at Florence to-day by parcel post it would cost him, if it were a 20-pound package, 83 cents. If he will send it to Fayetteville, in North Carolina, to a friend there, and let it be delivered to that friend and let that friend readdress it to Florence, he can send it to Fayetteville for 44 cents, and from there to Florence for 24 cents, or 68 cents for the whole service, while, if he sends it direct to Florence from Washington, without stopping it at Fayetteville, it will cost him 83 cents.

Mr. VARDAMAN. Mr. President, I have not in this discussion insisted that the present system is perfect, but I maintain that uninfluenced by political considerations, unmoved by self-interest, or by any other desires than to reach the truth and promote the public service, the department is more capable of perfecting this plan than this deliberative assembly. They are men whose lives have been devoted to this service, who have expert knowledge of this particular question, who are not moved by the passions and prejudices that warp and sway men here. Those men sitting down coolly and deliberately with their maps, their figures and the facts all before them, it does seem to me could more nearly approach the perfect than could be done in a body of this character.

It is for that reason that I am opposed to hampering, to limiting, or handicapping the administration in its efforts, without political bias, to settle this question wisely, because, as I said a moment ago, if the department makes a mistake I can not conceive of anything that will contribute more to the unpopularity of this administration and redound more to the interests of the Republican Party than a mistake in this matter. There is every reason why we should indulge the presumption that the department will do its best to perfect the system. I believe, therefore, the department ought to be given a free hand in the working out and discovering the solution of the problem in which the American people are so vitally interested.

Mr. BRISTOW. In reply to the Senator I desire to say——

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. In a moment I will yield. I have been on the floor for 2 hours and I have yielded 1 hour and 40 minutes of that time.

Mr. MARTINE of New Jersey. I simply want to say——

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. BRISTOW. In reply to the Senator from Mississippi I desire to say I am judging of the expert capacity of the Post Office Department by what it has done. I have presented here illustrations of the system that it has incorporated into the postal law. I have given facts that are not disputed and will not be disputed. If the Senator from Mississippi thinks that that demonstrates capacity, then he and I differ as to what capacity is.

I yield now to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, I only fear that the efforts of the Senator in that direction will tend to hamper and interfere with the exercise of the Parcel Post Service as we have it to-day. I want to remind the Senator that only yesterday, in the Committee on Post Offices and Post Roads, there were some 8 or 10 gentlemen, the proprietors and heads and one a paid attorney, so his card represented, of the various independent express organizations. They were there condemning the general policy of the parcel post. It meant no good, they alleged, to them.

We found one man who had made a very liberal stipend since the Parcel Post Service was established. He claimed that the parcel post was an invasion and all that sort of thing and spoke of the delay that had occurred. I asked him, even admitting all the delay that you have presented and all the shortcomings of the parcel-post system, in your judgment is it a boon or otherwise to the people. He said, "I consider it a great boon and a blessing."

There are doubtless a few imperfections. I am willing to admit that there are many instances where the rates are not absolutely fair and equitable. It is not fair and equitable in the strict sense of the word when I send a letter to New York City to be charged 2 cents and yet to charge a man who lives across the Hudson River 8 miles the same postage. That is true with almost everything in life. The Senator knows, as a newspaper man and a printer, that advertising rates are so much per line. He does not make any different charge if the man's advertisement should run over a single word on a line; he charges him so much a line whether he occupies the line

in whole or in part. That is not absolutely equitable, but it is as near as human judgment can come. There is universal commendation of the parcel-post system. This service is an experiment, and it would be very ill advised to disrupt the system, which I fear we will be liable to do if we carry out what is proposed here.

Mr. BRISTOW. The Senator from New Jersey astounds me. He infers that those of us who are trying to protect the Parcel Post Service from being wrecked by unwise executive orders are opposed to the system. The Senator from New Jersey knows that the Senator from Florida [Mr. BRYAN] and other Senators and myself worked for it for months.

Mr. MARTINE of New Jersey. I know that.

Mr. BRISTOW. We prepared the bill, as Senators know. Originally we incorporated into the Post Office appropriation bill the provision which became a law instead of a very inefficient and ineffective one that came from the House. We have no motive on earth except the proper development of this service, and when we see that it is being ruined, in my opinion, when we want to protect it from any further orders such as have been issued incorporating in it these unwise provisions, then we are assailed as being opposed to the system of parcel post.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from New Jersey?

Mr. BRISTOW. I yield.

Mr. MARTINE of New Jersey. It was far from my thought to impute to the Senator a desire to wreck the system. I know of no gentleman who is more patriotic, more painstaking, or earnest than the Senator from Kansas has been on this great question. I know of the deliberation in the Committee on Post Offices and Post Roads more than a year ago, where we sat until midnight, midnight, and even after, working out a system that finally evolved the zone system. I say that no committee was ever more patriotic, more unselfish, or more generous and just. But my only fear was that by additional effort in the way of legislation we would hamper this system and prevent it from being broadened out as a blessing free as God's sunshine.

Mr. BRISTOW. I know the Senator from New Jersey is just as honest as I am. I know he would not intentionally impute to other Senators on the committee or to myself any unworthy motive, because that is not his disposition; and he knows that no Senator has such a motive; but I spoke with the earnestness I did because the Senator might have conveyed a wrong impression to others. The allegation that some of us were trying to break down the system has been made by certain newspapers throughout the country inspired, as I think, by a publicity bureau and by certain representatives of the great mail-order houses who are about Washington under the guise of lobbyists for benevolent associations of some kind. I think, indeed, that it might be well for the lobby committee to get to work and find out about those men who have been infesting the Capitol trying to get hundred-pound package rates and a decrease of rates, so that the great mail-order houses could get not a fair chance, but an advantage, over every competitor they have from one end of this land to the other.

I am not here to decry the mail-order business. I think that the economic conditions in our country have made it a desirable line of business, and that it is serving a good purpose; but the United States Government has no business to pay out of the Public Treasury funds to give them the advantage over the local merchants in individual communities. It is not fair or just to carry packages from a great city like Kansas City or Chicago 150 miles out, many times at a loss, and land them under the nose of a merchant who has grown up and lived all his life in that community, and charge him just as much for transporting his goods 10 miles away from his own home as it charges the mail-order house for delivering it 200 miles or more. The local merchant helps keep up his community. He is a part of our country's population. He is a creditable and an honorable citizen. He is in a legitimate and necessary business. He has a right to a square deal in the transportation business of the country, especially when the Government goes into that transportation business. We have no right to unduly favor the great institutions located in the large commercial centers by giving them Government aid against these competitors, and at times to take money out of the Government Treasury to help them to crush their country competitors.

I say it is an outrage, and I will protest against it as long as I am a Member of this body. That is just what these orders of the Postmaster General are doing. I do not want it to be inferred from what I say that I believe that he intends to accomplish that purpose. I am not here to impugn the motive of the Postmaster General. I have known him for 17 years. I have a very high personal regard for him. I believe he wants to serve his country best. But what is he doing? First, he is handling 60,000 post-office appointments. He has a thousand political quarrels that center in his department which he has to deal with day by day. They are ever with him. He has a department that is the biggest business institution in the country. He has more men employed than in any other institution of the country. Do you tell me that he, unacquainted with the business of that department, except incidentally, until he by a political upheaval became its head, who never has had any experience in the Postal Service until within the last year, except as any other citizen might have—can he go into the department and perfect a system of transportation so as make it sacrilege to question its wisdom? There are Members of the Senate who have given days and weeks to the study of the questions relating to the transportation of mails where Mr. Burleson has given hours. That is not to his discredit. He has not had the opportunity, and I am here to appeal to the Senate to exercise its judgment to perform its own functions, in serving the people of the United States.

Senators say we are not capable to do it. I know the Senate is. It worked out a better parcel-post law than the law is today—more equitable and more just, though not perfect. Nobody claims that. We see now after a year's experience where improvements can be made, and if we had known as much then as we know now we would have made them at that time.

I am asking that the Senate devote its attention to this legislative matter which is a part of its business and not shirk it by putting it on somebody whose business is to administer the laws we make, not make laws for us.

Mr. SIMMONS. Mr. President, I do not desire to enter into any discussion of the questions in controversy with those who advocate and those who oppose the proviso in the appropriation bill we have under discussion.

I have had occasion, however, several times during the discussion to-day and on yesterday to interrupt and make inquiries and express some views, and in order that my position may not be misunderstood by reason of those inquiries and detached statements I want to express very briefly the state of my mind with reference to the pending proposition.

Mr. President, I do not believe that it is the purpose of those who are advocating this proviso to attack the patriotism or the good faith of the Postmaster General. It is a mere difference with him as to a matter of policy and administration. I think no one in this Chamber will question the ability of the Postmaster General to deal with this question wisely and his disposition to deal with it patriotically.

The suggestion of the Senator from Kansas [Mr. BRISTOW] that the Postmaster General has, with the consent of the Interstate Commerce Commission, entered upon a very radical revision of the act as it originally passed Congress to inaugurate this service, and has done it without due deliberation, I think is unfair to the Postmaster General.

But I know the Postmaster General too well to believe for a minute that he would have given his sanction to the important changes that have been made by him in respect to weights, rates, and zones without due consideration and without the full advice of others in his department whose duty it is to study and to advise him with reference to this and other allied questions.

But, Mr. President, while I, like other Senators, entertain the highest confidence in every way in the Postmaster General, I have doubts whether in the present condition of the service, with the restrictions and the limitations under which this service must be worked out, it is altogether expedient at this time to inaugurate 50-pound parcel post, and I feel confident it would not be wise in present conditions, which are beyond the control of the Postmaster General, to increase that limitation—certainly not to the extent said to be in contemplation. I would like very much myself, if it were possible and if it were expedient from an economic standpoint, to see 100-pound parcel post; but I do think, in the conditions in which we have to work, 100-pound parcel post might seriously interfere with, if it would not swamp, the Rural Delivery System.

The first difficulty that I see grows out of the rail rates fixed in existing law. Under the present law, as I understand it, these rates are fixed upon the basis of weight; that is, packages are carried upon the same basis of compensation that letters are carried. A package weighing a certain number of pounds must pay the same rail rate as a package of letters weighing the same number of pounds. That is, to my mind, an absurd condition and one from which we ought to get away as soon as possible. I do not believe while that condition exists we will ever be able to economically carry large parcel-post packages in excess of 50 pounds.

This is a condition which I think can be remedied and ought to be remedied. I believe it would be perfectly just and fair to require the railroads to carry parcel-post packages at the same rate they carry like parcels for the express companies.

There can be no constitutional objection growing out of the confiscation of the property of the railroad if the rate for a parcel-post package is reduced to the rate charged by the express companies. In accepting this rate from the express companies the railroads conclusively admit they can be carried at that rate at a profit, or at least without confiscating their property, for their rate contracts with the express company are voluntary.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. SIMMONS. I do.

Mr. SMITH of South Carolina. The Senator from North Carolina would not object to the weight being increased to 100 pounds if it could be demonstrated that the packages could be carried without entailing loss on the department and that such a service would be of benefit to the public at large.

Mr. SIMMONS. Certainly I would not. In addition to the rail-rate situation under the present law there is another trouble about increasing the weight limit to a hundred pounds. It is the burden that would be thrown upon the rural carriers, especially in certain sections of the country where rural road conditions are bad. If there should be any considerable business in the carriage of packages weighing a hundred pounds in these sections of the country, the Rural Delivery Service might be seriously overburdened, if not swamped. I want to see the Parcel Post Service extended and broadened as fast as is feasible, but I do not want the Rural Delivery Service crippled or impaired. I am willing to stand by the Postmaster General in fixing the weight at 50 pounds, and I shall vote to sustain his action in fixing that limit.

Mr. SMITH of South Carolina. With the permission of the Senator from North Carolina, I should like to call his attention to the fact that certain questions were put to expressmen in the Committee on Post Offices and Post Roads at the meeting of that committee yesterday, and those men claimed that the number of 50-pound packages in their relation to the smaller packages of less weight was as 4 to 1 and that the number of 100-pound packages in their relation to 50-pound packages was as 4 to 1.

The point to which I wish to call the attention of the Senator from North Carolina is that the same condition which he supposes might arise in reference to rural carriers being overburdened with the 100-pound packages would come with 50-pound packages, because a sufficient number of 50-pound packages in the aggregate would weigh as much and more than a 100-pound package.

Mr. SIMMONS. That is absolutely true of things that are divisible into 50-pound packages, but there are many things that go through the parcel post above 50 pounds and under 100 pounds that are not divisible, as the Senator from South Carolina knows, and what he says would not apply to that character of packages.

Mr. President, I know at the present time there is not a large percentage of these 50-pound packages carried; but if you could get the rate down to a reasonable amount—if you could get it down to the express rate—then the number of 50-pound packages would be greatly multiplied and the burden that would be thrown upon the rural carrier would be greatly increased.

If the proposition embraced in the proviso were simply that the Postmaster General should not increase the rate beyond 50 pounds for the present, I would be disposed to vote for it, but it goes beyond that proposition. It not only proposes that the Postmaster General shall not increase the present weight limit, but it proposes that he shall not be permitted to change by decrease or increase the rate of parcel postage.

Mr. SMITH of South Carolina. Or to change the zones.

Mr. SIMMONS. Or to change the zones.

Mr. President, the fact is that at this very time the parcel-post rate in all of these zones except four is higher than the express rate. I can not vote to prohibit the Postmaster General from reducing rates in these other six zones in the face of the fact that at present those rates are far in excess of the rates charged by the express companies. I think that would be an indefensible handicap of the Postmaster General in the administration of this great public service. I do not believe there is any Senator here who doubts that the Postmaster General is doing all in his power to reduce these parcel-post rates as fast as conditions will allow. Already he has reduced the rates far below the rates fixed by Congress in the original enactment. He has been alert and untiring in his efforts in this direction, and nothing should be done to interfere with or embarrass him in these efforts, especially in those six zones where the rate now is so far in excess of those charged by the express companies. And for that reason I shall vote against the proviso.

Mr. SMITH of South Carolina. Mr. President, I said, in response to a query made by the Senator from Arizona [Mr. ASHURST] or a remark addressed by him to me, that at the proper time I would give my views on this question, so that there might be no misunderstanding in regard to them.

I am a member of the Committee on Post Offices and Post Roads, and I have given considerable study to this question. I think the American people, and particularly the American Senate, are thoroughly advised that one of the great conflicts that have raged over this country in a political and economic sense has been the fixing of equitable and just rates amongst our common carriers. So great has this conflict become that we have at last obtained the consent of the American people and of the American Senate that the Government shall enter into the field of competition by the only door open to it—the recognized right of the Government to fix postal rates and to provide for the delivery of mail.

Mr. President, that being true, we have entered into that domain, because the American people are convinced that they have been treated unfairly by the common carriers of this country and have been made to pay unjust and exorbitant rates in proportion to the service rendered. It would be interesting if Members of this Senate, those who have not—and I presume there are very few who have not—would read the history of the inception of the postal business in this country and in Europe. In the beginning it was experimental. All sorts of prices were charged for first-class mail matter; in fact, there was hardly any classifications. Those charged with the duty of trying out the business, empirical and imperfect in the beginning, were given large leeway in order to ascertain by experiment and use precisely what would be just, equitable, and right, until the classification crystallized into our first-class postage, our second-class postage, and our third-class postage. When, after a term of years, sufficient knowledge and experience had been acquired, Congress stepped in, and from that vantage ground established certain fixed rates.

We are in the beginnings of the parcel post. Some one, whether in the Senate committee or in the House committee or in conference, wisely proposed that the Postmaster General of this Government, charged with the specific and only duty of attending to and perfecting, for the benefit of the masses of the American people, the postal business in all of its ramifications, should be given the plenary power of trying out this new system and to increase or decrease the rates, to increase or decrease the number of zones, to abolish a zone or to change the limits; in other words, to do all that, in his judgment, with such experts as he might bring to his counsel, would be to the best interests of all the people in America who authorized Congress to pass this law and him to administer it.

There is not a man before me to-day, there is not a Member of this Senate, who would for one moment believe that a Senator, charged with the duty of looking after general legislation from his State, multiplied and confused as it is, has the time or the opportunity to investigate the minute and the particular points of this bill. No Senator or Senators have the time to bring in a report that would give us the light that the Postmaster General, with his efficient corps, could bring to us and suggest as legislation. The Postmaster General, operating under that provision which says that he should have the power to change the rates, to change the zones, and to change the weight, should be governed by two things—the public service and the avoidance of a deficit.

The Senator from Kansas [Mr. BRISTOW] spoke yesterday for an hour to prove that by abolishing the first zone and extending that first zone from 50 miles to 150 miles there would be a loss. I asked him the question if he meant there was an aggregate loss within the now existing zone, namely, 150 miles. He claimed that within the first zone as originally established there was a profit, but that when it was obliterated there was a loss; that is, when carried to the extreme of the 150 miles. That was hardly fair to the Postmaster General or fair to the business, for the reason if, when the first zone was abolished or when the radial distance was extended to 150 miles and the rate of the original 50 miles was extended to 150 miles, if the aggregate business done by the Post Office Department in the parcel post showed no loss. Those who live on the very perimeter of the 150-mile zone received, as he said, a service that was at a loss to the Government, while those coming nearer the center received a service that paid a profit. There is not a man in Washington who rides upon a street car for a square, who pays his nickel and steps off, but contributes to the possibility of another citizen riding to the limit, where the nickel ceases to

be profitable; and, naturally, we would not be so foolish as to come here now and say that the street car companies shall charge square by square, and that the man who goes 10 squares shall pay ten times as much as the man who goes one square.

Mr. President, it is not any use for us to strain at gnats and swallow camels. The law of equation enters into this as into every business proposition, and I am glad that this is one proposition that comes before the United States Senate that is purely and distinctly a business proposition. If the President was unwise in selecting as the head of this great business department a man who is incapable of discharging its duties, he can rectify the mistake if it is demonstrated a mistake has been made. The Postmaster General very frankly says in his report that he has, with all due regard to the law, attempted to ascertain whether there would be a loss in lowering the rates and giving greater facilities to the American people or whether there would not, and that, in his judgment, the change of the zone was for the benefit of the people within the zone and all the people within that zone.

So far as the question raised a moment ago by the Senator from Kansas is concerned, that the country merchant would be practically ruined if a 100-pound weight limit should be authorized in the parcel post, I think the Senators present, if they were in favor of protecting the country merchant as against the farmers and masses of the people who want to buy where they can buy the cheapest and sell where they can sell the highest—if we were here for the purpose of legislating for the country merchant rather than for the masses of the people, merchants included, we would be more interested in seeing that a high rate was charged upon the smaller package, for the reason that if you allow a 100-pound limit and the 100-pound package to be hauled at a loss from distant quarters, the country merchant could send his order to the wholesaler and get a package weighing a hundred pounds consisting of various articles, and availing himself of the cheap rates, compete with his city competitor. So that the very argument the Senator from Kansas attempts to use against increasing the weight limit is not really an argument against it at all. It is the small individual package that would come in competition with the sales of the country merchant.

Mr. President, I think the mind of the Senate is pretty well made up as to this matter. I have but one interest in it. The Senator from Kansas [Mr. BRISTOW], who has been the champion of the retention of this proviso, called attention to the fact that he did not believe the Postmaster General or anyone else was justified in changing the zones and weight limits established by Congress until the equipment was sufficient to take care of the business brought about because of the change. Any man with business experience knows that the only way to find out what equipment is necessary is to create the necessity for the equipment. If the operation of the parcel-post system under a weight limit of 50 pounds or 100 pounds demonstrates that the people will use it and that it will not result in a loss, then we as legislators and the department as administrators of the law should see to it that sufficient equipment is provided for the use of the rural carriers.

Now I want, just for a moment, to address myself to the argument made on this floor that we must choose between the rural mail service and the parcel post. It is said that the rural mail service now is operated at a loss of $30,000,000 annually. Why? Because it is said the amount of revenue is not sufficient to pay the deficit. Of course, the parcel post being inaugurated, if the Postmaster General exercises due business judgment and increases the business, he will increase the revenue. If a rural carrier carries 10 letters and the profit on those 10 letters is 10 cents, and with the same equipment he can carry 100 letters, then the profit will be ten times as great. Therefore, as we increase the work that he does and the revenue from that work, the time being the same, we have increased the profits of the service rather than decreased them. Even if that were not true; even if it would not increase the profits, if the parcel post demonstrates that it can be operated without a loss, we, as legislators, the American people standing back of us, can make appropriations to furnish the equipment or see that the parcel post, if necessary, shall be segregated from the rural carrier, and the people accommodated as they have commanded you and me to accommodate them. I, for one, Mr. President——

Mr. VARDAMAN. Mr. President, I want to suggest to my friend——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH of South Carolina. I do.

Mr. VARDAMAN. I want to suggest to my friend, if it will not delay or interrupt him in his very excellent argument, that in order to bring about just what he desires and just what the American people need, we must give a free hand to the Post Office Department. To illustrate: As has been suggested to me, if there are two competing lines of railroad between Chicago and New York, and one of them has its maximum rates fixed, definitely, inexorable, unchangeable, while the other is left free to meet conditions as they may arise, it will only be a little while until the untrammeled, untied railroad will have all the business. So it is with the Government.

All of the difficulties, all of the troubles that Senators have complained of, the mare's nests which they have found, can be discovered and corrected. If the zones are too large or if they are not large enough, give the department the free hand which the law intended it should have; these irregularities, these imperfections, will be eliminated and the system perfected, and it will then be used for the benefit of all the people.

I want to say, with the indulgence of my friend, for a moment, that it is a singular thing to me that the agents of the express companies and the public carriers are the ones who are most active and solicitious now——

Mr. MARTINE of New Jersey. And hired attorneys, too.

Mr. VARDAMAN. About the efficiency of the Parcel Post Service. Before the Committee on Post Offices and Post Roads yesterday, as has been suggested by my friend from New Jersey, there were a dozen men who seemed to me very anxious lest the people of New England should be denied the facilities which they have heretofore enjoyed when the express companies exercised this governmental function. I, for one, am willing to leave the matter in the hands of the Post Office Department until they demonstrate to me that they are not working in the interest of the public rather than in the interest of the public-service corporations.

Mr. SMITH of South Carolina. Mr. President, I am much obliged to the Senator from Mississippi for so ably buttressing my efforts.

It is needless for me to go further in this argument, but there is one thing that I would like to call attention to in passing. I can not exactly understand the mental operations of the Senator from Kansas in spending hours and hours here attempting to prove that the act of the Postmaster General was disastrous and ruinous, and at the same time, by incorporating and keeping in this bill this amendment, making that disastrous act statutory law, that can only be changed by Congress, petrifying forever the very thing which he says is disastrous and ruinous. I am afraid that the parcel post is proving even more than some of its erstwhile advocates thought it would prove, and I, for one, am going to vote for the Postmaster General and his corps of assistants to be given a free hand in the beginning, the experimental time of this new venture, to serve the American people as they think they have a right to be served, with the least possible cost and with the greatest possible benefit to them. From the inception of our modern system of organized transportation the people have been held up from time to time—in fact, all the time—so that in numbers of instances the freight on articles shipped has been more costly than the article itself. We are entitled to relief. This door has been opened, and I am amazed at any set of Senators standing here and inveighing against giving the Post Office Department a free hand.

It has been said that giving the Postmaster General the power to change rates and so forth was a joker. Then the man who perpetrated the joke in giving the Postmaster General a free hand was wiser than the men who wrote the bill, for the most commendable clause in our parcel-post legislation, aside from the establishment of the system, lies in that provision which gives to the Postmaster General the power to put into operation that which the American people are demanding. I shall vote not to restrict the Postmaster General to a weight limit of 50 pounds or to a weight limit of 5,000 pounds, but to let him determine what can be shipped without loss to the American people and for their benefit, whether it be a paper of pins or a steam engine. If it is necessary for us to furnish the equipment, let us do so. This is a government of the people, by the people, and for the people; and I do not propose to say it shall be a government of the people, by the people, for some of the people; and if we can through the parcel post solve the vexed question of transportation rates, I, for one, shall never cast my vote to tie any man or set of men who are honestly and patriotically attempting to solve that problem.

Mr. OWEN obtained the floor.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. The Chair has recognized the Senator from Oklahoma. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. OWEN. I yield to the Senator from Arizona.

Mr. ASHURST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Page	Smith, S. C.
Bankhead	Jones	Perkins	Smoot
Bradley	Kern	Pittman	Stephenson
Brady	La Follette	Poindexter	Sterling
Brandegee	Lee, Md.	Pomerene	Sutherland
Bristow	Lippitt	Ransdell	Swanson
Bryan	Lodge	Robinson	Tillman
Catron	McLean	Saulsbury	Townsend
Chamberlain	Martin, Va.	Shafroth	Vardaman
Clark, Wyo.	Martine, N. J.	Sheppard	Warren
Cummins	Norris	Sherman	Weeks
du Pont	Overman	Shively	
Fall	Owen	Smith, Ariz.	

Mr. LIPPITT. I beg to state that the senior Senator from Connecticut [Mr. BRANDEGEE] and the senior Senator from Nevada [Mr. NEWLANDS] are necessarily absent from the Senate, attending a session of the Committee on Interstate Commerce.

Mr. ASHURST. I have been requested to announce that the junior Senator from Missouri [Mr. REED] is absent on important business and the senior Senator from Missouri [Mr. STONE] is absent by reason of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I am requested to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is detained at home by reason of illness.

Mr. RANSDELL. I wish to announce the unavoidable absence of my colleague [Mr. THORNTON], on account of sickness.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. OWEN. Mr. President, the question pending before the Senate is a proposed amendment with regard to the appropriation of $56,000,000 for inland transportation by railroad routes, reading as follows:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law

I have very great respect for the committee which makes the report, and the most cordial good will for it; but I can not support this amendment, first, because it is in violation of the parliamentary law of the Senate, and second, because it violates the proprieties of legislation upon which the parliamentary rule of the Senate was based. That rule is paragraph 3 of Rule XVI, which provides:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

I call the attention of the Senate to the parliamentary position of this matter. It is now objected to, as I understand, under the second part of that paragraph, by which the question of relevancy may be submitted to the Senate; but I give notice that I shall also make a point of order against it under the first part of that paragraph, which provides that no amendment which proposes general legislation shall be received to any general appropriation bill.

The VICE PRESIDENT. The Chair will state to the Senator from Oklahoma that that is the very point of order that has been submitted to the Senate and is now before the Senate for its determination.

Mr. OWEN. I understand the Chair to have left the matter to the Senate for determination as to the relevancy of the amendment under the second part of that paragraph.

The VICE PRESIDENT. No; it is under the first part, that it is general legislation proposed to a general appropriation bill. That point of order the Chair has left to the Senate to determine under the last paragraph of the rule, which permits the Chair to do that.

Mr. OWEN. Mr. President, the legislative vice of general legislation on an appropriation bill is so well known in every parliamentary body in the world that it is almost a universal rule that general legislation shall not be proposed upon an appropriation bill. Senators who are not present have a right to believe that the appropriation bills which are brought into the Senate do not propose general legislation. They have a right to believe that these bills come before the Senate free from legislative proposals.

The pending amendment is intended to amend and to nullify the act of Congress approved August 24, 1912, in this paragraph:

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, be is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

In other words, by this original act the Postmaster General was authorized, in the interest of economy and efficiency, to make these changes. Now it is proposed to deprive him of that right and to say that he shall no longer exercise it.

In justification of this amendment it is urged that the Postmaster General and the Post Office Department, acting through the Postmaster General, have made various errors in their rulings. The Senator from Kansas [Mr. BRISTOW] has spent a great deal of energy to establish the fact that the Postmaster General's abolition of the first zone was highly improper, unwise, and inexpedient.

When a Member of this body asks for information in regard to this question, and looks for the report of the committee to be advised as to what justified the committee in proposing this general legislation repealing a previous act, he finds that the report is merely a formal, short report of five lines, submitting the bill with amendments and recommending its passage. When I ask for information as to what justifies this change of policy I am told that the report of the Postmaster General will indicate it. I send for that report; I look over it; I examine it in the light of what I am advised by the chairman of the committee. The chairman of the committee tells us that if we do not adopt this amendment it means the abolition of the rural delivery or the free city delivery; it means a cataclysm in the departmental service. He goes so far as to say:

We are conducting the Rural Delivery Service to-day at a clear loss of $30,000,000 or $35,000,000, or perhaps $40,000,000, to the Treasury. Does anybody dispute that? That is the best estimate the Post Office Department can make. Of course we can go on and spend $50,000,000 more than the receipts; we can go on and spend any amount of money for the parcel post that we desire—

And so forth.

When I look at the report of the Postmaster General I find that he says, on page 15, in the second paragraph:

The function of the Post Office Department is to serve the public, and it should not attempt profit making. It is expected that after the allowance of proper compensation to railroads for all service rendered there will come annually hereafter as the result of the development of the Parcel Post Service an increasing surplus.

That is very confusing to a Member looking to this authority for a large deficit. There was a surplus in 1912. There was a surplus in 1913. The Postmaster General says there will be a surplus in 1914. We are now advised to strike down this authority in the Post Office Department, where it ought to be properly exercised, because otherwise we will have an enormous deficit. We have no proof of that furnished to the Members of the Senate. It shows the unwisdom of legislating upon an appropriation bill.

This appropriation bill has been before the Senate for three days now upon this one item. All day yesterday Senators were discussing this general legislation on an appropriation bill. On the day before the same matter was fully discussed.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. OWEN. I yield to the Senator from Alabama.

Mr. BANKHEAD. I understand the Senator from Oklahoma is arguing that this amendment is subject to a point of order because it is new legislation and changes existing law. Am I correct as to that?

Mr. OWEN. In part.

Mr. BANKHEAD. Now, I should like to ask the Senator a question. There is another amendment proposed by the committee which changes existing law, that amendment being one increasing the pay of rural carriers to $1,200. Will the Senator make the same argument against the amendment increasing the pay of rural carriers?

Mr. OWEN. I will.

Mr. BANKHEAD. The Senator will make a point of order to strike out that amendment?

Mr. OWEN. I will.

Mr. BANKHEAD. All right. That is all I wanted to know.

Mr. OWEN. The Senator very ingeniously attempts to put me in an attitude which he thinks will be unpopular with the rural carriers of Oklahoma.

Mr. BANKHEAD. No, Mr. President; I do not do anything ingeniously. I simply ask the Senator a plain question.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him there?

Mr. OWEN. I will.

Mr. SWANSON. The rule is that no general legislation shall be proposed, not that existing law can not be changed in any particular. The rule says there shall be no general legislation on an appropriation bill.

Mr. OWEN. I think the appropriation for the pay of the carriers and other employees is a matter that is properly within the bill; but, answering the spirit of the Senator's question as to general legislation, I say I will object to any general legislation upon this bill in any particular, and if I had been present I should have objected to other general legislation that has come up on this bill.

Mr. SWANSON. If the Senator will permit me, I was making this distinction: The rule says there shall be no general legislation on an appropriation bill.

Mr. OWEN. Yes.

Mr. SWANSON. It does not say there shall be no change of existing law, no change in salaries, and so forth. The only thing that would make that increase obnoxious to the rule would be, possibly, that no estimate has been made for it by the department. This rule is limited to a prohibition against general legislation. That is the language of the rule. It does not forbid changes in existing law.

Mr. OWEN. I have favored in the past increasing the compensation of rural carriers. In this case I should favor that, too, so far as the merits of the matter are concerned; but I will not favor putting general legislation on these appropriation bills. I do not think it is a good thing to do. There is one bill in which that has been permitted with such uniformity——

Mr. BANKHEAD. Mr. President, would it disturb the Senator to yield to me again?

Mr. OWEN. No; I yield to the Senator again.

Mr. BANKHEAD. I should like to ask the Senator if he believes a provision in this appropriation bill which simply puts a limit on the expenditure of an appropriation is subject to a point of order? That is all the amendment now being considered means. There is no suggestion made here that existing conditions should be changed by the amendment. The rates, zones, weights, and everything else remain just as they are now and as they are being operated.

Mr. OWEN. The Senator would simply paralyze the Postmaster General by that amendment; that is all he would do. It reminds me of the famous story of the catfish.

Mr. BANKHEAD. That is the question generally. Now, here is the proposition: In the same bill there is a change in existing law which is just as much general legislation as this amendment, and that is a proposal to increase the salary of rural carriers by $100 a year. There can be no distinction drawn between the two.

Mr. OWEN. The diversion which the Senator proposes does not divert. I come back to the real question—that this is general legislation.

The vice of it is shown by the fact that day before yesterday we were debating this question; all day yesterday it was a matter of debate, and all day to-day it has been a matter of debate. Because it is general legislation, because in the minds of many it vitally affects the efficiency of the Post Office Department, I say very frankly and freely that I believe the Post Office Department, with its large number of skilled employees, with men who are trained experts studying the question of these zones, these weights, and these rates, is better equipped than I am to pass upon it, and better equipped than our Committee on Post Offices and Post Roads to pass on it.

I know the conscientious care which members of the committee give to these problems. I do not question that in the least, nor do I question in any degree their perfect sincerity of purpose in proposing this amendment. I do say, however, that it is against the rule of parliamentary propriety to put upon an appropriation bill general legislation changing the policy of administering the parcel post; and when we do change that policy we ought to have both sides before us. We ought to have before us what the department would have to say in regard to the matter.

I ask the chairman of the committee, Did the department recommend this?

Mr. BANKHEAD. I did not quite catch the Senator's question.

Mr. OWEN. I ask the chairman of the Committee on Post Offices and Post Roads, Did the Postmaster General recommend this legislation on the appropriation bill?

Mr. BANKHEAD. He did not.

Mr. OWEN. Did he oppose it?

Mr. BANKHEAD. I have not heard from him on the subject.

Mr. OWEN. I have in my pocket a letter from him which I should like to read.

Mr. BANKHEAD. The Senator may give the Senate some information by doing so. He did not confide it to me.

I desire to say in this connection that the Postmaster General has never said that he wanted to increase the limit to 100 pounds, so far as I know. We have no official information of that sort. We have every reason to believe, however, that that is the purpose. The only object in the world this amendment has is to say to the Postmaster General not that we distrust his honesty or his capacity or his ability to work out this problem as he has worked it out, but that we fear he has reached the danger line; and we simply ask him to halt and not go any further until the matter can be thoroughly looked into. We do not propose to disturb anything he has done.

Mr. OWEN. It is obvious that the chairman of the Committee on Post Offices and Post Roads has not received a letter which was sent to him on February 13, 1914, by the Postmaster General, and which reads as follows:

Hon. JOHN H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to Senate committee print of bill H. R. 11338, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, I submit the following for consideration in connection with the proposed amendment to the bill, beginning at line 22, page 15, reading as follows:

"*And provided further*, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law."

The weight limits, rates of postage, classification of matter mailable, zones, and other features of the Parcel Post System, as established under the provisions of the act of August 24, 1912, were from the very nature of things more or less tentative and experimental. Congress, apparently recognizing this, and realizing the necessity for readjustment from time to time, conferred on the Postmaster General, subject to the approval of the Interstate Commerce Commission, authority to modify the conditions fixed by the parcel-post law, in order to promote the service to the public. Under this provision the rates of postage have been decreased in certain zones, and the limit of weight has been increased in all zones, as experience demonstrated the necessity and advisability of such changes, thus enlarging and promoting the usefulness of the service to the public and according to the public the lowest rates possible consistent with the maintenance of the service on a self-supporting basis.

The Parcel Post Service is still in an experimental stage, and the need for additional modifications manifests itself from time to time in the conduct of the business. In order that such adjustments may be promptly made, and the usefulness of the service to the public increased as rapidly as is consistent with good administration, it is believed that the proposed amendment should not be enacted into law.

Yours, very truly,

A. S. BURLESON,
Postmaster General.

I think the attention of the chairman of the committee ought to have been called to that letter, because it deals directly with this amendment, and is opposed to it. I think the attention of the Senate ought also to have been called to it, because it is the expression of the administrative branch of the Government opposing this proposal. I got the letter by a mere accident. I did not think this was a good provision, and I asked the Post Office Department whether they agreed to it or not. They indicated to me, through one of the clerks there, that they had not agreed to it. I asked what expression they had made on it, and asked that they send it to me, and that is how I happened to get this letter.

These considerations show, however, that it is not a wise thing to legislate on an appropriation bill, because both sides can not be conveniently or well heard. I think obviously the administrative branch of the Government ought to be heard in regard to this matter, and at such length as may be necessary to give to every Senator a proper comprehension of the view of the department, and its reasons for its view, and the answer it might make to such arguments as those made by the Senator from Kansas.

Mr. President, when asking in regard to this matter I was informed that the losses which we are told might occur—I do not know upon what that statement is based, except upon the surmises that are doubtless due to conclusions based on some state of facts found in some of the hearings somewhere, of which I have no knowlege and of which I do not pretend to speak with knowledge at all—were due to the fact that the express companies could carry this matter much more economically than the Government could, because they had special contracts by which they could carry the packages at much lower rates.

Mr. BANKHEAD. Mr. President——

Mr. OWEN. I yield to the Senator from Alabama.

Mr. BANKHEAD. Will the Senator be kind enough to state who told him that—who had that conversation with him?

Mr. OWEN. I think it appears in the RECORD of day before yesterday.

Mr. BANKHEAD. But who was it that said that?

Mr. OWEN. It appears in the RECORD of day before yesterday.

Mr. BANKHEAD. I wanted to know who the gentleman was that suggested to the Senator that the express companies had contracts, and they ought to be permitted to take care of this business. Did I understand the Senator to say that?

Mr. OWEN. No; I said nothing of the kind. I made no such suggestion.

Mr. BANKHEAD. What reference did the Senator make to the express companies just now?

Mr. OWEN. My reference to the express companies was that it had been stated that they had lower rates over the railways for transporting packages, and therefore that they could do this work better.

Mr. BANKHEAD. That is exactly the point. Now, who states that? That is what I want to learn.

Mr. OWEN. It was stated, as I understand, by the Senator from Florida [Mr. BRYAN] day before yesterday, when I asked the question.

Mr. BRYAN. Mr. President, at the time the Senator interrupted me I was commenting upon some remarks read from the CONGRESSIONAL RECORD by the Senator from Arizona [Mr. ASHURST], supposed to have been delivered in the House of Representatives by Mr. LEWIS, in which the statement was made that the expense to the express companies was 4 cents per ton per mile and that the expense to the Post Office Department was 8 cents per ton per mile. There was an illustration cited by Mr. LEWIS of the shipment of a package from New York to Lincoln, Nebr., in which it was stated that the total charge by the express company was 57 cents, and in which it was also stated that the expense to the Government, the transportation expense to be paid to the railroad company for the carriage of that package of 20 pounds, was 60 cents. I think it is a fact that under the arrangement between the railroad companies and the express companies the express companies pay less than the Post Office Department pays.

Mr. OWEN. I have no doubt that is true.

Mr. BRYAN. And that is one of the very reasons why some of us contend that we can not compete with the express companies without a loss.

Mr. OWEN. Yes. Now, I will ask the chairman of the committee why he challenges that statement. Does he think it is untrue?

Mr. BANKHEAD. Oh, no. I had not any such information; that is all.

Mr. OWEN. The Senator has it now?

Mr. BANKHEAD. Yes; I have it now.

Mr. OWEN. That appeared in the RECORD day before yesterday, because that is where I got the information. I have not much information about it; I do not pretend to have; but I did think, under all the circumstances, that I would offer this amendment:

And provided further, That no part of the $56,188,000 or any future appropriation shall be paid to any railroad for the transportation of the mails of the United States at rates greater than the rates paid to such railroad by the express companies for like class of service in the same zone or territory until authorized by law.

Mr. BANKHEAD. Mr. President, I understand the Senator proposes to offer that amendment.

Mr. OWEN. As an amendment to this amendment.

Mr. BANKHEAD. I ask the Senator if he does not think that that is general legislation and out of order?

Mr. OWEN. Oh, yes; I agree to that; but if the Senate holds that the other is not general legislation, then I ask the Senate to adopt this provision. I send the amendment to the desk.

Mr. VARDAMAN. I understand the Senator from Oklahoma holds that the amendment proposed by the committee is general legislation.

Mr. OWEN. I do; and my amendment is also general legislation; and I shall vote on the theory that it is general legislation and obnoxious to paragraph 3 of Rule XVI. I think there is no doubt about it; but if the Senate wants to take the other view and vote that it is germane, then I will ask the Senate to allow this amendment to become a part of the law if they vote in favor of the law.

Mr. SWANSON. Mr. President, I will not detain the Senate long in expressing my views upon the proposed amendment contained in the bill reported by the Committee on Post Offices and Post Roads. I fully concur with what the Senator from Oklahoma [Mr. OWEN] has stated, that this is general legislation upon an appropriation, and as such should be held not to be in order. I concur with him as to the inadvisability of enacting legislation of this kind upon a general appropriation bill.

I am not prepared to say what I think is the wisest and best course now in connection with the establishment of zones and the fixing of rates for the parcel post. At the time when the act was passed a commission was created to investigate the matter thoroughly and report to Congress as to what its findings of fact were and what its recommendation should be. I have confidence in that commission. I have confidence that they will make a thorough investigation. I believe they can make such an investigation far better if the Post Office Department, with the concurrence of the Interstate Commerce Commission, is permitted to change rates pending that investigation. I believe we shall get better results and be better prepared at the next session of Congress to dispose of the matter in a sensible way and a way most potential for the betterment of the service.

It seems to me it can not be disputed that this is general legislation. The Senator from Oklahoma has stated what the present law is. Under the present law the Postmaster General has authority to change zones, rates, and weights, provided the Interstate Commerce Commission will consent to the change. That is the existing law. This proposes to make statutory the existing orders issued to the Post Office Department, with the concurrence of the Interstate Commerce Commission—that is, to give him no power to increase or decrease rates, no power to change what was done by him in the order recently issued.

There can be no dispute but that it is general legislation. It is not confined to the appropriation. It does not limit the appropriation. None of this money will be diverted if that provision is made law. If the provision is passed it will be a general statute, not limited for one year but good for all time to come.

The Senator from Alabama [Mr. BANKHEAD] has alluded to the fact that there is a provision here increasing the salary of rural carriers, and he wanted to know of the Senator from Oklahoma if that was not also general legislation. I take the contrary view. It is not general legislation; it is simply an increase of salary. It changes no existing law; it appertains to no general legislation.

Mr. BANKHEAD. Is not the salary of the carriers fixed by law?

Mr. SWANSON. But that is not general legislation. I can prove by the rules that that is true. Rule XVI, section 1, provides that no motion shall be made to increase salaries or increase expenses on an appropriation bill coming from certain committees unless the amendment is offered by a standing committee of the Senate or included in the estimate of the department.

Mr. BRYAN. Mr. President——

Mr. SWANSON. The amendment increasing the salary of rural carriers has been offered by a standing committee of the Senate, and as such, under the rule, it is in order. An increase of appropriation is not general legislation if it has been included in the estimates of the department, and even if it had not been recommended by the committee, if it had been included in the estimates of the department under that rule, it would have been in order. I now yield to the Senator from Florida.

Mr. BRYAN. Does the Senator think the amendment put on by the committee as to the pay of rural carriers is subject to a point of order?

Mr. SWANSON. I do not; and the reason is plain, under the rule. The committee report to strike out $1,100 and insert $1,200. That is an increase of salary, without general legislation.

Mr. POINDEXTER. Mr. President——

Mr. SWANSON. If the Senator will permit me, I will yield in a minute, but let me answer the question. Rule XVI, section 1, goes on to state that no motion shall be in order to increase a salary or appropriation unless on certain conditions, one of which is unless the same be moved by direction of a standing or select committee of the Senate. This has been moved by the Committee on Post Offices and Post Roads, a standing committee of the Senate. Another condition is unless it is included in the estimates of the department. This was not included in the estimates of the department, but it has been moved by a standing committee of the Senate and comes clearly under the rule.

I now yield to the Senator from Washington.

Mr. POINDEXTER. I merely wish to make the suggestion that the question which the Senator is now arguing, originally suggested by the chairman of the Committee on Post Offices and Post Roads, has no bearing whatever on the pending question which is before the Senate. Whichever way I for one might conclude to vote upon the pending parliamentary question I would not consider it as in any way determining the further question which the Senator from Virginia is discussing. I do not think that we ought to be burdened in deciding this question with a consideration of the increase of salaries in the Postal Service.

Mr. SWANSON. The Senator is entirely correct. I simply alluded to it from the fact that the Senator from Alabama saw proper to unite the two and show that they were similar in language and obnoxious to the rule of the Senate.

Mr. President, I am not one of those who criticize those who may differ with me upon this proposition. I think many of the Senators who have argued against the proposition are as good

friends of the Parcel Post Service as can be found in the Senate. I served on the commission in which the parcel post was first considered and then upon the Post Office Committee of the Senate, on which the Senator from Kansas [Mr. BRISTOW] served. I know his earnest desire to develop the parcel post; but there has always been a difference of opinion as to the best methods of accomplishing this end. There has always been an opinion as to whether it could be done entirely by the legislation of Congress or whether somebody should be delegated for that purpose.

It is the same old debate that has been here for the last 15 or 20 years in connection with the regulation of freight rates or the regulation of passenger rates and various express rates of that kind and character. For years it was contended that Congress was the best body to determine these matters. Finally it was determined to be utterly impossible for Congress to fix passenger rates, freight rates, or express rates, and a body was delegated and constituted to do that work for Congress. That was the Interstate Commerce Commission. We have given the Interstate Commerce Commission the power to make and unmake State and community business from one section of the country to another. We realized that unless the Interstate Commerce Commission was given this power it would be impossible to relieve the country from exorbitant freight rates and passenger rates. That commission has the confidence of the country to-day as much as any institution in the country. I believe there is not a more popular body of men than those who compose the commission, that none have acted more patriotically, and none have the support and approval of the great masses of the people equal to the Interstate Commerce Commission.

When the parcel post was devised, from the beginning there was a difference of opinion as to whether Congress should fix these rates or whether it should leave it to other bodies to administer the parcel-post rates. In the bill that passed, what was the law? First, the Postmaster General must desire to have a zone or rate changed. Second, when he desires to make a change, it can not be done until the Interstate Commerce Commission reaches a conclusion that it is for the best interest of the public and the country for that to be done.

Mr. CLARK of Wyoming. Can the Senator inform us just what steps were taken by the Interstate Commerce Commission in reaching its conclusion as to the present rates?

Mr. SWANSON. As I understand the methods of procedure, the Postmaster General, like any common carrier or express company, filed a petition with the Interstate Commerce Commission asking for permission to put the rates in force. The Interstate Commerce Commission can make any investigation it sees proper, but its conscience and its judgment must be convinced of the justice of a rate before it can be put in force.

Mr. CLARK of Wyoming. I asked the Senator a question which he has not answered. Perhaps he is not able to answer it.

Mr. SWANSON. I am not able to answer as to what——

Mr. CLARK of Wyoming. I asked the Senator if he knew what steps had been taken or what had been done by the Interstate Commerce Commission in passing upon this question?

Mr. SWANSON. I am not able to state what inquiry they made as to the rates or whether they simply accepted without examination the recommendation of the Postmaster General.

I am not able to state whether they made an individual examination, whether they examined witnesses or not. All I can say is that the same law that is proposed to be changed now appertains to all other rates fixed by the Interstate Commerce Commission at this time.

Mr. CLARK of Wyoming. Is not the Senator aware of the fact that the Interstate Commerce Commission, in which he and the rest of us repose such implicit confidence, made no actual examination into the rates, but accepted the recommendation of the Post Office Department?

Mr. SWANSON. I am not prepared to say to what extent they investigated the subject. All I know is that the law provides that the Postmaster General must have their concurrence.

Mr. BANKHEAD. After investigation. Will the Senator from Virginia permit me to interrupt him?

Mr. SWANSON. I yield to the Senator.

Mr. BANKHEAD. Mr. President, this question has been before the Committee on Post Offices and Post Roads prior to this time. When the Post Office Department changed the zones and increased the weight a resolution was introduced and passed directing the committee to inquire into it. The Postmaster General and the president of the Interstate Commerce Commission were before the committee. When asked what information the Post Office Department had given the Interstate Commerce Commission and what investigation they had made under the law which requires that the order might be put into effect with the consent of the commission after investigation, the chairman of the commission, Mr. Clark, stated before the committee that they had made no investigation of their own; that they had accepted the investigation and report of the Post Office Department.

Mr. CLARK of Wyoming. That is as I understood the fact to be.

Mr. MARTINE of New Jersey. But they generally approved it, as I recall the statement.

Mr. BANKHEAD. Yes; they did approve it, as I recall the statement, but without any investigation at all, as they admitted.

Mr. POMERENE. Mr. President, will the Senator from Virginia yield to me?

Mr. SWANSON. I yield to the Senator from Ohio.

Mr. POMERENE. It seems also that the majority of the Committee on Post Offices and Post Roads approved what was done, because by this legislation they want to tie the Postmaster General's hands so that these rates will continue for at least another year.

Mr. SWANSON. It seems to me that if there is anybody in the world organized by government that can determine what should be a fair rate for the parcel post that body is the Interstate Commerce Commission. The competitors of the Government in the Parcel Post Service are the express companies. The express companies must go to the Interstate Commerce Commission to change their rates as competitors with the Government, and it seems to me that the Government has put double safeguards around the subject in requiring, first, that the Postmaster General shall reach a conclusion that the rate proposed is either self-sustaining or will be promotive of the public interest and then getting the concurrence of the Interstate Commerce Commission before any change can be made.

The Interstate Commerce Commission for several years have been investigating express rates. They know the cost of the service. They know it better than any of us can know. They have made a thorough investigation. Last fall they required the express companies to put into effect certain express rates. It seems to me if we are to compete with the express companies, if there is to be fair competition between the parcel post and express companies, so that the public will not be required to pay exorbitant rates, we should give the Government the same opportunity, the same tribunal, the same rates that its competitors have in the same line of business. It seems to me that that is just and proper and right, and that is what the present law does.

I am not prepared to say to what extent these rates should have been changed, to what extent they are right, to what extent they are remunerative to the Government. I have made no thorough investigation of that question. I have had no opportunity to do it. I do not think any member of the committee, possibly with the exception of the Senator from Florida [Mr. BRYAN] and the Senator from Kansas [Mr. BRISTOW], has had any such opportunity. They are industrially investigating the matter. This bill proposes to extend the privilege of the commission to investigate during the summer and then to report by the 4th of next March as to what legislation they think it is advisable for Congress to enact in connection with the Parcel Post Service.

Mr. CUMMINS. Mr. President——

Mr. SWANSON. I yield to the Senator from Iowa.

Mr. CUMMINS. Would the Senator from Virginia have any objection to putting into this law a provision that in fixing rates the Postmaster General shall make them remunerative, and shall prescribe such rules as shall not discriminate either between individuals or between communities? Those are the rules which apply to the Interstate Commerce Commission in fixing rates for common carriers.

I rather agree with the Senator from Virginia that we will have to find some tribunal to fix these rates that can act in a speedier and more intelligent way than we can act as Members of Congress. My whole objection to it is that we have imposed no rule upon the Postmaster General in fixing these rates. If we will consent that there shall be the same rule imposed upon the Postmaster General with regard to fixing rates that we have already imposed for moving other freight, it would remove a great deal of the objection that I have to the present system.

Mr. SWANSON. Mr. President, the provision which gives authority to change the rates, zones, and weights has a limitation, addressed alike to the Postmaster General and the Interstate Commerce Commission:

In order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

Now, they could only change the rates to accomplish those two purposes.

Mr. CUMMINS. One or the other of them.

Mr. SWANSON. One or the other of those two purposes.

Unless it was promotive of service to the public or was done for the purpose of making it self-sustaining, as I understand the provision, there would be no reason for changing the existing zones and rates.

Mr. CUMMINS. I can not see in the provision just read by the Senator from Virginia any rule whatever. Service to the public might be rendered if all postal matter was sent just as letters are sent, eliminating entirely the question of cost or the question of distance. The public might be served if the Government would undertake to transport freight for nothing. There would be a great many people in this country who would be very glad to be able to receive everything that they do receive without any cost of transportation, and we may come to that eventually; the entire cost may be defrayed by a general tax. But we have not said to the Postmaster General that these rates must be compensatory to the United States. We have not said to him, "You shall not favor one community at the expense of another or one individual at the expense of another." I assume that the latter has not been done.

Whenever we enter the freight business we ought to do it upon logical lines. We may favor a few people by getting freight to them cheaply, but in doing that we may ruin thousands of other people.

I might as well say to the Senator from Virginia I am not one of those who shrink, as many of you do, from the Government ownership and operation of railroads. I look forward to the time when, in all probability, the Government will do the entire transportation business of this country; but you can not put the Government in competition with other freight-carrying companies. The Government must do either all or none of the freight business of the United States. I have looked with a good deal of favor on the Government doing all of it and doing justice by properly adjusted charges to every community and to every person; but I should like, anyhow, to say to the Postmaster General that in fixing freight rates you must have regard to the fundamental laws and rules which ought to govern that business.

Mr. SWANSON. Mr. President, in this connection, as to the specific rules governing the fixing of parcel-post rates, the commission had the question before it whether we should have a flat rate or zone rate. There were a great many people who wanted a flat rate to ship in all portions of the country at the same rate and let the question of 1-cent postage go. It was readily realized that in some sections it would be done at great loss, and that in other sections it would be very profitable. It was recognized that it would be very unjust to charge as much for shipping 10 miles as for 3,000 miles. The commission, of which the Senator from Kansas [Mr. BRISTOW] and the then Senator from Oregon, Mr. Bourne, were the two most active members—I being a member, but they doing most of the work—reached the conclusion, after looking into the matter, that the zone system was the best system for the parcel post. Any zone system necessarily carries with it some discrimination.

Mr. CUMMINS. Mr. President——

Mr. SWANSON. If the Senator will permit me, I will yield later. The larger the zone the more the discrimination will be. If you had a zone of 50 miles, as we first fixed, you would charge as much for carrying 50 miles as you would for 5 miles or 1 mile or 2 miles, and the man who paid for carrying a parcel 2 miles as much as another man paid for carrying it 50 miles felt that he was paying more than the service required. Yet, we had to adopt either a zone system or a flat system, and the commission was unanimous, after looking into the matter, that the zone system was preferable to the flat system, and certainly that it should be continued until we had made further experiments than had been made at that time.

I felt that the rates in the first and second zones at the time were too high. I think the then Senator from Oregon concurred with me in that view, but we knew the difficulty of getting a parcel-post system established, and we agreed unanimously in that commission upon a report fixing zones and rates which we thought were good to begin with. I felt at the time that the first and second zones would be most used and that the rates were too high and would have to be reduced. Yet we all felt that we were venturing in an untried field, and after looking into the matter in the House and Senate we decided that the best course to pursue was to do for the Rural Delivery Service as we did for other governmental functions—that is, let the Postmaster General and the Interstate Commerce Commission handle the matter until the commission appointed at that time had gotten accurate information or had made an investigation and had come back to Congress to see to what extent fixed rules can be made to govern this matter. I am not prepared now to say to what extent we should go. While the language suggested by the Senator might not impede and destroy absolutely the zone system, it might be so construed. If the Senator will look at the difficulty, he will fully realize that there must be some discretion vested somewhere while the service is in this experimental stage.

Mr. CUMMINS. I agree that much discretion must be vested somewhere, but I believe it is for Congress to establish the rule or the policy. We have established a policy of zones. I will not enter upon a discussion of the merit of the zone system. If the zones are narrow, it may be very just. If they are broad, it may be very unjust. The difficulty is that we have given to the Postmaster General the right to reverse the policy that we have established with regard to zones. The Postmaster General can eliminate all the zones. He can put a common rate upon postal matter of the fourth class from the Atlantic to the Pacific.

Mr. SWANSON. No; he could only do it with the consent of the Interstate Commerce Commission.

Mr. CUMMINS. Very well. The Interstate Commerce Commission has no rule at all to guide it. According to what has been said here, it simply accepts the conclusion of the Postmaster General. Now, suppose the Postmaster General should come to the conclusion that there should be a single rate upon all fourth-class matter, without regard to the distance it is shipped, and change the zones accordingly; does the Senator from Virginia believe that it is a fair exercise of the legislative duty to permit an administrative officer to set aside the obvious policy adopted in the law?

That is what I am complaining about. We have simply turned over the whole subject to the Postmaster General and said, "Do whatever you please with it; you can abolish this zone; you can increase the weight; you can fix the rates." That would enable the Postmaster General, if he wanted to do so in the future, to increase the weight of packages to a thousand pounds or five thousand pounds or one hundred thousand pounds and to abolish the zones so that the real freight business of the country would be carried on without regard to the principle upon which the business of the country is established. I do not think that Congress ought to give any man or any set of men that unlimited and unrestricted authority.

Mr. SWANSON. Mr. President, at the very time this provision was put in the appropriation bill of last year, another provision carried in the same bill created a commission to investigate this matter thoroughly, to ascertain to what extent Congress should fix the limitation, to examine and reach a conclusion as to what recommendation it will make to Congress, showing that Congress intended ultimately to control this matter as far as it should be best for the public service.

Mr. BANKHEAD. Mr. President——

Mr. SWANSON. The position I take is that pending the work of this commission, whose life we extend under the bill, it is better to let the Interstate Commerce Commission and the Postmaster General regulate it than to fix in the law a regulation before the commission reports. I yield to the Senator from Alabama.

Mr. BANKHEAD. Mr. President, I wish to ask the Senator from Virginia a question. He states that in the same bill creating the parcel post a commission was created directed to investigate the whole question of the Parcel Post System, and report to Congress as to rates, zones, and everything pertaining to it. That is true; and a very industrious, painstaking commission was appointed. The Senator from Florida [Mr. BRYAN] and the Senator from Kansas [Mr. BRISTOW] are two of the members. They went immediately to work. They accumulated a large amount of information, upon what idea? That the weight limit was 11 pounds and the zones had been fixed along the lines they were investigating. They woke up one morning and found that the weight limit had been changed to 20 pounds and the zones had been changed. They, of course, had then to begin a new investigation. After they had proceeded with the investigation under that condition of things they were apprised that the weight had been increased to 50 pounds. How can this committee make an investigation and report unless there is some place somewhere where conditions will be stable long enough for them to gather information?

Mr. SWANSON. It seems to me that the changes will enable them to do it more satisfactorily than it could be done without changes. As I understand, the Senator said they made an investigation as to 11 pounds and obtained data in reference to that.

Mr. BANKHEAD. No; I did not. I said they were making an investigation and were gathering information, but that they had not reached a conclusion.

Mr. SWANSON. They have obtained data upon which they can reach a conclusion of some kind in reference to the 11-pound packages.

Mr. BRISTOW. Mr. President——

Mr. SWANSON. Let me answer that. They can do the same thing in reference to the 20-pound packages; they can see to what extent it increases or decreases in results, to what extent it increases in accommodation between 11 pounds and 20 pounds; and if they get data under the 50 pounds weight they will see to what extent it has injured or hurt, advanced or retarded the system by extending it to 50 pounds. It seems to me that if I were on that commission—though I might be mistaken, for I have a great deal of confidence in the judgment of those men—I would not object to an experiment as to whether the carriage of 100-pound packages was possible under the parcel post. There must be some place where you must stop, so that your mail may not be converted into freight. That can only be done by experiment. Nearly all the alleged profits in connection with freight rates, passenger rates, and other matters have been disproven. It seems to me if the commission will cooperate with the Post Office Department and arrange to get data as to packages of different weights, as to the cost and their number, the very fact that you have different weights, different zones and rates, will enable them to gather the information for Congress when it assembles next December better than it could be done if you had the weight simply fixed at 11 pounds all the time.

While this 50-pound weight is going through the mail, the 20-pound weight is going through the mail, and the 11-pound weight is going through the mail, statistics can be gotten by them on the cost or the amount of use, and it seems to me that the method pursued is the best to enable Congress to get the broadest facts and to finally reach the best conclusion.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. SWANSON. I yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to ask the Senator from Virginia a question. After this commission have thoroughly investigated this subject and have concluded as a result of that investigation that the weight limit ought to be 11 pounds or that the weight limit ought to be 20 pounds, and they so recommend, does the Senator think that Congress could be induced to agree to that under any kind of circumstances?

Mr. SWANSON. Mr. President, I will answer that frankly. If there is a demand in the country and a vast majority of the people are so pleased with the weights, and so pleased with the rates that they desire to have them continued, they ought to be continued.

Mr. BANKHEAD. That is very frank.

Mr. SWANSON. There is no government in America except the will of a majority of the people. We are not here to make laws in accordance with our own wishes; we are here to give expression to the will of the people in making laws; and I am frank to say if, after we have tried the 50 pounds in all sections of the country, it has been finally decided that it helps the country, that there is a decided opinion for it, and the experience and wisdom of the people favor it, Congress should not repeal it.

Mr. BANKHEAD. I desire to thank the Senator from Virginia for his very candid answer to my question.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I do.

Mr. WEEKS. The Senator from Virginia has just said that having tried an 11-pound limit weight for a time, a 30-pound weight for a time, and a 50-pound weight for a time under different zone systems and at different rates, in 15 months the department could furnish Congress with statistics as to what had happened under each of those conditions. I should like to have him enlarge somewhat on that idea, and tell us how the department could furnish us any substantial statistics under such conditions.

Mr. SWANSON. I will state to the Senator how it could be done very easily with the proper experience. You could take an office like New York, or a fourth-class post office in a little town, and find out the number of 50-pound packages that are sent out, the distance they go, and obtain the same information as to the 30-pound, the 20-pound, and the 11-pound packages, and make an estimate of the cost on the amount carried and the net returns. It can be done on 50 pounds as readily as it can on 11 pounds; and it seems to me, with all these packages of different weights going through the mail, the information will be fuller and Congress can reach a better conclusion next winter. If the department will go to the expense of making these estimates, it seems to me it can get a great deal more material than it would simply by having 11-pound packages all the time.

I should like to make another suggestion in this connection. It is said the rates change and that it is impossible for the commission to get the information, with the changing rates. It would seem to me if the rates are changed they could get information as to whether, with lower rates, there would be greater business, which would make it more profitable than it would be with high rates. In addition to that, suppose the Government could not change the rates and the express companies could do so. The express companies could easily take the profitable business and leave the Government carry on the unprofitable business. Then the report made by the commission would show the parcel post to be a failure. It seems to me that the department, desiring to make the parcel post a success, should be given some latitude under certain limitations, with the concurrence of the Interstate Commerce Commission, to make that effort until Congress can have an opportunity to investigate the matter and then fix the rates.

I do not know what rules I should fix now. I was on the commission which investigated this question, but I could reach no definite conclusion; and I know such conclusions as I have reached have been more or less tentative and liable to be changed under changed conditions. In these things I recognize that there must be a limit somewhere, and that the Post Office Department can not be converted into a mere carrier of freight to the detriment of other branches of the service and to the rapid delivery of the mails. In the light of experience the Parcel Post System must be developed in the best and safest way it can be done.

It seems to me that the wise thing to do is to let this matter go over, for the commission to investigate it from now until Congress assembles next December, and when the commission reaches a conclusion as to what limitations Congress should put upon the matter that will be the wise time to enact legislation and to impose the restrictions. I believe that would be fairer than to have it limited and made rigid at this time. I am afraid if it is now made rigid the express companies might get the profitable business and the Government the unprofitable business, and the service would not have a fair show. It seems to me that if we can trust the Interstate Commerce Commission to fix the freight rates for all the railroads in the country, the passenger rates for 100,000,000 people, to make and unmake towns, cities, and communities, that that body which we have constituted can be trusted, on the petition of the Postmaster General, to handle the parcel post or to govern it until this commission can act and determine what rules, regulations, and limitations are required. I believe that is the right thing to do. It is my belief that we should not legislate on the parcel post without a full and fair investigation in connection with what the Postmaster General has done.

I have not looked at the rates; I am frank to say that I am not acquainted with them; I am not acquainted with the irregularities enumerated by the Senator from Kansas [Mr. BRISTOW]. I am not one of those who lack confidence in the Senator from Kansas being a good friend of the parcel post, for I believe he is. The Senator from Kansas, when he investigates this matter during the next summer, as we have authorized him to assist in doing, will, I am quite sure, come back here after a full investigation, as he did when the rates were established, and give us useful information and valuable suggestions, which Congress can then consider, and it will be far preferable to consider them then than now.

Mr. President, this proposition shows the viciousness of legislating on general appropriation bills. This would unsettle the whole parcel-post system until Congress should see proper to change the law. The Senator from Kansas has pointed out this injustice; he has pointed out the irregularities; and yet the provision which he advocates would make statutory law, as has been well suggested, the discriminations of which he complains, and they could not be changed except by an act of Congress.

Mr. BRYAN. Mr. President——

Mr. SWANSON. I will yield to the Senator in one moment. Of course the Senator from Kansas thinks it possible the Postmaster General may go further and make greater discriminations than these; but I am certain, if the Interstate Commerce Commission and the Postmaster General should become satisfied that these rates will not pay, that they are productive of injustice to cities, communities, or to business, they will change them. Anyway, I should like them to have the authority to

change them. When any community, any city, any business can prove it is injured by these rates, they ought to have the opportunity to go to the Post Office Department, and, with the concurrence of the Interstate Commerce Commission, have the changes made. I now yield to the Senator from Florida.

Mr. BRYAN. I presume the Senator from Virginia is aware, is he not, that the Interstate Commerce Commission has asked to be relieved of the supervisory control it has over the parcel-post rates?

Mr. SWANSON. If they desire to be relieved, I am not for relieving them.

Mr. BRYAN. I ask if the Senator is aware that they have asked to be relieved?

Mr. SWANSON. I am aware that they do not wish to exercise the power.

Mr. BRYAN. The Senator is likewise aware, is he not, that they have also asked that, if not relieved, this provision placed in the act of 1912 be made more definite as to the duties they are to perform?

Mr. SWANSON. I did not know that they had asked that.

Mr. BRYAN. I will read their request. They say:

If that is not done—

That is, if the commission is not relieved—

the duties to be performed by the commission, as well as the standards to be applied to it, should be more clearly stated.

Mr. SWANSON. I am willing when this investigation is made and the commission is satisfied what limitation should be fixed, to put that provision in the law; but I think it is far wiser and better to leave it to the joint commission, in which I have confidence, to investigate this matter and come back to Congress next year and recommend with clearness what limitation they think Congress should fix and what should be left to the discretion of the Postmaster General. I believe, in order to make the system a success, in order to make it possible to ascertain what the parcel post will do, it is necessary to have these changes pending the investigation. It is with that view that I think there should be no legislation of this character on this appropriation bill.

I think the Postmaster General, with the concurrence of the Interstate Commerce Commission, should always have a large amount of discretion in fixing rates in order to meet the competition which the Government must necessarily encounter in this matter. I am not for relieving the Interstate Commerce Commission of this work. They have fixed the rates of the express companies, and why should they not also fix the parcel-post rates of the Government, so that every interest may be treated with fairness, justice, and equity?

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. I yield to the Senator from Iowa.

Mr. CUMMINS. In the work that the commission does, to which reference was just made, the Senator knows that it is initiated either by a complaint of some one who feels that he has been unjustly dealt with or upon the motion of the commission itself. There is then a hearing and a decision, and the courts have certain power over the act of the commission. If we are to go into the freight business, does not the Senator think that an individual or a community that feels himself or itself aggrieved by postal rates should have the right to file complaint with the Interstate Commerce Commission, and if it is found that the rate is unjust, unfair, and discriminatory that then relief should be given to that person or that community?

Mr. SWANSON. Of course that would depend on whether the Government should finally adopt a rigid zone system and should establish certain definite and fixed rates. If it left with the Interstate Commerce Commission a discretion to fix parcel-post rates, as it does the rates of the express companies, and if there were no zone system, the Senator would be entirely correct. My contention is that the joint commission should investigate the facts and report whether we should have a rigid zone system or whether some other system should be devised by which further discretion in fixing rates independent of a zone system should be given to the Postmaster General, with the concurrence of the Interstate Commerce Commission.

Mr. CUMMINS. Mr. President, that, however, hardly reaches the point I suggested. Whenever a rate is fixed, no matter how it is fixed, it affects a great many people. It is unfair, and has been recognized by all the people to be unfair, to fix a freight rate that will affect the business or the welfare of communities or of individuals without giving those communities or those individuals an opportunity to be heard somewhere before some tribunal; and when the individual or the community appears, the question must be judged by some rule, some law laid down by Congress. I hope the Senator from Virginia, reposing as much confidence as he does, and properly so, in the Interstate Commerce Commission, will stand for giving the Interstate Commerce Commission the same power over these rates that we have given that commission over railroad rates and express rates; so that the rights of individuals and of communities can not be judged and foreclosed without an opportunity to be heard.

Mr. SWANSON. Mr. President, I will say that under the present provision, as I understand, complaint would be first addressed to the Postmaster General, and then the Postmaster General could carry the matter to the Interstate Commerce Commission.

Mr. CUMMINS. But, Mr. President——

Mr. SWANSON. That was put there pending, as I understand, investigation by the joint commission and the reaching of a conclusion by Congress as to what is the wisest and best method ultimately of fixing parcel-post rates. First, we will have to determine whether or not we will establish a flat rate; second, whether or not we are going to have a zone system; and, third, whether the Interstate Commerce Commission, acting on petition of the Postmaster General or of an individual, shall fix rates for the parcel post as it now fixes the rates of express companies.

Mr. CUMMINS. Without giving the people any chance to be heard?

Mr. SWANSON. Yes; on complaint. We could arrange that.

Mr. CUMMINS. There is no opportunity now.

Mr. SWANSON. I understand this question has been left open for a commission to investigate and report upon it, so as to aid Congress in reaching a conclusion; and my contention is that we do not now have the information and facts upon which to act. I am not prepared, in my own judgment, to say at this time what is the best course to pursue, what is the best limitation to be fixed, and what is the best method of procedure.

Mr. CUMMINS. And in that state of mind the Senator from Virginia wants to put the fortunes of the people of this country into the hands of one man?

Mr. SWANSON. They are not put in the hands of one man. The Postmaster General can hear any complaint, and, with the concurrence of the Interstate Commerce Commission, he can fix rates pending the commission's report.

Mr. CUMMINS. The Postmaster General can not receive a complaint; he is not obliged to receive any complaint; and there is no way the Postmaster General can give a hearing.

Mr. SWANSON. He can have hearings, and I have no doubt he has had hearings in this case.

Mr. CUMMINS. But not the kind of hearings the Senator and myself have in mind, where one who is injured appears and desires relief.

Mr. SWANSON. I can recall that when the establishment of the Rural Delivery System was under consideration the same complaint was then made. It was thought wiser, before laws governing it were passed, to let it go through the experimental stages so as to give Congress time to reach a conclusion as to what limitations and what methods were wise and good. I believe when the joint commission, in which I have confidence, gathers the facts and reports when we assemble here for the next session of Congress its recommendations will be given consideration, and I believe the conclusions reached will be wiser than if we were to undertake to legislate now.

Mr. TOWNSEND obtained the floor.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. TOWNSEND. I do.

Mr. BRISTOW. I desire to introduce an amendment and have it printed, if the Senator from Michigan will yield for that purpose.

Mr. TOWNSEND. I yield.

Mr. BRISTOW. I should like to have the amendment read, so that it will appear in the RECORD, and also to have printed in the RECORD a table showing a comparison of the rates provided by the proposed amendment with the rates now in force.

To state briefly the purpose of the amendment, it is to fix the same standard of pay to the railroads for express matter by the department that is paid to the railroads by the express companies. The amendment also proposes to establish by law the zones as they were established in the law of 1912; and it fixes a system of rates which I think is the best that has been devised up to this time. I ask that the amendment be read, and that in connection with it the paper which I send to the desk be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the proposed amendment as requested.

The SECRETARY. On page 15, line 12, after the colon, it is proposed to insert the following:

Provided, That for carrying parcel-post matter no part of this appropriation shall be paid to any railroad for such matter carried by such railroad in excess of 50 per cent of the gross receipts by the department under the following charges:

On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 4 cents for the first pound or fraction of a pound and 1 cent for each additional 2 pounds or fraction thereof.

For delivery within any zone, as provided in the act, "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, except as provided in the next preceding paragraph, the rates shall be arrived at by multiplying the number of pounds of weight by the number of the zone in which delivery is to be made and adding 3 to the result so obtained: *Provided*, That the weight limit for parcel-post matter shall be 50 pounds, and that fractions of a pound over the first pound shall be charged for at the pound rate.

Provided further, That for delivery between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, the rates charged shall be the same as for delivery within the eighth zone.

The VICE PRESIDENT. The Senator from Kansas asks that a table of comparative rates under the amendment proposed and under the orders of the Postmaster General be printed in the RECORD. In the absence of objection, it is so ordered.

The table referred to follows.

Present and proposed parcel-post rates.

Weight (pounds).	First zone.				150 miles, second zone.		300 miles, third zone.		600 miles, fourth zone.		1,000 miles, fifth zone.		1,400 miles, sixth zone.		1,800 miles, seventh zone.		Eighth zone.	
	Local.		Zone.															
	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.
1	$0.05	$0.04	$0.05	$0.04	$0.05	$0.05	$0.06	$0.06	$0.07	$0.07	$0.08	$0.08	$0.09	$0.09	$0.11	$0.10	$0.12	$0.11
2	.06	.05	.06	.05	.06	.07	.08	.09	.11	.11	.14	.13	.17	.15	.21	.17	.24	.19
3	.06	.05	.07	.06	.07	.09	.10	.12	.15	.15	.20	.18	.25	.21	.31	.24	.36	.27
4	.07	.06	.08	.07	.08	.11	.12	.15	.19	.19	.26	.23	.33	.27	.41	.31	.48	.35
5	.07	.06	.09	.08	.09	.13	.14	.18	.23	.23	.32	.28	.41	.33	.51	.38	.60	.43
6	.08	.07	.10	.09	.10	.15	.16	.21	.27	.27	.38	.33	.49	.39	.61	.45	.72	.51
7	.08	.07	.11	.10	.11	.17	.18	.24	.31	.31	.44	.38	.57	.45	.71	.52	.84	.59
8	.09	.08	.12	.11	.12	.19	.20	.27	.35	.35	.50	.43	.65	.51	.81	.59	.96	.67
9	.09	.08	.13	.12	.13	.21	.22	.30	.39	.39	.56	.48	.73	.57	.91	.66	1.08	.75
10	.10	.09	.14	.13	.14	.23	.24	.33	.43	.43	.62	.53	.81	.63	1.01	.73	1.20	.83
11	.10	.09	.15	.14	.15	.25	.26	.36	.47	.47	.68	.58	.89	.69	1.11	.80	1.32	.91
12	.11	.10	.16	.15	.16	.27	.28	.39	.51	.51	.74	.63	.97	.75	1.21	.87	1.44	.99
13	.11	.10	.17	.16	.17	.29	.30	.42	.55	.55	.80	.68	1.05	.81	1.31	.94	1.56	1.07
14	.12	.11	.18	.17	.18	.31	.32	.45	.59	.59	.86	.73	1.13	.87	1.41	1.01	1.68	1.15
15	.12	.11	.19	.18	.19	.33	.34	.48	.63	.63	.92	.78	1.21	.93	1.51	1.08	1.80	1.23
16	.13	.12	.20	.19	.20	.35	.36	.51	.67	.67	.98	.83	1.29	.99	1.61	1.15	1.92	1.31
17	.13	.12	.21	.20	.21	.37	.38	.54	.71	.71	1.04	.88	1.37	1.05	1.71	1.22	2.04	1.39
18	.14	.13	.22	.21	.22	.39	.40	.57	.75	.75	1.10	.93	1.45	1.11	1.81	1.29	2.16	1.47
19	.14	.13	.23	.22	.23	.41	.42	.60	.79	.79	1.16	.98	1.53	1.17	1.91	1.36	2.28	1.55
20	.15	.14	.24	.23	.24	.43	.44	.63	.83	.83	1.22	1.03	1.61	1.23	2.01	1.43	2.40	1.63
21	.15	.14	.25	.24	.25	.45	.46	.66	.87	.87	1.28	1.08	1.69	1.29	2.11	1.50	2.52	1.71
22	.16	.15	.26	.25	.26	.47	.48	.69	.91	.91	1.34	1.13	1.77	1.35	2.21	1.57	2.64	1.79
23	.16	.15	.27	.26	.27	.49	.50	.72	.95	.95	1.40	1.18	1.85	1.41	2.31	1.64	2.76	1.87
24	.17	.16	.28	.27	.28	.51	.52	.75	.99	.99	1.46	1.23	1.93	1.47	2.41	1.71	2.88	1.95
25	.17	.16	.29	.28	.29	.53	.54	.78	1.03	1.03	1.52	1.28	2.01	1.53	2.51	1.78	3.00	2.03
26	.18	.17	.30	.29	.30	.55	.56	.81	1.07	1.07	1.58	1.33	2.09	1.59	2.61	1.85	3.12	2.11
27	.18	.17	.31	.30	.31	.57	.58	.84	1.11	1.11	1.64	1.38	2.17	1.65	2.71	1.92	3.24	2.19
28	.19	.18	.32	.31	.32	.59	.60	.87	1.15	1.15	1.70	1.43	2.25	1.71	2.81	1.99	3.36	2.27
29	.19	.18	.33	.32	.33	.61	.62	.90	1.19	1.19	1.76	1.48	2.33	1.77	2.91	2.06	3.48	2.35
30	.20	.19	.34	.33	.34	.63	.64	.93	1.23	1.23	1.82	1.53	2.41	1.83	3.01	2.13	3.60	2.43
31	.20	.19	.35	.34	.35	.65	.66	.96	1.27	1.27	1.88	1.58	2.49	1.89	3.11	2.20	3.72	2.51
32	.21	.20	.36	.35	.36	.67	.68	.99	1.31	1.31	1.94	1.63	2.57	1.95	3.21	2.27	3.84	2.59
33	.21	.20	.37	.36	.37	.69	.70	1.02	1.35	1.35	2.00	1.68	2.65	2.01	3.31	2.34	3.96	2.67
34	.22	.21	.38	.37	.38	.71	.72	1.05	1.39	1.39	2.06	1.73	2.73	2.07	3.41	2.41	4.08	2.75
35	.22	.21	.39	.38	.39	.73	.74	1.08	1.43	1.43	2.12	1.78	2.81	2.13	3.51	2.48	4.20	2.83
36	.23	.22	.40	.39	.40	.75	.76	1.11	1.47	1.47	2.18	1.83	2.89	2.19	3.61	2.55	4.32	2.91
37	.23	.22	.41	.40	.41	.77	.78	1.14	1.51	1.51	2.24	1.88	2.97	2.25	3.71	2.62	4.44	2.99
38	.24	.23	.42	.41	.42	.79	.80	1.17	1.55	1.55	2.30	1.93	3.05	2.31	3.81	2.69	4.56	3.07
39	.24	.23	.43	.42	.43	.81	.82	1.20	1.59	1.59	2.36	1.98	3.13	2.37	3.91	2.76	4.68	3.15
40	.25	.24	.44	.43	.44	.83	.84	1.23	1.63	1.63	2.42	2.03	3.21	2.43	4.01	2.83	4.80	3.23
41	.25	.24	.45	.44	.45	.85	.86	1.26	1.67	1.67	2.48	2.08	3.29	2.49	4.11	2.90	4.92	3.31
42	.26	.25	.46	.45	.46	.87	.88	1.29	1.71	1.71	2.54	2.13	3.37	2.55	4.21	2.97	5.04	3.39
43	.26	.25	.47	.46	.47	.89	.90	1.32	1.75	1.75	2.60	2.18	3.45	2.61	4.31	3.04	5.16	3.47
44	.27	.26	.48	.47	.48	.91	.92	1.35	1.79	1.79	2.66	2.23	3.53	2.67	4.41	3.11	5.28	3.55
45	.27	.26	.49	.48	.49	.93	.94	1.38	1.83	1.83	2.72	2.28	3.61	2.73	4.51	3.18	5.40	3.63
46	.28	.27	.50	.49	.50	.95	.96	1.41	1.87	1.87	2.78	2.33	3.69	2.79	4.61	3.25	5.52	3.71
47	.28	.27	.51	.50	.51	.97	.98	1.44	1.91	1.91	2.84	2.38	3.77	2.85	4.71	3.32	5.64	3.79
48	.29	.28	.52	.51	.52	.99	1.00	1.47	1.95	1.95	2.90	2.43	3.85	2.91	4.81	3.39	5.76	3.87
49	.29	.28	.53	.52	.53	1.01	1.02	1.50	1.99	1.99	2.96	2.48	3.93	2.97	4.91	3.46	5.88	3.95
50	.30	.29	.54	.53	.54	1.03	1.04	1.53	2.03	2.03	3.02	2.53	4.01	3.03	5.01	3.53	6.00	4.03

Mr. MARTINE of New Jersey. Mr. President, if the Senator from Michigan will permit me, I merely want to ask for the printing of a brief article, and not to make any extended remarks in connection with the subject at this time.

Mr. TOWNSEND. I yield to the Senator.

Mr. MARTINE of New Jersey. In connection with this subject and at this time, I ask permission to have published an article on the subject of rates. It is an exhaustive article, not very voluminous, but it treats the subject of a flat rate very thoroughly. I am frank to say that I am not a convert to it, but I think it is well worthy of a place in the RECORD, and I ask that it be published.

Mr. BRYAN. By whom was it prepared?

Mr. MARTINE of New Jersey. By Mr. James L. Cowles, of New York.

Mr. SMOOT. Does the Senator ask that the article be referred to the Committee on Printing?

Mr. MARTINE of New Jersey. I am willing that it be referred to the committee.

The VICE PRESIDENT. The article will be referred to the Committee on Printing.

Mr. TOWNSEND. Mr. President, I realize——

Mr. OWEN. Mr. President, will the Senator yield to me for a moment?

Mr. TOWNSEND. I yield to the Senator.

Mr. OWEN. I desire to ask permission to withdraw the amendment which I have offered and to substitute for it the one which I send to the desk. There are changes in phraseology, but in substance it is the same. If it will interrupt the Senator, I will not trespass upon him——

Mr. TOWNSEND. Does the Senator wish to have it read?

Mr. OWEN. I want it read just so that it may appear in the RECORD.

Mr. BANKHEAD. Mr. President, what disposition has been made of the paper submitted by the Senator from New Jersey?

The VICE PRESIDENT. It has been referred to the Committee on Printing.

Mr. BANKHEAD. It was not authorized to be printed in the RECORD?

The VICE PRESIDENT. Oh, no.

Mr. OWEN. I ask that the amendment intended to be proposed by me be now read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The SECRETARY. It is proposed to insert the following:

And provided further, That no part of the $56,188,000 of any future appropriation shall be paid to any railroad company for the transportation of the fourth-class mail matter of the United States at rates greater than the rates paid to such railroad company by the express companies for like class of service, and the Interstate Commerce Commission shall have power to settle all controverted questions and make its orders necessary to effectuate this provision.

Mr. BRYAN. Mr. President, will the Senator from Michigan yield to me for a moment?

Mr. TOWNSEND. I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, it seems to me that the amendment offered by the Senator from Oklahoma [Mr. OWEN], if I understand it, providing that no greater rate shall be paid by the Government for the carriage of fourth-class mail matter than is paid by the express companies to the railroad companies for a like service would very much improve the administration of the parcel post. So far as I am concerned I am ready to vote for that amendment to the committee amendment, because I can not understand what reasonable objection there can be to it. If Senators are as anxious to render real service in the administration of the parcel post as we have been led to believe in this debate, then there ought not to be any question about the adoption of the amendment.

Mr. TOWNSEND. Mr. President, I realize that it is a waste of time for Senators at this hour to discuss this question, especially after it has been discussed so long. I would not now attempt to say anything were it not for the fact that I am a member of the Committee on Post Offices and Post Roads, was a member of the subcommittee which reported and framed this bill, and am also a member of the Parcel Post Commission created by the act of August 24, 1912.

I realize also that it may seem ungracious to take a position different from that occupied by my colleagues on those committees. I have been very pleasantly associated with all of the Senators on the Committee on Post Offices and Post Roads, and with no two of its members have I been more intimately connected than with the Senator from Florida [Mr. BRYAN] and the Senator from Kansas [Mr. BRISTOW], and in no two members of the committee have I greater confidence, so far as their ability and patriotism are concerned. I have not differed from them generally on matters affecting the Parcel Post Service. I feel, however, before casting my vote, that it is proper to say that I have not been entirely satisfied with the efforts of this so-called joint commission.

I believe that commission has had great possibilities, not all of which it has improved. I am rather glad it has been continued in this bill. I should not have voted to continue it, however, had I not believed it would be more active in the future than it has been in the past. The question here at issue is one which should be considered from all of its viewpoints, and all the facts materially affecting it presented to the Congress so that it can act intelligently in the matter.

I have felt that the Postmaster General has gone faster than he ought to have gone in making changes in the parcel-post law. There was not sufficient need of such haste as he has made. I have felt that he has not always been entirely frank and fair with the committees of Congress, and especially with the joint commission. I think he had a right to assume that the members of that commission were quite as much in favor of a fair and just parcel post as he was or is himself. It would have been an easy and proper thing for him to have called into conference with him the members of the commission, in order that all could have talked over the matter together; and he might have obtained some light even from Senators, and he certainly would not have been subject to the criticism of ignoring the properly constituted committees of Congress to which I feel he is now subject. I am not satisfied, however, that he has in mind any other object than that of serving the people and of administering his duties as he sees them to the best of his ability.

I was impressed with many of the arguments that have been suggested, to the effect that possibly we were entering upon dangerous ground and that we might be assuming burdens which would be too great a load for the Post Office Department to bear. But I have been to the department several times on my own account and have talked with the various experts who have been employed by the Postmaster General, and candor compels me to say that I am not convinced that the steps already taken will prove disastrous to the Postal Service. I am inclined to believe that under proper administration the parcel-post law, even as changed by the Postmaster General, can be conducted at a profit.

There are very many things connected with this law which are crude, very many things which may result in local wrong, but the present good very much outweighs the bad, and experience will demonstrate wherein corrections should be made. The joint commission, if it gets busy, if it becomes active, can assist very much in future legislation.

This amendment not only prevents any future action on the part of the Postmaster General looking toward enlarging the service, but it prevents him from making any changes in the existing regulations which he has promulgated. If the Postmaster General is convinced that his changes are going to work so badly and are working so badly, I can not believe that he will not himself make changes which will remedy the defects.

But, Mr. President, the merits of this amendment have been discussed to a great extent, whereas the question before us now is whether or not this amendment is in order on the bill. I do believe it is in order.

I realize, of course, that I have voted for general legislation on appropriation bills; but the point of order was not raised against the items, and I would not raise the point of order on legislation in an appropriation bill which was thoroughly understood, about which there was no great controversy, upon which the minds of Congressmen had been settled and fixed and they felt that it ought to be engrafted into the law. Here, however, is a question about which there is great dispute. There is a wide difference of opinion as to this particular matter. Therefore I think we can invoke the rule and not be considered inconsistent in doing so.

There is no question in my mind but that this is general legislation on an appropriation bill. Every argument that has been produced has been to that effect. Every argument that has been presented thus far by the proponents of the amendment has been to show that a change of existing law was desired and that this provision would effect that change. The existing law, whether good or bad, is that the Postmaster General can make certain changes by and with the advice and consent of the Interstate Commerce Commission. This amendment is proposed to repeal that law. There can be no object in adopting the amendment unless it is to change the law and make it ineffective. Senators may cloud that intent and, by invoking some technicality, hope to divert it into a construction that would mean that it is a limitation. It is not the object, however, to limit this appropriation. The object is to change the law so that the Postmaster General hereafter shall not exercise the discretion that he has exercised in the past.

So, Mr. President, I shall vote to sustain the point of order. I can do it consistently; I can do it and shall do it conscientiously. I want this subject discussed further. I want more light on it than I have now.

I confess that I have doubts of the correctness of my position when I realize that I am differing from men who have given this matter greater study than I have given it, and who are certainly as intensely interested in the parcel post and as much in favor of it as I or any other man can possibly be. When I differ from them I sometimes hesitate and wonder if I am right; but I can not bring myself to the belief that it is our duty, or that it is wise for us at this time to change the law on such information as we possess.

I submit that there will be no change in vested rights during the next year. There can be no great change in the attitude of business toward this service. It will not suffer. When the joint commission does its duty, gets the facts, and presents them to the Senate, we shall be better able to act, and in the meanwhile the great parcel-post law will be unhampered in its operation.

Mr. BANKHEAD. Mr. President, I want very briefly to call the attention of the Senate back, if I can, to the question before the Senate.

Before I proceed further I desire to give notice that at the proper time I shall offer a substitute for the proposed committee amendment; and I will ask the Secretary to read it now, in order that the Senate may know what it is.

The VICE PRESIDENT. The Secretary will read the substitute for the information of the Senate.

The SECRETARY. In lieu of the amendment proposed by the committee, as printed at the foot of page 15, it is proposed to insert:

And provided further, That no portion of the sums so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of a greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress of the United States.

Mr. BANKHEAD. Mr. President, it seems to me some Senators have discussed this question from the viewpoint of one who believes that there is an attempt here to destroy or impair in some way the parcel post. I am sure no member of the com-

mittee ever had a thought like that. The only purpose of the amendment is to fix and establish existing conditions. The amendment can not be construed to intend to change any rates or to change any weights or any zones. I am talking about the original amendment. Of course the substitute I have offered eliminates that objection. The only purpose of the committee was that the present rates, the present zones, and the present weights should not be changed until authorized by law, or until by experience it could be demonstrated that they were wise or unwise. That is the whole purpose of the original amendment.

It seems that a large number of Senators object to the provision of the amendment which prohibits the Postmaster General from changing the zones or changing the rates as now established. I do not think this is material. I do not think it is so important. I think the important thing to do here is to fix a limit of weight beyond which the Postmaster General, in his discretion, can not go until we have more information on the subject. That is the whole purpose.

I have no apologies whatever to make for my attitude in this matter, but I might be permitted to say that I was here "at the borning" of rural delivery. In the last 27 years I have had perhaps as much to do with that subject as any other Senator on the floor. In season and out of season I have insisted upon its extension. I have given my approval to every suggestion that tended to improve the rural service and to extend it.

Mr. TOWNSEND. Mr. President, will the Senator yield to me?

Mr. BANKHEAD. Certainly.

Mr. TOWNSEND. Of course, I know the Senator is not referring to any remarks of mine.

Mr. BANKHEAD. Oh, no.

Mr. TOWNSEND. I did not wish to be invidious when I mentioned the two Senators. The reason I mentioned those Senators individually was because I have been associated with them on the joint commission.

Mr. BANKHEAD. Oh, certainly.

Mr. TOWNSEND. I have the utmost confidence and respect for all the members of the committee.

Mr. BANKHEAD. I said "rural delivery," not "parcel post."

Mr. TOWNSEND. Very well. I should like to have my remarks of esteem and confidence extended to cover all the members of the Post Office Committee who have been actively engaged in the committee work of the Senate.

Mr. BANKHEAD. That is all right. I have no objection at all to what the Senator said.

I have insisted from time to time, as the business of the rural service grew in point of weight and tonnage, that the salaries of the carriers should be increased. In view of the provisions of the parcel-post law, and in view of the fact that their burdens have been materially increased, we have insisted upon a provision in this bill increasing their salaries further to the amount of $1,200. What I do not want to see, what I do not want to take a chance on, is a condition that, in my judgment, will certainly arise if the weight limit in the Parcel Post System is extended to 100 pounds—that it will materially affect the Rural Delivery Service. It can not be otherwise. To my mind there can not be a doubt that the rural service of the parcel post as it now exists, with a weight limit of 50 pounds, will put out of business three-fourths of the star-route service of the country.

Now, that may be all very well, but there is no instrumentality of this Government that has been received with more favor than the rural delivery. Of course, the star-route service has been with us from the beginning of the Government, but the rural service has largely displaced the star-route service. If this increase is to come, is Congress prepared to make some provision for the star-route service? Or are we willing to say that by our own act we will practically abolish the star-route service, which is so useful and so general in large sections of the country by permitting or authorizing the imposition of a burden that we know it can not carry?

The persons who perform the star-route service are under contract. Most of them are taking their contracts at prices below those which give compensation. These contracts are all competitive and they go to the lowest bidder. In many instances they are bid off at sums for which the people can not afford to render the service; but they give bonds, and when they can not afford to go further and longer and carry more burdens than they contracted to carry they must surrender and their bondsmen must be sued.

When it comes to the Rural Delivery Service, I want to ask Senators in all seriousness if they do not believe a package of 50 pounds imposes too great a burden on the carrier? It must be understood that if people can ship one package containing 50 pounds they can ship five different packages containing 50 pounds, or any other number of packages, providing they do not go above 50 pounds each. How will the rural carriers handle them? That is the question. Can they handle them? Does any Senator believe they can handle them without a large increase in their salaries and a large addition to their equipment?

Most of the rural carriers of this country now transport their mails over their routes in a one-horse or a two-horse buggy. They carry their mails and such parcel post as is tendered them. When, however, they come to carry 50-pound packages and 100-pound packages, or if Congress authorizes the parcel post to carry steam engines and steam shovels and things like that, I do not know how they can get along with their two-horse buggies.

All I want to do, if I can, is to preserve the existing conditions. I have no criticism for the Postmaster General. Why should I? I think he has done the very best he could under the circumstances. I have known him ever since he entered public life. He is a conscientious, honest, diligent public servant. But, Mr. President, we all know that when the head of a great department like the Post Office Department undertakes to solve a problem he must necessarily refer it to some clerks in the department. That always has been true, and that always will be true. They sum up, they get such information as they can, they make their report and their suggestion to the Postmaster General, and he naturally accepts it. He can not do otherwise.

The Senator from Virginia [Mr. SWANSON] laid great stress upon the provision of this bill which requires the approval of the Interstate Commerce Commission to changes. That provision does require the Postmaster General to submit his proposition for change to the Interstate Commerce Commission; but the same provision requires the Interstate Commerce Commission to pass upon it after investigation. These changes doubtless have been submitted under the provisions of this law to the Interstate Commerce Commission; but the members of the Interstate Commerce Commission themselves, when called before the committee to answer questions, said they had not made any investigation of the matter; they had simply accepted the recommendation of the Postmaster General. They could make no investigation, and, as he had recommended it, they had approved it.

That is all right. That is perfectly proper. I am not criticizing the commission. What I want to emphasize, however—and then I shall be through with my suggestions—is that the substitute I have offered for the amendment seems to me to eliminate all proper objection to the committee's original proposition.

The Senator from Oklahoma [Mr. OWEN] has offered an amendment to our suggestion. I am willing to accept that. I think, perhaps, it is an improvement; that is, it goes a little further than we have gone in the direction of adjusting matters in the interest of the people and the consumer. That is all I want. I simply ask the Senate to agree with the committee that the existing conditions shall not be changed until there is an opportunity for further investigation and further examination; that is all.

If the changes heretofore made by the Postmaster General are all right, they are not disturbed, they are not interfered with. The same zones and the same rates apply, and he may change them in his judgment. He may extend zones; he may reduce rates. The only limitation on this appropriation is that he shall not pay any part of this money for the transportation by parcel post of packages that exceed in weight 50 pounds each; that is all.

Will anybody contend that Congress has not the right and the power to put a limitation upon an appropriation that it makes for the public service? I never have heard that Congress did not have that right. Our rules all authorize it, and the placing by Congress of limitations upon appropriations never has been regarded as new legislation or as changing existing law.

I hope we shall get a vote on this matter to-night. Of course I am not suggesting that any Senator ought not to be heard. I want the subject to have full and free discussion, but I hope we may have an opportunity to vote on it during the afternoon.

The VICE PRESIDENT. The Senator from Alabama asks to substitute a certain proviso, which has been read to the Senate, in lieu of the proviso offered by the committee, as there is a point of order pending as to that. The substitution can not be made except by unanimous consent. Is there any objection to the substitution?

Mr. SUTHERLAND. I object for the time being.

Mr. POINDEXTER. Mr. President, I wish to ask a question here as to procedure, if the Senator from Utah will allow me, without delaying him. Do I understand that the Senator from Alabama withdraws the committee amendment?

Mr. BANKHEAD. I offer a substitute for it.

Mr. POINDEXTER. Then the Senator withdraws the committee amendment?

Mr. BANKHEAD. It might be considered as withdrawing it. I offer a substitute to take the place of it.

Mr. SUTHERLAND. The Senator can not withdraw it.

Mr. POINDEXTER. Then the committee amendment is still pending?

Mr. BANKHEAD. No; it is not pending, because I have offered a substitute for it. It is pending unless the Senate adopts the substitute.

Mr. SUTHERLAND. As I understand, the committee amendment can not be withdrawn without the consent of the Senate.

The VICE PRESIDENT. That is correct. It can not be withdrawn without the consent of the Senate while the point of order is pending.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is there any substitute pending, then?

The VICE PRESIDENT. There is no substitute now pending, because the Senator from Utah has objected to the substitution.

Mr. SUTHERLAND. Mr. President, to my mind the substitute which the Senator from Alabama [Mr. BANKHEAD] suggests does not cover the difficulty. It reaches only one phase of it. While I should have no objection to his proposed substitute going in as an amendment to this paragraph in case the proviso now pending before the Senate should be defeated, I very much prefer the committee amendment, and I should like an apportunity of voting upon it directly.

I rose, however, for the purpose of discussing the point of order. Perhaps I ought to apologize to the Senate for undertaking to do that, because we have spent two or three days in discussing everything but the question which is before the Senate. I know it is the habit of the Senate to discuss the merits of questions upon points of order. After all, however, the immediate question before the Senate is whether or not the amendment proposed by the committee is in order, and I wish very briefly to address myself to that question.

The substantive provision of the paragraph to which this amendment is a proviso is:

For inland transportation by railroad routes, $56,188,000.

That is an appropriation. To that substantive provision there are already two provisos. One of them reads as follows:

Provided, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis.

Then there is another proviso relating to another subject. The third proviso is the one which has been suggested by the committee.

Mr. President, a provision of law may be interpreted in one way where it is written into the statute in a substantive form and in an entirely different way where it is written into the law in the form of a proviso. The very object of a proviso is to limit the generality of the substantive paragraph to which it is a proviso. The courts will always interpret the proviso as being a limitation upon the substantive part of the paragraph unless it is clear, I might say beyond a reasonable doubt, that it was intended as an independent provision by itself.

In other words, if we were to write into this bill a separate and distinct provision in the language of this proviso, but leaving off the words "and provided further," and having it read only that there shall be no change in the existing weight limits, rates of postage, or zones of fourth-class mail matter until authorized by law, then there could be no question but that it would be general legislation. It would then stand by itself as an independent and substantive provision. But that is not what we do. We have made a provision for an appropriation, and we add to that provision the language "*And provided further*, That there shall be no change," and so on. It is precisely as though we were to say, "For inland transportation by railroad routes, $56,188,000, but notwithstanding the appropriation of this amount of money there shall be no change in existing rates." It is a limitation upon that substantive provision, and the courts would so interpret it.

I call attention very briefly to the language of one or two authorities. They are innumerable upon this subject, but I content myself by calling attention to only one or two. In the second volume of Sutherland's Statutory Construction, section 352, it is said, speaking of a proviso:

It is to be construed in connection with the section of which it forms a part, and it is substantially an exception. If it be a proviso to a particular section, it does not apply to others unless plainly intended. It should be construed with reference to the immediately preceding parts of the clause to which it is attached.

Mr. President, suppose a motion should be made here to strike out this appropriation and that motion should be sustained in the Senate and we should strike from the bill the words "For inland transportation by railroad routes, $56,188,000," taking out of the bill the substantive provision entirely, is it not clear that the provisos would fall with it? They are dependent upon it; they are attached to it; they have nothing to apply to if we get rid of the substantive provision. They depend for their existence upon the substitutive provision. By the very language "provided" we have declared a limitation upon the appropriation which would cease when the appropriation ceased. It would be the same as if there had been a repeal; and as to that the same author says, at section 351:

A proviso is so identified with the text of a statute which it qualifies that if such enacting part is repealed by a subsequent statute repugnant to it, the proviso will fall also.

Because it is perfectly manifest when Congress uses the word "provided," it means to qualify the preceding words and it intends that there shall be no qualification except in connection with the substantive provision of the statute. The question, I think, has been squarely ruled by the Supreme Court of the United States in the case of Minis *v.* United States (15 Peters, p. 445). After calling attention to the statute which was involved in that case, which, by the way, was an appropriation bill, the court proceeds:

That act, after making the specific appropriations, contains the following proviso: "*Provided*, That no officers of the Army shall receive any per cent, or additional pay, extra allowance, or compensation, in any form whatsoever, on account of the disbursing any public money appropriated by law during the present session for fortifications, execution of surveys, works of internal improvement, building of arsenals, purchase of public supplies of any description"—

Now mark—

"or for any other service or duty whatsoever unless authorized by law."

I can not imagine any language more general in its form than that, but it constitutes a part of a proviso to a specific appropriation, precisely as this forms a proviso to a specific appropriation. The court says:

The argument on behalf of the United States is that this proviso, although found in a mere appropriation law of a limited nature, is to be construed, by reason of the words "or for any other service or duty whatsoever, unless authorized by law," to be permanent in its operation and applicable to all future appropriations, where officers of the Army are employed in such service or duty; and that it appears from the record that this was the very ground on which the Treasury Department rejected the claim of Dr. Minis for commissions. The same question has been made and fully argued in the case of Gratiot *v.* The United States, at the present term, and we have given it our deliberate consideration. We are of opinion that such is not the true interpretation of the terms of the proviso, and that it is limited exclusively to appropriations made at the session of 1835.

Mr. President, I direct the attention of Senators particularly to the language which follows:

It would be somewhat unusual to find engrafted upon an act making special and temporary appropriation any provision which was to have a general and permanent application to all future appropriations. Nor ought such an intention on the part of the legislature to be presumed, unless it is expressed in the most clear and positive terms, and where the language admits of no other reasonable interpretation. The office of a proviso generally is either to except something from the enacting clause or to qualify or restrain its generality, or to exclude some possible ground of misinterpretation of it, as extending to cases not intended by the legislature to be brought within its purview. A general rule, applicable to all future cases, would most naturally be expected to find its proper place in some distinct and independent enactment.

Exactly the same thing may be said and must be said of this proviso. If Congress intended to make a general rule—in other words, to pass a general law applicable to all other cases wholly independent of this appropriation—we would expect to find it inserted as an independent proposition, not associated as it is here with this appropriation. The very fact that Congress does associate it with the appropriation, does say that it is a proviso to the appropriation, is sufficient to show that Congress intended that it should come into existence with the appropriation and go out of existence with the appropriation.

This appropriation is made for a year. Yet it might be repealed to-morrow. If it were repealed to-morrow, then the proviso would go with it. It is tied to it; it belongs with it. If the appropriation is not repealed, it is only in operation for the fiscal year, and at the end of the fiscal year it lapses. Precisely the same rule would apply as though it had been repealed. When the substantive provision ends, everything that comes into existence because of the substantive provision will end also.

For my part I can not come to any other conclusion than that this is to be construed, as the language plainly indicates and as the courts have held repeatedly, as a limitation only upon the substantive provision, and that it will end when the appropriation has served its purpose; and if next year we shall make a precisely similar appropriation for that year, but shall not repeat the proviso, then this proviso will be at an end.

Mr. LANE. Mr. President, I should like to call attention to a statement made by the Senator from Kansas [Mr. BRISTOW], which showed that a rather peculiar condition of affairs exists

in connection with this Parcel Post Service. A claim was made that the express companies carry packages from Chicago to some other point at a price which is much less than that charged by the Government, I think a dollar and some odd cents less on a total charge of $1.35, and that they had an arrangement with the railroad company by which they divided with it the profits or the price charged to the customer, the railways charging the Government a rate greatly in excess of that which they made to the express companies. It seemed to me that that might account for some of the large cost of the service attributed to the parcel post, and that therein might lie an evil that Congress has the power to correct; and if so, that it should do it. It seems to me, in other words, that the Government has as much right to receive a fair transportation rate from the railway companies as has a private corporation which is in direct competition with it, and that it is wrong for any other condition to exist.

There was another point in respect to zone rates which attracted my attention, and I think there should be discussion upon it. It seems to me that there is a solution of the question which is reasonable and which would work out satisfactorily. The present Postmaster General, or for that matter any Postmaster General, is bound by the rules and regulations which are made by Congress. If we are ever to get good service from him and he is ever to be able to fix equitable rates, rates which will apply justly under differing conditions—and conditions do differ all over the country on account of geographical, climatic, and other forces—he ought to be given the right to fix the rates to meet such conditions and be allowed to put them into effect, and then be compelled to report to Congress for its approval of what he has done. That is the only way I have ever seen the superintendency of a large concern carried out successfully. Congress can not fix the rates. What do the majority of the Members of the Senate know about local conditions of roads and trails in the State of Idaho, or in Oregon, or in the mountainous regions of California or Nevada? We could not fix such rates. Yet there is a rate which can be made in each case, which will be fair, and which at the same time will prevent the merchant or the miner from overloading the mails with bulky material, for the reason that he can do it more cheaply than if he hired the method of transportation which other people have to use.

The Postmaster General ought to be allowed to exercise his judgment in all such cases. He ought to be allowed to say what zones and what particular districts should pay a certain rate, and report it here and get the consent of Congress to enforce it and have pretty large liberty in adjusting those things and be held responsible for the successful conduct of such affairs in his department. There is no other way, in my opinion, by which you will ever arrive at a system of just rates.

I am not in favor of the provision which has been reported by the committee. I am in favor of enlarging the power and of reposing the executive power in the hands of the Postmaster General, and if he does not make good, get some one in his place who can do so. It may be that he will have to employ a traffic man, a man particularly well informed and posted on that line of work. It is a difficult proposition, and yet it can be worked out, and worked out equitably. If so, let him do it.

I am of the opinion also that the people are not suffering so badly, although in individual cases there may be a difference in this respect, as they suffered when they were helpless in the hands of the express companies. It has been urged that there may be a deficit of $30,000,000. Just a few years ago the express companies were reported to be making a profit of $300,000,000 a year in the express business of this country. It is better for the people to pay out $30,000,000 a year than to pay $300,000,000. There was one express company reported two years ago, I think it was, that they had on their hands, left over from unjust overcharges alone from the flotsam and jetsam of their business, moneys which they were unable to return to the people who paid it to them for the reason that they could not locate them, a sum of money nearly equal to their total capitalization. Millions of dollars of money were gathered in by them through overcharges made against their customers. Nice way of doing business, that. These are the people who now fear that the Government may coddle the farmers and others of this country.

The burden has been onerous and heavy upon the people of this country in the past, and that is the reason why we have inaugurated and entered upon the parcel-post system.

I do not think there is anything too good for the American people. I do not think there is any function of the Government which is higher or a duty greater than that by which it gives to the greatest number of people the greatest public service possible. The Government is under obligations to do that, and it is not a good government if it fails to do so.

In New Zealand they have a parcel-post system, and the farmers are encouraged in many ways by Government aid. It loans money directly to them and make the farmers pay it back with interest, and the Government makes money by the transaction. There came a time, when the Boer War broke out, that the farmers of New Zealand had large quantities of mutton for sale, and the soldiers needed it; yet the transportation companies stepped in and raised freight rates and fixed an arbitrary charge upon its transporation which absorbed all the profit.

The representative of the Government called in the agents of the ships which carried the meat in cold storage and asked them if they would not lower their price. They positively refused to do so, upon which he notified them that the Government would immediately put on a line of steamers of its own if fair rates were not established. The transportation companies met the situation by restoring the former rates.

No one wishes to do any injustice to the express companies; I as little as any other man. I would not take a cent away from them that they fairly earn; but at the same time I would not allow them to impose in the slightest degree upon the people. If the Government should carry on the business and enlarge its zones and benefit the farmer and others without losing money, or even if in some isolated cases it does lose money, when in the main it makes a profit and is for the general benefit, I believe it is the duty of Congress to see that the people get the opportunity to receive that service. I do not think there can be a question about it. There may be questions of details, but merely those.

I think, as I said in the first place, and I close with the statement, that the remedy in my opinion is a simple one. It is not in restricting the power of the Postmaster General. It is to give the Postmaster General the legal executive authority with large powers to carry out in detail the will and wishes of the people, and then hold him strictly responsible for the results. In that way we will accomplish more good, I think, than we will in any other way.

Mr. BANKHEAD. I move that the Senate adjourn.

Mr. LA FOLLETTE. I will ask the Senator to withhold that motion a moment if he will.

Mr. BANKHEAD. Certainly; I withhold the motion.

Mr. LA FOLLETTE. Mr. President, I feel a deep interest in the pending amendment, and had hoped to be able to take part in the discussion. I have not been very well for some weeks, and I have been denied the opportunity to participate in the discussion and consideration of legislation here, some of them measures of very great importance. But desirous of getting some information from the department which I thought would bear upon the consideration of this question, I addressed a communication to the Postmaster General, and received from him the reply which I send to the desk and ask to have read. In this connection I ask to have printed in the RECORD certain tables which accompany the communication. I will say, Mr. President, if these can be printed so as to appear in the RECORD to-morrow morning, I think Senators may find them interesting and perhaps useful in the further consideration of the pending measure.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 25, 1914.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

MY DEAR SENATOR: In reply to your letter of the 25th instant requesting certain information relative to the administration of the parcel post, I beg to inclose herewith certain statistical data covering the number of parcels handled in the 50 largest offices of the United States between the 1st and 15th of October, 1913, with the costs in connection therewith. These data are not estimates, but accurate records kept in the post offices at the time each parcel was handled. There is also inclosed a statement (Table 3) showing the estimated profit on each parcel handled throughout the country, based on the data referred to above, but applying the rates effective January 1, 1914. These statistics clearly indicate that at the present rates there is a safe margin of profit on this business. In estimating the cost of administering this service it has been assumed that the railroads are actually paid at the present rates of transportation for every parcel transported, so that any readjustment of the railway pay, unless the rates are fixed higher than at present, would not increase the estimated cost of the service. The average haul in all instances is based on the radial distance of the zones excepting the eighth, where it is 2,200 miles. In actual practice, however, the average haul would not be as much as the radial distance of the zones. This would still further lessen the estimated cost shown in Table 3. In preparing Table 3 not only has every cost chargeable to the Parcel Post Service been included but an allowance made for unforeseen charges. Thus the cost indicated is really more rather than less than the actual cost of the service.

The Parcel Post Service was in effect only six months of the fiscal year 1913, yet the audited receipts for that year exceeded the audited

expenditures by $4,510,650.91. This is the best showing in the history of the service. The audit of the accounts for the first two quarters of the current year is not yet available. While the expenditures of the first quarter of the fiscal year always exceed the receipts of the quarter, the best information obtainable at this time indicates that the deficit for the quarter ended September 30, 1913, will be materially less than for the corresponding quarter of 1912, notwithstanding the increased cost of administering the service, due to the 8-in-10-hour law, the granting of compensatory time on account of the Sunday service of clerks and carriers, and because of the parcel post.

The first reduction in rates of postage and increase in the weight limit ordered by the Postmaster General became effective August 15, 1913, and notwithstanding these reductions in rates and the great reduction in the parcel-post rates over the old fourth-class rates, the receipts at the 50 largest offices during the month of December, 1913, as well as for the entire December quarter, show an unprecedented increase over those of the corresponding periods of previous years.

No changes have been made in the weight limit and rates until after most searching investigations and careful consideration as to the effect on the revenues of the service. The administration of this facility has been highly commended by the public, and all changes have been in the interest of the public as well as more efficient and effective service, with every caution in safeguarding the revenues.

Sincerely, yours,

DANIEL C. ROPER,
Acting Postmaster General.

The tables referred to are as follows:

Statement showing the postage at the proposed rates and the estimated cost of handling parcels.

Weight.	Zones.							
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.
1 pound	$0.05 .0325	$0.05 .0375	$0.06 .045	$0.07 .06	$0.08 .08	$0.09 .10	$0.11 .12	$0.12 .14
2 pounds	.06 .035	.06 .045	.08 .06	.11 .09	.14 .13	.17 .17	.21 .21	.24 .25
3 pounds	.07 .0375	.07 .0525	.10 .075	.15 .12	.20 .18	.25 .24	.31 .30	.35 .36
4 pounds	.08 .04	.08 .06	.12 .09	.19 .15	.26 .23	.33 .31	.41 .39	.48 .47
5 pounds	.09 .0425	.09 .0675	.14 .105	.23 .18	.32 .28	.41 .38	.51 .48	.60 .58
6 pounds	.10 .045	.10 .075	.16 .12	.27 .21	.38 .33	.49 .45	.61 .57	.72 .69
7 pounds	.11 .0475	.11 .0825	.18 .135	.31 .24	.44 .38	.57 .52	.71 .66	.84 .80
8 pounds	.12 .05	.12 .09	.20 .15	.35 .27	.50 .43	.65 .59	.81 .75	.96 .91
9 pounds	.13 .0525	.13 .0975	.22 .165	.39 .30	.56 .48	.73 .66	.91 .84	1.08 1.02
10 pounds	.14 .055	.14 .105	.24 .18	.43 .33	.62 .53	.81 .73	1.01 .93	1.20 1.13
11 pounds	.15 .0575	.15 .1125	.26 .195	.47 .36	.68 .58	.89 .80	1.11 1.02	1.32 1.24
12 pounds	.16 .06	.16 .12	.28 .21	.51 .39	.74 .63	.97 .87	1.21 1.11	1.44 1.35
13 pounds	.17 .0625	.17 .1275	.30 .225	.55 .42	.80 .68	1.05 .94	1.31 1.20	1.56 1.46
14 pounds	.18 .065	.18 .135	.32 .24	.59 .45	.86 .73	1.13 1.01	1.41 1.29	1.68 1.57
15 pounds	.19 .0675	.19 .1425	.34 .255	.63 .48	.92 .78	1.21 1.08	1.51 1.38	1.80 1.68
16 pounds	.20 .07	.20 .15	.36 .27	.67 .51	.98 .83	1.29 1.15	1.61 1.47	1.92 1.79
17 pounds	.21 .0725	.21 .1575	.38 .285	.71 .54	1.04 .88	1.37 1.23	1.71 1.56	2.04 1.90
18 pounds	.22 .075	.22 .165	.40 .30	.75 .57	1.10 .93	1.45 1.29	1.81 1.65	2.16 2.01
19 pounds	.23 .0775	.23 .1725	.42 .315	.79 .60	1.16 .98	1.53 1.36	1.91 1.74	2.28 2.12
20 pounds	.24 .08	.24 .18	.44 .33	.83 .63	1.22 1.03	1.61 1.43	2.01 1.83	2.40 2.23
25 pounds	.29 .0925	.29 .2175						
30 pounds	.34 .1050	.34 .255						
35 pounds	.39 .1175	.39 .2925						
40 pounds	.44 .13	.44 .33						
45 pounds	.49 .1425	.49 .3675						
50 pounds	.54 .155	.54 .405						

The first amount in each of the above blocks indicates the proposed postage; the other the estimated cost.
The average haul is based on the radial distance of the zones, except the eighth, where it is fixed at 2,200 miles.

	Zones.							
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.
Present rates of postage	5-1	5-1	7-5	8-6	9-7	10-9	11-10	12-12
Proposed rates of postage	5-1	5-1	6-2	7-4	8-6	9-8	11-10	12-12

Statement, by weights and zones, of the postage collected at the 50 largest offices on parcel-post mail handled from Oct. 1 to 15, 1913, inclusive.

Weight.	Local delivery.		First zone.		Second zone.		Third zone.		Fourth zone.		Fifth zone.	
	Number of parcels.	Postage.	Number of parcels.	Postage.	Number of parcels.	Postage.	Number of parcels.	Postage.	Number of parcels.	Postage.	Number of parcels.	Postage.
1 ounce	124,984	$1,250.73	146,585	$1,473.44	228,782	$2,296.73	388,195	$3,885.99	538,892	$5,302.32	563,807	$5,640.62
2 ounces	62,833	1,258.05	112,302	2,246.04	184,803	3,720.92	171,345	3,455.61	174,784	3,505.06	142,240	2,851.02
3 ounces	37,093	1,117.12	63,644	1,923.27	108,115	3,277.11	94,200	2,840.69	95,378	2,870.53	71,627	2,159.22
4 ounces	36,348	1,454.78	68,463	2,762.18	108,474	4,365.70	99,921	4,028.29	122,258	4,931.16	95,101	3,806.69
5 ounces	19,359	969.10	35,910	1,801.17	50,505	2,547.41	46,108	3,242.16	34,660	2,772.80	30,320	2,735.48
6 ounces	15,517	775.85	34,635	1,740.34	54,478	2,764.56	45,219	3,171.18	43,128	3,457.88	31,225	2,810.25
7 ounces	12,647	633.70	23,318	1,174.06	37,430	1,873.12	36,014	2,527.08	34,581	2,768.99	27,068	2,443.63
8 ounces	15,187	765.10	32,930	1,665.63	46,680	2,399.29	45,064	3,174.11	50,492	4,039.66	35,676	3,221.27
9 ounces	8,384	419.20	18,464	937.31	27,885	1,425.31	23,192	1,630.53	23,860	1,909.88	26,072	2,352.95
10 ounces	10,771	544.27	24,544	1,235.63	37,230	1,891.93	34,803	2,436.21	33,901	2,715.24	24,382	2,194.38
11 ounces	7,737	397.96	17,148	862.00	21,056	1,084.92	21,580	1,510.60	17,150	1,375.06	13,248	1,203.60
12 ounces	10,681	534.62	24,498	1,234.89	36,491	1,840.38	32,406	2,275.97	26,824	2,158.06	20,803	1,886.51
13 ounces	6,793	340.22	13,410	674.52	20,295	1,025.53	15,769	1,103.83	15,728	1,258.24	19,762	1,788.58
14 ounces	7,865	401.21	17,348	867.40	25,063	1,281.13	22,673	1,587.11	23,369	1,876.18	17,131	1,552.07
15 ounces	6,313	316.15	13,463	681.93	17,051	876.91	15,975	1,129.35	15,671	1,258.95	11,710	1,053.90
1 pound	27,360	1,373.70	68,338	3,446.48	86,713	4,404.09	87,634	6,851.13	80,871	6,469.68	61,331	5,547.73
2 pounds	53,704	3,244.05	175,304	10,613.62	295,216	18,037.10	217,875	26,270.99	201,681	28,292.05	173,434	27,749.44
3 pounds	32,782	1,977.70	97,971	6,857.97	165,722	11,607.80	140,297	23,850.49	133,240	26,648.00	95,848	22,045.04
4 pounds	21,448	1,501.96	65,917	5,383.20	108,454	8,859.65	89,149	19,612.78	92,297	24,139.66	63,574	19,072.20
5 pounds	14,713	1,029.91	53,131	4,781.79	77,183	7,017.09	62,330	16,829.10	60,501	19,360.32	49,347	18,258.39
6 pounds	11,065	888.94	36,725	3,672.50	59,864	6,021.71	45,946	14,702.72	49,467	18,797.46	39,576	17,413.44
7 pounds	8,257	665.15	26,012	2,861.32	40,795	4,495.04	33,494	12,392.78	35,495	15,617.80	27,942	14,250.42
8 pounds	6,129	553.96	17,467	2,101.37	31,483	3,789.67	24,502	10,290.84	24,889	12,444.50	19,180	11,124.40
9 pounds	4,580	415.04	13,074	1,699.62	21,064	2,738.32	17,334	8,158.42	17,741	9,934.96	13,549	8,806.85
10 pounds	4,300	431.34	10,653	1,491.42	16,688	2,336.04	13,378	6,956.56	13,161	8,258.55	10,610	7,639.20
11 pounds	3,508	351.96	8,061	1,209.15	13,741	2,061.15	10,095	5,754.15	9,889	6,724.52	8,354	6,599.66
12 pounds	1,836	202.26	5,017	802.72	8,230	1,316.80						
13 pounds	1,389	153.83	3,951	671.67	6,843	1,163.31						
14 pounds	1,324	159.18	3,496	629.28	5,508	991.44						
15 pounds	1,207	145.42	2,756	523.64	4,586	871.34						
16 pounds	885	115.22	2,425	485.00	3,969	793.80						
17 pounds	715	93.05	2,109	442.89	3,136	658.56						
18 pounds	686	98.21	1,722	378.84	2,991	658.02						
19 pounds	596	83.49	1,610	370.30	2,312	531.76						
20 pounds	621	93.15	1,468	352.32	2,662	638.88						
Total	579,617	24,755.58	1,243,869	70,054.91	1,961,496	111,662.52	1,834,498	189,668.67	1,969,908	218,977.51	1,693,117	196,206.94
Per cent	5.30	2.25	11.37	6.38	17.93	10.18	16.78	17.29	18.02	19.97	15.48	17.89

Weight.	Sixth zone.		Seventh zone.		Eighth zone.		Total number of parcels.	Per cent.	Total weight in pounds of parcels.	Per cent.	Total amount of postage.	Per cent.
	Number of parcels.	Postage.	Number of parcels.	Postage.	Number of parcels.	Postage.						
1 ounce	202,944	$2,030.63	159,744	$1,597.78	154,840	$1,549.06	2,508,773	22.94	155,798	0.84	$25,117.30	2.29
2 ounces	58,109	1,164.92	31,791	639.62	31,409	640.95	969,616	8.87	120,259	.64	19,482.19	1.78
3 ounces	33,205	999.66	22,532	678.73	20,624	623.20	546,418	5.00	101,453	.54	16,489.53	1.50
4 ounces	33,709	1,354.78	20,674	826.96	22,102	884.08	607,050	5.55	150,439	.81	24,414.62	2.22
5 ounces	14,784	1,478.38	7,969	884.13	9,246	1,115.86	248,841	2.28	76,632	.41	17,546.49	1.60
6 ounces	16,071	1,607.10	9,793	1,077.23	8,926	1,101.29	258,992	2.37	95,054	.51	18,505.68	1.69
7 ounces	9,975	999.31	6,917	765.86	7,274	873.34	195,224	1.78	84,410	.45	14,059.09	1.28
8 ounces	16,460	1,648.62	9,278	1,020.63	9,773	1,186.75	261,540	2.39	129,770	.70	19,121.06	1.74
9 ounces	10,168	1,020.55	5,816	651.32	6,510	784.19	150,351	1.37	83,572	.45	11,131.24	1.01
10 ounces	14,897	1,495.06	7,242	797.42	8,293	996.53	196,003	1.79	120,269	.64	14,306.67	1.31
11 ounces	8,086	812.12	6,573	723.40	5,732	688.17	118,310	1.08	79,713	.43	8,657.83	.79
12 ounces	12,904	1,298.34	6,626	728.86	9,449	1,134.62	180,682	1.65	133,516	.71	13,092.25	1.19
13 ounces	14,426	1,442.60	4,688	518.13	5,450	654.00	116,321	1.06	94,449	.51	8,805.65	.80
14 ounces	7,574	757.51	5,173	569.68	5,779	694.03	131,975	1.21	113,479	.61	9,586.32	.87
15 ounces	6,960	700.23	5,584	619.57	5,027	604.96	97,763	.89	90,161	.48	7,241.95	.66
1 pound	24,700	2,471.33	15,599	1,763.31	16,948	2,033.76	469,694	4.30	468,295	2.51	34,361.21	3.13
2 pounds	64,442	12,259.84	39,394	8,378.47	40,278	9,666.72	1,261,328	11.54	2,492,372	13.38	144,442.28	13.16
3 pounds	46,676	13,069.28	25,498	7,904.38	24,894	8,961.84	762,928	6.99	2,259,917	12.13	122,922.50	11.21
4 pounds	32,894	12,170.78	19,625	8,046.25	18,098	8,687.04	511,456	4.69	2,022,270	10.84	107,473.52	9.79
5 pounds	25,099	11,545.54	13,727	7,000.77	12,854	7,712.40	368,885	3.37	1,821,156	9.77	93,535.31	8.54
6 pounds	21,823	12,089.41	11,864	7,237.04	11,376	8,372.33	287,706	2.63	1,712,275	9.18	89,195.55	8.14
7 pounds	16,409	10,501.76	11,237	7,978.27	7,874	6,614.16	207,515	1.90	1,444,160	7.75	75,376.70	6.88
8 pounds	11,173	8,156.29	5,933	4,805.73	6,284	6,032.64	147,040	1.34	1,170,850	6.28	59,299.40	5.41
9 pounds	8,455	6,933.10	5,257	4,792.46	5,159	5,571.72	106,213	.97	946,329	5.07	49,050.49	4.47
10 pounds	6,366	5,793.06	4,450	4,494.50	4,242	5,090.40	83,846	.76	836,746	4.49	42,491.07	3.87
11 pounds	5,310	5,310.00	4,041	4,485.51	4,062	5,361.84	67,061	.61	736,733	3.95	37,857.94	3.45
12 pounds							15,083	.14	180,584	.97	2,321.78	.21
13 pounds							12,183	.11	158,379	.85	1,988.81	.18
14 pounds							10,328	.09	143,445	.77	1,779.90	.16
15 pounds							8,549	.08	128,023	.69	1,540.40	.14
16 pounds							7,279	.07	116,391	.62	1,394.02	.13
17 pounds							5,960	.05	101,228	.54	1,194.50	.11
18 pounds							5,399	.05	97,120	.52	1,135.07	.10
19 pounds							4,518	.04	84,858	.45	985.55	.09
20 pounds							4,751	.04	94,936	.51	1,084.35	.10
Total	723,608	119,110.20	467,025	78,916.01	462,503	87,635.88	10,935,641	.....	18,645,041	.....	1,096,988.22	.....
Per cent	6.62	10.86	4.27	7.19	4.23	7.99	.....	100	.....	100	.....	100

Number of parcels dispatched to other offices	10,356,024
Number of parcels mailed for local delivery	579,617
Number of parcels received from other offices	2,954,955
Total number of parcels handled	13,890,596
Estimated cost of clerk hire for handling parcel-post mail from Oct. 1 to 15, 1913, inclusive	$60,867.54
Average cost per parcel for clerk hire	$0.0044
Average weight par parcel mailed	1 lb. 11 oz.
Average postage per parcel mailed	$0.10
Total number of parcels for delivery	3,534,572
Number of parcels delivered by carriers on regular trips, through general delivery, boxes, etc	2,589,159
Total number of parcels delivered by conveyances	945,413
(a) Total cost, including carriers' time	$36,750.01
(b) Average cost of delivery per parcel	$0.039
Number of parcels delivered by automobiles	355,460
(a) Total cost, including carriers' time	$17,653.00
(b) Average cost of delivery per parcel	$0.05
Number of parcels delivered by horse-drawn vehicles	507,226
(a) Total cost, including carriers' time	$16,563.21
(b) Average cost of delivery per parcel	$0.033
Number of parcels delivered by other conveyances and substitute carriers on foot	82,727
(a) Total cost, including carriers' time	$2,533.80
(b) Average cost of delivery per parcel	$0.031

Statement of parcel-post mail dispatched and received and the cost of handling same from Oct. 1 to 15, 1913, inclusive, at the 50 largest offices.

Cities.	Parcels handled.						Parcels delivered.					
	Total number mailed.	Average weight per parcel mailed.	Average postage per parcel mailed.	Number received from other offices.	Cost per clerk hire Oct. 1 to 15.	Average cost per parcel for clerk hire.	Total number delivered.	Per cent by regular carriers general delivery, etc., without cost.	Per cent by all conveyances and substitutes on foot.	Total cost for deliveries by conveyances.	Average cost per parcel for deliveries by conveyances.	Average cost per parcel for total number delivered.
		Lbs. oz.										
New York, N. Y.	3,263,224	2 1	$0.130	458,420	$12,568.99	$0.0034	645,899	76.1	23.9	$4,943.18	$0.032	$0.0077
Chicago, Ill.	2,529,120	1 8	.097	304,018	17,631.27	.0062	383,746	80.1	19.9	2,441.34	.032	.0064
Philadelphia, Pa.	385,905	2 1	.091	218,553	1,420.20	.0023	281,435	76.0	24.0	3,094.42	.946	.0110
Boston, Mass.	493,385	1 11	.077	174,996	5,621.20	.0084	251,045	73.9	26.1	3,128.49	.048	.0124
St. Louis, Mo.	516,745	1 7	.091	111,744	2,400.00	.0038	135,465	64.9	35.1	1,467.90	.031	.0108
Pittsburgh, Pa.	103,245	1 13	.079	78,328	1,126.97	.0062	88,537	82.0	18.0	916.11	.057	.0103
Brooklyn, N. Y.	349,481	1 0	.064	152,132	1,982.95	.0039	163,986	73.7	26.3	1,944.01	.045	.0119
Cleveland, Ohio.	452,463	0 6	.030	66,331	556.00	.0011	76,665	82.4	17.6	608.07	.045	.0079
San Francisco, Cal.	135,410	2 5	.111	50,415	1,245.90	.0067	56,521	67.3	32.7	1,228.76	.067	.0217
Cincinnati, Ohio.	189,266	1 6	.075	41,834	420.00	.0018	69,842	55.9	44.1	1,099.20	.036	.0157
Detroit, Mich.	170,652	1 10	.090	82,741	520.00	.0021	92,784	65.8	34.2	2,026.77	.064	.0218
Kansas City, Mo.	208,913	2 4	.128	57,752	1,442.50	.0054	60,117	79.9	20.1	386.10	.032	.0064
Baltimore, Md.	177,524	2 2	.093	80,789	960.02	.0037	91,095	66.2	33.8	865.72	.028	.0095
Minneapolis, Minn.	173,973	1 2	.068	52,869	1,083.00	.0048	54,808	71.9	28.1	503.90	.033	.0092
Buffalo, N. Y.	119,403	1 6	.061	56,535	785.00	.0045	60,539	69.2	30.8	680.50	.037	.0112
Los Angeles, Cal.	48,629	2 5	.119	44,578	600.00	.0064	48,397	75.9	24.1	732.45	.063	.0151
Milwaukee, Wis.	86,096	1 9	.093	52,985	874.61	.0063	64,089	74.7	25.3	544.50	.034	.0085
Washington, D. C.	48,158	1 7	.080	54,763	250.00	.0024	56,741	81.3	18.7	713.50	.067	.0126
Indianapolis, Ind.	71,123	1 3	.070	42,313	394.00	.0035	44,172	64.1	35.9	823.60	.052	.0186
St. Paul, Minn.	63,698	2 0	.105	30,352	195.65	.0021	31,208	66.6	33.4	333.50	.032	.0107
Denver, Colo.	53,290	2 7	.106	55,873	350.00	.0032	56,925	84.4	15.6	297.70	.033	.0052
Newark, N. J.	64,158	1 13	.089	45,772	402.06	.0037	48,970	69.2	30.8	434.20	.029	.0089
Atlanta, Ga.	77,727	1 3	.067	31,156	509.80	.0047	32,605	87.5	12.5	97.03	.024	.0030
Rochester, N. Y.	55,208	1 14	.114	41,310	312.00	.0032	42,744	73.7	26.3	413.49	.037	.0097
Louisville, Ky.	44,734	1 15	.092	25,338	282.24	.0040	27,048	72.0	28.0	234.38	.031	.0087
New Orleans, La.	47,973	1 14	.098	23,028	362.39	.0051	23,838	70.7	29.3	415.60	.059	.0174
Omaha, Nebr.	38,082	2 1	.096	24,426	556.90	.0089	25,016	71.4	28.6	243.60	.034	.0097
Portland, Oreg.	59,035	2 7	.108	24,673	595.70	.0071	25,932	84.7	15.3	191.02	.048	.0074
Seattle, Wash.	94,499	3 4	.150	42,717	720.00	.0052	45,136	66.5	33.5	314.20	.021	.0070
Columbus, Ohio.	32,986	1 15	.081	26,489	205.72	.0035	27,331	69.7	30.3	393.30	.047	.0144
Providence, R. I.	63,229	1 10	.089	36,258	500.00	.0050	38,340	55.2	44.8	486.86	.028	.0127
Des Moines, Iowa.	54,420	14	.047	15,422	163.17	.0023	18,281	58.6	41.4	252.38	.033	.0138
Toledo, Ohio.	43,453	1 6	.089	27,110	321.18	.0046	31,182	76.5	23.5	250.60	.034	.0080
Dallas, Texas.	99,194	3 4	.120	28,441	828.60	.0065	28,708	64.0	36.0	414.00	.040	.0144
Richmond, Va.	37,163	1 7	.065	20,205	161.30	.0028	20,627	71.5	28.5	184.80	.031	.0090
Memphis, Tenn.	25,824	2 2	.094	17,591	245.97	.0057	17,811	56.1	43.9	417.00	.053	.0234
Dayton, Ohio.	26,723	1 10	.102	22,237	46.80	.0010	22,933	81.1	18.9	195.66	.045	.0085
Syracuse, N. Y.	43,404	1 11	.082	28,523	93.60	.0013	29,898	69.5	30.5	257.75	.028	.0086
Hartford, Conn.	23,902	2 0	.091	20,373	181.50	.0041	21,040	57.8	42.2	226.20	.025	.0108
New Haven, Conn.	50,798	1 11	.078	17,461	290.53	.0043	19,120	60.8	39.2	273.40	.036	.0143
Nashville, Tenn.	20,995	1 14	.075	14,427	175.00	.0049	15,281	58.0	42.0	198.96	.031	.0130
Springfield, Mass.	30,713	1 8	.072	17,310	225.00	.0047	19,183	55.4	44.6	397.20	.046	.0207
Albany, N. Y.	22,858	2 0	.078	22,571	137.70	.0030	22,719	58.2	41.8	215.70	.023	.0095
Jersey City, N. J.	129,972	12	.057	22,305	154.32	.0010	22,718	79.9	20.1	174.20	.038	.0077
Grand Rapids, Mich.	25,888	1 11	.090	20,010	104.86	.0023	20,814	54.5	45.5	336.80	.035	.0162
Houston, Tex.	12,859	2 2	.091	11,313	226.96	.0094	11,413	65.7	34.3	158.40	.040	.0139
Jacksonville, Fla.	9,681	1 13	.085	9,653	43.73	.0023	9,750	28.6	71.4	118.96	.017	.0122
Worcester, Mass.	22,114	2 5	.094	23,333	177.26	.0039	24,149	63.4	36.6	374.60	.042	.0155
Spokane, Wash.	18,741	2 12	.094	11,256	198.38	.0066	11,660	74.5	25.5	70.70	.024	.0061
Salt Lake City, Utah	19,605	2 11	.126	15,936	216.61	.0061	16,309	74.5	25.5	229.30	.055	.0141
Total	10,935,641	1 11	.100	2,954,955	60,867.54	.0044	3,534,572	73.2	26.8	36,750.01	.039	.0104

Cities.	Delivered by automobiles.				Delivered by horse-drawn vehicles.				Delivered by other conveyances and by substitutes on foot.				Total population served.	Population per parcel for total number delivered.	Population per parcel for deliveries by conveyances.
	Number of parcels delivered.	Per cent of number delivered.	Cost for delivery.	Average cost per parcel.	Number of parcels delivered.	Per cent of number delivered.	Cost for delivery.	Average cost per parcel.	Number of parcels delivered.	Per cent of number delivered.	Cost for delivery.	Cost per parcel.			
New York, N. Y.	41,555	6.4	$2,346.55	$0.056	81,883	12.7	$2,093.35	$0.026	30,689	4.8	$503.28	$0.016	5,301,524	8.2	34.4
Chicago, Ill.					73,869	19.2	2,352.04	.032	2,126	.6	89.30	.042	2,646,141	6.9	34.8
Philadelphia, Pa.	66,997	23.8	3,075.39	.046	504	.2	19.03	.038					2,014,982	7.2	30.0
Boston, Mass.	3,097	1.2	133.10	.043	62,438	24.9	2,995.39	.048					1,448,503	5.8	22.1
St. Louis, Mo.	18,092	13.4	941.20	.052	26,076	19.3	480.80	.018	3,227	2.4	45.90	.014	732,000	5.4	15.4
Pittsburgh, Pa.					13,440	15.2	762.48	.057	2,537	2.8	153.63	.061	640,500	7.2	40.1
Brooklyn, N. Y.	30,463	18.6	1,468.12	.048	11,070	6.7	425.49	.038	1,627	1.0	50.40	.031	1,376,307	11.4	43.5
Cleveland, Ohio.	8,187	10.7	459.30	.056	4,956	6.5	134.07	.027	311	.4	14.70	.047	636,400	8.3	47.3
San Francisco, Cal.	5,924	10.5	670.93	.113	12,539	22.2	557.83	.044					425,000	7.5	23.0
Cincinnati, Ohio.					30,425	43.6	1,084.90	.036	358	.5	14.30	.040	422,441	6.0	13.7
Detroit, Mich.	31,779	34.2	2,026.77	.064									562,425	6.1	17.7
Kansas City, Mo.					5,216	8.7	42.90	.008	6,833	11.4	343.20	.050	315,000	5.2	26.1
Baltimore, Md.	30,748	33.8	865.72	.028									654,065	7.2	21.3
Minneapolis, Minn.	5,590	10.2	279.50	.050	9,230	16.8	185.10	.020	593	1.1	39.30	.066	318,000	5.8	20.6
Buffalo, N. Y.	2,655	4.4	95.70	.036	15,960	26.4	584.80	.037					458,000	7.6	24.6
Los Angeles, Cal.	5,955	12.3	449.80	.076	5,735	11.8	282.65	.049					295,000	6.1	25.2
Milwaukee, Wis.					16,213	25.3	544.50	.034					385,990	6.0	23.8
Washington, D. C.	10,623	18.7	713.50	.067									350,000	6.2	32.9
Indianapolis, Ind.	15,856	35.9	823.60	.052									260,715	5.9	16.5
St. Paul, Minn.	10,421	33.4	333.50	.032									225,000	7.2	21.6
Denver, Colo.					8,888	15.6	297.70	.033					214,000	3.8	24.1
Newark, N. J.					11,551	23.6	344.50	.030	3,518	7.2	89.70	.025	429,687	8.8	28.5
Atlanta, Ga.					2,853	8.8	59.83	.021	1,205	3.7	37.20	.031	179,780	5.5	44.3
Rochester, N. Y.					11,240	26.3	413.49	.037					228,500	5.3	20.3
Louisville, Ky.	4,297	15.9	163.03	.038	3,276	12.1	71.35	.022					243,662	9.0	32.2
New Orleans, La.	6,988	29.3	415.60	.059									322,277	13.5	46.1

Statement of parcel-post mail dispatched and received and the cost of handling same from Oct. 1 to 15, 1913, inclusive, etc.—Continued.

Cities.	Delivered by automobiles.				Delivered by horse-drawn vehicles.				Delivered by other conveyances and by substitutes on foot.				Total population served.	Population per parcel for total number delivered.	Population per parcel for deliveries by conveyances.
	Number of parcels delivered.	Per cent of number delivered.	Cost for delivery.	Average cost per parcel.	Number of parcels delivered.	Per cent of number delivered.	Cost for delivery.	Average cost per parcel.	Number of parcels delivered.	Per cent of number delivered.	Cost for delivery.	Cost per parcel.			
Omaha, Nebr									7,149	28.6	$243.60	$0.034	150,000	6.0	21.0
Portland, Oreg	2,106	8.1	$141.02	$0.067	1,333	5.1	$35.00	$0.026	521	2.1	15.00	.029	250,000	9.6	63.1
Seattle, Wash					7,225	16.1	100.00	.014	7,843	17.4	214.20	.027	230,000	5.1	15.3
Columbus, Ohio	8,292	30.3	393.30	.027									200,000	7.3	24.1
Providence, R. I					16,761	43.7	404.96	.024	435	1.1	81.90	.188	274,642	7.2	16.0
Des Moines, Iowa	4,313	23.6	187.45	.043	3,267	17.8	64.93	.020					96,662	5.3	12.8
Toledo, Ohio	7,332	23.5	250.60	.034									223,000	7.2	30.4
Dallas, Tex	7,320	25.5	355.50	.049	2,138	7.4	48.00	.022	892	3.1	10.50	.012	96,905	3.4	9.4
Richmond, Va					5,883	28.5	184.80	.031					160,000	7.8	27.2
Memphis, Tenn	3,878	21.8	315.00	.081	3,933	22.1	102.00	.026					200,000	11.2	25.6
Dayton, Ohio	4,351	18.9	195.66	.045									113,000	4.9	26.0
Syracuse, N. Y	6,073	20.3	181.70	.030	2,536	8.5	70.35	.028	511	1.7	5.70	.011	151,284	5.1	16.6
Hartford, Conn					8,885	42.2	226.20	.025					120,000	5.7	13.5
New Haven, Conn					7,127	37.3	255.10	.036	366	1.9	18.30	.050	147,628	7.7	19.7
Nashville, Tenn	3,093	20.2	96.00	.031					3,337	21.8	102.96	.031	150,000	9.8	23.3
Springfield, Mass					5,452	28.4	254.97	.047	3,104	16.2	142.23	.046	97,000	5.1	11.3
Albany, N. Y					9,500	41.8	215.70	.023					101,228	4.5	10.7
Jersey City, N. J	2,517	11.1	156.50	.062					2,031	9.0	17.70	.009	234,040	10.3	21.3
Grand Rapids, Mich					9,464	45.5	336.80	.036					130,000	6.2	13.7
Houston, Tex					3,916	34.3	158.40	.040					99,134	8.7	25.3
Jacksonville, Fla	6,958	71.4	118.96	.017									65,000	6.7	9.3
Worcester, Mass					6,365	26.4	182.10	.029	2,457	10.2	192.50	.082	150,000	6.2	17.0
Spokane, Wash					2,977	25.5	70.70	.024					105,000	9.0	35.3
Salt Lake City, Utah					3,102	19.0	121.00	.039	1,057	6.5	108.30	.102	102,677	6.3	24.7
Total	355,460	10.1	17,653.00	.050	507,226	14.4	16,563.21	.033	82,727	2.3	2,533.80	.031	25,233,099	7.1	26.7

Statement of parcel-post mail handled at all post offices from Oct. 1 to 15, 1913.

	Fifty largest post offices.	All other first-class offices.	Total first-class offices.	Second-class city delivery offices.	Total city delivery offices.	Second-class noncity delivery.	Total second-class offices.
Number of parcels dispatched to other offices	10,356,024	2,205,307	12,561,331	1,001,514	13,562,845	279,471	1,280,985
Number of parcels mailed for local delivery	579,617	58,146	637,763	42,683	680,446	14,073	56,756
Total number of parcels mailed	10,935,641	2,263,453	13,199,094	1,044,197	14,243,291	293,544	1,337,741
Number of parcels received from other offices	2,954,955	2,206,942	5,161,897	1,770,537	6,932,434	502,747	2,273,284
Total number of parcels handled	13,890,596	4,470,395	18,360,991	2,814,734	21,175,725	796,291	3,611,025
Number of parcels insured	162,262	68,718	230,980	50,070	281,050	15,100	65,170
Number of parcels forwarded C. O. D	62,946	15,134	78,080	7,583	85,663	1,336	8,919
Total weight in pounds of parcels mailed	18,645,041	3,684,054	22,329,095	2,150,279	24,479,374	483,426	2,633,705
(a) Average weight per parcel mailed	1 lb. 11 oz.	1 lb. 10 oz.	1 lb. 10½ oz.	2 lbs. 1 oz.	1 lb. 12 oz.	1 lb. 10 oz.	2 lbs.
Total postage on parcels mailed	$1,096,988.22	$185,050.31	$1,282,038.53	$102,569.34	$1,384,607.87	$22,751.93	$125,321.27
(a) Average postage per parcel mailed	$0.10	$0.0818	$0.0971	$0.0982	$0.0972	$0.0770	$0.0937
Total number of parcels for delivery	3,534,572	2,265,088	5,799,660	1,813,220	7,612,880	516,820	2,330,040
Estimated cost of clerk hire for handling parcel-post mail	$60,857.54	$23,466.05	$84,323.59	$20,411.87	$104,735.46	$9,580.95	$29,992.82
(a) Average cost per parcel for clerk hire	$0.0044	$0.0052	$0.0046	$0.0072	$0.0049	$0.0120	$0.0084
Delivered by carriers on regular trips, general delivery, boxes, etc	2,589,159	1,498,832	4,087,991	1,374,163	5,462,154		
(a) Per cent delivered by carriers on regular trips, general delivery, boxes, etc	73.2	66.2	70.5	75.8	71.7		
Delivered by conveyances and substitute carriers on foot	945,413	766,256	1,711,669	439,057	2,150,726		
(a) Per cent delivered by conveyances and substitute carriers on foot	26.8	33.8	29.5	24.2	28.3		
(b) Total cost, including carriers' time	$36,750.01	$23,935.33	$60,685.34	$14,027.81	$74,713.15		
(c) Average cost of delivery per parcel	$0.039	$0.031	$0.035	$0.032	$0.035		

	Total first and second class offices.	Total third-class offices.	Total first, second, and third class offices.	Total fourth-class offices.	Total for all post offices.	
Number of parcels dispatched to other offices	13,842,316	726,306	14,568,622	1,685,497	16,254,119	Dispatched.
Number of parcels mailed for local delivery	694,519	62,402	756,921	137,089	894,010	Local delivery.
Total number of parcels mailed	14,536,835	788,708	15,325,543	1,822,586	17,148,129	Mailed.
Number of parcels received from other offices	7,435,181	1,791,049	9,226,230	4,786,289	14,012,519	Received.
Total number of parcels handled	21,972,016	2,579,757	24,551,773	6,608,875	31,160,648	Handled.
Number of parcels insured	296,150	48,048	344,198	114,873	459,071	Insured.
Number of parcels forwarded C. O. D	86,999	1,922	88,921	4,533	93,454	C. O. D.
Total weight in pounds of parcels mailed	24,962,800	1,693,692	26,656,492	3,714,945	30,371,437	Weight in pounds.
(a) Average weight per parcel mailed	1 lb. 12 oz.	2 lbs. 2 oz.	1 lb. 12 oz.	2 lbs.	1 lb. 12 oz.	Average weight.
Total postage on parcels mailed	$1,407,359.80	$70,378.31	$1,477,738.11	$167,688.39	$1,645,426.50	Postage.
(a) Average postage per parcel mailed	$0.0968	$0.0892	$0.0964	$0.0920	$0.0960	Average postage.
Total number of parcels for delivery	8,129,700	1,853,451	9,983,151	4,923,378	14,906,529	Delivery.
Estimated cost of clerk hire for handling parcel post mail	$114,316.41					Clerk hire.
(a) Average cost per parcel for clerk hire	$0.0052					Average clerk hire.
Delivered by carriers on regular trips, general delivery, boxes, etc						Delivered by carriers.
(a) Per cent delivered by carriers on regular trips, general delivery, boxes, etc.						Per cent delivered by carriers.
Delivered by conveyances and substitute carriers on foot						Delivered by conveyances.
(a) Per cent delivered by conveyances and substitute carriers on foot						Per cent delivered by conveyances.
(b) Total cost, including carriers' time						Cost by conveyances.
(c) Average cost of delivery per parcel						Average cost by conveyances.

Statement of parcel-post mail handled at all offices from Oct. 1 to 15, 1913—Continued.

	Parcels dispatched to other offices.	Parcels mailed for local delivery.	Total parcels mailed.	Parcels received from other offices.	Total parcels handled.	Total parcels insured.
50 largest offices	10,356,024	579,617	10,935,641	2,954,955	13,890,596	162,262
All other first-class offices	2,205,307	58,146	2,263,453	2,206,942	4,470,395	68,718
Total, first-class offices	12,561,331	637,763	13,199,094	5,161,897	18,360,991	230,980
Second-class city delivery offices	1,001,514	42,683	1,044,197	1,770,537	2,814,734	50,070
Total, city delivery offices	13,562,845	680,446	14,243,291	6,932,434	21,175,725	281,050
Second-class noncity delivery	279,471	14,073	293,544	502,747	796,291	15,100
Total, second-class offices	1,280,985	56,756	1,337,741	2,273,284	3,611,025	65,170
Total, first and second class offices	13,842,316	694,519	14,536,835	7,435,181	21,972,016	296,150
Third-class offices	726,306	62,402	788,708	1,791,049	2,579,757	48,048
Total, first, second, and third class offices	14,568,622	756,921	15,325,543	9,226,230	24,551,773	344,198
Fourth-class offices	1,685,497	137,089	1,822,586	4,786,289	6,608,875	114,873
Total for all post offices	16,254,119	894,010	17,148,129	14,012,519	31,160,648	459,071
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
50 largest offices	63.7	64.8	63.8	21.1	44.6	35.3
All other first-class offices	13.5	6.5	13.2	15.8	14.3	15
Total, first-class offices	77.2	71.3	77	36.9	58.9	50.3
Second-class city delivery offices	6.2	4.8	6.1	12.6	9	10.9
Total, city delivery offices	83.4	76.1	83.1	49.5	67.9	61.2
Second-class noncity delivery	1.7	1.6	1.7	3.6	2.6	3.3
Total, second-class offices	7.9	6.4	7.8	16.2	11.6	14.2
Total, first and second class offices	85.1	77.7	84.8	53.1	70.5	64.5
Third-class offices	4.5	7	4.6	12.7	8.3	10.5
Total, first, second, and third class offices	89.6	84.7	89.4	65.8	78.8	75
Fourth-class offices	10.4	15.3	10.6	34.2	21.2	25
Total for all post offices	100	100	100	100	100	100

	Parcels forwarded C. O. D.	Total weight of parcels mailed.	Average weight per parcel mailed.	Total postage on parcels mailed.	Average postage.	Total parcels for delivery.	Estimated cost of clerk hire.
			Lbs. oz.				
50 largest offices	62,946	18,645,041	1 11	$1,096,988.22	$0.1000	3,534,572	$60,857.54
All other first-class offices	15,134	3,684,054	1 10	185,050.31	.0818	2,265,088	23,466.05
Total, first-class offices	78,080	22,329,095	1 10½	1,282,038.53	.0971	5,799,660	84,323.59
Second-class city delivery offices	7,583	2,150,279	2 1	102,569.34	.0982	1,813,220	20,411.87
Total, city delivery offices	85,663	24,479,374	1 12	1,384,607.87	.0972	7,612,880	104,735.46
Second-class noncity delivery	1,336	483,426	1 10	22,751.93	.0770	516,820	9,580.95
Total, second-class offices	8,919	2,633,705	2	125,321.27	.0937	2,330,040	29,992.82
Total first and second class offices	86,999	24,962,800	1 12	1,407,359.80	.0968	8,129,700	114,316.41
Third-class offices	1,922	1,693,692	2 2	70,378.31	.0892	1,853,451	.....
Total, first, second, and third class offices	88,921	26,656,492	1 12	1,477,738.11	.0964	9,983,151	.....
Fourth-class offices	4,533	3,714,945	2	167,688.39	.0920	4,923,378	.....
Total for all post offices	93,454	30,371,437	1 12	1,645,426.50	.0960	14,906,529	.....
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*		*Per cent.*	*Per cent.*
50 largest offices	67.4	61.4	.....	66.7	.1000	23.7	53.2
All other first-class offices	16.2	12.1	.....	11.2	.0818	15.2	20.5
Total, first-class offices	83.6	73.5	.....	77.9	.0971	38.9	73.7
Second-class city delivery offices	8.1	7.1	.....	6.2	.0982	12.2	17.9
Total, city delivery offices	91.7	80.6	.....	84.1	.0972	51.1	91.6
Second-class noncity delivery	1.4	1.6	.....	1.4	.0770	3.5	8.4
Total, second-class offices	9.5	8.7	.....	7.6	.0937	15.7	26.3
Total, first and second class offices	93.1	82.2	.....	85.5	.0968	54.6	100
Third-class offices	2.1	5.6	.....	4.3	.0892	12.4	.....
Total, first, second, and third class offices	95.2	87.8	.....	89.8	.0964	67	.....
Fourth-class offices	4.8	12.2	.....	10.2	.0920	33	.....
Total for all post offices	100	100	.....	100	.0960	100	100

	Average clerk hire per parcel handled.	Delivered by carriers on regular trips, etc.	Per cent delivered by carriers on regular trips, etc.	Delivered by conveyances.	Per cent delivered by conveyances.	Cost of delivery by conveyances.	Average cost per parcel of delivery by conveyances.
50 largest offices	$0.0044	2,589,159	73.2	945,413	26.8	$36,750.01	$0.039
All other first-class offices	.0052	1,498,832	66.2	766,256	33.8	23,935.33	.031
Total, first-class offices	.0046	4,087,991	70.5	1,711,669	29.5	60,685.34	.035
Second-class city delivery offices	.0072	1,374,163	75.8	439,057	24.2	14,027.81	.032
Total, city delivery offices	.0049	5,462,154	71.7	2,150,726	28.3	74,713.15	.035
Second-class noncity delivery	.0120	.....	.....	.....	.....	.....	.....
Total, second-class offices	.0084	.....	.....	.....	.....	.....	.....
Total, first and second class offices	.0052	.....	.....	.....	.....	.....	.....
Total for all post offices	.....	.....	.....	.....	.....	.....	.....
		Per cent.		*Per cent.*		*Per cent.*	
50 largest offices	.0044	47.4	73.2	43.9	26.8	49.2	.039
All other first-class offices	.0052	27.4	66.2	35.6	33.8	32	.031
Total, first-class offices	.0046	74.8	70.5	79.5	29.5	81.2	.035
Second-class city delivery offices	.0072	25.2	75.8	20.5	24.2	18.8	.032
Total, city delivery offices	.0049	100	71.7	100	28.3	100	.035
Second-class noncity delivery	.0120	.....	.....	.....	.....	.....	.....
Total, second-class offices	.0084	.....	.....	.....	.....	.....	.....
Total, first and second class offices	.0052	.....	.....	.....	.....	.....	.....
Total for all post offices	.0052	100	71.7	100	28.3	100	.035

Mr. POMERENE. I give notice of an amendment to the pending bill, and ask that it may be read, so that it will appear in the RECORD.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The SECRETARY. On page 15, line 25, it is proposed to insert:

And provided further, That seeds, cuttings, bulbs, roots, scions, and plants shall hereafter be embraced in and carried as fourth-class matter and for the same rates of postage.

Mr. BANKHEAD. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 27, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 26, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art above, beneath, around, within us, our Father and Friend, our Refuge and our Strength, our Life and our Inspiration, quicken our susceptibilities, renew a right spirit within, that whatsoever we do this day may be in the full consciousness of Thine approval; that the earth may be more beautiful, the stars shine brighter, and our intercourse with our fellow men be more cordial and sympathetic; that we may go on our way rejoicing, trusting in Thy loving kindness and tender mercies after the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISCRIMINATION IN PRICES.

Mr. STEVENS of New Hampshire. Mr. Speaker, I ask unanimous consent that the bill H. R. 13305, to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public, be reprinted, with the following correction: In paragraph C, line 10, page 3, after the word "thereof," insert the words "to dealers."

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for a reprint of the bill H. R. 13305, with the correction which he has stated. Is there objection?

There was no objection, and it was so ordered.

REPORT OF PHILIPPINE COMMISSION (H. DOC. NO. 798).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the fourteenth annual report of the Philippine Commission for the fiscal year ended June 30, 1913, together with the reports of the Governor General and the secretaries of the four executive departments of the Philippine Government for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *February 25, 1914.*

The SPEAKER. The documents accompanying the message that has just been read make a good-sized book, which the Speaker will not order printed at the present time.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill.

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill.

The question was taken; and there were—ayes 292, answered "present" 5, not voting 135, as follows:

AYES—292.

Abercrombie	Edmonds	Key, Ohio	Raker
Adair	Edwards	Kiess, Pa.	Rauch
Adamson	Esch	Kindel	Rayburn
Aiken	Estopinal	Kinkaid, Nebr.	Reed
Ainey	Fairchild	Kinkead, N. J.	Reilly, Conn.
Alexander	Falconer	Kirkpatrick	Reilly, Wis.
Allen	Farr	Kitchin	Riordan
Anderson	Fergusson	Knowland, J. R.	Rogers
Ansberry	Ferris	Korbly	Rouse
Aswell	Finley	Kreider	Rubey
Baltz	Fitzgerald	Lafferty	Rupley
Barkley	FitzHenry	La Follette	Russell
Barnhart	Flood, Va.	Langley	Saunders
Barton	Floyd, Ark.	Lazaro	Scott
Beakes	Fordney	Lee, Ga.	Shackleford
Beall, Tex.	Fowler	Lee, Pa.	Sharp
Bell, Cal.	Francis	Lenroot	Sherley
Booher	Frear	Lesher	Sherwood
Borchers	French	Lever	Sims
Borland	Gardner	Lieb	Sinnott
Bowdle	Garner	Lindbergh	Sisson
Britten	Garrett, Tenn.	Lindquist	Slayden
Brockson	Garrett, Tex.	Linthicum	Sloan
Brodbeck	George	Lobeck	Small
Broussard	Gerry	Logue	Smith, Idaho
Brown, N. Y.	Gillett	Lonergan	Smith, Md.
Bruckner	Godwin, N. C.	McAndrews	Smith, J. M. C.
Brumbaugh	Good	McCoy	Smith, Minn.
Buchanan, Ill.	Gordon	McDermott	Smith, N. Y.
Buchanan, Tex.	Goulden	McGillicuddy	Smith, Tex.
Burke, Wis.	Graham, Ill.	McKellar	Sparkman
Burnett	Green, Iowa	McKenzie	Stafford
Butler	Greene, Vt.	McLaughlin	Stedman
Byrns, Tenn.	Griest	Madden	Steenerson
Calder	Griffin	Maguire, Nebr.	Stephens, Cal.
Callaway	Gudger	Mahan	Stephens, Miss.
Campbell	Hamilton, Mich.	Manahan	Stephens, Nebr.
Candler, Miss.	Hamilton, N. Y.	Mann	Stephens, Tex.
Cantor	Hammond	Mapes	Stevens, Minn.
Caraway	Hardwick	Miller	Stevens, N. H.
Carew	Hardy	Mitchell	Stone
Carter	Harrison	Mondell	Sumners
Cary	Hart	Moon	Talbott, Md.
Church	Haugen	Moore	Talcott, N. Y.
Claypool	Hawley	Morgan, La.	Tavenner
Clayton	Hay	Morgan, Okla.	Taylor, N. Y.
Coady	Hayden	Morrison	Temple
Collier	Hayes	Moss, Ind.	Ten Eyck
Connolly, Iowa	Heflin	Mott	Thacher
Conry	Helm	Murray, Mass.	Thomas
Cooper	Henry	Murray, Okla.	Thompson, Okla.
Covington	Hensley	Nelson	Thomson, Ill.
Cox	Hill	Nolan, J. I.	Towner
Crosser	Hinds	Norton	Townsend
Dale	Hinebaugh	Oglesby	Tribble
Danforth	Holland	Oldfield	Underhill
Davenport	Houston	O'Leary	Underwood
Davis	Howard	O'Shaunessy	Vaughan
Decker	Hughes, Ga.	Padgett	Vollmer
Deitrick	Humphrey, Wash.	Page, N. C.	Volstead
Dickinson	Igoe	Palmer	Walker
Dies	Jacoway	Parker	Walsh
Difenderfer	Johnson, Ky.	Patten, N. Y.	Walters
Dillon	Johnson, S. C.	Patton, Pa.	Watkins
Dixon	Johnson, Utah	Payne	Watson
Donohoe	Johnson, Wash.	Peters, Mass.	Weaver
Donovan	Kahn	Peterson	Webb
Doremus	Keating	Plumley	Williams
Driscoll	Kelley, Mich.	Post	Wilson, Fla.
Dunn	Kelly, Pa.	Pou	Wingo
Dupré	Kennedy, R. I.	Quin	Witherspoon
Dyer	Kent	Ragsdale	Woods
Eagan	Kettner	Rainey	Young, Tex.

ANSWERED "PRESENT"—5.

Browning	Slemp	Treadway	Wallin
Hughes, W. Va.			

NOT VOTING—135.

Anthony	Connelly, Kans.	Gray	MacDonald
Ashbrook	Copley	Greene, Mass.	Maher
Austin	Cramton	Gregg	Martin
Avis	Crisp	Guernsey	Merritt
Bailey	Cullop	Hamill	Metz
Baker	Curry	Hamlin	Montague
Barchfeld	Dent	Helgesen	Morin
Bartholdt	Dershem	Helvering	Moss, W. Va.
Bartlett	Dooling	Hobson	Murdock
Bathrick	Doolittle	Howell	Neeley, Kans.
Bell, Ga.	Doughton	Hoxworth	Neely, W. Va.
Blackmon	Eagle	Hulings	O'Brien
Brown, W. Va.	Elder	Hull	O'Hair
Browne, Wis.	Evans	Humphreys, Miss.	Paige, Mass.
Bryan	Faison	Jones	Park
Bulkley	Fess	Keister	Peters, Me.
Burgess	Fields	Kennedy, Conn.	Phelan
Burke, Pa.	Foster	Kennedy, Iowa	Platt
Burke, S. Dak.	Gallagher	Konop	Porter
Byrnes, S. C.	Gard	Langham	Powers
Cantrill	Gilmore	L'Engle	Prouty
Carlin	Gittins	Levy	Richardson
Carr	Glass	Lewis, Md.	Roberts, Mass.
Casey	Goeke	Lewis, Pa.	Roberts, Nev.
Chandler, N. Y.	Goldfogle	Lloyd	Rothermel
Clancy	Goodwin, Ark.	Loft	Rucker
Clark, Fla.	Gorman	McClellan	Sabath
Cline	Graham, Pa.	McGuire, Okla.	Scully

Seldomridge	Stringer	Taylor, Colo.	Willis
Sells	Sutherland	Tuttle	Wilson, N. Y.
Shreve	Switzer	Vare	Winslow
Smith, Saml. W.	Taggart	Whaley	Woodruff
Stanley	Taylor, Ala.	Whitacre	Young, N. Dak.
Stout	Taylor, Ark.	White	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. BYRNES of South Carolina with Mr. SUTHERLAND (until return from Colorado).

Mr. TAYLOR of Colorado with Mr. HOWELL (commencing February 6, until return from Michigan).

Mr. FOSTER with Mr. AUSTIN (commencing February 6, until return from Colorado).

Mr. NEELEY of Kansas with Mr. MERRITT.

Mr. BURGESS with Mr. TREADWAY.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. GLASS with Mr. SLEMP.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. PHELAN with Mr. WILLIS.

Mr. GOEKE with Mr. FESS.

Mr. BAILEY with Mr. MOSS of West Virginia.

Mr. ASHBROOK with Mr. BROWNE of Wisconsin.

Mr. BATHRICK with Mr. ANTHONY.

Mr. BLACKMON with Mr. AVIS.

Mr. BROWN of West Virginia with Mr. COPLEY.

Mr. BULKLEY with Mr. CRAMTON.

Mr. CARLIN with Mr. BARCHFELD.

Mr. CARR with Mr. BARTHOLDT.

Mr. BARTLETT with Mr. BRYAN.

Mr. CLARK of Florida with Mr. BURKE of Pennsylvania.

Mr. CLINE with Mr. GRAHAM of Pennsylvania.

Mr. CONNELLY of Kansas with Mr. GREENE of Massachusetts.

Mr. CULLOP with Mr. GUERNSEY.

Mr. DENT with Mr. CURRY.

Mr. DERSHAM with Mr. HELGESEN.

Mr. DOOLITTLE with Mr. HULINGS.

Mr. DOUGHTON with Mr. KEISTER.

Mr. EVANS with Mr. KENNEDY of Iowa.

Mr. FAISON with Mr. LANGHAM.

Mr. FIELDS with Mr. LEWIS of Pennsylvania.

Mr. GARD with Mr. MCGUIRE of Oklahoma.

Mr. GOLDFOGLE with Mr. MARTIN.

Mr. GOODWIN of Arkansas with Mr. MACDONALD.

Mr. GORMAN with Mr. MORIN.

Mr. GREGG with Mr. PAIGE of Massachusetts.

Mr. HAMILL with Mr. PETERS of Maine.

Mr. HAMLIN with Mr. PLATT.

Mr. HELVERING with Mr. MURDOCK.

Mr. HOBSON with Mr. PORTER.

Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Massachusetts.

Mr. KONOP with Mr. POWERS.

Mr. LEVY with Mr. PROUTY.

Mr. MCCLELLAN with Mr. ROBERTS of Nevada.

Mr. RUCKER with Mr. SAMUEL W. SMITH.

Mr. ROTHERMEL with Mr. SELLS.

Mr. SABATH with Mr. SHREVE.

Mr. WHITE with Mr. SWITZER.

Mr. TUTTLE with Mr. VARE.

Mr. LLOYD with Mr. WINSLOW.

Mr. MONTAGUE with Mr. YOUNG of North Dakota.

Mr. TAYLOR of Arkansas with Mr. WOODRUFF.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors, and the House resolves itself into Committee of the Whole House on the state of the Union with the gentleman from Illinois [Mr. GRAHAM] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13612, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN], and, without objection, the Clerk will again report the amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, what is the parliamentary situation?

The CHAIRMAN. The amendment of the gentleman from Illinois is to strike out the figures "$3,000" and insert in lieu thereof "$30,000," at the end of line 18, page 33, and the gentleman's amendment is the pending question.

Mr. BUCHANAN of Illinois. Mr. Chairman, is it in order to debate that amendment?

The CHAIRMAN. It is not in order to debate the amendment at this time.

Mr. BUCHANAN of Illinois. I would like to ask unanimous consent——

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may have five minutes and that I may have five minutes, so that the committee may understand the amendment.

Mr. BUCHANAN of Illinois. I request that there be 10 minutes on a side.

Mr. FITZGERALD. I will not consent to that. I think five minutes are ample for a statement of what the facts are.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Illinois may have five minutes and that he may have five minutes on the pending amendment. Is there objection? [After a pause.] The Chair hears none, and the Chair recognizes the gentleman from Illinois [Mr. BUCHANAN] for five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, the amendment that is now pending is to increase the amount from $3,000 to $30,000 for the purpose of printing research work on industrial diseases and industrial accidents and other reports which are now compiled ready for printing. If this appropriation is not made, the Bureau of Labor Statistics will be unable to print this matter, that is of great importance to the people of our country in the industries, until next year, and then probably will not be able to do so unless they are given this amount in excess of what they would otherwise need. In other words, appropriating this money now, if this matter is to be printed at all after it is prepared, will not cost any more than it would to wait until after July 1, and it seems to me the people who wish this sort of information so that they will be better able to protect the working people from industrial diseases and industrial accidents will be unable to secure this important information for that purpose. Not only are their reports compiled and ready for printing on matters of this kind, but there are other publications in regard to arbitration, a matter that may come up in this House before the next fiscal year, and it will be information that would be of importance and enlightening to the Members of this House. There are compiled and ready for printing the labor laws of this country, which have not been compiled and printed since 1907, which is also of importance and of interest and of great value to the people of the country.

Now, Mr. Chairman, it may be thought by some here that because I am known as a labor man that I am in excess in asking these appropriations for the laboring people. The other day I offered an amendment for $29,000 for the continuation of the research work on industrial diseases and industrial accidents, that this work might not be delayed, that its value might not be lost; and, in spite of the fact, a few short days ago this Congress gave its unanimous consent to $600,000, to which I raise no objection, for the purpose of preventing hog cholera and diseases of animals, withheld that $29,000 that human beings may be protected against the ravages of industrial diseases and industrial accidents. I say I believe every Member of this House who understands this question will not withhold his consent for a small request of this kind. It was said, of course, by those who oppose that somebody somewhere had been a little bit irregular. Many of us know that that department is in the state of organization; that it has taken other bureaus, and it was necessary to reorganize it. It may have been a matter of importance, for all I know, to hew strictly to the line, as the law would be construed by my friend from New York, who stands on technicalities at the sacrifice of humanity. It may be so; I do not know; but I do not believe the law has been violated.

Mr. CAMPBELL. Will the gentleman yield?

Mr. BUCHANAN of Illinois. I have only five minutes; I wish I had more time, so that I could yield. Yes; I yield for a question.

Mr. CAMPBELL. Has the gentleman any proposition to make as to this—how he can get laboring men to read these reports? I have a great many of them, and I find it difficult to get the men to read, for instance, in relation to mine accidents.

Mr. BUCHANAN of Illinois. I will say this to the gentleman: When I was a laboring man I appreciated information of this sort, and I asked for and got it, even under Republican admin-

istration, and is seems to me that the Democratic Party, that has made the declaration that it is for the laboring people, ought at least to be as considerate to the laboring people as the Republicans were.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, the pending amendment is to strike out, in line 18, page 33, "$3,000" and insert in lieu thereof "$30,000." The Department of Labor was given, out of the appropriations of the Department of Commerce and Labor in the segregation of appropriations, $84,000 for printing and binding for the current year.

An estimate was submitted at this session of Congress for a deficiency appropriation of $8,000. The committee has reported an item of $3,000, and in addition has inserted in this bill a provision that certain paper purchased for use in printing by the Department of Labor might be used, so as to obviate the necessity of charging against the printing appropriations the cost of paper to the extent it is now on hand. On Tuesday the gentleman from Illinois [Mr. BUCHANAN] moved to strike out the amount carried in the bill and insert the $8,000, the amount estimated for by the Department of Labor, and the committee refused to adopt that amendment. He thereupon moved to strike out the "$3,000" and insert "$30,000."

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. FITZGERALD. For a question?

Mr. BUCHANAN of Illinois. Yes. Will not the gentleman state that I offered an amendment for the Bureau of Labor Statistics, and it was ruled out of order?

Mr. FITZGERALD. I have only five minutes, and I do not wish to be interrupted. I desire the committee to have the facts. The motion is to strike out "$3,000" and insert "$30,000," and the purpose of that amendment is to put at the disposal of the Department of Labor, for the Bureau of Labor Statistics, $28,000 additional that is said to be required to print certain bulletins that are ready for printing or that it is believed would be ready to print before the expiration of the current fiscal year.

Mr. Chairman, there was no estimate submitted at this session of Congress by the Department of Labor for this money. In the investigation conducted by the Committee on Appropriations the statistician of the Bureau of Labor Statistics stated as incidental to the investigation that there were certain publications prepared and in the course of preparation which it had not been possible to print, and he asked leave to insert in the record a list of these publications. It appeared in that investigation that out of the $84,000 appropriated and made available for the Department of Labor during this fiscal year the Bureau of Labor Statistics was given $32,000 for printing. Its entire pay roll amounts to only $69,000, and they are now asking $28,000 in addition to the $32,000 already appropriated in order to spend $60,000 for printing the work done by a force with a pay roll of $69,000.

Mr. Chairman, a list was read the other day of the documents and bulletins, either in preparation or ready for print. Among some of these documents the gentlemen assert are so valuable and should be printed at once is one giving the retail prices of commodities from 1890 to 1913. Does anyone in this House believe that printing the retail prices of commodities for the past 23 years will give any valuable information to anyone in this country or that anyone here will ever read or use the list?

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FITZGERALD. No. I have only five minutes. No investigation was made as to the manner in which the $32,000 placed at the disposal of this bureau was expended, because no request was made for this additional money for printing for the bureau. But after the bill was reported to the House, and after the House had reached the provision, gentlemen rise and charge that this committee has refused the necessary appropriation to enable this bureau to do its work. If we are to appropriate not only the amount of the department's estimates, but, in addition, money that the departments may believe may be desirable, but do not even ask Congress to appropriate, relying upon individual Members to introduce amendments on the floor therefor, then the record of this Congress will be such that not even our most bitter political opponents could anticipate.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 66, noes 52.

Mr. FITZGERALD. I ask for tellers, Mr. Chairman.

Tellers were ordered, and Mr. FITZGERALD and Mr. BUCHANAN of Illinois took their places as tellers.

The committee again divided; and the tellers reported—ayes 78, noes 63.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That no part of any money appropriated in this or any other act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for employment of such services or payment of such expenses is stated in specific terms in the act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed.

Mr. BROWN of New York. Mr. Chairman, I reserve a point of order against section 4, and I make the point of order against the words "or any other," in line 5, page 46.

The CHAIRMAN. The gentleman from New York [Mr. BROWN] reserves a point of order against section 4, as to the words "or any other," in line 5, page 46.

Mr. FITZGERALD. Mr. Chairman, section 2 of Rule XXI provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States.

And so forth.

This amendment limits the compensation that can be paid to persons paid out of the Treasury of the United States. I submit it is clearly within the rule. The purpose for which the Holman rule was adopted by the House was to enable it to reduce or to limit or to restrict the compensation of officials paid out of the Treasury of the United States.

Mr. BROWN of New York. Mr. Chairman, I think the gentleman from New York [Mr. FITZGERALD] is mistaken in the effects which the adoption of this section, or rather these words in the section, would have. Instead of limiting appropriations, instead of effecting economy, instead of being a retrenchment in the Government service, I maintain it would have exactly the opposite effect for this reason: This section, and these words especially, require that before any expert advice can be had with regard to a change of the methods of administering the Government's affairs, it shall be specifically stated how much the expert's messenger boy, or anybody employed by him, shall receive; how much the junior clerk and how much the senior clerk shall receive, and so on.

Now, I maintain, Mr. Chairman, if you want expert advice you have to pay for the expert at the head of the firm, and you do not have to arrange for the payment of the subordinates of that expert. If, for instance, I went into the office of a distinguished lawyer with a case and wanted his opinion and gave the case to him to handle, I could certainly not get any less of a bill from him if I arranged with him as to how much his office boy was to receive, how much his junior or senior clerk or chief clerk were to receive, while hunting up the records or the precedents in the matter. And I claim that the very fact that it requires the Committee on Appropriations and Congress to state exactly what shall be done with any particular sum of money usually appropriated in the contingent fund for expert advice, subject to the discretion of the disbursing officer, would nullify the service for which that money is intended.

The executive officers of the Government could not in contingencies employ people and make more efficient the Government's business methods if this section were adopted, and consequently it is not retrenchment under the Holman rule.

Mr. FITZGERALD. Mr. Chairman, the gentleman, my colleague from New York [Mr. BROWN], has not had as much experience with governmental affairs as he has had with business affairs or he would not make the statement he has made regarding the arrangement that it is necessary to make with these experts. For instance, it appears in the testimony taken before the Committee on Appropriations that recently an expert was employed in the Treasury Department four or five months, and this is the examination as it developed:

Mr. JOHNSON. Do you know what his compensation was?

Mr. WILMETH. His own compensation was $50 a day.

Mr JOHNSON. What allowance did he have?

Mr. WILMETH. He had a per diem allowance of $5 per day, besides traveling expenses.

Mr. JOHNSON What allowance did he have for assistants?

Mr. WILMETH. Twenty-five dollars a day for senior assistants with per diem of $4 additional and railroad expenses; also $12.50 for junior assistants with no per diem.

Not in this case, but in another case that came to the attention of some of the Members of the House at one time, it appeared that one of these experts was employed in one of the departments of the Government at $50 a day, with an allowance of $12.50 a day for his assistants; and one of those assistants, for whose services the Government was apparently paying this extra $12.50 a day, came up to the Capitol to ascertain if there was anybody or any means by which he could compel the expert to pay him the difference between the $12.50 which the Government paid for his services and the $15 a week which he received from the expert, who collected the $12.50 a day.

It was information of this character that determined the committee to recommend this provision—that wherever it is proposed to employ experts for the purpose of installing new methods or changing the existing methods of various departments of the Government no lump appropriation should be used for that purpose unless authority is specifically given and the compensation specifically authorized.

Under the law at present there is no limitation whatever upon the compensation that may be paid. This provision restricts the compensation that may be paid, and therefore I contend that it is a reduction of the compensation paid to the officials or persons employed and paid out of the Treasury, and it is in order in this bill.

Mr. BROWN of New York. Mr. Chairman, I agree entirely with the statement of my colleague [Mr. FITZGERALD] that my experience in governmental matters has not been long or deep. But the determination of this question seems to have become a practical matter of the business of accountancy.

Some years ago, when certain insurance companies were being investigated in the city of New York, I did some work under the direction of these accountants, and I found, as the chairman of the Committee on Appropriations has suggested, that some of the clerks were not receiving in full the amount which the company was paying for their services to the accountants. One reason was that the accountants were short of clerks trained to the work and had to send over to Europe, bring those clerks over for a comparatively few months, and send them back. But another reason is that when one employs accountants of any value at all one employs them for the brains of the man at the top. If I hire an accountant to hunt up some record I can telephone any time during business hours and immediately I can be furnished with the requisite number of people who can go into the particular transaction which I wish to have investigated and check it up. For that privilege I have to pay a certain percentage for office rent and charges and that sort of thing when paying for the services rendered.

I claim that anything that tends to limit the discretion of officers who may need public accountants for the retrenchment of the public expenses is not germane to this act and should be stricken out, because its adoption would definitely prevent the economical administration of the public business.

The CHAIRMAN. May the Chair ask the chairman of the committee under which one of the branches of the Holman rule this section comes? It does not reduce the number or salary?

Mr. FITZGERALD. The provision is—

By the reduction of the compensation of any person paid out of the Treasury of the United States.

The CHAIRMAN. Let me ask the chairman further to specify more particularly what portion of the section brings it within that language. I mean more particularly what language is there in it that does not leave the question a matter of speculation simply as to whether or not the amount so paid will be reduced?

Mr. FITZGERALD. Well, there is no one part of the section. It is the effect of the entire provision that does so, Mr. Chairman. If any part were eliminated, of course the provision would not accomplish its purpose.

The CHAIRMAN. The question in the Chair's mind is whether the provisions of the section clearly result in retrenchment in that way, or whether it is not a mere matter of speculation whether they would or not.

Mr. FITZGERALD. I believe it does. I can not admit it does not, if that is what the Chair wishes me to do. I contend that it does do it.

The CHAIRMAN. That is the question, whether it would necessarily result in retrenchment or in a reduction of expenses.

Mr. FITZGERALD. There is no doubt about the result, because anyone who is now employed would immediately go off the pay roll because there is no specific authority for compensation fixed. If this provision be adopted, the services of any person employed as an accountant out of lump appropriations would terminate. It is inevitable from the adoption of this provision, unless the provision carried in the appropriation specifically authorizes his services and fixes his compensation. Wherever these so-called experts are now employed, with the enactment of this provision they must cease to be paid out of the Treasury, and there is such an appropriation in existence. It is carried in the legislative act for the current year. I shall read the provision to the Chair so that he will see how this provision will operate. For instance, in the legislative, executive, and judicial act for the current fiscal year, approved March 4, 1913, is this provision:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods, in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services either within or without the District of Columbia, $20,000.

Under that authority the employment which I previously mentioned was made. After the enactment of this provision any persons employed as—

accountants, or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia—

would seek other employment, because there is not fixed in that provision the specific compensation which can be paid to them.

Mr. BROWN of New York. If the gentleman has concluded, I would suggest that if he has reference only to certain persons employed in the Treasury Department, those persons have been paid and their services dispensed with for many weeks. This section does not show anything on its face, as the precedents in Hinds' fourth volume require, which will effect any retrenchment.

Mr. SISSON. Mr. Chairman, in addition to what the chairman of the committee has said, the enactment of this particular provision in this bill unquestionably will immediately result in a reduction of expenses, because a man who is doing work in the department, who is paid either out of the contingent fund of the department or out of a fund which has been appropriated for the purpose of inaugurating new systems of accounting, will immediately go off the pay roll unless the provision has been created by law and the salary fixed by law. Therefore this provision instantly reduces expenditures.

But I will call the attention of the Chair to the very clear ruling made by the gentleman from Virginia [Mr. SAUNDERS], that it is not absolutely necessary that the bill itself shall specify the number of horses that are going to be reduced, as in the military appropriation bill, but that the ultimate result of the legislation will reduce the charges against the Federal Treasury. But this is even stronger than that, because it instantly takes off the pay roll all those men who have been employed without specific authority of law.

Mr. BROWN of New York. Are there any such, Mr. Chairman?

Mr. SISSON. Yes; but whether they were or not——

Mr. BROWN of New York. On the face of the bill, how can it be told that there is going to be any reduction of expenditures, if there are no such persons?

Mr. SISSON. The gentleman loses sight of the fact that these appropriations have been made for these purposes. Now, if you enact this provision of law, it will be necessary that the salaries of these men shall be fixed by law. If not, the department could fix their salaries at any amount.

Mr. BROWN of New York. Exactly.

Mr. SISSON. There is no limit to the amount.

Mr. BROWN of New York. Exactly.

Mr. SISSON. And the immediate result of this would be to reduce expenditures, because in the department where they are doing this work they will have to get the authority to fix the salaries and the number of employees. It is necessary that this be done, so that Congress can control the methods in which the money is being expended.

Most of the legislation of this kind, Mr. Chairman, comes up because the various committees of the House find abuses existing, as we found some abuses here. It is not necessary to go into all these matters, but these abuses were apparent to your committee, and in order that we might be sure to reduce the expenses and control the expenditure of this money this very wise legislation is put in this bill. As an Appropriations Committee we could not report it, and your committee would not have reported it if they had not been absolutely sure that the effect of this would be to reduce and curtail expenses.

Mr. BROWN of New York. Mr. Chairman, I am obliged to infer from the gentleman's own statement that the only object of this provision was to dispense with the abuse claimed to be occasioned by the employment of certain accountants in the Treasury Department, whose services, as I have stated, were

dispensed with weeks ago, and with reference to whom everything is paid and settled. I do not think that the discretion heretofore had of employing certified public accountants, with such limited funds as the Committee on Appropriations may give them, should be taken from these executive officers. They ought to be allowed to jump in at any minute and get somebody whom they need to correct any irregularity or extravagance. The whole question should rather be reserved to the Committee on Expenditures in the Treasury Department. A bill can be brought in by that committee if they think it necessary. This section has no place in an appropriation bill.

The CHAIRMAN. The Chair thinks it appears from the language of the section with reasonable certainty that the effect of it must be to reduce expenses and to bring it within the purview of the Holman rule. The point of order is overruled.

Mr. BROWN of New York. I withdraw the point of order against the paragraph, but I move to strike out the words "or any other."

The CHAIRMAN. The point of order is withdrawn. The gentleman from New York moves to strike out the words "or any other," in line 5 on page 46. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 5, strike out the words "or any other."

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BROWN].

The amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. Does the gentleman from Illinois [Mr. BUCHANAN] desire to make a motion to recommit? He so warned the Chair.

Mr. BUCHANAN of Illinois. Mr. Speaker, I have considered the matter, and I shall not make the motion.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, H. R. 13453; and pending that motion I ask unanimous consent that the general debate on the bill be confined to six hours, one half to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill, and pending that motion he asks unanimous consent that general debate be limited to six hours, three hours to be controlled by himself and three hours by the gentleman from California [Mr. KAHN]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13453, the Army appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HAY. Mr. Chairman, I shall not take much time in general debate on this bill. I simply want to call the attention of the committee to what the bill carries in the way of appropriations. The total estimates submitted by the War Department aggregate $104,947,758. The bill carries an appropriation of $94,214,173, a reduction of $10,733,585 from the estimates.

The amount appropriated for the last fiscal year was $94,241,145, so this bill carries about $27,000 below what was carried in the bill last year.

It may be proper for me to say that a large portion of this estimate pertained to artillery guns and artillery ammunition, and the committee reduced the amount asked for in the case of artillery guns from $2,100,000 to $750,000, and in the case of artillery ammunition from $3,000,000 to $1,000,000. The appropriation asked for is for the purpose of creating a reserve and not for the current use of the Army.

The fortifications bill reported by the Committee on Appropriations carries a reserve for field artillery guns of $450,000, which, with the $750,000 carried in this bill, makes a reserve fund for field artillery guns of $1,200,000. That bill also carries $900,000 for field artillery ammunition, which, added to $1,000,000 carried in this bill, makes $1,900,000 for the reserve for field artillery ammunition.

Taking the evidence of Gen. Crozier, Chief of Ordnance, I think it will be found that these two appropriations carried in these two bills really give more money than can be used by the department or by the Ordnance Bureau during the fiscal year.

So that, in my opinion, we have provided all that is necessary and all that the Ordnance Bureau can use, unless it goes outside for the purpose of acquiring and procuring these guns and ammunition. The provisions of this bill and those carried in the fortifications bill provide that all of this reserve artillery and ammunition shall be manufactured in the Government plants, and that none shall be procured outside. In view of the fact that it was testified to by the Chief of Ordnance and the Chief of Staff that we have now in reserve 20 per cent of ammunition sufficient for an Army of 570,000 men and 57 per cent of guns in reserve for an Army of 570,000 men, it seems to me the amount carried in this bill for the purpose of reserve ammunition is ample. There is, in my judgment, no reason why it should be any larger than it is.

There is no likelihood of any war which would make it necessary to make larger appropriations in this bill. I want to call especial attention to the fact that this bill is altogether for the Army in time of peace, and it does not in any way contemplate war. If war should unfortunately occur, Congress could then appropriate the money necessary. I know it will be said that you can not manufacture this ammunition and these guns quickly. That is true, but there is no necessity, so far as we can decide, nor does the War Department contemplate, that there is any necessity for making in this bill an appropriation which contemplates war. The Chief of Staff was asked in the hearings whether or not in his recommendation for this ammunition and field guns he had made it in view of the situation in Mexico, and he distinctly said he had not.

Mr. GOOD. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. GOOD. How does the amount carried in this bill for reserve ammunition compare with the amount appropriated for a similar purpose in prior years?

Mr. HAY. Two hundred and fifty thousand more than it was last year for ammunition and $250,000 less for guns. The reason of that was that the appropriation for guns was so much greater than ammunition that we thought we ought to give more for ammunition this time than we gave for guns. The expenditure of this $1,000,000 for ammunition and $750,000 for guns will aid very materially the reserve.

Mr. GOOD. Does the gentleman recall how the appropriation of last year compared with prior years?

Mr. HAY. In 1910 and 1911 the War Department made no estimates whatever for these items. In 1912 we carried a small appropriation for guns and ammunition.

Now, a great deal has been said, Mr. Chairman, about the question of reserves, and I bring that matter in for the reason that I want to put in the RECORD a statement given to me by

the Commissioner of Education, showing the number of men who in 1913 attended the agricultural and mechanical colleges of the country and who were required to take part in military drill.

In 1913 in agricultural and mechanical colleges there were enrolled 67,021, and of those 26,167 were reported as taking a military drill. Outside of these agricultural and mechanical colleges in 1906 there were 53 universities and colleges which had 8,174 young men who were required to take military drill.

Also in 1906, the last year statistics were compiled, there were 105 public high schools, where they had 9,427 in military drill, so that if you bring it down to the present time, there are now, as near as I can average and estimate it, very nearly 75,000 young men who are being drilled every year in this country, and, in my judgment, they constitute a reserve much better than can be obtained by paying for it, and it is obtained at no cost whatever to the Government except the money which the Government pays to these agricultural schools.

Mr. Chairman, I ask unanimous consent to print these statistics which I hold in my hand, referring to these military schools, as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection, and it was so ordered.

Mr. MADDEN. Is it the idea of the chairman of the committee that these young men would be available in case of need?

Mr. HAY. Yes; I think they would be the very men who would be most apt to volunteer in case of any trouble, if this country were so unfortunate as to have it.

Mr. Chairman, I do not know that I care to consume any more of the time of the committee unless some one desires to ask me some questions in regard to the provisions of the bill. Under leave to print, I insert herewith the tables to which I have referred:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, February 19, 1914.

Hon. JAMES HAY,
House of Representatives, Washington, D. C.

MY DEAR MR. HAY: In reply to your letter of February 12 regarding military instruction in schools in the United States, I am sending herewith a memorandum and statistical tables prepared by the statistician of this bureau.

Sincerely, yours, P. P. CLAXTON, *Commissioner.*

MEMORANDUM.

In 1913 the 68 agricultural and mechanical colleges had an enrollment of 67,021 men in all departments. Of these 26,167 were reported in military drill. The item relating to military drill has not been included in the statistical schedules sent to other institutions since 1906.

In 1906 there were 53 universities and colleges other than the agricultural and mechanical colleges reporting students in military drill. The 53 institutions had an enrollment of 15,437 men, and of these 8,174 were in military drill. The same year the 66 agricultural and mechanical colleges had an enrollment of 44,852 men, 18,620 of these receiving military drill.

Table 1, sent herewith, is a list of the 53 institutions mentioned above, with the male enrollment and the number in military drill.

Table 2 shows that in 1906 there were 105 public high schools, with an enrollment of 18,930 boys, having 9,427 in military drill; also 132 private high schools, with 9,151 boys enrolled, and 8,291 of these in military drill.

Table 3 is a recapitulation of the 1906 figures. It will be noted that since 1906 the enrollment of men in the agricultural and mechanical colleges has increased by 22,169 and the number in military drill by 7,547.

TABLE 1.—*Military drill in universities and colleges in 1906.*

Universities and colleges other than agricultural and mechanical colleges.	Total number of men students.	Number in military drill.
Henderson-Brown College, Arkadelphia, Ark	90	90
Ouachita College, Arkadelphia, Ark	248	180
St. Vincent's College, Los Angeles, Cal	335	225
Howard University, Washington, D. C	706	76
North Georgia Agricultural College, Dahlonega, Ga	180	164
Hedding College, Abingdon, Ill	83	83
St. Viateur's College, Bourbonnais, Ill	252	132
James Milliken University, Decatur, Ill	353	40
St. Joseph's College, Collegeville, Ind	169	124
Concordia College, Fort Wayne, Ind	230	230
St. Joseph's College, Dubuque, Iowa	232	225
Simpson College, Indianola, Iowa	399	125
Kansas Wesleyan University, Salina, Kans	694	65
St. Mary's College, St. Marys, Ky	155	155
Jefferson College, Convent, La	161	94
College of the Immaculate Conception,[1] New Orleans, La	402	380
St. John's College, Annapolis, Md	210	210
United States Naval Academy, Annapolis, Md	750	750
Morgan College, Baltimore, Md	136	48
Amherst College, Amherst, Mass	458	360
Gustavus Adolphus College, St. Peter, Minn	248	248
Pritchett College, Glasgow, Mo	78	26

[1] Now a secondary school.

TABLE 1.—*Military drill in universities and colleges in 1906*—Continued.

Universities and colleges other than agricultural and mechanical colleges.	Total number of men students.	Number in military drill.
St. Louis University, St. Louis, Mo	989	160
Drury College, Springfield, Mo	150	150
Central Wesleyan College, Warrenton, Mo	200	100
Nebraska Wesleyan University, University Place, Nebr	250	110
York College, York, Nebr	204	40
St. Francis College, Brooklyn, N. Y	358	358
College of St. Francis Xavier, Brooklyn, N. Y	459	250
Niagara University, Niagara University, N. Y	213	70
United States Military Academy, West Point, N. Y	446	446
Biddle University, Charlotte, N. C	201	184
Baldwin-Wallace College, Berea, Ohio	351	63
Ohio Wesleyan University, Delaware, Ohio	584	150
Scio College, Scio, Ohio[1]	130	73
Henry Kendall College, Tulsa, Okla	104	104
Pennsylvania Military College, Chester, Pa	148	148
Grove City College, Grove City, Pa	288	150
The Citadel, the military college of South Carolina, Charleston, S. C	170	170
University of South Dakota, Vermilion, S. Dak	155	62
Carson and Newman College, Jefferson City, Tenn	200	30
Knoxville College, Knoxville, Tenn	130	90
Maryville College, Maryville, Tenn	343	87
Milligan College, Milligan, Tenn	55	25
University of the South, Sewanee, Tenn	502	125
Howard Payne College, Brownwood, Tex	133	35
Fort Worth University, Fort Worth, Tex.[2]	515	30
Polytechnic College, Fort Worth, Tex	312	105
Texas Christian University, Fort Worth, Tex	257	160
Norwich University, Northfield, Vt	134	134
Virginia Military Institute, Lexington, Va	312	310
Gonzaga University, Spokane, Wash	500	150
Milton College, Milton, Wis	75	75
Total	15,437	8,174

[1] Now Mount Union-Scio College, Alliance, Ohio.
[2] Not in existence.

TABLE 2.—*Military drill in public and private high schools in 1906.*

State.	Public high schools.			Private high schools.		
	Schools reporting military drill.	Total number of boys enrolled in these schools.	Number of boys in military drill.	Schools reporting military drill.	Total number of boys enrolled in these schools.	Number of boys in military drill.
Alabama	2	124	117	4	333	333
Arizona	0	0	0	0	0	0
Arkansas	0	0	0	4	320	210
California	1	673	75	8	468	468
Colorado	8	1,821	546	0	0	0
Connecticut	0	0	0	1	8	8
Delaware	0	0	0	0	0	0
District of Columbia	7	1,661	812	0	0	0
Florida	1	35	35	1	17	17
Georgia	0	0	0	4	330	330
Idaho	0	0	0	0	0	0
Illinois	7	396	216	7	376	376
Indiana	2	145	65	2	422	422
Iowa	1	207	40	2	116	55
Kansas	3	254	116	1	63	63
Kentucky	0	0	0	4	299	299
Louisiana	1	151	151	1	90	90
Maine	2	519	165	0	0	0
Maryland	2	68	68	2	94	94
Massachusetts	24	5,644	4,152	2	63	63
Michigan	0	0	0	3	245	225
Minnesota	1	50	50	3	329	315
Mississippi	0	0	0	5	296	271
Missouri	6	1,773	172	9	503	463
Montana	0	0	0	0	0	0
Nebraska	7	1,131	733	1	41	41
Nevada	0	0	0	0	0	0
New Hampshire	5	528	265	2	61	61
New Jersey	0	0	0	8	352	306
New Mexico	1	100	100	0	0	0
New York	4	746	389	21	1,317	1,237
North Carolina	1	20	20	7	433	328
North Dakota	0	0	0	0	0	0
Ohio	4	250	135	1	34	34
Oklahoma	2	256	95	0	0	0
Oregon	0	0	0	2	116	116
Pennsylvania	1	52	52	6	710	535
Rhode Island	0	0	0	0	0	0
South Carolina	1	34	34	3	232	210
South Dakota	0	0	0	0	0	0
Tennessee	0	0	0	0	0	0
Texas	3	144	134	4	356	356
Utah	1	460	340	1	76	76
Vermont	2	78	68	2	147	102
Virginia	0	0	0	7	683	561
Washington	4	1,578	250	2	33	33
West Virginia	0	0	0	1	48	48
Wisconsin	0	0	0	1	140	140
Wyoming	1	32	32	0	0	0
United States	105	18,930	9,427	132	9,151	8,291

RECAPITULATION.

TABLE 3.—*Students in military drill in 1906.*

	Number of institutions.	Total enrollment of male students.	Number in military drill.
Agricultural and mechanical colleges	66	44,852	18,620
Other universities and colleges	53	15,437	8,174
Public high schools	105	18,930	9,427
Private high schools and academies	132	9,151	8,291
Total	356	88,370	44,512

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. HAY. Certainly.

Mr. MOORE. Did I understand the gentleman to say, in answer to the gentleman from Iowa [Mr. GOOD], that there had been an increase in the appropriation for ammunition?

Mr. HAY. Yes.

Mr. MOORE. Referring to the Ordnance Department, page 41, I see that it recommends $250,000 for ordnance service.

Mr. HAY. That is a different proposition. The gentleman from Iowa asked me about the appropriations for reserve ammunition for field artillery.

Mr. MOORE. I call the gentleman's attention to the Ordnance Department.

Mr. HAY. Ordnance service, the gentleman means?

Mr. MOORE. Page 41.

Mr. HAY. Yes.

Mr. MOORE. That has been reduced?

Mr. HAY. That has been reduced $50,000; yes.

Mr. MOORE. And there has been a series of reductions in the Ordnance Department appropriations?

Mr. HAY. Yes.

Mr. MOORE. Ordnance stores have been reduced?

Mr. HAY. Yes.

Mr. MOORE. From $200,000 to $125,000?

Mr. HAY. Yes.

Mr. MOORE. Manufacture of arms has been reduced from $600,000 to $450,000?

Mr. HAY. Yes. I will state to the gentleman that the evidence before the committee was such as to justify us in making the reductions.

Mr. MOORE. May I ask the gentleman whether the reductions were based on the belief that the country is amply supplied with reserve material to meet any emergency?

Mr. HAY. As to the manufacture of small arms, yes. We now have in small arms of the new service rifle, in reserve, about 700,000, and we have in reserve of the old Krag 300,000, so that we have in reserve, outside of those in the hands of troops, very nearly 1,000,000 service guns that can be used in an emergency.

Mr. MOORE. Do I understand the gentleman to say that all of this ammunition now will be manufactured in the arsenals, and no provision is made for the purchase outside?

Mr. HAY. That is correct.

Mr. MOORE. One other question. The gentleman is optimistic with regard to the future, and I am very glad, occupying the distinguished position he does, that he is so; but he is aware of the complaints that the Army perhaps is not as strong in personnel as it might be, and that there are rumors of trouble along the border, particularly along the southern border, and that officials of the War Department have been frequently quoted in the newspapers as saying that there ought to be a filling up of the Army to meet any possible emergencies. The gentleman indicates, and his report so states, that we have a reserve in the militia.

Mr. HAY. In the Organized Militia; yes.

Mr. MOORE. And he states now and puts in the RECORD figures backing up that statement that the students in certain agricultural colleges, who are trained in a military way, may also be serviceable, and would probably be the first to be called on in an emergency. Could the State militia, as at present constituted, or these students in the agricultural colleges, be called upon for military service except to repel an invasion?

Mr. HAY. Of course they could. If war were declared, the President would issue his call for volunteers, and they could all volunteer.

Mr. MOORE. Then the constitutional question would be met by volunteer service?

Mr. HAY. By volunteer service; yes.

Mr. MOORE. That is the belief of the gentleman?

Mr. HAY. Yes.

Mr. MOORE. In the event of sudden emergency which would call the troops of the United States into any other country, as was developed in the case of Cuba and the Philippine Islands, would we not have to meet that constitutional question?

Mr. HAY. We would meet it by a call for volunteers, and I will state to the gentleman that this House passed a volunteer bill some months ago, for the very purpose of having a law on the statute books which would meet the situation which the gentleman is speaking of. That bill, as I am informed, has been reported to the Senate, and the Senate has amended the bill so that, if three-fourths of a militia organization volunteer, they will be taken in as an organization, and I have no doubt that a large proportion of the Organized Militia of the country would volunteer in the event of any trouble.

Mr. MOORE. If the men in the colleges and the militia were properly drilled and understood the tactics of war and were ready to volunteer, there would be no delay at all in attending to the defense of the country?

Mr. HAY. Well, of course the gentleman understands there is a certain amount of preparation which would have to be made——

Mr. MOORE. That is what I wanted to get at.

Mr. HAY (continuing). But so far as the reserve supplies of the country are concerned for Infantry and Cavalry, and even for the Field Artillery, in my judgment, we are in a condition to arm what men would be needed in the event of any emergency to the south of us.

Mr. ANDERSON. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. ANDERSON. Does the gentleman have any information as to what proportion of the militia enlisted or volunteered in the service in the Spanish-American War?

Mr. HAY. My information is that it was not a very large per cent.

Mr. ANDERSON. That is my impression.

Mr. HAY. I will say to the gentleman from Minnesota, there has been a very great improvement in the Organized Militia since the Spanish-American War. Congress has provided appropriations of which these organizations have taken advantage, and they have been very greatly improved, and the spirit of the organization is very much better than it was before the Spanish War.

Mr. ANDERSON. And the gentleman thinks that spirit will find expression in an increased number of volunteers?

Mr. HAY. I think so; in the unfortunate event anything should happen, which I do not think will.

Mr. ESCH. May I ask the gentleman a question?

Mr. HAY. Certainly.

Mr. ESCH. On page 18 I notice provision is made to meet the expenses of the encampment and maneuvers of the Organized Militia, and an appropriation of one and a quarter million dollars is made and the same is to be immediately available. Was that with a view to meeting the expenditures where such maneuvers and encampments were held prior to July 1?

Mr. HAY. I will say to my friend they have to have it before the 1st of July, because before the 1st of July the War Department has to prepare for these maneuvers and has to go to some expense in the preparation of maneuver camps, and the appropriation is made available for that reason.

Mr. ESCH. Although the main expenditure would come in the next year.

Mr. HAY. Of course the main expenditure does.

Mr. ESCH. How does this compare in proportion with that of a year ago?

Mr. HAY. This has been reduced, because we were informed by the Chief of the Division of Militia Affairs that they had on hand a balance of $200,000, so that it was cut down. I now yield to the gentleman from New York.

Mr. OGLESBY. In regard to the question of the volunteer services of militia regiments I want to ask the gentleman if he is aware of the fact that when the request was preferred through the governor of New York at the time the call was made in 1898 every regiment in the State of New York volunteered except one for service in foreign fields?

Mr. HAY. That may be; I was answering the gentleman and had no reference whatever to the State of New York. I now yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, my understanding is the Secretary of War requested an increase in the strength of the Army. Is that true?

Mr. HAY. That is true.

Mr. MONDELL. How much of an increase?

Mr. HAY. Seventy-five hundred men.

Mr. MONDELL. Seventy-five hundred?

Mr. HAY. Yes.

Mr. MONDELL. Did the committee grant any increase at all?

Mr. HAY. It did not.

Mr. MONDELL. Well, in declining to grant the request, did the committee take into consideration the fact that within a very short time, if we carried out our present policy, we must place quite a good force on the Panama Canal?

Mr. HAY. The committee took all that into consideration, and if the gentleman will do me the honor to read the report which I made on the bill he will find that the committee provided for the number of men which the Secretary stated he desired to put on the Panama Canal, in the Hawaiian Islands, and in the Philippines, and after providing for those men for those places there would still be left in continental United States 42,000 men, which would be sufficient for all necessary purposes. And I will state to the gentleman, as he very well knows, that it is within the power of the President at any time to increase the Army to 100,000 men, and if there should be any occasion for that the President, under the law, has the right to do it, and he would not have to come to Congress to do it——

Mr. MADDEN. Except to get the money.

Mr. HAY (continuing). Because the law gives him the right to do it, and under the law Congress would be compelled to meet the deficiency and pay those men should the President determine to do it; but the committee was acting upon the theory that this was a peace proposition and not a war proposition, and they did not think it was wise to provide for a larger number of men than peace conditions, which now prevail, require.

Mr. MONDELL. I think the gentleman, in answer to the inquiry of the gentleman from Wisconsin [Mr. ESCH], made some statement in regard to enlistments, but I did not hear it clearly.

Mr. HAY. I stated to the gentleman that we had decreased the appropriation for the maneuvers which came every year because it was shown that the appropriation we had heretofore been making was more than necessary for the purpose. We have a balance of $200,000.

Mr. MONDELL. What has been the recent experience of the War Department under the new lengthened term of enlistment?

Mr. HAY. Why, I understand now the Army is full. We have all the men we want. I will say to my friend, however, that I think the reserve feature of that enlistment contract ought to be repealed.

Mr. MONDELL. How about desertions? What effect has it had on desertions? However, I will not put it that way, but I will ask what the situation is in regard to desertions?

Mr. HAY. Desertions have increased.

Mr. MONDELL. They have increased?

Mr. HAY. They have; but, in my judgment, not on account of the enlistment contract. Now, there are different opinions as to that. Some officers think it is on account of the contract and some think it is for some other reason.

Mr. MONDELL. There has been something of an increase?

Mr. HAY. There has been a considerable increase in desertions, and I think an unnecessary increase.

Mr. MONDELL. Did the committee go into that in the hearings somewhat?

Mr. HAY. We went into it pretty fully. Mr. Chairman, I reserve the balance of my time.

Mr. MADDEN. Mr. Chairman, I would like to ask the chairman of the committee if a man enlisting in the Army now is required by the terms of the contract to serve seven years?

Mr. HAY. No; he is required to serve only four years.

Mr. MADDEN. He goes into the reserve after his term of of enlistment?

Mr. HAY. No; he does not have to go into the reserve. It is entirely voluntary with him whether he goes into the reserve or not, and, as a matter of fact, during the two years under which they have been operating under this law, they have gotten only 11 men in the reserve.

Mr. MADDEN. What was the inducement for creating a four-year enlistment term instead of three, and then providing for a three-year reserve?

Mr. HAY. I will say to the gentleman, to be perfectly frank with him, the reserve feature was put in the bill as a sort of compromise. In my efforts to get so many things on the bill at that time I was willing to let that reserve feature go in, because at that time the War Department insisted that there should be some reserve feature put in the law. And rather than lose some of what I considered more important legislation, I consented to that feature very much against my will, and it has turned out as I thought it would. In some ways, I believe, it deters men from enlisting in the Army.

Mr. MADDEN. Will the gentleman be kind enough to say what, if any, inducements there are for a man to go into the reserve?

Mr. HAY. None. You do not pay him anything. You can not get a man to go into a reserve, subject to the call of the War Department, unless you pay him for it. That is my idea of it.

Mr. MADDEN. If he does go into the reserve, is he required to report at certain periods?

Mr. HAY. I do not think so. It amounts to practically nothing whatever.

Mr. FARR. To what does the gentleman attribute the increased number of desertions?

Mr. HAY. Well, Mr. Chairman, I attribute it to the fact, in some degree, that the laws against desertions have not been carried out with the same severity which prevailed for some years.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Chairman, the pending military appropriation bill does not contain any items of legislation that seriously affect the organization of the Army. The amounts allowed for the military establishment are certainly not exorbitant. It may be that in some of the items—if the amounts are not increased by another body at the other end of this Capitol—there may be some deficiencies next winter. Personally, I do not believe that the proper expenditure of money for the maintenance of a military establishment commensurate with our standing in the family of nations is an onerous burden upon the taxpayers of this country. If the money were being expended extravagantly, there might be just cause of complaint; but I believe that every branch of the military establishment is striving earnestly and honestly to secure the best possible results with the least possible expenditure.

We have just celebrated the one hundred and eighty-second anniversary of the birthday of the Father of his Country. One of the wise sayings that he uttered during his lifetime was this:

> To be prepared for war is one of the most effectual means of preserving peace.

I have always believed in the wisdom of this counsel. Washington had served in two wars when he made this statement. He was not uttering platitudes. He was not voicing theories. He had had practical experience on the field of battle. And he spoke for what he deemed the future welfare of the Republic.

There is much criticism in these days of the expenditures for the military and naval establishments. We hear much talk about returning to Jeffersonian principles nowadays. Jefferson believed, as many of the disciples of the small-Army and small-Navy theorists of our day believe, that our geographic isolation is our greatest military asset. In his day, under his leadership, the Regular Army was reduced to a negligible number. An Organized Militia was to take its place. How the militia ran at the first fire of the British regulars at the Battle of Bladensburg is one of the discreditable incidents of the War of 1812. In consequence of that rout of the Organized Militia the Capitol and the White House were burned by the British troops. Under Jefferson's plan our Navy was made up largely of about 150 so-called gunboats, that were intended to prove an adequate coast defense in case of hostilities. It was only three years after Jefferson retired from the Presidency that our country became involved in war. What became of the coast-defense vessels that were to prove such a boon to our seaboard? They were promptly thrown upon the scrap heap. All they had cost was a total loss. We had to develop a Navy as best we could, for, apart from a dozen real fighting ships, we were without a navy. In those days a wooden ship of war could be constructed in three or four months. To-day it takes us three years to build a dreadnaught. Fortunately for us, the embargo act of the Jefferson administration and the nonintercourse laws of that period had embittered the owners of our merchant vessels. We had a large merchant marine at that time, whereas to-day we have none to boast of. The owners of the merchant vessels, having suffered great loss on account of the unfavorable legislation that England's Orders in Council had forced Congress to enact by way of retaliation, were glad to apply for letters of marque and reprisal, and these were readily issued by our Government. In that way we were able to prey upon English commerce. But under modern conditions civilized nations no longer issue letters of marque and reprisal. We must build our battleships and prepare our armies in times of peace.

While we may have some jingoists in the United States who thirst for war, I do not believe we have anything to fear from them. We have much more to fear from the jingoists of foreign lands. They are the real menace—if there be any menace anywhere. And from our own past experiences, especially in the War of 1812, in the Mexican War, and just prior to the Spanish-American War, we ought to have learned the lesson that when

the jingoists of a nation arouse the latent patriotism of the citizens of that nation into a blaze of passion, conservatism is thrown to the winds, and nothing but armed conflict can appease the vengeance that blood alone seems to be able to quell. I repeat, Mr. Chairman, that our own past experiences ought to determine our course in voting reasonable appropriations for both the Army and the Navy in times of profound peace. I believe that we are compelled to appropriate large sums of money to-day for past wars because in our past wars we were not properly prepared at the outbreak of hostilities. If there had been proper preparation in times of profound peace, they would not have cost as much as they did by many millions of dollars. One frequently hears, too, that the great European powers are also expending large sums for the maintenance of peace and that the inhabitants of those countries are groaning under the burdens of taxation which the maintenance of their armed forces imposes upon them.

Mr. Chairman, what has been the positive result of that great expenditure? Since 1870 there has been no war between the great powers of England, Germany, France, Austria, Russia, and Italy, while during many centuries prior to 1870 the doors of the Temple of Janus were seldom closed in Europe. These nations, with slight periods of intermission, were generally at war with each other. A new generation had scarcely grown to man's estate ere the dogs of war were let loose and the battle drums were calling men to arms.

The youths of these lands were constantly being cut down on the battle fields that extend all over continental Europe, in the wars that form the greater part of the history of these nations. Does anyone doubt that if Germany were not constantly prepared for war that France would not attempt to regain her lost Provinces of Alsace and Lorraine?

Paradoxical as it may seem, the present war lord of the German Empire will undoubtedly go down in history as a man of profound peace. Instead of seeing hundreds of thousands of the young men of his Empire crippled and slain on the battle field, instead of listening to the tear-compelling cries of widows and orphans that always accompany the roar of battle, he has seen the citizens of his Empire develop the industries of the farm and field, of the workshop and the factory, until to-day Germany is one of the richest nations of the world. True, the people of that Empire pay heavy taxes to maintain the standing armies and the expanding fleet; but how infinitely better it is to expend these vast sums in maintaining peace than it would be to cut the appropriations to a niggardly pittance and thus expose the Empire to all the horrors of war. And what is true of Germany's program is equally true of the program of every one of the European great powers.

And so we who really want peace hope that the statesmen of our own country will still continue in times of peace to vote such appropriations for the Army and Navy as will enable us to maintain peace. Oh, we all hope that the time will never come when our country will again become involved in war; but, as has been said so often, the millenium is not yet here. And until it does arrive we will have to be prepared for every possible contingency, for every possible emergency that may confront the American people.

Mr. Chairman, I am afraid that those who denounce necessary expenditures for the national defense exalt the dollar above the man. Sir, we can better spare the dollar than we can spare the man. The man must be exalted above the dollar, and we must keep pace with the other civilized nations in spending necessary dollars in order to maintain peace and spare men. [Applause.]

In recent years it has become the fashion in some quarters to denounce the Monroe doctrine as being archaic and to demand that it should be abandoned. Whether those who advocate this plan simply enunciate their views in order to get into the public print or whether they honestly believe in their theories, I do not know. Perhaps it is due to the fact that we are living in a period of fitful emotion; a period of fads; a period of extreme governmental experiments, with their consequent uncertainty. Seriously, would any of those who advocate the abrogation of the Monroe doctrine prefer to have a strong military power in control of the country on our southern border? Would they prefer to see one of the great military Governments of Europe take possession of Mexico and convert the lazy peons of our sister Republic into a powerful army of soldiers, officered by men of splendid military training and ambitious to achieve great military distinction? Would the presence to the south of us of such a great military empire tend to diminish the expense of our own military and naval establishments? I believe they would be greatly increased, if anything. Would any of the advocates of the policy of recession from the Monroe doctrine desire to see Germany, or England, or France, or Russia, or Italy, or Japan installed in any of the Republics of Central America? Would it not be a great calamity to our Government if any foreign power were to be permitted to take possession of any of the free States of North America? Could we consent to have a foreign Government so near the doors of the Panama Canal? Not alone so near, but actually between continental United States and the Canal Zone. Sir, it would be a national disaster if such a condition were permitted to arise.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California [Mr. KAHN] yield to the gentleman from Pennsylvania?

Mr. KAHN. I yield to the gentleman.

Mr. MOORE. Do I understand the gentleman's proposition to be that in the event of trouble in the Panama Canal Zone, or in the event of a war with such a country as Mexico, it would be better to have a South American alliance than an European alliance, such as we had during the partition of China?

Mr. KAHN. Decidedly. If there were to be any intervention in Mexico, I would infinitely rather have the cooperation of the Latin American States than allow a single European power to participate with us. [Applause.]

Mr. Chairman, I believe the Monroe doctrine has come to stay. It must stay. But I believe the time has also come when the Government of the United States should invite to conferences on great international questions affecting the welfare of the States on the American Hemisphere those Latin-American Republics whose Governments are stable and who have made giant strides in the paths of progress and commercial development, such as Argentina, Brazil, and Chile. I am satisfied the cooperation with us of these States in extending the hand of friendship and fellowship for the amicable settlement of difficulties that confront the inhabitants of any Latin-American Republic will have a great influence in establishing stable government in all of the Republics on the western continents. Let them understand that the interests of all American Republics and ours are mutual, not alone in the continued maintenance of the Monroe doctrine, but also in the continued maintenance of the peace, welfare, and happiness of their citizens. Let them understand that Uncle Sam does not desire to loom up as a mentor for all the countries of America, but that he is willing to join with other American Republics to arbitrate differences between conflicting contestants in any one State, as well as between conflicting sovereign States. Such a policy would cement the ties that should exist between all Latin-American States and ourselves. Suspicion and hatred of us would soon disappear. Amity and friendship between us would become an actuality. The clouds of distrust would be dispelled by the warm rays of confidence. The Pan American Republics would march onward to greater destinies, with mutual respect and mutual esteem as their guiding stars.

Mr. Chairman, it would have been the part of wisdom, in my judgment, to have inaugurated such a policy in connection with the settlement of the difficulties that exist at the present time in our sister Republic of Mexico. At any rate, we would have secured definite results long before this. The policy of "watchful waiting" has turned out to be a policy of "deadly drifting." The fact that it became necessary to issue a proclamation removing the embargo on arms to be shipped into Mexico is practically an admission of the failure of the policy of "watchful waiting." [Applause on Republican side.] "Deadly drifting" is a much more accurate description of the administration's policy. And since the embargo has been removed, what has happened? Additional murder, additional lawlessness, for which we are probably responsible.

The present administration, on or about August 27 last, made four propositions to Gen. Huerta, as follows:

First. An immediate cessation of fighting throughout Mexico, a definite armistice solemnly entered into and scrupulously observed.

Second. Security given for an early and free election, in which all will agree to take part.

Third. The consent of Gen. Huerta to bind himself not to be a candidate for election as President of the Republic at this election.

Fourth. The agreement of all parties to abide by the results of the election and cooperate in the most loyal way in organizing and supporting the new administration.

Of course it was practically impossible for Huerta to comply with these demands. How could he guarantee the acts of men who, up to the time they enlisted in the cause of so-called constitutionalism, had been known to be disreputable cutthroats and bandits? Could he speak for them? Could anyone speak for them? And in the light of recent events would our own countrymen be willing to trust them? But we ought to make renewed efforts to restore peace to the distracted inhabitants of Mexico. I still believe that if this Government were to invite the cooperation of Argentina, Brazil, and Chile in trying to straighten out the difficulties that beset the people of Mexico, we would soon be able to bring order out of chaos; that we would be able to protect human life, as well as property inter-

ests; and that we would be acting, in fact and in deed, in the great cause of humanity.

Mr. Chairman, in recent months it has become somewhat fashionable in certain quarters to assert that we must "get Huerta." But he seems to be able to take care of himself, notwithstanding our failure to recognize him. Do you believe we have added new laurels to American diplomacy by our handling of the situation? If my memory serves me aright, we made some kind of a proposition to the Mexican de facto or provisional minister of foreign affairs to the effect that if Huerta would resign the administration here would try to negotiate a loan for Mexico. With befitting sarcasm Gamboa, Mexico's minister of foreign affairs, scornfully rejoined: "You are trying to bribe us." Probably it was a fitting rebuke, but how the incident must have jarred the sensibilities of every patriotic American.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Pennsylvania.

Mr. MOORE. Does the gentleman recall the policy of the late administration, which endeavored to improve our commercial relations by what was known as "dollar diplomacy" in China and Nicaragua?

Mr. KAHN. I do.

Mr. MOORE. In view of this statement of Gamboa, does the gentleman believe there has been any recession by the present administration from its stand with regard to the "dollar-diplomacy" policy?

Mr. KAHN. As I now recall, the late administration had been trying to arrange for a loan by an American syndicate of bankers to China, and also, I believe, to Nicaragua. The present administration withdrew its participation in those negotiations and announced that "on principle" it would not go into those matters; and then, subsequent to that announcement, this proposition which I have just referred to was made to Gamboa, and it elicited the sarcastic reply from the Mexican secretary.

Mr. SHERLEY. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. SHERLEY. Does the gentleman recognize any distinction between a dollar diplomacy that has as its end simply the helping to a profit of an American syndicate and a proposal as to the financing of a loan having as its purpose the peace of a people?

Mr. KAHN. The term "dollar diplomacy" was applied to the policy of the former administration. The loan that was intended for the Central American Republic was for the purpose of insuring peace to that country; and in the matter of the Chinese loan, it was for the purpose of helping that Government to construct railroads.

Mr. MADDEN. The Republic?

Mr. KAHN. The negotiations were in progress even before there was a Chinese Republic. The situation in China is rather peculiar. The Chinese deal with the people who lend them money. If the United States manufacturers and business men were to have any participation in the business of China in connection with the construction of the railroads, for which this money was wanted, it was necessary for the United States bankers to lend some part of that money.

Mr. SHERLEY. I suggest to the gentleman——

Mr. KAHN. For that reason this Government, in trying to extend American commerce in China, tried to get American bankers to participate in that loan, in order that we might sell some of the locomotives and the rails and the machinery that were necessary for the construction of the important railroads that were to be constructed and were undoubtedly intended to benefit all the people of China.

Mr. SHERLEY. I suggest to the gentleman that his statement as to the facts in regard to China is unfortunately late. It might have been accepted prior to what has happened since the failure of the Chinese loan, but the facts since do not bear out the gentleman's statement.

Mr. KAHN. I am familiar with Chinese history.

Mr. SHERLEY. Unfortunately the gentleman may be a little biased on the Chinese and Japanese question.

Mr. KAHN. On the contrary, I am not biased as to either the Chinese or the Japanese. I think we can trade with them and do business with them without having the coolie class coming here in mass to settle here and underbid American labor. We have never objected to the Chinese or the Japanese business men coming to the United States. We have never objected to the Chinese or Japanese students or professional men coming to the United States. It is only the coolie class that we have objected to in the Far West.

Mr. Chairman, condemn Huerta as we may, the fact remains that he governs more than two-thirds of the States of Mexico, which have acknowledged his authority, as well as all of the territories of that Republic and its Federal district. He seems to be able to maintain order and discipline in the area which gives him its allegiance. Since the administration's refusal to recognize him we have not heard or read of any overt acts on his part or the part of his followers that have brought a shudder to the hearts of American men and women.

On the other hand, we have constantly read of so-called constitutionalists who live by robbery and rapine, loot and lust. For instance, a few months ago the fair city of Durango was captured by a band of these outlaws who call themselves constitutionalists. We have had authentic information as to what took place when that city was turned over to the rebel horde. Mr. Hamm, the consular representative of our Government, in company with Mr. M. A. Leach and Mr. W. C. Bishop, called upon Gen. Tomas Urbina, who was in command of the so-called constitutionalists, and asked that he order a guard placed before the United States consulate and also furnish guards to all the consulates of foreign Governments represented in Durango. And what was the reply of this constitutionalist patriot, so called? That nothing could be done for 24 hours; that his soldiers had been promised they might have their own way during that time, and that he could not interfere with them. He said it was the only way he had of paying them. Think of it! What happened? The banks and the large mercantile houses were all looted; many buildings were burned and others destroyed; a number of individuals were killed and others wounded. There was practically no defense of the city on the part of the Mexican Federal soldiers.

The latter retired without an apparent struggle, and the looters began their devilish work as soon as they entered the city. I am tired of hearing these men referred to as constitutionalists. They know no more about the Mexican constitution than the Apache Indians of Arizona or the Kamchatka Eskimos of northeastern Siberia. We all know that they are an intensely ignorant lot. Eighty per cent or more are absolutely illiterate. They only know how to loot, how to kill and ravish; and they will fight under the banner of any man who will promise them loot and plunder. To them it is a much easier way of making a living than working for day wages. We who come from the far West know the ilk. The history of California as one of the Mexican States is a history of constant revolution.

I remember when I was a very small boy we had had a bloodthirsty bandit in the State of California, one Joaquin Murietta. Some individual with a fanciful imagination endeavored to make a hero out of him on the score that he had suffered grievances at the hands of the "gringoes" who came to California, and that his raids were made in order that he might recover some of the property that had been taken from him and his relatives by Americans. It was a lie, manufactured out of the whole cloth. This bandit, whose counterparts are now operating in northern Mexico, drew around him a band of nondescript cutthroats and robbers similar to those parading as constitutionalists in our sister Republic across the Rio Grande. They inhabited the fastnesses of the Sierra Nevada Mountains. They would swoop down upon an outlying mining village or frontier camp, shoot up the town, murder and rob the inhabitants, carry off all the loot and plunder that came within their reach, and then retire to their mountain strongholds. They operated in this way for some time; but finally a posse of citizens, organized to wreak vengeance upon the band, came upon them in their lair and killed the outlaw chief, with a number of his followers, before they could get away.

A few years later another bandit chief—Tiburcio Vasquez by name—organized a similar band and operated from the Coast Range of mountains. He fell upon the villages in the Santa Clara, Salinas, and San Joaquin Valleys. He, too, professed to be imbued with high motives. He, too, claimed to have grievances against the "gringoes." "Gringo" is the term of derision applied by Mexicans of the lower classes to all Americans. But he was nothing but an ordinary thief; and when he was finally captured by our citizens he was given a trial, found guilty of the murders which he had committed, and promptly hanged for his delinquencies.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield?

Mr. KAHN. In a moment. They operated along similar lines to that other constitutionalist, Castillo, who recently caused the death of half a hundred innocent men and women in the Cumbre Tunnel raid.

Mr. QUIN. Could the gentleman tell us by what force of action he would create peace, because there has never been

peace among such a class of citizenry—cutthroats, thieves, assassins, murderers, robbers, and so forth—that he has described so vividly?

Mr. KAHN. The men in the rank and file of those armies, if they had none of these bandit chiefs as leaders to urge them on in their deviltry, would be willing to work for a living; but it is the bandit chief, who operates ostensibly as a constitutionalist, who is responsible for their outrages.

Mr. SHERLEY. What does the gentleman think of the character and achievements of the man who is heading the other forces in Mexico?

Mr. KAHN. Huerta?

Mr. SHERLEY. Yes.

Mr. KAHN. I dare say that Huerta has committed in his day just as many assassinations, or is responsible for as many, as any of these men. I do not know. But Huerta represents a de facto government, and these men do not.

Mr. SHERLEY. If I understand the gentleman's position, it is, then, that when a man has successfully killed enough people to make himself in a measure impregnable he is then recognizable?

Mr. KAHN. Well, the gentleman seemingly does not recognize the usages that prevail among civilized nations. Let us go back into European history for only a few years—for six or seven years. I recall a few years ago reading in a morning newspaper that a mob composed of nobles of the Kingdom had gone into the palace of the King of Servia, butchered the King and Queen, and thrown their bodies out of the window. They elected a new King. All countries recognized the new monarch. There is no question about it. I believe we, too, recognized the new Government.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Yes.

Mr. McKELLAR. The gentleman admits that Huerta is quite an assassin?

Mr. KAHN. I do not wish to be understood as saying that he is. I said he probably is. I do not know. He denies all participation in the murder of Madero, and, as I have been informed, there is no one who can say positively that he did kill Madero, or, rather, that he had Madero killed.

Mr. McKELLAR. Well, take the gentleman's own statement that he is likely to have been an assassin of the kind that the gentleman has described, and is now simply at the head of a faction which happens to be, as the gentleman claims, quite a large faction in Mexico. Is the gentleman in favor of this Government's recognizing this asasssin, with the character that he gives him?

Mr. KAHN. I believe in this Government recognizing the de facto head of any State and letting the people of that State determine whether he is rightfully their ruler or executive or not. That is what was done in Peru very recently.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BUTLER. Will the gentleman explain what responsibility we have in the election of a President in Mexico?

Mr. KAHN. We have none whatever, and it is a gross mistake to attempt to interfere.

Mr. BUTLER. Is it any of our business?

Mr. KAHN. Unequivocally, it is none of our business. If we begin that program in Mexico, then we may be taking it up in Peru, and we may be taking it up in Ecuador, and we may be taking it up in every one of the Central American and South American Republics. We ought not to embark on such a program.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Colorado?

Mr. KAHN. Yes.

Mr. KEATING. I gather from the gentleman's remarks that he is not in favor of the United States Government interfering in the affairs of the Government of Mexico?

Mr. KAHN. That is absolutely correct.

Mr. KEATING. The gentleman believes that if the people of Mexico desire to engage in civil war and end their troubles in their own way they should have the right to thrash it out in their own way?

Mr. KAHN. Exactly.

Mr. KEATING. The gentleman is not in favor of intervention in Mexico?

Mr. KAHN. No. I should be sorry to see a situation arise that would compel us to intervene. But before I get through I will try to show to the committee that if the present policy of the present administration is persevered in, intervention is absolutely inevitable.

Mr. KEATING. Just another question, if the gentleman will permit. The gentleman having declared himself opposed to intervention, in what particular can the President of the United States or the Government of the United States enforce its will on the Mexican people without intervention?

Mr. KAHN. I contend that the President of the United States has no right to enforce his will upon the Mexican Government.

Mr. KEATING. He is not endeavoring to do so, is he? Is not that what the gentleman objects to? In what respect is he doing it?

Mr. KAHN. He is certainly trying his level best to do so.

Mr. MOORE. He is demanding another President for Mexico.

Mr. TOWNSEND. The gentleman from Colorado asks the gentleman from California to tell us how the President is trying to enforce his will upon Mexico. If the gentleman had paid attention to current events in the last few months, he would have been informed as to the methods by which the present administration has been attempting to enforce its will in Mexico.

Mr. KAHN. I must decline to yield any further. My time is slipping away, and I hope to finish in another five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. Mr. Chairman, take the career of practically every one of the Mexican leaders in this rebellion and you will find that Murietta and Vasquez were their prototypes. Every one of them is practically a bandit chief. If I recall correctly, I have seen it stated in the papers that the administration has been carrying on negotiations, unofficially, with some of these men. I can not believe that to be true. I can not believe that we have been negotiating with Villa, the tiger, whose whole career has been one of lawlessness and crime, and other outlaws of that type. I hope it is not true. I, for one, do not want to see armed intervention in Mexico. We have intervened politically already, and, in my humble judgment, it was a mistake to have done so. And it is going to prove a most expensive experiment.

Sir, a few months ago all American citizens in Mexico were ordered out of that country by our State Department. Thousands of our countrymen promptly heeded the order and embarked for the United States. They probably could not have brought all their belongings with them; many of them, doubtlessly, sacrificed their holdings, while others still came away without having had an opportunity to dispose of their property. The latter were compelled to abandon it altogether. Does anyone believe that these refugees will fail to file claims against this Government for their losses? And are we not morally, if not legally, bound to pay them? But that is not all. I have read somewhere that England is giving us a free hand in Mexico because she expects us to pay the claims of her citizens who suffer loss in this deplorable internecine conflict. Talk about expenditures for the Army and Navy! We will probably have to pay enormous indemnities—sums that might have enabled us to build a dozen superdreadnaughts—not alone to our own citizens, but to the citizens of every foreign country who suffered loss by reason of our policy of "deadly drifting," before we get through with this miserable business.

Mr. Chairman, I contend we have no right to interfere in the internal affairs of Mexico. We would promptly resent the interference of any foreign power in our internal affairs, and rightly so. But if we shall once embark on the policy of determining who constitutes rightful authority in any of the American Republics we will have a much greater task on our hands than we have ever undertaken heretofore during any period of our history. To my mind all of Mexico would not repay the tears of the widows nor the wailing of the orphans that would result in consequence of our armed intervention. And yet I believe that the present policy of the administration, unless speedily and radically changed, inevitably must lead to armed intervention. I do not see how it can be otherwise. If Huerta should fall, who would take his place? The bandit Villa? God forbid! And how long will Huerta's successor be able to sustain himself before a new revolution will confront him? Will the present administration recognize the man who succeeds in wresting power from Huerta and establishing himself in the presidential chair in Mexico? Why, sir, only let it be known that any successful aspirant for the Presidency in Mexico is the "gringoes'" candidate and I predict that no insurance company in the world will be willing to write a policy for any considerable amount upon the life of the new usurper. That is undoubtedly the temper of the people of Mexico toward the citizens of the United States at the present moment. Therefore I hope that this policy of "deadly drifting" which we have pursued for about a year and which has proved to be a dismal failure will

soon give way to a new policy, a more humane policy, a policy that will unite all Americans in an honest, earnest effort to secure peace and tranquillity, happiness and contentment to the Mexican people. [Applause.]

Mr. SHERLEY. Will the gentleman tell us how?

Mr. KAHN. I have just suggested one way, namely, that there should be a concert of the great American powers in this matter, and that we should endeavor, by lending the good offices of these powers to the people of Mexico, to bring about peace in that republic. There are, undoubtedly, other ways.

Mr. BUTLER. Will my friend——

Mr. SHERLEY. Will the gentleman interpret that statement? It sounds well, but I do not quite understand what the gentleman means by it.

Mr. KAHN. The gentleman is familiar with the concerts of the powers of Europe. There are two coalitions in Europe to-day——

Mr. BUTLER. Mr. Chairman——

Mr. KAHN. I can not go into this question as I should like to, for my time is up. Let me briefly answer the question of the gentleman from Kentucky [Mr. SHERLEY]. Whenever a situation like that which confronts us to-day has confronted the powers of Europe, the powers have had a so-called concert, and they have agreed upon a program. Up to two or three years ago it was believed that if ever there should be an outbreak in the Balkans it would occasion a great European war. That was the universal belief. And yet the European powers, operating together, were enabled to bring about a condition which averted a general war and which now has brought about peaceful conditions again in the Balkans. But it would be the easiest thing in the world for this Government to invite the friendly cooperation of the South American stable Republics to join with us in trying to bring peace to the unfortunate Mexican people.

Mr. BUTLER. Can the gentleman——

Mr. KAHN. I can not yield any further. I am sorry I can not, for I have all my time allotted, and therefore I must close, much as I should like to accommodate my good friend from Pennsylvania. I reserve the balance of my time.

Mr. ANSBERRY. I ask that the gentleman be given another hour, because it would be well worth while if he has a solution of this question which he can present to us.

Mr. HAY. I yield one hour to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I do not know that I shall consume all of the hour which has been given me. That will depend on whether there are any interruptions or not. But before I address myself to the other matters which I have in mind I want to call attention to the services of the gentleman who has reported this bill to the House.

The chairman of the Committee on Military Affairs [Mr. HAY] has reported a bill which is as small, perhaps, as the great demands upon him will permit.

He is to be congratulated that he has been able, with the assistance of the members of his committee, to hold this great supply bill within the limits proposed.

No one not a member of these supply committees can have an accurate knowledge of the means resorted to to induce members of the committees to vote vast sums of money for some pet scheme of some one connected with some arm of the public service.

I fear that too many of us are losing sight entirely of the true relation of things and are swept along with the current of events without being aware of where we are drifting.

And I want to call the particular attention of the committee and the country to this, because every man connected with a particular department of the Government believes that his department is the most important, and therefore entitled to the first consideration. I suppose that is perfectly natural. I suppose if a Member of this body were put in charge of one of these departments or should become the head of one of the bureaus of the Government, he would be suddenly converted from a man conserving the money of the people into one who was endeavoring to advance his department with the idea that he would be advancing the interests of the people.

The chairman of this committee possesses that rare mind which does its own thinking and is not influenced by the current.

He is cool always, but ready to receive the truth when it is presented and has the courage to act upon it.

He keeps in his mind as well as in his heart that every dollar spent by the Federal Government comes from the pockets of the people and is the product of their toil.

No bureau chief or department head can cause him to even momentarily forget this.

He rarely, if ever, attends a banquet board which, like a net, is spread to catch the unwary.

His long service in Congress has not spoiled him nor blunted his conscience nor blurred his judgment.

He has totally failed to broaden out—as I fear too many do—to the extent that he has forgotten that he is the representative of the people and is their servant and not their master.

It is this that causes the membership of this House to have confidence in him and to rely upon his judgment and his statements. [Applause.]

I shall not discuss the bill under consideration in detail, but will discuss the subject of war and preparations for war generally.

The American idea that the Government does not or should not exist as a power but "as the center of jurisdiction" is the true idea of government and the true reason for the existence thereof.

I want to pause for a moment to call attention to the fact that in the early days it was considered the function of the masses of the people to supply the demands of those in official life, so that those in official life might appropriate just what they saw fit and proper for the Government from their own viewpoint, and for their own benefit rather than for the benefit of the people. That view has been entirely changed, because government should serve the people and not the people the government.

The ancient and medieval idea that the chief purpose and function of government is to bring unwilling people under its domain for the benefit solely of the ones in authority is being discarded by the people everywhere.

I might mention, by way of parentheses, that China has limited to 50 years the time within which she will adopt completely the modern idea of government. This is the present trend of thought throughout the world.

It has not made progress as rapidly as I would like, but all permanent growth in the upward march of civilization is slow.

Governments in the past have been so conducted that the majority of the people have worked for the small minority.

Laws have existed which have enabled a few men to secure for themselves that which others produced.

In the earliest times petty princes or chiefs would, at the head of a band of desperate men, secure for themselves all that some neighboring people had produced, and in the majority of cases made the people themselves slaves.

This was the reason for and the effect of the earliest wars in which mankind engaged.

History shows that in nearly every case war was waged for some selfish reason.

Mr. Novicow, a Russian authority on war, says:

> Since the remotest period men went to war only with some particular object in view. The goal striven for by every human being is enjoyment. If the death of one of his kind can procure him that, he will sacrifice him without pity. But if such is not the case, he will not take the trouble to kill him, since purposeless work is the worst kind of suffering.

War has been waged, says this same author, from the following motives:

> To kill one's fellow men for the sake of using him as food; to deprive them of their women; to obtain booty from them; to improve a religion; or to force certain ideas or a type of culture upon a people.

Wars for the first two causes have disappeared and the last is rarely the sole cause of war.

The third, "to obtain booty," is the one cause that now brings on a war.

This "booty" may be more territory, or to obtain trade advantage.

Can you now conceive of any other cause for war than this?

If I am right in this analysis—and I am supported by many great writers and thinkers on the subject—then there can be no just cause for war. For this reason, in every war there must be an aggressor who causes the war; and the cause being "to obtain booty" is no just or righteous cause.

Let me illustrate: If A should kill B in private life to obtain his property, A would be scorned by all good people; and under the law he would be punished as a criminal, and in most countries would forfeit his life for such a foul deed.

We all sympathize with B and his family.

Our heart goes out to him and his in pity; we rush to do his unfortunate family some service.

But, in the language of another, our morals take a sudden turn when international relations enter into the question.

By the strangest aberration, all of our sympathy and admiration go to the one that transgresses the rights of his fellow creatures—to the glorious conqueror.

Our hatred and contempt go to the victims.

Strange that we scorn the unfortunate culprit but not the vicious conqueror.

Mr. Chairman, a defensive war is not necessarily wrong.

Each human being has the natural right to defend his own life, even to the extent of slaying his adversary.

So he has the right to defend his home and family.

Upon this ground, and this only, can a whole nation of people sustain their moral right to go to war.

When attacked a nation has the right to defend itself.

In short, to risk one's life in defending one's rights, to prefer death to disgrace, is great, is beautiful, is generous.

But it is base and vile to violate the rights of others, to steal, despoil, pillage, and tyrannize over people's consciences.

Now, every aggressor, of necessity, commits those misdeeds, since there can be no war without an aggressor.

War is one of the principal causes of the degradation of the human race.

Nearly every nation in the world now professes to believe in these general principles.

What a change is this within a century!

Look back upon the world-wide war waste.

Novico says that from 1946 B. C. to 1861 A. D., a period of 3,358 years, there have been 8,000 wars in the world.

During these 3,358 years there have been only 227 years of peace and 3,131 years of war.

In Europe alone within the last three centuries there have been 287 wars.

Since 1648, not including the Balkan War, the cost of war to Europe alone has been over $80,000,000,000.

The authority for this statement also says that during the entire period of her history war has cost Europe $800,000,000,000.

Mr. KAHN. Will the gentleman yield?

Mr. SISSON. I yield with pleasure.

Mr. KAHN. Can the gentleman give the committee an estimate of how much war has cost the six great powers of Europe—Germany, France, England, Italy, Russia, and Austria—for any wars between themselves in the last forty-odd years?

Mr. SISSON. I can not, because I have no available data. I gave my authority for the data that I am giving you, which is up to 1861. I am going to discuss in a moment, however, the reason for this condition, as it appeals to me.

Mr. HUMPHREYS of Mississippi. Will my colleague yield to me for a moment?

Mr. SISSON. I will.

Mr. HUMPHREYS of Mississippi. The gentleman has stated the number of wars that have occurred in the history of the world.

Mr. SISSON. In 3,000 years, as nearly as they can get the data.

Mr. HUMPHREYS of Mississippi. Can the gentleman state how many wars have occurred in the last 40 years?

Mr. SISSON. No; but I can state those which I can rapidly recall: The Chinese War, the war between Russia and Japan, the Balkan War, the war between the United States and Spain, some minor revolutions in South America, and the war in Mexico.

Mr. KAHN. The war between Russia and Turkey.

Mr. SISSON. Yes.

Mr. HUMPHREYS of Mississippi. The war between Turkey and Greece.

Mr. SISSON. Yes.

A MEMBER. The Franco-Prussian War.

Mr. SISSON. The Franco-Prussian War was not fought within the last 40 years.

What war has cost the entire world no man can even approximate; how many millions on top of millions of men have died in the wicked and useless wars of the past no statistician can enumerate.

This loss of life added to the cost in money, to say nothing of the loss of property, the time lost from peaceful pursuits, makes the history of the human family, at best, a fearful, gloomy, ghastly picture.

Think of the human agony of body and mind.

Think of the widows and orphans, the poverty, want, misery, and starvations that have followed in its awful wake.

If men responsible for war could hear the groans of the dying, the wail of the widows, the cry of the orphans, and could see the mighty torrents of blood, the flaming dwellings by night, and smoking ruins by day, could there be a man, beast and devil though he be, that would be responsible for war? [Applause.]

The money cost of war is the least of the evils that flow from it.

The loss of life is the most serious, because war always claims the strongest and bravest.

I want to call attention especially to this, because both the Army and the Navy take only the brightest boys, the perfect specimens of manhood, when war breaks out; it is the strong and the brave in mind and heart that venture to offer up their lives, while all the weak in mind and in body are the ones that remain at home. Great students have said that that has been one reason for the deterioration of nations in physical and intellectual strength in many portions of the world. It would be interesting to follow that further.

Sophocles said:

War does not of choice destroy bad men, but good men ever.

The Army officer exacts his toll not from the average man in body and mind, he demands the best.

The weakest and most unfit are left at home, the diseased and the coward are left behind.

His children become the most numerous, thus preventing the perpetuation of the best of the race.

If the evil ended here, it would not be so bad, but war brutalizes men, and women as well.

War of aggression is nothing but wholesale murder.

To murder wholesale is worse than to murder by retail.

One murderer is despised, but thousands of murderers are honored.

Am I right about the morals of war?

The nations think so, because in every modern war each nation tries to make her own people believe that she is not the cause of the war.

This is because the race has made progress in morals to that extent that they will not stand for war for war's sake.

When have you found in modern times a nation going to war that has not said, "We are not to blame"? Did not we in the War with Spain create the impression that the blowing up of the *Maine* was the first act of war? So it was between the North and the South, and there is to-day a controversy upon the point whether the actual hostilities began at Fort Sumter by the act of the North or of the Confederates.

Then, Mr. Chairman, we are led to the conclusion that the people at the present time tolerate the expenses of war and the preparation for war upon the assumption that the other nations can not be trusted.

Because the conscience of the people of the world will not tolerate going to war for war's sake, and therefore they permit themselves to be taxed upon the sole idea of national defense.

To state the proposition differently, the people of the world do not want war, and will not agree to go to war, except upon the idea that it is for their defense and the defense of their homes.

You then ask, if all the people feel that way, Why not agree to stop all this vast expense entailed upon all the people of all the Governments of the world?

The answer is that other nations will not stop, and we can not afford to quit as long as other nations keep increasing their war weapons.

This does not answer the question, because the same reason is given by the people of all nations.

The people everywhere say that they would be glad to be relieved of the burden if they could.

Then, if the people of all the nations feel that way about it, why do all nations continue this criminal waste of money?

What is the mainspring behind it all?

In some countries, where the people have no franchise and are dissatisfied with their Government, the Government is impelled by fear of the people to keep a large standing army to keep the people in subjection.

In others the fear of contiguous nations is the cause of the standing armies.

Both of these are reasons, but they are bad reasons, for the existence of great armies, because in the first case the army serves a bad purpose, it forces upon the people a bad government against their will and extorts from them the means to continue to oppress them.

The army in this case not only perpetuates the evil government, but forces the oppressed people to pay the expenses of their oppression.

This is the chief reason why the people of the nations have made such slow progress.

The great burdens of taxation drained from the substance of the people year by year for the support of millions of soldiers prevent them expending it upon institutions of learning, good roads, and other things for the betterment of the conditions of life.

The total amount spent last year on universities and colleges and technological schools in the United States, according to the Bureau of Education, was $89,835,787—not as much as this one bill carries.

This $89,000,000 supports 596 institutions of learning, with 30,134 professors and instructors, who teach 319,490 young men

and young women to become leaders of thought in the United States.

What wonders could be accomplished throughout the world if this war fund were spent in training men and women to become leaders in the pursuits of peace.

The last reason, the "fear of contiguous nations," is the one most urged.

This fear, however, is a fear which in modern times is accentuated and exaggerated by interested parties.

If neither nation had an army their differences would be settled in a court selected by the two nations or in a court of nations.

I want to pause long enough to say that originally it was the strong arm and the sure shot that settled differences. Within the memory of some men now living, within the memory of my distinguished friend from Ohio, Gen. SHERWOOD, in different States of this Union differences were settled by the code duello, which was war between two individuals. That was abolished by all of the States. The States surrendered a portion of their sovereignty in certain matters, and now the differences are settled by the United States. If the States of this Union could settle their differences, some plan can settle international differences.

In every civilized Government courts are provided for the settlement of all kinds of differences between individuals and between subdivisions of the Government.

Why do not the nations agree to some such form of settlement among themselves?

What millions of lives and money would be saved throughout the world.

That man, that statesman who is great enough and has power enough to propose and urge on the great civilized nations of the world to embrace this agreement will be the greatest statesman of modern times. [Applause.] I believe that the Speaker of this House told the truth when he said that he knew that five nations could by agreement stop the building of warships and increasing the Army. He believed that three nations could do it; that England and any two great nations could agree to a program and enforce it. But I am sure that any five nations could do it. Any man that could devise a method which will be agreed upon will be the greatest boon to the human race in modern times.

I will tell you what would do a great deal toward it. If they would agree that the open sea should not be invaded by battleships from any nation on earth except under an international agreement; that they should have a navy of mutual ships to police the seas, protect the coast, and keep the battleships bottled up within the 3-mile limit, they would become useless to the people of the world, and the people of the world would soon find that an agreement like the one between the United States and Canada would be an agreement that would be kept throughout the world, because the conscience of the people would be for it. I will soon show you why the masses that produce the wealth of the world do not have their way about it.

Why can not the nations agree to HENSLEY'S peace resolution and other plans similar to it?

I will tell you why:

It is because each great nation has too many business men getting rich manufacturing for the Government war supplies in time of peace.

It is the same old cry of "booty," that I told you about a moment ago.

Let us examine the fact a moment:

A few men always make money out of war.

These men always favor war because of the money there is in it for them.

If they can arrange to sell supplies in time of peace, they would rather do business with a nation at peace because such a nation is sure pay. But it is necessary to keep up the war scare.

So these men have organized syndicates of war in all the principal nations for army and navy extension.

In Europe you have the Krupps, Maxims, Armstrongs, Vickers, Cruesots, and Schneiders.

These great firms sell battleships, cannons, small arms, and powder to the European Governments, and this is their principal business.

Add to them the army and naval officers and you have a large percentage of the people interested in a program of war scare, because without this their business would cease.

In the United States we have the great navy yards and steel plants, who are interested for the same reason.

They have organized a so-called Navy League of the United States, which claims to be a patriotic organization; and yet most, if not all, of the men who are behind it either have their name on the Navy pay roll or are selling supplies to the Government for war preparation.

This Navy League issues a circular assigning 67 reasons why the United States should maintain a strong navy.

Yet this same league fails to assign the principal reason for a big navy.

The principal reason for a big navy is this: The people of the United States are earning, in their fields, factories, and mines, a vast amount of wealth, and our syndicate wants some of it; and the sure way to get it is to join with the war syndicate in Europe and talk war, keep up all the ill will we dare to, provided, of course, that we must be cautious and not really have an actual war, but just enough to cause Germans, Frenchmen, Englishmen, Americans, and Japanese to stand for this toll on their toil.

I can not refrain quoting from Israel Zangwill, The War God, the following lines:

"To safeguard peace prepare for war"—
I know that maxim; it was forged in hell.
This wealth of ships and guns inflames the vulgar
And makes the very war it guards against.
The God of War is now a man of business,
With vested interests.
So much sunk capital, such countless callings,
The army, navy, medicine, the church—
To bless and bury—music, engineering,
Red-tape departments, commissariats,
Stores, transports, ammunition, coaling stations,
Fortifications, cannon foundries, shipyards,
Arsenals, ranges, drill halls, floating docks,
War-loan promoters, military tailors,
Camp followers, canteens, war correspondents,
Horse breeders, armorers, torpedo builders,
Pipe-clay and medal venders, big-drum makers,
Gold-lace embroiderers, opticians, buglers,
Tentmakers, banner weavers, powder mixers,
Crutches and cork-limb manufacturers,
Balloonists, mappists, heliographers,
Inventors, flying men, and diving demons,
Beelzebub and all his hosts, who, whether
In water, earth, or air, among them pocket—
When trade is brisk—a million pounds a week!

[Applause.]

These interests constitute what has been termed "The invisible empire."

This organization of the money gods of the earth controls the earth and the people thereof.

Kings, Emperors, Czars, and Presidents do their bidding.

Senates, and Houses of Lords, and Congresses, and Cabinets take their orders from them.

The public press, theoretically a free press, is owned and controlled by them.

If you will examine for a moment, you will find that it is utterly impossible for nations to go to war until they shall have consulted the bankers of the world. One authority says there are but three nations that can go to war without consulting the bankers, and they then would have to consult their own bankers. He says England, France, and the United States are the only three nations that could go to war. He says Japan could not go to war. She might fight a defensive warfare, but she could not go to war and cross the ocean, because when she leaves her shores she must take with her supplies, and she can only take a limited supply. So, then, she would have to carry with her her chests of gold, and why? This authority said that no man would part with his mule, no man would part with his corn, no man would part with those munitions of war which he raises on the farm or makes in his factory and take the paper of a foreign nation to pay for it, and therefore it becomes necessary that a nation going to war now must have gold in her chests to do the fighting with. It is gold that fights the foreign wars at this time, and it takes gold to do it. In the Balkan War did not the nations friendly with each other finance those nations and finance the war? French bankers financed one side and English and German bankers financed the other. It is absolutely impossible to-day to go to war without consulting this invisible empire to which I have called your attention.

In every age of the world's history the masses have been preyed upon by the few.

One specious and deceptive plea follows another, and as rapidly as the people get rid of one evil in Government another rises and plants itself upon the backs of the masses and takes from them, in one guise or another, what they earn. Mr. Chairman, can Members of Congress look without alarm on the rapid increase of war tax upon their constituents.

Let us examine our expenses in 1880 and our expenses now

In 1880 we spent on the Army $26,797,300, or in round numbers, 50 cents per capita.

In 1910 (the last accurate census was taken then and for this reason I select this year for comparison), we spent $101,195,883.34, or in round numbers $1.10 per capita.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. SLAYDEN. There is one intermediate period that the gentleman seems to have entirely overlooked in the period from 1880 to 1910, and that is the date of the last Army bill just before the Spanish War, which was in round figures about $25,000,000 or $26,000,000.

Mr. SISSON. About $26,000,000.

Mr. SLAYDEN. And the Navy at that time cost about $34,000,000?

Mr. SISSON. Yes.

In 1880 we spent on the Navy $14,029,968.95, or, in round numbers, 28 cents per capita.

In 1910 we spent on the Navy $136,935,199.05, or, in round numbers, $1.50 per capita.

That is, our Army expense has increased in 30 years 110 per cent per capita, and our Navy expenses over 531 per cent per capita.

The actual increase in the Army expense is over 380 per cent, while that of the Navy leaps to the enormous rate of 971 per cent.

And it will go over 1,000 per cent if the appropriation bill that is about to be reported to this House is passed. In other words, in less than a generation the naval expenses of the United States have increased over 1,000 per cent.

Including fortifications, the Army and Navy cost each congressional district in round numbers $560,000.

In 1910 the Navy cost every person in the United States $1.50 and the Army cost each person $1.10.

These two items alone of governmental expense cost each person $2.60.

They cost each family about $13.

The method of calculation to reach that is this: It is estimated that the internal revenue and the tariff tax are paid almost or practically in proportion to the number of people living within the congressional district, because it is paid on what they consume, but it figures a little more than $560,000 for each congressional district for the Army and Navy alone.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. COX. The gentleman has made a very interesting statement to me as to the cost to each congressional district of $560,000. In that $560,000 are there included any pensions?

Mr. SISSON. Oh, no.

Mr. COX. Has the gentleman any data showing what it would cost the congressional districts for the Army and Navy including the pensions?

Mr. SISSON. I have not, but you can get the data.

Mr. SLAYDEN. Divide $180,000,000 by the number of congressional districts.

Mr. SISSON. You can add about two-thirds of this sum to that and it will give it to you.

Mr. COX. Two-thirds of $560,000?

Mr. SISSON. Yes; take two-thirds of $560,000 and add it to that and you will approximately get what the three items—Army, Navy, and pensions—cost each congressional district. The difference is this: When you pay a pension back to a district the district gets something back, but when you pay the money for Army and Navy expenses the money goes to those places where the Army and Navy build vessels, and so forth, and it is spent throughout the world.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. FARR. Are not our pensions due to the fact that we were not prepared to defend ourselves?

Mr. SISSON. When?

Mr. FARR. In the Civil War and in the War of 1812.

Mr. SISSON. What about the Spanish-American War?

Mr. FARR. Yes; and it was because of it that time.

Mr. SISSON. Then I have got the gentleman just where I want him, and that is why all of the nations in the world ought to have sense enough to relieve themselves of that burden, and if there are statesmen in England, Germany, France, and the United States who can get out from under the control of this invisible empire that is controlling Parliaments, Congresses, Reichstags, and the legislative bodies of Europe you can rid the world of this incubus, but you can never do it as long as selfishness controls. I am not talking alone to the American people, but I am talking to the world. What I am saying may never reach the world, but sometimes little drops of water finally wear away a stone, and if there are enough little men such as I in the world—and it is the little men who send us all to Congress—I think this can be accomplished, but when you get the big fellow on top, he is going to get up all sorts of false issues, and he is going to get the country divided between the Republicans and Progressives and Democrats, and then the people lose sight of the great fact that this invisible empire is riding over us all.

Mr. FARR. Mr. Chairman, I agree with the gentleman that we ought to have peace, but if we had had a proper Navy I do not believe the Civil War, with its great loss in life and tremendous financial cost, would have occurred.

Mr. SISSON. I am not going to yield for a speech. I am going to show the gentleman that I do not think he is right. I am afraid the big people up in Pennsylvania have got hold of him just like they have the others.

Mr. FARR. I would like to ask the gentleman if it is fair and right to include in connection with our naval and military expenses the pensions that are due to the fact that we were not prepared to prevent war.

Mr. SISSON. Well, in the very beginning of things I want to tell you that war was not justified. I do not pretend to tell you which side was to blame, but there was an aggressor there. But the people of this country are being educated; it is the little red and log schoolhouse doing the work, and the people are finally awakening to the idea that the men who strut around with epaulets on their shoulders are being supported by the men who toil in the factories, in the fields, and in the mines; and when that time comes throughout the world—and they have a right to speak through the ballot box—there will be a reckoning for the men in the Reichstags, the Parliaments, and Congresses that they have not done something to remedy it.

Mr. PLATT. Will the gentleman yield?

Mr. SISSON. If the gentleman will make his question brief.

Mr. PLATT. I just wanted to ask the gentleman whether he did not think the yellow journals had as much or more to do with war as the Reichstags and Parliaments?

Mr. SISSON. The yellow journals, as a rule, are under the control of the invisible empire—these men who have vast amounts of money interested in building war equipment—that Israel Zangwill speaks of. Those are the men, the great bankers of the world, and I want to come to that in the course of my remarks, if I have time, and I hope I will not be interrupted, because I desire to get to that point. At times they have to have a war scare so they can get big appropriations for war preparation. It is the case in England, Germany, France, and Russia; and even poor little Japan, with her back broken under her present burden, is trying to get money to build battleships to defend herself against the very best friend she has got in the world, the United States Government.

Mr. QUIN. Will the gentleman yield?

Mr. SISSON. For just a question.

Mr. QUIN. After these vested interests fool the people into a war, who does the fighting?

Mr. SISSON. Oh, well, I will tell my friend from Mississippi occasionally he will find a millionaire volunteering because he wants glory, just like the balance of us, but when the time comes, if we ever did get into trouble, I think everybody, from the richest to the poorest, whether we are right or wrong, will stand behind our country; but you will find as a rule men of great importance hire substitutes. I do not know that it is a very bad idea, because then you can kill a man five or six times. It was said about Cleveland—at least by the Republicans, to create a sentiment against him—that he had been killed 10 or 12 times; that he hired substitutes. I do not know that that is so. Now, Mr. Chairman, I hope I will not be interrupted for just one moment.

We have spent on our Navy within the last 20 years $1,706,819,818, and on our Army $1,484,986,858, and on both together the stupendous sum of $3,191,806,671; and yet the Army and Navy officers who have spent this sum would have the country believe that we are in a helpless, defenseless condition in the event of war.

If one-half this vast sum had been spent on public roads, over 1,000,000 miles of post roads could have been put in ideal condition; that is, every dirt road over which the rural mail is now carried and over 100,000 miles additional could have been improved.

Now, listen. If this money had not been collected from the people and had remained in their pockets, they could have done it themselves. Now, it seems the trend of modern thought is that the Government itself ought to take away from the people money to improve roads whether the people want them improved or not. That seems to be the policy.

For one-twentieth this sum every acre of swamp land in the United States could be drained.

For less than one-tenth this sum every county courthouse in the United States could be built.

For this sum a county high school could be built in every county in the United States costing $100,000 each, leaving a

sum of over $2,855,000,000, which, put out at 3 per cent interest, would yield $85,650,000, and would allow $300 each per year for 285,000 boys and girls.

Or for one-fourth this sum you could spend $1,000,000 in buildings and grounds for four universities in each State in the Union and endow each university so built with $3,000,000, and the interest on this sum would keep in perfect condition these buildings for all time and pay the salaries of 40 professors in each of these institutions, paying more than the average professor is now paid in our institutions of learning.

With what is left you could build a county school in every neighborhood of the United States, costing $25,000 each, or nearly 100,000 schoolhouses; and no child would be required to go more than 3 miles to school, and the average distance for each child to go would be a little less than 2 miles if a home were on every quarter section of land.

Or you could consolidate the schools, giving to each school 144 sections, and spend $100,000 on each school building and have $25,000 left for each school to purchase conveyance to haul every child in the county in every country district in the United States to school every morning.

Then, if you were to devote what we spend annually for the Army and Navy to paying school-teachers to teach the children in these 100,000 schoolhouses, you could pay each teacher $60 per month, put four teachers in each schoolhouse and 160 children in each school. This, added to the high schools and universities which could be endowed as I have before shown, would give every child in America a finished education. How do you like the picture, gentlemen?

Mr. Chairman, this is what could have been the condition in America to-day if the taxes taken from the people had been wisely spent for educational purposes and not shamelessly squandered on battleships, guns, and soldiers.

By way of parentheses, when you get a battleship built they say it is out of commission always in 20 years, and they say many are out of commission in 10 years and——

Mr. SLAYDEN. By commission the gentleman means they are obsolete?

Mr. SISSON. Obsolete is the term I should have used.

What is true of America is true of the other nations of the world, except that the United States is better able to stand the burdens than are the nations of Europe.

Great Britain took from the taxpayers for the fiscal year 1913–14 for her army $224,300,000 and for her navy $224,140,000, or a total for army and navy of $448,440,000.

Germany wrung from the suffering taxpayers $183,000,000 for her army and $111,300,000 for her navy, or a total of $294,300,000. These figures do not include the expenses of her colonial troops.

France spent $191,431,580 on her army and $119,571,400 on her navy, or a total of $311,002,980. This amount does not include what she spent on her colonial troops.

Russia spent on her army $317,800,000 and on her navy $122,500,000, or a total of $440,300,000.

Japan spent $82,000,000 on her army and $46,500,000 on her navy, or a total of $128,500,000.

Will some advocate of a big navy rise in his seat and tell me what real benefit civilization is getting out of this vast expenditure? What real service is being rendered to the people by this vast horde of soldiers?

Mr. PLATT. Will the gentleman yield for just one question? How does the per capita expense of Germany——

Mr. SISSON. I am coming to that in a moment.

Mr. PLATT. I wondered if the gentleman was coming to it.

Mr. SISSON. The cost to each nation to keep a soldier in the field in the army is as follows: Japan pays $328 per man per year; Germany pays $183 per man per year; Russia pays $247 per man per year; France pays $280 per man per year; England pays $883 per man per year; United States pays $1,545 per man per year.

In the navy it is as follows: Japan, per man, $910; England, per man, $1,634; Germany, per man, $1,662; France, per man, $1,955; United States, per man, $2,320; Russia, per man, $2,335.

The standing army of Germany is 870,000 men; that of the United States only 90,000 men.

I understand that 90,000 is just about the quota now?

Mr. HAY. That is, exclusive of certain corps that are not included in the line of the Army.

Mr. SISSON. I am including the 90,000 in the standing Army of the United States.

If our Army were as large as the German Army and the cost per man should be what it is now, the cost to the people of the United States would reach the enormous sum of $900,000,000 per year, or nearly as much as the entire Government now costs per year.

As to soldiers to population, Germany has 1 soldier to every 65 people; France has 1 soldier to every 55 people; Austria has 1 soldier to every 128 people; Russia has 1 soldier to every 137 people; Japan has 1 soldier to every 268 people; Great Britain has 1 soldier to every 177 people.

Including the navy, Germany has 1 soldier and sailor to every 61 population; Great Britain has 1 soldier and sailor to every 115 population; France has 1 soldier and sailor to every 51 population; Japan has 1 soldier and sailor to every 223 population.

To the soldiers and sailors add the vast number of civil employees connected with the Governments, and what a shocking burden the people have to bear.

Now, I want to call your attention to the world's condition, and I shall not take up the time of the committee to go into all the smaller nations. In 1911 there were 41 countries enrolled as members of The Hague Tribunal; yet in that same year, according to the Statesman's Yearbook, 30 of these countries spent for army and navy approximately the amounts given below:

Russia	$304,333,585.00
Norway	5,704,934.50
Sweden	23,947,287.40
Denmark	9,210,905.40
Germany	303,290,492.00
Belgium	14,800,511.87
France	289,962,838.00
Italy	126,753,522.00
Austria-Hungary	109,455,565.00
Bulgaria	8,877,421.00
Egypt	5,101,176.60
Japan	65,190,690.00
Argentine	17,518,514.13
Belgian Kongo	2,211,876.50
China	22,365,000.00
Greece	5,757,040.23
Guatemala	2,243,996.00
Mexico	10,833,603.00
Netherlands	20,613,370.72
Peru	2,175,324.00
Portugal	13,595,539.24
Roumania	13,370,782.92
Servia	5,655,841.14
Spain	49,689,752.78
Switzerland	8,515,845.72
Turkey	48,418,131.24
Uruguay	3,580,740.00
Chile	6,100,000.00
Great Britain	339,425,000.00
United States	280,073,619.00
Total	2,109,792,824.79

Now, the current expenses of European Governments have been practically paid—sometimes a little overpaid—each current year out of the current taxes. Therefore the indebtedness of all of Europe—the great nations, at any rate—is a war debt. Now, let us see what it is. The war debt of Europe is as follows:

Austria and Hungary have a bonded war debt of $4,000,000,000; France has a bonded war debt of $7,500,000,000; Germany has a bonded war debt of $5,000,000,000; Italy has a bonded war debt of $2,750,000,000; Russia has a bonded war debt of $4,500,000,000; England has a bonded war debt of $3,500,000,000; or a total of $27,250,000,000.

As will be seen, these six nations have a fixed bonded indebtedness on account of war and the support of armies in time of peace of $27,250,000,000. In other words, all of Europe is mortgaged for the stupendous sum of $27,250,000,000. The interest on that, one authority says, is a little over $900,000,000 annually. I did not have the data available in order to ascertain whether that statement is true or not, but these figures are ones which you can get by an investigation of the reports in the Library of Congress.

Mr. SLAYDEN. Will the gentleman permit just a question?

Mr. SISSON. I will.

Mr. SLAYDEN. Is that debt being paid or is it being increased?

Mr. SISSON. The debt is not being paid, and for this reason: The English debt is a fixed indebtedness, and is never intended to be paid, because they realized after the Napoleonic wars that they never could pay it. But France last year was not able to pay her current expenses and pay her war-debt interest, and so she actually sold bonds to pay the interest on her bonded indebtedness. In other words, France borrowed from her own people money with which to pay the interest on what she owed them, as all of this debt is practically owned by her own people.

Mr. SLAYDEN. Practically, what is the difference between the intention not to pay and inability to pay?

Mr. SISSON. There is practically no difference. Under all the theory of political economists and all the authorities on the question, when a nation can not pay the interest on its debt the nation's finances will soon reach the point where her credit is bound to go by the board unless she retrenches expenses. But France has reached her limit for borrowing, because she is

compelled to borrow from her own people now the money to pay the interest which she owes to her own people.

Mr. Chairman, the picture in Europe is indeed gloomy. Think of the toilers of the future having taken away from them the interest on this vast war debt. They are the slaves of the bondholders; nothing more or less. May a wise Providence guide our people so as to avoid this horrible condition. The United States now owes nearly $3,000,000,000, upon which our people pay interest, and unless Congress calls a halt on appropriations we will have to add to our bonded indebtedness, and soon our children will be enslaved by the fortunate bondholding class. I am sorry that my time will not permit me to finish what I had intended to say on other phases of this subject. I should have been glad to have discussed a world remedy for this world's sickness. I hope to be able to do so later in the session. Let me appeal to Congress in the name of the masses who bear this great burden not to make the load heavier. Let me appeal to our great President and this Democratic Cabinet to aid and assist in carrying out the one plank that has always been in Democratic platforms from its birth, "Economy in public expense, that labor may be lightly burdened." This is the touchstone and true test of Democracy. Do you respect the man that toils? If so, let him keep what he earns? Do not take it from him in excessive taxation. Let us by legislation keep our pledges. This is the plain duty of the party to-day. Will we live up to it? If we will, the Democratic Party will have a long lease of power. If we do not, we will surely go out of power, as we should.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I do.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman and gentlemen, I am very sorry indeed that I can not finish these desultory remarks.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the figures that I called to the attention of the committee a few moments ago. [Applause.]

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for 30 minutes.

Mr. GREEN of Iowa. Mr. Chairman, I have introduced a resolution asking for an investigation by the Interstate Commerce Commission of the financial transactions connected with the management of the Rock Island Railway in recent years and the condition of its property with reference to its capacity to serve the public and safety for travel. Other investigations, similar to the one proposed, have been ordered with reference to other railways. As a result important facts, valuable to the public, were developed in regard to the New Haven and Frisco Railroads. The New Haven was found to be swamped with properties purchased at a price much greater than their real value and its management to have been either woefully incompetent or willful in malfeasance. The same and more could be said of the Frisco management. The investigation disclosed both incompetency and malfeasance, and suits are now pending against some of its officials to compel them to disgorge their ill-gotten gains. What will be developed by the proposed investigation I do not undertake to say. If the desired facts could be otherwise ascertained, the investigation would not be necessary. Not knowing what the investigation will show I make no predictions as to its results, and will only state that upon its face a case is presented that calls as loudly for investigation as either of the companies I have mentioned. It should also be added that the management of the New Haven in an economic way affected only its stockholders. The management of the Rock Island has more particularly affected the public.

The story of how the control of the Rock Island was obtained by a few daring speculators and reckless financiers reads like the pages of a romance.

The era surrounding the opening of this century was characterized by the formation of great combinations, among which was a trust which took in the tinplate mills and turned a cataract of water upon their stock. In 1902 a syndicate or association, which had made immense sums by organizing the Tinplate Trust, cast about for a new field of operation, and their eyes fell upon the Rock Island Railway as affording a new and greater opportunity for gain. The Rock Island was then a splendid property. Its main line reached from Chicago to Denver, with branches to St. Paul, Minneapolis, and Kansas City. It ran through the most fertile districts of a great Nation; its location in Iowa and Illinois was especially favorable; its short branch lines served as feeders; its terminal facilities in the large cities that I have mentioned were of immense value; and its line was double-tracked some distance beyond the Mississippi. Its main line had continuously been improved by the erection of fine stations and other facilities; its trackage, way, and equipment were kept in condition that enabled it to compete successfully with other roads in its field; and its capital stock and interest-bearing debt was low in proportion to its mileage and assets. The amount of its stock at that time was only $60,000,000, and this and the other matters which I have mentioned rendered it a most enticing object in the eyes of those who managed railroads with a view to speculation rather than public service.

Early in the year last mentioned there was formed by the association to which I have referred two holding companies, one called the Chicago, Rock Island & Pacific Rail*road* Co., to hold the stock of the Chicago, Rock Island & Pacific Rail*way* Co.—the original company—and the other to hold the stock of the railroad company. This second holding company just mentioned was called the Rock Island Co., and was a New Jersey corporation. The first move which these promoters made was to get control of the directorship of the original railway company. Having done this, they immediately raised its stock from $60,000,000 to $75,000,000. Then they issued 4 per cent bonds to the amount of $71,000,000 of the Chicago, Rock Island & Pacific Railroad Co. and $71,000,000 common stock and $50,000,000 of preferred stock of the Rock Island Co. The 4 per cent bonds of the railroad company were to be secured by an equal amount of stock in the original company pledged as collateral. At one stroke they issued against $71,000,000 of stock of the original company $192,000,000 of stock and bonds. Thus $121,000,000 of water was poured not exactly into but upon the Railway Company's stocks and bonds. As an irrigation feat this ought to recommend those who planned it to the Reclamation Service, but it ought not to have been expected that it would be appreciated by the general public.

It will be observed that by the device of creating a holding company to control a holding company the promoters were enabled to secure control of this magnificent property with a small investment on their part. The preferred stock in the Rock Island Co. alone had voting power. A majority of this $50,000,000 of stock—now quoted at about $5,000,000—could manipulate this great railway system at its pleasure. What profits were secured from this scheme is one matter which this investigation should develop. What banking institutions, if any, were concerned therein is equally important. It is not necessary to inquire what the railway company got, for it received nothing from the sale of such of these securities that went upon the market.

The first year of the new management was notable for an increase in mileage operated of about 3,000 miles, but nearly all of this increase was in properties of questionable character—lines that ran through sparsely populated districts, cheaply constructed and poorly supplied with equipment. For example, the new management acquired by lease or purchase of stock the Choctaw, Oklahoma & Gulf and the Arkansas & Louisiana Railroads, aggregating about 1,350 miles. Later an investment was made in the St. Louis & San Francisco Railroad, commonly called the Frisco, to which investment I shall refer hereafter. The effect of these and other investments of a similar character is shown by the fact that while the old Rock Island Railway was operated at a cost of about 60 per cent of its gross earnings, to-day its operating ratio is 73.5 per cent, notwithstanding the great improvements that have been made in respect to its heavy traffic lines by the use of larger cars and engines.

Information as to the cost of the properties acquired would be both interesting and valuable. The new management has bought and constructed additional lines, has leased others, acquired bonds and stocks of various kinds. With the exception of the Frisco and the leased lines, their cost is not known, and, while only an investigation can determine their values, it is evident that their ownership, on the whole, is not profitable.

This, however, was not the worst effect of the control under these holding companies. In 1902, according to Moody's Analyses of Railroad Investments, the Rock Island interest-bearing debt was $18,239 per mile. In 1911 it was $38,692 per mile. At present it is still larger, and if the rentals are capitalized at 5 per cent and included the debt is now $51,304.55 per mile. Bear in mind that this has no reference to the bonds and stocks of the holding companies, which, while in a position to suck the lifeblood from the operating department of the railway, were

not a debt of the original corporation. These figures refer simply to the interest-bearing debt of the original railway company. In other words, in less than 10 years this holding company management had more than doubled the amount of interest-bearing debt per mile, and it has reached such a stage to-day that the net income of the system is but little more than sufficient to pay the interest on the bonds issued by the railroad company to which I referred in the outset, and would not be sufficient for that purpose if the road was properly maintained. This interest must be paid from dividends on the original stock, and there is over $3,000,000 less available for dividends in 1913 than in 1902.

But, some one will say, perhaps this increase, although it seems enormous, is still justified by the expenditures for improvements. Possibly the line has been double-tracked, new terminals have been acquired at large expense, and its equipment raised to a degree of efficiency comparable to that of the best roads of the country. Unfortunately exactly the contrary is true. No double-track worth mentioning has been built since the holding company's control, although the line through Iowa is sadly in need of it. There has not been expended an amount anything like what ought to have been set aside for maintenance purposes.

It is specially in need of terminals in the South and West. Its equipment is so short that it is reported that it has spent $6,000,000 since 1907 for equipment hire alone, and still it is known that it has not been properly supplied. A chorus of complaints has gone up from the public all along its lines for lack of proper service, trains behind time, inability to move traffic, and the road has been heavily mulcted in damages by reason of delayed freight. Wrecks have been frequent, and only good fortune has prevented the casualties from being large. For a number of years I have had my home in a county-seat town on a branch line of this road, the rails of which bear the stamp showing that they were made in Sheffield, England, nearly half a century ago. Its whole line, from the Mississippi west through Iowa, needs reballasting. From Iowa City to Council Bluffs the management is trying very unsuccessfully to do a double-track business over a single-track road. Its competitors, the North Western, the Burlington, and even the Milwaukee, which has not half the opportunity for traffic which the Rock Island possesses, have all constructed double-track lines across Iowa and spent millions in taking out grades and curves. The Rock Island still has the same grades and the same old line in western Iowa, so crooked that it was facetiously said that its engineers were trying to get as much mileage between Des Moines and Council Bluffs as possible in order to get a larger land grant, for, like many other western roads, the Rock Island Co. was largely aided by the Government when its main line was constructed.

As I have stated, the amount expended by the Rock Island for maintenance has been much less than that of other similar companies. In the fiscal year ending June 30, 1913, it spent more for maintenance than theretofore, but then only 27.9 per cent of gross receipts, as against 30.8 per cent by the ill-equipped Missouri Pacific, 32.3 per cent by the Atchison, and 30.3 per cent by the Burlington. Its gross receipts increased for the same period $6,597,000. This made it possible to increase its expenditures for maintenance beyond the meager scale which had hitherto been allowed, with the result that there has been a noticeable improvement in the service. The difference in expenditures for maintenance looks small when expressed in percentages, but the Rock Island's receipts for transportation were nearly $71,000,000 for the last fiscal year, and 3 per cent more for maintenance would have been over $2,000,000, which, if used, would have greatly benefited its service and increased its earning power.

The most extraordinary feature of the situation is the manner in which the per cent of fixed charges has risen as compared to the total net income. In 1902, when the present management assumed control, the fixed charges were only 40 per cent of the net income. In 1911 they had risen to 90 per cent. At the present time, if I am correctly informed, even this small margin has been practically wiped out. This is due to the enormous increase of the interest-bearing debt. In the fiscal year of 1911 and 1912 alone the net increase in funded and interest-bearing debt was over $21,000,000, without any increase in the mileage to speak of. This allows for all indebtedness that was taken up during that year. The greater portion of this increase was caused by the issue of $20,000,000 in new bonds. A portion of this sum was used to make much-needed improvements in equipment and maintenance, but this accounts for a comparatively small amount. The interest-bearing debt has now risen to nearly $258,000,000. As near as I can ascertain, when control was acquired by the holding companies, the interest-bearing debt was about $71,000,000. In other words, it has increased since that time about $187,000,000. This can not be accounted for by the increase in mileage. The railways acquired, while extensive in length, were, for the most part, such as I have heretofore described, and it does not seem possible that their value can make up a proper proportion of this increase in indebtedness. It should also be observed in this connection that a large portion of the mileage operated by the Rock Island is leased.

Where has the money gone? I can not say. An investigation is the only way in which such facts can be ascertained. But, while I can not tell where all the money has gone, I find that over $13,000,000 of this interest-bearing debt is due for equipment which other roads similarly situated managed to obtain without so disproportionately increasing the interest-bearing debt, while the Rock Island was borrowing for this purpose and expending less than its competitors.

There is also another place I can designate. In 1903 the management purchased the St. Louis & San Francisco Railway Co., since made notorious by bankruptcy and a congressional investigation. After this unfortunate railway had been loaded with about $58,000,000 of additional interest-bearing debt it was concluded that it would be well to cut it loose, but, as may be supposed, after these encumbrances had been saddled upon it no one would buy it for the original amount which it had cost the Rock Island, and the only wonder was that it could be sold at all. When the Rock Island bought the Frisco stock it gave $60 a share in 5 per cent bonds and $60 a share in Rock Island common. In other words, it put out over $17,000,000 in 5 per cent bonds of the railroad company and an equal amount of Rock Island common stock. At that time the common stock was estimated to be worth $40 a share. In the sale there was lost, whatever common stock was worth, the interest on the bonds up to February 1, 1910, when the sale was made, and the additional amount of bonds supplied to retire the original $17,000,000, which was $6,945,000, a total amount estimated by the Financial Chronicle at the time of $19,534,000. You will understand that the original issue of $17,000,000 in bonds used as a part of this purchase was paid off, but the new bonds, amounting to $7,500,000 and drawing 5 per cent interest, are in effect a claim against the Rock Island Railway. That much at least the public must pay interest on. While they were bonds of the railroad company, they were purchased by the railway company at the time and put in its treasury. It seems like a jugglery of figures that the rail*way* company should buy bonds of the rail*road* company and put these bonds in its treasury as part of its assets. After all, this sale seems to have been the best thing the present management has done, for the Frisco is now in the hands of receivers.

In 1903, 1904, and 1905 dividends were paid on the preferred stock. Apparently $5,000,000 went in that way. That these dividends were not justifiable is perfectly clear. They were obtained by taking from the road money that ought to have been spent for equipment and maintenance, thus depriving it of the means of performing its duty to the public and injuring its earning capacity.

Evidently a large sum went into stocks and bonds. At the close of the last fiscal year the railway company held over $13,000,000 worth of stocks, the book value of which was placed at over $7,000,000—among these stocks some $5,326,000 of the Rock Island Improvement Co. What this corporation is, why the railway company owns any of its stock, what such stocks cost, and what they are worth are important subjects for investigation. The railway company also holds in miscellaneous investments—such as coal companies, bridge companies, town lot and land companies—stock to the par value of over $4,000,000, which is invoiced at something over $800,000. Among the securities which it holds and has classed as marketable are over $1,000,000 in the preferred stock of the Rock Island Co.—the second of the holding companies. It would be interesting to know what the railway company paid for this stock. It is now worth 9 to 10 cents on the dollar. It also holds over $5,000,000 in the Toledo, St. Louis & Western bonds.

The whole list of the stocks and bonds held by it is too long to be detailed here, and unless an investigation is had the profits or loss on the transactions in its securities can not be made known.

Like the New Haven, the Rock Island has been borne down by a crushing and rapidly increasing load of interest-bearing debt, which, in the case of the New Haven, was caused by the purchase of properties at a price largely in excess of their income-producing value. The rapid increase in the proportion of operating expenses to the gross income of the Rock Island, which I have already set forth, tends to show a similar state of affairs with reference to properties acquired by the last-named company. Of course, nearly all railroads have shown an increase in the percentage of operating expenses as compared to

gross receipts, but few make so bad a showing in this respect as the Rock Island. While the New Haven increase of debt very seriously affected its stockholders, the road was not stinted in expenditures for equipment and maintenance. In 1911 it spent for maintenance $6,941 per mile, while the Rock Island spent during the same time and for the same purpose only $3,280. The frightful accidents which have occurred on the New Haven have not been caused by lack of expenditure nor, indeed, by the condition of its track and equipment, unless it can be said that a bad type of block signals contributed thereto and the lack of steel cars. In the case of the Rock Island, inability to perform proper service from lack of facilities is the greatest cause of complaint, but it is one that can be remedied.

Figures are sometimes presented which tend to show that the total capitalization of the Rock Island is not large compared to some other roads similarly situated and smaller than others, which might be mentioned, but these statements convey but little information. The proper capitalization of a road depends upon features that can only be disclosed by a complete analysis of its property, among which I might mention the value of its terminals, the amount of its double track, the condition of its roadbed, and its equipment. This varies so much with different lines that this kind of a comparison means but little. It should also be borne in mind that there is a vast difference between adding to the stock of a corporation and adding to its interest-bearing debts. Upon the stock dividends are, or at least should be, paid only when earned, but the interest on bonds and notes must be paid whether the public is served properly or not or the railroad must go into the hands of a receiver.

Of course, wages have largely appreciated in recent years and all kinds of material for the use of railroads have greatly advanced in price. This advance, however, has been to some extent offset by the increased efficiency of locomotives and cars. In any event, these advances are not controlling with reference to the matters sought to be investigated. The Rock Island is doing business at a profit, and a large one on the whole, although some lines which have been purchased by it are now operated at an annual deficit. The question seems to be how to get the proper proportion of its earnings applied to its maintenance. I have already shown that it has not used the proportion which other lines similarly situated have appropriated for this purpose, and I assert that it can never give proper service to the public until this is done. There seems to be no good reason why the Rock Island should not have expended in the past as much in this direction as the North Western, Burlington, or the Milwaukee.

If it brings its road up to the proper standard it must expend even more than these roads in the future. If there is any reason why this has not been done in the past, the public is entitled to know it. If it can be done in the future, the public wants to find it out and then have this obligation performed. I am satisfied that the public should receive better service from the Rock Island, and I am absolutely sure that the Rock Island itself would be able to make more money as well as render better service if necessary equipment was provided, its line double-tracked where needful, grades reduced, and curves taken out. How this could and should be done is a subject for experts after the facts have been ascertained by a proper investigation, and only by a report made by such an investigation can the public know what it is entitled to demand and what it should receive. Through such a report alone can it be expected that the road will be put in proper condition to render the service of which the public has so unjustly been deprived.

I have made some statements herein with reference to the condition of the tracks, equipment, and also of service. While these are made from my personal knowledge, they constitute but my own unsupported statement. Here, again, the public is entitled to know what conclusions would be drawn by experts with reference to railway matters. Some of the details which I have narrated with reference to the holding companies already have been made known by one of the reports of the Interstate Commerce Commission. To that extent the resolution calls for facts that have already thus been published, but the public is not generally aware of their existence, and, in any event, they will become necessary as a foundation for any report that may be made.

The most important questions do not relate to the formation of the holding companies nor even to their capitalization, although the extent to which a confiding public was induced to invest in the securities of these companies would of itself form a proper subject for investigation. So far as the stocks so issued are concerned, about the only value now attached to them arises from the power which they give over the original railway company. The recent quotations for the Rock Island stock are 4⅞ for the common and 8½ for the preferred; but these stocks were at one time quoted as high as 53 for the common and 86 for the preferred. How much of these stocks were marketed and how much retained by the original promoters of the scheme I can not say, but those who bought them as an investment have experienced almost a total loss. The bonds issued by the railroad company and secured by the stock of the railway company as collateral, of course, stand upon a different footing. They always had and still have a substantial property back of them, although considerably depreciated from former values.

It must not be understood from what I have said that the Rock Island has not spent large sums for maintenance and equipment. Necessarily, with so large a mileage and doing so large a business, it was required so to do. Since 1902 more than half of the mileage which it owns has been relaid with better and a portion with heavier rails. In recent years a large amount of track has been ballasted and nearly 1,000 miles equipped with block signals. As regards steel passenger cars, it is claimed that there is only one line west of Chicago that owns more than the Rock Island. There is no question that there has been an improvement recently, but it is equally unquestionable that further improvements are imperatively necessary.

Nor is it to be concluded that the Rock Island is not a paying institution. It has been making money in its transportation business and would make more if properly equipped. Its net operating revenue for the last fiscal year was over $18,000,000 and its operating income nearly $16,000,000. Its total net income lacked but little of $17,000,000, but unfortunately the fixed charges, of which over $11,000,000 were interest on the indebtedness of which I have spoken, amounted to $12,885,000. Its net earnings per mile were $2,343. A concern that can show such a large net revenue from its operations is still a good property, and under proper management may yet rank as one of the great railways of the Nation. By "management" I do not refer to the direct operation of the road, but to its financial policies. Its operation I shall discuss further on. Here I will also say that I use the word "promoters" in its literal sense. I do not know that there were any "promoters," as the term is used on the stock exchange, or any "syndicate." It is immaterial whether there were, but that certain persons were acting in concert can not be doubted.

I have made some investigation as to the workings of the operating departments of the road. In recent years it appears to have been reasonably and possibly highly efficient when considered in connection with the conditions under which the work was conducted. It can not, of course, effect the saving which can be made if the line had more double track and if its way was in better condition. I have no criticism to offer upon the operating department, and so far as the operatives themselves are concerned I know of no finer body of men engaged in that line of work than those employed on the Rock Island system. Give them the material and the opportunity and they stand ready and able to render services to the public not inferior to that given to the public by any railroad in the country.

It has been the fashion in financial circles to criticize those who found fault with the management of some of the railways, because the faultfinders, like myself, have had no practical experience in railroad work. These criticisms are wide of the mark. The fault which is found is not with the operating department, as a rule, but with what I term "the financial management," and I observe that in many instances, and notably with the Rock Island, its board of directors and high officials have not been taken from men trained in the schools of efficiency or practical work. They have usually been men distinguished for operation upon the stock exchange rather than in transportation. In this connection it is noted that the Wall Street Journal of recent date waxes sarcastic and suggests that a lawyer be made president of the Pere Marquette, another debt-ridden institution. Well, the Rock Island had a distinguished lawyer at its head for some time, so the idea does not seem original. It will be admitted that those who controlled the finances of the New Haven and Frisco were "professionals," but the lines in which they were expert were not measured by ties and rails. On the other hand, it may be questioned whether even with amateurs in the operating department the death roll of the New Haven would have been increased or the expenses of the Frisco made heavier.

The difficulty under which the Rock Island labors at present can not be laid at the doors of its operating department. The real cause, as I believe, is the holding company under which it has been managed, with its resulting evils. I know it will be said that the holding company's indebtedness is not that of the Rock Island, but the interest-bearing debt which has been so greatly inflated is the debt of the Chicago, Rock Island & Pacific Railway Co.

Nor is this all. The stocks and bonds of the holding company have hung over the railway company like a cloud. They have increased the rate of interest which it must pay and compelled its securities to be sold at a discount. The existence of the holding companies was also the cause of this increase in capitalization being made in the form of interest-bearing debt rather than by stocks upon which dividends would be paid when earned instead of interest regardless of the earnings of the road. Some roads which are in excellent condition appear to have a higher capitalization compared with the Rock Island, but it is in the form of stocks and not interest-bearing debt and presents no obligation which absolutely must be met.

The system under which the holding companies have controlled the finances of the Rock Island is utterly indefensible from any standpoint. In its origin it afforded financial freebooters an opportunity to exploit the railway and the public. The railway company never received one dollar of benefit by or through the stock issued by these holding companies. The millions of securities thus floated were put up merely for the aggrandizement of a few men without any return being given therefor. The holding companies ought to be abolished. The slate should be sponged clean and a new start made.

I am not an advocate of the Government ownership and control of railways, and the facts which I have stated have no tendency to support the theory of those who favor it. They do show, however, that we need laws to regulate the issuance of stocks and bonds by public-service corporations engaged in interstate commerce, and that any device similar to the holding companies put in practice in this case should be absolutely forbidden. When this is done there may not be as many American speculators who are able to maintain racing stables in England and hang the stalls of their horses with silk, as the newspapers reported with reference to one of these promoters, but the public will come nearer getting its dues.

At this date a reorganization is under way. Whether the road will be put upon a sound basis, in my opinion, can only be determined by the facts developed by the proposed investigation. If the result should show that circumstances beyond control had brought about a state of affairs by which this once splendid property has been reduced to its present condition, the public would like to know it. If, on the other hand, it develops a repetition of the facts shown by the other investigations made, certainly it is imperatively necessary that the public should be informed. What has already developed has made plain the evils of holding companies generally. It is perhaps too early to say whether they must entirely be abolished, or whether in cases where the State laws permit no operating companies except those organized under their own laws, they may be permitted under certain restrictions.

There have been many investigations of late, some of which have not been altogether profitable, but it can not be said that the investigations into railway affairs have been of this character. So far as the public is concerned, there are no investigations for which it looks forward so eagerly, nor for which it is so desirous; nor have there been any which, in my judgment, are of so much public benefit as those which relate to public utilities. The public wants the light turned on, and those who are connected with the railway management ought to be, and I assume are, willing to have these matters brought into the open day. Publicity is the greatest opponent of wrong and the greatest champion of the right. There are some evils which can not be reached by statute and are only curbed and controlled by the force of public opinion; but so long as we have merely charges and denials the public opinion is unsettled, becomes willing to believe there is wrong where none exists, and for want of information is unmoved by acts which have been concealed from its scrutiny. Whatever expenses are necessary for making this investigation will be grudged by no one. The proposed investigation, Mr. Chairman, is called for by the facts demanded by the public, and this House ought soon to enter upon the consideration of the resolution which provides for it. [Applause.]

Mr. KAHN. Mr. Chairman, I had an understanding with the gentleman from Virginia [Mr. HAY] to the effect that I might yield one minute to the gentleman from Virginia [Mr. SLEMP].

The CHAIRMAN. The gentleman from Virginia [Mr. SLEMP] is recognized.

Mr. SLEMP. Mr. Chairman, I simply ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McKELLAR rose.

The CHAIRMAN. The gentleman from Tennessee [Mr. McKELLAR] is recognized. How much time does the gentleman from Tennessee yield to himself?

Mr. McKELLAR. I will indicate that later.

Mr. Chairman, in the time allotted to me I desire to discuss with the committee a military training schools bill which I introduced some time ago and which is now pending before the Committee on Military Affairs of the House.

But before going into the consideration of this military training schools bill I desire to make some observations concerning the Army. From time to time during the last five or six months statements have been made in the public press purporting to come from high officers of the Army reflecting upon the efficiency of the Army and our preparedness for war. Whether the officers of our Army in these newspaper stories have been accurately quoted or not I do not know; but I know that on Tuesday last I received a pamphlet under the frank of the Chief of Staff, which pamphlet, among other things, has the following:

> The present status of the Army is not satisfactory to those who are in it or those who are out of it, so far as the latter have knowledge of the facts. It is very small considering the population and extent and exposure of the country. It is, we hope, very efficient for its size, and we believe that it would give a very excellent account of itself as long as it lasted in a serious war.

If ever an army was damned with faint praise, in my judgment, the American Army is damned in the above excerpt taken from the printed article written by a Mr. Orton and sent out by the Chief of Staff.

Mr. SLAYDEN. That was written by whom?

Mr. McKELLAR. By a Mr. Orton.

Mr. SLAYDEN. Who is he?

Mr. McKELLAR. I do not know. I believe he is a professor in an Ohio university. Appearing in the papers from time to time have been purported statements from high Army officials that the Panama Canal was in danger of being taken by the British or the Germans; that Hawaii was at the mercy of the Japs; that the Philippines could be overrun in 10 minutes by Japan; and the latest scare was, according to high Army officers, Japan could land a million men on our western coast, the idea being they could soon overrun this country because we had little Navy and no Army to protect us. In talking personally to officers of the Army I find a growing desire among them to say that our Army is insufficient and that we are unprepared for war. In my judgment, this grows out of the published statements from high officers, to which I have heretofore referred. These high officials have in view, of course, the enlargement of our Army. They are constantly talking about the great standing armies of Europe and comparing our preparedness for war with the preparedness of France, Germany, and England.

Now, Mr. Chairman, we have a small Army of about 89,000 officers and men. We appropriate, in round numbers, $100,000,000 a year for that Army. This does not take into consideration the 120,000 men in the militia of the various States. England has an army of 255,000 and spends $137,000,000 for her army. France has an army of 712,000 and spends $180,000,000 therefor. Germany has an army of 626,000 and spends $204,000,000 therefor. Russia has an army of 1,200,000 and spends $281,000,000 therefor. Japan has an army of 230,000 and spends $55,000,000 therefor.

It will thus be seen, by a simple calculation, that the average soldier unit is paid per year by the United States $1,125; by England, $500; by Germany, $300; by France, $250; by Japan, $240; by Russia, $230. Thus it will be seen that the larger the standing army the less pay per officer or man. Do these Army officers want us to follow this foreign example? It is sure to follow in the end if this kind of policy is adopted.

Now, it seems that it is the ambition of some of our Army officers to create in this country a large standing Army in time of peace, always ready for war at a moment's notice. This is contrary to our history, contrary to our free institutions, and has always been held by our real statesmen as a menace to free government.

Now, Mr. Chairman, these doleful predictions on the part of some of our Army officers about the inefficiency of our Army and its unpreparedness for war always come at that season of the year when appropriation bills are being considered, and I believe they come from a desire upon the part of these officers to scare Congress into making larger appropriations for the Army. The latest scare was given the Senate, it seems, early this month, when it was discovered that apparently we had no field guns or ammunition in reserve. The "Gloomy Guses" of the Army had made a touchdown, and they got the appropriation for that purpose increased over $1,000,000 on the idea

that Japan might overrun this country at any time if we did not appropriate $1,000,000 more for reserve field artillery and reserve ammunition therefor. They did this notwithstanding that the daily papers reported the news from Japan that she was almost in a state of revolution and bankruptcy.

Mr. Chairman, I believe the time has come when it is the duty of Congress to pass a resolution or law prohibiting Army officers from making and publishing statements reflecting upon the efficiency of our Army or upon our preparedness for war. [Applause.]

Mr. SLAYDEN. Mr. Chairman, before the gentleman leaves that particular part of his discourse, will he permit me a question?

Mr. McKELLAR. Yes.

Mr. SLAYDEN. It seems to me I read in the public press or heard about the Halls of Congress a few days ago that an order had been issued forbidding certain people from talking too much about Army matters to the public.

Mr. McKELLAR. I do not know whether it has been or not, but I know it was——

Mr. SLAYDEN. There was such an order, I will say to the gentleman, and it threatened to put the Infantry publication out of business. But the gentleman knows that the chief sinners in this respect have not been the subordinates, but the high officials of the War Department themselves, and they have occupied pulpits and rostrums and availed of every means of publicity to do it. I ask the gentleman if he does not believe those should be stopped, too?

Mr. McKELLAR. I believe that anybody, knowing the American Army as I believe I know it, who casts reflections upon its efficiency or upon our preparedness for war ought to be criticized and dismissed from the service. [Applause.]

Mr. SLAYDEN. Does not the gentleman believe that it is an exceedingly improper thing for the officers of the Army or Navy to criticize the policies of Congress?

Mr. McKELLAR. I do. I believe they could better give their time and attention to the building up of the best Army and Navy possible without undertaking to run this end of the machine.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. McKELLAR. I do.

Mr. CAMPBELL. Does not the gentleman think it especially reprehensible for any high official of the Army to send out, under his frank, such a statement as was read by the gentleman from Tennessee in the opening of his address?

Mr. McKELLAR. I have just said so.

Mr. SLAYDEN. Reiterate it.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from California?

Mr. McKELLAR. Yes; in a moment.

Now, let us see what the facts are, for a moment. We have a well-trained little Army of 75,000 men, officered by officers the most of whom are trained at West Point, the greatest military training school for officers, perhaps, in the world. They are the chosen young men of the country, and, with few exceptions, I believe to be the most capable and efficient officers on the face of the globe to-day. The other officers are taken from the ranks and from civil life, picked men, who know their business and are selected because of their peculiar fitness to act as officers. This Army is the best paid army in the world, as the above figures show. It is the best fed army in the world. It is the best clothed army in the world. It is the best housed army in the world; and, for my part, I believe to-day it is the most efficient and best prepared army there is on the face of the earth, because it is composed of American citizens who are not afraid to fight and who are the superiors of any race of men on the globe. [Applause.]

Added to this Army we have a splendidly trained militia in every State of the Union. Added to this, we have agricultural training-school institutions where military instructions are given by Army officers of the United States to thousands of young men throughout the country. Added to this, we have a great volunteer force of the United States, upon which our country has always depended for protection and from which she has always received every protection.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. But it is claimed by some of these officers from time to time that we are unprepared for war because we have not the guns and ammunition. The Army concededly has all of the small arms that it needs. The militia force of the country has all the small arms that it needs, and we have a million rifles in reserve, in addition, that can be put into service on five days' notice and all small-arm ammunition in reserve we need for these rifles. We have spent nearly $200,000,000 since Mr. Cleveland's last administration upon arming and protecting our coasts, and I believe they are in as good a condition as any coast defenses on earth, armed and equipped and ready for action at any time. But the cry is made that we have not the field artillery. In his claim before the committee, Gen. Wood stated that it was necessary to have about 1,300 pieces in reserve and ammunition that is necessary to go with them. Of these, they already have 750 pieces, and in a pinch it is claimed we could manufacture 500 pieces a year. In the fortifications bill this House appropriated $450,000 for field artillery and $900,000 for ammunition therefor. This bill carries $750,000 more for field artillery for the militia and $1,000,000 for ammunition therefor. And yet it is claimed we are not prepared for war because we have not the field artillery and ammunition, and the Senate answered this claim by increasing the amount in the fortifications bill $1,150,000.

Now I yield to the gentleman from California.

Mr. KAHN. The gentleman has been criticizing the officers of the Army——

Mr. McKELLAR. Some of the officers of the Army.

Mr. KAHN. Some of them, I should say.

Mr. McKELLAR. I have been very highly complimenting the general officers of the Army, and I believe they are entitled to it.

Mr. KAHN. But does not the gentleman know that those criticisms could be absolutely stopped by a simple order?

Mr. McKELLAR. That is exactly what I think. I think we will get them stopped.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. SLOAN. Should not that order come from the head of the Army rather than from this House?

Mr. McKELLAR. No; I think when certain Army officers undertake to get appropriations in the House it is a live matter right then and there, and the House ought to act in the matter.

Now, Mr. Chairman, I have no desire to injure anyone on earth. I have no interest in this matter except the interest I feel I ought to have as a member of the Military Affairs Committee of this House. I do not believe that these officers ought to be permitted to give out these idle vaporings about the inefficiency of our Army or about our unpreparedness for war. They are misleading and incorrect, and may at any time involve us in trouble, and I want to suggest in all candor that I hope that these officers will not permit themselves to give out more such gloomy statements, such misleading and improper statements. But if they should, then I believe it is the duty of Congress to rise to the occasion and enact a law dismissing from the Army any officer who so far forgets himself, his Army, or his country, as publicly to speak or write either about the inefficiency of our Army or about our unpreparedness for war, whatever his purpose may be for making the statement.

Mr. SLAYDEN. Is it necessary to invoke a weapon so powerful as that to stop indiscretions of speech on the part of the officers of our Army and Navy?

Mr. McKELLAR. As I stated a moment ago, I hope nothing more than a suggestion is necessary.

Mr. SLOAN. Mr. Chairman, the gentleman is an authority on these military matters. Has not the President, the head of the Army, the authority to stop these things at any time?

Mr. McKELLAR. That is probably true.

Mr. SLOAN. Under his oath of office.

Mr. McKELLAR. It may never have been called to his attention. I do not know now that it has. I do not believe it has ever been called to his attention. I desire to call the attention, not only of this House, but the attention of the American people, and of all those in authority, to what some of these officers are doing.

Mr. MOORE. Will the gentleman yield?

Mr. McKELLAR. In just one minute.

I would not belong to an army organization that I did not have more confidence in and no better opinion of than some of these officers seem to have in the American Army. In everyday life the lawyer who is always overawed by the splendid case presented by his opponent and doubtful of his own, is a certain loser. The business man who can always succeed if he just had the means and resources of his competitor in business, never succeeds. And so, there never was a commander who won a battle, who was always thinking and talking of the inferiority of his own forces and the superiority of the enemy's forces. Mr. Chairman, if our Army officers feel compelled to go into print they should rather follow the example of that sturdy old soldier, Gen. Miles, who in a recent interview gave stirring expressions of his patriotism and confidence in American arms; or like that splendid specimen of the American soldier, now about completing the greatest engineering project

of the world, Col. Goethals, who, when asked by a newspaper correspondent the other day if we were able to protect the canal said: "There never was a doubt about it."

Mr. Chairman, our standing Army is large enough in times of peace—and I do not believe that the American people would agree that it should be made any larger—and in times of war we need have no fears but that it will be large enough, strong enough, and brave enough to come out victorious in any contest in which our people may ever be thrown.

Sixty-five per cent of the entire revenues of this great Government are now applied to war—past, present, or future. We contribute yearly $100,000,000 to the Army, $140,000,000 to the Navy, and $200,000,000 to pensions, a total in these three large items of $440,000,000 per year. For the three most important peaceful pursuits in life we appropriate, for education $2,400,000 per year; for agriculture, about $20,000,000 per year; and for commerce, about $5,225,000 per year; about one-thirteenth, in all, as much as we pay out for the three principal items of war alone. And yet, Mr. Chairman, these Army officers above referred to are continuously striving to increase our standing Army to a half million of men and our annual appropriation for the Army on the road to $500,000,000 in an endeavor to follow and pattern after the tax-burdened and oppressed monarchies of Europe and the East.

I sincerely hope, Mr. Chairman, that these offending Army officers will read these suggestions and hereafter strive to get the best results from what we have rather than in the vain endeavor to follow plans which are contrary to our free institutions and contrary to the wishes of the American people.

I appeal to them in all kindness, instead of these persistent efforts to imitate European and eastern monarchies in building up a large standing Army to the detriment of the whole people and to the jeopardy of the Republic, that they will heartily and enthusiastically join the Secretary of War and the military committees of the House and Senate in building up the most perfect Army organization of the world within the limit of numbers and within the limit of cost, which in times of peace should never be over $100,000,000.

They could give us a most perfect fighting machine, amply sufficient for the protection of our every interest, if they would devote more time to the internal workings and to the skillful and economic management of the Army now provided for rather than to concocting ambitious and dangerous schemes for the enlargement of our standing Army in times of peace, contrary to the settled policy and wishes of the American people. [Applause.]

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied 21 minutes.

THE MILITARY TRAINING SCHOOLS.

Mr. McKELLAR. Now, Mr. Chairman, I desire to discuss the military training schools bill which I have introduced.

This bill provides that a military training school shall be established under the joint auspices of the State and of the United States in every State of the Union, in the District of Columbia, and in Alaska. It is proposed that the States shall by their legislatures designate an already existing institution, or a new institution to be founded for that purpose, to cooperate with a commission of the United States composed of the Secretary of War, the Commissioner of Education, and a civilian to be appointed by the President; and at this institution there shall be educated each year 300 boys between the ages of 17 and 20. These boys are to be selected by the county superintendent in each county of the States by examinations, competitive or otherwise. They are to be selected from the boys whose parents certify they are unable to give such boys a collegiate education.

The State is to furnish the dormitories, grounds, drill grounds, and teachers in the academic departments. The United States is to furnish the military equipment and military instructions. The entire cost of each boy per year is limited to $400. The State is required to agree to expend $40,000 and the Government to expend $80,000, making $120,000, which, divided among 300 boys, will pay the cost of their education and training. This sum is to be spent by the boy or for the boy as the trustees of each institution may determine. The course is to be fashioned as closely as possible after the course of instruction at West Point, except it is to be less rigorous. It is to consist of a three-year course, and 100 boys are to be graduated each year from each institution, 5,000 being graduated every year from all of the States of the Union.

Mr. MAPES. Will the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. MAPES. How does the gentleman arrive at his figures of 5,000 graduates a year?

Mr. McKELLAR. Three hundred boys in each school, and there are 50 States and Territories in the Union. By a simple calculation that is 15,000 boys, and one-third of them will be graduated every year.

Mr. MAPES. The gentleman means to have 300 in each State?

Mr. McKELLAR. Three hundred in each State and Territory. There are 50 States and Territories, and by a simple mathematical calculation the gentleman can see how it will work out.

Mr. MAPES. What I rose to ask particularly about was, did you propose to have these carried on at some existing State institution?

Mr. McKELLAR. Let the States settle that for themselves. That would happen perhaps in nine-tenths of the States.

Mr. MAPES. How many superintendents would you have?

Mr. McKELLAR. The bill provides that it shall be under the supervision of a board consisting of the Secretary of War, the Commanding General of the Army, and a civilian to be appointed by the President.

Now, somebody in criticizing the bill—I think it was sent out by the Chief of Staff—said that it would cost too much. The idea of talking about a bill for the education and training of worthy and ambitious boys that costs a little over $3,000,000, when we are paying out nearly five hundred millions for war and only twenty-four hundred thousand for education, saying that this costs too much.

Mr. MAPES. The gentleman proposes to pay the entire cost of the education of the 300 boys.

Mr. McKELLAR. Take the boy within the limit of $400, absolutely take charge of him and educate him.

Mr. MAPES. Give him a collegiate education, as well as a military education?

Mr. McKELLAR. Yes.

Now, Mr. Chairman, this is not a gratuity. The State and National Government educates these boys, but they are required to pay for it in service. These boys, under the bill, will be graduated between the ages of 20 and 23, and they are required to agree that they will serve the United States as officers, noncommissioned officers, or privates at any time within seven years after their graduation.

It will thus be seen, Mr. Chairman, the object of this bill is twofold. One is military and the other is educational.

I want to discuss the military feature of it first. Everyone admits that the Military Academy at West Point is a great institution and an indispensible institution. At the time it was established the whole country did not have but 5,000,000 population. Now we have about 100,000,000. It is apparent that we should have more Federal military training schools. At the Military Academy at West Point the average cost per student to graduate is about $20,000. Under my plan the cost to the United States for practically as good an education will be $1,200 per student. We pay this $20,000 per student at West Point without a word, but the Chief of Staff in the pamphlet sent out on Tuesday points out that my bill is an expensive experiment and that the money ought to be expended to pay for a postal card reserve, which I will refer to hereafter.

In the next place this bill will infuse a military spirit throughout the country, as boys are to be selected from every county in the United States, one or more boys from each county.

In the next place, there will be established under the terms of this bill a splendid body of picked and trained and educated and ambitious young men from all parts of the country, and in seven years the reserve will amount to 35,000 of these young men and will continue at this figure. I want to say, Mr. Chairman, right here that with all due respect to the officers of the Army, who are contending for a reserve army, I believe these 35,000 young men would be of more value in the time of a real war than half a million postal-card pension-pay reserves under the plan suggested by the Chief of Staff.

STATE MILITIA PLAN.

In the last few years, as we all know, there has been a tremendous effort made by certain Army officers to increase the Standing Army and to organize a reserve force. It was first thought that this could be done by means of a plan which developed into what was known as the "militia pay bill." By the terms of this bill, generally speaking, the militia in all of the States were to be made a part of the United States Army and they were to be regularly paid by the United States Government, the first appropriation therefor being estimated at about twenty-five or thirty million dollars. A snag was struck in the outset of this plan by a provision in our Constitution limiting the duties of the militia as follows:

To execute the laws of the Union, to suppress insurrection, and repel invasion.

It will thus be seen that the militia could not be sent out of the country, and this was the defect in this plan.

In the next place, under the Constitution the militia must be officered by State authorities. This in times of war always causes trouble and dissension and makes it impossible to have that cohesive cooperation that is so necessary in the management of the Army. For this reason also the use of the militia was a doubtful matter. It was again urged by the opponents of the bill that if it should pass the nominal militia would be increased in the various States in a very short time to more than a million men, and would result in costing the Government several times as much as our whole Army now costs us. Thus it seems that that plan has been abandoned.

ARMY OFFICERS' PLAN.

In a magazine article Capt. William Mitchell, of the General Staff, United States Army, who, no doubt, outlined the plan of the officers of the Army in essence, set out a bill which he proposed. It seems no member of the Senate or House has yet been brave enough to introduce it.

This bill provides, in brief, to continue the present Army as it is at a cost of $100,000,000 per year; second, to organize what is called a continental army, providing for 240,000 men at an estimated cost of about $26,000,000, and a Regular Army reserve—cost not limited—which would bring up the total force of our Army to 510,000 men. This bill is declared by Capt. Mitchell to be better than the militia pay bill, and perhaps it is if we were a warlike Nation, intent upon entering upon a mission of conquest. While this system, as outlined by Capt. Mitchell, is a very attractive one, looked at from a war standpoint, and is certainly a very carefully thought out one; still it is safe to say hardly a Member of Congress could be found willing to vote for this legislation. It is predicted that such a system would cost the Government $500,000,000 per year in less than 10 years, and this alone would be and should be a sufficient cause for a rejection of the plan. In addition to that, there is no need for such a military system. Further, it would not make for peace, so much desired by every fair-minded man in our Nation, but it would almost be an open invitation to war. In the next place, no State-rights man would ever agree to it on the ground that it would be too large a centralization of power.

THE VOLUNTEER ARMY.

The Constitution provides for the calling out of volunteers in the event of war—our great bulwark of defense. The young and active and vigorous men who go into the Army upon a call for volunteers are, as a general rule, the flower of our young manhood. They are inspired by patriotism; they are impelled by ambition, they are steadied by a desire to win. They believe, first, that their country is right in its undertaking, and the result is after a short service, as history has taught us, they make the finest example of the soldier in the world. This was true when men fought hand to hand with swords and with bayonets and on horseback. Warfare under these conditions made the man of the highest intelligence and the highest aims and purposes the best soldier. If it were true under these antiquated conditions of warfare, how much more true is it now under the present conditions of warfare? There can now be no lines of march, no column of attack, no cavalry charges, no bayonet charges, no use of swords, and little of pistols. All these things would be a hindrance in modern warfare.

More than ever would the result of a battle now depend upon individual sagacity, individual action, and individual efficiency. Training is necessary, even more necessary than it ever was; but it is a different kind of training. It does not mean the mere number of men, but it means the skill and ability of the individual man. In the event of a great war, more than ever we would be dependent upon the volunteer force of our country.

It has been seen from what I have quoted from the Constitution that our forefathers on the subject of an army committed themselves to three propositions—first, opposition to a standing army; second, to a militia system, which could only be used to "execute laws of the Union, suppress insurrection, and repel invasions"; third, reliance upon the volunteer forces of the country for an army in case of war.

So that it looks as if we are going to continue to rely upon the volunteer system whenever we are in real trouble.

President Wilson recently stated in a speech at Mobile that this Government will not again wage a war of conquest, and I believe that he expressed the overwhelming sentiment of the American people when he made that statement. Unless we are going to embark upon a mission of conquest we certainly do not need a large standing army, nor do we need a reserve army. At the same time, no one ever knows when we may have to engage in war. We ought to be prepared. Our youth ought to be trained in military institutions, or certainly enough of them should be trained to disseminate a military spirit throughout the country, so that in the time of an emergency we would have not only the trained men, but we would have the best class of our young men imbued with this military spirit. This has been the idea of our great men all the way down the line from the infancy of our Republic to the present day. The first year of our Republic Mr. Knox, the then Secretary of War, said:

All discussions on the subject of a powerful militia will result in one or the other of the following principles: First, either efficient institutions must be established for the military education of the youth, and that the knowledge acquired therein shall be diffused throughout the community by means of rotation; or, secondly, that the militia must be formed of substitutes, after the manner of the militia of Great Britain.

President Washington, in 1796, said, in a message to Congress:

However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies.

Not long after this, in 1802, Congress established the National Military Academy at West Point, N. Y. It will be remembered at that time that the whole United States was not more than half as populous as the State of New York. That school is probably now the most famous military institution in the world. That it was wise to establish it is beyond the question of doubt. It is a little larger in number than it was in the beginning, but not greatly so. It was virtually the same institution a hundred years ago, when our population was not much more than one-twentieth of what it is now.

We need other institutions of like kind. This institution has been a success. Other institutions of this kind will be successes, and in my judgment they are absolutely necessary.

In 1817, just after the war with Great Britain, a committee of this House declared:

There can scarcely be a restraint more vexatious and disgusting to a grown man than the initiatory lessons of the military art, and that to establish a second military system we must begin with the youth of the country; that we ought therefore to devise a system of military instruction, which shall be engrafted on and form a part of the ordinary education of our youth, extended without exception to every individual of proper age, not in distant schools established for the purpose, but that it should form a branch of education in every school within the United States.

When the Civil War arose, as everyone understood, the great trouble was a want of officers not of men. After this war, likewise, in 1865, a resolution was adopted in the House instructing the Military Affairs Committee "to inquire into the expediency of establishing a national military school in some of the States of the great Northwest."

About the same time other bills were introduced to provide for military education. In 1862 a bill was actually passed which provided for the detail of an officer of the Army to act as president, superintendent, or officer of certain colleges or universities having not less than 150 male students. This bill was passed in 1862. Later on, in 1870, a bill was passed which provided that a Secretary of War might issue small arms and pieces of field artillery for the instruction of students provided for in the foregoing act.

These acts unquestionably have been of real service, but there is no cohesiveness about them, and there is no way of a forced utilization of the boys trained in such institutions in the event of an emergency.

MY PLAN.

My idea of the situation is this, that we do not need a large standing Army in our country. We do need, however, at all times to have a large body of our young men well trained and educated. The time ought never arise, in the event of a war, when we should lack for properly trained officers, as well as men, as it did in 1861. It is difficult to train a man later on in life; he ought to be trained while a boy. Our officers should be made from the best material that we have. They should be well educated. They should be educated, not with a view of entering military life as a vocation, but only with a view of entering military life in the event of a necessity. If another great war is ever fought out between great nations, intelligence of officers and individual soldiers is going to play as an important a part as physical bravery and training. The two should go hand in hand. Educate and train 5,000 boys a year, graduating 100 in each State in the Union, and in a few years such would be the military spirit created in all parts of the country that a call for volunteers in time of trouble would easily bring forth a million of men.

The plan that I have put into a bill which I have introduced in the House performs three great services:

First, it educates 5,000 boys a year, who would otherwise not receive a college education. Second, within seven years there would be created a reserve of 35,000 of the best-trained men in this country or any other country, who would be lawfully required to respond, and who would respond instantly, to a call to arms by their country. Third, it would infuse a military spirit in young men throughout the country—not one

that would be harmful, like the spirit that would rise from the establishment of a large standing army, but one that would be helpful, in that our people would know what our country could rely upon in the event of trouble.

A REAL RESERVE.

Within seven years under this bill there would be a reserve created of 35,000 young men between the ages of 20 and 30 years, who would be under a contract with the Government for a most valuable consideration to serve in the Army whenever called upon and in whatever capacity called upon. With all due respect to Capt. Mitchell's plan of a continental army, as shown in his magazine article of recent date, 1 part military and 99 parts civilian, and what we take to be his postal-card reserve of 170,000 more, making in all a total reserve of 410,000 men, I believe if our country had to fight a real enemy the 35,000 young graduates of the several military training schools provided for in my bill, none younger than 20 and none older than 30, would be immensely more effective than the nondescript pension-pay-postal posting throng of 410,000. In the event of real trouble, the pension-pay crowd would be of doubtful value, while the postal-posting crowd could never be found. On the other hand, the kind of young men that will be educated in these military training schools will be those who would be eager for the fray. They would be at the right age to be effective fighters. They would have the education, skill, and scientific training to make effective fighters. They would have education and knowledge to make them take care of themselves, physically and otherwise. They would have the courage to do things. They would have the ambition to excel, because each one, knowing his own power and his own ability, would regard a war as an opportunity to advance himself in the race for life. It would not be a question of pay for them, but a question of patriotism and of gratitude for the opportunity that the Government had given to them.

The difference between the two reserve forces might be illustrated by the well-known story of two boys who applied to an employer for work. The employer asked the first boy what pay he wanted, and thinking the employer had not offered enough he went on his way and remained without work. When the same question was asked the second boy, he said that all he wanted was work and the opportunity to show the employer what he was worth and the employer could fix the pay. In a few years the second boy became the head of the establishment; the first boy became a marcher in Coxey's army.

THE EDUCATIONAL FEATURE.

In no event, however, could this bill, if enacted into law, be a mistake. Assuming that it has no merit at all as furnishing a reserve for our Army, assuming that it would not be an aid to our volunteer military system, yet it would still educate 5,000 boys a year—5,000 manly, vigorous, active, intelligent, worthy boys, that could not otherwise get a collegiate education. This proposition alone should cause every Member of this House to vote for this measure, for as a measure to promote higher education of boys in this country it could not be excelled.

No State rights principle is involved in this bill. No sectional principle is involved in this bill. It gives every State, every section, and every poor boy in our country a chance. It will prove a great boon to the poor country boys who live on farms and who are ambitious to make something of themselves, but who now have no proper opportunity. While free to the boy who secures it, it is not a charity, and a boy can accept its benefits without a loss of self-respect, because he is required, if called upon, to give his services in return for his education.

The National Government now contributes little to education. It can do more and should do more. It should pay its money where it will do the most good, where it will bring the greatest returns. Could it be imagined how greater good could be accomplished by educating and training well, physically and mentally, 5,000 ambitious boys each year, picked out according to merit from every county, from every State in the Union. In such military training schools there would be taught self-reliance, initiative, pluck, vigorous action in all undertakings, endurance, true regard for discipline and order, regard for duty, patriotism and courtesy, and these things, together with their physical and academic training, would fit them to be leaders in every walk of life, civil and military.

I have looked over the biographies of a great many of the Members of this House, and from an account given in these biographies there are but few men here who would not have in early life regarded such an education and training as the greatest boon that could have fallen to them. It would have meant much to the most of us. A great many of us would have regarded such an opportunity as priceless. Why, then, should we not arrange this for those who will succeed us here and for those who will be situated as we were in early life or for those who go into other walks of life so that they will be better prepared, better equipped than we were. These institutions are not for the rich. The rich are excluded from their benefits unless they pay for them. They are for the poor boys, for the boys possessing merit, and energy, and ambition, and pluck, and bravery. While the city boys are not excluded under the plan, the country boys will be the largest beneficiaries under this act.

COUNTRY BOYS.

We owe the country boys of our land something along this line and should give it to them. Many of them may, the most of them do not, now have a fair chance to equip themselves for the race of life. It is true we now find these country boys in the front ranks in all professions and in all the avenues of business and trade and commerce. They get there by reason of their pluck and ambition. Let us aid them on their upward journey by educating them better and by training them better. Let us join hands with them and say to them that the greatest Government on earth feels kindly toward them; that it wants to encourage them in their ambitions; that it wants to make more capable citizens of them; wants to help them upward and onward; wants to aid in equipping them so that the best in them may be developed; wants to make them the highest and best type of the American citizen, namely, a type that is educated and refined, trained in mind and body, fitted for the peaceful pursuits of life in times of peace, and equally fitted and ready to defend or avenge their country in times of war.

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, the War Department has direction of the improvement of the rivers and harbors of the country, and its work has been developing along that line for many years, increasing with the importance of the projects authorized by Congress for the general commercial welfare of the country.

I intend to address myself for a short while this afternoon to the question of locks and dams, particularly as they relate to one of the great rivers of the East.

In a preliminary way I wish to say that Congress appropriates money for the improvement of many rivers by the construction of locks and dams. It is no new practice.

On a river like the Coosa, which runs through Georgia and Alabama, the Government has thus far expended in the construction of locks and dams approximately $2,000,000. This is to advance commerce and navigation; and the commerce there now amounts annually to 52,000 tons. On the Black Warrior River in Alabama the Government has expended in the construction of locks and dams more than $9,000,000. The annual commerce tonnage there is about 163,000. Great coal fields are tapped by the Black Warrior, and there are tremendous water-power possibilities there.

On the Monongahela River, which runs through West Virginia and Pennsylvania, in constructing locks and dams the Government has spent upward of $6,000,000 for a tonnage of over 11,000,000, very largely of coal, the output of the rich mines in West Virginia and Pennsylvania. On the Cumberland River of Tennessee and Kentucky, in the construction of locks and dams the Government has spent approximately $3,300,000 for a commerce of 300,000 tons per annum.

On the Columbia River in the rapidly developing Northwest the Government has spent many millions for improvement, much of it largely in the construction of canals and for locks and dams to surmount considerable engineering difficulties.

I cite these rivers in different sections of the country in order to better explain the peculiar circumstances attending the one river which I desire now to bring to the attention of the House.

OVERLOOKING A GREAT RIVER.

Mr. Chairman, there are some great rivers in the United States that are not treated by the Federal Government with the same consideration that is accorded to other rivers, and the Susquehanna is one of them. I do not know of any other river in the country so capable of public service that has been so signally overlooked. It runs through a section of the country where the people generally have been prosperous and busy, and it is because of that condition, possibly, that the immediate inhabitants of the valley have come to look upon the Susquehanna more as a beautiful creation of nature than as a means of reducing transportation costs or of developing commercial and industrial possibilities. Had it been otherwise, the river doubtless would long since have been improved, very much as the Columbia has been improved, or as the Government is now improving such comparative engineering projects as the Monongahela, the Ohio, or the Cumberland.

Since the population in the drainage area of the Susquehanna and its tributaries is constantly increasing, and large appropriations are being made for rivers of less importance in other parts of the country, it is fair now, when there is a growing demand for water power and waterway improvement, to call attention to past indifference to the Susquehanna, and to the tendency which has prevailed elsewhere in the Eastern States, and particularly as to the Hudson and rivers of New England, to take such rivers out of the public service altogether.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE. Yes; I yield to the gentleman from Nebraska.

Mr. SLOAN. In all the rivers that the gentleman has been discussing, the less tonnage the more locks and dams appear to be there.

Mr. MOORE. That has happened in certain instances. I have named rivers upon which improvements have been made, and upon which a greater commerce is expected to develop, but there are others upon which expenditures have produced but a small amount of commerce.

Mr. SLOAN. Would not you, by your locks and dams, simply reduce the tonnage passing through the river?

Mr. MOORE. If the gentleman will listen to what I have to say, I think he will see that that is not the fact.

NEW ENGLAND RIVERS AN OBJECT LESSON.

The recent awakening of the people of Massachusetts to the bridging over of their streams and to the heavy freight charges to which they have been subjected because of the incompetency and neglect of their rivers affords a lesson for the people of New York, Pennsylvania, Maryland, and Virginia with regard to the treatment of the Susquehanna. Not only have the old canals which were fed by the river and its tributaries been put out of business, but the Susquehanna itself has been completely dammed at McCalls Ferry in Pennsylvania, and the unusual position has been taken by the War Department that the river is not to be regarded as navigable above the Maryland line. It is possible the rocky condition of the river and the expense of dredging may have had something to do with the edict of the War Department, but it is easily demonstrable that engineering problems such as are presented by the Susquehanna have already been met by the expenditure of large appropriations upon other streams where the public purposes to be served are not so great as those that would result from the improvement of the Susquehanna.

THE SUSQUEHANNA CLOSED TO NAVIGATION.

The Susquehanna River is picturesque and historically interesting, but, in addition, it has a record for serviceability equal to the best of our American rivers. Men are still living who recall the tales of the frontiersmen and the lumberjacks who operated along its banks. Like the upper Delaware or the upper Mississippi, the Susquehanna was the highway of the raftsmen who brought their timber to market, and it is still used for logging purposes. It was also the avenue for commerce passing back and forth in the "arks" or river boats which thrived upon it in the earlier part of the last century. It is to-day the scene of much boating, conducted for business or pleasure, but the canal boats which formerly operated along its banks and carried coal and other commodities to Baltimore and points south have disappeared through the competition, if not with the assistance of the railroads. The construction of various railroad bridges without draws and the completion of a great dam for generating water power at McCalls Ferry have practically closed the river to navigation above the Maryland line. Thus the people of Pennsylvania and New York have quietly been deprived of their right of an outlet to the sea.

400 MILES LONG; DRAINAGE AREA, 27,400 MILES.

Because of these unusual conditions bills were introduced by me and are now pending to revoke the War Department ruling and to secure a survey to determine the feasibility of improving the Susquehanna by means of locks and dams, as in the case of other rivers. As to these bills, I direct attention to the important areas that are traversed by the Susquehanna and its tributaries. The river rises in New York near the Catskill Mountains and flows through Pennsylvania and Maryland into the Chesapeake Bay, and then on to the Atlantic Ocean through the Virginia capes. The main stem is about 400 miles long and has a drainage area of 27,400 miles. Together with its many and lengthy tributaries, it courses through the great anthracite coal fields of Pennsylvania and irrigates some of the richest farm lands in the United States, including the banner counties of Lancaster and York. It is a copious and powerful stream, running through the richest mining, agricultural, and industrial territory, but the Federal Government has not thus far given even so much consideration to it as has been granted to scores of smaller streams that would readily be swallowed up in the waters of its tributaries.

EARLY IMPORTANCE OF THE STREAM.

Only one appropriation for the improvement of the stream in Pennsylvania is reported, that of $45,000 for work upon the North Branch, from 7 miles below Wilkes-Barre to the New York State line. The other appropriations were for dredging and improvement from the Maryland line to the Chesapeake Bay, amounting in all, since the beginning, to $316,620. And yet in New York State bordering the branches of the Susquehanna are such cities as Elmira, Binghamton, and Owego; and in Pennsylvania, important centers of population like Athens, Sayre, Towanda, Tunkhannock, Scranton, Wilkes-Barre, Bloomsburg, Danville, Williamsport, Lock Haven, Emporium, Columbia, Wrightsville, Harrisburg, Sunbury, Lewisburg, Lancaster, Marietta, and York; and on the beautiful Juniata, a branch of the Susquehanna, which entered into the plans for western transportation anterior to the railroads, are such cities as Mifflintown, Lewistown, Huntingdon, Tyrone, and Altoona.

All of these cities, most of which once used the Susquehanna and adjacent streams for transportation purposes, are now dependent upon the railroads for the carriage of their enormous tonnage, and being deprived of the use of the canals which formerly gave cheaper rates to most of them, are left without hope of future waterway accommodations unless the War Department order denying the navigability of the river is revoked.

HISTORIC TRIBUTARIES BOTTLED UP.

In addition, the dozens of streams that are tributary to the Susquehanna above the Maryland line are utterly removed from Federal jurisdiction over navigable waterways and may be bridged or dammed, or bottled up, apparently, without the regulation and protection afforded by the general bridge and dam acts to other navigable waterways the country over. Among these branches of the Susquehanna so removed from governmental supervision are rivers that long ago attained a place in the history and even the songs of our people. They include the Juniata, the Conestoga, the Codorus, the Conewago, the Swatara, the Wiconisco, the Shamokin, the Penn, the Catawissa, the Wapwallopen, the Lackawana, the Chenango, the Chemung, the Chicton, the Canisteo, the Tioga, the Sinnemahoning, the Moshannon, and others.

LOWERING RATES ON THE CONESTOGA.

It is not my purpose to deal extensively with the history of the Susquehanna except to say that its navigability seems never to have been disputed until the question was determined by the War Department in 1904. Early engineers and statesmen contemplated the use of the river and its branches as avenues of trade and commerce, and Maryland, New York, and Pennsylvania contended more than a century ago about the effect of the construction of dams for power purposes and to create slack water above the Maryland line.

Efforts to clear "the Conestoga River," a branch of the Susquehanna leading to Lancaster, date as far back as 1771, when an act was passed making that river "a public highway" and providing that "all obstructions to His Majesty's subjects and their commerce up and down the said Conestoga River shall be held to be common nuisances." From the Clark and Eshleman papers before the Lancaster County Historical Society on this subject it appears that a 17-mile canal along the Conestoga to the Susquehanna was subsequently built, and that although it ultimately went the way of most canals in Pennsylvania after the advent of the railroads it succeeded in proving that transportation by water was the cheapest method of transportation. "Lumber and coal business," it was reported in 1832, "has increased for the last two years to an amazing extent, and it must increase every succeeding year. Coal received by the Conestoga Navigation Co. sold at Lancaster from 50 to 75 cents a ton cheaper than at Columbia or Marietta, charging land carriage to Lancaster; and boards and shingles from 50 to 75 cents per 1,000 feet less."

Rates for merchandise from Lancaster to Baltimore or Philadelphia by water were given by the company up to 1853.

Mr. PLATT. Can not the States of Pennsylvania and New York improve the Susquehanna as New York has improved the barge canal?

Mr. MOORE. Perhaps they could, but why should they? I am treating the Susquehanna as an interstate stream that runs through four States. It is capable of doing business for the entire Nation. Why, if provision is made for streams everywhere, some of them wholly within the jurisdiction of a State, should the Susquehanna be singled out for improvement at State expense? It is as much entitled to Federal aid as any other stream.

THE GOVERNMENT REVERSES ITSELF.

That the Susquehanna was considered a navigable stream by the Government itself is shown by the appropriation of $45,000 for the improvement of the North Branch from near by Wilkes-Barre, in the interior of Pennsylvania, to the New York line. This was in 1880 and 1882. The department ruling that the Susquehanna should be considered as navigable only below the Maryland line did not come along until March 8, 1904. This ruling, in effect, was—

that the navigable portion of the Susquehanna River, within the meaning of the Federal laws for the protection and preservation of navigable streams, lies wholly within the State of Maryland.

In response to my inquiry, Gen. Bixby, then Chief of Engineers, United States Army, wrote, on August 5, 1913, as follows:

This is merely a departmental ruling, however, and, so far as known, the question has not been adjudicated by the courts, upon whose decision a final determination of the question would depend; but under the aforesaid ruling the jurisdiction of this department under the laws mentioned is limited to that portion of the river below the Maryland State line.

In other words, so far as the Federal Government is concerned, it presumably exercises jurisdiction over all other navigable streams and regulates the construction of bridges and dams that tend to obstruct navigation everywhere except upon the Susquehanna and its tributaries in Pennsylvania and New York.

Mr. SHERWOOD. Will the gentleman yield?

Mr. MOORE. Certainly. I yield to the gentleman from Ohio.

Mr. SHERWOOD. How many miles is the Susquehanna navigable under the decision of the Government?

Mr. MOORE. From the head of Chesapeake Bay to the Maryland line, above Port Deposit.

Mr. SHERWOOD. What is the distance?

Mr. MOORE. About five and a half miles; that is all the Government assumes jurisdiction over. The river is 400 miles long and its drainage area is 27,400 square miles.

THE QUESTION OF SHALLOWNESS RAISED.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Certainly.

Mr. J. M. C. SMITH. Mr. Chairman, I would like to ask if during certain seasons of the year when it is very dry the Susquehanna River is not very shallow?

Mr. MOORE. It is very shallow at certain seasons of the year, but for a like condition I commend the gentleman to the Ohio; I commend him to the Missouri, and to a dozen other streams; the Trinity, in Texas, for instance; all of which are shallow at certain seasons of the year. These rivers are receiving Federal aid and are being improved for purposes of commerce and navigation.

That the exclusion of the Susquehanna from Federal jurisdiction as to navigation in 1904 was unfortunate, if not unjust, is shown by subsequent events. A valuable canal, which did a big business in carrying coal and other commodities to Havre de Grace, for shipment to Baltimore and other points by way of the Chesapeake Bay, had been destroyed. In its stead arose a power company, which erected at McCalls Ferry, above the Maryland line, a dam, which blocked the Susquehanna River and threw the water back a distance of 7 or 8 miles. If there had been rocks and islands or shallow water in the river before, they now disappeared under the surface of the vast area of slack water thus held up.

DAMS A POSSIBLE AID TO NAVIGATION.

It is possible, answering the gentleman from Michigan [Mr. J. M. C. SMITH] further, that the backing up of this slack water may prove the solution of the question that I am raising as to the best means of improving the Susquehanna. A series of such dams, with locks, and under Federal control, would provide plenty of water for navigation and power also, all the way up to Harrisburg. It is said a depth of from 50 to 60 feet of water was attained at the breast of the McCalls Ferry Dam. A veritable sea was thus created where formerly the river had run its course through boulders, around the islands that had once sheltered the Indians, and over the trees that had fringed the lower banks of the great river bed.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. SLOAN. Were not all the bridges that crossed the Susquehanna allowed to be built by charters granted by the State of Pennsylvania, and are those charters not in force at this time?

Mr. MOORE. Yes; some of them are; and some of the bridges were built with Federal sanction before the order closing the river to navigation above the Maryland line was issued by the War Department.

GREAT ENGINEERING WORK WITH NO OUTLET.

The construction of the dam at McCalls Ferry involved a tremendous expenditure of money; it is quoted at more than $16,000,000.

The gentlemen from Iowa who are familiar with the big dam at Keokuk may be interested to know that this dam across the Susquehanna was substantially as great an engineering project and was almost as expensive as their own famous dam which crosses the Mississippi.

Mr. SLOAN. Who built this dam?

Mr. MOORE. A private corporation. It was a great piece of engineering, but it escaped the scrutiny of the Federal Government, which it could not have done had the Government exercised its ordinary jurisdiction. No lock or passageway for vessels seeking an outlet to the Chesapeake Bay or to the sea was provided. Even the shad fishermen above the dam were shut out of their usual occupation, and although a fishway has since been set up, there is no method for fishing vessels to pass the dam. The structure is a barrier to commerce above and to commerce below; it is as much a barrier to the potatoes and tobacco of York and Lancaster Counties as it is to the coal from Wyoming or Luzerne.

THE PEOPLE WANT AN OPEN RIVER.

Since the bills to open navigation and prevent the ultimate closing of the Susquehanna were introduced by me last October expressions of approval have been received from numerous trade bodies and business men in Pennsylvania and Maryland. They do not believe it impossible to improve the Susquehanna and they do believe that some steps should be taken to give the people the advantage of the cheaper transportation the river would afford.

During the operation of the Pennsylvania & Susquehanna Tidewater Canal—

Writes a citizen of Maryland—

hard coal was sold here in Baltimore for $4.50 to $5 per ton, whereas now it is sold for $7.50 to $8. Thirteen years ago coal sold here for $5 to $6 per ton, and the cost of mining has not increased in proportion.

POSSIBLE FREIGHT SAVING OF $35,000,000.

If the 40,000,000 tons of coal mined annually along the river above and below Wilkes-Barre were moved to those points (referring to Baltimore, Md., Wilmington, Del., Washington, D. C., and Philadelphia, Pa.)—

Said Mr. Farley Gannett, engineer of the water-supply commission of Pennsylvania, in an address before the Engineers' Society of Pennsylvania in April, 1911—

the transportation thereon would amount to approximately $70,000,000 per year, at an average rate of $1.75 per long ton. Would not a good deal of this tonnage find an outlet down the river to these points if navigation was improved and the water rate made lower than the rail rate? This enormous traffic would seem to warrant a heavy expense in improving navigation, and the rates charged thereon should be controlled by the authorities which did the work. If a rate of 50 per cent of that charged by the railroad were fixed for the water-borne traffic a gross income of $35,000,000 would be insured, together with a net saving on the transportation of another $35,000,000.

This question of the improvement of the Susquehanna, therefore, is one of the important questions entering into the cost of living. We can not ignore a cheapening of the cost of our fuel supply.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. PLATT. Can the gentleman explain how it is when a private corporation owns both the railroad and the canal, it will abandon the canal and run the railroad?

Mr. MOORE. The freight rates are higher by rail than they are by water. That has been our experience in Pennsylvania and all along the Atlantic coast. We have been denied the use of the canals, until now, when railroad congestion is frequently acute, we find we need them more than we ever did at any time in our history.

WHAT A NAVIGABLE STREAM IS.

With such tremendous possibilities for useful public service, Mr. Chairman, why should the Susquehanna River be excluded from the favorable and fostering consideration of the Federal Government? The Supreme Court of the United States has given its definition of a navigable stream, and, despite the ruling of the War Department, the Susquehanna comes within that definition. The War Department is familiar with that decision, for it is often called upon to interpret it. As quoted from the case of The Daniel Ball (10 Wall., 557) it is as follows:

Those rivers are public navigable rivers in law which are navigable in fact. Rivers are navigable in fact when they are used or are susceptible of being used in their ordinary condition as highways for commerce, over which trade and and travel are or may be conducted in the customary modes of trade and travel on water.

And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form in their ordinary condition, by themselves or by uniting with other waters, a continued highway over which the commerce is or may be carried on with other States or

foreign countries in the customary modes in which such commerce is conducted by water.

Rafting and the floating of logs, such as is still done on the Susquehanna, are recognized methods of navigation.

WAR DEPARTMENT ORDER SHOULD BE REVOKED.

In the light of these facts, it would seem to be an act of simple justice to revoke the ruling of the War Department, so that the Susquehanna River may hereafter be treated as a navigable stream free to the people of the Nation. It is nature's highway to the sea from the very heart of the greatest anthracite coal fields of the world and ought to be preserved by the Government for the free use of the people, whether Congress is ready to improve it for transportation purposes or not.

The problem of the improvement of the Susquehanna should commend itself to Congress. What is now asked is that the War Department's order shall be rescinded by Congress and that a survey to ascertain the feasibility and cost of improvement by a series of locks and dams shall be granted. This is not an unreasonable request. The Monongahela has been improved by locks and dams; the Ohio is being improved, at an expense of $63,000,000; the Coosa and Black Warrior and the Tennessee are being improved by locks and dams, at great expense. Why not the Susquehanna? Why should the Susquehanna be singled out and closed up?

THE GENERAL BRIDGE AND DAM ACTS.

In the passage of bills under the general bridge and dam acts reference is frequently made to their effectiveness in protecting the rights of watermen. In the interest of navigation I have often asked this question on the floor, only to be answered that the general bridge and dam acts were sufficient; that they protected the right of transportation by water. What shall we say of the Susquehanna? Does it not present a new problem to the defenders of the general legislation governing obstructions to navigation?

I appeal to my colleagues on the Interstate and Foreign Commerce Committee and on the Rivers and Harbors Committee to study this case of the Susquehanna. It is a navigable stream within the interpretation of the Supreme Court of the United States, but it is not navigable under a department ruling. It can not be dammed up, but it has been dammed up.

COST OF IMPROVEMENT SHOULD BE ASCERTAINED.

It may be that a survey of the damming already done at private expense will show that other dams backing the water up to Harrisburg, or even Wilkes-Barre, will—assuming that locks are provided—enable barges and other vessels to do the burden-bearing from the mines, the farms, and the mills to the sea. It may demonstrate further that the installation of such a system on the Susquehanna will so reduce the costs of transportation as to justify the improvement cost. At any rate we are entitled to know what the Army Engineers think of such a project and what they think the cost would be. The first step, therefore, is to pass the bill revoking the War Department order closing the Susquehanna to navigation. That would restore to the War Department the duty of preserving the navigation of the river. The arbitrary closing of the river at McCalls Ferry should then be promptly undone by compelling the power company to install a lock or other passageway for navigation. And then the survey should be undertaken to determine whether the lock-and-dam system would be suitable to the improvement of the Susquehanna and could be installed at reasonable cost.

COAL BY WATER WOULD SAVE MONEY.

It is believed by many people that the development of the river for transportation purposes would have the effect of reducing the freight on coal a dollar a ton. In these days of high living cost such a reduction in the price of the essential fuel of the people would be most welcome. Doubtless all the miners of coal would not use the waterway. Many of them do upon the western rivers such as the Monongahela and the Ohio, but even if the Susquehanna obtained but a part of the business of the mines the effect upon freight rates would be immediate.

Many of the larger mines are owned by coal companies controlled by the railroad companies—

Says Mr. Gannett, of the water-supply commission of Pennsylvania—

and it is to be expected that the output of these mines would at first continue to be hauled by rail even in the event of cheaper water-freight rates. There are, however, numerous mines of large capacity owned by independent operators which are more or less under the control of the railroads on account of their dependence upon the railroads for car service, but with a water outlet for their output this dependence upon the railroads would cease. If these independent coal operators shipped by water, the price of their coal at the points reached by water would be reduced, and the railroad companies would be forced either to meet it through lower freight rates or by using the waterway.

[Applause.]

Mr. KAHN. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Chairman, the invention of gunpowder and firearms and the invention of type and the printing press were the stepping-stones of the common people of civilization from oppressed and servile conditions to modern personal and political liberty and equality before the law.

Gunpowder and firearms made the plowman as a fighting machine the equal of the mailed knight on horseback.

Printing, by cheapening books, placed knowledge and the means of its ready dissemination within the reach of all.

And yet it has always required force to wrest power from the hands of the few.

This Republic was baptized in blood and has been maintained by the shedding of blood.

National independence and individual liberty have never been attained by any people except by force, backed by physical and moral courage, and have never been retained longer than the people possessed the physical force, power, ability, and courage and the necessary military skill to maintain them on the field of battle if need be.

Ignoring the lessons of history, the Committee on Military Affairs, lulled into a false sense of security by the narcotic influence of experimental diplomacy, or actuated by principles of uneconomical economy, has reported to this House an Army appropriation bill that will not meet the necessary expenses of our small standing Army of 85,694 enlisted men and 4,738 commissioned officers in the United States and 5,732 enlisted men and 180 officers in the Philippines.

I believe in exercising reasonable economy in making appropriations for the maintenance and support of our Army and Navy.

I hope the time may come when the morality of all nations will have so developed that war and preparedness for war will not be the necessary means to achieve and maintain national greatness, independence, and liberty, and when all differences between nations will have to be submitted for adjudication to an international court of arbitration that will be sustained by universal public opinion and vested with authority and power to enforce its decrees and judgments. But the world has not yet developed to that state of Christian civilization. The time has not yet come when the nations will agree to or when it is safe for the civilized nations to agree to disarmament; to limit the size of their armies to a small number of men to act only in times of emergency as a national police force; and to limit their navies to a few boats of the revenue-cutter type, acting under international authority, and used only to police the ocean to keep it free from pirates and to render assistance to the merchant marine in distress and to succor the shipwrecked.

Under existing world conditions in general, and particularly on account of the international complications in which our Government is involved, I believe it to be my duty as a patriotic American to voice my protest against crippling the efficiency of our Army and Navy by making inadequate appropriations for their economic maintenance and support. I believe it would be unpatriotic not to protest against the maudlin sentimentality that would sacrifice on the altar of the idea of international peace this Government of ours, the only Government that has ever existed on earth whose citizens have proven themselves capable of effective self-government and at the same time maintain both their personal and political liberty. American institutions are the hope of the world; permit them to be destroyed and human liberty dies. Who is so foolish as to cut off his right arm because he is opposed to prize fights?

True economy is a virtue, it nurtures to-day and provides for to-morrow. It should be exercised by the Government as well as by the individual, but there is a vast difference between parsimony and economy. The miser holds his gold, the economical man uses it to advantage. The spendthrift wastes it. As with the individual, so with the nation. The income or revenue should be used with discretion and judgment. Congress should exercise the greatest care and strictest economy in making appropriations. Any department of the Government will spend all the money it can get and ask for more. Each bureau imagines it is the most important branch of the Government. That opinion is natural, for with the exception of the members of the Cabinet and certain few appointees of the Executive and of the Cabinet, the bureau officials have been engaged all their lives in the detail work of their several branches of the Government, and really believe that the whole machinery of the Government revolves around their particular department. I am convinced, however, that the chiefs of the Army and Navy bureaus this year presented to Congress carefully considered and conservative estimates of the actual immediate needs of the Army and Navy and have asked for no more than is necessary.

The amounts appropriated in the Army bill will not meet the demands of the various branches of the military service and, judged by the immediate past, are not expected to do so.

In the Sixty-second Congress a similar condition prevailed. The military appropriation bill, approved August 24, 1912, carried many items which were cut far below the lines of safety. It was a good opportunity to go to the country on an economy platform. Members of the minority side at that time called the attention of the House to the fact that the bill provided insufficient funds for the proper maintenance of the military establishment.

The majority failed to heed the admonitions given by the minority. Then what happened? After the election an act was passed to supply deficiencies in appropriations for this branch of the Government. In that bill the sum of $2,879,622 had to be appropriated for the pay of officers and enlisted men in the Army. The sum of $700,000.15 had to be appropriated for the subsistence of the Army, and merchants who had furnished supplies to the Military Establishment all over this country had to wait months before they could get their pay from this great Government of ours. These two items alone required a deficiency appropriation of over $3,579,000; and if the bill which is now pending should not be amended so as to provide a sufficient amount to enable the Military Establishment to be run on safe lines, there is no question but that at the next session Congress will again be compelled to pass an urgent deficiency appropriation bill carrying large sums to make up the deficiencies in the pending measure.

The shortsightedness of the committee's attitude of saving at the spigot and wasting at the bunghole is peculiarly evidenced by its treatment of the arsenal at Benicia, Cal. That arsenal is our only arsenal on the Pacific coast. It receives, cares for, repairs, disburses, and in some instances manufactures all the ordnance stores for one-third of the area of the United States proper and also for Alaska, Hawaii, Guam, and the Philippines. The advisability, as a matter of economy, of maintaining Benicia Arsenal in the highest state of efficiency is apparent from the fact that Rock Island is our next nearest arsenal to the Pacific, and that the freight charges for shipping a musket to be repaired from a Pacific coast fort to Rock Island and return is $1, which in many instances would be from two to four times the cost of repairing the musket at Benicia. Testimony in the hearings before the Committee on Military Affairs shows conclusively that the Government manufactures ammunition and other supplies at the arsenals for 35 per cent less than the War Department is compelled to pay private concerns for identical articles. If that is so—and I believe it is—why did not the committee recommend adequate appropriations for the rehabilitation and equipment of Benicia Arsenal, so it might be prepared to manufacture, store, and care for a large part of the ordnance supplies used on the Pacific coast? That certainly would have been the economical and businesslike thing to do. The element of time and the advantages of Benicia from a military standpoint as a location for an arsenal I will explain in detail later on in my speech.

Owing to the fire at Benicia Arsenal, which occurred October 28, 1912, and which destroyed about $1,622,000 of Government property, including ordnance stores and the storehouse in which they were kept, estimates were submitted by Col. Birnie, then Chief of Ordnance, to the Sixty-second Congress, to be included as deficiencies in the sundry civil appropriation bill, to replace some of the ordnance supplies and for the construction of a new storehouse, at the estimated cost of $200,000. All of the estimates, including the estimate of $200,000 for a new storehouse, were cut out by the Appropriations Committee, for the ostensible reason that the estimates were not in the nature of a deficiency; but, in my opinion, they were in reality turned down for an entirely different cause, which I will state and discuss later on in my remarks.

A deficiency of only $15,000 was allowed to put a roof on the storehouse that had been gutted by the fire. It was found by the department that the first two stories of the burned building could be used, and it has since been roofed in as a one-story building, but the building is neither adequate or fireproof.

Right here permit me to say that Col. Ruggles, who was at the time of the fire in command of the arsenal, had again and again called attention to the danger of a destructive fire occurring at any time at the arsenal. He asked for an appropriation of $8,000 to install an automatic sprinkler system of fire protection. The estimate was made but was disallowed. Had the system been installed as Col. Ruggles recommended, the fire would have done but little damage.

Recognizing the fact that there was no hope of the Appropriation Committee reporting favorably on the estimates necessary to rehabilitate Benicia Arsenal, for the reason that the committee did not consider them to be deficiencies, the estimates were at the present session of Congress referred to the Committee on Military Affairs, as follows:

For replacing ordnance and ordnance stores destroyed by fire at the Benicia Arsenal, Benicia, Cal., on October 18, 1912, and funds to be immediately available and to remain available until the close of the fiscal year ending June 30, 1916, as follows:

For infantry, cavalry, and artillery equipments, including horse equipments (submitted), $541,583.21.

For artillery harness (submitted), $35,273.34.

For drafting and photographic supplies for use in connection with seacoast artillery practice (submitted), $1,496.15.

For carpenter's tools for use in connection with mobile artillery (ordnance stores and supplies; submitted), $735.21.

For small-arms ammunition (ordnance stores, ammunition; submitted), $486,315.55.

For machine guns, their spare parts and accessories (automatic machine rifles; submitted), $10,080.40.

For matériel for small-arms practice (small-arms target practice; submitted), $16,123.88.

For miscellaneous tools and implements for general use, publications pertaining to ordnance matériel, its use, care, preservation, etc. (submitted), $8,724.75.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. CURRY. I will.

Mr. FITZGERALD. The gentleman states that the Committee on Appropriations refused to recommend the appropriations requested because they were not deficiencies. Upon what does the gentleman base that statement?

Mr. CURRY. Upon the statements of the members of the committee to me personally.

Mr. FITZGERALD. Well, I am a member of that committee and I am in charge of the deficiency bill, and I will state to the gentleman that the reason that there was no money appropriated to replace the storehouse at Benicia Arsenal was that it developed that Benicia Arsenal is about 30 miles from Fort Mason, Cal., where the Government is building some very large wharves and storehouses, and the officials of the War Department themselves admitted that it was an indefensible military proposition to have some stores which would be necessary to be shipped at Fort Mason and at the other, 30 miles away, so that in time of necessity a boat would have to be sent from both places.

Mr. CURRY. I believe the gentleman will remember I stated I believe it was for an entirely different reason these appropriations were turned down and that I would refer to that later in my remarks, and I am going into that proposition fully in reference to Fort Mason and Benicia.

Mr. FITZGERALD. I thought at that point it would be proper to put that statement in the RECORD.

Mr. CURRY. Gen. Crozier, the Chief of Ordnance, made a hard fight before the Committee on Military Affairs to have the estimates approved, included in the Army bill. The attention of the committee was called to the fact that 10 years ago a similar disastrous fire occurred at the Rock Island Arsenal, at which $2,000,000 worth of buildings and ordnance supplies were burned. Congress made an appropriation to replace the buildings and military stores and supplies. The committee, however, against Gen. Crozier's earnest protest, cut out every item of the Benicia Arsenal estimates and told Gen. Crozier to divert and use funds to rehabilitate the arsenal from the recommended appropriation for the general maintenance of all of the arsenals, and then turned around and cut that, as well as all other Army appropriations, to the bone, so that not a dollar of the appropriation in the Army bill now pending before the House can be used to rehabilitate the Benicia Arsenal.

On January 12, 1914, I introduced House bill 11298, providing an appropriation of $200,000 for the construction and equipment of a storehouse at Benicia Arsenal. The Chief of Ordnance and his predecessor have stated that a new storehouse at the arsenal is necessary. I am patiently waiting to see whether the Committee on Military Affairs, to which the bill was referred, will approve it and recommend it for passage or whether a penny-wise and pound-foolish policy of false economy will induce the committee to ignore the recommendation of the War Department and turn it down.

During the discussion of this item before the committee of the preceding and present sessions of Congress it developed that certain of the members of the committee had the idea that it would be more economical to furnish the storage facilities required for ordnance war material at Fort Mason, in San Francisco, than to construct new buildings at Benicia Arsenal, and they seemed to think it might be desirable to remove a part of the work performed at Benicia Arsenal to Fort Mason, and that the more money spent at Benicia Arsenal the harder it would be to make the move.

The reasons for this attitude of the committee it would seem arise from the following fact, which I will state and discuss: It appears to be the policy of the War Department, undoubtedly

promulgated by the General Staff of the War Department, which is made up of officers of the Infantry, Cavalry, and Artillery Arms—but mostly from the Infantry and Cavalry Arms—to concentrate all reserve supplies for use in case of war at five principal points or depots, namely, Philadelphia (Schuylkill Arsenal); Jeffersonville, Ind.; St. Louis; Omaha; and San Francisco. These are all storage places for the Quartermaster Corps, and it is proposed to take to these points also supplies furnished by other departments of the Army, such as medical supplies, Signal Corps supplies, and ordnance supplies. The Quartermaster Corps furnished all transportation, such as wagons, mules, and so forth, and clothing, bedding, camp and garrison equipage, and food for the Army. The supplies furnished by the Medical Department are evident, consisting of medicines and surgical instruments. The supplies furnished by the Signal Corps are mainly instruments of communication, such as telephones and telegraphs, and this corps has now taken over the aviation service. The supplies furnished by the Ordnance Department are weapons of all kinds—small arms, consisting of pistols and revolvers, sabers, bolos, machine guns, rapid-fire guns, field artillery guns, siege guns, and heavy seacoast guns. In addition to the arms proper, the Ordnance Department furnishes all the accessories to the arms, such as gun carriages for seacoast, field, and mountain artillery, projectiles, powder, high explosives, small arms and ammunition, fuses, rammers and staves for cleaning the guns and for loading them, range firing and other apparatus for directing and controlling the fire from guns of all kinds, ammunition trucks, and also the equipment worn by the individual soldiers for carrying his arms, such as cartridge belts and also cartridge boxes, and canteens for carrying water, haversacks for carrying food, and so forth, on the person of the soldier in the field. The Ordnance Department also furnishes all the harness for the Field Artillery horses, all the saddles and bridles and other horse equipments for mounted troops, and all the pack outfits for the mountain batteries, the guns, carriages, and ammunition of the mountain batteries being packed on mules. It is evident therefore that the great bulk of the war supplies are furnished by two principal departments, namely, the Quartermaster and Ordnance Departments. The supplies furnished by the Medical Department and the Signal Corps, while most important, are very much less in quantity than those furnished by the other departments.

It may be well to briefly consider how the scheme of concentration at the five places mentioned affects the four principal departments. So far as the Quartermaster Corps is concerned, the scheme will work excellently for it, since it is not proposed to remove any of the Quartermaster Corps supplies to some other points beyond the control of the Quartermaster Corps, but merely to keep them all in its own establishments, where it has its own organizations, and to bring to these establishments the supplies from the other departments. So far as the supplies furnished by the Medical Department and Signal Corps are concerned, the scheme is also excellent. Neither of these departments manufactures or repairs its own supplies, these supplies being all purchased. Some place of storage is necessary, and they might as well be stored at the points selected by the Quartermaster Corps for their principal storage places as anywhere else. These departments have no large plants to abandon, and I am informed that such storage places as they now have are not owned by the Government but are merely rented. It seems very natural and proper that the supplies for the Medical Department and Signal Corps should be concentrated with those of the Quartermaster Corps, since they can be handled by the personnel of the Medical Department and the Signal Corps as well at Philadelphia, Jeffersonville, St. Louis, Omaha, and San Francisco as anywhere else.

If this country were starting now with no large manufacturing establishments and storage plants belonging to the Government and operated and controlled by the Ordnance Department, it would be a very sensible thing to establish these manufacturing and storage plants at the same localities as the storage plants for the Quartermaster Corps, but the Government has invested millions of dollars in very efficient manufacturing plants of the Ordnance Department, and it would be absolutely impracticable to remove these great plants to the localities established for the concentration storage plants of the Quartermaster Corps. The War Department therefore does not propose to remove the manufacturing plants of the Ordnance Department to these places of storage but merely to remove the articles manufactured at these great plants and store them at a distance from the place of manufacture in close proximity to the supplies furnished by other departments. It appears from the hearing of Col. Birnie that he acquiesced in the storage of the reserve war supplies of the Ordnance Department with the other supplies of the Army at the five principal points heretofore mentioned. That his agreement was based upon expediency and the futility of opposition rather than upon his belief that such action is advisable is evidenced by the following letter on the subject I received from him:

[Subject: Needs of Benicia Arsenal.]

WAR DEPARTMENT, *May 17, 1913.*

HON. CHARLES F. CURRY,
House of Representatives, Washington, D. C.

DEAR MR. CURRY: 1. Since your call this afternoon I have looked up the matter of the brief regarding the needs of the Benicia Arsenal received with your letter of the 13th instant. I have carefully read the paper and thank you very much for the suggestions contained therein.

2. You will appreciate, I think, from my testimony before the committee, to which reference is made, that I am distinctly not in favor of transferring any work from the Benicia Arsenal to Fort Mason. A certain portion of the reserve material, after it has been made ready for issue and to be kept for arming the expanded militia and volunteers in case of war, can be stored at Fort Mason, and this would be in accordance with the policy of the War Department in having such a store at Philadelphia. But a large portion of the material which must be handled for current issues, including all of the ammunition and the supplies for seacoast and field artillery, can not be advantageously stored at Fort Mason; and I am unreservedly of the opinion that the improvements advocated in the brief submitted are necessary at the Benicia Arsenal.

Very truly, yours,

R. BIRNIE,
Colonel, Ordnance Department, United States Army,
Acting Chief of Ordnance.

It is possible to so pack all the ordnance supplies required for a regiment, a brigade, or a division, and so forth, of any of the branches of the service and to mark the boxes in such a way that if these supplies are concentrated at a point remote from the arsenals with the Quartermaster Corps supplies, an order sent to the depot of storage to ship the supplies for one regiment, one brigade, or one division to a certain point can be readily executed; and, in fact, this is substantially the scheme pursued by the Ordnance Department, except that these reserve supplies for a regiment, brigade, division, and so forth, are concentrated at the principal arsenals, each arsenal serving a specified district. So far as packing and shipping the stores in bulk are concerned, and considering these features of the case only, the ordnance war reserve might very well be concentrated with the quartermaster supplies at the five places mentioned; but, unfortunately for the efficiency of the scheme of concentration proposed, war supplies furnished by the Ordnance Department, or a great many of the most important of them, are very liable to deterioration; so that if such stores were packed and stored in 1914 and not overhauled in the meantime, they would be absolutely worthless for war purposes in 1920.

Moreover, this is an age of invention. Supplies furnished by the Ordnance Department are continually being improved. Frequently this only requires minor changes or alteration in the existing equipment and again sometimes the whole of an article is changed. Naturally, improvements consisting of small changes are made more frequently than complete changes, so that stores in reserve have constantly to be removed in order to be overhauled and altered, while in other cases an article, such as a revolver, is entirely discarded for a more improved weapon, such as the automatic pistol, firing seven shots as rapidly as the trigger can be pulled. The equipment and parts of the field artillery, the mountain artillery, and the seacoast artillery are constantly being improved, the Ordnance Department taking advantage not only of the inventions of its own officers but the inventions of Artillery officers serving with the guns and of experts in this line of work serving abroad. When an improvement is made on a gun or an article of equipment in service in most cases it should be made on similar articles kept in the reserve. In general these improvements must be made at arsenals having manufacturing plants with the required facilities. If the ordnance stores in reserve at the concentration points heretofore mentioned are to be kept up to date, they would have to be returned at intervals to an arsenal for the purpose. Probably only a few of the stores would be affected at a time, but that would require unpacking the boxes, sorting out the particular stores to be altered, and returning them to an arsenal. I venture to say there is not an officer in the Quartermaster Corps or an employee in that department capable of picking out 9 out of 10 of the stores requiring alteration, and consequently a force from the nearest arsenal would have to be sent for that purpose. What I have just said relates only to alteration. Many of the stores furnished by the Ordnance Department are subject to deterioration by age. This relates particularly to powder. A very necessary component of a war reserve is the ammunition supplied for the pistols, for the rifles, for the machine guns, and for the heavy and field artillery. The best of smokeless powder lasts only a certain length of time before beginning to deteriorate, rendering it both inefficient and dangerous. As a result, the orders are very stringent to issue

to the service for target practice the oldest ammunition on hand, so that only ammunition of the latest manufacture will be carried in reserve.

All articles made of leather, such as saddles, bridles, belts, rifle scabbards, harness, pack outfits, and so forth, are subject to rapid deterioration if not constantly cleaned and regreased. This operation must be made upon the leather equipments at least once in two years, but the leather itself—large quantities of which are furnished to troops for repair work—should be inspected at least every six months to see that it is in good condition, and greased every year. This could probably be done by the Quartermaster Corps at their place of storage if they had men familiar with the work whom they probably could obtain, but in addition to keeping the leather in good condition by frequent oiling and greasing, the oldest leather and leather equipment on hand should always be issued first, since even the best kind of leather, however well cared for, will in time deteriorate to such an extent as to be worthless. Various soaps and dressings are also provided for the care of equipments, and all of these deteriorate rapidly in storage, requiring that issues to the service be always made from the oldest materials on hand. Such articles of equipment furnished by the Ordnance Department as saddle blankets, saddle pads, field belts of various kinds and other articles made of cotton material are likely to suffer deterioration from moths or other insects, and these articles should frequently be removed from the boxes and examined; and it would be preferable to issue the oldest stock on hand always so that the stock in reserve will not only be new but will be stock that is kept up to date, since even here small improvements are constantly being made.

It is evident from what has been said that it would be folly to box up a lot of Ordnance Department war supplies, store them at some place, and leave them undisturbed from 5 to 15 or 20 years, expecting when they are needed to open the boxes and find the material in first-class condition, both as to preservation and up-to-dateness, and consequently there must be arrangements made for current issues to the service at the place of storage of the war reserve, so that the old material on hand in the war reserve can be issued to the service and replaced by new material and so that material not issued can be altered and kept up to date, examined, cleaned, oiled, and otherwise cared for to prevent deterioration.

In no other way can the war reserve be properly looked after. So far as the supplies of the Quartermaster Corps are concerned, this is exactly what that department proposes to do at the five principal concentration points, which are all quartermaster establishments; and, moreover, the supplies furnished by the Quartermaster Corps are mostly purchased, and while they are liable to deterioration, they are not such as require constant alteration by a manufacturing plant to be kept up to date. At any rate, these supplies are kept, so to speak, at their homes, where any alteration or care necessary can be given them. With respect to the supplies of the Medical Department and the Signal Corps, they are not manufactured by these corps, and they can be issued to the service and replaced from time to time at one place as well as at any other.

Even if current issues of Ordnance Department supplies were made from the five principal depots in order that the oldest material in stock should always be issued to the service, the scheme would be very uneconomical, for in most cases this would require that the articles be manufactured at an arsenal, then shipped to the storage depot, and then shipped again to the service as required, making a double handling of all these supplies on their way to the service where they are used. Then when these supplies require alteration or repair it could not be done at the places of concentration, but they must be shipped back to an arsenal to be altered or repaired and again returned at considerable expense to the places of concentration. Articles in use in the service frequently get broken to a small extent or get worn to a small extent. These articles are perfectly capable of being repaired at an arsenal, but are not capable of being repaired with the facilities in the hands of the troops, because the troops have not the necessary expert knowledge. Unless there is a large, well-established repair plant at the place of concentration, which is not proposed, these articles from the service can not be sent to these places of concentration to be repaired and placed in stock for issue, but must be sent to some manufacturing arsenal to be repaired there and again shipped to the place of concentration, instead of being kept at the arsenal for issue when required, making a double handling of the stores in this case also. The placing of the ordnance war reserve at the five concentration points mentioned and the making of current issues to the service from such points in order to keep the reserve from deteriorating would necessitate the addition of five separate establishments, with full and complete personnel, to the establishments already existing in the Ordnance Department and which are now adequate for the purpose. You can not receive and issue ordnance supplies without a personnel having adequate knowledge of these supplies and without the clerks to execute the necessary papers covering the transactions and to prepare the necessary returns for administrative examination in Washington. Splitting up large establishments into a number of smaller ones does not, as a rule, conduce toward economy.

With respect to the arsenals of manufacture and supply these are fairly well distributed over the country. For example, there is one of the largest manufacturing and supply arsenals already in Philadelphia—the Frankford Arsenal—distant about 8 or 10 miles from Schuylkill Arsenal, the quartermaster establishment. It would certainly seem unwise to take the war reserve stored at Frankford Arsenal and move it 10 miles to be stored at Schuylkill Arsenal, where it can not be economically handled, and the same is true of Benicia Arsenal and San Francisco.

For all practical purposes Benicia Arsenal is in San Francisco, and it would seem very uneconomical to put the war reserve at Fort Mason, where it can not be properly handled, and remove it from Benicia Arsenal, where it can be properly handled. With regard to the other concentration points—Jeffersonville, St. Louis, and Omaha—the nearest arsenal to these three points is the Rock Island Arsenal; but as the Rock Island Arsenal is quite distant from all of them, there might be more of an argument for storing ordnance war reserve at these three places than at the Schuylkill Arsenal and at Fort Mason. However, it should be borne in mind that the scheme of the War Department for supplying volunteers and other troops when recruited at the beginning of a war is to send them to concentration camps, where they can be drilled and taught elementary principles of warfare. Before they can reach these concentration camps they will have to be recruited and organized. It is proposed to send the war supplies to the concentration camps, so that when the volunteers arrive there they will find their equipment waiting for them. In every instance the Ordnance Department could furnish the war supplies for these troops from its various principal arsenals and deliver these supplies at the concentration camps before the volunteers were ready to receive such supplies, and nothing would be gained in this respect by first concentrating the war supplies at the five principal points mentioned.

I have tried to make clear that, particularly in the case of ordnance supplies for reserve purposes, these supplies should be concentrated at the points where current issues to the service are made, so that the older material can be issued to the service from time to time, keeping what remains in reserve in good condition. It also follows that where current issues to the service are made there should be a plant for the repair of articles in a worn-out condition turned in from the service and for altering and keeping up to date the articles stored in the war reserve. If therefore the war reserve is to be taken from the Benicia Arsenal and stored at Fort Mason, all articles now issued to the service from Benicia Arsenal should be issued to the service from Fort Mason. The necessary plant should be established there for repairing the articles turned in from the service and for altering those in store. If so much of the work now conducted at Benicia Arsenal is to be taken to Fort Mason, it would seem that in the interests of economy the whole establishment should be taken there, because if two establishments are maintained—one at Benicia Arsenal and one at Fort Mason—it will require a large duplication of organization. Officers must be kept at both places to superintend the work, clerks must be provided at both places to keep the records required by the War Department and to answer the correspondence, and laborers, teamsters, and other employees must be had at both places to transport, pack, and store the materials, and workmen and mechanics must be kept at both places to make the necessary repairs and alterations. These officers, clerks, and employees must belong to the Ordnance Department, for the officers and employees of the Quartermaster Corps will have neither the time nor the training for this work. In this connection it will be noted that it is not proposed by the War Department to remove from Benicia Arsenal its manufacturing and repair shops and the modernization and repair of the seacoast, field, and mountain artillery will continue to be made at Benicia Arsenal. The storage of powder, high explosives, and ammunition for cannon will continue there, as well as the overhauling, repair, and modification of all forms of ammunition for field, siege, and seacoast cannon. The loading of cartridges for cannon will also be continued there.

Benicia Arsenal was established in 1851 and buildings and plant have been added to it from time to time until the value

of the buildings and plant are now approximately $700,000. To provide the same facilities at Fort Mason would probably require at least this sum. The advantages of Benicia Arsenal in the way of transportation are very great. The main line of the Union Pacific and the Southern Pacific Railroads passes through the arsenal, which already has a siding on which cars are placed to be loaded for shipment. There is a channel not less than 30 feet deep at low water extending from the arsenal to the sea. The Atchison, Topeka & Santa Fe and the Western Pacific Railroads by means of river boats deliver material shipped over their roads at the arsenal wharf, and by extending this wharf a short distance into the strait the largest transports and even war vessels could be docked there. So far as facilities for shipping material to points inland or over sea are concerned, it would seem that they could not be better. Fort Mason has no such facilities for shipment inland, and probably never will have such facilities as has Benicia Arsenal. The plant at Benicia Arsenal is already established. So far as the shop room is concerned, it is not only ample for present requirements, but space is available for the installation of a large number of additional tools. In the event of a war this plant would be of inestimable value. All the seacoast armament and the arms, cannon, and equipments in the hands of troops of Infantry, Cavalry, Field, and Mountain Artillery could be repaired there and immediately returned to the troops. A plant of this kind is absolutely necessary in case of war, and as this is the only arsenal on the Pacific coast, if it is not kept up such repairs would have to be done at the Rock Island Arsenal, which is the nearest one to the Pacific coast. To depend on the Rock Island Arsenal for repairs and supplies for troops on the Pacific coast and in Hawaii and Alaska is out of the question. It is even possible that at some future date the manufactures at Benicia Arsenal will be increased, because in time of war the Government plants and the existing private plants that can be utilized are not capable of manufacturing war material as fast as it will be required.

The arsenal already loads ammunition for all calibers of cannon, from the smallest to the largest; but it does not, however, manufacture the components of the fixed ammunition, such as the large cartridge cases, the projectiles, powder, and fuses. Without very great expenditure a plant could be installed for the manufacture of small-arms cartridges or one for the manufacture of cartridge cases, projectiles, and fuses for field and mountain artillery. The increase of the manufacturing operations in this manner would render the Pacific coast still more independent of the eastern arsenals. The arsenal would probably not manufacture powder for many years to come, but this can be obtained from the California powder works. Although a powder plant could be installed at a moderate cost, it is questionable if it would be economical to do so at the present time. Owing to the restricted space at Fort Mason it is hardly feasible to establish there a plant for manufacturing ammunition, loading shells with high explosives, storing powder, and so forth, all of which is more or less dangerous.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURRY. Will my colleague yield me a little more time?

Mr. KAHN. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 61 minutes remaining.

Mr. KAHN. I yield 5 minutes to my colleague.

Mr. CURRY. The proposition might be summed up as follows: Benicia Arsenal already has an organization and a plant not only capable of transacting all the work required of it in time of peace but capable of extension, with comparatively little expense, in time of war to provide for all the needs of the Pacific coast—with the exception of proper storehouses. Some such establishment as Benicia Arsenal is absolutely necessary on the Pacific coast, and if removed from Benicia it must be established elsewhere. The facilities for transportation, both by water and by rail, are of the best and rail transportation very much better than could be obtained at Fort Mason. It seems to be recognized by Congress that it would be impracticable to move the whole plant at Benicia Arsenal to Fort Mason, but some Members think it may be economical to store the war reserve at Fort Mason rather than at Benicia Arsenal. Why Members should think this, is inexplicable, for it is no more expensive to build a storehouse at Benicia than at Fort Mason, and since the storage facilities at Fort Mason are not sufficient to house the ordnance war reserve, a new storehouse must be either built at Fort Mason or at Benicia. If the reserve stores are housed at Fort Mason, the Government will either be put to considerable expense in sending employees periodically from Benicia to overhaul and keep the stores in proper preservation, to take out those stores needing alteration or modification, shipping them to Benicia Arsenal, and returning them after alteration to be again boxed and stored at Fort Mason, or else a current issue department must be maintained at Fort Mason to issue the oldest stores from the war reserve and to keep in proper state of preservation those not issued. This last would require almost a duplicate of the office force and storehouse force now maintained at Benicia Arsenal, and since the arsenal would continue to look after the armament of the seacoast and the field artillery an office force and a storehouse force nearly as large would have to be retained at Benicia, which would nearly double the expense to the Government.

There is one feature which I have not yet discussed, and that is the defense of Benicia Arsenal in case of war. This defense would be intimately bound up with that of San Francisco and the Mare Island Navy Yard. The defense from attack by warships may be considered absolute, since no ships could get through the Golden Gate, and the arsenal is consequently much better protected at Benicia than it would be at Fort Mason or somewhere in the grounds of the Presidio. The danger from attack, if any, is to be feared from the land side, and this would only occur in case our own Navy were driven from the Pacific Ocean. In such a case it might be conceivable that the enemies' forces would be landed north of San Francisco in order to proceed south and take it on the land side. It is presumed that the defense from such an attack would be established north of Benicia because of the necessity for keeping the railroads open to the east in order to replenish supplies consumed in war and to provide for transportation of additional troops. The country to the north of Benicia, moreover, is of such a character as to render its defense against attack comparatively easy. If Benicia Arsenal should fall, it would mean that San Francisco would be bottled up and remain in a state of siege. Even in such an event there would be ample opportunity to remove the war supplies from the arsenal and take them to San Francisco. With the water and railroad transportation available it is not an exaggeration to say that all the war supplies stored at Benicia could be removed and transported to San Francisco, using sufficient men and teams for loading, within 48 hours; and the same results would then be accomplished as if the stores had been concentrated at San Francisco for 10 years, but without the many disadvantages arising from such concentration as I have heretofore pointed out. It may be stated that Benicia might be exposed to small raiding parties, if not to the systematic advance of a large army, but in any event the railroad would have to be protected from such raiding parties, and there would be very little difficulty in stationing a small force at Benicia for the purpose of protecting the arsenal. Furthermore, the Government has a reservation containing 338.7 acres—239.9 at Benicia Arsenal and 98.8 at Benicia Barracks—and it is by no means inconceivable that the Government would find this reservation most convenient for the encampment of troops in case a large number of volunteers was to be raised for the defense of San Francisco from the land side.

Benicia Arsenal now manufactures all wooden targets and parts of targets used by Infantry, Cavalry, Field Artillery, Mountain Artillery, and Seacoast Artillery stationed along the Pacific coast, in Hawaii, Guam, the Philippines, Alaska, and in the States of Washington, Oregon, Idaho, Montana, part of Wyoming, California, Nevada, and Utah. It also furnishes the troops at these places with all ordnance supplies. It loads all the ammunition used by the Seacoast Artillery on the Pacific coast and Hawaii. It keeps in repair all the cannon, gun carriages, and ordnance equipment used by the Seacoast Artillery in these places, as well as the field and mountain artillery cannon and equipments used not only by the Regular troops but by the militia. It is constantly modifying and improving, under the direction of the Chief of Ordnance, the guns, gun carriages, equipment, and ammunition of the Seacoast Artillery and the Field and Mountain Artillery. The barrels of rifles used by individual soldiers are constantly wearing out, and the arsenal had made preparations for repairing all such rifles by equipping them with new barrels and making other necessary repairs. Revolvers can be and are repaired there as required, as well as machine guns and all kinds of ordnance equipments used by the soldier. Whenever such equipments become unserviceable in the hands of troops they are turned in there and repaired, if capable of repair. The reserve supplies of ammunition, powder, high explosives, and fuses are stored there and properly cared for, being issued to the service from time to time, and up to the present time all the ordnance war reserve for Regular, militia, and Volunteer troops in Hawaii and in the States mentioned has been stored there, so far as the storage facilities permitted; but owing to lack of sufficient storage facilities all war reserve supplies for the district served by Benicia Arsenal have not yet

been sent there. In addition to this work, all correspondence with respect to ordnance matters in the region served by Benicia Arsenal goes to that arsenal, the commanding officer being the chief ordnance officer of the Western Department and handling all these matters for the commanding general of that department. An officer from Benicia Arsenal, under the direction of the commanding officer of the arsenal, regularly once a year inspects all the ordnance material in the hands of the Field, Mountain, and Seacoast Artillery troops, both Regular and National Guard troops, to see that it is in proper repair, and, if not, to arrange for putting it in proper repair.

The total number of boxes, bundles, and so forth, shipped from Benicia Arsenal to Alaska in the fiscal year ending June 30, 1912, was 404, and the weight 35,161 pounds. The number of boxes, crates, and so forth, shipped to Hawaii, 3,669; weight, 413,014 pounds. The number of boxes, crates, and so forth, shipped to the Philippine Islands, 233; weight, 130,191 pounds. And the number of boxes, crates, and so forth, shipped to points in the United States, outside of Alaska, was 25,630, and the weight 3,502,929 pounds. Grand total of boxes, bundles, crates, and so forth, shipped from Benicia Arsenal, 29,936; weight, 4,081,295 pounds (fiscal year 1912).

The fiscal year 1913 showed considerable increase of business in all lines, the total weight of stores shipped and received being doubled, but the disbursements were $11,000 less.

Referring specifically to the deficiency estimate submitted to the Sixty-second Congress for repairs and new construction, at Benicia Arsenal, these items are as follows:

(a) For an oil storehouse, $10,000.

(b) For a new storehouse to replace that destroyed by fire, $200,000.

(c) For placing the electric wiring on the arsenal reservation underground, $8,000.

(A) STOREHOUSE FOR OILS, PAINTS, AND OTHER INFLAMMABLES.

A table is appended showing the various buildings at Benicia Arsenal wholly or partially used for storage purposes. It will be noted from this table that oils, paints, and other inflammables are stored in six different places, and that none of these places is accessible to the railroad siding, requiring the oils, paints, and so forth, to be hauled to and from the buildings by wagons. When the arsenal has on hand all its oils even these storage places are overcrowded, and in any event they constitute six separate danger points at the arsenal. None of the buildings is properly adapted for the storage of oil, and none of them provides an issue room for oil, so that in the past oil was taken to the main storehouse for issue, constituting a menace to that building. Since the fire oils are being prepared for issue in a brick building, which can only be temporarily used for that purpose, because it contains the plant for repair of small arms. In the interests of efficiency and safety a proper oil storage and issue house is an absolute necessity for the arsenal.

The building proposed, if an appropriation is made, is to be of reenforced concrete construction, 120 feet long and 30 feet wide. The storage rooms will be two, each 50 feet long by 30 feet wide, and the issue room will be in the center, occupying the remaining space. Fire walls extending from the floor to the roof will separate the storage rooms from the issue room. The building will be located alongside the proposed new spur track, with a railroad platform so that oils can be unloaded from cars and trucked right into the building or trucked out of the building and placed on cars from this platform. As pointed out, it will be located at a distance of about 200 feet from the proposed new storehouse and on the same railroad siding. The oil house will be protected by a sprinkler system.

(B) PROPOSED NEW STOREHOUSE.

An examination of the appended table will show to what straits the arsenal has been put for storage in the past, every little available building being used for that purpose, and even buildings unsuitable for the purpose by reason of the fire risk involved. The old stable used as a storehouse should be pulled down. It was abandoned years ago as a stable, and only the direst necessity has continued it in use as a storehouse. So far as possible, the least valuable stores are housed in this old stable. The old lumber shed and the quartermaster storehouse and commissary storehouse at Benicia Barracks are entirely unsuitable for housing valuable material. They are all wooden structures, which are very likely to take fire. The danger to the stores therein is reduced to a minimum by a constant patrol around the buildings, but valuable stores should not be housed therein. Even before the destruction by fire of the main storehouse the Ordnance Department was not able to store all the war matériel there which it desired to do because of the lack of sufficient storage room.

Now that the main arsenal storehouse has been destroyed by fire, it is imperative that a new storehouse be built, and since this is the case it seems that the new building should be large enough to accommodate all the stores which should be concentrated at the arsenal without having to store them in any buildings unsuitable for the purpose. It is proposed to locate the new building on a spur track to be connected with the main line of the Southern Pacific Railroad, the same spur track on which the proposed oil house will be located. This spur track will also be continued up to the shops, so that the oil house, the storehouse, and the shops will be served by it. The new track will reduce the cost of and the amount of wagon transportation at the arsenal to a minimum, and will much increase the rapidity with which supplies can be shipped in an emergency. Moreover, all the most valuable buildings of the arsenal will be located near each other, so that they can be efficiently guarded with a minimum number of men against fire or robbery. It is proposed to include a sprinkler system in the construction of the oil house and the new storehouse, and the cost is included in the estimates submitted.

The original estimate submitted for the storehouse was $300,000. The object in submitting so large an estimate was to put up a building which would house all the serviceable stores at the arsenal, both for current issues and for the war reserve, except powders, high explosives, ammunition for cannon, and so forth, to be stored in the magazines or in the reconstructed building, leaving only the unserviceable stores to be turned in from the service for repair or condemnation to be stored outside of this building. It was proposed to place these unserviceable stores pending repair or condemnation in the old shops storehouse. The reason for this is that it was desired to house serviceable stores only in the new building, which would be of the most modern fireproof construction, so that to the convenience of loading and unloading and storing materials in this building would be added a practical certainty that no fire therein could occur.

The old shops storehouse is a veritable fire trap; and, while a sprinkler system will very greatly reduce the fire risk therein, it can not be considered as safe as a building of fireproof construction. The importance of the Pacific coast is increasing all the time, and, with our interests in Hawaii and the Philippine Islands and with the growing population and value of the country, it is reasonable to suppose that the measures for protecting it from a military standpoint will continue to increase. Moreover, as the population on the coast increases, its quota of volunteer troops to be furnished in case of war will be increased, necessitating the storage of an extra amount of war reserve at Benicia Arsenal. It would seem, therefore, that the arsenal will gradually increase in importance and will not stand still. If a new storehouse is to be erected, it should be large enough to prevent the possibility of having to erect another storehouse in, say, 10 years.

The estimate of $300,000 for a new storehouse was reduced in the office of the Chief of Ordnance to $250,000. When the item was submitted to the Sixty-second Congress it was again reduced, to $200,000, by order of the Secretary of War. The estimate for this storehouse includes also the cost of installing the spur track and the cost of the necessary grading and roads to connect with the building and the cost of a large cistern connected with the building, and the estimate of $200,000, if allowed by Congress, will permit of the construction of a new storehouse, which, in connection with the use of the old shops storehouse, will probably afford ample accommodation for the present for stores for current issue and for the war reserve.

On page 484 of the "Hearings before the subcommittee of the House Committee on Appropriations, sundry civil bill for 1914," it is stated that it is now considered that a storehouse of sufficient size could be built for $120,000. This on the assumption that a part of the war reserve will be stored at Fort Mason. This I believe to be a great mistake, and that no building should be erected of less size than can be built for $200,000. A building no larger than can be built for $120,000 will not take care of the war reserve, and the objections to storing the war reserve at Fort Mason I have fully outlined previously.

The Sixty-second Congress provided a deficiency appropriation of $15,000 to repair the burned storehouse, and by the use of the $15,000 a first-class fireproof one-story storehouse has been obtained. This building is used for the storage of field and mountain artillery ammunition. The reconstructed building is at a considerable distance from and height above the railroad track, and necessitates a long, hard haul of all material for storage therein. If a storehouse is to be erected at a cost not exceeding $200,000, it will probably be necessary to store in the reconstructed building the small-arms ammunition, which

would otherwise probably be stored in the new storehouse. In this connection it should be stated that small-arms ammunition is not considered dangerous in storage, and if stored in the new storehouse would be placed in a room of absolute fireproof construction erected in such a way that any fire starting in one room could not be communicated to another room.

(C) PLACING ELECTRIC WIRING UNDERGROUND, $8,000.

The electric current for running the various machines in the buildings at the arsenal and for lighting the various buildings is obtained from the Pacific Gas & Electric Co. It is brought into the arsenal on overhead wires supported on poles at an alternating voltage of 2,200. This current at 2,200 volts is carried all around the arsenal on overhead wires, transformers being installed near the various buildings by means of which the voltage is reduced to 220 or 110, and the current thus reduced in voltage carried on the same poles until it enters the buildings. The telephone wires connecting the various buildings also run on these same poles. In some places the high-tension wires and the low-tension wires on the same poles run through the branches of trees, and although care is taken to trim the trees at the points where the wires pass through them, this in itself is a considerable menace, yet the colonel in command at the arsenal is very reluctant to cut down ornamental shade trees, and so contents himself with keeping them trimmed at the points where the wires pass through. By reason of age the insulation on the high-tension wires is rapidly deteriorating and in many places the insulation has entirely worn off. The poles are rotting, as well as the cross arms. It will be seen from what has been stated that the whole installation is in need of extensive repair.

It is not uncommon for the power lines of the Pacific Gas & Electric Co. to be blown down, short-circuiting the current and depriving the city of Benicia and the arsenal of light. It is therefore reasonable to fear that the poles in the arsenal may be blown down in a high wind. Should such an accident occur in the present condition of the wires it might lead to a great disaster by fire, with possible loss of life. As has been stated, the insulation of the high-tension wires is practically gone, and should a pole be blown down it is very likely that these high-tension wires would be crossed with the low-tension wires furnishing light and power to the various buildings. This would result in the delivery of current at 2,200 volts into any one or more of a number of buildings of the arsenal. This would be very likely to kill any person standing near the point where the low-tension wires enter the buildings and would almost certainly set fire to the building. The present overhead installation is a continual menace to the arsenal.

Since the whole installation must be extensively overhauled it is the part of wisdom to put it in the safest possible condition, and this can be done by putting the high-tension wires in conduit underground, where if a short circuit of any kind occurred it could not deliver high-tension current into any of the buildings. This is what is proposed to be done with the estimate of $8,000. For the sake of economy, the high-tension wires are to be placed in underground conduits only in the part of the arsenal containing the quarters, office, shops, and large storehouses. To carry the current over the hills to the magazines the high-tension wires will continue to be used, but they will be put in the best possible condition.

I submit that the facts I have presented as to the conditions existing at Benicia Arsenal, due, in the main, to a disastrous fire, are sufficient to warrant Congress, as a matter of economy, to appropriate the amount of money estimated by the War Department as necessary to rehabilitate the arsenal and equip it so that it may be used to its fullest capacity. Also that the storage of ordnance supplies at Fort Mason instead of at Benicia would be from a business standpoint uneconomical and from a military standpoint unwise.

In closing I again call the attention of Congress to the fact that had Col. Ruggles's estimate of $8,000 for the installation of an automatic sprinkler system of fire protection been allowed the fire at the arsenal would have done but little damage. The indiscriminate cutting out of estimates is not always true economy.

Col. Ruggles has been transferred to the Philippines and has been succeeded in command at Benicia by Col. J. W. Joyse, an able and accomplished officer. [Applause.]

Table of buildings at Benicia Arsenal wholly or partially used for storage purposes, floor space and cubical contents of each building so used, approximate amount of floor space occupied by stores, and articles stored in each building.

Name of building.	Floor space.	Approximate per cent of floor space occupied.	Cubic contents of building.	Articles stored in building.
	Square feet.		*Cubic feet.*	
Old shops, storehouse	21,000	[1] 70	307,000	Commissary and Quartermaster's storerooms; ordnance depots Nos. 2, 3, and 4, consisting of war reserve supplies; unserviceable but repairable small arms, rifles, models of 1898 and 1903; and equipments and stores for issue.
Storehouse (projectile)	7,000	[2] 60	75,000	Projectiles for seacoast guns; unserviceable personal and horse equipments, some to be repaired and others to be condemned; unserviceable hand arms and scrap brass.
Old stable, storehouse	6,000	90	50,000	Obsolete target material; mounts for transport guns; unserviceable armament chests; 3.2 inch field carriages and limbers; obsolete limbers and caissons.
Old lumber shed	2,250	[3] 75	20,000	Small arms targets and accessories.
Fuze house	144	95	1,000	Fuzes for seacoast projectiles.
Storehouse (instrument house) [6]	25	100	175	Oils for ordnance depots (war reserve).
Oil house [6]	1,000	100	12,000	Oils and paints for current issue.
Old oil house [6]	300	100	1,800	Oils and paints for current issue and ordnance depots (war reserve).
New lumber shed	5,000	[4] 85	50,000	Lumber, iron, cement, lime, and seacoast target material.
Upper gas house [6]	150	50	1,200	Gasoline, oils, and paints for current issue.
Lower gas house [6]	150	95	1,200	Oils and paints for current issue.
Paint shop [6]	400	50	3,000	Paints and oils for use at this arsenal.
Upper floor of carpenter shop	4,500	70	54,000	Obsolete Coast Artillery material, unserviceable personal and horse equipment, unserviceable tools, etc., awaiting condemnation, but some to be repaired.
North storehouse	6,100	75	73,000	Caliber .30 ammunition, model 1898; 1-pounder subcaliber ammunition; caliber .30 blank ammunition; 18-pounder subcaliber ammunition; and empty powder kegs.
Upper floor, south storehouse	3,000	[5] 100	27,000	Cartridge storage cases.
Magazine No. 1	2,400	80	28,000	Explosive "D," 3.2-inch ammunition, 5-inch siege ammunition, and 7-inch howitzer ammunition.
Magazine No. 2	2,400	60	28,000	Saluting, small-arms, and igniting powders.
Magazine No. 3	2,400	75	28,000	3-inch field and 2.95-inch fixed ammunition.
Magazine No. 4	3,200	80	38,600	Caliber .30 ammunition, model of 1906; fixed ammunition for 15-pounder guns, and smokeless powder for 10-inch guns.
Magazine No. 5	3,200	60	38,600	Smokeless powder for 3-inch field gun, 15-pounder guns, 12-inch guns, 12-inch mortars, and nitroglycerine powder.
Quartermaster's storehouse at Benicia Barracks	2,500	100	20,000	War reserve Field Artillery vehicles (caissons and limbers), unserviceable arm racks.
Commissary storehouse at Benicia Barracks	1,300	100	13,000	War reserve Field Artillery vehicles (caissons and limbers).
Main arsenal storehouse (burned)	32,000	90	392,000	Personal and horse equipments, Artillery harness, small arms, spare parts for Coast Artillery and small arms, small-arms ammunition, miscellaneous stores for current issue.

[1] All available space will be occupied when stores coming on orders for supplies are received.
[2] If all reserve projectiles on hand were placed in this building, all remaining space would be taken up.
[3] All available space will be occupied when targets under manufacture are stored.
[4] All available space will be occupied when shop supplies to be purchased are received and targets under manufacture are stored.
[5] Lower floor of this building used for assembling powder charges and fixed ammunition.
[6] Note that oil, paints, and other inflammable materials are scattered all over the arsenal, being stored in six different places, because there is no oil-storage house of sufficient capacity to hold them all. All the present storage places are remote from the railroad siding, requiring a large amount of uneconomical transportation by wagon. Note how every available building is used for storage, even an old stable that ought to be condemned, as well as an old lumber shed and two old wooden storehouses in Benicia Barracks.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DEITRICK].

Mr. DEITRICK. Mr. Chairman, I desire at the outset to state that I favor any reasonable proposition that would make unnecessary an appropriation such as is carried by this bill.

The views on the question of an appropriation for the support of the Army and its allied subjects may be divided into three classes:

First. Peace.

Second. War.

Third. Peace with preparedness for war.

The first proposition, as generally understood, signifies a discontinuation of the Army, and is one that is advocated by some of our best and most learned citizens. They take the ground that war is a crime and that having armies merely encourages war and results not only in the expenditure of vast sums of money, but also costs untold suffering and the lives of a large percentage of those who engage in it. This view has been held for many years by some of our people. The sincerity of this class of persons is admitted, but I can only say that I doubt if they would long hold their position if only America adopted their views, because this Nation under present-day conditions would soon be overrun by the armed troops of our neighbors, and our peace friends would be found among the first to clamor for rifles with which to drive out the invaders.

Second. There is another class of persons who believe that the United States should maintain a very large Army and in time of peace be as well prepared for war as was, for example, Germany at the outbreak of the Franco-Prussian War. There are, however, but a few in America who hold this view, and it is difficult to understand why any advocate a large Army in time of peace, since we are so far removed from other large powers. Our position between the seas obviates the necessity of our having a large standing Army.

Third. The third and last general division of our people believe that in time of peace we should have a small, well-organized Army and a reserve with some degree of military training, so that in case of war this reserve could be mustered into service and could be quickly trained and equipped with arms to take advantage of any situation that might arise in the first few months of conflict.

I agree with this view. It is upon this principle, I take it, that this Government has maintained a small Army and has made some provision, in one way or another, for a reserve fighting force. The total number of troops now in the Regular Army is 77,000, exclusive of the Hospital Corps and the Philippine Scouts. This is less than 1,000 soldiers for every million persons under the flag, and not equal to the number of police officers in the entire country. So far as can be foreseen, a Regular Army of this size is sufficient for our Government in time of peace. The real question then comes upon how are you going to expand the Regular Army quickly and provide it with war material at the outbreak of war. The Government has adopted the plan of providing a reserve by aiding the militia of the various States and by a volunteer bill.

The number of men generally agreed upon that should constitute this reserve is about 500,000, but what use would 500,000 men be at the outbreak of a war if they did not possess proper field artillery? The Government has to-day on hand a sufficient number of small arms to equip an army of 1,000,000 men, but an army of riflemen unsupported by artillery would never get within shooting distance of an opponent which was well supplied with field artillery, for it is the field artillery that clears the way for infantrymen to perform their part in a present-day battle.

The War Department submitted total estimates to the Committee on Military Affairs for the support of the Army, aggregating $104,947,758.65. The committee cut this appropriation to $94,214,173.06, or a reduction of $10,733,585.59. I am happy to state that I approve of these reductions in all cases except that for field artillery.

We have to-day only 753 field guns on hand, in process of manufacture, or for which the money has already been appropriated. It is estimated by Gen. Crozier that the field guns per thousand men should be 3.16, which Gen. Wood states is lower than any other nation he knows of. Therefore for an army of 500,000 men it is estimated we would need about 1,600 guns.

I regret very much that the Committee on Military Affairs, in its wisdom, reduced the appropriation for field artillery $250,000 less than it was last year, giving only $750,000 in this bill. In other words, if we were compelled to place in the field an army of 500,000 men to-day it probably would not have more than one-third of the field guns which it would require.

Mr. HAY. The gentleman does not want to mislead the House?

Mr. DEITRICK. Not at all.

Mr. HAY. The Chief of Ordnance and the Chief of Staff testified that they had 57 per cent of guns enough to arm an army of 500,000 men, so that would be more than half.

Mr. DEITRICK. I would like the chairman to point that out in the hearings.

Mr. HAY. I will do so with pleasure.

Mr. DEITRICK. I have looked for it and I can not find it.

As I was saying, Mr. Chairman, we could not supply an army of 500,000 men to-day with more than one-third of the field guns necessary to give it any chance whatever of winning a battle from an opponent of equal size that was adequately supplied with field artillery.

At the Battle of Mukden the Russians numbered about 500,000 men and had more than 1,200 guns, almost twice as many as there are to-day in America. I do not believe, Mr. Chairman, that this Congress should be stingy on this appropriation. It is a "penny-wise and pound-foolish" policy. Far better that we dispense with the service of 10,000 of our infantrymen than that we be lacking in field artillery. It can not be made in a night. It would take one year with all the factories in the United States working three shifts a day to make 500 field artillery guns. It will require at least 20 years at the rate carried in this bill to manufacture the field artillery to meet the requirements of the Army sufficient to give us a total of 1,600 guns.

The War Department, realizing the weakness of this arm of the service, asked Congress for $2,100,000, and in my judgment a great mistake has been made by the committee in reducing the item to one-third of what was asked for. These guns should even now be in reserve. It is a well settled fact that modern wars are of short duration—a matter of six months. It is therefore quite certain that any war that would trouble us would be commenced, fought, and ended before we could supply our Army with field artillery. It is hoped by us all that we will never again be engaged in war, but we must not be unmindful of the fact that war is not a lost art. Every nation that has ever existed has had its four or five wars to the century, and there is no power which will prevent one nation from overrunning another except battleships and guns. We all trust that the day may soon come when some genius will invent a plan whereby international disputes and friction may be settled without resort to arms, but until such a device is adopted and placed in operation by a large majority of the world's great powers it is utter folly and a crime for this Nation to fail to reasonably provide means for protecting the home and the Nation.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and Mr. FITZGERALD having assumed the chair as Speaker pro tempore, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13453, the Army appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SMITH of Minnesota was granted leave of absence for one week, on account of public business.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 5 o'clock and 52 minutes p. m.) adjourned until Friday, February 27, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, reports on preliminary examination and survey of Chester River, Md., from Crompton to Millington (H. Doc. No. 797); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, reports on preliminary examination and plan and estimate of cost of improvement of Tilghman Island Harbor, Md., with a view to a modification of the existing project (H. Doc. No. 796); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOWARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 11307) authorizing the Sec-

retary of War to appoint a commission to properly survey, define, and designate the historic battle field of Atlanta, Ga., reported the same with amendment, accompanied by a report (No. 306), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13545) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., reported the same with amendment, accompanied by a report (No. 307), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13365) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Old Cotton Gin Port, in Monroe County, Miss., reported the same without amendment, accompanied by a report (No. 308), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 303), which said bill and report were referred to the Private Calendar.

Mr. HOWARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 3960) to correct the lineal and relative rank of First Lieut. Thomas J. Leary, Medical Corps, United States Army, reported the same without amendment, accompanied by a report (No. 304), which said bill and report were referred to the Private Calendar.

Mr. GARRETT of Texas, from the Committee on Military Affairs, to which was referred the bill (H. R. 9536) for the relief of Stephen Morris Barlow, reported the same without amendment, accompanied by a report (No. 305), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1415) granting a pension to Seymour McDonough; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1512) granting a pension to Jesse Blair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2566) granting a pension to Oscar Grear; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9853) granting an increase of pension to John N. Jennings; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13197) granting an increase of pension to John P. Hinkel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13366) granting a pension to Frank B. Gorman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13570) to correct the military record of John S. Rhoads; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEE of Pennsylvania: A bill (H. R. 13919) to provide for the erection of a Federal building at Shenandoah, Schuylkill County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 13921) extending the period of payment under reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. FLOOD of Virginia: A bill (H. R. 13922) to approve of the celebration of the one hundredth anniversary of the signing of the Treaty of Ghent between the United States of America and Great Britain and Ireland and of the century of peace and amity between the United States and other nations; to the Committee on Foreign Affairs.

By Mr. WATSON: A bill (H. R. 13923) authorizing and directing the Secretary of War to appoint a commission to designate, define, and survey the battle field of the Crater at Petersburg, Va., and to collect certain data concerning the same, and make report thereupon; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: Resolution (H. Res. 430) requesting the President to furnish to the House of Representatives certain information; to the Committee on Reform in the Civil Service.

By Mr. TEN EYCK: Memorial from the Legislature of New York, urging Congress to enact appropriate legislation to maintain the alien insane by the National Government; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Memorial from the Legislature of New York, favoring the amending of the immigration laws so as to make the care of alien insane a national charge; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEY of Ohio: A bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 13924) granting an increase of pension to Henry M. Benson; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 13925) granting an increase of pension to Alonzo B. Van Ausdall; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 13926) granting an increase of pension to Mary E. Murry; to the Committee on Pensions.

Also, a bill (H. R. 13927) granting an increase of pension to Alice E. Keating; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13928) to remove the charge of desertion from the military record of John Robinson; to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 13929) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. COX: A bill (H. R. 13930) granting an increase of pension to Frederick A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13931) granting an increase of pension to William H. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13932) granting an increase of pension to Jack Meisner; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 13933) granting an increase of pension to Pawil Wiczias; to the Committee on Pensions.

By Mr. DEITRICK: A bill (H. R. 13934) for the relief of Patrick Conley; to the Committee on Military Affairs.

By Mr. DIXON: A bill (H. R. 13935) granting an increase of pension to Joanna Elder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13936) granting an increase of pension to Montgomery Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13937) granting an increase of pension to John Rule; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 13938) granting an increase of pension to Owen Farrell; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 13939) prohibiting the importing and landing of fish caught by beam trawlers; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOEKE: A bill (H. R. 13940) granting an increase of pension to Thomas J. Black; to the Committee on Invalid Pensions.

By Mr. HAMLIN (by request): A bill (H. R. 13941) for the relief of the estate of William Morrison; to the Committee on War Claims.

By Mr. HART: A bill (H. R. 13942) granting an honorable discharge to Benjamin Warner; to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 13943) for the relief of Wesley Rankin; to the Committee on War Claims.

By Mr. KEY of Ohio: A bill (H. R. 13944) granting an increase of pension to Joseph Grundy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13945) granting a pension to Serepta Crumrine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13946) granting a pension to Dorcas Irene Stewart; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 13947) granting a pension to William E. Howell; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 13948) granting a pension to Benjamin Overdorf; to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 13949) granting a pension to Melissa W. Shaw; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13950) for the relief of Ella Slone; to the Committee on Claims.

Also, a bill (H. R. 13951) granting a pension to Martha L. Branham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13952) granting a pension to Sheridan Bailey; to the Committee on Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 13953) for the relief of James H. C. Dailey; to the Committee on War Claims.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 13954) granting a pension to Henry C. Johnson; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 13955) granting a pension to Theresa L. Wood; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 13956) granting a pension to Ida M. Sterling; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 13957) granting an increase of pension to John Krause; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13958) granting an increase of pension to Catharine Upson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13959) granting an increase of pension to Julius Kramer; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13960) granting an increase of pension to Joseph N. Weaver; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13961) for the relief of H. W. Winstead; to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 13962) granting a pension to Mary H. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13963) granting a pension to Harriet Stewart; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13964) granting an increase of pension to James C. Hyatt; to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States; to the Committee on Claims.

By Mr. SMITH of Maryland: A bill (H. R. 13966) granting a pension to James E. Howard; to the Committee on Pensions.

Also, a bill (H. R. 13967) to pay certain claims due navy-yard employees; to the Committee on Claims.

Also, a bill (H. R. 13968) for the relief of Samuel Henson; to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13969) granting an increase of pension to George Bunyea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13970) granting an increase of pension to Richard B. York; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 13971) for the relief of the legal representatives of C. C. Thompson; to the Committee on War Claims.

By Mr. STRINGER: A bill (H. R. 13972) granting a pension to Barbara Hamilton; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 13973) granting a pension to Henry A. Winebeck; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 13974) granting an increase of pension to George A. Hitchcock; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of certain citizens of Sheboygan, Wis., protesting against House bill 8814, providing for the making of Columbus day into a national holiday; to the Committee on the Judiciary.

Also (by request), petition of certain citizens of Pontiac, Mich., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAIR: Petitions of sundry citizens of the State of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. AIKEN: Memorial of the United Daughters of the Confederacy, relative to naming the forts in the Canal Zone; to the Committee on Military Affairs.

By Mr. ALLEN: Petitions of John Hussey and 241 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petitions of sundry citizens of the State of Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various members of the Walnut Grove Methodist Episcopal Sunday School, Liberty Township, Van Wert County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany a bill (H. R. 13187) for the relief of George S. Smith; to the Committee on Pensions.

Also, petition of Woman's Relief Corps, No. 103, New Philadelphia, Ohio, against any change in the United States flag; to the Committee on the Judiciary.

Also, petition of J. B. Collins and 18 other citizens of Mount Vernon, Ohio, protesting against the passage of Federal prohibition legislation; to the Committee on the Judiciary.

By Mr. BOWDLE: Petitions of Alfred Springer and 250 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Addison Ogden and others, of Kings County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of various bankers of Kansas, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. CARY: Petition of sundry citizens of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of William Nickel, of Milwaukee, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. DEITRICK: Petition of various bankers of Massachusetts, favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. DIXON: Petition of various bankers of Indiana, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the National Jewelers' Board of Trade, relative to proper enforcement of the Sherman Act; to the Committee on the Judiciary.

Also, petition of New York Typographical Union, No. 6, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of Indiana, against Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. GILMORE: Memorial of the Stoughton (Mass.) Board of Trade, protesting against separating water transportation lines from railroad companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Brockton (Mass.) Lodge, No. 136, Scandinavian Brotherhood of America, favoring a monument to John Ericsson; to the Committee on the Library.

Also, petition of the Quincy (Mass.) Branch of American Society of Marine Draftsmen, favoring repeal of clause exempting American vessels from tolls through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Petitions of Harry C. Carter and others, of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of S. Clay Miller and other citizens of Lancaster, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Globe Indemnity Co., of Philadelphia, Pa., protesting against legislation to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. HOXWORTH: Petition of various banks of Illinois, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. IGOE: Petition of the St. Louis (Mo.) Shoe Association, favoring House bill 13168, relative to importation of goods made by convict labor; to the Committee on Labor.

Also, petition of the Railway Business Association, favoring establishment of a bureau of legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of sundry citizens of Missouri against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Connecticut: Petitions of the Farmington (Conn.) Branch of the American Continental League and the Nathan Hale Branch of the American Continental League, of Naugatuck, Conn., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petitions of F. F. Young, of New Milford, Conn., and Bartenders' Union, Local No. 283, of Torrington, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Charles M. Thomas Camp, No. 3, United Spanish War Veterans, of Newport, R. I., favoring passage of House bill 7374, for pensions for Spanish War veterans' widows and orphans; to the Committee on Pensions.

Also, memorial of the General Grant Branch of the American Continental League, of Providence, R. I., protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. KINKAID of Nebraska: Petitions of sundry citizens of the sixth congressional district of Nebraska and 62 German citizens of Loup City, Nebr., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various banks and bankers of Kimball and Crawford, Nebr., and of Lincoln and Logan Counties, Nebr., favoring change in the income-tax law relative to collection of source; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Boyd County, Nebr., protesting against Columbus Day as a national holiday; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of sundry citizens of Oregon against national prohibition; to the Committee on the Judiciary.

Also, petition of M. B. Huffsmeth, of Portland, Oreg., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Longshoremen's Union No. 38, and Local No. 118, I. O. B. of S. F. Union, of Portland, Oreg., favoring the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

By Mr. LEVY: Memorial of the United Spanish War Veterans, Department of New York, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of the Chamber of Commerce of the State of New York, protesting against amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Jewelers' Board of Trade, favoring amending national stamping act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fritzschl Bros., of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the National Jewelers' Board of Trade, protesting against amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Photo-Engravers' Union, No. 1, of New York City, favoring passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. LIEB: Petition of the North Side Business Association, of Evansville, Ind., protesting against House bill 1873 and Senate bill 927, the anti-injunction bills; to the Committee on the Judiciary.

By Mr. LINDQUIST: Petition of Walter Clifford Corps, No. 195, Department of Michigan, Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, of Boyne City, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of General Charles Griffin Post, No. 386, Department of Michigan, Grand Army of the Republic, of Farwell, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of residents of Mecosta, Blanchard, and Barryton, Mich., favoring the passage of Senate joint resolution 88, and House joint resolution 168, proposing an amendment to the Constitution of the United States, providing for national prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Bartenders' Local No. 200, of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of New York Typographical Union No. 6, favoring passage of the Bacon-Bartlett anti-injunction bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of sundry citizens of Lincoln, Nebr., protesting against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. MAHAN: Petition of F. E. Metcalf, of Rockville, Conn., and Bartenders' Union, Local No. 519, of Willimantic, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Petition of Andrew Wise and others of Hudson, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of sundry citizens of the State of Maine, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of various business men of Norfolk and Morristown, N. Y., favoring passage of House bill 5308 relative to mail-order houses; to the Committee on Ways and Means.

Also, petition of Homer L. Shepard, of Massena, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Petition of the Walnut Street Business Association, of Philadelphia, Pa., favoring designation of last Monday in October as the national Thanksgiving Day; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the Ridgewood National Bank, of Ridgewood, N. Y., and various banks of Long Island, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petitions of the National Jewelers' Board of Trade, protesting against bills amending the Sherman Act and favoring amending the national stamp act; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petitions of Rear Admiral Charles M. Thomas Camp, No. 3, and Rudolph Brenault Camp, No. 7, Department of Rhode Island, United Spanish War Veterans, favoring passage of House bill 7374, for pensions for widows and orphans; to the Committee on Pensions.

Also, petition of the National Jewelers' Board of Trade, protesting against amending Sherman Act and favoring amending national stamp act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. W. J. Nichols, of Auburn, N. Y., favoring passage of the Lindquist pure fabric bill; to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petitions of sundry citizens of Cayuga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petition of various bankers of New York, favoring amendment of income-tax law; to the Committee on Ways and Means.

By Mr. POST: Petition of the National Jewelers' Board of Trade, protesting against amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Jewelers' Board of Trade, favoring amending the national-stamp act; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: Memorial of the Massachusetts Peace Society, favoring repeal of clause exempting American vessels from tolls through Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petitions of James Gordon Bennett and other citizens of Red Bank, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of the Council of Grain Exchanges, favoring appointment of legislative committee to investigate grain exchanges; to the Committee on Rules.

By Mr. STRINGER: Petition of the Board of Trade of Chicago, Ill., against any interference with operation of grain markets in the United States; to the Committee on Agriculture.

Also, petition of sundry citizens of Illinois, against national prohibition; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of the New York State Drainage Association, favoring passage of House bill 8189, for flood control; to the Committee on Rivers and Harbors.

By Mr. TEN EYCK: Petition of sundry citizens and organizations of Albany County, N. Y., in relation to House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of W. J. Davison, secretary of the Young Men's Christian Association; William H. Stubblebine, pastor of the Sixth Presbyterian Church; Dr. George Dugan, pastor of the Fourth Presbyterian Church; and Harry Space, secretary of the Railroad Young Men's Christian Association, favoring amendment prohibiting importation, manufacture, and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Manhattan Camp No. 1, Department of New York, Spanish War Veterans, favoring passage of House bill 7374, for widows' and orphans' pensions; to the Committee on Pensions.

SENATE.

FRIDAY, *February 27, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee because we know that this day we make the record of victory or defeat in the personal life of each one of us. We thank Thee for the peace that abounds, the good fellowship, the community of interest, and the inspiration that rises out of the common task that Thou hast committed to the hands of these Thy servants. But we would be sure of our inner spiritual life. May no voice of conscience be heard accusing us. May there be harmony not only between our professions and actions but between our convictions and actions. May we be sure of our own hearts before God, and we gladly leave the rest to Thee. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE LATE SENATOR BACON.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the general secretary of the Chamber of Commerce of Macon, Ga., inclosing resolutions adopted by the board of directors of the chamber of commerce upon the death of the late Senator BACON, which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication and accompanying resolutions are as follows:

CHAMBER OF COMMERCE,
Macon, Ga., February 24, 1914.

Hon. THOMAS MARSHALL,
Vice President and President of the Senate,
Washington, D. C.

DEAR SIR: Inclosed please find set of resolutions passed by our board of directors of the chamber of commerce upon the death of our honorable citizen, Senator A. O. BACON.

Yours, very truly,
E. H. HYMAN,
General Secretary.

Resolutions.

Whereas it hath pleased God in His infinite wisdom to take from us our honored citizen, AUGUSTUS O. BACON: Be it

Resolved, That in his death the Nation has lost one of its most distinguished and faithful servants, the United States Senate one of its leading Members, the State of Georgia its first citizen, and the city of Macon a most loyal friend.

Resolved, That the members of the chamber of commerce attend his funeral in a body, and that the citizens of Macon be requested to dispense with business during the funeral hour; and be it further

Resolved, That a copy of these resolutions be sent to the family, a copy to the President of the United States, a copy to the President of the Senate, and a copy be furnished to the Associated Press.

MACON CHAMBER OF COMMERCE,
[SEAL.] W. E. DUNWODY, *President.*
Attest:
E. H. HYMAN, *General Secretary.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had passed a bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of Andrew Jackson Branch, American Continental League, of Wilmerding, Pa.; of General St. Clair Branch, American Continental League, of Philadelphia, Pa.; and of Nathan Hale Branch, American Continental League, of Naugatuck, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented memorials of Nathan Hale Branch, American Continental League, of Columbus, Ohio; of the German-Irish-American Alliance of Newark, N. J.; of Francis Scott Key Branch, American Continental League, of Brooklyn, N. Y.; and of De Witt Clinton Branch, American Continental League, of New York City, remonstrating against the repeal of that provision of the Panama Canal act exempting American coastwise shipping from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. SHAFROTH presented memorials of sundry citizens of Montrose County, Colo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of Local Union No. 8, Bartenders' League, of Denver; of Local Union No. 282, Bartenders' League, of Pueblo; and of sundry citizens of Denver, all in the State of Colorado, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Roberts County; of Local Union No. 848, Bartenders' League, of El Paso; of International Printing Pressmen and Assistants' Union, No. 46, of Dallas; and of Waiters' Union, Local 659, of Dallas, all in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of sundry citizens of Harper County, Kans., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Mankato, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Industrial Council, Federation of Labor, of Topeka, Kans., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. BRISTOW presented a memorial of Local Union No. 345, Cigarmakers' International Union, of Kansas City, Kans., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Industrial Council, of Topeka, Kans., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. NELSON presented memorials of sundry citizens of Moorhead, Hutchinson, Janesville, and St. Paul; of Bartenders' Local Union, No. 813, of St. Cloud; of Aerie No. 34, Fraternal Order of Eagles, of Minneapolis; and of Bartenders' Local Union, No. 598, of East Grand Forks, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 395, Brotherhood of Locomotive Engineers, of Duluth, Minn., praying that an appropriation be made to cover longevity pay of certain employees in the Panama Canal Zone, which was referred to the Committee on Appropriations.

Mr. SMITH of Maryland presented a memorial of Local Union No. 947, Brotherhood of Painters, Decorators, and Paperhangers of America, of Cumberland, Md., and a memorial of Local Union No. 246, Bakery Workers, of Cumberland, Md., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of sundry citizens of Ripley County, Ind., remonstrating against any change being made in the parcel-post regulations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the board of directors of the Citizens' National Bank and the Citizens' Trust Co., of Jeffersonville, Ind., praying for the adoption of an amendment to the income-tax law to provide a method of information at the source, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 214, United Mine Workers of America, of Brazil, Ind., praying for the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kewanna, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented memorials of sundry citizens of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale,

and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the board of directors of the Baxter National Bank, of Rutland, Vt., praying for the adoption of an amendment to the income-tax law to provide a method of information at the source in lieu of the present method of collection at the source, which was referred to the Committee on Finance.

Mr. WEEKS presented resolutions adopted by the Massachusetts Real Estate Exchange, favoring the establishment of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Boston, Cambridge, Worcester, and Newton, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of Nathan Hale Branch, American Continental League, of Naugatuck, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a memorial of Bartenders' Local Union No. 200, of Hartford Conn., and a memorial of Charles Eagle, of Sound Beach, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented a petition of sundry citizens of Scott County, Ky., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Louisville, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of Local Union No. 267, Bartenders' League, of Lansing, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented memorials of General St. Clair Branch, American Continental League, of Philadelphia; of Samuel Adams Branch, American Continental League, of Philadelphia; of Thomas Paine Branch, American Continental League, of Philadelphia; of the Wolfe Tone Club, of Philadelphia; of Fort Schuyler Branch, American Continental League, of Philadelphia; of John Adams Branch, American Continental League, of Philadelphia; and of Washington Branch, American Continental League, of Hazelwood, all in the State of Pennsylvania, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Shickshinny, Pa., and a petition of sundry citizens of Pittsburgh and Fairmont City, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pittsburgh and Johnstown; of the Workingmen's Society, of Scranton; of Local Union No. 481, Bartenders' International League, of Sunbury; of Local Union No. 188, Bartenders' International League, of Pittsburgh; of the Central Labor Union of Wilkes-Barre; of District No. 227, German Beneficial Union, of Reading; and of Local Union No. 242, Cigar Makers' International Union, of York, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Walnut Street Business Association, of Philadelphia, Pa., praying for the enactment of legislation to make the last Monday in October in each year our national Thanksgiving Day, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pittsburgh and Mars, and of Local Lodge No. 4, Loyal Patriots of America, of Pittsburgh, all in the State of Pennsylvania, remonstrating against the enactment of legislation to make the 12th day of October, Columbus Day, a legal holiday, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Enon Valley, Pa., remonstrating against the enactment of legislation providing there shall be no change in the postal regulations until authorized by law, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Council No. 812, Order of Independent Americans, of Cressona; of Hanowgate Council, No. 979, Order of Independent Americans, of Philadelphia; of Mount Vernon Council, No. 333, Order of Independent Americans, of Harrisburg; of Battlefield Council, No. 717, Order of Independent Americans, of Gettysburg; of Tussey Council, No. 515, Order of Independent Americans, of Pine Grove Mills; of Allegheny Lodge, No. 4, Loyal Patriots of America, of Pittsburgh; of Emsworth Council, No. 474, Order of Independent Americans, of Emsworth; of Greble Council, No. 13, Order of Independent Americans, of Philadelphia; of Pittsburgh Council, No. 34, Daughters of Liberty, of Pittsburgh; of Reserve Council, No. 283, Order of Independent Americans, of Philadelphia; of Augusta Council, No. 393, Order of Independent Americans, of Pittsburgh; of Pennsylvania State Camp, Patriotic Order Sons of America, of Philadelphia; and of sundry citizens of Pittsburgh, Mars, and Valencia, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. COLT presented a memorial of the Polish National Alliance of Anthony, R. I., and a memorial of Local Lodge No. 214, Independent Order of B'rith Abraham, of Providence, R. I., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented memorials of the State Association of the United National Association of Post Office Clerks, of Providence, and a memorial of Local Branch No. 15, National Association of Letter Carriers, of Providence, and of Local Branch No. 55, National Association of Letter Carriers, of Pawtucket, all in the State of Rhode Island, remonstrating against the enactment of legislation to change the present working hours of letter carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Rhode Island State Branch, American Continental League; of Lincoln Branch, American Continental League, of Providence; and of General Grant Branch, American Continental League, of Providence, all in the State of Rhode Island, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Union No. 157, Bartenders' League, of Woonsocket; of Local Branch No. 5, Amalgamated Lace Operators of America, of Providence; and of sundry citizens of Providence, all in the State of Rhode Island, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 2876) to amend an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved March 4, 1913, reported it with an amendment and submitted a report (No. 293) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 3988) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site, reported it without amendment and submitted a report (No. 294) thereon.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (S. 4377) to provide for the construction of four revenue cutters, reported it without amendment and submitted a report (No. 296) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 297) thereon.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 8683) to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa, reported it without amendment and submitted a report (No. 298) thereon.

Mr. LODGE, from the Committee on Private Land Claims, to which was referred the bill (S. 1943) in reference to the issuance of patents and copies of surveys of private land claims, reported it without amendment and submitted a report (No. 299) thereon.

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 2337) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, reported it with amendments and submitted a report (No. 300) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 3529) to change the location and straighten the course of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., and for other purposes, reported it without amendment and submitted a report (No. 295) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 3696) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, reported it without amendment and submitted a report (No. 301) thereon.

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. From the Committee on Commerce I report back favorably with an amendment the bill (S. 4494) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., and I submit a report (No. 292) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was to strike out section 1 and to insert in lieu thereof "That the time for commencing and completing the bridge authorized by act of Congress, approved August 24, 1912, to be built across the Mississippi River at the town site of Sartell, Stearns County, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof," so as to make the bill read:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by act of Congress approved August 24, 1912, to be built across the Mississippi River at the town site of Sartell, Stearns County, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minn."

BRIDGE ACROSS SWINOMISH SLOUGH, WASH.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 4250) to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner, and I submit a report (No. 291) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 6, after the word "Slough," to insert "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the county commissioners of Skagit County, Wash., are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across Swinomish Slough, at a point suitable to the interests of navigation, opposite the town of La Conner, at or near the end of Morris Street, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 4636) to provide for the erection of a public building at Quincy, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. SHAFROTH:

A bill (S. 4637) granting an increase of pension to Minna Rische; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4638) granting a pension to Laura D. Holzer; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4639) for the erection of a new Federal building at Brownsville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Maryland:

A bill (S. 4640) to carry out the findings of the Court of Claims in the case of the Sanford & Brooks Co.; to the Committee on Claims.

By Mr. MARTINE of New Jersey:

A bill (S. 4641) for the relief of John J. Flynn; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 4642) granting a pension to Rose Shroeder; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4643) granting an increase of pension to Isaac N. Deppen (with accompanying papers); and

A bill (S. 4644) granting an increase of pension to William Hook (with accompanying papers); to the Committee on Pensions.

A bill (S. 4645) authorizing the Secretary of War to donate to Post 305, Grand Army of the Republic, Towanda, Kans., one cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WORKS:

A bill (S. 4646) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 4647) for the regulation of corporations engaged in interstate commerce; to the Committee on Interstate Commerce.

A bill (S. 4648) granting a pension to Almira D. Pettingill; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4649) to provide for the relief of Thomas B. Miller, legal heir of Milton R. Muzzy; to the Committee on Claims.

A bill (S. 4650) granting a pension to Mrs. Arthur M. Whitton (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4651) granting an increase of pension to Mary E. Norton (with accompanying papers); and

A bill (S. 4652) granting a pension to Olive Hazard (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 4653) to amend section 1396 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. BRADLEY:

A bill (S. 4654) for the relief of the estate of Samuel Tomlinson, deceased; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 4655) granting an increase of pension to Katherine M. Gray; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 4656) for the relief of Annie M. Driscoll (with accompanying paper); to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. COLT submitted an amendment proposing to appropriate $25,000 for supplying and furnishing temporary quarantine facilities at Providence, R. I., intended to be proposed to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $781.61 to refund to Aulick Palmer the amount of the judgment and costs recovered against him as United States marshal for the District of Columbia in the suit of John F. Costello *v.* Aulick Palmer, United States marshal, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. JONES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

WATER POWERS ON PUBLIC LANDS.

Mr. JONES. Mr. President, I desire to give notice that on next Thursday, after the completion of the routine morning business, I shall submit some remarks on the bill (S. 4415) to aid and to regulate the development, operation, and maintenance of water powers on lands of the United States, and for other purposes.

HOUSE BILL REFERRED.

H. R. 13612. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The morning business is closed.

Mr. BANKHEAD. I move——

Mr. ASHURST. Will the Senator from Alabama yield to me to make a request?

Mr. BANKHEAD. I yield to the Senator from Arizona.

Mr. ASHURST. On last Tuesday I gave notice that immediately upon the conclusion of the morning business to-day I would move to proceed to the consideration of Senate joint resolution No. 1. It is evident that this would interfere with the consideration of the Post Office appropriation bill, which I do not wish to do; but I send to the desk a request for a unanimous-consent agreement, and ask that it be entered into after the roll has been called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Gallinger	Oliver	Smoot
Bankhead	Gronna	Overman	Stephenson
Borah	Hughes	Page	Sterling
Brady	James	Perkins	Sutherland
Brandegee	Jones	Pomerene	Swanson
Bristow	Kern	Reed	Thompson
Bryan	Lane	Root	Tillman
Catron	Lodge	Saulsbury	Townsend
Chamberlain	McCumber	Shafroth	Vardaman
Clark, Wyo.	McLean	Sheppard	Weeks
Colt	Martin, Va.	Shively	Works.
Cummins	Martine, N. J.	Simmons	
Dillingham	Nelson	Smith, Ariz.	
Fall	Norris	Smith, Md.	

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to say that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. LEA] on account of illness. He is paired with the Senator from South Dakota [Mr. CRAWFORD]. This announcement may stand for the day.

Mr. REED. My colleague [Mr. STONE] is still detained from the Senate by illness. I am happy to say that his condition is improving. I make this announcement with reference to his necessary absence for the day.

Mr. SHAFROTH. I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. SMITH of Arizona. I am requested to announce the temporary absence of the Senator from Mississippi [Mr. WILLIAMS] and to state that he is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is absent, being occupied with official business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The Senator from Arizona [Mr. ASHURST] has submitted a request for a unanimous-consent agreement, which will be read.

The Secretary read as follows:

I ask unanimous consent that on Tuesday, the 24th day of March, 1914, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate joint resolution No. 1, joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women; and that, at not later than the hour of 3 o'clock p. m., on Saturday, the 28th day of March, 1914, the Senate will proceed to vote upon any amendment that may then be pending, all amendments that may then be offered, and upon the joint resolution, through the regular parliamentary stages, to its final disposition: *Provided, however,* That during the debate thereon, after said hour of 3 o'clock p. m., on the 28th day of March, each Senator, if he so desires, shall be entitled to speak for 10 minutes and no longer upon said joint resolution and upon any amendment that may then be pending or that may be offered.

The VICE PRESIDENT. Is there objection to the request for unanimous consent which has just been read?

Mr. THOMPSON. Mr. President, I trust the Senator from Arizona [Mr. ASHURST] will not fix the time for final action on this joint resolution as early as he has indicated by the proposed request for a unanimous-consent agreement, for the reason that there are a number of Senators who desire to address the Senate on the resolution, and at the time he has indicated in the request the Senate will be engaged exclusively in the consideration of the trust bills soon to be reported. This joint resolution could not, therefore, receive the consideration at that time which it demands. I suggest to the Senator that he fix the time about a month later.

Mr. ASHURST. Mr. President, I realize the deep interest the Senator from Kansas has in this joint resolution, but I personally do not feel in a position where I can consent to any change in the date for its final disposition. If the Senate wishes to change the date, of course I do not object, and could not object. This meets my view, at least, as to what we ought to do. The joint resolution has been pending since June 13, 1913.

Mr. BRISTOW. Let me inquire what is the date fixed in the request for unanimous consent?

Mr. ASHURST. That we vote upon the joint resolution on the 28th day of March.

Mr. BRISTOW. Why not vote sooner?

Mr. ASHURST. There are a number of Senators—I do not happen to have the list before me on my desk at this moment, but I had it a moment ago—who wish to speak upon the joint resolution, some in its favor and some in opposition to it; and it would seem, from the number of Senators who desire to speak, that it would not be due courtesy to Senators who wish to speak to attempt to fix the time for a vote at an earlier date.

Mr. SMOOT. Mr. President, I should like to call the attention of the Senator from Kansas [Mr. THOMPSON] to the fact that I believe it would be very much better to have action upon the joint resolution on the 28th of March than allow it to go over a month later, because at that time the appropriation bills will be in the Senate and will be under consideration. Not only that, but the trust bills, to which the Senator refers, will not be disposed of by April 28, the time to which he suggested that the final vote on the joint resolution be postponed. I repeat, I think it will be very much better to dispose of the joint resolution not later than March 28, and I am of the opinion that it would be better to agree upon an earlier date for a vote than even the 28th day of March.

Mr. THOMPSON. Mr. President, there seems to be considerable difference of opinion as to the best time for the consideration and final disposition of this resolution. It is a joint resolution providing for an amendment to the Constitution of the United States on a very important question, and many people from my State and other States, who are directly interested in the passage of the resolution, have come to me and requested a later date for a final vote. I shall therefore have to object to the disposition of the joint resolution in March.

Mr. ASHURST. I hope my friend the Senator from Kansas will not object to the disposition of the joint resolution which I have suggested. It has been pending on the calendar, as I have heretofore said, since the middle of last June. We ought to make some progress with and dispose of this important measure. I do not believe, if its consideration were postponed to a later date, the joint resolution would receive one more vote than it would receive now or than it would get on March 28, and I appeal to the Senator to withdraw the objection and let us dispose of the matter. I trust he will do so.

Mr. THOMPSON. Mr. President, I should like to oblige the Senator personally in every way possible, but the importance of the joint resolution and the necessity for its full consideration at the most opportune time are such that I feel obliged to object to a time being fixed for a vote earlier than that which I have indicated.

Mr. ASHURST. Mr. President, I move——

Mr. SMOOT. Mr. President, allow me to suggest to the Senator before he makes the motion——

Mr. ASHURST. I yield to the Senator.

Mr. SMOOT. Would it not be better for the Senator from Arizona to ask the Senator from Kansas what day would be satisfactory to him to vote upon the joint resolution—the earliest date?

Mr. THOMPSON. Early in May.

Mr. SMOOT. Oh, in May.

Mr. THOMPSON. Say, Monday, May 4. That would be entirely satisfactory to me and to others who are interested in the passage of the joint resolution, and also to those who still desire to discuss it.

Mr. ASHURST. Mr. President, with all due respect to the Senator from Kansas, I can not perceive any reason why the consideration of or the vote upon the joint resolution should be postponed until that date. I do not believe that the joint resolution would get one more vote by reason of its being post-

poned; and, as has well been observed by the Senator from Utah, at that time the Senate will be engaged in the discussion of appropriation bills. I know the Senator from Kansas is a friend of the joint resolution; he desires the passage of the joint resolution; and if he wishes to give effectiveness to his favoritism in behalf of the proposed amendment to the Constitution, I ask him to withdraw his objection, because we are now trying to proceed in about the only way we can proceed. I hope the Senator will withdraw the objection.

Mr. GALLINGER and Mr. REED addressed the Chair.

Mr. ASHURST. I do not know which Senator rose first, but I yield.

Mr. REED. I do not want to interrupt the Senator. I desire to take the floor in my own right.

Mr. GALLINGER. Mr. President, I rose simply to say that the Senator from Arizona has been very considerate and patient in this matter. The joint resolution reported by the Senator has been on the calendar a long time, and he has given way from time to time to other matters. It does seem to me that putting the consideration of the joint resolution and the vote on it ahead practically one month ought to satisfy the demands of all Senators, no matter how they are going to vote on the joint resolution.

I will venture to add one further suggestion, which is, that if objection shall be made and the Senator can not get a day fixed—which I think ought to be freely granted him—after the present unfinished business is out of the way the Senator might well move to take up the joint resolution and proceed to its consideration. I hope the Senator will do that, if he does not get a day fixed by unanimous consent.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. REED. Mr. President, I understand objection has already been made by the Senator from Kansas [Mr. THOMPSON].

Mr. JAMES. Mr. President, I merely wish to suggest to the Senator from Arizona that he change the date for voting on the joint resolution from March 28 to March 27.

Mr. ASHURST. I accept that suggestion, and ask that the date be changed accordingly, so that the vote may be taken on the 27th of March instead of the 28th.

Mr. REED. Mr. President, I can not imagine——

Mr. ASHURST. Mr. President——

Mr. REED. Has the Senator from Arizona concluded?

Mr. ASHURST. I yield to the Senator.

Mr. REED. I want to make some remarks, but I will wait until the Senator is through.

Mr. ASHURST. I desire to get the request for unanimous consent straightened out.

Mr. REED. I am going to speak on that.

Mr. ASHURST. Mr. President, I renew my request that the vote on the joint resolution be taken on the 27th of March. I desire to change the date to the 27th of March, and I ask unanimous consent that the order as thus modified be entered.

The VICE PRESIDENT. Is there objection?

Mr. REED. I can imagine——

Mr. ASHURST. I yield to the Senator.

Mr. REED. No, Mr. President; the Senator does not need to yield.

Mr. ASHURST. I think I have the floor.

The VICE PRESIDENT. The Senator from Arizona has not yielded the floor.

Mr. ASHURST. I shall be very glad to yield to my friend the Senator from Missouri, but before doing so I wish to make this observation, and then I will yield the floor: This, in my opinion, is important legislation, but it is not the only important legislation with which the Senate must deal. It has been pending on the calendar, as I repeat for the fourth time, since the middle of last June. Are Senators afraid to vote "yea" or "nay" upon it? Is an American Senator here afraid to vote? We have had an opportunity to discuss it since the middle of June last. Why not, then, let us set a date for a vote? It does not become a Senator to stand here and object to fixing a day for the vote. I think it would be only proper for Senators to give us an opportunity to vote upon it, so that we may then proceed to other important legislation. I do not wish to be placed in the attitude of criticizing those who object, but I will say this, not as a threat but as a simple statement of what I purpose doing, that if the request for unanimous consent is objected to, immediately upon the conclusion of the Post Office appropriation bill I shall move to proceed to the consideration of the joint resolution and ask a roll call upon that motion. I now yield to the Senator from Missouri.

Mr. REED. Mr. President, nothing could give me greater pain than to oppose a request of the Senator from Arizona. I know that his heart is in this joint resolution.

I suppose all sorts of dire things may happen to some of us who may not feel that this is the most important question before the Congress. The principal argument I have heard thus far has been that any man who is not for this joint resolution is to be annihilated in every way—politically, morally, intellectually, and possibly physically. That kind of argument does not appeal to me, Mr. President. I am going to object to fixing a date to vote upon this joint resolution not because I am afraid to vote upon it, not because I hesitate to answer to my name on the roll call, but because we have coming before us in the very near future legislation of the gravest importance, legislation that the country expects, legislation that the country is waiting for, bills of national importance, upon which early action is expected. The measures I refer to will demand the sober, careful consideration of both branches of Congress. The debate, in my judgment, will properly involve the consumption of very considerable time. A unanimous-consent agreement to take up any bill except one of the character I have spoken of, in my judgment, ought not to be granted. I apply that statement not only to this joint resolution, but to any bill that will involve prolonged discussion.

Unanimous-consent agreements of this character mean that at an arbitrary date every other legislative matter before the Senate must be halted, all consideration of other matters must be suspended until the bill involved in the unanimous-consent agreement is acted upon.

At the last session of Congress, while Congress was waiting for action upon the currency bill, we found that a number of unanimous-consent agreements had been entered into which in a measure blocked its consideration. It was only because some Senators, realizing the importance of keeping the legislative highway open, refused their consent to agreements with relation to other bills that we were able to keep the path measurably clear for the consideration of the currency bill.

I am perfectly willing that we shall have a vote upon this joint resolution. I am also equally willing and equally anxious that we shall have a vote upon many other measures, but, in my opinion, until these great measures that are being pressed upon Congress have been disposed of we ought not to block the legislative road by unanimous-consent agreements.

So far as this joint resolution is concerned, it is true that it was reported some time back. But, bearing upon its importance, I beg to suggest every State in this Union has the right, by legislative enactment, to grant to the people of that State all that is required in the joint resolution as a national proposition. Legislature after legislature has been passing upon this very question. In some of the States the request of these propagandists has been acquiesced in and in some it has been refused.

I see nothing in the measure which demands that all the business of the country shall be halted in order that it may be submitted to the various legislatures. In my opinion this measure is not nearly so pressing as the speedy disposition of the trust legislation which is to be soon brought forward, for, whether that legislation be wise or unwise, it will affect generally the business situation in the United States, and until it is settled and put at rest there will be to a certain extent some interference with trade manufacturing and labor.

We ought to get this important legislation speedily out of the way. We ought to proceed along the line of carrying forward those measures that are understood to be of great importance and are to be pressed upon Congress. When we have disposed of those pressing matters it will be time enough to take up the suffrage question.

Some 6,000 years, at least, of history have gone by and the ladies have succeeded in getting along this far without the right to vote, except in States where it has been especially granted. I think the dear women will continue to survive even if we should not vote upon this measure until the 1st day of June. I do not believe the world will come to an end or the price of millinery be radically altered or the homes of the land destroyed or that chaos and old night will settle down upon this country if we do not vote upon this joint resolution until even the 15th day of June. Nay, more, I apprehend the Constitution of the United States will continue to exist, the Federal Republic to maintain its dignity, and the world to move on in its accustomed way if we should not vote on this joint resolution until as late as the 20th day of next June.

I am in favor of going ahead with the business that is pressing upon us for our attention. When we have passed upon the measures embraced in what I am pleased to call the legislative program, for want of a better name, in which I include the trust bills and certain other great measures, I shall not be a mere obstructionist. I shall be perfectly willing to meet this question and discuss it and vote upon it.

I object to the proposed unanimous-consent agreement.

Mr. SHAFROTH. Mr. President, inasmuch as we have nothing pressing before the Senate now, I should like to ask the Senator from Missouri whether he would consent to an earlier day than the 27th of March?

Mr. REED. I have tried to make myself plain. We have matters pressing upon the attention of the Senate. We are so busy with legislative matters that we have not been able to take two or three day adjournments so that the committees may clean up their dockets. There is enough business of importance now before the Judiciary Committee to keep the Senate busy for three months if it were reported in here.

Mr. SHAFROTH. I have not any doubt that there are important measures before the committees; but as to measures that are pending before the Senate, I do not believe the great measures are here nor likely to be here for a considerable length of time.

The joint resolution under discussion was introduced last June; a favorable report was made upon it, and there has been a continual effort upon the part of the Senator from Arizona to get a hearing upon the matter. He has tried to secure an agreement upon various days, and it has been objected to. Upon the call of the calendar there has been objection several times to the consideration of the joint resolution.

It seems to me this is a measure that deserves consideration. In view of that fact, inasmuch as we have more time now than we are likely to have a month from now or two months from now, it seems to me the Senator from Missouri ought not to object to an earlier day than that which has been proposed by the Senator from Arizona.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Objection is made to the proposed unanimous-consent agreement, and that is the conclusion of the matter for the present.

Mr. GALLINGER. Mr. President, I can ask my question upon some other proposition that will come before the Senate. I wanted to ask the Senator from Missouri a question.

Mr. REED. I am perfectly willing to answer it.

Mr. GALLINGER. I received this morning a very urgent letter from a good constituent of mine of the Democratic faith, asking me when the trust bills were likely to come before Congress. They are incubating somewhere; I do not know where. I should like to ask the Senator from Missouri, representing the majority, if he can give the Senate information as to when they are likely to be presented for our consideration. I agree with the Senator that they are of such importance that they ought not to be sidetracked by any inconsequential matters.

Mr. REED. I can answer that question only in the most general way. My understanding is that a committee of the lower House has been busily engaged upon them, and from day to day the statement is made that in a few days they will be ready. I have not any accurate, first-hand information on the subject, though I can easily obtain it. I feel confident, however, that we may expect those bills to be introduced within a very few days.

It is understood—it has been a matter of public statement—that the President is interested in having bills of that character pressed. I do not mean that he is writing a bill or preparing a bill, but I mean that he is insistent upon Congress taking proper action. Indeed, that is the statement in his message.

Mr. GALLINGER. The feeling I have about the matter is that as the bills have not yet been reported to either House, and doubtless there will be a lengthy debate in another body on the bills, they are not likely to come here by the 26th of March; but perhaps they will.

Mr. POMERENE. Mr. President, in answer to the Senator from New Hampshire I may say that one of these bills, commonly known as the trade commission bill, is being considered by the Interstate Commerce Committee now. There was a hearing to-day of a committee representing the National Chamber of Commerce. The members of the committee have been working upon the bill, but I can not say when it will be reported out.

I make this statement in the absence of the chairman.

Mr. McCUMBER. Mr. President, I wish to give notice that as soon as the present order of business is disposed of I shall move to bring up for consideration Senate bill 120, to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes; and I shall ask to submit some remarks upon it at that time.

Mr. THOMPSON. Mr. President, it is not my desire to prolong the discussion on the joint resolution; but in view of what the Senator from Arizona has said as to desiring an indication of the attitude of those who object to the consideration of the resolution at the time proposed, in justice to myself I think I should say that I am just as anxious as he is to vote upon the resolution, and just as strongly favorable to the resolution as it is possible for him to be; but in my judgment and in the judgment of those who have requested a later date for a vote, the time I have indicated is the time that would be best for favorable consideration of the resolution.

I am reliably informed that early in the spring action will be taken on this subject in nearly every State of the Union, and that it is the desire of those who wish favorable action by the Senate upon the joint resolution to have returns from the several States before the vote is finally taken.

It was simply with a view of having a time set when the joint resolution would receive the best consideration that I objected to the time proposed. I am anxious to fix a time to vote, just as anxious as the Senator from Arizona is; but I want the matter voted on at a time when, in my judgment, from the information I have, it will receive the most favorable consideration. The time I suggested, early in May, is the most propitious, according to the views of my constituents, who honestly and sincerely desire the passage of the resolution.

Mr. GRONNA. Mr. President, I do not rise for the purpose of discussing the merits of the resolution the consideration of which has just been objected to, but I trust the Senator from Arizona will move to take up the joint resolution.

There are millions of people who are anxiously awaiting the taking of some action upon this joint resolution. I know there is no Senator here who is afraid to record his vote either for or against the measure, but it is entitled to consideration. It has been upon the calendar for a long time, and I doubt if there is before the Senate any business that is of greater importance than the joint resolution submitted by the Senator from Arizona. I therefore trust he will move to take up the joint resolution for consideration.

Mr. BANKHEAD obtained the floor.

Mr. JONES. Mr. President, will the Senator yield to me for just a moment? I desire to ask the Senator from Arizona a question.

Mr. BANKHEAD. Certainly.

Mr. JONES. I understood the Senator from Arizona to give notice that at the conclusion of the consideration of the Post Office appropriation bill he expected to move to take up the joint resolution reported by him. I wondered if that was correct.

Mr. ASHURST. The Senator is correct. I gave notice that immediately upon the conclusion of the consideration of the Post Office appropriation bill I should move that the Senate proceed to the consideration of the joint resolution.

I observe that the Senator from North Dakota [Mr. McCUMBER] has also given notice that he will move to proceed to the consideration of the grain-inspection bill; but I am very willing to wait until he shall have concluded with that bill, if he so desires.

Mr. SMOOT. Do I really understand the Senator to say that he will yield his notice to the notice given by the Senator from North Dakota?

Mr. ASHURST. I am very willing to do so, because, if I understood the Senator from North Dakota correctly, he simply wishes to make some remarks. At the conclusion of his remarks I shall move to proceed to the consideration of the joint resolution.

Mr. McCUMBER. Mr. President, if I may interrupt the Senator——

Mr. ASHURST. Certainly; I yield to the Senator.

Mr. McCUMBER. I intend to move to take up the grain-inspection bill as soon as we are through with the Post Office bill. I am not at the present time asking for a unanimous-consent agreement. That has nothing to do with the general motion to take up a bill.

Mr. SMOOT. I understood the Senator to make the statement just now that he had already given notice that at the conclusion of the consideration of the Post Office appropriation bill he would move to take up Senate joint resolution No. 1.

Mr. ASHURST. Yes; I gave that notice some 20 minutes ago.

Mr. SMOOT. I understood the Senator had made that statement. If that is the case, if it is taken up and considered and becomes the unfinished business, of course the Senator from North Dakota can still ask that his bill be considered. It would not be the unfinished business, however, if not acted upon on that day.

POST OFFICE APPROPRIATION BILL.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 11338, the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R.

11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The pending question is, Is the amendment in order?

Mr. WEEKS. Mr. President, the amendment which is now pending before the Senate has been discussed at such considerable length that I should not venture to take the time of the Senate to discuss it if I had not been for a good many years a member of the Post Office Committee of the House and had not been one of the conferees which had to do with the legislation which is now under discussion.

After listening to the debate with much interest, I think there have been two or three phases of the question which have not been adequately discussed which are pertinent in its consideration.

As in all such cases when some action is being taken to limit a service for what seems a proper purpose, there is a deluge of protests which comes from some central inspiration or from a lack of knowledge of the facts bearing on the case. That is quite as true of this proposition as any with which I have been familiar. For instance, I received this morning from some one a copy of a western paper which pretty severely attacks the Post Office Committee for having proposed this amendment. It gives the names of the members of the committee who voted for it and the names of the members who proposed the various parts of the amendment. It refers to the Senator from Georgia [Mr. SMITH] and the Senator from Kansas [Mr. BRISTOW] as the proposers of the amendment. This list includes the chairman of the committee, and the Senator from South Carolina [Mr. SMITH], the Senator from Virginia [Mr. SWANSON], the Senator from Florida [Mr. BRYAN], the Senator from West Virginia [Mr. CHILTON], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Kentucky [Mr. BRADLEY], and the Senator from Massachusetts [Mr. WEEKS]. Three of the Senators who are reported in this editorial from the western paper as having supported the amendment in committee addressed the Senate in opposition to it yesterday. I do not know for what reason they have changed their position, if that be true, because I was not present when the vote was taken in the committee.

Mr. VARDAMAN. Will the Senator repeat the names of Senators who are mentioned in the editorial? I did not hear him distinctly.

Mr. WEEKS. The Senator from Mississippi was mentioned in the editorial as having voted for the amendment in the committee. The editorial goes on to say that the amendment relating to weights was proposed by the Senator from Georgia [Mr. SMITH] and the amendment relating to rates of postage and zones was proposed by the Senator from Kansas [Mr. BRISTOW], and then later in the editorial it says:

> Every citizen who believes in parcel post and is opposed to rotten invisible government should telegraph or write his Senators and Representative in Congress and protest his strongest against this outrageous move to make big dividends again flow into the coffers of the express companies.

Having in the very columns which I have referred to described in detail how this legislation came to be included in the Post Office appropriation bill, it proceeds then to describe it as rotten invisible government.

Mr. President, the only purpose which the Post Office Committee have had in including this proposition in the Post Office appropriation bill is for the purpose of stopping and looking to see what this service is costing the Government. I submit to the Senate that there is not a man in the Post Office Department or anywhere else who has the faintest conception of what this service is costing the Government to-day.

I was a member of the House Committee on Post Offices at the time of its adoption, and was a member of the conference committee which reported out the bill as it now stands on the statute books. The part of the law the objection to the changing of which is now raised was not included in the House bill or the Senate bill. No Senator who was then a Member knew anything about that phase of the bill which put in the hands of the Postmaster General the right to change zones or rates or weights. It was adopted in conference, and the only reason why it was adopted was because it was recognized that Congress was not an effective rate-making body in detail, and that we might have made material errors which should be corrected when they had developed. It was never intended or supposed that the Postmaster General was going to increase the weight or change the zones or increase or lower rates until the system had been in operation long enough so that he would have the data on which to base the real cost of the service as well as the returns of the service.

This illustrates one of the methods of the growth of the public service. Fifteen or sixteen years ago, when the Rural Delivery Service was established, it was stated by the department and repeated frequently on the floor of the Senate and House that the establishment of the Rural Service in the United States would not cost more than fifteen or twenty million dollars at the outside. At that time the rural carriers were paid about $500 a year. It was not until 1907 that the pay of the rural carriers was increased above $720 a year. This year we are increasing their pay from $1,100 to $1,200 a year. Last year we increased it $100 on the supposition that the parcel post would give them a large amount of additional work to perform, and it is being increased again this year for exactly the same reason. In other words, there is an increased cost of the Rural Service, based entirely on the adoption of the Parcel Post System, amounting to $9,000,000 a year.

Everyone knows that the railway mail pay has not been adjusted to this service. We only weigh one of the four sections of the country annually, so that there are three sections where no weighing has taken place. Therefore the railroads in those sections are not receiving additional compensation for carrying their part of the 600,000,000 additional parcels which are being loaded on them by the Government.

Furthermore, even if we knew what we may have to pay for rural service and the additional pay which will have to go to the railroads later on, I submit that the facts are not before the department sufficiently yet to enable them to come to any definite conclusion as to the cost of the service. The Postmaster General in a year increased the weight from 11 pounds to 20 pounds; he increased the weight again from 20 pounds to 50 pounds; and he has consolidated the first and second zones so that we carry 150 miles for 5 cents for 1 pound, and he has reduced the rate in many sections of the country very materially. This has been done at such short intervals that there can not be any data at hand either in the department or elsewhere which will enable anyone to conclude what the cost has been.

I have been for some time a member of the commission which has been trying to determine the rate of pay which should be given the railroads for carrying the mail. That has been a mooted question for 20 years. I am satisfied after having studied it for a year that until the present commission took up the study of the question there was not a person in the United States, either in the Post Office Department or connected with the railroads, who knew what the service was costing, either the railroads or the Government, except as a lump sum. I am not yet satisfied that we have got to the bottom of that question. I hope we are arriving at a conclusion which will be just to the Government and just to the railroads; but to show how uncertain the department may be in such matters I simply want to suggest that in a document which was submitted to Congress something over a year ago, known as Document 105, the department estimated that the railroads were receiving something like $9,000,000 more than they should for the service performed, and now, within three months, the department has submitted another document in which it says that the railroads are receiving only $1,600,000 more than they should be receiving, and an expert of the Interstate Commerce Commission at the same time reports that the railroads are receiving some two or three million dollars less than they should be receiving, even without taking into consideration the parcel post.

A service which has been in operation for 50 years under such conditions as has been railway pay, where no one has had information which could determine the rate of pay which should have been given the railroads, must be an indication to Senators that this service, which has only been in operation 14 months, which has been changed in some details as many as 7 times during those 14 months, must be in such a condition that neither the department nor anyone else can give a definite value of the cost of the service.

It is for that reason that the committee has suggested to Congress that it is wise to stop and find out what this service is costing before we extend it in any way. My judgment is that there is going to be an enormous deficit as the result of the service performed as it is to-day.

We had day before yesterday, before the Post Office Committee, some local express men from Massachusetts who do an express business from Boston to the surrounding towns. In many cases they take the articles from the stores and carry them in their own wagons to the towns where the residents live who made the purchases and deliver them to the purchasers. They have charged in the past 15 cents for a 10-pound package or any weight under 10 pounds, and there is not a single instance where those doing this business themselves, frequently working 12 or 14 hours, ever succeeded in making more than a decent living.

A few years ago, two men thinking that they could consolidate a part of that service and carry it on through a clearing

house in Boston, put on better teams and performed it more expeditiously, took over about 20 of those little express companies, none of them doing an interstate business, it is reported. These men succeeded in losing between two and three hundred thousand dollars in less than three years at the rates which I have named—that is, 15 cents for a 10-pound package or any weight under 10 pounds. Yet the Post Office Department is carrying within those limits a 1-pound package for 5 cents, a 2-pound package for 6 cents, a 3-pound package for 7 cents, and a 10-pound package for 14 cents. It is not getting more than 50 per cent of the price that has been charged by those local expressmen, the slightest investigation of whose affairs will show that they have just been able to make a modest living, doing the work themselves, and working from 10 to 14 hours a day.

There is an instance where, in my judgment, it can not be possible that the Government is getting a new dollar for an old one. All the interest I have in this matter is that this service shall be made as beneficial as possible to the people of the country now that it has been established, but that under no circumstances shall the Government be imposed upon so that the return shall be less than the cost of the service.

There may be a reason why first-class mail or even second-class mail should be carried for less than cost, because it has an educational and other benefits with which we are all familiar. But there can be no reason why the Government should carry freight, express matter, the parcels of any individual for less than the service is costing the Government.

Believing as I do that this service as now performed is going to produce a deficit, and that nobody knows what the service is costing, I am justified, in my mind, as I believe every Senator would be justified, in saying, "Let us stop for a year or for some definite time and find out what the real facts are before we extend the service in any way." If the service can later on be extended wisely, then, as far as I am concerned, I am in favor of doing it, but I do want to be sure where we are going to land before we take another step.

Mr. LODGE. I wish to ask the Senator a question. I quite agree with him as to the importance of knowing what the Government is receiving from this service. How are we to know what it receives? The distinctive stamps having been abolished, how is it possible to find out what the Government is receiving?

Mr. WEEKS. I am very glad my colleague has asked that question. One of the provisions which was made in the bill as passed in the summer of 1912 was that a distinctive stamp should be used. If a distinctive stamp had been used and no change had been made in zones or in weights or in rates, we could have determined absolutely how much parcel-post matter had been carried by the Government. By estimating the annual increase, which has been about 7 per cent for a long term of years, and adding to that the unusual increase which has taken place since the establishment of the parcel post, we could determine pretty definitely what the service was costing as well as how much we were actually doing—how much weight we were carrying.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. WEEKS. I yield.

Mr. SHEPPARD. The provision the Senator speaks of provided distinctive stamps for all fourth-class mail?

Mr. WEEKS. I did not understand the Senator's question.

Mr. SHEPPARD. Was not the distinctive stamp the Senator speaks of to be placed on all fourth-class mail, whether parcel post or not?

Mr. WEEKS. Yes; it was.

Mr. SHEPPARD. Then how could one distinguish from this stamp what was the cost of parcel post and what was the cost of other fourth-class matter?

Mr. WEEKS. We could distinguish pretty accurately, because the amount of fourth-class mail which the Government was handling was known definitely and the returns before the parcel post was established were known definitely. Taking those returns from the total returns from the stamps sold, we would have a pretty accurate estimate of the amount of parcel-post matter which had developed, and a similar method of estimating would have given a pretty definite idea of what the service was costing.

Now, that stamp has been abolished. I am in favor of restoring the stamp. I do not think we are going to, for a long time, find out how much this service is costing unless we have some such method as a separate and distinct stamp to be used for one year or two years or for some other definite time, during which time there shall be no change in weight, no change in rates, and no change of the zone system. I am simply solicitous, as I said before, that the Government shall be properly recompensed for this service and that the service shall be made as beneficial to the people as possible.

The PRESIDING OFFICER. The question is, Is the amendment reported by the committee, inserting the proviso beginning in line 22 and ending in line 25, on page 15, in order?

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smith, Ariz.
Bankhead	Hitchcock	Oliver	Smoot
Borah	Hollis	Overman	Stephenson
Bradley	Hughes	Page	Sutherland
Brady	James	Perkins	Swanson
Brandegee	Jones	Pomerene	Tillman
Bristow	Kern	Ransdell	Townsend
Bryan	Lane	Reed	Vardaman
Catron	Lee, Md.	Robinson	Weeks
Chamberlain	Lippitt	Saulsbury	Works
Clark, Wyo.	Lodge	Sheppard	
Dillingham	McCumber	Shively	
Fall	Martine, N. J.	Simmons	

Mr. RANSDELL. I wish to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. SHEPPARD. Mr. President, having submitted the point of order on the amendment, I desire to be heard briefly upon it. The proviso in the bill reads as follows:

And provided further That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

Paragraph 3 of Rule XVI reads in part as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill.

The question is, What is "general legislation"? The Century Dictionary defines the term as follows:

General legislation, that legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities.

Applying that definition to the proviso under consideration, will anyone be heard to say that the proviso operates only locally; that it operates only as to particular persons? It reads:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

Clearly it operates generally throughout the country, without restriction as to persons or locality, and is necessarily general legislation. If, therefore, the rule means anything, it means that this proviso is not in order on an appropriation bill.

I think the precedents will sustain my contention in this regard. I desire to direct the attention of the Senate to some instances where the Senate has passed upon this particular question. I read from Gilfry's Precedents:

[Fifty-first Congress, first session; Journal, pp. 382, 384; June 19–20, 1890.]

The legislative, executive, and judicial appropriation bill being under consideration, an amendment was proposed, as follows, to strike out and insert:

"For the Commissioner of the General Land Office, $5,000: One assistant commissioner, to be appointed by the President," and a point of order was raised that it was not in order under clause 3, Rule XVI, because it was general legislation on a general appropriation bill (see CONGRESSIONAL RECORD, p. 6250), which was decided to be in order—yeas 33, nays 14. (See CONGRESSIONAL RECORD, p. 6290.)

Clearly it was not general legislation, because it referred only to a particular office of the Government. Again:

[Fifty-third Congress, third session; Journal, p. 103; February 9, 1895.]

The question being on the following amendment to the diplomatic and consular appropriation bill reported by the Committee on Appropriations, viz, on page 9, after line 8, insert the following:

"Construction of telegraph cable between the United States and the Hawaiian Islands: The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of $500,000 is hereby appropriated, said cable to be owned and operated by the United States Government."

After debate,

Mr. Blackburn, on behalf of Mr. Mills, raised a question of order, viz: First, that the amendment added a new item of appropriation not needed to carry out any existing law or treaty stipulation and not in accord with any act or resolution passed by the Senate at this session, and not moved by direction of a standing or select committee, nor proposed in pursuance of an estimate of the head of a department; second, that the amendment proposed general legislation to a general appropriation bill and was not germane or relevant to the subject matter contained in the bill, and hence was not in order under the first and third clauses of Rule 16.

The Vice President (Mr. Stevenson) submitted the question to the Senate, Is the amendment in order? and it was determined in the affirmative; yeas 36, nays 25. (See CONGRESSIONAL RECORD, pp. 1978–1986.)

Certainly that provision had no general operation as to all telegraph cables throughout the country, but was restricted to one particular transaction. Again:

[Forty-seventh Congress, first session; Journal, p. 911; July 3, 1882.]

The Senate, by a vote of yeas 20, nays 19, decided that an amendment to the general deficiency bill creating a board to audit the claims growing out of the illness and burial of the late President Garfield, etc., was not general legislation to a general appropriation bill. (See CONGRESSIONAL RECORD, pp. 5580–5582.)

Evidently the provision relating only to an individual could not have been considered general legislation. Now, turning to precedents along the other line, I find the following:

[Sixtieth Congress, second session; Journal, p. 230; February 26, 1909.]

The Agricultural appropriation bill being under consideration,

Mr. Heyburn submitted the following amendment:

"The Secretary of Agriculture is hereby directed to eliminate from all forest reserves all sections of public lands not timbered and to restore such public lands to location and purchase as other public lands of the same class are open to location and purchase under the land laws of the United States, and the Secretary of Agriculture is hereby directed to report to Congress on or before the first Monday in December, 1909, the quantity of nontimbered lands within all forest reserves, showing upon a map of such forest reserves the areas timbered and nontimbered."

Mr. Flint raised a point of order that the amendment was general legislation; and

The Vice President submitted the question to the Senate, Is the amendment in order? Yeas 17, nays 35; so the Senate decided the amendment not in order. (See CONGRESSIONAL RECORD, pp. 3247–3252.)

Evidently that amendment was general legislation, because it operated throughout the country, without qualification as to individuals and without limitation as to territory.

On another occasion the Senate decided that an amendment offered by Mr. LODGE to the Diplomatic and Consular appropriation bill to regulate the Consular Service of the United States was general legislation on a general appropriation bill. It was clearly an effort to enact general legislation which would operate without qualification or limitation throughout the country.

Again, reading further from Gilfry's Precedents:

[Fifty-third Congress, third session; Journal, pp. 107, 110, 113, 116; February 11–14, 1895.]

An amendment to the Post Office appropriation bill: "Said sum shall be expended under the direction and in the discretion of the Postmaster General, and any provision of existing law in conflict herewith is hereby repealed: *Provided*, That no part of said sum shall be expended for the purchase of postal cars, or for special facilities on fast-mail trains."

Mr. LODGE raised a question of order that the amendment proposed general legislation to a general appropriation bill, and the question of order was submitted to the Senate by the Vice President (Mr. Stevenson) and was decided not in order—yeas 17, nays 39. (See CONGRESSIONAL RECORD, pp. 2016, 2019, 2162, 2163.)

Again:

[Fifty-fourth Congress, second session; Journal, p. 160; February 27, 1897.]

On motion by Mr. Butler to further amend the Post Office bill by inserting, after the word "dollars," in lines 8 and 9, page 6, the words: "*Provided*, That the Postmaster General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service."

Here we find a direction to the Postmaster General almost exactly similar to the provision now under consideration.

Mr. Allison raised a question of order, viz: That the amendment proposed general legislation to a general appropriation bill and was not in order under rule 16, clause 3.

The Presiding Officer (Mr. Carter in the chair) sustained the point of order. (See CONGRESSIONAL RECORD, pp. 2407–2413.)

Wherever the Senate has really drawn the line between general legislation and special legislation, in controversies like this, it has always had in mind a clear distinction between the two kinds of legislation. On certain occasions, where political exigencies determined the vote of the Senate, the Senate has held what really was general legislation to be allowable on an appropriation bill, and has permitted it to be considered, but wherever the rule has been applied in its true significance, the Senate has always refused to consider legislation of general scope and character, legislation applicable throughout the country, legislation not restricted to a few individuals or to one individual or to a particular territory, in order as an amendment to a general appropriation bill.

Senators have stated that an amendment which is a limitation on an appropriation is in order, but a limitation that is something more than a limitation and is general legislation as well is not in order, or this rule is absolutely meaningless. Almost any general legislation that is proposed in an appropriation bill is a limitation in some sense. Take the last instance which I cited:

Provided, That the Postmaster General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Clearly that is a limitation on the appropriation; and yet the Senate held it to be general legislation and not in order under Rule XVI, clause 3.

Wherever the provision in question is not only a limitation upon an appropriation contained in the bill, but goes further and attempts to enact general legislation, the Senate has always rejected it wherever it has applied this rule according to its true significance. Now let us consider the merit of the question. The Senate ought not to allow legislation on this appropriation bill which constitutes one of the unfairest attacks in the history of this body upon an officer of this Government. For the exercise of a discretion vested in him by law, for the performance of a duty required by law, the Postmaster General is held up to ridicule and condemnation. For the performance of a duty, after consulting with the Interstate Commerce Commission, as is required by law; after full investigation, as is required by law; after attempting to develop this system as best he could, he is to be censured here and to be criticized in terms, if we consider some of the speeches which have been made, which for severity are perhaps unparalleled in the records of this body.

Furthermore, the adoption of this amendment would put the Government at the absolute mercy of the express companies, because when once the Postmaster General is deprived of power to adjust rates to suit the various situations throughout the country the express companies will be in position to establish rates in such way as absolutely to defeat the proper operation of the Parcel Post System.

I trust the point of order will be sustained and that the Senate will hold that the amendment is not in order under Rule XVI, clause 3.

The PRESIDING OFFICER. The question is, Is the amendment proposed by the committee in order?

Mr. SHEPPARD. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the name of Mr. ASHURST, and he voted in the negative.

Mr. SHEPPARD. I ask that the question may be again stated.

The PRESIDING OFFICER. Those who hold that the amendment is in order will, when their names are called, vote "yea." Those who believe that it is not in order will vote "nay."

The Secretary resumed the calling of the roll.

Mr. BRYAN (when Mr. FLETCHER'S name was called). My colleague [Mr. FLETCHER] is necessarily absent. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I ask that this announcement may stand for the day.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the junior Senator from West Virginia [Mr. GOFF] and will vote. I vote "yea."

Mr. RANSDELL (when Mr. THORNTON'S name was called). I wish to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of illness. He is paired with the senior Senator from Ohio [Mr. BURTON].

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH]. As he would vote as I vote on this question, I will allow my vote to stand.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. LIPPITT (after having voted in the affirmative). I have a general pair with the junior Senator from Montana [Mr. WALSH]. As I see he has not voted, I will withdraw my vote.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and in his absence withhold my vote.

Mr. GRONNA. I have a general pair with the senior Senator from Maine [Mr. JOHNSON], but as he would vote on this question as I shall vote, I am at liberty to vote. I vote "nay."

Mr. REED. I have a pair with the senior Senator from Michigan [Mr. SMITH] which I transfer to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

At this time I desire to announce the necessary absence of the senior Senator from Montana [Mr. MYERS], and to say that in his absence he is paired with the junior Senator from Connecticut [Mr. MCLEAN].

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Oklahoma [Mr. OWEN], and to say that if present he would vote "nay."

Mr. GALLINGER. I am requested to announce that the junior Senator from Wyoming [Mr. WARREN] is paired with the senior Senator from Florida [Mr. FLETCHER], and that the senior Senator from New York [Mr. ROOT] is paired with the senior Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 24, nays 33, as follows:

YEAS—24.

Bankhead	Clark, Wyo.	McCumber	Sherman
Brandegee	Cummins	Nelson	Shields
Bristow	Dillingham	Oliver	Smoot
Bryan	Gallinger	Page	Stephenson
Catron	Hitchcock	Perkins	Sutherland
Chamberlain	Lodge	Ransdell	Weeks

NAYS—33.

Ashurst	Jones	Poindexter	Swanson
Borah	Kern	Reed	Thompson
Bradley	La Follette	Robinson	Tillman
Brady	Lane	Saulsbury	Townsend
Clapp	Lee, Md.	Shafroth	Vardaman
Gronna	Martin, Va.	Sheppard	Works
Hollis	Martine, N. J.	Simmons	
Hughes	Norris	Smith, Md.	
James	Overman	Sterling	

NOT VOTING—37.

Burleigh	Goff	O'Gorman	Smith, S. C.
Burton	Gore	Owen	Stone
Chilton	Johnson	Penrose	Thomas
Clarke, Ark.	Kenyon	Pittman	Thornton
Colt	Lea, Tenn.	Pomerene	Walsh
Crawford	Lewis	Root	Warren
Culberson	Lippitt	Shively	Williams
du Pont	McLean	Smith, Ariz.	
Fall	Myers	Smith, Ga.	
Fletcher	Newlands	Smith, Mich.	

So the Senate decided the amendment to be not in order.

Mr. BANKHEAD. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 15, line 22, after the numerals, it is proposed to insert:

And provided further, That no portion of the sum so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of a greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress of the United States.

Mr. BANKHEAD. Mr. President, I desire to say a word with reference to the amendment.

For three days the Senate has been eulogizing and criticizing the action of the Postmaster General with reference to certain regulations made by him in connection with the parcel post. There can be no doubt that the Postmaster General acted well within the authority given him by Congress when he changed the rates, the zones, and the weights; and nobody, so far as I know, has questioned that authority. I can not understand why it has been deemed necessary for three days to eulogize or criticize the action of the Postmaster General in connection with this matter. That question has not been properly before the Senate.

This amendment says to the Postmaster General and to the country, "We recognize that you have not exceeded your authority. We confirm your act in abolishing zones and changing rates. The only question presented in this amendment is whether or not it is wise, whether or not it is prudent, whether or not it is safe to extend the weight limit further, so far as it relates to the parcel post." That is all there is in this suggestion.

If the Senate of the United States shall conclude that this amendment is not in order, they will, of course, so vote. I do not see how anybody can deny, however, that it is not a proposition to limit the authority of the Postmaster General to make rates or to change zones, but it simply says to him, "In our judgment"—and we ought to be permitted to exercise some judgment in this matter—"you ought not to extend the weight limit further than you have gone until we can get some information about it. We approve your act in changing zones. We approve your act in changing rates. We approve your act in extending the weight limit to 50 pounds. We do not criticize anything you have done. That is all right. We approve that. What we are insisting upon is that the Congress of the United States ought to have some authority, they ought to have some power vested in them somewhere, to put a limitation upon appropriations made by Congress for the Post Office Department or any other department of the Government. This amendment simply says that you must not use any part of this appropriation to pay for the carriage by parcel post of packages exceeding 50 pounds in weight." Have we not authority to do that?

Mr. CLAPP. Mr. President, will the Senator from Alabama pardon an inquiry?

Mr. BANKHEAD. Certainly.

Mr. CLAPP. Is not that a part of the authority to make modifications which the bill establishing the parcel post provides may be exercised upon application to the Interstate Commerce Commission?

Mr. BANKHEAD. Yes.

Mr. CLAPP. The Interstate Commerce Commission have, then, approved the change of the zones as well as the increase of the weight limit?

Mr. BANKHEAD. Yes.

Mr. CLAPP. Then are we not seeking now by legislation to interfere with the action of the Interstate Commerce Commission upon a matter over which we have given them jurisdiction?

Mr. BANKHEAD. In one sense, yes; that is true. I wish to remind the Senator of one fact, however, and in doing so I have no purpose whatever to criticize the Interstate Commerce Commission. It is known to the Senate that the Interstate Commerce Commission did not make any investigation, as the law requires they should do, of this question. They admit it. They came before the Post Office Committee and said they had made no investigation of it; they took the word of the Postmaster General.

In a sense that is a compliance with the law, but it is not a strict compliance with the law. It is not such a compliance with the law as that able body have always made heretofore when charged with the investigation of a subject. I am not criticizing them; but while I do not know whether the Senate will agree with me or not—and I shall not be offended if they do not—I am simply reminding the Senate of the situation that exists, as one who has given this subject some consideration from its inception until now.

I do not criticize the Postmaster General for not being able to do an impossible thing, but it is just as impossible for the Postmaster General to tell what the revenue of the Parcel Post System is as anything possibly can be. He may estimate by the increased sale of stamps in a way, but that gives no evidence of the cost of the service whatever. I do not know whether it is going to cost more than the revenues or not. It is my judgment that it will. We do know, Mr. President, from authority high in the Post Office Department—I mean the Fourth Assistant Postmaster General, who has control of the Parcel Post Service—that it is costing the Government thirty-five or forty million dollars more than the revenue derived from the service.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators to assist the Interstate Commerce Commission to investigate certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes.

Mr. BANKHEAD. I ask that the unfinished business be laid aside without prejudice.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the unfinished business be laid aside without prejudice. Is there objection? The Chair hears none.

Mr. BANKHEAD. Mr. President, this is a business matter. It is a matter which ought to receive the serious attention of the Senate. The Rural Delivery Service now, nobody will question, I assume, is costing a vast sum of money in excess of the revenue derived from its operation under the present limit—11 pounds, then 20 pounds, and now 50 pounds. Where may we expect the cost of that service to go when the limit is raised to 100 pounds? How are they going to carry it? Can they do it with their present equipment? Certainly not. The department will be required to furnish equipment sufficient to distribute all the mail that the public tenders them. Can they do it at the price they are paying? What will become of the star-route service? The expenses have to be paid from somewhere.

I am not one of those, Mr. President, who argue that the Post-Office Department should pay all its expenses. It is the only department of the Government that reaches every class of our people and almost every individual. I am not insisting that it

should pay the whole of its expenses, but what I am insisting upon is that there should be no useless and unnecessary extravagance in the administration of its affairs, at least, until we know where we are going and what the result of our action is to be. Under the present arrangement if five or ten 50-pound packages are offered to a rural carrier, what is he to do? If you increase it to 100 pounds, and 5 or 10 or 20 hundred-pound packages are offered to him, what is he to do? He can not carry them. If he refuses to carry them, the department calls him up to know why he does not carry the mail that is offered him. So it is with the star-route service.

I know, Mr. President, it has been said that it is the purpose of some members of the Post Office Committee to throttle the Parcel Post Service. I never heard of that until I saw it in the newspapers. I do not believe it. I do not believe any Member of the Senate believes it. I have no personal concern about this matter nor have I any political interest in it. All that I am trying to do is, as chairman of the committee, to present a bill here that is reasonable and just and fair and that will insure the continuance of the Rural Service and the Parcel Post and all our mail services as now organized.

If the Congress of the United States has not the right to say to the Postmaster General you can not pay any part of this appropriation on a package in the parcel post exceeding 50 pounds in weight, and that is the present regulation, it seems to me our authority and our power over legislation is practically gone. This regulation of the Post Office Department, made in pursuance of law, may be said to be a law of Congress, but I maintain that the law giving this discretion and authority was not complied with. I maintain that when these changes were submitted to the Interstate Commerce Commission it was their duty under the law to investigate them as they do all other great questions that come before them. Does any Senator here deny that proposition? Will any Senator here say that they did make that investigation?

I submit, Mr. President, that this is a guess, and it seems to me that Congress ought to have power lodged in it somewhere to say to the Postmaster General, or to any other head of a department, these appropriations must be expended under our direction, and if in our wisdom and our judgment we believe that a limitation ought to be put upon one of these appropriations, we have the authority to do it.

I think the amendment is clearly in order. This is all I care to say on the amendment.

Mr. SWANSON. Mr. President, I make a point of order against the amendment.

I wish to say to the Senator from Alabama that there is this trouble about the amendment: His amendment limits the appropriation. It can not be expended for carrying in excess of 50 pounds. In other words, the railroads can not carry in excess of 50 pounds, because the appropriation is limited to paying railroads for transportation; but still the department will have the power to carry in excess of 50 pounds on star routes and in excess of 50 pounds in the Rural Delivery Service. The great danger in connection with the impairment of the service has been in the star-route service and in the Rural Delivery Service. This provision is that no part of the appropriation shall be used to pay the railroads for carrying packages exceeding 50 pounds.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. SWANSON. I do.

Mr. BANKHEAD. May not the railroads carry a thousand 50-pound packages?

Mr. SWANSON. They can; but the point I make is that the amendment does not prohibit the Postmaster General from issuing an order in the future saying that a thousand pounds can be carried on the star routes and a thousand pounds can be carried on the rural delivery routes. The appropriation limits it entirely to 50 pounds excess to the railroads. I say it is easier for the railroads to carry 50 pounds than it is to carry 50 pounds on star routes and in the Rural Delivery Service.

The amendment provides that packages in excess of 50 pounds shall not be carried on the railroads or else they will get no part of the money which is given for railway pay. The appropriation is confined to railway-mail pay entirely. So it would not appertain at all to the Rural Delivery Service and to the Star Route Service, and it would not prohibit the Postmaster General from having any amount of mail carried in those branches of the service.

This simply shows the inadvisability of legislating generally on appropriation bills. If this amendment should carry, the Postmaster General could not pay for packages exceeding 50 pounds on railroads, but still he could require 100 pounds to be carried on star routes and 100 pounds on rural-delivery routes, which are the branches of the service regarding which the most complaint has been made.

Mr. VARDAMAN. Mr. President, I should like to suggest to my friend the Senator from Virginia that it also discloses the possibility of pernicious, small mistakes creeping into a matter of this kind in legislation, and it also emphasizes the advantage which must necessarily come from leaving the settlement of these details to skilled statisticians and office men.

Mr. SWANSON. It can not be disputed that this amendment will be a limitation to the railway pay, but it is no limitation on the star routes and it is no limitation on the rural delivery routes, and, consequently, it seems to me——

Mr. BANKHEAD. Would the Senator from Virginia object to adding words to the amendment so as to make it apply to all rural carriers?

Mr. SWANSON. I am opposed to any amendment until the commission reports, and then I am willing to have a limitation.

Mr. BANKHEAD. The Senator is on that commission?

Mr. SWANSON. I am not on the commission.

Mr. BANKHEAD. The Senator stated yesterday that he was on the commission.

Mr. SWANSON. No; I said I was on the commission that first investigated the parcel post.

Mr. BANKHEAD. I misunderstood the Senator.

Mr. SWANSON. I am not on this commission. I think the wise thing to do is to let conditions continue as they are at present until the commission, in which I have perfect confidence, makes its report.

Mr. BORAH rose.

Mr. SWANSON. I yield to the Senator from Idaho.

Mr. BORAH. I ask for a rereading of the amendment in view of the suggestion of the Senator from Virginia.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 15, line 22, after the numerals "$35,000," insert a colon and the following proviso:

And provided further, That no portion of the sum so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress of the United States.

Mr. SWANSON. That applies to the railway mail pay. If the amendment prevails, it will simply prohibit the railroads from transporting packages in excess of 50 pounds, and it would still be possible to carry packages in excess of 50 pounds on star routes and rural delivery routes.

Mr. BRISTOW. Mr. President, I simply desire to say that I was very much in favor of the committee amendment, and, while this is not as desirable as the committee amendment was, it is more desirable than no limitation at all. I think it is absolutely necessary that a limitation should be put upon the weight of the packages and upon the authority of the Postmaster General. I shall vote for the amendment.

Mr. SIMMONS. I should like to ask the Senator from Kansas if, in making that statement, he admits the conclusion reached by the Senator from Virginia to be a correct interpretation of the amendment?

Mr. BRISTOW. I think not; but if that is a correct interpretation, it is very easily remedied by adding the same amendment to the appropriations for rural carriers and for star-route service. That puts them all on the same basis. It will be perfectly easy to remedy it, so that there can not be any doubt about the interpretation of the amendment. I do not see any necessity for it, but, to remove any doubt, it can be done.

Mr. SIMMONS. It is very clear that if it should not reach the rural-route packages it would not accomplish the purpose which, I take it, the Senator from Alabama had in offering the amendment.

Mr. BRISTOW. I agree to that.

Mr. BANKHEAD. I suggest to the Senator from Virginia that there will be no trouble on that point. We can offer the same amendment to the other paragraphs of the bill in order to make it sure and certain.

Mr. WEEKS. Mr. President, I should like to suggest to the Senator from Virginia, if I may have his attention, that the only way a rural route or a star route would have of carrying a parcel weighing more than 50 pounds would be for the Postmaster General to increase the rate. In other words, he would have to change the present prevailing rates. I do not think, as a limitation is placed on the weight of a package that should be carried on a railroad, he would be likely to increase the weights carried by parcel post or by the star route service.

Mr. SWANSON. He could very easily do it.

Mr. WEEKS. He could, but I do not think he would.

Mr. VARDAMAN. Mr. President, I think this amendment is subject to the same objection that was made to the amendment offered by the committee. It is a mere juggling with words. The effect is the same.

While I am not going to make a point of order against the amendment, the effect of it will be to repeal a general statute which gives the Postmaster General the authority, with the advice and consent of the Interstate Commerce Commission, to regulate the size of the packages and fix the rate and make the zones, and so forth.

Mr. President, a good deal has been said this morning about the action of the Interstate Commerce Commission in giving its approval to the order of the Postmaster General. I was present when this matter came up before the committee, and while the chairman of the commission stated that he had made no independent investigation, my recollection is that he said he did investigate and consider the figures and the facts gathered by the Post Office Department. I am very sure that that tribunal would not give its approval to any measure that did not have merit in it. I think it was a very wise safeguard, and I can not conceive of a serious mistake being made, when the law requires that the Postmaster General shall have the approval of the Interstate Commerce Commission before he takes final action.

Now, I am very much opposed to interfering with this plan at all until it has been worked out and the details developed. After the Post Office Department shall have been given ample time to eliminate the inequalities, to bring order out of the disorder which must necessarily prevail in every measure of this kind in the beginning, after the department has been given a chance, then if the Congress discovers that the power vested in the department was unwisely vested and that it has been imprudently used it will be ample time for the authority to be taken from it. Certainly, we would not be justified in breaking into the game at this time.

But I know of no measure that has more universally the approval of the American people than this great plan, which brings the people living in the interior right to the door of the great houses of merchandise and facilitates commerce between the people. I think it would be unfortunate if that work should be interfered with in any way, as is proposed by the amendment offered by the Senator from Alabama.

Mr. BRANDEGEE. Mr. President, I do not intend to discuss the merits of the proposed amendment. The Senate has just decided that the committee amendment contained in the bill at the foot of page 15 is not in order. That amendment reads as follows:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law.

A point of order was raised against that amendment that it was general legislation upon an appropriation bill. I do not think it was general legislation, but the Senate so decided. The pending amendment, offered by the Senator from Alabama, the chairman of the committee, reads as follows:

And provided further, That no portion of the sum so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of greater weight than 50 pounds in any one package, without authority therefor first obtained from the Congress of the United States.

Whatever may have been the merits of the point of order as raised against the committee amendment as printed in the bill, it strikes me that there can be no question that the point of order raised against this amendment is absolutely without any merit whatever.

The VICE PRESIDENT. The Chair was not present when the point of order was raised. May the Chair inquire what the point of order is?

Mr. BRANDEGEE. Of course, what I state now is from memory. My recollection is that the Senator from Virginia [Mr. SWANSON] simply said he made the point of order, without stating what it was.

Mr. VARDAMAN. If the Senator will pardon me——

Mr. BRANDEGEE. I assume that it was the same point of order that had been raised against the former amendment.

Mr. VARDAMAN. I think the Senator is mistaken. The Senator from Virginia did not raise a point of order; he raised an objection. A point of order has not been made against the amendment.

Mr. BRANDEGEE. Of course there is no use for the Senator from Mississippi and me to dispute about it, because it is simply a matter of recollection. I am merely stating what I thought I heard.

Mr. VARDAMAN. I only make the statement because the Senator from Virginia and I discussed it, and we determined that the point of order would not be made against it. If he made the point of order I did not hear it.

Mr. BRANDEGEE. I was not privy to the counsel the Senator from Mississippi and the Senator from Virginia had, and it does not appear in the debate on the floor. Of course I accept his word about it. Nevertheless, I am bound to accept the evidence of my own ears, if I heard the Senator from Virginia state that he made the point of order, and that is my recollection. I may be mistaken about it; I may have misunderstood him. Therefore I ask, as a parliamentary inquiry, whether a point of order has been made against this proposed amendment.

The VICE PRESIDENT. The Chair was not in at the time. The Reporter will read what the Senator from Virginia said.

Mr. BRANDEGEE. That is necessary, in order to straighten out the procedure, I assume.

Mr. HUGHES. Mr. President, a point of order was made on the amendment. No ground was stated. The point of order was made and it was not withdrawn. It was made, but no grounds were urged; it was not argued.

Mr. BRANDEGEE. The Senator from New Jersey confirms my impression, then.

The VICE PRESIDENT. Then, to get the question out of the way, no reason having been given for the point of order, the Chair overrules the point of order.

Mr. POINDEXTER. Mr. President, I make the point of order against the amendment that it is a change in existing law; that it is general legislation.

The VICE PRESIDENT. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. POINDEXTER. Mr. President, before the vote is taken I desire to put a portion of a letter into the RECORD which I have received while this debate has been in progress from one of the citizens of my State, who gives a point of view of the ordinary resident in a small community toward the parcel post as it has been developed. The statemnet is from R. B. Hassell, who was formerly mayor of one of the important cities of the State of Washington. I will read only a portion of his statement:

Let me now suggest why I think the Postmaster General has done me and every citizen in the country a great favor when he changed the first zone from 50 to 150 miles. Of course, it must be admitted that if he has conferred such a universal favor, he has contributed to the public benefit, and in the last analysis it is difficult to distinguish between public benefit and a benefit to the Government itself.

Let me cite my own case first as a concrete instance of the benefit: I have an orchard near Wenatchee, Wash. Under the old 50-mile zone I could only reach the uninhabited mountains to the west or the thinly peopled prairies east. I was limited to a zone whose area was approximately 7,850 square miles and which included only a few-score post offices. The enlargement of the first zone to 150 miles brought to my door two great markets, Spokane and Seattle, and many others of considerable importance to me. Do you wonder that I am grateful?

But that is only a part of the story. My zone of accessibility as a small shipper was enlarged from less than 8,000 square miles to more than 70,000. My orchard is near the boundary lines of both the Spokane and Seattle zones, so that the Government presumably does not make much profit out of my little business.

Is mine an exceptional case and am I exceptionally favored?

Take the small shippers in the thickly settled districts of the East. Take one near New York City. Under the old rule he had one great market—New York. Under the new he has Boston and Philadelphia, possibly Buffalo, and countless intermediate points besides New York. His trading facility has been increased, judging from area covered, nearly 10 times. Ought he not to be grateful? The country is full of men grateful to the Postmaster General for the change in zones.

I desire to incorporate in the RECORD as a portion of my remarks, without reading, section 8 of the Post Office appropriation act approved August 24, 1912, containing the parcel-post law as it was enacted by Congress.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The section referred to is as follows:

SEC. 8. That hereafter fourth-class mail matter shall embrace all other matter, including farm and factory products, not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery.

That for the purposes of this section the United States and its several Territories and possessions, excepting the Philippine Islands, shall be divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of any given unit of area.

The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately 600 miles from the center of a given unit of area.

The fifth zone shall include all units of area outside the fourth zone lying in whole or in part within a radius of approximately 1,000 miles from the center of a given unit of area.

The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

The eighth zone shall include all units of area outside the seventh zone.

That the rate of postage on fourth-class matter weighing not more than 4 ounces shall be 1 cent for each ounce or fraction of an ounce; and on such matter in excess of 4 ounces in weight the rate shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by distinctive postage stamps affixed.

That except as provided in the next preceding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

For delivery within the second zone, 6 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

For delivery within the third zone, 7 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 9 cents for each additional pound or fraction of a pound.

For delivery within the seventh zone, 11 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound.

That the Postmaster General shall provide such special equipment, maps, stamps, directories, and printed instructions as may be necessary for the administration of this section; and for the purposes of this section, and to supplement existing appropriations, including the hiring of teams and drivers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

The Postmaster General shall make provision by regulation for the indemnification of shippers, for shipment injured or lost, by insurance or otherwise, and, when desired, for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional services.

The Postmaster General may readjust the compensation of star-route and screen-wagon contractors if it should appear that as a result of the Parcel Post System the weight of the mails handled by them has been materially increased. Before such readjustment, however, a detailed account must be kept as to the amount of business handled by such star-route or screen-wagon contractors before and after this section becomes effective for such a period as to clearly demonstrate the amount of the increase and that such increase in the weight of the mails was due to the adoption of the Parcel Post System.

That the establishment of zones and postage rates of this section shall go into effect January 1, 1913.

That this act shall not in any way affect the postage rate on seeds, cuttings, bulbs, roots, scions, and plants as fixed by section 482 of the Postal Laws and Regulations.

That for the purpose of a further inquiry into the subject of the general parcel post and all related subjects a joint committee of six persons (Members of Congress), three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress at the earliest date possible.

That all laws and parts of laws in conflict with the provisions of this section are hereby repealed.

Mr. POINDEXTER. I also desire to have printed as a portion of my remarks, without reading, orders which have been made by the Postmaster General modifying in certain respects the rates, weights, and zone limits of the law as passed by Congress. I send them to the desk.

The VICE PRESIDENT. Without objection they will be inserted in the RECORD.

The matter referred to is as follows:

ORDER OF THE POSTMASTER GENERAL.

(Order No. 7349.)

OFFICE OF THE POSTMASTER GENERAL,
Washington, July 25, 1913.

On and after August 15, 1913, the limit of weight of parcels of fourth-class mail for delivery within the first and second zones shall be increased from 11 pounds to 20 pounds. The rate of postage on parcels exceeding 4 ounces in weight shall be 5 cents for the first pound and 1 cent for each additional 2 pounds or fraction thereof when intended for local delivery, and 5 cents for the first pound and 1 cent for each additional pound or fraction thereof when intended for delivery at other offices within the first and second zones.

Sections 1, 3, 7, and 15, parcel-post regulations, are amended accordingly.

The pound rates of postage in the first and second zones shall be as follows:

Weight.	First zone.		Second-zone rate.
	Local rate.	Zone rate.	
1 pound	$0.05	$0.05	$0.05
2 pounds	.06	.06	.06
3 pounds	.06	.07	.07
4 pounds	.07	.08	.08
5 pounds	.07	.09	.09
6 pounds	.08	.10	.10
7 pounds	.08	.11	.11
8 pounds	.09	.12	.12
9 pounds	.09	.13	.13
10 pounds	.10	.14	.14
11 pounds	.10	.15	.15
12 pounds	.11	.16	.16
13 pounds	.11	.17	.17
14 pounds	.12	.18	.18
15 pounds	.12	.19	.19
16 pounds	.13	.20	.20
17 pounds	.13	.21	.21
18 pounds	.14	.22	.22
19 pounds	.14	.23	.23
20 pounds	.15	.24	.24

NOTE.—The rate for local delivery shall apply to all parcels mailed at a post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery.

Fresh meats and other articles mentioned in paragraph 2, section 34, Parcel Post Regulations, when inclosed and wrapped in the manner prescribed by the last sentence of that paragraph, will be accepted for mailing to offices within the first and second zones.

A. S. BURLESON,
Postmaster General.

ORDER OF THE POSTMASTER GENERAL.

(Order No. 7706.)

OFFICE OF THE POSTMASTER GENERAL,
Washington, December 6, 1913.

On and after January 1, 1914, the limit of weight of parcels of fourth-class mail for delivery within the first and second zones shall be increased from 20 to 50 pounds and in the third, fourth, fifth, sixth, seventh, and eighth zones from 11 to 20 pounds.

The rate of postage on parcels exceeding 4 ounces in weight in the third, fourth, fifth, and sixth zones shall be as follows:

Third zone.—Six cents for the first pound and 2 cents for each additional pound or fraction thereof.

Fourth zone.—Seven cents for the first pound and 4 cents for each additional pound or fraction thereof.

Fifth zone.—Eight cents for the first pound and 6 cents for each additional pound or fraction thereof.

Sixth zone.—Nine cents for the first pound and 8 cents for each additional pound or fraction thereof.

All regulations or parts of regulations in conflict herewith are hereby rescinded.

A. S. BURLESON,
Postmaster General.

ORDER OF THE POSTMASTER GENERAL.

(Order No. 7718.)

OFFICE OF THE POSTMASTER GENERAL,
Washington, December 18, 1913.

Paragraph 1, section 454, Postal Laws and Regulations, edition of 1913, is amended to read as follows, effective January 1, 1914:

"SEC. 454. Fourth-class mail matter shall embrace all other matter, including farm and factory products (and, on and after March 16, 1914, books) not now embraced by law in either the first (or) second class, or (with the exception of books, in the) third class, not exceeding (50) pounds in weight (when mailed for delivery within the first and second zones, nor exceeding 20 pounds in weight when for delivery in any of the other zones), nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery."

A. S. BURLESON,
Postmaster General.

ORDER OF THE POSTMASTER GENERAL.

(Order No. 7723.)

OFFICE OF THE POSTMASTER GENERAL,
Washington, December 18, 1913.

Paragraph 1 (a), section 462, Postal Laws and Regulations, edition of 1913, is amended to read as follows, effective January 1, 1914:

Sec. 462. (a) (The limit of weight of mail matter) is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount; (fourth-class mail matter * * * not exceeding 50 pounds in weight when mailed for delivery within the first and second zones, and not exceeding 20 pounds in weight when for delivery within any of the other zones), and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government or from the Smithsonian Institution, or which is not declared nonmailable under the provisions of section 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerns, or fraudulent schemes or devices. (See Secs. 479 to 482.)

A. S. BURLESON,
Postmaster General.

Mr. POINDEXTER. Mr. President, we have been told at one period of the debate of the disaster which the extension of the Parcel Post System has brought upon the star-route contractors. It seems to me that that is a matter of such secondary importance in comparison with the general principles involved in this bill that it is scarcely necessary to discuss it. That is particularly true, because it might be assumed that the officials having charge of the administration of the law would take cognizance of the effect it would have upon the star-route contractors and would take such steps as would secure justice to them. I assumed that, without investigating the matter. Nevertheless, since the statements in that connection were made, in looking over some correspondence in my office, I find that that is the attitude of the Post Office Department, and that steps have already been taken to adjust the claims of the star-route contractors, considering the increased amount of mail which they carry, upon an equitable basis in the light of the new conditions. In that connection, I will read a letter addressed to me on December 19, 1913, by the Fourth Assistant Postmaster General, having charge of those matters, as illustrating what they are doing to prevent injustice to the star-route contractors. He says:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, December 19, 1913.

Hon. MILES POINDEXTER,
United States Senate.

MY DEAR SENATOR POINDEXTER: I am in receipt of your letter of the 16th instant transmitting a communication from Mr. E. E. North, of Elkpark, Wash., with regard to the burdens imposed upon the contractor on star route No. 71327, Taholah to Clearwater, because of the curtailment of his route to omit Elkpark, necessitating a pro rata deduction from his pay, and also because of the transportation of the parcel-post mail.

In reply, I beg to advise you that, in addition to the allowance of additional pay made to the contractor because of the increased weight of mail carried as a result of the Parcel Post System, such increase in pay having taken effect January 1, 1913, if it should be found, as a result of the weighing of the mails during October and November of this year that there has been a further material increase in the weight of mail carried as a result of the increase in the weight limit of parcel-post packages from 11 to 20 pounds in the first and second zones, the contractor will be made a further allowance of additional pay, to be effective August 15, 1913.

The post office at Elkpark having been reestablished, it has been decided to reextend the route to that place, and the contractor will be allowed pro rata additional pay because of such extension, which will relieve him of the burdens imposed by reason of the curtailment of the route.

Sincerely, yours,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

Two main objections were urged with a great deal of force by the Senator from Kansas [Mr. BRISTOW] against the Parcel Post System as it has been enlarged and extended by the Postmaster General. One of them was that there was a discrimination between different communities and different shippers in that a man in Kansas City, we will say, could ship his produce 150 miles for the same rate that a shipper in Salina, Kans., could ship his produce 10 miles, or approximately that. Mr. President, the greatest discriminations, if those just mentioned be considered discriminations at all—and I do not consider them so, because they are uniform within the area, no man being charged more than another—but the greatest real discriminations arise more prominently out of the law as it was passed by Congress than they do out of any changes in zones, weights, or rates made by the Postmaster General. A man living at the radial limit of a zone of 150 miles is charged a certain rate; his neighbor, who may live 100 yards from him but beyond the limitation of that zone, is charged an additional rate, not under any order made by the Postmaster General, but under the law enacted by Congress; yet the Senator from Kansas insists that Congress shall have the exclusive function of making these rates. It is impossible in any zone system, as the Senator from Kansas has admitted, to avoid that sort of discrimination.

The other great objection which the Senator urged was that the Postmaster General, in his administration of the parcel post, if he gets any business at all on the long haul, charges higher rates on these long hauls than the express companies charge, and the Senator claimed that under that condition the business goes to the express companies; but the Senator has already admitted in his argument—and, of course, it is perfectly patent to everyone—that that condition is not due to any discretion vested in the Postmaster General which is sought to be limited by this amendment.

I have in my hand a table of rates as they were fixed under the law as it passed Congress and as they have been readjusted by the Postmaster General, and I find that in every zone, without exception, on an 11-pound parcel the rates fixed by Congress were much higher than those charged by the express companies. If the system had not been improved by the Postmaster General it would have had but little business and would have been a parcel post in name only. The Postmaster General has reduced the rates in the first, second, and third zones so as to be able to compete with the express companies in the carriage of parcels of this size in those zones. He has also reduced the rates fixed by Congress in the fourth, fifth, and sixth zones, though they are still higher than the express rates, but if he pursues the same course which he has begun it is natural to suppose that he will from time to time reduce the rates in the other zones, carrying out the policy he has begun, so as to get the business which now goes to the express companies, to secure revenue for the Government, and to render service to the people. So, if he is left with the same discretion which the Senator from Kansas seeks to deprive him of, he will by the exercise of this very power remove one of the main objections the Senator from Kansas urges against such power and against the parcel-post system as it is now constituted. Unless the Postmaster General is allowed that discretion, unless he has the power to further reduce these high rates which the Senator from Kansas would now fix in a rigid act of Congress if he had his way in passing the proposed amendment, the parcel post can not possibly get any of the business in the longer hauls, because it can not compete with the express companies.

The Senator from Kansas says that under no circumstance, nor under any set of rates, can the Government compete with the express companies, because the Government has not the same equipment, that it has not the same facilities.

Mr. BRISTOW. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. The Senator, by stating a part of what I said, conveys an entirely erroneous impression.

Mr. POINDEXTER. I shall be very glad if the Senator from Kansas will correct me.

Mr. BRISTOW. I said competition was impossible so long as the Government paid so much more to the railroads for handling the packages, and I say that so long as the Government pays so much more to the railroads for transporting its tonnage than the express companies pay it is impossible for the Government to compete with them successfully without a loss, because its expenditure is so much more than theirs for transportation.

Mr. POINDEXTER. It is not necessary, Mr. President, that the Government should continue to pay more. My understanding——

Mr. BRISTOW. Will the Senator yield to me a moment more?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. I ask the Senator to yield because I do not want him to put me in a false position. The Senator knows that I have said time and again that I think the Government is paying the railroads entirely too much for transporting its parcel-post matter. The Senator knows that that has been my position from the beginning.

Mr. POINDEXTER. Yes; but it is not necessary, Mr. President, that we should abandon the benefits of the parcel post or the effort to perfect the system because we are now paying too much to the railroads. It is within the jurisdiction of Congress to remedy that condition; and it would be a much more proper and desirable point of attack upon the difficulties and the inequalities of the system as it now exists to remedy what the Senator from Kansas now claims are the exorbitant rates paid to the railroads for carrying this business than to undertake to throttle the development and expansion of the business itself.

Mr. BRISTOW. Mr. President, will the Senator yield to me again?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. I call the Senator's attention to an amendment which I have offered to the bill, which is printed and lying on his desk, which seeks to accomplish exactly what he suggests; which amendment, if the Senate adopts it, will materially reduce the compensation which the department is paying to the railroads and will fix a schedule of rates which will be less than those of Mr. Burleson, and which will yield a profit because of the reduced transportation rates which the Government will have to pay under the amendment.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. WEEKS. I hope the Senator from Washington [Mr. POINDEXTER] and the Senator from Kansas [Mr. BRISTOW] will not base any of their conclusions in regard to the parcel post on the probability of material reductions in the pay of the railroads for transporting the mail. The commission has been studying this question for two years, and will in the near future be ready to report. The experts of the Interstate Commerce Commission have testified that, even before the introduction of the parcel-post system, the amount of pay which the railroads were receiving was less than they should receive, and the railroads are claiming that, on account of the carrying of the parcel-post business, they are incurring an expenditure of nearly $15,000,000 more than they would if they were paid a suitable rate—that is, a rate which would compare with what they are receiving from the express business and from other shippers of merchandise.

Mr. BRISTOW. Will the Senator from Washington yield to me a moment?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. I desire to say to the Senator from Massachusetts that the amendment does not seek to disturb at present the railway mail pay for carrying the mail as it has been carried heretofore; but it does propose that express matter which is freight shall be carried on a different basis, and that the railroads shall receive from the department one-half of the gross postage that is paid for the handling of parcel-post matter. They therefore will get exactly what they get from the express companies, and they will get paid for what they haul.

Mr. WEEKS. I do not at this time see any objection to that.

Mr. POINDEXTER. Mr. President, the adoption of the amendment proposed by the Senator from Kansas, if it should be adopted, would remove an objection which he urges against the extension of the Parcel Post System and make it possible for the Government to compete with the express companies.

Mr. BRISTOW. I will say to the Senator, if he will pardon me for again interrupting him, that if that amendment relating to railway mail pay be adopted I shall then propose a schedule of parcel-post rates that are lower than Mr. Burleson's estimates, and I think are organized upon an absolutely equitable basis. That schedule is found on page 4234 of the RECORD of this morning.

Mr. POINDEXTER. Well, Mr. President, the rates of which the Senator from Kansas has complained, made by the Postmaster General, he claims are already too low in some of the zones, as to some shippers, because, he says, they are less than the cost of the service. I do not suppose that the rates which he proposes are less than those.

Mr. BRISTOW. No; the rates in the second and third zones are increased over those of Mr. Burleson; in the fifth zone they are reduced; and in one zone they are exactly the same; but the average is a very material reduction, as I shall explain when the amendment is considered.

Mr. POINDEXTER. I do not think that anything the Senator has proposed, Mr. President, indicates that the system of rates incorporated in the amendment which he has offered, even upon the information which he, with all the time that he has given to the matter, has been able to obtain, would be preferable in any way, either so far as the profit to the Government is concerned or a reasonable rate to the shippers, to rates which are worked out by experts who are permanently connected with this business and who are adapting the rates to changing conditions from time to time, if they are allowed this vital principle of discretion in readjusting rates after experience, observation, study, and a census of the parcel-post business.

The Senator from Kansas goes to the extent, if I understood him correctly on yesterday, of claiming that Congress ought to fix railroad rates. I think he said that in answer to a question asked him. Of course, if he takes that position, if he believes that a numerous legislative body, with the multitudinous interests which its members are compelled to deal with is more fitted to make schedules of rates, classifications of freight, zones of distance, and limitations of weight than a body whose entire time is occupied with the study and the administration of those special questions, there is such a radical difference between us that there is no possibility of our agreeing.

Mr. BRISTOW. Mr. President, if the Senator will yield, I desire again to correct him. The Senator from Kansas never made any such statement at all as the Senator from Washington is attributing to him, or anything that approaches it.

Mr. POINDEXTER. Mr. President, I will leave the matter to be determined upon the RECORD.

Mr. BRISTOW. All right; I am perfectly willing to do that.

Mr. POINDEXTER. There was a colloquy between the Senator from Kansas and the Senator from Nebraska [Mr. NORRIS], in which he made the statement to which I have referred. He may have qualified it afterwards, but I do not think he did. If he did, the RECORD will show that he did.

The argument which is made against discretion being vested in the Postmaster General in fixing these rates defeats itself. It has gone to such a great length, and so many objections are contrived against such authority, particularly by the Senator from Kansas, that one part of the argument contradicts and defeats the other, as opposite elements in an equation, which are eliminated by the balance which is struck between them.

The Senator says that the Postmaster General can not be depended upon to study this question and to fix these rates. He says in the course of his remarks that the Postmaster General does not do so, but that it is done by men in the employ of the Post Office Department. Of course, that is true; it is necessarily true; but in pursuing the same argument, in another portion, the Senator from Kansas urges that this discretion ought not to be vested in the Postmaster General because he has so many postmasters to appoint that he is distracted by political quarrels. The one statement contradicts the other. The Postmaster General is not personally making these rates. He may be exercising a close supervision over them, but he has experts, who are permanent employees in the office, and who, in the very nature of things, are better qualified to advise the administrative officer of the Government who has control of this matter than any committee of Congress or Congress itself could possibly be.

There have been a great many exchanges of compliments in the course of this debate between Senators as to the knowledge which they had on the subject and in regard to the Postmaster General as to the friendliness Senators felt toward him. Some seem to have about the same attitude toward the Postmaster General which I think the Aztecs had toward some of their sacrificial victims. They surrounded them with good treatment and kindness, showered them with attentions, fed them upon the luxuries of the land, garlanded them with flowers, and then put them upon the altar and sacrificed them in a religious ritual. So the hierarchy of the Post Office Committee of the Senate protest their regard and friendship and admiration for the Postmaster General, and then they proceed to sacrifice him to the claim that they, and not he, should determine the details of the administration of the parcel post. I imagine that the Postmaster General would rather dispense with the compliments and declarations of friendship and regard, and, interested as he must be in the service of the people and the great office which he holds, be allowed to continue in the work which he has commenced to put into operation and develop the parcel post into a working system, into a useful, practical, cheaper, and uniform transportation system for the benefit of the people of this country.

The limitation which is included in the amendment offered by the Senator from Alabama [Mr. BANKHEAD] as to weight involves the same principle as that contained in the amendment which has been held out of order by the Senate. A point of order against the latter amendment, it is true, has been overruled, but upon the merits of the question the principle is the same, although a great point has been gained in the defeat of the previous amendment, the pending amendment not going so far.

The Senator from Massachusetts [Mr. LODGE] on yesterday said that if we were going to carry freight, we ought to carry it as freight, and not as mail, and that we ought to pay rates upon it as freight and not as first-class mail. Well, Mr. President, I do not know whether we can infer from that that the Senator from Massachusetts is opposed to or in favor of carrying what he is pleased to term "freight" by the Government. I infer that he is not in favor of it, but the argument which he

makes affords no ground upon which the matter of administering the law should be fixed in Congress itself. If we are going to carry heavy packages, the question still remains as to the manner in which they are to be carried; and some tribunal, some official of the Government, must provide the cars or make arrangements with the railroad companies for the cars, determine what sort of trains they are to be carried on, whether they are to go on passenger trains or whether special trains, carrying postal express, as it is called in Europe, are to be provided. Those are mere details of administration, and the objection, instead of affording a reason for limiting either the parcel-post system itself or the administrative authority of the Post Office Department, is an argument, in my judgment, in favor of extending both.

I agree with the Senator from Massachusetts that we ought not to pay the railroad companies first-class rates for carrying fourth-class matter; but because Congress has fixed a schedule allowing first-class rates to the railroads for carrying fourth-class matter is a very poor reason why we should strike down and palsy the hands of the Postmaster General, who is proceeding to readjust and remedy that discrepancy.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Alabama [Mr. BANKHEAD], on which the Senator from Mississippi [Mr. VARDAMAN] has demanded the yeas and nays. Is the demand seconded?

Mr. VARDAMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smith, Md.
Bankhead	Hitchcock	Page	Smoot
Brady	Hollis	Perkins	Stephenson
Brandegee	Hughes	Poindexter	Sterling
Bristow	James	Pomerene	Sutherland
Bryan	Jones	Ransdell	Swanson
Catron	Kern	Reed	Thompson
Chamberlain	Lee, Md.	Root	Tillman
Clapp	Lippitt	Saulsbury	Vardaman
Clark, Wyo.	Lodge	Shafroth	Weeks
Cummins	McCumber	Sheppard	
Dillingham	Martine, N. J.	Sherman	
Gallinger	Norris	Shively	

Mr. THOMPSON. I am requested to announce that the senior Senator from Arizona [Mr. SMITH] is unavoidably detained from the Senate.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The question is on the amendment proposed by the Senator from Alabama [Mr. BANKHEAD], on which the Senator from Mississippi has demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BANKHEAD. I ask that the amendment may be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the numerals, on page 15, line 22, it is proposed to insert:

And provided further, That no portion of the sum so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of a greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress of the United States.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. As I know that he would vote as I shall vote on this question, I am at liberty to vote. I vote "nay."

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. As he would vote the same way I shall vote, I am at liberty to vote. I vote "yea."

Mr. REED (when his name was called). I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], but by agreement that pair does not extend to votes on this bill. I therefore vote "nay."

Mr. SUTHERLAND (when his name was called). I repeat my statement in regard to my pair and make the same transfer that I announced before and will vote. I vote "yea."

Mr. RANSDELL (when Mr. THORNTON'S name was called). The senior Senator from Louisiana is absent on account of illness. He is paired with the senior Senator from Ohio [Mr. BURTON].

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). I have a pair for the rest of the day with the senior Senator from Virginia [Mr. MARTIN]. Noticing that he has not voted, I withdraw the vote I cast, not knowing how he would vote if present.

Mr. ROOT (after having voted in the affirmative). I observe that the senior Senator from Colorado [Mr. THOMAS], with whom I have a pair, is not in the Chamber, and I accordingly withdraw my vote.

Mr. McLEAN. I have a pair with the senior Senator from Montana [Mr. MYERS], and therefore withhold my vote. He is unavoidably absent for the day. I make this statement to stand for the day.

Mr. LIPPITT. I transfer my pair with the junior Senator from Montana [Mr. WALSH] to my colleague [Mr. COLT] and will vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire again to announce the necessary absence of the senior Senator from West Virginia [Mr. CHILTON]. He is absent on official business. He is paired with the senior Senator from New Mexico [Mr. FALL].

Mr. ASHURST. I desire to announce the absence of my colleague [Mr. SMITH of Arizona]. He is absent on official business.

The result was announced—yeas 27, nays 28, as follows:

YEAS—27.

Bankhead	Dillingham	McCumber	Simmons
Brady	Gallinger	Nelson	Smoot
Bristow	Hitchcock	Oliver	Stephenson
Bryan	Hollis	Page	Sterling
Catron	Hughes	Perkins	Sutherland
Clark, Wyo.	Lippitt	Ransdell	Weeks
Cummins	Lodge	Sherman	

NAYS—28.

Ashurst	La Follette	Pomerene	Smith, Md.
Chamberlain	Lane	Reed	Swanson
Clapp	Lee, Md.	Robinson	Thompson
Gronna	Martine, N. J.	Saulsbury	Tillman
James	Norris	Shafroth	Townsend
Jones	Overman	Sheppard	Vardaman
Kern	Poindexter	Shively	Works

NOT VOTING—39.

Borah	du Pont	Martin, Va.	Smith, Ga.
Bradley	Fall	Myers	Smith, Mich.
Brandegee	Fletcher	Newlands	Smith, S. C.
Burleigh	Goff	O'Gorman	Stone
Burton	Gore	Owen	Thomas
Chilton	Johnson	Penrose	Thornton
Clarke, Ark.	Kenyon	Pittman	Walsh
Colt	Lea, Tenn.	Root	Warren
Crawford	Lewis	Shields	Williams
Culberson	McLean	Smith, Ariz.	

So Mr. BANKHEAD'S amendment was rejected.

Mr. POINDEXTER. Mr. President, I should like to read a very few lines from page 4174 of the RECORD of February 25, in support of my quotation from the remarks of the Senator from Kansas:

Mr. BRISTOW. I think that is equitable when you get into big packages. I agree with the Senator on that point exactly.

Mr. NORRIS. The point on which I can not agree with the Senator is that he proposes now to make a law of the act of the Postmaster General which has brought about this very difficulty.

Mr. BRISTOW. No.

Mr. NORRIS. I think it should be plain to anyone that Congress, the House and the Senate, as a practical proposition can not fix the rates for the payment of the transportation of merchandise.

Mr. BRISTOW. I think it has got to do it.

Mr. NORRIS. I do not believe that it can.

Mr. BRISTOW. It must do it. We might just as well undertake it. We have authority to do it, technically speaking. There is, perhaps, not as much reason for it, but the same theory would apply as in fixing freight rates. I think that ought to have been done in the beginning.

Mr. NORRIS. By Congress?

Mr. BRISTOW. Surely.

Mr. BRISTOW. Mr. President, I hope the Senator will continue to read. If he will read on, he will find——

Mr. POINDEXTER. I said in my original statement that the Senator had qualified that statement later. I will read as the Senator suggests, however.

Mr. BRISTOW. If the Senator does not desire to read further, if he will pass the RECORD to me I desire to read it myself.

Mr. POINDEXTER. I will let the Senator read it.

Mr. BRISTOW. All right; I shall be very glad to do so. [Reading:]

Mr. NORRIS. If that is true, then I do not believe the Senator and myself can get together on any proposition of that kind, because I believe that it is an impracticable proposition for the House of Representatives, with over 400 Members, and the Senate, with nearly 100, to fix rates. The Senator will find, I believe, that they would never fix them and fix them right. It would be a job that they never could get through with.

Mr. BRISTOW. The Senator misunderstands me. I would not say that Congress ought to go through all the detailed service of the United States and fix the individual rates, but I do say that originally there should have been some law which prescribed the way in which the rates should be fixed, and not on the ipse dixit of selfish men, who seek to exploit one community to the detriment of another.

It is very clear there that the Senator from Kansas did not say that Congress should fix the detailed rates.

Mr. NORRIS. Mr. President, in my judgment, it has developed in this debate that there ought to be some corrections made of one or two of the evils that have come about in the administration of the parcel post under the law as it now exists. I wish to offer at this point an amendment that I think will meet the difficulty.

The VICE PRESIDENT. The Chair holds that amendments are not in order until the committee amendments have been disposed of.

Mr. NORRIS. Was that agreement made at the beginning? I was not aware of that.

The VICE PRESIDENT. It is the rule of the Senate. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, beginning at the top of page 16, and read to line 9, on page 18.

Mr. MARTINE of New Jersey. Mr. President, I find there is a marked difference in the prints of the bill. I have one print in my hand where the matter I am about to mention appears on page 18, and another where it appears on page 17.

On page 18, as the bill comes from the committee, there are stricken out, in line 9, the words "post-office clerk, or special delivery messenger." I should like to move to reinstate the words "post-office clerk, or special delivery messenger," and to add the words "or laborer."

I can see no reason why a post-office clerk or special-delivery messenger, a boy who rides on his bicycle to deliver a message, and who may be run over by an automobile or otherwise, should not be classed among those whose families shall receive recompense in case of death. I wish also to include the word "laborer." So I move to amend, in line 9, page 18, by restoring the words that are stricken out, "post-office clerk, or special-delivery messenger," and by inserting the further words "or laborer."

The VICE PRESIDENT. The Chair will state, for the benefit of the Senator from New Jersey, that this is the Railway Mail Service. There are no messengers riding on bicycles in the Railway Mail Service.

Mr. MARTINE of New Jersey. I do not care whether it be on bicycles or railroad trains; if he is a special-delivery messenger——

The VICE PRESIDENT. The motion of the Senator from New Jersey is out of order.

Mr. MARTINE of New Jersey. I shall have to submit to the ruling, but I think it is infinitely ungenerous and unfair to the unfortunate laborer.

The VICE PRESIDENT. The Chair desires to state to the Senator from New Jersey that the committee proposes an amendment. If the amendment is not agreed to, the words which the Senator from New Jersey wants to put in will be left in the bill. After all committee amendments are disposed of, if the amendment is agreed to, and these words are stricken out, then the Senator from New Jersey——

Mr. MARTINE of New Jersey. May I ask the chairman of the committee to accept those words?

Mr. BANKHEAD. If the Senator from New Jersey will give his attention for a moment, I desire to say that post-office clerks are included here. We struck out this language because the department requested it, on the ground that these other people were not regular employees of the department. The amendment is one prepared by the Post Office Department.

Mr. MARTINE of New Jersey. I will simply say that it is a manifest injustice to them; that is all.

The VICE PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Post Offices and Post Roads was, on page 18, line 9, after the words "letter carrier," to strike out "post-office clerk, or special-delivery messenger" and insert "and assistant postmasters, supervisory officials, special clerks, clerks, and employees in post offices of the first and second classes who are appointed at a fixed salary," so as to make the paragraph read:

That hereafter the Postmaster General shall have authority to employ acting employees in place of all employees or substitutes hereinafter mentioned who are injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the employee's salary for the period of disability exceeding one year, but not exceeding 12 months additional, and the Postmaster General is authorized to pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives, for the benefit of wife, children, or dependent relatives, of any railway postal clerk, substitute railway postal clerk, supervisory official of the Railway Mail Service, post-office inspector, letter carrier in the City Delivery Service, rural letter carrier, and assistant postmasters, supervisory officials, special clerks, clerks, and employees in post offices of the first and second classes who are appointed at a fixed salary who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury: *Provided*, That no compensation shall be paid any such employee for any injury occasioned by his own negligence. To enable the Postmaster General to carry out the provisions of the above, $134,500.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. CLARK of Wyoming. Mr. President, I wish to ask the chairman of the committee whether or not this rule applies to other services than the Postal Service?

Mr. BANKHEAD. It does not.

Mr. CLARK of Wyoming. It seems to me there is a discrimination here in favor of the Postal Service. So far as I know, it has not been the custom of the Government or of Congress to grant compensation of this sort except in cases where the employees were engaged in hazardous service.

Where a railway mail clerk is injured or killed in the performance of his duty, I think it is quite right that some provision of this sort should be made; but if an assistant postmaster or a clerk in an ordinary post office is injured during the hours he is supposed to be on duty, probably in an accident entirely disconnected from his service, I do not know why we should fix a compensation here for injuries of that sort.

It occurs to me that we are entering upon a pretty wide field. If a clerk in a post office receives a compensation of this sort, surely there is an equal reason for including in this category a clerk in the War Department or a clerk in a land office or a clerk elsewhere performing similar duties with which no extra hazard is connected.

I think the committee ought to hesitate before extending to all parts of the service what was originally intended to cover the extra-hazardous part of the service.

Mr. BANKHEAD. I agree with the Senator when he says that this provision of law ought to be extended to all the departments equally with the Post Office Department. Unfortunately, however, the Post Office Committee could not deal with any other department than the Post Office Department. That is the reason why the extension has been made to which the Senator alludes, including in this provision employees who heretofore have not been included.

Mr. CLARK of Wyoming. Can the Senator give the reason that impelled the Post Office Committee to say that a man who might be injured in some way entirely unconnected with his employment should receive compensation from the Government—why the Government, in other words, should become an insurer of the life or limb of an employee?

Mr. BANKHEAD. Mr. President, I desire to call the attention of the Senator to the proviso at the end of this paragraph:

Provided, That no compensation shall be paid any such employee for any injury occasioned by his own negligence.

Mr. CLARK of Wyoming. Of course; that goes without saying. Suppose, however, the assistant postmaster or a clerk in the post office here in Washington should be injured, not through his own negligence, but in the ordinary course of his duty, while he was behind the counter or engaged otherwise?

Mr. BANKHEAD. Mr. President, this provision requires that the injury must be received while on duty.

Mr. CLARK of Wyoming. Of course, while on duty; that is, during the hours for which he is employed; but from the time he enters upon his employment in the morning until he leaves at night the Government becomes an insurer of his life and limb.

It seems to me that is a pretty dangerous proposition to enter upon. Of course, we have the utmost sympathy for people who are injured; but this is something which I have never known before. It seems to me an entirely new departure.

If we enter upon this field, does not the committee see where we are bound to land? We become an insurer for the life, for the limb, for all the injuries of everybody connected with the public service in whatever capacity. We give no advantage at

all of this insurance to the man for whom it was originally intended—that is, the man who is subject to railway accidents or the accidents peculiar to a hazardous or an extrahazardous occupation. We become an absolute insurer of the life and the limb of every employee of the Government, wherever he may be and under whatever circumstances, during the hours he devotes to the Government service. We become an insurer of every clerk in the Post Office Department, of everybody occupied in the Department of the Interior, of everybody in the War Department, and in the Navy Department, no matter what his occupation may be. We become an insurer of all of them during their office hours.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. VARDAMAN. I take it that the Senator from Wyoming is in favor of payment to the employee who is injured while in the performance of his duty?

Mr. CLARK of Wyoming. If it is a hazardous duty; yes.

Mr. VARDAMAN. How would the Senator make it clear to bring that about?

Mr. CLARK of Wyoming. I would strike out the names of any who were not engaged in a hazardous occupation.

Mr. VARDAMAN. He must be in the performance of his official duty when the accident occurs.

Mr. CLARK of Wyoming. That is very true, but he may be in the performance of his official duty and still have no hazard that the Government ought to protect. The Senator from Mississippi will see that there is a vast difference between the man who is in a railway mail car on a line of road where an accident is liable to happen to him at any time, as it often does happen, which can not be guarded against. It comes under the line of hazardous employment.

Mr. VARDAMAN. If the Senator will pardon me, a man could not in the nature of things suffer an accident of that kind in the performance of his duty unless there was some hazard, and some accident occurred for which he is not responsible.

Mr. CLARK of Wyoming. Of course, he is not responsible for it. He might be working in a country post office and the ceiling might drop and injure him.

Mr. VARDAMAN. That is a very remote contingency.

Mr. CLARK of Wyoming. It is the very contingency that is provided for in this amendment. Any accident that happens anywhere during the time that he is on duty is covered by this language.

Mr. VARDAMAN. I apprehend the Senator does not expect very much money to go out of the Treasury in cases of that kind.

Mr. CLARK of Wyoming. If the Senator realized the time the Committee on Claims of this body has worked over bills for the relief of people who have been injured in just that way he would understand something about it. What I started to say is, of course, if we are going to enter upon a proposition of that sort I have no earthly objection to it, if that is the theory upon which we want to go, but it must follow of right that if we extend this insurance to the post-office employees we must extend it to the employees of every other branch of the Government.

Mr. BANKHEAD. I desire to say to the Senator from Wyoming that the main purpose of the law as it was viewed by the committee is that this provision does not apply to any except those who are engaged in hazardous employment. It does not include, as I understand, the general employees of the Post Office Department except those specified in the amendment.

Mr. CLARK of Wyoming. Why should a clerk in a first or second class post office receive the additional compensation, if you choose to call it that, which does not apply to a clerk who performs identical duties in its general effect, in any other branch of the Government service.

As this provision was originally written into the Post Office appropriation bill, it was to protect those men who could not protect themselves. It was to protect those men who go upon our steam railways and in the railway postal cars, where the whole service, so far as that train is concerned, is wiped out by an accident and where no forethought of theirs could have prevented the injury. But it never was thought until this time to extend it to ordinary civilian employees.

Mr. BANKHEAD. The only excuse I have to offer is that this provision, except as to the amendment, came over from the House, and the Postmaster General strongly urged that this addition be made to it. I really do not know whether it should be done or not, but it was done at his earnest solicitation. When we receive a recommendation of that kind from the department in what is rather a small matter, we are always inclined to oblige the Postmaster General.

Mr. CLARK of Wyoming. I should like to oblige the Postmaster General if we would not be compelled to oblige all the other Cabinet officers and heads of bureaus who desire this same matter.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

The reading of the bill was continued to line 11, on page 19, the last clause read being as follows:

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, including rental of offices for division headquarters, and chief clerk, Railway Mail Service, in Washington, D. C., and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution can not under the Postal Laws and Regulations properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary and incidental to terminal railway post offices, $490,000.

Mr. BANKHEAD. I desire to offer an amendment at this point. In line 11, I move to strike out "$490,000" and in lieu to insert "$770,000."

The amendment was agreed to.

The reading was continued to line 8, on page 21.

Mr. BANKHEAD. I offer the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, after line 8, insert the following paragraph:

For two delegates to the International Postal Union at Madrid, fiscal year 1915, to be appointed by the Postmaster General from the Post Office Department, $5,000.

Mr. BRISTOW. I should like to inquire of the chairman if the committee passed upon this amendment?

Mr. BANKHEAD. It did not, I am sorry to say. This matter came up from the Postmaster General after the bill had been reported, and I have not had an opportunity to submit it to the committee; but I will state the facts: An appropriation has heretofore been carried for the purpose of paying the expenses of two delegates to the International Postal Union. The last appropriation we did not use, because the delegates did not go; but the Postmaster General now thinks it is decidedly important that the United States should be represented in the coming convention or else it will be dropped or excluded from the Postal Union, which has been organized with reference to postal matters in all the countries of the world.

Mr. BRISTOW. Let me inquire——

Mr. BANKHEAD. I have a letter here, if the Senator desires to have it read.

Mr. BRISTOW. Let me inquire if the chairman should not wait until the committee amendments are disposed of? I would like to inquire more fully into this matter.

Mr. BANKHEAD. Very well; I am willing to withdraw the amendment until the committee amendments have been disposed of.

Mr. BRISTOW. I should like to think about the amendment a while.

The VICE PRESIDENT. The reading of the bill will be continued.

The Secretary resumed the reading of the bill.

The next amendment was, on page 22, after line 6, to insert:

For travel and miscellaneous expenses in the service of the Postal Savings System, office of the director, $500.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to strike out:

POSTAL SAVINGS SYSTEM.

For blank books, forms, pamphlets, rubber stamps, canceling devices, and postal savings certificates for use in depository offices and banks, postal savings cards and stamps, official postage and stamped envelopes for use in lieu of penalty or franked envelopes, in the transmittal of free mail, authorized by act of June 25, 1910, including those used in the central office, $100,000.

And, on page 23, after line 6, to insert:

POSTAL SAVINGS SYSTEM.

For blank books, forms, pamphlets, rubber stamps, canceling devices, and postal savings certificates for use in depository offices and banks, postal savings cards and stamps, official postage and stamped envelopes for use in lieu of penalty or franked envelopes, in the transmittal of free mail, authorized by act of June 25, 1910, including those used in the central office, $100,000.

The amendment was agreed to.

The next amendment was, on page 25, line 14, after the word "service," to strike out "sanitary towels, brooms, mops," so as to make the clause read:

For miscellaneous items necessary and incidental to post offices of the first and second class (except labor incident to cleaning post offices, telephone rental, water rental, laundering and tower service, drayage, and miscellaneous service items), $125,000, of which $25,000 may be used for the purchase of post-office equipment.

The amendment was agreed to.

The next amendment was, on page 26, line 4, after the word "thereto," to strike out "$463,000" and insert "$363,000," so as to read:

For mail bags, metal for mail-bag attachments, cord fasteners, label cases, and material necessary for manufacture and repairing of equipment, and for incidental expenses pertaining thereto, $363,000.

The amendment was agreed to.

The reading of the bill was continued to line 7 on page 27.

Mr. BANKHEAD. I offer an amendment to come in at this point.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, line 7, insert after the word "service" the following proviso:

And provided further, That no portion of the sum so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress.

Mr. BANKHEAD. Mr. President, a word of explanation. The purpose of this amendment is simply to limit the weight of parcel-post matter carried by the star-route service to 50 pounds.

Mr. POINDEXTER. At what point in the bill is the amendment offered?

The VICE PRESIDENT. On page 27, line 7.

Mr. VARDAMAN. I wish to ask the chairman of the committee a question. Is the amendment offered by the committee?

Mr. BANKHEAD. I have offered it. It is along the line of the amendment the committee did offer.

Mr. VARDAMAN. It is along the line of the amendment that has been voted down.

Mr. BANKHEAD. Yes; it is along that line. I am willing to withdraw it and offer it as an individual amendment if the Senator insists upon it.

Mr. VARDAMAN. I do not insist upon it at all. I hope the amendment will not be adopted.

Mr. BANKHEAD. Mr. President, just one more word. The only purpose of the amendment, as I have stated, is to limit the weight to 50 pounds in any one package carried by the star-route service. If the Senate in their wisdom think that the men in the star-route service, who carry the mails over the mountains on horseback and otherwise, ought not to have some limitation upon the burden they are carrying, the Senate will so vote.

Mr. SMITH of Arizona. Or else, if the Senator will permit me, there should be some provision in the bill to compensate those men and not hold them down to the contracts that they were forced to make.

Mr. BANKHEAD. That is true, but the committee have no means of ascertaining what the amount is. There is no estimate of the amount. We simply thought, as a matter of precaution and justice, that these star-route contractors ought not to have imposed upon them by the Government the duty of carrying an immense amount of mail that they get no pay for and that they could not carry if it was offered to them.

Mr. SMITH of Arizona. In that I am in hearty sympathy, because people can not perform the service unless additional compensation is given them. They can not carry a 50-pound package on many star routes unless the Postmaster General has the power to fix a rate as he pleases and any weight he chooses in compensation for the service. If that is done, the star-route contractor will have no objection.

Mr. BANKHEAD. That can not be done in this bill. This proviso only extends to the life of this particular bill.

Mr. SMITH of Arizona. Does the bill make provision anywhere for giving the Postmaster General discretion in the matter?

Mr. BANKHEAD. No; the bill makes no provision for an increase of pay on a contract that has been entered into by the star-route people. There is a general law which authorizes the Postmaster General to adjust these matters, but there is no appropriation carried in the bill for that purpose.

Mr. VARDAMAN. Mr. President, the Senate on two or more occasions has expressed its disapproval of an amendment of this character. I do not see any necessity for bringing it up at this time. If the department makes arrangements to give to the people living along the rural routes an opportunity to enjoy the facilities afforded by the Parcel Post System, they ought to be permitted to have it. I do not think it is fair to discriminate against them in this way.

Mr. BANKHEAD. I want to say to the Senator from Mississippi that I have an amendment, similar to that, which I intend to offer to the rural-carrier provision of the bill.

Mr. VARDAMAN. Of course, I do not know what that amendment is.

Mr. BANKHEAD. It is exactly like this amendment, only it is applied to the appropriation for the rural service. There is no difference at all.

Mr. VARDAMAN. I take it that an intelligent Postmaster General, with the careful and prudent counsel he has, is not going to prescribe any rule that can not be carried out. He is not going to inaugurate a system which can not be executed without injury to the rural carriers or anybody else. He is not going to do an injustice.

I submit, Mr. President, this matter has been thrashed over here repeatedly, and I see no necessity for bringing it up at this time. I am very much opposed to it.

Mr. GRONNA. Mr. President, I agree with the Senator that if the Parcel Post System is defective it ought to be remedied. I do not believe it can be done in this way. This amendment is clearly legislation. I make the point of order that it is legislation on an appropriation bill.

Mr. LODGE. I ask that the amendment be read.

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. SMITH of Arizona. Let the amendment be read.

Mr. POINDEXTER. Mr. President, I should like to say a word upon the merits of the amendment and to point out that the Postmaster General has discretion, as the law is now, to withhold the extension of the parcel post from such star routes as may be advisable. I do not know that the Parcel Post Service has been extended to all the star routes.

Mr. BANKHEAD. Does the Senator know that there has been any exception of the star route?

Mr. POINDEXTER. No; I do not. I have not inquired into that phase of it.

Mr. BANKHEAD. The parcel post, I understand, reaches from one side of the country to the other and applies to all the service of the Post Office Department.

Mr. POINDEXTER. That is very true. The difficulties which contractors on the star routes labor under from the increase in the weight of the mail owing to the Parcel Post Service is one of the best arguments, in my judgment, for leaving with the Postmaster General a discretion to remedy that situation. It is impossible for Congress to determine where a star route needs relief and where a star route does not need relief. The Postmaster General withholds second-class mail from certain star routes. I know of star routes which carry only letters. He has discretion to withhold third-class mail from certain routes. He has discretion, as a matter of fact, to abolish a route altogether and to establish routes.

Mr. BANKHEAD. He has discretion to abolish the whole system as far as that is concerned.

Mr. POINDEXTER. The Senator from Alabama has never objected to the discretion being vested in the Postmaster General which enables him to establish post offices.

Mr. BANKHEAD. Oh, no; and I do not object to the discretion vested in the Postmaster General to change rates and zones. I have said that repeatedly and emphatically. I have no complaint to make on that score at all. He has done it and we have approved it. We have said, "Well done, Mr. Postmaster General."

All I want to do here is that the Senate shall say whether they are willing to put in any sort of limitation on weights that are required to be carried on star routes. The star-route carriers are carrying the mails now, as nearly everybody knows, because of competitive bids, at a low rate. Nearly all of it is carried on horses or burros or mules or in carts or something of that sort. If the Senate wants to declare to those people that we expect them to carry everything that is tendered to them—that if a parcel post comes along with a stove or any other thing that persons may be inclined to have, they must take it on their pony and deliver it to the point of destination—the Senate has an opportunity.

Mr. POINDEXTER. I would be opposed, just as much as the Senator from Alabama, to passing any such law as that. In fact, that is the very thing, if the Senator will pardon me, that I am attempting to oppose, the fixing of a hard and fast detail by statute depriving the administrative officials of the Post Office Department of discretion to remedy such matters.

Mr. BANKHEAD. This does not prevent the Postmaster General from reducing the weight of packages carried by the star routes to 20 pounds or 11 pounds, if he wants to do so in his discretion. It just simply says, "We do not think you ought to extend it beyond 50 pounds." He has discretion to say, "On the star route the weight of the parcel-post package shall be 11 pounds, or that the star-route parcel post shall be 20 pounds," or he can say it shall be 50 pounds. What I am asking the Senate to do is to say to the Postmaster General most respectfully, "Mr. Postmaster General, we do not think you ought to

insist upon increasing these rates beyond the 50-pound limit." That is all there is in the amendment.

Mr. MARTINE of New Jersey. Mr. President——

Mr. POINDEXTER. Just a moment, and then I will yield to the Senator from New Jersey. The Senator from Alabama is one of the most reasonable Senators and best natured there is in this body.

Mr. BANKHEAD. I hope so.

Mr. POINDEXTER. He accepts with the greatest good grace and good feeling any action which the Senate takes upon matters which he proposes.

Mr. BANKHEAD. Absolutely. I have no quarrel with the Senator.

Mr. POINDEXTER. I should like to ask the Senator a question, he being so reasonable. If the Postmaster General can be trusted with the authority and the discretion to establish star routes, determine where they shall be, what line they shall go over, to establish rural free delivery routes or to abolish them, to establish post offices or to abolish post offices, does not the Senator think he can also be trusted with the discretion of determining what star routes shall carry parcel-post matter, and what weights of parcel post shall go over star routes?

Mr. BANKHEAD. I am not entirely prepared to agree with the Senator on that proposition.

Mr. POINDEXTER. I did not ask the Senator to agree with me, but to state his opinion.

Mr. BANKHEAD. I said distinctly that I do not think the Postmaster General or anybody else ought to be permitted to increase the weights of the parcel post to be carried by the star-route service beyond 50 pounds until some provision has been made somehow, somewhere, to compensate these people and put them in a position to keep their contracts and transport the mail that is tendered to them over the star routes. There is nothing here to do that; there could not be anything in this bill to do that. Why not just drive a peg at 50 pounds and say, "This is the limit until some other arrangement is made"?

Mr. POINDEXTER. I am opposed to driving pegs into this system; we do not want any pegs in it; we want a good working machine, one well oiled and easily workable. The Senator says we are not doing anything in this bill to compensate star-route contractors for the extra weight they have to carry.

Mr. BANKHEAD. Mr. President——

Mr. POINDEXTER. Just a moment, if the Senator please. I want to point out that it is not necessary to do anything in this bill, but that provisions have already been made for compensating the star-route contractors for the extra weight which they have to carry.

I read a letter into the RECORD a few moments ago, which indicates that from time to time, as the weights increase on the several star routes through the establishment of the parcel post on them, the Post Office Department is keeping a careful census of it and is making an adjustment of the compensation to the contractors commensurate with the increase in the business, even so far as the current contracts are concerned. So, of course, as to future contracts, they will take into consideration the increased business. I say the Senator would be defeating his own purpose if he should succeed in his attempt to limit the discretion of the Postmaster General in adjusting these matters. There may be abuses in some instances. I know of one case where there is a post office on the international boundary line between New York and Ontario, with a Dominion post office in one end of a building and a United States post office in the other end of the building. A letter was mailed on the Canadian side, and it traveled 305 miles before it came into the American post office in the same building. Of course that is absurd; that is ridiculous.

Mr. BANKHEAD. Suppose it had been a 50-pound package?

Mr. POINDEXTER. But because there is an instance of that kind, it has never been proposed, and even the Senator from Alabama, with all of his friendly jealousy of the discretion of the Postmaster General would not propose, to deprive the Postmaster General of the authority to fix postal routes and post offices because there may be an abuse here and there.

Mr. MARTINE of New Jersey. Mr. President, I can not understand the existing tender solicitude for these star-route contractors. I can recall very well in my memory when a star-route contractor was about the most unsavory thing that could be mentioned in connection with the Government service in this country. Star-route contractors then were held up to scorn as being unholy and unclean, but to-day the solicitude is for the star-route contractor. I do not hear expressed any worry or comment as to the thousands of times when they have not been burdened with mail, when they have had fat and rich contracts out of the people's pockets; there is no worry about that, but all the solicitude to-day seems to be about this handful of star-route contractors.

Mr. BRISTOW. Mr. President——

Mr. MARTINE of New Jersey. One moment, sir. It may be that we have grown a better race of contractors in this year of our Lord 1914 than we had in 1863, 1865, 1867, and 1870, but I think they are very much the same kind of animals. [Laughter.]

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. MARTINE of New Jersey. I yield.

Mr. BRISTOW. I desire to suggest to the Senator from New Jersey that I think he would withdraw those remarks if he understood the facts.

Mr. MARTINE of New Jersey. Well, I think that I do understand the facts.

Mr. BRISTOW. If the Senator will yield to me, I will undertake to convince him that he does not.

Mr. MARTINE of New Jersey. I yield.

Mr. BRISTOW. In the days of the star-route scandals, to which the Senator from New Jersey is referring, it was the practice for one man to take contracts, say, for a thousand, or it may have been for more, star routes, and then sublet them.

Mr. MARTINE of New Jersey. Yes.

Mr. BRISTOW. During the McKinley administration that was changed, so that now any man who is a star-route contractor must live on the route. Star-route contractors are citizens of the various communities which they serve, and they are as good men as are the rural carriers or any other class of citizens.

Mr. MARTINE of New Jersey. I am not denying that.

Mr. BRISTOW. I know the Senator is not; but I assert they are honest men who are working for their living.

Mr. MARTINE of New Jersey. I am making no charge against the contractors of to-day. I simply say that the designation "star-route contractor" was obnoxious to all fair men; and, unfortunately, the Senator's party reaped the obloquy that came with the service at that time. I believe star-route contractors are entitled to just and fair remuneration and compensation; and, as has been stated by the Senator from Washington [Mr. POINDEXTER], the department is now making all arrangements and collecting data in order that they may be fully and justly recompensed. I know the chairman of the Committee on Post Offices and Post Roads [Mr. BANKHEAD] is as patriotic as any man in this body and is animated by the most lofty hopes, purposes, and desires to bring about the best service to our country; but, I fear, if we continually drive pegs into this system we shall cripple that which has been a blessing to the whole country and which is approved by almost everybody from one end of the land to the other.

Mr. SUTHERLAND. Will the Senator from New Jersey permit me to ask him a question?

Mr. MARTINE of New Jersey. Certainly.

Mr. SUTHERLAND. Does the Senator from New Jersey know how many of these star-route contractors there are?

Mr. MARTINE of New Jersey. No; I can not tell the Senator.

Mr. SUTHERLAND. Let me say to the Senator that there are several thousand of them.

Mr. MARTINE of New Jersey. I thought there were fully that many.

Mr. SUTHERLAND. There are several thousand men who have taken these contracts. They are, as the Senator from Kansas [Mr. BRISTOW] has stated, citizens of the particular localities in which they are engaged. They are in the main men of small means; they are not rich contractors; they have a few head of horses and, in some instances, a stage coach or a wagon or two. They are in a situation where the burden that has been already imposed upon them is quite likely to ruin them.

Mr. MARTINE of New Jersey. But they are all anxious——

Mr. SUTHERLAND. Wait a moment. The Senator from New Jersey says that the Postmaster General in his own time will adjust all that; but in the meantime the contractors are ruined, and they are liable on their bonds to action by the Government.

Mr. MARTINE of New Jersey. But the remarkable fact is that these men are seeking these contracts eternally, and all the time asking for renewals.

Mr. SUTHERLAND. They are not seeking these contracts.

Mr. LODGE. They are trying to get out of them.

Mr. MARTINE of New Jersey. Who?

Mr. LODGE. Nearly all of them.

Mr. MARTINE of New Jersey. That statement is very general.

Mr. LODGE. A case was cited by the Senator from New Mexico [Mr. FALL] the other day, down in New Mexico.

Mr. MARTINE of New Jersey. I do not recall the statement of the Senator from New Mexico.

Mr. SUTHERLAND. Let me say to the Senator from New Jersey that the star-route contractors are not seeking these contracts.

Mr. MARTINE of New Jersey. The department seems to have no trouble in placing the contracts.

Mr. SUTHERLAND. Will the Senator bear with me until I can make my statement to him?

Mr. MARTINE of New Jersey. Certainly.

Mr. SUTHERLAND. I repeat these men are not seeking these contracts. They have contracts of an entirely different character. They have taken contracts from the Government of the United States for certain sums of money to carry the mail that may be brought to them; but the Postmaster General by his order has imposed upon them a burden far greater than any of them contemplated in the beginning. They are compelled by that order of the Postmaster General to carry tons of ore out of mining camps at the rate of 54 cents for 50 pounds, carrying it sometimes for 50 or 75 miles, when it would be an utter impossibility to get an ordinary freight wagon to carry the ore for that sum of money. Does the Senator from New Jersey think it is fair to these contractors to compel them to do that? If the Government shall finally compensate them for it, does the Senator from New Jersey think it a wise policy upon the part of the Government to compel the carrying of ore out of mining camps, the carrying of bedding, and the carrying of stoves, everything of that kind, at a rate of about a cent a pound, when it costs by ordinary freight 4 or 5 cents a pound?

Mr. MARTINE of New Jersey. Well, in answer to that question, I will say as to the carrying of bedding, yes; but as to the more aggravated instance, as was suggested by the Senator from Kansas yesterday, of carrying steam shovels, I should say no. I do say, however, that we have the assurance of the department that they are studying this matter and that recompense will be given. The general answer, I think, to the Senators who are pressing this matter is, when you say the contractors can not carry these articles, "How can you demonstrate what they can do until they shall have had an opportunity to do it?" We propose to give them a fair and liberal opportunity. It will bring better results to the people and add to the popularity of this system.

Mr. SUTHERLAND. The difficulty is that the study of the department seems to come after their action.

Mr. MARTINE of New Jersey. No.

Mr. SUTHERLAND. I would have no objection to the department studying the question and then acting after their study; but they have proceeded to put into operation this order bringing the size of the packages up to 50 pounds and compelling the star-route contractors to carry such packages and compelling the rural free delivery carriers to carry such packages. They should have had their study in advance of making any such order.

Mr. MARTINE of New Jersey. How could they study what the requirements would be until they had an absolute situation presented to them? There would be no way to judge.

Mr. SUTHERLAND. It would have required very little study for anybody to have ascertained that no star-route contractor could carry parcels of that character out in that mountain country at the rate of a cent a pound.

Mr. MARTINE of New Jersey. I will say generally, in answer to that, that we have the assurance of the Postmaster General, who was before our committee, that he had given much study and consideration to this proposition and had no doubt as to the wisdom of it. I am quite willing to trust that great administrative arm of our administration at this particular time. I believe that we will be better satisfied and the public will be better satisfied. There may be some little inequalities; I will not say that the system is perfect, but I believe it will be worked out as nearly perfect as human judgment can make it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. BANKHEAD].

Mr. GRONNA. Mr. President, a moment ago I made a point of order against the amendment offered by the chairman of the committee. The Chair overruled the point, and I submit to the judgment of the Chair. The amendment is offered to a provision in the bill which sets forth that where service is given on a rural route no money——

Mr. BANKHEAD. Not a rural route; it refers to a star route.

Mr. GRONNA. I understand, if the Senator will permit me to finish my statement.

Mr. BANKHEAD. All right.

Mr. GRONNA. The amendment proposes a limitation or, in other words, seeks to change existing law. The pending bill contains a provision to the effect that where the public is served on a star route none of the money appropriated by the bill can be used for Rural Free Delivery Service. It seems to me, Mr. President, it would be most unfortunate to permit the shipment, under the system of parcel post, of packages exceeding the weight of 50 pounds on railroads and then to prohibit such shipment on a rural free-delivery route.

I am well aware, Mr. President, that the pending amendment only affects star routes, but the chairman of the committee has stated that he proposes to offer a similar amendment which will affect rural free-delivery routes. For that reason I say that it would, in my judgment, be unfair to the rural communities to say that those who live on rural routes shall not have the advantage of shipping or sending a package weighing more than 50 pounds, although we will permit the shipment of such packages over the railroads. I hope that the amendment will not be adopted.

Mr. VARDAMAN. It occurs to me, Mr. President, that if the Postmaster General can be trusted to deal with this question in other branches than the rural service, he certainly can be trusted here. I think it is an unfair discrimination against the man who lives upon the rural routes. The effort has been made from the beginning of the consideration of this bill to limit the power of the Postmaster General; to take from him the authority and discretion which are given him by general law. Now, Senators are perfectly willing that 50 pounds shall go through the mails. A great deal has been said about the shipping of 50 pounds of ore. The same objections could be urged to shipping 25 pounds of ore. There would be just a little bit more trouble in making up the package, but the same amount of ore, the same weight could be shipped through the mails. I do not think it will be prudent for the Congress to interfere with the development of this great plan, and I sincerely hope that the Senate will vote down the amendment. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Sherman
Bankhead	Gronna	Oliver	Shively
Brady	James	Page	Smith, Ariz.
Brandegee	Jones	Perkins	Smith, Md.
Bristow	Kern	Poindexter	Smoot
Bryan	Lane	Pomerene	Stephenson
Catron	Lee, Md.	Ransdell	Sutherland
Chamberlain	Lodge	Reed	Swanson
Clark, Wyo.	McCumber	Robinson	Thompson
Cummins	McLean	Root	Townsend
Dillingham	Martine, N. J.	Shafroth	Vardaman
du Pont	Nelson	Sheppard	Warren

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present. The question is on the amendment offered by the Senator from Alabama [Mr. BANKHEAD], which the Secretary will state.

The SECRETARY. Under the paragraph providing "For inland transportation by star routes," on page 27, line 7, after the words "Rural Delivery Service," it is proposed to insert:

And provided further, That no portion of the sums so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress of the United States.

Mr. POINDEXTER. I ask for the yeas and nays on the amendment.

Mr. LANE. Mr. President, I wish to say in relation to the amendment that there is an injustice being placed upon a number of star-route contractors. That injustice should be remedied, and they should be allowed compensation for the work they do; yet, on the other hand, this amendment is a sweeping one and would hit all down the line at the parcel-post system. I do not think the pending amendment should be adopted, but another amendment which will fit the case should go into this bill.

Mr. CLARK of Wyoming. Mr. President, I for one do not believe that there should be any discrimination in the mail service of the United States. I believe that so long as we have a mail service it should be uniform in its operation, and that the same benefits should be received from the mail service by the man who lives 50 miles from a railroad, if he is on a regular mail route, as by the man who lives directly upon the railroad. I believe, as indicated in the discussion some time ago, that there is danger of the parcel post breaking down if the weight limit is increased; but so long as we have determined

that there shall be no limit upon the Post Office Department as to the amount of matter which may be sent by parcel post to one man, I believe we would depart from the general equity of our mail system if we should say that another man living elsewhere shall not receive the same benefits from the same service, and at the same price. It seems to me that would be rank injustice; and yet there is such a discrimination created by the amendment proposed by the committee. So long as we have the system, it should be uniform in its operation and should "play no favorites" either as to localities or as to individuals.

Mr. BRISTOW. Mr. President, I desire to suggest to the Senator from Wyoming that we should then revise our mail laws as to Alaska. The Senator knows that letter mail is forwarded in Alaska, but that carriers are not required to take the heavy packages. Such provision has been made there because it is necessary, and the Senator must admit that it is absolutely impossible to turn the Post Office Department into a freight-carrying establishment in the mountains at a cent a pound.

Mr. CLARK of Wyoming. I say there ought to be a difference, and freight ought not be carried into the mountains nor ought it to go elsewhere at a cent a pound. There ought to be a difference in the system, but the Senate has already voted to make no change in the system. If you are going to discriminate between those who live upon a railroad and those who live off from a railroad, then it is time we did revise the whole system. Of course, Alaska is unique; it occupies a place in our legislation that no other section in the United States occupies. We build railroads in Alaska when we build them nowhere else; our land laws are different in Alaska from what they are anywhere else; the courts of justice are different in Alaska from what they are anywhere else; civil government is different in Alaska from what it is anywhere else. We do not consider Alaska in our general legislation at all.

Mr. GRONNA. Mr. President, I desire to ask the Senator from Wyoming if it would not be a better plan to classify this matter and let the freight go by freight trains rather than to deny to a certain class of people the use of the mail through the parcel-post system and say to others that they shall enjoy the use of it?

Mr. CLARK of Wyoming. There is no question of it, I think. I believe everybody will admit that there must be a readjustment of our mail service, and if we are going into the freight business, it must be conducted on a different basis.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Arkansas?

Mr. CLARK of Wyoming. I do.

Mr. ROBINSON. Reference has just been made to Alaska. My information is that there is a flat rate of 12 cents on all parcel-post matter in Alaska and that there is no zone limitation in Alaska.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BANKHEAD].

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair and its transfer and will vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. GALLINGER (when his name was called). I again announce the transfer of my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. As he would vote the same as I on this question, I feel at liberty to vote. I vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. As he would vote on this matter as I vote, I vote "yea."

Mr. ROOT (when his name was called). Because of my pair with the senior Senator from Colorado [Mr. THOMAS] I withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Arkansas [Mr. CLARKE], which I transfer to the junior Senator from West Virginia [Mr. GOFF], and will vote. I vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the senior Senator from Florida [Mr. FLETCHER] and withhold my vote.

The roll call was concluded.

Mr. KERN. I again announce my pair with the senior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Georgia [Mr. SMITH] and will allow my vote to stand.

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. LIPPITT. On account of my pair with the junior Senator from Montana [Mr. WALSH], I refrain from voting. If at liberty to vote, I should vote "yea."

The result was announced—yeas 18, nays 31, as follows:

YEAS—18.

Bankhead	Gallinger	Overman	Stephenson
Bristow	Lodge	Perkins	Sutherland
Bryan	McCumber	Ransdell	Weeks
Catron	Nelson	Simmons	
Dillingham	Oliver	Smoot	

NAYS—31.

Ashurst	Jones	Poindexter	Smith, Ariz.
Borah	Kern	Pomerene	Smith, Md.
Brady	La Follette	Reed	Swanson
Chamberlain	Lane	Robinson	Thompson
Clark, Wyo.	Lee, Md.	Shafroth	Tillman
Cummins	Martine, N. J.	Sheppard	Townsend
Gronna	Norris	Sherman	Vardaman
James	Page	Shively	

NOT VOTING—45.

Bradley	Fletcher	Martin, Va.	Smith, S. C.
Brandegee	Goff	Myers	Sterling
Burleigh	Gore	Newlands	Stone
Burton	Hitchcock	O'Gorman	Thomas
Chilton	Hollis	Owen	Thornton
Clapp	Hughes	Penrose	Walsh
Clarke, Ark.	Johnson	Pittman	Warren
Colt	Kenyon	Root	Williams
Crawford	Lea, Tenn.	Saulsbury	Works
Culberson	Lewis	Shields	
du Pont	Lippitt	Smith, Ga.	
Fall	McLean	Smith, Mich.	

So Mr. BANKHEAD's amendment was rejected.

The reading of the bill was resumed, beginning on page 27, line 8.

The next amendment of the Committee on Post Offices and Post Roads, was, on page 27, line 10, after the words "Rural Delivery Service," to strike out "$48,650,000" and insert "$53,000,000," so as to read:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $53,000,000.

The amendment was agreed to.

The next amendment was, on page 27, line 13, after the word "substations," to insert:

Provided, That on and after July 1, 1914, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,200 per annum.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee what increase that amendment makes in the rural carrier service?

Mr. BANKHEAD. Four million three hundred and fifty thousand dollars.

Mr. JONES. I mean, in the annual salary of the carriers.

Mr. BANKHEAD. Just about $100.

Mr. JONES. About $100 to each one?

Mr. BANKHEAD. No; not to each one. It makes an increase of $100 for a standard route, making the total salary $1,200.

Mr. JONES. I see; it is an average of $100 each.

Mr. BANKHEAD. There are some routes above 24 miles that the carriers get nothing extra for carrying, and there are some below where they get less.

Mr. JONES. Does the Senator think this increase is adequate to take care of the increased business that the rural carriers will have to take care of?

Mr. BANKHEAD. Why, no; I do not think so; but it is the best we could do. I do not think twice that amount is going to take care of them in a little while.

Mr. JONES. Does not the Senator think that if we require the rural carriers to render increased service we ought to give them just compensation for it?

Mr. KERN. Mr. President, I should like to ask the Senator from Alabama if he apprehends that there is any danger of any of them resigning?

Mr. BANKHEAD. A good many of them have done so recently.

Mr. KERN. There have been very strong efforts made to put a good many of them out of their positions, without any success. [Laughter.]

Mr. JONES. Mr. President, I simply desire to say that I am glad to see there is an increase made, but I do not think the increase is as large as it ought to be. I recognize the fact that if we require either the star-route carriers or the rural-delivery carriers or the city carriers to do a largely increased amount of work we are going to have to pay for it, first or last.

Mr. BANKHEAD. Mr. President, the trouble the committee had—and I apprehend the same trouble will confront the Senate—was that we had no means of knowing what the increase was going to be. We are simply providing as best we can for the present.

Mr. JONES. I am not criticizing the committee. I feel that the committee has done the very best it could possibly do in the matter. I know the chairman of the committee recognizes the large burden we are putting on these people.

Mr. BANKHEAD. I do.

Mr. JONES. Of course he has tried to keep it down, and, from his standpoint, properly so. While I voted against the committee with reference to these amendments I have not closed my eyes to the fact that if the Government requires of these officers these great burdens, we shall have to pay for them.

I have always thought the salaries of the rural delivery carriers were less than they ought to be. I think they have been the poorest paid class of employees we have in the Government service.

I wish to call the attention of the Senate to a statement I have here, from a rural carrier, as indicating the expenses to which the carriers are put and the sort of compensation they get. I know the committee is familiar with this matter.

Mr. BANKHEAD. While I am on my feet I desire to say that it is a fact that the salaries of the rural carriers have been increased decidedly more rapidly than those of any other employees of the Government. The truth is that from the beginning of the service their salaries have been increased 300 per cent.

Mr. JONES. I know that. The trouble was that they started too low.

Mr. BANKHEAD. I do not mean by that to say that their salaries are now entirely adequate.

Mr. JONES. No.

Mr. BANKHEAD. But it seemed to me that when we made this increase of $100 a year it was about as far as we could safely go at this time. When we have a little more information, and when we get a little better knowledge of what the conditions are and what increase is to be made in the burdens imposed, perhaps we shall be able to do more adequate justice than we are now.

Mr. JONES. I understand that. I do not think Congress can be criticized for not treating these employees fairly, because, as the chairman of the committee says, since the service was organized there have been numerous increases in the salaries of the carriers. I have always thought the salaries started very much too low, and that for the service these people have to perform and the expense to which they are put their real compensation is very low.

I have here a statement from a carrier in my State, going into detail with reference to his expenses. I wish to call it to the attention of the Senate. This is a carrier on a standard route, as I understand. The length of his route is 26 miles. His salary is $1,100. The number of boxes on the route he serves is 216. The number of families served is 280. The number of patrons served is 1,400. This route is on the west side of the mountains; the country is a little bit hilly, and the roads are not generally very good, or, at least, not at this time of the year.

The carrier states that it requires 9 hours and 15 minutes every day to cover his route. Sometimes the time required is greater than that, and sometimes a little bit less, but the average is 9 hours and 15 minutes, instead of 8 hours, to which we limit other post-office employees. My recollection is that by mandatory legislation we prohibited them from working more than eight hours a day, but this carrier has to work on an average over nine hours every day.

The following is an inventory of the necessary articles for handling the route, and the cost of them:

Three horses, at a cost of $325. That, I think, is a very reasonable valuation for the horses he would have to have.

Two vehicles, $80.

Harness, $32.

That makes a total investment of $437 for the actual implements he has to use in order to perform the service the Government requires of him, in addition to his own labor.

The cost of operation he gives as follows:

Annual interest on the investment—which he computes at 8 per cent—$34.96.

Depreciation, $70.

Feed for horses, $325.

Horseshoeing and veterinary expenses, $80.

Repairs to vehicles and harness, $70.

Barn rent, $60.

Making a total of $639.96.

That is the actual expense this man has to pay out in taking care of the work on his route independently of his own labor. For his labor and for his expenditure he receives a salary of $1,100. In other words, he receives for his own services an actual compensation of $460.04, or a little over $30 a month.

It seems to me that is a very, very small compensation, and much smaller than we pay to most of the other Government employees.

I do not know that I shall propose an amendment to increase the amount at this time. I feel, as the chairman has said, that the committee has done the best it felt it could possibly do in the matter.

Mr. GALLINGER. The Senator might well add that this man is likely to lose a horse or have his vehicle destroyed by accident at any moment.

Mr. JONES. Oh, certainly.

Mr. GALLINGER. That happens from time to time.

Mr. JONES. It happens very frequently, and when it does the carrier gets no reimbursement at all for it. He takes all of that risk.

I introduced and had referred to the committee an amendment to the bill, making an increase of 20 per cent on the salaries for the various routes. It seemed to me that was a fair increase, especially considering the greatly increased business that must come to the rural carriers by reason of the parcel post that we have put into operation. I feel that this salary ought to be raised to about $1,320. Feeling, however, that the committee has done the best it could do, I do not think I shall propose an increase at this time. I wanted, however, to call these facts to the attention of the committee.

I have here a statement showing the average salaries of the rural carriers in various parts of the country. They are all down to about five or six hundred dollars, and some of them a little bit higher than this gentleman gives here.

Mr. POMERENE. Mr. President, I understand that the standard rural route is 24 miles in length. Many of the routes are in excess of that amount. For this excess the carriers have not heretofore received any extra compensation and will not under the provisions of this bill. For every 2 miles below the standard route a reduction is made from the $1,100 salary heretofore allowed.

It seems to me that as these routes vary in length, and as the standard route is 24 miles, there ought to be some increase for the mileage in excess of 24 miles, and some reduction for the mileage below that amount.

I am advised that there are 10,037 of these carriers who receive standard pay.

Mr. BANKHEAD. Mr. President, will the Senator yield to me for one moment?

Mr. POMERENE. I yield.

Mr. BANKHEAD. I am exceedingly anxious to get the bill into the Senate to-night, and this is the only amendment remaining to be considered. The Senator can offer his amendment when the bill gets into the Senate, if he wishes to do so.

Mr. POMERENE. I was going to offer it as an amendment to the committee amendment.

Mr. BANKHEAD. The Senator can do that when the bill gets into the Senate.

Mr. POMERENE. There is no objection to doing it now, is there, from a parliamentary standpoint?

Mr. BANKHEAD. Oh, I do not make an objection. I simply wanted to get the bill into the Senate to-night, if possible.

Mr. POMERENE. My judgment is that it might as well be disposed of now as later. If there is no objection on that score, I shall submit the amendment.

Mr. BANKHEAD. I made no objection.

The VICE PRESIDENT. There is no parliamentary objection.

Mr. BRISTOW. Will the Senator let the amendment be read?

Mr. POMERENE. I was going to send it to the desk. I will send it to the desk now, and ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 27, line 16, after the words "per annum," it is proposed to insert:

Provided, however, That for each mile above the standard rural delivery route of 24 miles there shall be added $30 per year, and a deduction of a like amount for every mile below the standard; major fractions of a mile to be considered a full mile: *And provided further*,

That the maximum salary for routes of any length shall be $1,320 per annum.

Mr. POMERENE. Mr. President——

Mr. BRISTOW. I make the point of order that that is legislation on an appropriation bill.

Mr. POMERENE. Mr. President, we are providing here for the salaries of these men.

The VICE PRESIDENT. A point of order is raised by the Senator from Kansas. The Chair is not conversant with the orginal law establishing the Rural Free Delivery System, and the Chair would like to be informed as to what the law is.

Mr. BRISTOW. If the Senator from Ohio desires to be heard first on the merits of the amendment, I will withhold the point of order for the present.

Mr. POMERENE. I was going to occupy only a moment further.

Mr. BRISTOW. Then I will withhold the point of order for the present.

The VICE PRESIDENT. Very well.

Mr. POMERENE. As I am advised, there are 10,037 of these carriers with standard routes of 24 miles. They receive standard pay. There are 20,354 of these carriers with more than the standard routes, and they receive no allowance for excess mileage. There are 12,447 with less than the standard route, and for these carriers there is a reduction made.

It does seem to me that if 24 miles is to be regarded as the standard route for which the Government is going to give compensation, common justice would suggest that where the length of the route is in excess of that amount there should be some increased pay; and particularly should this be so in view of the fact that the Government has seen fit to make a reduction where the mileage falls below the standard route.

For that reason I have offered the amendment.

Mr. GALLINGER. If the Senator pleases, is $30 the deduction that is now made by the Government when the route falls below the standard?

Mr. POMERENE. I am not advised as to the amount of the reduction. I am advised that there is a reduction for every 2 miles which it falls below the standard, but what the amount is I have not now in mind.

Mr. GALLINGER. The Senator fixes it at $30, does he?

Mr. POMERENE. That was the purpose of the amendment—to fix both the increase and the reduction at $30 per mile per annum.

Mr. GRONNA. Mr. President, I trust a point of order will not be made against the amendment offered by the Senator from Ohio.

In the State which I have the honor in part to represent a great many of the rural routes are 30 miles in length, and some of them are 35 miles in length. The maximum amount paid to the carrier is $1,100 per year. Under the amendment proposed by the committee the carrier would receive $1,200 per year. I believe in justice to these men, however. I believe there should be additional pay for every mile above the standard route, which is 24 miles.

Mr. GALLINGER. Is it not a fact, Mr. President, that the carriers traveling 35 miles get only the standard rate?

Mr. GRONNA. That is a fact.

Mr. GALLINGER. They get the same compensation as a man who travels 24 miles?

Mr. GRONNA. That is a fact.

Mr. GALLINGER. That is manifestly unjust.

Mr. GRONNA. It is unjust; and for that reason I hope no one will make a point of order against the amendment proposed by the Senator from Ohio.

The Postmaster General has authority now to reduce the pay of the carrier where the route is less than 24 miles in length. I believe the deduction made is $30 for every 2 miles. Where the carrier has to travel from 5 to 10 miles more than the standard route it seems to me we should make some provision for it and allow the carrier at least a small compensation for this additional work.

I sincerely hope the Senator from Kansas will not make the point of order against this amendment.

Mr. McCUMBER. Mr. President, may I ask the Senator from Ohio what is the method by which the reduction is made below the standard under the present rule?

Mr. POMERENE. There is a reduction made, I am advised, for every 2 miles which it falls below the standard; but the amount of the reduction I have not in mind.

Mr. McCUMBER. I understand the amendment which the Senator from Ohio recommends makes a reduction of $30 for each mile?

Mr. POMERENE. Yes.

Mr. McCUMBER. Can the Senator give me the smallest number of miles that are being covered in any of these routes? I think the Senator will find that by making a reduction of $30 for every mile he will strike a great many cases in which the reduction will be too great. Even though a carrier did not have more than 6 or 8 or 10 miles to go, he would have to keep up the same equipment; and while he would not have to give the same number of hours to the work, he would have to give the major portion of each day to that particular service.

I think the Senator's amendment would do an injustice unless he fixes a limit, as we have fixed a limit in some other amendments, namely, that in no instance should the amount fall below $600 or $800. In other words, I am very positive that the Senator's amendment would do an injustice to a great many carriers who have less than the standard route and perhaps not more than 8 or 10 miles of rural routes.

Mr. POMERENE. Mr. President, I will ask the Senator whether he has any suggestion to make as to what the minimum should be.

Mr. McCUMBER. I do not think there should be any salary of less than $800.

Mr. POMERENE. I am willing that the amendment shall be modified to that extent, so as to provide that there shall be no salary below $800, and I will amend it in that particular.

Mr. BRISTOW. Mr. President, I desire to say that the fixing of the standard route and the graduations down was made some years ago, and that has been recognized as the legal arrangement for the compensation of the carriers. Every time we have increased the pay of the carriers we have increased the pay so much for the standard route, and then the Postmaster General has adjusted the shorter routes according to the amount fixed by Congress for the standard route.

In regard to the Senator's complaint of the long routes, we must remember that this country is a country of great diversity, and there is nothing more diverse in it than the condition of the roads. In my own State there are routes 24 miles long or 20 miles long where the burden of delivering the mail is just as great as on other routes of 30 miles, it depending upon the condition of the roads.

The department in establishing a rural route takes into consideration all the elements that enter into the situation at that particular place. I think it has fixed the maximum at 30 miles. Years ago the maximum was 35 miles. If the department believed that the condition of the roads was such and the amount of mail to be delivered was of such a quantity that the carrier could make a trip of 35 miles without an excessive burden, the route was put in. If the route proposed was too long for the number of people served, then the route was declined and it was not established and the people were not given the service.

Take star routes in any State, the State of Ohio, where a carrier may travel 30 miles, as the Senator says. If he has fine roads he has an easier job than other carriers in other sections of the State, where the roads are bad, where they get muddy in the wintertime, and where the country is hilly. You can not with absolute equity fix a rigid requirement. The department and Congress in the 15 years the service has been in operation have fixed 24 miles as the standard route, and all the appropriations have been made with that in view. I think it would be very unfortunate to change that standard. I do not believe the department is establishing routes of more than 25 miles, unless the conditions existing on a particular route are such that the extension can be made without a great burden to the carrier.

I make the point of order because the amendment is manifestly legislation. I think that will be admitted by the Senator from Ohio. It is changing the existing law, beyond any question, and it is not limiting any appropriation, but increasing the appropriation.

Mr. POMERENE. May I ask the Senator for information? Has the standard been established by a statute or by an order of the department?

Mr. BRISTOW. It is 24 miles. It was originally established by order of the department. It has been afterwards recognized in the statute.

Mr. BANKHEAD. Mr. President, the rule now is that $1,100 is paid to a carrier on a standard route of 24 miles. There is nothing additional paid if the route is 25 or 26 or 30 miles; the carrier simply gets $1,100. But when it falls below the standard there is a reduction in the price.

The VICE PRESIDENT. Does the Chair understand the Senator from Kansas to say that there is a statutory law providing that a rural route shall be 24 miles?

Mr. BRISTOW. Twenty-four miles is the standard route.

Mr. ROOT. By statute?

Mr. BRISTOW. It is a statute in the appropriation act. Eleven hundred dollars for a standard route of 24 miles is the

appropriation. This simply adds additional legislation, and that is the point of order I make.

Mr. SHEPPARD. It is a statute confined to a particular set of men, and it does not apply generally. It seems to me that the amendment is not general legislation.

Mr. BRISTOW. Mr. President, I can not understand the argument of the Senator from Texas that this is not general legislation when it is incorporating into the statute a law which does not exist and never has existed. If that is not legislation, what is?

Mr. SHEPPARD. It is legislation, but it is special legislation. Special legislation on an appropriation bill is permitted under the rule.

The VICE PRESIDENT. The Chair has knowledge of certain decisions of courts of last resort in this country to the effect that changing the salary of an official in an appropriation act is not general legislation. The officer takes the office not only with its burden but also with the right on the part of the legislature to alter the salary in an appropriation act. The Chair is impressed with the view that that is the only reason why the proviso put in the bill by the committee is not general legislation. It proposes to change the salary from $1,100 to $1,200 per annum. The amendment proposed by the Senator from Ohio is simply changing the salary upon another theory.

Mr. BRISTOW. If the Chair will permit me, I desire to state that the amendment is subject, in my opinion, to the point of order. This amendment was stricken out in the House on the point of order that it was legislation, but I do not think that any Senator here will make a point of order against the amendment which the committee recommends. I do not think there is a Senator here who does not recognize that it is a just amendment and that a point of order should not be made against it.

I desire to say, further, that Rule XVI, beginning with the fourth line from the bottom, reads:

> To the Post Office bills to the Committee on Post Offices and Post Roads; and no amendments shall be received to any general appropriation bill the effect of which shall be to increase an appropriation already contained in the bill—

This manifestly increases the appropriation—

> or to add any item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

The VICE PRESIDENT. If the Senator from Kansas makes the point of order on that clause of Rule XVI, the Chair will sustain it, but not on the ground that it is general legislation.

Mr. BRISTOW. The point of order is made against the amendment of the Senator from Ohio, but not against the amendment of the committee.

The VICE PRESIDENT. The Chair does not believe that changing the salary is general legislation at all. It has nothing to do with the duties of the office.

Mr. BANKHEAD. Mr. President, it is perfectly evident, I think, that we can not finish the bill this evening. Several Senators advise me that they wish to transact some other business. I ask that the bill be temporarily laid aside.

The VICE PRESIDENT. Without objection that will be done.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day it be until Monday next.

The motion was agreed to.

FISHERIES REGULATIONS.

Mr. SHIVELY. Mr. President, I ask unanimous consent for the present consideration of Senate bill 4437, to give effect to the treaty concerning fisheries in waters contiguous to the United States and the Dominion of Canada. The bill is Calendar No. 244 under Rule VIII.

The VICE PRESIDENT. Is there objection?

Mr. CLARK of Wyoming. Let the bill be read for information.

Mr. POMERENE. I do not know that I have any objection to interpose to the consideration of the bill at the present time, but I have a telegram here from my colleague received within an hour. I ask that it be read for the information of the Senate.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

NEW YORK, *February 27, 1914.*

Senator POMERENE,
United States Senate, Washington, D. C.:
Please hold fisheries bill, recently reported, until my return.
T. E. BURTON.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BRANDEGEE. Before that is decided I wish to ask the Senator from Ohio a question. The request he has just submitted pertains to this bill?

Mr. POMERENE. It relates to this bill.

Mr. BRANDEGEE. Is the Senator from Ohio, who sent the telegram, a member of the committee from which the bill comes?

Mr. POMERENE. He is a member of that committee, the Committee on Foreign Relations.

Mr. BRANDEGEE. I do not know enough about the measure to raise an objection until I am advised a little. I wish to ask the Senator from Indiana if, in view of the telegram just read, he presses his request for unanimous consent? It is evident the Senator from Ohio wishes to be present when the bill is considered. Does the Senator wish to consider it during his absence?

Mr. ROOT. Mr. President, I do not think if the Senator from Ohio [Mr. BURTON] were here that he would object. The bill which the Senator from Indiana has now brought up is a bill to put into effect a treaty made nearly six years ago. Under the treaty it was agreed that regulations should be prepared by a commission appointed by Canada and by the United States. The commissioners have agreed upon the regulations, and the treaty provided that the two Governments would put them in force.

The regulations were agreed upon more than four years ago. The Canadian Parliament passed a law putting them into effect. There were some objections at that time to some of the regulations. There was a subcommittee of the Committee on Foreign Relations which took them into consideration, heard the objections, reported upon them, and the matter has been sent back to the commissioners to deal with it. But the whole thing has dragged along now for five years without the Government of the United States complying with its obligation to put those regulations into effect.

Finally, after acting with the greatest consideration and patience, the Canadian Government has given notice that they must fix some limit beyond which they could not be bound without our being bound, and they fixed the 1st of March next. Upon that the President brought the matter to the special attention of the Committee on Foreign Relations, and this bill, to which nobody has any objection, to which no one has made any objection after all these years of opportunity, is now ready for action.

It seems to me that the situation is such that no one has any right to say that we should not proceed to perform our duty.

Mr. POMERENE. Will the Senator from New York inform the Senate as to how and by whom the limitation of March 1 next was placed?

Mr. ROOT. I understand it was a notice from the Canadian Government to our Government.

Mr. POMERENE. When was this notice given to our Government?

Mr. ROOT. I do not know. It was communicated by the executive department.

Mr. SHIVELY. Mr. President, this is emergent legislation in the sense that the purposes of the treaty may fail because of delay in ratifying the regulations proposed and submitted to give effect to the treaty. Senators will note that in the report accompanying the bill is a communication from the President urging early action on the measure. This communication concludes as follows:

> Similar legislation was adopted and was put into effect on the part of Canada three years ago, and we are informed that unless this Government shall be in a position on the 1st of March reciprocally to perform its obligations the object of the treaty, which is of manifest importance to the permanent interests of both countries, will be defeated.

There is urgency, and for manifestly good reasons. The treaty was made over five years ago. The commissioners reported the regulations over four years ago. The Dominion of Canada promptly enacted suitable legislation to carry the treaty into effect. The subject was before the Committee on Foreign Relations three years ago. Objections were raised to certain regulations. These objections have been obviated. The regulations in the proposed form are agreeable to the Canadian Government. They are agreeable to the fisheries authorities of the United States. They are agreeable to the fisheries authorities of the State of Michigan, from which certain objections came when the regulations were first submitted. They seem to be agreeable to all interests concerned in them.

It would gratify me to be able to accommodate the senior Senator from Ohio. But I can not believe that under the peculiar circumstances of the case, action at this time will prove disagreeable to him. Moreover, by the terms of the bill the regulations do not go into effect until the 1st of January. Meanwhile, by the text of the bill, immediately on its enact-

ment the United States International Fisheries Commission is instructed to "begin inquiries with a view to determining what modifications in the regulations are required by existing conditions," and to report the same to Congress at the opening of its next session with recommendations for whatever changes the commission may deem proper and necessary. The bill signalizes now our intention to put the treaty into effect. The postponement of the going into effect of the regulations until next January allows ample opportunity to cure any defect that may develop in the meantime.

Mr. POMERENE. If the Senator will permit me, my attention was not called to this matter until within very recent days. It was brought up and briefly considered in the Committee on Foreign Relations. I knew of no objection to the bill; in fact I knew nothing about it until this morning I received protests from some of the fishing interests of the State of Ohio, and later the telegram came from my colleague.

I realize that this measure seems to have had very full consideration by the committee and by the commissions representing both Governments, and while I would be very much gratified if it could be delayed so as to give my colleague an opportunity to be heard, as he requests in the telegram, at the same time, under the information which is given here by the acting chairman of the committee, I do not feel justified in taking the responsibility of asking for further delay.

Mr. POINDEXTER. Mr. President, the fishery interests of the State of Washington are very deeply interested in this bill. When the treaty was first made the fishermen of Washington, especially those interested along the international border, were opposed to its ratification. But as time has gone on the need of such regulations as have been agreed upon under the treaty has become manifest, and the great fishery interests there are now very anxious that action should be taken toward carrying out the provisions of the treaty.

Very recently there was a gathering of some of the most important interests connected with fishing in the Pacific Northwest at a great convention of cannery men held in Baltimore, which was addressed by the Secretary of Commerce. I saw a number of those men as they went and came from the city of Baltimore. They represented that some early action, the quicker the better, for carrying out the terms of the treaty was necessary to prevent the extinction of some of the most important fisheries in the Pacific Northwest, particularly with reference to the great salmon fisheries of the Fraser River. Salmon coming in through the Strait of Juan de Fuca going to the spawning ground in the Fraser River pass through the waters of the San Juan Islands and travel during the greater part of the entire journey, along the international boundary line, and experience has demonstrated that it is impossible to properly restrain and regulate the fishing for salmon, as that great silver horde goes to the spawning ground, without carrying out the terms of this treaty.

Mr. BRANDEGEE. Mr. President, I know nothing about the merits of this legislation. It appears that the bill was introduced by the Senator from New York [Mr. ROOT] on the 10th of February and reported by the acting chairman of the committee on the 26th, which was yesterday. It is not on my file. I have sent for a copy of the bill. It appears that it has just come from the printer. Of course I have had no opportunity to see what the bill is and my position upon it is not taken in any respect with relation to the merits of the bill. I know nothing about it. I assume that it is a meritorious bill from what the Senator from New York [Mr. ROOT] and the Senator from Indiana [Mr. SHIVELY] and the President have said. I did state, however, that the Senator from Ohio, as he is a member of the committee and has requested an opportunity to be here, under ordinary circumstances ought to have it. He will be here on Monday. I understand from the Senator from Indiana that this legislation ought to be in effect, if possible, by the 1st of March, which will be Sunday. I do not want to do anything unreasonable about this, but since I addressed the Chair the secretary of the senior Senator from Ohio [Mr. BURTON] has told me that the Senator has asked him to request a Senator to object to unanimous consent being now given. I shall make that objection, but I have no objection whatever to the Senator moving to proceed to the consideration of the bill. If the Senate wants to do it, action can be had in that way. I shall not oppose it in any way; but I do think when a Senator asks to have an objection entered and says he will be here within two days that I ought to object, and that is my sole reason for doing so.

Mr. SHIVELY. Mr. President, I appreciate the question of courtesy raised by the Senator from Connecticut [Mr. BRANDEGEE]. The secretary to the senior Senator from Ohio spoke to me this afternoon about the matter. I explained to him the situation. The urgency of this legislation has only very recently come to the attention of the Senate, and I feel certain that the Senator is not aware of this urgency. Under the circumstances, I feel that I can not refrain from pressing the bill to a conclusion. True, the bill was reported only yesterday. But the bill in substantially the same form was before the Committee on Foreign Relations three years ago and two years ago. Three years ago it was the subject of special hearings before a subcommittee. By an amendment to the regulations which I shall offer certain objections then advanced will be removed.

Mr. BRANDEGEE. I have said that I should not oppose any motion to proceed to the consideration of the bill.

Mr. SHIVELY. Then, Mr. President, I move that the Senate proceed to the consideration of Senate bill 4437.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4437) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908.

Mr. SHIVELY. I ask unanimous consent to dispense with the reading of the text of the bill and to proceed with the consideration of the amendments.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill was reported to the Senate without amendment.

Mr. SHIVELY. On page 5, in the first paragraph of the schedule, in line 14, before the words "Georgian Bay," I move to insert the words "Saginaw Bay and."

Mr. McCUMBER. Mr. President, I wish the Senator from Indiana would briefly explain what that amendment means, in order that I may direct a very few remarks to that particular point.

Mr. SHIVELY. By reference to the first paragraph of the schedule, it will be observed that Georgian Bay, in Canada, is excluded from the operation of these regulations. This was because this bay is situated clearly and exclusively within Canadian territory. Saginaw Bay lies quite as completely within the United States as does Georgian Bay within Canada. There is no part of the waters of Saginaw Bay that touches Canadian land, nor the Canadian line in Lake Huron; these waters are entirely within the United States. The mouth of the bay is southward many miles from the boundary line between the United States and Canada. The commissioners of the respective countries have agreed that these waters should be exempt from the operation of these regulations, and in this they are in full agreement with the fisheries authorities of the State of Michigan, whose jurisdiction covers all these waters.

Mr. TOWNSEND. That is correct.

Mr. SHIVELY. All are in agreement as to the wisdom and policy of excluding the waters of Saginaw Bay from the scope of these regulations.

Mr. McCUMBER. Mr. President, are they agreed as to the wisdom of the policy of excluding Saginaw Bay from the regulations as much as they are agreed that they had better do that than to have no agreement at all?

Mr. SHIVELY. No; it is not that, Mr. President; though, of course, excluding what should not be in the regulations would facilitate their ratification. The waters of Saginaw Bay, I repeat, do not touch Canadian soil nor the Canadian line at any point. They are entirely within the United States, just as Georgian Bay, which is expressly excluded, is within the Dominion of Canada.

Mr. McCUMBER. Mr. President, if each one of the two nations were going to do whatever they saw fit in their own waters up to the line dividing the two countries, then there need be no regulations whatever. The very purpose of the regulations is to protect the fish in those lakes, and the fish will not themselves recognize the boundary line in going from one portion of a lake to another.

Mr. SHIVELY. But, Mr. President, this does not involve excluding anything that goes to the boundary line. This piece of water does not touch the boundary line; it lies back a great distance and is all within United States territory. Its northern limits are at least 50 miles south of the Canadian boundary.

Mr. McCUMBER. Well, Mr. President, let us go back a little in this matter. A commission was appointed on the part of the Canadian Government, represented by Great Britain, and on the part of the American Government to provide regulations governing the fisheries of the Lakes so that the fishing industry in the waters lying between Canada and the United States would not be entirely annihilated. That was the original purpose of the agreement, and it was intended to cover not only Saginaw Bay, but any other body of water constituting

practically a portion of the Lakes, including Georgian Bay and Lake Michigan. At that time our commissioners, if I understand the history of this matter correctly, did not want to include Lake Michigan in the agreement, because practically all of Lake Michigan is within the United States, and we did not want to recognize that lake as a part of the water to be considered in the agreement. As I understand, no objection was made to that, provided we would also agree to exclude Georgian Bay, which is also a land-locked bay. So Lake Michigan, which is purely, clearly, and wholly within the United States, was taken out on one side, and Georgian Bay, which is purely and clearly within Canada and is really a land-locked bay, was taken out on the other side, so that one would offset the other.

When you come to Georgian Bay, I admit that it is agreed that it shall be excluded, and the Canadian as well as the American commissioners are also perfectly willing that Saginaw Bay shall be excluded, but I confess I can not see the reason for excluding Saginaw Bay, which is a V-shaped bay, on one side of Lake Huron, with its wide end toward the lake, and which is as much a portion of that lake as one end of it. Saginaw Bay is just as much a portion of Lake Huron as the end of Lake Superior is a part of that body of water. Unless it be that the fish in the particular locality of Saginaw Bay remain there, that they are different from other fish and need a different character of treatment, I can not see why the same rule that is to govern all over the Lakes should not govern upon one side of Lake Huron.

For my part, I think that even Lake Michigan and the Georgian Bay should have been included, but the commissioners saw fit in the treaty—and I am speaking now of the treaty and not of the regulations—to balance the one as against the other. Now, in reality, we are changing the treaty by this bill by excluding another open bay which is not land-locked, but which is a part of Lake Huron.

There ought to be some reason outside of the agreement why we should make a rule as to one side of the same lake different from that applying generally. I admit if Saginaw Bay were not a part of Lake Huron you might frame a different rule, the same as you do in the case of Lake Michigan, and the same as you do in the case of Georgian Bay, but Saginaw Bay is a part of Lake Huron.

Mr. LODGE. Mr. President, the question of Saginaw Bay came up when the regulations were first presented to Congress some years ago. I was a member of the subcommittee at that time, with the Senator from Indiana [Mr. SHIVELY] and the senior Senator from Michigan [Mr. SMITH]. We had a full hearing on the question, and we were all convinced that Saginaw Bay ought to be excluded. Canada now withdraws any objection to our excluding Saginaw Bay, and, if Canada does not object, certainly there can be no other good ground for objection.

It was understood when the committee reported the bill favorably that this amendment would be offered, because the senior Senator from Michigan was pressing it very strongly, and I think it ought to be made as a matter of good faith to the senior Senator from Michigan, who is a member of the committee. I will say also that it met with the approval of the entire committee.

Mr. President, the matter of the regulation of fisheries under this treaty has been delayed some six years, and we are likely to lose the benefit of the treaty and likely to lose all control of the fisheries, which I believe would result in the destruction of the lake and northwestern fisheries, if this bill is not enacted promptly. I earnestly hope that the Senator from North Dakota will allow the bill to pass as reported from the committee.

Mr. McCUMBER. Mr. President, I want to ask the Senator one question right there. He says that if Canada has no objection there can be no ground for not excluding Saginaw Bay. I had supposed it to be the purpose of the treaty and the regulations to protect the fish in the Lakes. If the fish do not go from Saginaw Bay into the center of Lake Huron, then I can see that if the Canadians make no objection we should not; but if the fish in Saginaw Bay do leave that bay, if they are the same kind of fish as others in the Lakes, if they need the same kind of protection, then how can the Senator say that the whole thing depends upon whether Canada wants it or does not want it?

Mr. LODGE. Mr. President, the object was to protect the fisheries where action by the two Governments was necessary. So far as the protection of the fisheries is concerned, the fisheries in Saginaw Bay are entirely under the protection of the State of Michigan; and the Michigan Fish Commission, as I know, having examined the question, has the most elaborate and ample regulations for the protection of the fisheries. The question of protecting the fisheries in Saginaw Bay is not involved at all; they are protected now.

Mr. McCUMBER. If they are protected in another way, that might be a reason for the exclusion of Saginaw Bay.

Mr. LODGE. They are thoroughly protected. I know that from personal examination when I was on the subcommittee.

Mr. TOWNSEND. Mr. President, there can be no question, I will say to the Senator, that they are protected. There is no question that this subject was considered by the commission when the matter was brought up. Saginaw Bay is, as the Senator says, not a landlocked bay, but it would have been a landlocked bay if it had not been for the improvements which have been put upon it. So far as fishing is concerned, however, it is quite as much landlocked as is Georgian Bay. The fish can pass from Georgian Bay into Lake Huron quite as readily as they can from Saginaw Bay.

I repeat what the Senator from Massachusetts has stated, namely, that the Canadian commissioners are satisfied with the exclusion of Saginaw Bay; they have investigated the question as to the protection of the fish under the Michigan laws, and are satisfied with those laws.

It has been agreed in the committee that this provision shall apply to Saginaw Bay the same as it does to Georgian Bay; and it seems to me that, with due protection provided, the United States Government at least ought not to raise any objection to the proposed regulations. For myself, I know from the history of the controversy and from the examination which has been conducted, that the fish in Saginaw Bay will be as fully protected under the laws of Michigan as they will be under the joint regulations which will be made. Therefore, Mr. President, inasmuch also as the House committee has unanimously agreed to this provision and there will be no objection to it, as I understand, in the House, I hope that the Senate will raise no objection to it.

Mr. McCUMBER. Mr. President, the Senator's statement that under the laws of Michigan the fish will be protected in that particular bay just as fully as they would be under the joint regulations proposed to be established would be sufficient to allay any suspicion I might have that the exclusion of Saginaw Bay would be detrimental to the fisheries.

Mr. ROOT. Mr. President, I think it would be a great misfortune to have this long-continued attempt at the preservation of a great food supply fail because of a question about this particular bay. If the Government of Canada is content that Saginaw Bay be left out of the regulations which are now to be put in force by the acts of Congress, rather than imperil the whole undertaking I should assent to that bay being left out. If it shall appear hereafter, however, that the good faith of the treaty and the interests of the preservation of the fish supply require that the regulations shall be extended over Saginaw Bay, I consider that Congress retains the power to extend them.

We are not changing the treaty. We are not violating any provision of the treaty, nor are we repealing or denouncing any provision of it. We are simply refraining from extending the regulations over this particular bay at this time, with the understanding that the Government of Canada is satisfied that we should refrain at this time making the regulations apply to all the other waters mentioned in the treaty. For that reason I am content to remain silent.

Mr. BRANDEGEE. Mr. President, where did the amendment come in? Will the Senator repeat that?

Mr. SMOOT. May I ask the Senator a question before that is done?

Mr. BRANDEGEE. I withdraw what I said.

Mr. SMOOT. No; I do not want the Senator to withdraw it.

Mr. BRANDEGEE. But the Senator from Utah wants to ask a question before that is done; so I withdraw my request to give the Senator that opportunity.

Mr. SMOOT. I notice that this is a Senate bill. Has the House had this matter under consideration?

Mr. SHIVELY. The House committee has had it under consideration. I think it has been reported and is on the House Calendar.

Mr. LODGE. They have reported it. It is on the House Calendar.

Mr. SMOOT. So if we pass this bill to-night the House no doubt will substitute the Senate bill for the House bill to-morrow?

Mr. SHIVELY. Yes; and with these amendments it will conform in all respects to the House bill as reported.

Mr. BRANDEGEE. Now, I renew my inquiry, Mr. President, as to where the amendment comes in?

Mr SHIVELY. On page 5, in the first paragraph of the schedule, down on line 14. The lines are not numbered.

Mr. BRANDEGEE. That is what I wanted to know.

The VICE PRESIDENT. How can the Senate amend a schedule?

Mr. BRANDEGEE. Why not?

Mr. SHIVELY. In line 14, after the word "excluding," it is proposed to insert the words "Saginaw Bay and."

Mr. BRANDEGEE. I simply wanted to be sure that the Secretary got it in the right place, as the lines are not numbered.

The VICE PRESIDENT. The Secretary does not know just how to journalize this matter. A bill is not being amended. It seems to be a schedule that is being amended.

Mr. SHIVELY. I stated in my motion an amendment to the first paragraph of the schedule. I named line 14, not because the lines of the schedule are numbered, but because the amendment is to be inserted in what, on count, is line 14. I do this for the purpose of distinguishing the exact place of the amendment to any one who should have occasion to look the matter up in the text of the schedule before us.

The SECRETARY. It is proposed, in the schedule, to amend by inserting, before "Georgian Bay," the words "Saginaw Bay and."

Mr. SHIVELY. That is right.

Mr. NELSON. There is another place where the same amendment should come in.

Mr. SHIVELY. Yes; but let us first dispose of this amendment.

The VICE PRESIDENT. There does not seem to be any objection to it, but——

Mr SHIVELY Then, if that amendment is declared adopted, I wish to suggest another amendment on page 10.

The VICE PRESIDENT. The Chair would like to inquire of the Senator from Indiana whether he considers the schedule as being any part of the bill?

Mr. LODGE. Certainly; it is an integral part of the bill.

Mr. SHIVELY. It is a part of the bill. It is a part of the thing that is being put in force by the bill; that is being given force and effect; and it is competent for us to amend it.

The VICE PRESIDENT. Very well.

The amendment was agreed to.

Mr. SHIVELY. On page 10, under the title "The Great Lakes System," in line 5, before the words "Georgian Bay," I move to insert the words "Saginaw Bay and."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10 of the schedule, under the heading "The Great Lakes System" and before the words "Georgian Bay," it is proposed to insert the words "Saginaw Bay and."

The amendment was agreed to.

The VICE PRESIDENT. If there be no further amendment to be proposed, the question is, Shall the bill be ordered to be engrossed and read a third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908."

Mr. BRANDEGEE. Mr. President, I wish to ask, simply for my own information, if it is necessary for this to be in operation on the 1st day of March, whether it could be signed by the Vice President on Monday and still accomplish its purpose?

Mr. SHIVELY. I believe so.

Mr. BRANDEGEE. Very well.

Mr. SHIVELY. Mr. President, I wish to place in the RECORD copies of two telegrams bearing on the subject of the bill just passed.

The VICE PRESIDENT. In the absence of objection, that order will be made.

The matter referred to is as follows:

WASHINGTON, D. C., *February 11, 1914.*

Prof. EDWARD E. PRINCE,
Commissioner of Fisheries, Ottawa, Canada:

Are you willing and in position to agree that for present Saginaw Bay be exempted till further investigation?

H. M. SMITH, *Commissioner.*

FEBRUARY 13, 1914.

Mr. HUGH W. SMITH,
Commissioner, Fisheries Bureau, Washington, D. C.:

Yes. Understanding still holds regarding Saginaw Bay exemption.

E. E. PRINCE.

Mr. KERN. Mr. President, when I made the motion a while ago that the Senate when it adjourns to-day should stand adjourned until Monday next, I did so after a pretty full consultation with Members on both sides. Since that time, however, I have been informed by the chairman of the Committee on Post Offices and Post Roads that it is highly important that progress be made on the Post Office appropriation bill to-morrow. On account of the urgency of his request to that effect, I move to reconsider the vote by which the Senate agreed to adjourn until Monday at 12 o'clock.

The motion to reconsider was agreed to.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 28, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 27, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Blessed be the name of the Lord our God, whose blessings are without number, whose patience is unceasing, whose love is beyond compare. Help us, we beseech Thee, to summon up all that is purest, noblest, best in us, that we may render unto Thee faithful service in the work Thou hast called us to do, and reap the fruits of peace, joy, and righteousness in the Holy Ghost. And songs of praises we will ever give to Thee. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. KITCHIN, for an indefinite period of time, on account of sickness in his family.

To Mr. GORDON, for three days, on account of important business.

BILLS ON THE PRIVATE CALENDAR—PENSIONS.

Mr. BURKE of Wisconsin. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, this being private pension day.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] moves that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

Mr. BURKE of Wisconsin. Pending that motion, Mr. Speaker, I desire to ascertain from gentlemen on the opposite side if we can agree upon some time for general debate on the private pension bill H. R. 13542, reported from the Committee on Invalid Pensions.

Mr. DIES. I do not know if I am one of the persons whom the gentleman from Wisconsin is addressing, but I have some remarks that I want to submit on this pension matter. I do not know whether I can submit them in the time that might be allotted to me in general debate. I do not think I could do it satisfactorily under the five-minute rule, under the rules governing the Committee of the Whole House.

Mr. GARDNER. Mr. Speaker, we can not hear the discussion over here.

Mr. DIES. I say it will take me about an hour to say what I want to say, and I do not think I can say what I want to under the five-minute rule. An hour is all that I want.

The SPEAKER. Let us see who controls this other time. The leading Republican on the committee is Mr. LANGHAM; then Mr. LANGLEY, Mr. KINKAID of Nebraska, Mr. CRAMTON, Mr. PARKER, and Mr Moss of West Virginia.

Mr. BURKE of Wisconsin. I understand that they are all in favor of the bill.

Mr. MONDELL. Mr. Speaker, what was the request?

The SPEAKER. No request has yet been made. Gentlemen are trying to find out how much time shall be devoted to general debate.

Mr. BURKE of Wisconsin. Mr. Speaker, I think it has been verbally agreed by the only person who represents any opposition and myself that we shall be satisfied with an hour and ten minutes of general debate, one hour to be used by the gentleman from Texas [Mr. DIES] and ten minutes to be controlled by myself.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] asks unanimous consent, pending the motion to go into Committee of the Whole House, that the general debate be limited to an hour and ten minutes, the gentleman from Texas [Mr. DIES] to have one hour and the gentleman from Wisconsin [Mr. BURKE] ten minutes.

Mr MONDELL. Mr. Speaker, reserving the right to object, do I understand that that is to cover general debate on all the pension bills that will be called up?

Mr RUSSELL. Just this one bill.

Mr. BURKE of Wisconsin. Only this one bill.

Mr. MONDELL. Well, Mr. Speaker, I have not heard from anyone on this side who desires to speak on this bill, and therefore I shall not object.

Mr. SLAYDEN. Mr. Speaker, reserving the right to object for a moment, I would like to ask the gentleman if that time could not be extended by 20 minutes more? I had hoped and expected to get in for that length of time on the Army appropriation bill, but I have a number of constituents here who have some business that requires attention, and everybody recognizes the importance of constituents, and, if it is possible to do so, I would like to have this time extended by 20 minutes, so that I can get in now and get through and get out.

Mr. Speaker, the gentleman from Wisconsin says that is satisfactory to him.

The SPEAKER. The request is changed so as to make it one hour and a half—20 minutes to be occupied by the gentleman from Texas [Mr. SLAYDEN], 1 hour by the gentleman from Texas [Mr. DIES], and 10 minutes by the gentleman from Wisconsin [Mr. BURKE]. Is there objection?

Mr. MONDELL. Mr. Speaker, this is rather an unusual request to have the entire time consumed on that side; but I have had no requests on this side for time, and I shall not object to this amended request, providing 15 minutes' time is added to it that we may use on this side if we desire.

Mr. BURKE of Wisconsin. That is satisfactory to me, Mr. Speaker.

The SPEAKER. The request is again modified to make it one hour and three-quarters—an hour to be given to the gentleman from Texas [Mr. DIES], 20 minutes to the gentleman from Texas [Mr. SLAYDEN], 10 minutes to the gentleman from Wisconsin [Mr. BURKE], and 15 minutes to be controlled by the gentleman from Pennsylvania [Mr. LANGHAM]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the motion to go into Committee of the Whole House.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. ANSBERRY] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Mr. ANSBERRY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of the bill H. R. 13542, which the Clerk will report.

The Clerk read the title of the bill as follows:

A bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. BURKE of Wisconsin. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BURKE] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 846. William C. Barnes.
H. R. 918. Hattie A. Vaughan.
H. R. 1243. Rebecca Crawford.
H. R. 1246. Rachel I. Holloway.
H. R. 1258. William H. Cornell.
H. R. 1391. George S. West.
H. R. 1485. Dempsey P. Wilder.
H. R. 1552. Francis L. Lewis.
H. R. 1611. Francis M. Tripp.
H. R. 2797. John K. Ricker.
H. R. 2815. William A. Charles.
H. R. 2847. Edmund Buck.
H. R. 3537. Frederick Flowers.
H. R. 3590. Amanda I. Allison.
H. R. 3620. Don F. Fuller.
H. R. 4211. Samuel K. Lowman.
H. R. 4446. James H. Bartlett.
H. R. 4448. Orlando Burt.
H. R. 4506. Joel Benjamin.
H. R. 4815. Hannah Leaverton.
H. R. 4943. Charlotte S. Manley.
H. R. 5196. Julius Vogt.
H. R. 5425. Miller Stocking.
H. R. 5427. Daniel W. Spring.
H. R. 5526. Dennis Sullivan.
H. R. 5558. Cyrus R. Rand.
H. R. 5640. Harmon S. Allen.
H. R. 6117. Caroline Bitterny.
H. R. 6118. Elizabeth Logan.
H. R. 6119. Seton Harper.
H. R. 6159. Nathan M. McCoy.
H. R. 6564. Isabel Troutman, now Clark.
H. R. 6618. Andrew Krear.
H. R. 6883. Charles H. Pickerell.
H. R. 7009. Thomas C. Diltz.
H. R. 7098. Nancy Smith.
H. R. 7339. Luther Jenkins.
H. R. 7340. John W. Bayne.
H. R. 7866. Joseph Lambert.
H. R. 8034. Nancy Moore.
H. R. 8090. Maggie A. Trimmer.
H. R. 8438. Maggie Dausch.
H. R. 8823. Edward Brady.
H. R. 8842. Frances Rollins.
H. R. 9081. Lawrence Sexton.
H. R. 9129. Perry Hanshaw.
H. R. 9132. Angeline Shade.
H. R. 9173. Elizabeth Mayer.
H. R. 9355. Annie Egan.
H. R. 9384. George J. Beeman, alias George Armstrong.
H. R. 9403. George W. Weaver.
H. R. 9654. Daniel Ruff.
H. R. 9937. Simon S. Tuttle.
H. R. 9938. J. Deloss Pruyn.
H. R. 10159. Mary A. Elderkin.
H. R. 10279. Margaret McGrath.
H. R. 10294. Alice Randall.
H. R. 10365. James H. Sickles.
H. R. 10427. Catherine T. Keating.
H. R. 10432. Peter Banks.
H. R. 10482. Lucinda Layne.
H. R. 10592. Rebecca Ann Hayes.
H. R. 10907. Orren J. Cary.
H. R. 10908. William H. Conklin.
H. R. 10954. Solomon D. Brenchley.
H. R. 10961. James Stewart.
H. R. 10968. Jacob M. Stewart.
H. R. 11087. Michael Eck.
H. R. 11090. Sarah J. Wootton.
H. R. 11363. George M. Trickey.
H. R. 11383. James Richey.
H. R. 11451. Jesse C. Parks.
H. R. 11544. Archibald T. Lee.
H. R. 11552. Emery Hughes.
H. R. 11596. Nathan Goff.
H. R. 11669. Euceba H. Sherman.
H. R. 11674. Isaac F. Jenness.
H. R. 11702. Gid. H. Jewett, guardian of Mabel P. Jewett.
H. R. 11708. Aphia M. Hough.
H. R. 11713. John H. Keys.
H. R. 11718. Sarah C. Russell.
H. R. 11725. Talitha C. Riley.
H. R. 11786. William Adams.
H. R. 11867. Susan J. Stockwell.
H. R. 11872. Minnie Newton.
H. R. 11888. Granville Lanham.
H. R. 11935. John W. Barrett.
H. R. 11949. Charles Blacker.
H. R. 11951. Eliza A. Keech.
H. R. 11955. Henry Pickle.
H. R. 12010. John W. Reinoehl.
H. R. 12035. Austin Phillips.
H. R. 12037. Amyel Baker.
H. R. 12063. Oliver C. Hurd.
H. R. 12069. John Rice.
H. R. 12077. Emmeline E. Phelps.
H. R. 12080. William K. Evans.
H. R. 12086. Stephen Wood.
H. R. 12160. George W. Hurd.
H. R. 12188. Margaretha Hammer.
H. R. 12204. James E. De Wolf.
H. R. 12205. Susanna B. Bragg.
H. R. 12209. Harriet D. Carpenter, now Lincoln.
H. R. 12211. John Hover.
H. R. 12259. Maggie A. Hodges.
H. R. 12271. Isaac N. Potter.
H. R. 12346. Angie E. Leslie.
H. R. 12362. Cuthbert A. Jones.
H. R. 12363. Elizabeth S. Campbell.
H. R. 12375. Tabitha Cochran.
H. R. 12384. Julian Turgon.
H. R. 12478. Jane D. Stone.
H. R. 12513. William R. Myers.
H. R. 12522. Abram Adamson.
H. R. 12530. Isaac Carter.
H. R. 12542. Ormon W. Walsh.
H. R. 12605. Lester Newton.
H. R. 12616. Andrew Pletz.
H. R. 12619. Bridget Mullen.
H. R. 12636. Elisha B. Ogle.
H. R. 12642. Sarlida J. Monroe.
H. R. 12676. Albert H. Lamphear.
H. R. 12698. John Sturtz.
H. R. 12705. Frederick Scheufler.
H. R. 12718. George Burgess.
H. R. 12773. Michael H. Dibert.
H. R. 12782. David Good.
H. R. 12790. Charles F. Haines.
H. R. 12791. Harrison Rightmire.
H. R. 12809. John D. Moriarty.
H. R. 12811. James M. Stewart.
H. R. 12845. Fountain P. Kephart.
H. R. 12852. George W. Pate.
H. R. 12894. Charles B. Gaskill.
H. R. 12987. Sylvania Collins.
H. R. 13124. Tolbert Robison.

Mr BURKE of Wisconsin. Mr. Chairman, the bill under consideration (H. R. 13542) contains 137 pension items, consisting of 90 pension items for ex-Union soldiers, 37 pension items for the widows of Union soldiers, and 8 items for dependent children of such soldiers.

The total carried by the bill is $43,464 per year. Of this amount, only the sum of $17,658 per year is an increase. The committee has tried to be very careful in the consideration of the items included in this bill, and we do not believe that any of them is open to any serious objection. We hope that, after due consideration, the bill with all of the items contained in it will be duly passed.

I reserve the balance of my time.

Mr. SLAYDEN. Mr. Chairman, I am very greatly obliged to the gentleman from Wisconsin [Mr. BURKE] and to the House for the courtesy extended to me.

Mr. Chairman, we heard yesterday afternoon from the gentleman from Tennessee [Mr. MCKELLAR] a very interesting speech on certain military conditions in this country; or, to speak more accurately, on certain alleged military conditions. He referred with a considerable degree of vigor, and with propriety, to those declarations which come from time to time from high officials of our military establishment to the effect that the Army of the United States is incapable of the discharge of its duties in the event that we are confronted by even a minor crisis. If one can put confidence in the declarations of these spokesmen for the American Army, it is the merest travesty of a military force.

It has been charged recently that we did not have material of war sufficient to conduct a battle of 30 minutes' duration. It has been alleged that the Army is inefficient, because we do not appropriate money enough for its training; that we have not officers enough; and that, altogether, speaking from the military point of view, the country is in a most deplorable condition. Why, sir, we have had our apprehensions excited until some of us have lain awake at night, fearful that some great military power like Haiti or Santo Domingo or northern Mexico, perhaps, would invade us, destroy all of our property, and imperil the lives of ourselves and of our families. It has been hinted—in fact, I have seen it stated in the public press—that if that peripatetic and vehement type of pure democracy, Pancho Villa, should for the moment put aside his gentle and cultivated inclination to rape, murder, and arson, and suppress for the time being his devotion to the Mexican constitution and cross into Texas, the Army of the United States would be incapable of repelling the invader. Mr. Chairman, let me say for the comfort of those gentlemen that should Mr. Villa turn aside from his ordinary amusements and undertake to invade the United States through Texas, Texas herself will guarantee the defense of the soil of this country, the territory of that great State, and, if necessary, protect the Army of the United States. [Applause and laughter.]

However, Mr. Chairman, that is not what I took the floor to talk about. The usual annual suggestions from the administrative departments in connection with appropriations for the naval and military services of the Government have taken a rather new form this year. Usually we are terrified by the Germans or by the Japs, and, alternating, they are our favorite enemies for the time being, as one or the other is conceived to be more potential in securing appropriations. This year the absurdity of that argument having possibly dawned on the minds of these gentlemen, the appeal has been made to us that there should be additional rank given to naval officers. Why? Because when they go across the ocean on social victories bent, at reviews and in the vicinity of the courts and royalties, if it happens that a foreign naval officer of a shade higher rank should turn up at the same time, they would have to go into the anteroom to greet his majesty a moment later than the man with the superior rank. Therefore it has been proposed that we create, I believe, six vice admirals.

Mr. MADDEN. Will the gentleman yield?

Mr. SLAYDEN. I yield to the gentleman from Illinois.

Mr. MADDEN. If that was done, would it involve the creation of six lieutenant generals?

Mr. SLAYDEN. I am coming to that. I think my argument must have been so clear that the gentleman apprehended it. I am coming to the lieutenant generals presently.

Mr. MADDEN. Knowing that the gentleman represented the Army, I thought that subject would naturally occur to his mind.

Mr. SLAYDEN. No more. I have been removed from that sphere of activity, and I speak now as a rank outsider.

Yes; it has been suggested that we should have six vice admirals in addition to the present naval rank. The only reason given is the possible social advantage, or the fact that if they assembled for some joint operation we might have a man in command of our fleet who would be a little bit less important officially than the representative of China, or Japan, or Germany, or France, or England, or whatever country we happened for the moment to be cooperating with.

The Secretary of War, jealous of the rights of the branch of the service with which he is associated, promptly came to the front with the suggestion that if there were to be six vice admirals created in order to give additional rank and higher pay to some of the officers of the Navy there should also be a corresponding promotion in the military grades, and that we should revive the rank of lieutenant general, which was abolished in 1909 by an act of this Congress, with a full knowledge of what it was doing and why it was doing it. The Secretary of War suggested that we should correspondingly increase the military rank and provide for six lieutenant generals. Even a soldier may be embarrassed under some circumstances just like a sailor.

Mr. Chairman, that is a feature of legislation for these two branches of the public service which has always attracted my attention. Whatever is done this year for the Army must be more than done next year for the Navy; and then in the following year, or possibly in the same year, if they are as alert and active and jealous of their interests as the present Secretary of War is, the same thing must be done for the branch of the service which has for the moment been overshadowed, and always in the way of increasing the cost to the people, always in the way of increased rank.

Mr. Chairman, be it understood that I am not making a plea for lieutenant generals. I am opposed to the suggestion of the Secretary of War. I am not making a plea for increased rank or increased numbers in the military service, because I do not believe in this Cassandra-like cry which has gone up from the officials in the departments; but I do object to statements which have gone out that the Navy is unfairly treated in comparison with the Army. It is a peculiar fact that under our law officers of the Navy are paid an additional 10 per cent under certain rather absurd conditions. Now, what do you suppose those conditions are? They are paid 10 per cent additional for going to sea, the very purpose for which they were created and commissioned. The reason for that was, of course, that the officers of the United States Army are given an increase of 10 per cent in pay for certain foreign service.

The officers of the Army when traveling receive 7 cents per mile mileage. The officers of the Navy when traveling receive 8 cents per mile mileage. Mr. PADGETT always sees to it that the sailor man gets a little the better of the soldier man.

As to the proportion of officers in each branch of the service in the higher ranks, the figures are illuminating. I probably shall not have time to go into it now, but I will print the figures in the RECORD.

Indeed I will insert the table which was prepared by Maj. Gen. Bell right here. They will fit as well here as elsewhere:

[Extract from statement of Maj. Gen. J. Franklin Bell, Chief of Staff, before the Committee on Military Affairs, United States Senate, Monday, Mar. 7, 1910.]

* * * * * * *

I am appending hereto a table which has been computed, showing the comparison between the line of the Army and the line of the Navy in the matter of distribution of rank among the commissioned grades. First, I have given the actual number in the several grades on October 1, 1909; second, the percentage in each of the several grades; and third, a comparison of these percentages. By examining the last two columns it will be seen that the Navy has, proportionately, five times as many rear admirals, senior grade, as the Army has major generals; two and one-half times as many rear admirals, junior grade, as the Army has brigadier generals; three times as many captains as the Army has colonels; four times as many commanders as the Army has lieutenant colonels; and twice as many lieutenant commanders as the Army has majors.

Table showing distribution of officers in the several grades of the line of the Army and the line of the Navy Oct. 1, 1909.

Grade.		Actual number in grade.		Percentage of total.		Ratio of Army to Navy.	
Army.	Navy.	Army.	Navy.	Army.	Navy.	Army.	Navy.
General	Admiral		1		0.0008	0	1
Lieutenant General.	Vice admiral						
Major general	Rear admiral	6	12	0.0013	.0092	1	5
Brigadier general.	Rear admiral (junior).	15	15	.0046	.0115	1	2.5
Colonel	Captain	66	80	.0202	.0613	1	3
Lieutenant colonel.	Commander	73	120	.0226	.0919	1	4
Major	Lieutenant commander.	214	213	.0662	.1630	1	2
Captain	Lieutenant	1,052	313	.3250	.2400	1	.75
First lieutenant.	Lieutenant (junior).	1,006	156	.3120	.1195	1	.33
Second lieutenant.	Ensign	800	396	.2475	.3025	1	1.25
Total		3,232	1,306	.9999	.9997		

When an officer of the Navy is at sea and getting 10 per cent additional pay for the discharge of his particular duties he not only gets that additional pay, but he also gets certain other allowances of value. He gets mess and room steward service free, which officers of the Army do not get. His opportunities for expenditure are restricted more than is the case at any military post on land. Therefore he has an opportunity to accumulate, even on the same rate of pay, where an officer of the Army can not possibly make an accumulation.

Mr. Chairman, the view of the outside world as to the suggestion of creating officers of this very high rank in the Navy is reflected in a communication published in the New York Evening Post about February 17, signed by Park Benjamin, who I have learned is a graduate of the Naval Academy, but has devoted his life to other than naval work. He says:

VICE ADMIRALS AND SECOND FIDDLES.

To the EDITOR OF THE EVENING POST.

SIR: One of those perennial bills to create vice admirals in the Navy is now before Congress—the appointees to receive $11,000 per year, payable presumably out of the income tax. The aged and venerable argument in support of it is that in event of joint action between fleets of different nationalities the senior admiral would take direction of affairs, and inasmuch as the highest grade in our Navy is that of rear admiral the American commander might have to play second fiddle to a Haitian (for example) admiral, vice admiral, or even rear admiral if of longer service than himself. We have been talking about this now for over a century—ever since one David Porter, sometime of the U. S. S. *Essex*, insisted throughout the length and breadth of the Mediterranean that an American naval captain—the highest grade we then had—was the peer of any of the starred and gartered admirals of the K. C. B. variety that ever ran a press gang and a shipful of jailbirds, and thereupon proceeded somewhat ostentatiously to flout the "conventions" which had moved some of those gentry to try to boss him.

When a powerful strategic outgiving to the effect that if the canal were fortified we could get along with a smaller Navy changes itself spontaneously into an argument that because the canal is fortified the Navy ought to be increased, one gets distrustful of the lesser ratiocinations of the naval mind. One might perhaps advocate vice admirals on the analogy of archbishops, but in the latter case there is no danger of consequent spontaneous evolution of a demand for more battleships "to stop this absurdity, sir, of sending a vice admiral to sea with the paltry force of a rear admiral." And if the same arguments in favor of vice admirals should hereafter be applied to the creation of full admirals, more spontaneous evolution of the same sort might help along the present suspicion that an "adequate" navy means an inadequate income tax.

Like roses, all fleet commanders by any other names perform like functions. If the mere title is what we are bothered about, why not call them anything we please? Why not pass an act declaring that all rear admirals shall henceforward be named vice admirals, or, better yet, admirals, or, still better, exalted admirals? As there is no rank of exalted admiral in any foreign navy, it would then follow that every American commander would outrank every foreign commander, and at no expense at all we should find ourselves always and inevitably at the

very apex of the masthead, and, in that assured superiority, indifferent to the mutual salaams of other people's warriors on the lower level of the crosstrees. Why deplete the income tax for what we can get in this simple way for nothing?

Besides, what is this turveydrop convention anyhow? Politeness is as admirable in its way among sea fighters as among plumbers; but when did good manners change to international naval subordination of such force and effect as to warrant its recognition by Congress as a hampering clog upon our naval doings? To hoist colors in the morning, to strike eight bells at noon, following the lead of a foreign flagship, may be deep-seated in the heart of courtesy, but if anything happened in Mexico which made trouble, and it were officially explained as due to Rear Admiral Fletcher being outranked by a British, German, or Japanese vice admiral, would we patiently accept that excuse?

Or would the Hon. Josephus Daniels be told that this country don't take orders from foreigners?

PARK BENJAMIN.

NEW YORK, *February 16.*

Now, Mr. Chairman, I want to call attention to certain difficulties that may be encountered even if we grant the request of the Navy Department for increased rank. This may not make them happy; it is conceivable that they may be embarrassed yet. I had compiled for the purpose of this discussion a list of the officers of various grades in the Army and Navy of the United States and of the high grades in other countries of the world. I find, Mr. Chairman, that in England there are 9 field marshals, a high military rank. Then there are 17 generals. The general is a rank that we have given to only four men in the history of the Government—Washington, Grant, Sheridan, and Sherman. It is reserved for men of unusual distinction and service. Now, in a joint operation the field marshal would certainly have ranking precedence over a vice admiral, and the feelings of the vice admiral might be hurt. It is an awful contingency, which we should provide against.

In the navy of Great Britain there are 3 admirals of the fleet, a sort of exalted or glorified admiral. They are followed by 12 admirals, while we have 1, and 22 vice admirals. Here is a chance for tremendous and continuing embarrassment. To circumvent it we must have a rank higher than admiral of the fleet.

In the army of Germany there are 19 field marshals, 60 generals, 119 lieutenant generals, and 243 major generals—abundant room for social embarrassment.

In the navy of Germany there are two high admirals. What would a mere American vice admiral do if he happened to be invited to a function at the royal or executive palace and ran into a German high admiral? Why, Mr. Chairman, I doubt if he would be permitted to come into the room until the high admiral had taken his seat. [Laughter.]

So if we are to create vice admirals to relieve this embarrassment when our people come in contact with naval officers abroad, why should we stop short of legislating until we make it impossible for this embarrassment to come to our officials? Why not devise some title superior to the German high admiral? Why not declare that this great Republic plays second fiddle to none, and have officers of a rank which can not possibly be equaled by that of any other Government?

Even Japan has admirals of the fleet and 11 admirals. It is not suggested that we should create more than the one admiral that we have; certainly admirals of the fleet have the same opening for embarrassment that confronts us now. I hope the gentleman from Alabama [Mr. HOBSON] does not know it, for it is certainly a better reason for war than any he has yet advanced.

And so on through, Mr. Chairman, and, with the permission of the House, I shall incorporate this table in my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert the table in his remarks. Is there objection?

There was no objection.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, February 24, 1914.

Hon. JAMES L. SLAYDEN,
House of Representatives, Washington, D. C.

DEAR MR. SLAYDEN: I am sending herewith the data you requested, showing the relative proportion of grades in the United States and foreign armies and navies.

Very sincerely,

LINDLEY M. GARRISON,
Secretary of War.

MEMORANDUM FOR THE CHIEF OF STAFF.

[Subject: Relative proportion of grades in United States and foreign armies and navies.]

FEBRUARY 24, 1914.

H. LIGGETT,
Brigadier General, United States Army:

1. In accordance with instructions, tables are herewith appended giving—

First. Relative number of officers in various grades in United States Army and Navy.

Second. Relative number of officers in various grades of certain foreign armies and navies.

2. The instructions from the Chief of Staff also included investigations as to different occasions of joint military operations of the United States where Army and Navy took part with study as to whether these operations were hampered by questions of relative rank.

3. The study is not quite completed. In almost all cases where these joint operations have taken place the Army commander has been senior, and the few instances of lack of proper cooperation have been due to other causes.

4. On the other hand, there have been instances of perfect cooperation when the naval officer happened to be senior, even when the main operation was a land one and the Navy only auxiliary.

5. It can be definitely stated, however, that, generally speaking, in combined operations the rôle of the Navy, while of great importance, is auxiliary to that of the Army, and it is very desirable that the commanding officer of the Army be of equal grade, if not senior to the naval commander.

JOHN BIDDLE,
Colonel, General Staff,
Chief of War College Division.

TABLE I.—*Number of officers in the various grades in the Army and Navy of the United States. This includes only officers of the line of the Army and Navy.*

ARMY.	
General	0
Lieutenant general	0
Major generals	6
Brigadier generals	15
Colonels	73
Lieutenant colonels	74
Majors	216
Captains	1,044
First lieutenants	1,037
Second lieutenants	970
Total	3,435
NAVY.	
Admiral (general rank)	1
Vice admiral (general rank)	0
Rear admirals (general rank)	24
Captains (field rank)	95
Commanders (field rank)	117
Lieutenant commanders (field rank)	210
Lieutenants	351
Lieutenants (junior)	188
Ensigns	722
Total	1,708

This table shows that with almost exactly one-half of the total number of officers the Navy has 25 officers of general rank as compared with 21 for the Army, besides having no officer of the grade corresponding to brigadier general. It also shows that the Navy has 447 officers of field and general rank as compared with 384 for the Army.

NOTE.—The preceding table shows the line officers authorized by law for the line of the Army.

In addition to these there are the following line officers detailed in the staff departments These details create vacancies in the line which are filled by promotions:

Colonel	1
Lieutenant colonels	11
Majors	42
Captains	118
First lieutenants	54
Total	226

TABLE II.—*Number of officers in the various grades in the armies and navies of some of the foreign countries.*

ENGLAND.	
Army.	
Field marshals	9
Generals	17
Lieutenant generals	32
Major generals	115
All other officers of the line	8,068
Navy.	
Admirals of the fleet	3
Admirals	12
Vice admirals	22
Rear admirals	56
All other line officers	2,090
GERMANY.	
Army.	
Field marshals	19
Generals	60
Lieutenant generals	119
Major generals	243
All other officers of the line	21,740
Navy.	
High admirals	2
Admirals	4
Vice admirals	13
Rear admirals	21
All other line officers	2,209
JAPAN.	
Army.	
Field marshals	3
Generals	12
Lieutenant generals	41
Major generals	90
All other officers of the line	10,336
Navy.	
Admirals of the fleet	2
Admirals	11
Vice admirals	19
Rear admirals	40
All other officers of the line	2,197
FRANCE.	
Army.	
Generals of division	123
Generals of brigade	241
All other line officers	20,546
Navy.	
Vice admirals	15
Rear admirals	30
All other line officers	1,826

ITALY.

Army.

Generals	5
Lieutenant generals	49
Major generals	95
All other officers of the line	10,693

Navy.

Admiral	1
Vice admirals	7
Rear admirals	15
All other officers of the line	976

SPAIN.

Army.

Captain generals	4
Lieutenant generals	30
Generals of division	61
Generals of brigade	120
All other line officers	9,929

Navy.

Captain admiral	1
Admirals	3
Vice admirals	8
Rear admirals	10
All other line officers	379

AUSTRIA.

Army.

Generals	49
Lieutenant generals	104
Major generals	213
All other officers of the line	16,101

Navy.

Admirals	2
Vice admirals	2
Rear admirals	8
All other line officers	805

NOTE.—It is believed the numbers given in the above tables are about as accurate as can be obtained from the sources at hand. Authorities were found to differ in some instances as to the strengths of the various armies and navies.

Mr. SLAYDEN. Mr. Chairman, this proposed legislation has not been satisfactory even to the officers in the Navy. I read in the military summary, which appears once a week in the New York Evening Post, a statement to the effect that the bill recommended by the Secretary of the Navy, who had conferred with the chairman of the House Committee on Naval Affairs, was not regarded with favor by the officers of the Navy because, while it proposed to create six vice admirals, which means an additional rank, it proposed as a sop to the people to reduce the number of rear admirals.

Mr. Chairman, a few years ago we abolished by legislation—and most unwisely, I think—that good old title of commodore, which in the Navy corresponds to the rank of brigadier general in the Army. We did it in order to give the naval officer who had attained the rank of commodore the rank equivalent to that of major general in the Army. And in order to meet the cry of foolish people who oppose unnecessary expenses we divided the rear admirals into two classes, put half in the second class and half in the upper class.

Mr. LEVY. Will the gentleman yield?

Mr. SLAYDEN. For a brief question.

Mr. LEVY. Does not the gentleman think it would be a good idea to restore the time-honored rank of commodore?

Mr. SLAYDEN. I believe the rank of commodore should be restored.

Mr. MADDEN. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. MADDEN. How does the grade of rear admiral rank with that of officers of the Army?

Mr. SLAYDEN. It ranks with major general.

Now, it is proposed that if the grade of vice admiral is to be revived the bill prepared by the Navy Department ought to be amended in several respects. The article I refer to says that the amendment which meets with the least favor is that which changed the retirement age from 62 years to 65.

Well, I see no reason why they should not. Our Army and Navy retired lists are shamefully crowded to-day. The cost runs into an important number of millions of dollars each year.

The article says:

There is also a tendency among naval officers to criticize the provision of the Senate bill which, while authorizing 6 vice admirals, reduces the number of rear admirals from 18 to 12.

They want the increases, but bar all compensating reductions. They are like Commodore Vanderbilt, who said, "The people be damned."

Increase of rank means increase of pay, increase of expense to the public, but when it is proposed in order to provide for the demand for greater social status abroad that we should reduce a certain number, then objection is at once raised.

I understand the bill which the chairman of the Committee on Naval Affairs in the House [Mr. PADGETT], who is always more solicitous for the Navy than for the people who support it, proposed did not contemplate these reductions. I am advised—and bound to assume it is true, because he did offer such a bill—that the chairman of the Committee on Naval Affairs sympathizes with this proposition of creating vice admirals. It is just like him. He seems impressed with the idea that he is charged with the duty of meeting the demands of the Navy Department and he does his duty, as he sees it, like a man. I am inclined to believe from an examination of his record during the last 12 or 14 years in the making up of naval appropriation bills, that he would still be for it, even though it involves the necessity of creating an additional number of lieutenant generals, which we do not need, which Congress said 4 or 5 years ago we should no longer have, but which he would gladly accept if it brought him an equal number of vice admirals.

How much time have I left, Mr. Chairman?

The CHAIRMAN. The time of the gentleman from Texas has expired.

WAR PENSIONS.

Mr. DIES. Mr. Chairman, I not only want to call attention on this occasion to some of the items in this omnibus private pension bill, but I have it in my mind to call attention to other pensions and to other forms of Government gratuities, and if I thought it was necessary to assure the committee that I am thoroughly sincere and in deep earnest I should certainly give the committee that assurance. What I am saying I am saying for this committee and not for any person or persons outside of this committee. If I am a demagogue, I am an honest demagogue, and I am not using the CONGRESSIONAL RECORD or abusing your patience for the purpose of making any sort or semblance of political capital. In fact, none can be made by challenging the abuses of Government. They are so universal and so respectable that to assail them is to bring one's self into bad odor, and the man who wants to be on the front pages of the newspapers and in the good graces of the Government through its powers and potentialities should pursue a course directly contrary to that which I am pursuing, because we live here in Washington in the center of favoritism. Our temporary residence here is in the Capital of the Nation, itself the greatest pensioner on the pay roll of the Government. We begin by pensioning the taxpayers of this city with a pension of $7,000,000 a year, and then we slowly wind the descending scale down to Gen. SHERWOOD'S battle-scarred heroes of the Civil War. I shall not devote all of this hour to a discussion of these private pension bills, although I shall give them some little consideration as I pass, nor shall I give a lion's share of my remarks to the Government clerks, whose case I treated on a former occasion, but I wish to speak somewhat of another class of pensioners.

Before I do that, however, lest I may forget it, I desire to call attention to some of the things in this bill under discussion in order that members of the committee may look them up in time to vote upon them, if a vote should be had. If you will turn to page 54 of the report you will find the bill H. R. 2040, being the case of Charles N. Ashford, alias William Kenney, aged about 70 years, who served as a private in Company K, Ninety-seventh Regiment New York Infantry, from August 21, 1863, to October 19, 1864, and as a private in Company D, One hundred and fifth Regiment New York Volunteers, from February 20, 1862, to August 20, 1862.

I shall not now take the time to read all of this record, but I ask unanimous consent at this time that I may place all of his record in the CONGRESSIONAL RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert the record referred to. Is there objection?

There was no objection.

The record referred to is as follows:

H. R. 2040. Charles N. Ashford, alias William Kenney, aged about 70 years, served as a private in Company K, Ninety-seventh Regiment New York Infantry, from August 21, 1863, to October 19, 1864, and as a private in Company D, One hundred and fifth Regiment New York Volunteers, from February 20, 1862, to August 20, 1862. From both services claimant was discharged on a surgeon's certificate of disability. Claimant is now pensioned under the act of May 11, 1912, at $16.50 per month, and the face brief bears the following notation: "Recover from this amount not yet refunded provided for in issue of December 24, 1912, under general law."

Address, Grand Marais, Minn.

Board of surgeons, February 3, 1900, found hernia and evidence of bullet wound.

The following is quoted from the files of the Pension Bureau covering this case:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, September 9, 1912.

Mr. CHARLES N. ASHFORD,
Grand Marais, Cook County, Minn.

SIR: It appears from the records of this bureau that you were pensioned September 17, 1866, under the name of William Kenney, by certificate No. 71305, at the rate of $6 per month from March 20, 1866, for gunshot wound through right shoulder, based on your service as private, Company K, Ninety-seventh New York Volunteer Infantry.

You were last paid to June 4, 1875, when your pension was terminated on the ground that your disability had ceased to exist.

On June 22, 1888, you were pensioned under the name of Charles N. Ashford by certificate No. 401091, at the rate of $4 per month from August 21, 1862, and $8 per month from April 3, 1884, for left inguinal hernia, based on your service as private, Company D, One hundred and fifth New York Volunteer Infantry. On July 20, 1895, your rate was increased to $10 per month from December 4, 1891, for left inguinal hernia, complete. On January 6, 1908, your certificate was reissued under the act of February 6, 1907, at the rate of $12 per month from May 14, 1907, and your pension under the general law was terminated.

You are informed that the allowance to you of pension by certificate No. 401091 was obtained through your fraudulent concealment of the fact that you and the former pensioner, William Kenney, were one and the same person.

It thus appears that you were paid during the period covered by your second term of military service, viz, from August 21, 1863, to October 19, 1864, which was in direct violation of the law; that from March 20, 1866, to June 4, 1875, you received two pensions covering the same period, also in direct violation of law, as section 4715, Revised Statutes of the United States, prohibits the payment to any person of more than one pension covering the same period. You are informed that your two certificates have been consolidated under certificate No. 71305, by which number it is now proposed to reissue under the act of February 6, 1907, at the rate of $12 per month as Charles N. Ashford, alias William Kenney, based on your service as private of Company K, Ninety-seventh New York Volunteer Infantry, and Company D, One hundred and fifth New York Volunteer Infantry.

It further appears upon an inspection of all the papers in the consolidated claims that the allowance to you of pension for left inguinal hernia was obtained through misrepresentation, fraud, and false testimony, inasmuch as when your claim therefor was filed under the name of Charles N. Ashford you concealed your subsequent service as William Kenney in Company K, Ninety-seventh New York Volunteer Infantry, in which you had previously alleged the origin of the same hernia with evident intent to defraud, and further that the witnesses as to origin of the said disability in Company D, One hundred and fifth New York Volunteer Infantry, had no personal knowledge thereof, as shown by special examination, and, in addition thereto, it is shown by competent evidence that you were ruptured on one side (at least) prior to your first enlistment.

You are hereby notified that your certificate will reissue under the act of February 6, 1907, at the rate of $12 per month as hereinbefore set forth, and payments will be withheld until a sum accrues sufficient to reimburse the Government for the amount fraudulently obtained by you for left inguinal hernia, viz, $4 per month from August 21, 1862, $8 per month from April 3, 1884, and $10 per month from December 4, 1891, to January 19, 1900, inclusive.

You are informed that no recovery will be made of payments subsequent to the said date, as your claim under the act of June 27, 1890, filed on January 20, 1900, stands approved for allowance from the said date at $10 per month, no issue having been made thereunder, you having elected to remain a pensioner under the general law at the same rate for hernia for which through fraud on your part the bureau was led to believe you were legally entitled.

You are also informed that you are entitled to arrears of pension at the rate of $6 per month, for gunshot wound through right shoulder, from October 19, 1864, the date of your discharge from Company K, Ninety-seventh New York Volunteer Infantry, to March 20, 1866, the date your pension by certificate No. 71305 was made to commence, and in making provision for the proposed refundment the full amount thus accruing will be credited to you.

Under the provisions of the act of Congress of December 21, 1893, you will be allowed a period of 30 days from receipt hereof in which to make such answer as you deem proper and to show cause why the action above indicated should not be taken.

This letter should be returned with your reply, and the evidence, which must be duly sworn to before some officer authorized to administer oaths, should be inclosed in an envelope addressed to the Commissioner of Pensions and marked in the lower left-hand corner, "Board of review."

Very respectfully,

L. STILLWELL, *Acting Commissioner.*

It does not appear from the files of the Bureau of Pensions that any answer was interposed by the claimant to the foregoing decision of the Bureau of Pensions.

It is noted further in the files of the Pension Bureau on a slip from the chief of the law division to the chief of the board of review, May 16, 1912, that:

"The statute of limitations bars prosecution proceedings against pensioner, and no further action is deemed necessary in this division."

Dr. Frank B. Hicks describes the claimant to be afflicted with double inguinal hernia, large on both sides, and imperfectly retained by a truss, a crippled shoulder resulting from a gunshot wound, a leakage of one of the valves of the heart accompanied by unsteadiness of action and enlargement of heart, enlarged joints resulting from rheumatism. On account of the conditions described the claimant is wholly unfit for labor.

It appears that claimant is without means to support himself.

February 13, 1914. The Member introducing the bill has on this date submitted a statement, which follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 13, 1914.

COMMITTEE ON INVALID PENSIONS,
House of Representatives.

DEAR SIRS: In further reference to the bill I have introduced to grant a pension to Charles N. Ashford, I beg to state somewhat more fully the circumstances in his previous pension matters which the department interpreted as fraud. I spent a great deal of time on this matter, extending over a period of nearly three years, and I am thoroughly convinced there is not a symptom of fraud anywhere. I wish especially to emphasize the character, habits, and isolation of the man. For a great many years he has been living in Cook County, Minn., on the north shore of Lake Superior, not far from Canada. This place is 110 miles from the nearest railroad, has no telephone, no telegraph, and is completely isolated, excepting as boats stop at Grand Marais. He has been living a quiet, simple life. He has almost no education. He is a simple-minded, ignorant man.

The case was brought to my attention by the sheriff of the county, who informed me of the destitute condition of Mr. Ashford and his wife and of the fact that Mr. Ashford was receiving a ridiculously small pension. I communicated with other neighbors of Mr. Ashford and subsequently saw him. I went over all details and features of the case, and it was very apparent that he never had imagined he was guilty of any fraud or deceit. It must be borne in mind he never applied for two pensions at the same time. He never drew two pensions at the same time. The only way it happened that the difficulty of the two pensions arose was that when the department estimated his back pension the second time he applied they extended it back over a period in which he had received a pension from the former application. It will be noticed that even these two pensions added together only gave him $10 a month.

"He informs me that he never stated to anybody that he had never had any other service at either time he made the application. It appears that the application papers were made out in the usual form, which he signed, and doubtless in this application was a statement, not brought to his attention, that he had had no other service. He was shy about only one feature of his service. That one feature was the fact that he had enlisted under an assumed name, the name of his mother. He tells me that when he went to enlist he showed his discharge and was told by the recruiting sergeant that he could not reenlist under his right name because of the disability in the discharge, but that he could enlist under another name, and to do it. He accordingly did it.

"He has received no pension now for some time. He is in an extremely destitute condition, in a rigorous climate, and has dependent upon him an aged wife, who is in not much better health than he. He rendered the very best kind of service as a soldier. He met with two severe injuries on account of that service. He has not long to live, and certainly it seems to me that in these last few months of his life, or possibly two or three years, in which he most needs assistance, he should be treated in a spirit of fairness and equity by the Government to which he gave so much.

"Sincerely, yours,

C. B. MILLER."

It is recommended by this committee that the claimant be granted a pension at the rate of $30 per month in lieu of that he is now receiving, provided that no part of the pension herein granted shall be withheld by the United States or claimed by the United States on account of any pension heretofore received from the said United States by said Charles N. Ashford.

Mr. DIES. I wish now to refer to some remarks of Acting Commissioner L. Stillwell, of the Bureau of Pensions, and to call attention particularly to one or two extracts found in the above letter dated Washington, September 9, 1912. The letter is addressed to Mr. Charles N. Ashford at Grand Marais, Cook County, Minn. He says:

You are informed that the allowance to you of pension by certificate No. 401091 was obtained through your fraudulent concealment of the fact that you and the former pensioner, William Kenney, were one and the same person.

It thus appears that you were paid during the period covered by your second term of military service, viz, from August 21, 1863, to October 19, 1864, which was in direct violation of the law; that from March 20, 1866, to June 4, 1875, you received two pensions covering the same period, also in direct violation of law, as section 4715, Revised Statutes of the United States, prohibits the payment to any person of more than one pension covering the same period.

A little further in the report I find it stated in this letter to Mr. Ashford, as follows:

It further appears upon an inspection of all the papers in the consolidated claims that the allowance to you of pension for left inguinal hernia was obtained through misrepresentation, fraud, and false testimony, inasmuch as when your claim therefor was filed under the name of Charles N. Ashford you concealed your subsequent service as William Kenney in Company K, Ninety-seventh New York Volunteer Infantry, in which you had previously alleged the origin of the same hernia with evident intent to defraud, and further that the witnesses as to origin of the said disability in Company D, One hundred and fifth New York Volunteer Infantry, had no personal knowledge thereof, as shown by special examination, and, in addition thereto, it is shown by competent evidence that you were ruptured on one side (at least) prior to your first enlistment.

Then, further:

You are hereby notified that your certificate will reissue under the act of February 6, 1907, at the rate of $12 per month as hereinbefore set forth, and payments will be withheld until a sum accrues sufficient to reimburse the Government for the amount fraudulently obtained by you for left inguinal hernia, viz, $4 per month from August 21, 1862, $8 per month from April 3, 1884, and $10 per month from December 4, 1891, to January 19, 1900, inclusive.

Passing along from the letter of the Commissioner of Pensions, I read from the report of the Committee on Invalid Pensions:

It does not appear from the files of the Bureau of Pensions that any answer was interposed by the claimant to the foregoing decision of the Bureau of Pensions.

It is noted further in the files of the Pension Bureau, on a slip from the chief of the law division to the chief of the board of review, May 16, 1912, that—

"The statute of limitations bars prosecution proceedings against pensioner, and no further action is deemed necessary in this division."

In other words, in order that the committee may clearly understand the situation of this case, here is a man who has drawn from the Government illegally at least, and the Commissioner of Pensions says fraudulently, the sum of $4,196 to which he was not entitled. For having done that he could have been prosecuted under the criminal laws of the the United States, but no prosecution was sought or had, and under our liberal pension laws, liberally interpreted by the Bureau of Pensions, this man was not only forgiven for the criminal offense, but he was continued on the pension roll at $16.50 a month, provided, however, that that $16.50 a month should not be paid to him until there was sufficient to cover back into the Treasury the sum of $4,196, which he had fraudulently and illegally withdrawn from the funds of the United States. That is the situation. Here is your man who, according to the Pension Bureau,

has defrauded the Government out of more than $4,000, and the recommendation of the Pension Committee is:

It is recommended by this committee that the claimant be granted a pension at the rate of $30 per month in lieu of that he is now receiving, provided that no part of the pension herein granted shall be withheld by the United States or claimed by the United States on account of any pension heretofore received from the said United States by said Charles N. Ashford.

Now, let us see just what this means. This man owes the Government of the United States more than $4,000 on account of a fraudulent abstraction from the Treasury of that amount. The Committee on Pensions wipes that out, overrules the Pension Bureau—in fact, it administers a rebuke to the Commissioner of Pensions for having enforced the law—and grants a pension of $30 a month to the malefactor, a pension annuity which is worth at least between $4,000 and $5,000. So here is the reward in a lump sum—first, in a defalcation of over $4,000, which is wiped out, and, second, of a pension annuity worth more than $4,000, making a total of about $8,000 to $10,000—a gracious gift of this Government in a private pension bill to a man who successfully defrauded the Government of the United States. It is worth while for the members of the committee to also bear in mind that when you pass one of these omnibus private pension bills you are passing it for a very large amount of money. It is true the gentleman from Wisconsin in charge of the bill says that the annual payment under this private pension bill is only $43,000 a year, but the actuarial value of $43,000 would be between $400,000 and $500,000, and this is but one of the bimonthly pension bills passed. I believe they say it is the smallest one that we have passed. This very small one will cost the Government, according to the actuarial tables, from $400,000 to $500,000 a year, and the statement of the gentleman in charge of the bill that it carries only $43,000 a year should always be coupled with the other fact that it is an actuarial debit against the Government of half a million dollars.

I want to invite the attention of the committee to a statement made by the chairman of one of the great committees of this House the other day. If that statement had been made by some irresponsible person, I doubt if I would have called your attention to it, but having been made by the chairman of the Committee on Appropriations, the great supply committee of the House, I feel that it is worthy of more than passing attention. Mr. FITZGERALD stated on the 24th of February as follows:

At that time a request was made by the Department of Labor to authorize the Secretary of Labor to purchase three automobiles—a seven-passenger touring car for himself, at $4,500; an electric runabout for the use of himself and others, for $2,500; and an automobile truck. The committee declined to include that authority in the bill, based upon the fact authority had never been given to any of the departments to purchase automobiles for the Secretary or others connected with the department. In some way or other the information got noised abroad that such a request had been made, and innumerable Members of this House served notice upon the committee that they would not tolerate such a situation. The authority was not given, and yet it appears that during this session of Congress an automobile has been purchased for the personal use of the Secretary of Labor.

I would be ashamed of myself if I called the attention of this committee to the attempted raid upon the Treasury of $8,000 by a poor 70-year-old soldier out in Minnesota if I did not call their attention to the abstraction of $7,000 from the contingent fund of one of the departments of the Government in violation of the laws of this country by a Cabinet minister.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DIES. With pleasure.

Mr. BUCHANAN of Illinois. Does the gentleman understand there has been $7,000 abstracted from the appropriations for the purchase of an automobile by the Secretary of the Department of Labor?

Mr. DIES. Well, in that statement I had reference to his application for the use of $7,000. I do not know what he actually paid for the automobile. What did he pay for it, if the gentleman knows?

Mr. BUCHANAN of Illinois. Sixteen hundred dollars for a second-hand automobile. It was not a limousine, and, of course, I do not know whether it was even worth that much or not. I wish to state to the gentleman the Secretary did not have any rig, the same as other Cabinet officers. He did not have the money to expend for his department that is actually expended for rigs and vehicles by the Cabinet officers.

Mr. DIES. I am glad my friend from Illinois calls attention to this. I do not wish to say $7,000 when $1,600 is the truth; all I know is what the chairman of the great Committee on Appropriations has placed in the CONGRESSIONAL RECORD. I do not want to do an injustice to this Cabinet minister. I can say with some pride that I served in this House for a number of years with that gentleman. I think he is an honest man, I think he was a good legislator, and I think probably he is making a good Cabinet minister, but no man in this Government is great enough—no man should ever become great enough—to violate the laws of this country and usurp the functions of this body to appropriate the revenues of the Government for its maintenance.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. DIES. With pleasure.

Mr. BUCHANAN of Illinois. I would like to state further my information is that the Secretary of Labor was given from some other department a pair of crippled-up horses and rig that could not be used, but he did manage to trade them in, and that all the money that was expended was about some $800. That is my information.

Mr. DIES. I am glad to have my friend from Illinois [Mr. BUCHANAN] put that in the RECORD also. The Secretary of Labor and the Secretary of Commerce and Labor did not have any right or any business, in the first instance, to have a crippled-up team to drive around at the public expense. They got it in tacit violation of the laws of the country, and they ought not to have used the money of the people for that purpose.

Mr. BUCHANAN of Illinois. Will the gentleman yield further?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. DIES. With pleasure.

Mr. BUCHANAN of Illinois. Does the gentleman contend that they got these horses and rigs in violation of the law?

Mr. DIES. Whenever they use them for something else than the public business of this Government, when they use them to attend social functions, when they use them to go around the city of Washington, they are misappropriating the funds of the people of the United States.

Mr. BUCHANAN of Illinois. I do not want to say anything in reply to the gentleman to-day, but I will probably have something to say in regard to what the gentleman from New York [Mr. FITZGERALD] has said and in regard to what others have said at a later date.

Mr. DIES. The gentleman will find nothing more forcible to say than what the House of Representatives said in 1910 when we took the automobile away from the Speaker, and we voted to take it away from the Vice President of the United States, when the gentleman who is now the present Secretary of Labor voted with me and with the present Speaker of this House to take the automobiles away from the Republican Speaker and the then Vice President of the United States. Our opponents said then it was peanut politics. I do not believe it was peanut politics then and I do not believe it is peanut politics now. I believe what the then minority leader, the present Speaker of this House, said upon that occasion, and I want to call your attention to his words:

I will tell you what I am in favor of, and I do not think I am demagogic. I am in favor of taking these conveyances, paid for at public expense, away from every Government official in the city of Washington—I do not care who he is. [Applause on the Democratic side.] Let them pay their own traveling expenses, like Representatives do. They are no better than we are. If they are not drawing salaries enough, let us honestly and courageously raise these salaries. [Applause on the Democratic side.]

I am just this kind of a Democrat. I believe if the thing is wrong when a Republican Speaker of the House does it and a Republican Vice President does it, and the Republican Cabinet officers do it, it is wrong for a Democratic Speaker and a Democratic Vice President and Democratic Cabinet ministers to do it. [Applause.]

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Connecticut?

Mr. DIES. For a question.

Mr. DONOVAN. Is the statement that the gentleman read from the CONGRESSIONAL RECORD?

Mr. DIES. The statement I read is from the CONGRESSIONAL RECORD of April 11, 1910.

Mr. DONOVAN. I mean the statement in regard to the automobile—the statement of the chairman of the Committee on Appropriations?

Mr. DIES. You will find that on page 4123 of the CONGRESSIONAL RECORD.

Mr. DONOVAN. Of February 24?

Mr. DIES. Of February 24.

Mr. DONOVAN. And it says there it is $7,500?

Mr. DIES. A request for $7,000 worth.

Mr. DONOVAN. And at that time it was not contradicted? The statement went without contradiction at the time it was made? Is that true?

Mr. DIES. Oh, yes; as I understand it. And if gentlemen care to become reminiscent and get the full historical value out of this vote had in this House four years ago when we stripped the Speaker of an automobile and tried to strip the Vice Presi-

dent of such a vehicle, he will find, if I mistake not, that every Democrat then in Congress voted to take the automobile away from the Speaker and Vice President.

Mr. BUCHANAN of Illinois. Will the gentleman permit me, in connection with the question asked by the gentleman from Connecticut, to say that, so far as I am concerned, I know nothing about what the request was that was made.

Mr. DIES. I think I can answer the gentleman's question quickly. He made application for three automobiles—a seven-passenger touring car, a $2,500 electric runabout, and an automobile truck—and Congress refused to give them to him. And then, according to the statement of my friend from Illinois [Mr. BUCHANAN], on his own account he purchased an automobile for $1,600. That is the whole thing.

Mr. DONOVAN. Mr. Chairman, another question, if the gentleman will allow.

Mr. DIES. I yield just for a question.

Mr. DONOVAN. Why should he ask Congress for an appropriation for those different automobiles when, according to the gentleman from Illinois, he was already buying them without authority?

Mr. DIES. My friend can get that information from the gentleman from Illinois [Mr. BUCHANAN] when he occupies the floor, as he says he will do, hereafter.

Mr. Chairman, I am one of those who believe that this is a Republic. I am one of those who fervently hope and pray that the time will come when it will be the simple, honest, unostentatious Republic of our fathers. I am one of those who believe that all of our efforts made extravagantly at the expense of the people of this country to imitate the courts of Europe and the palaces of princes and kings are the sure and never-failing signs of decay in this Republic. If that which I have read from the pages of history is to be believed, if all of the experience of mankind in all ages of the world is worth a cent, then when a republic becomes extravagant, when it begins to try to put on the togs of royalty, extravagance, pomp, and ceremony, it is tottering to its fall.

I was glad that my colleague from Texas [Mr. SLAYDEN] called attention to a bill that recently passed another body at the other end of the Capitol, and will shortly be in this body, and will pass, of course, as all such measures toadying and imitating the princes and potentates of Europe always pass—a bill to create 6 vice admirals. Do you know that we have 18 rear admirals on the active list? We have 18 jobs that a rear admiral is comfortable in.

Mr. TRIBBLE. How many on the retired list?

Mr. DIES. I find from the last examination made 210 rear admirals are on a pension of $5,000 a year, I believe, although I would not undertake to state the figures accurately. But I think they are on a pension of $5,000 to $6,000 a year; that is to say, here you have 18 jobs known as rear-admiral jobs, and you have 210 ex-rear admirals on the pension roll of the Government at from $5,000 to $6,000 a year.

Now, it is apparent to every man that we have used the office of rear admiral through which to push men who are ready to retire, or ready for retirement by the plucking board, in order that their rate of pension might be greater. I understand that men no older than 38 years of age have been pushed through this rear admiralty into the fat pension which rear admirals on the retired list receive. There are 18 rear admirals.

I understand that they take the liberty, too, to buy horses and carriages, to be charged up to your unsophisticated constituents. I understand that at times there is danger of insurrection and mutiny in the ranks of rear admirals and generals as to whose wives and daughters shall drive the bays or drive the grays, paid for by your unsuspecting constituents. [Laughter.]

Now, we are to have six vice admirals, whose pay is to be increased from about $9,000 to, I believe, about $11,000, and when that comes to pass you will be pushing captains and commodores and rear admirals through this vice admiralty gate on into retirement at a larger and a fatter pension than ever before.

It was with a great deal of interest, Mr. Chairman, that I read the discussion of this momentous measure in the other body. I found there that we were in a very sad dilemma, indeed, because we had no vice admirals in this country; that actually our rear admirals and our captains when visiting abroad, entertaining princes and other captains at the expense of your unsuspecting constituents and breaking champagne bottles for their delectation and entertainment—we were in a sad dilemma because we did not have any vice admirals to get around ahead of other functionaries abroad when the punchbowl was opened. [Laughter.] Therefore it was necessary that we should also have vice admirals, in order that when tea was being served our admirals and captains would not have to follow behind the admirals and captains of Haiti and Santo Domingo and Colombia and Germany and France, and so on.

There is one difficulty, Mr. Chairman, that our vice admirals will find when we create the office for them. I understand from what seems to be very good information, a part of it personal, that down in Santo Domingo and in Haiti and Colombia and those other little pee-wee republics they have little tubs called gunboats, with little guns on them about as long as your arm, and they are manned by full admirals. [Laughter.] Now, what will become of those vice admirals that we may create when they come in contact with the full admirals of Haiti and Santo Domingo and Colombia, with their little tubs sailing around? Why, as soon as we have gone to the expense that we shall be subject to in dignifying our vice admirals, those vice admirals, with their gold lace, will have to get behind the admiral of Haiti as that distinguished Senegambian goes up to get his part of the punch or his part of the tea. [Laughter.] So, after all, in our endeavors to imitate the Imperial Governments of Europe, past and present, in our mighty haste to get away from the glories of the simple Republic of our fathers, we may be creating vice admirals, only to be outranked by the admirals from those little Republics.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. DIES. With pleasure.

Mr. TRIBBLE. When we went down there and shot the Spaniards all to pieces, did we have any vice admirals?

Mr. DIES. Oh, no. You do not need vice admirals and lace and champagne when you come to a contest upon the field or upon the sea in behalf of your flag and the liberties of the country. They do not need any vice admirals for that. They do not contend that. A man can fight as well being a captain of a ship as if he were four hundred times an admiral of a vessel. What they are anxious to get it for is in order that they themselves and their families may take social rank in the courts and capitals of Europe.

Do you know I feel sorry for my friend the Secretary of Labor in his ambition to have a seven-seated touring car and a $2,500 electric? Because we are setting a mad pace in this simple republican capital. Not long ago I heard it said that the reason why we had to put the clerks on the pension roll was that Congressmen, who get $7,500 a year, were setting such a pace, and the clerks were trying to keep up with them, that they could not live on the modest salary the Government gave them and they had to get a pension. No doubt many of the Congressmen are having a good deal of trouble in keeping up with the Cabinet ministers, and no doubt the Cabinet ministers are having a great deal of trouble in keeping up with the ambassadors from foreign countries, and no doubt the ambassadors from foreign countries are having a great deal of trouble in keeping up with our multimillionaires all over this country. [Laughter.]

No; when a man undertakes to indulge one of these limousine, or "limozeen"—which is it [laughter]—one of these limousine habits with a Ford salary [laughter] he has either got to come to Congress for more money or else he has got to take it out of the contingent fund in defiance of the edict of Congress. [Laughter.] And then when it gets down a little lower in the scale and the fellow with the Ford disposition and the wheelbarrow salary [laughter] gets into trouble he wants the Government to give him a pension, to be paid by all the taxpayers of the country.

You know we have gotten into the habit in the last day or two—and I am afraid the mania is going to grow—of crying, "Let slip the dogs of war in Mexico!" I warn you, my friends, if you go into Mexico, you write pensions, two billions or three billions in pensions, as soon as you get out of Mexico. If there is anything in this world that ought to make a man who loves the common people of this country stop and consider before he talks war with Mexico, or war with anybody, it ought to be the pension roll that is to follow, and the admirals and the vice admirals and the commodores and the generals and the lieutenant generals that follow in the wake of war.

Another thing you want to consider when you think about war with Mexico is that when you unfurl the American flag in Mexico it will stay there until doomsday book is opened. There will not be any Cubanizing of Mexico when the Army of the United States goes down there, if unfortunately it ever goes, but it will become a State or a number of States of this Union, because it is contiguous territory.

I am awfully sorry, Mr. Chairman, that we did not have statesmanship enough to confine our activities and ambitions to this hemisphere. Do you know that this Government that we live in, this continental United States, bounded on the east by the Atlantic, on the west by the Pacific, on the north by the snows of Canada, and on the south by tropical South America, was and is about the only spot on God's good earth where a real,

democratic Republic could be established and maintained? We had no neighbors to distress us. There was no need for us to have a large standing Army, such as France, Germany, Russia, and England have. There was no need that we should blacken the ocean with a great galaxy of portentous warships.

If we had done as the Father of his Country admonished us, if we had followed the simple teachings of the old democratic fathers and stayed at home and attended to our own business upon this hemisphere, we could have lived in a free government, in a Republic, as long as we live, and we could have bequeathed this immortal legacy to our children when we were here no more. We were not satisfied to do that. We had to sail away over 8,000 miles into the Pacific and take a white elephant by the tail over there, and we have never been able to turn it loose. We are over in Hawaii and we are down in South America, and the reason we are there and the reason for all these activities can be traced back to your admirals and your generals, who, from the day of the creation of civil government to this hour, have been anxious to magnify the importance of their trade in order that they might wax glorious out of war. I want to tell you, Mr. Chairman, if our generals and would-be generals, if our vice admirals and would-be vice admirals, would cease this eternal talk of war, if they would cease this eternal meddling and intermingling with the politics of Europe, there never would be any necessity for this free Republic to endanger her liberty and happiness with wars, great armies, or great navies.

But that is not what they are going to do. The great generals live by war. Great admirals can only shine when they level the brown guns of destruction at enemies. And you notice every time one of these bills comes up to appropriate for more powder, more lead, more armor plate, and more battleships these restless Napoleons and Nelsons get busy, and they cloud the horizon with prospects of war. They have made us believe that the little men over in Japan, that little bit of an island, with a few acres, half the time starving for the rice with which to feed their children—Japan, with annual agricultural wealth less than one-tenth of that of the United States—is going to declare war against us. They have taken this little Japanese soldier and hero and shaken him at us to make us buy more battleships, to make us believe we are in imminent danger of having a yellow peril come over here and drive us into the sea. I remember one time a Member of Congress said that in 12 months the United States would be flat on its back and Japan would have its yellow hands upon our white throats. He wanted two battleships, or was it six?

Mr. HOWARD. Four.

Mr. DIES. Mr. Chairman, what a beautiful chance we have to maintain a Republic in this country. Do you tell me that we ought to forget all the advantages of our geographical situation? Do you tell me that we ought to have a great Army and to build a great fleet for the protection of the liberty of this hemisphere? Why, if we would just stay at home and attend to our own domestic affairs, we would not be in danger of trouble from any power in the world. I will tell you. Do you remember a short while ago we almost had an insurrection in this country as to whether Senators or members of the Cabinet should give the glad hand to the President first? Senators said, "I want to shake his hand first"; and Cabinet ministers said, "It is our right to shake his hand first"; and for the time being clouds lowered upon our peaceful country, lest there might be war between a branch of the Government and functionaries created in the Government. [Laughter.] A little later we got that all cooled down, and we had no necessity for battleships on that account; and then a serious question arose as to whether the wives of certain dignitaries should call upon the wives of certain Congressmen, and we nearly came to war about that. [Laughter.] Happily, my friends, this awful specter of social conflict has vanished from the horizon; but now some little dignitary down in some country is taking tea and getting to the punch bowl ahead of our rear admirals, and we have got to have a law to raise our rear admirals up to vice admirals in order that they may better perform their social functions. You know we ride around here in these limousines and in these seven-seated touring cars, paid for out of the taxes wrung from toil in this country, and we run over the fellow with the little Ford car; and the man walking on foot, the pedestrian, he has just simply got to hear one honk of the honk-honk and run for his life; and the most ridiculous feature of it all is that when one of these Cabinet ministers alights from his vehicle, paid for by the people, drawn by two snorting bay horses, or alights from his limousine, paid for by the people of this country, he dusts himself and says, "Let the people rule." [Laughter.]

Mr. Chairman, this patient will either get better or get worse. If a man to-day, in defiance of Congress, can take $1,600 out of the contingent fund appropriated by Congress for the legitimate functions of government to carry on the government of the people, to-morrow he can take $10,000 as well; and if the Secretary of Labor can buy himself an automobile, then the Fish Commissioner can buy himself an automobile. If one of the dignitaries of this Government can take the funds of the people taken from their taxes to buy an automobile, he can buy a yacht upon the same principle. And if any of our Cabinet ministers or Fish Commissioners or the Commissioner of Education wants to do it he can use this precedent to buy himself an airship.

Oh I wish, Mr. Chairman, that we might return to the simple democracy under which this Government grew so great and so grand. I wish it might be that no man would feel embarrassed in this country if he took his foot in his hand and walked up the Avenue, as I myself do and many of you do. I wish a man could just simply go along and live within his income, without a brass band and a panoply of glory and peacock feathers, without having his wife or his daughters or his children constantly pointing to some other man who is setting a breakneck pace. And of all the people on this earth that ought not to do it, the servants of the taxpayers of this country ought not. If a man has $100,000,000, it is bad enough that he should live so extravagantly as to drive his poor neighbor to despair, but it is too bad, indeed, when the meek and lowly servants of the people drive poor folks to despair with the splendor of their equipages. I would not be ashamed to see our Secretary of Labor walk up and down the streets of Washington. Why, do you know just a few months ago, on account of the terrible pace that somebody has been setting here in Washington, we heard another Cabinet officer, the great Secretary of State, exclaim in anguish that he could not live on a thousand dollars a month. I am sure he told the truth when he said it. I have great faith in our commoner.

Somebody has made the pace so high in this Capital of our Republic, somebody has set the gauge at so exalted an altitude in this citadel, that one of our servants, the great commoner of the Republic, can not live in this city in befitting style for $12,000 a year. It looks to me, Mr. Chairman, like it is a good time for Cabinet ministers, Senators, and Congressmen to set for the people in this city and Nation the example of old-time simplicity and democracy. [Applause.] If a Cabinet minister can take a given sum of money in defiance of Congress and buy himself an automobile, what example and what lesson does that teach to the smaller officer, the clerk, and dignitaries around this city? What is the example to a little $1,500 or $2,000 clerk who handles funds and papers and affairs of the Government? Is it not saying to him, "Mr. Clerk, you are authorized to pad your expense bills when traveling for the Government; you are authorized to put in $2 where you spend $1 on the affairs of the Nation, because our Cabinet ministers are settling their accounts by taking money out of the contingent fund for the purchase of automobiles"? If this is peanut politics, make the most of it. In my humble judgment it is simply old-fashioned democracy, simply old-time honest dealing with our constituents, to say that we will not allow this thing to continue.

If ever my cheeks were mantled with the blushes of shame, it was when I read in the RECORD that every Democrat voted for the taking of an automobile from a Republican Speaker and a Republican Vice President, and that we have not raised our voice against the same things when Democrats occupy these powerful positions. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk began reading the bill, and read as follows:

The name of William C. Barnes, late of Company F, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman in charge of the bill how many private bills are included in this omnibus bill?

Mr. BURKE of Wisconsin. One hundred and thirty-seven items of pension are contained in this omnibus bill.

Mr. JOHNSON of South Carolina. Does the gentleman know how much of an increase is involved?

Mr. BURKE of Wisconsin. Seventeen thousand six hundred and fifty-eight dollars only. The bill carries $43,464.

Mr. JOHNSON of South Carolina. Seventeen thousand and odd dollars per year?

Mr. BURKE of Wisconsin. Yes.

The Clerk read as follows:

The name of Mary A. Elderkin, widow of William H. Elderkin, late of Battery L, Second Regiment Illinois Volunteer Artillery, and pay her a pension at the rate of $12 per month.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, between lines 6 and 7, add a new paragraph, as follows:
"The name of Mary Van Duyne Evans, widow of Henry W. Evans, late of Company E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Mr. MURRAY of Oklahoma. Mr. Chairman, I would not offer this amendment but for the circumstances surrounding it. This bill was introduced last fall to grant a pension to this very aged woman. The subcommittee before the last bill passed agreed to it, and then the committee agreed to it, and the clerk inadvertently left it out of the bill. The woman is almost 80 years of age, poor, has no property, and as some of these other bills may not get through both Houses, in view of these facts, I offer it as a matter of justice to this poor old woman. The committee has dealt with it and agreed to it, and, as I say, it was left out by the clerk through inadvertence. It does not violate any wholesome rule as to the matter of granting pensions.

Mr. BURKE of Wisconsin. Mr. Chairman, as is well known by Members of this House, the Committee on Invalid Pensions has invariably opposed all amendments to different items contained in the omnibus private pension bills. To allow amendments to be adopted to the bill promiscuously would be establishing a dangerous precedent. We feel, however, that in this case, in view of the facts stated by the gentleman from Oklahoma, which are exactly correct, that the bill was passed upon by the special examiner and also by the full committee favorably, and was only omitted from the bill by inadvertence or oversight of the clerk. We are willing under these circumstances and conditions to insert this amendment. If it had been under other conditions we certainly would have opposed it.

Mr. PALMER. Will the gentleman yield?

Mr. BURKE of Wisconsin. I will.

Mr. PALMER. Is this the last omnibus pension bill for this session?

Mr. BURKE of Wisconsin. I do not think so, but I am speaking only for myself.

Mr. PALMER. Is it not true that there are a large number of other cases which have been passed upon by the examiner and the subcommittee; and if this amendment goes into this bill, why should not the others?

Mr. BURKE of Wisconsin. This case has been passed upon favorably by the full committee, and it was only omitted from this bill through the oversight of the clerk. Perhaps there are some bills ready for the committee and passed upon by the examiner which are to go into the next bill.

Mr. PALMER. Is this the only case passed upon by the full committee that is not in this omnibus bill?

Mr. BURKE of Wisconsin. Yes; and the clerk was directed to put it in, but through an oversight it was omitted.

Mr. HOWARD. Mr. Chairman, of course I have no objection to this amendment offered by the gentleman from Oklahoma being added to the number of pensions included in this bill. But I have a case that is in a better status than the case of my good friend from Oklahoma.

I have in Atlanta a very dear old friend 76 years of age. He followed the gallant and distinguished Gen. Sherwood four long years, and in the last Congress there was a bill passed through the House allowing him $40 a month. He is in want, he is suffering excruciating agony from wounds received in the war. The House in the last Congress acted on the bill. The other day I received a notice from the clerk after we had furnished additional evidence for this Congress when he was in a worse condition than he was last year, because he is more helpless and his diseased body has grown weaker—I got a notice from the clerk the other day, a very nice notice, a notice that he was turned down, that the committee had decided that they would not give old Capt. Aleck Mattison, who followed the flag four long years under the gallant Gen. Sherwood, a pension.

The old man can hardly walk a step, and I am going to say, if this amendment goes in, and I give notice to the committee now, then this old man's amendment is going in also. I am going to put everybody on notice of that because that is a bill that has passed this House without any objection. It went over to the Senate and some Senator took it out of the bill to favor some other man, probably from his State or his section of the country, and he probably said:

Here is old Capt. Mattison, who can not walk a step, who is absolutely in want, but he is from the State of Georgia, and as there are *not many pensioners* down there we will give this pension that belongs to him by virtue of the opinion of the House of Representatives to somebody else.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. With pleasure.

Mr. GOULDEN. What reasons were assigned for the adverse action by the committee?

Mr. HOWARD. I do not know of any reason.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GOULDEN. There ought to have been some mighty good reason.

Mr. HOWARD. Except to say that they did not act upon it favorably.

Mr. GOULDEN. There ought to be some better reason than that.

Mr. HOWARD. Yes, of course. I will ask the gentleman from New York to move to strike out the last word, so that I may continue with the explanation.

Mr. GOULDEN. I move to strike out the last word.

Mr. HOWARD. Will the gentleman yield?

Mr. GOULDEN. Yes.

Mr. HOWARD. I will state to the gentleman from New York that his old soldier is now drawing $30 a month, but he has to have an attendant. He is helpless, and I will say to his credit—I do not care where he came from, I do not care from what State, though he hails from the State of Ohio—that there is not a better citizen in the State of Georgia than Alexander Mattison, and there never was a braver soldier in the Union Army than he, and he bears the scars of the battles on his body. He is in need, and it is not right for this committee or any other committee that is dealing with these pension bills that expects to deal with them justly, as I know you gentlemen have tried to do, to deprive this old man of that to which he is entitled—and this House has once said he was entitled to it—simply because some pension examiner says "no."

Mr. GOULDEN. I agree with what my friend says, and I should like to ask the members of the committee present for an explanation.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. GOULDEN. Yes. I would like to ask some member of the committee for an explanation upon this subject.

Mr. RUSSELL. Does the gentleman refer to this bill referred to by the gentleman from Georgia [Mr. HOWARD]?

Mr. GOULDEN. Yes.

Mr. RUSSELL. Mr. Chairman, as one member of that committee, I do not have any recollection of this bill ever coming before the committee, and I suppose it has in fact not yet come before the committee. The gentleman from Georgia [Mr. HOWARD] understands, of course, that there is an examiner sent here by the Pension Bureau, whose duty it is to examine all of these bills before they come to the committee, and he makes a report upon each bill. He often turns down bills, and writes the notes to the Members interested, such, I presume, as the gentleman from Georgia received, indicating that he has rejected the bills. Such bills may, however, go to the whole committee if the members interested so desire, and the gentleman from Georgia, if he desires, may have his bill considered by the committee and can appear before the committee, and I assure him that the committee tries in all such cases to do justice.

Mr. HOWARD. Mr. Chairman, in the last session of Congress the gentleman from Missouri [Mr. RUSSELL] and the gentleman from Indiana [Mr. ADAIR] were both very courteous to me about this bill for this old gentleman, and I went so far as to have photographs taken of this old man's body in order that you could see for yourselves, and when this evidence was presented it was overwhelming. The committee readily acceded to the request of giving him this extra sum. I will say we passed the bill through this House without any dissenting voice. There was no question about it. It went to the Senate, and for some unaccountable reason it was eliminated from the bill in the Senate.

Mr. RUSSELL. I remember that bill at the last session. I remember very well the gentleman from Georgia talking to me about it.

Mr. HOWARD. In this session not only did I supplement the evidence that was adduced before the committee at the last session with a certificate of the attending physician that this old man was in much more precarious condition now than he was then, but I introduced affidavits of reputable and high-toned citizens saying that he was in absolute want. If he does not get a pension at this time in this Congress, he will not need any pension, because he will soon answer the last roll and go hence to reap the reward of the faithful.

Mr. GOULDEN. Did the gentleman's bill this year carry the same amount it did in the last Congress?

Mr. HOWARD. Yes.

Mr. GOULDEN. Then there is a good reason somewhere for its being overlooked; otherwise it is open to criticism, and as a comrade of Capt. Mattison I am ready to join hands with my friend from Georgia [Mr. HOWARD] to remedy it.

Mr. HOWARD. I do not want to deprive my friend from Oklahoma [Mr. MURRAY] of getting this old woman this pension.

Mr. MURRAY of Oklahoma. This woman is not getting anything and the gentleman's pensioner is getting $30 a month.

Mr. HOWARD. I understand. I do not want to put the gentleman's bill in the same category as mine, but if anyone ever introduced a pension claim on the floor of this House that has merit in it this is one of them; and now if you deprive this old man of this money for two or three months longer or four or five months longer, then he will not need it. It ought to be put in as an amendment to this bill, and I do not care whether you have any ironclad rule or not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RUSSELL. Mr. Chairman, I move to strike out the last two words. As I stated a moment ago, the committee will be glad to have the bill referred to by my friend from Georgia presented to the committee, and it will be glad to have him appear for the purpose of presenting the facts in the case.

I think it is practically an impossibility for this House to undertake to pass upon these individual pension bills, and if we ever go into that at all it will mean that it will defeat nearly all pension bills or else it will take all of the time of the House. The committee is for the purpose of trying to relieve the House from this onerous work that is necessary in going into an investigation of each of these pension bills.

Mr. HOWARD. Mr. Chairman, I desire to ask the gentleman from Missouri a question.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUSSELL. I will yield.

Mr. HOWARD. I would not have made this statement had it not been that practically the same Committee on Invalid Pensions that exists now existed when it heard all of the evidence before and the committee has passed on it.

Mr. RUSSELL. There are seven or eight new men on the committee at this time.

Mr. HOWARD. Well, I do not think that makes much difference with a meritorious case; but, as a matter of fact, the Committee on Invalid Pensions passed on it, and, as I understand from my good friend from Indiana, it was a unanimous report of the subcommittee that had it in charge.

Mr. RUSSELL. I remember it.

Mr. HOWARD. For that reason I can see no harm that could be done in putting it in.

Mr. RUSSELL. It is just this: There must be something in the facts of the case that the Senate did not understand or else the Senate would not have stricken it out or the examiner would not have turned it down. I do not know what the trouble is, but from the statement made by the gentleman from Georgia this is a first-class case, and the committee would unhesitatingly allow the man an increase of his pension.

Mr. HOWARD. If that is true, I hope the gentleman will not object to my offering this amendment. I am quite ready to say that if he does not get it now it will not do him any good.

Mr. RUSSELL. I think the committee ought to pass upon the evidence. There must be something in the case we do not now understand or else why did the Senate turn it down or the examiner turn it down?

Mr. GOULDEN. I would like to ask my friend from Missouri if he does not think the Senate turned it down because he is now pensioned at the rate of $30 a month on a special bill? Perhaps some rule prevails in the body at the other end of the Capitol on this subject that might justify its action.

Mr. RUSSELL. They would do that unless they thought his condition was such that that amount was not sufficient for him.

Mr. HOWARD. That is why the examiner did not send it up. That is what he said in his stereotyped answer, that he is drawing $30 a month.

Mr. RUSSELL. They thought probably from the statement made that is all he is entitled to under the rules.

Mr. HOWARD. I see right here in the bill which the committee reported one item paying a man $40 a month and another $50 a month, and the facts in every one of those cases are not any worse, so far as physical disability and suffering are concerned and absolute need of care.

Mr. KEY of Ohio. I would like to ask the gentleman what the financial situation is in this case? Is the man in destitute circumstances?

Mr. HOWARD. Absolutely. That is all shown here in the report. Had he not been destitute, I am frank to say to the gentleman, I have so little patience with private pensions I would not have introduced the bill. If he had not been one of the fighting soldiers of the Union Army, one who really served his country from a patriotic standpoint, and if he had not been in want I would not have introduced the bill.

Mr. KEY of Ohio. I want to say to the gentleman from Georgia that this matter involves a principle; it is an entirely different proposition from a matter of facts. Now, the Committee on Invalid Pensions or the Committee on Pensions are placed at a disadvantage in these cases when they are not in possession of the papers.

Mr. HOWARD. That is true.

Mr. KEY of Ohio. I am satisfied that if this House is going to amend these bills on the floor of this House, that the day of private legislation is at an end, and I want to say I do not believe this House is ready to turn down the men who have given up all their time in investigating these claims, and the men who are detailed from the Pension Office who are learned in the pension law and who go over these cases——

Mr. MURRAY of Oklahoma. Will the gentleman yield for just a minute? Since this is based on the proposition of $30 against nothing, and that we ought not to amend these bills, I will withdraw the amendment.

The CHAIRMAN. The gentleman from Oklahoma withdraws his amendment.

Mr. HOWARD. Well, Mr. Chairman, that ends the whole situation.

The Clerk read as follows:

The name of Margaret McGrath, widow of Jeremiah McGrath, late of Company B, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. MURRAY of Oklahoma. Mr. Chairman, I move to strike out the last word.

I want to say that I shall never present a claim, whether meritorious or not, while I am in this House, based upon the granting of another meritorious claim. It is a spirit of retaliation that ought not to go in any class of legislation. I would not have offered this amendment awhile ago but for the facts as they occurred. I realized the situation, because I am on the Pension Committee. But I want to call the attention of the gentleman from Georgia [Mr. HOWARD] to one thing. I have on the subcommittee some Southern States and some Northern States. I notice that every Northern State had their evidence in. The Southern States had filed only a haphazard kind of evidence. The facts are that in the South a great many of the public men teach the people that anybody can get a pension, and I am busy telling my people that it requires evidence to get a pension. The northern people have understood that. I believe if some of these fellows would get better evidence they would get their bills through.

Now, I get pretty nearly all the applications for pensions from my State, because I am the most open in advocating pensions of any man in the Democratic Party in my State. I am telling them every day that they have got to get evidence, and I am willing to grant anybody a pension who is poor and worthy, who was a soldier, and did not desert.

Mr. LANGLEY. Will my friend yield for a question?

Mr. MURRAY of Oklahoma. Yes; if my time is not out.

Mr. LANGLEY. I hope the gentleman from Oklahoma will except the "gentleman from the tenth district of Kentucky" from his reflection on southern Members for their failure to properly prepare their cases.

Mr. MURRAY of Oklahoma. I said "some of the Southern States."

Mr. LANGLEY. Yes; I know; but I want to make it clear that it does not apply to me, and to say to the gentleman that I have already had passed all of the special bills the committee would allow me up to date and a good many more cases, complete and approved by the examiner, and on the waiting list, ready for the action of the committee, as several of my colleagues on the committee who are present will bear me witness.

Mr. MURRAY of Oklahoma. I will say that from a State close to Kentucky we know of a claim brought in, and there is absolutely no proof that the woman ever married the soldier.

Mr. LANGLEY. O, well, for that matter there are a good many things close to Kentucky that I do not approve of myself. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Alice Randall, widow of Clark Randall, late of Company G, Nineteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. HOWARD. Mr. Chairman, I would not say anything more about this case if it had not been for the statement of the gentleman from Oklahoma [Mr. MURRAY]. I did not mention the case of this old man for the purpose of defeating his amendment.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. HOWARD. In just a moment I will. I introduced this amendment because of the fact that the case that I had was on

all fours with the case that he had, and that I thought if the House was acquainted with the facts in that case they would readily accede to my wishes and allow my case, too. The gentleman from Oklahoma says that he notices the men from the Southern States do not have their pension cases in the same well-prepared condition as do the gentlemen from the Northern States.

Mr. MURRAY of Oklahoma. That is my experience on the committee.

Mr. HOWARD. The reason for that is this: The people in the South have not had the experience in preparing pension claims that the people in the North have had.

Mr. MURRAY of Oklahoma. I am located south of the Mason and Dixon line myself.

Mr. HOWARD. And we people in the South have not gone to the extent that some people have gone in the North to pad the evidence and obtain a pension. That is the reason we do not know as much about how to prepare a pension case in the South as you do in the North.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Oklahoma?

Mr. HOWARD. Certainly.

Mr. MURRAY of Oklahoma. I never made the statement that the gentleman refers to. I live south of the Mason and Dixon line, and have lived there all my life. I can show him the cases in the Pension Committee and let him judge for himself. Certainly there is no excuse for bringing in a pension for a widow with no evidence to show that she ever married the man.

Mr. HOWARD. I am not responsible, Mr. Chairman, for somebody's ignorance about how to obtain a pension.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. HOWARD] has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wyoming object to the gentleman proceeding for five minutes?

Mr. MONDELL. Mr. Chairman, it seems to me we have had a good deal of discussion, and a good deal of it is rather irrelevant, in connection with this pension bill. I am inclined to say that if we are going to have a continuation of this——

Mr. HOWARD. I will promise the gentleman I will not bother him any more.

Mr. MONDELL. The gentleman is not bothering me at all. I am anxious to get on with the bill.

The CHAIRMAN. Does the gentleman object?

Mr. MONDELL. I do not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Georgia [Mr. HOWARD] will proceed for five minutes.

Mr. HOWARD. Mr. Chairman, I do not care much, although I do to a certain extent, where the gentleman from Oklahoma lives. But I am not responsible for some man who is located down near the line of the good old State of Kentucky, over in some other State, and did not know how to file his claim.

But I venture this assertion—and I think the members of this committee will bear me out in it when they get the papers in this case—that this particular claim for the concomitant of my good old friend from Ohio, Gen. SHERWOOD, there, who followed him for four years, and who knows him personally, was as well prepared as any other pension claim that was ever presented to this House.

Mr. DIES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. HOWARD. Yes.

Mr. DIES. If the gentleman will turn to page 10 of the report, he will find these words in it:

> The records of the War Department fail to show that he ever rendered service in the United States Army or that the Seventy-first Enrolled Missouri Militia was ever sworn into the United States service.

Still they granted him a pension. Could not my friend use that as a precedent and example by which to draw his papers? [Laughter.]

Mr. HOWARD. I could, Mr. Chairman; but, as I say, there is no excuse on that line, and I do not like to have the gentleman from Oklahoma [Mr. MURRAY] say that I was captious about this matter and that I was greedy. I hope that he will reintroduce his amendment. Capt. Alex Mattison has not got to die in want and misery because he can not get a pension, after this House has acted on it once favorably, sufficient to sustain his body. He shall not die in want, because he lives in Georgia, and Georgians will see that he does not suffer in want. We will take care of him, if the great Government he served for four years thinks more of precedent than it does of justice. In a rule that has been adopted here it is monstrous to say that because I have not done a certain thing you will let him die in want, because it breaks a precedent.

Who passes on these bills finally? Why, you gentlemen have come into this House and you say that because the Committee on Pensions, in its wisdom, which it has delegated to itself, without any rhyme or reason, says to a good, old, honest Union soldier: "You shall not have a pension; you can not get it."

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. HOWARD. Certainly.

Mr. RUSSELL. I understand the gentleman from Georgia to say that the House committee approved this bill in the last Congress.

Mr. HOWARD. They did.

Mr. RUSSELL. And they have had no chance to consider it in this Congress, and since it was rejected by the Senate in the last Congress.

Mr. HOWARD. They passed it, and they were unanimous in it.

Mr. RUSSELL. I submit that the gentleman from Georgia ought not to lecture the House committee when they approved the bill he refers to in the last Congress and he has not presented it to the committee in this Congress, since it was turned down by the Senate.

Mr. HOWARD. It has been presented, so far as I know how to present anything.

Mr. RUSSELL. It was not presented to us in this Congress.

Mr. HOWARD. I presented it to the man who is the "examiner," who said he directed such affairs of the Pension Committee; the man who had plenary power to act; the man who furnished all the muscle and sinew and brain power, as I understood he claimed, of the Pension Committee. [Laughter.] You have got to go over there; you have got to go through him; and you can not get it. He has got to write it up, no matter what the facts are, and you can not get it.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman yield?

Mr. HOWARD. Certainly.

Mr. RUSSELL. Does the gentleman from Georgia understand that the man he is speaking of, the examiner, the man who is sent here by the Pension Bureau, does all the work for the Pension Committee? If so, does not the gentleman think that he ought to direct his criticism to him?

Mr. HOWARD. That is what I am doing. Did the gentleman hear me say that I thought you had delegated to him all the power? [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DIES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas [Mr. DIES] moves to strike out the last word.

Mr. DIES. Mr. Chairman, I rise for the purpose of giving consolation and encouragement to my friend from Georgia [Mr. HOWARD]. I say that he need not be discouraged in his first attempt to get a private pension through; that there is reason yet to hope, in view of the holding of the committee with reference to the bill H. R. 5196, which is as follows:

> H. R. 5196. Julius Vogt, aged 80 years. The claimant is now a pensioner under special act of Congress at $12 per month since May 15, 1900.
>
> Address, Concordia, Lafayette County, Mo.
>
> He alleges service in Company C, Seventy-first Enrolled Missouri Militia; date of enlistment and discharge and length of service not disclosed. The records of the War Department fail to show that he ever rendered service in the United States Army or that the Seventy-first Enrolled Missouri Militia was ever sworn into the United States service. He therefore has no pensionable status under existing laws.

Yet he is to get a second special pension bill through Congress in a few moments without ever having rendered any service as a soldier of the country. I only want to call my friend's attention to it in order to buoy him up. If this man, who never rendered any service, can get two special bills through, certainly the gentleman's old friend, who rendered valiant service, can get one through.

Mr. HOWARD. I will say to the gentleman that I have more hope now than I ever had before. The only reason why I am insistent at this time upon having the pension granted is that this poor old man is in dire distress and he needs this now. I hope to get it.

The CHAIRMAN. The time of the gentleman from Texas has expired. The pro forma amendment will be considered withdrawn.

Mr. ADAIR. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana [Mr. ADAIR] moves to strike out the last two words.

Mr. ADAIR. Mr. Chairman, I want to say only a word in connection with the work of this committee, and in doing so I do not want to reflect on any Member of the House. My own personal opinion is that it would be much better, and results would be secured much more quickly, if Members of the House would come to the committee and present their claims and their complaints, if they have any, rather than make them here on the floor of the House.

It is a well-known fact to everyone here who is familiar with the work of this committee that a man from the Pension Bureau is detailed to "write up," as we call it, these claims. The man detailed from the Pension Bureau makes recommendations to the committee, but the power of accepting or rejecting such recommendations rests with the committee. The committee does not always abide by the recommendations of the gentleman assigned by the Pension Bureau who writes up these claims, but we take into consideration all the facts in connection with each and every case and govern ourselves accordingly.

I have always maintained that no Pension Committee can have a hard-and-fast rule. The examiner who writes up these claims undertakes as nearly as he can to adhere to a hard-and-fast rule, but when these claims come before the committee the committee has the power to set aside his recommendations or to make such an allowance as they see fit.

I would therefore suggest to the Members of the House, who apparently every two weeks, on Friday, fill the CONGRESSIONAL RECORD full of statements regarding certain claims of theirs, that it would be much better for them, and would be much fairer to the committee, and better all around, if they would come before the committee and present the facts in the cases in which they are interested, and give the committee a chance to hear what they have to say about them before final action is taken.

Mr. ALEXANDER. Will the gentleman yield?

Mr. ADAIR. I do.

Mr. ALEXANDER. The Invalid Pensions Committee have a rule that no second bill granting an increase of pension will be allowed, where the pension in the first instance was granted by a special act.

Mr. ADAIR. I will say to the gentleman from Missouri that the Invalid Pensions Committee has no such rule adopted by the committee. The committee in the Senate did have a rule of that kind——

Mr. ALEXANDER. You have such a rule as that, or at least it has been promulgated with your authority, and I have a copy of it in my office; and the attention of the committee was called to that rule in the last Congress.

Mr. ADAIR. I will say to the gentleman that notwithstanding the fact that he may have a copy of such a rule, the records of the Invalid Pensions Committee will show that no such rule was ever adopted by that committee in the history of the country.

Mr. ALEXANDER. Then why do you permit it to be promulgated?

Mr. ADAIR. I do not know who published or circulated any such rule, but I know it was not passed by the committee.

Mr. ALEXANDER. I have in my district a great many members of the enrolled Missouri Militia, some of whose cases are quite as worthy as these, and I have written not less than a hundred letters to those old men, calling attention to the fact that under the rules of the Committee on Invalid Pensions there was no relief for them. I insist that the committee ought to have some rule, and then they ought to live up to it.

Mr. ADAIR. Does the gentleman refer to the rule providing that a soldier shall not be pensioned twice by special act?

Mr. ALEXANDER. Yes.

Mr. ADAIR. Have the soldiers the gentleman refers to been pensioned by special act?

Mr. ALEXANDER. They have never been pensioned at all.

Mr. ADAIR. Then they do not come under this rule?

Mr. ALEXANDER. You have persistently refused to recognize that class of cases at all.

Mr. ADAIR. The rule of which the gentleman speaks has nothing whatever to do with the cases that he refers to.

Mr. ALEXANDER. Yes; it has.

Mr. GARNER. Mr. Chairman, I understood it was the rule, both of the Invalid Pensions Committee and of the Pensions Committee, not to place a name on the roll by special act of Congress where the records of the War Department did not show that the man had rendered service. If that is not the rule, there ought to be a statement made of that fact, because there are a number of cases of men who have sufficient evidence to show that they have served to convince their own Congressmen that they have rendered service; yet the records of the War Department do not show it. In this case your own report shows that the man did not render service and was never enrolled in the American Army.

Mr. ADAIR. I will say to the gentleman that I have been a member of this committee now for about three years. During the time I have been a member of the committee no such rule as the one of which the gentleman speaks has been adopted. What took place before I became a member of the committee I do not know; but I only want to suggest that we would be glad if Members of the House would come before the committee and present their claims, notwithstanding the fact that the gentleman who writes up these bills may not make a favorable report. Give us a chance first to do what you think ought to be done, instead of coming in here and criticizing the committee.

Mr. MONDELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman demands the regular order. Debate on this amendment is exhausted. The Clerk will read.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That amendment is not in order. The gentleman who preceded the gentleman from Illinois made that motion.

Mr. FOWLER. Mr. Chairman, I understand that motion has been withdrawn.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] moves to strike out the last word, and is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, I think it is due to this committee that somebody who is not a member of the committee should make a statement as to the method whereby that committee conducts its hearings and passes upon the claims of soldiers who are asking relief by private bill. I know I had some trouble the first year I was here in getting my cases before the committee, but it was largely because of my inexperience. Since that time I have had some trouble, of course, in getting every case I have presented properly rated by the examiner, but on each occasion when I have gone before the Committee on Invalid Pensions I have received the most courteous consideration of my claim, and I never have been turned down on any claim where I could show there was merit. And I want to say for this committee that I believe it is composed of men of the very highest order, men bent on the discharge of high, noble, worthy, and conscientious duty. I want to say for them that I believe they are trying to discharge that duty as fully as circumstances will permit. I do not believe that any worthy soldier will be turned down by that committee. I know that none of my cases have ever been turned down since I learned how to get them before the committee. When I learned that it was my fault, I censured the committee no longer; and I give them my hand of fellowship, and bid them Godspeed in their noble work. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

The name of James H. Sickles, late of Company E, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. Do I understand the gentleman from Indiana [Mr. ADAIR] to say that the rules of which we are given copies at the office of the Invalid Pensions Committee and which we—or at least I—send broadcast to the Grand Army posts in my district are incorrect and do not represent the practice of his committee?

Mr. ADAIR. I will say to the gentleman from Massachusetts that I do not know what rules or copies of rules he has been sending out or what copies of rules he has been procuring at the Invalid Pensions Committee room. I will say this: That at the beginning of this session a committee was appointed by the Invalid Pensions Committee of the House and the Pensions Committee of the Senate for the purpose of adopting rules governing our action. Senator SHIVELY, who is chairman of the committee in the Senate, has been very busy with other matters and up to this time has not called a meeting of that committee, so that during this session of Congress there have been no rules adopted by either of the two committees governing their action. I do not know anything about the rules that were adopted prior to the time I came on the committee.

Mr. SHERWOOD. The gentleman means that a committee was appointed to adopt uniform rules?

Mr. ADAIR. Yes.

Mr. GARDNER. Mr. Chairman, this discloses a very unfortunate state of affairs. I have been in this House a good many

years. For a long time I have been sending out to the Grand Army posts and to individuals in my district copies of these printed rules, on the supposition that they were the rules on which the Invalid Pensions Committee acted.

Mr. ANDERSON. Mr. Chairman, I just want to say that if the statement of the gentleman from Indiana [Mr. ADAIR] is correct, the situation is a very peculiar one. I have received a number of notices from the committee stating that such and such a claim had been rejected by the committee under Rule II or Rule X or Rule XII of the committee, as the case might be, indicating that the committee must act upon some rule.

Mr. GARDNER. Now, Mr. Chairman, here is the situation. For a great many years the printed rules of the Invalid Pensions Committee have refused consideration to bills which propose to pension any person who is already drawing pension under a special act. I did not realize until this morning that these rules were not adhered to.

But there is something worse than that. When I first came to Congress, a good many years ago, we used to be told by the Invalid Pensions Committee as it was then constituted that each one of us was entitled to not more than three bills in a short session and four bills in a long session. That rule was relaxed and relaxed, and the first thing we knew the members of the committee were getting more special acts than other Members of the House. Then pretty soon we were told that we could only have one bill on the stocks at the same time, and we find that that rule has been relaxed, and now we do not know where we are on this question.

I have had occasion over and over and over again to refuse to introduce special pension bills for my constituents on the ground that I had already exhausted my quota, or because their cases might conflict with the printed rules of the committee. I submit to the gentleman from Indiana that if it be true, as I have heard it said, that this committee allows itself far more special acts every year than it allows other Members of the House, and if it be true that the Invalid Pensions Committee is not acting on the rules which we have been given to understand that it is acting upon, they are doing a great injustice to their fellow Members. [Applause.]

Mr. CALLAWAY. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. CALLAWAY. If it is a fact that the Pensions Committee had rules by which they allowed these claims, why distribute just so many to each Congressman during each session, or so many per week, or so many during a Congress? Why require that a man can not prosecute his claim under the rules and then have the committee pass upon it, instead of requiring a Congressman to introduce bills, take the thing up with the board and push it through, and they be distributed to different Congressmen throughout the country, so many to each one?

Mr. GARDNER. The gentleman is arguing for another general act. Inasmuch as I felt obliged to vote against the Sherwood Act, I hope the House will continue to pass special acts.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The Clerk read as follows:

The name of Catherine T. Keating, helpless and dependent child of Edward Keating, late of Company C, Fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. MURRAY of Oklahoma. Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] a moment ago seemed not to understand me when I referred to the lax methods of getting up pension papers from Southern States. My sympathy was in favor of them, and I hope in the future they will be a little more careful, because if they will they can succeed with their pension bills better. Quit teaching the people that pensions are granted through fraud or political pull. Tell them to get evidence back of their bills. He further tried to put me in the attitude of attacking the South, where I have lived all my life; but I shall not let that go unchallenged. I had two relatives, commanders in the Confederate Army, and one who was in the Confederate Congress. I am as thoroughly a sympathetic Southerner as ever descended from the loins of a Confederate soldier. But I was reared for the most part by a foster father who followed Old Glory, and he taught me that there was patriotism and bravery on that side. I have never known of a civil conflict and, God being my helper, I never will. I live in a State that lies across Mason and Dixon's line, and I am proud that that State never seceded from this Union nor did it ever fire on citizens of any other State.

I have tried to be as broad as this Republic. I believe in the patriotism not only of the Confederate soldier but of the Union soldier. I hope I see the patriotism and the prejudices of both. I excuse it in the two soldiers of the Confederate and the Union Armies, but I condemn it in the sons of either who did not know anything about those hardships. [Applause.]

I want to say in conclusion, Mr. Chairman, that I see prejudice on the part of the South that ought not to exist, and I see prejudice on the part of the North that ought not to exist. I think the North is narrow when it fails to pay back to the South the cotton-tax money illegally collected from it, and I think the South is narrow when it criticizes pensions to the soldiers of this Republic. [Applause.]

That is the position I occupy at home, and I am going to occupy it here. The strongest ties of friendship exist between me and both the Confederate and the Union soldiers of my State, and I am going to stay with both, as I have stayed with them in my public career in my adopted State. [Applause.]

The Clerk read as follows:

The name of Peter Banks, late of Company G, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. DIES. Mr. Chairman, I think my friend from Oklahoma [Mr. MURRAY] does what he calls the North a great injustice. Of course there is no North, no South, no East, no West.

Mr. MURRAY of Oklahoma. The gentleman preceding me said that the northern men reflected on the South.

Mr. DIES. I want to say a word about pensions for northern people. I do not think they entertain prejudice against the old Confederate soldier. I have a well-authenticated case which, if necessary, I can procure at my desk, where this Congress, not this session, passed a private pension bill placing a man upon the pension rolls at $50 a month who, when 11 years old, the son of a Confederate soldier, was shot while holding the horses of Confederate soldiers. If anything is needed to show that there was no prejudice by the North against the old Confederate soldier, that is the case. That case is perfectly well authenticated and should satisfy my friend from Oklahoma. They gave him a pension by a private act. He was not a soldier in the Confederacy, but he was the son of a Confederate soldier, doing service for Confederates by holding the horses of the soldiers.

Mr. MURRAY of Oklahoma. Mr. Chairman, I never referred to that. I referred to the cotton tax. Is the gentleman for the cotton tax?

The CHAIRMAN. Does the gentleman yield?

Mr. DIES. Not for a moment. In view of that liberality, I assure my friend from Oklahoma, even though his ancestors were Confederate soldiers, that if they are still living they may yet be pensioned by a special act of Congress. There is no prejudice about this pension business now. Anybody can get a pension passed by Congress if he can get it through the Pension Committee. I want to defend the Pension Committee, headed by my gallant old friend, Gen. SHERWOOD, whom I love very much. If the members of that committee take a little more pork out of the barrel for themselves than they allow to others who are not members of the committee, they are but following the illustrious example of the Committee on Public Buildings and Grounds, which admitted here in a former session of Congress that they gave twice the number of items to themselves that they allowed to others.

Mr. MURRAY of Oklahoma. I want to ask the gentleman if he is in favor of paying the cotton tax to the South?

Mr. DIES. I am in favor of anybody paying that which he owes. If this Government owes it, whether it owes it to the North, the South, the East, or the West, or to Jericho, it ought to pay it, but I am not in favor of paying bogus claims from the South because they come under the name of the Southern Confederacy. I am in favor of the Government doing its duty by all of its citizens, North and South, and I would vote for a good claim from the South as I would vote for a good claim from the North, and I hope that I shall always vote against a bad claim, no matter from what section of the country it comes.

The Clerk concluded the reading of the bill.

Mr. BURKE of Wisconsin. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I now call up the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The bill is a substitute for the following House bills referred to the Committee on Pensions.

H. R. 1585. Harry E. Low.	H. R. 8590. Lillian Garner.
H. R. 2432. Mary Petrick.	H. R. 8804. Nancy A. Tyler.
H. R. 2557. Freda Burow.	H. R. 9248. Frederick Antoni.
H. R. 3308. Ralph E. Henderson.	H. R. 9647. Anna Dora Carlson.
H. R. 3602. Boaz Adkins.	H. R. 10166. Mary Baker.
H. R. 4238. John E. Clark.	H. R. 10366. Kizzie Gill.
H. R. 4504. Adam J. Sherman.	H. R. 10933. Edwin E. Hultz.
H. R. 5582. Cornelia A. Mobley.	H. R. 11884. John Weir.
H. R. 6786. Frederick Claus.	H. R. 12611. Lena Fitzgerald.
H. R. 7039. Martin H. Johnson.	H. R. 13152. Carrie E. Sutton.
H. R. 7052. Claude D. Truskett.	H. R. 13390. Addie Burns.
H. R. 8006. Sarah A. Tillard.	H. R. 13447. Sarah Jane Scurlock.
H. R. 8487. Sarah Toomey.	H. R. 13479. Mary F. Carson.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Harry E. Low, late of Company G, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Ohio, in charge of the bill, whether the Pension Committee has any printed rules to which it adheres?

Mr. KEY of Ohio. I will state to the gentleman from Massachusetts, Mr. Chairman, that the committee follows its rules, and I do not believe that it has ever varied from the rules.

Mr. GARDNER. Has it printed rules?

Mr. KEY of Ohio. It has.

Mr. GARDNER. And does it adhere to those rules?

Mr. KEY of Ohio. It does.

Mr. GARDNER. Therefore, at all events, so far as the Committee on Pensions is concerned, I am safe to send those rules to my constituents and to say to them that they must come within the conditions of the rules or they can not get special pensions.

Mr. KEY of Ohio. I would like to state this to the gentleman: Of late the committee has been besieged with a great number of requests that it take up and consider a second private pension bill, and the committee so far has refused to violate the rule in respect to that. The chairman took the matter up with the committee at the last meeting, but owing to the fact that there was so much importance attached to the breaking of the rule, and owing to the further fact that there was only a bare quorum of the committee present, it was decided to put the matter over until the next regular meeting of the committee, when same would be fully discussed; but so far the Committee on Pensions has not violated one rule, to my knowledge.

Mr. GARDNER. Mr. Chairman, will the gentleman permit me to suggest that if the committee decides to violate the rule, it ought to repeal it and give the Members of the House notification of the fact that it has done so? I am very glad to hear what the gentleman says that, for the present, at all events, we can feel safe in sending out the rules of his committee to our constituents. I am glad to hear the gentleman say that his committee has not fallen into the practice of violating its printed rules, and I hope that if the committee decides to change any rule he will have a new set of rules printed, so that we may all know where we stand.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. ALEXANDER. I was just going to call the attention of the gentleman from Ohio to the fact that I had addressed a letter to him this morning upon that very question. I have a bill pending before his committee providing for a second increase, and have been advised by the examiner for the committee that it would not be allowed. I wrote the gentleman a letter to know whether the committee has violated that rule.

Mr. KEY of Ohio. We have not as yet, but that matter will be taken up and discussed before the full committee at the next meeting, and in the event the committee decides to change that rule, a new rule will be printed and distributed to the various Members.

Mr. ALEXANDER. That seems to be fair.

Mr. MILLER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I desire to call the attention of the Committee for a moment to a part of the bill recently passed—that part mentioned by the gentleman from Texas [Mr. DIES]—granting a pension to Charles N. Ashford. In fairness to the Committee on Pensions, a statement should be made following that which has been submitted. Charles N. Ashford was a boy in the State of New York who enlisted early in the war in the One hundred and fifth New York Volunteers. His regiment was attached to the Army of the Potomac, and he participated in its engagements up to the time of the second Battle of Bull Run, at which time he was with others guarding a baggage train. A bridge gave way and he was precipitated to the bottom of the chasm and severely injured. Consequent upon his injuries he was taken to the hospital, treated for several months, and discharged from the hospital and from the Army, with the statement on the discharge that he was not eligible for reenlistment by reason of the disability incurred in line of duty. However, in the following year he had recovered, as he thought, to a greater degree than he had at first anticipated, and when the State of New York was combing the highways and byways to get volunteers he responded again. He went to the recruiting sergeant and told him of his discharge and of the disability therefrom, whereupon the recruiting sergeant told him he could not reenlist under his real name, but he could reenlist, like many others did, under another name, and thereupon he took the name of his mother. He reenlisted without a bounty, without a cent, merely that he might again fight for his country. This reenlistment was in the Ninety-seventh New York. He was again attached to the Army of the Potomac, again participated in the battles of that Army up to and including the Battle of the Wilderness. Amid the carnage of this awful battle he stuck to his post and was shot to pieces.

Yet he was not killed. Severely, desperately wounded, he was taken to a hospital in this city, where he languished for seven months. He was then discharged, completely disabled, and his honorable discharge from the Army so stated. I do not know just how he got out into Minnesota, but somehow or other he wandered there. He went into a remote section of the State way up near the Canadian border, up along that narrow strip between Lake Superior and Canada, 110 miles from a railroad, without the telegraph, without the telephone, and he tried to make a little home for himself and wife up in that remote region. He applied for a pension in 1875 under the name of Charles N. Ashford. He was granted a pension on account of his disability secured in the second, or last, service. Nothing was said apparently about his other disability and no pension was granted for that. He drew this pension from 1866 to 1875, when the department stopped the pension, claiming disability had ceased from the gunshot wounds. He had been drawing only $4 per month. The condition of his health was such that he was in desperate need, so in 1884 he again applied for a pension, alleging as disability only the injuries he received in the first service. This pension was granted, and the department in figuring up his back pay allowed him from the date of his injury. It was by reason of this back pay that the lapping of pension occurred. It must be borne in mind that this man never applied for two pensions at the same time; that he never drew two pensions at the same time; that the only lapping occurred by reason of the method employed by the department in ascertaining his back pay. It must also be noted that when the two pensions are added he drew only $10 per month, really less than he was at all times entitled to.

This case got into the hands of a clerk in the Pension Office, who read superficially, could not see a foot ahead, and spoke glibly of fraud. I made a most careful investigation of this case extending over three years, and I know there is not a semblance of fraud to be found anywhere. The claim of fraud is based solely upon the fact that in the application for pension Mr. Ashford stated he had no other service. Mr. Ashford says he never made any such statement. Truth is, that part is regular form matter, printed, and when the blanks were filled out by Ashford's attorney in those olden days this printed item was not brought to the soldier's attention. Thus fades away every suggestion of fraud. There is some language made by the clerk that might be construed as suggesting fraud in connection with the evidence submitted to establish claimant's pension for hernia; but an inspection of the records shows not a thing to base any such suggestion upon.

It must be borne in mind that this is a simple, ignorant man. He can scarcely read and write. He has lived in that isolated region, has had almost no contact with the world, and had no business experience.

The figures given by the gentleman from Texas [Mr. DIES] as to the amount of pension this man has received are immediately disproven by actually computing the items. A simple mathematical computation will disclose that pensioner has not received one-half nor one-fourth the amounts suggested. Truth is, this man has received far less than he has been entitled to receive. Could he have had his rights looked after years ago he would have drawn a much larger pension than he ever has drawn.

The statement by the department that Mr. Ashford did not file an answer to the matters set forth in his case is decidedly incorrect, because Mr. Ashford made a most complete and detailed answer, covering many pages of typewritten matter, and I filed the statement myself.

The department in final review of the case allowed him a pension, and considers him worthy of a pension by reason thereof.

This man was one of the bravest of soldiers, and one who suffered all but death in his country's defense. He was no tin soldier. He faced the bullets and he fell in the ranks. His patriotic spirit was not destroyed by his first injuries, severe as they were. In spite of his injuries, his disability, when our Nation was begging, beseeching, praying for soldiers he again bore a musket, again marched under the flag, and fell in the full shock of battle. Do not talk to me that such noble spirit could think of fraud upon the country he gave his all to defend.

He is in desperate need. He is now practically bedridden, and his pension has been stopped. His aged wife is well-nigh an invalid. He can work no more. He is living and his wife is living on the charity of those rugged neighbors who live in that region. He will soon be dead. He needs help now, and I feel sure his country will not, in this his hour of need, forget either him or the heroic sacrifices he made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER. Mr. Chairman, I would like to have five minutes more in order to complete my statement.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, I regret I shall be compelled——

Mr. MILLER. I should like to finish this statement.

Mr. MONDELL. The gentleman is not discussing the bill before us at this moment, but is discussing a matter that has been before us and discussed for some time.

The CHAIRMAN. Is there objection?

Mr. WILSON of Florida. Mr. Chairman, I object.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Charman, I am very much interested in the question of the rule which has been discussed governing the Committee on Pensions with reference to a second pension by private bill. I feel quite sure that the Committee on Invalid Pensions and the Committee on Pensions had their origin in the necessity of conditions. There are many cases of merit and of high worth which can not be reached under a general pension law, and a private act for such relief stands, in my opinion, on a very high plane of honor. Now, I have a case pending before the Committee on Pensions, the widow of a Mexican soldier. She is more than 80 years old, is drawing a small pension by virtue of a private act. She has worked all her life, and for 40 years as a widow she has maintained herself by virtue of keeping a hotel. She had one daughter who assisted her in this work. That daughter sickened and died some years ago. Now, this old lady over 80 years old is absolutely helpless, confined to her bed all the time, unable to maintain her former business, and absolutely dependent upon the charity of friends and relatives. I visited her during the holidays, and I found that good woman, who has been so true to her husband's memory, her soldier Mexican War husband, that she has never married since—I found that good woman absolutely helpless and confined to her room, unable to get out of bed. I made application by private bill for the purpose of relieving her, and I have been recently told by the gentleman who has charge of the examinations and the passing upon such bills that my bill is barred by a rule of the committee, and that there is no help for this Mexican soldier's widow.

Now, I appeal to that committee that, in the name of justice and honor, they relieve this House of that hard and fast rule so that these deserving people; these people who had service in the Mexican War and the War with Spain; these widows who stayed at home and cared for the children may have the proper relief.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for one minute more. Is there objection?

Mr. WILSON of Florida. Mr. Chairman, I do not think it is necessary to hear these encomiums——

Mr. FOWLER. I want only one minute more.

Mr. WILSON of Florida (continuing). As they have nothing to do with the bill. And, therefore, I object.

The CHAIRMAN. The gentleman from Florida objects, and the Clerk will read.

The Clerk read as follows:

The name of Boaz Adkins, late of Company I, First Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. DIES. Mr. Chairman, while we are beginning the consideration of this new crop of private pension bills, I would like to ask the chairman of the committee or the gentleman in charge of the bill if the same practice prevails in the Pension Committee as the gentleman from Massachusetts [Mr. GARDNER] pointed out as prevailing in the Committee on Invalid Pensions, to wit, that members of the committee could get more items in the bill than persons who were not members of the committee?

Mr. KEY of Ohio. Mr. Chairman, I will state to the gentleman from Texas that this is the second bill this committee has considered so far, and there are only some 26 items in this bill, and I believe the other bill had something like 44 items.

Mr. DIES. Do you have any such rule that forbids members of the committee from taking a greater number of items than are given to other Members of Congress not on the committee?

Mr. KEY of Ohio. I do not think there is any rule governing matters of that kind. I do not think members of the committee would abuse the rule. I do not think they would take advantage of their membership on the committee to secure more bills. I presume they would probably get their full quota, but I do not believe they would take bills at the expense of other Members.

Mr. DIES. Of course, I have always contended, Mr. Chairman, that these private pension bills were wholly unjustifiable, because of the liberality of our general pension laws. And it has always been my belief, although I have never stated so on the floor of the House, that the same rule either applied to these committees, or would soon become in vogue with these committees, as prevails in other committees which are charged to have some semblance to a barrel of pork, and that those superintending the dispensation of the pork would naturally abstract therefrom the larger and more juicy portion; that is to say, a member of the Committee on Public Buildings and Grounds, while dealing out to an ordinary Member one or two items, would take three or four items for himself. Of course, Mr. Chairman, that is bad enough when erecting public buildings over the country, but when you say a Member of Congress shall be able to relieve any fixed number of old soldiers, without reference to the number of needy ones in his district, and if perchance he happens to be on the committee he can relieve twice as many of these old heroes as a man who is not on the committee, without reference to the number of old soldiers in needy circumstances in his district, I must confess that is carrying pork-barrel politics to an alarming extent.

Mr. GOULDEN. Will my friend from Texas yield?

Mr. DIES. Yes.

Mr. GOULDEN. I have heard for the first time openly these charges against the committee.

Mr. DIES. I am not making charges.

Mr. GOULDEN. Insinuations, then. Now, I am not a member of any one of these committees, and am not replying for myself; but I am astounded to hear these things, and certainly can not believe that my friend is serious.

Mr. DIES. Who would not be astounded?

Mr. GOULDEN. I am astounded to hear these charges or insinuations made about these committees, or any others of the House.

Mr. DIES. Here is a case where we are passing this bill to relieve the necessitous condition of the old soldiers of the Civil War. And it develops that we are to get a number of bills without reference to the number of soldiers in the district, and that a fixed number shall be given to Members of Congress, a certain number to the Committee on Invalid Pensions——

Mr. KIRKPATRICK. Will the gentleman yield?

Mr. DIES. Yes.

Mr. KIRKPATRICK. I desire to say that I am a member of the Pensions Committee, and thus far I have never missed one of its sittings. No such allotment as he refers to has ever been considered in that committee.

Mr. DIES. What committee is the gentleman on?

Mr. KIRKPATRICK. On the Pension Committee.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DIES] has expired. The Clerk will read.

The Clerk read as follows:

The name of John E. Clark, late of Company M, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. DIES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas [Mr. DIES] moves to strike out the last word.

Mr. DIES. As I was about to say, this committee is in its swaddling clothes, so far as these nefarious things known as private bills are concerned. Naturally it does not know the tricks of the trade.

Mr. MONDELL. Mr. Chairman, I make the point of order that the gentleman is not discussing the matter before the House.

The CHAIRMAN. The point of order is sustained.

Mr. DIES. I submit I discussed it in its most vital part.

The CHAIRMAN. The gentleman is not discussing the amendment. The Chair sustains the point of order.

Mr. DIES. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIES. The Clerk reads very rapidly. What is the paragraph we are considering?

Mr. MONDELL. The gentleman apparently was not familiar with the paragraph.

Mr. DIES. I move to strike out the paragraph, Mr. Chairman.

The CHAIRMAN. The gentleman moves to strike out the paragraph.

Mr. DYER. What paragraph?

Mr. DIES. The paragraph just read. Any paragraph of any bill known as a private pension bill ought to be stricken out if it should develop that we are using the old soldiers of this country as a means of perpetuating ourselves in political office. And I repeat my statement that it is bad enough to constitute certain other standing committees as "pork-barrel" committees, so that a man can get access to them, and, if he is a committeeman, can take out a ham, and if he is a common Member of Congress all he can get is a hog jowl or a pigtail, in order to get that which is applicable as a reward to the old soldiers of this country. I want to recommend to the judgment of this committee and its members, who are young now in point of service, that if they have not fallen into this practice, in the name of God they ought not to fall into it, because if you are going to reward these old soldiers on the ground of merit you will give an increase of pension to a soldier in proportion to his necessitous condition and not in respect to the number of bills theretofore introduced by a Member of Congress. I say it is a shame that this pension roll of the Government should be dragged down and be made a stench in the Nation's nostrils as a pork-barrel proposition. It ought not to be.

The CHAIRMAN. Without objection, the proforma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

The name of Mary Baker, dependent mother of Frederick H. Baker, alias Sheridan, late of Company L, Fourteenth Regiment New York Volunteer Infantry, War with Spain, and Louis W. Baker, late of Company M, Fourteenth Regiment New York Volunteer Infantry, War with Spain, both deceased, and pay her a pension at the rate of $24 per month.

Mr. FINLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] moves to strike out the last word.

Mr. FINLEY. I would like to ask what is the basis on which the pension in this paragraph is granted?

Mr. KEY of Ohio. Which paragraph is that?

Mr. FINLEY. Page 4, line 18. I see that it is provided to pay Mary Baker, and so on, a pension at the rate of $24 per month. I would like to know upon what basis that allowance is made. What is the reason for that allowance?

Mr. KEY of Ohio. Well, I shall have to look it up.

Mr. GARNER. Is she the widow of an officer?

Mr. FINLEY. I would like to know what her relation to the soldier is.

Mr. KEY of Ohio. I will state to the gentleman from South Carolina, Mr. Chairman, without looking over the record, that this is a case of a dependent mother, who gave two sons to the Spanish-American War, and both of those sons are now dead. This is an old lady, about 78 years of age, who is entirely destitute.

Mr. FINLEY. Has she any other children?

Mr. KEY of Ohio. She has no other children.

Mr. FINLEY. Has she any grandchildren?

Mr. KEY of Ohio. So far as I know, there is no one who is legally bound for her support.

Mr. CALDER. She has no other relatives living.

Mr. FINLEY. She has no property?

Mr. CALDER. Absolutely none.

Mr. FINLEY. My reason for calling attention to this paragraph is this: That I happen to know that the widow of an officer, the colonel of a regiment, who died during the Spanish War gets a pension of something like $25 a month, and not over $30 a month. I was solicitous to know on what basis this lady would be granted a pension of $24 a month.

Mr. KEY of Ohio. Well, the committee thought that inasmuch as this old lady was 78 years of age and in feeble health, supported by charity, and in view of the fact that she had given up two sons——

Mr. FINLEY. She had no pensionable status in the Pension Office?

Mr. KEY of Ohio. She is not pensioned as a dependent mother, but if she could show that death of either son was due to Army service she would have a pensionable status at the bureau. It was a close decision at the bureau.

Mr. FINLEY. Her sons lost their lives in the Spanish War?

Mr. KEY of Ohio. No. The evidence shows that these two sons supported their mother. They were her support.

Mr. FINLEY. Then they did not lose their lives in the Spanish-American War?

Mr. KEY of Ohio. So far as I can remember, without going over the evidence in the case, there was a strong probability that the death of one son was the result of his service in the Spanish-American War. As to the other son, I do not know whether his death had any connection whatever with his service.

Mr. FINLEY. Well, now, if the same amount were accorded to other mothers and widows in like circumstances, it would swell the pension roll to a very considerable extent, would it not?

Mr. KEY of Ohio. I do not know. I think this is rather an unusual case myself. The committee has been very careful. They have not granted these pensions promiscuously. I am sure this is a very worthy and meritorious case. The woman is an aged woman and dependent on charity.

Mr. FINLEY. I am sure it is a gratuity on the part of the Government. I am certain of that. What I wanted to know is on what plan the committee was proceeding. This lady would have no pensionable status outside of an act of Congress?

Mr. KEY of Ohio. Only as I have already stated.

Mr. FINLEY. What would be the rate?

Mr. KEY of Ohio. Twelve dollars a month.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FINLEY. Mr. Chairman, I move to strike out the last two words. I think this paragraph ought to be explained if this is a departure from the usual rule.

The CHAIRMAN. Does the gentleman from Ohio [Mr. KEY] desire to take the floor in connection with that item?

Mr. KEY of Ohio. No. I wish to proceed with the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The name of Mary F. Carson, widow of William H. Carson, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

Mr. DYER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] moves to strike out the last word.

Mr. DYER. Mr. Chairman, I want to commend the Committee on Pensions for its efforts in this bill to help some very deserving cases. In the Spanish War and the Philippine insurrection there was approximately a total of 434,000 men in the military and naval service of the United States. In all the history of the world no more splendid or braver body of men were ever enlisted for the cause of country and patriotism than they. Many of those splendid heroes have died and left widows and minor children. Many of these widows and orphans are in distress and have been unable to secure pensions because they have not been able to satisfactorily establish that their husbands died of disabilities contracted in the service. The Committee on Pensions, however, recognizes that there are deserving cases that have not and do not come within the strict interpretation of the law as it now exists.

This bill contains two or three, and one of them, I know particularly is a most deserving and worthy case, where the soldier contracted disability while serving in the Philippines from the results of which he died. Any of us who know anything about the conditions of the climate in the Philippines during the insurrection there realize and know fully that it was impossible for a man to have served a year in that climate under the conditions that existed and come back and remain a well man. A number of cases of that kind have been considered by this

committee. It is a most excellent committee. I also want to say for the Committee on Invalid Pensions that it is also one of the best committees of this House. They are doing a great and splendid and patriotic work.

Mr. Chairman, the Committee on Pensions a few days ago reported a bill to this House—H. R. 13044—which provides that there shall be paid to the widows of those who served in the Army or Navy or Marine Corps of the United States during the Spanish War or the Philippine insurrection a pension of $12 per month, provided it is shown by those claimants that they are in needy circumstances, and $2 a month for minor children.

The report which they submitted with the bill explains most excellently the conditions that exist relative to these Spanish War widows, and gives the facts which the House desires to have. I believe it is hoped that within a short time the Committee on Pensions, through its acting chairman, Mr. KEY of Ohio, will call up this bill for passage by this House; therefore I ask unanimous consent to extend my remarks by including a copy of the report to which I refer. It is a very short report and gives much valuable information upon the subject of pensions for widows and orphans of Spanish War veterans.

The CHAIRMAN. If there be no objection, the request of the gentleman from Missouri to extend his remarks in the RECORD will be granted.

There was no objection.

The report referred to is as follows:

Report No. 282, to accompany H. R. 13044.

The Committee on Pensions, to whom was referred the bill (H. R. 13044) granting pensions to the widows and minor children of officers and enlisted men who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as Regulars or Volunteers, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and were honorably discharged therefrom, having had the same under consideration, respectfully submit the following report, with the recommendation that the bill do pass after being amended as set out at the end of this report.

In amended form, the measure grants $12 monthly to the widow of an honorably discharged soldier or sailor who served during the War with Spain or the Philippine insurrection during her widowhood, and $2 monthly for each child under 16 years of age, provided that the widow shall have married the soldier prior to the passage of this act. The pension is to be limited only to the widow who is "without means of support other than her daily labor, and an actual net income not exceeding $250 per year."

We favorably recommend the amended measure for the following reasons:

1. The total number who served in the United States Army and Navy during said warfares approximates 434,000, which is about 18 per cent of the number who served in the War between the States. The monthly allowance fixed by this measure is the same that is allowed by statute to the widows and orphans of veterans of other wars and Indian campaigns. Existing law grants this allowance to the widows and orphans of men who served in other wars, whether the beneficiary be rich or poor. The provision contained in the present amended bill narrows the proposed beneficiaries to a far smaller class. The number of widows and orphans to be benefited by the proposed measure can not be definitely ascertained. Inquiry among the camps of the United Spanish War Veterans would indicate that there are about 4,000 widows of men who served in the Spanish War and the Philippine insurrection. What percentage of these come within the purview of the bill—that is, have no means of support other than their daily labor, etc.—can only be conjectured.

2. At present the destitute widows and their dependents are cared for in the main by the United Spanish War Veterans. It is inequitable to ask the men who offered their lives to their country in war service to make this additional financial sacrifice when the burden should be carried by the mass of our population which did not serve with the colors.

3. It is 15 years since the Spanish War, and this is the first request for legislation ever made by the organization of United Spanish War Veterans. The unselfishness of the request commends itself, for these veterans ask absolutely nothing for themselves, but only provision for the helpless widow and orphan.

4. Under present law the widows of the veterans of these warfares have pensionable status if they can show that their husbands' deaths were directly caused by disabilities incurred in the service. This limitation has, however, been removed by statute with reference to the widows of veterans of prior wars because of the difficulty of furnishing proof that the death was traceable to antecedent disability incurred in war service. When the veteran seeks a pension for himself he knows, and probably can trace, his comrades in arms in order to furnish the required proof. When the widow asks a pension for herself she is left helpless, and invariably has no knowledge of the identity and whereabouts of the men who served with the deceased veteran. In practice it has been found that it is rarely practicable for her to gather the proofs.

5. The amended measure merely continues the well-recognized statutory policy of our Government in dealing with the veteran soldier and sailor and their dependents.

6. Of the 434,000 who served in these warfares about one-fourth were in the regular service and from seventy-five to one hundred thousand were assigned to duty in the Philippine Islands. In these warfares there were 826 battles and skirmishes, in 515 of which men were killed or wounded. The whole mortality of the campaigns was 12,000 lives. For the first time in the history of our country the American soldier and sailor served in the Tropics and the Orient under climatic and hygienic conditions unusual to him. They received no bounty or substitute money, and were not drafted for service. Not to provide for the dependents of this latest type of our patriotic citizenship while lavishly making provisions for the dependents of those who served in all the other wars of the Republic indicts the Government on a charge of unjust discrimination.

7. When Congress made provision for the Union veterans the National Government was burdened by a stupendous national debt. At present its burden is far lighter.

On June 1, 1912, the then Secretary of the Interior, upon data furnished by the then Commissioner of Pensions, estimated that the cost of a bill in the Sixty-second Congress, should it become a law, which provided for exactly the same pensions as the pending bill, would be $2,500,000 per annum to start with, and that for some years there would be a steady annual increase. The present Secretary of the Interior, upon data furnished by the present Commissioner of Pensions, has advised your committee to the same effect, to wit, that the cost would at first be about $2,500,000 annually, and for some years gradually increase. In both instances, however, it has been stated that it is impossible from data in the Pension Bureau to give any exact estimate. This grows out of the fact that the point of dependence has never entered into claims of widows and minors of soldiers, sailors, and marines who served during the War with Spain and Philippine insurrection.

In response to a request of the committee, the Secretary of the Interior, under date of June 1, 1912, advised the committee as follows:

"1. I am informed by the Commissioner of Pensions that in the consideration of claims filed on account of service during the War with Spain and the Philippine insurrection, April 21, 1898, has been accepted as the date of commencement of the War with Spain, and July 4, 1902, as the date of termination of the Philippine insurrection.

"2. In a publication issued some years ago it was estimated that the number of United States troops engaged in the Spanish War was 312,523, and that the number engaged in the Philippine insurrection was 140,038. No data, however, is obtainable showing the number of individuals engaged in the two services, as this department has no definite information as to the number of persons who were in the service during the Spanish War who reenlisted and were in the service during the Philippine insurrection.

"3. The number of claims filed by widows and dependents based upon service during the Spanish War and the Philippine insurrection is 14,614; and the number of widows and dependents who have been granted pensions on account of such service, 7,122. The number of widows on the roll on account of the service above named, on June 30, 1911, was 1,217 and the number of minor children 326. The number of widows' claims which have been rejected is 4,705. In the number rejected there are no doubt included many claims which have been rejected the second or third time, upon the submission of additional evidence; so that the actual number of rejections would be somewhat less than that given.

"4. From statistics gathered from various sources as to the average number of marriages each year and the ascertained death rates at certain ages, it is estimated that the number of widows and minors who would probably be entitled to pension under this bill, should it be enacted into law, would be between 10,000 and 15,000. If the number should be as high as 15,000 the cost of the bill would be approximately $2,500,000 per annum within a few years after the passage thereof. It is evident, however, that the cost would increase from year to year for a number of years, on account of the death of those who rendered service—who would leave widows and minor children surviving who would be entitled to pension under the proposed act."

The Assistant Secretary of the Interior advises the committee as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1914.

Hon. WILLIAM RICHARDSON,
Chairman Committee on Pensions, House of Representatives.

MY DEAR MR. RICHARDSON: I have your letter of the 6th instant, inclosing a copy of H. R. 1754, entitled "A bill to pension widows and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection," and asking information as to "(1) the period of service covered by the bill, the dates the War with Spain and the Philippine insurrection commenced and ended; (2) the number of officers and enlisted men who served for the period of 90 days between those dates; (3) the number of widows' and minor children's claims filed based on such service, the number allowed, and the number rejected; and (4) the probable increase to the pension roll, amount of increase per year, which the passage of the bill would entail."

A compilation from records of The Adjutant General's Office and other sources of authentic information, which was published as an exhibit in the reports of the operations of the Bureau of Pensions for the fiscal years 1903, 1904, 1905, gives the periods of duration of the Spanish-American War and the Philippine Islands insurrection as from April 21, 1898, to April 11, 1899, for the former, and from February 4, 1899, to July 4, 1902, for the latter, making a continuous period for the two wars from April 21, 1898, to July 4, 1902, as given in the bill. The same compilation gives the total number of Regular and Volunteer troops, officers and men, of the United States Army and Navy engaged in said wars as 452,561 [From best data available it is thought the total number of soldiers, sailors, and marines involved is 434,860.—Committee.], exclusive of officers of the Navy except as to those of the United States Marine Corps. It affords, however, no information as to what number of such participants served the period of 90 days prescribed by the bill, and the department is unable at this time to supply such information from other sources.

The records of the Bureau of Pensions show some 15,000 claims filed for pensions to widows and dependents, on the basis of service in said wars, and certificates issued in about one-half that number to the close of the fiscal year 1913, the remaining one-half representing the claims rejected, abandoned, and pending.

The foregoing information, which comprises practically all that is available to the department on the subject of your inquiry as relates to the War with Spain and the Philippine insurrection, does not afford sufficient basis for an intelligent estimate of the cost of the bill, as limited to such service. In case it should become a law. There is no 90-days-service pension to the soldiers and sailors of said wars; they are pensionable only for disabilities incurred in service and line of duty. There is therefore no "survivor" class on the pension roll on account of said wars, as in the case of prior wars, whose claims might serve in some measure as a guide for such estimate. In estimates heretofore given upon a similar provision in H. R. 17470, introduced on January 9, 1912, the annual cost on a basis of 15,000 claims was given as approximately $2,500,000, with a promise of increase from year to year for a number of years. Said estimates are found to have been necessarily dependent in large measure upon an application of uncertain factors, such as marriage averages and death rates at given ages. They should therefore not be accepted with any degree of conclusiveness.

Cordially, yours,

LEWIS C. LAYLIN, *Assistant Secretary.*

Your committee could not understand the $2,500,000 estimate, as it failed to see how the number of widows and minors' claims which had been filed could be used as a basis for same. Upon inquiry it was

learned that the estimate had originally (January, 1913) been prepared by the then Chief of the Finance Division of the Pension Bureau. It has simply been readopted by the present officers of the Interior Department. In arriving at this estimate this officer admittedly did not base same upon the number of claims filed except in the most incidental manner. He used as his basis what he termed "a law of average," to wit: He obtained from somewhere a table of the average number of marriages among a given number of men of a given age and then applied it to the maximum number of men who served during the period from April 21, 1898, to July 4, 1902. By this method he arrived at the conclusion that there would be 15,000 claims the first year, or $2,500,000 cost to start with, and a gradual increase for a number of years.

Your committee can not agree with this estimate and fails to see any warrant for the use of this peculiar table of averages as a basis. Therefore your committee has determined to use a number of claims filed as a basis and believes this plan is fairer, as experience will show. There are about 5,000 rejected claims of widows and minor children at present in the Bureau of Pensions which could be affected by this law. The Spanish War veterans state that there are about 4,000 cases of which they know. Taking the number at 5,000, the cost the first year would be $720,000, and if, to be on the safe side, we double this and take the number of cases as 10,000 the cost would be only $1,440,000. It is for this reason your committee has estimated the outside first cost would be about $1,500,000 annually, with a slight increase each year for some years.

Your committee would invite your attention to the fact that in the annual report of the Commissioner of Pensions for the year ending June 30, 1913, it is stated that there was a net loss of 40,094 names from the pension roll during the preceding year.

There was an actual loss—		
By death	57,459	
By remarriage	888	
By minors attaining 16 years	983	
By failure to claim pension	202	
By all other causes	320	
Total		59,852
There were added—		
By original allowance	19,276	
By restoration and renewal	482	
Total		19,758
Net loss		40,094

The same report shows that of the appropriation for the fiscal year ending June 30, 1913, there was an unexpended balance of $5,348,215.65.

This report shows an annual loss of nearly 60,000 pensioners by death alone—about 5,000 per month—and the average of loss by death is bound to steadily increase for some years. Your committee takes the view that even if the cost of the proposed bill should prove to be double the estimates of the officers of the Interior Department, which it is believed to have been shown to be excessive, this great, rich, and prosperous country is amply able to incur the necessary expense to provide for every dependent widow and each orphan under 16 years of age of those brave men who offered to and did risk their lives in its defense.

After careful consideration and investigation your committee came to the conclusion that a fee of $10 to attorneys in claims under the proposed law was proper. This is the same fee allowed in similar claims under the act of June 27, 1890, and amendments thereto. The dependent feature in the law in many cases will call for much correspondence and work by attorneys, with its consequent cost, and if the fee be placed less than $10 it is believed the better class of attorneys would not care to undertake the prosecution of such claims, which in many cases would cause delay, and perhaps failure, of deserving claimants to secure benefits thereof. In many cases it is believed there will be no attorneys employed at all, and hence no fee incurred.

Your committee understands and intends that this law shall provide pension for each dependent widow and each child under 16 years of age of every soldier, sailor, or marine who served 90 days during the period covered from April 21, 1898, to July 4, 1902, in Regular Establishment for Volunteer forces, including those who served in the China uprising of 1900 and 1901.

In conclusion, your committee would state that many bills were introduced by Members of this Congress—about one dozen in all—each seeking practically the same end as that of the pending bill. All were given careful consideration by the committee, which finally adopted and reports the pending bill as the one whose provisions best carry out the purposes sought by the authors of all of said bills.

Amendments to the bill adopted by the committee:

On page 1 the title of the bill to be amended so as to read as follows:

"To pension widows and minor children of officers and enlisted men who served in the War with Spain and Philippine insurrection."

Page 1, lines 6 and 7, strike out, after the word "volunteer," "during the War with Spain or the Philippine insurrection."

Page 1, line 9, after the word "inclusive," to insert "service to be computed from date of enlistment to date of discharge, including all furloughs."

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise and report back to the House with a favorable recommendation the bills which it has been considering.

The motion was agreed to.

The committee accordingly rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, Mr. ANSBERRY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and had directed him to report the same back to the House with the recommendation that they do pass.

BILLS PASSED.

The first bill reported from the Committee of the Whole House was the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BURKE of Wisconsin, a motion to reconsider the votes by which the above-mentioned two bills were passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, with Mr. SAUNDERS in the chair.

Mr. HAY. I yield 15 minutes to the gentleman from Alabama [Mr. DENT]. [Applause.]

Mr. DENT. Mr. Chairman, by the voice of the constituency which I have the honor to represent it fell to my lot to come to this body as a Representative during the closing days of the reign of that party which, with a few short, broken intervals, had been in power in this country for practically 50 years. The Sixty-first Congress was organized with a substantial Republican majority. The Democratic minority in that Congress, under the leadership of the present able and popular Speaker of this House, proceeded to make history. That history has been only partly written. I may call attention briefly to some of its results. Its first achievement was to demoralize the organization of the Republican Party in this branch of Congress; its second achievement was to continue the division among its ancient foes; and its third achievement was the election of an overwhelming Democratic majority to the Sixty-second Congress. [Applause on the Democratic side.]

That Democratic majority proceeded to do what in all justice, righteousness, and honor it should have done, name its former leader to the high and honorable position of Speaker of this body. [Applause.] He was elected and reelected to that position, and now holds the office and discharges its duties with impartiality and with great distinction. [Applause.]

That Democratic majority, selected as his successor as Democratic leader one who had been at all times his trusted, able, and conscientious lieutenant. That majority selected as its leader a man who, from that time until this good hour, has won and deserved the respect and admiration of his opponents and the sincere, I may say the affectionate, loyalty of his party followers. [Applause.] That OSCAR W. UNDERWOOD is the most patient, the most diplomatic, one of the most sagacious, and certainly one of the most lovable party leaders in the history of the American Congress no man can deny. [Applause.] Under his leadership the election of a Democratic President was not only made possible but absolutely certain and easy. [Applause on the Democratic side.] Under that leadership there came also to the Senate of the United States a Democratic majority in that body for the first time in many years. [Applause on the Democratic side.]

And what has this Democratic administration, which is the result of his great leadership in this body, accomplished during the brief period that it has been in power? I need not mention details. I may be pardoned, however, if I briefly call attention to one thing that deserves the greatest consideration. That was the action of the Secretary of the Treasury during the crop-moving season last fall in depositing, with ample security and at a low rate of interest, $50,000,000 of the Government funds in order to move the crops. [Applause.] The great benefits that have resulted from that action of the Treasury Department can hardly be estimated.

But what about matters of general legislation? This Democratic majority in both Houses of Congress proceeded to adopt

a low-tariff bill, the lowest tariff bill since the famous Walker tariff of 1846, which brought to this country a wonderful period of prosperity. [Applause on the Democratic side.] I need not call your attention to the many important items in the free list of that bill. Nor need I mention the numerous reductions made upon articles of everyday consumption. It has not been in operation long enough to fully demonstrate the beneficial results sure to follow, but I may say this to our friends on the other side who still preach calamity, that the Underwood tariff bill has demonstrated that there can be a bill passed with low duties without bringing upon this country a financial panic. [Applause on the Democratic side.] If that bill had accomplished nothing else, it has served a wonderfully beneficent purpose. [Applause on the Democratic side.] But I go further and make the prediction that never again in American political history will any political party enter into a campaign in favor of high protective duties such as are found in the McKinley, the Dingley, and the Payne-Aldrich bills. [Applause on the Democratic side.]

Another matter of legislation of great importance is the currency bill. This bill received the votes of Republicans and Progressives. It has been accepted, with rare exceptions, by the business interests of the country with great favor. It decentralizes the money control of the country. It gives to each section the right to use its own commercial and agricultural assets as a basis for currency. It is so well guarded that this currency will be issued when needed and must be retired when not needed. [Applause.] In addition, it authorizes the country banks to loan money upon farm lands, and it gives to the regional banks to be incorporated under this law the right to purchase warrants of the State and its various subdivisions, for the purpose of discounting them when issued for taxes assessed but not collected.

The administration of this law will depend a great deal on the action of the Executive in selecting the members who control it. But in that respect Mr. Wilson has the confidence and regard of the entire country. [Applause.]

Now, Mr. Chairman, these are briefly some of the results that have been accomplished since the Democratic Party came into power, less than 12 months ago. These are some of the things that have been accomplished under the leadership of OSCAR W. UNDERWOOD. [Applause.]

When he announced some months ago that he intended to leave this branch of the Congress, that he had the honorable ambition of representing his constituents in the Senate of the United States, his announcement was received with sincere regret by his colleagues, because they hated to give him up. [Applause.]

He has accomplished one other thing for the Democratic Party, and that accomplishment is this: I dare say that I will not be contradicted by any man within the sound of my voice when I say that under his leadership the Democratic Party is more thoroughly united in the Congress of the United States than it has been since the days of the Civil War. [Applause.]

There was a time, even within the memory of some of the youngest among us, when Democrats spoke of themselves as Jackson Democrats, Tilden Democrats, Cleveland Democrats, and Bryan Democrats, gold Democrats and silver Democrats, but now, thank God, we are all just plain Democrats, bowing at the same shrine and worshiping at the same altar. [Applause.] May this happy condition continue for the good of the country and for the cause of constitutional liberty throughout the world until—if I may be pardoned in quoting the eloquent language of that distinguished Georgian, Henry W. Grady—"all the nations of the earth, hearkening to the American drum beat, under one language, one liberty, and one God, shall march down the pathway of time into the dawn of the millennial day." [Great applause.]

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the consideration of appropriations for the Army, involving as they do questions of increased forces and facilities and enlarged reserves, leads naturally and logically to inquiry as to the state of our relations with foreign powers, particularly with those countries where conditions exist, or with whose Governments we have questions pending, of a character which in certain contingencies might involve us in the unfortunate possibility of armed conflict.

While our foreign relations and the acts and policies of our Government which affect them are therefore legitimate, and may be essential subjects for consideration in connection with Army appropriations, one naturally hesitates to enter upon such a discussion, in a way that involves criticism, at a time when it might be claimed that plans and purposes are maturing that might be seriously and unfortunately affected by such criticism.

I am not unmindful of the force of such a contention, and I fully realize the duty which devolves upon all patriotic citizens to uphold the hands of the administration in its dealings with foreign powers. There comes a time, however, in the development of any policy, foreign or domestic, when, having progressed to a point where its effect is clearly apparent and its outcome may be reasonably judged or anticipated, silence in regard to it is likely to be interpreted as evidencing approval or acquiescence both in methods pursued and in their logical or probable result.

In my opinion we have reached that point in our relations with several foreign peoples, and particularly with the Government and people of Mexico. The administration has had a year in which to formulate its plans and develop its purposes during which time those who have not entirely approved what has been done or left undone have clearly proven their patriotism by the self-restraint in the expression of views which they have so generally exercised.

If further support of the administration, or continued silence in regard to its acts, afforded any substantial ground of hope or element of promise of improvement or solution of the conditions and problems which confront us, such support or silence would continue to be incumbent upon all good citizens. Being, however, convinced that no good or patriotic purpose can be served by further support, active or passive, of the attitude of our Government toward the people and Government of Mexico, I feel that every consideration of patriotism prompts and impels frank expression of views, to the end that one's position may not be misconstrued and in the hope that wiser counsels may prevail.

I am persuaded that the acts and attitude of our Government have had the effect of prolonging and extending the lamentable condition of appalling disorder and distress which prevail in Mexico; that a continuation of our present policy, or lack of policy, tends to retard indefinitely the establishment of orderly conditions and constitutional government and will, eventually, if persisted in, compel armed intervention, with its inevitable horrors and calamities. Being thus persuaded, I feel it my duty to express my disapproval of those acts and omissions which have accentuated these regrettable conditions and will tend to produce these lamentable results.

The administration of President Taft, very properly, temporarily withheld recognition from the government of Huerta in Mexico in order to emphasize our unqualified disapproval of the arbitrary methods by which that government was inaugurated and our profound abhorrence of the crimes which stained its establishment. This definite attitude toward the government of Huerta, which was inherited by the present administration, was allowed to drift into a condition of vacuous vacillation and aimless inaction while the Secretary of State traveled on lucrative lecture tours.

WHAT OTHERS THINK OF OUR ATTITUDE.

The great Italian historian, Ferrero, in a recent entirely temperate statement relative to our relations with and attitude toward Mexico, said:

> When a revolution breaks out in a neighboring country there are three policies between which a state can choose: Either resolute armed intervention, to reestablish order quickly; or strict neutrality, which leaves the hostile forces to fight out their fight alone; or masked intervention, by giving indirect support to one of the two parties at war, and usually to the weaker one.
>
> All these three policies have their drawbacks, have their advantages. But it is certain that the greatest drawbacks and the least advantages are to be found in the third policy, that of indirect intervention, to which the United States is now committed.
>
> A policy of this kind leads to the prolongation instead of the shortening of the conflict.
>
> So, if things go on as they have begun, one may foresee that the relations between the United States and Mexico will for a time be very uncertain and unpleasant. This revolution will leave behind it a long trail of hatred, distrust, and fears.

These words of the great Italian authority state the situation to a nicety. The policy we have been pursuing, if one may dignify the constantly shifting position taken by the administration by calling it a policy, is, in effect, indirect intervention; but it embraces more than that.

The only features of our attitude toward Mexico that seem to have any elements of fixity are the continued evidences of personal antipathy toward the individual at the head of the only government in Mexico which has any standing among the nations or makes any pretense of protecting life and property or of conducting warfare in a civilized manner; a fatuous and fantastic theory that we should withhold recognition from governments, however well established, which in their genesis and personnel do not measure up to the highest ideals of our executive authorities; an extraordinary obsession that any outlaw or barbarian chieftain is a patriot entitled to our support and

encouragement, regardless of his aims or methods, provided he dubs himself a "constitutionalist."

While the attitude of our administration is that of indirect intervention, we still maintain a tenuous and uncertain anchor to windward by sustaining, through various intermediaries, a peculiar and precarious, not to say humiliating, semipersonal, semiofficial, relationship with the head of that government in Mexico the overthrow of which seems to be the principal aim and end of our endeavors. I can recall nothing in international relationship so unusual, and it seems to me so lacking in the dignity and rectitude which should characterize international relations as, on the one hand, the administration's announced anxiety for the fall of the government now established in the City of Mexico and, on the other, the apparent determination to hold that government responsible for the lives and property of Americans and other foreigners in Mexico. This is perhaps not to be wondered at, for, while terror reigns and murder, rape, and rapine are the rule in the so-called "constitutionalist" territory, the lives and property of Americans and other foreigners have been in the main secure within the territory under control of the federal government.

Perhaps the most striking feature of this situation and condition of paradoxes is to be found in the generally perfectly correct attitude of that government, which our administration is seeking to overthrow, toward our Government and people. Our representatives and emissaries have had courteous treatment and consideration at the hands of Huerta, and popular and newspaper outbreaks and attacks against us have been discouraged by his government, whose downfall our officials constantly plan and predict. On the other hand, among those whose cause we have indirectly espoused and whose success our officials desire and promote, neither persons nor property are safe, and our citizens and our representatives receive scant consideration or are treated with open contempt.

SITUATION WILL GROW WORSE.

The situation is bad enough as it is, but it might easily be worse, and will, in my opinion, be infinitely worse if the aims and objects apparently desired by our administration shall be accomplished with the aid of the arms, ammunition, and encouragement obtained and received from us. It is, of course, possible that the so-called constitutionalist forces may succeed in overthrowing Huerta, and then what? Is there any doubt but what the reign of rape and rapine, of plunder and murder, that have desolated northern Mexico and set it back a generation in civilization and development will in that event spread all over that fair land? Will the barbarian Villas and Zapatas be less bloodthirsty, rapacious, savage, and murderous in conquered territory than they have been in their native habitat, and will our administration find among the outlaws who control the rebel forces a more desirable head for a permanent and constitutional government than they see in the stern soldier now at the head of the Mexican Government?

There may be some justification in the removal by the President of the embargo on the shipment of arms and ammunition into northern Mexico, but if there is it is certainly not to be found in the reasons advanced in support of it. The President gave as the reason or excuse for that act the fact that there is now no constitutional government in Mexico entitled to the protection or advantage the embargo was supposed to give. Judged by our standards, the government of Huerta may not be a constitutional government, but it is every whit as constitutional and in nowise more revolutionary than the government of Madero, which preceded it.

That government was frankly and notoriously revolutionary, and the farce of an election which was supposed to establish its constitutionality was as grotesque a travesty on constitutional government as the methods employed to give a semblance of constitutionality to the government of Huerta. We denied arms to the rebels against Madero under Orozco, whom Huerta, fighting for Madero, vanquished at Torreon, but we furnish arms, ammunition, and encouragement to the murderous outlaw rebel, Villa, for his coming or promised conflict with the forces of President Huerta on the same plains of Torreon.

THE KILLING OF BENTON.

The recent cold-blooded murder or barbarous execution, whichever it may prove to have been, of the ranchman, Benton, at Juarez, has served to throw a sinister light on the character of the constitutionalist commander of the north, but to those who have been following developments in northern Mexico it is neither a surprise nor a revelation. It simply serves to throw into baleful relief the character of the forces of barbarism and outlawry which are the backwash of the Madero revolution, utterly devoid, as they are, of all the humanitarian and patriotic instincts that inspired that unfortunate man.

Whatever there might have been of injustice to stimulate their native savagery, the fact remains that a bare recital of the unspeakable atrocities and villainies visited on unarmed men and defenseless women and children by leaders of the type of Zapata and Villa and their followers brands them as impossible material with which to hope to win a victory for peace, liberty, order, and constitutional government. We may have sympathy for the seemingly well-intentioned Carranza, but we must confess to serious misgivings of his patriotic purpose in view of his overtures to the bandit Zapata, whose crimes cry out to Heaven for vengeance. Each day that passes seems to more clearly reveal Carranza as a pathetic and impotent figurehead, temporarily tolerated by outlaw chieftains to cloak and lend respectability to their plans and practices of pillage, outrage, and murder.

Illuminating and uninspiring examples of our practice, in connection with Mexican matters, are to be found in the uncontradicted reports that refugee federal soldiers have been unarmed by our military authorities and thrust back across the international boundary upon the tender mercies of Villa. On the other hand, we afford an asylum for and protect against the vengeance of the same Villa, the outlaw Castello, whose villainous atrocity in smothering in a burning tunnel a trainload of women and children placed him beyond the pale of even Villa's tolerance. While plotting the downfall of the Huerta government we are holding in American territory and providing for hundreds of Mexican women and children because we dare not take the responsibility of turning them over to the lust and savagery of the very forces we are arming and encouraging against Huerta.

The climax of paradoxes in this unhappy situation is found in the fact that only by the triumph of the Huerta government can we ever hope to be compensated for the expense of caring for these refugees, for no so-called constitutional chieftain who might become master of the situation in Mexico would ever recompense us for feeding and caring for refugees held by us because we did not deem it safe to place them within their power. Not only must we look to the government our administration is plotting to overthrow for satisfaction of demands and claims arising in federal territory, but the administration seems disposed to hold the federal government responsible for outrages and losses committed and sustained in so-called constitutional territory.

It is neither my duty nor my purpose to say what shall be done, but it is perfectly patent that the devious pathway that the administration has haltingly followed thus far must lead, if it accomplish anything, to further desolation, chaos, and outrage in Mexico, and finally land us in the vortex of intervention. From such misfortunes may wiser and better counsels save us and the people of Mexico.

PRESIDENT LACKED GOOD ADVICE.

I have profound faith and confidence in the good intentions of our President. I approve most heartily his avowed and unquestioned desire to save our people from the loss and sacrifice which active intervention in the affairs of Mexico would entail. I regret most profoundly the lack of sound and sane advice which the President should have had and to which he was entitled. I still hope that a change of attitude and policy may place us in a position where we can be of real service to the people of Mexico without improperly intruding ourselves into their affairs.

I regret the situation in Mexico and our position there, not only on account of the woe and ruin it has wrought and its effect on our future relations with this neighboring people, but also because it has seemed to me that the situation there and our attitude in regard to it must necessarily have affected unfavorably our relations with other powers who, whatever may appear on the surface, have gravely doubted the wisdom of our position. I hope and trust that the effort and desire to bring other nations to our way of thinking or to passive acquiescence in our attitude toward Mexico has not tempted nor necessitated yielding to foreign demands in other matters. If it has or should, then, indeed, is our situation doubly lamentable, for how great will be our loss if a free hand in Mexico has cost us permanent prestige there and in other Latin American countries and weakened the fiber of our determination in our relations with other foreign countries.

What we have needed was close attention and prompt and practical action by those charged with authority in foreign affairs. On the contrary, our Secretary of State, while engaged in Chautauqua lectures and in speeches extolling the "New Freedom," is employing his spare moments in unwarranted intermeddling with the local politics of people of the West Indies and in promoting treaties calculated to embroil and entangle

us in the domestic affairs of Central American countries. I am very glad to credit the best intentions in the world to the President and to the Secretary of State in connection with our foreign affairs, but good intentions can not save us from disasters which amateurs, theorists, dreamers, acting on impulse when not on prejudice, are likely to bring upon us. When we compare the policy of retreat in China, of aimless vacillation in Mexico, of meddling in the West Indies, and of entanglement in Central America, with the administration's plan of scoot and scuttle in the Philippines, where we have real interests and great responsibilities, we have a picture of external affairs calculated to make fools laugh and wise men grieve. A picture that would seem to warrant at least as large appropriations for the Army as are carried in this bill.

Mr. FARR. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FARR. Has the gentleman any suggestions to offer as to what should be done?

Mr. MONDELL. I am neither the President nor any portion of the Cabinet, and certainly not the Secretary of State. I am sure that we have not left uncommitted many errors that might have been committed in our recent dealings with Mexico. I am sure that we have not done things that should have been done in connection with our dealings with Mexico. I have kept silent in regard to these matters because I have hoped for the best and because, agreeing with our President, I do not want to see armed intervention in Mexico. I speak now because our present policy, followed and adhered to, leads to intervention as unquestionably as the sunlight of to-day leads to the sunset and the darkness of the coming night.

Mr. FARR. I would like to ask the gentleman if he has any suggestion that would avert intervention.

Mr. MONDELL. The probability is that if I made any definite suggestion, if it had any effect at all upon the powers that be, it would be to influence them against doing the very thing they ought to do. Assuming that there is a complete solution of our present difficulties, the probability is that it would not be wise for anyone on this side to suggest it. However, I will not leave the matter there. In national relations the usual rule is that you recognize the situation as it is and not as you might wish it to be. We are doing that everywhere on the face of this round globe save in Mexico. We maintain the friendliest relations with a man in power in China—what he may be I do not know, President, Emperor, King—who recently dismissed a Parliament. If there is any greater crime than that from the standpoint of constitutional government, I do not know what it could be.

We have recently recognized as President of Peru a man who has not half the constitutional claim or right to authority that Huerta has in Mexico. Whatever Huerta may have done—he has been charged, in my opinion, with crimes he never committed or had anything to do with—he is now in control of territory in which nearly three-quarters of the people of Mexico live. His government rules over the major part of Mexico. There is not a part of Mexico which his government does not control where rape and murder has not been stalking through the land these 12 months.

While I do not say whom we should recognize, if we must choose let us choose—if all are guilty, as some insist—between the guilty ones who maintain order and protect life and property rather than those who commit the crime without apology and make no pretense of protecting life and property or maintaining order.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Is it not a fact that Zapata with his army has been within sight of Mexico City and that he controls the greater portion of all of the States of Sinaloa and Guerro?

Mr. MONDELL. Mr. Chairman, I never can bring myself to call the band of cutthroats and outlaws that respond to the call of Zapata an army—fiends who, it has been charged and not denied, ripped open the bowels of pregnant women and played football with their unborn babes; savages who have violated every law of God and man—these are the creatures with whom the so-called Constitutionalist Chief Carranza has been recently having negotiations.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

Mr. THOMAS. As I understand the gentleman from Wyoming, he is in the position of a doctor who diagnoses a case——

Mr. MONDELL. Mr. Chairman, I do not yield for anything but a question.

Speaking of this lovely outlaw, I am reminded that a correspondent for the New York World recently interviewed him at Xolox and wrote as follows, in regard to him, for his paper:

Across his lanky legs, which were incased in tightly fitting charro trousers strapped under dusty tan boots, his red, hairy hands lay loosely. Three fingers were circled with rings. One finger from the knuckle to the first joint was covered with rings, four or five of them bearing huge diamonds and a ruby and an emerald. Bigger diamonds were on the other fingers. The jewels fairly shrieked "loot" at one. So did the gold watch that was strapped around his wrist. Every man in his entourage was similarly decked out with gaudy but valuable jewelry. Over a soiled, rumpled blue silk shirt Zapata wore a short charro jacket. Embroidery in gold bullion almost hid the fabric of which his jacket was made. The buttons were of gold.

So were a double row of buttons on the outside of his tight trousers, as well as tiny chains that connected up the buttons two by two. Knotted under a low collar that sadly needed laundering was a red silk tie with long ends that flared down to the waist. In the tie was another diamond as big as the butt of one of the .30-30 Mauser cartridges, which he bore in his belt, and as yellow as the white of a bilious man's eyes. Two automatic revolvers resembling young cannon snuggled in stamped leather holsters at his hips. In gold on each holster were monogrammed his initials. Gold damascened silver spurs jangled from the heels of his boots. By his side lay a huge sombrero with pounds and pounds of gold bullion on the brim and crown. Here again on either side of the crown shone a gold monogram. Any pawnbroker in Mexico would have loaned Zapata at least $20,000 on himself as he sat taking his ease before the fire in Xolox.

Whenever Zapata spoke to the men or gave an order he fairly barked the words at them in a rough, guttural voice. Instant compliance was always given, and a semimilitary salute invariably prefaced any speech that Zapata's men addressed to him.

Impressions of brutality, ruthlessness, cunning, but nothing of real cleverness; an ill-proportioned ambition, vanity, and other qualities akin to these forced themselves upon one as the rebel leader's dominant characteristics. He is as impressive as a gaunt, fiery-eyed, snarling tiger man, who has committed some monstrous crime, or as a repulsive serpent is impressive, not because of anything within them latently noble, beneficent, or useful, but by reason of malign power for harm which they hold.

One can not train the imagination sufficiently to divine a humane, kind, wise, or patriotic Zapata. His appearance and manner, everything that one turns to the world in converse with other men, is against him. Revelations of self which came during the interview stamped him as a man in intellect, education, aspirations, and knowledge of his own country or of other lands not superior to the average peon whom one encounters anywhere in Mexico during a day's journey.

It is true, I believe—at least I hope it is—that we have not had any direct dealings with Zapata, but it is popularly reported, and not denied, that Carranza has been negotiating with him; for Zapata, be it remembered, also classes himself as a constitutionalist. So, while we have not dealt with Zapata, we have been encouraging those forces in the north that look upon him as a brother patriot, and in case of their advance on the City of Mexico they would expect Zapata to lend aid to their constitutional movement with attacks from the rear. What would happen in the City of Mexico and in other parts of the country with Villa and Zapata vying with each other in constitutional outlawry their past crimes eloquently suggest. Is not it about time that we cease affording aid, comfort, and encouragement to the forces of pillage, plunder, and savagery in Mexico?

Mr. HAY. Mr. Chairman, does the gentleman from California desire to use any more time?

Mr. KAHN. Mr. Chairman, I have promised some time to several gentlemen who were to be here; I do not see them present, and therefore I suggest that we commence reading the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, exclusive of personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, $25,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question with reference to this item. I do not know whether the chairman of the committee was here this morning when the statement was made by my colleague from Texas [Mr. DIES] that out of the contingent fund of the Secretary of Labor an automobile was purchased, and that the auditor had held that the law authorized the purchase out of the contingent fund, upon the approval of the Secretary of Labor, of an automobile or other vehicle necessary to run the department in Washington. I will ask the gentleman from Virginia if he understands any portion of this money is to be used for that purpose?

Mr. HAY. I do not understand so. The Secretary of War already has an automobile, and I do not suppose that he would want to buy another one.

Mr. GARNER. May I ask the gentleman further whether or not he believes the Auditor for the War Department would audit a bill for the purchase of a vehicle or horses or automobile

to be used by the Secretary of War or the Chief of Staff or any other officer in the Army?

Mr. HAY. I do not think so; nor do I think the Secretary of War or the Chief of Staff or any other officer stationed here would undertake to buy an automobile out of the contingent fund.

Mr. GARNER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

OFFICE OF THE CHIEF OF STAFF.

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery; typewriters and exchange of same; office, toilet, and desk furniture; textbooks; books of reference; scientific and professional papers and periodicals; printing and binding; maps; police utensils; employment of temporary, technical, or special services; and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, $9,000.

Mr. COX. Mr. Chairman, I reserve the point of order on the paragraph. I want to ask the chairman of the committee what authorization there is for the extra $25 a month additional compensation for the chief clerk of the division for superintendence of the War College Building?

Mr. HAY. Mr. Chairman, I will say to the gentleman that this has been carried in the bill for a good many years, and that this man, outside of his duties as chief clerk, has to superintend the War College Building. It is quite a large building, and he has under him a good many people. So far as there being any authority in law for it, there is no authority outside of the appropriation bill.

Mr. COX. How large is the salary now that is paid to this chief clerk?

Mr. HAY. I think the salary now is $1,800.

Mr. COX. How long has he held his present position?

Mr. HAY. I can not tell, because I do not know.

Mr. COX. My recollection is that for several years the legislative bill carried a sum of $200 to $400 per year additional pay to the chief clerk of the Treasury Department because of his care of the Treasury Building, and in some way or other, I do not know how, we got rid of that item and it does not any longer appear in the legislative bill.

Mr. HAY. They probably increased his salary to that extent.

Mr. COX. No; I do not think his salary has been increased. During the last seven years it has been $4,000 a year, and it has been that ever since I have been a Member of the House. I am rather inclined to the opinion that this $25 a month is not needed at all. I do not know what this clerk does, but if I were to venture an opinion I would say that he does not employ very much of his time in taking care of the building. The chairman of the committee has said that he has a large number of employees under him.

Mr. HAY. I did not say a large number.

Mr. COX. He has a few, then. I imagine if there is anybody looking after the building it is the clerks under him. Therefore, Mr. Chairman, I make the point of order on that part of the paragraph.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard on the point of order?

Mr. HAY. I do not.

Mr. KAHN. Mr. Chairman, I hope the gentleman will reserve the point of order.

Mr. COX. If the gentleman desires to make a statement, I will reserve the point of order, but I will state to him that eventually I intend to make it.

Mr. KAHN. Mr. Chairman, very well. I shall not take up the time of the committee unnecessarily.

The CHAIRMAN. The point of order is sustained.

Mr. HAY. Mr. Chairman, as I understand it, the point of order is sustained to the words:

Including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building.

The CHAIRMAN. That is true, down to the figures "$9,000."

Mr. HAY. So that the figures "$9,000" will come after the word "expenses"?

The CHAIRMAN. Yes.

Mr. HAY. Then, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the figures "$9,000" and insert in lieu thereof the figures "$8,700."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Contingencies, Military Information Section, General Staff Corps: For contingent expenses of the Military Information Section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad; and of the branch office of the Military Information Section at Manila and the actual and necessary traveling expenses incurred by military attachés abroad under orders from the Secretary of War, to be expended under the direction of the Secretary of War, $10,000; *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. GARNER. Mr. Chairman, I reserve the point of order against the proviso in this paragraph. May I ask the chairman the reason for that proviso?

Mr. HAY. Mr. Chairman, that proviso is carried in every appropriation bill where newspapers and periodicals are purchased abroad, for the reason that the subscription can not be paid at the time the subscription is made under that provision. The purpose is to permit the people subscribing to those newspapers and periodicals to do so without advertising, as is required in this section.

Mr. GARNER. Now, I will not make the point of order against it, but I would like to ask the gentleman another question with regard to the provisions of this paragraph, and that is in reference to the actual and necessary traveling expenses incurred by military attachés abroad under orders from the Secretary of War. I have heard some newspaper criticisms—and I might say some cloak-room criticisms—with reference to the expenses of military officers in their traveling expenses.

Mr. HAY. This does not apply to that item. The item to which the gentleman probably is addressing himself is an item which provides for pay for the mileage of officers in this country. This is for the travel of military attachés abroad.

Mr. GARNER. Is there any rule of the War Department limiting expenses in this direction?

Mr. HAY. Well, I presume so. I do not know what the rules are as to how much they will allow these officers for traveling abroad, but I take it they do not permit an officer traveling abroad as a military attaché to spend anything he pleases. It is a very small appropriation.

Mr. GARNER. I notice it is a very small appropriation; very little travel under it, or else it would be larger. My object in making this suggestion was that possibly in the next appropriation bill it might be wise to look into the question of expenditures for travel by the different officers of the Army. Since this has been a matter of criticism of magazines and newspapers, as well as Members of Congress, it has occurred to me it might be well for the committee, if I may be permitted to make that suggestion, at the next hearing in the Committee on Military Affairs to take up the question, so as to be able to give something like an itemized statement of the traveling expenses of the various officers of the Army in connection with their various duties.

Mr. HAY. Well, I will say to my friend from Texas there has been no question which has been before the Committee on Military Affairs that has been so thoroughly thrashed out as the question of mileage pay for officers. We have had it in every sort of form. We have had the Paymaster General before us when he had charge of that particular item. We have discussed it from every point of view, and we have come to the conclusion that the amount which we now allow officers for travel pay, 7 cents per mile, is the cheapest way it can be done.

Mr. GARNER. I am very glad the committee has had it under consideration, and I simply mention in this connection that if we sent an officer, for instance, over to Europe and allowed him 7 cents per mile, it would be rather an expensive item, considering the number of miles traveled and the actual fare paid for that travel.

Mr. HAY. I will say to the gentleman there is no question about the fact that it has been abused.

Mr. COX. Will the gentleman yield?

Mr. HAY. I will.

Mr. COX. If I understand the matter correctly, the 7 cents per mile is not allowed while traveling abroad?

Mr. HAY. Not under this appropriation; but if an officer is ordered from the Philippines, for example, to come to this country he is allowed 7 cents a mile, as I understand.

Mr. GARNER. That is the point I was making about it.

Mr. KAHN. Mr. Chairman, in this item is provided travel pay for military attachés abroad. We have one military attaché to serve in Norway, Sweden, and Denmark. He has to go to the courts of those respective countries. There are quite a number of instances where one military attaché is assigned to several capitals, and of course they must travel, and it is only a small portion of this item.

Mr. HAY. And it is not abused, I think.

Mr. GARNER. I withdraw the point of order.

The Clerk read as follows:

Annunciator buzzer systems at target ranges: Maintenance of annunciator buzzer systems at target ranges, $3,800.

Mr. HAY. Mr. Chairman, I have received a communication from the Acting Secretary of War, Mr. Breckenridge, which calls my attention to the fact there is an item for commercial telephone service at Coast Artillery posts, usually carried in the bill, but which was inadvertently omitted; it reads as follows:

For providing commercial telephone service for official services at Coast Artillery posts, $6,000.

And which should have been included here. The Secretary says:

This is in no sense a new item, but a change that has been made from one supply corps to another for the purpose of simplifying the administration.

Under these circumstances I offer the following amendment, which the Clerk will find in the middle of the page.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 6, page 6, insert the following:
"Commercial telephone service at Coast Artillery posts: For providing commercial telephone service for official purposes at Coast Artillery posts, $6,000."

Mr. KAHN. Mr. Chairman, I reserve a point of order on the amendment. I would like to ask the chairman whether he thinks that this system will be the beginning of a general plan to take over the telephone systems of the country by the Government?

Mr. HAY. It is not for the purpose of taking over any system; it is for the purpose of paying some commercial telephone company for the use of their phones.

Mr. KAHN. It does not contemplate——

Mr. HAY. And I am advised it has heretofore been carried in the bill; but they segregated it into a separate item, for the purpose, as the Secretary says, of better administration.

Mr. KAHN. I understand it is simply to enable them to pay the bills of local telephone companies where they use the lines of local companies rather than put in their own plant?

Mr. HAY. Yes.

Mr. KAHN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. HAY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $7,750,000.
For pay of officers for length of service, to be paid with their current monthly pay, $1,616,218.27.

Mr. HELM. Mr. Chairman, I would like to ask the chairman of the committee how many classifications of officers there are in the Army?

Mr. HAY. I will say to the gentleman that I do not exactly understand his question.

Mr. HELM. I understand there are line officers and officers of the staff and noncommissioned officers?

Mr. HAY. Noncommissioned men are not officers. They are enlisted men.

Mr. HELM. Will the gentleman kindly give the line of demarcation or distinction between a staff officer and a line officer?

Mr. HAY. A line officer is an officer who is in the line of the Army. That is, he is in the Infantry, Cavalry, Field Artillery, or Coast Artillery.

Mr. KAHN. He serves with troops.

Mr. HAY. He does not necessarily serve with troops. He may possibly be detailed to some other duty. A staff officer is an officer who is on some of the staff corps, for instance, the Quartermaster Corps, the Signal Corps, the Ordnance Corps, or is in the Staff Corps of the Army, such as engineers, surgeons, and so forth.

Mr. KAHN. An adjutant general.

Mr. HELM. One goes into the field with the Army when it is in action, and the other——

Mr. HAY. A staff officer very frequently goes into the field.

Mr. HELM. And all line officers go into the field?

Mr. HAY. They do.

Mr. HELM. And some staff officers may go? What does a noncommissioned officer do?

Mr. HAY. The noncommissioned officers go into the field all the time, except some of them, who may be in the Staff Corps, such as quartermaster sergeants, for example.

Mr. HELM. I notice the pay of the officers of the line is $7,750,000. Does it appear in here anywhere what the total pay of the staff officers is?

Mr. HAY. Yes. There is a separate item for staff officers farther on in the bill.

Mr. HELM. Can the gentleman tell the committee what the total amount of the appropriations carried by this bill is received by the officers of the line, the staff officers, and noncommissioned officers?

Mr. HAY. I can not tell the gentleman that, because I have not any figures which will enable me to tell him what the noncommissioned officers get. I can tell him, however, what the officers receive.

Mr. HELM. Both line and staff?

Mr. HAY. Both line and staff, and what the enlisted men receive.

Mr. HELM. Will you kindly do that, please?

Mr. HAY. The line officers receive what is stated here, namely, $7,750,000. The enlisted men receive——

Mr. HELM. Not the enlisted men?

Mr. HAY. The noncommissioned officers are enlisted men.

Mr. HELM. They are not men in the ranks?

Mr. HAY. Yes; they are men in the ranks.

Mr. HELM. But they have official duties?

Mr. HAY. Oh, yes.

Mr. HELM. They are not what you term "privates"?

Mr. HAY. They are not privates, but they are just as much enlisted men as are the privates.

Mr. HELM. They are enlisted, but they are not in the line of battle?

Mr. HAY. Yes; they are, of course. A first sergeant is the most important man in his company and has as much responsibility, almost, as the captain of the company.

Mr. HELM. Well, that is what I am trying to get at, namely, the distinction between what is termed the "private," the common or ordinary soldier, and the noncommissioned officer.

Mr. HAY. I will try to explain to the gentleman. Every man who enlists in the Army enlists as a private. If he is found worthy after being in the Army for six months or a year, he may be promoted to the office of corporal, and if he proves himself well qualified for that——

Mr. HELM. He thereby becomes a noncommissioned officer?

Mr. HAY. He becomes a noncommissioned officer. And then he may be promoted to a sergeant, and from sergeant to first sergeant; and then there are some sergeant majors. Each regiment has a sergeant major. It depends entirely on a man's qualifications or his merits whether he is made a noncommissioned officer in the Army or not.

Mr. HELM. What I am trying to get at is, if the chairman can furnish me with the information, the number of line officers, the number of staff officers, and the number of noncommissioned officers, and the total amount that these officers of all classes receive under this bill, including longevity, emoluments, and everything else.

Mr. HAY. The gentleman is asking me——

Mr. KAHN. Mr. Chairman, on page 112 of the hearings you will find that the number of officers——

Mr. HAY. I can give the gentleman the number of officers in The Adjutant General's report.

Mr. HELM. What class of officers are they?

Mr. KAHN. They are officers of the line.

Mr. HAY. They are officers of the line. In 1913 there were 4,465.

Mr. HELM. Active?

Mr. HAY. They are commissioned officers in active service.

Mr. HELM. That has nothing to do with the retired list?

Mr. HAY. Nothing to do with the retired officers. There were 4,465 commissioned officers on the active list, and of these 1,227, including 66 chaplains, were general officers in the Staff Corps and departments. Seven hundred and eighty-eight belonged to the Cavalry, 262 to the Field Artillery, 748 to the Coast Artillery, and 1,640 to the Infantry. That is the report of The Adjutant General as to the officers.

Mr. HELM. That does not include noncommmissioned officers?

Mr. HAY. No. As to the noncommissioned officers, it is impossible for me to answer the question of the gentleman, for the reason that in making up this appropriation we do not ask of the Chief of the Quartermaster Corps, who has charge of this, the number of noncommissioned officers. They are listed under the general head of enlisted men.

Mr. HELM. But they have a different classification?

Mr. HAY. They have no different classification. They are not paid as officers. They are paid as enlisted men.

Mr. HELM. But they receive more than the private soldier receives, do they not?

Mr. HAY. If the gentleman desires it, I can give him the pay of a sergeant and of a corporal and of a private soldier.

Mr. HELM. I am not particularly interested in what the individual receives.

Mr. HAY. Under the act of May 11, 1908, which was the act which increased the pay of the Army, a sergeant of the first class in the Signal Corps, the first sergeant of Artillery, Cavalry, and Engineers gets $45 a month on his first enlistment.

Mr. HELM. Now, what does the private soldier get?

Mr. HAY. A private soldier gets $15 a month, unless he is a private in the Engineers, Ordnance, or Signal Corps, when he gets $18 a month.

Mr. HELM. These noncommissioned officers in the same class of service receive a higher salary?

Mr. HAY. Yes. The corporal gets $24. They have different rates. I do not care to take up the time to read the rates unless somebody wants to hear them.

Mr. HELM. I am not particularly interested in that.

Mr. Chairman, my object in trying to get this information is to inform the committee as near as I can what proportion of this entire appropriation carried by the bill is received by the commissioned officers, the officers of the line, the staff officers, and the retired officers of all classes, including Philippine Scouts, together with their perquisites and emoluments, longevity, heat, light, expenses, and every other blessing that can be had by individuals. A year or so ago, when I was connected with the Committee on Expenditures in the War Department, I worked some time to figure up what the total amount of money was that is received by these various classes of officers, and if my recollection serves me correctly, it amounted to about $40,000,000. Out of a total appropriation of $94,000,000 the officers of the Army are receiving virtually one-half. It has been my observation since I have been a Member of Congress that there has been a continuous campaign carried on by the officers of the Army to increase their compensation. They have not been so much interested in the organization of an Army as in the increase of their compensation and perquisites.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HELM. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HELM. The thing that has not appealed to me in these matters of appropriations for the Army and Navy is the almost scandalous system in vogue—and I measure my words when I use that language—of logrolling, conducting a campaign year in and year out for the purpose of increasing their compensation. It has grown to be almost a scandal. If you men would stop to think for a moment you would be surprised to know that out of a total appropriation of $94,000,000, if I am in any wise near correct—and I challenge any man to get on the floor and deny the statement—of that sum of money well-nigh $40,000,000 finds its way into the pockets of these officers of the Army.

Mr. HAY. Mr. Chairman, I deny that statement absolutely.

Mr. KAHN. So do I.

The CHAIRMAN. Does the gentleman yield?

Mr. HAY. The gentleman is wholly mistaken in that statement.

Mr. HELM. I lay down this statement, that the officers of the line and the staff officers and the noncommissioned officers, active and retired, receive $40,000,000 a year in salaries and their many varieties of perquisites.

Mr. HAY. Oh, well——

Mr. HELM. Let me finish my statement, gentlemen. Including the emoluments that they receive, and they are too numerous to mention—the longevity pay, their heat and light and furniture and buildings, and things of that kind that are provided for their comfort—I say to you after investigating it—and the chairman of the committee said just a moment ago that he had never made an investigation and could not tell how much was paid these noncommissioned officers—I say to you that after investigating I risk my statement that it is between $35,000,000 and $40,000,000. I went over the figures and took the time to go through an appropriation bill similar to this, and that was the result of my investigation.

Now, if that is true—and the Chairman says it is not, and the gentleman from California [Mr. KAHN] says it is not true—then I ask both of them to state what is the total amount, including all of those items on account of the noncommissioned officers.

Mr. HAY. I can give it to the gentleman, generally speaking, just as he has done. The gentleman mixes up, in the first place, the officers of the Army. The officers of the Army are one thing; the noncommissioned officers are enlisted men, and an entirely separate and distinct class of men.

Mr. HELM. I am talking about everybody except the high private in the rear ranks, if you may so term him—the common, ordinary soldier.

Mr. HAY. There is appropriated in this bill $7,750,000 for officers of the line.

Mr. HELM. How much for longevity?

Mr. HAY. It is about $9,300,000, including longevity pay.

Mr. HELM. What does that cover?

Mr. HAY. That goes to the officers of the line.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. HAY. Mr. Chairman, I want to take the floor in my own right for the purpose of answering the gentleman from Kentucky.

Mr. HELM. I would like to ask unanimous consent for five minutes longer.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. HELM. I beg the pardon of the gentleman from Virginia.

Mr. HAY. The gentleman can go ahead. I will take the floor when he is through.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELM. Mr. Chairman, simply repeating what I said before, if I am anywhere in the neighborhood of being correct, does it not strike this committee as a very unwholesome situation?

If one-half or even one-third of this $94,000,000 finds its way into the pockets of these officers, is not this an unbalanced bill, so to speak? I am not charging the chairman of the committee, or any member of the committee, or the committee as a whole with any dereliction of duty. This thing has grown up from time immemorial and has been persistent and insistent. You heard a former member of this committee on the floor of this House, the gentleman from Texas [Mr. SLAYDEN], tell you this morning how there is a continual campaign going on on the part of the Army and the Navy. It reminds me of the time when we were all children, and each one complained about the other getting the biggest stick of candy. The officers of the Army are afraid that the officers of the Navy will get a little more out of the Treasury than they will get, and vice versa, and so the system has gone on. The criticism I have to make is this——

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. HELM. Yes.

Mr. GARRETT of Texas. I take it the gentleman is going upon the theory that we have too many officers. Now, the number of officers is fixed by law, and their salaries are fixed by law, and not by this bill. This is simply an appropriation to pay salaries authorized by law.

Mr. HELM. I said a moment ago that I am finding no fault with this committee. This is a system that has grown up—a condition that this committee has got to confront. But what I am trying to do is to remind the committee of the fact that instead of looking after an organization, a fighting machine, this thing has resolved itself into a log-rolling system among the officers of the Army to get money out of the Treasury.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HELM. Yes.

Mr. HUMPHREYS of Mississippi. I understand the gentleman to say that there are too many officers. Can the gentleman suggest any sort of organized fighting machine with fewer officers in it than those provided under the law for the organization of the United States Army?

Mr. HELM. I do not think the gentleman has correctly understood me or correctly quoted me. I have never yet said in this discussion that there are too many officers in the Army, whatever may be my opinion about it. The thing that I am criticizing is the log-rolling system among the officers of the Army to increase their pay—compensation and emoluments—that mount up into the millions of dollars. That is what I am directing my criticism against.

Mr. HUMPHREYS of Mississippi. The gentleman does not think that the noncommissioned officers are paid too much, does he?

Mr. HELM. If you should go through the bill and pick out every line officer—you might pick out any one man—and you could not say that he got too much money. I advocate a horizontal reduction.

Mr. HUMPHREYS of Mississippi. I mean the noncommissioned officers.

Mr. HELM. I would not say that the private gets too much money, or anything of that kind.

Mr. HUMPHREYS of Mississippi. I understood that.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAY. Mr. Chairman, I have been a member of the Military Affairs Committee for some years, and I have never been cognizant of Army officers making it a business to logroll with members of that committee to increase their pay. [Applause.] There may have been some instances in which certain officers have sought to get promotions; but the great body of the officers of the Army of the United States are as high-class men as there are in this country. [Applause.] I do not believe that any gentleman on this floor is warranted in making the statement that officers of the Army, speaking generally, are in the habit of logrolling with Congress for the purpose of increasing their salaries.

Mr. TOWNSEND. Will the gentleman yield for a question?

Mr. HAY. I will.

Mr. TOWNSEND. In the gentleman's experience as chairman of the Committee on Military Affairs, is it not his judgment that officers of the Army are less seen around those places where lobbying could be done, and do less lobbying on their own behalf, than almost any other class of officials in the United States?

Mr. HAY. I can say that most truthfully.

Mr. TOWNSEND. That is my experience.

Mr. HAY. I can say that the officers of the Army who come to the room of the Committee on Military Affairs come there because they are requested to do so, to give their evidence in hearings before the committee, and they do it as a duty and not because they want to. I want to say to the gentleman from Kentucky [Mr. HELM] that, as suggested by my friend from Texas [Mr. GARRETT], we are appropriating in this bill for the pay of the Army under the law, and if the gentleman thinks these men receive too much money, if he thinks there are too many officers, why has not the gentleman, during his long term of service here, introduced a bill for the purpose of cutting down this pay and cutting down the number of the officers of the Army? I myself do not believe that these men are receiving more money than they are entitled to. I do not believe that men occupying the responsible positions which they occupy ought to be cut down to a pittance in the service of their country; and while I believe that the Army is costing more than it ought to cost, we can not afford to become penurious at the expense of these servants of the public who are doing their duty, and who do it under all circumstances, and who in the last 10 years have, in my judgment, demonstrated that they are better fitted to perform their duties than are the officers of any other army in the world. [Applause.] Every time a great calamity occurs in this country, a great fire or a great flood, or when there is any great national undertaking to be accomplished, the officers of the Army are always called upon, and when they are called upon they are always found equal to the occasion. [Applause.] Mr. Chairman, I know my friend from Kentucky must have had in mind only a few of these officers when he was talking about their logrolling with Members of Congress, and I trust that if my friend feels aggrieved by the provisions of this bill he will introduce some substantive measure which will enable the Committee on Military Affairs to take up the matter. I assure him that we will give him a hearing, and we will give to any measure which he sends to us proper and fair consideration. [Applause.]

Mr. COX. Mr. Chairman, I move to strike out the last two words. I shall not engage in the controversy between the able chairman of this committee [Mr. HAY] and the able gentleman from Kentucky [Mr. HELM]. The chairman of this committee in the course of his remarks struck a chord which constrains me to testify to something within my own knowledge. I must confess that formerly I did not have very much use for the Army; but last April when large sections of my district were absolutely swept away, when practically every town along the Ohio River in my district for a distance of about 300 miles was inundated, when people's houses were flooded and they were driven from their homes, and thousands of their homes washed away, appeals began coming in to me about 8 o'clock one night for help, aid, and assistance. I was at my home and came to my office and immediately got in touch with Gen. Wood, and to my knowledge Gen. Wood stayed up that night until midnight. I was at the telephone in my office and he was directing the forces along the Ohio River by means of the telegraph.

I never appealed to him a single time during that trying ordeal for seven days for aid, assistance, and relief but what it was given to my people as fast and as rapidly as it could get there. I must confess that to some extent I changed my views of the Army. I am in thorough accord with what the chairman of the committee has said, that in every great disaster, whether it be a flood, fire, or earthquake, it is always the same; sometimes with its strong arm, sometimes with its arm of aid and assistance, but it goes to the rescue. I have no purpose in making the statement except that I probably heretofore have said a few things on the floor of the House that might reflect on the Army, but my views have been somewhat changed. While I am not in accord with everything in this bill, yet I believe that the Army does some very valuable work for this Nation.

Mr. TOWNSEND. Mr. Chairman, I want to add a few words along the line of praise of the Army in time of unexpected stress and emergency which the gentleman from Indiana has just uttered. I think I have anticipated the gentleman from California who would have said what I am about to say much more ably, and still I felt that I wanted to say this because, first, in regard to what the Army officers and the rank and file of the Army did in time of that awful calamity in San Francisco which came to me first-hand. I have people in the Army and I have people who reside in San Francisco, and among them a brother who always votes for the gentleman from California [Mr. KAHN], although he knows how much it offends me to have him do so. [Laughter.]

As my brother told me when he came back from there, the Army was on the water front of San Francisco handling the most vicious crowd from all the criminal places in the world down on the Barbary coast. The Army was up in the business section assisting the rescuers of books and valuable papers and money. The Army was a little farther up the hill helping men and women to escape from residences. The Army was still farther out in Van Ness Avenue and Franklin Street helping people to escape with their lives alone.

The Army was still farther out in the hills, and, as one officer said, he had to teach a young mother how to heat the milk for her babe. Another officer of equal rank and willingness was teaching troops how to blow down blocks of buildings to prevent the flames from spreading over the rest of San Francisco. And so it is the same in every great calamity. As the gentleman from Virginia [Mr. HAY] has said, the Army and the officers have always prosecuted this rescue work ably, honestly, fearlessly, and willingly. [Applause.]

Mr. KAHN. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. KAHN. If the gentleman will permit me to add this to what he has said: The medical officers of the Army were in the hospitals ministering to the needs of those who required medical attendance. The medical officers of the Army, when hundreds and thousands of people were homeless, taught them how to keep their little temporary shacks in a sanitary condition so as to prevent any malignant disease arising in the community and adding to the horrors of the occasion.

Mr. TOWNSEND. I will say to the gentleman from California that such was the case, and also I will add that in the Army posts the wives of the Army officers were working 24 hours a day to relieve the suffering of the women.

Mr. HELM. Mr. Chairman, I suppose the committee has already discovered how impossible a task the chairman of the committee has ascribed me to undertake to reduce one farthing the amount that any officer receives by way of salary or compensation, emoluments, or benefits. It is a hopeless and a useless task. The Army and Navy have a grip on the Treasury that no one can release.

Now, I am measuring my words. I know how easy it is to get up on the floor, like some gentlemen do, and pat the officers of the Army and the officers of the Navy on the backs, making much ado about it. It is easy to reply to criticism that anybody makes on the floor as I am doing. Any time you get up on any occasion and make any criticism of any officer all they have to do is to hand out just exactly what I am getting here. What is the use? It is a hopeless and a useless task.

Now, if you want to organize a fire brigade, do it; but do not try to use the Army as a "darky-town" fire brigade out of the Army. If you are going to use the Army on flood propositions, that is all good and well. Then go on, and every time there is a flood or an earthquake double the salary of the officers and you will get a magnificent Army organization.

The chairman of the committee says you have got the greatest Army that ever was. I submit to him that he read the letter of Gen. Edwards, written to Senator ROOT. Gen. Edwards has had charge of the forces that have been down on the Rio Grande, and he states that so far as a divisional organization of our Army goes, it is a complete, abject failure. There you are.

The thing I have been hammering on is to try to get the House to give its attention to these constant increases here and there.

I have distinctly put myself on record as not criticizing this committee for making these appropriations, because you have got to do it. These increases are creeping in inch by inch and inch by inch. It comes in from one amendment to another; first the pay, then the rate, and then one thing after another—mileage, longevity pay, furnishing them with horses, bridles, saddles, provender, every piece of equipment—and most every year some new item is carried in the bill which increases the compensation of these officers.

Some additional emolument is added which they receive. If you are going to stand here and let it go on, we may as well surrender and let it go.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. HELM. Yes.

Mr. McKELLAR. Does not the gentleman know that any increase in this bill not provided for by law is subject to a point of order which the gentleman has a right to make?

Mr. HELM. Will the gentleman answer me a question?

Mr. McKELLAR. Certainly.

Mr. HELM. Will the gentleman please tell me how it is that the emoluments of these officers and their salaries have year in and year out grown larger?

Mr. McKELLAR. They do not grow any larger except when this Houses increase them.

Mr. HELM. Of course, that is just what I have been complaining about, not so much now as in the past, hoping thereby to check it in the future as much as possible.

Mr. McKELLAR. If the gentleman will permit me, they are not increased by this Army appropriation bill. We can only appropriate in this bill what is authorized by law.

Mr. HELM. Why, Mr. Chairman, that is my whole object in taking this floor—to try and get Members of this House awakened to the fact that this abuse is going on from time to time.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TAVENNER. Mr. Chairman, a few days ago I noticed an article in one of the Washington newspapers to the effect there had recently been times when there was not sufficient ammunition to permit the firing of the defense guns on the Pacific coast for a period of 30 minutes.

Still another article stated that should there be war, two years would be required to obtain sufficient ammunition to place the Army on a war footing.

Both these statements were based on testimony given before a Senate committee by Brig. Gen. William Crozier, Chief of Ordnance of the Army.

Just think of it! Although Congress has been appropriating $100,000,000 annually to maintain the Army in a state at least approaching preparedness for war, there is not sufficient ammunition on the Pacific coast at times to last 30 minutes!

GOVERNMENT HAS BEEN OVERCHARGED FOR MUNITIONS OF WAR.

I desire to submit to the American people what I believe to be the reason for this state of affairs. The reason, in my opinion, is that Gen. Crozier and other Army and Navy officers have for years been permitting a ring of eastern manufacturers to outrageously overcharge the Government for its munitions of war.

I desire to ask Gen. Crozier why he has been paying the ammunition ring $3.06 for a 3-inch finished shrapnel case when he can manufacture and is manufacturing the identical article in the Government arsenals for $1.75? I would like to know why he has been paying the ammunition ring $17.50 for a 3.8-inch common shrapnel when he can manufacture and is manufacturing the identical article in the arsenals for $7.94? Seventeen dollars and fifty cents is more than twice $7.94. The Government could manufacture two shrapnel for the price it is paying the private manufacturers for one and have $1.62 left over on each transaction. It is the public funds that are being spent here, and the people have a right to have these questions answered.

BIG SAVING RESULTS FROM GOVERNMENT MANUFACTURE.

The illustrations just cited are merely average samples of the manner in which the Army and Navy officers have been permitting Uncle Sam to be overcharged in the purchase of military supplies. These officers do not seem to have any regard for money—at least for the people's money.

A contract for $1,900,064 worth of ammunition was given the Frankford Arsenal, at Philadelphia, and the Government saved $979,000, or approximately $1,000,000, on a $2,000,000 order.

The program of the War Department calls for $20,000,000 worth of field artillery ammunition and $11,000,000 worth of field artillery gun carriages and other equipment.

Were a business man in Uncle Sam's place, would he give the bulk of this $31,000,000 order to the ammunition ring or would he enlarge his own plants and save from 20 to 50 per cent on that portion of the order he would thus be able to take care of himself? Is not a saving to the people of 35 per cent on contracts running into the millions annually worth the saving?

In less than 17 years three firms comprising the ammunition ring and the armor ring have drawn down in excess of $100,000,000 worth of fat Government contracts from the Army and Navy, and if the Government had manufactured all these supplies in the arsenals and navy yards $35,000,000, at the very least estimate, would have been saved to the people.

THE ADVANTAGES OF THE ROCK ISLAND ARSENAL.

To enlarge the Government arsenal at Rock Island, Ill., so that it may manufacture a large portion of the Army supplies for which the Government is now being grossly overcharged by the ammunition ring, would not require the expenditure of a penny for ground, buildings, or water power.

I do not believe the United States Government sufficiently appreciates what a prize it has in the Rock Island military tract, which is adjacent to the enterprising and thriving cities of Rock Island, Moline, Davenport, and East Moline, having a combined population in excess of 100,000, and in the very heart of one of the most promising manufacturing centers in the Middle West. The tract covers 896 acres of an island in the Mississippi, with a double row of great stone buildings and elegant drives, and every acre a natural park, with beautiful shade trees in profusion everywhere.

I firmly believe that this piece of Government property offers the best site that can be found for the proposed $7,000,000 armor-plate factory, and I have introduced a resolution, H. Res. 306, requiring the Secretary of the Navy to carefully consider the advantages of Rock Island, which will be enumerated more fully later on in these remarks, before determining upon any other site for the armor factory. In the meantime every Member of Congress is invited to stop off at Rock Island and see for himself what a magnificent and advantageous site Uncle Sam already has for a great central military manufacturing plant without having to go to the expense of purchasing additional ground for this purpose.

AMMUNITION RING TAKES WORK FROM ROCK ISLAND.

At the Rock Island Arsenal to-day there are two great stone buildings, originally constructed for manufacturing purposes at a cost of approximately $400,000 each, being used only for storage purposes. These two buildings are magnificent structures, and at a cost of $250,000 each could be equipped with the necessary machinery to manufacture field-artillery ammunition.

As I rode through the arsenal grounds at Rock Island recently and saw these two fine buildings standing deserted and idle I could not help but think of the fact that contracts for war munitions which could be manufactured in these buildings are at present going to the ammunition ring, and that the Army officers are paying this ring from 20 to 60 per cent more than they could manufacture the same orders for in these two buildings at Rock Island.

The real explanation of the idleness of these buildings is that the strong and long arm of the ammunition ring has reached into the Government buildings at Rock Island and taken the work away from them. This procedure means huge profits to the ammunition ring, but at a tremendous cost to the public.

GEN. CROZIER OPPOSES ENLARGEMENT OF ARSENAL.

Gen. Crozier has from the start opposed—not openly, but from under cover—my efforts to have these two buildings equipped with machinery for manufacturing field artillery ammunition. If these buildings were equipped, Gen. Crozier could no longer go before the Appropriation Committees and testify that he does not have capacity in the Government arsenals to do such manufacturing, and must, therefore, award the fat contracts to the ammunition ring.

The Rock Island Arsenal is now the largest arsenal in the United States, and when the policy of complete Government manufacture of munitions in Government arsenals gets to working the Rock Island Arsenal is destined to become one of the largest arsenals in the world. This arsenal has the advantage of free water power, the Government owning its own power plant in the Mississippi River. The Government can manufacture cheaper at Rock Island than at any other point in the United States.

THE "PATRIOTISM" OF THE ARMOR RING.

Army and Navy officers claim that the ammunition ring and the armor ring are composed of a group of patriotic manufacturers, and that we ought to give them work in time of peace in order that we may depend upon their patriotic cooperation in time of war. But when war with Spain was imminent,

these three concerns got together and issued an ultimatum to the Government that they would not manufacture a single piece of armor plate unless the Government would agree to pay them $100 a ton more than the price that had been determined upon by Congress, after an investigation, as a fair price.

But at the same time the armor ring was selling to Russia for $249 a ton the same plate that it was demanding $616 a ton for from the United States Government.

Ball cartridges, caliber .30, for the regulation service rifles were made at the Frankford Arsenal in 1912 for $26.95 per 1,000, including all overhead charges. For the same cartridge private manufacturers are receiving $38.04.

Why should the Government pay private manufacturers $1,708 for a 3-inch caisson when it is manufacturing the identical article at Rock Island Arsenal for $1,081, all overhead charges included?

Why should the Government pay private manufacturers $3,268 for a 3-inch gun carriage when it is manufacturing the same thing at the Rock Island Arsenal for $2,341?

PEOPLE WIN IMPORTANT VICTORY.

But the days of the ammunition ring and the armor ring are numbered. Their friends are being forced out of the saddle.

For the first time in the history of the Government the fortification bill and the Army bill now under consideration are so worded as to require practically all munitions of war, at least so far as the Army is concerned, to be manufactured in the Government arsenals. I consider this legislation one of the greatest achievements of the present Congress, for which the members of the Military Affairs Committee and the Appropriations Committee in particular, and the Members of this House on both sides of the aisle in general, deserve the unstinted thanks of the country.

The new policy will mean that the Government itself will save millions annually, because of its ability to manufacture cheaper than outside manufacturers, and that the workmen who actually do the work will receive better wages for 8-hour work days than the employees of the outside manufacturers receive for 9 and 10 and, in some instances, 12-hour work days.

The new policy of complete Government manufacture of munitions of war will very largely take the profit out of war, to the end that Army appropriation bills will be required to stand the test of merit alone.

I hope to see a similar policy adopted regarding all expenditures in the Navy, and am giving my full support to Secretary Daniels in his efforts to bring this about.

When all profit is taken out of war we may expect complete disappearance of the systematic agitation now being carried on in this country for an ever and ever increased amount of armament, which agitation is especially systematic and pronounced about the time the Army and Navy bills are before Congress each year.

Gen. Crozier, the Chief of Ordnance, reluctantly admitted before the Committee on Military Affairs that, on the average, he could save 35 per cent by manufacturing field-artillery ammunition in the arsenals.

Mr. McKELLAR. More than that.

Mr. TAVENNER. Yes; it ranges all the way from 20 per cent to 60 per cent. These illustrations I have given here are not exceptions picked out just to make a good case, but they are the general rule. I have a clipping in my hand here from a Washington newspaper concerning contracts awarded by the Navy Department. The naval officers have been doing the same thing that the Army officers have been doing. The same three manufacturers that have been permitted to overcharge the Army have also been doing the work for the Navy.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. HELM. The gentleman does not mean to say that any officers of the Army or officers of the Navy have been guilty of any such impropriety as he is charging here?

Mr. TAVENNER. I mean to say that these officers have been guilty and are now guilty of allowing private manufacturers to outrageously overcharge the Government. I have any amount of figures here to sustain this statement, on any particular feature of the proposition the gentleman may desire to know about.

Mr. HELM. Let me see if I thoroughly understand the gentleman. These are officers of the Army that are doing this?

Mr. TAVENNER. Yes.

Mr. HELM. In view of the statements made here by certain gentlemen on the floor of the House, it must seem astonishing to them that an officer of the Army could possibly have done anything along the line the gentleman says they have done. Nevertheless I am not astonished at the information you have given the House on this subject.

Mr. TAVENNER. When Mr. Daniels became Secretary of the Navy he discovered the Government was being grossly overcharged almost the first week he was in office.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TAVENNER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. McKELLAR. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for 10 minutes.

Mr. TAVENNER. I do not care for any more time, Mr. Chairman. I ask unanimous consent that I may be permitted to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

UNCLE SAM'S CONFIDENCE AND TRUST BETRAYED.

Mr. TAVENNER. Easy-going, generous, old Uncle Sam has been passing out his hundreds of millions every year for the Army and Navy, and the Army and Navy officers have so used the money that for each dollar expended the country has received little more than 50 cents' worth of war materials.

Congress has been appropriating $100,000,000 annually for the Army alone, or, to be exact, $1,007,410,270 in the last 10 years, and then has been permitting the Army officers to have practically a free rein in the expenditure of these colossal sums.

And Congress has been making a mistake.

For instance, if $3,000,000 is appropriated for Field Artillery ammunition, the Chief of Ordnance is left practically free to purchase the ammunition from outside manufacturers or to manufacture it in the Government arsenals. The same applies to the Navy.

THREE CONCERNS GET BULK OF CONTRACTS.

Under this practice, which gives a few officers altogether too much freedom in the handling of so many millions of the people's funds, a few favored contractors have been able to obtain the great bulk of the fat Government contracts.

For instance, three concerns have obtained from the Army and Navy more than $100,000,000 worth of contracts in 17 years. These three concerns have conspired to prevent competitive bidding between them, and the Army and Navy officers have only winked at this teamwork on the part of the armor and ammunition trusts.

The Army and Navy officers have shown a marked generosity in spending the people's money with these three concerns. They have been paying the ring all the way from 20 to 60 per cent more than they could have manufactured identical or superior guns, ammunition, and other munitions for in the Government arsenals and navy yards.

SECRETARY OF THE NAVY SAVES TAXPAYERS $2,000,000.

Secretary of the Navy Josephus Daniels deserves the support of the Nation in the courageous and effective fight he is making to rescue the Navy Department from the tender mercies of the armor ring. For years the Navy has been dominated by the armor ring. Having a monopoly on the manufacture of armor plate in this country, the armor ring has been able to demand and obtain extortionate prices for armor plate. Secretary Daniels called a halt almost the first day he entered office. Through real competitive bidding he has already saved the Government more than $2,000,000, and has been in office only one year.

WHAT HAPPENS UNDER REAL COMPETITIVE BIDDING.

Recently he awarded a contract for building 100 torpedo flasks, including heads. There was competition; new contractors entered the field previously monopolized by the ring, and the Secretary of the Navy was able to purchase 100 flasks for $58,246 which under former conditions would have cost $115,075.

The bids of the Bethlehem Steel Co. and the Midvale Steel Co., two of the three concerns composing the armor ring, under honest competitive bidding showed a reduction of 44 per cent as compared with bids for similar forgings submitted by these companies only four months previous.

Personally I believe that these officers who in the expenditure of the people's money have been paying $115,075 for supplies which, had they been as alert in the people's interest as was the Secretary of the Navy, could have been obtained for $58,246, should, somewhere or in some manner, be required to make a public accounting for their acts.

ARMY OFFICERS DO NOT VOLUNTEER INFORMATION.

Ever since my election I have been endeavoring to obtain facts relative to the expenditure of Army and Navy appropriations. My very first visit with the Army officers at the War Department convinced me that I had an uphill journey ahead of me. Any request for information was resented as an attempt to pry into the personal affairs of Army officers. Every possible obstruction was placed in the way, and some letters remained unanswered for more than two months.

Scarcely ever have I been able to obtain the exact information asked for.

A CONGRESSMAN'S PRINCIPAL VALUE IS TO APPROPRIATE MONEY.

The small group of Army officers who are running things care very little about the average Member of Congress, particularly the young, inexperienced Member of Congress, who, like all the general public and 98 per cent of the Members of Congress, knows very little of the practices and customs in vogue in the Army and Navy relative to the buying of ammunition and supplies. These officers want no interference, and least of all close scrutiny of the prices they pay for ammunition, either by Mr. Congressman or anyone else.

The Army and Navy officers who run things were in the saddle long before the inexperienced Member of Congress came on the scene, and will no doubt be on the job a long time after he has taken his departure. Administrations come and go, but the Army and Navy organization goes on forever. Army and Navy officers never have to go before the people and answer for their acts, and they have a powerful organization to smooth things over and to protect them.

INFORMATION IS VERY HARD TO OBTAIN.

Here is just one experience I have had in my endeavor to obtain information concerning the Rock Island Arsenal, to which I was entitled as the Representative in Congress of the district in which the arsenal is located, but which information I have never been able to receive.

Some time back Representative MOORE, of Pennsylvania, placed in the CONGRESSIONAL RECORD extensive data prepared by Col. George Montgomery, commandant of the Frankford Arsenal at Philadelphia, showing the advantage of that plant for manufacturing.

I was desirous of obtaining similar data concerning the Rock Island Arsenal for use in support of a bill I had introduced in Congress to equip two buildings there for the manufacture of field-artillery ammunition.

I wrote Col. George W. Burr, commandant of the Rock Island Arsenal, requesting similar information to that prepared by Col. Montgomery on behalf of Frankford Arsenal. Col. Burr is an enthusiastic supporter of Rock Island, and in every good faith replied that it would be a pleasure to furnish the information requested; that as a result of the free water power at Rock Island, where the Government owns its own power plant in the Mississippi, he could make a showing that would be much to the advantage of Rock Island. He stated he had already assigned men to collect the data required, and that he would have it to me within a week for use in support of my bill.

Two months passed and the information did not come. In the meantime I had been writing Col. Burr, importuning him to hurry the data along, as I had urgent need of it. Then I received a letter to the effect that he had been able to obtain only part of the data desired and that he had deemed it advisable to first submit it to Gen. Crozier, who was anxious that I be supplied with the information, and who would add the data that could not be obtained at Rock Island and would forward all to me direct.

GEN. CROZIER IS STINGY WITH INFORMATION.

The data has never come, but in its stead a letter from Gen. Crozier to the effect I would find the information I desired in the hearings of the Appropriation Committee. An examination of the hearings showed that it did not contain the special data I desired and did not contain the data I asked for.

What actually happened was that Col. Burr felt it incumbent upon him to obtain the consent of Gen. Crozier before giving me any information, and Gen. Crozier did not permit it to reach me.

What Gen. Crozier's motive was in withholding this and other information, I can not say because I do not know. I can, however, state the fact that Gen. Crozier is an enthusiastic advocate of the policy of giving as much work as possible to outside manufacturers at prices ranging from 20 to 60 per cent more than he can manufacture—and is manufacturing—the same articles for in the Government arsenals.

It is obvious that if I am successful in attaining the end for which I desire the information above alluded to—that is, in having the two large buildings at Rock Island equipped with machinery—the ammunition ring will lose some contracts for Government work that have been exceedingly fat.

CROZIER SELLS PATENT TO BETHLEHEM CO.

When Representative HENRY T. RAINEY, of Illinois, one of the best known and most respected men in public life, and one of the leaders on the Democratic side of this House, investigated the domination of the War and Navy Departments by the armor and ammunition rings, he took occasion to mention Gen. Crozier in a speech delivered in the House of Representatives on Tuesday, February 21, 1911, as follows:

Millions of dollars were expended by the Government on the Buffington-Crozier disappearing gun carriage while Buffington was Chief of Ordnance and while Crozier was a member of the Board of Ordnance. These officers, as a result of experimenting with Government money, were finally enabled to take out a patent on the disappearing gun carriage now in use in this country. The patent was taken out at the suggestion of the Bethlehem Iron Co., as Mr. Crozier admitted. These two officers sold all the rights to the Bethlehem Iron Co., as Mr. Crozier also admitted, for $10,000, and the Bethlehem Iron Co. agreed to pay to Gen. Buffington and to Gen. Crozier, in addition to that amount, royalties on each carriage built for Governments other than the United States until on this account there had been paid to these officers in royalties the sum of $50,000.

A MAN CAN NOT SERVE TWO MASTERS.

These officers, therefore, charged with protecting the contracts made by this Government with the steel companies against fraud on the part of the steel companies, charged also with placing orders for armor plate and for castings for guns with steel companies, entered into this partnership with the Bethlehem Steel Co. "A man can not serve two masters," and the inferior character of work done for the Government by these companies, as evidenced by accidents to machinery and explosions of guns, followed as a matter of course.

RAINEY SPEECH IS ANSWERED.

The speech of Representative RAINEY was answered by Representative Walter I. Smith, of Iowa, on March 3, 1911. Representative Smith quoted the first paragraph of the above and then said:

Most of these statements are substantially true, but discolored.

The following letter, written by Gen. Crozier to the Bethlehem Steel Co., was inserted in the CONGRESSIONAL RECORD:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 15, 1903.

The BETHLEHEM STEEL CO.,
South Bethlehem, Pa.

GENTLEMEN: 1. Referring to the agreement between the Bethlehem Iron Co. and myself, for myself and also as attorney for Gen. (then Col.) A. R. Buffington, which appears in my letter of September 6, 1894, and your answer thereto of September 10 of the same year, I wish now to inform you that I hereby release the Bethlehem Iron Co. and its successors from all obligations to myself in consequence of such agreement; that is, that I hereby assign all my right, title, and interest in the invention which has been commonly known as the Buffington-Crozier disappearing carriage, and in all letters patent relating thereto, to the Bethlehem Iron Co. and its successors, without any further consideration or compensation whatsoever to be paid to myself or to any other person in my behalf, my object being to relinquish fully and totally all personal interest in this invention.

2. Nothing in this letter is, however, to be understood as affecting the right or interest or compensation of Gen. Buffington in regard to this invention or any rights of the United States therein.

Very respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

The Gen. Buffington referred to in Gen. Crozier's letter is now receiving pay from the Government as a retired Army officer. When he and the then Capt. Crozier were in partnership with the Bethlehem Co., Gen. Buffington was Chief of Ordnance and the present Gen. Crozier was a captain.

When Gen. Buffington was retired, his business partner, Capt. Crozier, was jumped over 23 officers of the line to be made Chief of Ordnance, the occupant of which position awards the contracts for guns, ammunition, and supplies for the Ordnance Department.

Representative Smith, in defending Gen. Crozier, did not deny that Gens. Crozier and Buffington received $10,000 from the Bethlehem Co., nor that they entered into a contract by which they were to receive royalties until the sum of $50,000 should have been received by them. In his letter to the Bethlehem Co. Gen. Crozier simply released the Bethlehem Co. from "any further consideration or compensation."

I am informed that what happened was this: Immediately after Gen. Buffington and Capt. Crozier went into a contract with the Bethlehem Co. in 1894, the Bethlehem Co. sent agents to all of the countries of Europe in the hope of selling them the Buffington-Crozier disappearing carriages, which had been perfected, it will be remembered, with the American people's money.

FOREIGN NATIONS REFUSED TO BUY.

Various European nations, I am informed, tested these gun carriages, and not one nation would buy them, not believing them practical. In the meantime the United States had been loaded down with $8,000,000 worth of such carriages, and is still buying them. Since no Buffington-Crozier carriages could be sold to foreign Governments, Gen. Crozier sacrificed nothing by releasing the Bethlehem company in 1903 from its contract. These gun carriages may be as deadly in warfare as Gen. Crozier claims, and their purchase by this Government through Gen. Crozier may be an excellent investment. I do not know.

What I take particular exception to, and what I believe the American people would take exception to if they knew of these

facts, is that Army officers should have any business connection whatever with the ammunition ring, and that instruments of war perfected as a result of the expenditure of money raised by taxing the American people should be even offered to foreign Governments by an American Army officer.

Let us see how this policy would work out: If this Nation should engage in war with nations equipped with such weapons, American sailors and soldiers would be mowed down with engines of death perfected with the American people's money.

What is the use of this Government spending huge sums to perfect guns if after they are perfected they are to be offered for sale to foreign nations?

GREAT ECONOMY IN GOVERNMENT MANUFACTURE.

That the ring of private manufacturers is outrageously overcharging the Government for munitions of war is revealed beyond successful contradiction in a table prepared by Col. George Montgomery, commandant at Frankford Arsenal, Philadelphia.

The figures indicate that the Government can save from 20 to 50 per cent on Army contracts, running into millions of dollars annually, by increasing the capacity of the Government arsenals and doing all of its own manufacturing of war materials.

The report shows that on orders for ammunition given to Frankford Arsenal instead of private manufacturers between July 1, 1912, and April 25, 1913, amounting to $1,900,064.05, the Government saved $979,840.94, or nearly one-half the amount of the order.

In other words, had this contract been given to the ring of private ammunition manufacturers, the same amount of ammunition would have cost the Government $2,879,904.99, or $979,840.94 more than it cost the Government to fill the order itself. These calculations are based on the cost of the ammunition manufactured in the arsenal, as compared with the latest contract prices for the same article procured from outside manufacturers.

TOTAL ARSENAL COSTS INCLUDE ALL OVERHEAD CHARGES.

The total arsenal costs include 15 per cent to cover administration, depreciation, insurance, and interest charges. Here are a few typical comparisons shown in the report which constitute an unanswerable argument why the Government should enlarge its arsenals and manufacture a larger proportion of its ammunition and other munitions of war than it is now doing:

	Total arsenal cost.	Total contract cost.
3-inch shrapnel case	$1.75	$3.15
3-inch shrapnel	3.55	5.96
3.8-inch shrapnel	7.94	18.03
3-inch steel shell	2.39	5.02
3.8-inch steel shell	4.81	9.45

GOVERNMENT MANUFACTURE BENEFITS WORKINGMEN.

A striking feature of the comparisons of Government cost of manufacture as compared to the private contractors' prices is that the Government works its employees but 8 hours a day, while the private contractors work their men 9 and 10 hours a day, and in some instances 12 hours a day and 7 days a week. Government employees also receive higher wages for the shorter days. Nor is that all. Uncle Sam pays his men for 15 days' annual leave of absence, for 7 national holidays, and for 13 Saturday afternoons in the summer time, during which time he receives no labor in return, yet the Government cost of manufacture, including 15 per cent for depreciation and interest, is from 20 to 50 per cent below the prices charged by the ring of private manufacturers.

Query: Since it is obvious the private manufacturers do not divide their almost fabulous profits on the fat Government contracts with their employees, why should Uncle Sam continue to be an easy mark?

Articles.	Quantities under manufacture.	Total arsenal costs per unit.	Aggregate total arsenal cost.	Contract price per unit.	Contract cost per unit.	Total contract cost.	Saving over contract costs.
3-inch finished shrapnel cases	10,000	$1.75	$17,500.00	$3.06	$3.15	$31,500.00	$14,000.00
3.8-inch finished shrapnel cases	2,000	4.68	9,360.00	6.65	6.85	13,700.00	4,340.00
4.7-inch finished shrapnel cases	3,961	8.80	34,856.80	9.37	9.65	38,223.65	3,366.85
6-inch finished shrapnel cases	5,000	17.10	85,500.00	16.00	16.48	82,400.00	−3,100.00
3-inch common shrapnel without fuses or base charges	48,000	3.55	170,400.00	5.79	5.96	286,080.00	115,680.00
3.8-inch common shrapnel without fuses or base charges	7,000	7.94	55,580.00	17.50	18.03	126,210.00	70,630.00
4.7-inch common shrapnel without fuses or base charges	14,500	15.45	224,025.00	25.26	26.02	377,290.00	153,265.00
6-inch common shrapnel without fuses or base charges	5,000	30.20	151,000.00	37.00	38.11	190,550.00	39,550.00
3-inch common steel shell	6,900	2.39	16,491.00	4.87	5.02	34,638.00	18,147.00
3.8-inch common steel shell	9,500	4.81	45,695.00	9.17	9.45	89,775.00	44,080.00
4.7-inch common steel shell	10,605	8.30	88,021.50	12.46	12.83	136,062.15	48,040.65
6-inch common steel shell	7,077	16.75	118,539.75	17.93	18.47	130,712.19	12,172.44
21-second combination fuses	48,000	2.16	103,680.00	4.30	4.43	212,640.00	108,960.00
31-second combination fuses	26,500	2.92	77,380.00	7.00	7.21	191,065.00	113,685.00
3-inch high-explosive shrapnel, fixed	55,000	10.15	558,250.00	.....	13.17	724,350.00	166,100.00
Fuse stocks	74,500	1.66	123,670.00	2.40	2.47	184,015.00	60,345.00
Rear plugs for fuses	74,500	.18	13,410.00	.23	.2369	17,649.05	4,239.05
Front plugs for fuses	74,500	.09	6,705.00	.17	.1751	13,044.95	6,339.95
Grand total, contract cost							$2,879,904.99
Grand total, arsenal cost							1,900,064.05
Saving							979,840.94

TABLE REVEALS HOW UNCLE SAM IS BEING GROSSLY OVERCHARGED BY THE AMMUNITION RING.

This table constitutes an excellent argument for the Government armor plant advocated by Secretary of the Navy Daniels. The figures were furnished by Col. George Montgomery, commandant at Frankford Arsenal, Philadelphia, and show the total arsenal costs and total contract costs for the ammunition now being manufactured at Frankford Arsenal. Had this order been manufactured at the arsenal at Rock Island, Ill., where the Government has a power plant in the Mississippi River, and consequently free power, even a better showing could be made on the side of Government manufacture of the munitions of war.

CROZIER DETERMINED TO INSTALL TAYLOR SYSTEM.

It is worthy of passing notice that the same Army officers who insist that the ammunition ring should be permitted to draw down the fat Government contracts for Army supplies are also insisting upon the installation at the Government arsenals of the Taylor system of shop management, a cruel system of scientifically grinding down the spirit as well as the physical bodies of those who toil.

While Gen. Crozier is not the least bit saving with the people's money when awarding contracts to the Bethlehem Steel Co., paying this concern 35 per cent more than he could obtain the same work for by Government manufacture, he is an extreme economist when it comes to using the stop watch on a workingman to prevent him from turning his head or blowing his nose while at work.

Although Gen. Crozier's own testimony before the Appropriations Committee was that the arsenal workmen are turning out work 35 per cent below the prices of the private manufacturers, and are saving the Government hundreds of thousands of dollars annually, Gen. Crozier is determined to make them work still faster.

WHAT THE TAYLOR SYSTEM IS.

The Taylor system is an excellent system for all except those who are required by the necessity of making a living to work under it.

The feature of the Taylor system is to set a pace so fast that only one workingman out of five can keep up. This can be shown by Mr. Taylor's own book of instruction to employers, in which he tells how he introduced his system.

The tasks were all made so severe—

Explains Mr. Taylor, in paragraph 125—

that not more than one out of five laborers (perhaps even a smaller percentage than this) could keep up.

Mr. Taylor lays great stress on his system of scientific "persuasion." Of this "persuasive" feature, in paragraph 293, he says:

A certain percentage of the men, with the best of attention, will fail in this and find that they have no place in the general organization, while still others—and among them some of the best workers, who are, however, either stupid or stubborn—can never be made to see that the new system is as good as the old; and these, too, must drop out.

For the success of the system the number of men employed on practically the same class of work should be large enough for the workmen quite often to have the object lesson of seeing men laid off for failing to earn high wages and others substituted in their places.

In paragraph 312 of his book of instructions to employers, Mr. Taylor very frankly and cold-bloodedly says:

All employees should bear in mind that each shop exists first, last, and all the time for the purpose of paying dividends to its owners.

SYSTEM CONDEMNED BY COMMITTEE OF CONGRESS.

The Taylor system was investigated by a special committee of the preceding Democratic House of Representatives, and that committee was unaminous in its condemnation of the system.

There is no economic necessity to require workmen to speed up to the highest point even without injury of their health and strength.

States the report in brief—

To place workmen in this position is to place them in the position of a beast of burden.

By the stop watch you may be able to determine the time in which a piece of work can be done, but you do not thereby alone determine the length of time in which it ought to be done. The time study of the operations of any machine can be made with a reasonable degree of accuracy, because all of the elements can be taken into consideration in making the computation. A machine is an inanimate thing—it has no life, no brain, no sentiment, and no place in the social order. With a workman it is different. He is a living, moving, sentient, social being; he is entitled to all the rights, privileges, opportunities, and respectful consideration given to other men. He would be less than a man if he did not resent the introduction of any system which deals with him in the same way as a beast of burden or an inanimate machine.

Two of the three members who signed this report are now members of President Wilson's Cabinet. They are William B. Wilson, Secretary of Labor, and William C. Redfield, Secretary of Commerce.

Gen. Crozier declares he is determined to extend scientific management in the arsenals regardless of this report. The Secretary of War, however, will not permit him to do so.

Gen. Crozier's persistent and systematic efforts to install the Taylor system in the arsenals is almost as valuable to the ammunition ring and other manufacturers as is his policy of giving ammunition contracts to outside manufacturers. The great manufacturers want the Taylor system installed in the Government arsenals, so that when their employees protest against the installation of the system they will be in the strategic position of being able to reply that the system must be humane or the United States Government would not have placed its official indorsement upon it by installing it in the Government arsenals.

GOVERNMENT ARMOR PLANT IS COMING.

Since my election I have endeavored to cooperate in every way possible with the Secretary of the Navy in his campaign to obtain authorization by Congress for a Government armor plant, which I believe will be provided for next year. After the necessary appropriation is obtained I intend to urge upon Congress the advisability of locating this plant at Rock Island, but I heartily approve the project regardless of whether it is ultimately located at Rock Island or some other point.

It is estimated that an armor plant would cost approximately $7,000,000, and that it would pay for itself in three years at the outside. The naval program for the coming year provides for two battleships, at a cost of $14,000,000 each. Personally I believe it would be wiser to provide for one less battleship and [illegible] armor plant. This program would mean that the Government would save $7,000,000 and at the same time obtain a plant that would effect great money saving, which is money making. It would also be a long step toward the taking of profit out of war, and it would mean that the men who actually make the armor plate would receive better wages and would work under better labor conditions than they do now.

WHO AND WHAT THE "ARMOR RING" IS.

It is evident—

Says Secretary Daniels, in his annual report—

that without an armor plant of its own the Government in time of war or impending war would be entirely at the mercy of three manufacturers, and obliged to pay practically whatever price they ask.

Secretary Daniels estimates that he could save $1,061,360 per annum on a 10,000-ton-a-year armor plant, after deducting 4 per cent as interest on the money used in the erection and installation of plant, and $3,048,462 a year on the basis of a 20,000-ton-a-year plant.

Secretary Daniels concludes with the following significant statement:

I do not see how it is possible for Congress to justify to the people a refusal to erect a Government plant, nor how it can answer the charge that will invariably be brought up—that the same mysterious providence which saved this profitable business to the steel companies three times in the past, even after money for a Government plant had actually been appropriated, is not still at work exercising its beneficent protection over these lusty specimens of infant industries, who are even now under investigation as violators of the antitrust law.

It might be well to state at this point what and who the "armor ring" is. It does not come under the head of invisible government, as it is possible to definitely locate it and place our finger upon it.

By the term "armor ring" is meant these three concerns: Bethlehem Steel Co., Carnegie Steel Co., and the Midvale Steel Co. So far, these three concerns have drawn down $77,000,000 worth of contracts from the Navy Department alone, divided as follows: Bethlehem, $34,215,112.58; Carnegie, $30,844,153.56; Midvale, $12,044,217.41.

Advertising for bids for armor plate for battleship *No. 39*, now in course of construction, Secretary Daniels was amazed to find that each concern had put in practically the same bid. The Secretary wrote each of the bidders a letter, asking how it came their bids were so nearly identical. Two of the three firms frankly replied that the three companies above alluded to were the only ones in this country that could do the work, and therefore to bid against each other would be simply to bring down the price, especially since it was the custom of the Navy to divide its work between the three firms.

RESOLUTION CALLING ATTENTION TO ROCK ISLAND.

On November 13 I introduced House resolution 306, which is now before the Military Affairs Committee and which provides that—

"Whereas the Secretary of the Navy recommends a Government armor-plate factory at a cost of approximately $7,000,000 to take the manufacture of armor plate out of the hands of a ring of private manufacturers who have for years been outrageously overcharging the Government while at the same time paying low wages and imposing unfair conditions upon its employees; and

"Whereas the Secretary of the Navy has publicly advocated that any and all cities believing they have satisfactory sites for the proposed armor plant should urge consideration by the Government of the alleged advantages of such respective sites, to the end that the Government may ultimately purchase one of the sites for the purpose of erecting the Government armor-plate factory thereon; and

"Whereas the Government already owns 896 acres of land at the Rock Island Arsenal, Rock Island, Ill., every acre of which is especially adaptable to use for manufacturing purposes: Therefore be it

"*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to investigate and carefully consider the advantages of the Rock Island Arsenal military tract as a site for the proposed Government armor-plate factory and report his conclusions on same to the House of Representatives before deciding upon any other site."

SEVEN IMPORTANT ADVANTAGES OF ROCK ISLAND.

The resolution further provides that in making this investigation of the suitability of Rock Island as a site for the proposed armor plant especial consideration be given the following particular advantages:

First. Everlasting free water-power possibilities, the Government owning its own plant in the Mississippi River.

Second. Its central location geographically, making it convenient to ship the finished product to either the Pacific, Atlantic, or Gulf coast with economy in both time and transportation costs.

Third. Its strategic location from a military standpoint. Being well in the interior of the country, it would be much safer from attack and possible capture by an enemy in time of war than would a site on or near either coast.

Fourth. Should coal be needed, there is a great abundance of excellent coal being mined almost at the very door of Rock Island, and it is at the same time convenient to the ore fields of the North.

Fifth. By utilizing a part of the 896 acres in the Rock Island military tract several hundred thousand dollars which would probably be necessary to purchase a site elsewhere would be saved to the Government.

Sixth. The advantages of Rock Island as a manufacturing center, as demonstrated by the fact that at the Rock Island Arsenal shops the Government is now manufacturing rifles, field-artillery gun carriages, and other war equipment at from 20 to 30 per cent below the prices of private manufacturers.

For instance, 3-inch caissons, consisting of a wagon for carrying ammunition chests, are being produced at Rock Island for $1,081 as against a cost of $1,708 when purchased from private manufacturers; 3-inch gun carriages proper—the vehicle on which the gun rests and from which it is fired—are being produced for $2,341 as against the private contractors' price of $3,268, and so forth.

Seventh. The location of the military tract in the heart of a great manufacturing center, being within 2 miles of Rock Island, Moline, and East Moline, Ill., and Davenport, Iowa, all of which are essentially manufacturing cities, embracing a combined population of more than 100,000 people, affording employment to thousands of mechanics, and furnishing an ideal field from which the Government may draw its skilled labor and other help, which is a very important consideration in such an industrial enterprise as a Government armor plant.

NAVY LEAGUE SHOULD ADVOCATE GOVERNMENT MANUFACTURE.

I have frequently been importuned by the Navy League of the United States, an organization that has been charged with being supported by those who would profit financially from a big navy policy, to support big navy bills in Congress. As this is a subject I am much interested in I took the trouble to write the league, giving my views on its propaganda:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 16, 1914.

Mr. A. H. DADMUN,
Secretary the Navy League of United States,
Southern Building, Washington, D. C.

MY DEAR MR. DADMUN: I beg to acknowledge receipt of your letter of the 13th instant, together with inclosures as to why a powerful navy is needed.

Assuming that you are in good faith in this agitation and really desire the largest possible navy for patriotic reasons, I am going to take the liberty of suggesting to you that if you will inaugurate a movement for the Government manufacture of all munitions of war, including all battleships, your campaign will strike a much more responsive chord in both Members of Congress and the people.

In other words, if the Government is to do all of the manufacturing of munitions of war, including battleships, the point can not then be successfully raised that the agitation is for the benefit of the armor ring, the ammunition ring, and the Shipbuilding Trust.

But if you do not advocate the Government manufacture of all munitions of war, including battleships, you can not successfully deny that you are carrying on a propaganda which means millions and millions of dollars of extortionate profits to the above-mentioned interests. I base this assumption on the fact that the records of the War and Navy Departments show that the Government is paying private manufacturers all the way from 20 to 70 per cent more for munitions of war than the Government can itself manufacture these articles for in the Government arsenals and navy yards.

Very respectfully submitted.

CLYDE H. TAVENNER.

ARMOR RING "DOCTORS" DEFECTIVE CASTINGS.

Not only have the armor ring and the ammunition ring overcharged the Government, but they have cheated the Government by "doctoring" defective armor plates, guns, and gun forgings. If manufacturers from which private concerns obtain their supplies should perpetrate frauds upon them such as the armor ring has perpetrated upon the Government, private concerns would withdraw their patronage from such manufacturers and have no further dealings with them. But the fact that the Government was imposed upon does not seem to have in the least prejudiced the friendly Army and Navy officers against the armor ring.

Representative RAINEY, of Illinois, who has made a very thorough study of the depredations of the armor ring, threw the spotlight upon its activities in a speech delivered in the Sixty-first Congress. In part Mr. RAINEY said:

In 1894 we had an investigation into the frauds perpetrated upon this Government by Mr. Carnegie's company. I can not be charged with unfairness if I simply call attention to those frauds perpetrated by Mr. Carnegie's company, which were admitted by his representatives, some of whom are now among the 43 Carnegie-made millionaires. The document which contains all this evidence is House of Representatives Report No. 1468, Fifty-third Congress, second session.

FRAUDS PERPETRATED BY MR. CARNEGIE'S COMPANY.

C. M. Schwab, who was at that time a stockholder in the Carnegie Co., and who was the superintendent of the company, and who is now the president of the Bethlehem Steel Co., admitted that armor plates manufactured by the Carnegie Co. did not receive the "uniform" treatment required by the contract of the company with the Government.

Another one of Mr. Carnegie's superintendents, Mr. W. A. Cline, admitted that almost invariably after the day's work was over he changed the figures so that false reports of the treatment of the plates were systematically made to the Government inspectors. This superintendent also admitted that he discharged workmen in the Carnegie factory for the reason that they told the truth about the fraudulent work done in this plant. Supt. Corey, of the Carnegie Co., also admitted that specimens which were taken from the plates to ascertain the tensile strength of the plates were stretched so as to increase their apparent tensile strength without the knowledge of the Government inspectors. Upon the stand Mr. Schwab admitted that he knew of this fraudulent method of stretching the specimens. Mr. Corey admitted that he knew that false specimens taken from good plates were substituted for specimens selected by the Government inspectors from plates of doubtful character, so that in reality the inspectors were not testing the plates they thought they were testing. Mr. Corey, however, testified that he considered this to be a matter of small importance. The evidence disclosed that specimens taken for physical tests were retreated without the knowledge of the Government inspectors and before the Government inspectors made the tests required by the contracts. Supt. Corey admitted that plates selected by the Government inspector for the ballistic tests were re-treated before the tests were made by the company without the knowledge of the inspector. Supts. Corey and Schwab both admitted that large blowholes or shrinking cavities were plugged by the contractors in order that these defects might be concealed from the Government inspectors.

I have so far called attention to the admissions of Mr. Carnegie's executive officers. The testimony, however, of employees was particularly damaging. T. F. Farley testified that he had seen blowholes large enough for a person to run three fingers in plugged by taking cuttings from the same plate, which were driven into the blowholes with hammers; he also testified that he himself had run flexible wires into blowholes to the depth of 18 inches. These blowholes were afterwards plugged up on the surface. The blowholes might, according to his testimony, have extended into the plates a much greater distance than this. These blowholes, it appears from the testimony, follow a sinuous course, so as to make it difficult to ascertain the extent of them, even by inserting flexible wires. J. W. Kountz, another employee, testified that he had known holes from 4 to 6 inches in diameter plugged in order to deceive Government inspectors. Samuel Sheriff, another employee, testified that the plugging and doctoring of plates was done at night when no inspectors were about; but he testified that he had seen one fixed up at noon. T. F. Farley also testified that the plates were frequently imperfect, full of blowholes and defects. He also testified that they were frequently taken off the planer and hidden until night so that they could not be seen by the inspectors. They were then worked upon at night when the inspectors were gone.

In discussing this matter I have kept well within the record and have been conservative. I have principally called attention only to the admissions of fraud brazenly made by Mr. Carnegie's executive officers. It is only fair to them to say, however, that the admissions were made in the face of overpowering evidence as to the truth of all these charges. Many things were proven by the evidence more damaging than I have called attention to, which, however, were not admitted by Mr. Carnegie's superintendents.

THESE FRAUDS CONTINUED TO PRESENT TIME.

The fact of the continuance of these frauds is evidenced by the frequency with which guns explode on our battleships and on land, killing and maiming men; by the frequency with which boilers on our ships blow up, with such awful results to human life.

Guns, while being tested by other great nations of the world, do not explode with disastrous results. We do not read in the papers that boilers frequently explode on the war vessels of England or Germany or any other nation. The very large number of these accidents in our own Navy and in tests made by our Army officers leads to the irresistible conclusion that there are defects in the castings of the guns and in the castings for the steel tubes and boilers furnished by our steel companies. Castings for guns are not made by the Government. They are made at Bethlehem, at Midvale, at the plant of the Carnegie Co., and some of the smaller castings are made by companies not so large as the companies I have mentioned. In our Government arsenals here up at Washington and up at Watervliet we simply assemble these castings. I desire to insert here in my speech a chronological record of the more important accidents of this character as recorded in the news items of our metropolitan papers.

DISASTERS CAUSED BY EXPLOSIONS, BURSTING GUNS, FAULTY BREECH BLOCKS, ETC.

1902, February 2. Battleship *Kearsarge,* West Indian waters; gun burst, killing 5.
1903, January 17. Battleship *Massachusetts;* gun explosion off Culebra Islands; 6 killed.
1903, April 9. Battleship *Iowa;* explosion of gun; 3 killed, 5 wounded.
1904, April 13. Battleship *Missouri,* off Pensacola, Fla.; explosion; 32 killed.
1904, December 14. Battleship *Massachusetts,* at Philadelphia; explosion in fireroom; 3 killed, 4 scalded.
1905, July 21. Gunboat *Bennington,* San Diego, Cal.; boiler explosion; 34 killed, 66 injured.
1906, January 10. Battleship *Massachusetts;* gun explosion; 9 killed.
1906, April 13. Battleship *Kearsarge,* in Caribbean Sea; explosion; 6 killed.
1907, July 15. Battleship *Georgia,* Massachusetts Bay; explosion; 6 killed, 15 injured.
1908, June 5. In California waters, cruiser *Tennessee;* bursting of boiler tube; 6 killed.
——— ———. Torpedo-boat destroyer *Hopkins,* California waters; exploding boiler; 1 killed, 5 wounded.
1910, March 28. Cruiser *Charleston,* in Philippine waters; gun explosion, alleged faulty breach block; 8 killed, 7 or 8 wounded.
1910, July 21. Explosion of gun, Fort Monroe; 12 killed.
1910, September 9. Battleship *North Dakota;* explosion, Hampton Roads; 3 killed.
1910, November 19. Explosion of gun, Indianhead; 4 killed.
1911, January 13. Cruiser *Washington;* cylinder head blown out. Also about this time 3 similar accidents to vessels in Admiral Schroeder's fleet; no one killed.
1911, January 17. Battleship *Delaware;* boilers exploded; 9 killed; just outside Hampton Roads.
Total killed in 9 years, 147.
Total maimed in 9 years, 102.

As a result of the accidents I have enumerated, and there have been others, in 9 years 147 men have been killed and 102 maimed for life. In other words, by these accidents, in 9 years of profound peace, we have killed or maimed for life more of our men than were killed in action in the Spanish-American War.

WORKINGMEN TESTIFY HOW GOVERNMENT IS CHEATED.

There is no longer any competition in this country, as the gentleman from Kentucky [Mr. STANLEY] has so well stated, in the manufacture of armor or armament for vessels.

In the old investigation practically only the superintendents of the Carnegie Co. were called upon to testify. In order to show that the frauds continue to this day, I have original affidavits, made within the last few months up here at Bethlehem, and I send them to the Clerk's desk and ask that they be read now in my time:

SOUTH BETHLEHEM, PA., *April 26, 1910.*

I, the undersigned, do hereby certify that the following information is an absolute fact, as I have been an employee of the Bethlehem Steel Co. in the treatment department for a period of one and one-half years.

After official tests on 12-inch liners, tubes, and long propeller shafts for U. S. S. *Florida* there was a heat treatment given above forgings while the inspectors were at home at night; for instance, if a tube, liner, or shaft passes test to-day, instead of shipping same forging into the machine shop for machining, they put forging into a wood furnace and heat it at 860°, which is equal to 1,000° or more in oil furnace, thereby softening the forging, and the following morning have same piece ready for machine shop after straightening (which should have been done before official test bars were taken). This was not, of course, done with all tubes, liners, and shafts, but it was done in cases where the company needed any individual forging to complete a set of gun forgings in order to get out a certain amount of work to reach their tonnage basis, so as to make their annual bonus. One of the most prominent features of the superintendents and overseers of the company is to produce as much tonnage as possible, regardless of whether or not work is accomplished in a manner which gave the Government an inferior product.

The United States Government specifications require all treatment reports to be forwarded to the Army and Navy office at works where work is being done, but this rule was not lived up to on the part of the company, as I myself was instructed by the superintendent to withhold the report of tubes, liners, and shafts from the Army and Navy office; therefore the inspectors never knew about the treatment that was given after the official test.

I also wish to state that during the month of December, 1909, there was more of this defective work done than any month previous, to the best of my knowledge.

The records that were supposed to be open for public inspection were always so fixed that they would not show the fraudulent treatments that were given forgings, and the reports that I got about treatments on tubes, liners, and shafts were withheld from the public records that were supposed to be open for scrutiny of Army and Navy inspectors.

WILLIAM JULIAN.

Sworn and subscribed to before me this 26th day of April, 1910.

[SEAL.] JOSEPH H. MCGEE,
Justice of the Peace.

My commission expires first Monday in May, 1912.

SOUTH BETHLEHEM, PA., *April 29, 1910.*

This is to certify that I know there was work done in No. 2 machine shop for the United States Government that was not up to specifications. I myself have deceived the inspector many a time.

On the last lot of 5-inch mounts that were made here a number of patches were placed on the brackets, to cover up a mistake in machining. These were put on in such a way so that under ordinary inspection they could not be detected.

I know of a slide for a 12-inch gun that was being machined when a blowhole was discovered. The yoke was taken off the machine and at night the hole was filled up with metal and the yoke put back on the machine, the inspector not discovering the trick. I know of a track for a 12-inch turret which, while being machined, was found to be cracked.

I closed the crack by hammering the crack shut and finished machining it.

FRANCIS J. GILLESPIE.

COUNTY OF NORTHAMPTON, *State of Pennsylvania, ss:*

Francis J. Gillespie, the subscriber, being duly sworn according to law, deposes and says that the foregoing statement is true and correct as he verily believes.

Sworn and subscribed to before me this 29th day of April, 1910.

[SEAL.] JOSEPH H. MCGEE,
Justice of the Peace.

My commission expires first Monday in May, 1912.

THE HISTORY OF ROCK ISLAND ARSENAL.

The Rock Island Arsenal has a most interesting history, a history that is picturesquely rich in Indian lore. First it was the happy playground of the Indian young folks, whose habit it was to come to the island every summer for an outing. Such scenes quickly changed, however, with the coming of the white man, and dissensions and bloody warfare took their place. Then the white man put up a fort, to be followed many years later by a Government arsenal, which is now the largest plant of its kind in the United States. And when the new Government policy of manufacturing all munitions of war in the arsenals becomes fully established, Rock Island is destined to become one of the largest arsenals in the world.

The Rock Island military tract, comprising 896 acres, is situated near the Illinois shore of the Mississippi River, and was obtained for the United States through the efforts of William Henry Harrison—later President—by treaty with the Sac and Fox Indians in 1804. Black Hawk, the head chief of the Sac Indians, refused to sign the treaty, and afterwards held that it was not binding.

Several skirmishes took place near Rock Island during the War of 1812. In March of that year three boats on their way up the Mississippi River to Prairie du Chien were attacked by Indians at Rock Island and one of the boats was taken, many men being killed. In September, 1815, a second treaty of peace was signed with the Indians.

A fort, called Fort Armstrong, after the then Secretary of War, was completed at Rock Island in 1817. The Indians evidently knew that the erection of the fort was intended to compel a compliance on their part with the disputed treaties which had been made, and that when white settlers came they might have to leave their homes. Speaking of this, years afterwards, Black Hawk said:

We did not, however, try to prevent their building the fort on the island; but we were very sorry, as this was the best island on the Mississippi, and had long been the resort of our young people during the summer. It was our garden—like the white people have near their big villages—which supplied us with strawberries, blackberries, plums, apples, and nuts of various kinds; and its waters supplied us with pure fish, being situated in the rapids of the river. In my early life I spent many happy days on this island. A good spirit had care of it, who lived in a cave in the rocks immediately under the place where the fort now stands, and has often been seen by our people. He was white, with large wings like a swan's, but ten times larger. We were particular not to make much noise in that part of the island which he inhabited for fear of disturbing him. But the noise of the fort has since driven him away, and no doubt a bad spirit has taken his place.

White settlers first located in the vicinity of Rock Island in 1828. It was the habit of the Indians to leave their villages for several months in each year, and while they were absent the white settlers moved in and took possession. This created discontent and hostility among the Indians when they returned, and as the number of settlers increased the feeling became stronger. At the frequent urgings of the commanding officers at Fort Armstrong and of the Indian agent on the island, Keokuk, the head chief of the Foxes, and his tribe, in accordance with the treaties they had made, moved west of the Mississippi River and established themselves on the Iowa River.

Black Hawk and his party of Sacs, sometimes called the "British Band," because of their adherence to the English, refused to go. Complaints from the settlers of depredations of the Indians were frequent, till finally, in 1831, Black Hawk warned the settlers that they must leave. The war finally broke out in 1832, and after much hard fighting in the months of May, June, July, and August the whole of Black Hawk's band was destroyed, and the great chief himself, together with his son and several other chiefs, were made prisoners.

After an eastern tour, which included Washington and other cities, Black Hawk lived with a remnant of his tribe on the Des Moines River, in Iowa, until he died, in 1838.

In 1825 Rock Island had been reserved from the public land of the United States for military purposes. Nothwithstanding this fact, settlers repeatedly tried to establish themselves on the island. In 1850 an order for a public sale of the island to the highest bidder was reversed by the Government before the sale had been consummated.

The first railroad to reach Rock Island was built in 1854 from Chicago by the Chicago & Rock Island Railroad Co. The Mississippi & Missouri Railroad then built a road from Davenport to Council Bluffs, and it became necessary to build a bridge to connect the two lines. Such a bridge was constructed in 1855 from the Illinois shore to the island and from the Iowa shore to the island, with an embankment across the island connecting the two bridges, or rather the two parts of the Rock Island Bridge. This bridge is not now in existence.

Many determined efforts were made to acquire title to the land of the island because of its desirable residence qualities, but chiefly because of the water-power possibilities. Several men were successful is establishing such claims through the medium of a special bill passed through Congress, and the Government afterwards rebought the land at many times the price paid for it by these enterprising citizens.

In July, 1862, Congress passed a bill locating an arsenal at Rock Island. Ground for the first building, a large storehouse, was broken in September, 1863, in the corner stone of which were placed three newspapers—a Rock Island Union, a Davenport Gazette, and a Davenport Democrat—a half dollar, and a paper giving date of laying of stone, the name of the President of the United States, the name of the governor of Illinois, and the names of the commanding officers at the arsenal.

Extensive prison barracks for prisoners of war were built on the island in 1863, and the first building of the arsenal was partly constructed by the labor of Confederate soldiers.

Congress in 1869 appropriated $500,000 for the construction of the present Rock Island Bridge, the building of which was later given over to the Engineer Department of the Army.

The arsenal plant, including buildings, machinery, and so forth, has been enlarged and extended from time to time, and is now worth $9,492,329. Approximately $2,500,000 worth of work was turned out of the arsenal last year. On November 30 last 1,569 men were being employed.

Mr. WEBB. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi [Mr. HUMPHREYS] desire to be heard at this time?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I believe not. I sought recognition, Mr. Chairman, just to make some reply to the gentleman from Kentucky [Mr. HELM], but I believe it is not necessary now. The gentleman stated that noth-

ing could be easier than to make a commendatory speech here and pat the soldiers on the back and make good with them. I can think of nothing that would be easier than to make a general criticism, such as the gentleman from Kentucky made a few moments ago, against the officers of the Army without specifying just how and in what particular he would remedy the evil. He does not complain that the officers are too numerous——

Mr. HELM. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes; for a question.

Mr. HELM. I would cut off—the gentleman said he would like to have me make some suggestions as to how I would remedy some of these evils—then cut off these emoluments they are receiving that run up into the millions of dollars.

Mr. HUMPHREYS of Mississippi. The gentleman's proposition, then, is to reduce the pay that is now given to the officers of the Army—that is, officers of the line, the Medical Corps, the Engineer Corps, the noncommissioned officers of the Army, and so forth?

Mr. HELM. Is the gentleman asking me the question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. HELM. My answer to that question is this, that these emoluments that these officers of the Army are receiving are entirely excessive, and that they should be reduced, and that the officers of the Army are getting a disproportionate amount of this appropriation. Cut it where you will or upon what line of officers you choose, but cut it.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I do not care to detain the committee at all or enter into any argument with the gentleman on that score. My own opinion is that the number of officers in the Army now, noncommissioned and all, is none too great. I do not believe that we could maintain an effective military organization with any fewer officers than we now have. As a matter of course, we can not perfect the organization of the Army for the effective maneuvering of divisions, about which the gentleman complained a few moments ago, because the Army is not large enough. It is not because we have too many officers or because——

Mr. HELM. We have an Army of 90,000 men, have not we——

Mr. HUMPHREYS of Mississippi. An Infantry division——

Mr. HELM (continuing). Is not that big enough for a division?

Mr. HUMPHREYS of Mississippi. An Infantry division is 20,000. The organization of the Army is the growth and experience of 100 years, ripened by the study of all the military organizations of the world.

Mr. HELM. The gentleman means that is what it ought to be.

Mr. HUMPHREYS of Mississippi. What it is.

Mr. HELM. Well, there is no officer in the Army who will tell you it is.

Mr. HUMPHREYS of Mississippi. Oh, yes; officers of the Army will tell me it is. The officers will all say the Army is not big enough, but they will not say that the organization itself is at fault, and surely none of them will say that better results can be brought about by cutting off the "emoluments" they are receiving.

Mr. HELM. The gentleman is acquainted with Gen. Edwards, is he not?

Mr. HUMPHREYS of Mississippi. I have no personal acquaintance with him, but I know who he is.

Mr. HELM. The gentleman knows there is a Gen. Edwards in the Army?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. HELM. The gentleman admits he has been in the Army long enough to know what he is talking about?

Mr. HUMPHREYS of Mississippi. Oh, absolutely.

Mr. HELM. When he says you have not a sufficient divisional organization, does the gentleman think he knows what he is talking about?

Mr. HUMPHREYS of Mississippi. Yes; they all say that, but that can not be accomplished by reducing the number of officers or by altering the organization from corporal up to a lieutenant general, and it can not be effected——

Mr. HELM. And it can not be done by increasing the salaries of the officers or men, either.

Mr. HUMPHREYS of Mississippi. In my opinion the officers get none too large a salary now.

Mr. HELM. Of course not.

Mr. HUMPHREYS of Mississippi. That is my judgment about that—neither a noncommissioned officer nor commissioned officer; and the gentleman himself has utterly failed, and I dare say will continue to fail, to point out just what it is that he wants done to make the "divisional organization," as he terms it, more efficient, or whether he wants the noncommissioned officers' commutation of rations or commutation for clothing or commutation for quarters, in the event he is entitled to them, reduced or cut off or any other pay that the officer gets reduced. He simply says we are paying out of the $90,000,000 too many millions for the officers, when the policy has always been——

Mr. HELM. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I must decline to yield—the policy has always been, and it is a wise policy and a sound policy, that in time of peace is the proper time when the military force is to be reduced, and then to reduce the number of privates and not the number of officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this paragraph and all amendments thereto be closed at the expiration of 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Chairman, I do not care to debate this particular point that is before the committee just now. I want to ask the chairman a question, however. I have been detained with committee work and was not here when the first section of the bill was read. I want to know if there is any provision in the bill for entertainment by American officers in the United States or in foreign countries of officers of foreign countries?

Mr. HAY. There is not.

Mr. WEBB. I want to ask the object of this language, on page 1, beginning with line 10, after the semicolon, which reads:

> For all emergencies and extraordinary expenses, exclusive of personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified.

Now, what does that mean?

Mr. HAY. Well, the Secretary of War explained that. I will call the attention of the gentleman to it and will read just what he said, so that he can judge. I asked the question myself.

Mr. WEBB. It is new legislation?

Mr. HAY. It is new legislation; yes, sir.

Mr. WEBB. While the gentleman is looking that up, I want to say that I had a notion that that language was put in the bill by the War Department for the purpose of meeting a decision of the Comptroller of the Treasury. They had presented to him from an officer in a foreign country, who gets 10 per cent additional, a bill for entertaining some foreign officer with high wines and the rest of it, I suppose. He charged the entertainment to the Government of the United States and sent the bill over here. The Comptroller of the Treasury properly turned it down. That was in November, 1913, and in less than four months we find the War Department coming before the Committee on Military Affairs and putting in a section that will cover that very thing if you do not watch.

Mr. HAY. I called the attention of the Secretary of War to this language, and I asked him:

> What is the purpose of changing the law?

He replied:

> In so far as I had anything to do with that particular language it arose out of two or three matters that have been brought to my attention in the short time during which I have been at the head of the department where there was need of some such a provision.
>
> When I was in the West recently I received an important cipher dispatch from headquarters here. The cipher book was 35 miles from where I was; it was 12 o'clock at night, and I had to hire an automobile to bring it to me, and I do not know of any other fund out of which I might pay an expense like that. If there is such an emergency fund out of which things of that sort may be paid, as is contemplated in this provision, for emergencies of that sort, and those which I have mentioned to the committee confidentially, it will be of much assistance.
>
> The CHAIRMAN. Is there anything you desire to say, Mr. Secretary, to the committee in a general way regarding these appropriations carried by this bill?

Mr. WEBB. The chairman will say, then, it was not for the purpose of paying the expenses of our officers stationed abroad in entertaining?

Mr. HAY. It was not. But I will say to the gentleman the estimate was $50,000 for this fund, and the purpose of it was to entertain on the Pacific coast during the exposition, and the committee cut out the $25,000 which was estimated for that.

Mr. WEBB. I am glad the chairman understands it just as he ought to understand it, that it is not intended to let these officers go abroad and entertain foreign officers and have the American taxpayers settle the bill.

Mr. HAY. Certainly not. And I will say to the gentleman that this item was originally $50,000 when I became chairman

of the committee, and I examined into the expenditure and found they did not spend as much; and we cut it down.

Mr. WEBB. I am very glad to have the chairman give that explanation.

Mr. HAY. I have been very careful to look into that, in order to see what they are spending it for.

Mr. GARNER. The gentleman is certain that no part of that $25,000 will be used for entertaining in San Francisco or any other portion of the United States?

Mr. HAY. I am, so far as I can be certain of anything. Of course, I can not look into the mind of the Secretary of War and see what he will do, but from my knowledge of him I do not believe he would authorize the expenditure of this money for any such purpose. It was not appropriated for that purpose and was not intended for that purpose.

Mr. GARNER. I take it, it is the custom of the Committee on Military Affairs each succeeding year to make inquiry for what purpose a lump-sum appropriation of this character is made.

Mr. HAY. And in that way determine what it is for.

Mr. GARNER. Yes.

Mr. WEBB. With that understanding I will make no further point on it.

Mr. KAHN. Mr. Chairman, I fully agree with what the chairman of the committee [Mr. HAY] said respecting the character of the officers of the Army. They have always given a good account of themselves whenever they have been called upon either in peace or in war.

The gentleman from Kentucky [Mr. HELM] stated that $40,000,000 out of a total appropriation of $94,000,000 for the military establishment goes for pay of the officers of the Army and their emoluments. The gentleman is entirely mistaken. I do not think one-half of the amount the gentleman referred to goes for that purpose. After the chairman of the committee [Mr. HAY] and myself had challenged the correctness of his first statement, the gentleman quickly dropped from $40,000,000 to $35,000,000. Perhaps if we were to discuss the matter a little longer he would lower his estimate still more. It reminds me very much of a play I saw the late William J. Florence perform many years ago. There was a character in it who was given greatly to exaggeration. He had a daughter, and they had an arrangement between themselves that whenever he exaggerated too much she would cough. That would immediately bring the matter of exaggeration to his attention, and he would reduce his estimate. He went on to say, "I have a million sheep in Texas." His daughter coughed, and he said, "Well, on second thought, it is probably 900,000 sheep." Then she coughed again, and he said, "Maybe it is only 800,000 sheep." And, finally, after repeated coughing, he got down to 500,000 sheep; and then, when she coughed again, he said: "Even if you cough your head off, I will not come down another sheep." [Laughter.]

Now, the gentleman complains of what he is pleased to term "emoluments"—light, fuel, and those things. Does the gentleman recognize the fact that some of the officers and men of the Army are stationed in Alaska? In the cold of winter they have to have light and heat. There is no large settlement around there from which to supply them. They have to depend on the Government to do so.

Mr. COX. Will the gentleman yield?

Mr. KAHN. And the same is true regarding conditions all over continental United States, in China, in the Philippines, in the Canal Zone, in Hawaii, and in Porto Rico. The Army is spread out everywhere. There are a few large posts, but a great number of the posts are quite small——

Mr. COX. Will the gentleman yield?

Mr. KAHN. I will yield in a moment. And the latter have to get their supplies from the military establishment or go without them entirely. I now yield to the gentleman from Indiana.

Mr. COX. The gentleman is striking an interesting subject to me when he talks about commutation.

Mr. KAHN. I did not speak of commutation.

Mr. COX. That entered into the controversy between the two gentlemen——

Mr. KAHN. Yes.

Mr. COX. In the word "emolument"?

Mr. KAHN. Yes.

Mr. COX. Take the term "commutation of fuel" as an illustration, and is that based on oak wood?

Mr. KAHN. I do not recall exactly just what it is based on, but the rate is arrived at in the Army by long experience.

Mr. WEBB. Oak wood is of varying prices. It is about $3.25 a cord in the United States and $20 a cord in Spain.

Mr. COX. The gentleman from North Carolina [Mr. WEBB] says that the price of oak wood is $3.25 in the United States and $20 a cord in Spain.

Mr. KAHN. I understand the gentleman from North Carolina to say the price varies.

Mr. WEBB. Oak wood is never furnished, but the allowance for coal and heat is estimated on the price of oak wood. An officer stationed in Spain gets $78 a month for heat and light.

Mr. KAHN. What is that rate?

Mr. WEBB. I know that one officer in Spain gets $78 a month for heat and light.

Mr. HELM. I was curious to know, Mr. Chairman, if the gentleman from California knew the basis on which it was calculated.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $16,949,126.

For additional pay for length of service, $2,325,746.64.

Provided, That hereafter no officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War: *And provided further*, That hereafter an enlistment shall not be regarded as complete until the soldier shall have made good any time in excess of one day lost by unauthorized absences, or on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct, or while in confinement awaiting trial or disposition of his case if the trial results in conviction, or while in confinement under sentence which includes dishonorable discharge.

Mr. LEVY. Mr. Chairman, I make the point of order that that is new legislation.

Mr. HAY. I hope, Mr. Chairman, that the gentleman will withhold his point of order for a moment.

Mr. LEVY. I will withhold it.

Mr. HAY. What objection has the gentleman from New York to this item?

Mr. LEVY. I think it is rather severe.

Mr. HAY. I will say to the gentleman that the provision has been carried on the bill for some years.

Mr. LEVY. The same provision?

Mr. HAY. Yes; the same provision. The only change is that we have put in the word "hereafter," so as to make it permanent law. I think it would be entirely in order to strike out the word "hereafter" and put it in as a limitation on the appropriation. If the gentleman insists on that, I will do it. But I can say to the gentleman that the officers of the Army, notably the Surgeon General, say this has worked most excellently.

Mr. LEVY. I thought it was a new departure. I will withdraw my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from New York withdraws his point of order. The Clerk will read.

The Clerk read as follows:

QUARTERMASTER CORPS.

For pay of 407 quartermaster sergeants, at $45 per month each, $219,780.

Additional pay for length of service, $86,800.

Mr. HAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 14, insert: "*Provided*, That the Secretary of War is authorized to appoint such number of quartermaster sergeants, Quartermaster Corps, not to exceed the number provided for by law, as he may deem necessary for the interest of the service, said quartermaster sergeants to be selected from the most competent noncommissioned officers of the Army, who shall have served therein at least five years, three years of such service having been rendered as noncommissioned officers, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to the proper officers of the Army in charge of public property."

Mr. KAHN. Mr. Chairman, I reserve a point of order on that. Can the chairman of the committee tell me whether that amendment would interfere with any of the civil-service employees of the military establishment?

Mr. HAY. It does not. You know there are provided by law 407 quartermaster sergeants. They are now appointed altogether from the line of the Army, and the purpose of this amendment is to authorize the Secretary of War to appoint some of them from the service corps.

Mr. KAHN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

QUARTERMASTER CORPS (ENLISTED MEN).

For pay of enlisted men, Quartermaster Corps, $1,000,000.

Provided, That the enlisted force of the Quartermaster Corps shall consist of not to exceed 15 master electricians, 600 sergeants (first class), 975 sergeants 625 corporals, 2,500 privates (first class), 1,190 privates, and 95 cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe.

Mr. WEBB. Mr. Chairman, I would like to ask the chairman of the committee if that is not new legislation?

Mr. HAY. I would state to the gentleman that the occasion for the legislation is this: It does not increase the force at all, nor does it increase the pay. The purpose of it is to increase the number of cooks. They have not got a sufficient number of cooks, and the only change in it is to bring about an increase in the number of cooks.

Mr. WEBB. Why do you make them of the corresponding grade of the Signal Corps of the Army? Why do you make the grades in the Signal Corps of the Army the standard?

Mr. HAY. That is under the present law. The Service Corps law now provides that these people shall be paid at the rate at which the Signal Corps men are paid.

Mr. WEBB. Does not this increase the appropriation?

Mr. HAY. Not at all.

Mr. WEBB. I do not see how you put in all these additional men without some increase of cost.

Mr. HAY. We do not put in anything new at all. We decrease the number of sergeants and increase the number of cooks.

Mr. WEBB. You make the Signal Corps pay the standard?

Mr. HAY. Yes. That is in accordance with the law of 1912. It does not increase the appropriation, nor does it increase the number in the corps.

Mr. WEBB. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Ordnance Department: For pay of officers in the Ordnance Department, $228,500.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $49,756.80.

Mr. WEBB. Mr. Chairman, I did not observe when the Clerk reached line 6 on page 10, "additional 20 per cent increase while on foreign service, $9,400." Is that new legislation? If so, why is it inserted? I understand that that is new legislation.

Mr. HAY. Yes; it is additional legislation. It escaped me. It ought to come out.

Mr. WEBB. Mr. Chairman, if the chairman of the committee does not object, I will make the point of order, and it will go out. I make the point that "additional 20 per cent increase while on foreign service" is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Quartermaster Corps: For pay of officers in the Quartermaster Corps, $534,800: *Provided*, That hereafter the title of the Chief of the Quartermaster Corps shall be Quartermaster General of the Army.

Mr. WEBB. Mr. Chairman, I think, again, we have run upon some new legislation; that is, changing the name of the Quartermaster General. After the word "*Provided*" the paragraph reads:

That hereafter the title of the Chief of the Quartermaster Corps shall be Quartermaster General of the Army.

I like "Chief of the Quartermaster Corps" instead of "Quartermaster General of the Army."

Mr. HAY. Mr. Chairman, I hope the gentleman will not object to that. All of the officers of the Army, and particularly the officers of the Quartermaster Corps, are anxious that this old, historic title shall be restored. It always was the "Quartermaster General of the Army" until we changed it and made it "Chief of the Quartermaster Corps." It is much simpler, too.

Mr. WEBB. Then, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

One superintendent, Nurse Corps, at $1,800 per annum, $1,800.

Nurses (female), $106,030.

Provided, That hereafter the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.

Mr. COX. Mr. Chairman, I reserve a point of order on that proviso.

Mr. HAY. I will say to the gentleman from Indiana that this provision has been in the bill heretofore, but we put in the word "hereafter" so as to avoid the necessity of carrying the provision in the bill every year. The person who is superintendent of this corps is given such allowances of quarters, subsistence, and medical care as may be prescribed in regulations by the Secretary of War. I do not see any objection to it.

Mr. COX. This is the first time the word "hereafter" has crept in.

Mr. HAY. This is the first time we have put in the word "hereafter." We put that in so as to avoid the necessity of carrying it in the bill constantly, that is all.

Mr. COX. The word "hereafter" will make it permanent law?

Mr. HAY. Yes.

Mr. COX. Heretofore it has simply been a regulation.

Mr. HAY. Heretofore it has simply been carried in the appropriation bill.

Mr. COX. I think the gentleman ought to strike out the word "hereafter."

Mr. HAY. I have no objection.

Mr. COX. I make a point of order against the word "hereafter."

Mr. HAY. I move to amend by striking out the word "hereafter," in line 20, page 11.

The CHAIRMAN. The gentleman from Virginia moves an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 20, strike out the word "hereafter."

The amendment was agreed to.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $2,894,175.

Mr. WEBB. Mr. Chairman, I desire to offer the following amendment:

Page 12, line 14, after the figures "$2,894,175," insert the following: "*Provided*, That hereafter any retired officer of the Army or Navy who shall act as or be the representative, agent, or employee of any firm, company, corporation, or individual engaged in manufacturing for or selling to the Government any article or articles, either directly or indirectly, shall receive no part of this appropriation."

I hope the chairman of the committee will accept it without any debate upon it. If he does not, I will state——

Mr. HAY. I have no objection to the amendment.

Mr. KAHN. I suggest that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 14, add after the figures "$2,894,175," the following: "*Provided*, That hereafter any retired officer of the Army or Navy who shall act as or be the representative, agent, or employee of any firm, company, corporation, or individual engaged in manufacturing for or selling to the Government any article or articles, either directly or indirectly, shall receive no part of this appropriation."

Mr. KAHN. I reserve a point of order. I suggest to the gentleman that he strike out the words "or Navy," this being the Army appropriation bill.

Mr. WEBB. If the gentleman makes that point of order, I am willing to strike out the words "or Navy," although I think the amendment as I have offered it is a good one.

Mr. KAHN. If the gentleman wants to legislate for the Navy on the Army bill, he might also insert "or Marine Corps."

Mr. WEBB. I think it is a good provision and ought to apply to all retired officers, but if the gentleman makes the point of order I will strike out the words "or Navy."

Mr. KAHN. I shall not make the point of order. I simply make the suggestion.

Mr. WEBB. I do not think it is subject to a point of order if it is confined to the Army. It may be subject to a point of order with reference to the Navy, but in order to avoid any further discussion I withdraw the words "or Navy" where they occur.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw the words "or Navy." Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment as modified.

The amendment as modified was agreed to.

The Clerk read as follows:

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, $2,482,000.

Mr. HAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13453)

making appropriations for the support of the Army for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

ANONYMOUS BILL.

The SPEAKER. A bill has been put into the basket without anybody's name on it. The Clerk will report the title of the bill, so that the Member who introduced it may put his name on it.

The Clerk read as follows:

A bill to reimburse Saunders Lewis, jr., for expenses of the offices of clerk of the Circuit Court of Appeals for the Third Circuit.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until Saturday, February 28, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting urgent estimate of deficiency in the appropriation for printing and binding for the Interior Department for the fiscal year ending June 30, 1914 (H. Doc. No. 799); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Raccoon Creek, N. J., including the construction of a dike or jetty at the mouth, if necessary (H. Doc. No. 800); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of San Rafael Creek, Cal. (H. Doc. No. 801); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Northeast Cape Fear River, N. C., for a distance of about 3 miles above Hilton Bridge (H. Doc. No. 802); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 4351) to regulate detached service in the line of the Army, reported the same with amendment, accompanied by a report (No. 309), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 22) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported the same without amendment, accompanied by a report (No. 311), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 13005) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported the same with amendment, accompanied by a report (No. 312), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (S. 746) for the relief of Capt. Frank Parker, reported the same without amendment, accompanied by a report (No. 310), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 13975) making it unlawful for Senators and Members of the House of Representatives to accept any compensation other than salaries and allowances received from the Government; to the Committee on the Judiciary.

Also, a bill (H. R. 13976) requiring Senators and Members of the House of Representatives to file yearly itemized sworn statements of all fees, compensation, or other things of value donated to or received by them for services rendered or to be rendered; to the Committee on the Judiciary.

By Mr. QUIN: A bill (H. R. 13977) to further regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODRUFF: A bill (H. R. 13978) to give effect to the provisions of a treaty between the United States and Great Britain concerning fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Affairs.

By Mr. RIVERA: A bill (H. R. 13979) to provide a civil government for Porto Rico, and for other purposes; to the Committee on Insular Affairs.

By Mr. CARTER: A bill (H. R. 13980) authorizing the Secretary of the Interior to lease and amend existing leases of coal and asphalt deposits on the segregated mineral-land area in the Choctaw and Chickasaw Nations, State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAMMOND: A bill (H. R. 13981) to authorize national banking associations to create a special fund for real estate and other loans; to the Committee on Banking and Currency.

By Mr. THACHER: A bill (H. R. 13982) authorizing the erection of a Federal building at Provincetown, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. KREIDER: A bill (H. R. 13983) for the purchase of a site and the erection thereon of a public building at Middletown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BROUSSARD: A bill (H. R. 13984) providing for an increase of salary for the United States appraiser at the port of New Orleans, La.; to the Committee on Ways and Means.

By Mr. MORGAN of Louisiana: A bill (H. R. 13985) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 13986) providing for the completion of the acquisition of a site for a branch post office in the city of Milwaukee, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. REILLY of Connecticut: Joint resolution (H. J. Res. 223) providing for the appointment of a commission to consider the need and report on a plan to establish an old-age pension system in the United States and its possessions; to the Committee on Pensions.

By Mr. LEVY: Memorial from the Legislature of the State of New York, favoring an amendment to the immigration laws so as to make the care of alien insane a national charge; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13987) granting an increase of pension to Simon Schweigert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13988) granting an increase of pension to Barbara Theiring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13989) granting an increase of pension to James W. Winall; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R 13990) granting an increase of pension to Solomon Stricker; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 13991) granting a pension to Cora Story; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 13992) for the relief of the heirs of Dr. Oscar Chrysler; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 13993) granting an increase of pension to Cornelia S. E. Dickey; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 13994) granting an increase of pension to John O'Brian; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 13995) granting an increase of pension to Thomas C. Whisenand; to the Committee on Invalid Pensions

By Mr. DICKINSON: A bill (H. R. 13996) for the relief of the estate of George Bomar, deceased; to the Committee on War Claims.

By Mr. DONOHOE: A bill (H. R. 13997) for the relief of Einar Barfod; to the Committee on Claims.

By Mr. DONOVAN: A bill (H. R. 13998) granting an increase of pension to Wilhelmina Wilser; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 13999) granting a pension to Nancy Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14000) granting an increase of pension to Frank Hocking; to the Committee on Invalid Pensions.

By Mr. GERRY: A bill (H. R. 14001) granting an increase of pension to Michael Ballou; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14002) granting an increase of pension to Jane M. Hill; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 14003) granting a pension to James A. Franklin; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 14004) granting an increase of pension to Margaret English; to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 14005) granting a pension to Zachariah Divine; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 14006) for the relief of Joseph Scarberry; to the Committee on Military Affairs.

Also, a bill (H. R. 14007) for the relief of the heirs of J. A. Reece; to the Committee on War Claims.

By Mr. KORBLY: A bill (H. R. 14008) granting an increase of pension to Kate Morris Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14009) granting an increase of pension to John F. Messick; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 14010) for the relief of Albert H. Sanders; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 14011) for the relief of Wilson B. George; to the Committee on Military Affairs.

By Mr. MORGAN of Louisiana: A bill (H. R. 14012) for the relief of the estate of Le Roy C. Morris, deceased; to the Committee on War Claims.

By Mr. MURRAY of Oklahoma: A bill (H. R. 14013) granting a pension to Melissa L. Williams; to the Committee on Invalid Pensions.

By Mr. NEELY of West Virginia: A bill (H. R. 14014) granting a pension to Foster Rine; to the Committee on Pensions.

Also, a bill (H. R. 14015) granting a pension to Edward H. Osmond; to the Committee on Pensions.

Also, a bill (H. R. 14016) granting a pension to Ebb Workman; to the Committee on Pensions.

Also, a bill (H. R. 14017) granting a pension to Robert Campbell; to the Committee on Pensions.

Also, a bill (H. R. 14018) granting a pension to Walter Zogg; to the Committee on Pensions.

Also, a bill (H. R. 14019) granting an increase of pension to William H. Shipman; to the Committee on Pensions.

Also, a bill (H. R. 14020) for the relief of Henry Foust; to the Committee on War Claims.

Also, a bill (H. R. 14021) for the relief of Samuel Harrison; to the Committee on Military Affairs.

Also, a bill (H. R. 14022) for the relief of James H. McGill; to the Committee on Military Affairs.

Also, a bill (H. R. 14023) for the relief of the heirs of E. C. Trimble; to the Committee on War Claims.

Also, a bill (H. R. 14024) to amend and correct the military record of Henry H. Willis; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 14025) granting an increase of pension to Edward P. Harney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14026) granting an increase of pension to Daniel O'Donnell; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 14027) granting an increase of pension to Fredonia Williams; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 14028) granting an increase of pension to Amandes Ruth; to the Committee on Invalid Pensions.

By Mr. PETERSON: A bill (H. R. 14029) granting an increase of pension to Othniel L. Moffitt; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14030) granting a pension to Margaret A. Hardin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14031) for the relief of Henry C. Pratt; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 14032) granting an increase of pension to William Varian; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 14033) granting an increase of pension to Levi Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petitions of John J. Kuhn and 247 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petitions of William Pecht and other citizens of Morrill, Kans., protesting against passage of legislation to make October 12 a national holiday known as Columbus day; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of various business men of Utica, Ohio, favoring House bill 5308, relative to taxation of mail-order concerns; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petitions of various voters of the nineteenth congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry patrons of the post office at Martinsburg, Blair County, Pa., favoring passage of House bill 8947, relative to free delivery postal service to all towns of 1,000 and over in the United States; to the Committee on the Post Office and Post Roads.

By Mr. BARKLEY: Petitions of sundry citizens of the first congressional district of Kentucky and other citizens of the State, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BOWDLE: Petition of the Carpenters and Joiners of America, Local Union No. 327, of Cincinnati, Ohio, protesting against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Memorial of Branch Haddon Township Socialist Party, Camden County, N. J., protesting against bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Petition of the Federated Trades Council of Milwaukee, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of D. B. Hill and M. H. Cohen, of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of a citizen of Milwaukee, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

Also, petition of the Federated Trades Council of Milwaukee, protesting against House joint resolution 168 and Senate joint resolution 88, or any other prohibition measures which will interfere with the rights of American citizens; to the Committee on the Judiciary.

By Mr. COX: Petition of various voters of Crawford County, Ind., favoring submission of prohibition amendment to the States; to the Committee on the Judiciary.

Also, petition of various bankers of Indiana, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petitions of sundry citizens of the third congressional district of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of Daggett & Ramsdell, of New York City, favoring passage of the Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

Also, petition of the Monroe County (N. Y.) Civil War Veterans' Association, favoring passage of House bill 10085, relative to pensions for widows; to the Committee on Pensions.

Also, petition of R. W. Stormer, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petitions of the International Union of the United Brewery Workmen of America, Local Union No. 40, of Bridgeport, Conn.; the Danbury (Conn.) Typographical Union, No. 143; and the Norwalk (Conn.) Finishers' Association, Local No. 10, of United Hatters of North America, favoring passage of Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Automatic Machine Co., of Bridgeport, Conn., favoring passage of House bill 7019, to establish a fish-cultural station on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Stamford (Conn.) Foundry Co., protesting against the passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of John Rebhan, of Danbury; the German-American Alliance of Bridgeport; Arion Singing Society; sundry citizens of Norwalk; the German-American Alliance of New Britain; officers of the Bartenders' Union, Local No. 255; sundry citizens of the fourth congressional district; and other citizens, all of the State of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the fourth congressional district of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the State of Connecticut Workmen's Compensation Commission, of Bridgeport, Conn., favoring passage of bill to provide for retiring civil-service employees; to the Committee on Reform in the Civil Service.

Also, petitions of sundry citizens of the State of Connecticut, favoring a two-battleship program; to the Committee on Naval Affairs.

By Mr. DRISCOLL: Petitions of sundry citizens of Buffalo, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petitions of Bernard Baer and other citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of E. W. Magee Manufacturing Co., of St. Louis, Mo., favoring passage of the Ransdell-Humphreys bill for flood control; to the Committee on Rivers and Harbors.

By Mr. FERGUSSON: Petition of citizens of Willard, Punta, Organ, Las Cruces, Hollene, Legansville, Bellview, Grenville, Sampson, and Gladstone, all in the State of New Mexico, favoring the passage of the Lindquist pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Civic and Art League of Portales, N. Mex., praying for the erection of a statue of peace at the entrance to the Panama Canal; to the Committee on the Library.

Also, petitions of citizens of Santa Rosa, Tucumcari, Magdalena, Deming, Roy, Hillsboro, Springer, Maxwell, Las Cruces, Silver City, and Roswell, all in the State of New Mexico, favoring the enactment of legislation to provide for a method of "information at the source" in the income-tax law; to the Committee on Ways and Means.

By Mr. GERRY: Petition of the Rudolph Breault Camp, No. 7, and the Rear Admiral Charles M. Thomas Camp, No. 3, United Spanish War Veterans, urging passage of House bill 7374, granting a pension to widows and orphans of men serving in Spanish-American War and Philippine insurrection; to the Committee on Pensions.

Also, petition of the Rhode Island State Branch and the General Grant Branch of the American Continental League, of Providence, protesting against appropriation for celebration of "Hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

Also, petition of Branch No. 5, Amalgamated Lace Operatives of America, of Alton, R. I., protesting against Sheppard-Hobson bill providing for national prohibition act; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Memorial of the German-American Alliance of Nebraska, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Jacob Schreiber, jr., of Philadelphia, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia Chamber of Commerce, protesting against bill to create an interstate trade commission; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: Petition of C. H. Whittemore, of Little Rock, Ark., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Montesano, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various bankers of Aberdeen, Woods, and other cities of the State of Washington, for change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the Boiler Makers' Union of Tacoma, Wash., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Washington, opposing Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. LIEB: Petitions of Charles Leich & Co., the Progress Clothing Co., the Karges Wagon Co., the Andres Co., and the Graham Glass Co., all of Evansville, Ind., protesting against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of A. W. Sloszay and 13 other residents of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McKELLAR: Petition of the Memphis Cotton Exchange, relative to any favoring United States regulation of interstate future contracts; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Memphis, Tenn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of various officers and members of the Dekalb Junction Auxiliary of the St. Lawrence Presbyterial Society of Home and Foreign Missions, favoring anti-polygamy amendment; to the Committee on the Judiciary.

By Mr. MOORE: Petition of the Philadelphia (Pa.) Chamber of Commerce, against House bill 12106, being a bill to provide for the investigation of combinations, monopolies, etc.; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of sundry citizens of the State of New York, favoring passage of the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. J. I. NOLAN: Petitions of the Allied Printing Trades Council and five other organizations in the city of San Francisco, against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

Also, resolutions of the Stereotypers and Electrotypers Union, No. 29, and the Grocery Clerks Union, No. 648, both of San Francisco, Cal., favoring the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of Mr. John A. Kelly and 26 other citizens, of San Francisco, Cal., in behalf of the passage of House bill 9687, known as the Griffin bill, relative to betterment of headquarters clerks in War Department; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Petition of the Standard Bottling Co., of Pawtucket, R. I., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Papers to accompany the bill (H. R. 14027) granting an increase in pension to Fredonia Williams; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: Petition of the Fitchburg (Mass.) Local No. 2, International Brotherhood of Paper Makers, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of various officers of the German Alliance of the State of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third district of Massachusetts, favoring passage of House bill 9687, for betterment of conditions of headquarters clerk of War Department; to the Committee on Military Affairs.

By Mr. PALMER: Petition of Cigar Makers' Union No. 466, of Easton, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Easton and others of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various bankers of the twenty-sixth congressional district of Pennsylvania, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. PATTEN of New York: Petition of the National Jewelers' Board of Trade, protesting against bills amending the Sherman Act and favoring amending the national stamping act; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petition of the National Jewelers' Board of Trade, protesting against amending the Sherman Act and favoring amending the national stamping act; to the Committee on Interstate and Foreign Commerce.

Also, petitions of various officers of the Long Island Navigation Co., Starin's New Haven Line, and others, relative to increase in salaries of inspectors of steam vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Meriden Lodge, No. 276, Deutscher Order der Harugari, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of sundry citizens of Red Bank, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of various citizens of Colorado, against national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of various citizens of Brady, McCulloch County, Tex., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. SMITH of New York: Petition of Daniel O'Connell Division, No. 9, Ancient Order of Hibernians, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Petitions of Oscar W. Rustad, O. J. Lundin, John P. Lamb, Charles B. Erdel, and others, of Moorhead, Minn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TUTTLE: Memorial of various members of the Patrolmen's Benevolent Association and various other organizations and lodges of the State of New Jersey, favoring increase in pay and pensions for letter carriers of the United States; to the Committee on the Post Office and Post Roads.

Also, petitions of various banks and bankers of the State of New Jersey, favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, memorial of the congregation of the Plainfield Seventh-day Adventist Church, of Plainfield, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALTERS: Petition of the Equal Franchise Society of Philadelphia, favoring amendment providing for woman suffrage; to the Committee on the Judiciary.

Also, petition of employees of the Williamsport (Pa.) post office, against removal of assistant postmasters from classified service; to the Committee on the Post Office and Post Roads.

Also, petition of the Moxham Lutheran Branch of Young People's Society of Christian Endeavor, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of the Fort Buford Camp, No. 2, United Spanish War Veterans, at Williston, N. Dak., favoring bill granting pensions to widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Farmers' Club of Green Township, of Valley City, N. Dak., favoring passage of the Murray stock-exchange bill (H. R. 10076); to the Committee on the Post Office and Post Roads.

Also, petition of certain citizens of North Dakota, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

SATURDAY, *February 28, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee day by day that we may learn the larger meaning of life, a meaning that we may not gain out of the performance even of our daily tasks. We would know by divine revelation the meaning of God, soul, freedom, and immortality. Thou hast put the passion of eternity in our hearts. We pray Thee to lift up the light of Thy countenance upon us and in Thy light we shall see light. Guide us in the path of life eternal. For Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1913, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. TILLMAN. I present a letter signed by the officers of the South Carolina Division, United Daughters of the Confederacy, transmitting resolutions adopted by the general convention of the society, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the letter and accompanying resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED DAUGHTERS OF THE CONFEDERACY,
SOUTH CAROLINA DIVISION, 1913–1914,
Columbia, S. C., February 21, 1914.

We, the undersigned members of the United Daughters of the Confederacy, indorse, in full, the accompanying letter sent out from our general convention at their last meeting, and earnestly request you will endeavor to carry out these eminently just and patriotic resolutions.

MRS. CLARK WARING,
President Wade Hampton Chapter, U. D. C.
MRS. T. BERMEK LEGARE,
Vice President Wade Hampton Chapter.
MRS. W. C. CATHCART,
Secretary Wade Hampton Chapter.
MRS. U. R. BROOKS,
President M. C. Butler Chapter, U. D. C.
ELLA DE S. CLARKSON,
First Vice President M. C. Butler Chapter.

Resolutions.

Whereas by Army Regulations, paragraph 201, the Secretary of War of the United States is empowered with the naming of all military posts; and

Whereas the 5 forts and 15 batteries designated for the defense of the Panama Canal have already received their names through Order No. 153, issued by the War Department November 24, 1911, at which time Gen. Leonard Wood was Chief of Staff of the United States Army; Hon. Henry L. Stimson, of New York, Secretary of War; and Hon. William Howard Taft, President of the United States; and

Whereas in naming these forts and batteries no recognition was given by these authorities to the men who by statesmanship, engineering, genius, and scientific knowledge made the Panama Canal an accomplished fact; and

Whereas with two exceptions in favor of foreigners these coveted honors were bestowed upon deceased United States Army officers whose military distinction was won in the war between the States; and

Whereas the completion of the Panama Canal is coincident with a half century of peace between the North and the South, affording an unsurpassed opportunity to the Government of the United States to manifest to the world the completeness of a reunited country: Be it

Resolved by the United Daughters of the Confederacy in general convention assembled, That the Chief of Staff of the Army, the Secretary of War, and the President of the United States be, and are hereby, respectfully requested to recall Order No. 153 and so revise it that it shall in substance carry out the intent of this petition; and

Whereas by the original Order No. 153 the principal military reservation near the Pacific terminus of the Panama Canal was named "Fort Grant," in honor of Gen. Ulysses S. Grant of the United States Army, it is requested by this convention that the principal military reservation near the Atlantic terminus of the Panama Canal be named in honor of him whose service as an officer of the old Army shed luster upon its fame and the purity of whose motives was unquestioned when compelled by the stern voice of duty to use his sword against his former comrades in arms; as a man and a soldier, leaving his country a matchless name without stain and without reproach; as Commander in Chief, so valiant and wise that he is justly reckoned by history as one of the greatest generals of the world; as a Christian, esteemed by the pious as the peerless exemplar of the faith—Robert E. Lee; and

Whereas the name of "Fort Amador," in honor of the first President of the Republic of Panama is given the second place of honor on the Pacific side of the canal by Order No. 153; it is requested by this convention that the corresponding position of honor on the Atlantic be given the name "Fort John T. Morgan," in honor of the father of the Isthmian Canal idea; and

Whereas it is the purpose of the Government of the United States to establish Army posts and great land defenses in the Panama Canal Zone: Be it

Resolved further, That the proper authorities be, and are hereby, respectfully urged by this convention to give, in the bestowal of these honors, due consideration to the men who planned and executed the Panama Canal and whose genius made it the greatest engineering triumph in the history of the world, namely, Col. George Goethals, Col. William Sibert, Col. William Gorgas, Maj. Gaillard, and others eminently entitled by their distinguished services to have their names perpetuated in enduring form on the site of their achievement.

It is also resolved, That the authorities, in further proof of the present era of good feeling and of national pride in the Panama Canal as a triumph of American genius, be requested to give to heroes of the United States Army and the Confederate States Army equal recognition in bestowing names upon all batteries to be established in the Panama Canal Zone, those specified in Order No. 153, as well as all others that may hereafter be established.

Resolved further, That the corresponding secretary general of the United Daughters of the Confederacy transmit copies of these resolutions to President Woodrow Wilson, Secretary of War Garrison, and Chief of Staff Gen. Leonard Wood, United States Army.

The above resolution was offered by Mrs. Thomas M. Owen, of Alabama, at the general convention, United Daughters of the Confederacy, New Orleans, La., November 12–15, 1913, and was unanimously adopted.

MRS. EDUARD CARL SCHNABEL,
Corresponding Secretary General.

Mr. SHIVELY presented a memorial of Paul E. Slocum Post, No. 85, Department of Indiana, Grand Army of the Republic, at Bloomington, Ind., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Evansville; of the Busch Remedy Co., the Evansville Storage Co., the Scheips Bros. Shoe Co., the Uhl Pottery Co., and the Evansville Stove Works, all of Evansville, Ind.; of Local Union No. 341, Trades and Labor Assembly, of Logansport; of sundry citizens of Grant County; of Local Union No. 246, Bartenders' League, of South Bend; of sundry citizens of La Fayette; of Local Union No. 513, Bartenders' League, of East Chicago, and of sundry citizens of Anderson, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry attorneys, residents of Salina, Kans., praying for the enactment of legislation to provide for the establishment of a term of the district court at that city, which was referred to the Committee on the Judiciary.

Mr. STERLING presented petitions of the board of directors of the Brown Bros.' State Bank & Trust Co., of Aberdeen, S. Dak.; of the Citizens' Trust & Savings Bank, of Aberdeen, S. Dak.; of the Regent State Bank, of Regent, N. Dak.; of the New Leipzig State Bank, of New Leipzig, N. Dak.; and of the Hettinger State Bank, of Hettinger, N. Dak., praying for the

adoption of an amendment to the income-tax law to provide a method of information at the source in lieu of the present method of collection at the source, which were referred to the Committee on Finance.

Mr. CLAPP presented a petition of sundry citizens of Dodge County, Minn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Winthrop, and Arlington, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry members of the Third Massachusetts Regiment, United Boys' Brigades, of Boston; of sundry citizens of Boston, Dorchester, Belmont, Malden, West Roxbury, Jamaica Plain, Forest Hills, Danvers, Brookline, Lexington, Somerville, Wellesley Farms, Cambridge, Newtonville, Newton Center, and Dedham, all in the State of Massachusetts, praying for the enactment of legislation to permit the wearing of uniforms by the Boys' Brigade of America similar to those worn by the United States Army, which were referred to the Committee on Military Affairs.

Mr. LA FOLLETTE presented petitions of sundry citizens of La Crosse, Madison, and Superior, all in the State of Wisconsin, praying that an appropriation be made annually for the construction of two new battleships, which were referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Curtiss, Wis., remonstrating against the enactment of legislation to change the present parcel-post rates, etc., which was ordered to lie on the table.

He also presented a petition of sundry citizens of Monroe, Wis., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a memorial of the United Hebrew Societies of Stamford, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. PERKINS presented a memorial of sundry citizens of Woodland, Cal., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of San Diego and Mojave; of Local Union No. 338, Cigarmakers' International Union, of San Diego, and of Local Union No. 158, Carpenters' and Joiners' Union, of Los Angeles, all in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented a memorial of 349 citizens of Kenton County, Ky., and a memorial of 383 citizens of Campbell County, Ky., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of Alfred Miller, of Montgomery, and of sundry citizens of Detroit and Menominee, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a memorial of the Vermont State Branch, National German-American Alliance, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Orient Council, No. 6, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. ROOT. I present a concurrent resolution adopted by the Legislature of the State of New York, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
IN SENATE,
Albany, February 16, 1914.

Whereas it appears from the message of the governor to the legislature under date of February 2, 1914, that there were, on September 30, 1912, 9,241 insane aliens in the civil hospitals of this State, comprising 29.2 per cent of the total hospital population, the net cost of whom to the State for the year 1912 was upward of $2,500,000, and there is reason to believe that the number of the alien insane and the net cost thereof have increased since said date; and

Whereas the immigration of aliens, their acquisition of a residence within this State, and the deportation of insane aliens therefrom are subjects over which this State has no control; and

Whereas it is believed that the provisions of the Federal statutes on the subjects of the admission of aliens and the deportation and repatriation of insane aliens are inadequate to effectively protect the State and Nation; and

Whereas the National Government having assumed legislative responsibility for the alien should be willing to assume the financial responsibility for the care, maintenance, and removal from this country of the alien insane:

Resolved (if the assembly concur), That the legislature of this State hereby urges upon Congress, in accordance with the suggestions contained in the governor's message, the enactment of appropriate legislation to accomplish the purposes aforementioned and to that end—

1. To provide that the maintenance of the alien insane be a National and not a State charge; but if the Nation will not assume this just and proper charge, to reimburse the State for the cost of the care and maintenance of the deportable alien insane from the date of commitment to a hospital for the insane to the date of deportation, or until the date of discharge or death in case of any deportable insane alien who for any cause it is found impossible or deemed inadvisable to deport.

2. To appropriate moneys sufficient to insure the adequate mental examination of all arriving immigrants, the reimbursement to the State for the care and maintenance of the deportable alien insane, and the efficient deportation thereof.

To amend the immigration act:

3. To make mandatory the exclusion of all aliens who are mentally defective or are afflicted with chronic alcoholism, or exhibit marked psychopathic tendencies or have been insane at any previous time.

4. To provide that each immigrant examined shall receive, at the port of entry, a certificate from the medical officer or officers who examined him that no mental or physical defects were found, or that those found had been duly certified.

5. To provide that physicians of the United States Public Health Service of special training in the diagnosis of mental diseases and defects should be detailed for duty in sufficient numbers at all times at all the ports of entry.

6. To provide that such physicians should at all times have all necessary facilities, including the exclusive services of interpreters, should be responsible for the mental examination of immigrants, and should be required to make recommendations from time to time as to facilities needed.

7. To provide that there be imposed upon a transportation company a fine of $200 for bringing to this country any alien whose present or previous insanity, mental defect, chronic alcoholism, or psychopathic tendency could have been detected by a competent medical examination prior to his embarkation.

8. To provide for a special study by a board of medical experts of the methods employed for the detection of mental diseases among immigrants, which board shall report such changes therein as to it shall appear to be desirable.

9. To provide that when the chief executive officer of an institution certifies that an insane alien is a public charge therein it shall be the duty of the nearest immigration commissioner to make an investigation as soon as possible, in order to determine if such alien is deportable, and to secure the data necessary to verify his landing.

10. To provide for the deportation of any alien who within five years after entry into this country becomes insane, unless it can be shown that the causes of the alien's insanity arose solely subsequent to his landing.

11. To provide that the extension of the deportation period shall also permit of the deportation of the insane alien whenever proceedings for deportation are commenced within the statutory period.

12. To make it mandatory that the immigration authorities order the insane alien who is deported to be accompanied to his final destination by a suitable attendant in each case in which it is certified by a medical officer of the United States Public Health Service, or by the chief medical officer of the institution in which such alien has been confined, that the alien's condition requires special care and attention.

13. To provide that the testimony of competent alienists as to the mental condition of the alien be taken as sufficient authority for the issuance of a Federal warrant of deportation if other conditions admit.

14. To provide that it shall be a misdemeanor, punishable by a fine, for a transportation company to refuse to sell tickets for or to receive on board, guard safely, or return any insane alien who is or has been in an institution for the insane and who desires to be carried to the country of which he is a citizen: *Provided*—

1. That all the expenses of the return of such alien at customary rates be borne by such alien, his friends, or the authorities charged with his care;

2. That it be certified by the chief medical officer of such institution for the insane that such alien is in condition to travel with safety to others;

3. That it be certified by the same official that such alien is in condition to travel alone with safety to himself or is provided with a suitable attendant; and

4. That such alien is free from any quarantinable disease.

Resolved (if the assembly concur), That the clerks of the senate and assembly send a certified copy of this resolution to the President of the United States, the Secretary of Commerce and Labor of the United States, the chairman of the appropriate committees of the Senate and House of Representatives of the United States, and each Senator and Representative in Congress from the State of New York.

By order of the senate.

PATRICK E. MCCABE, *Clerk.*

In assembly, February 16, 1914. Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

PROPOSED INTERSTATE TRADE COMMISSION.

Mr. ROOT. Mr. President, I submit a letter from Henry L. Higginson, of Boston, a distinguished citizen of that city, which I ask to have read and referred to the Committee on Interstate Commerce, the committee which has charge of the bill relating to an interstate trade commission and other similar bills.

There being no objection, the letter was read and referred to the Committee on Interstate Commerce, as follows:

BOSTON, *February 21, 1914.*

Hon. ELIHU ROOT,
United States Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Senator NEWLANDS sent me Senate bill No. 4160, for the making of an interstate trading commission. Such a commission may be desirable, but must have members very carefully chosen, who have had wide experience in business, high character, and open minds. Such men are hard to find and rarely will serve. The Senate bill asks for inquisitorial powers and for publicity so objectionable that it will fetter and perhaps destroy corporations. Further, any jealous man or corporation affected may force the Attorney General to investigate a rival corporation, with or without cause. This enables a dishonest malcontent to injure an honest, able corporation, and such action is intolerable. In short, it ties the honest man who will speak and deal honestly and truthfully and opens a large door to the dishonest man. It cripples trade and manufactures, and thus limits the work of the day laborer, for the two interests stand or fall together. The question of Federal incorporation is difficult of decision.

Draft bill No. 1: It often happens that a manufacturer sells a lot of shopworn goods in order to clear his shelves, in order to pay notes, or from prudence. Thus it is impossible for a manufacturer or a corporation to fix prices. No man or corporation is ready to show weakness, and yet it may be a necessity to have ready money, for business sometimes feels this necessity, and who can fix the intent or need of a transaction? Still further, the use of judgment in dealing with buyers is essential, for one buyer accepts the goods and pays surely and promptly and another buyer cavils at the goods if the price of them has fallen and delays payment, or does not pay at all. This may all happen as between honest men, the grades of honesty being different. (See postscript.)

The courts alone can decide the just use of the law, but all such threats as are contained in draft bills 1 and 2 frighten people, and the honest man prefers to go without a profit rather than run risks. The less scrupulous man runs this risk, for he has little to lose. The one cares more about his character than he does about his profits, and the other lets his character take care of itself.

Draft bill No. 3 about interlocking directorates. No one doubts that abuses have crept in here. It is often well that a man should advise and direct in two corporations which interlock in their dealings, and often such action is harmful. The Federal bank act will drive from bank directorates many men of great value to the banks, and will substitute men ignorant of credits, conditions, and of general affairs. At the same time, the influence and knowledge of these valuable men will be used, but the responsibility for their acts will not exist; that is, these men can be used, but not held accountable. The law taxes the shadow and not the substance. Further, if directors are to be confined or imprisoned because of mistakes or sins of the corporation officials, good men will not serve on directorates. This bill has good intent, but needs very careful consideration.

All these bills hurt the honest man and help the dishonest or half honest or reckless man—in short, the gambler or semigambler who will run risks, wriggle, and, if need be, lie. If the corporations are hurt or crippled, it reacts on all the wage earners. Unless most carefully drawn, with the full belief that most men are honest and will deal fairly, the bills will prove absolutely undemocratic in their results. I recognize the danger of too much power in any man's hands, and deprecate the greed of mankind, but this greed apears in the acts of the workingman, the farmer, the manufacturer, the trader—whether it be in goods, securities, or money. Nothing but good courts and a higher tone in business will cure the evils, although they will have been much lessened in these last years. Ignorance does much more mischief in this world than dishonesty.

The above are the opinions which come to me after a careful study of this bill and these draft bills by an able lawyer and by myself. If our fellow countrymen can not be trusted and be on the whole good, our country has little value. Having lived among them 80 years, I believe our countrymen can be trusted.

I am, with great respect, and with thanks to you for your trouble,

Very truly, yours,

HENRY L. HIGGINSON.

P. S.—It is true that some of these points may be covered by the provisions of the bill—that is, draft bill No. 1—but opportunities for attack based upon alleged intents or motives are always possible, and often a successful defense might be as harmful as a defeat. For example, a man forced to sell goods at a low price might be very unwilling to disclose his necessity, even after the crisis had passed, for his credit is very dear to him, and, although it is provided that one may choose his customers, still a mine owner or a manufacturer might hesitate to make public his just suspicions of the honesty and credit of the buyer. Such a disclosure might also injure an honest buyer. The question of character constantly comes into business as well as life, and is not easily discussed.

Mr. CLAPP. Mr. President, the letter, of course, goes into the RECORD. It does seem to me that in justice to all, especially the first bill, should be printed in the RECORD in connection with the letter that, so far as the letter may be read by the public, the public may have an opportunity to pass its judgment upon the criticism contained in the letter of the proposed bill. I ask that the bill itself be printed in the RECORD following the letter.

There being no objection, the bill (S. 4160) was ordered to be printed in the RECORD, as follows:

A bill (S. 4160) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Be it enacted, etc., That a commission is hereby created and established, to be known as the interstate trade commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, and the said interstate trade commission is referred to hereinafter as "the commission."

SEC. 2. That on the taking effect of this act the Bureau of Corporations shall cease to exist, and is hereby transferred to, and merged in, and becomes a part of the commission; and all officers and employees of the Bureau of Corporations shall hereafter be the officers and employees of the commission, and with the transfer there shall pass to the possession of the commission all the records and papers of said bureau, and the commission shall hereafter exercise all the powers and perform all the duties heretofore conferred or imposed upon the said bureau.

All appropriations heretofore made for the support and maintenance of the bureau shall stand as appropriations to be expended by the commission in the exercise of the power and in the performance of the duties which the law, prior to the passage of this act, conferred or imposed upon said bureau. And the person who at that time shall be the Commissioner of Corporations shall become a member of the commission and the chairman thereof for the term of seven years. The other four commissioners, and a fifth commissioner upon the retirement or expiration of the seven-year term of the former Commissioner of Corporations, shall be appointed by the President, by and with the advice and consent of the Senate. The term of the commissioner shall be seven years: *Provided*, That the term of the commissioners first appointed by the President shall date from the taking effect of this act and be as follows: One for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years; and the successor to the former Commissioner of Corporations, when appointed, shall be appointed for a term of seven years; and thereafter all appointments shall be for a term of seven years. Upon the retirement from the commission, from whatsoever cause, of the person who at the time this act shall take effect shall be the Commissioner of Corporations the commissioners shall elect one of its members chairman. The commissioners shall elect a secretary and assistant secretary, said chairman to hold his office as chairman and said secretary and assistant secretary to hold their offices or connection with the commission at the pleasure of the commission. The members of the commission shall each receive a salary of $10,000 per annum, the secretary of the commission shall receive a salary of $7,200 per annum, and the assistant secretary shall receive a salary of $4,500 per annum. In case of vacancy in the commission during the term of the commissioners, an appointment shall be made by the President, with the advice and consent of the Senate, to fill such vacancy, and shall be for the unexpired term. The office of the commission shall be in the city of Washington, but it may at its pleasure hold meetings elsewhere. The commission shall have such clerks, examiners, experts, and other employees as may be necessary and as may be, from time to time, appropriated for by Congress.

SEC. 3. That all corporations engaged in commerce among the several States or with foreign nations, excepting common carriers, whether required by general rules and regulations for regular information or information specially asked in special instances, shall, from time to time, furnish to the commission such information, statements, and records of their organization, business, financial condition, conduct, management, and relation to other companies, at such time, to such degree and extent, and in such form, as may be prescribed by the commission. The commission, at all reasonable times, or its duly authorized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations, including the records of any of their executive or other committees. Failure or neglect on the part of any corporations subject to this act to comply with the terms of this section within such time after written demand shall have been made upon such corporation by the commission requiring such compliance as shall be fixed by the commission shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

SEC. 4. That the information so obtained shall be public records, and the commission shall, from time to time, make public such information in such form and to such extent as it may deem necessary.

SEC. 5. That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue a writ or writs of mandamus or other order enforcing such order of the commission and to punish the disobedience thereof as in other cases of contempt of court.

SEC. 6. That for the purposes of this act the commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said commission (and produce books, documents, and papers as so ordered) and give evidence touching the matter in question; and any failure to obey such order of this court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence shall not excuse such witness from testifying.

Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

No person shall be excused from attending and testifying or from producing books, papers, documents, or other things before the commission, or in obedience to the subpœna of the commission, whether such subpœna be signed or issued by one or more of the commissioners, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it in a proceeding instituted other than upon his own initiative: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for per-

jury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who, under oath, testify in response to a subpœna of the commission in an inquiry instituted by the commission.

SEC. 7. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both

SEC. 8. That the commission is hereby given authority, upon complaint made to it in such manner as it may by general or specific regulations provide, or on its own initiative, to institute and conduct an investigation to determine whether or not any corporation subject to the provisions of this act was organized or has established such relations with other individuals or corporations or is conducting its business in whole or in part in violation of the provisions of the act approved July 2, 1890, entitled "An act to protect trade and commerce from unlawful restraints and monopolies," or any existing or future amendments thereof, or any of said provisions. If the commission shall find any such violation, the matter shall be submitted by it to the Attorney General, to the end that the said violation be proceeded against, prosecuted, and terminated in accordance with the provisions of said act of July 2, 1890, and the amendments thereof or supplemental thereto as aforesaid.

SEC. 9. That the commission shall, at any time, upon the request of the Attorney General or any corporation affected, investigate any corporation subject to the provisions of this act, with all the powers of investigation heretofore bestowed on the commission, for the purpose of ascertaining whether there has been in the conduct of said corporation or is in the organization of such corporation or its relations to other corporations or individuals a violation of said act of July 2, 1890, and the amendments thereof as aforesaid, and in case the commission shall find such violation it shall make a finding, fully stating the same and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said act and the amendments thereof as aforesaid, and shall transmit a copy of the said finding as aforesaid to the Attorney General, as advisory to the Attorney General in terminating, by agreement with the corporation affected or by suit, as provided in said act aforesaid, the said unlawful conduct or condition. Said finding shall become a public record of the commission, as provided in section 4, only upon the direction of the Attorney General or the President.

SEC. 10. That in suits of equity brought by or under the direction of the Attorney General, as provided in the act of July 2, 1890, as aforesaid, the court in which said suit is pending may, at any stage in the litigation, at its discretion, refer to the commission any aspect of the litigation or any proposed decree, whereupon the commission shall investigate the question or questions referred to it with all the powers of investigation hereinbefore bestowed on the commission and shall report its findings to the court, with a copy of the evidence upon which said findings or recommendations are based. Said evidence, findings, and recommendations shall be public records, as provided in section 4 hereof.

SEC. 11. That the said commission shall, on or before the 1st day of January of each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations with reference to additional legislation relating thereto as the commission may deem necessary.

SEC. 12. That, with the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such special agents as may be employed from time to time, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission hereby created and by the Civil Service Commission. The commission shall also have the power to rent suitable rooms for the conduct of its work, paying therefor such rent as may be provided for by appropriation.

SEC. 13. That nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing, according to the provisions thereof, the said act of July 2, 1890, and the amendments thereof as aforesaid, nor to amend or modify otherwise the provisions of said act and the amendments thereof.

REPORTS OF COMMITTEES.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 4032) to remove the charge of desertion from the record of Wilbur F. Lawton, reported it with an amendment and submitted a report (No. 303) thereon.

He also, from the same committee, to which was referred the bill (S. 3595) to correct the military record of Frederick Keno, submitted an adverse report (No. 302) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (H. R. 10232) for the relief of Col. Alfred C. Sharpe, submitted an adverse report (No. 305) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 304) accompanied by a bill (S. 4657) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 79. Carrie H. Travis.
S. 83. Katherine D. Augur.
S. 386. Elizabeth K. Norton.
S. 534. Sarah J. Burke.
S. 743. Alfred Zemp.
S. 1007. Charles M. Baughman.
S. 1107. Edward M. Stevens.
S. 1382. Lulu E. Springer.
S. 2460. Barbara Henderson.
S. 2491. John Cooper.
S. 2502. James Henry Martineau.
S. 2519. Zera F. Etheridge.
S. 3138. Harry Wills.
S. 3407. Dallas Thurman.
S. 3859. Annie LaT. Romeyn.
S. 3908. William H. Van Name.
S. 4029. Teresa Mindermann.
S. 4035. Kate W. Foster.
S. 4157. Robert B. Courts.
S. 4171. John C. January.
S. 4179. Eddy J. Workman.
S. 4194. William D. Jones.
S. 4223. Margaret R. Flynn.
S. 4299. Robert H. Cowan.
S. 4301. Henry C. Miller.
S. 4313. Fred Mayo.
S. 4355. Minnie C. Fealy.
S. 4356. James McMahon.
S. 4379. Charlotte Perry.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 4658) for the relief of the heirs of Paul Norton; to the Committee on Claims.

A bill (S. 4659) granting an increase of pension to Mary C. Grant; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 4660) granting an increase of pension to Henry Schmidt;

A bill (S. 4661) granting an increase of pension to Edwin B. Parsons;

A bill (S. 4662) granting an increase of pension to Francis D. Randall; and

A bill (S. 4663) granting an increase of pension to Maria C. Beegle (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 4664) to increase the efficiency of the corps of chaplains in the United States Navy; to the Committee on Naval Affairs.

By Mr. BRISTOW:

A bill (S. 4665) granting an increase of pension to John D. Sanders (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. STERLING submitted an amendment proposing to appropriate $5,000 to pay the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

POST OFFICE APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 11338, the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment reported from the Committee on Post Offices and Post Roads, on page 27, line 13. It will be stated.

The SECRETARY. On page 27, line 13, after the word "substations," insert the following proviso:

Provided, That on and after July 1, 1914, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,200 per annum.

The amendment was agreed to.

Mr. BRYAN. Mr. President, on the first day the pending bill was taken up I made an announcement that the Senator from Georgia [Mr. SMITH] is absent because of illness. I did not re-

peat the announcement, and I make this statement in justice to him, so that his absence may be understood.

The VICE PRESIDENT. The reading of the bill will be continued.

The Secretary resumed and concluded the reading of the bill.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BRISTOW. I desire to offer an amendment to come in on page 15, line 12, after the words "For inland transportation by railroad routes, $56,188,000." I ask to have it read. It is an amendment which I offered some days ago. I have made some changes in it in the nature of perfecting it before being formally offered to the bill. I offered it for printing the other day and had it lie on the table.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 15, line 12, after the sum "$56,188,000" and the colon, it is proposed to insert the following:

Provided, That for carrying parcel-post matter no part of this appropriation shall be paid to any railroad for such matter carried by such railroad except upon the basis of 50 per cent of the gross receipts by the department under the following charges:

On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 4 cents for the first pound or fraction of a pound and 1 cent for each additional 2 pounds or fraction thereof.

For delivery within any zone as provided in the act, "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, except as provided in the next preceding paragraph the rates shall be arrived at by multiplying the number of pounds of weight by the number of the zone in which delivery is to be made and adding 3 to the result so obtained: *Provided*, That 25 per cent from the above rates shall be deducted on all articles of food or drink, except ale, beer, berries, candy and confectionery, fish, live, frogs, fruit, green, in gauze cloth or paper-covered baskets, ice cream, liquor, live stock, medicated beverages, medicines, terrapin, vegetables in gauze cloth or paper-covered baskets: *Provided*, That the weight limit for parcel-post matter shall be 50 pounds and that fractions of a pound over the first pound shall be charged for at the pound rate: *Provided further*, That for delivery between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, the rates charged shall be the same as for delivery within the eighth zone.

Mr. BRISTOW. Mr. President, this amendment is quite long, but a great deal of it is simply a reproduction of the present law. Should the amendment be adopted, the changes that would be brought about in the present law would be such as I shall in a moment indicate. Senators who are interested, if they will turn to the RECORD, on page 4234, will see a comparison of the rates which this amendment would provide and those that are provided for in the order of Mr. Burleson; that is, the existing rate.

The first rate is the local rate. That is the same as Mr. Burleson's, except that the rate is 1 cent per package lower. Mr. Burleson's is 5 cents for 1 pound and 1 cent additional for each 2 pounds delivered within the local delivery. So that these rates would make the delivery of a 1-pound package on a rural route or in a city 4 cents instead of 5; and on 2 pounds, 5 cents instead of 6, and so clear on down to 50 pounds, on which the rate would be 29 instead of 30 cents, making a reduction clear down the line.

I restore the 50-mile zone which Mr. Burleson abolished; and the rate in the 50-mile zone will be 1 cent lower than the rates which Mr. Burleson has provided for the first and second zones.

Then, in the second zone, which is the zone embraced between the distances of 50 and 100 miles, the rates are increased above those charged by Mr. Burleson's order. The rate will be 5 cents for the first pound, which is the same as Mr. Burleson's, and then there is an increase of 1 cent per pound for each additional pound, making a rate in the second zone on 50 pounds $1.03 instead of 54 cents, according to Mr. Burleson's order.

Take the third zone. In the third zone, the zone between 150 and 300 miles, there is a similar increase after the first pound of 1 cent a pound. The rate on 50 pounds in that zone under Mr. Burleson's order is $1.04, and under the amendment which I propose it would be $1.53.

Mr. LANE. I should like to ask the Senator a question for information, if he has no objection.

Mr. BRISTOW. I yield to the Senator for that purpose.

Mr. LANE. I understood the Senator to state the other day that out in Chicago the railroad companies divided the cost of transportation with the express companies, and that they were able to deliver a package for the express companies for, say, something like 35 cents, whereas the Government, paying the railroads the rates they charged, had to charge the customer something in excess of a dollar. I ask in what position would the Government be under the amendment now proposed by the Senator from Kansas?

Mr. BRISTOW. Mr. President, if the Senator from Oregon will pardon me, I will say that my amendment proposes to cure that discrepancy; that is the purpose of the amendment. If the Senator will listen to me, I shall be glad to explain that as I proceed.

In the fourth zone the rates in Mr. Burleson's order and the rates proposed in this amendment are exactly the same.

In the fifth zone the rates proposed by myself are very much lower than those of Mr. Burleson. The rate on a 50-pound package in the fifth zone under Mr. Burleson's order would be $3.02, and under the proposed amendment it would be $2.53.

In the sixth zone Mr. Burleson's rate is $4.01 per 50 pounds, while the proposed rate is $3.03 per 50 pounds.

In the seventh zone Mr. Burleson's rate is $5.01 for 50 pounds, and the proposed rate is $3.53 per 50 pounds.

In the eighth zone Mr. Burleson's rate for 50 pounds is $6, while the proposed rate is $4.03.

To show the general effect that this would have on the country at large, I have taken 90 cities located in the 8 zones, and I have here a comparison of rates on a 20-pound package from New York west to those 90 cities. Then I also have a comparison on a 20-pound package from San Francisco east to the 90 cities. The result is that the aggregate amount of postage, under the proposed rates, on the 90 packages delivered from New York west to all of the 90 cities would be $108.90, while the aggregate to the same cities under the Burleson rate would be $120.77, a difference of about $12 in favor of the proposed rates, being that much of a reduction.

Mr. NORRIS. For any one zone?

Mr. BRISTOW. No; taking 90 cities covering the country and reaching into every zone, that is the way it averages up. It averages up a net reduction of about $12. That saving is effected under the proposed rate for packages going from New York west to the 90 cities. Then I take the rates from San Francisco coming east, and on that computation the aggregate postage to these 90 cities for 20-pound packages under the Burleson rate would be $165.71, and under the proposed rates the aggregate would be $127.90, showing a reduction there of almost $40, a very material reduction.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. POMERENE. Has this proposition been considered by the commission which is investigating parcel-post rates?

Mr. BRISTOW. No; not by the commission; this is my work, so far as the table is concerned, aided by a gentleman to whom I expect to refer. I want to speak of that. This is my own work; it is not the commission's work at all.

Mr. POMERENE. Then may I ask the further question: Has this matter been submitted to the Post Office Department in order that we may have the benefit of their judgment about it?

Mr. BRISTOW. No; it has not; but I should like to invite the attention of the Senate to the ingenuity of this table—and when I speak of its ingenuity I do not want to take credit to myself for the idea which it embodies. This table was worked out by Mr KINDEL, a Member of the House of Representatives from Denver, Colo., and for simplicity and ease of ascertaining the rates to any town in the United States is one of the most remarkable tables I think ever gotten up by a rate expert in the United States. If you want to find the rate of postage on any sized package to any town in the United States, you first ascertain in what zone that town is located; then you multiply the number of pounds by the zone and add 3. To illustrate, if the Senator from Ohio [Mr. POMERENE] desired to send a package from Washington to Pittsburgh and the package weighed 9 pounds—Pittsburgh, as I remember, being in the third zone from Washington—you would multiply 9 by 3, making 27, and add 3 cents, which is what Mr. KINDEL calls the "pick-up" charge, and you have a total of 30 cents, which is the rate on that package. If it went to Chicago, which, as I remember, is in the fifth zone from Washington, and the package weighed 19 pounds, the rate would be five times 19, which is 95, plus 3, making 98 cents as the rate on that package to Chicago. So you can take any town anywhere, look at your postal map, and ascertain in what zone it is located, multiply that zone by the number of pounds, add 3, and you will have the rate.

Mr. NORRIS. That does not apply to the local rate, does it?

Mr. BRISTOW. No; the local rate has no mileage; that is simply local delivery. Within the first zone, of course, you would multiply by 1; but after you get into the second zone multiply by 2, or in the third zone by 3, and so forth. It will work out every time. As I have said, the table is a remarkable one.

The rates I have provided are not exactly the ones which Mr. KINDEL suggested, because I have applied my rates; but under these rates there is a desirable decrease.

Mr. POMERENE. Mr. President, is the Senator able to give us any estimate as to the amount of revenue which would be derived from this plan and the amount of profit or loss, if any, to the department?

Mr. BRISTOW. Well, there can not be a loss in my judgment. I will explain it. If the Senator will notice the amendment, he will see that it provides that the railroads shall be paid 50 per cent of the gross postal receipts for parcel-post matter. If the railroads carry a package from New York to Chicago and the postage is 98 cents, the Government would get 49 cents and the railroad would get 49 cents. That is the arrangement the railroads have with the express companies. The express companies divide approximately half and half the express rates with the railroad companies.

Mr. SMOOT. Mr. President, let me ask the Senator one question in that connection. The railroads in carrying express matter use a box car, whereas I understand that mail and parcel-post matter is carried in a car specially fitted for that purpose. The railroads claim, of course, that it costs a great deal more to carry postal matter than it does to carry express matter. Has the Senator given that subject any consideration?

Mr. BRISTOW. Not in this matter, because I am dealing with the express; I am not dealing with the question of railway mail pay for letters and newspapers. I let that alone; I do not touch it.

Mr. SMOOT. This is for the parcel post?

Mr. BRISTOW. This is for parcel post only; this is the express business. If we are going into the express business, let us go into the express business, and not undertake to carry cabbages and bricks and potatoes with letters.

Mr. POMERENE. Can the Senator give us a comparison between the earnings of the Parcel Post Service under the prevailing rates and the earnings under the proposed rates contained in the Senator's amendment?

Mr. BRISTOW. Yes; I think I will be able to do that. I am glad the Senator has suggested that to me, because I think I have a table here that will enable me to make that comparison, although I had not thought of it.

We will take a 20-pound package going to the third zone. The present rate, under Mr. Burleson's order, for 20 pounds to the third zone is 44 cents. He claims a profit there of 7 cents, leaving the expense 37 cents, deducting the overhead charge of 5 cents, which he counts, leaves 32 cents for the railroad; that is, he pays the railroad 32 cents and 5 cents for overhead charges, according to his figures, and he receives 44 cents, and therefore there would be 7 cents profit. My rate in that zone on 20 pounds would be more; it would be 63 cents instead of 44 cents. The railway cost in that case to the department would be one-half of 63, or 31½ cents. The rate would be 19 cents more, but the cost in the third zone on a 20-pound package would be several cents less.

Now we come to the fourth zone. Mr. Burleson's rate in the fourth zone is 83 cents. He says he makes a profit of 20 cents, his cost being 63 cents—58 cents rail, 5 cents overhead. My rate in the fourth zone would be the same as Mr. Burleson's, 83 cents. That would be divided by 2. The railroads would get 41½ cents and the department would get 41½ cents, making the expense to the department 41½ cents, as against 63 cents under Mr. Burleson's rate.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. BRISTOW. Certainly.

Mr. TOWNSEND. In the Postmaster General's estimate of the expense, is the railroad cost the only one he has taken into consideration?

Mr. BRISTOW. He adds 5 cents to the railroad cost.

Mr. TOWNSEND. Does the Senator propose that in his plan?

Mr. BRISTOW. I have added 3 cents.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do.

Mr. CUMMINS. I see a difficulty in the way of the plan suggested by the Senator from Kansas. Possibly he can remove it. It is a new idea to me.

The railroads agree to take for their compensation 50 per cent of the rates charged by the express companies. That, however, is a matter of agreement. I assume that the railroad companies are somewhat influential in determining the rates charged by the express companies, and therefore may be satisfied with 50 per cent of the revenues of the express companies. The United States, however, does not enter into any consultation or conference with the railroad companies with regard to the rates charged upon postal matter. Of course, it is perfectly well known to the Senator from Kansas that we can not arbitrarily impose upon the railroad companies a rate at which they shall carry this freight matter. We would be compelled to pay them a reasonable rate for the carriage of the freight. That would have to be fixed eventually, I assume, if it was not agreed upon, by the Interstate Commerce Commission. In fact, it will have to be fixed eventually by the Interstate Commerce Commission anyhow, because when the United States goes into the freight business the railroad companies will not be permitted to charge the United States any other or different sum for the carriage of freight than they charge private individuals and other patrons of the common carriers. I suggest to the Senator from Kansas that his plan might fall in the provision that the railroad companies shall receive one-half the rate.

Mr. BRISTOW. If the Senator will pardon me, it might, but it will not, and I will state the reason why. It is because the rates I propose are somewhat higher than the express rates, and the railroads will get slightly more from the Government than they get from the express companies, but very much less than they now get from the Government.

Mr. CUMMINS. That might be very good for the railroad companies, but the railroads ought not to be permitted to have any such rates.

Mr. BRISTOW. That may be true; but we are paying them now twice as much, and why not cut that in two?

Mr. CUMMINS. When we consider it as a matter of mail pay that is one thing, but when we go into the freight business that is quite another thing. The railroad companies will have to carry the freight of the United States for just the same rate that they carry the freight of any other person who ships under like circumstances.

Mr. BRISTOW. I agree to that; but we have a proposition before us now whereby we are paying for carrying express more than double the amount the express company is paying. We are paying to the railroads for carrying the parcel-post express of the country more than the express companies are charging the people. We pay for our express more than the gross rates that the express companies receive.

Mr. CUMMINS. Mr. President, I assume that is so, because we make no discrimination at all between the different kinds of matter carried in the mail.

Mr. BRISTOW. Yes.

Mr. CUMMINS. It is worth a certain amount to carry letters, and it is worth quite a different amount or a less amount to carry railroad freight. Eventually we shall have to have some separation or discrimination between those kinds of service.

Mr. BRISTOW. I agree to that; and we are trying to do that right now.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. I yield.

Mr. WEEKS. The statement of the Senator from Kansas is interesting, that the Government is paying the railroad companies for carrying mail twice as much as the express companies are paying the railroad companies for carrying express. It came out in the testimony before the Post Office Committee two or three days ago, at a hearing when the Senator from Kansas happened to be absent, that within the 50-mile limit from a large city the Interstate Commerce Commission had permitted the express companies to make a 20-cent rate on a package of 10 pounds weight or less. That package was being carried by the local express company for 15 cents. It is being carried by the Government for somewhere from 5 to 14 cents, according to the weight.

If the Interstate Commerce Commission thinks the express company should charge 20 cents for carrying that package, and it is being carried by a local express company for 15 cents, and is now being carried by the Government for from 5 to 14 cents, dependent on its weight, I should like to have the Senator from Kansas explain how we are likely to get a fair return if any lower rate than that now in force is charged?

Mr. BRISTOW. The Senator is speaking of short deliveries within the 50-mile zone.

Mr. WEEKS. Yes. That is the bulk of the express business of the country, and the parcel-post business, too.

Mr BRISTOW. I think the Senator is very much mistaken about that. Within the 50-mile zone the express companies charge more than the Government does, and the railroads of course make more of a profit from the express companies on those short hauls than they do on the long hauls; and the express companies make more of a profit on the long hauls than

on the short hauls, where they have to pick up and deliver. I wish, however, to give the Senator some figures now that have been taken from express charges and postal cost, according to Mr. Burleson's figures.

In the 150-mile zone—unfortunately, Mr. Burleson has abolished the first zone, and it was the greatest mistake he has made—the postal rate is 24 cents. The express rate is 34 cents. The postal cost is estimated by the department at 18 cents. So the amount which the railroads would receive for transporting these packages in the short zone, the first zone, would be less than they get from the express companies, because the rate is less.

When, however, you get into the next zone, the third zone, or Mr. Burleson's second zone in charges, there Mr. Burleson's postal charge is 44 cents and the express charge is 36 cents; so the department there is charging more than the express company. I am referring to the region between Boston and New York. Under Mr. Burleson's figures the department is charging more than the express rate in that zone. Now, Mr. Burleson says his cost is 33 cents. If the railroads received half of Mr. Burleson's charge, which is 44 cents, they would get 22 cents, as against 18 cents which they get from the express companies.

When you get into the fourth zone Mr. Burleson's charge is 83 cents and the express company's charge is 46 cents. I am taking individual towns, of course—that is the only way you can get an express charge—and this is in the eastern part of the United States. In the western part of the United States the comparison will be somewhat different. Mr. Burleson's charge is 83 cents and the express company's charge is 46 cents. Mr. Burleson's expense, according to his estimate, is 63 cents, which is 17 cents more than the entire express charge. Fifty-eight cents of that 63 cents, he says, is paid to the railroads for transporting the mails.

Mr. WEEKS. I should like to ask the Senator from Kansas how it can be possible that the Postmaster General knows what he is paying for the parcel post in three-fourths of the United States? No weighing has taken place since the parcel post was established. Are the railroads getting anything for carrying the parcel post in those sections?

Mr. BRISTOW. Of course, that is a temporary condition. That is true. They are getting 5 per cent more than they were getting for the mails. That is what we authorized them to get. It is claimed that that does not at all compensate them. But I am speaking of what they would receive if they were paid according to the legal rates. You can not make any other comparison. The other plan, while it may be temporarily a very great burden, will be in the end a source of tremendous profit when they begin to get these excessive rates for carrying express matter.

Mr. WEEKS. If the figures are correct.

Mr. BRISTOW. Well, I do not think there is much doubt about it. I think you can get the cost of railway transportation more accurately than the cost of any other service that is rendered in handling the mails. As the Senator understands, it is estimated with some accuracy that the cost of transporting a pound over the railroads in this country, according to our rates, is about 2.6 mills per pound per 50 miles, and that is the basis upon which all these figures are made. I think the Hughes Commission found that the cost was a little less than that. Those were the figures of the department when they made the very elaborate investigation some time since.

When you get into the sixth zone Mr. Burleson's rate is $1.61 and the express rate is 82 cents. Of course, the rates I propose are much less than Mr. Burleson's. The rate I propose in the sixth zone on 20-pound packages will be $1.23 as against $1.61, the present rate. Under this proposition the railroads would get half of $1,23, or 61½ cents, which is some more than they get from the express companies. They can not, as the Senator from Iowa suggested, attack those rates, because on all of the long hauls they would have better rates than they now get from the express companies; but they would have about 50 per cent less than they are now getting for handling the mails; that is, I classify express matter separately as parcel-post business, pay them for what they haul, and give them half of the gross receipts for the package, which is practically the arrangement they have with the express companies.

The Senator from Ohio [Mr. POMERENE] inquired what difference there would be in the revenues of the department under this plan as compared with the existing plan. Of course the profits would be very much more, as the Senator from Ohio can observe.

To illustrate, we will take the fifth zone. The proposed rate is $1.03. The present rate is $1.22. In the fifth zone Mr. Burleson estimates the cost of a 20-pound package at $1.03. That is, he estimates the cost at exactly what my rate is. The cost to the Government for transportation under my rate, instead of being $1.03, would be 51½ cents. So we would carry that package for 19 cents less, and we would make 51½ cents, while under Mr. Burleson's rates, from his estimates, he makes only 17 cents.

If you go into the eighth zone, where there is a large amount of business, the rate on 20 pounds under the proposed amendment would be $1.63. Under the existing rates the rate is $2.40. That is, the proposed rate is 77 cents less than the present rate. The Postmaster General estimates the cost to him under the present rate, on a 20-pound package, at $2.23. My proposed rate is $1.63, which is 60 cents less than his cost. The railroads would receive, under the proposed rate, 81½ cents for handling the package, and under Mr. Burleson's rate they receive $2.18 for handling the package.

Mr. POMERENE. Then, Mr. President, if I understand the Senator from Kansas, the greater part of the profit derivable from the plan the Senator proposes would be brought about by a reduction in the amount the railroad company would receive?

Mr. BRISTOW. It would be all received from that source.

There has been a good deal of discussion here in regard to the proposed rates. It has been said that we are paying too much, and the question has been asked time and again why we do not reduce the rates. I have proposed an amendment that will compensate the railroads upon the same basis that they are now compensated by the express companies that will pay them just as much and in the aggregate a little more than they now get from the express companies. They can not have any complaint, and it will reduce the rate to the public on the average almost 20 per cent over the existing rate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. NORRIS. I should like to ask the Senator if it would not follow, whether it is the present rate or the Senator's proposed rate, if the rate is greater than the express rate, that the express companies would do the business?

Mr. BRISTOW. No; they do not do it all.

Mr. NORRIS. Do they not?

Mr. BRISTOW. They do not.

Mr. NORRIS. Will not the result eventually be that they will do it?

Mr. BRISTOW. Well, that may be true. We would have to adjust that. I do not claim that this is perfect. I should like to have the rate a little lower than it is, but I believe in being on the safe side, and by this system we can save ten or fifteen million dollars in railway charges and reduce the rate to be paid by the public from 10 to 20 per cent.

Mr. NORRIS. I am very much impressed with what the Senator has said not only to-day but the other day, and the simplicity of the plan proposed appeals to me. At the same time, taking Mr. Burleson's estimate now, if the Senator will take the second zone, the 150-mile zone, he will find that the rate that would be charged, if his proposed rates were put into effect, would be very much higher, except on very small packages. On a 2-pound package it would be a little higher, but it keeps on increasing all the way up. If the Senator will turn to the other table to which he has been referring he will find that the estimate given there by the department is very much lower. So, if there is any reliance to be placed on these estimated charges, the charges might be lowered very greatly in that zone.

Mr. BRISTOW. In certain parts of the country it is true. In other sections of the country it is not true.

Mr. NORRIS. Right on that point I would like to ask the Senator about the first zone, the 50-mile zone. There the Senator's proposed rate would be on every package just 1 cent more than the Burleson rate?

Mr. BRISTOW. No. One cent less.

Mr. NORRIS. The estimated cost in that first zone given by the Postmaster General would enable us in the case of most packages, from 1 to 50 pounds, to cut the rate right in two, and still be safe.

Mr. BRISTOW. But the Senator must remember that in that zone our service is very much different from the express service.

Mr. NORRIS. I agree with the Senator as to the first zone. I think it ought not to be eliminated. I think the Postmaster General ought not to have put those two zones in one. I am not complaining because he lowered the rate where he did; according to these estimates he was justified in doing it; but he ought to have made a difference between 50 miles and 150 miles, which he could have done under his own estimate by cutting it almost in the middle in the 50-mile zone. So we

would avoid in that way the discrepancy the Senator pointed out the other day that arises on account of the zone being so large.

Mr. BRISTOW. I want to call the attention of the Senator to a comparison between the proposed rates and the express rates. In the eastern part of the country the express rate is lower than the postal rate. In the western part of the country the postal rate is lower than the express rate. Take our proposed rate on a 20-pound package out of San Francisco; we will say from San Francisco to Cheyenne. The express rate from San Francisco to Cheyenne is $1.41; Mr. Burleson's rate is $1.22; and under this proposed amendment my rate would be $1.03. So in that vast western region there is a reduction anywhere.

Mr. NORRIS. Of course the Senator's proposed rates are the same all over the country; that is, for the same distance.

Mr. BRISTOW. Yes; for the same distance.

Mr. NORRIS. That is the same as Mr. Burleson's rates, of course, but it is not true of the express rates.

Mr. BRISTOW. Mr. Burleson's western rates are lower than the express rates. His eastern rates are very much higher. The western rates that I propose are materially lower than Mr. Burleson's and, of course, still lower than the express rates; but I can do that, because I pay my railroad charges by dividing my rate in two and giving the railroads half and the Government taking half.

Mr. NORRIS. I see that.

Mr. BRISTOW. I put compensation to railroads on the express basis.

Mr. NORRIS. The thing that interests my mind in this table, which I believe is of more importance than those long-distance hauls, is the rates for the first and second zones. I understand the larger part of the parcel-post business will be confined to those two zones. Is not that true?

Mr. BRISTOW. No; I do not think it ought to be the case. I think the Senator will find, if he will count the packages in the tables, that that is not the case. I know a very large business goes beyond the third zone.

Mr. NORRIS. There would be a large business; but, for instance, take farm products and such things as that, their shipment would be confined to the first two zones.

Mr. BRISTOW. They have a reduction of 25 per cent on the rates for all food products.

Mr. NORRIS. That is, in the Senator's amendment?

Mr. BRISTOW. In my amendment.

Mr. NORRIS. I want to ask the Senator another question.

Mr. BRISTOW. If the Senator will permit me just a minute, I want to explain one vital point in this arrangement. The rate on merchandise is the regular rate. On market stuff, on food products, it is 25 per cent less. That gives the small man an opportunity to get the lowest rates for the product of his own hand. I think that is a decided advantage. I think it is a good thing.

I want to call the Senator's attention to a point he will appreciate. Under the arrangement which Mr. Burleson has put into effect a mail-order house can send into a distant zone at a low rate, and then redistribute by remailing, and save 15 cents on every package of 20 pounds.

Mr. NORRIS. That has come about on account of the elimination of the first zone.

Mr. BRISTOW. On account of the elimination and the reduction of the rate in the second zone to an amount proportionately so much less than the long haul. But what is the result? I will take a mail-order house at Kansas City. I mention Kansas City because I am familiar with the Missouri River country, and can call the towns, knowing in what zones they are located. I will take St. Louis. A mail-order house in St. Louis can send a package of 20 pounds to Kansas City for 44 cents, and remail it to Salina, Kans., for 24 cents, or a cost of 68 cents. If that mail-order house had sent it direct to Salina, it would have cost 83, or 15 cents more. That is what the mail-order houses can do. They have agencies everywhere, and they are taking advantage, of course, of this sum of the local being less than the through rate; but the ordinary citizen who wants to send an express package can not do that. He has not any agents anywhere, and he has to pay the high rate for every package he sends.

I wish to say that these rates apparently were fixed for mail-order houses. If the mail-order houses of Chicago had had a representative in the department to have fixed these rates, it could not have been done any better for their business. I am not, as I said the other day, intimating that that was done, because I know the Postmaster General would not tolerate that for a minute, but, with all his multitudinous duties, he does not understand just what his rates are doing. The ordinary citizen sends one or two packages, and will have to pay the excessive rate because he can not reship. He has no agent at an intermediate point to attend to his business for him.

Mr. TOWNSEND. I wish to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. TOWNSEND. I ask the Senator if that is not one of the regulations which is under the control of the Postmaster General, so that if it is discovered that this method of reshipping articles, as suggested by the Senator, is being indulged in, has not the Postmaster General the power to present a regulation which would prevent it?

Mr. BRISTOW. How would he do it?

Mr. TOWNSEND. By making an order to the effect that it shall not be done.

Mr. BRISTOW. That it shall not be reshipped? How will he know whether it is reshipped or not, let me ask the Senator? The Senator is an expert on this matter.

Mr. TOWNSEND. I am not.

Mr. BRISTOW. Can the Postmaster General say to one citizen, you may send a package of 20 pounds from St. Louis to Kansas City for 44 cents, and say to another citizen you can not send exactly the same kind of a package at the same rate?

Mr. TOWNSEND. I was impressed with what the Senator said the other day. It was the first time my attention had been called to the possibility of such a thing. I can see in that the absolute defeat of the purpose of the parcel post. The parcel post was organized for the purpose of permitting people to ship directly from the seller to the purchaser. If it can be so used that men can make a wholesale business of shipping to some agent and then having goods reshipped inside of a certain territory, it seems to me that it would be a defeat of the purpose of the system.

I confess I am not prepared to say whether it can or can not be changed, but I know that we have given a certain discretion to the Postmaster General, and it would seem to me as though he might devise some way to defeat an indirect effort to destroy the usefulness of the service.

Mr. BRISTOW. If the Senator will pardon me, the Postmaster General's order is what makes this possible. It was not possible until he issued his order.

Mr. NORRIS. Right in this connection I should like to suggest to the Senator would it not be possible for the Postmaster General to change that by changing rates?

Mr. BRISTOW. Of course if he will increase the rates in the first zone and restore the first zone and make a proportionate rate.

Mr. NORRIS. He could accomplish the same thing by decreasing the rate, could he not?

Mr. BRISTOW. He can not without paying the railroad more than he is getting for postage.

Mr. NORRIS. His estimates are found on page 4239. There are some of these rates that he can reduce very materially and still be on the safe side. It has always seemed to me that if, instead of raising the rate on the second zone he had lowered the rate on the first or 50-mile zone, he would have accomplished the destruction of the greatest evil the Senator has pointed out, and he would have still been safely under his estimate. For instance, I should like to call the Senator's attention to the estimates made there. He will find it in almost all cases, as, for instance, in 1-pound packages. There the charge is 5 cents and the cost is a little over 3 cents, and so on. When you get down to 6 pounds, say, the charge is 10 cents, the cost 4½ cents, and from that on. In the case of 5-pound packages the charge is 9 cents, and the cost is a little over 4 cents. On 4 pounds the charge is 8 cents and the cost is 4 cents. From 4 pounds on up to 50 he could cut the rate right in two and have a surplus in every instance according to these estimates.

Mr. BRISTOW. That is true according to those estimates, but, if the Senator will pardon me, there is this difficulty. I fear the Postmaster General has gotten those rates lower than he is justified. I have accepted it on the first zone, because it is a local rate, and we want the lowest possible rate.

Mr. NORRIS. I would like to call attention——

Mr. BRISTOW. Just a moment, until I get my idea expressed, and then I will yield to the Senator.

There is one thing that we must always take into consideration, and that is that we have a Rural Delivery Service that is costing something over $50,000,000 a year. That is a service which no other transportation company furnishes. So we can not make an absolutely accurate comparison of delivery upon the same rates as those of an express company, because we are providing a service which they do not provide. Any citizen who pays postage has the right to have the package delivered, and

when you collect it and bring it in from the country on these local deliveries you have a growing expense.

We have increased the cost of delivery in this bill about four and one-half million dollars. That was not taken into consideration in these estimates. There are others. There is an increase that just comes to my mind of half a million dollars for warehousing. We have mounted up here on account of the Parcel Post Service the additional cost of probably $10,000,000 in this bill, taking into consideration the additional rates for star routes, three or four millions for railways, and so forth.

So my opinion is that it would be very unsafe for the Postmaster General to make any additional reduction in the rates that he has fixed in the first zone and the second zone and the third zone. If you do not have a graduated increase, then, of course, you get hopelessly involved and make possible this indefensible remailing system.

Mr. NORRIS. Mr. President, I agree with the Senator that these figures can not in the very nature of things be absolutely accurate. He never will be able to get them absolutely accurate. But the Postmaster General says in the letter in which he incloses these figures and this table, as I remember reading it, that he took into consideration the cost of transportation of all these articles on the railroads at the rates that the railroads would be entitled to receive in case the weighing had taken place.

Mr. BRISTOW. Yes.

Mr. NORRIS. So the argument that has been made here so often, that these estimates are not good because the reweighing has not taken place, the Postmaster General has at least attempted to meet. He says:

> I beg to inclose herewith certain statistical data, * * *. These data are not estimates, but accurate records kept in the post offices at the time each parcel was handled.

He took them from 50 of the largest post offices in the United States. I do not claim that is absolutely accurate, of course, because it will vary somewhat. In answer to the suggestion of the Senator, that we have increased here the cost of delivery by increasing the cost of the salaries of the rural delivery carriers and for some other reason, while that is all true, would it not follow that as the business develops, when instead of handling a dozen packages two dozen would be handled, the minimum cost of each unit would be lessened? That ought to be taken into consideration if we are going to get an accurate estimate of what the actual cost would be.

Mr. BRISTOW. If the Senator will pardon me, I desire to say that, in my opinion, the Postmaster General is misleading himself by taking these 50 cities, because the most convenient and the cheapest way of handling and delivering the packages is in the congested centers of population. He has no way of telling how much it is costing to deliver a package on a rural route; we do not any of us know; we are going absolutely in the dark, because rural parcel delivery is a developing and an experimental business. When you fix a rate low you can not raise it. The Postmaster General has fixed the rates in the first and second zones at the figure which he has, and I want to make a prediction that it will be a long time before those rates are increased, unless they are increased at this session of Congress. You can not increase rates when business adjusts itself to such rates; and my opinion is that the Post Office Department will be involved in tremendous losses unless there is some readjustment of compensation to the railroads for carrying this express matter.

Mr. NORRIS. Does the Senator from Kansas mean to convey the idea that if, after a sufficient length of trial by the Post Office Department of these particular rates, it is developed that they are too low, the Postmaster General would not increase them?

Mr. BRISTOW. No; he will not. Of course he will not.

Mr. NORRIS. I should think he would. I do not know of any reason why he should not.

Mr. BRISTOW. The Senator does not know now; but I am making the prediction, and I hope we shall both live for 20 years to see if my prediction is not true. When was a postal rate ever raised?

Mr. NORRIS. The Senator's prediction is that the rates will not be raised. I predict the same thing, because I do not believe they are too low, though I may be mistaken; but I am sure if the Postmaster General found that the rates had been fixed at a figure which did not bring in the cost of work he would not hesitate a moment to increase them, and I should think the Postmaster General would be subject to censure if he would not do that.

Mr. BRISTOW. Let me make an inquiry of the Senator. According to the estimates, we are paying 6 cents a pound for handling newspapers and periodicals, second-class matter, and we get a cent a pound out of it. Is the Senator in favor of raising that rate to 6 cents a pound?

Mr. NORRIS. Well, there are a great many other questions involved in that which, I will say to the Senator, are not involved here.

Mr. BRISTOW. The same questions will be involved when you come to raise the rates which have once been fixed.

Mr. NORRIS. I do not agree with the Senator. Nobody has ever said that it should be our policy to make the business pay for itself, for instance, as to letters or newspapers; but the transportation of merchandise is an entirely different proposition. So far as I am concerned, I am not in favor of transporting merchandise to anybody for less than it costs the Government to do it. I should like, however, to cut the rate down to as near the actual cost as possible. I should like to ask the Senator, if the amendment which he has proposed should be adopted, would it be possible for the Postmaster General to change the rates?

Mr. BRISTOW. No.

Mr. NORRIS. To my mind, that is the most serious objection to the Senator's amendment. I think there are a great many good things about the amendment; but I should not like to take away the power from the Postmaster General or from the Interstate Commerce Commission or from anybody that can act more rapidly and with more detailed information than we can.

Mr. BRISTOW. The Senator from Nebraska and I have different views on that subject. I think that transportation rates ought to be just as stable and subject to as little change as possible. I do not think anybody ought to have the power to change them suddenly.

Mr. NORRIS. I agree with that.

Mr. BRISTOW. Stable transportation rates are just as essential to the prosperity of the community and to the life and success of business as is the stability of the currency.

Mr. NORRIS. Yes; that is true; but at the same time I think the Senator from Kansas will agree with me when I say that if rates can be fixed only by legislation which is passed through the Senate and the House of Representatives it would mean that, no matter what the conditions might be, it would take on an average from 5 to 10 years to get the change.

Mr. BRISTOW. I do not think so. We can change rates whenever we have accurate information.

Mr. President, I do not care to take up any more time of the Senate. I have presented this morning this amendment, which puts the parcel-post business upon the same basis, so far as railway mail pay is concerned, as the express business of the country is placed. It is simply express business. The amendment proposes to pay the same per cent to the railroads that the express companies pay to the railroads for handling the same kind of business; we pay them for what they handle.

The rates I propose are lower than those of Mr. Burleson on the average on packages going west. Just to explain to the Senate, I will say there is a map [exhibiting] showing the different points selected. They were not selected by me, but they were selected by Mr. KINDEL, whom I regard as the best-informed man on the details of rate making in Congress to-day. To send the 90 packages from New York west would cost under the proposed rate $108.30 and under Mr. Burleson's rate they would cost $120.77. From San Francisco east, which is taking it the other way, the same packages to the same cities under the proposed rate would cost $127.90 and under Mr. Burleson's rate they would cost $165.71. The great reduction is in the western part of the country, where the long distances are, and the saving is because we cut the railroads' pay so much. We put the railway mail pay for handling post express exactly upon the same basis that we put it for handling the express matter of the express companies, and we leave the railway mail pay for letters, newspapers, and other classes of mail just where it is now, for the commission to deal with and to readjust as the equities of the case may determine in the future.

Mr. President, I should like a roll call on the amendment.

Mr. SUTHERLAND. Before the Senator takes his seat I should like to ask him a question.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SUTHERLAND. If I understand the Senator's amendment, the effect of it would be, after we get beyond the proposed fifth or sixth zone——

Mr. BRISTOW. Beyond the fourth zone.

Mr. SUTHERLAND. Beyond the fourth zone, the effect of the amendment would be to cut the rates all the way from 10 to 25 per cent below the rates now fixed by the Postmaster General?

Mr. BRISTOW. Yes. I am able to do that——

Mr. SUTHERLAND. And to that extent cheapen the transportation by the Parcel Post Service?

Mr. BRISTOW. Yes; and on the local delivery, on the first zone, the rates are lower, but on the second zone and the third zone the rates are somewhat higher. The rate is the same in the fourth, and the proposition is absolutely safe. The railroads can not be injured by it, because you are paying them upon exactly the same basis as the express companies pay them for the same kind of service.

Mr. VARDAMAN. Mr. President, I make the point of order against the amendment. It is hardly necessary to read the rule—the Chair is familiar with its provisions—but the amendment is clearly subject to its prohibitions. This amendment proposes to change existing law, and it is general legislation on an appropriation bill. It is clearly in violation of Rule XVI, which in section 1 provides:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

Then section 3 of the same rule provides:

> 3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. VARDAMAN. Certainly.

Mr. BRISTOW. I desire to say that this amendment does not increase the appropriation contained in the bill; it reduces it.

Mr. VARDAMAN. Well, the amendment does provide that the weight limit for parcel-post matter shall be 50 pounds, and that fractions of a pound over the first pound shall be charged for at the pound rate.

It takes from the Postmaster General the right to regulate these matters.

Mr. BRISTOW. I am very much disappointed in the attitude of the Senator from Mississippi. During the first day's debate when this bill was before the Senate he clearly indicated that, if any proposition was presented here that would reduce the pay of the railroads for handling parcel-post matter, he would be glad to join with me in getting it through. Here is a proposition that cuts the railway pay in two, and yet the Senator is making a point of order against it.

Mr. VARDAMAN. The Senator, of course, is disappointed when anybody questions the inerrancy of his own conclusions. I am very sorry that my conduct is not in perfect accord with the Senator's idea of what it should be, but I have the right, as a Senator upon this floor as well as a duty to perform at this time, to differ from the Senator from Kansas. It may be somewhat bold and imprudent on my part to dare to do so, but I do so nevertheless. The Senator has proposed an amendment to this bill which is violative of the rules governing this body. I simply call the Chair's attention to that, and raise the point of order and insist upon the decision by the Chair.

Mr. SWANSON obtained the floor.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. SWANSON. I yield to the Senator from Kansas.

Mr. BRISTOW. If the Chair please, I will say that I do not question the right of the Senator from Mississippi to differ from me, and I do not question his wisdom. I have been endeavoring here to improve the bill, if I could, by amendments; and the Senator will not deny that in a former discussion he indicated that he would be pleased to join with me in an effort to reduce the railway-mail pay.

Mr. VARDAMAN. I should be delighted if I thought the Senator's proposition——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. SWANSON. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was about to say, Mr. President, that if I thought the amendment offered by the Senator from Kansas would improve the bill, would improve the service, and was for the good of the country, most assuredly I should support it; but I do not think it will improve the system or in any way redound to the public interest.

Mr. BRISTOW. The Senator does not question the fact that it very materially reduces the railway-mail pay for handling express business.

Mr. VARDAMAN. As a matter of fact, I have been unable to go into that part of it as exhaustively as I should like to do. There is one part of the amendment, however, which I do oppose most heartily, and that is the provision which takes away from the Postmaster General the right to work out and develop the details of this great enterprise.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I have not been able to get the floor myself, and I should like to make a short statement before I yield further.

Mr. POINDEXTER. Will the Senator yield just a moment, that I may ask a question of the Senator from Kansas?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield to the Senator from Washington.

Mr. POINDEXTER. The Senator from Kansas, speaking of the reduction of the payment to the railroads, brought up a very interesting phase of his amendment; and if that is the result, so far as that feature of the amendment is concerned, I would be inclined to vote for it, if it could be offered separately. I should like to ask the Senator how much is the reduction, if he has made any estimate as to the extent of the reduction, in railroad pay?

Mr. BRISTOW. That would depend altogether upon the number of pounds that were handled. Of course, you can not make an estimate of that, because you do not know how much they will handle.

Mr. POINDEXTER. But all these estimates have been made upon the basis of the number of pounds that were handled. I have contended all along that we did not know very much about it, but still there has been a basis. The Senator has been making his estimate, and the Post Office Department has been making its estimate, upon the number of pounds that were carried. It would be very interesting to know upon the information that we have, such as it is, how much of a reduction, even approximately in millions of dollars, would result from this amendment in the railway pay. I think $56,000,000 is carried in one paragraph of this bill. I do not know whether that is all that is provided for the railroads, but that is one item that is provided.

Mr. BRISTOW. I have not undertaken to work that out, because it could not be an accurate estimate; but there would be a very great reduction, for if you take the estimated cost, the expenditures here, as I have read, for railway mail pay by the department for the traffic into the fourth zone, we will say, the department says that it costs 63 cents to handle a 20-pound package, and the Senator can readily see that that cost could be cut in two practically. Instead of 63 cents it would be one-half of 58 plus 3, which would be 32 cents.

Mr. POINDEXTER. Yes; but the Senator overlooks the fact that there are a great many other items going into that cost.

Mr. BRISTOW. No; I have not overlooked anything. I am giving accurately the reduction in the railway pay so far as I can do so, and have deducted 5 cents for other items, because the Postmaster General deducts 5 cents for other items.

Mr. SWANSON. Mr. President, I can not yield further. It seems to me that there can be no doubt in the mind of the Chair that the amendment proposed by the Senator from Kansas is general legislation. It affects the entire regulation of the Parcel Post System. It is not specific, but general in its terms, and changes the regulation.

This question is no longer debatable in the Senate. The Senate yesterday, by the decision of the majority, determined that legislation of this kind was out of order, and consequently, it seems to me, after the decision of the Senate yesterday, there should be no doubt in the mind of the Chair that the amendment is obnoxious to Rule XVI. I think it is, and I hope the Chair will so rule.

The PRESIDING OFFICER. The present temporary occupant of the chair is ready to rule. The ruling of the Chair is that the amendment proposes general legislation on an appropriation bill, and therefore is not in order.

Mr. OLIVER. Mr. President, is it in order to offer another amendment?

The PRESIDING OFFICER. It is in order; amendments are in order.

Mr. BRISTOW. Will the Senator yield to me for a moment?

Mr. OLIVER. Certainly.

Mr. BRISTOW. I desire to express deep regret, having made this effort to put the parcel-post business upon a substantial, paying basis and obtain a reduction in rates throughout the country that would be material and transform what I think is a deficit in handling the parcel post into what could not help but be a profit, because the expenses would be but a percentage of the money collected, that my amendment should be kept out of the bill and the Senate prevented even from voting on it by points of order made by Senators who have declared that they are anxious to have the railway mail pay reduced.

Mr. President, I ask unanimous consent to have printed as a Senate document the comparative figures I have gotten up here in regard to the amendment I have offered.

Mr. VARDAMAN. It would have to go to the Committee on Printing, would it not?

Mr. BRISTOW. I do not think so.

Mr. VARDAMAN. If it is to be printed as a public document, the rule, I think, requires it.

Mr. BRISTOW. The cost will not exceed $500, and that course is not necessary in such cases.

Mr. VARDAMAN. I have no objection to the printing of the matter, but I thought it should go to the Committee on Printing first. That is the usual rule, I think.

The PRESIDING OFFICER. The Senator from Kansas asks that certain maps and documents be printed as a public document for the use of the Senate. Is there objection? There being none, it is so ordered.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. OLIVER. I yield to the Senator.

Mr. POINDEXTER. I was not aware the Senator from Pennsylvania had the floor. I do not desire to interrupt him.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which will be stated.

The SECRETARY. On page 16, line 11, it is proposed to strike out "$3,000" and insert in lieu thereof "$3,500"; in line 12, to strike out "$2,200" and insert "$2,500"; in line 13, to strike out "$2,000" and insert "$2,500"; in line 14, to strike out "$2,000" and insert "$2,200"; and on page 17, line 4, to strike out "$28,501,140" and insert "$28,540,940," so as to read:

Railway Mail Service: For 15 division superintendents, at $3,500 each; 4 assistant superintendents, at $2,500 each; 15 assistant division superintendents, at $2,500 each; 118 chief clerks, at not exceeding $2,200 each; 855 clerks, grade 10, at not exceeding $1,800 each; 1,239 clerks, grade 9, at not exceeding $1,700 each; 836 clerks, grade 8, at not exceeding $1,600 each; 3,932 clerks, grade 7, at not exceeding $1,500 each; 3,708 clerks, grade 6, at not exceeding $1,400 each; 3,039 clerks, grade 5, at not exceeding $1,300 each; 2,597 clerks, grade 4, at not exceeding $1,200 each; 872 clerks, grade 3, at not exceeding $1,100 each; 3,592 clerks, grade 2, at not exceeding $1,000 each; 2,603 clerks, grade 1, at not exceeding $900 each; in all, $28,540,940.

Mr. OLIVER. Mr. President, the purpose of this amendment is to grant advances in pay to the division superintendents, assistant division superintendents, and chief clerks of the Railway Mail Service. They have been serving at the present rates of wages for a great many years. These men are all trained men. They are located for the most part in large cities, where the cost of living has very greatly advanced. They are of a class whose ranks as they become expert are continually being thinned by the railways, particularly, hiring them away from the Government at higher rates of wages than they get from the Government.

The amendment will affect about 150 men altogether, and the total additional amount required is $39,800. I hope the chairman of the committee will see fit to allow this very reasonable increase to a deserving class of men.

That is about all I have to say.

Mr. BANKHEAD. Mr. President, I think this is a perfectly reasonable amendment. It makes a small increase in the salaries of these railway mail employees, who have not had an increase for 15 years, when nearly all the other employees of the department have had. They are competent, able, industrious men, and I think this amendment ought to be allowed. It involves only a small sum—thirty-five or forty thousand dollars.

Mr. WEEKS. Mr. President, I was going to address the Senate in favor of the amendment which has been offered by the Senator from Pennsylvania. I had offered a similar amendment myself. I am entirely in sympathy with the position the chairman of the committee has taken, and I hope the amendment will be accepted by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, on page 9, line 15, I move to amend by striking out the word "two" and inserting in lieu thereof the word "seven." I hope the Senator from Alabama can accept the amendment.

The purpose of the amendment is to promote the efficient, skilled distributors, now in the $1,200 grade, into the "special clerk" grade, at $1,300. The bill, unless amended, will permit of but 1,000 promotions out of the $1,200 grade. As there are 17,000 clerks in this grade, it necessarily follows that but 1 out of 17 can be promoted during the next fiscal year.

It was the intent of Congress when the classification law was passed in 1907 to encourage men to become expert workmen by providing a "special clerk" grade at $1,300, into which those showing particular fitness would be promoted. The department, owing to the large number of supervisory employees that first had to be promoted out of the $1,200 grade, has never been able to grant deserved recognition to thousands of worthy employees who were properly entitled to be designated "special clerks." This has resulted in the $1,200 grade becoming top-heavy. It now contains more than half of the entire clerical force.

The men in the $1,200 grade to-day are in the zenith of their usefulness to the service. The great majority of them are distributors, working nights, Sundays, and holidays, and compelled to study distribution schemes in their own time. They must work at high tension, at top speed, often amid insanitary and unhealthful conditions. Though unseen and unheard of, it is their trained minds and skilled hands that keep the great volume of letter, paper, and parcel mail in motion day and night.

The beneficiaries of these proposed increases have all been in the service at least seven years. They lived and worked through the years prior to the 8-hour day, the Sunday-closing, or the overtime-pay law. Many of them have not been promoted in five years or more, through no fault of their own, but because Congress was wisely legislating in other directions. Now that the entrance salary, the pay for substitutes, and like features affecting the new employees have been bettered, the experienced, valuable men in the service should be given substantial recognition.

At the present time, more than at any previous period, the postal service requires the trained, experienced, skilled man—the man who has devoted years to the mastering of the intricacies of the post-office work. Some effort should be made to keep within the service these valuable employees, who are such an important part of the great, efficient postal army. Some measure of reward should be theirs for past labors and as an incentive for a continuation of faithful, conscientious effort.

These increases to 5,000 additional clerks in the $1,200 grade, based on seniority and efficiency, would cost $500,000; but in the face of the reported surplus of $3,800,000, the first in 30 years, it is sound business policy to show some substantial appreciation to a class of employees who render particularly difficult service—the post-office distributors. The men who helped make this surplus possible should not be denied participation in it.

Unless the bill is amended, unless more than 1,000 promotions are allowed, but few $1,200 distributors can be rewarded during the next fiscal year. The present provision in the bill for the $1,300 grade will scarcely absorb the supervisory increases. The "special clerk," the man of experience and knowledge, will be almost totally excluded unless a more liberal allowance is made in this grade.

Mr. BANKHEAD. Mr. President, much as I dislike to do so, I am compelled to make the point of order against this amendment on the ground that the amount has not been estimated by the department; it has not been recommended by the committee; and, besides, Mr. President, it seems to me that the bill makes ample provision for these clerks.

We provide in this bill for promotions to 2,437 clerks in the Post Office Department. There are 2,000 clerks in the grade we are promoting from $1,200 to $1,300, $100 each. This proposition is to promote 7,000 clerks in this grade. It seems to me that in authorizing these promotions we are going as fast as the good of the service would justify, and I insist upon the point of order.

Mr. POINDEXTER. Mr. President, I only desire to call the attention of the Senator from Alabama and the Chair to the fact that there is no increase in an appropriation. That would be a matter to be considered at some other time.

Mr. BANKHEAD. It certainly involves an appropriation.

Mr. POINDEXTER. Involving an appropriation and making an appropriation are two very different things. It is in order if the section itself is in order, because it simply changes the

word "two" to the word "seven." It does not change in any way whatever the provisions contained in the bill, so far as the organization is concerned; it simply increases the number of possible employees in a certain class. If 2,000 are in order, 7,000 are in order. I can not see how the Senator can make a distinction, so far as the point of order is concerned.

Mr. BANKHEAD. I simply desire to say that in the end the proposed amendment will involve an appropriation of $700,000. It seems to the committee that the provision already made in this bill for the promotion of clerks ought to be entirely satisfactory.

The PRESIDING OFFICER. On the point of order, the Chair desires to read part of Rule XVI, dealing with amendments to appropriation bills:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

It appears that the amendment does not fall within any of those classes.

Mr. BRISTOW. Why, Mr. President, it increases the appropriation just half a million dollars.

The PRESIDING OFFICER. It does not meet the requirements of this rule, and the Chair is bound to hold that it is not in order.

Mr. POMERENE. Mr. President, I send an amendment to the desk and ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 28, at the end of the bill, it is proposed to insert:

That seeds, cuttings, bulbs, roots, scions, and plants shall hereafter be embraced in and carried as fourth-class matter and for the same rates of postage.

Mr. POMERENE. Mr. President, my reason for offering this amendment is that under the act approved August 24, 1912, the articles named in the amendment were made mailable at second-class rates, and I think they have been so under the orders of the Post Office Department. This amendment proposes that seeds, cuttings, bulbs, roots, scions, and plants shall have the privileges of the mail as fourth-class matter.

I can see no reason why this should not be done. It is a strange anomaly to say that under the laws of the United States corn which is meant as feed for horses shall go as fourth-class mail, and when it is intended as seed it shall be charged at the rate of second-class mail.

I therefore urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. WEEKS. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, after line 8, it is proposed to insert:

The pay of substitutes for letter carriers absent with or without pay and of auxiliary and temporary letter carriers at offices where city delivery is already established or may hereafter be established shall be 40 cents per hour.

Mr. WEEKS. Mr. President, under the present law the pay of substitutes in such cases is 30 cents an hour if the regular man is receiving his pay. It is 40 cents an hour if the regular man is not receiving pay. These substitutes are frequently retained on the rolls as substitutes for a considerable number of years.

I have before me the length of service of substitutes at the Boston post office. Thirty-three of them have been substitutes for eight years, 56 for seven years, 38 for six years, 27 for five years, 2 for four years, 60 for three years, 80 for two years, and 229 for a year or something less than a year.

Those men have passed civil-service examinations for appointment in the service, but have not been appointed because there are no vacancies for them. They are continuing to get their living through their civil employment, but they are subject to the call of the postmaster at any time. Frequently that call means that they get only three or four hours' work a day, although they may have to remain at the post office subject to call for 12 hours a day; so that, as far as their civil employment is concerned, they lose their day's pay, and they may not get more than half a day's pay from the Postal Service. Even if they get the whole day's pay, it is only 30 cents an hour, or $2.40, which is less than is being paid the laborers in the post-office service under present conditions.

I think these are ample arguments why this pay should be at least 40 cents an hour, and I hope there will be no objection to the amendment which I offer.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. BANKHEAD. I offer the amendment I send to the desk, not as a committee amendment but at the suggestion of the Postmaster General.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, line 11, strike out "$1,750,000" and insert "$2,000,000," so that if amended it will read:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $2,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BANKHEAD. I offer the amendment I send to the desk.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 12, line 17, strike out "$325,000," and in lieu insert "$350,000," so that if amended it will read:

For miscellaneous items necessary and incidental to post offices of the first and second class, $350,000.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will now be stated by the Secretary.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators to assist the Interstate Commerce Commission to investigate certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes.

Mr. ROBINSON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. BANKHEAD. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, line 10, strike out "$2,000,000" and insert "$2,300,000," so that if amended it will read:

For horse-hire allowance, the hiring of drivers, and the rental of vehicles, $2,300,000.

The amendment was agreed to.

Mr. BANKHEAD. I offer the following amendment.

The PRESIDING OFFICER. It will be stated by the Secretary.

The SECRETARY. On page 13, line 22, strike out "$2,000,000" and insert "$2,225,000," so that it will read:

For fees to special-delivery messengers, $2,225,000.

Mr. BRISTOW. May I make an inquiry of the Senator? Have these increases in the appropriation bill been recommended by the department?

Mr. BANKHEAD. They have. These were the original estimates of the department. They were reduced in the House and the department is very urgent that this amount should be restored. I ask the Secretary to read the letter I send to the desk.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

Fees for special-delivery messengers (p. 13, line 20).

The amount should be increased from $2,000,000 to $2,225,000, as estimated by the department. Under existing law postmasters are authorized to pay messengers 8 cents for the immediate delivery of each letter or package bearing a special-delivery stamp or ordinary stamps to the value of 10 cents which have been attached to secure such delivery. The cost of this service during the fiscal year 1913 was $1,664,925, which was 13.31 per cent greater than for the preceding year. The public is using this service to a greater extent than formerly to secure immediate delivery of parcel-post matter, and it is believed the increased cost for the current fiscal year will approximate 15 per cent, while for the next fiscal year the ratio of increase will probably be about the same, if not larger. It is therefore believed that the amount provided should be $2,225,000, as estimated by the department.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. BANKHEAD. I have one more amendment that I desire to offer. I send it to the desk and ask that it be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 21, after line 8, insert as a separate paragraph:

For two delegates to the International Postal Union at Madrid, fiscal year 1915, to be appointed by the Postmaster General, from the Post Office Department, $5,000.

Mr. SMOOT. Mr. President——

Mr. BANKHEAD. I have here correspondence from the department. Will the Senator object to having it read, if he desires to discuss the amendment?

Mr. SMOOT. I will wait until the correspondence has been read. Then I desire to ask the Senator a question.

The PRESIDING OFFICER. The Secretary will read the letters which have been sent to the desk.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 20, 1914.

Hon. J. H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR MR. CHAIRMAN: I wish to call your attention particularly to the ommission from the bill (H. R. 11338) reported to the Senate February 18, 1914, of the provision for two delegates to the International Postal Union, at Madrid, during the fiscal year 1915, to be appointed by the Postmaster General from the Post Office Department.

This provision has been carried in the appropriation bill for the year 1914, but no action was taken under it because the convention was postponed until September 10, 1914, which is during the fiscal year of 1915. The matter was presented to the House Committee on the Post Office and Post Roads and the provision renewed and included in the bill for 1915, but it went out on a point of order with other matters included in the bill. By letter of January 28, 1914, it was brought to your attention by the Postmaster General. I am inclosing a copy of that letter. I also inclose a copy of letters from the Embassy of Spain, this city, addressed to the honorable Secretary of State, and one from the Counselor of the State Department to the honorable Postmaster General, to which I invite your attention.

The provision is necessary in order to specifically authorize the participation of the United States postal administration in the universal convention and our agreement to the terms of such convention which will be entered into at that meeting. Will you kindly see that the following provision is inserted in the bill, and I suggest that it be placed after line 8, on page 21, namely:

"For two delegates to the International Postal Union at Madrid, fiscal year 1915, to be appointed by the Postmaster General from the Post Office Department, $5,000."

Sincerely, yours,
JOSEPH STEWART,
Second Assistant Postmaster General.

—

JANUARY 28, 1914.

Hon. J. H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR MR. CHAIRMAN: Upon examination of the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, etc., as it passed the House, it is noted that the bill omits the recommendation for the appropriation of $5,000 to cover the expenses of two delegates to the International Postal Union, at Madrid.

The explanation covering this item appears on pages 174, 175 of the hearings before the House committee. The existing law provides:

"For two delegates to the International Postal Union, at Madrid, 1913–14, to be appointed by the Postmaster General, from the Post Office Department, $5,000."

The convention has been postponed, and will not occur until September, 1914, in the fiscal year 1915, and it is very desirable that the United States be represented. As the present appropriation is not available for that year, it will be necessary to renew it. The following provision is submitted:

"For two delegates to the International Postal Union, at Madrid, 1915, to be appointed by the Postmaster General, from the Post Office Department, $5,000."

Very truly, yours,
A. S. BURLESON,
Postmaster General.

—

DEPARTMENT OF STATE,
Washington, February 11, 1914.

The honorable the POSTMASTER GENERAL.

SIR: I have the honor to inclose, for your consideration and for suggestion as to reply to be made thereto, a copy of a note from the Spanish ambassador, conveying an invitation from the Royal Spanish Government to the Government of the United States to be represented at the seventh congress of the Universal Postal Union, which is to be held at Madrid on September 10 of the present year.

I have the honor to be, sir, your obedient servant,
J. B. MOORE, *Counselor,*
(For the Secretary of State).

(Inclosure: From Spanish ambassador, Feb. 5, 1914.)

—

[Translation.]

EMBASSY OF SPAIN,
Washington, February 5, 1914.

To the Hon. WILLIAM J. BRYAN,
Secretary of State of the United States, etc.

MR. SECRETARY: By order of His Majesty's Government, I have the honor to inform Your Excellency that as the Seventh Congress of the Universal Postal Union is to be held at Madrid on September 10 of this year, and as word has been received from the international bureau of Berne that some countries are waiting for an invitation to designate their delegates before appointing their representatives, I have received instructions to extend to the Government of the United States His Majesty's Government's cordial invitation to take part in the aforesaid Congress and to designate the delegates that will represent it.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

JUAN RIANO.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I will yield in just a minute, if the Senator will permit me to proceed.

Mr. BRISTOW. Certainly.

Mr. SMOOT. Mr. President, I wish to say that I am utterly opposed to appropriating money to send delegates from this country to foreign countries or to any part of our country to attend conventions. I have called this matter to the attention of the Senate a good many times. I do not believe that any good has ever come from any such international convention, and in many, many cases it has been nothing but a junketing trip pure and simple at the expense of the Government of the United States.

I remember when the last appropriation bill which carried an item of this kind, to pay for delegates to a convention in a foreign country, was up for consideration, it was for delegates in which it was distinctly understood that the delegates appointed were to pay their own expenses, that the Government of the United States would not be put to one cent of expense; and yet, after the trip had been made, the delegates asked for an appropriation to cover their expenses. I gave notice to the Senate at that time that hereafter I would object to any appropriation made by Congress to send delegates to any convention anywhere, whether it was in this country or in a foreign country.

Mr. President, I feel constrained at this time to make a point of order against the amendment under Rule XVI.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama.

Mr. SMOOT. I yield, gladly.

Mr. BANKHEAD. Mr. President, I understand this postal convention is to be held, and its object is very extensive in its scope. All the foreign countries have been invited to send delegates to the convention to consider questions with reference to the conduct of postal matters. I presume the question of parcel post perhaps will be very extensively considered in this convention. The United States has been invited formally, through the Secretary of State, to send delegates. That invitation has been accepted; and it seems to me, it being a small appropriation and being so important as it might be in its results, the Senator from Utah should not make a point of order at this moment, but let the amendment be adopted.

Mr. SMOOT. The happy way in which the Senator from Alabama pleads almost convinces me that I am wrong; but, Mr. President, when this invitation was extended and authorized by Congress I have no doubt but that it specifically stated that there should be no expense whatever on the part of the Government.

Mr. BANKHEAD. Mr. President, I will state that the bill last year carried this identical appropriation.

Mr. SMOOT. I am aware of that.

Mr. BANKHEAD. For some reason, I do not know what, the convention was postponed, and the invitation was renewed this year for the convention to be held some time in September. It seems to me that the invitation having come from one of the great Governments of the world and having been formally accepted by the Secretary of State, for this time, it seems to me, the Senate should adopt the amendment.

Mr. SMOOT. I want to say to the Senator that I said the last time that that was the only item of the kind I would allow to pass through this body, if I could prevent it. I want to say also to the Senator that the $5.000 here proposed to be appropriated is not all that is involved in it. I have no doubt but that if we make this appropriation there will be a deficiency asked for in one of the appropriation bills, as has been done in almost every case where delegates have been sent to conventions.

Mr. BANKHEAD. I promise the Senator from Utah that if that should prove to be the case, I will join him very heartily in resisting any such appropriation.

Mr. SMOOT. In order to make my word good to the Senate, because I warned the Senate I was going to do it, I must make a point of order against this item under Rule XVI, that "no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation."

The PRESIDING OFFICER. Will the Senator read the exceptions?

Mr. SMOOT. I will read the exception, if the Chair desires.

The PRESIDING OFFICER. If the Senator pleases.

Mr. SMOOT (reading)—

Unless it be made to carry out the provisions of some existing law.

The PRESIDING OFFICER. "Or." The present occupant of the chair is not familiar with this point, and the Senator will continue reading.

Mr. SMOOT. Very well—

Or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction

of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

The PRESIDING OFFICER. Will the Senator from Utah permit the Chair to ask whether or not this has been proposed in pursuance of an estimate of the head of some one of the departments?

Mr. SMOOT. I do not understand that there has been an estimate. I understand that there is a recommendation from the Postmaster General in the form of a letter calling attention to the question, stating that it is very desirable that this item be included in the appropriation bill as it was in the last appropriation. This same item went out on a point of order in the House.

Mr. President, I do not think there is any question but that the point of order will lie against the amendment.

Mr. BANKHEAD. Mr. President, I will say that this is not a committee amendment.

The PRESIDING OFFICER. It is not a committee amendment?

Mr. BANKHEAD. It is not a committee amendment. It has not been authorized by the committee. I simply offer it as an individual Member of the Senate at the request of the Post Office Department, just as every other Senator offers an amendment to a bill.

The PRESIDING OFFICER. Does the Senator from Alabama hold that it is proposed in pursuance of the estimate of the head of some one of the departments?

Mr. BANKHEAD. Of course, an estimate was made of the amount required.

Mr. SMOOT. The estimate that is spoken of in the rule is the estimate that was sent in by the Postmaster General under the law before the 1st day of December last, and in that estimate the amount of $5,000 for these delegates was not mentioned.

Mr. BANKHEAD. There can be no doubt about the fact. I think that the $5,000 was estimated. It was recommended by the Post Office Department.

Mr. SMOOT. I know it was recommended by a letter, but that is not what the rule says. The rule says under an estimate of the department, and the estimate of the departments as made by law. The departments must send their estimates to Congress for all the items that are covered under this rule.

The PRESIDING OFFICER. The Chair holds that the point of order is well taken.

Mr. VARDAMAN. Mr. President, I am not going to detain the Senate but a moment. I rise for the purpose only of correcting the RECORD. Yesterday the Senator from Massachusetts [Mr. WEEKS] read an editorial from some paper in which that paper saw fit to criticize certain members of the Committee on Post Offices and Post Roads for proposing a certain amendment to the bill under consideration. In discussing the matter the Senator from Massachusetts said:

> I do not know for what reason they have changed their position, if that be true, because I was not present when the vote was taken in the committee.

Whereupon I arose and asked this question:

> Will the Senator repeat the names of Senators who are mentioned in the editorial? I did not hear him distinctly.

The Senator replied:

> The Senator from Mississippi was mentioned in the editorial as having voted for the amendment in the committee.

To which I replied:

> I am accustomed to being misrepresented by newspapers.

That remark was not caught by the reporter. So the RECORD appears as though I pleaded guilty to the implied charge that I had voted for this amendment in the committee and then came upon the floor of the Senate and opposed it.

Mr. President, I only care to maintain that consistency which is the consistency of doing what I believe to be my duty. If on to-morrow I should discover that the views I entertain to-day on any question were not correct, I should not hesitate to change. I want to be consistently honest and candid, true to myself and faithful to my convictions.

But it so happens, Mr. President, that I was not in the committee when this amendment was proposed. If I had been present, I should have opposed it there as I have opposed it here. It is generally known to those with whom I am intimately associated that I have been all the time in favor of enlarging the functions of the parcel post even to the extent of having it take the place of the express companies in all matters of transportation, and for that reason, as I stated in the beginning, I desire that my position be known. The express company is a kind of economic parasite, which has preyed upon the people, increased the cost of living, added to the profits of the great public-service corporations without giving the people adequate compensation in return. If the post office shall do the work of the express companies for the actual cost of transporting goods, it will be an immense saving to the masses. But I did not arise to discuss the merits of the measure, but rather for the purpose of keeping the record straight. It is enough to suffer for the wrongs we do, and I submit that we should not be held responsible for the errors and mistakes which exist alone in the minds or imagination of the newspaper reporter.

Mr. CUMMINS. Mr. President, I offer an amendment to be inserted at the close of line 22, page 15.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Iowa offers an amendment, which will be read.

The SECRETARY. On page 15, after line 22, insert the following proviso:

> *And provided further*, That no part of this appropriation shall be expended in carrying packages of more than 50 pounds in weight unless the rates therefor shall be just, fair, and reasonable, shall be the cost of the service as nearly as can be ascertained, and shall not unjustly discriminate either between persons or communities, and the Interstate Commerce Commission shall specifically so find before it approves the same.

Mr. CUMMINS. I do not know whether there will be opposition to this amendment. It is so eminently fair and is so entirely in accord with the principles which we have announced in other legislation of a similar character that I hope it will be adopted by common consent. If, however, there is to be opposition to it, I desire to address the Senate with regard to it.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. I understand under the present law there can be no change either in rates, weights, or zones without the consent of the Interstate Commerce Commission. Does that provision of the present law, substantially at least, embrace the provision of the Senator's amendment?

Mr. CUMMINS. No. I have remarked many times as we have gone through this subject that the difficulty is that the Interstate Commerce Commission has no rule to guide it in approving or disapproving these rates. It has so declared in its report. It has asked to be relieved of the duty which the law imposes upon it, largely, I suppose, or partly at least, because Congress has not provided for it any guide for the performance of this additional work.

I am not opposed to the increase in what is termed here the scope of the parcel-post law. I am quite willing to extend it to all freight, to all weights, but we have a bounden duty to perform when we enlarge the function of the Government in that way. We must see that it is enlarged so that justice will be done to all the people who are to be affected by it. I am simply putting upon both the Postmaster General and the Interstate Commerce Commission the rule which is recognized everywhere, I think, in the distribution of freight, with one exception, namely, that the United States shall move freight at the cost of service without any remuneration for any capital that may be employed in the business. I hope the amendment will not be opposed.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. It occurs to me that under the law as it is now written the Interstate Commerce Commission has the same power and the same duty imposed upon it that is proposed to be imposed upon it by this amendment.

Mr. CUMMINS. I think not.

Mr. VARDAMAN. The amendment of the Senator states that the Interstate Commerce Commission shall "specifically so find before it shall approve the same." The Interstate Commerce Commission has to specifically so find that the thing the Postmaster General proposes to do is proper and right before the order of the Postmaster General is put into operation.

Mr. CUMMINS. What is the proper thing to do under the present law?

Mr. VARDAMAN. It is first to get the consent of the Interstate Commerce Commission.

Mr. CUMMINS. Precisely; but when the Interstate Commerce Commission comes to approve or disapprove the rate suggested by the Postmaster General it has no rule of law to guide it with regard to that duty. It is not told by the law that the rates must be fair and just and reasonable. It is not told that they must represent the cost of the service. It is not told that they must not be unjustly discriminatory. Now, these are the rules that we have given to the Interstate Commerce Commission for fixing rates that are to be observed by common car-

riers, and why should they not observe the same rules in fixing freight rates for the United States?

Mr. VARDAMAN. As a matter of course it is just as incumbent under the present law upon the Interstate Commerce Commission to go into a thorough investigation of the question. That is the reason why the law put that responsibility upon the Interstate Commerce Commission. It was to guide, to assist the Postmaster General in doing this. You might just as well say that a court shall administer the law justly, that an officer shall execute the law justly and properly. It is presumed when this power is given the Interstate Commerce Commission that it will go into the subject exhaustively and do the right thing.

Mr. CUMMINS. Precisely. The Senator from Mississippi fails entirely to understand my position. I am not trying to increase the sense of duty on the part of the members of the Interstate Commerce Commission, but I am trying to give that commission a rule or a guide which it is to apply to the facts of the particular case.

I ask the Senator from Mississippi, suppose we had said in organizing the Interstate Commerce Commission, "Proceed and fix the rate of common carriers as you think best or as you think proper," does the Senator from Mississippi think that a law of that kind would have been effective or even constitutional? Plainly not. In order to make the law constitutional, the Supreme Court of the United States has held that we must have given, as we did give to the Interstate Commerce Commission, a rule to be applied. The Senator from Mississippi says that there is a law of that kind. I say there is no law of that kind applying to rates of freight carried by the Government through the parcel post.

Mr. VARDAMAN. Does the Senator maintain that under the law as it exists it is not the duty of the Interstate Commerce Commission to investigate these matters thoroughly, to ascertain whether or not the Postmaster General is wisely using the discretion vested in him?

Mr. CUMMINS. I have no doubt of that. It is unquestionably the duty of the Interstate Commerce Commission to investigate thoroughly, although it says to you that it did not and could not do so.

Mr. VARDAMAN. The Interstate Commerce Commission said this——

Mr. CUMMINS. Just a moment. But when the Senator from Mississippi goes further and says that it was the duty of the Interstate Commerce Commission to ascertain whether the Postmaster General had acted wisely, he confesses the whole case that I am trying to make in this amendment. I maintain that we have no authority to say to the Interstate Commerce Commission, "Investigate the matter and ascertain whether the Postmaster General has acted wisely." That is beyond our authority and beyond the authority of any legislative body in the world acting under such a Constitution as ours.

Mr. VARDAMAN. I probably should have used the words "acted within the authority" or "exercised prudently the authority vested."

Mr. CUMMINS. Precisely; but the trouble is that we have imposed no rule upon the Postmaster General; we have not given him any guide for the performance of this very delicate and difficult duty. I am not one who criticizes the Postmaster General; I do not know whether the rates he has already fixed are right or wrong; but I know that he acted according to his judgment, and I have no doubt it was a conscientious and intelligent judgment.

There are, however, certain rules which ought to be applied to the freight business when the United States enters into it that we should impose on whoever investigates and attempts to issue a rate sheet. That is all I propose to do here. Is the Senator from Mississippi opposed to these rates as being——

Mr. VARDAMAN. Not in the least. I think that duty is imposed upon the Interstate Commerce Commission now under the present law.

Mr. CUMMINS. Then, my amendment will do no harm.

Mr. VARDAMAN. But it occurs to me that this amendment is an effort in another form to restrict and to limit the power and circumscribe the discretion of the Postmaster General.

Mr. CUMMINS. No, Mr. President. Now, I am quite willing to discuss it concretely. This is an effort to prevent the mail-order houses being so favored in freight rates that they will be able to drive the country merchant out of business. That is one of the reasons I have offered the amendment.

Mr. VARDAMAN. That objection was urged by the country merchants when the parcel post was first suggested.

Mr. CUMMINS. Well, Mr. President, it is not material whether it was urged or not. It may have been urged without avail and without basis against the original parcel-post law. It may be that it can be urged justly against the rates that have been fixed by the Postmaster General and approved by the Interstate Commerce Commission; but when we increase above 50 pounds the weight of packages that shall be carried by the United States the rates may be so adjusted that the country merchant will find it impossible to continue profitably his business. Therefore, assuming that we draw an arbitrary line along the 50-pound package, and say that above that is freight and below that is express or parcel post, I want that field above 50 pounds at least to be protected by the fundamental principles which we all recognize in the transportation of freight.

Mr. VARDAMAN. Will the Senator yield to me for a moment?

Mr. CUMMINS. I yield.

Mr. VARDAMAN. I want to say—finishing what I was about to say—that this same objection was urged to the parcel post by the friends of the small country merchant when the matter was first proposed. It has worked very differently from what its opponents thought it would. As a matter of fact, it has been a great help to the country merchant; but I insist, Mr. President, that we are legislating for the people, and not for any special class; and when the Senator from Iowa speaks of the abuse of the parcel post by the great mail-order houses, I will say to him that you can not benefit the great mail-order houses in Chicago or in any other city of this Republic without at the same time helping the man who sends the order to the house.

Mr. CUMMINS. I think we can.

Mr. VARDAMAN. And my observation has been—and that is an evidence that I am correct in my conclusion—that no measure that I have any knowledge of was ever passed by this Congress that had so universally the approval of the American people as has the parcel post. That time, opportunity, and experience will vindicate the wisdom of the originators of the system I have no doubt.

Mr. CUMMINS. Mr. President, the Senator from Mississippi is usually logical; he is usually—I withdraw that—he is always fair; his mind ordinarily operates with great precision; but he must instantly see that what he has just said has no application to the amendment which I am proposing. When the parcel-post law was first brought into Congress I held the same views then that I now hold, that there could be a form of parcel post that would be most injurious to the country mechant, without in any wise benefiting any other class of people, save the distributors in large centers of population. The Committee on Post Offices and Post Roads took that into account, and they brought into the Senate a plan that did not injure the country merchant, that did do justice to all the people, and there was no such opposition to it made in the Senate. Everybody recognized that the parcel post as established by Congress would not have the effect of injuring the country merchant, and, therefore, the suggestion of the Senator from Mississippi that because people thought that some possible law might be injurious and because they had been disagreeably disappointed in that respect, therefore the amendment that I have proposed is simply invoking the same old objection, is entirely illogical.

There can be a parcel post that will help the country merchant and help all the people; but the Government of the United States can enter the freight business in a way that will not benefit the people of the United States and that will be disastrous and destructive of business as it is now established.

What do I propose to do? I propose that whenever the Postmaster General increases above 50 pounds the weight of the package to be transported, and we will all agree that then, at least, the Government is going into the freight business when it does that, and I am not objecting to that—whenever the weight is increased above 50 pounds, then the rates shall be fair and just and reasonable. I do not want the Government of the United States to charge a rate on freight that is applicable or reasonable on a book or on a letter. Do you not believe that the Government ought to transport freight, when it enters that business, for very much less than it transports the ordinary articles of the mail? The plan that we have already adopted of paying the railroad companies so much per pound for all the matter carried as mail matter will have to be abandoned. The railway companies have no right to charge the United States for carrying its freight any more than they charge the individual for carrying his freight. The express companies are bound to disappear; the express companies ought to disappear; they have always been an excrescence upon the body of the freight-carrying instrumentality; there never was a reason for their existence, and there is no reason for their existence now. The railroads must carry the freight. No matter what the size of the package may be, no matter what the weight of the package may be, as it is now the Government must employ the railroad companies to do the actual carrying.

What will the railroad companies charge the United States for the freight business? The railroad companies will charge the United States a rate that will be fixed by the Interstate Commerce Commission, a rate based upon certain well-recognized principles—the cost of the service, the value of the service to the public, the reasonable reward upon the capital or value of the property through which the service is rendered. That will be the charge made to the Government of the United States for carrying the freight.

Now, let us see. Here is one man who employs, or is in such situation that he can employ, the railroads, and he has his freight carried by the railroads. He distributes it from his country store to the surrounding community. Here is another man who is so situated that he can have his freight carried through the parcel post by the Government, but it is carried over the same railroad; it is carried to the same point, and the only difference is the manner of its distribution. The man who contends that there ought not to be a fair and a just relation between the rate of the railroad company and the rate of the Government for doing the same business is an enemy to the parcel post and he is an enemy to the people of this country, although unconsciously so. The man who believes that we can carry on a freight business by the Government and allow the railroads at the same time to carry on the freight business, meeting constantly in competition, without a fair and proper relation between these rates, is simply a disturber of the commercial tranquillity of the Nation. I can not understand—it is utterly impossible for me to understand—how anyone can refuse to put upon the freight business done by the United States practically the same rules, as nearly as may be, as are imposed upon the freight business done by a common carrier. I shall never cast my vote for an adjustment that makes it possible for the Government of the United States, or for one officer of the Government of the United States to destroy a structure that has been built up with infinite sacrifice and with, I was about to say, almost infinite intelligence; that has been the evolution of a hundred years of struggle.

I can imagine no greater disaster for the United States than such an adjustment of our freight rates that it would destroy the country town, with all the advantages that it confers upon the surrounding community, and I can easily perceive an adjustment that will have such effect. Therefore, we should provide this legislation at the very threshold at the very moment that we begin this venture. Mark you, I am not against the venture. As I said the other day, I believe the time will come when the Government of the United States will carry all the freight of the country; it may not own the railroads; it may not even operate the railroads; but the railroads in that case will simply be the instrumentality for the performance of this additional function on the part of organized society. We are entering that field at this moment. I think we have entered it when we increase the weight of the package to 50 pounds, but very plainly we have entered it when the weight of the package goes beyond 50 pounds. That being true, will any Senator be able to give a good reason why the rate established for that freight should not be fair and just and reasonable? Will any Senator give any good reason for voting against the proposition that the rate shall represent the cost of the service?

I know that we are carrying second-class mail matter at much less than the cost of the service, and the only justification, so far as I have ever heard, for doing that is that we are promoting education; that we are diffusing intelligence among the people through the magazines, the books, and the newspapers; but those reasons do not apply to fourth-class matter, and is there a Senator here who is not willing to say that the rates shall represent the cost of the service? Is there a Senator here who is not willing to say that the rates shall not unjustly discriminate either between persons or communities? If there be such a Senator, he but advises the country that he is legislating for a class, and not for all the people.

The spirit of the interstate-commerce law is to prevent unjust discrimination; and yet apparently we stand here willing to publish to the world that, while we will not permit the railroads of the country, the common carriers of the country, unjustly to discriminate as between persons or communities, we are quite willing that an officer of the Government, who is intrusted in this instance with the privileges and powers of a common carrier, may unjustly discriminate between persons and communities.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield.

Mr. BRYAN. I am very much interested in the Senator's amendment, and, as I understand its provisions, I can see no objection to it. I, however, want to call the Senator's attention to this situation: It is a disputed question as to whether too much money is charged for the carriage of first and second class mail matter. As the Senator knows, the Post Office Department, in order to relieve itself of the loss on account of the carriage of second-class mail matter, has inaugurated what is known as the "blue-tag" system, by which, at the discretion of the Postmaster General, certain second-class mail matter is sent by fast freight. Perhaps it is very doubtful whether the railroads receive more than a reasonable compensation for the carriage of first-class mail matter, but the Senator can easily see that if fourth-class mail matter is carried in the expensive cars required for letters, necessarily a higher rate would have to be paid, because I have heard it stated—and I have no doubt it is true—that a railway post-office car as now equipped and built has in it the most valuable space of any space devoted to any kind of business. It is stated that the space in which these mail packages are handled by experts in the knowledge of railway stations, and so forth, is the most valuable space the Government deals with.

Of course, it is not for the best interests of the service that an expert in the handling of letters should have his attention and his strength taken from that work and devoted to handling large packages of freight; so I ask the Senator this question: If his amendment is broad enough to leave to the department the opportunity to equip a car which would not be so expensive to the Government in such a way that perhaps the Post Office Department could carry fourth-class mail matter in a car equipped in a manner similar to that in which an express car for the carriage of express matter is equipped?

Mr. CUMMINS. Mr. President, the amendment which I propose does not interfere with or restrict in any manner the authority of the Postmaster General in the respect just mentioned by the Senator from Florida. It relates only to the rate of freight on packages above 50 pounds. May I say to the Senator, so that he can get my view of it, that he is quite right with regard to the impossibility of the Government dealing with freight as it has heretofore dealt with mail matter. Possibly it is practicable to deal with small packages in that way; but, now that we are going into the larger freight business, I assume that the railroads will do that freight business precisely as they have always done freight business, only they will do it for the Government of the United States instead of for individuals; and packages above 50 pounds will be carried on freight cars and at freight-train speed. One can not conceive of a very large part of our freight business being done in the mail cars.

Mr. BRYAN. That is the way the fourth-class mail matter is being carried now, and it is an anomalous condition.

Mr. CUMMINS. Precisely, but we are just on the threshold; we are just moving in freight territory now.

Mr. BRYAN. As I understand, Congress has granted the Postmaster General permission to withdraw a part of the second-class mail matter and send it by freight; and without some corresponding provision the department will be bound to carry the fourth-class mail matter in the most expensive cars and give it the same protection and equipment that is provided for letters, the highest class of mail matter.

Mr. CUMMINS. That may be a defect in the present postal law, but it is not at all interfered with by the amendment which I have offered. If there is that requirement, it must speedily be removed, for I assume everybody knows that when we come to move a ton of railroad iron we are not going to move it in a mail car, or when we come to move a ton of potatoes we will not move them in mail pouches. We will move them just as such freight has from time immemorial been moved.

Mr. POINDEXTER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. POINDEXTER. I should like to ask the Senator from Iowa for his construction of the amendment which he has offered. As I read it it would limit the rate on packages weighing more than 50 pounds to the cost of the service. Is that the intention of the Senator?

Mr. CUMMINS. As nearly as can be ascertained, that is the intention.

Mr. POINDEXTER. That there shall be no profit?

Mr. CUMMINS. No profit. I do not believe the Government ought to do business in order to make a profit. It is a public agent, and it ought to do business certainly at not more than cost.

Mr. POINDEXTER. I understand it might be necessary to make a profit upon some packages and some rates in order to make the entire service pay the cost of the service.

Mr. CUMMINS. Undoubtedly; and my amendment refers to the entire service. It does not refer to a particular package.

Mr. POINDEXTER. But it refers, does it not, only to packages above 50 pounds?

Mr. CUMMINS. Above 50 pounds.

Mr. POINDEXTER. So that that would be a class by itself?

Mr. CUMMINS. Yes; a class by itself. I have not attempted to affect the existing situation. In a measure, the same rates ought to be applied; but that has been done, and I feel disposed to regard the packages below 50 pounds as fairly falling within one class, namely, the express package or parcel post proper, and packages above 50 pounds as fairly falling in the class which we know as freight. Therefore, my amendment only applies to that class.

Mr. POINDEXTER. What objection would the Senator have to considering the entire Postal Service, or at least the entire Parcel Post Service, as one class, for the purpose of considering its expenses and profits?

Mr. CUMMINS. Because I think, Mr. President, the range of value and the range of cost of service are too great.

Mr. POINDEXTER. I will ask the Senator one other question, if he will permit me: Would there not be a greater probability of making a success of the system as a whole, and of that portion of it which carries parcels more than 50 pounds in weight, if the department were allowed in estimating its expenses and its profits to deal with it as one system rather than taking the large packages alone, and requiring that on them the rate should be sufficient to pay the cost of the service?

Mr. CUMMINS. It is very difficult, Mr. President, to answer the question just propounded by the Senator from Washington. I would have no great objection to that; and yet there is an element of injustice in it. The cost of the service would depend largely upon the character of the article, the care that must be bestowed upon it, and the labor that must be expended upon it, in order to transport it from place to place. If I deliver to an express company a diamond ring, worth a thousand dollars, for transportation from one point to another, in justice I ought to pay more for that transportation than though I were to deliver to the express company a peck of coal for transportation, first, because of the risk that is involved in it, there being a liability in the case of a common carrier; and, second, because of the care that one must bestow upon the article of higher value. We can not divide those things with mathematical nicety; but we have to draw rather broad lines of classification. I think there can be a just classification in the parcel-post matter or in the business that is now being attempted to be carried on by the United States that will divide with some degree of fairness these articles, and this amendment divides them at 50 pounds, not because 50 pounds may be the best point, but because we have reached that point now, and I have no desire to require a review or a reconsideration of the rates already established, but I can not understand why the railroad companies shall not be required to carry goods for the United States at the same rates at which they carry goods for a merchant. Why should the railroads charge more, or less?

Mr. POINDEXTER. In many instances they ought to charge less, because the rates they charge the merchant are excessive.

Mr. CUMMINS. Very well. I am reposing all that authority in the Interstate Commerce Commission, and that is the very thing I want the Interstate Commerce Commission to do. When the commission comes to approve the rates proposed by the Postmaster General, I want it to compare those rates with the rates that are charged by the railroad companies; and if the rates charged by the railroad companies are too high, I want the commission to reduce them, so that the business that is being done by the Government and the business that is being done by the common carriers will bear a proper relation to each other. We shall never arrive at any successful or satisfactory conclusion until these rates do compare properly with each other.

I assume that the very moment the present contracts with the common carriers expire there will be no more contracts of that kind entered into; that distance will come in as an element in the charge to the Government as well as to the individual; that values will come in as an element in the charge to the Government as well as in the charge to the individual; and that the value of the service to the public will enter into the problem just as it now enters into the making of rates for common carriers.

To illustrate, take a carload of coal and a carload of tea weighing the same amount. It costs the railroad company just as much to transport a carload of coal 500 miles as it costs it to transport a carload of tea 500 miles, with one very negligible difference, namely, the added risk growing out of the value of the article if loss or damage should occur to it. That, however, is almost a negligible quantity. The statistics gathered by the Interstate Commerce Commission show that very little compensation is required for this added risk.

Why is a greater sum charged by the railroad companies for carrying tea or silk than for carrying coal or iron? Simply because the value of the service is greater. Simply because to attach a fair rate to the low-priced commodity in comparison with the high-priced commodity, tested solely by the cost of the service, would put the low-priced commodity beyond the reach of man to use or to consume. Therefore these rates are adjusted by the railroad companies, and are made by the Interstate Commerce Commission, having all these things in mind. I want the same rules to apply to the Government of the United States; and if you want to protect our people, they will be made to apply to the United States.

Mr. POINDEXTER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. POINDEXTER. Mr. President, I would agree with the Senator from Iowa if we could succeed within a reasonable time, either through the Interstate Commerce Commission, or through any other tribunal, or through any law that it might be possible to enact, in securing reasonable rates from the railroads to private shippers. I think the Senator will agree with me, however, that notwithstanding the fact that the rates are supposed to be made upon a reasonable basis, as a matter of fact they are not reasonable; they are discriminatory.

Of course there ought to be some difference, as the Senator says, between the freight upon a carload of coal and the freight upon a carload of tea, for instance. I suppose fundamentally it is based upon the difference in the value of the carload, and that the rule which the railroads apply universally, to a greater or less extent, of levying upon the traffic what it will stand, enters into it.

For instance, a railroad in Alaska which carries ore principally, and hardly anything but ore, charges one rate for low-grade ore and another rate for high-grade ore. Both are carried in the same kind of cars. The identical kind of service is rendered.

Mr. CUMMINS. The risk is a little greater; that is all.

Mr. POINDEXTER. The responsibility is greater. The contingencies of loss are the same in both cases.

If we should compel the Government or the people who receive service from the Government to accept the conditions that now exist as between the shippers and the railroads, we should be compelling them to submit to conditions which seem practically intolerable, and which I am inclined to think are back of the tremendous force of public opinion which is crowding forward the development and the extension of the Parcel Post System. That is really the motive which gives power and influence to this movement. It is seeking a new avenue which is offered to escape from the extortions and the discriminations which now exist in the transportation rates of the country.

While it is needless to cite instances, if the Senator will permit me just one moment further, speaking of the cost of the service, from the town of Puyallup in the State of Washington great quantities of berries are shipped to St. Paul and to Chicago. The rate was $2.50 per hundredweight. They were shipped by express in carload lots. The express companies increased the rate to $3. The railroad gets $1.50 of that and the express company gets $1.50 of the charge on 100 pounds. The railroad furnishes the car; the railroad furnishes the motive power and hauls the car. The express company has one man in the town of Puyallup, who accepts these shipments and bills them out, and the cost to the express company in that business is one-tenth of 1 per cent of what it receives. Why not allow the Government to go, in its rates, under such a condition as that?

Mr. CUMMINS. Surely. Mr. President, the Senator from Washington has made a most forcible and persuasive argument for my amendment. I think he has intended it to be against my amendment, although I am not sure of that. Does not the Senator from Washington see, however, that I am trying by this amendment to avoid the creation of just such discrimination in the parcel post, extended into the freight business, as has already grown up in the railway service?

I know that there are not a few, but a great many, instances of these discriminations—discriminations largely in favor of or against communities. There are now very few discriminations so far as individuals are concerned. It is to be assumed that the Interstate Commerce Commission will break them down and remove them as rapidly as it can reach them, but it has a vast work to perform. It will require years and years before it has reviewed the entire rate structure of the country; and these discriminations and injustices will not be removed until practically the entire structure has been reviewed in one form or another by the commission.

I beg the Senator from Washington to help us to see that these same discriminations do not grow up in the freight service that is about to be entered upon by the Government. Let us see that from the very beginning the rates are fair and just, and not discriminatory, and we will have none of the evils, so far as the Government is concerned, against which we have been contending for years in rates made by the railway companies.

The rule I have attempted to put upon these rates is the rule of common sense; it is the rule of equity as between the Government and the people whom it is trying to serve, and it is the rule of justice as between the people of the country whom it affects.

I very earnestly hope that the amendment will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. SMOOT. I ask that the amendment may be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the foot of page 15, after the numerals, it is proposed to insert:

And provided further, That no part of this appropriation shall be expended in carrying packages of more than 50 pounds in weight unless the rates therefor shall be just, fair, and reasonable, shall be the cost of the service as nearly as can be ascertained, and shall not unjustly discriminate either between persons or communities, and the Interstate Commerce Commission shall specifically so find before it approves the same.

Mr. POINDEXTER. Mr. President, before voting on the amendment I desire to state that the only objection I have to it is the limitation that there shall not be charged upon this class of business rates exceeding the cost of the service. So far as the remainder of it is concerned, I think it is simply a restatement of existing law. The Interstate Commerce Commission and the Postmaster General are now required by law, express or implied, to fix reasonable rates and to avoid discrimination; and before any of these rates go into effect they have to be allowed by an order of the Interstate Commerce Commission, just as is provided in this amendment.

Mr. CUMMINS. Mr. President, I want it to be perfectly clear that I dispute the proposition that existing law requires the Postmaster General or the Interstate Commerce Commission to find either of the elements I have named in my amendment. There is nothing in the existing law that requires the Postmaster General to make the rates fair and just and reasonable; nothing that requires him to ascertain the cost of the service; nothing that requires him to ascertain whether or not the rates discriminate; nor is there any law obligatory upon the Interstate Commerce Commission which requires that commission to enter into an investigation concerning any one of these several factors. I agree that possibly a man's common sense, by which we are guided sometimes, would require these things, but there is no law that requires them.

Mr. SHEPPARD. Mr. President, it seems to me this amendment presents a proposition whereby we are to turn over to the Interstate Commerce Commission the control of half the Parcel Post System and leave the other half to the Postmaster General. I would rather turn it over entirely to the Interstate Commerce Commission, and say that they shall specifically define every rate, and take it out of the hands of the Postmaster General. It seems to me the amendment ought to be defeated from that standpoint.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the question.] The Chair is unable to determine by the sound.

Mr. CUMMINS. I ask for the yeas and nays.

Mr. BANKHEAD. Let us have a division, Mr. President.

Mr. SMOOT. A division will disclose the absence of a quorum, anyhow.

Mr. OVERMAN. I think the number of Senators present is very small, and I ask the Senator from Alabama if he will not lay the bill aside in order that we may have an executive session. We ought to have an executive session to-day.

Mr. BANKHEAD. That is true; but we ought to pass this appropriation bill, too. I do not want to inconvenience the Senator, but I want to say to him that there are certain items in this bill that I regard as extremely important, and if the bill should not be passed and approved by the President by the 4th of March, those provisions of the bill, of course, will have no effect.

That is the situation. Of course, if the Senator from Iowa is going to make a point of no quorum, it being evident that perhaps there is no quorum here, I shall simply have to submit.

Mr. CUMMINS. Does not the Senator from Alabama think the discipline upon the other side is sufficient to defeat my amendment anyhow? [Laughter.]

Mr. BANKHEAD. I did not catch the Senator's question.

Mr. CUMMINS. I do not want to be an obstructionist. I do not want to prevent reaching a conclusion upon this bill by insisting upon a roll call, if in that way the absence of a quorum will be developed and therefore a postponement of the bill will result.

Mr. BANKHEAD. That could only result in the postponement of the consideration of the bill until Monday.

Mr. CUMMINS. I suggest that the Senator from Alabama help the Chair to decide the matter by voting on my side. [Laughter.] In that way, it seems to me, he would get rid of the embarrassment, and would have full control over the amendment in the conference committee. [Laughter.]

Mr. BANKHEAD. Mr. President, I should be entirely willing and very much pleased and gratified if the Chair, after listening to the viva voce vote, should decide it by the sound. I shall be entirely satisfied with that. Is the Senator from Iowa willing to have that done?

The VICE PRESIDENT. There is a way to reach the matter. [Putting the question.] By the sound the ayes seem to have it.

Mr. VARDAMAN. I ask for a division, Mr. President.

There were, on a division—ayes 18, noes 11.

Mr. VARDAMAN. I make the point of no quorum, Mr. President.

The VICE PRESIDENT. It is perfectly evident that a quorum has not voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Overman	Shively
Bankhead	James	Page	Smith, Ariz.
Bradley	Jones	Perkins	Smoot
Brady	Kern	Poindexter	Stephenson
Brandegee	La Follette	Pomerene	Sterling
Bristow	Lane	Ransdell	Swanson
Bryan	Lee, Md.	Reed	Tillman
Chamberlain	Lippitt	Robinson	Townsend
Clark, Wyo.	Lodge	Root	Vardaman
Cummins	McCumber	Saulsbury	Walsh
Gore	Martine, N. J.	Shafroth	Warren
Gronna	Norris	Sheppard	Weeks
Hitchcock	Oliver	Sherman	

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by illness. I make this announcement for the day.

Mr. RANSDELL. I wish to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent by reason of illness.

Mr. KERN. I desire to announce the absence of the senior Senator from Tennessee [Mr. LEA], the Senator from Georgia [Mr. SMITH], and the senior Senator from Colorado [Mr. THOMAS], on account of illness.

Mr. SMITH of Arizona. I have been requested to announce the necessary absence of the senior Senator from Mississippi [Mr. WILLIAMS] and to state that he is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. JONES. I am requested to announce the necessary absence of the senior Senator from New Mexico [Mr. FALL] and that he is paired with the senior Senator from West Virginia [Mr. CHILTON].

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. REED. Before the vote is taken, I should like to have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the foot of page 15, after the numerals relative to inland transportation by railroad routes, the following:

And provided further, That no part of this appropriation shall be expended in carrying packages of more than 50 pounds in weight unless the rates therefor shall be just, fair, and reasonable, shall be the cost of the service as nearly as can be ascertained, and shall not unjustly discriminate either between persons or communities, and the Interstate Commerce Commission shall specifically so find before it approves the same.

Mr. REED. Mr. President, I have just come into the Senate, and hence I am compelled to ask a question. Has the amendment passed beyond the point where it is open to debate?

The VICE PRESIDENT. It is open to debate.

Mr. REED. Mr. President, I can hardly understand this effort being made to hobble, to cripple, the Parcel Post Department, as it seems to me the effort is being made. Everyone must understand that in instituting a great enterprise such as the parcel post is there must be a period in its nature experimental. That would be true of any business about to be inaugurated, and the only way a good result could be hoped for in a business would be to permit the manager a reasonable degree

of latitude in working out the plan of the business. Any attempt to circumscribe and confine the activities and the discretion of the Postmaster General is in its last analysis, in my judgment, bound to result in injury to the parcel post in lessening its ability to serve the people.

This contest between the express companies and the Post Office Department, this contest between the express monopolies of the country and those who have been making an effort to enlarge the activities and usefulness of the post office, is an old contest. For many years the express companies were able to defeat legislation in favor of the establishment of a parcel post. Their revenues have been severely impinged upon already by the parcel post, and they are very far from having yielded the fight.

Mr. President, if it is right and proper for the Government of the United States to carry a parcel that weighs 1 pound, it is just as right and proper to carry one that weighs 10 pounds; and if it is right and proper to carry one that weighs 10 pounds, it is proper to carry one that weighs 100 pounds. The whole question resolves itself into simply one practical problem: Is the business of such a character and nature that the Government may engage in it with benefit to the people of the United States? That is a question somebody must settle in each case.

If the Postmaster General of the United States, who is the center of all information upon questions of this kind—who must study them day by day, and week by week, and month by month; who is in close and intimate touch with the various agents of the Government—can not settle such a problem and settle it right, then I insist we ought to get a man who is capable of settling it. I know nothing in the history or character or in the public service of Mr. Burleson which indicates that he is not honest, sincere, intelligent, and capable.

Why is it, then, that we should say to him, "You shall not enlarge the usefulness of this department of the Government"? Who is to be injured and wronged? The express companies are still doing business. If the rate made by the Federal Government upon packages greater in weight than 50 pounds is an unfair or an unjust rate, the express companies are there to do the business. It is only when the rate is a rate that is less than the one charged by the express companies that the Government will do the business at all.

Who is prepared to say that the Postmaster General will make rules and regulations and will fix rates that will be unfair to the Government or the people of the United States? Why is it that all his acts should be supervised by the Interstate Commerce Commission or any other commission? Is he not of equal intelligence and experience with the members of the Interstate Commerce Commission? I think he is. Is he not qualified by experience? I believe him to be. Is he not honest? No one will challenge his integrity.

Why should we deny to the people of the United States this service that can be rendered to them by the department they have themselves established? Suppose we carried for a few months a little of this matter at a slight loss, it would be so equally distributed in its benefits that no great wrong could come, and when the loss is discovered it could be and would be speedily rectified.

Why is it that some gentlemen are so afraid the Government of the United States will do something for somebody? So far as I am concerned, I am rapidly approaching a point of view where I would be willing to see the Government of the United States carry much larger packages than can be hauled in the parcel post.

I have heard a good deal said on the floor of the Senate about no government being able to do business as cheaply as private parties. When I hear that argument I am constrained to ask my friends to look at the capitalization of the New Haven Railway, to look at the capitalization of all other railways, to look at the enormous amount of watered stock and of fictitious and fraudulent bonds that have been issued by the various companies engaged in the business of common carriers in the United States, and to remember that the people of the United States are paying an interest and a dividend every year upon that fictitious stock and those fraudulent bonds. I am constrained to ask these gentlemen if the day is not coming when we ought to be enlarging the activities of the Government and making it still more and more a service of the people of the United States.

I want to know why it is that gentlemen oppose the right of the people through their own representatives and agencies to carry to their doors and deliver into their hands that which they desire to send from one portion of the country to the other. The parcel post has been a magnificent blessing already to the people of the United States. The man who would propose to repeal it and to go back to the old express-company monopolies, in my opinion, would not get enough votes if that issue were squarely drawn in any State west of the Mississippi to warrant a returning board to take the time even to cast up the ballots.

Why should we not carry packages of more than 50 pounds? Do you say it is impractical? If it be impractical, certainly the Postmaster General will not do the impractical. This amendment seems to concede that it may be practical, but it proposes to put all the possible obstacles which can be devised by the genius of man in the way of the Postmaster General in carrying out an enlargement of the public service. He must submit first to one board and then to another board and then to another board.

Mr. VARDAMAN. And take up each item.

Mr. REED. He must take up each item, as has been suggested by the Senator from Mississippi [Mr. VARDAMAN], and have each item passed upon. He must be supervised. There must be an espionage established over him. He must take the position of a subordinate, of a clerk, and carry all he does to some other board.

Mr. President, in my opinion a proposition of this kind is simply a proposition to cripple the activities and usefulness of the parcel post. I want to see its sphere of activity enlarged. I want to see the time when if a man wants to send a package from San Francisco to New York he can have it hauled for something approximating its cost. I am tired of seeing the people of the United States mulcted by express-company monopolies. I believe the hour has come when the people of this country expect Congress to give to them a post-office service that is commensurate with that which is rendered by the post office departments of foreign countries. Nay, more, I believe the time will soon come when the telephone and telegraph services of this country will be taken from the grasp of monopolistic control and be put in the control of the people of the United States.

I understand this amendment is offered by the Senator from Iowa [Mr. CUMMINS], and I view it with especial astonishment because I have always felt that the Senator from Iowa was upon the side of the people and not opposed to the use of governmental functions where a genuine benefit will fall upon the people. So far as I am concerned, I want to see the Postmaster General allowed to work out this great problem in a practical way. I am opposed to the amendment.

Mr. POINDEXTER. Mr. President, I make a point of order against the amendment.

Mr. CUMMINS. Will the Senator withhold it for a moment?

Mr. POINDEXTER. Very well; I will withhold it.

Mr. CUMMINS. Mr. President, this amendment has been under discussion for something like two hours or more, and until now the debate has proceeded upon the assumption that the Senators who favor it as well as the Senators who oppose it are honest men; that the Senator who proposed it believed that it would promote the public welfare. I am very sorry, I regret exceedingly, to hear the note that has been introduced by the Senator from Missouri [Mr. REED]. I believe there are other men who are honest aside from the Postmaster General. I believe him to be honest. I believe him to be devoted to the public good. I believe that he is intelligent. I believe that he is entirely capable of discharging the duties of the office to which he has been appointed. But I am unwilling to sit here and without dissent and without protest listen to the implied charge that the proposer of this amendment has brought it forward in order to cripple the parcel post, to disparage the Postmaster General, or to deny to the people of this country a measure of relief. I am unwilling to sit here and listen to the charge, implied, that those of us who favor this amendment are doing so in order to promote the interest of the express companies as against the interest of the people of this country.

I am perfectly willing to compare what I have done with regard to the public service of this country, little as it may be, little as it has been, to secure for the people of this country fair and just treatment in the transportation of merchandise, of commodities, from one end of the country to the other, with that of the Senator from Missouri. I am willing to be judged by the record which I have made for fidelity or infidelity to the public good. I am not disturbed with respect to the implied charge now suggested that the proposer of this amendment is urging it for the benefit of express companies or that he fears that something will be done for the benefit of the people, for the advantage of the people, and that he is endeavoring to arrest that attempt. I am for the parcel post. I am for the enlargement of the parcel post. I believe that the Government of the United States should not only transport packages of 150 pounds or 100 pounds, but packages of a thousand pounds and of ten thousand pounds. I am one of those men who believe that the Government of the United States should enter into the trans-

portation business and absorb it to the exclusion not only of the express companies but of the railroad companies as well.

I have rather a liberal view of the functions of government. I think it should do whatsoever it can do to promote the well-being of the people. The only point upon which I refuse to go further or refuse to concur with the policy of this bill is in reposing in any officer of the Government, I care not how patriotic, how honest, how intelligent, how progressive he may be, the powers that have been bestowed upon the Postmaster General.

The Senator from Missouri might just as well say that the vexed problem of the regulation and control of the trusts should be submitted to the discretion of the Secretary of Commerce; that we should say that he should take the business of the United States and impose upon it whatsoever regulation might seem to him wise in order to secure the public good. We might just as well say that in the formulation of the banking and currency law, which came from a committee of which the Senator from Missouri was a distinguished member, the Secretary of the Treasury should enact such regulations, should put into effect such rules, as he might think best for the government and control of the finances, the currency, and the banks of the country; that he could organize just such banks or series of banks as he might think best in order to carry on the business of the country and to supply the people with an abundance of safe circulating medium.

All this is not in harmony with the theory of this Government. I know it is the conclusion to which we apparently are drifting. I know it seems to be the popular mind at this time to allow one man to make our laws, to allow one man to exercise all the powers of government. I have protested against that tendency heretofore, and I intend to protest against it in the future on every occasion upon which it is appropriate for me to do so.

I believe that the legislative branch of the Government of the United States was intended by our forefathers to be the real governing power of the people of this country. I believe it is in the legislative branch of the Government that there ought to repose the authority for the establishment of principles, policies, and rules in the affairs of the Government. I believe, as our forefathers did, in the distinction between the judicial, the legislative, and the administrative departments of government. I think the liberties of the people of this country are involved in the maintenance of these distinctions and in the separation of the power exercised by each within its proper sphere.

I do not think that it is wise to say to the Postmaster General that he can fix whatever rates may seem to him best for the transportation of freight. I do not think it would be wise to give to the Interstate Commerce Commission the power to fix whatever rates it may believe will best serve the welfare of the country. I do not believe in any abdication of the legislative authority of the Government.

We are rapidly, I fear, falling under the contempt of the people of the country. The Congress has been disparaged. The legislative branch of the Government has been derided. The people of the country just now seem to be applauding the one-man power, whether it be exercised by the Postmaster General, or by the Secretary of the Treasury, or by the Attorney General, or by the President of the United States. I am speaking of a condition that has not arisen since this administration came into power; I am speaking of a condition that existed in some degree before as it exists now. Congress will never take the place in the confidence of the people and in the respect of the people that our institutions intend that it shall hold until it guards with jealous care the power given to it not only by the Constitution of the United States, but given to every legislative body by the requirements of free institutions and representative government. Some time the Congress must assert its power and stand for its rights if we are to preserve the institutions of which our forefathers were so proud and to which hitherto the people have turned for protection and safety.

We are called upon here to say, because this is an experiment, because this is the beginning of a new venture, the Postmaster General, wise he may be, patriotic we know he is, intelligent we grant him to be, shall have more power than was ever before vested in mortal man. We did not allow our common carriers to fix their rates without governmental supervision. When we instituted the Interstate Commerce Commission we did not allow that commission to fix the rates of common carriers save upon certain rules that we laid down for the guidance of the commission.

The principle was of little importance so long as the parcel post was confined to small packages, the transportation of which served the convenience of the people to a great degree, but which did not interfere with ordinary commerce; but the very moment we pass into the field of freight transportation, then it becomes of the highest importance that we lay down the rule, the guide, which shall in the end determine the rates to be charged.

I can not but feel that the Senator from Missouri was not fully conscious of the character of the amendment which I offered. It is not to prevent the transportation of freight packages of more than 50 pounds in weight. I want to see it go beyond 50 pounds in weight. I am willing to see it go to carloads and trainloads, and I want it transported at just such rates as will keep the Public Treasury intact. I want the service to pay for itself. I do not want the Government of the United States to pay the railway companies the compensation which is now provided for carrying letters and small packages. I want the United States to pay the railroad companies for transporting freight just what it is worth, a reasonable compensation for carrying freight in the way in which freight is ordinarily carried. I shall never be content so long as we proceed upon the false, untenable theory of paying for freight at the rates that were determined upon for letters and other mail matter of that kind. When the Senator from Missouri says or implies that this amendment is intended to cripple the Parcel Post Service, I can only conclude that he had not carefully examined its scope or its meaning. I beg to say to him, as I say to the Senate, that it is intended to forward the transportation of freight by the United States, for I am a believer in constant advance in that direction.

It is intended, however, to make it sure that, as the government of the country advances in this direction, it shall so advance as not to interfere with the business of the tens of thousands of men, built up under a system of distribution already in force—not express distribution; for express companies will pass out of existence; their day is gone—and I do not intend, if I can help it, to have the United States charge either more or less for this business than it is worth. If the country merchant can not endure the application of the fundamental economic rules of transportation, then he must disappear, although I think it will be a sad day for this Republic when the country town has been blotted out of our civilization, and when our population is divided between the country and the great urban centers. I hope that day will never come; but if it must come under the operation of an incontrovertible economic law, we must submit. I do not, however, intend to see that it shall come under the operation of a false economic principle. I intend to do what I can to protect the country against the inroads of the city, unless the city makes those inroads according to the established rules of economic distribution, against which we can not contend.

If I had any suspicion with regard to motives—and I have none, for I know that the Senator from Missouri [Mr. REED] is just as devotedly attached to the public good as I claim to be; I know that he wants just such legislation as will best serve the general welfare—but if I were to suspect, to imagine, motives in trying to ascertain why this vast, almost unknown, power is to be bestowed upon the Postmaster General, I should suspect that there was some design against the country town, some design to blot it out of existence, and some hope that the business there done may be transferred to the large cities. That is the tendency anyway; I agree that is so. We ought to fight against it; we ought to stand against it as firmly as we can. The tendency of the time is to eliminate the small urban community, to consolidate this population of ours into two classes—the agricultural population and the dwellers in the great cities of the country. I do not think it is a good tendency; I think it is excited by artificial and ephemeral forces that will disappear, and I can not give my consent to the grant to a single man of the power to aid this tendency, all too strong as it is, even though I have perfect confidence in a given officer who occupies for the time being the position to which the power is attached. We ought to pursue the reasonable, fair rule of a Republic; we ought to exercise legitimate legislative power ourselves, and limit administrative officers to legitimate administrative authority.

Mr. CLAPP, Mr. BRYAN, and Mr. REED addressed the Chair.

The VICE PRESIDENT. The Senator from Minnesota.

Mr. CLAPP. Mr. President, I have listened to the discussion of this subject for the last two or three days, and I very much regret one phase of the debate. I have voted against these amendments, and shall vote to sustain a point of order in this case, because I think it is beyond question that the point of order lies; and I should vote against the amendment itself, if it came to a vote, because I do not believe that this is the time or

the place to interrupt the operation of a law which we deliberately set in motion.

The existing law does not give this unrestrained power to the Postmaster General; in the last analysis it gives it to the Interstate Commerce Commission, and until this experiment, if it may be called an experiment, can be fairly tested, I for one feel that it would be a mistake to interrupt it in any measure limiting the authority thus conferred. Nor have I ever been able to see how the parcel post would destroy the small towns. For a great many years, in my humble and feeble way, I have been allied with those who have been seeking to reduce transportation rates in this country. I believe that that effort has met the approval of the small traders in the small town, as well as the approval of everyone else. If to-day, in fairness, the transportation rates of this country could be cut in two, surely no one could complain that the effect of that would be to drive out of existence the small town and the small trader. The small trader has always, with others, regarded with satisfaction any effort to reduce freight rates in this country.

But, Mr. President, I rose to suggest that, for one, I deprecate the course of debate upon these questions. Upon one hand, the department store has been held up as the beneficiary, and, upon the other, constant reference has been made to the claim that the express companies would be the beneficiaries. In that the real issue, which is, Should the law creating parcel post be now and in this bill amended by restricting the authority of the Postmaster General? is more or less obscured. I for one regret, although I have no commission to administer lectures to anyone, that a debate can not proceed here confined to the merits of the real question. I know as to the Senators who have favored these amendments, as everybody who knows them realizes—and they are known Nation wide—that no sinister or questionable purpose could in the slightest influence them, and I regret and feel it is unfortunate, for this character of debate creates an impression outside that ought not to be created; it lends the influence of debate here to an impression in a form and manner in which such influence ought not to be lent. It is enough if those outside confuse these issues with false issues; but it seems to me that it is to be deprecated that we can not discuss this question of amending the law relating to the power of the Postmaster General without, on the one hand, constantly having the department store held up and, upon the other hand, the express companies held up. If out of this discussion there has grown the thought in the mind of the Senate that to depart from the merits of an issue is unfortunate, the debate will not have been without service to the Senate and to the country.

Mr. BRYAN. Mr. President, I am so unfortunate as not to be able to vote upon the side advocated by the Senator from Missouri [Mr. REED] upon this amendment. I have heard here for three or four days charges being made of an effort to cripple the parcel post. The Senator from Missouri asks, "Is not the Postmaster General honest?" I hope he is, Mr. President, and I believe he is, because I do not want the Senator from Missouri to get lonesome. [Laughter.]

Mr. REED. I shall not be lonesome, Mr. President. So long as the Senator who has the floor is in the Chamber I shall be sure that I have good company.

Mr. BRYAN. Mr. President, is not the President honest and capable? Why, then, not delegate to him all legislative power and lodge all legislative power in the executive departments? Will any man rise up and say that the justices of the Supreme Court are not honest and sincere? Then why not leave to them all functions now exercised by Congress in so far as they relate to the judicial department of the Government? Why, indeed, Mr. President, are we here at all? It is easy enough to make an attack; it is easy enough to originate theories, but facts are stubborn things.

The Senator from Missouri seems to have more confidence in the Postmaster General than he has in the Interstate Commerce Commission. He says the pending amendment would leave some part of the jurisdiction to the Interstate Commerce Commission, and he is opposed to that; yet the law in effect to-day prescribes that the Postmaster General can not make any change without the consent and approval of the Interstate Commerce Commission, and that the Interstate Commerce Commission can not give that consent and approval until after an investigation. Are not the Interstate Commerce Commission honest? What do they say?

One of the general duties of the commission is to regulate the practices and charges of express companies. It has not felt called upon to consider the interests of these companies in any respect when considering applications of the Postmaster General to change parcel-post rates. The rates of the express companies have been recently revised by this commission, and a very substantial reduction therein has been made. The commission feels that it should be relieved from the duty of determining the extent to which the parcel post should supersede the express system, which it has regulated. It is easily conceivable that a proposition for reduction of parcel-post rates might seem to the commission to threaten the destruction of the existing express companies before adequate provision has been made by the Government for taking over all of such business. In such case the commission would be in grave doubt as to its duty under the present law.

It is recommended that the commission be relieved of all duties in connection with the parcel post. If that is not done, the duties to be performed by the commission, as well as the standards to be applied to it, should be more clearly stated.

How are they stated in the law they are undertaking to administer? In this language: They are to revise the weight limit, rates, zones, or conditions, or either, "in order to promote the service to the public." That is one purpose, and that is very general.

The other purpose is:

To insure the receipt of revenue from such service adequate to pay the cost thereof.

Either to make it pay the cost of the service, as this amendment would do, or, in general language, in order to promote the service to the public. Of course, Mr. President, the cheaper the rate the more the service to the people is promoted. It is easy to say that the changes made by the Postmaster General have been beneficial to the service; it is easy to say that the rates established by him are self-sustaining; it is easy to say that the rates prescribed by Congress were ineffectual and had to be changed; but what are the facts? The facts are that in 1912, when the weight limit was 4 pounds, there were 273,000 parcel-post packages carried. In the first six months under the parcel-post act, before the Postmaster General had laid his hands upon it, there were 300,000,000 packages carried, and it is estimated that the receipts exceeded the expenditures by $4,500,000. It is estimated that in the last six months of 1913 the Post Office Department carried 300,000,000 packages. As many packages, then, were carried during the first half of the year as in the latter half of the year; but the size of the packages has grown, an increase in the weight limit has taken place, a zone has been abolished; and I call attention now, because——

Mr. REED. Mr. President, I could not hear the Senator, for he turned his face away, and, if he will pardon me, I should like to ask him to state again the amount of parcel-post business done in the last six months.

Mr. BRYAN. It is estimated by the department at 300,000,000 packages, as I understand the report. There was a surplus last year in the Post Office Department; but will there be one this year? If so, it will be in spite of the rates established by the Postmaster General, when before it was because of the rates established by Congress. It is said now by those who claim to be experts that we lose on the rural routes and we have got to make it up on the railroads; and yet it is admitted, on the other hand, that the railroad rates are so high that in many instances the actual expense to the Government for transportation exceeds the cost to the express companies. Then it is said that the Government ought to have the benefit of the same rates that are given to the express companies. I agree to that and will vote for any amendment that will make that possible; but here is the difficulty, as we will perceive if we will be reasonable and consider the situation as it is: We are paying to-day for the carriage of large packages up to 50 pounds, from gold dust in Alaska to sacks of salt—any kind of package you can imagine—not as the express companies carry parcels in reasonably cheap cars, but we are paying for their transportation in post-office cars, made of steel, provided for men who are hired not because of their physical strength and ability to handle large packages, but because of their skill in handling the letters and newspapers of the people of the country.

When you get the fourth-class mail matter separated from the high-class matter in this small but expensive space, I can see no reason why the railroad companies would not be willing, or at any rate why they should not be forced, to carry it as cheaply for the Government as for any individual. But, Mr. President, it seems that the Postmaster General will have the power in the case of fourth-class mail matter, as he has in the case of second-class mail matter, to send part of it by fast freight. It seems to me it is bound to be true that if the second-class mail matter, newspapers and magazines, carried at practically the same rate as fourth-class mail matter, can not be carried except at a loss of 5 cents a pound under the revised estimates, it necessarily follows that you can not carry merchandise except at a loss, and that it will be as necessary to carry fourth-class mail matter on fast freight trains as it is to carry second-class mail matter in that way. If second-class mail matter were being carried so as to pay expenses or at a profit, does any Senator here believe that Congress would allow the Post Office Department to take that mail matter out of the mail cars and put it in freight cars?

I was much impressed by what the Senator from Iowa [Mr. CUMMINS] said as to the importance of keeping separate the three branches of this Government; but if whenever we undertake to limit an appropriation in any department that action is to be construed as an attack upon anybody, in order that these gentlemen may never be offended, had we not better strike out all of this bill except a mere provision appropriating $310,000,000 to the Postmaster General and let him do the rest?

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. BRYAN. I will.

Mr. CLAPP. I, for one, would take the position that the effort of Congress to regulate matters of this kind can not and should not be construed as a reflection upon the Postmaster General or upon any other officer of this Government. The trouble is, as every Senator knows, that such amendments as the one now pending are subject to a point of order, and, knowing that a point of order is likely to be made, they will not, and from the very inherent weakness of human nature can not, give to a subject of this kind that consideration in debate which it ought to receive and can only receive by being the subject of separate and distinct legislation. It seems to me most unfortunate that in this appropriation bill, under those circumstances, we should seek to interfere with an experiment that we ourselves have authorized; and until there is some information on the subject, until we have reached the point where we know more about it and can debate it more generally, it is a mistake to proceed along the line proposed. For one, I have taken that position and have voted against all these amendments.

Mr. BRYAN. The effect of this amendment, Mr. President, would be simply to do what was intended to be done when the original parcel-post provision was incorporated in the Post Office appropriation act of August 24, 1912, because that provision required the change to be made only on experience by the Postmaster General, with the consent and approval of the Interstate Commerce Commission after investigation. The chairman of the Interstate Commerce Commission, as has been stated upon this floor, said before the Committee on Post Offices and Post Roads that the Interstate Commerce Commission did not consider that an instruction by Congress to hold hearings in order that they might become acquainted with the changes, but thought it was merely a formal consent which they were expected to give. The amendment of the Senator from Iowa, as I understand, simply provides that the Interstate Commerce Commission must examine and approve the rates, as they have to do now, with the further provision that they must make an examination and find affirmatively that the rates are reasonable and just. Do Senators object to rates being reasonable, fair, just, and self-sustaining; or is it the intention here to carry cheaply, no matter what the cost may be? If it is the intention to carry the merchandise of this country at losing rates—and it is not contended that some of these rates are not losing rates—then where is the limit? If you say it benefits the people of this country to have goods carried at a loss of $10,000,000 a year, why would it not benefit them to carry goods at a loss of $20,000,000 a year? Would it not be a still greater benefit to the people who ship to carry their goods free?

Mr. President, I do not believe that is the function of the Government. I am willing to stand the criticism of men who have not studied this question, of men who, without much thought, assume for themselves all honesty and deny all sincerity of purpose to other men, and I am willing to let the results determine whether we are wise in undertaking to say that inasmuch as this Government appropriates the money it ought to know how it is going to be spent. I have not any doubt in my own mind, gathered from the statements of the experts of the Post Office Department, that the rates can not be sustained at anything but a loss to the Government. Feeling that way about it, Mr. President, although it may be unpopular—and, of course, it is unpopular—I shall vote to limit——

Mr. CLAPP. If the Senator will pardon me for interrupting, it never ought to be unpopular for a man to do what he thinks is right.

Mr. BRYAN. I shall vote to limit the appropriation as provided by the amendment of the Senator from Iowa, and to restrict authority to create a deficit in this branch of the Postal Service.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. I do.

Mr. REED. I thought the Senator had concluded; I do not want to interrupt him.

Mr. BRYAN. And if I be mistaken in my position, Mr. President, it is an honest mistake, and the Senator from Iowa and myself, if nobody else feels that way about it, can console ourselves with the sentiment of Horace:

Be this our wall of brass: To feel no guilt within; no fault to turn us pale.

Mr. REED. Mr. President, I am a little astonished at the course of this debate, and particularly at the broad innuendo of my friend from Florida that I assumed to pose in the character of a specially honest individual. I think if there is anybody in this Chamber who entertains a profound contempt for a Pharisaical pretense, it is myself, and I have not assumed to be better than my friend from Florida or better than any person who occupies a seat in this Chamber. I might reply in a good deal more pointed phrase, but I do not choose to do so.

In the few remarks I made, I discussed this question from the standpoint of results, and not from the standpoint of motives. I was discussing the question as to the effect of this amendment, not the reasons actuating its author; and I expressly said that I was surprised that the amendment was offered by the Senator from Iowa, because its effect, as I understood it, was the contrary of the position he had always maintained.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. Certainly.

Mr. BRYAN. The reason I said what I did, the reason I rose at all, was because, as I understood the Senator, he said this was an effort to cripple the parcel post that had been going on here for two or three days.

Mr. REED. No; I did not say the latter part of that, because I did not know how long this particular matter had been under discussion.

Mr. BRYAN. Of course the time is immaterial.

Mr. REED. At least, I did not intend to put the phrase in the way the Senator now puts it, and I had no idea of the Senator's position. I am not standing here to apologize, but I am standing here to say that in the discussion of this matter I had in mind the effect of this amendment and not the motives of Senators, and, Mr. President, I am still of the same opinion in regard to the effect of this amendment that I was when I had the floor before.

We have listened to a most eloquent dissertation upon the necessity of maintaining the independence of the correlative branches of our Government, but, in my opinion, that has about as much to do with the question now at issue as the story of the fall of Sodom and Gomorrah has to do with the Constitution of the United States.

There is no proposition here that Congress shall fix these rates, and that that power, being assumed by Congress, shall be taken away from an officer who is connected with the executive branch of the Government. If that proposition were before us, the argument that Congress should undertake to do all these things might be sound. It might be claimed that we should not delegate that authority to a branch of the executive arm of the Government.

The proposition we are discussing, however, does not propose to retain in Congress the right of regulation, but expressly grants away the right of regulation. The only difference is that it proposes to give a somewhat enlarged power to the Interstate Commerce Commission, which is not a legislative body, in the same proportion decreasing the power or discretion of the Postmaster General, he not being a legislative officer; so that the whole argument about the division of the functions of the Federal Government seems to me to be completely and absolutely aside from the case.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. Yes.

Mr. CUMMINS. I think the Senator from Missouri probably did not fully understand my position, or does not fully understand it. The legislative authority is to make the rule of conduct, is to prescribe the guide either for its citizens or for its officers; but I said we had reposed this power in the Postmaster General and in the Interstate Commerce Commission without any law or guide or rule which they could, in an administrative way, apply to actual conditions. The whole purpose of my amendment is to supply that rule. That is a legislative function. The other is administrative.

Mr. REED. Mr. President, the trouble with that argument is this: If that be a sound, good reason, then why is the amendment limited in the application of this legislative rule to packages over 50 pounds in weight?

Mr. CUMMINS. I will answer that.

Mr. REED. Why is it not made general, so that it will cover all packages? What magic is there in 50 pounds weight that legislative functions and capabilities and wisdom should be applied at 50 pounds but not below 50 pounds?

Mr. CUMMINS. Mr. President, there is no difficulty about replying to that.

The rule is just as applicable in principle to packages below 50 pounds as to packages above 50 pounds; but the Postmaster General has already acted with reference to packages of 50 pounds or less. The Interstate Commerce Commission has acted upon the recommendation of the Postmaster General. It did not seem to me to be wise or necessary, or at least not imperative, that we should overturn what has already been done. I wanted to avoid that field of controversy and the point of order that possibly might arise out of that inclusion.

The future is, of course, before us, however, and nothing has yet been done with regard to packages of more than 50 pounds. Therefore the amendment was limited to that class of merchandise.

Mr. REED. It seems to me the trouble with that argument again is that if the rates below 50 pounds have been already established by the Postmaster General and by the Interstate Commerce Commission under the general provision of the law as it now stands, and if those rates have been justly fixed and properly arrived at, then the same rule and the same law which enabled a just fixing of rates up to this time would enable the same result to follow when we get above 50 pounds, and there is no reason to adopt a new or a different rule. On the other hand, if the rates heretofore fixed by the Postmaster General and approved by the Interstate Commerce Commission have been unjust, then there is so much the more reason to make this amendment apply to all shipments. In my judgment the Senators do not occupy a logical position upon this matter.

This amendment expressly reads:

That no part of this appropriation shall be expended in carrying packages of more than 50 pounds in weight unless the rates therefor shall be just, fair, and reasonable—

And so forth.

It is expressly made applicable at the 50-pound limit. Now, either one of two propositions is true. Either the Postmaster General has acted with wisdom and the law as it now stands has been justly and properly administered or it has not. If it has, we ought to be willing to trust to the same discretion when we go above 50 pounds. If it has not, then this amendment ought to be made to apply to all classes of parcels regardless of their weight.

Mr. President, a good deal has been said here about reposing an enormous power in the Postmaster General. There is already upon the statute books the provision, which I am about to read, which will apply to packages of over 50 pounds in weight, if the Postmaster General concludes to carry them:

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

Now, that section applies. The report of the Interstate Commerce Commission that was read here by the Senator from Florida says, in effect, that that body feels that it ought to be relieved of these duties, as I understood the reading of it.

Mr. BRYAN. They state that they believe the duties to be performed by the commission, as well as the standards to be applied, should be more clearly stated. I apprehend they had reference to the cost of the service to the public.

Mr. CUMMINS. I will say that my amendment is intended to carry into effect the recommendation of the Interstate Commerce Commission.

Mr. REED. Then why does not the Senator make it apply all down the line?

Mr. CUMMINS. I will accept an amendment of that kind. I believe the Senator from Missouri is right about it; and if he will join in the effort to adopt this amendment, I will very gladly concur in an amendment proposing to cover the entire parcel post, although I have given the Senator from Missouri the reason I did not embrace it all in the amendment I proposed.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. OVERMAN. It is very evident that we can not pass the bill this afternoon. We want to have a short executive session. I suggest to the chairman of the committee that the bill go over until Monday morning, when we can probably agree on these matters, and that we have a short executive session and then adjourn. I know we can not get a quorum to-night.

Mr. BANKHEAD. I am not so sure about that. We probably shall not get a quorum on Monday morning until we call for it. I think we might be able to get one to-night.

Mr. CUMMINS. I wish to say, Mr. President—it may help to settle the controversy in regard to the present disposition of the bill—that in view of what has taken place, I expect to have a yea-and-nay vote upon the amendment.

Mr. OVERMAN. There will have to be a yea-and-nay vote. It has already been called for.

Mr. TOWNSEND. Has not a point of order been made?

Mr. CUMMINS. A point of order has been just faintly suggested. It may not be presented, however.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Washington.

Mr. REED. Oh, yes; certainly.

Mr. POINDEXTER. I made the point of order, and was proceeding to state the grounds of it when the Senator from Iowa [Mr. CUMMINS], who had been animadverted upon in the debate, requested me to withhold it. It was only upon that request that I did so. Before a vote is taken I shall seek an opportunity to state the grounds upon which I made the point of order and ask that it be ruled upon.

Mr. CUMMINS. That is quite true; and I publicly acknowledge my gratitude to the Senator from Washington for giving me the opportunity to discuss the merits of the amendment. He did make the point of order, or was proceeding to do so.

Mr. REED. The remark of the Senator from Washington leads me to say that if I have not already made it plain I want to make it plain now that I was not attempting to reflect upon the motives of the Senator from Iowa. If the Senator from North Carolina desires an executive session, I am willing to yield the floor for the purpose.

Mr. OVERMAN. I was simply making a suggestion to the chairman of the committee. I think it would be wise for us to have an executive session and then adjourn.

Mr. BRYAN. I think the Senate ought to know, when it is considering the matter of adjournment, that there is a provision in this bill which continues for another year three commissions which will expire on the 4th of March unless the bill is signed by the President prior to that time. One of those commissions is very important. It has been studying for a year the question of railway mail pay. It is a commission composed of three Members of the Senate and three Members of the House, serving without salaries. If that commission has to suspend its work on the 4th of March, which comes next week, we shall very largely lose the value of the work it has done. The Hughes Commission, the last commission which investigated the matter, spent considerable time and considerable money, and yet this commission has called to its assistance the experts of the Post Office Department and of the Interstate Commerce Commission.

That is the reason why it is important that this bill should be passed to-night. It seems to me Senators can afford to remain here a sufficient length of time to attend to the public business.

Mr. REED. I do not think this bill is likely to pass to-night, unless we stay here all night. So far as my remarks are concerned, they will be concluded in less than three minutes.

Mr. OVERMAN. If the bill is passed Monday, the conference committee can get together Tuesday and settle it, I think. There are very few matters of difference between the House and the Senate. So far as my observation goes, there have been very few amendments adopted; so we can undoubtedly agree on the bill and have it signed by the 4th of March.

Mr. BANKHEAD. Mr. President, one objection I have to adjourning until Monday is that we have been discussing this bill for four days on the same question. If we adjourn now until Monday and come back here then, no man can tell how many more days of discussion we shall have. Senators will have rested up by that time [laughter], and other Senators who have not been here and who do not know anything at all about this question will come in and want to discuss it in order to get information.

Of course, I want to oblige Senators. I do not want to be ugly about this, but I do think, after the statement made by the Senator from Florida, that the Senate ought to go on and complete the consideration of this bill to-night.

I understand, however, that if the Senator from Washington has in mind the purpose to make a point of order, it is likely to develop the absence of a quorum. I do not know, of course,

what the Vice President's ruling will be on the question; but if the point of order should be overruled, it would not help us very much.

So I am in a situation that I very often get in. I do not know exactly what to do. I do want to get through with this bill; but if we are not going to be able to get a quorum, and a situation arises where a quorum must be developed, I should like to inquire if there is not some way by which we can develop that question right now?

Mr. OVERMAN. Then we could not get an executive session.

Mr. BANKHEAD. If the Senator from Washington is going to make a point of order, I should be glad to have him make it and have it ruled upon. Has the Senator from Washington made the point of order?

Mr. POINDEXTER. Yes, Mr. President; I have made the point of order.

Mr. BANKHEAD. I thought the Senator had withheld it.

Mr. POINDEXTER. I withheld it at the request of the Senator from Iowa; but if the Senator will yield the floor, I will renew it now.

Mr. BANKHEAD. I am glad to yield to the Senator.

Mr. POINDEXTER. I make the point of order against the amendment, Mr. President, on the ground that it is general legislation, in that it changes the existing law as to the discretion of the Postmaster General in fixing rates, in that it establishes a different rule as to parcels above 50 pounds, and in that, according to some constructions of the amendment, it would prevent the establishment of the zone system as to parcels above 50 pounds. It has been argued here with a great deal of cogency by the Senator from Kansas [Mr. BRISTOW] that there is a discrimination owing to the fact that different distances are required to pay the same rates in zones——

The VICE PRESIDENT. Is the Senator stating his point of order or arguing it?

Mr. POINDEXTER. I am stating the point of order.

Mr. SMOOT. Mr. President, I rise to a parliamentary inquiry. I understand the Senate has already voted upon this very amendment, and it was declared by the Chair to have been adopted by the Senate. Then a division was asked for. I think it is too late now to make a point of order on an amendment that has been already declared by the Chair carried by this body.

SEVERAL SENATORS. It has not been carried.

Mr. POINDEXTER. Do I understand the amendment has already been adopted?

Mr. OVERMAN. No. The yeas and nays were called for.

Mr. SMOOT. No; it was declared that the ayes appeared to have it, after which a division was asked for.

The VICE PRESIDENT. The yeas and nays have been ordered on this question.

Mr. SMOOT. Then all that can be done, if that is the case, is to call the roll.

The VICE PRESIDENT. The Senator from Iowa [Mr. CUMMINS] called for the yeas and nays. The Chair inquired whether the request was seconded by a sufficient number. The yeas and nays were ordered. The Senator from Missouri [Mr. REED] then received the recognition of the Chair and proceeded to discuss the pending question.

Mr. SMOOT. Do I understand that the yeas and nays have been ordered?

Mr. CUMMINS. The yeas and nays have been ordered; yes.

Mr. SMOOT. I did not know that.

Mr. VARDAMAN. I called for the yeas and nays.

Mr. CUMMINS. The last time I called for the yeas and nays, and they were ordered, and then immediately the Senator from Missouri [Mr. REED] rose to address himself to the amendment.

Mr. President, with regard to the point of order made by the Senator from Washington, I never debate a point of order unless the Chair invites the debate, and therefore I shall not do so in this instance.

The VICE PRESIDENT. The Chair thinks it is too late now to make the point of order, but the Chair will rule on it.

Mr. POINDEXTER. Mr. President, I desire to call the attention of the Chair to the fact that while the yeas and nays are stated to have been ordered—I do not recollect the record myself in that regard—yet the roll call had not commenced, and under the rule the question before the Senate was still subject to debate and still subject to a point of order.

The VICE PRESIDENT. The Chair thinks that the Congress of the United States may pass a law either imposing duties upon or granting privileges to an administrative body of the Government; and it is common knowledge that neither can the duties be discharged nor the privileges taken advantage of without an appropriation from the Congress of the United States. The Chair believes that a subsequent Congress may prevent the discharge of a duty or the exercise of a privilege by failing to make an appropriation, without any express repeal whatever of the statute.

The Chair believes, whatever may be the advisability of such a course, that it is the privilege of the Congress to limit the purposes for which any appropriation made may be used by an administrative officer. The Chair thinks that this Congress could simply make an appropriation for carrying letters, and it would be a legitimate exercise of legislative power if there were an amendment proposed that no money voted by the bill should be used for any other purpose than to carry mere letters. It would not be general legislation, but would be a limitation upon the use of the money. It is not repealing the statute. It is simply leaving it to the Congress hereafter to make additional appropriations for carrying out the statute, or, if an appropriation is not made, the statute will sink into innocuous desuetude.

The Chair is of the opinion that the point of order against this amendment, on the ground that it is general legislation, is not well taken; and the point of order is overruled.

The yeas and nays have been ordered. If there is no further discussion, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. GRONNA (when his name was called). I am paired with the senior Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. KERN (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. BRADLEY] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. RANSDELL (when Mr. THORNTON'S name was called). I wish to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of illness and that he is paired with the Senator from Ohio [Mr. BURTON].

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote. I vote "nay."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER] and therefore withhold my vote.

Mr. WEEKS (when his name was called). I am paired on this question with the junior Senator from Delaware [Mr. SAULSBURY]. I transfer my pair to the junior Senator from West Virginia [Mr. GOFF] and vote "yea."

I wish to state that my colleague [Mr. LODGE] is paired with the Senator from Georgia [Mr. SMITH].

The roll call was concluded.

Mr. SHAFROTH. I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Delaware [Mr. DU PONT]. He has a general pair with the senior Senator from Texas [Mr. CULBERSON].

I wish also to announce the unavoidable absence of the senior Senator from New York [Mr. ROOT]. He is paired, as has just been stated, with the Senator from Colorado [Mr THOMAS].

I desire also to announce that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS], and that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Arkansas [Mr. CLARKE].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from West Virginia [Mr. CHILTON] on official business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] on important business. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is absent on official business.

Mr. CLAPP. I wish to announce the unavoidable absence of my colleague [Mr. NELSON] this afternoon on account of illness.

The result was announced—yeas 20, nays 29, as follows:

YEAS—20.

Bankhead	Clark, Wyo.	Jones	Sherman
Borah	Cummins	McCumber	Smoot
Brandegee	Dillingham	Page	Stephenson
Bristow	Gallinger	Perkins	Sterling
Bryan	Hughes	Ransdell	Weeks

NAYS—29.

Ashurst	Lee, Md.	Pomerene	Swanson
Chamberlain	Martine, N. J.	Reed	Tillman
Clapp	Myers	Robinson	Townsend
Gore	Newlands	Shafroth	Vardaman
James	Norris	Sheppard	Walsh
Kern	Overman	Shively	
La Follette	Pittman	Simmons	
Lane	Poindexter	Smith, Md.	

NOT VOTING—45.

Bradley	Fletcher	Martin, Va.	Smith, S. C.
Brady	Goff	Nelson	Stone
Burleigh	Gronna	O'Gorman	Sutherland
Burton	Hitchcock	Oliver	Thomas
Catron	Hollis	Owen	Thompson
Chilton	Johnson	Penrose	Thornton
Clarke, Ark.	Kenyon	Root	Warren
Colt	Lea, Tenn.	Saulsbury	Williams
Crawford	Lewis	Shields	Works
Culberson	Lippitt	Smith, Ariz.	
du Pont	Lodge	Smith, Ga.	
Fall	McLean	Smith, Mich.	

So Mr. CUMMINS's amendment was rejected.

Mr. WEEKS. I offer an amendment, which I send to the Secretary's desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 13, after the amendment already offered by Mr. WEEKS, insert the following proviso:

Provided, That the rate of pay authorized in this paragraph shall apply to substitutes performing the duties of carriers or clerks.

Mr. WEEKS. Mr. President, I wish to explain that the amendment which was adopted this afternoon by the Senate raising the pay of substitutes simply applies to substitutes for carriers and not carriers and clerks. The amendment which I now offer will cover both classes of employees.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I was impressed on yesterday with the contention that the rural carriers who are traveling more than 24 miles, which is the standard route, some of them traveling 35 miles, are not being treated justly in not being allowed an additional sum for the additional travel. In view of that fact, I offer an amendment. I trust the amendment will be agreed to.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, after line 16, add the following proviso:

Provided, That in all cases where the rural route exceeds the standard route of 24 miles the Postmaster General may, in his discretion, make such additional allowance as he shall deem just and proper.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. VARDAMAN. Has the amendment been submitted to the committee? I should like to ask the chairman of the committee if he approves of the amendment.

Mr. BANKHEAD. What is the suggestion of the Senator from Mississippi?

Mr. VARDAMAN. I was asking if this amendment had been submitted to the committee.

Mr. BANKHEAD. It has not, Mr. President. There is so much confusion in the Chamber I could not hear the amendment. I ask that it be again read.

Mr. GALLINGER. Mr. President, I presume it is competent for any Member of the Senate to offer an amendment to a pending bill without submitting it to a committee. I simply exercise my right under the rules to submit an amendment.

The VICE PRESIDENT. The amendment will be again read.

The SECRETARY. On page 27, line 16, after the words "per annum," insert:

Provided, That in all cases where the rural route exceeds the standard route of 24 miles the Postmaster General may, in his discretion, make such additional allowance as he shall deem just and proper.

Mr. BRYAN. Mr. President, I raise a point of order on the amendment, that it has not been estimated for and has not been submitted to the committee.

The VICE PRESIDENT. That is, under the first clause of Rule XVI?

Mr. BRYAN. Yes; the first and second.

The VICE PRESIDENT. Under the first and second clauses of Rule XVI. The Chair will be compelled to sustain the point of order. If there is no further amendment to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BANKHEAD. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. BRADLEY conferees on the part of the Senate.

Mr. SHIVELY. Mr. President——

Mr. ASHURST. Will the Senator from Indiana yield to me?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Arizona?

Mr. SHIVELY. I yield for a statement as to what the Senator desires to bring up.

Mr. ASHURST. Mr. President, during the discussion yesterday morning of Senate joint resolution No. 1 I gave notice that immediately upon the passage of the Post Office appropriation bill I would move that the Senate proceed to the consideration of Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

If the Senator from Indiana will indulge me for a moment, I wish to make a short statement. As I said before, I do not have any intention of pressing the joint resolution to a vote short of 25 or 30 days, because various Senators wish to speak upon it. I nevertheless now enter that motion. I move that the Senate proceed to the consideration of Senate joint resolution No. 1.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business, which is a privileged motion.

Mr. McCUMBER. Will the Senator from Indiana yield to me for a moment?

Mr. SHIVELY. I will withhold the motion for a moment.

Mr. McCUMBER. I wish simply to give notice now that I shall move as an amendment to and substitute for the motion of the Senator from Arizona that the Senate proceed to the consideration of the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. GALLINGER. I make the point of order that that can not be done under our rules.

The VICE PRESIDENT. The point of order made by the Senator from New Hampshire is sustained by the Chair.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, March 2, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 28, 1914*.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee infinite Spirit, our Heavenly Father, that the world has not only been contracted by the use of steam and electricity, but that the world of mankind has been brought closer together in the bonds of fraternity; that our religious conceptions are taking a wider sweep in the truths enunciated by the Master—fatherhood, brotherhood; that the ethics which underlie the Christian religion are more generally recognized and practiced; that a clean life is set above the price of rubies, and what is true of the individual is true of the national life and character, and we most fervently pray that these great principles may continue to grow until all men everywhere shall recognize them and put them into practice. In the spirit of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO VACANCIES ON COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I move the election of the gentleman to standing committees of the House whose names and the committees I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

ARCHIBALD C. HART, sixth district of New Jersey, to the Committee on the District of Columbia.

FRANK PARK, second district of Georgia, to the Committee on Revision of the Laws.

HENRY VOLLMER, second district of Iowa, to the Committee on Claims, Committee on Invalid Pensions, and Committee on Expenditures in the State Department.

The SPEAKER. The question is on the motion of the gentleman from Alabama that these gentlemen be elected to the standing committees.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT, by direction of the Committee on Naval Affairs, reported the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, which was read a first and second time, and, with accompanying papers, ordered printed and referred to the Committee of the Whole House on the state of the Union. (H. Rept. 314.)

Mr. BUTLER reserved all points of order on the bill.

Mr. BUCHANAN of Illinois submitted views of the minority on the naval bill, which were ordered printed with the majority report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4437. An act to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908;

S. 4250. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough, opposite the town of La Conner; and

S. 4494. An act to extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4494. An act to extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Interstate and Foreign Commerce.

S. 4250. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough, opposite the town of La Conner; to the Committee on Interstate and Foreign Commerce.

S. 4437. An act to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908; to the Committee on Foreign Affairs.

S. J. Res. 114. Joint resolution for the appointment of a member of the Board of Regents of the Smithsonian Institution; to the Committee on the Library.

S. 494. An act to establish a branch hydrographic office at Los Angeles, Cal.; to the Committee on Naval Affairs.

COMMITTEE ON ELECTION OF PRESIDENT AND VICE PRESIDENT.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House resolution 417 (H. Rept. 331).

Resolved, That for the purpose of compiling and arranging the data concerning direct primaries the Committee on Election of President, Vice President, and Representatives in Congress is hereby authorized to employ expert, clerical, and other help, the cost not to exceed $300, to be paid from the contingent fund of the House, on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. LLOYD. Mr. Speaker, the Committee on Election of President and Vice President have before them an entirely new subject, and they desire to make a compilation of such information as they can gather on that subject. It requires some expert labor, and the committee deems it necessary to have authority to employ that help.

Mr. COX. Will he gentleman yield?

Mr. LLOYD. Certainly.

Mr. COX. Is it their intention to employ counsel?

Mr. LLOYD. No; and it is not to exceed a cost of $300.

Mr. COX. What is the nature of this expert work?

Mr. LLOYD. To gather such data as may be had on that subject. There has been no compilation of any kind, either by States or in any other manner.

Mr. COX. I can not conceive of any data except as to the various States that have a uniform primary law.

Mr. LLOYD. That is one of the things they want a compilation of, and I do not know what other matters.

Mr. MONDELL. Will the gentleman yield?

Mr. LLOYD. I will.

Mr. MONDELL. Is this a unanimous request of the Committee on Election of President and Vice President?

Mr. LLOYD. Yes; and the resolution is offered by the chairman of that committee.

Mr. MONDELL. It is a unanimous request, is it?

Mr. LLOYD. I understand so.

Mr. MAPES. If the gentleman will pardon me, I will state that it is a unanimous request.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON BANKING AND CURRENCY.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House resolution 410 (H. Rept. 330).

Resolved, That all expenses that may be incurred by the Committee on Banking and Currency, or any subcommittee thereof, in the employment of expert and other assistance required in the transaction of its business, as heretofore authorized by House resolution No. 191, to an amount not exceeding $3,000 in addition to that heretofore authorized by House resolution No. 191, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee or subcommittee thereof, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. MONDELL. Mr. Speaker, I think we ought to have some explanation of this resolution.

Mr. LLOYD. Mr. Speaker, this resolution provides that the Committee on Banking and Currency may expend not to exceed $3,000 in making investigation of various subjects before them. In the last session of this Congress there was an authorization of $5,000, and they have expended out of that fund about $4,900, leaving on hand about $100. They have several important subjects to investigate. They will have hearings and will require some additional help. They feel that they will need to expend as much as $2,500 or $2,800.

Mr. MONDELL. Is the gentleman informed as to the nature of these investigations and inquiries?

Mr. LLOYD. I will yield to the gentleman from Ohio [Mr. BULKLEY], a member of the Banking and Currency Committee, to make a statement as to what they desire to do.

Mr. BULKLEY. Mr. Speaker, as chairman of the subcommittee on rural credits, I will say that that subcommittee has been actively at work since early in December. We have held a number of hearings on the subject, most of the witnesses appearing voluntarily without any expense to the committee. We are now bringing in witnesses representing national farmers' organizations and other men of special qualifications, coming from distant parts of the country, who could not fairly be asked to pay their own expenses. The subcommittee is now holding sessions jointly with the rural-credits subcommittee of the Senate Banking and Currency Committee. Up to date all the vouchers for expenses of witnesses have been signed by the chairman of the Senate subcommittee. Now, in fairness, the chairman of the House subcommittee ought to sign a few vouchers to put us on an equal basis.

Mr. MONDELL. Is this a unanimous request of the committee?

Mr. BULKLEY. Yes.

Mr. MONDELL. And the major portion of the sum will be used for the purpose of getting witnesses for further investigations and inquiries in regard to the important question of rural credits?

Mr. BULKLEY. Yes; that is the purpose. It includes also the employment of assistants for the same purpose.

Mr. MONDELL. There will be no payment for attorneys out of this sum?

Mr. BULKLEY. No; we will not need any attorneys.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13453, the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISCELLANEOUS.

For pay of 40 hospital matrons, at $120 each, $4,800.
For pay of 42 veterinarians, at $1,700 each, $71,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of asking the chairman of the committee if he has had inserted in the RECORD the very excellent and informing statement that I find in the report of the committee, beginning on page 4 with the words "the estimates submitted," and so forth, and continuing on to the end of the report.

Mr. HAY. I have not.

Mr. MONDELL. Mr. Chairman, that is an exceedingly comprehensive and, I think, accurate and highly informing statement, and I hope the chairman will insert it in the RECORD at an appropriate place.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the portion of the report to which the gentleman has referred may be inserted in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the portion of the report referred to may be inserted as a part of the RECORD. Is there objection?

There was no objection, and it was so ordered.

The portion of the report referred to is as follows:

The estimates submitted to your committee called for appropriations to pay and subsist an army of 85,000 men, exclusive of Philippine Scouts, Hospital Corps, and Quartermaster Corps men. Your committee has not been able to see the necessity for this material increase of the Army; nor in the opinion of your committee was any good reason given for an increase of the Army over what it was last year; and therefore the committee recommends that the same number of men be appropriated for the ensuing fiscal year as were appropriated for in this fiscal year, to wit, 77,560, exclusive of the Philippine Scouts, Hospital Corps, and Quartermaster Corps men. From the reports of The Adjutant General of the Army it appears that the average strength of the Army for the last 10 years has been, exclusive of Philippine Scouts, Hospital Corps, and Quartermaster Corps men, 68,075 men.

Average actual enlisted strength of the Army, excluding the Hospital Corps, Quartermaster Corps, and Philippine Scouts for the 10 years given, and the average of those averages for the same period.

1904	61,089
1905	60,218
1906	60,494
1907	57,358
1908	59,621
1909	75,060
1910	75,409
1911	72,530
1912	77,966
1913	81,001
Total	680,746

Average for 10 years, 68,075.

This bill therefore provides for nearly 10,000 more men than the average strength for the above period. Moreover, the Secretary of War in his testimony before the committee stated that (see p. 730 of the hearings) he proposed to place on the Canal Zone 8,305 men, and in the Hawaiian Islands 15,665 men. The Adjutant General of the Army in his report for 1913, page 8, states that there are 11,209 men in the Philippine Islands. Thus there will be out of the country 35,179 men, leaving in this country 42,821 men, an ample number to deal with any normal condition which may arise here. If for any reason more men are needed either at home or abroad, it is assumed by your committee that the Congress will grant the necessary money to pay, subsist, and equip any number of men which may be called for by the President.

It may be pointed out that besides the American troops in the Philippine Islands we constantly maintain there a body of Philippine Scouts of more than 5,000 men.

Your committee herewith exhibits a table showing the amount of money which has been appropriated for the military establishment during the last 10 years:

Army appropriation acts, fiscal years 1905–1914.

1905	$77,070,300.88
1906	70,396,631.64
1907	71,817,165.98
1908	78,634,582.75
1909	95,382,247.61
1910	101,195,883.34
1911	95,440,567.55
1912	93,374,755.97
1913	90,958,712.98
1914	94,266,145.51
Total	868,536,993.31

Military Academy appropriation acts, fiscal years 1905–1914.

1905	$973,947.26
1906	673,713.38
1907	1,664,707.67
1908	1,929,703.42
1909	845,634.87
1910	2,531,521.33
1911	1,856,249.87
1912	1,163,424.07
1913	1,064,668.26
1914	1,099,302.87
Total	13,802,873.00

Appropriations in fortifications acts, military posts, and armories and arsenals in sundry civil acts, and amounts for military establishment in deficiency acts, fiscal years 1905 to 1914, inclusive.

	Fortification acts.	Sundry civil acts.		Deficiency acts, military establishment.	Total.
		Armories and arsenals.	Military posts.		
1905	$7,518,192.00	$486,400.00	$2,961,046.25	$935,609.16	$11,441,247.41
1906	6,747,803.00	331,000.00	1,614,140.00	1,965,886.59	10,658,919.50
1907	5,053,993.00	680,617.00	1,318,608.75	4,565,751.83	11,618,965.58
1908	6,898,011.00	636,093.00	2,369,375.60	5,078,382.69	14,981,861.09
1909	9,316,745.00	494,065.00	3,746,867.50	5,322,348.72	18,880,026.22
1910	8,170,111.00	859,600.00	4,382,500.00	2,434,119.10	15,846,330.10
1911	5,617,200.00	540,600.00	1,390,500.00	657,708.66	8,206,008.66
1912	5,473,707.00	536,400.00	659,667.00	2,474,693.52	9,144,467.52
1913	4,036,235.00	365,950.00	320,000.00	904,448.49	5,626,633.49
1914	5,218,250.00	643,000.00	805,428.00		6,666,678.60
Total	64,050,337.00	5,573,725.00	19,108,127.50	24,338,943.67	113,071,133.17

Army permanent annual appropriations, fiscal years 1905–1914.

	Pacific railroads, transportation.	Enlisted men's deposit fund.	Total.
1905	$300,000		$300,000
1906	300,000	$1,119,271	1,419,271
1907	200,000	1,200,000	1,400,000
1908	130,000	1,500,000	1,630,000
1909	150,000	1,000,000	1,150,000
1910		1,000,000	1,000,000
1911		1,200,000	1,200,000
1912		1,300,000	1,300,000
1913		1,300,000	1,300,000
1914		1,300,000	1,300,000
Total	1,080,000	10,919,271	11,999,271

RECAPITULATION.

Army appropriations, fiscal years 1905–1914.

Permanent appropriations (including Pacific railroads transportation and enlisted men's deposit fund)	$11,999,271.00
Fortification acts, armories and arsenals and military posts in sundry civil acts, and deficiencies for military establishment in deficiency acts	113,071,133.17
Army appropriation acts	868,536,993.31
Military Academy acts	13,802,873.00
Total	1,007,410,270.48

This shows an expenditure of $1,007,410,270.48 for that period. It is not necessary to comment upon the expenditure of this enormous sum of money. But in view of all the facts your committee felt obliged to keep down expenditures, nor in doing so have the interests of the country been imperiled. For notwithstanding the alarming statements which have been made, and which seem to be always coincident with the consideration of the Army bill, we have in reserve large supplies of ammunition, stores, and equipment, nor has the Army ever been more efficient than it is to-day. Besides having the Regular Army thoroughly equipped with guns, ammunition, and supplies of all kinds, we have our militia, so far as it is organized, equipped in the same way, a body of 120,000 American soldiers equal to any emergency and ready to respond to any call of duty. But beyond this we have in reserve 206,000,000 rounds of small-arms ammunition, 800,000 rifles, and a large reserve supply of clothing and equipage. Much has been said of our lack of reserves of field artillery guns and ammunition, but when we consider the evidence of the chief ordnance officer of the Army we find that we have in reserve 57 per cent of artillery guns desired for an army of 570,000 men, and 20 per cent of ammunition for their guns, and the appropriations carried in this bill will serve to increase materially this reserve.

In view of our relations with all the great powers of the world, your committee believes that it is making ample provision to accumulate reserves of ammunition and guns, and that it would not be the part of wisdom to expend more money in any one year for this purpose.

The Clerk read as follows:

For commutation of quarters to commissioned officers, dental surgeons, and veterinarians and pay clerks on duty without troops at stations where there are no public quarters, $450,000.

Mr. WEBB. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

On page 13, line 15, add after $450,000 the following:

"*Provided*, That hereafter the persons mentioned in this paragraph shall receive no part of this appropriation unless the aggregate of the number of rooms to which the officers already assigned to that post,

station, fort, or school are entitled by law shall exceed or equal the whole number of rooms at such point or points."

Mr. HAY. Mr. Chairman, on that I reserve the point of order.

Mr. WEBB. Mr. Chairman, in the hearings, at page 60, Gen. Aleshire was questioned as follows by the chairman of the committee, Mr. HAY.

The CHAIRMAN. General, when an officer is ordered to Chicago or to any city where there is a post near by, is there any reason why he should not have quarters assigned to him at the post, or are they all occupied?

Gen. ALESHIRE. They are all occupied, Mr. Chairman, and commutation of quarters in such a case would be necessary to avoid the renting of buildings for use of officers at the post. Take, for instance, Fort Bliss. We consider the number of rooms in the buildings, and if there is a shortage of sets of quarters an officer is assigned only the number of rooms allowed him by regulations.

I challenge that statement. I have no information about all of the Government posts, but I do have information about 15 of them, and I think that a further prosecution of this inquiry would show that they all stand on about the same footing as the 15, and that information is that at every Government post in the United States Army officers are occupying from two to three times the number of rooms that the law allows them. That is a pretty strong statement, but it is true, and yet in this bill a little further on you will find an appropriation of two or three million dollars to build additional quarters. A colonel is entitled to seven rooms, I believe, and a captain to four rooms, and so on up to a major general, who is entitled to 10 rooms.

I make the assertion that right down here in Washington at the Washington Barracks, there are nearly 200 rooms being occupied by officers who are not entitled to more than 100 rooms, and that is going on not only at the Washington Barracks and at Fort Myer, but at every post in the United States, and yet the Congress of this country continues to build quarters under those circumstances. That is why I offer this amendment—in order to compel the Quartermaster's Department to assign to officers the lawful number of rooms they are entitled to, and not give a man who is entitled to six rooms a house of 16 rooms, and give him in addition to that heat and light for the entire quarters. It is not right or fair to the taxpayers or to the Congress that that sort of thing should go on, and I protest against it and shall continue to do so until it is stopped.

Mr. Chairman, I have here a list which I have had made for the Washington Barracks in order to prove the assertion which I have made. Here are the quarters furnished, from January 1 to July 8, 1913, Washington Barracks. Take the case of Charles R. Reynolds. He occupies a house of 12 rooms. He has the rank of a major, which entitles him to 5 rooms. Then there is the case of William F. Endress, a captain, who is entitled to 4 rooms, and who occupies a home of 12 rooms.

Mr. HAY. Mr. Chairman, I will ask the gentleman if he does not refer there to the quarters at the post?

Mr. WEBB. Yes. I am referring to quarters at the Washington Barracks.

Mr. HAY. Mr. Chairman, I call the gentleman's attention to the fact that this item does not have anything to do with the quarters at the post. This is an item providing for commutation of quarters of officers stationed where there are no posts.

Mr. WEBB. I understand, but Washington City has not a post, you might say, and yet they will bring officers here and pay commutation of $12 a room, with heat and light and all the rest thrown in, when there are barracks within the limits of the city unoccupied or occupied by men who are not entitled to occupy them.

Mr. HAY. Mr. Chairman, I call the attention of the gentleman to the further fact that the post of the Washington Barracks, for example, is set aside for an Engineer battalion, I believe. An Engineer battalion is stationed there, and those officers to whom the gentleman refers are officers of that battalion and are stationed in that post. Now, there are a number of officers on detached service who could not under the law be stationed at Washington Barracks.

Mr. WEBB. Why could not they, Mr. Chairman?

Mr. HAY. Because Washington Barracks is set aside for the use of the battalion command which may be ordered there.

Mr. WEBB. Is that the way they fill up great big barracks they have with a few men in violation of law? I will show the gentleman that in the very barracks I speak of officers are entitled to 99 rooms under the law and that they have occupied 189 rooms and then the Committee on Military Affairs comes to Congress and asks for appropriations for rent and for building additional quarters for officers.

Mr. GOULDEN. May I ask the gentleman a question?

Mr. WEBB. Certainly.

Mr. GOULDEN. Does the gentleman find the same condition prevailing with the 46 others of which the gentleman speaks?

Mr. WEBB. Practically so, and I will come to the other barracks in the country in a moment. The point I am making is we are wasting money, it seems to me, upon rent of quarters when we have as fine Government houses as anybody could wish right in sight of this Capitol. My contention is that if they are detailed here they ought to stay there instead of renting quarters at the Highlands and other fine apartment houses here in the city and have the Government pay fancy prices for them. If they are assigned under the law to quarters at the Washington Barracks where they have heat, light, and furniture and all the rest of it, they ought to go there. I will not read this entire list which I have here, but will ask to insert it in the RECORD, which is as follows:

WASHINGTON BARRACKS, WASHINGTON, D. C.

Quarters furnished for period, January 1 to July 8, 1913.

Name and rank.	Entitled.	Quarters.	Total number rooms.
Charles R. Reynolds, Major	5	1A	12
William F. Endress, Captain	4	2A	12
Curtis W. Otwell, Major	5	3A	12
Lindsay C. Herkness, 1st Lieut.	3		
Henry C. Jewett, Captain	4	4A	12
Lambert W. Jordan, jr., Captain	4	5A	12
Wildurr Willing, Captain	4	6A	12
Unoccupied			
Philip B. Fleming, 2d Lieut.	2		
John W. Stewart, 2d Lieut.	2	7A	15
Joseph C. Mehaffey, 2d Lieut.	2		
Paul S. Reinecke, 2d Lieut.	2		
Raymond A. Wheeler, 2d Lieut.	2		
William J. Barden, Major	5	8A	15
Amos A. Fries, Major	5	9A	15
Francis B. Wilby, Captain	4	10A	12
Earl J. Atkisson, 1st Lieut.	3	11A	12
Thomas M. Robins, Captain	4	12A	12
Frederick S. Strong, jr., 1st Lieut.	3	13A	12
Edward D. Ardery, 1st Lieut.	3		
William P. Stokey, Captain	4		
Lewis H. Watkins, 1st Lieut.	3		
Earl North, 1st Lieut.	3	14A	12
Howard S. Bennion, 2d Lieut.	2		
Bradford G. Chynoweth, 2d Lieut.	2		
James A. O'Connor, 1st Lieut.	3		
Lindsay C. Herkness, 1st Lieut.	3		
Edwin H. Marks, 1st Lieut.	3		
Albert K. B. Lyman, 1st Lieut.	3	15A	12
Creswell Garlington, 1st Lieut.	3		
Beverly C. Dunn, 2d Lieut.	2		
Roscoe C. Crawford, 2d Lieut.	2		
Total	99		189

I could go through the entire list and show how rooms and quarters are being squandered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent for five minutes additional. Is there objection. [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Chairman, I want to say in this connection that I am in perfect good faith in offering this amendment. There is no man in the House who has a higher regard for the Committee on Military Affairs, and especially for its chairman, than myself. I think the House of Representatives and the country are to be congratulated that this committee has as its chairman a man of his courage, courtesy, capacity, and character, and I am making no criticism of this committee in making these suggestions or offering this amendment; but I tell you, gentlemen, a system has grown up whereby even the Committee on Military Affairs sees these questions through the eyes of officers of the Army. The civilian does not come to testify before this great committee. Gen. Aleshire and other officers come and they put their side of the question to this committee, and the civilian is not heard because he knows nothing about how matters are run, like most Members of the House and myself in many instances.

Now, as I have said, down at Washington Barracks there are 189 rooms, under the law intended to house officers, and yet men instead of occupying 99 rooms to which under the law they are entitled occupy these entire 189 rooms. Now, something ought to be done to stop this squandering of rooms and rent we are paying in the way of commutation of quarters, heat, lighting, rent, and so forth, when there are already ample quarters provided by the Government.

Mr. GOULDEN. Will the gentleman yield right there?

Mr. WEBB. I will.

Mr. GOULDEN. I am asking this only for information.

Mr. WEBB. I am sure of that.

Mr. GOULDEN. How are these rooms divided, into houses of 10 or 12 rooms separate for each man?

Mr. WEBB. Yes, sir.

Mr. GOULDEN. It strikes me there might be a difficulty sometimes arise in the case of two or three officers with their families occupying one building.

Mr. WEBB. In some cases it might, but a number of the officers are unmarried. However, the proportion of officers in the United States entitled to 15 rooms is nil, but we are going ahead with this bill providing for the building of houses which will contain 15 or 16 rooms when the highest officer is only entitled to 9.

Mr. GOULDEN. Is not the mistake made in building too large houses?

Mr. WEBB. I am coming to that. That is so.

Mr. GOULDEN. By whose authority are they built?

Mr. WEBB. By the War Department. There is an appropriation in this very bill that continues the building of public quarters, to which I have an amendment, which I propose to offer later, to confine this building to four, five, and six room quarters.

I will state this, that there are already in existence sufficient fine houses with legal quarters for every officer of the United States above the rank of major, and consequently there is no necessity for any additional homes to be built that have more than four or five rooms in them.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CANDLER of Mississippi. How much of additional room is it proposed to build?

Mr. WEBB. You do not know and I do not know. There is a lump appropriation for that purpose, and the War Department will spend it as it sees fit.

Mr. CANDLER of Mississippi. Is that $450,000 additional appropriation?

Mr. WEBB. No. sir. My amendment is for the purpose of compelling Army officers who come here to take quarters in the Government barracks provided for them by the Government of the United States, instead of coming to Washington and taking quarters in hotels or apartment houses, and the Government paying for them in addition.

Mr. CANDLER of Mississippi. Does the gentleman assert that there are more homes assigned to these officers than they are entitled to?

Mr. WEBB. I have just so stated. Here is Fort Myer, Mr. Chairman. I find in the decision by the assistant comptroller of August 18, 1913, at page 90, the following list:

Officer.	Number of rooms occupied.	Number of rooms entitled to.
Maj. Gen. Wood	16	9
Col. Garrard	13	7
Lieut. Col. Johnson	11	6
Maj. Rhodes	11	5
Second Lieut. Rumbaugh	9	2
Capt. Lambie	9	4
Capt. Gallup	9	4
Chaplain Brander	9	4
Capt. Dean	9	4
Capt. Lindsey	9	4
Capt. Smither	9	4
Capt. Berkeley	9	4
Maj. Summerall	9	5
Capt. Austin	9	4
Capt. Eltinge	9	4
First Lieut. Johnson	9	3
Capt. Newbill	9	4
Maj. Allen	9	5
Veterinarian Williams	7	2
First Lieut. Shepherd	7	3
First Lieut. Chilton	7	3
Second Lieut. Patton	7	2
Mrs Gilman, P. M	7	None.
First Lieut. Russell	7	3
First Lieut. Downer	7	3
Capt. Kirkpatrick	7	4
First Lieut. Tate	7	3
First Lieut. Graham	6	3
Mr. Swan, Q. M. Agt	6	None.

In other words, at Fort Myer these 29 men are actually occupying 252 rooms, whereas the law only allows them 108. No wonder we must go on spending money for quarters when the law is being disregarded in this flagrant manner. It ought to be stopped and will be stopped.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I think that ought to go into the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from North Carolina have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. I do not mean to weary the patience of the committee, Mr. Chairman. I think it is my duty as a public citizen and as a Member of this House to give this information not only to the committee but to Members who vote our taxes away, and, of course, I have no apology to make for my course.

And here is Watertown, Mass., and I believe I will put this in the RECORD. The report is as follows:

Officer.	Number of rooms occupied.	Number of rooms entitled to.
Lieut. Col. Wheeler	16	6
Maj. Shinkle	7	5
Maj. Wesson	10	5
Maj. Williams	9	5
Sergt. Bluste	6	1
Sergt. Tanner	6	1
Sergt. Noon	5	1
Sergt. McSween	4	1
Corp. Collins	6	1
First-class Pvt. Nickerson	6	1

You will observe that here 10 officers are occupying 75 rooms, when the law of Congress allows them but 27. You will find this condition exists generally in all the Government quarters at the various posts throughout the United States.

That shows you, gentlemen, how the law in one way and another is being violated. We have ample room here in Washington at the barracks to house these officers, and they ought to be compelled to occupy these quarters or show the reason why to the taxpayers of the country and to the Committee on Military Affairs. There is method in this, too. It is not an accident. It is a system that has grown up in the War Department. It has been the practice for many years.

They say that out here at Chicago they station a man in Chicago when the car fare from Chicago to Fort Sheridan is only 5 cents, or a trifle.

Mr. MADDEN. Excuse me. I beg the gentleman's pardon, but I would like to correct him.

Mr. WEBB. How far is it?

Mr. MADDEN. It is 37 miles from Chicago to Fort Sheridan, and the fort is not in Chicago at all. So you can not expect that they are going to be transported for 5 cents to a place that is not within the jurisdiction of the city.

Mr. WEBB. That may be so; but how about Indianapolis? These men are quartered in the city at Government expense, when Fort Benjamin Harrison is within 5-cent car ride of the city.

Mr. MADDEN. I do not know anything about Indianapolis.

Mr. COX. I would like to hear from Indianapolis. That interests me very much.

Mr. WEBB. I have not any specific data on that, but conditions prevail there just as they do at Washington Barracks, at Watertown, and at Fort Myer, I am informed.

Mr. STEPHENS of Nebraska. I want to ask a question in regard to the barracks now provided. Do I understand that there are quarters already provided that are now vacant, and that these officers should use, and that the Government is renting buildings outside for them?

Mr. WEBB. That is the case; that officers are using 189 rooms, when under the law of Congress they are entitled to occupy only 99 at the Washington Barracks.

Mr. STEPHENS of Nebraska. Are they renting any rooms here in the city in apartment houses?

Mr. WEBB. Yes; the town is full of them. I will show you them a little later. About 200 officers are detailed to Washington for duty and the Government is paying for rooms, heat, and light for them at big prices.

Mr. STEPHENS of Nebraska. Are there other quarters in the barracks vacant that they could use?

Mr. WEBB. I do not know whether they are vacant or not. I know there are officers who are entitled to occupy only 99 rooms there and they are actually occupying 189; so there ought to be vacant at least 90 rooms at this barracks.

Mr. HELM. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. HELM. Have you any data there to show how much the commutation of a brigadier general is in case he had the rooms furnished to him that the Government was authorized to furnish him? What is the amount in money?

Mr. WEBB. I will give that to the committee a little later on under another section. I have it.

The officers are insistent on these assignments of quarters, too.

I have a copy of an order here dated March 1, 1913, as follows:

SPECIAL ORDERS, NO. 50.

WASHINGTON, *March 1, 1913.*

11. First Lieut. John C. H. Lee, Corps of Engineers, is relieved from duty in this city, to take effect upon the completion of his duties in the office of the Chief of Staff, and will then proceed to Fort Leavenworth, Kans., for temporary duty.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WEBB. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. WEBB. I read further:

And upon completion thereof—

That is, the temporary duty—

will proceed to Galveston, Tex., and report for duty with Company M, Third Battalion of Engineers. The travel directed is necessary in the military service.

By order of the Secretary of War:

LEONARD WOOD,
Major General, Chief of Staff.

That was on March 1, 1913. Now, on March 3, 1913, they changed that order and issued the following order:

SPECIAL ORDERS, NO. 51.

WASHINGTON, *March 3, 1913.*

16. Paragraph 11, Special Orders, No. 50, March 1, 1913, War Department, is so amended as to direct First Lieut. John C. H. Lee, Corps of Engineers, to proceed to Fort Leavenworth, Kans., take station at that place, and after arrival proceed to Galveston, Tex., as directed in the order cited. The travel directed is necessary in the military service.

By order of the Secretary of War:

LEONARD WOOD,
Major General, Chief of Staff.

Now, the records show that this man left Washington on the 11th of March, arrived at Leavenworth, Kans., on the 13th, and left Leavenworth on the same day, and arrived at Galveston, Tex., on the 15th; and there is no other possible explanation of that except that the order was changed simply to give this man quarters for his family at Leavenworth, Kans., so that he could go on to Galveston and get quarters for himself there, too.

I submit that Congress ought to look into this quarters business. We are paying out hundreds of thousands of dollars for rent in fine hotels and apartment houses when the Government has quarters already built for these men.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. LEVY. Does not the gentleman know they have to pay much more than they are allowed, and that the Government can not supply all the quarters necessary? I think it is too small to talk about little things like this in the House of Representatives of the United States. [Laughter.]

Mr. WEBB. I see it is touching my friend, and it must not be so small after all. It amounts to hundreds of thousands of dollars every year to the taxpayers.

Mr. LEVY. I am talking about little things being discussed in the House of Representatives of the United States.

Mr. WEBB. Mr. Chairman, I can not allow the gentleman to make a speech in my time. I think he knows little about this matter and does not understand it at all.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Pennsylvania?

Mr. WEBB. Yes.

Mr. BUTLER. The gentleman, I know, tries to be fair. Is it unfair for the Government to order that officer out to his post in Kansas and require him in traveling to go out farther? There is nothing unfair in that. He ought to live in Galveston while performing his duty there, and if he had a family, was it not all right to leave his family at the post?

Mr. WEBB. He had to have quarters at Galveston if he was located there.

Mr. BUTLER. I understood the gentleman, when he read the order, said that the order had been changed assigning him permanently to the post at Kansas, and then ordering him to go on and take temporary duty in Galveston.

Mr. WEBB. It ordered him to "take station." That means much. It means commutation and heat and light and quarters and all the rest of it.

Mr. BUTLER. I understood that is a permanent assignment of duty—to take station.

Mr. WEBB. He is not permanently assigned at Leavenworth, Kans. He is assigned to Galveston, Tex., but "takes station" at Leavenworth.

Mr. HELM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WEBB. Yes.

Mr. HELM. This officer whom the gentleman has mentioned as traveling to Forth Leavenworth is entitled to mileage, is he not?

Mr. WEBB. Yes. I have a memorandum of that.

Mr. HELM. Is his family entitled to mileage?

Mr. WEBB. No; but he gets enough to cover his family and enough to take with him his furniture and library of "technical" books and his automobile and everything else in the way of household goods, and all freight and crating free.

Mr. HELM. One question further. Is this route to Galveston, Tex., a longer or a nearer route?

Mr. WEBB. I can not tell, but I know it is a little unusual to change an order like that within two days and order a man to permanent quarters at one post and assign him to duty at another. I ask that these Government quarters shall be assigned according to law before additional quarters are built and paid for by the Government of the United States.

Mr. HAY. Mr. Chairman, the provision in the bill to which the amendment is offered provides—

For commutation of quarters to commissioned officers, dental surgeons, and veterinarians and pay clerks on duty without troops at stations where there are no public quarters, $450,000.

The amendment offered by the gentleman from North Carolina [Mr. WEBB] is as follows:

Provided, That hereafter the persons mentioned in this paragraph shall receive no part of this appropriation unless the aggregate of the number of rooms to which the officers already assigned to that post, station, fort, or school are entitled by law shall exceed or equal the whole number of rooms at such point or points.

Mr. Chairman, if the amendment were adopted, it would not accomplish what the gentleman from North Carolina thinks it would. His amendment refers to posts and schools and stations, whereas the appropriation refers only to such places where there are no posts and no schools and no forts; in other words, where there are no stations; so that the gentleman has offered an amendment which, in my judgment, is out of order, first, because it is not germane, and secondly, because it changes existing law, and which, if it were adopted, would not effect what the gentleman desires.

The law provides that commutation of quarters shall be given to those officers who are stationed at a place where there are no public quarters, and if this amendment were adopted it would not at all affect that law. It would not change it at all; and this appropriation would be paid out under this bill and under this amendment in the future just as it has been in the past.

So much for that. Now, the gentleman complains that officers stationed at Washington Barracks and other military posts are occupying more rooms than they are entitled to. While that may be true, it has nothing on earth to do with this appropriation. When a regiment is ordered to a post the officers of that regiment are entitled to the quarters provided for them at that post. Each one is entitled not to so many rooms, as the gentleman seems to think, but he is entitled to quarters in accordance with his rank. There is no law with which I am acquainted that confines the officer at a post to any specific number of rooms.

Mr. WEBB. Mr. Chairman, will the gentleman permit an interruption?

Mr. HAY. I will.

Mr. WEBB. This assistant auditor expressly gives the law, and states that out here at Fort Myer——

Mr. HAY. Oh, the gentleman does not understand. The law is that where an officer is stationed at a place where there are no public quarters he can have commutation of quarters for so many rooms. That does not apply to a post. That does not apply to a place where they have quarters already provided.

Mr. WEBB. Undoubtedly it does. The auditor has passed on that very point several times.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. HAY. I do.

Mr. MADDEN. And at a post where they have quarters the ranking officer takes the best quarters?

Mr. HAY. Undoubtedly; and so on down the line. I said before, and say now, that the gentleman can not find a law which provides how many rooms an officer shall be confined to at a post.

Now, the law does provide how much shall be paid for rooms when he is ordered to a place where there are no quarters. That is what the law provides.

Mr. WEBB. Then this Auditor for the War Department missed the mark entirely with regard to the law, because he quotes the cases where the law has been violated.

Mr. HAY. I am acquainted with the decision of the auditor to which the gentleman refers, and that applies entirely to the case of an officer who is given commutation of quarters. For instance, a second lieutenant is entitled to two rooms, a first lieutenant to three rooms, a captain to four rooms, a major five, a lieutenant colonel six, a colonel seven, and so on. They are entitled to receive so much in money for each room when they are stationed at a place where there are no public quarters, and this appropriation does not apply to the grievance complained of by the gentleman from North Carolina in any possible way. The only way in which he can reach it, if he desires to reach it, is to provide that they shall not have as many rooms as are now allowed by law. I want to say to the gentleman that in the Committee on Military Affairs they have gone into this question of commutation of quarters and commutation of heat and light very carefully, and we are convinced by the evidence given to us that there has not been any abuse, except in very rare instances.

Mr. KAHN. Gen. Aleshire, whom the gentleman from North Carolina [Mr. WEBB] was inclined to criticize, is an exceedingly fair officer, as the chairman of the committee knows. Gen. Aleshire made this statement before the committee:

> I do not want to say anything here that would lead anyone to believe that I am not satisfied with what the Government does for its officers and enlisted men, but I would like to call attention to this fact: In looking over the reports from the Bureau of Labor, of the Department of Labor, I find that a large number of mining concerns, manufacturing establishments, and other large business concerns which provide quarters for their employees, that the number of rooms in the buildings vary from three or four for the ordinary laborer to a considerably larger number for foremen, clerks, superintendents, etc., and that the average number of rooms furnished, considering all employees of those various establishments, was six.
>
> That is to say, those corporations provide as many rooms for their employees, on an average, including the laborers, mechanics, clerks, etc., as the Army Regulations allow a lieutenant colonel.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. KAHN. The time is in the control of the gentleman from Virginia [Mr. HAY].

The CHAIRMAN. The time of the gentleman from Virginia [Mr. HAY] has expired.

Mr. HAY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAY. Now I yield.

Mr. COX. If the gentleman has made a statement as to how much is allowed for each room, I have not heard it, because I have been out at the lunch counter. How much does the Government allow officers now for each room in the way of rent?

Mr. KAHN. Twelve dollars a month.

Mr. HAY. Twelve dollars a month.

Mr. COX. What can the gentleman say as to whether these rooms can be rented any more cheaply than $12 a month? Has the Committee on Military Affairs ever gone into that investigation?

Mr. HAY. I assume, Mr. Chairman, that when the committee and the Congress determined upon the amount of rent which should be paid for these rooms in cities like Washington, Chicago, San Francisco, and places like that, they did go into that question. The law was fixed many years ago.

Mr. COX. Before the gentleman was on the committee?

Mr. HAY. Long before I was on the committee.

Mr. COX. Since the gentleman has become a member of this committee has he conducted any investigation along that line?

Mr. HAY. I have not, because I am satisfied that in a city, for instance, like Washington or Chicago you can not get a room for $12 a month.

Mr. COX. Oh, I beg leave to differ with the gentleman.

Mr. HAY. The gentleman might get a room somewhere that he would not live in himself, and that he ought not to ask anybody else to live in.

Mr. COX. Oh, you can get many rooms in Washington for less than $12 a month. As I understand, this room rent is paid to the officer in a lump sum, whether he actually occupies his full quota of rooms or not.

Mr. HAY. Not at all. We asked that question in the hearings on this bill, and the evidence is that he receives no more than for the rooms he actually occupies.

Mr. COX. Let me put this question: I do not remember how many rooms a colonel is entitled to.

Mr. HAY. Seven.

Mr. COX. At $12 a month he is entitled to $84 a month house rent?

Mr. HAY. Yes.

Mr. COX. Suppose in truth and fact he does not occupy seven rooms, but only occupies five.

Mr. HAY. Then he only gets $60.

Mr. COX. The gentleman says he has brought that out in the hearings since he has been a member of the committee.

Mr. HAY. It may have been brought out before I was chairman. I do not know.

Mr. COX. But since the gentleman became a member of this committee?

Mr. HAY. Yes.

Mr. KAHN. As a matter of fact, the committee reduced the estimate submitted by the department for this item $50,000. They asked for $500,000 for this purpose, and the committee reduced the amount to $450,000.

Mr. McLAUGHLIN. I should like to ask the chairman if this practice prevails: Some years ago, when a court-martial was to be held in this part of the country, it was called to meet at Fort Myer, and officers from different parts of the country were called from their stations to constitute that court and carry on the proceedings. Of course they were allowed no commutation for quarters, because they occupied quarters already provided at Fort Myer and were supported at the expense of the Government. For that very reason it is said that the practice of the department has been changed and courts-martial are now called to hold their sessions in the city of Washington, and when officers are called from different parts of the country they come here; and, of course, there being no quarters for them, they are allowed commutation for quarters, but they actually carry on their proceedings at Fort Myer, and actually live at Fort Myer, and are supported at the expense of the Government at Fort Myer while they are drawing their allowances for quarters in Washington.

Mr. HAY. I will state to the gentleman that I do not know from whom he gets that information, but, in my judgment, it is erroneous. I do not believe that officers ordered here for a special duty are allowed commutation of quarters while living in Government quarters at Fort Myer. I do not believe that is the fact; and if the gentleman has any evidence that that has occurred, I think he ought to give it to the committee.

Mr. LEVY. These officers have to furnish their quarters, do they not?

Mr. HAY. The gentleman means those who get commutation of quarters?

Mr. LEVY. Yes.

Mr. HAY. Yes; they do.

Mr. LEVY. Is it not true that in many cases they are compelled to pay more money than they receive?

Mr. HAY. I know that, of course. In many instances a man can not get suitable rooms for the amount which the Government allows him.

I insist on the point of order, Mr. Chairman.

The CHAIRMAN. If the Chair was assured after consideration of the matter submitted for and against the amendment, that it would reduce expenses, he would hold that it was in order.

Mr. HAY. Does the Chair think the amendment is germane; it does not deal with it——

The CHAIRMAN. The Chair is not disposed to hold the amendment in order. The Chair stated that if he was satisfied that the amendment would reduce expenses, he would hold it to be in order, but after hearing the discussion and considering the amendment he is not so satisfied. The Chair therefore sustains the point of order.

Mr. WEBB. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEBB. I have pointed out the abuse complained of, but for the life of me I can not find any other place in the bill where I could offer it to stop it.

Mr. HAY. I can tell the gentleman where he can offer it. The gentleman can offer his amendment to that paragraph of the bill dealing with barracks and quarters. But he could not offer it there without a change of existing law.

Mr. WEBB. That is what I know. I would like to see if you could get at it, so as to correct the abuse.

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry. The amendment may be offered at any point in the bill where it would be germane, and if in that

connection it would reduce expenses it would be in order, even should it operate to change existing law.

The Clerk read as follows:

For interest on soldiers' deposits, $90,000, and so much as may be necessary to pay back such deposits.

Mr. WEBB. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. The words, beginning in line 18, "and so much as may be necessary to pay back such deposits" are new words and new legislation?

Mr. HAY. No; I think that has been in the bill for some time.

Mr. WEBB. I make a point of order against those words, because they are new—new legislation. The law provides that the soldier may deposit with the Government his earnings and draw a certain amount of interest; that it shall be kept as a separate trust fund for such officers or men, and if it has been kept properly that money can be called in by the officers and enlisted men from this particular fund at any time. Now, so much of this item as provides for the soldier's interest is all right, but I can not see why we should appropriate to pay back money which is held in trust for soldiers.

Mr. HAY. Mr. Chairman, I have no objection to having those words stricken out.

Mr. KAHN. Mr. Chairman, as I recall this item, the department officers contend that the soldiers sometimes draw out the entire amount of their deposit, and the department must have some money with which to pay the soldier when he makes a demand for his own money. For years the bill has been carrying an item of this character. It is not new legislation. The amount of interest appropriated for and contained in this item does not amount to $90,000.

Mr. HAY. The gentleman from North Carolina only objects to the words "and so much as may be necessary to pay back such deposits."

Mr. KAHN. It is immaterial whether those words are in there or not.

Mr. WEBB. Well, I make the point of order.

Mr. KAHN. I hope the gentleman will reserve it. There may be a question as to whether, under the language that will be left in the paragraph, they can pay back the amount of the deposit, regardless of the question of interest.

Mr. WEBB. This is the first time that I ever saw the language in any previous bill. It is new.

Mr. HAY. The bill last year read "for interest on soldiers' deposits, $90,000."

Mr. WEBB. That is all, and it does not carry the language that I have made the point of order against.

Mr. HAY. The Quartermaster General in the hearings on page 197 says they can pay $90,000, and anything beyond that they would use if called upon.

The CHAIRMAN. Does the gentleman from North Carolina insist upon the point of order?

Mr. WEBB. I do.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For mileage to officers, dental surgeons, veterinarians, and contract surgeons, pay clerks, expert accountants, Inspector General's Department, when authorized by law, $500,000.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 14, as follows: Strike out lines 11, 12, 13, and 14 and insert in lieu thereof the following: "For mileage of officers, dental surgeons, veterinarians, contract surgeons, pay clerks, expert accountants, Inspector General's Department, when authorized by law, $357,428. And hereafter all officers, dental surgeons, veterinarians, pay clerks, extra accountants, Inspector General's Department, shall be allowed only their actual expenses while traveling, to be paid out on vouchers duly rendered by said officer."

Mr. HAY. To that, Mr. Chairman, I reserve the point of order.

Mr. COX. I do not think the amendment is subject to a point of order. Now, Mr. Chairman, in view of the criticism which was made against the gentleman from North Carolina, I will say——

Mr. MOORE. Mr. Chairman, can we not have the amendment again read?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again reported the amendment.

Mr. COX. Mr. Chairman, I ask unanimous consent to insert the words "under orders" after the word "traveling," so as to read "when traveling under orders."

The CHAIRMAN. Without objection, the words will be inserted.

There was no objection.

Mr. KAHN. Mr. Chairman, it is understood that the point of order goes to the new language also.

Mr. COX. Mr. Chairman, I do not believe it is subject to a point of order. I think it comes squarely within the meaning of the Holman rule not only in spirit but the very letter. The item carried in the bill is $500,000, and my amendment reduces it to $357,000. Now, Mr. Chairman, I would like to ask the chairman of the committee whether or not this amount pays all the expenses that the officers incur while traveling in all departments of the Government?

Mr. HAY. I do not understand the gentleman's question.

Mr. COX. Whether it pays train fare and hotel bills?

Mr. HAY. It does.

Mr. COX. All of them?

Mr. HAY. Yes.

Mr. COX. Mr. Chairman, with due deference to the statement of the chairman of the committee, he is mistaken or else the War Department is mistaken. It has been argued time and time again on the floor of this House that this 7 cents a mile is a matter of economy. Another argument has been put up on the floor of the House for mileage that this is questionable bookkeeping. I hold in my hand "Rules and Regulations of the War Department," which I think will explode both those arguments. If anyone who has investigated the whole mileage question will go out and read the statutes for a moment he will readily see the struggle the Army officers have had in order to maintain this mileage.

Time and time again it has ranged from 3 to 10 cents a mile backward and forward, 3 cents, 4 cents, 5 cents, 10 cents, 8 cents, 7 cents, until at last apparently they have got it where they want it—7 cents a mile. As to the question of economy, I strenuously take issue with that proposition. We all know from past experience and observation that if this was not exactly what the Army officers wanted, that if it was an economy to the Government to pay mileage instead of actual traveling expenses, the War Department would be besieging the committee, would be besieging the Congress in order to pay actual traveling expenses. Last October I put a few remarks in the RECORD upon this subject, and a captain of the Army, whose letter I have in my hand, but whose name I promised not to divulge, came to my office and said, "I have read your remarks in the RECORD. You told the truth about the matter. What ought to be done is to put these Army officers traveling under orders on actual expenses, and when you do that, you will save not less than $250,000 a year."

In response to the answer made by the chairman of the committee [Mr. HAY] a few moments ago that this mileage paid all expenses, I hold in my hand an Executive order dated October 28, 1908, furnished me by the captain of the Army, signed by J. Franklin Bell, Major General, Chief of Staff, and Henry P. McCain, Adjutant General. This is in response to the argument that is made on the floor of this House, that out of this mileage the officers traveling under orders pay all their expenses, train fare, berths, hotel tips, porter tips, and everything else.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Let us see whether that is true or not. I read the order:

Officers of the Army detailed to inspection duty under the provisions of the militia act of January 21, 1903, whose expenses are in excess of the mileage accruing for such inspection travel, will forward to the Paymaster General of the Army two signed mileage accounts, two copies of the orders and approved itinerary, etc., and duplicate detailed statement of the actual and necessary expenses incurred, using the following as a basis of what is allowed.

Then follows six different regulations. I will read the fifth:

The actual cost of meals while traveling, where same are not included in the travel fare, the actual cost of meals and lodgings at hotels, and the cost of baths and laundry will be allowed to an aggregate of not to exceed an average of $6 a day for the time actually and unavoidably consumed in making the inspection, the period to be determined by the terms of the officer's orders and the approved itinerary, counting from the day of departure from his station to the day of return thereto, both days inclusive.

I read further from the body of the circular:

The Paymaster General of the Army will in each case arrange for the payment of the statutory mileage—

That is, 7 cents a mile—

upon one of the signed mileage accounts as reimbursement of part of the expense—

I call attention to the remainder of this paragraph—

and will certify the other account to the proper State disbursing officer for the payment of the excess expenses by check to the order of the officer signing the account, to be transmitted to him through the office of the Paymaster General of the Army.

First, Mr. Chairman, they are required to charge themselves with the amount of actual mileage, at the rate of 7 cents a mile, and then they are required to make out a second account and turn that over to the pay department, and that is paid from funds appropriated by Congress, and then turned over to the States in order to enable the militia to retain their militia maneuvers.

Here is the letter of the captain to which I referred:

Referring to the conversation I had with you in your office not long ago on the subject of traveling allowance for Army officers, I inclose herewith the order of the War Department I promised to send you. My delay in sending this has been entirely due to my having mislaid it among some other papers. The inclosed circular, you will see, was issued five years ago; hence there has been ample opportunity for testing the practicability of the system of actual expense. Particularly is this true when it is borne in mind that traveling accounts of something like 250 officers, more or less, are handled annually under the provisions of this circular, and that these accounts involve traveling in every State in the Union. It may, therefore, be fairly stated that the system works. Furthermore, it is not only fair to pay the actual expenses but liberal and not at all inconvenient, as anyone will say that travels under it.

Thanking you for your interest in this matter, etc.

Mr. Chairman, there is the letter written by an Army officer holding the rank of captain, and the statement has been made on the floor of this House time and time again that the 7 cents a mile pays all the expenses of the officers while traveling under orders, and yet the circular which I have read here shows that it does not do it. The circular I have read here shows that 250 officers of the Army are traveling under a double allowance—first, their mileage, and, second, if that is not sufficient, then the residue is paid. I have read the hearings on this question before the Committee on Military Affairs, and, with all due deference to the chairman of the committee, I must say that I have never seen that question developed before that committee since I have been a Member of this House to exceed two or three pages. I have read what Gen. Aleshire had to say about it the other day—a matter of economy—a matter of economy! Let us try it out. The chairman of this committee said yesterday they get 7 cents a mile coming from Manila to this country. I was under the impression that they did not. Mr. Chairman, I can buy a round-trip ticket from Washington City to Manila——

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. SELDOMRIDGE. Is it not a fact that the transport charges to Manila are at the rates of about a dollar or a dollar and a half per day?

Mr. COX. I do not know. I can buy a round-trip ticket from the city of Washington to Manila and return, stateroom on the boat, meals on the boat, train fare from here to Seattle or San Francisco, everything paid except meals on the train, coming from the west coast to this place, at a total cost of $285. I do not know the exact distance it is from here to Manila, but I suppose it is 7,000 or 8,000 miles, and at 7 cents a mile it would get to $700 on the trip. Is that economy?

Mr. GOULDEN. One way or both ways?

Mr. COX. One trip.

Mr. STEPHENS of Nebraska. I desire to know if this 7 cents per mile is supposed to pay for transporting the officer's family, and so forth?

Mr. COX. I do not know; they are allowed so much pay for transportation of household goods.

I ask unanimous consent to insert the circular from which I have read.

The CHAIRMAN. Is there objection? There was no objection.

The circular referred to is as follows:

CIRCULAR NO. 85.

WAR DEPARTMENT,
Washington, October 20, 1908.

Circular No. 10, War Department, February 15, 1907, is rescinded and the following published in lieu thereof:

Section 2 of the act approved June 22, 1906, being an act "To promote the efficiency of the militia," reads in part as follows:

"SEC. 2. * * * *Provided also,* That the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named in section 14 of the act of January 21, 1903, for the actual excess of expenses of travel in making the inspections therein provided for over the allowances made for same by law; * * *."

The Assistant Comptroller of the Treasury, under date of January 19, 1907, decided in relation to such act, "that Congress, by said section 2 of the act of 1906, when enlarging the objects for which the appropriation can be used, intended that the disbursing officer provided by section 14 of the act of 1903 should be the disbursing officer to receive and disburse the money for the objects contemplated by section 2 of the act of 1906 as well as for the objects contemplated by section 14 of the act of 1903."

In pursuance of this law and decision the payment of excess expenses to inspecting officers of militia shall be made by State disbursing officers upon accounts certified to them from the office of the Paymaster General of the Army.

Officers of the Army detailed to inspection duty under the provisions of the militia act of January 21, 1903, whose expenses are in excess of the mileage accruing for such inspection travel, will forward to the Paymaster General of the Army two signed mileage accounts, two copies of the orders and approved itinerary, etc., and duplicate detailed statement of the actual and necessary expense incurred, using the following as a basis of what is allowable:

1. Fares upon railroads, steamers, or other usual modes of conveyance, including the actual cost of transportation of personal baggage not in excess of 150 pounds to each purchased ticket whenever an extra charge is made therefor.

2. Cost of seat in parlor car, one double berth in sleeping car, or customary accommodations on steamer, where same are not included in the travel fare, and fees to porters or to stewards, not to exceed 25 cents for each 12 hours or fraction thereof of actual travel.

3. Hire of special transportation, either by land or water, where there are no regular means of conveyance. Ferriage, tolls, driver's service, and horse keeping, when transportation is hired. Subvouchers, properly receipted, will be required for these items when they exceed $1. When not practicable to obtain such subvouchers the officer will so certify.

4. Transfer coach fare en route to and from depots and hotels, or, when there are no such conveyances, moderate and necessary hack hire not to exceed the authorized local rates, and the cost of transfers of baggage not to exceed $1 for each transfer. Items of hack hire require explanation as to the distance and the necessity for same.

5. The actual cost of meals while traveling, where same are not included in the travel fare, the actual cost of meals and lodgings at hotels, and the cost of baths and laundry will be allowed to an aggregate of not to exceed an average of $6 a day for the time actually and unavoidably consumed in making the inspections, the period to be determined by the terms of the officer's orders and the approved itinerary, counting from the day of departure from his station to the day of return thereto, both days inclusive. Subvouchers, properly receipted, will be required for the expenses at hotels. When not practicable to obtain such subvouchers the officer will so certify.

6. Fees to waiters and bell boys at hotels, not to exceed 50 cents a day or 15 cents to waiters for each single meal on trains or at restaurants, and fees to porters for handling baggage, not to exceed 25 cents for each transfer of same.

All items of actual expense authorized above are for travel by the shortest usually traveled routes and at places named in the order or approved itinerary, and in proceeding from point to point in the order stated therein. Expenses incurred by any deviation from the itinerary or shortest usually traveled routes can not be considered as actual and necessary expense of the inspection. The officer will certify on the detailed statement that the account is correct and just and that the amounts charged therein were actually paid by him.

The Paymaster General of the Army will in each case arrange for the payment of the statutory mileage upon one of the signed mileage accounts as reimbursement of part of the expense, and will certify the other account to the proper State disbursing officer for payment of the excess expenses by check to the order of the officer signing the account to be transmitted to him through the office of the Paymaster General of the Army.

[1433355, A. G. O.]

By order of the Secretary of War:

J. FRANKLIN BELL,
Major General, Chief of Staff.

Official:
HENRY P. MCCAIN, *Adjutant General.*

Mr. HAY. Does the gentleman from North Carolina desire to be recognized?

Mr. WEBB. I only want one minute to answer a question. I desire to offer an amendment at the proper time.

Mr. HAY. If the gentleman wants to offer an amendment, I think it would be better to dispose of this one first. Now, Mr. Chairman, what does what the gentleman from Indiana said amount to? The gentleman from Indiana insists that it is cheaper to provide that these people shall be paid their actual expenses rather than 7 cents per mile. Now, what evidence does the gentleman present that it will be cheaper? He reads a letter here from a man whom he says is a captain in the Army, but he does not give any information about it. He read an order issued by the War Department, which has nothing whatever to do with the question involved in this amendment and which shows conclusively on its face that 7 cents per mile is permitted to be paid out of this appropriation——

Mr. COX. I beg the gentleman's pardon; that is not what the order shows at all.

Mr. HAY. Give me the order and I will show you.

Mr. COX. The gentleman can have the order. Read it right at the top of page 3.

Mr. HAY. Why, this man was ordered to travel as an inspector of Organized Militia, and it was under this order, as I understood the way the gentleman read it, he was allowed 7 cents per mile from this appropriation, but the State could pay him under this order for his actual expenses while traveling in the State.

Mr. COX. But the State pays the residue out of a fund which Congress appropriates to aid the Organized Militia.

Mr. HAY. Not necessarily.

Mr. COX. That is what the order says; nothing else.

Mr. HAY. But that does not bear on the question; that does not say that he got more than 7 cents per mile, and the gentleman undertook to say from this order that the man got more than 7 cents per mile when traveling under orders.

Mr. COX. That order shows an entirely different state of facts——

Mr. HAY. No; it says this man would be paid this under another and distinct bill, under the bill approved June 22, 1906, an act to promote the efficiency of the militia.

Mr. COX. It does not make any difference from what fund it is paid out if it is a fund appropriated by Congress.

Mr. HAY. But the gentleman does not choose to be fair enough to admit that even under this order he can only get his 7 cents per mile under this appropriation. He does not get any more out of this appropriation than 7 cents per mile.

Mr. COX. Of course, I admit that that is true.

Mr. HAY. Then the gentleman admits the whole case.

Mr. COX. I do not admit the whole case, because he is paid out of another appropriation.

Mr. HAY. He is paid out of another appropriation for doing something for the State, but not for the United States.

Mr. COX. Do not these inspectors going around examining the militia travel under orders of the War Department?

Mr. HAY. They are traveling under orders of the War Department; that is true.

Mr. COX. That is traveling for the United States.

Mr. HAY. But this very law to which the gentleman refers provides "that the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named under section 14 of the act of January 21, 1903, for the actual excess of expenses of travel in making the inspection therein provided for over the allowance made by the same law," so whenever he does that he does it under a law which provided for it, which permitted it, and it was not done under cover or for the purpose of getting more out of the Treasury than the man was entitled to. The law, the Congress provided for it. Now, the real question at issue with us is whether or not it is cheaper to give these officers 7 cents per mile or to pay them their actual traveling expenses. That is the whole question so far as this amendment is concerned. This is not the first time this matter has been up. It has been thrashed out on the floor and in committee over and over again and it has been determined over and over again that the mileage system was the cheaper. For example, in the hearings Gen. Aleshire, than whom there is no more disinterested or careful officer, said:

I think the mileage plan is the more economical to the Government. If you paid the actual expenses to the officers, I am of opinion it would cost a good deal more than the mileage.

I want to say that while I have a very high regard for the judgment of the gentleman from Indiana and for his desire to produce and bring about economy, I do say that Gen. Aleshire's judgment is better as to this question than is the judgment of the gentleman from Indiana [Mr. Cox], and he has as great a desire to bring about economies as has any man on this floor. I asked him if he could give any instances of that, and he said:

I can refer to my own experience when I was buying horses and mules. I would be sent, for instance, from Chicago, my regular station, to St. Louis to inspect and receive horses and mules delivered under contract and would remain a month or more, and all I would receive would be the 7 cents per mile to St. Louis and 7 cents a mile for the return trip to Chicago. The expense while at St. Louis, say for a few days' time, at the most economical hotel, living in the most economical way I could, would exceed that mileage.

I have had similar experiences when ordered from Washington to Kansas City and points in Missouri. The mileage would not amount to as much as my expenses. It would pay my railroad fare and meals and Pullman berths, but generally I was behind.

Then I said to him: "You had to take money out of your own pocket?" to which he replied, "Yes, sir." He further said:

Gen. ALESHIRE. Mr. Chairman, as an illustration of what the cost would be if they paid actual expenses. A veterinary surgeon would accompany me on these trips. The Government furnished him his transportation, his Pullman sleeper, and they paid his expenses, not to exceed $3 a day. Three dollars a day was a big help. I would like to have had that $3 a day and transportation and Pullman expenses. He could always manage to come out even, and I rarely could come out even. That was just the difference.

Mr. STEPHENS of Nebraska. Will the gentleman yield to me for a question there?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Nebraska?

Mr. HAY. Certainly.

Mr. STEPHENS of Nebraska. Do I understand that the inspector of these mules received no expenses and the mileage was all he had, and that there was no provision for his railroad expenses other than that?

Mr. HAY. That is all.

Mr. STEPHENS of Nebraska. And the gentleman from Indiana [Mr. Cox] objects to that?

Mr. HAY. He objects to that. He wants to have it the actual expenses.

Gen. Aleshire illustrated that by showing at that time a veterinarian was paid the actual expenses. They gave him his Pullman fare and his railroad fare and paid him $3 a day, and he came out even, while the officer who got only the 7 cents a mile was behind, and had to pay the money out of his own pocket.

As I said a moment ago, we have been over that question time and time again, and I am of the opinion that the mileage system is the cheapest, and this committee, in my judgment, would be making a grave mistake if they departed from that now. Not only is that true, but we have in the hearings an itemized statement showing how every dollar of this appropriation was spent. I am willing to admit that sometimes abuses creep in on this, as they will on anything else.

Take the proposition of actual expenses. Why, if an officer chose he could go to the city of New York and put up at the most expensive hotel and the Government would be compelled to pay him for it. There would be no alternative.

Mr. COX. Could not the War Department make regulations about those things?

Mr. HAY. They could make regulations, but your amendment provides for actual expenses.

Mr. COX. I take it that while you have Gen. Aleshire here he would look after that.

Mr. HAY. It is not his business to do it.

Mr. COX. Whose business is it?

Mr. HAY. It is the business of the Secretary of War.

Mr. COX. I take it, then, that the Secretary of War would do it.

Mr. HAY. And there has been talk here about Manila. It may be that some of the gentleman here have an impression that every officer who goes to Manila and comes back gets 7 cents a mile. But that is not true. It is only the officers who are ordered to go there for special purposes—a general, or somebody like that. The ordinary colonel, lieutenant colonel, major, or captain comes back on the transports. They are furnished free transportation. They are not given any 7 cents a mile at all. They are not traveling under what are known in technical terms as "orders." They are being carried from station to station, and it is only rarely that a man goes to the Philippines traveling under orders.

Mr. STEPHENS of Nebraska. I want to ask the gentleman if these officers who have families, and who are traveling under orders, are allowed anything for the transportation of their families and household goods.

Mr. HAY. They are not allowed anything for the transportation of their families. They are allowed so much for their furniture—I think so much per hundred.

Mr. COX. Eight thousand pounds.

Mr. HAY. They are allowed so much for that. It depends on the rank of the officer. They are not paid a dollar for transportation of their families. Even if a man had six children and a wife, he would not get a cent for them.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HAY. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

Mr. COX. What has been done with the point of order?

Mr. HAY. Mr. Chairman, I withdrew the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. WEBB. Mr. Chairman, I present an amendment on this same line. I judge it will meet the same fate, but it embodies my views.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, line 14, after "$500,000," add the following:

"*Provided*, That hereafter when an officer is traveling in a mileage status his mileage allowance shall include the cost of packing, freighting, and transporting all of his personal goods or effects."

Mr. HAY. Mr. Chairman, I reserve a point of order on that.

Mr. WEBB. Mr. Chairman, originally when 7 cents a mile was allowed to officers in traveling it was on a war basis, where the officers did not have the opportunity or facilities to wire to headquarters and get transportation in kind. But since that act was passed we have had no wars where that particular necessity existed, because we have telegraphs all over the United States now, as well as telephones and other easy means of communication. However, the 7 cents a mile has been retained upon the statute books, and I think it is too much to pay an officer for travel, considering all his other transportation allowance. I am not niggardly, either.

Mr. STEPHENS of Nebraska. Will the gentleman yield to me for a question?

The CHAIRMAN. Will the gentleman from North Carolina yield?

Mr. WEBB. Yes.

Mr. STEPHENS of Nebraska. Do you think the 7 cents would be too much, in view of the fact that the officer must transport his family besides, and pay the additional car fare for the other members of his family?

Mr. WEBB. I will say to the gentleman, the Government transports and pays for transporting practically everything that he moves, except his trunk, and the railroads carry that free.

I have in my hand a copy of the Army Regulations, which show that when a lieutenant general moves the Government pays the freight for him on 15,000 pounds on anything he wants to ship. The Government moves for a major general 10,000 pounds, and for a brigadier general 8,000 pounds, and for a field officer 7,200 pounds, and for a captain 6,000 pounds, and so on down.

Not only does the Government pay the freight on everything that an officer wants to carry, from an automobile to 4,000 volumes of books, or anything else, but when he comes to crate it, and he wants to hire some expert to go down to his house and crate it he will say, "Take charge of this furniture, whatever it is, and the Government will pay it. You go ahead and do it, and I am entitled to pay you $90."

Mr. HELM. How much?

Mr. WEBB. Ninety dollars. If he is a major general he gets an allowance of $63 on that account.

Mr. HELM. For the portion of his household or his furniture that he does see proper to ship or to move, he is either furnished storage or storage is paid for by the Government?

Mr. WEBB. Yes. I think there is a provision for storage here, and I think that is a fact.

Now, mark you, gentlemen, every bed, every bed spring, every bureau, every table, every comfort and coverlet and blanket, and practically everything else that an officer uses in the public quarters is furnished him by the Government. I believe he does furnish his own sheets and towels, maybe.

Mr. HAY. I will state to the gentleman, Mr. Chairman, that he is mistaken when he says that the Government furnishes officers with blankets. It furnishes blankets to the enlisted men, but not to officers.

Mr. WEBB. My information is that it furnishes the officers with everything except sheets and towels.

Mr. HAY. And the Government does not furnish anything to the officers except heavy furniture. From whom does the gentleman get his information?

Mr. WEBB. I get it from a reliable source. The gentleman will not deny that the Government furnishes officers with beds, bureaus, mattresses, tables, chairs, and things like that?

Mr. HAY. It furnishes the heavy furniture. That furniture is in the quarters. But as to furnishing them with anything except the heavy furniture, it does not do it. That is all the Government does furnish.

Mr. WEBB. I want to ask the gentleman who is the chairman of this committee how an officer could have 14,000 pounds of freight? I will tell you how it is marked. Six thousand pounds are marked "household goods" and 8,000 pounds are marked "technical books," 4,000 volumes of books at Government expense. It is no such thing. It is something else. Maybe it is an automobile.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Georgia?

Mr. WEBB. Yes.

Mr. HOWARD. Has not the gentleman taken the maximum amount allowed to the highest officer of the Army? There are few of those officers in the Army. The gentleman has not, I think, presented a fair case, because he has not struck a fair general average. The gentleman does not contend that a captain or a lieutenant or a lieutenant colonel or a colonel is entitled to 15,000 pounds of freight?

Mr. WEBB. I said it was in accordance with the rank. In the case of a lieutenant general it is 15,000 pounds.

Mr. HOWARD. There is no such rank in the Army as lieutenant general.

Mr. WEBB. Well, I find it in the Army Regulations of the year 1913.

Mr. COX. Will the gentleman put in the RECORD those provisions of the regulations?

Mr. WEBB. I will. A major general is entitled to 10,000 pounds. I have also read how much he is entitled to for crating.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Mississippi?

Mr. WEBB. I do.

Mr. HUMPHREYS of Mississippi. The gentleman has stated that the officer is entitled to $90 for crating. Is that the maximum?

Mr. WEBB. Yes. That is 60 cents a hundred. That is the maximum.

Mr. HUMPHREYS of Mississippi. Suppose he does not pay the man more than forty or fifty dollars. What becomes of the rest?

Mr. WEBB. Oh, I would not charge that he "knocks it down." I do not say that. I say that he is allowed everything for traveling, and I say that his mileage of 7 cents a mile is really more than he can possibly use, and as to his purely personal effects his 7 cents a mile ought to pay the transportation.

Mr. HUMPHREYS of Mississippi. Let me ask the gentleman another question for information, not in the spirit of controversy. Does this $90 include cartage down to the train?

Mr. WEBB. No. It is extra. I have a bill here which a young captain paid out, $5.80 for packing and $10 for crating it and taking it down from Dana Street to Berkeley, Cal.

Mr. HUMPHREYS of Mississippi. I will ask the gentleman if he thinks that is an excessive charge?

Mr. WEBB. I do not know how much he had.

Mr. HUMPHREYS of Mississippi. I have had some experience myself in crating furniture.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WEBB. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. I say I have had some experience myself here in Washington, and I am sure that I have not a very large amount of furniture to pack and move, and it costs me pretty nearly what the gentleman has said is allowed to Army officers.

Mr. WEBB. The gentleman must remember that the officers do not transport the heavy furniture. They have that provided for them at the end of the journey. What they transport is something lighter, and I cited a while ago an instance of an officer carrying 14,000 pounds and charging the Government for it, in violation of the spirit of the law. I do not claim that that is the average. It is not the average.

Mr. HOWARD. Does the gentleman think that is an average case of the abuse of the privilege that is extended to Army officers?

Mr. WEBB. I know it is not. I would hate to think that the Army officers of the United States would dodge and abuse the law in that way.

Mr. HOWARD. The gentleman admits, then, that he has taken an extreme case?

Mr. WEBB. I think it is an extreme case.

Mr. HOWARD. Will the gentleman answer this question: Is he of opinion that 20 cents a mile is too much mileage for a Member of Congress to draw?

Mr. WEBB. I am. It amounts to an increase of salary to some men. A man living at Alexandria, Va., for instance, gets practically nothing as mileage; but a man living 3,000 miles away, or 1,000 miles away, gets virtually what amounts to an increase of salary.

Mr. HOWARD. Let us take the case of a man living, say, 800 miles from the Capital.

Mr. WEBB. I will tell you, my friend, the analogy is not a good one. The Government of the United States does everything for the Army officer, and the major general gets $10,000 a year salary, and a colonel gets seven or eight thousand dollars, and he does not have to run campaigns and contribute to charitable objects and the like. His expenses are paid when he travels. His household goods are transported free. His horses are groomed and shod and doctored free. He gets everything free. There is not a Congressman in the United States who is half as well paid as a lieutenant colonel or a colonel in the United States Army.

Mr. HOWARD. I agree with the gentleman thoroughly about that; but I did not think the gentleman would contend that a lieutenant or captain, landing, say, at San Francisco and coming back home, to be assigned to a certain post, bringing his wife and children with him, and getting 7 cents a mile, was getting an excessive allowance for that.

Mr. WEBB. The average officer does not take his wife and children with him when he is going to a post.

Mr. HOWARD. Very often they do.

Mr. WEBB. A great many do not, and a man traveling to San Francisco, 3,000 miles, gets $210 mileage pay, and he can get his railroad transportation, sleeping-car fare, and meals

for $75 or $80, and then he has got $140 to put in his pocket. The Government pays every other expense he can have.

Mr. KAHN. The gentleman is entirely mistaken. He can not do anything of the kind.

Mr. WEBB. What can he do it for?

Mr. KAHN. It will cost him the entire $210 if he travels in first-class style.

Mr. WEBB. Is that what it costs the gentleman from California? I can not imagine how he spends it. I do not care what style he travels in.

Mr. KAHN. Yes; it does, and more.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question for information?

Mr. WEBB. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman states that a lieutenant colonel in the Army gets better pay than a Congressman.

Mr. WEBB. Yes.

Mr. HUMPHREYS of Mississippi. What is the pay of a lieutenant colonel in the Army?

Mr. WEBB. I can state it in a moment.

Mr. HUMPHREYS of Mississippi. I am asking for information. I do not know.

Mr. WEBB. That is a perfectly germane question. The figures were put in at the hearing by Gen. Aleshire, I believe.

Mr. HOWARD. If the gentleman will permit me, I will state that there is no such officer as a lieutenant general.

Mr. HUMPHREYS of Mississippi. I am asking about a lieutenant colonel now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WEBB. A lieutenant colonel gets $5,918.27 and $200 to $300 per year additional, because he owns two or three horses, which the Government completely cares for.

Mr. HUMPHREYS of Mississippi. That is the total?

Mr. WEBB. That is the total.

Mr. HUMPHREYS of Mississippi. Does the gentleman think that is more than a Congressman gets?

Mr. WEBB. It is worth as much as $15,000 would be to a Congressman, because a Congressman has the expenses of his campaign to pay. He has contributions to objects of charity. He has to travel a great deal, and there are many other expenses to which a lieutenant colonel is not subjected. If a Congressman moves his household furniture, to the weight of as much as 30 bales of cotton, as some of these officers do when transporting their private automobiles, he has to pay the freight on it himself. I say a lieutenant colonel is a better paid man than the average Member of Congress.

Mr. HUMPHREYS of Mississippi. I think that a lieutenant colonel is well paid. I do not want to be misunderstood about that, because he gets life pay and he is retired after a while; but he certainly does not get paid as much as a Congressman gets paid while he is a Congressman, because a Congressman gets $7,500 a year. In addition to that he gets 20 cents a mile for his mileage. In addition to that he gets $1,500 for his clerk hire, and in addition to that $125 for stationery.

Mr. WEBB. The gentleman understands what I mean—that at the end of a year a lieutenant colonel can save more money than a Congressman can save out of his salary, and hence he is better paid and lives a far easier life.

Mr. HUMPHREYS of Mississippi. I do not believe a lieutenant colonel can save any money on his salary. [Applause.]

Mr. WEBB. What can he do with it all? The Government pays all his expenses and sells him food at Government price. The average man with such a princely salary could save easily $5,000 a year when all his expenses are paid by someone else.

Mr. LEVY. How many pounds of freight is a lieutenant allowed?

Mr. WEBB. A lieutenant in the Army?

Mr. LEVY. Yes.

Mr. WEBB. A first lieutenant, contract surgeon, or acting dental surgeon is entitled to 5,100 pounds, transported free at Government expense.

Mr. LEVY. Does the gentleman mean to say that for that allowance of freight he can have the household goods of his family transported to his post?

Mr. WEBB. Yes; easily. I can not think of what he could have that would weigh that much. These men get splendid salaries. Why should the Government pay for moving their personal household goods? They do not ship any heavy furniture.

Mr. HUMPHREYS of Mississippi. The Government pays us 20 cents a mile when we are ordered to Washington for duty. When an officer is ordered to report at an Army post for duty, why should not the Government pay his mileage? [Applause.]

Mr. WEBB. An Army officer gets 7 cents a mile every time he is ordered anywhere, while a Congressman only gets his 20 cents once a year, and that must pay for all his travel during the entire year for himself and family, or he must pay the additional travel out of his own pocket.

Mr. HUMPHREYS of Mississippi. He is only ordered to Washington once a year.

Mr. WEBB. He has to go back and forth more than once, if he has any business that is of any account and cares to see his constituents more than once a year.

Mr. HOWARD. He is supposed to have his business here in Washington.

Mr. PLATT. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. PLATT. The gentleman has cited the case of a lieutenant general, when there is no such officer.

Mr. WEBB. My friend will not put me in that light, because I am reading from the United States Army Regulations for 1913. I do not know whether that office exists or not, and for the purpose of this argument it makes no difference.

Mr. PLATT. There is no such officer. But suppose there were such an officer as a lieutenant general; does not the gentleman think he would be entitled to pretty high compensation? Why does not the gentleman cite the President of the United States, who gets a salary of $75,000 a year and $25,000 for traveling expenses besides?

Mr. WEBB. Some of these high officers are allowed more for heat and light than the President uses in his residence, I believe. I presume there are men in this House who would like to see a lieutenant general paid as much as the President of the United States. But I am not one of them.

Mr. HAY. Mr. Chairman, I think this is subject to the point of order, for the same reason that the other amendment was, that it is not germane.

The gentleman is trying by his amendment to reduce the cost of packing, crating, and transporting the personal goods and effects of Army officers. The item of appropriation which we have under consideration has nothing to do with that. The transportation of goods and effects, the crating of them, and having them packed does not come out of this appropriation at all, but comes out of an appropriation under the head of transportation of the Army and its supplies, further on in the bill. Now, I know the gentleman from North Carolina [Mr. WEBB] wants to be fair, but it does seem to me that he has taken an extreme case and has undertaken to magnify what might seem to be an abuse. But I do not think it can be very much of an abuse when we take into consideration the fact that the entire amount spent for the transportation of the baggage and personal effects of all the officers and men of the Army for one fiscal year was $269,000. There are 5,028 officers in the Army to-day, including Philippine Scout officers. They are being continually ordered about from place to place. I do not think there has been any abuse in this matter. There may have been one or two instances of it, but the department tries its best to arrange these matters as equitably as possible. I insist on the point of order.

Mr. WEBB. Mr. Chairman, I think the amendment comes within the Holman rule and reduces expenses.

The CHAIRMAN. This section relates entirely to personal expenses connected with travel. The amendment relates to certain other expenses not a part of the traveling expenses, and the point made is not that it does not reduce expenses, but that it is not germane to this item. If the point was that it did not reduce expenses, the Chair would hold that the amendment was in order. The Chair merely holds that the amendment is not in order in this connection. The Chair sustains the point of order on this ground. It will be competent to offer it to another portion of the bill.

Mr. WEBB. No, Mr. Chairman; I do not see any other part of the bill to which I can offer it.

The CHAIRMAN. If there is no other place in the bill where it will be proper to offer this amendment, the Chair will hold that the same is now in order. The Chair understood that there was another part of the bill where the provision would be in order.

Mr. HAY. Mr. Chairman, under the item for transportation of the Army and its supplies it may be offered. I hold a statement in my hand for the estimates of the fiscal year 1915. For that purpose transportation of baggage, officers, noncommissioned officers, and civilian employees on change of station. That item in the bill is on page 29.

The CHAIRMAN. The amendment will be in order if offered to that item. The point of order is only sustained on the ground that it is not germane to the item under consideration.

Mr. HAY. The item reads as follows:

For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including cost of packing—

And so forth.

Mr. WEBB. I understand that perfectly. But when I offer the amendment which affects the personal mileage of officers, the point of order will be made that I should have offered it to this item. I fear that when we get to that point my friend will make the point of order.

Mr. GARRETT of Texas. But the Chair has just said that it would be in order at this other place.

Mr. WEBB. I understood that the chairman of the committee said it, but not the chairman presiding.

The CHAIRMAN. The Chair stated that if there was another portion of the bill to which this amendment would be in order, the point of order would be sustained, on the ground that the amendment was not germane to this particular item.

Mr. WEBB. Mr. Chairman, I will ask unanimous consent to withdraw the amendment.

Mr. HAY. I have no objection.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I ask unanimous consent to insert in my remarks the circular from which I quoted in those remarks.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

The Clerk read as follows:

For subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools, $20,000.

Mr. WEBB. Mr. Chairman, I am not a parliamentary expert, and I do not know whether the amendment that I am about to offer is germane or not at this point, but the Chairman can rule on it. It affects the assignment of quarters.

The Clerk read as follows:

On page 15, line 3, after the figures "20,000," add the following: "*Provided*, That hereafter the persons mentioned in this paragraph shall receive no part of this appropriation unless the aggregate number of rooms to which the officers are assigned to that post, station, fort, or school are entitled by law shall exceed the equal or whole number of rooms at such point or points."

Mr. KAHN. Mr. Chairman, I make a point of order against the amendment.

Mr. WEBB. Mr. Chairman, this amendment will reduce the expenses of the Government of the United States. I understand that when National Guard officers are sent to a fort or a school, instead of being assigned quarters in the fort or school where there are quarters, they will rent quarters outside of the school, and the money of the Government pays for them, although there are in the houses surrounding the forts plenty of room to house them. The fact is that sometimes they are not exactly welcome in the quarters of the Regular Army officers.

If it is not germane under the Holman rule, then it is germane without the Holman rule. It limits this particular appropriation and says that it shall not be expended at all until certain things happen, to wit, the rooms for public quarters are all occupied. It is not fair to the taxpayers to quarter these officers who are sent away for training to a fort or school—it is not fair to spend $20,000 for room rent when there is ample room in public quarters for them. This amendment is to confine these officers to Government quarters as long as there is room enough to entertain them.

The following salaries are paid the following grades of officers, including heat and light and commutation of quarters, viz:

	Pay.		Commutation of quarters.		Heat.	
	Per month.	Per year.	Per month.	Per year.	Per month.	Per year.
Major general	$666.67	$8,000	$108.00	$1,296.00	$24.94	$298.08
Brigadier general	500.00	6,000	96.00	1,152.00	23.00	276.00
Colonel	416.67	5,000	84.00	1,008.00	21.16	253.92
Lieutenant colonel	375.00	4,500	72.00	864.00	19.32	231.84
Major	325.00	3,900	60.00	720.00	17.48	209.76
Captain	240.00	2,880	44.67	576.00	15.64	187.68

	Light.		Forage.			Total.	
	Per month.	Per year.	Horses' allowance.	Per month.	Per year.	Per month.	Per year.
Major general	$9.36	$112.32	3	$31.00	$372.00	$839.97	$10,078.40
Brigadier general	8.32	99.84	3	31.00	372.00	658.32	7,899.84
Colonel	7.28	87.36	2	20.67	248.00	549.78	6,597.28
Lieutenant colonel	6.24	74.88	2	20.67	248.00	493.23	5,918.27
Major	5.20	62.40	2	20.67	248.00	428.35	5,140.16
Captain	4.16	49.92	2	20.67	248.00	325.14	3,941.60

So it would seem that officers of the United States Army are rather handsomely paid.

Mr. HAY. Mr. Chairman, this item is for subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools.

That includes subsistence, mileage, commutation of quarters. The gentleman from North Carolina offers an amendment which provides that there shall be no commutation of quarters paid the officers of the National Guard if there are rooms in the post, fort, or school to which they can be assigned.

An officer of the National Guard is not a United States officer. These quarters provided at these posts are for the officers of the Army, and when the National Guard officer is ordered to one of these posts it does not follow, indeed it is out of the question, that he should go to the quarters which are provided for the officers of the Army. For that reason I do not think this amendment would reduce expenditures, because it does not provide any way by which these National Guard officers can get these quarters in the event they are not occupied by the United States officers.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HAY. I do.

Mr. KAHN. As a matter of fact, the National Guard officer is not entitled to any quarters at all?

Mr. HAY. Of course not.

Mr. WEBB. Mr. Chairman, I would like to be permitted to say that he ought to be entitled to quarters when the Government has got them. The Government ought not to be required to hire quarters all around the post when the fort itself has ample quarters to entertain these men.

Mr. HAY. The trouble is that they have not got them.

Mr. WEBB. The trouble is that they have.

Mr. HAY. There are four or five service schools which are constantly full of officers from the Army, sent there for the purpose of instruction. These National Guard officers are permitted to go there to take part in that instruction, and they are given this commutation of quarters. It has been done for some time and has been carried in the bill, and they have been given commutation of quarters because there are no quarters for them. The gentleman's amendment does not provide that they shall have quarters there. It goes on and provides that if there are more rooms being occupied by some other officer or officers than they would be entitled to occupy under the law, then these officers shall have no part of this appropriation. There is no law which provides the number of rooms which shall be occupied by an officer at a post, as I said a while ago.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. There are no apartment houses at the posts?

Mr. HAY. No.

Mr. KAHN. Every house stands by itself and usually the officers occupy the entire house, and the gentleman from North Carolina [Mr. WEBB] would try to quarter upon every family some officers from the National Guard, whether it might be convenient for the members of the household to have strangers in the household or not.

Mr. WEBB. Mr. Chairman, just a word in reply to that. The chairman of the committee says there are no vacant quarters——

Mr. HAY. Mr. Chairman, I did not say that. I said even if there were vacant quarters; that is, if an officer were occupying a house containing 12 rooms and did not occupy more than 4 of those rooms, that house would be occupied as a matter of fact by that officer, and under that amendment there would be no way of compelling that officer to give quarters to these National Guard officers.

Mr. WEBB. That is very true; and if I were to offer an amendment here providing for the care of National Guard officers at the public forts the point of order would be made that it was not in order because new legislation, and, consequently, the Government would go on paying these big rental and commuta-

tion expenses for housing officers when we have quarters already built for that purpose.

Mr. HAY. I want to say that I am just as much interested in the Government and the taxpayers as the gentleman is.

Mr. WEBB. I grant that.

Mr. HAY. And this constant talk about the Military Committee seeing through the eyes of officers, as I said a little while ago, I do not think is fair. If there is any great abuse, I would have been very glad if the gentleman from North Carolina or any other Member of the House had come before the committee when the bill was under consideration.

I have no doubt that the gentleman had these amendments in mind then, and if he had come before us and said to me, "Here are certain abuses being practiced which I think ought to be corrected," it would have given me an opportunity to inquire into them, and it would have given the members of the committee an opportunity to inquire into them; but the gentleman waits until the bill comes on the floor and then makes statements about this, that, and the other thing, without giving his authority for those statements, simply saying that the authority is reliable. I have no doubt the gentleman thinks that his authority is reliable, but that does not give us the authority, and we do not know what it is.

Mr. WEBB. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. WEBB. I am very glad to have the invitation to appear before the committee. While the gentleman was preparing the bill, as he knows, I was busy in another State on committee service, and I have only prepared these amendments since the bill was reported to the House. But I shall certainly accept the gentleman's invitation and next year will appear before him in behalf of some of the amendments that I have already offered and other amendments I propose to offer. He can be assured that the statements and information I have given the committee to-day are reliable, and he no doubt credits all I say about these matters.

The CHAIRMAN. As the Chair understands it, there are two classes of officers referred to—one provided for in the bill itself and another referred to in the amendment. One class of these officers is entitled to rooms at these quarters and the other is not. The amendment provides that if the rooms which are set aside for the officers who are entitled to quarters exceed in number those in actual use by the officers entitled to use the same, then no part of this appropriation shall be paid out. It is very clear that the effect of this will be a reduction in expenditures, since it would eliminate the payment of money under this section. Therefore, from a purely parliamentary standpoint, the amendment is in order. Whether it shall be adopted or not is a question for the committee. The Chair overrules the point of order.

The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For six months' additional pay to beneficiaries of officers and enlisted men who die while in active service from wounds or disease not the result of their own misconduct, $60,000.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. The language is perfectly clear, but I have not in mind what is the real purpose of it and how long it has been carried. It is that language in relation to six months' additional pay. We pension some beneficiaries by six months' additional pay—that is, beneficiaries of officers and men.

Mr. HAY. When an officer dies or when a man dies previously, when he enters the service or afterwards, he makes a record as to whom he desires to be his beneficiary in case of his death.

Mr. BUTLER. Yes.

Mr. HAY. And this provision has been carried in the bill for a good many years to provide a sum of money to meet that expense where he dies while in actual service from wounds or disease not the result of his own misconduct.

Mr. BUTLER. That is exclusive of any pension or other allowance which may be made his widow?

Mr. HAY. Yes; that is intended, I suppose, to pay his widow.

Mr. BUTLER. I have not the slightest exception to it, but I could not for a moment recall the facts in the case.

Mr. WEBB. Mr. Chairman, I move to strike out the last two words in order that I may get the RECORD straight. I want to call the attention of Chairman HAY to what I asserted this morning in reference to assignments of officers at public posts. I asserted that the law gave them a certain number of rooms, according to rank, and my friend asserted that there was no such law on that subject; that the officer took whatever rooms were assigned to him by the quartermaster or whoever has that matter in hand.

Mr. HAY. The commandant of the post.

Mr. WEBB. Now, I read the following law, quoting from the decision of Assistant Comptroller Warwick, August 18, 1913. It is as follows:

Provided further, That section 9 of an act approved June 17, 1878 (20 Stat. L., p. 151), be, and the same is hereby, amended to read as follows: "That at all posts and stations where there are public quarters belonging to the United States officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, 2 rooms; first lieutenants, 3 rooms; captains, 4 rooms; majors, 5 rooms; lieutenant colonels, 6 rooms; colonels, 7 rooms; brigadier generals, 8 rooms; major generals, 9 rooms; lieutenant general, 10 rooms:" *Provided further*, That at places where there are no public quarters commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding $12 per month per room.

There is the law therefore, Mr. Chairman, confining these officers to a certain number of rooms at these public posts, and instead of their being so confined, down here at the Washington Barracks and at Fort Myer and at 13 other posts they are occupying almost twice as many rooms as they are entitled to under the law. I just want to put that in the RECORD, so as to keep the record straight and confirm my statement made an hour or so ago.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $150,000.

Mr. WEBB. Mr. Chairman, I want to ask the chairman if what I understand from Gen. Aleshire's statement is that these horses are only furnished by the Government with forage and that the officer does the rest; is that correct?

Mr. HAY. No; I do not think so. I do not think Gen. Aleshire said that.

Mr. WEBB. Gen. Aleshire, on page 215 of the hearings, I believe of this year, says:

One hundred and fifty dollars a year to an officer who furnishes himself one mount. He has to have that horse taken care of, pay the men to take care of him, furnish his own equipment, and keep that equipment in order. Where the Government furnishes a horse to an officer the Government takes care of the horse and takes care of the equipment.

Mr. HAY. This is a case where the officer furnishes his own mount?

Mr. WEBB. Yes.

Gen. Aleshire says, further, the officer who owns his mount has an additional expense, and the additional expense to the Government would be forage. Now, turning to Army Regulations of 1913, page 209, it provides:

Such public mounts will ordinarily be assigned one to the exclusive use of each officer, and will be foraged, stabled, shod, groomed, fed, watered, and furnished with veterinary treatment and medicine at Government expense. Authorized private mounts of officers will similarly at Government expense be stabled, shod, foraged, and supplied with veterinary treatment and medicine.

Now, I want to know when an officer buys a horse from the Government at $150 or $175 and then gets $200 a year for expense, or whatever it is, I want to know if the Government shoes the horse, stables the horse, and so forth.

Mr. HAY. Well, I do not know a thing but what I am told about this. The gentleman has read what Gen. Aleshire said. Mr. MCKELLAR asked him:

Do you allow them that $150 for that same service?

Gen. ALESHIRE. No, sir. We feed the horse. We give them the forage for the horse, but they have to pay a man to take care of it and they have to maintain their equipment, their saddle, and their bridles.

Mr. KAHN. Do they have to pay for shoeing them?

Gen. ALESHIRE. No, sir; they are shod.

That is, the Government shoes them.

Mr. WEBB. The Government does the shoeing for them?

Mr. HAY. He says that.

Mr. WEBB. And I think the Government pays for the stalls, too, for private horses and shoes them, furnishes medical attention and everything that is necessary to care for a horse or horses of officers.

Mr. HAY. Well, I do not know, except what Gen. Aleshire said; I only know what Gen. Aleshire said.

Mr. WEBB. I have seen a voucher from Seattle, I believe, from an officer for a lease at $10 each of two stalls for two horses. That is $20 a month or $240 a year. And he also sent in a bill of $10 for shoeing these two horses all around with cushioned shoes. These horses belong to that man individually, absolutely his private property; and I understand this is the general practice.

Mr. GOULDEN. I would like to ask what is the purpose of private mounts if the Government furnishes the mounts necessary? What is the object?

Mr. HAY. Because they can get much better horses—much better mounts.

Mr. WEBB. The officer selects the best horse he can buy out of the Government drove. If the Government buys two or three thousand horses, an officer can go out and pick his mount and pay the average price, I think, for it, and then he is allowed $150 per year, but I have never known how he spends this allowance, for the Government pays all expenses.

Mr. HAY. Whenever he buys his mount this way he buys it wherever he can. They allow him only the $150.

Mr. WEBB. They allow him $150 on the purchase, but if he wants to buy it out of a drove of Government horses he can do that, and receive $150 yearly after that time just because he bought a horse, though the Government takes care of it for him.

Mr. HAY. I think not.

Mr. GOULDEN. I did not understand why they were buying private mounts, and I wanted the information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For amount required to make monthly payment to Jennie Carroll, widow of James Carroll, late major and surgeon, United States Army, as per act of Congress approved May 23, 1908, $1,500.

For amount required to make monthly payment to Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, as per act of Congress approved May 23, 1908, $1,500.

Amount required to make monthly payments of $100 to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, $1,200.

Mr. MOORE. Mr. Chairman, I move to strike out the last word, merely for the purpose of asking the chairman of the committee what these appropriations are for.

Mr. HAY. As to these appropriations I will say to the gentleman these three claims were allowed originally on the Army bill and have always been carried on the Army bill since. They are persons who were experimented upon down in Cuba for yellow fever.

Mr. KAHN. They sacrificed their lives.

Mr. HAY. Two of them did, and the other is a cripple.

Mr. MOORE. The sum total is a yearly payment?

Mr. HAY. Yes; it is $1,500 in two cases and $1,200 in the other.

Mr. MOORE. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each:

Pay of officers, $67,100.

For additional pay for length of service, $10,237.01.

Pay of enlisted men, $141,060.

Additional pay for length of service, $30,220.12.

Provided, That the present captains and lieutenants of the Porto Rico Regiment of Infantry shall be recommissioned as captains and lieutenants of Infantry, in their present respective grades, to take rank on the lineal list of officers of Infantry immediately after officers of the same grade whose total commissioned service is equal to or exceeds theirs.

Mr. WEBB. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if this is not new legislation, and, if so, why it is put in the bill?

Mr. HAY. Yes; it is new legislation; and I will say to the gentleman the reason for it is this: These officers now in this Porto Rican regiment are a part of the Regular Army now. But under the provisions of law they are confined to the Porto Rican regiment and can not be transferred to any other command, can not be promoted, and have to remain captains all during their service. And the committee thought that that was a bad condition of affairs, and that these men, who are as much a part of the Army as are the other officers of the Army, ought to have the same rights and privileges in the way of being promoted as the officers of the Army at large. And for that reason we transferred them so that they could be. It does not increase the officers of the Army at all. It does not cost a cent more. They have no ambition now and no reason to do anything more than to just perform their duty in a perfunctory way.

Mr. BUTLER. They are a regular part of our military establishment?

Mr. HAY. They are a regular part of the Army, and they occupy a very anomalous position.

Mr. BUTLER. I wonder why the law was passed depriving them of their right to promotion by reason of being officers in the Porto Rican Army?

Mr. HAY. My recollection is that when we took Porto Rico we raised this provisional regiment down there for the purpose more of education than anything else. And we detailed some officers—captains, and first lieutenants, and so forth—and the result has been that they have remained there from that time to the present. Now, the two majors and lieutenant colonel are detailed from the line of the Army, and they serve four years.

Mr. BUTLER. And their promotion occurs along with the other officers?

Mr. HAY. Along with the other officers, and we do not see why these officers should not have the same privilege as other officers of the Army.

Mr. WEBB. Who promotes these officers, Congress or the War Department?

Mr. HAY. They are promoted under the law of seniority.

Mr. WEBB. My information was that these officers were sent out there as first and second lieutenants in Porto Rico, and the War Department by an order advanced them to captains, and so forth, and they now want Congress to pay these promoted officers as captains in the Regular Army.

Mr. HAY. Oh, no. They get now exactly the same pay as do captains in the Regular Army. They get the same pay, the same allowances, and have the same right of retirement.

Mr. WEBB. Does not this provision increase the pay of these men?

Mr. HAY. Not at all.

Mr. WEBB. Can you increase a rank without increasing the pay?

Mr. HAY. You do not increase the rank.

Mr. WEBB. Then what is the use of the legislation?

Mr. HAY. Because under the present law they can only be promoted to the grade of captain, and they can not go beyond that. The law provides they shall have the same rights as any captain now in the Army, but does not promote them. But when there is a vacancy in the rank, for instance, of captain, then one of these lieutenants may be promoted to a captaincy, in the Fourth Regiment or Fifth Regiment, or any other regiment where the vacancy occurs, and one of these captains, when there is a vacancy in a majority can be promoted to that majority, but it does not increase the number of officers at all.

Mr. WEBB. Nor increase their pay?

Mr. HAY. Nor does it increase their pay.

Mr. WEBB. If that is the case, I make no point of order against the new legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided further, That the status of all officers of the Porto Rico Regiment of Infantry recommissioned in accordance with the provisions of the preceding section shall be in every respect that of all other officers of Infantry of like grades, and that all laws or parts of laws inconsistent with the provisions of this act are hereby repealed, and that nothing in these provisions shall be so construed as to increase the total number of officers now authorized by law.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] moves to strike out the last word.

Mr. GOULDEN. I want to ask the gentleman from Virginia a question. Are any of these officers native Porto Ricans?

Mr. HAY. Yes; I think they are.

Mr. GOULDEN. How many?

Mr HAY. About 13 or 14.

Mr. GOULDEN. Have they made good records in the service?

Mr. HAY. Yes. That is one of the best commands in the Army.

Mr. KAHN. Mr. Chairman, if the gentleman will permit me, I wish to say that these men have a splendid standing in the Army. They draw down more extra pay for marksmanship than any other branch of the Army, these Porto Ricans.

Mr. GOULDEN. I am very glad to hear it. I understand they are excellent marksmen and good soldiers.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] moves to strike out the last two words.

Mr. MONDELL. I do not clearly understand the section that has just been read as to the status of new appointments of officers to the Porto Rican Regiment. Will it follow, after these captains and lieutenants have been advanced, that the vacancies will be filled as vacancies in other regiments would be filled?

Mr. HAY. That is true.

Mr. MONDELL. Would they be filled from the second lieutenants as vacancies in other regiments are filled?

Mr. HAY. Yes. It puts them on the same plane as all the rest of the regiments of the Army.

Mr. MONDELL. Is the gentleman certain of that?

Mr. HAY. I am. The provisions in regard to the recommissioning of these men are very clear there, but it seems to me the proposition as to the filling of the vacancies that would

be created is not so clear. It puts these officers on the same status as other officers, and the vacancies would be filled as they are now, as I understand it. Second lieutenants of the Porto Rican Regiment are appointed after an examination, just as any other second lieutenant is appointed, and I take it that under this law a graduate of West Point could be assigned to a second lieutenancy in this regiment just as in any other regiment where there was a vacancy.

Mr. MONDELL. The only doubt I had in reading this language is this: It seems to relate to individuals who are now holding commissions in the Porto Rican Regiment. Query: What would be the status of the men hereafter commissioned in the Porto Rican Regiment?

Mr. HAY. Well, if the gentleman will observe, on page 17 it is provided there that—

the status of all officers of the Porto Rican Regiment of Infantry recommissioned in accordance with the provisions of the preceding section shall be in every respect that of all other officers of infantry of like grades, and that all laws or parts of laws inconsistent with the provisions of this act are hereby repealed—

And so forth.

Mr. MONDELL. That is undoubtedly clear. That refers to those who would be recommissioned.

Mr. HAY. I think there is something in the gentleman's contention. I do not think this provision as framed——

Mr. MONDELL. Will the gentleman look into that question before the bill becomes a law?

Mr. HAY. I will.

Mr. MONDELL. I assume that what the gentleman desires to do is to make provision for the men already in the Porto Rican Regiment?

Mr. HAY. Yes.

Mr. MONDELL. And this language does that?

Mr. HAY. Yes.

Mr. MONDELL. Query: Does it also establish a status in the regiment, so that officers hereafter going into the regiment will pass on up through the grades?

Mr. HAY. I do not think it does, and I am very much obliged to the gentleman for calling my attention to it; and I will try before the bill is passed to frame some provision that will meet that situation. It ought to be met.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask either the chairman [Mr. HAY] or the gentleman from Wyoming [Mr. MONDELL] a question. Was there not a sort of understanding here three or four years ago that this regiment was to be mustered out of the service?

Mr. HAY. I have never heard of it.

Mr. BUTLER. Yes; the effort was made.

Mr. CLARK of Missouri. I know I tried to force the muster out several times.

Mr. KAHN. The House voted to continue it.

Mr. CLARK of Missouri. I know. I recall that the gentleman from Texas [Mr. SLAYDEN] was managing this thing, and he said that it was a good thing for a few years to train up these officers and have a regiment of Porto Ricans who could serve in the Army. Was not that the case?

Mr. KAHN. Yes. There was an effort, I recall, to muster out this regiment.

Mr. CLARK of Missouri. The House voted me down twice. I recollect that.

Mr. KAHN. It was shown that the Porto Ricans were exceedingly proud of this regiment; that it had always acquitted itself with remarkable ability; that it was one of the fixtures of the island, and that the natives of Porto Rico would look with a good deal of disfavor upon the disbandment of that regiment; and the House voted to continue it. That is my recollection.

Mr. CLARK of Missouri. I recollect they rolled me.

The CHAIRMAN. Without objection, the pro forma amendments will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

PHILIPPINE SCOUTS.

For pay of officers: For 52 captains, $124,800.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the remarks of the Speaker in regard to the Porto Rican Regiment recalls the fact to my mind that there was some difference of opinion in regard to that regiment. I recollect the incident very clearly, because I was one of those who believed that we should continue this regiment, and the reasons I gave were practically the reasons that have been so well stated by the gentleman from California [Mr. KAHN], who has just spoken.

The people of Porto Rico have been very proud of this regiment. They like to think of it as their regiment. The Porto Ricans have shown what good and loyal and patriotic soldiers they are by their conduct toward this regiment, and the regiment has clearly demonstrated its right to continue as a part of our armed forces by the magnificent record it has made.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KAHN. This regiment stands in the same relationship to Porto Rico that the English shire regiments stand to the English Army. In England a certain regiment is located in a certain county or shire. It bears the name of that county, and the people of that county take a special pride in it. This Porto Rican regiment is held in the same esteem by the natives of Porto Rico as the English regiment is held in the county that gives its name to its military organization. The English regiment is recruited largely in the shire after which it is named, just as the Porto Rican regiment is recruited in Porto Rico.

Mr. MONDELL. The regiment has certainly reflected great credit upon itself and upon the people of Porto Rico, and I think has thoroughly justified the efforts that were put forth to retain it.

Mr. BUTLER. Mr. Chairman, may I ask the gentleman a question, in order that I may be informed?

Mr. HAY. Certainly.

Mr. BUTLER. There are 52 captains, at $124,800. They are no part of our Military Establishment, are they?

Mr. HAY. Oh, yes; the Philippine Scouts are a part of the Army, and these captains were noncommissioned officers in the Regular Army before they were appointed captains of the Philippine Scouts.

Mr. BUTLER. You pay them here instead of paying them in another part of the bill?

Mr. HAY. Yes.

Mr. BUTLER. Why are they not paid as the others are paid?

Mr. KAHN. These men were noncommissioned officers in the Regular Army. They hold commissions in this regiment, but not in the Regular Army, and they do not get the pay of captains in the Regular Army.

The Clerk read as follows:

Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1916, $1,250,000.

Mr. HAY. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman will send the amendment to the desk, and the Clerk will report it.

The Clerk read as follows:

At the end of line 16, on page 18, insert the following:

"*Provided*, That hereafter the allotment to any State, Territory, or the District of Columbia, from the annual appropriation made by section 1661, Revised Statutes, as amended, shall be available for the purposes specified by law only under such conditions as may be prescribed by the Secretary of War to secure effective organizational, field, or camp service for instruction and generally increased field efficiency on the part of the Organized Militia."

Mr. KAHN. I reserve a point of order, and ask the chairman of the committee to explain the purpose of this amendment.

Mr. HAY. Mr. Chairman, that has been suggested by the Secretary of War to meet a decision of the comptroller. I will read what the Secretary of War has to say about it:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
DIVISION OF MILITIA AFFAIRS,
Washington, February 3, 1914.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

DEAR MR. HAY: Herewith I am inclosing a memorandum which may be of service to you as a résumé of the reasons for the legislation requested by the Secretary of War in his letter of January 29, 1914, to the Speaker of the House of Representatives, and about which I conferred with you this morning. With kind regards, I remain,

Very truly, yours,
A. L. MILLS.

(One inclosure.)

MEMORANDUM IN EXPLANATION OF THE NECESSITY OF ADDITIONAL LEGISLATION TO INSURE THE PROPER EXPENDITURE OF FUNDS APPROPRIATED UNDER SECTION 1661, REVISED STATUTES.

1. A late decision of the Comptroller of the Treasury reversing a contrary opinion of the Auditor for the War Department leaves the Secretary of War powerless to exercise the necessary control over the expenditure of Federal appropriations by the Organized Militia under section 1661, Revised Statutes, to insure their expenditure for the purposes specified by law.

2. That such supervision of the expenditure of these appropriations by the Secretary of War is necessary becomes evident from an examination of actual examples of expenditure by the State authorities in the past. A statement of striking examples has been compiled and many other similar, but less striking, cases are available.

3. Section 14 of the militia law provides pay, subsistence, and transportation for such portion of the Organized Militia as usually engage in actual field or camp service for instruction at State encampments. The purpose of this provision is to improve the field training of the Organized Militia. The field reports of this service submitted in com-

pliance with the law makes frequent mention of the impossibility of giving proper field training, in many cases due to:

(a) The large number of recruits and uninstructed men with the organizations.

(b) The numerical weakness of companies.

(c) The consolidation of weak companies of regiments so as to bring companies to the strength which will permit of field instruction.

(d) The lack of control of officers and noncommissioned officers over the men of companies so consolidated.

(e) The presence at camp of officers of high rank, whose presence interferes with the performance of their duties by the commanders and staff officers of the organizations in camp, thus preventing the latter from getting that practical training in command and administration for which the camp was constituted.

4. In the very important matter of target practice the reports of the adjutant generals of the several States show that for five years prior to 1912 the average of enlisted men armed with rifles who participated in target practice was only about 66 per cent. The target-practice reports received for the year 1912, the latest on file, show that for this year the average was reduced to 57 per cent, and in this year in 19 States less than 50 per cent of the men armed with the rifle participated in target practice. It is also a fact that in a number of States in which there was little or no instruction in target practice generally among the enlisted men rifle competitions were held, in which an undue proportion of the appropriation allotted for target practice was expended on a few men engaged in try outs for these competitions, the result being that a large portion of the Federal allotment intended to develop target practice throughout the men in the Organized Militia armed with the rifle was expended in the payment of selected competitors. In these cases the end sought was the selection of a rifle team instead of such teams being the means to promote rifle practice generally.

5. These facts were presented to the National Militia Board, composed of officers of the Organized Militia. They formulated and submitted to the Secretary of War regulations to correct the above conditions. These regulations having been approved by the Secretary of War, were embodied in Circular No. 2, War Department, Division of Militia Affairs, series of 1913.

6. Issue was taken with these regulations, and the comptroller's decision referred to above practically nullified them.

7. Section 1661, Revised Statutes, provides the method for the apportionment of the appropriations of that section and the Secretary of War strictly complies with this law in making such apportionments, and such apportionment having been made, the expenditure of the same has been consistently and very properly held by the War Department to be a subject for regulation by the Secretary of War.

8. It is believed that this contention is sound. The decision of the comptroller referred to, however, practically denies it, and this being the case, the only recourse appears to be the amendment of the law referred to. Therefore, this item is submitted giving specific authority to the Secretary of War to provide regulations for the expenditure of the appropriations for the purposes contemplated by law.

Does the gentleman desire any further explanation?

Mr. KAHN. No; I withdraw the point of order.

Mr. HAY. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman will send the amendment to the amendment to the desk and the Clerk will report it.

The Clerk read as follows:

Add at the end of the amendment the following:

"*Provided further*, That hereafter the Secretary of War shall cause to be annually estimated the amount necessary to carry out the provisions of the act to promote the efficiency of the militia, and for other purposes, approved June 22, 1906, as amended by the act approved May 27, 1908, and no money shall be expended under those acts except as shall from time to time be appropriated."

Mr. KAHN. I reserve a point of order against the amendment.

Mr. HAY. I do not think it is subject to a point of order, because no point of order was made against the other amendment, which was subject to a point of order.

This amendment is not suggested by the War Department, but is my own idea. My purpose in offering the amendment is this: Under the present law we have a permanent annual appropriation of $4,000,000 a year for the Organized Militia. We do not know how this permanent appropriation is spent, and I think that it is a wise thing to have estimates made on that, just as they are made on every other appropriation for military purposes.

Mr. KAHN. If I recall correctly, the so-called Dick militia bill provides how that money shall be spent.

Mr. HAY. There was $2,000,000 under the Dick bill, and $2,000,000 added afterwards.

Mr. KAHN. On the amended Dick bill?

Mr. HAY. Yes. While it provides what the money shall be expended for, yet, as a matter of fact, Congress does not know how it is expended.

Mr. KAHN. I suppose the reports are in the War Department.

Mr. HAY. That may be; but if there were estimates made, then we would know what we were doing. I think it is a wise policy to have this estimated for every year, so that we may know just what we are doing.

Mr. KAHN. I have no objection to the amendment.

Mr. MADDEN. Will the effect of this amendment be to repeal the permanent appropriation?

Mr. HAY. Oh, no.

Mr. MADDEN. What purpose could be served by having the estimates made, if when they were made the committee had no jurisdiction over them?

Mr. HAY. The committee and Congress would have jurisdiction over them.

Mr. MADDEN. If there is a permanent appropriation, I do not understand that any estimate made by the department could be acted upon by the committee or by the House, except to report the permanent appropriation.

Mr. HAY. In effect this does repeal the permanent appropriation to the extent of requiring estimates to be made, instead of having the money spent now without the knowledge of Congress as to how it is spent.

Mr. MADDEN. Are not reports required to be made to Congress as to how the money is expended?

Mr. HAY. I do not think the law requires that.

Mr. MADDEN. Then, if the amendment of the gentleman is adopted and estimates are made in compliance with the law as proposed, it will then be within the power of the Military Committee and the House and Senate to modify the $4,000,000 appropriation in such manner as it chooses.

Mr. HAY. I think so.

Mr. MADDEN. So that, as a matter of fact, it in effect does away with the permanent appropriation.

Mr. HAY. I think it will result in a saving and in a more efficient Organized Militia, and it will result in our knowing just what this money is being expended for.

Mr. MADDEN. I agree with the gentleman entirely that we ought to know exactly what the money is being expended for in every instance, and I have always felt that permanent appropriations were dangerous things, anyhow.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. I yield.

Mr. KAHN. I was going to say to the gentleman from Illinois that, of course, if the estimates submitted to Congress show that the $4,000,000 was too much money Congress can change the law so that a smaller amount will be appropriated.

Mr. MADDEN. Of course Congress can change the law, anyway, without any such information. All I desired was to elicit the information of the chairman of the committee whether the purpose of the amendment was to give the committee jurisdiction over the estimates and appropriation now provided for in this permanent law.

Mr. HAY. That is the purpose.

Mr. MONDELL. Mr. Chairman, I should like to have the amendment reported as it will read when amended.

The CHAIRMAN. The amendment to the amendment?

Mr. MONDELL. No; the entire amendment as it will read when amended.

The CHAIRMAN. Without objection, the Clerk will report the amendment as it will read when amended.

The Clerk read as follows:

At the end of line 16, on page 18, insert the following:

Provided, That hereafter the allotment to any State, Territory, or the District of Columbia from the annual appropriation made by section 1661, Revised Statutes, as amended, shall be available for the purposes specified by law only under such conditions as may be prescribed by the Secretary of War to secure effective organizational, field, or camp service for instruction and generally increased field efficiency on the part of the Organized Militia. *Provided further*, That hereafter the Secretary of War shall cause to be annually estimated the amount necessary to carry out the provisions of the act to promote the efficiency of the militia, and for other purposes, approved June 22, 1906, as amended by the act approved May 27, 1908, and no money shall be expended under those acts except as shall from time to time be appropriated.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word in order to ask the gentleman one more question—whether the embodiment of this amendment into the law is really not intended to give the Secretary of War the power to withhold from the State militia the right to any of the funds appropriated except upon condition that they comply with all the requirements to keep up a standard of efficiency?

Mr. HAY. No; I had no such purpose. My purpose was to get under the control of Congress these permanent appropriations. I will say that the Secretary of War was not advised as to this amendment to the amendment that I have offered. I offered it simply for that purpose, and for the purpose indicated by the gentleman himself. I think with him that permanent appropriations are dangerous.

Mr. MADDEN. It will have the benefit of giving the Secretary of War broader powers in the distribution of the funds to the various State militias if they do not keep up the standard required by the regulations.

Mr. HAY. I do not think the amendment would do that.

Mr. MADDEN. I refer to the whole amendment.

Mr. HAY. The other amendment was offered for that purpose, and was sent down by the Secretary of War because of abuses which he shows in the communication.

Mr. MADDEN. Under the law, as it exists to-day, is the Secretary of War required to pay all State militia regardless of whether they keep up a standard of regulation or not?

Mr. HAY. That is the decision of the comptroller, and that is the purpose of this change.

Mr. MADDEN. I think the whole amendment is a salutary one.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

Subsistence of the Army: Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army as guides and scouts, and military convicts at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers and enlisted men of the Army: *Provided*, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the Organized Militia who may be competitors in the national rifle match: *And provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets at the United States Military Academy in lieu of the regular established ration, at the rate of 30 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and military convicts while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and military convicts sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein) to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army, $9,139,666.39.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 21, line 2, by changing the period at the end of the line and insert a colon, and add the following proviso: "*Provided*, That the officers and enlisted men of the Navy and Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and enlisted men of the Army."

Mr. HAY. To that I make a point of order.

Mr. LEVY. Mr. Chairman, this is no more than fair to the officers and men of the Navy and the Marine Corps. In Manila, where we have no Navy storehouses, officers and sailors are charged 10 to 20 per cent more than are the soldiers and officers of the Army. We ask that this be corrected. I will send to the Clerk's desk a letter from the Quartermaster's Department which will explain it.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE QUARTERMASTER CORPS,
Washington, February 28, 1914.

Hon. J. M. LEVY, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: In further reply to your telephone call of yesterday, relative to the payment by Navy Department officers and enlisted men of 10 to 20 per cent more for supplies in Manila than is paid by officers and enlisted men of the Army:

It should be stated in the above connection that the law under which subsistence supplies are sold to officers and enlisted men of the Army as contained in the act of July 5, 1884 (23 Stats., 108), requires "That hereafter all sales of subsistence supplies to officers and enlisted men shall be made at cost price only." But the act of March 3, 1911 (36 Stats., 1047), under which sales are made by the Quartermaster Corps to other departments, bureaus, and employees of the Government, provides:

"That hereafter when, under the Army Regulations, subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employees thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned or by the employee to whom the sale is made. When the transaction is between two bureaus of the War Department, the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the subsistence department and another executive department of the Government or employees thereof, the price to be charged shall include the contract or invoice price and 10 per cent additional to cover wastage in transit and the cost of transportation."

Trusting that the above information is what is desired,

Very respectfully,

J. B. ALESHIRE,
Chief Quartermaster Corps, United States Army.

Mr. HAY. Will the gentleman yield?

Mr. LEVY. Certainly.

Mr. HAY. I will ask the gentleman whether the officers of the Army have the privilege of buying subsistence supplies and other supplies from the storehouses of the Navy Department at the same price that they themselves have?

Mr. LEVY. I understand they do, but I can not assert it positively. I do not think the Government of the United States ought to charge anything in the nature of profit to the sailors and officers of the Navy.

Mr. HAY. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was considered and agreed to.

The Clerk read as follows:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prisons; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and acting dental surgeons when stationed at and occupying public quarters at military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry, the batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor and expenses incident thereto; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers and for printing department orders and reports: *Provided*, That no part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1915, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law; and any sums remaining after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, $7,700,000.

Mr. HAY. Mr. Chairman, I offer the following amendment, page 22, line 19, after the word "forth" and before the semicolon.

The Clerk read as follows:

Page 22, line 19, before the semicolon which follows the word "forth," insert the following:

"*Provided*, That hereafter subscriptions to newspapers, magazines, periodicals, and other publications purchased from funds of the Quartermaster Corps may be paid for in advance."

Mr. HAY. Mr. Chairman, my attention was called to this by the gentleman from New York [Mr. UNDERHILL]. The fact is that funds provided in this paragraph can not be spent for newspapers, magazines, and so forth, because of this provision in the law, section 3648 of the Revised Statutes, which reads:

No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service or the delivery of articles of any description for the use of the United States, payment shall not exceed the value of the service rendered or of the articles delivered previously to such payment.

They are unable to pay any subscription in advance. The result is that they can not get them at all, and this amendment simply cures that situation.

Mr. GOULDEN. Mr Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. GOULDEN. Also by paying in advance or in a club they could get them at a considerable discount?

Mr. HAY. Yes.

Mr. GOULDEN. So that it is a great advantage to enable them to do so?

Mr. HAY. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEBB. Mr. Chairman, I offer the following amendment:

Page 21, line 21, amend by striking out the word "and" after the word "officers," and by striking out the word "for" after the word "men," and by inserting a comma after the word "officers."

So that the section will read:

For furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, contract surgeons, and acting dental surgeons—

And so forth.

Mr. Chairman, a year ago we had this same question up, and so long as I am a Member of Congress I am going to keep it before this House until I can get enough Members here to listen to me and pass upon it once and for all.

Mr. HAY. What does the amendment do? I do not see that it changes the present law?

Mr. WEBB. It simply provides for heat and light commutation where officers are stationed at public quarters, and would strike out heat and light commutation where commutation of quarters is allowed. A year ago I offered the following amendment, and it was adopted by the Committee of the Whole, and I thought at that time that it had the sympathy of the chairman of the committee, the gentleman from Virginia [Mr. HAY]:

Provided, That no part of this appropriation or any other appropriation shall be expended in payment for heat and light for quarters of officers who receive commutation of quarters.

This amendment I now offer is simple, but it reaches the same end. My object is to confine heat and light commutation to those officers who occupy quarters at Government quarters, because when they are not stationed there they received $12 per month commutation for each room, the number of rooms varying according to the grade of each officer, a captain receiving four, at $12 a month; a colonel, seven; and so forth; and my contention is that they ought not to receive heat and light commutation when they have commutation of quarters. I feel, however, Mr. Chairman, that it is almost a travesty, a farce, that out of 435 Members of Congress I am compelled to discuss this question before 25 or 30, because that is all there are now on this floor.

Mr. LANGLEY. Oh, I think there are about 40 here.

Mr. WEBB. That is not much better. I have always contended that the act of 1907 meant just exactly what the Auditor for the War Department in 1908 said it meant, and that is that wherever an officer is stationed at a public barracks the Government furnishes him rooms and heat and light in kind—that is, it gives him those necessary things—but that wherever he is detailed to service in Washington or any other city without troops he receives $12 a month for room rent for each room, and that it was not intended that he should receive, in addition to that, commutation for heat and light. That was what the auditor decided in 1908, and I shall read what he said:

The authorized allowance for quarters of officers and enlisted men is the allowance of quarters actually assigned to them in accordance with law and regulations.

That is, at public quarters.

The light and heat to be paid by the United States is strictly limited by law to that which is actually necessary for the authorized allowance of quarters for officers and enlisted men. Where there is no allowance for quarters, as authorized by law and regulations, there can be no payment for heat and light. I am therefore of opinion, and so decide, that there can be no legal payment by the United States for heat and light actually necessary and actually used for the authorized allowance, etc., unless quarters have been assigned to them, as provided by law and regulation, and that there can be no such payment for heat and light for quarters occupied by officers who have been paid or are entitled to be paid commutation of quarters for the same period.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WEBB. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WEBB. However, that very sensible ruling of the auditor was set aside by a ruling of the Comptroller of the Treasury, I believe Mr. Mitchell, and ever since that day an officer has not only been getting his $12 a month per room for quarters, according to his rank, but in addition thereto he has been getting commutation of heat and light, which amounts to a tremendous sum all over the United States.

Congress never intended that sort of proposition. Congress intended to give heat and light and quarters to men occupying Government quarters. Men who do not occupy public stations, who are detailed to service in Washington or any other city where no public quarters are available, were intended to be paid, as a substitute for those things, $12 per month per room, according to their rank—for a captain four, for a colonel seven, and so forth—but this Comptroller of the Treasury ruled that officers were not only entitled to commutation of quarters, but to commutation of heat and light in addition, just as if they were at public quarters. At public quarters the Government, furnishing them heat and light in kind, actually gives it to them, but over here you pay them a certain amount of money for heat and light, based on the old cordwood proposition, and cordwood varies in price, according to these estimates, from $3.40 here to about $18 in Spain. I will come to that a little later. This Congress ought to make itself understood upon this question. If we intend to give these officers $12 a month for each room occupied and in addition thereto all of this heat and light allowance, we ought to say so. We ought not to have comptroller-made law. I assert that the Auditor of the Treasury Department put that proposition so clearly that any Member of Congress can read it and know that the act of 1907 never intended to give commutation of heat and light in addition to commutation of quarters.

Mr. GOULDEN. Will my friend yield?

Mr. WEBB. Yes, sir.

Mr. GOULDEN. I should like to ask if the gentleman has any idea what that amounts to? I heard him a moment ago say there is quite a large amount of quarters' allowance. Now, I would like to ask the gentleman if he has any idea what it amounts to, say, in 1913?

Mr. WEBB. I will state to my friend it is hard to estimate. This business of detailing officers has been growing from $303,000 two years ago to $500,000 now. It is the finest "pickings" an officer can have. In fact, a few years ago there was so much detail business in this city that Congress had to pass a law forbidding a detail for a term of more than four years. We have, I understand, 4,500 or 4,700 officers in the United States, and on the average 950 to 1,000 of them are taken away from their jobs and are put on this detailed service, when they get rooms, rent, light, heat, horse, and the rest of it.

Mr. GOULDEN. According to the gentleman's statement, it is a soft snap to be thus detailed?

Mr. WEBB. It is; it is a good job; it is fine.

Mr. GOULDEN. I heard something read or stated to the effect that an amendment of this character had been passed in the Committee of the Whole last year.

Mr. WEBB. It did. I offered it.

Mr. GOULDEN. What became of it?

Mr. WEBB. One afternoon, in the Committee of the Whole, we passed such an amendment. We voted upon it and passed it. Overnight I am informed—and I believe it is so—the Bureau of Engineers, or some one in that office, got busy and sent down a hurry call to Members of Congress; my friend, Mr. LEVY, I suppose, had one of them, and sent a statement showing what an injustice it would be—I know my friend over here, Mr. LEVY, showed me one out in the lobby—and when the Members walked in the next morning, when the final vote was being taken on roll call, when the Speaker asked if a separate vote was demanded, my friend from New York, Mr. LEVY, demanded a separate vote on the heat and light proposition. Then the roll call proceeded. My mouth was closed; no man could get up and say why the Committee of the Whole had put that amendment in, and as the men walked in the door, one man after the other, they were told to vote to sustain the Committee on Military Affairs, and they voted against the adoption of the amendment.

Mr. GOULDEN. My friend would not insinuate that my colleague from New York, Mr. LEVY, had been seen overnight by some interested parties.

Mr. WEBB. No; I said overnight the Bureau of Engineers got busy because I saw some of the statements they issued.

Mr. LEVY. I desire to say to the gentleman from North Carolina that it was entirely my move. I noticed it in the papers, and no one ever asked me, no one made any suggestion to me in regard to it, but I knew it was so unfair and unjust that I made the motion. May I not ask the gentleman from North Carolina a question? Does not the gentleman know that these allowances are only granted when the Government can not supply these quarters?

Mr. WEBB. No——

Mr. LEVY. It is the case.

Mr. WEBB. I want to say——

Mr. LEVY. That is the case, and they have to pay if there are not other quarters; I know of some cases in the Philip-

pines where they have to pay $75 for a house when they only receive $50.

Mr. WEBB. If the gentleman will pardon me——

Mr. GOULDEN. If my friend will pardon me, I am delighted to hear my colleague, the distinguished gentleman from New York, state that he had not been seen by anyone, nor influenced by anyone, overnight, because I think he goes to bed early; therefore, he must have been seen, if at all, pretty early in the evening. Aside from this, my colleague is an independent sort of a man, who makes up his own mind.

Mr. WEBB. I know the Bureau of Engineers got busy with a statement—I think the gentleman from New York [Mr. LEVY] had one—to the effect that this would be very injurious to that department.

Mr. LEVY. I had nothing from the department to influence me.

Mr. KAHN. Will the gentleman from North Carolina yield?

Mr. WEBB. I will yield.

Mr. KAHN. Does the gentleman desire to cut out of the bill the provision appropriating money for the purchase of light and fuel for the officers and men of the Army?

Mr. WEBB. No; I am limiting the purchase of light and fuel to officers of the Army who are stationed at public quarters.

Mr. KAHN. Does the gentleman know that the provision for light and quarters there was promulgated way back in 1888?

Mr. WEBB. At Army posts, but not for men who receive commutation of quarters.

Mr. KAHN. And that ever since then the matter has been regulated by the department, and that it is absolutely necessary?

Mr. HAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. Has the amendment of the gentleman from North Carolina been read from the desk?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 21, insert a comma after the word "officers," and strike out the word "and" after the word "officers" and strike out the word "for" after the word "men," so that the lines will read:

"For furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, contract surgeons, and acting dental surgeons, when stationed at and occupying," etc.

Mr. WEBB. That is the same amendment in effect that the committee adopted a year ago.

Mr. HAY. I accept that amendment.

Mr. LEVY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from New York wish to oppose the amendment offered by the gentleman from North Carolina?

Mr. LEVY. Does the gentleman from Virginia [Mr. HAY] accept the amendment?

Mr. HAY. I accepted the amendment, because in my judgment it does not have any effect on the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, is the amendment adopted?

The CHAIRMAN. The amendment is adopted.

Mr. MONDELL. Then I move to strike out the last word. I have been very much interested in the heroic fight which the gentleman from North Carolina [Mr. WEBB] has been making for the purpose of reducing the allowance to officers in the matter of commutation of quarters. He has offered an amendment which, as I understand it, is the culmination of this heroic contest, and I am reminded of a jingle I used to hear when I was a boy, to the effect that—

King Henry, with a hundred thousand men,
Marched them up the hill and then marched down again.

I have been very much interested in what the gentleman said, and had almost persuaded myself to agree with him. Imagine my intense disappointment when, after having read his amendment, I discovered it leaves the bill just as it was before the amendment.

Mr. WEBB. If the gentleman will read the bill again, he will find it does not do any such thing, because it confines heat and light commutation to officers stationed at public quarters.

Mr. MONDELL. I hope the next time the gentleman makes such a heroic fight he will offer a really effective amendment, for I am well satisfied the amendment he has offered does not cure this evil at all, if evil it be, and I am rather inclined to think it is an evil.

Mr. HUMPHREYS of Mississippi. You can not get that kind on.

Mr. MONDELL. Somebody suggests this is the only kind of amendment that could be adopted, and in that event possibly the gentleman is justified in offering it. He had an amendment adopted at the end of his long and wordy contest, and if it pleases him I suppose the balance of us should be happy.

The CHAIRMAN. The Clerk will read.

Mr. WEBB. Mr. Chairman, I move to strike out the last three words. I had an object in offering this amendment, of course, and if the gentleman from Wyoming [Mr. MONDELL] will read the bill he will see that by striking out the words "for" and "and," it provides commutation for heat and light for officers who are stationed at public quarters, and nowhere else, and that is what I am contending for. My contention is that when they are detailed away from public quarters and on detail duty the Government pays them $12 a month per room, according to rank, which is to take the place of heat and light and the rest of it. Now, I want to give my reasons for offering this proposition.

The CHAIRMAN. The Chair will say to the gentleman from North Carolina [Mr. WEBB] that the discussion is irregular. The amendment has been adopted.

Mr. HAY. The gentleman has offered his amendment, and it has been adopted, and if he is satisfied with it I do not see the necessity for further discussion.

Mr. WEBB. I am satisfied with it and it does the very thing I want done; but I would like to make a five-minutes statement on why I urged it. I am not going to give you all the information I have, because it would take too long.

Mr. KAHN. Can not the gentleman insert it in the RECORD?

Mr. WEBB. No; I would rather the gentleman from California [Mr. KAHN] would hear it.

Take the quarters of 15 officers out here at the Highlands and see just what their heat and light and room rent amount to.

Mr. MADDEN. I do not want to inject myself into this thing, but I think the regular order ought to be called for, and I call for it.

Mr. WEBB. Oh, well, I hope the gentleman will not become so captious as that. I suppose there is no man in this House who has taken up so little time of the Congress as I have, and if the gentleman objects to me proceeding for five minutes I think we will stop further consideration of this bill for the present.

The CHAIRMAN. The Chair rather regards this as proceeding by unanimous consent.

Mr. KAHN. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. KAHN. The gentleman says he has some papers that will throw light on this thing, and which he does not desire to read. I suggest that he insert them in the RECORD.

Mr. WEBB. I want to show the gentleman some facts as gathered from the papers.

Mr. KAHN. We would like to read them.

Mr. WEBB. I want to show how these heat and light allowances have been abused. I do not think the gentleman would care to hear or read what I say. Out at the Highlands in this city there are 15 officers, whose total yearly salary is $59,028, and their total yearly allowance for heat and light is $4,800. They draw for heat and light $4,800 per year in the Highlands apartment house, and for room rent they draw $11,233, or a total of $75,000 for salary, heat, light, and rooms. This does not include allowances for horses.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. HUMPHREYS of Mississippi. Can the gentleman state what those officers pay for room rent at the Highlands?

Mr. WEBB. I do not know. There are 15 officers, and they are receiving commutation pay for 78 rooms, at $12 per month for each room, or $936 a month.

Mr. HUMPHREYS of Mississippi. The 15 officers pay $900 a month?

Mr. WEBB. I do not know what they actually pay, but the Government allows them that, though they may occupy only 50 rooms or less.

Mr. HUMPHREYS of Mississippi. Does the gentleman think 15 officers can get rooms there for that much per month?

Mr. WEBB. I think that amount for heat and light would almost heat the entire apartment house.

Mr. HUMPHREYS of Mississippi. These officers get $50 a month for heat?

Mr. WEBB. No; they get $401.10 per month for heat and light. I think 15 men could live very well in 78 rooms at a cost of $1,337 per month to the Government for rooms and heat and light alone.

Mr. HUMPHREYS of Mississippi. Does the gentleman believe they could get apartments at the Highlands for $50 a month?

Mr. WEBB. That is for a room.

Mr. HUMPHREYS of Mississippi. Does the gentleman mean furnished rooms?

Mr. WEBB. No; unfurnished rooms.

Mr. HUMPHREYS of Mississippi. The total paid there is $900 a month?

Mr. WEBB. Yes; $936.

Mr. HUMPHREYS of Mississippi. Does the gentleman think they can go there and rent apartments for less than that?

Mr. WEBB. I certainly do. These 15 officers are allowed by the Government $11,233 a year for room rent at the Highlands.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. MADDEN. I lived at the Highlands for about seven years, and I can say to the gentleman that you can not rent any rooms at the Highlands for an average of less than $25 for each room per month. If they are allowed $12, they still pay $13 more than they get per month.

Mr. WEBB. Oh, you can get unfurnished rooms much cheaper than that; and while a colonel is allowed pay for seven rooms at $12 per month, not many of them have need for or use so many. At the Army and Navy Club 11 officers are paid $201 a month for heat and light alone. I want to insert in the RECORD an admirable, luminous, and unanswerable opinion of the present Comptroller of the Treasury, Mr. George E. Downey, on this subject.

TREASURY DEPARTMENT,
Washington, January 31, 1914.

The honorable the SECRETARY OF WAR.

SIR: On the 23d day of September, 1913, a decision of this office was rendered on a submission by the Auditor for the War Department, which, for reasons therein stated, was not final as to the questions involved, and in that connection I now have your letter of December 31, 1913, transmitting, with your approval, a report made by the Chief Quartermaster Corps bearing on the subject.

The question presented was as to the validity of certain Army regulations authorizing the payment of designated amounts as the heat allowance of officers occupying quarters other than public, not heated by a separate plant or for which it is impracticable to furnish fuel in kind.

The auditor's submission of an original construction of a statute for approval, disapproval, or modification was as follows:

"In the examination of the accounts of disbursing officers of the Quartermaster Corps a question arises as to the legality of paragraphs 1052 and 1060 of the Army Regulations of 1910.

"Paragraph 1060 prescribes the quantity of fuel, measured in cords of oak wood, to which each officer occupying a number of rooms to which his rank entitles him is entitled to draw in kind, and furnishes the basis to commute such fuel allowance when not drawn in kind or measured by a separate heating plant.

"Paragraph 1052 reads as follows:

"'1052. Each officer or noncommissioned officer entitled to the occupying public quarters, or quarters other than public, which are heated by a separate plant, will be furnished at the expense of the United States with the quantity of fuel set forth in the table of allowances, paragraph 1060. This allowance may be considered accumulative within a fiscal year, and any excess of allowance appearing as overdrawn by an officer at the end of a fiscal year will be paid for at contract price. Where an officer or noncommissioned officer is occupying quarters other than public, not heated by a separate plant, or for which it is impracticable to furnish fuel in kind, the Quartermaster's Department will pay the owner or authorized agent of such quarters for the heat at the rate of $4 a cord for the fuel allowance for the number of rooms to which the rank of the officer or noncommissioned officer entitles him, as set forth in the table of allowances, paragraph 1060.'

"This regulation was amended by changes in Army Regulations No. 6, dated June 22, 1912, by adding the following:

"'Where an officer or noncommissioned officer on detached service in a foreign country occupies quarters other than public, the Quartermaster's Department will pay the owner or authorized agent of such quarters for the heat furnished in accordance with the prescribed allowance for the number of rooms to which the rank of the officer or noncommissioned officer entitles him, at the local rates at the place where he is serving.'

"Prior to March 2, 1907, the Army Regulations provided for the sale of fuel to officers for the authorized number of rooms occupied as quarters, as provided in paragraph 1051 of the Army Regulations of 1904. Paragraph 1043 of the Regulations of 1904 reads as follows:

"'1043. Officers may purchase from the Quartermaster's Department the fuel actually needed for their own use. For the quantity allowed them in the table contained in paragraph 1051 they will pay at the rate of $3 per cord for standard oak wood, or the equivalent thereof in other kinds of fuel as determined by the Quartermaster General. For any additional quantity they shall pay the contract price. Payment will be made at the time of sale.'

"The Army appropriation act of March 2, 1907, under the appropriation 'Barracks and quarters,' provided for an increase in the number of rooms to which each officer was entitled as quarters. (34 Stat., 1168). The same act, under the appropriation for 'Regular supplies, Quartermaster's Department,' provided 'that hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States, under such regulations as the Secretary of War may prescribe.' (34 Stat., 1167.)

"Immediately after the passage of this act paragraph 1051 of the Army Regulations of 1904 was amended by General Order, No. 61, dated March 22, 1907, to conform therewith, showing the increased number of rooms to which each officer was entitled and increasing the quantity of fuel to which each officer was entitled. Paragraph 1043 of the Army Regulations of 1904 was also amended by General Order, No. 61, dated March 22, 1907, to read as follows:

"'1043. Each officer or noncommissioned officer entitled to and occupying public quarters, or quarters other than public which are heated by a separate plant, will be furnished, at the expense of the United States, with the quantity of fuel set forth in the table of allowances, paragraph 1051. This allowance may be considered accumulative within a fiscal year, provided that the accumulated allowance shall at no time be exceeded. For any additional fuel the officer will pay contract price, payment to be made at the time of sale. Where an officer or noncommissioned officer is occupying quarters other than public, not heated by a separate plant, or for which it is impracticable to furnish fuel in kind, the Quartermaster's Department will pay the owner or authorized agent of such quarters for the heat at a rate of $4 per cord for the fuel allowance for the number of rooms to which the rank of the officer or noncommissioned officer entitles him as set forth in the table of allowances, paragraph 1051.'

"It will be noted that paragraph 1043 of the Army Regulations of 1904 provides for the sale of fuel to officers and fixes the rate to be charged therefor on the basis of $3 per cord for standard oak wood, and that immediately after the passage of the act of March 2, 1907, authorizing the furnishing of heat at the expense of the United States, the value of such wood was fixed at $4 per cord, thereby increasing the value of the officer's allowance for heat 33⅓ per cent, as well as increasing the quantity of fuel proportionate to the increase in the number of rooms to which the officer was entitled.

"The act of March 2, 1907, supra, authorizes the furnishing of the heat and light 'actually necessary for the authorized allowance of quarters for officers and enlisted men,' and further provides that such heat and light shall be furnished 'under such regulations as the Secretary of War may prescribe,' but nowhere does such law authorize the Secretary of War to prescribe regulations as to the quantity of heat and light that shall be furnished, that being fixed by the law as that actually necessary.

"It is apparent that when officers are in receipt of commutation of quarters and actually occupying quarters which are not heated by a separate plant it is necessary to fix upon some basis by which this allowance shall be paid. The law specifically states that they shall be furnished the heat actually necessary, and any regulation providing for commuting the value of such heat should be based on what experience has determined as a reasonable amount for the number of rooms which are actually occupied, not exceeding the officer's allowance.

"Paragraphs 1052 and 1060 of the Army Regulations of 1910, taken together, authorize a fuel allowance which, it is apparent, is largely in excess of that which is necessary to heat the authorized allowance of quarters for officers of the Army. This may be illustrated by taking the allowance for a lieutenant colonel stationed here in Washington. An officer of this rank is entitled to six rooms, and the maximum fuel allowance for six rooms in the latitude of Washington is 51 cords of oak wood, or 38$\frac{7}{10}$ tons of anthracite coal. The common experience of householders here in the District of Columbia demonstrates that no such quantity of fuel as that specified is required for heating and cooking purposes for living quarters consisting of six rooms. In some cases it is found that officers do draw approximately their full allowance of fuel, but in such cases the officers are found to be occupying quarters consisting of rooms largely in excess of the number authorized by the act of March 2, 1907, supra. I am informed at the Office of the Supervising Architect that the amount of fuel required to heat public buildings in the latitude of Washington is computed on the basis of 1 pound of anthracite coal per cubic foot per season, or in the case of dwellings it is computed on the basis of 1 ton of anthracite coal for each room per season, or 6 tons for six rooms.

"The commuted value of the fuel allowance of an officer of the rank of lieutenant colonel, as above given, and the amount paid to the officer's landlord, when the officer is occupying six or more rooms not heated by a separate plant, is $204. The actual value of 6 tons of anthracite coal delivered here in Washington would approximate $45. Allowing a reasonable amount for gas or other cooking fuel, it is apparent that the total cost of fuel for quarters of six rooms here in Washington would ordinarily not exceed $75 per year.

"While this office has no complete and specific data as to the kind of fuel used and the cost thereof at the various Army posts throughout the United States, yet from the data which has been obtained from disbursing officers' accounts it is apparent that under paragraphs 1052 and 1060 of the Army Regulations of 1910 the value of the allowance of fuel for officers' quarters is at least double that which is actually required anywhere in the United States for the number of rooms such officers are entitled by law to occupy.

"Paragraph 1052, of 1910, as amended by current Army Regulations No. 6, of June 22, 1912, provides that the value of the fuel allowance of an officer serving abroad shall be based on the local rates at the place where serving; hence it follows that the allowance which has been made to such officers since that change in the regulations has been based on the value of oak wood at the several foreign stations. As illustrating this I have before me vouchers in the accounts of C. C. Lansing, captain Fourth Field Artillery, acting quartermaster, military attaché at Madrid, Spain, for payments made to Pedro de la Gala for the fuel allowance of Capt. Lansing during the months of December, 1912, and January and February, 1913, which are based on the rate of 0.0256 centimes per pound, or at the rate of slightly in excess of $18 per cord, the total ammount thus paid being $78.88 per month.

"It is apparent from the price specified as the value of oak wood that oak wood is not a common form of fuel in Madrid, Spain. This basis would give this officer, who is entitled to four rooms, a total of $739 for his fuel allowance per year. That this amount is in excess of that actually necessary is so apparent as to need no argument.

"It has been the practice under the regulations of 1910 cited above to pay the landlord of an officer receiving commutation of quarters, and who is occupying quarters not heated by a separate plant, the full commuted allowance for the number of rooms to which he is entitled in monthly installments. Under the decisions of the Comptroller of the Treasury of May 26, 1913, and July 30, 1913, this payment is now restricted to the heat for the number of rooms actually occupied by the officer, not exceeding the number authorized by law. The question which has naturally arisen in connection with the amendment of Army Regulation No. 1052 is whether such regulation is a legal one, which the Secretary of War is authorized to promulgate. If the Secretary of War may by regulation legally increase the value of a cord of oak wood from $3 to $4 for officers serving in the United States, and to $18 for officers serving in Madrid, Spain, then there will appear to be no reason why he might not increase that value to $100 per cord. If the regulation prescribing an allowance of 5$\frac{8}{10}$ cords of wood per month to heat the quarters of a lieutenant colonel here in Washington for eight months in the year is legal, then the same authority may issue a regulation authorizing an allowance of 100 cords per month.

"The act of March 2, 1907, supra, provides that officers shall receive the heat allowance actually necessary for their authorized allowance of quarters; and section 1765 of the Revised Statutes provides:

"'No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.'

"It is apparent from what has been said that the regulations quoted give to officers an allowance for fuel which is more than that actually necessary for heating their authorized allowance of quarters, and to that extent is an extra allowance or compensation, which is prohibited by section 1765, Revised Statutes. The question that is here raised is as to the legality of the regulations which have been issued, granting this allowance. It is conceded that it is ordinarily within the province of the administrative officers to issue necessary regulations, in aid of or to carry out the provisions of a statute. It is apparent that some regulations are necessary in aid of the act of March 2, 1907; but when such regulations are so framed as to give officers an allowance for fuel in excess of that actually necessary for their allowance of quarters, it is believed that such regulations are void and should not be accepted by the accounting officers in the adjudication of accounts involving disbursement of public funds.

"I am therefore of the opinion, and so decide, that paragraphs Nos. 1052 and 1060 of the Army Regulations of 1910, so far as they authorize the furnishing of fuel for the use of Army officers in excess of that actually necessary for the quarters they occupy, not exceeding the number of rooms to which they are entitled by law, are void, and that unless said paragraphs are amended by the administrative department so as to fix approximately the value of the heat actually necessary, it is the duty of the accounting officers to fix such allowance, regardless of the regulations in question."

In said decision of September 23, 1913, it was said:

"It has been held repeatedly by this office that the act of March 2, 1907 (34 Stat., 1167), authorizes the furnishing, at the expense of the United States, of such heat only as is actually necessary to heat the quarters occupied by an officer, and that said act does not authorize the Secretary of War to prescribe an arbitrary amount to be paid in lieu of heat."

But with reference to the auditor's conclusion that, as a matter of fact, the fuel allowances prescribed in said regulation are largely in excess of the quantities actually necessary for the authorized allowance of quarters, it was also said:

"Upon the evidence now before me I do not feel justified in accepting the auditor's conclusions of fact in this matter, but the subject has been brought to the attention of the Secretary of War, and he is investigating the matter with a view to determining whether the quantities of fuel prescribed in paragraph 1060, Army Regulations, 1910, do exceed the quantities actually necessary. Until the Secretary shall have had a reasonable time in which to determine this question of fact and to amend the regulation in question, if found necessary, the accounting officers will continue to assume that the quantities of fuel prescribed in said regulation do not exceed the quantities actually necessary, and that the regulation is therefore in conformity with the law and valid."

The point submitted with reference to the payment of the fuel allowance of an officer on detached service in a foreign country was disposed of as follows:

"Under the recent amendment to paragraph 1052, Army Regulations, 1910 (quoted in the auditor's decision, supra), authorizing the payment of the fuel allowance of an officer on detached service in a foreign country at the local rates at the place where he is serving, I understand that it has been the practice of said officers to compute the allowance at the local price of standard oak wood, regardless of the kind of fuel actually used for heating the officer's quarters or of the fact that such wood is not commonly used as a fuel at the place where he is on duty. This practice is based upon an erroneous interpretation of the regulation. While the only fuel specified in paragraph 1060 is wood, yet the Secretary of War has fixed, by regulation and general orders, the equivalent of a cord of wood in the various other fuels; and the only reasonable interpretation of the amendment in question is to compute the allowance, in a case to which it applies, upon the equivalent of his wood allowance in the fuel actually used to heat his quarters at the local price of such fuel.

"The accounting officers, in auditing vouchers for payment of heat allowances of officers on detached service in foreign countries, will ascertain the kind of fuel actually used in heating the quarters occupied and the local price of such fuel at the time and place of its use, and will allow credits in accordance with the views herein expressed."

In so far as the question submitted was left undecided, pending your investigations and amendment of regulations, if desired, it is now before me, and your letter transmitting the report referred to must be regarded as indicating your continued approval of existing regulations and practices thereunder and your conclusion that said report justifies them.

The paragraphs in question purport to authorize payment of fixed sums per month for the period from September 1 to April 30, according to latitude, the allowances for the zone between 36° and 43° north latitude being as follows: For 10 rooms, $32.50; for 9 rooms, $30; for 8 rooms, $27.50; for 7 rooms, $25; for 6 rooms, $22.50; for 5 rooms, $20; for 4 rooms, $17.50; for 3 rooms, $15; for 2 rooms, $12.50; for 1 room, $6.25. These sums represent the value of the quantity of hard wood prescribed in said regulations as the maximum allowance for the different quarters, respectively, at $4 per cord.

A part of the report of the Chief, Quartermaster Corps, is entirely irrelevant, as it is devoted to an attempt to show that the number of rooms fixed by the act of March 2, 1907 (34 Stat., 1168, 1169), as the authorized allowance of quarters for officers of the various grades is inadequate. That question has been settled by competent authority, and with it we have nothing to do. If it were up for discussion, it might be appropriate to inquire as to the extent to which the mandate of the law is being disregarded.

But a careful study of so much of the report as does tend to show upon what the allowances prescribed in paragraph 1060 were based has convinced me that said allowances were not based upon the quantities of fuel actually required to heat quarters at military posts consisting of the number of rooms which the law provides may be assigned to the officers of each grade, respectively. For instance, the quantity of fuel prescribed in the regulations as a major's authorized allowance is not the quantity which the War Department has by experience found necessary to heat a set of quarters consisting of 5 rooms (a major's authorized allowance of quarters), but is based upon the quantity of fuel required to heat the number of rooms a major is usually permitted to occupy at a military post, namely, from 9 to 16 rooms.

Table 8 of the report submitted (pp. 16 to 18) shows the actual consumption of coal at various posts—taking from one to four buildings at a post—in field officers' quarters for the period from September 1, 1911, to April 30, 1912, and the following averages are obtained:

	Pounds.
North of 43° north latitude (17 posts), per building	69,113
Between 43° and 36° north latitude (29 posts), per building	61,541
South of 36° north latitude (6 posts), per building	49,010

Table IX of same report (pp. 18 to 21) contains like data with reference to line officers' quarters (captains and lieutenants), and the averages shown are as follows:

	Pounds.
North of 43° N. latitude (17 posts), per building	46,659
Between 43° and 36° N. latitude (30 posts), per building	43,959
South of 36° N. latitude (7 posts), per building	37,318

I have before me reports showing the number of rooms in each set of quarters at 15 different military posts in the United States, and from an examination of them I find that field officers' quarters average more than 10 rooms per set, and that line officers' quarters (except bachelors' quarters) average more than 8 rooms per set.

The allowances prescribed in the regulations for the period from September 1 to April 30, north of 43° N. latitude (stated in hard coal equivalents) are as follows:

For two rooms (second lieutenant), 45,336 pounds; for three rooms (first lieutenant), 54,400 pounds; for four rooms (captain), 63,464 pounds; for five rooms (major), 72,536 pounds; for six rooms (lieutenant colonel), 81,600 pounds; for seven rooms (colonel), 90,664 pounds.

A comparison of these figures with those given in tables VIII and IX, supra, will show that the allowances prescribed in the regulations for line officers entitled to two, three, or four rooms exceed the quantities actually used to heat eight rooms and that the quantities prescribed as the allowances for field officers entitled to five, six, or seven rooms exceeds the quantities used to heat 10 or more rooms.

The fuel allowances prescribed in the regulations for eight rooms (which appears to be the average number usually occupied by line officers at military posts) for the season from September 1 to April 30, as compared with the quantities used in such quarters as shown by table IX, supra, is as follows:

	South of 36°.	Between 36° and 43°.	North of 43°.
	Pounds.	*Pounds.*	*Pounds.*
Allowance	74,800	93,404	99,726
Used	37,318	43,949	46,659

It has also been observed in auditing heat vouchers of officers occupying quarters other than public heated by separate plant that the entire quantities prescribed in the regulations for the respective grades are seldom, if ever, used even when the officers actually occupy and heat several more rooms than their authorized allowance.

In a recent case before this office there was involved the cost of moving from the premises formerly occupied by a naval officer a quantity of coal remaining from that drawn by him during the preceding fiscal year within his allowance, and notwithstanding such coal had been used as was needed during two months of the next succeeding year—not heating months—there yet remained to be moved 19,900 pounds of coal.

But, reverting again to the report in question, I can not but note the peculiar division of the years and the fact that inferentially it requires four times as much fuel to supply the needs of an Army officer on the first day of September as is required on the day before.

Of course allowances of fuel can not be made to fit the needs of each day or week and possibly not accurately made as to each month, but common knowledge as well as common sense tells us that there is no justification for a "winter allowance" of fuel eight months in the year and a "summer allowance" four months in this latitude. When fuel is being furnished in kind this division of the year is not of particular consequence, for we may assume that an Army officer is not going to heat his house in September when he probably does not need any heat just for the sake of consuming the fuel, but when it comes to paying him for the fuel instead of furnishing it in kind the absurdity of the situation is apparent.

Why pay a man the hard cash as commutation of fuel on the basis of a winter allowance for eight months of the year when we know that in this latitude there are approximately three months of the eight in which he needs no heat at all? Much of that time nature gives us more than we care for.

And add to that the fact that, with slight modification, the same thing holds good in the southern zone (below 36° N. Lat.) extending into the country where the fortunate may bask in the sunshine during the winter months and go fishing most of the time unhampered even by a coat. Commutation of fuel, on the prescribed winter basis, in the sunny South approaches a gratuity.

But, getting back once more to the report in question, I can not but revert to one of its peculiar statistical arguments.

Much time and labor has been wasted, I think I may say, in determining, from the statistics of the Department of Labor, the amount of average expenditure for fuel by civilians earning from $500 to $1,200 per year and deducing therefrom a conclusion as to the percentage of the earnings of the average wage earner which is expended for fuel, from which is deduced the conclusion that, on the basis of a comparison of incomes, the fuel allowance of a given Army officer is in line with the expenditure for fuel of a mechanic or laboring man and is just about right, and this is said to be so "for exactly the same accommodations." This wonderful theory must mean that the greater a man's income the more fuel is necessary to keep him warm even in "exactly the same accommodations." Putting the conclusion in even figures and carrying it a little further, on the percentage and comparative income theory, we find that if the President of the United States changed domiciles with a $750-a-year mechanic it would take about $3,400 worth of fuel a year to keep the President warm in the same house in which the mechanic had kept comfortable on $34, a difference of a hundred fold in the quantity of heat necessary. These observations are simply for the purpose of demonstrating the value of the report submitted as a justification for the regulations in question.

The fuel allowance authorized by law (act of Mar. 2, 1907, 34 Stat., 1167) is only that actually necessary to heat the authorized allowance of quarters. And any regulation which attempts to give a greater allowance than that authorized by law is invalid and of no force or effect.

Whatever construction of any part of the law may be attempted or whatever may be attempted by regulation, the plain facts are that Congress has authorized for officers specific quarters according to rank, with "the heat and light actually necessary for the authorized allowance of quarters," and the furnishing of quarters in excess of those authorized or of more fuel or light than is "actually necessary" for

those quarters is the furnishing of more than is authorized by law, and when commutation is paid on an excessive basis it amounts to an unauthorized increase of compensation.

The accounting officers of the Treasury have no jurisdiction over the assignment of quarters and the issuing of fuel at military posts, but in the settlement of claims or accounts involving payments for heat for quarters other than public they must observe the plain provisions of the law. And since, in view of the facts herein stated, it can no longer be assumed that an officer occupying quarters, other than public, not heated by a separate plant, actually and of necessity used the quantities prescribed in paragraph 1060, Army Regulations, 1910, for the number of rooms occupied and to which his rank entitled him, no allowance whatever can be made for heat in such cases in the absence of satisfactory evidence showing, at least approximately, the quantity of fuel "actually necessary" to heat the quarters occupied.

And in the case of an officer occupying more rooms than his allowance as fixed by law in quarters other than public which are heated by a separate plant, allowance will be made for only such part of the entire amount of fuel used therefor as the number of rooms to which his rank entitles him bears to the whole number of rooms actually occupied. For example, if a major occupies 10 rooms as quarters he would be entitled as his heat allowance to only one-half of the amount of fuel actually consumed, his authorized allowance of quarters being only 5 rooms.

The decision of this office of September 23, 1913 (66 MS. Comp. Dec., 1395), which was intended to remain in force only pending the investigation that has now been made, is superseded by this decision, except as to the holdings quoted with approval herein, and all former decisions of this office in conflict herewith are overruled.

Respectfully,

GEO. E. DOWNEY, *Comptroller.*

Over in Spain the heat and light privilege is being abused to an amazing degree. In a semitropical country an officer is being paid $78 per month for heat and light—the equivalent of 12 or 15 tons of anthracite coal per month to warm him in a semitropical country. That is why I am opposed to this thing being engrafted on the law by the Comptroller of the Treasury, as was done five or six years ago.

In the Burlington apartment house J. B. Martin, an employee of the War Department, rented a six-room apartment, at $95 per month, and then sublet to four lieutenants one room each. Just what was paid by each lieutenant does not appear, but it may be presumed that it was approximately $15 per month per room. The entire apartment was heated by a separate plant. Martin was paid $74.40 per month on account of heat and light presumably furnished by him. In this case the Government probably paid more for the heat and light for these rooms than the rental value of the rooms heated and lighted. In addition, each of these lieutenants was paid $36 per month for commutation of quarters. Their compensation by reason of this deal was increased to the extent of about $39 per month.

Mr. HAY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] moves that all debate on this paragraph and amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. McKELLAR. Mr. Chairman and gentlemen of the committee, I want to assure the members of the committee and the gentleman from North Carolina [Mr. WEBB] that there is no hidden, secret arrangement about this heat and light matter. It is perfectly clear when it is examined into. I went into the matter very thoroughly when we had it before the committee.

A captain gets as commutation for quarters $44.67 a month; he gets for heat $15.64, and he gets for light $4.16.

A major gets $60 a month as commutation of quarters; he gets $17.48 a month for heat, and he gets $5.20 for light.

A lieutenant colonel gets $72 a month commutation of quarters; he gets $19.32 for heat, and he gets $6.24 for light.

A colonel gets $84 for commutation of quarters; he gets $21.16 for heat, and he gets $7.28 for light.

Mr. WEBB. That is per month?

Mr. McKELLAR. Yes; per month.

A major general gets $108 per month for commutation of quarters; he gets $24.94 per month for heat and $9.36 for light.

These figures are taken from the records, and they are absolutely accurate, and they apply to all Army officers who receive commutation of quarters. I have read them just to show to the committee that there is nothing strange or hidden or secret about it. It is a matter of law, and it is open to anyone who wants to look into it. I think the gentleman from North Carolina [Mr. WEBB] is straining over the matter a little more than he is entitled to.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from California?

Mr. McKELLAR. Certainly.

Mr. KAHN. I would suggest to the gentleman that he extend his remarks by inserting from the hearings pages 264, 265, 266, and a small portion of page 267, containing a full account——

Mr. WEBB. And include also page 268. That is the meat of the whole thing. That shows the salaries, and the commutation of quarters, and the heat and the light, and the horse pay, and everything.

Mr. McKELLAR. I ask unanimous consent, Mr. Chairman, to include as a part of my remarks extracts from the hearings, beginning at the top of page 264 to the bottom of 268.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKELLAR. I will say, Mr. Chairman, that in the committee this matter attracted my attention. My recollection is that my attention was attracted to it by the remarks of the gentleman from North Carolina [Mr. WEBB] here last year, when the military appropriation bill was being considered, and I went into it very vigorously and very fully to find out what the meat of it was. I think it appears from the statements of witnesses in the hearings, and I desire to clear it up before the committee.

Mr. WEBB. I will ask the gentleman whether he ever read the opinion from the Auditor of the Treasury Department as to the act of 1907, as to what was meant for heat and quarters for officers?

Mr. McKELLAR. No.

Mr. WEBB. I commend that to the gentleman.

Mr. McKELLAR. I think this record shows what these officers do get, and it shows that it is not an unfair amount to be appropriated for commutation of quarters and heat and light for these officers. I am not so sure about forage. Here are the extracts referred to:

NOTE.—A. R. 1060 provides for the following allowances of fuel to officers:

	Rooms.		Cords of wood per month.		Increased allowance from Sept. 1 to Apr. 30.		For quarters.		For office.
	As quarters.	As office.	May 1 to Aug. 31, Tropics, year round,[1]	Sept. 1 to Apr. 30.	Between 36th and 43d degrees N. latitude, one-fourth.	North of 43d degree, one-third.	Heating stoves.	Cooking stoves and ranges.	Heating stoves.
Lieutenant general	10	....	1½	6½	1⅜	2⅙	9	1	.....
Major general or officer of higher rank occupying 9 rooms as quarters	9	....	1½	6	1½	2	8	1	.....
Brigadier general or officer of higher rank occupying 8 rooms as quarters	8	....	1½	5½	1⅜	1⅞	7	1	.....
Colonel or officer of higher rank occupying 7 rooms as quarters	7	....	1½	5	1¼	1⅔	6	1	.....
Lieutenant colonel or officer of higher rank occupying 6 rooms as quarters	6	....	1½	4½	1⅛	1½	5	1	.....
Major or officer of higher rank occupying 5 rooms as quarters	5	....	1½	4	1	1⅓	4	1	.....
Captain or officer of higher rank occupying 4 rooms as quarters	4	....	1½	3½	⅞	1⅛	3	1	.....
First lieutenant or officer of higher rank occupying 3 rooms as quarters	3	....	1	3	¾	1	2	1	.....
Second lieutenant or officer of higher rank occupying 2 rooms as quarters	2	....	1	2½	⅝	⅝	1	1	.....
Officer of any rank occupying 1 room as quarters	1	....	1	1½	3/16	5/12	1	....	.....
The Chief of Staff of the Army	....	3	....	3	¾	1	....	....	3
The commanding general of a department, brigade, or district	....	2	....	2	½	⅔	....	....	2
An assistant to the Chief of Staff of the Army, the aids to the commanding general of a department, brigade, or district, and the general staff officers serving thereat	....	1	....	1	¼	⅓	....	....	1
A colonel or lieutenant colonel, Quartermaster Corps, a colonel, Medical Department, and the department quartermaster at the headquarters of a territorial department, each	....	2	....	2	½	⅔	....	....	2
The commanding officer of a regiment, post, or battalion of Engineers or Field Artillery, quartermaster, and adjutant, each	....	1	....	1	¼	⅓	....	....	1
An adjutant general, an inspector general, an acting inspector general, an engineer,[2] an ordnance officer,[2] a signal officer, a judge advocate or an acting judge advocate, and the senior medical officer, when stationed on duty at any place not in the field,[2] each	....	1	....	1	¼	⅓	....	....	1

[1] The allowance of fuel for officers and enlisted men in the Philippine Department for each month in the year will be that now fixed for each month between May 1 and Aug. 31.

[2] Except at Military Academy.

Light allowances for the Army.

Rank of officer.	Rooms.	Sept. 1 to Apr. 30—8 months. Gas (1,500 cubic feet per month per room, 80 cents per 1,000 cubic feet).	Total money value.	Acetylene (150 cubic feet per month per room, $8 per 1,000 cubic feet).	Total money value.	Electricity (20,000 watt hours per month per room, 6 cents per 1,000 watt hours).	Total money value.
Second lieutenant.	2	24,000	$19.20	2,400	$19.20	320,000	$19.20
First lieutenant...	3	36,000	28.80	3,600	28.80	480,000	28.80
Captain.....	4	48,000	38.40	4,800	38.40	640,000	38.40
Major.....	5	60,000	48.00	6,000	48.00	800,000	48.00
Lieutenant colonel	6	72,000	57.60	7,200	57.60	960,000	57.60
Colonel.....	7	84,000	67.20	8,400	67.20	1,120,000	67.20
Brigadier general..	8	96,000	76.80	9,600	76.80	1,280,000	76.80
Major general.....	9	108,000	86.40	10,800	86.40	1,440,000	86.40
Lieutenant general	10	120,000	96.00	12,000	96.00	1,600,000	96.00

Rank of officer.	Rooms.	May 1 to Aug. 31—4 months. Gas (900 cubic feet per month per room, 80 cents per 1,000 cubic feet).	Total money value.	Acetylene (90 cubic feet per month per room, $8 per 1,000 cubic feet).	Total money value.	Electricity (12,000 watt hours per month per room, 6 cents per 1,000 watt hours).	Total money value.
Second lieutenant.	2	7,200	$5.76	720	$5.76	96,000	$5.76
First lieutenant...	3	10,800	8.64	1,080	8.64	144,000	8.64
Captain.....	4	14,400	11.52	1,440	11.52	192,000	11.52
Major.....	5	18,000	14.40	1,800	14.40	240,000	14.40
Lieutenant colonel	6	21,600	17.28	2,160	17.28	288,000	17.28
Colonel.....	7	25,200	20.16	2,520	20.16	336,000	20.16
Brigadier general..	8	28,800	23.04	2,880	23.04	384,000	23.04
Major general.....	9	32,400	25.92	3,240	25.92	432,000	25.92
Lieutenant general	10	36,000	28.80	3,600	28.80	480,000	28.80

Rank of officer.	Rooms.	Total annual allowance. Gas (total cubic feet, 80 cents per 1,000 cubic feet).	Total money value.	Acetylene (total cubic feet, $8 per 1,000 cubic feet).	Total money value.	Electricity (total watt hours, 6 cents per 1,000 watt hours).	Total money value.
Second lieutenant.	2	31,200	$24.96	3,120	$24.96	416,000	$24.96
First lieutenant...	3	46,800	37.44	4,680	37.44	624,000	37.44
Captain.....	4	62,400	49.92	6,240	49.92	832,000	49.92
Major.....	5	78,000	62.40	7,800	62.40	1,040,000	62.40
Lieutenant colonel	6	93,600	74.88	9,360	74.88	1,248,000	74.88
Colonel.....	7	109,200	87.36	10,920	87.36	1,456,000	87.36
Brigadier general..	8	124,800	99.84	12,480	99.84	1,664,000	99.84
Major general.....	9	140,400	112.32	14,040	112.32	1,872,000	112.32
Lieutenant general	10	156,000	124.80	15,600	124.80	2,080,000	124.80

NOTE.—The Army Regulations of 1808 were promulgated pursuant to act of March 16, 1802, and were the first regulations in which the allowances of fuel and quarters were prescribed. The allowances were as follows:

Fuel and quarters' allowances for the Army.

Rank of officer.	Number of rooms.	Allowance of fuel in cords of wood per month. From Apr. 1 to Oct. 1.	From Oct. 1 to Apr. 1.	Increase of allowances north of 39° north latitude, from Oct. 1 to Apr. 1.
Commanding general	4	1½	2½	
Quartermaster general	4	1	2	
Field officer	2	¾	1½	
Inspector of Army	3	1	2	
Captain	1	½	1	
Lieutenant	½	½	1	

No compensation was to be paid in lieu of quarters or fuel. Commanding officers, the sick in hospitals, guards, and messes also had allowances

The commanding general was, in his discretion, authorized to increase or diminish the quantity of fuel furnished.

It will be noted (a) that provision was made for an increase for officers stationed north of 39° north latitude of one-half cord for field officers and one-third cord for each of the other grades, and (b) that the year was divided into two equal parts of six months each, the summer season being from April 1 to October 1 and the winter season from October 1 to April 1.

From actual experience it was found necessary to increase the basic allowance, as well as the additional allowances fixed for latitude. The first of these increases was made in 1812, only 4 years after the original allowance was published. Other changes were made at intervals of from 1 to 27 years, between 1812 and 1908.

The following summary shows the average basic allowances and the average percentage of successive changes in same at intervals of from 1 to 27 years, between 1808 and 1908, and also the relative percentage of each increase as compared with the original 1808 allowance:

Base allowances.

Year.	Cords of wood, average annual allowance.	Percentage increase.	Percentage decrease.	Compared with allowance of—	Period covered (years).	Relative percentage increase referred to 1808.	Period covered (years).
1808.....	13.69	.....	.....	.....	.....	.....	.....
1812.....	14.94	9	.....	1808	4	9	4
1813.....	17.22	15	.....	1812	1	26	5
1816.....	22.87	33	.....	1813	3	67	8
1821.....	22.00	.....	4	1816	5	61	13
1835.....	28.28	29	.....	1821	14	107	27
1857.....	27.84	.....	1	1835	22	103	49
1881.....	30.38	9	.....	1857	24	121	73
1908.....	39.50	30	.....	1881	27	188	100

Considering the changes in the allowances for latitude in the limits of the latitude which additional amounts of fuel were authorized, and all other changes, together with the basic allowances and changes made therein, the following table shows the percentage of total increase from time to time:

	Period.
1808. First allowances specified in regulations.	
1812. Increase of 24 per cent above allowance of 1808	4 years.
1813. Increase of 12 per cent above allowance of 1812	1 year.
1816. Increase of 6 per cent above allowance of 1813	3 years.
1834. Increase of 72 per cent above allowance of 1816	18 years.
1857. Increase of 9 per cent above allowance of 1834	23 years.
1881. Increase of 12 per cent above allowance of 1857	24 years.
1908. Increase of 32 per cent above allowance of 1881	27 years.
1913. Increase of 0 per cent above allowance of 1908	5 years.

The above table covers a period of 105 years, and five of the seven increases were made prior to 1858, or before the Civil War.

The allowances for quarters and fuel are the results of gradual changes caused by the extension of the geographical limits of the country, the growth of the population, the changes in the conditions of service, and the increasing demands of modern life.

The principal changes in allowances of fuel were made between 1808, when the first specific allowances were published, and 1857, or during the first 49 years. From 1857 to 1880 there were no changes in such allowances, but in 1881 an average increase of 12 per cent in fuel was authorized. The next increase, in 1907 (Regulations of 1908), was an average of 32 per cent over the allowances of 1881. The present fuel allowances are the same as those of 1908.

NOTE.—The following table, showing the pay, commutation of quarters, heat, light, and forage allowances of officers, is inserted in response to the request of a member of the committee. This table is taken from the hearings held before the House Committee on Military Affairs, on staff service in the Army, May 2, 1911, and the cost of the heat, light, and forage allowances are based upon the prices current at that time:

	Pay. Per month.	Pay. Per year.	Commutation of quarters. Per month.	Commutation of quarters. Per year.	Heat. Per month.	Heat. Per year.
Major general.....	$666.67	$8,000	$108.00	$1,296.00	$24.94	$298.08
Brigadier general.....	500.00	6,000	96.00	1,152.00	23.00	276.00
Colonel.....	416.67	5,000	84.00	1,008.00	21.16	253.92
Lieutenant colonel.....	375.00	4,500	72.00	864.00	19.32	231.84
Major.....	325.00	3,900	60.00	720.00	17.48	209.76
Captain.....	240.00	2,880	44.67	576.00	15.64	187.68

	Light. Per month.	Light. Per year.	Forage. Horses' allowance.[1]	Forage. Per month.	Forage. Per year.	Total. Per month.	Total. Per year.
Major general.....	$9.36	$112.32	3	$31.00	$372.00	$839.97	$10,078.40
Brigadier general..	8.32	99.84	3	31.00	372.00	658.32	7,899.84
Colonel.....	7.28	87.36	2	20.67	248.00	549.78	6,597.28
Lieutenant colonel	6.24	74.88	2	20.67	248.00	493.23	5,918.27
Major.....	5.20	62.40	2	20.67	248.00	428.35	5,140.16
Captain.....	4.16	49.92	2	20.67	248.00	325.14	3,941.60

[1] Forage figured at 33 cents per animal per day, this being the average cost during fiscal years 1910 and 1911.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Incidental expenses, Quartermaster Corps: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of

the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than 10 days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for the United States military prison guard, of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots, who are to be graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for expenses of expresses to and from frontier posts and armies in the field, of escorts to officers or agents of the Quartermaster Corps and to trains where military escorts can not be furnished; authorized office furniture; authorized issues of towels; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of Cavalry, the batteries of Field Artillery, and such companies of Infantry and scouts as may be mounted, the authorized number of officers' horses and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules; chests and issue outfits; and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, $1,833,127.

Mr. HAY. Mr. Chairman, on page 25, line 18, the word "then" ought to be "than." I offer that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 25, line 13, by striking out the word "then" and inserting "than."

The amendment was agreed to.

The Clerk read as follows:

Horses for Cavalry, Artillery, Engineers, etc.: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War, for remounts, for officers entitled to public mounts, for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *Provided*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place, $500,000, and the sum of $200,000 of this appropriation is made immediately available.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment, on page 27, line 17, after the word "available," to add:

And provided further, That hereafter no part of this or any other appropriation shall be expended for defraying the expenses of officers, enlisted men, or horses in attending or taking part in horse shows.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. HAY. I have no objection to that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 27, line 17, after the word "available," by adding: "*And provided further*, That hereafter no part of this or any other appropriation shall be expended for defraying the expenses of officers, enlisted men, or horses attending or taking part in horse shows."

Mr. KAHN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California reserves a point of order.

Mr. KAHN. As a matter of fact, in my judgment, it is a good thing to have the officers of the United States Army participate in horse shows. They are thrown into competition with civilian riders, and of course it instills a spirit of emulation that naturally tends to increase the ability of the officers and enlisted men who participate.

Mr. HAY. Does the gentleman have any idea that any of this appropriation is spent for horse shows?

Mr. KAHN. I am quite satisfied it is not.

Mr. HAY. Then the amendment is not germane.

Mr. KAHN. I make the point of order.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard?

Mr. WEBB. No, sir; I think the amendment is clearly a limitation and has a tendency to reduce expenditures of the Government, and, therefore, under the Holman rule, it is clearly in order.

The CHAIRMAN. The Chair regards the amendment as in order.

Mr. KAHN. As I understand it, the amendment does not affect this item at all. However, I do not think it is of any material importance.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $2,123,997.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 28, add at the end of line 22 the following:
"*Provided*, That no part of this appropriation shall be used for the construction at military posts of quarters for officers containing a greater number of rooms than the authorized number provided by law for officers of the various grades who are stationed there in the ordinary course of military necessities: *And provided further*, That in carrying out the foregoing provision the number of suites and the number of rooms in each suite of officers' quarters already provided for at each post shall be taken into consideration: *And provided further*, That no part of this appropriation shall be used in the construction of quarters containing more than five rooms."

Mr. HAY. I reserve a point of order against the amendment.

Mr. WEBB. Mr. Chairman, I promised that I would offer an amendment affecting the evil which I have pointed out to-day with reference to there being more rooms occupied by officers at 15 of the public Army posts of the United States than the law allows, where Army officers occupy anywhere from two to three times as many rooms as they are entitled to. For instance, at Fort Washington, Fort Myer, and at a great many others this evil practice exists. The department goes ahead under this lump-sum appropriation and builds 12, 14, and 16 room houses, when there is not an officer in the United States Army who is entitled under the law to occupy a house of 16 rooms, or even of 14 rooms or 12 rooms. And if there were there are already enough houses with sufficient rooms in them in the public forts and posts of the United States to house every officer above the grade of major. So we do not need any houses bigger than 5-room houses to furnish quarters for the captains and officers above that rank. We have a sufficiency of big houses already to house the gentlemen who are entitled to 8 or 10 rooms. We have enough 12 and 14 room houses. I do not think any more big houses should be built, because we have a surplusage of them. Therefore I offer this amendment, to limit the appropriation to the construction of houses of not exceeding 5 rooms. That is all I care to say.

Mr. HAY. If this amendment offered by the gentleman from North Carolina [Mr. WEBB] is agreed to, it will only affect, so far as this bill is concerned, certain quarters which are being built and which have been authorized to be built at Fort Bliss, Tex. I have not all the items before me, but my recollection is that that is the only post where they are proposing to build any officers' quarters. This appropriation carries not only construction, but repairs.

The gentleman's amendment would inaugurate a system under which, if the military necessities of the country required that a post should be built, they could only build houses containing five rooms each, which would be the most expensive way of building houses at a post. It would cost a great deal more, for instance, to build 10 houses of five rooms each than it would cost to build 3 houses containing the same number of rooms. If what the gentleman is after is economy, I think he is pursuing a very poor policy in this amendment. I do not think the amendment is practicable. I do not see what it is going to do, except

to compel the construction of quarters that shall contain only five rooms.

Mr. WEBB. If the gentleman will permit me, I want to explain to him what I am driving at.

Mr. HAY. All right.

Mr. WEBB. The highest number of rooms which any officer is entitled to is 10.

Mr. HAY. Yes.

Mr. WEBB. Does the gentleman think Congress ought to appropriate for building 16-room houses when, under the law, no officer is entitled to occupy that house?

Mr. McKELLAR. Then why does not the gentleman limit the number of rooms to 10?

Mr. WEBB. I have stated that we already have enough 10 and 12 and 14 room houses.

Mr. HAY. We have not at Fort Bliss.

Mr. WEBB. That is something new. I am not going to controvert that statement, because the gentleman may be right.

Mr. WILSON of Florida. Will the gentleman from North Carolina permit me?

Mr. WEBB. Yes.

Mr. WILSON of Florida. If the law now provides that they can not build houses with any more rooms in them than are provided in the gentleman's amendment, what is to be gained by offering the amendment?

Mr. WEBB. Because the law is being violated every day. At Washington Barracks, officers entitled to 99 rooms are occupying 189 rooms.

Mr. WILSON of Florida. If the law is being violated, does the gentleman think that the adoption of the amendment would prevent it?

Mr. WEBB. I do not think they would violate a plain provision of the law which limits the number of rooms to be put into a house. But if it affects contracts already made in relation to buildings at Fort Bliss, I will not insist.

Mr. HAY. "Two hundred and seventy-nine thousand dollars of this appropriation has been set apart for the construction of buildings at Fort Bliss, among which are officers' quarters." Unquestionably this amendment would stop the building at Fort Bliss of any officers' quarters.

Mr. WEBB. Are there not already officers' quarters at Fort Bliss?

Mr. HAY. No; these are new buildings.

Mr. WEBB. The first part of my amendment would permit the building, not to exceed the number of rooms the commanding officer needs.

Mr. KAHN. I think the chairman is in error; there are some buildings already in existence at Fort Bliss.

Mr. HAY. There are some, but they are building up the post, making it larger.

Mr. KAHN. This provides for $4,000 for a building. It seems to me that would not be very large quarters.

Mr. WEBB. They do not need them. We have large quarters enough now to accommodate all the officers in the United States.

Mr. HAY. Yes; but the gentleman must recollect that while there may be enough quarters in the United States to quarter all the officers of the Army, there may be a time when men have to go to a certain place and there will not be enough quarters there to quarter them.

Mr. WEBB. I do not think we ought to be lavish in expenditures of money. By the way, is not Fort Bliss the fort of which a former Secretary of War recommended the abolition?

Mr. HAY. No; Fort Bliss is at El Paso, Tex., across from the Mexican border.

Mr. McKELLAR. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. McKELLAR. Suppose all the officers' residences at Fort Myer were to burn down to-morrow. You could not build a house, under this amendment, of over five rooms.

Mr. WEBB. We could transfer them to Fort Washington until the next appropriation came in, and then we would build them mighty fast.

Mr. HAY. Mr. Chairman, I do not think the amendment is practicable, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. WEBB) there were 2 ayes and 14 noes.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I want the RECORD to show how few Members are considering this great appropriation bill.

Mr. KAHN. But there were a number of Members present who did not rise either for the ayes or the noes.

Mr. WEBB. Yes; 10 or 15.

Mr. MURRAY of Oklahoma. Mr. Chairman, while this is going on I want a note made of the fact that I am here. [Laughter.]

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge; of persons on their discharge from the United States military prison or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such prison or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage tolls and ferriage; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, and other vehicles as are required for the transportation of troops and supplies, and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans: *Provided further*, That hereafter private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts: *Provided further*, That authority is hereby granted the Secretary of War to sell or otherwise dispose of in accordance with law and regulations the United States Army interisland transports *Seward* and *Wright*, $10,064,645.

Mr. J. R. KNOWLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WEBB. Mr. Chairman, I make the point of order against the language, page 31, line 24, beginning after the word "further," which is as follows:

That hereafter private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts.

Mr. Chairman, I do not like this policy, and I think it would not be workable. You could not enforce it except on a land-grant railroad. You could not give a private individual transportation. These officers would be entitled to some cheap rate by force of an act of Congress which would be ineffective.

Mr. HAY. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HAY. I suggest that you also strike out the words "*Provided further*," so that the whole proviso will be eliminated.

The CHAIRMAN. Without objection, that will be done.

Mr. BALTZ. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. What arrangement is there with railroads for the transportation of troops?

Mr. HAY. They make the arrangement when the occasion comes up. There is no permanent arrangement.

Mr. BALTZ. Is it let by contract?

Mr. HAY. I think so, where there are two or more competing roads that can bid.

Mr. BALTZ. I have been informed that where two railroads were bidding for a contract it was not given to the lowest bidder, and I wanted to know what this arrangement was.

Mr. HAY. The gentleman understands that this is done in the War Department, and we do not know anything about it. Of course, they ought to give the contract to the lowest bidder, other things being equal.

The Clerk read as follows:

Roads, walks, wharves, and drainage: For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, $475,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee what these roads and walks include.

Mr. HAY. They are roads and walks in the military possessions.

Mr. WINGO. Does it include any roads contemplated to be constructed which might be termed public roads and would be constructed under this appropriation simply because the troops might occasionally use them?

Mr. HAY. No; all this appropriation is to be expended within the reservation.

Mr. WINGO. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Clothing, camp and garrison equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning when necessary; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $5,700,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I would like to direct the attention of the chairman to line 6, page 24. I have no doubt it is proper, but I want to know what the word "housewives" means.

Mr. HAY. They are little cases that contain needles, pins, sewing material, and various things, so that the soldiers can sew on their own buttons.

Mr. WINGO. Then the word "housewives" is the name of some inanimate thing?

Mr. HAY. Yes.

Mr. WINGO. And is not any marital contraption of flesh and blood? [Laughter.]

Mr. HAY. No.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I desire simply to call the attention of the committee to the fact that in this bill the item for subsistence of the Army and the item that has just been read carry about the same amounts as were appropriated last year. The Army has not been increased in number since the last appropriation bill for the military establishment was enacted into law. Of course, a promise was made to the voters of the country that the Democratic tariff law—the Underwood bill—would materially reduce the cost of living in this country. And, of course, on the strength of that promise, we had a right to assume that, by the reduction of the tariff, all of these supplies would be much cheaper this year; but that promise has not materialized, and that the majority membership of this House have no faith in the likelihood of its ever materializing is evidenced by the fact that we are still called upon to appropriate about as much for supplies this year, and a little more in the item of subsistence, than we appropriated for last year.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GOULDEN. Does not the gentleman think it would be wise on the part of that side of the House to give the tariff bill an opportunity to become effective so as to reduce the cost of living—to be fair in the matter?

Mr. KAHN. As a matter of fact, the amounts for subsistence have been increased, and therefore the gentlemen who were so sure that the cost of living would be reduced cast a decided doubt on the wisdom of their own statements.

Mr. GOULDEN. The tariff has been reduced, and it will affect the cost of provisions of all kinds, I am quite confident.

Mr. KAHN. And yet the majority of the committee have increased the amounts allowed for the purchase of these provisions over what was allowed last year.

Mr. GOULDEN. That was evidently under the influence of Republican membership.

Mr. KAHN. Oh, no; it was done because the cost of living has not come down.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $440,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I would like to inquire if that item for Hot Springs, Ark., includes any new work on sewerage?

Mr. HAY. I can not tell the gentleman offhand.

Mr. KAHN. It is referred to at page 670 of the hearings.

Mr. WINGO. I know there was a much-needed proposition, and in the absence of the Member who represents that district, who is now in Michigan on business of the House in connection with the strike in the mines there, I have asked this question. I want to inquire if that item has been taken care of?

Mr. KAHN. Mr. Chairman, the item is explained on page 670 of the hearings, but the bill does not give the exact locations where the money is to be expended. It divides the entire appropriation into specific amounts for each purpose, but it does not say where the money is to be expended.

Mr. HAY. In Hot Springs, Ark., they propose to construct houses, and it does not say anything about sewerage.

Mr. WINGO. Had they the question before the committee of constructing a new sewer system at the reservation there?

Mr. HAY. No; there was nothing of the kind brought up before the committee.

Mr. WINGO. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Interrogating the gentleman from California [Mr. KAHN], who spoke a few moments ago, the gentleman from New York [Mr. GOULDEN] suggested that we on this side should allow the tariff bill to get in its perfect work and reduce the cost of the supplies purchased under these appropriations and the cost of living generally. I have never understood that we had any influence on this side over the prices that might be established under the blessed tariff legislation of gentlemen on that side, but in this connection let me refer to one curious effect of that tariff legislation. Among the articles that are purchased in large quantity for the Army are harness, saddlery, leather goods. Under the last tariff bill harness was put on the free list and saddlery and leather which were not theretofore on the free list were put on the free list. Curiously enough instead of effecting a reduction in the cost of those articles the price has actually advanced. Leather and harness have advanced considerably.

Mr. GOULDEN. Upon what did the committee base their estimates of the cost of maintaining this particular item and others in this bill for the next fiscal year?

Mr. MONDELL. The estimates of the department.

Mr. GOULDEN. And those estimates, of course, were based on last year's prices, really before the tariff bill became a law?

Mr. MONDELL. Oh, I suppose the department keeps track of prices as well as it can, and if it has not increased the unit cost of saddlery and harness those in charge are going to run short, because those articles have actually increased in cost since you have placed them on the free list. I will not say that that is one of the effects of that legislation. I am simply stating the fact.

Mr. GOULDEN. My friend from Wyoming is not inclined to give the tariff bill an opportunity to work out its own salvation, as we on this side firmly believe it will successfully do.

Mr. MONDELL. Oh, I want to assure the gentleman that my inclination is to give it an opportunity. Little as I like it. I want it given a fair chance. There never has been a time in the history of the country, as the gentleman knows, when the American people as a whole were so much inclined as they are now to give this tariff legislation an opportunity to work out and demonstrate what its effect is to be.

Mr. GOULDEN. I think that is true.

Mr. MONDELL. That is my belief, based on wide information.

Mr. GOULDEN. And that is a very patriotic thing for the gentleman to say.

Mr. MONDELL. People think it is an inevitable evil, and they want to get along with it the best they can.

Mr. GOULDEN. Oh, no; it will be a general good to all, as his party will so discover.

Mr. MONDELL. So that if it does not work out well it will not be because it has not been given a fair chance.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

Quarters for officers, noncommissioned officers, and privates on duty with troops where no public quarters are available, $13,347.90; total, $49,587.

Mr. WEBB. Mr. Chairman, in reference to that section I have some matter here which shows how this rental privilege in Washington has been abused, and actually how fraud has crept in where three or four persons rent rooms in one house and "knock down" a portion of the money paid by the Government for rent. I have numbers of instances like that in my possession, some of which I wish to put in the RECORD. I notice one little house here at 422 Second Street NW. At this place the total paid was $574 for room rent alone, and I am informed that in many instances the landlord does not get the full amount of the contract, but does get the money and divides it with the men. And I again say much of this could be taken care of in the Government barracks or in the Washington Barracks or out at Fort Myer, and I hope the chairman will look into that next year and see if these officers and enlisted men who are drawing big rental money for officers' quarters in Washington can not be housed in buildings that the Government has already built and maintains for such purposes.

The memorandum is as follows:

Some rental of buildings in District of Columbia; room rent alone, no light and heat, included:

422 Second Street NW., $574 per year or $47.83 per month.
310 C Street, $430 per year or $35.83 per month.
339 P Street, $144 per year or $12 per month.
1215 Four-and-a-half Street, $144 per year or $12 per month.
1024 Eighth Street, $910 per year or $75.83 per month.

One-third more for heat and light is added to these amounts. The barracks in Washington could house these men.

Following are a few cases involving Government leases of quarters for enlisted men, heat and light allowances, etc. They have presented themselves in connection with the revision of various accounts of disbursing officers of the War Department. The matters specifically referred to are of necessity from six months to a year old because of the time elapsing before the accounts reach this office, but I am informed that the same conditions in many instances exist at the present time.

Four rooms were rented by separate leases of Bridget Kane at 422 Second Street NW., each separate lease was for $18.20 per month per room ($12 room, $5 heat, and $1.20 light). This lady rented to the general public in her house one room at $12, two rooms at $10, and one room at $9, and the others ranging down as low as $5, heat and light included. Other equally as good rooms were renting in this neighborhood at $10 per month, heat and light included.

At No. 339 O Street SW. lease for room for enlisted man was with B. Adams, at the rate of $18.20. B. Adams is the wife of the enlisted man. Entire houses of the character of this one in that neighborhood, many of them better, rent for an average of $13.50 per month. Rooms in this locality rent generally for either five or seven dollars per month, heat and light included.

Practically the same conditions prevail with reference to leases of rooms at No. 1215 Four-and-a-half Street SW. and 310 C Street NW., also at 512 Second Street NW. and 310 Third Street NW., except that in the last two named localities room rents range from ten to twelve dollars per month, heat and light included.

At No. 53 K Street NW. contract was for $13.20, heat not included specifically in the contract, but as a matter of fact the room was heated. In this case fuel in kind was delivered, and coal to the value of $15.97 was delivered in one month.

Leases were in effect also at Nos. 621 K Street, 1024 Eighth Street, 1755 Willard Street, 1920 and 2111 Eighteenth Street, 2124 P Street, 1737 F Street, and 1807 G Street. These rooms are all in the northwest and are all heated and lighted. The prices ranged from $10 to $15 per month, showing that even in the better localities more than the prevailing rates to the general public were being paid.

At Nos. 600 and 625 Harvard Street NW., and at No. 506 Kenyon Street NW., $18.20 was being paid, and in these cases the prevailing prices was from $5 to $7 per month. The same conditions existed at 3326 Georgia Avenue NW.

At No. 1737 F Street NW., referred to above, contract was for $13.20, heat not included, although the room was in fact heated. The entire house was heated by a central heating plant and there was no provision for any other fire in the house except in the kitchen range. Fuel in kind to the value of $6.83 per month was delivered to the enlisted man at this place and by him turned over to the landlady and used in heating her house. Practically the same conditions exist in other places.

Two leases were entered into with Mrs. Anna E. Trabue, of No. 1645 K Street NW., for two rooms each, for two nurses. The lease in each case was for $36.40, divided $24 for rooms, $10 for heat, and $2.40 for light. When these leases were executed Mrs. Trabue specifically stated that it was not her intention to rent more than one room to each nurse. She was persuaded, and largely she says, by the statements of a representative of the War Department that it was necessary and proper for her to execute the two leases for two rooms each.

As a matter of fact, only two rooms were rented and the nurses occupy one room each, of these two and each lease as to one room was purely fictitious. Mrs. Trabue was paid each month $72.80. Under some arrangement had, the checks received by her were indorsed over to the nurses who were boarding with her at a fixed rate per month for one room and board. One of the nurses involved in these original leases left there, but I am informed that another nurse took her place, and that this condition existed at the time of the rendering of the last account by the Washington disbursing officer.

In some cases where quarters have been rented for officers and where the rent for a larger number of rooms than the officer was entitled to has not exceeded the amount, figured upon the basis of their authorized number of rooms at $12 per room, leases have been entered into which rented for the officer more rooms than he was entitled to, but which on their face did not speak the truth.

On June 1, 1911, a lease was executed as between Mary C. Ragan and Maj. H. L. Pettus for 4 rooms for Capt. Charles Ragan at $48 per month. Mary C. Ragan was the wife of Capt. Ragan, and she leased the entire 8-room house for $42.50. This lease was for the fiscal year ended June 30, 1912, unless sooner canceled. Shortly after the execution of the lease Capt. Ragan was promoted and became a major, and a new lease was executed as between Mrs. Ragan and Maj. Pettus for 5 rooms in this same house for Maj. Ragan at $60 per month, although Mrs. Ragan's lease of the entire premises continued at $42.50 per month. Subsequently the auditor suspended vouchers covering payments on account of this lease, and the next lease was in the name of Della McCue, who was reported to be a sister-in-law of Maj. Ragan and a member of his family. Still subsequently the situation was changed, and the War Department, through Maj. Pettus, leased this same house as "officer's quarters" at a rental price of $45 per month for the entire house. Maj. Ragan and his family was assigned the entire house, although he was not entitled to that many rooms.

At about the same time the house adjoining was leased of Boss & Phelps by A. Halloran, said to be a sister of Maj. Halloran, at $37.50 per month. She in turn leased to the Government five rooms in the house for the use of Maj. Halloran at $60. Later, after some suspensions by the auditor, the entire house was leased by the War Department of Boss & Phelps as "officer's quarters" for $39 per month, and Maj. Halloran permitted to occupy the entire house. Heat and light in kind was furnished by the Government for the heating and lighting of both of these houses.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the library of the Surgeon General's office, including the purchase of necessary books of reference and periodicals, $10,000.

Mr. WEBB. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if $10,000 a year is not a pretty big allowance for one man's library?

Mr. HAY. It is not one man's library.

Mr. WEBB. It is for the Surgeon General's office.

Mr. HAY. This is the finest medical library in the world, and it is kept up from this appropriation of $10,000 a year, given it for many years, and from it they have to buy all the new books, new publications, and pamphlets and subscribe to the different publications upon the subject, and it takes all of this sum of money to do it, and I think it would be a great calamity to reduce the appropriation.

Mr. WEBB. All right, Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Engineer depots: For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, laborers, and other employees, extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for lumber and materials and for labor for packing and crating engineer supplies; repairs of, and for materials to repair, public buildings, machinery, and instruments, and for unforeseen expenses, $25,000.

Mr. WEBB. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee what other employees could be hired besides civilian clerks, mechanics, and laborers. "Other employees" is new legislation, is it not? If it is I would like to know what other employees you can suggest besides clerks, mechanics, and laborers?

Mr. McKELLAR. What line?

Mr. WEBB. Line 22, page 38.

Mr. HAY. I think that was explained by the Chief of Engineers when he appeared before us.

Mr. KAHN. Mr. Chairman, on page 20 of the hearings, about the middle of the page, appears:

It does not show it in the print of the bill, nor does it show it in the print of the Book of Estimates, and yet the note says, at the foot of page 274, the words "and other employees" have been inserted to provide for the payment of civilian employees that strictly could not be classed as clerks, mechanics, or laborers.

Mr. WEBB. They could be classed as civilian clerks.

Mr. HAY. I stated—

That is new language. It was not in the bill last year.

It does not increase the item. Then I go on to say—

I suppose it is done to meet some objection of the comptroller.

And Col. Burr, who was speaking, said:

No; it is done for the purpose of simplifying the administration. We have other appropriations from which instruments might be purchased.

Mr. WEBB. That is instruments.

Mr. HAY. (Reading:)

Such as engineer equipment of troops, which comes later in the bill.

Mr. WEBB. I can not see, Mr. Chairman, what employee would be useful in this department unless he be a civilian clerk, mechanic or laborer, and the words "and other employees," it seems to me, are more or less useless, and unless the chairman of the committee insists upon the words staying in——

Mr. HAY. I have no objection to the words going out. Offer the amendment.

Mr. WEBB. I make the point of order against the language.

Mr. HAY. It is too late to make the point of order. I am willing for it to be stricken out.

Mr. WEBB. Then I move to strike it out.

The CHAIRMAN. The gentleman will send his amendment to the Clerk.

Mr. HAY. The gentleman moves, I understand, to strike out the words "and other employees," page 38, line 22.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 38, line 22, by striking out the words "and other employees."

The question was taken, and the amendment was agreed to.

Mr. WEBB. Now, Mr. Chairman, I would like to ask the chairman of the committee another question. On line 6, page 39, the words "and instruments" is new legislation, and I think the chairman was to tell us why that was inserted, and I will be glad to know that.

Mr. HAY. I will read:

Col. BURR. * * * We have other appropriations from which instruments might be purchased, such as engineer equipment of troops, which comes later in the bill; and it was deemed good administration to reduce to one item the two or more items from which instruments could be purchased under this bill. The functions of these depots are more than just the furnishing and repair of instruments. They are the depots at which all of the engineer equipment of troops in storage is kept and cared for. The bulk of that equipment consists of pontoon material, and tools for issue to engineer troops, and survey and reconnoissance instruments for all troops, as well as for officers on fieldwork. The amount of this work is increasing somewhat from year to year, and we are increasing our equipment in storage. We are gradually adding to our equipment so as to be prepared for emergencies, and this requires a slight increase in the repairs at depots.

Moreover, one item in the detailed estimates which we have here, making up the total estimate of $30,000, is a relatively slight increase—a few hundred dollars—in the estimates for equipping these depots to do much of the work that they do.

Mr. WEBB. May I ask the chairman if it is intended to include in the words "and instruments" field glasses, which the officers are required to buy and ought to buy themselves?

Mr. HAY. Are the words "field glasses" there?

Mr. WEBB. No, sir. It says "and instruments." I do not know what that would cover.

Mr. HAY. I will say to the gentleman it does not cover field glasses, because they had an estimate sent to us for the purchase of field glasses for certain officers, and we struck that out. I think the item called for $6,000. We would not allow it.

Mr. WEBB. I thought maybe you might point out some instrument they wanted and which they are not authorized now to buy, and that is why they inserted this new legislation "and instruments" here.

Mr. HAY. No.

Mr. WEBB. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Civilian assistants to engineer officers: For services of surveyors, survey parties, draftsmen, photographers, master laborers, and clerks to engineer officers on the staff of division, corps, and department commanders, $40,000.

Mr. PETERSON. Mr. Chairman, I move to strike out the last word.

Referring to the statement made a little while ago by the gentleman from Wyoming [Mr. MONDELL], I would like to call his attention to what has appeared very recently in one of the metropolitan newspapers on the subject of the effect of the present tariff law, as follows:

COST OF LIVING SAID TO BE ON THE DECREASE—OFFICIAL REPORT SHOWS THAT WHILE 11 ARTICLES OF COMMODITIES HAVE ADVANCED IN PRICE IN THE LAST YEAR, 21 OTHER COMMODITIES HAVE DECREASED, SOME OF THEM AS LOW AS 40 PER CENT.

INDIANAPOLIS, *February 26.*

In a report just made public by Dr. George F. Odenharter, superintendent of the Central Hospital for Insane at Indianapolis, throws light on some recent statements that prices of food in Indiana are on the increase annually. In a long list of commodities used by the State institution during two fiscal years, bought at wholesale and under competitive conditions, it is shown that while 11 of the commodities increased as to the unit cost during the fiscal year 1912–13 over the fiscal year preceding, 21 commodities in general use decreased in price, some of them as much as approximately 40 per cent.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment. I have been very much interested in the exceedingly general statement which the gentleman has just read. The prices of a considerable number of articles, character and nature not stated, are said to have increased. The prices of certain other articles, the character of which is not stated, are "said" to have decreased. I can not think of any safer statement that could be made anywhere by anybody than the statement the gentleman has just read. I have no doubt that some articles, name unknown, character undescribed, have increased in prices, that other articles in like category have decreased. I have never had any question but what our Democratic friends would be able under their tariff bill to keep part of their promises; that is, the promise made to the dwellers in the city that the prices of farm products would be decreased. That is inevitable under Democratic tariff legislation.

As men lose their opportunities for employment their wages are decreased, there is a lesser demand for agricultural products, and they naturally go down in price, to the very great loss of the farmer and to the advantage of no one. And when, in addition to that, you import eggs from China and butter from the Argentine, you certainly do not help the farmer, and I think it is very doubtful if you help the dweller in the city for any great length of time.

But what I rose to call attention to is the curious fact that articles that by all the rules should have decreased in price under your tariff legislation refuse to do it, but insist on advancing. For instance, leather and saddlery goods were put on the free list. I was very much afraid that the little industries in my State along these lines would be put out of business by a decrease in prices they could not meet, but I grant you that up to the present time my fear in that respect has not been realized. The price of these articles has continuously advanced. The American people are paying more for them than ever before, and we are not getting any of the income that we used to derive from such of these articles as were imported. So we are losing at both ends. That is generally the effect of Democratic legislation.

The CHAIRMAN. The Clerk will read.

Mr. PETERSON. Mr. Chairman——

Mr. HAY. Mr. Chairman, I move that all debate on this paragraph be now closed. I would like to indulge the gentleman from Indiana, but I wish to finish the bill.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph be now closed.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter in the settlement of transactions between appropriations under the Engineer Department, or between the Engineer Department and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Corps of Engineers or of the office, bureau, or department concerned.

Mr. WEBB. Mr. Chairman, I make a point of order against all the language embraced in lines 5 to 11, on page 41, as being new legislation and, I think, of very doubtful value, because if that were passed it would take the work out from control or oversight of the auditor. I think the Auditor for the War Department and the Auditor of the Treasury Department ought to audit all of these accounts. If this were passed tremendous amounts of money would be offset and transferred without the oversight of the auditor. And, besides, it is new legislation.

Mr. HAY. Mr. Chairman, I admit it is subject to a point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals which may be paid for in advance, and payment for mechanical labor in the office of the Chief of Ordnance, $250,000.

Mr. EDMONDS. Mr. Chairman, I have an amendment which I would like to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 41, line 25, by striking out "$250,000" and inserting in lieu thereof "$300,000."

Mr. EDMONDS. Mr. Chairman, I am introducing this amendment at the request of my colleague from Philadelphia [Mr. DONOHOE].

Mr. DONOHOE has sent me a letter received by him from Gen. Crozier, in which he approves of having the amount of money carried in this item raised to $300,000. If the gentleman from

Virginia [Mr. HAY] has no objection, I would like to have the letter read in my time.

The CHAIRMAN. If there is no objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 24, 1914.

Hon. MICHAEL DONOHOE,
House of Representatives, Washington, D. C.

DEAR MR. DONOHOE: In the Army bill, as reported by the Committee on Military Affairs to the House of Representatives, the appropriation for "ordnance service" is reduced $50,000 under the estimate of the War Department, and under the appropriation for the current fiscal year, both of which were $300,000. The appropriation for the current fiscal year had already been reduced from the year 1912 by $37,000, which it had been during that fiscal year, and by $25,000 from the amount for the fiscal years 1910 and 1911.

This appropriation covers the general activities of the Ordnance Department in connection with its work of experimentation and with that of the issue of supplies to the Army. It is separated under general headings as follows:

Services of clerks engaged in rendering money and property papers and other general work	$110,161.49
Services and materials required in receiving and issuing ordnance and ordnance stores, maintenance of transportation, services of teamsters, purchase of forage, etc.	117,006.14
Services and materials required for the maintenance of heating plants for offices, storehouses, and other buildings not used for manufacturing or experiments; services and materials required for the illumination of grounds and buildings not used for manufactures or experiments; maintenance of the water supply and its purchase for other than manufacturing or experimental purposes	20,031.73
Tools and supplies for general use	3,465.19
Publications, stationery, and office supplies	5,371.63
Telephone service, expense of messenger and watchman service on other than manufacturing work	18,402.05
Incidental and various expenses	10,471.77
Printing annual catalogues at arsenals for the purchase of supplies and printing and binding of ordnance pamphlets descriptive of ordnance matériel, etc.	15,000.00
	300,000.00

None of the activities under these headings have been in any wise diminished, and recently there has been, in fact, an increase in the amount of stores issued to the Regular Army and to the militia, which draws upon this appropriation. As far as I can see, the reduction is purely an arbitrary one, not based upon any information which has been given which would indicate that the necessities of the department could be met by any less sum than that which has been annually appropriated for 10 years or more.

Owing to the accumulation of a fairly satisfactory supply of certain fighting matériel, the estimates of this department have been gradually reduced over a series of years, and the appropriations have been cut down accordingly. Among such items may be mentioned the one for small arms and that for small-arms ammunition. But the appropriation "ordnance service" is a maintenance item which has special relation to the Ordnance Department as a supply department of the Army, and the requirements under it are not affected by the satisfactory accumulation which is now referred to.

The Frankford Arsenal, of which you have spoken to me, situated in your district, is a large supply arsenal, and would be among the ones whose force would be disadvantageously affected if the proposed reduction should prevail. I therefore send you the information contained in this letter in response to your inquiry.

Sincerely, yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

Mr. HAY. Mr. Chairman, this is a very remarkable performance on the part of Gen. Crozier, who undertakes to criticize the action of a committee of this House, and undertakes to persuade the House to act contrary to the recommendation of the committee. He makes statements which are not correct.

He says:

As far as I can see, the reduction is purely an arbitrary one, not based upon any information which has been given which would indicate that the necessities of the department could be met by any less sum than that which has been annually appropriated for 10 years or more.

Mr. Chairman, we had information before us, given by Gen. Crozier, and after examining this information and finding out how he proposed to spend the $300,000, we thought we could very easily cut the item to $250,000.

I hardly think it is the part of the head of a bureau to write letters of this character to Members of Congress and base his action upon statements which are not correct. I hope the committee will vote down the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Ordnance stores—ammunition: Manufacture of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes: *Provided*, That not more than $5,000 of this appropriation may be used in the purchase of ammunition for purposes of experiment, $125,000.

Mr. BARTON. Mr. Chairman, I rise for the purpose of asking the Chairman a question. I notice in two or three provisions it is stated that not more than a certain amount of this money may be used in the purchase of ammunition for the purpose of experiment. I rise to a question of information as to what is the difference in cost of the powder purchased and the powder manufactured per pound?

Mr. HAY. About 10 cents.

Mr. BARTON. And do we manufacture most of the powder we use?

Mr. HAY. We do.

Mr. BARTON. Then the gentleman thinks the plant is a success?

Mr. HAY. Yes, sir.

Mr. BARTON. That is what I wanted to ascertain.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

National trophy and medals for rifle contests: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs, and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, $10,000.

Mr. DYER. Mr. Chairman, I desire to offer to this paragraph an amendment in the nature of a new paragraph, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. DYER].

The Clerk read as follows:

Add as a new paragraph, at the end of line 23, page 44, the following:

"Campaign badges for certain purposes: For the purpose of furnishing service medals or campaign badges to officers and enlisted men who served honorably in the Army of the United States, whether in the Regular or Volunteer service, during the Spanish, Philippine, or China campaigns, and who have not been awarded badges under existing orders of the War Department, shall be awarded, under the direction of the Secretary of War, campaign badges as follows:

"(a) Spanish campaign badges: For service on the high seas en route to or ashore in—

"Cuba, between May 11, 1898, and July 17, 1898.

"Porto Rico, between July 24, 1898, and August 13, 1898.

"Philippine Islands, between June 30, 1898, and August 16, 1898.

"(b) Philippine campaign badges: For service ashore in—

"Philippine Islands, between February 4, 1899, and July 4, 1902.

"Department of Mindanao, Philippine Islands, between February 4, 1899, and December 31, 1904.

"And in the following expeditions:

"Against Pala and his followers, Jolo, Philippine Islands, April and May, 1905.

"Against Dato Ali and his followers, Mindanao, Philippine Islands, October, 1905.

"Against hostile Moros on Bud-Dajo, Jolo, Philippine Islands, March, 1906.

"(c) China campaign badge: For service ashore in China with the Peking relief expedition, between June 20, 1900, and May 27, 1901.

"*Provided*, That such badges shall be issued to the proper legal representative of any deceased officer or soldier who, if living, would be entitled thereto, to be expended under the direction of the Secretary of War, $27,500."

Mr. HAY. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] reserves a point of order on the amendment.

Mr. DYER. Mr. Chairman, this is a new paragraph, and it is in the nature of the one just preceding it, providing for national trophies and medals for rifle contests.

This amendment provides for service badges for those who have served during campaigns in foreign countries. It includes those who served in the Santiago campaign, in Porto Rican campaigns, in the Philippine insurrection as well the campaign in the Philippines prior to the insurrection, and also in the Chinese expedition.

This includes an approximate total of 55,000 officers and men. These badges can be furnished, and the War Department already has regulations for the furnishing of badges for these purposes. It has issued a circular providing for campaign badges under date of December 5, 1913. It provides how these badges can be issued and how they can be obtained. It cites regulations for making application for them, and provides between what dates they can be issued for certain campaigns.

Now, there can be no objection to this, Mr. Chairman, from the chairman of the Committee on Military Affairs, and I would like to say to the chairman of that committee, the gentleman from Virginia [Mr. HAY], that the War Department has already regulations in force for issuing these badges and similar badges; but now, Mr. Chairman, they charge the men who are entitled to them the amount of 50 cents for each of these badges.

This amendment is only for the purpose of appropriating the necessary amount of money so that these men, as many of them as desire, can obtain them without paying for them. If every man who served in those campaigns should ask for these badges and they should be issued, the total amount would not exceed $27,500. Of course, all of them will not ask. Some of them, in fact many of them, are dead.

It is provided in the amendment, Mr. Chairman, that the families of these men can ask for them. Now, as everybody knows, a man who has served in those campaigns on foreign shores appreciates much more a medal or a badge of honor or of distinction won in those campaigns if he does not have to pay for it himself.

Mr. GOULDEN. Will the gentleman yield?

Mr. DYER. Certainly.

Mr. GOULDEN. Can the gentleman tell us how many of these badges have been issued to these deserving men by the War Department at 50 cents each?

Mr. DYER. Very few for these campaigns. For all the campaigns to which these provisions apply the total number so issued is about 42,000; but not over 2,000 have been issued for the campaigns which I have mentioned, which were distinct from any other campaigns in which this country has been engaged. I select those where men have served in foreign countries, and they are the only ones that are included in this amendment.

I hope, Mr. Chairman, that the gentleman from Virginia will withdraw his point of order and allow this small appropriation to be made. There has been great demand for this from these men who have served in foreign lands. They have been asking it for a long time, and the total amount will not, under any circumstances, exceed $27,500.

Mr. Chairman, I ask unanimous consent to extend my remarks by inserting here a circular issued by the War Department regarding the present arrangements for issuing these badges.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent to extend his remarks as indicated. Is there objection.

There was no objection.

The matter referred to is as follows:

CAMPAIGN BADGES.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 5, 1913.

The Secretary of War has authorized the sale of Army campaign badges to former officers and soldiers now in civil life who have served honorably and in the campaigns named below. Arrangements have been made with the United States Mint, Philadelphia, Pa., to supply these badges upon receipt of 50 cents, accompanied by a statement from The Adjutant General of the Army that the person named served in a certain campaign between the dates specified for that campaign.

When requested, blank forms will be furnished by The Adjutant General of the Army, who, upon verifying from the official records of the War Department that the person is entitled to purchase a certain badge, will mail to the applicant a statement, which should be sent to the superintendent, United States Mint, Philadelphia, Pa., together with 50 cents in cash or money order, to procure the badge. Do not send money to The Adjutant General.

Circulars and blank forms will be furnished to Grand Army posts and other military societies for use of their members.

Do not apply unless service has been rendered between the dates named.

Badges are authorized by existing Army regulations for campaigns as follows:

(a) Civil War campaign badge: For service in the Regular or Volunteer Army or in the militia in the service of the United States during the Civil War between April 15, 1861, and April 9, 1865.

(b) Indian campaign badge: For service in the following-named campaigns against hostile Indians or in any serious action with hostile Indians in which there have been killed or wounded upon the side of the troops; decision to be made in each case of the latter class upon individual application, whether the action concerned was such as to be properly considered serious within the meaning of the order:

In southern Oregon and Idaho and northern parts of California and Nevada, 1865–1868.

Against Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, 1867, 1868, and 1869.

Modoc War, 1872 and 1873.

Against Apaches of Arizona, 1873

Against Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico, 1874 and 1875.

Against Northern Cheyennes and Sioux, 1876 and 1877.

Nez Perce War, 1877.

Bannock War, 1878.

Against Northern Cheyennes, 1878 and 1879.

Against Utes in Colorado and Utah, September, 1879, to November, 1880.

Against Apaches in Arizona and New Mexico, 1885 and 1886. The operations of officers and enlisted men who served with Troops C, E, F, and L, Third Cavalry, from Fort Davis, Tex., and detachment of Troop M, Third Cavalry, from Camp Pena Colorado, Tex., in June and July, 1885, in preventing hostile Apache Indians from entering the State of Texas form part of this campaign.

Against Sioux in South Dakota, November, 1890, to January, 1891. The operations of the command of Lieut. Col. Edwin V. Sumner, Eighth Cavalry, on the Cheyenne River, S. Dak., from November, 1890, until January, 1891, and of Troops F and G, Eighth Cavalry, which proceeded from Fort Yates, N. Dak., to the camp of Sitting Bull at the time of the skirmish which resulted in the death of that Indian form part of this campaign.

In such minor campaigns as involved marches, camps, and bivouacs by troops actually in the field and operating against hostile Indians.

(c) Spanish campaign badge: For service ashore in or on the high seas en route to—

Cuba, between May 11, 1898, and July 17, 1898.

Porto Rico, between July 24, 1898, and August 13, 1898.

Philippine Islands, between June 30, 1898, and August 16, 1898.

(d) Philippine campaign badge: For service ashore in—

Philippine Islands, between February 4, 1899, and July 4, 1902.

Department of Mindanao, Philippine Islands, between February 4, 1899, and December 31, 1904.

In the following expeditions:

Against Pala and his followers, Jolo, Philippine Islands, April and May, 1905.

Against Datu Ali and his followers, Mindanao, Philippine Islands, October, 1905.

Against hostile Moros on Mount Bud-Dajo, Jolo, Philippine Islands, March, 1906.

(e) China campaign badge: For service ashore in China with the Peking Relief Expedition, between June 20, 1900, and May 27, 1901.

(f) Army of Cuban Pacification badge: For service in Cuba with the Army of Cuban Pacification, between October 6, 1906, and April 1, 1909.

(g) The certificate of merit badge: For those to whom certificates of merit have been awarded.

Only one campaign badge will be issued for service in any one campaign, and only one Indian campaign badge will be issued, notwithstanding the fact that service may have been rendered in more than one Indian campaign.

GEO. ANDREWS,
The Adjutant General.

Mr. HAY. Mr. Chairman, I should like very much to accommodate the gentleman from Missouri, but the committee have had no opportunity to examine into this question at all. No estimate for it was made by the War Department, and it is brought in here now on the floor without anybody having had an opportunity to inquire into the case. I feel that I am compelled to insist on the point of order.

The CHAIRMAN (Mr. LEVER). The Chair sustains the point of order. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, with Mr. MURRAY of Oklahoma in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. HAY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, I understand that there is no desire for general debate on this bill, and therefore I ask that the Clerk report the bill under the five-minute rule for amendment.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill at length.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD having assumed the chair as Speaker pro tempore, Mr. MURRAY of Oklahoma, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report the same back without amendment, with the recommendation that the bill do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SAFETY APPLIANCES FOR RAILROADS.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. KAHN. Reserving the right to object, Mr. Speaker, upon what subject?

Mr. DENT. On safety appliances in railroad accidents.

Mr. KAHN. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915. And pending that, Mr. Speaker, I would like to see if we can not make some arrangement for general debate. I see the gentleman from Michigan here who is a member of the committee.

Mr. McLAUGHLIN. Mr. Speaker, the gentleman from Iowa [Mr. HAUGEN] is the ranking member of the committee. I know that he has been trying to arrange for time for general debate. I think he would like about six hours on this side.

Mr. LEVER. I do not think it would be possible, Mr. Speaker, to give that much time. But we are disposed on this side to be liberal. What does the gentleman say to four and a half hours on a side?

Mr. MONDELL. I do not think that would do at all.

Mr. LEVER. What does the gentleman from Wyoming suggest?

Mr. MONDELL. About six hours on a side.

Mr. LEVER. Would not the gentleman be willing to agree to five hours on a side?

Mr. MONDELL. The gentleman from Michigan tells me that the gentleman from Iowa [Mr. HAUGEN] informed him that he had requests in excess of six hours on this side from gentlemen who really have something to say which the country ought to hear.

Mr. LEVER. Would the gentleman be willing, if we allowed six hours on a side, to begin at 11 o'clock in the morning and run, say, until half past 10 at night?

Mr. McLAUGHLIN. I think there would be no objection to an earlier session in the morning, but I think there would be objection to night sessions.

Mr. MONDELL. The gentleman from South Carolina is perfectly willing to allow five hours on a side, and by meeting at 11 o'clock in the morning we gain an hour, so that he might make it six hours——

Mr. LEVER. The gentleman would, of course, help this side of the House to carry the consideration of the bill up to 6.30 in the evening, would he not, which would give us practically another hour?

Mr. MONDELL. That is a little late to those of us who live out in the country.

Mr. PAYNE. Mr. Speaker, I do not think the gentleman ought to ask that.

Mr. MONDELL. If we meet at 11 o'clock we can get through with six hours of debate by running until 5.30, making two extra hours in two days. That is getting along pretty well, I will suggest to the gentleman.

Mr. PAYNE. Mr. Speaker, I would like to make a suggestion to the gentleman from South Carolina. If he makes an agreement to sit until half past 6, it does not bind any gentleman who is not here from raising the point of "no quorum." I have no objection to coming in at 11 o'clock in the morning, but when you undertake to fix half past 6 for adjournment you will have difficulty with any Member who wants to adjourn before that.

Mr. LEVER. I recognize that what the gentleman from New York says is true. Mr. Speaker, I ask unanimous consent that general debate continue for 12 hours, 6 hours on a side, 6 hours to be controlled by myself and 6 hours by the gentleman from Iowa [Mr. HAUGEN], the ranking Republican Member.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that there be 12 hours general debate, 6 hours to be controlled by himself and 6 hours by the gentleman from Iowa [Mr. HAUGEN]. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next it adjourn to meet at 11 o'clock a. m. Tuesday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns on Monday next it adjourn to meet at 11 o'clock a. m. on Tuesday next. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from South Carolina that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 13679, the agricultural appropriation bill. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. PAYNE. Reserving the right to object, Mr. Chairman, I suppose the gentleman does not expect to go on with any debate to-night.

Mr. LEVER. No.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD as Speaker pro tempore having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Agricultural appropriation bill and had come to no resolution thereon.

CHANGE OF REFERENCE.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5850) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be changed from the House Calendar to the Union Calendar, as was done when the bill was previously considered.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that the bill H. R. 5850 be changed from the House Calendar to the Union Calendar. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Monday, March 2, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Marion Harbor, Mass. (H. Doc. No. 804); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Weymouth Fore River, Mass., with a

view to a modification of the project (H. Doc. No. 803); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TOWNSEND, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 173) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity, reported the same with amendment, accompanied by a report (No. 313), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 296) for the relief of Marian B. Patterson, reported the same without amendment, accompanied by a report (No. 315), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 3041) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell, reported the same without amendment, accompanied by a report (No. 316), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1515) for the relief of W. W. Blood, reported the same without amendment, accompanied by a report (No. 317), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13153) for the relief of Pete Jelovac, reported the same with amendment, accompanied by a report (No. 318), which said bill and report were referred to the Private Calendar.

Mr. HILL, from the Committee on Claims, to which was referred the bill (H. R. 7553) for the relief of the estate of Moses B. Bane, reported the same without amendment, accompanied by a report (No. 319), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12191) for the relief of Elizabeth Muhleman, reported the same with amendment, accompanied by a report (No. 320), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8893) for the relief of Mary E. Goodley, reported the same with amendment, accompanied by a report (No. 321), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 2662) for the relief of Andrew J. Lawrence, reported the same without amendment, accompanied by a report (No. 322), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 3610) for the relief of C. E. Moore, reported the same without amendment, accompanied by a report (No. 323), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 135) for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen, reported the same with amendment, accompanied by a report (No. 324), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1171) for the relief of Samuel Hensen, reported the same without amendment, accompanied by a report (No. 326), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 156) for the relief of R. W. Branson, reported the same adversely, accompanied by a report (No. 327), which said bill and report were laid on the table.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8333) providing for refund of certain customs duties improperly assessed and collected on certain imports of machine glazed sulphite wrapping paper, reported the same adversely, accompanied by a report (No. 328), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 5992) to provide compensation for the owners of property injured or destroyed by overflow caused by the Government works at Lake McMillan, a part of the Carlsbad project in New Mexico, reported the same adversely, accompanied by a report (No. 329), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 14034) making appropriation for the naval service for the fiscal year ending June 30, 1915, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. POWERS: A bill (H. R. 14035) to authorize the Secretary of War to procure a site for Lock and Dam No. 15, on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14036) to authorize the Secretary of War to procure a site for Lock and Dam No. 14, on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14037) to authorize the Secretary of War to procure a site for Lock and Dam No. 13, on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14038) to authorize the Secretary of War to procure a site for Lock and Dam No. 12, on the Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14039) to authorize the Secretary of War to procure a site for Lock and Dam No. 16, on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14040) to authorize the Secretary of War to procure a site for Lock and Dam No. 20, on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14041) to authorize the Secretary of War to procure a site for Lock and Dam No. 19, on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14042) to authorize the Secretary of War to procure a site for Lock and Dam No. 18 on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14043) to authorize the Secretary of War to procure a site for Lock and Dam No. 17 on Cumberland River, Ky.; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: A bill (H. R. 14044) to give parties to suits in equity in the Supreme Court of the District of Columbia the right of trial by jury; to the Committee on the Judiciary.

By Mr. KREIDER: A bill (H. R. 14045) authorizing the Secretary of War to donate to the city of Lebanon, in the State of Pennsylvania, four iron cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 14046) providing for purchase of site and for public building at Glennville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14047) providing for purchase of site and for public building at Cobbtown, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14048) providing for purchase of site and for public building at Reidsville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14049) providing for purchase of site and for public building at Claxton, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14050) providing for purchase of site and for public building at Ludowici, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14051) providing for purchase of site and for public building at Hinesville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14052) providing for the purchase of site and for public building at Collins, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. Res. 431) directing the Commissioners of the District of Columbia to report to the House of Representatives certain facts regarding the assessments of individuals in the District of Columbia for purpose of taxation; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 14053) granting an increase of pension to Mary Gillespie; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 14054) granting a pension to Elma A. Woodward; to the Committee on Pensions.

By Mr. ANSBERRY: A bill (H. R. 14055) granting a pension to Mary E. Bennett; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14056) granting an increase of pension to Benjamin Mitchelson; to the Committee on Invalid Pensions.

By Mr. CARR: A bill (H. R. 14057) granting a pension to Mary Jane Kuhns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14058) granting a pension to Sylvester Lane; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 14059) granting a pension to Ellie A. Hill; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 14060) granting an increase of pension to Arminta Shinn; to the Committee on Invalid Pensions.

By Mr. GERRY: A bill (H. R. 14061) granting a pension to Michael Ballou; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 14062) granting a pension to Scott Wilkins; to the Committee on Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 14063) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 14064) for the relief of Owen Barnes; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 14065) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 14066) granting a pension to Otto Henkel; to the Committee on Pensions.

Also, a bill (H. R. 14067) for the relief of Henry Von Der Heide; to the Committee on Claims.

By Mr. KONOP: A bill (H. R. 14068) granting an increase of pension to Henry D. Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14069) granting an increase of pension to Peter Filiatreau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14070) granting an increase of pension to Frank Kennedy; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 14071) granting a pension to Mrs. Daniel Gow; to the Committee on Pensions.

Also, a bill (H. R. 14072) granting a pension to Mary F. Starmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14073) granting an increase of pension to Charles H. Lester; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 14074) granting an increase of pension to W. H. Williams; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 14075) granting a pension to Lydia Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14076) granting an increase of pension to Mandaville Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14077) granting an increase of pension to Richard Starr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14078) to reimburse James R. Whiteman; to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 14079) for the relief of the estate of James T. McKissack; to the Committee on War Claims.

By Mr. PLATT: A bill (H. R. 14080) for the relief of former acting assistant surgeons; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 14081) granting an increase of pension to W. H. Shotwell; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 14082) for the relief of the estate of George D. Pool, sr.; to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 14083) granting an increase of pension to Christian Johnson, alias Christian J. Lillo; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 14084) to convey certain lands to Simon J. Brandl; to the Committee on Rivers and Harbors.

By Mr. STONE: A bill (H. R. 14085) granting pensions to widows of acting assistant surgeons; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 14086) granting a pension to Josephine Ballantyne; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 14087) granting a pension to Mollie Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14088) granting a pension to Eliza F. Greenwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14089) granting an increase of pension to William Trulove; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14090) granting an increase of pension to A. G. Long; to the Committee on Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 14091) granting a pension to Herman Schroeder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14092) granting an increase of pension to Jacob Vanderpool; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of the Cutters and Trimmers' Union, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Fred Mitchler and 44 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of Frank A. Vogeding and 171 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Woman's Christian Temperance Union of Norwood, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of the State Bank of Soldier, Kans., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of C. W. Strong and 3 other merchants of Loudonville, Ohio, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY: Petitions of various patrons of the post office at Ebenburg, Pa., favoring the passage of House bill 8947, for free postal service for towns of 1,000 or more in United States; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Petition of Bryson Haywood and 1 other, of St. Louis, Mo., favoring passage of House bill 1080, Lindquist pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Panek and other citizens of St. Louis, Mo., protesting against the prohibition amendment now pending; to the Committee on the Judiciary.

Also, petition of the Compton Hills Protective Association, Central Civic Council, Progressive City Central Committee, and city council all of St. Louis, Mo., favoring appointment of a commission to locate the eastern approach to St. Louis free bridge; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the St. Louis County Trust Co., and the St. Louis County Bank of Clayton, Mo., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of sundry citizens of St. Louis, protesting against the suppression of the Menace; to the Committee on the Post Office and Post Roads.

Also, petition of Adolph O. Eberhart, governor of Minnesota, favoring erection of a monument to John Ericsson; to the Committee on the Library.

Also, petitions of Lieut. Col. John B. Gandoeye, of St. Louis, Mo., and Maj. D. T. Kimball, of Kirkwood, Mo., favoring House bill 4896 providing for a retired list of officers in Volunteer service during Civil War; to the Committee on Military Affairs.

Also, petition of Rt. Rev. Daniel S. Little, bishop of Missouri, of St. Louis, Mo., and the American Peace Society of Boston, Mass., favoring repeal of the act relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the St. Louis Shoe Association, of St. Louis, Mo., favoring House bill 13168, prohibiting importation into the

United States of products of foreign prisons; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Bolz M. Boide Cooperage Co., of St. Louis, Mo., protesting against bills relative to cold storage of apples; to the Committee on Agriculture.

Also, petition of Frank J. Missel and 46 others, of St. Louis, Mo., favoring the two-battleship program; to the Committee on Naval Affairs.

Also, petitions of the German American Bank and other banks and trust companies, of St. Louis, Mo., favoring appointment of a commission to investigate the workings of grain exchanges; to the Committee on Agriculture.

Also, petition of Pride of the West Lodge, No. 308, International Association of Machinists, of St. Louis, Mo., favoring legislation for relief of laborers and employees on the Panama Canal; to the Committee on Appropriations.

Also, petition of Robert E. Lebee, of Blauvelt, N. Y., favoring passage of House bill 13459, for changing Department of War to Department of the Army; to the Committee on Military Affairs.

By Mr. BOWDLE: Petition of the Union Club of Greater Cincinnati, urging the adoption of the nation-wide prohibition amendment; to the Committee on the Judiciary.

By Mr. BRODBECK: Petitions of 189 citizens of the State of Pennsylvania, favoring investigation of the publication called the Menace; to the Committee on Rules.

Also, petitions of sundry citizens of the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of various banks of Kansas, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. CRAMTON: Petitions of the Ottawa and the Sarah Caswell Angell Chapters, Daughters of the American Revolution, of the State of Michigan, favoring passage of the old-trails act for a national ocean-to-ocean highway; to the Committee on the Library.

Also, petition of sundry citizens of Michigan, favoring investigation of Pere Marquette Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of the seventh congressional district of Michigan, favoring the passage of Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of W. H. Marshall, of New York City, favoring passage of bill for the creation of special facilities for bill drafting and legislative reference; to the Committee on Appropriations.

Also, petition of the National Association of Assistant Postmasters, protesting against passage of House bill 12928, a bill to amend the postal and civil-service laws, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the General Henry M. Lawton Camp, No. 21, United Spanish War Veterans, Department of New York, favoring passage of House bill 7374, for pensions for widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. DANFORTH: Petitions of L. H. Miller and other citizens of Monroe County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petition of citizens of Longs, Rogers, Arch, Carter, and Elkins, all in the State of New Mexico, favoring the passage of the so-called Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the town of Alamogordo, N. Mex., by J. H. McRae, mayor, and John R. De Mier, recorder, favoring the passage of a bill granting to cities and incorporated towns coal lands for municipal purposes; to the Committee on the Public Lands.

By Mr. FINLEY: Resolutions of the Hard Yarn Spinners' Association, favoring the regulation of cotton exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Petitions of various members of the Young Men's Christian Club at Wintersville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Petitions of various banks and bankers of Brockton, Mass., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Pittsburgh (Pa.) Chamber of Commerce, against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Assistant Postmasters, opposing House bill 12928, requiring assistant postmasters to stand the civil-service examination; to the Committee on the Post Office and Post Roads.

Also, petition of the Philadelphia (Pa.) Chamber of Commerce, favoring parkway plans for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Philadelphia (Pa.) Chamber of Commerce, opposing Government ownership of telephone and telegraph lines; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petition of C. C. Andrews, favoring passage of bills for retired pay of Volunteer officers of the Civil War; to the Committee on Military Affairs.

Also, petition of General Henry W. Lawton Camp, No. 21, United Spanish War Veterans, Department of New York, favoring passage of House bill 7374 for pensions for widows and orphans; to the Committee on Pensions.

Also, petition of the American Locomotive Co., of New York City, relative to creation of a bureau for bill drafting, etc.; to the Committee on Appropriations.

Also, petition of the Francis Scott Key Branch of the American Continental League, of Brooklyn, protesting against the "One hundred years' peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the Railway Business Association, relative to bureau for bill drafting, etc.; to the Committee on Appropriations.

Also, petition of Daggett & Ramsdell, favoring passage of the Ransdell-Humphreys bill, for flood control; to the Committee on Rivers and Harbors.

Also, petition of the State of New York Conservation Commission, relative to increase in appropriation for the State of New York for protecting forests from fires; to the Committee on Appropriations.

Also, petitions of members of Naval Camp, No. 49, United Spanish War Veterans, favoring passage of House bill 7374, the widows and orphans' pension bill; to the Committee on Pensions.

By Mr. HAYES: Memorial of various citizens of the State of California, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Brotherhood of Electrical Workers, Local No. 617, of San Mateo, Cal., favoring passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens of the State of California, favoring passage of bills for national prohibition; to the Committee on the Judiciary.

Also, memorial of sundry citizens of San Jose, Cal., favoring House bill 5139 for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of various banks of south San Francisco, Cal., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

Also, petition of sundry citizens of Carmel, Cal., favoring amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. HINEBAUGH: Petitions of various officers of Bartenders' Local No. 218, of Streator, Ill., and citizens of the twelfth congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. JACOWAY: Petition of residents of Morrillton, Ark., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Alfred J. Miller and divers other persons of Providence, R. I., protesting against passage of La Follette seaman's bill; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Robert Brucker Camp, No. 6, United Spanish War Veterans, of Westerly, R. I., favoring passage of House bill 7347 for pensions of widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. KINDEL: Petition of sundry citizens of Colorado, against national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Petition of the Federated Trades Council of Milwaukee, Wis., against national prohibition; to the Committee on the Judiciary.

Also, petitions of Local No. 324, of Appleton, Wis., and Sheet Metal Workers, Local No. 310, of Green Bay, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of sundry citizens of Maryland, against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of William Hughes, E. F. Moore, David Heimann, jr., Ezra Lyon, and C. L. Howard, of Evans-

ville, Ind.; and Dan Williams, cashier of the Farmers' National Bank, of Wadesville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of G. W. Thompson Woman's Relief Corps, No. 4, of Bristol, Conn., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the National Association of Assistant Postmasters protesting against House bill 12928, relative to requiring assistant postmasters to stand the civil-service examination; to the Committee on the Post Office and Post Roads.

Also, petition of Robert Brucker Camp, No. 6, Spanish War Veterans, of Westerly, R. I., favoring House bill 7347, in behalf of widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Madison Cooper, and others, of Calcium, N. Y., in favor of legislation to admit bulbs, seeds, etc., to the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of the first congressional district of Nebraska protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAHAN: Petition of R. A. Pease & Sons, C. A. Pelton, and L. J. Allen, of Middletown, Conn., against national prohibition; to the Committee on the Judiciary.

Also, petition of Robert Brucker Camp, No. 6, Spanish War Veterans, favoring House bill 7347, to provide pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. MARTIN: Petition of the Farmers' Cooperative Association, of Plankington, S. Dak., favoring the resolution for investigation of the Chicago and Duluth Boards of Trade and Minneapolis Chamber of Commerce; to the Committee on Rules.

By Mr. McANDREWS: Memorial of the city council of Chicago, relative to retirement after 30 years of all employees under civil service with pensions; to the Committee on Reform in the Civil Service.

By Mr. MERRITT: Petitions of sundry citizens of Morristown, N. Y., favoring amendment relative to abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. MOORE: Petition of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce, against House bill 6060, being the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia (Pa.) Chamber of Commerce, favoring parkway plans for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce against the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, letter and report of the board of directors of the Philadelphia (Pa.) Chamber of Commerce, opposing Government ownership of telephone and telegraph lines; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY: Petition of the First National Bank of Massina, N. Y., favoring change in income-tax law relative to collection at source; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of Sidney Hoar Camp, No. 4, Department of Rhode Island, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of Emil S. Blumerhanz, of Providence, R. I., favoring passage of House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petitions of Victor W. Schmelzer and other citizens of New Haven County, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROUSE: Petitions of 100 citizens of Covington, Ky., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 176 voters in Campbell and Kenton Counties, Ky., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of H. A. Hawkins and other citizens of Red Bank, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the National Jewelers' Board of Trade, protesting against amending the Sherman Act and favoring amending the national stamping act; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Petition of Alfred Miller, of Montgomery, Mich., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Battle Creek, Mich., protesting against change in the American flag; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of the Bartenders' Union, Local No. 598, of East Grand Forks, Minn., against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of the Founders and Employers' Association of Los Angeles, Cal., and the San Francisco Planing Mill Owners' Association, of San Francisco, Cal., protesting against the passage of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petitions of Mrs. A. R. Glass and Nellie Monroe Noble, of Los Angeles, Cal., favoring passage of House bill 5139, for pensions for aged civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Texas: Petition of various merchants of Munday, Goree, Seymour, Knox City, Dalhart, Hereford, Vernon, and Crowell, all in the State of Texas, favoring the passage of House bill 5308, relative to taxation of mail-order concerns; to the Committee on Ways and Means.

By Mr. SUTHERLAND: Papers to accompany House bill 13856, relative to a claim of Emma M. Henry and Margaret Hoover; to the Committee on War Claims.

By Mr. VOLMER: Petition of A. H. Boe and 45 others, of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 88 and 50 and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of the Charlotte Savings Bank and others, of the State of Iowa, favoring the amendment of the income-tax law; to the Committee on Ways and Means.

Also, petitions of John Harding and others, of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 88 and 50 and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of Harry H. Stouffer and 44 others, of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 88 and 50 and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of H. D. Sievers and 44 others, of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 88 and 50 and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of T. N. Gerbors and 7 others of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 50 and 88, and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of Clarence Young and 31 others of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 50 and 88, and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of F. J. Koehler and 40 others of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 50 and 88, and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of Local No. 1069, Carpenters and Joiners of America, of Muscatine, Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 50 and 88, and similar prohibition measures; to the Committee on the Judiciary.

Also, petition of Joseph Reiter and 45 others of the State of Iowa, protesting against House joint resolution No. 168 and Senate joint resolutions Nos. 50 and 88, and similar prohibition measures; to the Committee on the Judiciary.

SENATE.

MONDAY, *March 2, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, day by day we are brought unto renewed obligation to Thee for the tender care that Thou hast over all Thy creatures.

> From every stormy wind that blows,
> From every swelling tide of woes,
> There is a calm and sure retreat;
> 'Tis found beneath the mercy seat.

We bless Thee that Thou dost invite us to come. Thou dost give to us opportunities of service with every storm that comes. Help us to hold nearer to him who gives than to his tribe that take. Thus may our lives be Godlike in the use of every opportunity that we have to give blessing and every opportunity to bring peace and happiness to others. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE,
UNITED STATES SENATE,
Washington, March 2, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH TAYLOR ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. ROBINSON thereupon took the chair as Presiding Officer for the day, and directed the Secretary to read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRYAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALLING OF THE ROLL.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	O'Gorman	Smith, S. C.
Bankhead	Gallinger	Oliver	Smoot
Bradley	Gore	Overman	Stephenson
Brady	Gronna	Page	Sterling
Brandegee	Hollis	Perkins	Sutherland
Bristow	Hughes	Poindexter	Thompson
Bryan	James	Reed	Tillman
Burton	Kern	Robinson	Townsend
Chamberlain	La Follette	Root	Vardaman
Clapp	McCumber	Shafroth	Walsh
Clark, Wyo.	Martine, N. J.	Sheppard	Warren
Cummins	Nelson	Sherman	Works
Dillingham	Norris	Smith, Mich.	

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. REED. I wish to announce the necessary absence of my colleague [Mr. STONE] on account of illness. I make this announcement for the day.

Mr. KERN. I desire to announce that the senior Senator from Tennessee [Mr. LEA], the senior Senator from Missouri [Mr. STONE], and the Senator from Georgia [Mr. SMITH] are necessarily absent from the Senate on account of illness. This announcement may stand for the day.

Mr. SHAFROTH. I wish to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. CUMMINS. I desire to announce the necessary absence of my colleague [Mr. KENYON]. I make this announcement for the day.

Mr. HUGHES. I desire to announce the necessary absence of the senior Senator from West Virginia [Mr. CHILTON] on important business.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

POST OFFICE APPROPRIATION BILL.

Mr. SHEPPARD. Mr. President, I desire to make a brief explanation of a remark I made on Saturday, which appears in the RECORD on page 4085. I find that the language I used does not exactly express the idea I intended to convey.

What I intended to say was that if we were going to turn over half the control of the parcel post to the Interstate Commerce Commission we might as well turn over the entire control. I believe, of course, that the service should be controlled by the Postmaster General. I merely want to make my position clear.

WOMAN SUFFRAGE.

Mr. ASHURST. Mr. President, I rise to give notice that immediately upon the conclusion of the morning business this morning I shall move that the Senate proceed to the consideration of Senate joint resolution No. 1.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13765. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes; and

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present a communication from the recording secretary of the Socialist Party of New York County, which I ask may be read and referred to the Committee on Immigration.

There being no objection, the communication was read and referred to the Committee on Immigration, as follows:

SOCIALIST PARTY NEW YORK COUNTY.

Hon. ASLE J. GRONNA,
Senate Chamber:

Whereas the United States in the past has persistently maintained the right of political asylum and has hospitably received political refugees from all countries, notably Kosciusko, Kossuth, Garibaldi, Sigel, Schurz, and many others; and

Whereas this policy of making our country a haven of refuge for the oppressed of all nations has found expression in our laws as well as in our treaties with other nations; and

Whereas the political provisions contained in the so-called Burnett-Dillingham immigration bill would, if enacted, destroy the right of asylum, practically, contrary to the will and interest of the American people in large majority: Therefore be it

Resolved, That we, the members of the twentieth, twenty-second, and twenty-ninth assembly districts, Local New York Socialist Party, in joint meeting assembled on February 19, 1914, at 1459 Third Avenue, do earnestly protest against the passage of this bill in its present form and urge the Members of the Senate to vote against it, so that America may not become politically the handmaid of the bloody Russian Czar.

HERMAN VOLK, *Recording Secretary.*

Mr. GRONNA presented the memorial of M. L. Lewis, of Braddock, N. Dak., and the memorial of Andrew T. Anderson, of Tagus, N. Dak., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OLIVER. I have a short telegram from the officials of the Junior Order United American Mechanics, of western Pennsylvania, representing 20,000 members, praying for the passage of the immigration bill with the literacy clause. I ask that the telegram may be printed in the RECORD without reading.

There being no objection, the telegram was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

[Telegram.]

PITTSBURGH, PA., *February 24, 1914.*

Hon. GEORGE T. OLIVER,
Washington, D. C.:

At a mass meeting of the Junior Order United American Mechanics of Western Pennsylvania, representing 20,000 members, and celebrating Washington's Birthday, by unanimous resolution urge you to use every effort to secure the passage by the Senate of the bill to restrict immigration with the literacy test as passed by the House by a two-thirds vote; also that you request the printing of this telegram in the RECORD.

T. C. JONES, *Chairman.*
C. E. MILLER, *Secretary.*
A. D. WILKIN.
STEPHEN COLLINS.

Mr. McCUMBER presented a petition of sundry citizens of West Hope, N. Dak., praying for the enactment of a uniform marriage and divorce law, which was referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of St. Paul, Moorhead, and Minneapolis, and of Local Union No. 315, Cigar Makers' International Union, of St. Cloud, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of St. Paul Lodge, No. 112, International Association of Machinists, of St. Paul, Minn., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and for the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of the Minnesota Retail Jewelers' Association, praying for the enactment of legislation to prevent the using of time guaranties on watchcases, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lutheran Minnesota Conference of the Augustana Synod, of Minneapolis, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of McIntyre Post, No. 66, Grand Army of the Republic, Department of Minnesota, of Austin,

Minn., remonstrating against any change being made in the flag of the United States, which was referred to the Committee on the Judiciary.

Mr. STERLING presented a petition of sundry citizens residents of the Cheyenne River Reservation and the Standing Rock Reservation, in the State of South Dakota, praying for the enactment of legislation to provide free homesteads, etc., which was referred to the Committee on Public Lands.

Mr. BRADLEY. I have delivered to the Chief Clerk of the Senate 20,000 individual memorials from citizens of Kentucky remonstrating against the passage of the joint resolution proposing an amendment to the Constitution for the prohibition of the manufacture and sale of alcoholic liquors. I ask that the memorials may be received and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. That action will be taken.

Mr. LA FOLLETTE. I ask to have printed in the RECORD a telegram I have received from the Passaic County Legislative Committee, Junior Order United American Mechanics, favoring the so-called Burnett immigration bill.

There being no objection, the telegram was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

[Telegram.]

PATERSON, N. J., *February 17, 1914.*

Hon. ROBERT M. LA FOLLETTE,
Washington, D. C.:

The Passaic County Legislative Committee, Junior Order United American Mechanics, representing 3,700 members, wish to go on record as being favorable to the Burnett immigration bill with the literacy test. Please favor us by reading this message in open Senate.

J. S. AARDEMA, *Secretary.*

Mr. TOWNSEND presented memorials of sundry citizens of Kalamazoo, Escanaba, Benton Harbor, Jackson, and of the Federation of Labor of Saginaw, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of Utica, Lockport, Geneva, Middletown, New York City, Brooklyn, and Buffalo, all in the State of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented memorials of the Journeymen Horseshoers' Local Union No. 14, of Hartford; of the New Haven Musical Protective Association; of Cigar Makers' Local Union No. 156, of Suffield; and of the Hat Finishers' Association, of Norwalk, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a memorial of Local Union No. 5, Brotherhood of Painters, Decorators, and Paperhangers, of Burlington, Vt., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CLAPP presented memorials of sundry citizens of Moorhead and St. Paul, in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of sundry citizens of Lexington, Nebr., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

Mr. LANE presented a petition of Railroad Lodge, No. 433, International Association of Machinists, of Portland, Oreg., praying for an investigation into conditions existing in the mining districts of Michigan and Colorado, which was referred to the Committee on Education and Labor.

Mr. SMITH of Michigan presented a petition of Camp No. 39, United Spanish War Veterans, of Grand Rapids, Mich., praying for the enactment of legislation to provide pensions for soldiers and the widows of soldiers who served in the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of the Pattern Makers' Association, of Detroit, Mich., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and for the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented memorials of John Megarrah Post, No. 132, Grand Army of the Republic, of Portland; of Andrews Corps, No. 245, Women's Relief Corps, of Big Rapids; of Fairbanks Post, No. 17, Grand Army of the Republic, of Detroit; of Andrews Post, No. 294, Grand Army of the Republic, of Big Rapids; of Henry C. Pratt Post, No. 289, Grand Army of the Republic, of Mackinac Island; of the Military Order of the Loyal Legion of the United States, of Detroit; of Custer Post, No. 5, Grand Army of the Republic, of Grand Rapids; of Post No. 384, Grand Army of the Republic, of Detroit; of Eva Gray Tent, No. 2, Daughters of Veterans of the Civil War, of Grand Rapids; of the Women's Auxiliary to the Railway Mail Association, of Detroit; of John A. Logan Post, No. 1, Grand Army of the Republic, Department of Michigan; of sundry inmates of the Michigan Soldiers' Home, of Grand Rapids; of A. C. Van Raalte Post, No. 262, Grand Army of the Republic, Department of Michigan, of Holland; and of Post No. 293, Grand Army of the Republic, Department of Michigan, of Detroit, all in the State of Michigan, remonstrating against any change being made in the United States flag, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 191, International Association of Machinists, of Grand Rapids, Mich., praying that an appropriation be made for the construction annually of two new battleships, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Bear Lake, Sault Ste. Marie, and Davisburg, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Polish Committee of National Defense, of Bay City, Mich., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Onaway and Traverse City, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Owosso, Detroit, Lenawee, Menominee, Muskegon, and Grand Rapids; of the Bartenders' League of Kalamazoo; of the Workmen's Aid Society and the Arbeiter Unterstutzungs-Verein, of Grand Rapids; and of Local Branch International Molders' Union of North America, of Kalamazoo, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Kalamazoo and Shelby, in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HUGHES presented a petition of Lady Washington Lodge, No. 414, Knights and Ladies of Honor, of Hoboken, N. J., and a petition of the West New York Maennerchor, of West New York, N. J., praying for the enactment of legislation to increase the salaries of the rural letter carriers, which were ordered to lie on the table.

He also presented petitions of Henry W. Lawton Camp, No. 1, United Spanish War Veterans, Department of California, of Vallejo, Cal.; of General Guy V. Henry Camp, No. 38, Department of New York, of New York City; and of Westchester Camp, No. 49, United Spanish War Veterans, of Pennsylvania, praying for the enactment of legislation granting pensions to widows and orphans of soldiers, sailors, and marines who fought in the Spanish-American War and the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of officers of Company E, Third Regiment, New Jersey Division, United Boys' Brigade of America, praying for the enactment of legislation to permit the members of the United Boys' Brigade of America to wear uniforms similar to those of the United States Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the German-American Trust Co., of Paterson, N. J., praying for the adoption of an amendment to the income-tax law to provide a method of information at the source, which was referred to the Committee on Finance.

He also presented memorials of Independent Newark Lodge, No. 255, Independent Order of B'rith Abraham, of Newark; of Atereth Zion Camp, No. 67, Order B'nei Zion, of Elizabeth; and of the Socialist Party, of Irvington, all in the State of New Jersey, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of the first and second congressional districts of New Jersey; of Pride of Malaska Council, No. 100, Daughters of Liberty, of Phillipsburg; of Washington Camp, No. 78, Patriotic Order Sons of America, of Elizabeth; and of American Eagle Council, No. 190, Junior Order United American Mechanics, of Little Falls, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 13, United Hatters of North America, of Newark; of Waiters' Local Union, No. 700, of Paterson; of Bartenders' Local Union, No. 689, of Passaic; of Local Union No. 491, Bartenders' League, of Atlantic City; of the Krauken-Unterstuetzunge und Huelts Verein, of New Brunswick; of Local Union No. 760, United Textile Workers of America, of Pompton Lakes; of District Council, United Brotherhood of Carpenters and Joiners, of Newark; of the Newark Retail Liquor Dealers' Protective Association; of Local Union No. 648, Bartenders' League of Paterson; and of sundry citizens of Philadelphia, Pa.; Jersey City, Hoboken, Trenton, Newark, Atlantic City, Red Bank, Bayonne, Hackensack, Atlantic Highlands, Middletown, Riverton, Guttenberg, and Woodcliff, all in the State of New Jersey, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Long Branch, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the congregation of the Seventh-day Adventist Church of Paterson, N. J., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

WOMAN SUFFRAGE IN CALIFORNIA.

Mr. WORKS. Mr. President, the question of woman suffrage is a live issue at this time before the Senate. One of the questions frequently asked is whether woman suffrage has been a success in the States where women have been given the right to vote. I have been quoted in the newspapers as having said that in my State it had proved a failure. That is a mistake; I have never made any such statement. On the contrary, I believe woman suffrage has been beneficial to the State of California.

I have here an address issued by a committee of prominent women in my State giving the registration and the vote cast by the women as compared with the men, and some comments by prominent citizens of the State respecting this question. I ask that the address, which is short, may be printed in the RECORD without reading.

There being no objection, the address was ordered to lie on the table and to be printed in the RECORD, as follows:

[The Woman's Bulletin, December, 1913. Monthly. Vol. II, No. 7.]

WOMAN SUFFRAGE.

ADDRESS IN FAVOR OF AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES EXTENDING THE RIGHT OF SUFFRAGE TO WOMEN.

(Written for presentation to the Committee on Woman Suffrage of the United States Senate by a committee of women of southern California.)

On the 10th of October, 1911, the women of California were granted the right to vote. Since that time a great many statements have been made concerning the operation of equal suffrage in this State. In consequence of the interest taken in the matter and the lack of other accurate reports, a committee of women in southern California herewith presents this report, consisting of statistics of the registration and voting of women, data on the activities of women's organizations, a list of bills of especial interest to women and children passed at the recent session of the California Legislature, and statements of public men on the actual working of equal suffrage in California.

This report is presented in the hope that a dispassionate statement of the way in which the women of California have met their new responsibilities may disabuse the minds of thoughtful persons of some misapprehensions, and that accurate information may be available for those who are courageously carrying on the struggle for political freedom in other States.

This report is not a selection. All figures investigated and every report received is herewith presented. This statement is an attempt to present the situation in an accurate and comprehensive way, and to avoid both the bias of partisanship and the uncertainty of a chance selection of precincts or communities.

The statistics of registration and voting were compiled in the offices of the city and county clerks from the official records. The registration of men and women is tabulated separately, but the vote is not. The figures of voting herewith presented represent an actual count of the entire vote from the rosters. In case of any doubt in signatures the benefit was given to the men. There is no way of determining the number of either men or women eligible for registration, and a registration of women equaling 80 per cent that of men would indicate a corresponding interest.

LOS ANGELES.

Population (about), 475,000. Registration, men, 97,186; women, 73,839. Voted, in last municipal election, June 3, 1913: Men 52,731, per cent of registration 54.2; women 37,100, per cent of registration 50 2.

Registration of women: Between October 10 and November 9, 1911, 81,843 women were registered by volunteer registrars. This was a feat considered by the county clerk most remarkable. The county had no funds to cover this expense, and the women who performed this service did so entirely free of charge.

Schools for voting: Schools for voting, equipped with official booths, sample ballots, rubber stamps, etc., were installed in the women's headquarters, and women were instructed how to vote correctly before the first election. It was generally remarked that women voted more expeditiously and with fewer mistakes than men.

Polling places: Before suffrage was granted to women election booths were located in barber shops, the lobbies of cheap hotels, barns, livery stables, and other undesirable places. In the election of June 3, 1913, polling places included 64 schoolhouses, 3 church buildings, 2 club houses, 2 libraries, 2 high-class hotels, and 122 tents were used for booths, as against 24 tents used in the election just previous to the granting of suffrage.

On December 3, 1912, the city voted on the question of a new charter providing for an advanced commission form of government, which was defeated. Aside from the newspapers and talks by men in school and other halls, practically the only dissemination of information concerning the proposed charter was through the women's organizations.

On March 25, 1913, 18 charter amendments were voted upon. Women assisted in drawing up these amendments and carried on a campaign of education concerning them. The vote averaged 55,195. Some were carried and others defeated. A distinct opinion was expressed on each amendment.

Improvement bonds were voted April 13, 1913, in the following amounts for the following purposes: Trunk line for the aqueduct, $1,500,000; harbor improvements, $2,500,000. At the same election bonds for a new city hall ($1,000,000), a municipal railway ($1,000,000), for two extensions of the aqueduct ($2,000,000 and $2,500,000, respectively), and for the purchase of the normal-school site ($600,000) were defeated. Women's organizations took a keen interest in the bond issues.

The liquor question: On December 5, 1911, an absolutely drastic liquor ordinance was defeated, 88,395 to 32,283. Los Angeles has only 200 saloons and these are strictly supervised. It is generally felt that the matter is well in hand. Women, as such, took no stand in the election.

WOMEN'S ORGANIZATIONS.

The largest organizations of women in the city are the Friday Morning Club; membership, 1,318; nonpartisan, general club. The public affairs committee, open to members and nonmembers, conducted a vigorous campaign on National, State, and municipal affairs, and particularly on legislative matters. Many of the regular club programs were devoted to public affairs, the luncheons to the discussion of such matters, and special open meetings were held. The club does not indorse candidates.

The Ebell Club; membership, 1,381; nonpartisan, general club. The civics committee has studied civic, political, and legislative questions. The regular programs have included many on public affairs. The club has thrown open its doors to various legislative meetings. The club does not indorse candidates.

The Women's City Club; membership, 450. The club holds weekly luncheon meetings devoted entirely to public affairs. The club is purely educational and nonpartisan. It does not indorse measures or persons.

Almost all the smaller clubs have active and growing civics sections, and many new clubs and organizations have been started solely for the consideration of civics and public questions.

SAN FRANCISCO.

Population (1910), 416,912. The figures of voting were not available for examination and compilation, as the clerk's office is overworked at present with a special election, a primary, and a municipal election. In the general election of 1912 over 90 per cent of the total registration voted.

Registration of women: No special attempt has been made by the authorities to register the women. The different women's organizations have furthered the work. Registration booths have been installed in club houses, hotels, stores, and other available places. Schools for voting were established before the first election at which women voted.

Improvement bonds: Civic center bonds to the amount of $5,000,000 were carried last year. Women worked for these bonds and are generally credited with carrying them. In September, 1913, municipal railway bonds were carried. Several of the women's organizations campaigned vigorously for these bonds. The vote was very heavy in the residence districts and light along the water front and through the undesirable district.

Closing the "Barbary Coast": On September 30, 1913, the sale of liquor in dance halls and the presence of women in saloons were prohibited in the district commonly known as the "Barbary Coast." Women's organizations have been preparing to meet the problems resulting from the passage of the red-light injunction and abatement law by the recent session of the legislature (since held up by the referendum). In connection with the closing of this district, organizations are endeavoring to find other employment for the girls thrown out of work and to meet the situation in an adequate way.

A thorough investigation of the police courts has been undertaken. The recall of Judge Weller was the first result of this investigation. Judge Weller had reduced the bail of a man admittedly guilty of a serious crime against a young girl. As a consequence the man left the State. Committees of women have regularly attended the various police courts to make a thorough study of the judges and of existing conditions, with the view of improving the personnel and general conditions of the courts, and of helping the women who come before these courts.

The largest organization of women is the California Civic League (the successor of the College Equal Suffrage League), with centers in 30 nearby cities, and 3,000 members. The San Francisco Center has 1,000 members. It holds weekly luncheon meetings, at which public affairs are discussed. The league's work is educational, and so far it

has abstained from indorsing measures. It carried on a campaign of education on legislative matters this year and kept a watcher at the capitol.

Several other large clubs—the California Club, the New Era Club, and the Century Club—have carried on extensive work of education in civic matters. All of the general clubs are giving added time and attention to public affairs.

SAN DIEGO.

Population, 90,000. Registration, men, 15,799; women, 9,216. Voted in the last municipal election: Men, 9,961; per cent of registration, 63.04; women, 6,017; per cent of registration, 65.28. The population has doubled in the last two years. Most of the newcomers are from nonsuffrage States and the women do not take the interest in affairs that those who have been through a campaign take, or that those who have lived longer in a community would take.

In the water-front district, where the red-light district was formerly located, the vote was—women, 150; men, 897. The heaviest vote of women was in the moderate residence districts, where the women outvoted the men consistently.

Improvement bonds in the following amounts for the following purposes have been voted within the past two years: Harbor improvements, $1,000,000; sewers, water mains, etc., amounts not specified in the report; municipal water system, $2,500,000; park improvements, $850,000; schools, $350,000. All of these were voted separately.

The largest organization of women is the Women's Civic Center; nonpartisan; weekly meetings are held. It conducts an open forum on local, State, and National politics. Representatives attend council meetings and meetings of the board of education. The center has agitated and improved garbage collection, the milk supply, fire escapes and theater exits, street cleaning, and the weed nuisance, billboards, civic centers in the schools, additional parks, and playgrounds. They have worked to register all the women possible, have served in unusual numbers as election judges, and have worked consistently for all improvement bonds.

RIVERSIDE.

Population, 17,000. Registration, men, 3,420; women, 2,870. Figures of voting in the general election are not available, but in a bond election a year ago women voted 95 per cent of their registration, the voting of men falling slightly below this figure.

The bond issue for municipal water—amount of the bonds, $1,160,000—was carried by a vote of over 90 per cent of the registration. The interest in this issue was due to the women's campaign.

Eighteen months ago the mayor was threatened with recall because of his enforcement of the liquor laws. The attitude of the women quashed the movement.

The women's organizations have inspected streets and alleys, have advocated improved street cleaning, the destruction of weeds, the improvement of parks, playgrounds, and amusements. They have studied civics, the city charter and city ordinances, and legislative matters.

SANTA ANA.

Population, 10,000. Registration, men, 3,136; women, 2,224. Vote in the last general election: Men, 2,144; per cent of registration, 68.36; women, 1,394; per cent of registration, 62.68.

Improvement bonds for water in the amount of $63,000, and for fire protection, $12,000 were voted. Women campaigned for these bonds.

Santa Ana has no saloons. An ordinance to permit saloons was voted down, 682 to 110.

The largest organization of women is the Women's Civics Club. Membership, 120. The club conducts an open forum for the discussion of legislative and local matters. It assisted in registering the women and in conducting a school of voting. The club has agitated garbage collection, destruction of weeds, street cleaning, and an extension of parks and playgrounds. The women attend council meetings when any matter of interest is up for discussion.

POMONA.

Population (1910), 10,217. Figures of registration and voting not given. There have been no elections except State and National ones.

The largest women's organization is the Ebell Club. A civics section has been organized which has improved the cleaning of the streets, the collection of garbage, and the amusements of the town. The women attend council meetings.

REDONDO BEACH.

Population, 2,935. Registration, men, 793; women, 610. The vote in the last general election was: Men, 590; per cent of registration, 76.16; women, 376; per cent of registration, 61.63.

The largest organization of women is the Women's Civic Outlook Club; membership, 30. They petitioned the council to call an election for park bonds in the amount of $30,000, but the bonds failed to carry. They obtained a street-tree ordinance, additional funds for the library, a clean-up of vacant lots, improved garbage collection, the placing of rubbish cans on all street corners, destruction of weeds, and more inspection and attention to amusements. The women attend council meetings, discuss local affairs, write to the papers and to their representatives in the legislature.

BERKELEY.

Population, 40,434. Registration, men, 9,936; women, 8,661. In the last municipal election the men voted 4,874; per cent of registration, 49.05; women, 3,702; per cent of registration, 42.7. The largest vote was cast in the residence district.

The Berkeley Center of the California Civic League has made legislation its especial work this past year. It aims to work with the extension department of the State university not only for its own advantage, but also to bring other centers into close touch with the educational facilities open to all citizens of the State.

REDLANDS.

Population, 11,220. Registration, men, 2,002; women, 1,656. In a special election September 25, 1913, women cast 40 per cent of the vote. On October 1, 1913, Redlands voted "dry" by the largest vote in its history. Women voted 90 per cent of their registration.

The women have agitated parks, playgrounds, and improved amusements. They studied legislative matters, civics, and general public affairs. They write to their representatives and to the papers.

SAN BUENAVENTURA.

Population, about 4,000. Registration, men, 1,066; women, 771. The vote in the last municipal election was—men, 801; per cent of registration, 75.04; women, 587; per cent of registration, 76.13.

An ordinance to prohibit the sale of liquor was carried September 24, 1913, 778 to 610.

The largest organization of women is the Civic League; membership, 200; organized for general civic work. The College Equal Suffrage Organization has secured additional funds for parks, playgrounds, and education, and has improved the street cleaning and garbage collection. The Native Daughters of the Golden West, membership 50, have interested themselves in parks, streets, and the improvement of the beach.

The president and the secretary of the board of health are both women.

BAKERSFIELD.

Population, 18,000. Registration, men, 4,646; women, 2,036. A partial canvass of the vote showed women proportionately outvoting the men, but that is probably not true of the entire city. Bakersfield is the center of the oil industry and has a great many single men. The registration of men should be greatly in excess of that of women.

Good-roads bonds to the amount of $2,500,000 were voted a short time ago.

The women, through small organizations and individually, have interested themselves in housing conditions, parks, playgrounds, and amusements. They are cooperating with the juvenile court to an unusual degree.

SIERRA MADRE.

Population, 1,313. Registration, men, 279; women, 233. Vote in the last general election: Men, 219; per cent of registration, 80.11; women, 175; per cent of registration, 75.10.

The Woman's Club has devoted much more time to civics and public affairs and to the general betterment of the community than to other subjects.

PASADENA.

Population (1910), 30,291. Registration, men, 7,710; women, 7,865. Voted in the last general election: Men, 5,872; per cent of registration, 76.01; women, 5,202; per cent of registration, 66.14.

The Civic League, membership 150, holds monthly meetings on public affairs exclusively.

The Shakespeare Club, membership, 600. Has a strong civics committee, which has recently been instrumental in establishing a municipal market.

Last year the voters defeated a prohibition ordinance. Pasadena has no saloons, and only a hotel restaurant license, strictly enforced. The proposed ordinance was drastic in the extreme.

SANTA MONICA.

Population (1910), 7,847. Registration, men, 2,284; women, 1,993. Voted in last general election: Men, 1,511; per cent of registration, 66.15; women, 1,134; per cent of registration, 57.28.

A group of women, asked to serve as an advisory board to the mayor, called the attention of the citizens and the grand jury to the most insanitary condition of the city jail, and succeeded in having the structure condemned and a modern building erected in its place.

The Pacific Civics Club was organized to study civics and public affairs.

Women have worked for parks and playgrounds.

SOUTH PASADENA.

Population (1910), 4,649. Registration, men, 1,273; women, 1,232. Voted in last general election: Men, 994; per cent of registration, 78.8; women, 922; per cent of registration, 74.83.

School bonds to the amount of $90,000 were voted this year. The interest in the bonds was slight until the women's organizations showed the necessity of the additional funds for the schools. The passage of the bonds is credited entirely to the women's campaign.

SAN GABRIEL.

Population, 1,500. Registration, men, 288; women, 210. Voted in the last municipal election: Men, 238; per cent of registration, 82.28; women, 151; per cent of registration, 70.19.

On September 23, 1913, an ordinance proposing to grant hotel and restaurant licenses (some of them in the immediate neighborhood of the Mission Playhouse) was defeated, 249 to 136. No special work was done in this election by women as such, though nearly every woman elector cast her ballot.

Women attend council meetings, write to the papers, and show interest in all lines of community affairs. There is one woman's civic club.

SANTA BARBARA.

Population, 6,640. Registration, men, 3,356; women, 3,284. Voted in the last municipal election: Men, 1,020; per cent of registration, 30.39; women, 457; per cent of registration, 13.91. This election was on a bond issue for the waterworks tunnel, $120,000. The opposition was very slight, the bonds carrying, 1,183 to 294.

May 13, 1913, several liquor questions were offered to the voters. Retail saloons were abolished, and also restaurant licenses. Hotels were permitted to have licenses to serve liquor with meals. The total vote was 4,403. In this election the men voted 2,404, 71.63 per cent of their registration; the women voted 1,999, 60.87 per cent of their registration. The Woman's Christian Temperance Union worked actively in this election, but the other women's clubs as organizations took no action.

The women attend council meetings when matters of special interest are to be discussed.

LEGISLATION.

The California Legislature of 1913 passed many laws of especial interest to women and children. One of the chief arguments used in the suffrage campaign was the inequality of women before the law. With the passage of the laws listed below, many of the injustices are remedied. The majority of these laws had been introduced in earlier sessions of the legislature but had failed of passage.

The legislature met January 6 and remained in session one month, during which time bills were introduced. In February adjournment was taken, the legislators returned to their constituents, and a campaign of education on legislative matters was carried on throughout the State. All the women's clubs and organizations held meetings and discussed bills and measures. The regular session of the legislature, convening in March, was remarkable for its close connection with the electorate.

During the entire session of the legislature the California Federation of Women's Clubs maintained headquarters, open to all women, at Hotel Sacramento. Information, conveniences, and protection were given, irrespective of club or party affiliations. The maintenance of these headquarters rendered the lobbying of women dignified and effective.

There were no women members of the legislature of 1913.

In reference to the expense incident to this "women's legislation" we quote the following appropriations:

Immigration commission (commissioners unpaid), $25,000 per year.

Industrial welfare (minimum wage) commission (commissioners unpaid), $15,000 per year.

Civil-service commission (commissioners paid), $25,000 per year.

Compilation of data concerning mothers' pensions, $3,000.

State training school for girls, $200,000.

Teachers' pensions, 5 per cent of inheritance tax and $1 per month from teachers.

Reporting of tuberculosis, additional appropriation to the State board of health, $7,500.

Weights and measures law, $12,000.

Criticism has been made of the increase in the cost of the State administration. The average increase every two years in the cost of administration for the 12 years preceding the last administration has been 20.77 per cent. The increase for these two years (the legislature meets biennially) is 15.9 per cent. This is the smallest increase in the history of the State, and it covers the largest increase in the growth of State institutions.

The leading bills of interest to women passed this year are:

The creation of an industrial welfare commission to investigate the conditions under which women and minors labor, with the power to invoke a minimum wage in any such industries.

The creation of an immigration commission to investigate and prepare for the coming of immigration with the opening of the Panama Canal.

The red-light injunction and abatement law, placing the responsibility of disorderly houses upon the property rather than upon the inmates, and providing for the prohibition of such houses.

The extension of the 8-hour law for women in include nurses in training and workers in apartment houses.

The age of consent, raising the age from 16 to 18.

The establishment of a State training school for girls, separating it from the general institution and providing for the most approved correctional methods and vocational training.

The teachers' pension law, granting pensions of $500 a year to teachers who have served 30 years, with a smaller pension to those disabled in less than that time.

The juvenile-court law, amending the law in order to separate dependent from delinquent children.

The joint-guardianship law, giving women equal rights over their unmarried minor children.

The mothers' pension law, amending the law which provided funds for State institutions caring for orphans and half orphans; providing that such funds could be used to care for the children in the mother's own home, but without increased appropriation; and creating three children's agents properly to investigate the families to which such funds are given.

The creation of a commission to compile data and statistics concerning mothers' and old-age pensions.

The net-container law, specifying that packages shall be marked with the amount of their net contents.

The weights-and-measures law, providing for a complete standard of weights and measures and the regular inspection of dealers.

The Roberts bill, prohibiting the destruction of any foodstuff fit for human consumption.

The workmen's-compensation law, requiring compulsory compensation for injuries and establishing a system of State industrial insurance.

The requirement of the wife's signature to legalize the assignment of a man's wages.

The amendment of the child-labor law, reducing the workday from nine to eight hours and restricting the granting of permits to the superintendent of schools. In California there is practically no child labor excepting in street trades.

The creation of a water commission, with authority over all water in the State.

The State civil-service law, bringing practically all State employees under the merit system.

The white-slave law, prohibiting traffic in women between counties; similar to the Mann Act as between States.

The tuberculosis law, providing for the reporting of all cases of tuberculosis to the State board of health.

The amendment to the liquor laws, prohibiting the sale of liquor between 2 a. m. and 6 a. m.

The law providing for the asexualization of certain inmates of insane asylums and State prisons.

The psychopathic parole law, providing for the parole of persons mentally abnormal but not dangerously insane, under the custody of psychopathic parole officers.

In the matter of prison reform all sentences except for murder are made indeterminate; strait-jackets and cold showers are prohibited; arrangements are made for the payment of wages to certain convicts and for rendering assistance to discharged prisoners.

The billboard law, prohibiting billboards of more than 10 feet in height, also "spite fences" of more than that height.

The State Federation of Women's Clubs advocated as its special bill the health certificate for marriage, requiring a certificate of freedom from venereal diseases of all persons applying for marriage licenses. The bill was fought on the grounds of sentiment, medical practice, and constitutionality. It was amended to omit the requirement of such certificates from women, and passed in that form. However, in amending the bill the wording was made vague and incorrect, and Gov. Johnson was obliged to veto it on the grounds that it would have been inoperative and unconstitutional.

TESTIMONY OF LEADING CITIZENS.

It is not necessary to give in their entirety all the letters received in reference to suffrage. The idea in presenting any part of these letters is not to offer praise of equal suffrage, but to give the views of a few of the men at the head of affairs. Some of these men were actively opposed to the granting of suffrage.

Mayor H. H. Rose, of Los Angeles, says:

"I can not speak for the women of California, but feel that I can do so for my female fellow citizens of Los Angeles, and will say that they show no signs of decreasing interest in civic and political affairs. They took a deep and abiding interest in all of the elections subsequent to their enfranchisement up to the present time—particularly in the last municipal election."

Edward Rainey, secretary to mayor of San Francisco, says:

"In behalf of the mayor, permit me to state that the women of San Francisco have cast a large proportion of the votes in such elections as have been held since they became electors, and that their interest in public affairs is one of the marked features of civic life in this city. Women's clubs of all kinds have organized civic sections, and are taking an active interest in public affairs of all descriptions."

William L. Peters, mayor of Riverside, says:

"Equal suffrage has certainly been a success in Riverside, Cal. With only 10 days in which to register, about 2,500 women registered for the city election in November, 1911, out of a population of about 16,000. This shows a wide-awake interest. About 90 per cent of the registration voted. Our Riverside women have shown a sincere desire to inform themselves on political and municipal affairs. Their votes have been intelligently cast, and we certainly appreciate and welcome their help and cooperation."

William Thum, former mayor of Pasadena, says:

"I take pleasure in saying that none of the imaginary objections to woman's suffrage have turned out to be valid objections in California. I am fully satisfied that both women and men will be benefited by it. Although woman's suffrage has been in operation but a short time, it seems already to have been in operation from the beginning."

Lee R. Matthews, mayor of Pomona, says:

"I believe that it is a great movement for the citizens of the State, and I think that it will put the political platform on a much higher plane than it has ever been before, because we know that in any organization where the women are interested the moral standing is always placed upon a higher basis.

"When the women of the community will take the interest that they have shown in suffrage, we can rest assured and look forward to the time when all of our public offices will be filled with men and women who are a credit to the community that they represent."

Charles F. O'Neall, mayor of San Diego, says:

"I have by experience and observation been convinced that the women thoroughly realize and appreciate the value of their privilege to vote. During the campaign in this city in the spring of this year they took a very active part for and against the various candidates, and I believe that more of them, in proportion to the registration, exercised the franchise than did the men. I have always been enthusiastic over the right of women to vote, and I have no reason to regret their having that privilege."

George Alexander, former mayor of Los Angeles, says:

"The antisuffragists who say that women in California do not take an interest in public affairs should come to California at the time we are holding a campaign in the State or cities, and he or she soon would be without argument against suffrage.

"The use of the ballot by the women of California is an acknowledged success, especially in Los Angeles. I do not believe that any intelligent man would have the temerity to challenge the statement that the women of Los Angeles have invariably displayed splendid judgment and discretion in their use of the franchise. In every instance since they obtained the right to vote the women have shown themselves capable of properly exercising the ballot. Their votes were registered as rapidly as those of the men and with fewer mistakes and spoiled ballots.

"My observances, taken in several elections since suffrage was granted in this State, incline me to the belief that the women can always be depended upon to do the right thing by the city in casting their ballot. Their interest in all that pertains to the home is keener than that of the men, and their interest in the welfare and prosperity of the city, State, and country is every whit as great."

Lewis R. Works, judge of the superior court, says:

"The women of California have vigorously exercised the right of suffrage since the passage of the constitutional amendment upon the subject. More than a fair percentage of the vote at each election has been polled by them, in view of all the circumstances. I mean by this, that it could hardly be expected that as many women as men would vote immediately after the granting of suffrage to women. Notwithstanding this fact, I have known of some large precincts in which the vote of the women has equalled that of the men, and have known of many such precincts in which from 30 to 45 per cent of the vote was cast by women. I regard this condition of affairs as very satisfying, and, from the standpoint of its use, clearly regard woman's suffrage as a success in California.

"The women are deeply interested in public affairs and in civic betterment. It has been my good fortune to address many gatherings of women, both during the suffrage campaign and since, upon all kinds of civic problems. The meetings have always been well attended, and I have no hesitation in saying that at them an interest is shown which is superior to the interest shown by men at similar gatherings. I have no hesitation in saying further that the women of California are more diligent than the men at the present time in the way of the study of civic and political problems. This is as it should be, on account of the suffrage having so recently been extended to them, but it is certainly the fact.

"Very few office seekers have developed among the women of California. Their work in civic and political matters is done almost universally from a desire to educate themselves upon the questions involved, and from truly altruistic and humanitarian motives. It is true that the women of California have become great politicians, but they have become politicians in the highest and best sense, and not in the sense which was formerly conveyed by the use of the word.

"You ask whether, in my opinion, the votes of women in California have been sentimental, ill-considered, and undesirable. I at once enter a negative answer in the case of the last two words. If you use the word "sentimental," as I suppose you do, with the idea that there is no sense back of the sentiment, I enter an equally positive negative as to the use of that word. I do, however, consider that the votes of women are sometimes inspired, as the votes of men oftener ought to be, from true sentiment. Every lover of the right of equal suffrage—and I am one of them—will assert that the participation of women in political affairs is necessary to the well-being of government, because that participation will be grounded upon sentiment in the proper sense of that word. Under the exclusive dominion of men, government has been freed too much from true sentiment. Men have looked at government, at civics, at economics, from the standpoint of "business" alone. Humanitarianism and human rights, which can be protected only with the admixture of true sentiment in governmental affairs, have been sadly overlooked. Every lover of equal suffrage will tell you that the softening and humanizing influence of woman is needed as much, if not more, in governmental affairs than the history of the world has always and consistently shown that it is needed in all other affairs. There can be nothing like perfection in any of the serious concerns of life without the judicious blending of the masculine and feminine principles.

"Men of public affairs in California generally regard equal suffrage as of great benefit to the Commonwealth. This is true even of some of the men who opposed the extension of suffrage to women. I have heard a number of such men, men of prominence, say that the manner in which the right has been exercised by the women of California has converted them and has convinced them not only of the propriety but of the utility of suffrage. There are some of the old opposers of equal suffrage among the men who yet hang out, but their number is growing gradually less."

Louis W. Myers, judge of the superior court, says:

"The assertion that women are not interested in public affairs and civic betterment is certainly not applicable to Los Angeles County, where the women have been taking a most active, intelligent, and effi-

cient part in practically every movement for civic betterment and have initiated many of these.

"I have had the fortune to be associated in the active work of several political campaigns with a number of women, and have found them, almost without exception, to be women of the highest type, actuated by unselfish motives of patriotism and altruism—women whom it was a pleasure to know and with whom it was a pleasure to work.

"That women's votes are frequently ill considered and influenced by sentiment I do not doubt, but so, also, are the men's, in many instances. I think that, on the average, the women apply quite as much intelligence and careful consideration to their exercise of the franchise as do the men, and considerably more conscience when moral issues are involved.

"I do not think that the adoption of equal suffrage will bring about the millennium or result immediately in any great reform, but I do believe that it will make, slowly but steadily, for higher and better standards in all our political institutions."

Frederick W. Houser, judge of the superior court, says:

"From what has come under my personal notice and from what I have heard, I believe that women, generally, are very much interested in public and civic affairs, and that they are exercising the right to vote with as much intelligence and discrimination as is shown by the men. I see nothing 'sentimental' in the 'general character of the women's vote,' and I know of no reason for saying that woman's suffrage in California, at least, is in any way undesirable. The right of suffrage as exercised by the women of California has certainly done no harm, but, on the contrary, its effect has undoubtedly been toward the betterment of civic conditions."

John Francis Neylan, chairman State board of control, says:

"Of course no man can tell to what extent the granting of equal suffrage to women was responsible for those things which have been accomplished in California. An enthusiastic suffragist might claim that all the credit for what has been accomplished was due to the granting of suffrage; this would not be true. On the other hand, the antisuffrage enthusiast, inspired by bitter partisanship, would contend that these things were accomplished in spite of woman's suffrage. Somewhere between these two extremes lies the truth.

"My personal opinion is that in the fight to accomplish what seemed to him best for the people of the Commonwealth Gov. Johnson has received valuable assistance from the newly enfranchised women of California. I think that the changes would have come under Johnson's leadership, but I am also convinced that they could never have been accomplished in the incredibly short time of three years if it had not been for the influence of women upon the political life of California."

A. J. Wallace, lieutenant governor of California, says:

"Many women in California take little or no interest in the exercise of their right to vote, but that is true of many men in California. The fact is that since women's right to vote was recognized in this State they have taken a very great interest in public affairs. This has been evidenced in more than one election. In fact, it is simply remarkable that women should in so short a time have shown so great an interest in public matters and have voted with such marked intelligence. Equal suffrage makes California's progress more assured."

C. E. Cebastian, chief of police, Los Angeles, says:

"The women in California won a bloodless revolution when the right to the ballot was allotted them. It was a right which all women in a civilized country should enjoy, a duty which they should be called upon to perform.

"Since the institution of equal suffrage in the State of California there has been a wave of progressive and educational reform legislation, which can be directly attributed to the influence of woman's activity.

"Woman's primal duty is in the home, but woman should have the right to express her opinion and wield an actual influence at the polls on every question of legislation and on every issue of elections, in order that she may protect that home. She can do more than merely vote; she can initiate issues of importance, with the added initiative of having a voice in obtaining their institution."

Harvey E. Andrews, managing editor of the Los Angeles Times, says:

"Woman suffrage in California has worked as well as manhood suffrage. There is about the same degree of neglect by either sex. I opposed woman suffrage, but its operation in this State has not furnished ground for criticism."

The judges of the superior court of Los Angeles County say:

"Women have taken a deep concern in civic affairs since their enfranchisement; they have been earnest in the consideration of public matters and careful in investigating questions submitted to the electors.

"Women have shown no diminution in their interest in the ballot, but continue to register and vote in large numbers.

"Women are filling appointive and elective positions with credit but have not been active in seeking public office.

"There is no movement for the repeal of the law conferring equal suffrage, and the sentiment of this section would not, in our opinion, seem to favor any such action."

Fred H. Taft, Grant Jackson, N. P. Conrey, Willis I. Morrison, Paul J. McCormick, Gavin W. Craig, Louis W. Myers, Lewis R. Works, John M. York, Chas. Monroe, Curtis D. Wilbur, Frederick W. Houser, Frank P. Willis, Charles Wellborn, John W. Shenk, judges of the superior court, Los Angeles County, Cal.

In the light of these statistics of women's voting, these reports of their interests and activities, and the opinions expressed by prominent men, what may fairly be concluded about woman suffrage in California after two years of actual operation?

RESULTS OF WOMAN SUFFRAGE.

Suffrage has given a new interest, purpose, and effectiveness to the thousands of women's clubs throughout the State and has brought scores of new organizations into being for the express purpose of equipping the women with a knowledge of government and civics.

Women have registered and voted at regular and special elections in practically the same, and in some instances larger, proportion than the men.

Equal suffrage has stimulated the men as well as the women to a greater interest in civic affairs.

It has resulted in putting better, cleaner, and more public-spirited men into office.

It has given us more convenient and respectable polling places.

It has been the means of accomplishing what male suffrage alone never has accomplished and probably never would accomplish—the recall of an unfit judge.

It has resulted in the enactment of laws concerning health, morals, child welfare, and female civil rights, for which the women, while unenfranchised, had for years pleaded in vain.

It has not resulted in a scramble for office on the part of women; on the contrary, the women, as a class, recognizing their lack of political training, have so far deliberately refrained from seeking office.

It has not resulted in corrupting the women; it has resulted in bettering the men, precisely as men always are uplifted and strengthened in any field of endeavor in which women are permitted to share with them their labors and problems.

It has not resulted in breaking up the home; it has strengthened the home ties by reason of a broader mutuality of interests.

It has not caused the women to neglect their duties; both as citizens and as mothers, it has enabled them to meet their responsibilities with greater intelligence and efficiency.

Further than this brief summary of results, it is right that some of the lessons of the suffrage campaign and the consequent enfranchisement of women should be further developed.

THE REAL ENEMIES OF SUFFRAGE.

The antisuffragists who, to their credit be it said, have registered and and voted and are making good citizens, were an essential feature of the suffrage campaign, as open discussion and argument about any question clears the atmosphere and makes for progress.

The antisuffragists were sincere in their position, but the suffragists realized that they were at no time the real opposition to woman suffrage. The corrupt political organizations, the protectors of vice and crime and gambling, the liquor dealers, and the white slavers of California were the real enemies of the enfranchisement of women. These enemies were not afraid of the vote of the "bad women," of which so much was said in the campaign, but they feared the potential strength of the good woman's vote. As far as the so-called "bad woman's" vote is concerned, investigation has shown that it is practically negligible; these women do not register nor give a place of residence, because most of them live under assumed names and are a shifting population. An analysis of voting figures in different towns shows the heaviest women's vote to be in precincts where prosperous professional and business people reside; the average woman's vote in precincts where persons of modest means—clerks and mechanics—live, the smaller woman's vote in the industrial districts.

THE RECALL OF JUDGE WELLER.

The recall of Judge Weller mentioned above was one of the most spectacular things which the women of California have done with the ballot, and it was not done hastily nor hysterically.

Facts and figures proved the difficulty of securing convictions even when the cases were brought to trial. The Woman's Recall League was formed and secured the requisite number of signatures to a petition for a recall election.

The moral question involved was the most vital that a community can face. Judge Weller and his petty little judicial job were negligible quantities. Infinitely more was at stake than the fate of a police judge or a thousand police judges.

It was not a puny judge, but a powerful and poisonous system with which the voters of San Francisco dealt. That system made possible the destruction of women with impunity. When Judge Weller, in his own defense, declared that in reducing the bond of Hendricks to a figure that made his escape possible and easy, he was merely following the custom of the police courts in cases of that character, he defined that system.

Judge Weller should have been, and was, recalled. He was recalled not because he was Judge Weller but because in this instance he stood for a rotten judicial system and custom that is a menace to the sancity of the home and to the safety of the women who make the home.

FIRST ELECTION IN LOS ANGELES.

The first election in Los Angeles after women were enfranchised was one of peculiar interest, in circumstances which aroused even the most indifferent citizens to active participation.

This was the mayoralty election following the primaries at which the Socialist candidate received 3,000 votes more than the good-government candidate. There was also a drastic prohibition ordinance on the ballot. Women were not eligible voters at the primary election; they were an unknown quantity in politics, and many apprehensions were felt as to their conduct as voters.

That election answered for all time the objections that many men and women in Los Angeles had felt toward women voting. Upward of 80,000 women were registered in a little over three weeks by the volunteer services of women as registration clerks. A larger percentage of the registered women voters went to the polls than the percentage of registered men voters, and the election was the cleanest and most orderly held in the city in years.

The tone and atmosphere about the polling places were distinctly improved over that which prevailed in previous elections. The women voted with discrimination equal to that of the men, and they spoiled fewer ballots.

Their vote on the liquor question was a vote of confidence in the liquor regulations of Los Angeles, where in a city of over 400,000 population there are only 200 saloons in restricted districts with precinct local option.

The women were not influenced by their prejudices, but calmly reasoned that they would prefer to take chances with regulated, licensed places than with prohibition and "blind tigers." Even those who may deem them wrong on moral grounds must admit their capacity for political reasoning in a matter so vital to them and appealing so strongly to their emotions.

WOMEN SEEK INFORMATION.

The women of California have demonstrated the truth of the saying, "The more you know the less you think you know." When the responsibility of citizenship was conferred upon them, they at once began seeking for information to enable them to counsel wisely, to judge candidates and situations with discrimination, and so to vote intelligently.

Dozens of new organizations have come into existence all over the State for the expressed purpose of educating women voters. Almost every town in the State has its woman's club, with a public affairs or civics committee, which is bringing to the attention of the women questions of local, State, and National interest for investigation and information.

INTELLIGENCE OF WOMEN VOTERS.

In the Eastern States much is said about the vote of the ignorant woman; it is perfectly honest to say that the women who vote in California are intelligent women, they are the women of such organizations as the Parent-Teacher Associations, made up of the mothers who are deeply concerned in their children's education and school environment; the women of the Teachers' Clubs, the Woman's Christian Temperance

Unions, the Nurses' Clubs, the Woman's Trade Unions League, the Young Woman's Christian Associations, and the members of the many study clubs. These women individually and in their associations are conscientiously trying to do their duty as voters, and surely anyone will admit that they represent intelligence and morality.

In trying to draw conclusions from any election or series of elections it is necessary to remember this fact—there are 125.5 men to every 100 women in California.

TOO FREQUENT ELECTIONS LOWER VOTE.

It is not possible to arouse an equal amount of interest in every question that comes before the voters. Under the election laws of California and with the initiative, referendum, and recall, there are many subjects which are brought up for popular vote which in other States are settled by legislative action. In the last two years there have been in Los Angeles City and County 15 elections, at some of which very complicated issues have been presented to the voters. There have been elections on a city and county charter, amendments to the State constitution, initiative measures, bond issues for parks, water, power, etc., besides regular municipal, State, and National elections. All persons are not interested in all these questions, and so the percentage of the vote varies from one election to another.

LOCAL CONDITIONS INFLUENCE "WET" AND "DRY" ELECTIONS.

The question of "wet" and "dry" elections is almost always influenced by local conditions, as in the Pasadena election, where a most drastic prohibition ordinance was defeated. Eastern antisuffragists claimed that the women voted "wet." Pasadena has not had a saloon in over 20 years, and women showed conservative common sense in leaving matters as they were.

VOTING A NEW THING.

While in certain instances it seems that the percentage of women voting should be higher than it is, we hope that as time goes on it will increase, and that the vote of the men will increase correspondingly. When one considers that voting is new to women, that their attention has only recently been directly turned to public matters with the responsibility of forming a definite opinion at a given time, the wonder is that so many have responded to the call to citizenship. With this in mind a comparison with the record of men who have traditionally had a share in public thought and work gives the women the better showing.

INACCURATE REPORTS.

It is the fashion nowadays for the newspapers to run the headline, "The women did it." At a recent election in Anaheim, where there are 14 wineries, the majority voted for license. A Los Angeles evening paper on the day of election had the headlines, "Women work at polls to make Anaheim 'dry,'" and the next morning a newspaper, published by the same management, had the headline, "Women's vote helps keep Anaheim wet." Now, you may take your choice of what you want to believe was the real situation.

RECENT LEGISLATION FOR WOMEN AND CHILDREN.

Not one woman went to the legislature or supported a bill for private or personal gain; all of the measures for which they worked were along humanitarian lines for the better protection of women and children and the benefit of the race. The same thing had been true of the women and the character of the laws presented at many previous legislatures, but with only the vaunted indirect influence behind them progress was slow and painful. The fine humanitarian laws of the last legislature show clearly what women with the vote can do.

DECREASE OF CRIME.

One of the letters quoted above is from the Los Angeles chief of police, who went to Washington, D. C., last summer to the meeting of the National Association of Police Chiefs. He told them in an address on woman suffrage that "women had done the greatest service in breaking down a wall of false reticence which has prevented public discussion and public understanding of one of the most vital problems of crime," and that since we had suffrage crime has materially lessened in the entire State. He also said that the tone of politics has been raised in the State by the influence of women's votes. "It is not only what the women have done," he said, "but it is the unconscious influence which their votes command that has bettered conditions."

WHAT WOMEN WANT.

Women are asking simply for the right to fulfill their traditional duties, to do those things for which they are fitted by their natural instincts and long training as protectors of the home and the guardians of children. They are citizens, they have responsibilities, and yet the right to do their duty and fulfill these responsibilities is denied them.

It is proper to ask what are the results of suffrage, what women are doing with the ballot, and whether they are using it. But these things are, after all, only incidental to the main issue, which is that responsibility develops character and that the strength of a democracy rests on the intelligence, morality, and character of its citizens.

Suffrage is the right of every citizen in a democracy, and it belongs to women by every right of reason, logic, and justice. Women, as human beings and as citizens, should have the right to every possible means of education, every developing experience, every avenue of self-expression, and the opportunity of service.

Verily, the woman of California has found in the ballot an added responsibility. But the responsibility born of her being, as she earnestly believes, is one to which she promptly responds. Instinctively she welcomes it as a means to a broader and more effective expression of life. Never in the history of the world has woman asked for any right, any privilege, save only that she might make of it a responsibility for the better discharge of her duties to the race. In the evolution of government, the State has been gradually taking unto itself the duties that the Creator Himself has labeled as feminine—the care and education of the child and the preservation of the purity and health of the home. Therefore it is that the woman of to-day is demanding a voice and a place in the political household; and therefore it is that the woman of California rejoices in spirit that this new civic responsibility is truly hers.

To her sisters throughout the Nation and the world she extends the hand of fellowship and of good cheer, and the glad assurance that in this larger significance of life she is finding increased strength and power and manifold possibilities for good, and she hopes that her own political life will be such that it will make the entrance into political equality easier for all other women. She does not wish to take man's place in the world, but because she is a woman and man's complement, she wishes to be his comrade and coworker for the good of the community and the uplift of the race.

November, 1913.

Dora Haynes, Chairman; Miss Helen Bary, Compiler; Grace C. Simons, President of the Political Equality League; Maria de G. E. Lopez, President College Equal Suffrage League; Mary Foy, President California Woman's Democratic League; Katherine Philips Edson, Special Agent California State Bureau of Labor, Member of the California Industrial Welfare Commission; Mary S. Gibson, Member California Immigration Committee; Josefa H. Tolhurst, Member Los Angeles Library Commission; Martha Nelson McCan, Member Los Angeles Civil Service Commission; Harriet H. Barry, Editor; Cora Deal Lewis, Member Los Angeles Housing Commission; Lloy Galpin, Educator (History and Civics).

IMPORTATION OF CONVICT-MADE GOODS.

Mr. REED, from the Committee on Manufactures, to which was referred the bill (S. 4161) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, reported it with an amendment and submitted a report (No. 306) thereon.

THE COMMITTEE ON NAVAL AFFAIRS.

Mr. OVERMAN. From the Committee on Rules I report back favorably Senate resolution 279. I call the attention of the junior Senate from Indiana [Mr. KERN] to it.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, which had been submitted by Mr. KERN February 21, 1914, as follows:

Resolved, That Rule XXV be so amended that the clause thereof providing for a Committee on Naval Affairs shall read as follows: "A Committee on Naval Affairs, to consist of 16 Senators."

Mr. KERN. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

PROHIBITION OF SMOKING IN THE SENATE CHAMBER.

Mr. OVERMAN. I also report from the Committee on Rules, without recommendation, Senate resolution 42 and ask that it take its place on the calendar.

The PRESIDING OFFICER. The resolution will be stated.

The SECRETARY. Senate resolution 42, a resolution to amend Rule XXXIV of the rules of the Senate, offered by the Senator from South Carolina [Mr TILLMAN].

Mr. GALLINGER. Let it be read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That Rule XXXIV be amended as follows:

Strike out the period at the end of the first clause and insert a semicolon and then add the following: "No smoking shall be permitted at any time on the floor of the Senate or lighted cigars be brought into the Chamber."

The PRESIDING OFFICER. Without objection, the resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 4666) to amend section 8 of the act entitled "An act to create a commerce court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on Interstate Commerce.

By Mr. SUTHERLAND:

A bill (S. 4667) to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah; to the Committee on Public Buildings and Grounds.

By Mr. LA FOLLETTE:

A bill (S. 4668) authorizing the Secretary of War to deliver to the village of Ellsworth, Wis., two condemned bronze or brass cannon; and

A bill (S. 4669) authorizing the Secretary of War to deliver to the town of Eagle River, Wis., two condemned bronze or brass cannon; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 4670) for the improvement of the Narrows of Lake Champlain, New York and Vermont; to the Committee on Commerce.

A bill (S. 4671) granting a pension to Henrietta Sherman; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4672) to provide for the construction of sanitary dwellings at a low rental for unskilled wage earners in the Dis-

trict of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. OWEN:

A bill (S. 4673) for the relief of William T. Tilly and W. T. Whitaker, and for other purposes (with accompanying paper); to the Committee on Indian Affairs.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted an amendment proposing to appropriate $1,558.20 to reimburse Edward B. Kelley, former superintendent of the Rosebud Indian Agency in South Dakota, for expenses incident to the prosecution of a suit brought against him by an Indian of the Pine Ridge Sioux Tribe, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,500 for the purchase of 10 acres of land adjoining the Indian school grounds a Pierre, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also submitted an amendment proposing to appropriate $3,000 for the construction of a dairy barn at the Indian school at Flandreau, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

EDWARD B. KELLEY.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 6939) to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency in South Dakota, which was referred to the Committee on Indian Affairs and ordered to be printed.

HARBOR AT NEW HAVEN, CONN.

Mr. BRANDEGEE submitted an amendment providing for the further development of the harbor at New Haven, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE COMMITTEE ON FOREIGN RELATIONS.

Mr. KERN. I ask for the adoption of the following order.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That WILLIAM J. STONE, a Senator from Missouri, is hereby designated as chairman of the Committee on Foreign Relations.

Mr. REED subsequently said: Mr. President, my colleague [Mr. STONE] has been appointed chairman of the Committee on Foreign Relations. In view of the fact that it will impose upon him additional duties and burdens, and also in view of the fact that he does not wish to have more chairmanships than will seem just to his colleagues and proper under the circumstances, I have been requested by him to say to the Senate that he desires to be excused from further service as chairman of the Committee on Indian Affairs. I make this announcement, of course, at his request.

THE COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. RANSDELL submitted the following resolution (S. Res. 282), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Health and National Quarantine be, and it is hereby, authorized to send for papers and persons, administer oaths, and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with the consideration of S. 4573, to encourage rural sanitation, with special reference to the prevention and suppression of malaria and typhoid fever; to have its hearings printed for the use of the committee; that the expenses of such hearings be paid out of the contingent fund of the Senate on vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

AMENDMENT OF THE RULES.

Mr. OWEN. Pursuant to the notice I gave a few days ago I submit the following resolution and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 283) was read and referred to the Committee on Rules, as follows:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for the final vote upon any matter pending in the Senate: *Provided*, That upon the motion of a Senator, sustained by one-fourth of the Members of the Senate, debate of not to exceed 48 hours shall be allowed within the time fixed for such final vote, one-half of the time for debate to be controlled by the proponents and one-half by the opponents of the pending question."

"ONE YEAR OF DEMOCRATIC RULE."

Mr. WORKS. Mr. President, I desire to give notice that on Friday next, March 6, immediately after the conclusion of the routine morning business, I shall submit some remarks on the subject of "One year of Democratic rule."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915; and

H. R. 13765. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

WOMAN SUFFRAGE.

The PRESIDING OFFICER. Morning business is closed.

Mr. ASHURST. Mr. President, I move that the Senate proceed to the consideration of Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The PRESIDING OFFICER. The Senator from Arizona moves that the Senate proceed to the consideration of joint resolution named by him.

Mr. McCUMBER. Mr. President, I move, as a substitute for the motion, that the Senate proceed to the consideration of Calendar No. 181, being the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

The PRESIDING OFFICER. The Senator from North Dakota moves, as a substitute for the motion made by the Senator from Arizona, that the Senate proceed to the consideration of the bill named by him.

Mr. SWANSON. Mr. President——

Mr. ASHURST. On that motion I ask for the yeas and nays.

Mr. SWANSON. Mr. President, I desire to ask the Senators if they will wait until 2 o'clock, so that whichever motion is agreed to the business moved by that motion shall be the unfinished business. It seems to me that, under the rules of the Senate, we ought to have a right to occasionally consider the calendar. I would, therefore, suggest to the Senator from Arizona and to the Senator from North Dakota that we proceed with the calendar until 2 o'clock and then at that time to let the merits of these two motions be decided as to which of the measures shall be the unfinished business. The calendar is getting very large, and we rarely have an opportunity to consider measures upon it.

Mr. McCUMBER. So far as I am concerned, Mr. President, I am perfectly willing to do that; but it is probably a question whether one or the other of these measures will ultimately become the unfinished business. So I feel that, under the circumstances, I can not longer keep a bill in abeyance that has been before the Senate for more than 12 years and has been three times favorably reported.

The PRESIDING OFFICER. The motions are not subject to debate.

Mr. McCUMBER. No; I understand that.

Mr. SWANSON. I am not debating them; I am simply requesting the Senator from Arizona and the Senator from North Dakota to delay their motions.

Mr. LA FOLLETTE. Regular order, Mr. President.

The PRESIDING OFFICER. Objection is made to debate. The question is on the substitute motion offered by the Senator from North Dakota [Mr. McCUMBER] for the motion of the Senator from Arizona [Mr. ASHURST].

Mr. REED. Do I understand the Chair to rule that no reason can be given for or against either of these propositions?

The PRESIDING OFFICER. The rule is perfectly clear—and the Senator from Missouri is probably familiar with it—that all motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate. The rule, the Chair repeats, is clear.

Mr. REED. I understand that this motion is more than that. I understand the motion is to make these bills the unfinished business.

The PRESIDING OFFICER. It can not be done in that way; and that is not the motion. The motion of the Senator from Arizona is to proceed to the consideration of Senate

joint resolution No. 1, and the motion of the Senator from North Dakota is that the Senate proceed to the consideration of Senate bill 120. The question is——

Mr. ASHURST. I ask for the yeas and nays on the motion.

Mr. REED. I move to lay the motion on the table.

The PRESIDING OFFICER. What motion?

Mr. REED. Of course, if the motion is laid on the table——

Mr. ASHURST. The motion to lay on the table is not debatable, Mr. President.

The PRESIDING OFFICER. It is not debatable. The Chair asked for information, what motion the Senator from Missouri [Mr. REED] moved to lay on the table.

Mr. REED. The motion that I make is to lay on the table the entire proposition now before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri to lay the motion of the Senator from North Dakota on the table.

Mr. SWANSON. Mr. President, I should like to make a parliamentary inquiry, so as to be able to vote intelligently when the proposition is presented. As I understand, if these motions are laid on the table, will it then be in order to take up the calendar?

The PRESIDING OFFICER. The Chair will rule upon that question when it is presented. There is no issue of that kind pending.

Mr. SWANSON. I should like to know, so that I may vote intelligently.

The PRESIDING OFFICER. The Chair declines to make rulings in advance of any issue presented.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. NORRIS. As I understand, the motion of the Senator from Missouri [Mr. REED] is to lay on the table both the motion of the Senator from Arizona [Mr. ASHURST] and the motion of the Senater from North Dakota [Mr. MCCUMBER], but the Chair did not so state. I should like to know if I am correct.

The PRESIDING OFFICER. The motion of the Senator from Missouri is to lay the motion on the table. That would carry with it the motion of the Senator from North Dakota. Its legal effect the Chair will determine when called upon to do so.

Mr. MCCUMBER. I wish to ascertain definitely what is the motion of the Senator from Missouri. The Senator stated that he desired to lay both motions on the table. I do not know whether that is his motion or what it is; but we ought to know what we are voting on, and I wish the Senator would either renew his motion or the Secretary would restate it.

Mr. NELSON. Mr. President, the Senator from Arizona made a motion to take up the woman-suffrage joint resolution and the Senator from North Dakota moved to amend that by substituting therefor another measure. A motion to lay on the table will carry not only the original motion but also the amended motion.

Mr. MCCUMBER. I do not think that is right, Mr. President, and that is the reason I am asking the question.

Mr. BRANDEGEE. I rise to a point of order, Mr. President, which is that under the rule where a motion is made to proceed to the consideration of a bill it is not amendable, and a motion can not be substituted to proceed to the consideration of some other bill.

Mr. MCCUMBER. I should like to have the Senator from Connecticut point out that rule.

Mr. BRANDEGEE. I think I can do so.

The PRESIDING OFFICER. The Senator from Connecticut appears to be correct. The rule provides:

> A motion to proceed to the consideration of any business is not subject to amendment and shall be determined without debate.

The Chair will state, however, that the point of order comes a little late.

Mr. BRANDEGEE. I have just come into the Senate Chamber and did not know what the parliamentary situation was in other respects.

Mr. SMOOT. Mr. President, a point of order can be made at any stage of the proceedings.

The PRESIDING OFFICER. Very well. The Chair rules, if the point of order be made, that the motion of the Senator from Arizona is not subject to amendment. The question is on the motion made by the Senator from Arizona.

Mr. ASHURST. On that I ask for the yeas and nays.

Mr. REED. A parliamentary inquiry, Mr. President. Is it not proper to amend the motion by moving to proceed with the calendar?

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Missouri to Rules VIII, IX, and X, which have been digested in what is called the Procedure of the Senate in this form:

> A motion to proceed to the consideration of any business is not subject to amendment and shall be determined without debate.

The reason for the rule is apparent to the Chair.

Mr. REED. Mr. President, I move to lay on the table the motion of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Missouri moves to lay on the table the motion of the Senator from Arizona. The question is on the motion of the Senator from Missouri.

Mr. ASHURST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote "nay."

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I understand from his colleague that, if present, he would vote as I shall vote on this question. Therefore I vote "yea."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the city. If he were present, he would vote "nay."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is unavoidably absent. He is paired with the senior Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the junior Senator from Massachusetts [Mr. WEEKS] and vote. I vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Florida [Mr. FLETCHER]. I transfer that pair so that the Senator from Florida will stand paired with the senior Senator from Maine [Mr. BURLEIGH]. I vote "nay."

Mr. CHAMBERLAIN (when the name of Mr. WILLIAMS was called). The Senator from Mississippi [Mr. WILLIAMS] is detained from the Senate by illness. He is paired with the Senator from Pennsylvania [Mr. PENROSE]. I make this announcement for the day.

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and vote "nay."

Mr. BRANDEGEE. I am paired with the senior Senator from Virginia [Mr. MARTIN]. Not knowing how he would vote if present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SMOOT. I desire to announce the necessary absence of the Senator from Delaware [Mr. DU PONT]. He has a general pair with the senior Senator from Texas [Mr. CULBERSON]. I will allow this announcement to stand for the day.

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH]. As he is not present, I withdraw my vote.

Mr. OVERMAN. I desire to announce the necessary absence of my colleague [Mr. SIMMONS] and to state that he has a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I will let this announcement stand for the day.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Louisiana [Mr. THORNTON] and will allow my vote to stand. I desire to announce that if the Senator from Louisiana were present he would vote "yea."

Mr. MYERS. I desire to inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator has not voted.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. WALSH (after having voted in the negative). I wish to inquire if the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Rhode Island has not voted.

Mr. WALSH I have a general pair with the Senator from Rhode Island [Mr. LIPPITT] which I transfer to the junior Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

Mr. LEA of Tennessee. I transfer my pair with the Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Illinois [Mr. LEWIS] and vote "nay."

The result was announced—yeas 14, nays, 47, as follows:

YEAS—14.

Bankhead	James	Reed	Swanson
Bryan	Kern	Robinson	Tillman
Gore	Martine, N. J.	Shields	
Hitchcock	Overman	Smith, S. C.	

NAYS—47.

Ashurst	Gallinger	O'Gorman	Smith, Mich.
Borah	Gronna	Oliver	Smoot
Bradley	Hollis	Page	Stephenson
Brady	Hughes	Perkins	Sterling
Bristow	Jones	Poindexter	Sutherland
Burton	La Follette	Pomerene	Thompson
Chamberlain	Lane	Ransdell	Townsend
Clapp	Lea, Tenn.	Root	Vardaman
Clark, Wyo.	McCumber	Shafroth	Walsh
Cummins	Myers	Sheppard	Warren
Dillingham	Nelson	Sherman	Works
Fall	Norris	Smith, Ariz.	

NOT VOTING—33.

Brandegee	Fletcher	Martin, Va.	Smith, Md.
Burleigh	Goff	Newlands	Stone
Catron	Johnson	Owen	Thomas
Chilton	Kenyon	Penrose	Thornton
Clarke, Ark.	Lee, Md.	Pittman	Weeks
Colt	Lewis	Saulsbury	Williams
Crawford	Lippitt	Shively	
Culberson	Lodge	Simmons	
du Pont	McLean	Smith, Ga.	

So the Senate refused to lay on the table the motion of Mr. ASHURST.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Arizona [Mr. ASHURST] that the Senate proceed to the consideration of Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The motion was agreed to, and the Senate resumed the consideration of the joint resolution.

[Mr. ASHURST addressed the Senate. See Appendix.]

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 254, to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes.

Mr. SHAFROTH. Mr. President——

Mr. LEA of Tennessee. I ask unanimous consent that the unfinished business be temporarily laid aside. I am ill and I do not feel like speaking to-day.

Mr. ASHURST. Much as I am devoted to my friend the Senator from Tennessee, obviously I could not consent that the unfinished business be laid aside, because then the fruit of many weary hours of labor in trying to get Senate joint resolution No. 1 to its present position would be lost. So I must object.

Mr. LEA of Tennessee. I will say to the Senator that if we shall lay aside the resolution temporarily he can proceed with Senate joint resolution No. 1.

Mr. ASHURST. The Senator from Tennessee [Mr. LEA] knows how devoted I am to him in private friendship——

Mr. LEA of Tennessee. I am sure of that.

Mr. ASHURST. But I must not by any lapse or neglect on my part allow Senate joint resolution No. 1 to lose its present position. Its present position has been too hardly won to be lost through any lapse on my part.

Mr. MYERS. Mr. President, I wish to make a privileged motion. I move that the Senate proceed to the consideration of executive business.

Mr. LEA of Tennessee. If Senate resolution 254 is not laid aside, I take it that it is before the Senate.

The PRESIDING OFFICER. It is.

Mr. SHAFROTH. Mr. President——

Mr. MYERS. I yield to the Senator from Colorado for a moment.

Mr. SHAFROTH. I desire to give notice that at the conclusion of the consideration of Senate joint resolution No. 1 and also at the conclusion of the consideration of the grain-inspection bill, which was referred to on Saturday by the Senator from North Dakota [Mr. MCCUMBER], both of which seem to be under the notices on the calendar, I shall move to take up and consider joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

Mr. ASHURST. I have the floor.

The PRESIDING OFFICER. The Senator from Montana [Mr. MYERS] was recognized to make a privileged motion.

Mr. ASHURST. I beg pardon. When Senate resolution 254 was laid before the Senate I had the floor.

The PRESIDING OFFICER. The unfinished business is before the Senate. The Senator from Tennessee was recognized when it was laid before the Senate and requested unanimous consent that it be laid aside.

Mr. GRONNA. I move that Senate joint resolution No. 1 be now taken up.

Mr. LODGE. It is not necessary to make the motion.

The PRESIDING OFFICER. The unfinished business is before the Senate.

Mr. LEA of Tennessee. I take it Senate resolution 254 is now before the Senate.

The PRESIDING OFFICER. It is, pending which the Senator from Montana [Mr. MYERS] made a privileged motion, but yielded to the Senator from Colorado [Mr. SHAFROTH] that he might give a notice which he stated. The Chair holds that the motion of the Senator from Montana must be put.

Mr. MYERS. Mr. President, a parliamentary inquiry. If this motion is put and carried what effect will it have on the various unfinished pieces of business of the Senator from Arizona, the Senator from Tennessee, and the Senator from North Dakota?

The PRESIDING OFFICER. The Chair will determine that when it is submitted to the Chair. The Chair can only rule on parliamentary questions as they are presented.

Mr. MYERS. Senators rise here every day and make parliamentary inquiries.

The PRESIDING OFFICER. Of course; but the present occupant of the chair can not anticipate and rule on questions not properly before the Senate.

Mr. GRONNA. If the Senator from Montana will yield to me for just a moment——

Mr. MYERS. I yield, as far as I am concerned.

Mr. GRONNA. I hope sincerely that the Senator from Montana will not insist on his motion to go into executive session. It seems to me we could dispose of the unfinished business in a very short time. That would place Senate joint resolution No. 1, which the Senator from Arizona [Mr. ASHURST] has so ably discussed, on the calendar as the unfinished business. After we have had the resolution of the Senator from Tennessee on the calendar as the unfinished business for several weeks, I do not believe it is fair to use it as a buffer to prevent the joint resolution which has been discussed by the Senator from Arizona, from being made the unfinished business.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. MYERS. I do, with pleasure.

Mr. SMOOT. The motion is not debatable.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Montana that the Senate proceed to the consideration of executive business.

Mr. MYERS. I make this motion as a substitute——

Mr. CUMMINS. Has the Senator from Montana yielded to me?

Mr. MYERS. I did; but the Chair seems to think that is not proper.

Mr. CUMMINS. I rose simply to state the parliamentary situation.

The PRESIDING OFFICER. The Chair will hear the Senator from Iowa.

Mr. CUMMINS. The Senator from North Dakota said that if the unfinished business were disposed of, then Senate joint resolution No. 1 would be the unfinished business. I think he is in error about that. In order to make Senate joint resolution No. 1 the unfinished business it must be taken up on motion or by unanimous consent after 2 o'clock. I hope the Senator from Arizona will move to take it up and let us ascertain

whether we would rather have that the unfinished business than something else.

Mr. GRONNA. If the Senator will pardon me just a moment, I of course meant, as I think it is understood by every Senator here, that the Senator from Arizona intends, if he is given the opportunity, to move that Senate joint resolutoin No. 1 be taken up for consideration.

Mr. SMOOT. Mr. President, I want to say to the Senator from Arizona that the motion of the Senator from Montana is a privileged motion, and all Senators who desire to defeat Senate joint resolution No. 1 from further consideration to-day and leave the unfinished business that is on the calendar, will vote for an executive session, but those Senators who want——

Mr. CLARK of Wyoming. I rise to a question of order.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana.

Mr. MYERS. I withdraw that motion and make a motion——

Mr. BRYAN. I move——

Mr. MYERS. I have the floor.

The PRESIDING OFFICER. Senate resolution 254 is before the Senate. The Senator from Montana stated to the Chair that he desired to present a motion of a privileged character, and the Chair recognized him for that purpose. That does not displace the order before the Senate. Objection having been made by the Senator from Arizona [Mr. ASHURST] to laying aside the unfinished business temporarily, it is before the Senate, and the Senator from Tennessee [Mr. LEA] is entitled to the floor.

Mr. LEA of Tennessee. I yield to the Senator from Florida [Mr. BRYAN].

Mr. BRYAN. I move that the Senate proceed to the consideration of executive business.

Mr. MYERS. Have I not the floor? I have not yielded it.

The PRESIDING OFFICER. The Senator from Montana had the floor, but he withdrew his motion.

Mr. MYERS. I want to make another motion in lieu of it.

The PRESIDING OFFICER. The Senator from Tennessee yielded to the Senator from Florida, who makes a privileged motion.

Mr. MYERS. I protest that I have never yielded the floor. I did not finish my sentence.

The PRESIDING OFFICER. But the Senator has not the floor. The Senator will permit the Chair to call attention to the fact that a Senator can not get the floor for the purpose of making a privileged motion and then withdraw it. The motion of the Senator from Florida is in order.

Mr. MYERS. Will the Senator from Florida yield to me for a moment?

Mr. BRYAN. I insist on my motion.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of executive business.

Mr. ASHURST. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the city. If he were present, he would vote "nay."

Mr. LEA of Tennessee (when his name was called). I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer that pair to my colleague [Mr. WEEKS] and vote "yea."

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS]. I do not know how he would vote on this question, and therefore I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the Senator from Arkansas [Mr. CLARKE], I transfer the pair to the Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. RANSDELL (when Mr. THORNTON's name was called). I wish to state that the senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness.

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER] and withhold my vote.

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I am informed by his colleague that he would vote as I would upon this question, and I allow my vote to stand.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. BRANDEGEE. I am paired with the senior Senator from Virginia [Mr. MARTIN] and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT]. If my colleague were present, he would vote "nay."

Mr. GALLINGER. I will inquire whether the junior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. GALLINGER. I am paired with that Senator, and for that reason withhold my vote.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON], who is absent from the Chamber, and I withhold my vote.

Mr. CLAPP (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to my colleague [Mr. NELSON] and let my vote stand.

The result was announced—yeas 26, nays 34, as follows:

YEAS—26.

Bankhead	Kern	Overman	Smith, Ariz.
Bryan	Lea, Tenn.	Page	Smith, Md.
Clark, Wyo.	Lippitt	Pomerene	Swanson
Dillingham	Lodge	Reed	Tillman
Gore	McCumber	Robinson	Walsh
Hitchcock	Martine, N. J.	Saulsbury	
James	Myers	Shields	

NAYS—34.

Ashurst	Hollis	Pittman	Stephenson
Borah	Hughes	Poindexter	Sterling
Bradley	Jones	Ransdell	Sutherland
Bristow	La Follette	Shafroth	Thompson
Burton	Lane	Sheppard	Townsend
Chamberlain	Norris	Sherman	Vardaman
Clapp	Oliver	Smith, Mich.	Works
Cummins	Owen	Smith, S. C.	
Gronna	Perkins	Smoot	

NOT VOTING—34.

Brady	du Pont	McLean	Smith, Ga.
Brandegee	Fall	Martin, Va.	Stone
Burleigh	Fletcher	Nelson	Thomas
Catron	Gallinger	Newlands	Thornton
Chilton	Goff	O'Gorman	Warren
Clarke, Ark.	Johnson	Penrose	Weeks
Colt	Kenyon	Root	Williams
Crawford	Lee, Md.	Shively	
Culberson	Lewis	Simmons	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The unfinished business, which is Senate resolution No. 254, is before the Senate.

Mr. MYERS. I move that the Senate proceed to the consideration of executive business this day at 4 o'clock p. m.

Mr. GALLINGER. I make the point of order that a motion of that kind is not in order. It can only be done by unanimous consent.

The PRESIDING OFFICER. The Senator from New Hampshire makes the point of order that the motion is not in order. The Chair sustains the point of order.

Mr. ASHURST. Mr. President——

Mr. LEA of Tennessee. Mr. President, as I understand the parliamentary situation, Senate resolution 254, that a special committee of five Senators be appointed, is now before the Senate and is the unfinished business, and Senate joint resolution No. 1, in regard to woman suffrage, is not before the Senate.

The PRESIDING OFFICER. That is correct. That is the parliamentary situation.

Mr. LEA of Tennessee. That being the case, and Senate joint resolution No. 1 not being before the Senate, I appeal to the Senator from Arizona not to interpose an objection to my

request for unanimous consent to temporarily lay aside Senate resolution 254. I have been ill. I have certain reasons which I wish to present to the Senate in support of my resolution, but I am unable to do so to-day, this being the first day that I have been out. I am physically unable to go forward with the matter. This course will not interfere at all with the status of the joint resolution the Senator has in charge, I understand.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. ASHURST. I object.

The PRESIDING OFFICER. The Senator from Arizona objects.

Mr. ASHURST. I move, Mr. President, that the Senate proceed to the consideration of Senate joint resolution No. 1.

Mr. LEA of Tennessee. I move that the Senate resolution 254 be temporarily laid aside.

Mr. LODGE. I make the point of order that that can not be done.

The PRESIDING OFFICER. The Chair holds that such a motion can not be made.

Mr. ASHURST. I insist upon my motion, most respectfully, of course.

The PRESIDING OFFICER. The Senator from Arizona moves that the Senate proceed to the consideration of Senate joint resolution No. 1.

Mr. McCUMBER. Mr. President, I renew my motion now, after 2 o'clock, as a substitute for the motion made by the Senator from Arizona, that the Senate proceed to the consideration of Senate bill 120, providing for the inspection and grading of grain entering into interstate commerce. I know the point of order was made before 2 o'clock, but it can not be made after 2 o'clock.

The PRESIDING OFFICER. The Senator from North Dakota offers as a substitute for the motion made by the Senator from Arizona that the Senate proceed to the consideration of Senate bill 120. The question is on the motion of the Senator from North Dakota.

Mr REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. REED. Would that make the bill of the Senator from North Dakota the unfinished business?

The PRESIDING OFFICER. The Chair can not at this time anticipate the ruling upon that proposition.

Mr. LODGE. If I may make a suggestion, should the motion of the Senator from North Dakota prevail a motion to proceed to the consideration of the bill, which would necessarily follow, would make it the unfinished business.

The PRESIDING OFFICER. The Chair will state that it is the impression of the present occupant of the chair, though the question, of course, is not before the Chair for determination at this time, that the adoption of the motion of the Senator from North Dakota to proceed to the consideration of Senate bill 120 would make it the unfinished business.

Mr. LODGE. There would have to be a motion to proceed to its consideration. We first vote on the motion to amend the motion of the Senator from Arizona.

The PRESIDING OFFICER. If the motion of the Senator from North Dakota is adopted the question then will be upon the motion of the Senator from Arizona as amended.

Mr. ASHURST. I ask for the yeas and nays on the pending motion.

Mr. BRANDEGEE. Mr. President, I rise to a point of order. I understand the Senator from Arizona has moved that the Senate proceed to the consideration of the constitutional amendment extending the right of suffrage to women.

Mr. ASHURST. That is correct.

Mr. BRANDEGEE. I make the point of order that that motion is not amendable.

The PRESIDING OFFICER. The Chair thinks that the motion of the Senator from North Dakota is in order at this time.

Mr. BRANDEGEE. What was his motion?

The PRESIDING OFFICER. The motion of the Senator from North Dakota is to substitute for the motion made by the Senator from Arizona that the Senate proceed to the consideration of Senate bill 120.

Mr. BRANDEGEE. I do not, of course, assume that it is of any interest to the Chair that the Senator from Connecticut does not agree with him on that question. I did not understand that a motion to proceed to the consideration of one measure could be amended by moving to proceed to the consideration of some other measure, and I make the point of order on that ground. The Senate can vote down the motion to proceed to one measure if it wishes to proceed with the other.

Mr. LODGE. Undoubtedly that is the ordinary way of proceeding, but it has been ruled to be in order to make a motion to amend. If that is in order and a motion to amend is made, of course the question is on the substitution of one measure for the other, and then must come a motion to proceed to its consideration, whichever way it is decided, whether the motion to amend is adopted or not.

The PRESIDING OFFICER. The Chair will state that motions of this character by way of a substitute are unusual; but the Chair thinks that under the rule at this time the motion of the Senator from North Dakota is in order.

Mr. BRANDEGEE. I will not appeal from the ruling of the Chair, because I can not at this minute turn to the rule, but I have it in mind that there is a general rule which forbids such a motion.

The PRESIDING OFFICER. That rule the Chair believes refers to proceedings during the morning hour under Rule IX.

Mr. GALLINGER. It has simply been the custom not to do it. There is no specific rule.

I now rise, Mr. President, to move to lay the amendment of the Senator from North Dakota to the motion of the Senator from Arizona on the table.

The PRESIDING OFFICER. The Senator from New Hampshire moves to lay the amendment of the Senator from North Dakota to the motion of the Senator from Arizona on the table.

Mr. McCUMBER. On that I ask for the yeas and nays.

The PRESIDING OFFICER. On that motion the Senator from North Dakota asks for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. The vote is on the substitute?

The PRESIDING OFFICER. The vote is on the motion of the Senator from New Hampshire to lay the amendment of the Senator from North Dakota on the table.

Mr. LODGE. Why not take a vote on the direct question? That is a more simple procedure.

Mr. BRISTOW. If the motion is carried, it does not table the original motion?

The PRESIDING OFFICER. No. The question is on the motion of the Senator from New Hampshire, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). Again announcing my pair with the Senator from Virginia [Mr. MARTIN], I will state that if I were at liberty to vote I would vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by sickness. Not knowing how that Senator would vote, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote if present, I withhold my vote.

Mr. LEA of Tennessee (when his name was called). I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. I transfer that pair to my colleague [Mr. WEEKS] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. ROOT (when his name was called). I am advised that the Senator from Colorado [Mr. THOMAS], with whom I am paired, would, if present, vote upon this question as I intend to vote. I accordingly vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Arkansas [Mr. CLARKE] and transfer that pair to the Senator from Maine [Mr. BURLEIGH]. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. FLETCHER]. Not knowing how that Senator would vote if present, I withhold my vote.

The roll call was concluded.

Mr. JAMES. While I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], I am informed that

if present he would vote as I intend to do. Therefore I feel at liberty to vote, and vote "yea."

Mr. MYERS. I transfer my pair heretofore stated with the Senator from Connecticut [Mr. McLEAN] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to my colleague [Mr. CATRON] and vote "yea."

The result was announced—yeas, 53; nays, 9, as follows:

YEAS—53.

Ashurst	James	Page	Smith, Mich.
Borah	Jones	Perkins	Smoot
Bradley	La Follette	Pittman	Stephenson
Bristow	Lane	Poindexter	Sterling
Burton	Lea, Tenn.	Pomerene	Sutherland
Chamberlain	Lippitt	Ransdell	Swanson
Clapp	Lodge	Reed	Thompson
Cummins	Martine, N. J.	Root	Tillman
Dillingham	Newlands	Saulsbury	Townsend
Fall	Norris	Shafroth	Vardaman
Gallinger	O'Gorman	Sheppard	Works
Hitchcock	Oliver	Sherman	
Hollis	Overman	Smith, Ariz.	
Hughes	Owen	Smith, Md.	

NAYS—9.

Bankhead	Kern	Myers	Smith, S. C.
Bryan	McCumber	Robinson	Walsh
Gore			

NOT VOTING—32.

Brady	Crawford	Lee, Md.	Simmons
Brandegee	Culberson	Lewis	Smith, Ga.
Burleigh	du Pont	McLean	Stone
Catron	Fletcher	Martin, Va.	Thomas
Chilton	Goff	Nelson	Thornton
Clark, Wyo.	Gronna	Penrose	Warren
Clarke, Ark.	Johnson	Shields	Weeks
Colt	Kenyon	Shively	Williams

So the motion of Mr. GALLINGER to lay the amendment of Mr. McCUMBER on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Arizona [Mr. ASHURST] that the Senate proceed to the consideration of Senate joint resolution No. 1.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Mr. ASHURST obtained the floor.

Mr. McCUMBER. Mr. President, will the Senator from Arizona yield to me in order that I may give a notice?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. ASHURST. I do.

Mr. McCUMBER. I desire to give notice that to-morrow morning, immediately after the routine morning business, I shall move to take up Senate bill 120, to provide for the inspection and grading of grain entering into interstate commerce, and I wish then to submit some remarks upon the bill.

Mr. ASHURST. Mr. President, first, I wish to express my delight upon the result of the recent friendly parliamentary skirmish, which result, it seems to me, ought to be gratifying to all who wish to make progress respecting this joint resolution, for such action has made Senate joint resolution 1 the unfinished business. I shall not at this time ask for a vote, because three or four Senators wish to discuss the joint resolution; and as I was proceeding in my remarks to say——

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. ASHURST. I yield to the Senator.

Mr. JAMES. I would suggest to the Senator from Arizona that perhaps he might be able to get a vote right now upon the joint resolution.

Mr. ASHURST. I earnestly hope that we may have a vote, and I have sent for two or three Senators who wish to speak upon the subject before the vote is taken. I am advised that they will be here in a moment. I myself am ready to vote now upon the joint resolution and have been ready to vote upon it for six months past.

Mr. JAMES. It does not seem that any Senator is in the Chamber who desires to speak, except the Senator from Arizona, and I thought there might now be had a vote upon the joint resolution.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. I do for a question.

Mr. REED. Well, I desire to make an observation, but a very short one.

Mr. ASHURST. I yield to the Senator for that purpose.

Mr. REED. Mr. President, I objected the other day to this joint resolution being made the unfinished business, and I have continued to object to its being made the unfinished business, not because I desire to obstruct its passage, but because I desire that it shall not be made the means of obstructing the passage of other legislation which is of very great importance, and which, I hope, will be disposed of, so that Congress may adjourn at a reasonable time next summer. I am perfectly willing to vote on this joint resolution to-day, and I do not think, since it has been forced in here as a matter of unfinished business, that it ought to be laid aside for a moment because Senators desire to make speeches. They have been here to assist in forcing the joint resolution as a matter of unfinished business; now let us have a vote and finish it.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

SEVERAL SENATORS. Question!

Mr. ASHURST. Mr. President, I have no desire further to consume the time of the Senate in the discussion of the joint resolution. As I have heretofore stated, I have been ready to vote on it for six months past, and am ready to vote now. There is no reason why I should further tire the Senate. I see about me Senators, whose names I am not at liberty to mention, who have told me that they wished to discuss the joint resolution. Their presence in the Chamber relieves me from the necessity of saying anything further.

The PRESIDING OFFICER. The joint resolution is in the Senate and open to amendment.

Mr. SHAFROTH. Mr. President, I should like to be heard upon this joint resolution.

When we approach a subject of such grave importance which involves the fundamentals of human liberty, as does this joint resolution, we ought to look at it from the standpoint, first, as to whether it is right; then we may consider whether it is practicable; and whether it is expedient.

It seems to me that no one who believes in the eternal truths of the Declaration of Independence can deny the principle that underlies this joint resolution. In that immortal document it was declared that all men are created equal—not in color, not in size, not in intellect, not in many of the things in this life, but equal in the rights of man. That Declaration further says that man is entitled as an inalienable right to "life, liberty, and the pursuit of happiness," and that in order "to secure these rights governments are instituted among men, deriving their just powers," not from parliaments, not from kings, but from "the consent of the governed." Inasmuch as woman is a human being, her consent never having been obtained to her disfranchisement, she is entitled, under that principle of the Declaration of Independence, to have her consent sought and obtained in the matter of legislation.

I want to read some letters which I have received relative to the charge sometimes made that dissensions are produced among men and women, husbands and wives, because of the exercise by women of the franchise. It has been contended by some of the strong opponents of equal suffrage that the very fact that women and men will be equal in the franchise will necessarily precipitate heated discussions, quarrels about politics, about parties, about candidates. I wrote a letter to each one of the judges of the district courts of the State of Colorado, and I wish to read that letter and the replies which I have received from those judges. My letter was as follows:

WASHINGTON, D. C., *February 17, 1914.*

Judge GEORGE W. ALLEN,
Courthouse, Denver, Colo.

DEAR JUDGE: There is pending in the Senate a joint resolution for a constitutional amendment granting equal suffrage to women. There has been some contention among those who are opposed to woman suffrage that the passage of such a constitutional amendment would have a tendency to produce quarrels among husbands and wives.

I would thank you very much if you would let me know whether in any divorce case which you have tried it was claimed upon either side that the cause of any dissension or disagreement among the parties to the suit originated from or was caused by differences as to politics or candidates. If there have been any such, I would thank you very much if you would indicate the proportion where such disagreements and difficulties arose as contrasted with the number of divorce cases which you have tried.

By giving me this information you will greatly oblige,

Yours, truly,

JOHN F. SHAFROTH.

(Copy to each district judge in Colorado.)

The first answer which I received to that letter is as follows:

CHAMBERS DISTRICT COURT,
Denver, Colo., February 24, 1914.

Hon. JOHN F. SHAFROTH,
Washington, D. C.

DEAR SENATOR: I take pleasure in answering your inquiry of the 17th instant.

During my experience on the bench, which has covered a period of approximately 20 years, I have never known of a divorce case among

the many as such wherein it was claimed or suggested that political differences in any manner had been the cause of troubles between husband and wife. I know of no divorce case brought in the court wherein it was claimed or alleged upon either side that political differences had caused any dissensions to disturb the marital relations between husband and wife.

Universal suffrage has existed by law in our State since 1893.

Sincerely, yours,

GEO. W. ALLEN,
Judge, District Court.

I have received the following letter from the judge of the district court at Montrose, Colo.:

CHAMBERS, DISTRICT COURT,
SEVENTH JUDICIAL DISTRICT,
Montrose, Colo., February 24, 1914.

Hon. JOHN F. SHAFROTH, *Washington.*

MY DEAR MR. SHAFROTH: In no divorce case that I have tried has there been any suggestion or claim on either side that any dissension, disagreement, or misunderstanding was caused by or originated in connection with any differences as to politics or candidates.

Yours, truly,

T. J. BLACK.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Idaho?

Mr. SHAFROTH. I do.

Mr. BORAH. Is difference of political views a ground for divorce in Colorado?

Mr. SHAFROTH. No, sir; it is not; but cruelty, disputes, and difficulties, and striking or beating would be; and it has been claimed upon the part of some that giving equal suffrage to women would create dissensions, difficulties, and disputes between husband and wife, which would produce a condition of affairs that might be made a cause of divorce. Cruelty by physical violence unquestionably would be a ground for divorce, and probably abuse would also be a ground for divorce.

Mr. BORAH. Mr. President, there is another feature of this subject which, perhaps, does not pertain to the particular point which the Senator is discussing, and I will not interrupt the Senator now, but before the Senator closes, there is one feature of this matter to which I should like to direct his attention after he has passed the letters which he is now reading.

Mr. SHAFROTH. Very well. Here is a letter from the judge in the ninth judicial district.

DISTRICT COURT CHAMBERS,
NINTH JUDICIAL DISTRICT,
Glenwood Springs, Colo., February 24, 1914.

Hon. JOHN F. SHAFROTH,
Washington, D. C.

MY DEAR SENATOR: I beg to acknowledge receipt of your letter of inquiry of recent date as to whether or not in any divorce case which I have tried, it was claimed upon either side that the cause of any dissension or disagreement among the parties to the suit originated from or was caused by differences as to politics or candidates.

In reply I wish to say that during the 13 years I have been upon the bench in this judicial district, embracing five counties, no such claims or causes have been alleged, and not a scintilla of evidence has been given in any case even hinting at such causes.

At the beginning of my residence in Colorado, way back in 1877, fresh from my old home in Virginia and imbued with the ideas then existing there, I was opposed to equal suffrage to women; in fact was very critical about the matter. A careful study, however, changed my views entirely. I think that I have given the matter a great deal of thought and have followed the subject closely in other States as well as in this, notably in Utah, where the public discussion was acrid and most interesting, and some brilliant and able minds clashed in debate; yet, so far, I have failed to see any of the dire results obtaining as predicted. Hence, having this matter almost continually in mind, I certainly would remember had any such allegations been made or any such evidence been given in any case tried before me.

Very respectfully, yours,

JOHN T. SHUMATE.

I have another letter from one of the district judges of the city of Denver, John H. Denison, which is as follows:

CHAMBERS, DISTRICT COURT,
Denver Colo., February 21, 1914.

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of February 17 is just at hand.

I do not recollect any divorce case in which it was claimed upon either side that the cause of any dissension or disagreement between the parties to the suit originated from or was caused by differences as to politics or candidates.

Very truly, yours,

JOHN H. DENISON, *Judge.*

I have a letter from the judge of the thirteenth judicial district of Colorado, as follows:

JUDGE'S CHAMBERS,
Sterling, Colo., February 24, 1914.

Hon. J. F. SHAFROTH,
Senate Chamber, Washington, D. C.

DEAR SENATOR: I am in receipt of your letter of February 17.

I do not recall any divorce case tried before me in which it was claimed on either side that the cause of any dissension or disagreement between the parties to the suit originated from or was caused by differences as to politics or candidates.

Very truly, yours,

H. P. BURKE.

I have the following letter from the judge of the eighth judicial district:

EIGHTH JUDICIAL DISTRICT OF COLORADO,
Fort Collins, Colo., February 23, 1914.

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

MY DEAR FRIEND: I am in receipt of your communication of February 17 relative to the woman suffrage constitutional amendment now pending in Congress, and in answer to your inquiry I desire to say that during my experience on the bench and also as a practitioner it has never been claimed or advocated by either the plaintiff or the defendant in a divorce proceeding in this State that either party caused the domestic trouble through political activity, and I have never known of a case, either from personal knowledge or hearsay, where the difference of political opinion or the preferment of candidates between a wife and a husband has ever caused domestic trouble in this State.

With kindest of personal regards, I remain,

Very respectfully,

NEIL F. GRAHAM.

I have one from the judge of the fourth judicial district, at Colorado Springs, as follows:

DISTRICT COURT CHAMBERS,
FOURTH JUDICIAL DISTRICT,
Colorado Springs, Colo., February 21, 1914.

Hon. JOHN F. SHAFROTH,
Washington, D. C.

MY DEAR SENATOR: Your letter of the 17th instant at hand and noted.

I was judge of the county court of El Paso County for four years and have been on the bench in the district court for something over one year. During that time I have tried something over 200 divorce cases. I have heard the proposition you suggest concerning woman suffrage put forth many times, and have therefore watched carefully in divorce cases for something of the kind to crop out. I have never tried a divorce case in which the testimony showed or the circumstances indicated that any dissension or disagreement between the parties in their domestic affairs arose from politics in any way. I think the contention is wholly without foundation. In any event, these matters do not show up in divorce litigation in this State.

Yours, very truly,

J. E. LITTLE.

I have the following letter from another judge of the fourth judicial district:

DISTRICT COURT CHAMBERS,
FOURTH JUDICIAL DISTRICT,
Colorado Springs, Colo., February 21, 1914.

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of inquiry bearing date February 17 received.

I am now serving my eighth year as district judge of this district. I have heard many divorce cases and granted many divorces under our law. I have never heard any evidence in any case where the matters complained of were shown to have been the result, either directly or indirectly, of woman suffrage in Colorado.

Very truly, yours,

W. S. MORRIS.

I have one from another district, the twelfth, from Alamosa, Colo., in another part of the State, which is as follows:

CHAMBERS, TWELFTH JUDICIAL DISTRICT,
Alamosa, Colo., February 22, 1914.

Hon. JOHN F. SHAFROTH,
Washington, D. C.

DEAR SENATOR: I have your letter of the 17th instant inquiring concerning political differences in Colorado as a cause of quarrel resulting in divorce, and in answer will say, in more than 22 years as sole judge of the district court of the twelfth judicial district of the State of Colorado, embracing, for a time, five counties, but now six counties, I have never had a divorce case of which I have any recollection in which it appeared that the cause of separation resulted from political differences of husband and wife.

I believe there has been no such case in my district.

Very truly, yours,

C. C. HOLBROOK.

I have another letter from another one of the district judges in Denver, which is as follows:

CHAMBERS DISTRICT COURT,
Denver, February 21, 1914.

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

DEAR SENATOR: Your letter of February 17, 1914, was duly received.

I have been one of the district judges of this district since January 14, 1913, and have had my share of divorce cases. In response to your inquiry, I will say that it was never claimed by either side in any of these cases that the cause of dissension or disagreement between the parties originated from or was in anywise caused by differences as to politics or candidates.

I talked with Mr. Richard Ryan, who has been my division clerk since I was elected, who for four years previous thereto was the division clerk of the county court. He tells me that in his whole experience as a clerk he never knew or heard of any divorce case originating in or being in any way due to any differences of political opinion of the plaintiff and defendant.

Very respectfully,

JOHN A. PERRY.

Here is a letter from a judge in the Trinidad district, the third judicial district of the State of Colorado:

DISTRICT COURT CHAMBERS,
THIRD JUDICIAL DISTRICT OF COLORADO,
Trinidad, Colo., February 21, 1914.

Hon. JOHN F. SHAFROTH,
Senate Chamber, Washington, D. C.

DEAR SENATOR: I am in receipt of your favor of the 17th instant, requesting information as to whether or not in any divorce case which I have tried it was claimed upon either side that the cause of the dissension originated from or was caused by differences as to politics.

Responding thereto beg leave to advise that not only has that situation not obtained in any divorce case which I have tried, but in 15 years' almost continuous presence in the district court of this district in one capacity or another I have never heard of a divorce action where any such contention was made.

Yours, truly,

A. W. McHENDRIE.

I have a letter from Judge James H. Teller, brother of the late Senator Teller, formerly a distinguished Member of this body. Judge Teller is in the Denver district. His letter is as follows:

CHAMBERS, DISTRICT COURT,
Denver, Colo., February 21, 1914.

Hon. JOHN F. SHAFROTH,
Senate Post Office, Washington, D. C.

MY DEAR SENATOR: Replying to yours of the 17th instant, I beg to say that in no divorce case of which I have any knowledge has it appeared that political differences between husband and wife have existed. After 10 years' residence in this State I may say that I have never heard of family quarrels growing out of the fact that husband and wife entertained different political views. I know of many instances in which husband and wife voted different tickets, and have heard the differences discussed, but never have heard that such differences led to quarrels. The idea seems to me to be ridiculous. If the opponents of woman suffrage have no better argument against it than that, they are certainly in a bad way.

Yours, very truly,

JAMES H. TELLER.

I have another from the judge of the fifth judicial district, the Leadville district, which is as follows:

LEADVILLE, COLO., *February 21, 1914.*

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your favor of the 17th instant with reference to equal suffrage and its effect upon the disposition of those joining therein duly received and noted.

There have been quite a number of divorce cases before me since I have been upon the bench—that is, for something over seven years last past—and so far as appeared from the testimony in those cases, and so far as I know, equal suffrage or political differences had nothing to do with the disagreements and troubles in any of the cases which came before me, nor have I heard of a case in Colorado where lack of domestic bliss was caused by reason of political differences engendered by equal suffrage.

Yours, very truly,

CHARLES CAVENDER.

I have here a letter from the judge of the district court of the eighth judicial district of Colorado—Judge Robert G. Strong—which reads as follows:

DISTRICT COURT CHAMBERS,
EIGHTH JUDICIAL DISTRICT OF COLORADO,
Greeley, Colo., February 23, 1914.

Senator JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

DEAR SENATOR: In no divorce or matrimonial case before me, neither by information concerning any case in this district in the past 12 years of my residence here, have I ever heard of an allusion to political differences between husband and wife as being a cause or contribution toward any marital differences brought to court.

Therefore I would say that equal suffrage has not occasioned any percentage whatever of matrimonial differences brought to court.

Cordially, yours,

ROBERT G. STRONG.

I have here a letter from the judge of the first judicial district of the State of Colorado:

JUDGE'S CHAMBERS, DISTRICT COURT,
Brighton, Colo., February 22, 1914.

Hon. JOHN F. SHAFROTH,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Replying to your inquiry of the 17th instant with reference to the effect of granting equal suffrage to women upon domestic infelicity, I wish to say that no case involving separation or divorce has come to my knowledge in which the cause of action was in anywise induced by differences concerning politics, candidates, or parties.

During the four years I was county judge I assisted the county judge and Judge Lindsey the greater part of the time in Denver, and I granted during that period over 500 decrees in divorce. I am quite positive that in all of these cases no such thing as differences over politics was even hinted at. Many domestic troubles were also aired before me while sitting for Judge Lindsey in the juvenile court, and the same is true of those matters. This is true, also, of my experience as district judge.

I feel that I can state the foregoing as a fact, for if such a thing as politics or woman suffrage had been referred to it would have been so startling as to leave a vivid impression.

Sincerely, yours,

H. S. CLASS,
District Judge, First District.

Mr. SMITH of Arizona. Mr. President, would it interrupt the Senator if I should ask him a question?

Mr. SHAFROTH. Not at all.

Mr. SMITH of Arizona. In view of the universal judgment of all these courts as to equal suffrage having no effect whatever on the felicities of the married life, I was curious to know, if the Senator had the information at hand, whether or not in Colorado, with woman suffrage, the ratio of divorces to the population in the State is any greater than in similar States about it which do not have woman suffrage. In other words, does Colorado have a greater ratio of divorces to population than the other States?

Mr. SHAFROTH. I have not the exact figures with which to answer that question. Of course there are a great many persons who go to Colorado, as they have gone to all the Western States, to file applications for divorce. Their purpose is to avoid the publicity which would cause great scandal in their home cities in the East and in the other parts of the United States. Therefore if the percentage be a little higher, it is not caused by woman suffrage.

Mr. SMITH of Arizona. That is what I wanted to bring out, for fear that while the courts never have given this as one of the causes, probably that statement might be met by the assertion that there were a greater number of divorces. I wanted the explanation from the Senator so as to show the reason.

Mr. SHAFROTH. I can not say that there is a greater number of divorces. I doubt it very much. I never have compiled the statistics with relation to it; but, if there are any more, it is due to the fact that people come there to obtain divorces, and thus avoid the attendant publicity and scandal in their home States.

Mr. SMITH of Arizona. I wanted that explanation, and that is the reason I asked.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. SHAFROTH. I yield to the Senator from Wyoming.

Mr. WARREN. Even should the Senator admit that there are more divorces, would he not also claim the fact to be that divorce has increased in many States where there is not woman suffrage?

Mr. SHAFROTH. I do not believe there has been any greater increase in divorce cases in the State of Colorado than in other parts of the Union.

Mr. SMITH of Arizona. I was of that opinion myself, and that is the reason I was asking the Senator.

Mr. SHAFROTH. Some of the States do not permit divorce at all; but amongst the States having divorce laws I am convinced that there is no greater proportion in the State of Colorado than in other States; but if there be a greater proportion it is due, as I stated, to persons coming out West and securing divorces in order to avoid the publicity at their homes.

Mr. WARREN. Mr. President, may I ask the Senator from Colorado another question?

Mr. SHAFROTH. Yes; I yield to the Senator.

Mr. WARREN. Does the Senator himself know of a single case where it has been even alleged that difficulties resulting in an application for divorce have arisen through the voting of women, or through politics?

Mr. SHAFROTH. I will state to the Senator that while I was governor of the State of Colorado, I asked nearly every judge I met whether he had ever heard of a case of that kind, and the uniform answer, just like these answers here, was that he had never even heard that disputes arose between husband and wife because of the elective franchise being given to women.

Mr. WARREN. If the Senator will permit me further, I wish to say that, so far as Wyoming is concerned, which adopted equal suffrage in 1869, I have lived there during the entire time since and, just as the Senator has filled the office of governor in Colorado I have filled the office of governor in Wyoming, both as a Territory and as a State, and I never even heard of a case in Wyoming where the allegation was made that differences growing out of equal suffrage were a cause for divorce. In fact, I am only wondering, as the Senator reads these letters, where the question should have originated or why it should be asked, for in my State there is no cause for even asking those questions. It is understood that equal suffrage does not lead to divorce in any way.

Mr. SHAFROTH. I will state to the Senator, further, that I have never even heard of difficulties between husband and wife tried in the police courts of the city of Denver, or other places, where it was ever alleged that the dissensions or the differences or the disputes arose over politics or parties or over candidates for office.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. I do.

Mr. BRYAN. The Senator from Colorado says that in his opinion many people come into the State of Colorado to get divorces there in order to avoid the notoriety of the proceedings at home. What length of residence is required in Colorado?

Mr. SHAFROTH. One year's residence is required before an action can be brought.

Mr. BRYAN. Do women in Colorado vote in about the same proportion as men?

Mr. SHAFROTH. Nearly so.

Mr. BRYAN. Will the Senator give us the percentage, if he can?

Mr. SHAFROTH. I think I can give the Senator some of the figures, at least. There is no perfect tabulation kept in all of the counties of the State showing the number of women who vote and those who do not. I think the percentage is that about 80 per cent of women vote and about 83 per cent of men vote. I can not find at the moment exactly what I want.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. SHAFROTH. I do.

Mr. BORAH. We have had equal suffrage in the State of Idaho for some twenty-odd years, and, while I have no exact figures before me, upon some questions a larger percentage of women, in my opinion, vote than of men. Of course those are largely what might be called moral questions, or quasi-moral questions. Upon the purely political questions the percentage of women, in my judgment, who vote is slightly less than that of men, but there is not any considerable difference in either instance.

Mr. SHAFROTH. I will say to the Senator that I have here figures from Denver in regard to the election of 1908, which was a presidential year. We have a registration system there in which it is supposed that nearly all of the women register. The number of women who registered that year was 35,620, and of that number 29,085 voted.

As I say, this was in the election of 1908. I have similar figures as to the vote and the registration of men. There were 41,530 men who registered in the city of Denver, and of that number 36,891 voted.

The percentage of women who voted, according to this, is about 80 per cent, and the percentage of men who voted is about 83 per cent. There are more men than women in the State of Colorado, and for that reason the vote of men is larger than the vote of women.

Mr. BRYAN and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and to whom?

Mr. SHAFROTH. I yield to the Senator from Florida.

Mr. MARTINE of New Jersey. If the Senator will permit me, I only wish to know approximately what the population of the city of Denver is?

Mr. SHAFROTH. The population of the city of Denver is about 213,000.

Mr. MARTINE of New Jersey. Is not that an exceedingly large registration?

Mr. SHAFROTH. No. Considering that both men and women vote, all over 21 years of age, it is about from 1 to 2½, or between 1 to 2 and 1 to 2½.

Mr. BRYAN. Can the Senator tell me, for the election of 1912, how many women in Colorado were of voting age?

Mr. SHAFROTH. I can not tell the Senator that, because most of the counties do not keep such a record.

Mr. BRYAN. Can the Senator tell me how many voted in 1912?

Mr. SHAFROTH. Yes; I think approximately 275,000.

Mr. BRYAN. Two hundred and seventy-five thousand women?

Mr. SHAFROTH. No; men and women.

Mr. BRYAN. How many women voted?

Mr. SHAFROTH. As I stated, very few of the counties keep a record of the vote of men and women; but approximately the same proportion voted in the other counties as voted in the city of Denver.

Mr. BRYAN. I notice that in Colorado failure to provide support is one of the grounds for divorce.

Mr. SHAFROTH. Yes, sir.

Mr. BRYAN. Is it any defense in a proceeding of that kind to show either that the husband was unable to support the wife or that the wife had property of her own and did not need the support of her husband?

Mr. SHAFROTH. I think if that condition were shown a divorce would not be granted.

Mr. BRYAN. But under the terms of the statute one of the grounds of divorce is neglect to provide support. I ask the Senator the question because I suppose perhaps there has been some construction of that statute.

Mr. SHAFROTH. I do not remember a case of that kind; that is, unless the party absolutely failed to provide when he should have provided. Of course, there are always exceptions in the case of men who are not able-bodied. You could not force a crippled man to support a wife.

Mr. SUTHERLAND. Mr. President, does not the statute say that it must be a willful failure to provide? Is that not the language of the statute?

Mr. SHAFROTH. Oh, yes. It could not be a failure through inability.

Mr. BRYAN. In Colorado you have property rights of married women. They own their property?

Mr. SHAFROTH. Absolutely; the same as men.

Mr. BRYAN. The same as men. Suppose a woman had property which would yield her a good support and her husband failed to provide a support for her, although he also had ample means to support her, could she get a divorce upon the ground that he failed to provide support for her, although she had her own property, and could support herself out of it?

Mr. SHAFROTH. I do not know; I can not say whether that could be done or not. My impression would be that if she had ample means, and it were unquestioned, she would not be entitled to a divorce. Generally there is a question concerning it, and in such cases, of course, the matter is presented to the court.

Mr. BRYAN. Of course the Senator knows that a great many divorces are granted in this country on the ground of failure upon the part of the husband to support his wife. Colorado is one of the States where that is done. In a great many other States it is no ground for divorce that the husband fails to support the wife, but it is a ground to apply to the court and have an order issued compelling the support of the wife.

Mr. SHAFROTH. We have the same remedy in Colorado.

Mr. BRYAN. No; the remedy in Colorado, as I understand, goes to the extent that a divorce will be granted.

Mr. CLAPP. They have both remedies.

Mr. SHAFROTH. It may go to that extent; but it also goes to the extent of granting alimony without divorce.

Mr. BRYAN. The Senator knows, does he not, that where that ground of divorce exists more divorces, perhaps, are granted upon that ground than upon any other?

Mr. SHAFROTH. Oh, I think not. I do not think one-tenth of the divorces are granted upon that ground.

Mr. BRYAN. My recollection is that more divorces are granted on the ground of desertion than upon any other ground; the next largest number upon the ground of cruelty; and the next largest number upon the ground of failure to provide support.

Mr. SHAFROTH. Perhaps that ground may be third in the ratio, but I think desertion is the ground on which most divorces are granted.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. SHAFROTH. I do.

Mr. KERN. The letters read by the Senator from Colorado indicate that a very large number of divorces are granted in Colorado; that there is a vast amount of domestic infelicity. One letter there shows that one judge alone, in a limited space of time, granted 500 divorces.

Mr. SHAFROTH. That was in four years, in the city of Denver, in the county court. They have a large number, of course.

Mr. KERN. I was not through with my question. It seems to me the statement made in all these letters that in all the divorce cases that have been tried in Colorado since woman suffrage was adopted the question of political difference never has been mentioned in the case, and that it is in no wise responsible for the infelicity or trouble, would seem to indicate that the husbands and wives voted the same way and that, because of their agreement, there was no room for contention.

Mr. SHAFROTH. No; I do not think that necessarily follows. It simply shows the liberality of the people out there in recognizing differences of opinion, and that they respect the opinions of each other, although the wife may not vote for the same person that the husband does.

Mr. KERN. Does the Senator say that in Colorado, in political campaigns, husbands and wives do disagree and do discuss the political issues of the day?

Mr. SHAFROTH. Not in public, usually.

Mr. KERN. No, no; in their homes?

Mr. SHAFROTH. Oh, I do not know. I do not go around to their homes.

Mr. KERN. No, no; but as a matter of general information, does the Senator understand whether or not husband and wife who disagree—for the Senator says they do disagree——

Mr. SHAFROTH. Not in every instance, of course.

Mr. KERN. No; but I should think it would be valuable information to know whether, in those cases where they disagreed, they discussed in heated campaign times the issues

of the day. I was going to say that if they did, if husbands and wives in Colorado go through political campaigns disagreeing and discussing their political differences up to the time of election and no domestic infelicity grows out of it, then they are the sweetest-tempered lot of people there are in America.

Mr. SUTHERLAND. Mr. President, will the Senator from Colorado permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I do.

Mr. SUTHERLAND. I have lived in an equal-suffrage State for 20 years. We adopted equal suffrage in 1896. My observation is that, generally speaking, husband and wife do agree about political matters, in precisely the same way that they belong to the same church and agree about church matters, and just the same as father and son agree, as a usual thing, though not always.

There is not anything remarkable about that. Indeed it would be rather remarkable if the opposite condition existed. They are man and wife, living together, very largely taking the same viewpoint upon matters generally, agreeing in their literary tastes and in their church affiliations. Therefore it seems to me it would be rather remarkable if there were to any considerable extent any disagreement among them.

There are occasional differences, but no more serious consequences follow from those differences about politics than follow from the occasional differences about other things. Husband and wife differ in matters of taste, and differ from time to time about a great variety of things; but if they are self-contained people no harm results from those differences, and if they are self-contained people no harm results from their differences about political matters.

The family grows up together. The father and son agree in the main about political matters and church matters. Brothers of the same family are all Republicans or all Democrats; and it is the unusual rather than the usual thing for differences to exist.

Mr. SHAFROTH. I will state to the Senator from Indiana that the differences between husband and wife in regard to voting for candidates arise very largely out of the fact that the man is not so strict as the woman in requiring moral conduct upon the part of the candidate.

I should like to cite an illustration as to woman's power in politics and as to her discrimination.

We have out there a judge of the juvenile court named Judge Lindsey. At the close of his first term he began to plan for reelection. Being a Democrat, he wanted the nomination from the Democratic convention, but when he presented his claims there they turned him down. It seems that he had created antagonisms through publication of his book the "Beast and the Jungle," and many of the people in politics were arrayed against him. Holding that his was a nonpartisan office, he went over to the Republican convention and tried to get the indorsement of that party. They, too, having been alienated by his book in the same manner, declined to nominate him. As he had served as judge of the juvenile court in a most creditable manner, he had the support of the women almost unanimously, and he therefore concluded to run independently. He had no ticket upon which to run. He had no governor to head his ticket. He had no candidates for other offices. It was purely a ticket for Ben Lindsey. What was the result? Although the Democrats nominated a good man, and although the Republicans nominated a good man, when the ballots were counted Judge Lindsey had 10,000 votes more than both of the other candidates combined.

Mr. CLAPP. And domestic peace still prevailed in Denver, as I understand?

Mr. SHAFROTH. Yes; domestic peace still prevailed there.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Yes, sir.

Mr. SUTHERLAND. As I have already said, we adopted woman suffrage in Utah in 1896, nearly 20 years ago. Before its adoption as a part of the constitution there was very strenuous objection to it. A great many people looked with apprehension upon the experiment; and I presume the same was true in Colorado, when it was adopted there, and in these other States.

Mr. SHAFROTH. There is no doubt of it.

Mr. SUTHERLAND. Equal suffrage has been in operation now in these four Rocky Mountain States for from 20 to nearly 50 years—nearly 50 years in Wyoming. Generally, when a thing works badly in any community some people are found who will object to it and want to change the situation. In my own State during those 20 years there never has been a suggestion from anybody, so far as I know, to go back to the old condition of affairs. Woman suffrage is accepted there as the normal condition, and for anybody to suggest that the women should be deprived of their right to vote would be resented quite as much as a suggestion to deprive the men of the right to vote.

I desire to ask the Senator from Colorado whether or not the same situation prevails in his own State?

Mr. SHAFROTH. I will state to the Senator that I made an inquiry of a State senator of Colorado who had been in the senate for a number of years as to whether there ever had been introduced a joint resolution or a bill or a senate resolution or any other kind of a resolution proposing to resubmit to the people the question of woman suffrage. He told me that there never had been one even introduced. Three years ago a man was elected who asserted that he proposed to repeal the woman-suffrage constitutional amendment. He gave out interviews as to what he was going to do, and they were published all over the East as making it certain that Colorado was going to repudiate woman suffrage. At that time my attention was called to it, and I made the prediction that he would never introduce the resolution, no matter what he was then saying. He did not make this declaration until after the election. For the first month after the election the newspapers were filled with stories and interviews concerning his plans. About the 1st of December he said he had not found so much encouragement as he had expected, but he thought he could get it through; by the 1st of January he concluded that it was impossible to get it adopted; and when the legislature met, about the 10th day of January, he could not find a single senator or representative to support his resolution, and he never introduced it.

The truth of the matter is that women have been upon the moral side of every question presented. It is absurd to think that they will contaminate politics. We know as a matter of fact that when any moral question is an issue before the people we find the women upon the moral side.

Why should we fear these women voters? Who are they? They are our mothers, our sisters, our wives, our daughters. Do we believe that they would be more corrupt in politics than we are? Can you find a single man who would think that they would not stand guard for good laws and moral conduct as well as men? It is absurd to think that women would have an impure influence upon politics.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. SHAFROTH. I do.

Mr. BRISTOW. I wanted to inquire of the Senator if it has not been a fact in his own State that the presence of women at the polls has made the conduct of men there much more creditable than before the woman-suffrage amendment was adopted?

Mr. SHAFROTH. I will state to the Senator from Kansas that when I first went to the State of Colorado at election times the polls swarmed with men peddling tickets. Some were intoxicated and others were soliciting for this candidate and for that. The polls were not considered good places for any person; but since woman suffrage has been extended in the State of Colorado we have no crowds there. We have passed a law which prohibits men and women from coming within 100 feet of the polls except for the purpose of voting, and it is a misdemeanor to solicit the vote of a person within that hundred-foot limit.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. SHAFROTH. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. The little Commonwealth of New Jersey without woman suffrage passed a similar law. They are not allowed to come within 100 feet of a polling place; they are not allowed to pull men in. We have the same moral conduct that you have, and it is done without the women voting.

Mr. SHAFROTH. I am glad of it.

Mr. MARTINE of New Jersey. I want to say to the Senator who speaks of our sisters, our mothers, and our wives that my mother did not want to vote, thank God. My sisters, and I have four of them, have never been solicitous in the matter of voting in New Jersey. My dear wife to-day stands forth as one who believes that woman suffrage would be an evil to her sex and a detriment to the well being of the community in which she lives.

The Senator's letters, a large number of them, prove only that voting does not seem to promote divorce, but there is not a word in any of them that declares that the general welfare

and the morals of the community in which the writer lives have been enhanced because of the fact that women vote.

Mr. SHAFROTH. I want to say to the Senator that you may take any of the moral questions that come before the legislatures of the States—legislation that makes for the uplift of child life and things of that kind—and you will find that the women are invariably in favor of it.

Mr. MARTINE of New Jersey. That is true; but New Jersey stands in the forefront in that line of legislation, and no woman has voted there. The women have been safeguarded on all sides in the Commonwealth of New Jersey and generally in this country where they have not been voting.

Mr. SHAFROTH. There is not any question but that in the entire world we are getting better laws.

Mr. MARTINE of New Jersey. There is no doubt about it.

Mr. SHAFROTH. But what right have you to say that because you have control of the ballot you will not let anybody else have the right to vote? How would you like to have some one else say, "I will not let you vote"?

Mr. MARTINE of New Jersey. I am standing by the right guaranteed by the Constitution of my country.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oklahoma?

Mr. SHAFROTH. Yes; I yield.

Mr. OWEN. I merely wish to remind the Senator from Colorado that he might recall the history of the State of New Jersey, in which he would discover that when the State of New Jersey came into the Union of States the women had the right to vote.

Mr. MARTINE of New Jersey. The Senator from New Jersey is entirely conscious of that fact.

Mr. SHAFROTH. Mr. President, it is immaterial whether New Jersey had woman suffrage or whether New Jersey wants it; here is a fundamental human right which should be considered and determined solely from the standpoint of justice. It is true that the courts have held that it is a privilege instead of a right; but how would the Senator like to have the women take possession of the Government and say that the question of male suffrage is purely a question of privilege and not a question of right? It seems to me that when the men usurp power and determine that they only are entitled to vote they are doing that which is unjust.

It has been said that all powers of government are either delegated or assumed; that all powers not delegated are assumed; and that all assumed powers are usurpations. Where did men get the right to assume the exclusive power to vote; that they alone shall vote and make all the laws, not only to govern themselves but to govern women? Where did they get that right? Was it ever delegated to them by the women? No; that was never done. You can not find it in any vote ever taken or any expression ever given. Therefore, if it was not a delegated power it was an assumed power, and, as all assumed powers are usurpations, it was a usurped power. That being the case, it seems to me that you can not in justice deprive women of the right to vote because of the usurpation of that right by men.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Kansas?

Mr. SHAFROTH. I yield to the Senator from Kansas.

Mr. BRISTOW. If it will not disturb the Senator, I should like to suggest that in the State of Kansas for many years the women have had the right to vote at municipal elections, and whenever the question was the enforcement of laws against vice woman has always been on the side of the strict enforcement of the law. Time and time again candidates for office, regardless of the ticket upon which they might be, who were in favor of clean communities, clean towns, and the enforcement of the laws against vice, have been elected by the preponderance of the woman vote. It is not uncommon for women—wives, mothers, and daughters—to vote against the male members of their families on moral issues, as the Senator has said, and the result has always been better government for the communities where they participate in the elections.

Mr. SHAFROTH. Unquestionably. That has been the experience in our State. I want to say to the Senator that the very attitude of women with respect to candidates and to their moral conduct impels political parties to put up better men for office. Let it be known that the women will vote against a man of immoral character and you will find that such men will be retired from political life. As a matter of policy, if for no higher reason, leaders of political party organizations will fear to affront the women voters. Their verdict upon a prospective candidate of doubtful character will be: "The women will be against us and we can not put him up," and the order of dismissal is entered. That is one of the benefits which comes from woman suffrage.

I wish to say that the theory that woman contaminates politics and contaminates the ballot is something that is unthinkable. It is untrue. Whenever a statement is made in the press anywhere that a woman has been detected in committing any fraud at an election it is heralded all over the country, published with great headlines, and the entire story is advanced as a great argument against woman suffrage. But no consideration is given to the fact contained in the very story which was sent across the wires that ten times as many men were implicated in the same fraud. No mention is made of the men. Why should people go into hysterics because 1 woman is convicted or is caught in a fraud when 10 men were in the same fraud, and the chances are 10 to 1 that in order to hide their own guilt they put up the woman to do the work to divert suspicion from themselves?

Mr. MARTINE of New Jersey. I want to say, Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from New Jersey?

Mr. SHAFROTH. I yield.

Mr. MARTINE of New Jersey. I have not had my attention called to such statements, nor have I heard the assertion that woman would contaminate politics, but the fear has been that politics will contaminate woman. I fear that. I want woman as my mother was. I would rather have the mild, tender voice of my mother bidding me, as my father did, to vote whenever the Commonwealth gave me the privilege to vote linger in my ears than to hear the high, shrieking voice of woman around the polls dragging her sisters to the ballot box. I believe that better results would come to the community, I believe that grander results would come to this country, if woman should be left in her sphere to nurture and train the youth, to take care of her home and household, to minister to the wants and needs of her home, rather than be hawking around the polls on election day.

Mr. SHAFROTH. Mr. President, if shrieking and hawking at the polls——

Mr. MARTINE of New Jersey. I have heard it in Denver, Colo. I remember on one occasion when I was there and an election was taking place I asked a New Jersey man who had lived there 25 years, with a wife from my own neighborhood, "Is the voting here purifying politics? Is bribery and corruption gone since woman votes?" Said he, "Let me show you that flaxen-haired maiden yonder. See her pleading with her sisters. In due time you would see the money pass if you should go close enough."

The testimony of women whose names I could mention in Colorado, in Denver, is to the effect that there has not been a glorious picture of eternal sunshine and happiness since women have voted there, but that the reverse is true, and that woman should be left in her sphere to minister kindly to your needs and your wants and to do works of virtue and charity, and she will have greater power away from the polls than within the polling precinct.

Mr. SHAFROTH. Mr. President, I have lived in the city of Denver 34 years. Twenty years of that time we have had equal suffrage. I have never heard the shrieks of women at any of the polling places, and I have often visited nearly every polling place in the city of Denver during many elections. I want to say that if the conditions existed which the Senator has described it was in the red-light district of the city.

Mr. MARTINE of New Jersey. Why does not woman suffrage correct, abolish, and banish that from the face of the earth? The men in the Senate of the United States have abolished your "red-light" district in Washington, D. C., without the interposition of women.

Mr. SHAFROTH. The Senator asks why, since women vote, they do not abolish the "red-light" district in the city of Denver. I will ask him why the men did not do it, when they had the reins for 20 years before women voted. They now have the reins to the extent of there being only 3 women in the legislature, as contrasted with 97 men. Why do not the men do it? Why do they not do it in New Jersey, I should like to ask the Senator.

Mr. MARTINE of New Jersey. We are doing the best we possibly can.

The PRESIDING OFFICER. The Senator from New Jersey will address the Chair.

Mr. MARTINE of New Jersey. Mr. President, if the State of Colorado will come as near God's line of common decency and justice and humanity as the little Commonwealth of New Jersey, there will be no fault to find. We have furnished you many things that are models in this way. Finally and last, we have furnished you a President of the United States who is a

source of profound admiration for every man, woman, and child in this broad land

Mr. SHAFROTH. Mr. President, I fully concur in the eulogy which the Senator has made upon the President of the United States, but I hardly see what that has to do with the question of woman suffrage. You have good men in the State of New Jersey. There are good men in every State in the Union. The question is whether you are going to imprcve conditions. The men have had control of the States in the Union for years and years, and yet the very evils to which the Senator refers existed in their time and exist now where men are in the entire control of the States. There is not a State in the Union that is not controlled by the men to-day. Even though women vote in some of the States, the number in office in those very equal-suffrage States is relatively small. You will find that where there is one woman holding an office she is among those who pass and execute the laws as one to ten.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. I yield.

Mr. BRYAN. The Senator has had woman suffrage in his State for 21 years, I think he said.

Mr. SHAFROTH. For 21 years this fall.

Mr. BRYAN. What great measure, what great improvement over conditions in Colorado has been brought about by reason of woman suffrage?

Mr. SHAFROTH. I will state that the very conduct of elections is one of the very best results. There is a courtesy which obtains in places where women go that makes a better condition at the polls by far than it was before. We do not have the drunkenness. We do not have the drawing of pistols. We do not have many things that are reprehensible, and those conditions are improving.

Mr. BRYAN. It is usual to have order about the polls. Aside from that, I ask the Senator what great forward movement can be attributed in Colorado to the fact that women vote?

Mr. SHAFROTH. All right; I will state some of them.

Mr. BRYAN. That is what I want.

Mr. SHAFROTH. Here is the establishment of the juvenile court, a court for the treatment of juvenile delinquents and for the punishment of those who contribute to their delinquency.

Mr. BRYAN. Did they not have that before?

Mr. SHAFROTH. No; they had it after woman suffrage. It was put through very largely by women appealing to the legislature for that purpose.

Mr. BRYAN. Does the Senator attribute the establishment of the juvenile court to the fact that women vote?

Mr. SHAFROTH. I do attribute it to the influence of woman in better government.

Mr. BRYAN. How does the Senator account for the fact that they have juvenile courts in a great many States where women do not vote?

Mr. SHAFROTH. I do not pretend to say that men can not have good government. The Senator is taking the position that because we have had woman suffrage there can not be good government there.

Mr. BRYAN. The Senator can not say that. I have not taken that position.

Mr. SHAFROTH. That seems to be the line of the Senator's conclusion.

Mr. BRYAN. It seems to me the burden is upon those who advocate the joint resolution to show that woman suffrage will better conditions.

Mr. SHAFROTH. No; there is a right in all human beings to have the laws which are to govern them passed upon by their voice, and whenever men deny that principle they are doing an injustice, they are interfering with a right. It is very well for men to arrogate it to themselves and say, "Oh, well, we will control this thing; we will make these laws right for you"; but how about the other persons? They have a right to say something about the matter.

Mr. BRYAN. I want to get the Senator's position upon this question: Does he or does he not contend that the fact that women vote betters conditions?

Mr. SHAFROTH. I think it does.

Mr. BRYAN. The Senator realizes, does he not, that unless that be true there is no inducement to pass the joint resolution?

Mr. SHAFROTH. No; I do not. I say you have not a particle of right to deny women the right to vote any more than if women had the control of the Government they could deny you the right to vote. You would not like that? They could say, "Oh, we will take care of the men"; but, as a matter of fact, that would not satisfy any man.

Mr. BRYAN. Let me ask the Senator another question. Upon what date was the juvenile court established?

Mr. SHAFROTH. I think about 1900.

Mr. BRYAN. What other legislation has been brought about as the result of woman suffrage?

Mr. SHAFROTH. I will read a few others.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from California?

Mr. SHAFROTH. The Senator from Florida asked me a question, and I was proceeding to answer it.

Mr. WORKS. I should like to ask a question right in that connection, before the Senator proceeds.

Mr. SHAFROTH. All right.

Mr. WORKS. Have the women of Colorado ever had control of the legislature of that State?

Mr. SHAFROTH. They never had control of it. They have three members in the lower house and one in the senate.

Mr. WORKS. Why should they be charged with the failure of legislation where they have no control over the legislature itself and it is still controlled by the men?

Mr. BRYAN. Then why should they be credited with the establishment of a juvenile court?

Mr. SHAFROTH. In the first place, they are credited with that very largely because you will find women are interested in every movement for the betterment of child life. You will find that they go to the legislature, that the bills introduced by the lady members are urged by them, and men are influenced by the sentiment of the women, for they know that they are yielding to the best impulses of their consciences when they do it, and that such favorable action is demanded by their constituents.

Mr. BRYAN. But the Senator undoubtedly recognizes the fact that it would not be just to charge up to the men the failure to pass any legislation unless the men are given the credit for the legislation that they do pass.

Mr. SHAFROTH. That is all true, but you must not put it up to——

Mr. BRYAN. The Senator said that because women voted the juvenile court was established.

Mr. SHAFROTH. No; I did not.

Mr. BRYAN. Then he said the reason why their legislation was not beneficial was because the legislature was in the control of the men.

Mr. SHAFROTH. I say that the women were instrumental in having enacted these laws. I will warrant, if you ask——

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I will warrant if you ask Judge Ben Lindsey, who was the first juvenile-court judge, by whom the greatest aid and support in the establishment of a juvenile court was rendered he would say that the greatest support came from the women.

Mr. BRYAN. Mr. President, you may ask in my State the same question, and the men will say that it was due to the women; and yet the women did not vote.

Mr. SHAFROTH. That may be, but you can readily see that there is power in voting. The power of voting enlarges this good influence. I never saw a better illustration of it than that which occurred when I was in the other House of Congress. I introduced practically this same resolution when I first came to Congress.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. Yes; in just a minute. I introduced a resolution, and we had a hearing before a committee in the House of Representatives. A large number of ladies came and presented their claims to us, and the committee said, "We will take this matter under consideration." The two years passed without any determination. Again, two years later we did the same thing, and the two years passed until I went out of Congress. Now, suppose women had had the right to vote. Do you suppose that their resolution would have been considered only and not passed upon? Do you not know that if they had represented six or eight millions of votes there would have been hardly a man upon that committee who would not have acted? They would have vied with each other for the privilege of making a favorable report. That is the influence which they are entitled to as human beings, and that they will get if they get equal suffrage.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. SHAFROTH. I do.

Mr. CLARK of Wyoming. I do not want to anticipate the discussion at all. If permitted to vote, I should vote for the joint resolution, but I confess I am somewhat concerned about my duty in the matter. The State which I have the honor in part to represent is a pioneer in this movement. For 45 years we have had unlimited woman suffrage in the State of Wyoming. I do not think you can find in the length and breadth of the State any considerable number of people who would change the condition back again. It has worked wholly for good.

I agree with what the Senator says as to the influence which may not appear directly in the vote, but the indirect influence in requiring good men to be nominated for office as a general thing. I have not been able to be present all the time. Has the Senator thus far considered the question as to the duty of Congress in this matter, and whether each State should not settle the matter of its suffrage for itself?

My own impression is that the passage of the joint resolution will perhaps delay the onward march of this general movement, because in the various States the crusade may somewhat abate its ardor. I confess that at first thought I am inclined to believe it is a matter for the States to deal with themselves and not for the General Government; but, as I said, I shall solve that doubt, if I am permitted to vote, in favor of the joint resolution. At the same time I am concerned about it, and I should like to have the Senator's views on that matter.

Mr. SHAFROTH. Mr. President, it depends entirely upon how you look upon the question. If you consider it simply as a privilege that should or should not be given by law, then perhaps there might be something in such a contention; but, when you know that the women look upon this matter as a question of right, no man can justly deny suffrage to them. Men would look at it exactly in the same way if they were deprived of the right, and it seems to me that an amendment to the Constitution of the United States in their behalf would be proper.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from California?

Mr. SHAFROTH. Yes; I yield to the Senator.

Mr. WORKS. I must confess, Mr. President, I have had some of the same misgivings that are suggested by the Senator from Wyoming. The question in my mind is whether Congress and even a vote of the necessary number of States should undertake to enforce upon any given State the right of suffrage where neither the men nor the women of that State desire it. To my mind it is a very serious question, and I, like the Senator from Wyoming [Mr. CLARK], would be glad to have the Senator's view fully upon that subject.

I am as much a believer, I think, in woman suffrage as anyone could be. So far as it has been tried in California, it has been eminently satisfactory. I think it has elevated and purified politics there just as the presence of woman elevates and purifies society or any place where she goes. There are imperceptible influences that are brought to bear upon politics as well as other things by women that no man can describe, not even the Senator from Colorado. But that is a phase of it that has given me a good deal of concern as to what my duty is under the circumstances.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. SHAFROTH. I yield to the Senator from Minnesota.

Mr. CLAPP. I desire to suggest that you will find the solution to that inquiry in the Constitution itself. The Constitution has safeguarded every State from any invasion of its right, so far as that right should be left to the State itself. I refer, of course, to the provision of the Constitution that provides that there shall be no change in the representation in the Senate without the consent of each State. Beyond that the Constitution has committed to all the people through all the States the power and, confessedly, the right to impose upon all the States any condition which the requisite majority of the States deem wise and prudent for the General Union within the provision authorizing amendments thereto. It would be easy to imagine a great many questions where individual States would object, and yet, under the Constitution, we can act against their wish; and we must look to that for our guide.

Mr. CLARK of Wyoming. If the Senator from Colorado will allow me, as I understand it, the matter of suffrage is a matter of local concern.

Mr. CLAPP. It may be a matter of local concern. It is also a matter of general concern—if the country would be benefited—and it is for the country to pass upon it under the constitutional provision for amendment. The entire country is interested in the question.

Mr. WORKS. I should like to suggest to the Senator it may be a matter of very grave question whether it would be for the public benefit to attempt to enforce woman suffrage upon a State where it is not desired either by men or women.

Mr. CLAPP. That might apply to a great many questions. The feeling in a particular State might be so strong that you might ask yourself, Is it wise to impose this condition? But the broad proposition remains that outside of the mere question of changing the ratio of representation in the Senate, the men who framed the Constitution, in their wisdom left it to the people of this country, to the requisite percentage of the States ratifying an amendment to the Constitution, to say for all the country what the country should have.

Mr. CLARK of Wyoming. Mr. President, that leads the Senate to the irresistible conclusion that there is nothing within the way of legislation that falls within the exclusive jurisdiction of the States.

Mr. CLAPP. Oh, not by any means.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. I yield to the Senator from North Dakota.

Mr. McCUMBER. I should like to ask a question either of the Senator from Colorado or the Senator from Minnesota. Suppose the State of Colorado and the State of Minnesota are in favor of equal suffrage, would either of the Senators say that three-fourths of the States had the inherent right to deny those States by amendments to the Constitution of the United States equal suffrage if they saw fit to have it? If there is inherently in the Nation itself the right to enforce equal suffrage, then the correlative right must exist of denying equal suffrage in any of the States. It seems to me that if you admit one, you must admit the other, and I do not believe that either of the Senators would agree that the Government by an amendment to the Federal Constitution should annul a law of the State granting equal suffrage.

Mr. SHAFROTH. Mr. President, I will say to the Senator that there is a provision in the Constitution which gives that right.

Mr. CLAPP. Of course.

Mr. SHAFROTH. It is a power delegated to the National Government.

Mr. McCUMBER. That is not the question.

Mr. SHAFROTH. It will no longer belong to the State government so far as the determination of the question is concerned when three-fourths of the States vote in favor of the proposed amendment.

Mr. McCUMBER. I am not questioning the power; there is no question about the power to amend; but the point I want to get at is the morality back of the power. Would it be proper to exercise that power in such a way as to deprive the State of Colorado of equal suffrage, because if the Federal Government would have the right to grant the power it must follow that it would have the same right to deny the power.

Mr. SHAFROTH. I see the position which the Senator is taking. There is force in it, and there is no doubt that if you assume his premise the logical result is as he states it; but you must remember that under the National Constitution the Federal Government is a Government of delegated powers, and the States have said that whenever the people of the Nation believe, as evidenced by the passage of a constitutional amendment by two-thirds of this body and two-thirds of the House of Representatives and its ratification by three-fourths of the States, that a given power should be lodged in the National Government, that matter is settled and determined. There is nothing immoral in the power delegated in that manner. The safeguard to each State is the fact that it is necessary to get the consent of three-fourths of the States to a proposed amendment before it can be enforced on the other States.

Mr. McCUMBER. But, Mr. President, suppose that there was an attempt on the part of two-thirds of the Senate and the House of Representatives to pass a joint resolution to amend the Constitution by providing that there should not be equal suffrage, even though it would have to be submitted to the States for ratification, I apprehend the Senator would say, "I will not take that chance, because inherently the right lies in my State, and if it is inherently in the people of my State, it ought not to be exercised by anyone else."

Mr. SHAFROTH. It is not inherently in the people of the State if they have ratified the Constitution of the United States, which provides that an amendment can be passed by two-thirds of each House and by the ratification of three-fourths of the States.

Mr. CLAPP. It is one of the powers which the States surrendered.

Mr. SHAFROTH. It is one of the powers which they have surrendered, but the morality or right in the matter is supposed to be safeguarded by the provision requiring a two-thirds vote for the passage of such a resolution in Congress and a three-fourths vote for its ratification by the States.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. SHAFROTH. Yes; I yield to the Senator from Idaho; but I will state to the Senator that I have spoken to the Senator from Arizona [Mr. ASHURST], who informs me that he desires a vote, and I wish to conclude just as quickly as I can, so that I hope the colloquy will not be long.

Mr. BORAH. Well, it will not, perhaps, be very long. Mr. President, there is one feature of this proposition which has just been under discussion that has been a subject of consideration to me in regard to my vote, and it is the only one that has given me any trouble. Suppose that this proposed amendment to the Constitution is finally adopted, what effect will it have upon some 8 or 10 States in this Union with reference to the colored vote? Does the Senator from Colorado believe that the negro women will be permitted to vote? Or if they are permitted to vote, what will be the effect on southern politics? I do not feel like putting into the Constitution a provision which I feel in advance will never be enforced.

Mr. SHAFROTH. I suppose they will. They are entitled to vote, if there is no educational qualification to prevent their voting.

Mr. BORAH. I ask this question in good faith, because I think we are far enough away from the troubles of former days to discuss these subjects at least in a wise way, if we can, without being controlled by our prejudices or by our passions. Some 50 years ago we granted the negro the right to vote, and yet everybody knows that the negro to-day is disfranchised in the South. The South disfranchises him, and the North consents to it. The only question in my mind is this: Are we going to add 8,000,000 more votes to the electorate which the South will be compelled to disfranchise and to which action we will consent? I am not in favor of putting in the Constitution of the United States a provision of the fundamental law of which we as a Nation are going to live in defiance 365 days out of the year. Does the Senator from Colorado really believe that the proposed amendment, if adopted, will be enforced, and that those who are to enjoy the right will enjoy the right under this amendment if it is passed?

Mr. SHAFROTH. I will state to the Senator that that involves a question which does not arise in this question. The vote is enlarged by woman suffrage, it is true; but the same conditions prevail in those States in the white population as in the black population. I do not see that any conditions change that, and it does not seem to me that it is a proper matter of discussion in this connection. You are not going to gain by reason of equal suffrage any greater percentage of colored people or of white people. The amount of females in each race is relatively about the same, and consequently their status is not changed. I will not pretend to say what laws the States will enact, whether they will have educational qualifications that will prevent any portion of the population voting. That, however, is a matter which, it seems to me, has nothing to do with this question, because it does not change the relative status.

Mr. BORAH. Mr. President, with the permission of the Senator, I will say that I think it has a great deal to do with it. I think we ought to know now whether we are passing this joint resolution in good faith or whether we are simply passing it with the knowledge amongst ourselves that it will never be enforced and lived up to. If it is not going to be enforced in all parts of the Nation, then there is no reason why it should not be left to the different States to act on the question of equal suffrage and have public opinion behind it. On the other hand, if it is to be enforced, then a great many people might vote for it who otherwise would hesitate to do so. I call attention to the fact that the Senator from Arizona [Mr. ASHURST], who has so ably conducted this joint resolution to its present status and who always speaks in candor, used this language:

> The right to vote has not been granted nor secured by the Federal Constitution, but the right to be exempt from certain discriminations is granted and secured by the Federal Constitution; thus, this proposed amendment, if adopted, secures to females the right to exemption from being discriminated against because they are females. This amendment, if adopted, would not interfere with the "grandfather" clause in the constitution or laws of any of the States. It would not interfere with the constitution of any State which exacts of its citizens certain requirements and qualifications before they are permitted to vote, save and except that the State would not be permitted to deny to a citizen the right to vote simply, solely, and only upon the ground that that particular citizen was a female.

In other words, Mr. President, it is understood that although we may write this amendment into the Constitution, through the principle of the "grandfather" clause or some other principle the South will count out the votes which would otherwise be entitled to be cast under this resolution.

Mr. SHAFROTH. Mr. President, we can not determine what the States are going to do nor what laws they will enact with relation to this matter. There is one answer to all of these questions, and that is that it is a right under the fundamental principle of our Republic that the just powers of government are derived from the consent of the governed. If men were denied the right to vote, they would insist upon the right, whether it came through the Constitution of the United States or through the State constitutions.

During the seven long years of the War for Independence the patriots were guided and sustained by the conviction, which grew to be as part of themselves, that "taxation without representation is tyranny." If that principle, established at a loss of much blood and treasure, is the patent of man's liberty, why is it not, as of right, equally applicable to woman?

All of these other questions, it seems to me, are merely incidental, and the doubts they raise will be cleared and the problems they bear will be solved in good time, but no man can foresee what the States will do or what laws they will enact. If in the consideration of the question of woman suffrage the States will accept for their guidance the principles for which the forefathers fought, then its determination will be reached in equity and justice.

EXECUTIVE SESSION.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. SHAFROTH. I do.

Mr. KERN. Mr. President, it is evident that this discussion can not be concluded this evening, as there are several Senators who desire to be heard to-morrow. Therefore, after consultation with the Senator from Arizona and other Senators on this side, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 45 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 3, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1914.

MEMBER MISSISSIPPI RIVER COMMISSION.

Edward A. Glenn, of Missouri, for appointment as member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of Passes, near its mouth, to its headwaters," vice Robert S. Taylor.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Harrison J. Price, Twenty-third Infantry, to be major from February 20, 1914, vice Maj. George D. Guyer, Sixteenth Infantry, detailed in the Quartermaster Corps on that date.

First Lieut. Oliver F. Snyder, Seventeenth Infantry, to be captain from February 20, 1914, vice Capt. Harrison J. Price, Twenty-third Infantry, promoted.

Second Lieut. Ernest L. Pell, Twenty-ninth Infantry, to be first lieutenant from February 20, 1914, vice First Lieut. Oliver F. Snyder, Seventeenth Infantry, promoted.

APPOINTMENT IN THE ARMY.

CORPS OF ENGINEERS.

Probational Second Lieut. John C. Gotwals, Corps of Engineers, to be second lieutenant in the Corps of Engineers, with rank from March 3, 1913, the date of his original appointment. (The incumbent's probational appointment will expire March 2, 1914.)

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Asst. Surg. Irving W. Robbins to be a passed assistant surgeon in the Navy from the 28th day of March, 1913.

Carleton I. Wood, a citizen of Ohio, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 24th day of February, 1914.

James M. Quinn, a citizen of West Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 24th day of February, 1914.

Machinist Adolph J. Merkt to be a chief machinist in the Navy from the 27th day of December, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1914.

MEMBER MISSISSIPPI RIVER COMMISSION.

Edward A. Glenn to be member Mississippi River Commission.

CLERK OF THE UNITED STATES COURT FOR CHINA.

Earl B. Rose to be clerk of the United States Court for China.

UNITED STATES MARSHAL.

James B. Holohan to be United States marshal, northern district of California.

APPOINTMENT IN THE ARMY.

John C. Gotwals to be second lieutenant, Corps of Engineers.

POSTMASTERS.

ARKANSAS.

Robert H. Smiley, Hot Springs.
W. W. Ward, Eudora.

KENTUCKY.

W. Logan Wood, Danville.

NEW YORK.

William A. Buckley, Rochester.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 2, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, we pray most earnestly for the people who have been left in distress and sorrow in the storm-swept regions of our country, which has left death and desolation in its wake. Open Thou the hearts of those who have escaped its ravages to sympathy and kindness that relief may come speedily. "Twice blessed is he who gives." It will do us good, relieve our neighbor, strengthen the ties of brotherly love, and fulfill the spirit of our religion by doing unto others as we would be done by. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, February 28, 1914, was read and approved.

STEAMSHIP AGREEMENTS, ETC., FOREIGN AND DOMESTIC TRADE.

Mr. ALEXANDER. Mr. Speaker, I submit herewith the report of the Committee on the Merchant Marine and Fisheries on steamship agreements and affiliations in the American foreign and domestic trade.

Mr. MANN. Mr. Speaker, I reserve a point of order on the report for the purpose of ascertaining why it is presented in the open House.

Mr. ALEXANDER. I supposed it proper to do so. Provision has already been made for printing it.

The SPEAKER. What is the suggestion of the gentleman from Illinois?

Mr. MANN. I wanted to know by what authority the gentleman from Missouri presented it in open House instead of putting it in the basket. Is it the intention of the gentleman to have any action taken upon it?

Mr. ALEXANDER. No; none at all. As I say, provision has already been made for printing it.

The SPEAKER. Does the gentleman from Illinois make the point of order?

Mr. MANN. No; I withdraw the point of order.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CONRY, on account of illness.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day is the day set aside for the consideration of business on the Calendar for Unanimous Consent. The Clerk will report the first bill.

ACTION FOR DEATHS ON HIGH SEAS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 6143) relating to the maintenance of actions for death on the high seas and other navigable waters.

Mr. MANN. Mr. Speaker, the gentleman from Washington [Mr. BRYAN] is interested in this bill and is necessarily absent from the city. He permitted it to go over on the calendar two weeks ago, stating that he might possibly be absent at this time. I therefore ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PATENTS ON PUBLIC LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1651) to authorize the issuance of absolute and unqualified patents to public lands in certain cases.

The SPEAKER. Is there objection?

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with and that the bill be passed over without prejudice. The gentleman from Colorado [Mr. TAYLOR] is absent on the business of the House.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, there are a great many people interested in the passage of this bill. It is a very simple proposition. I understand the Senate has already passed a similar bill, and I can see no reason why it should not be passed at this time.

Mr. MANN. What is the object of the House passing this bill if the Senate has already passed another bill?

Mr. FERRIS. Mr. Speaker, there is an additional reason other than the one I gave. The House committee has authorized the report of the Senate bill with a slight amendment. That bill has not yet reached the calendar. That would undoubtedly be an additional reason which would satisfy the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma that the bill be passed over without prejudice?

There was no objection.

USE OF FORT M'HENRY MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, and appropriating certain money.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. LINTHICUM. Mr. Speaker, inasmuch as the bill was read the last day we had under consideration bills on the Calendar for Unanimous Consent, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. MANN. Mr. Speaker, I think the bill would better be read.

The SPEAKER. It is the better practice, and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the mayor and city council of Baltimore, Md., to occupy and use the military reservation of Fort McHenry, Md., except that part mentioned in the fourth paragraph hereof, as a public park upon the agreement of said corporation to maintain and protect the reservation and the public property thereof during the continuance of its occupancy at its own expense: *Provided*, That the said permission shall be subject to such conditions, restrictions, rules, and regulations as the Secretary of War may from time to time prescribe: *Provided further*, That the Secretary of War may terminate the said permission to use said grounds whenever and at such time as he may deem it expedient to do so.

SEC. 2. That any and all improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation, made by the mayor and city council of Baltimore, shall be made only according to detailed plans submitted to, and approved by, the Secretary of War in each case, prior to the commencement of any work under such plans, and that all such improvements, changes, or alterations made by said corporation shall be made without expense to the United States, and in the event of the withdrawal of said permission, such improvements as the Secretary of War may deem valuable to the military service shall become the property of the United States without cost to the Government; and such structures as may have been placed upon the reservation by said corporation, which are directed to be removed therefrom by the Secretary of War, shall be removed forthwith and the grounds placed in a condition entirely satisfactory to him, at the expense of the mayor and city council of Baltimore, and no claim of any character whatever incident to the occupation by the city of said reservation shall ever be made by said corporation against the United States.

SEC. 3. That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present grounds of the fort and extending south 63° 30′ E., 650 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to

the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company, so that the Secretary of the Treasury may, in connection with land to be acquired from the Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid, the War Department shall have use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds.

SEC. 5. That for the purpose of placing the said Fort McHenry Reservation in proper condition and repair prior to permitting their use by the mayor and city council of Baltimore, in order that they may be so continued, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, to be expended in the repair, alteration, or removal, or other disposition of the buildings and other structures located upon said grounds and upon the repair of the roads now constructed thereon, to be expended by the direction of the Secretary of War or such officer as he shall designate: *Provided*, That the money hereby appropriated may be drawn from time to time as may be required in the progress of the work upon requisition of the Secretary of War.

With the following committee amendments:

In section 1, on page 1, in line 8, amend by inserting the word "repairs" after the word "to."

In section 2, on page 2, in line 7, amend by inserting after the word "all" the word "repairs."

In section 2, on page 2, in line 13, amend by inserting the word "repairs" after the words "all such."

In section 2, on page 2, in line 20, strike out the word "corporation" and insert in lieu thereof the word "corporation."

In section 3, page 4, in line 1, insert the word "equal" after the word "have."

On page 4 strike out all of section 5.

Mr. LINTHICUM. Mr. Speaker, I have two additional amendments that I also send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, I think we should first dispose of the committee amendments. I think they might all be considered together.

The SPEAKER. That is true. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The Clerk will report the amendments sent to the desk by the gentleman from Maryland [Mr. LINTHICUM].

The Clerk read as follows:

Page 1, line 7, strike out the word "fourth" and insert in lieu thereof the word "third."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, the gentleman proposes to strike out the word "fourth" and insert the word "third" so as to make it read "the third paragraph hereof." I suppose he refers to section 3, does he not?

Mr. LINTHICUM. Yes.

Mr. MANN. Why not say so?

Mr. LINTHICUM. I have no objection, and I ask that my amendment be so amended. I suggest that the gentleman from Illinois offer an amendment to the amendment.

Mr. MANN. Mr. Speaker, I move to amend the amendment by offering as a substitute therefor the following:

Page 1, line 7, strike cut the words "the fourth paragraph" and insert in lieu thereof the words "section 3."

The Clerk read as follows:

Amend, page 1, in line 7, by striking out the words "the fourth paragraph" and insert "section 3."

Mr. LINTHICUM. Mr. Speaker, I accept that as a substitute for my amendment.

The question was taken, and the amendment to the amendment was agreed to.

The question was taken, and the amendment as amended was agreed to.

Mr. LINTHICUM. Mr. Speaker, I have another amendment which I think will meet the gentleman's views.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Between lines 4 and 5 on page 4 of the bill insert as follows:

"SEC. 4. That permission is hereby granted the Secretary of Commerce to use a portion of said military reservation not less than 20 feet square for maintaining a light and fog signal to mark the Fort McHenry Channel, and to maintain poles as may be necessary for carrying wires to transmit electric current to operate the fog signal."

Mr. MANN. Where does that come in?

The CLERK. Between lines 4 and 5, page 4.

Mr. MANN. That is in the wrong place. He had a wrong copy of the bill, I suppose, and it should be after section 3 insert.

Mr. LINTHICUM. Well, I have no objection. This is an amendment sent up here by the Secretary of Commerce.

Mr. MANN. They had another copy of the bill.

The Clerk read as follows:

At the end of section 3 insert as follows, etc.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the first word. The gentleman refers in this bill constantly to the corporation, to said corporation.

Mr. LINTHICUM. Yes, sir.

Mr. MANN. If the mayor and city council of Baltimore are a corporation, I think we ought to say so. It is a pure matter of endeavoring to find out what corporation you are referring to.

Mr. LINTHICUM. I have no objection to that at all. The corporate name of the city of Baltimore is "the mayor and city council of Baltimore." It was made a corporation by special act of the legislature.

Mr. MANN. Well, that does not appear in the bill, and the bill constantly refers in some places to "the corporation" and in some places to "the mayor and city council." I move to insert after the word "Baltimore" in line 5 the words, "a municipal corporation of the State of."

Mr. LINTHICUM. I have no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, in line 5, by inserting, after the word "Baltimore," the words "a municipal corporation of the State of."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, the title should be amended by striking out, at the end of the title, the words "and appropriating certain money."

The Clerk read as follows:

Amend the title by striking out, at the end of the title, the words "and appropriating certain money."

The question was taken, and the title was so amended.

Mr. LINTHICUM. The title should be amended to conform to the bill.

The SPEAKER. That is exactly what we are doing now. The title will be further amended to conform to the bill.

On motion of Mr. LINTHICUM, a motion to reconsider the vote by which the bill was passed was laid on the table.

STEAMSHIP AGREEMENTS, ETC., FOREIGN AND DOMESTIC TRADE (H. DOC. NO. 805).

The SPEAKER. The Chair orders printed as a House document the report filed by Mr. ALEXANDER, of Missouri.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments to the Post Office bill and agree to the conference asked for by the Senate, and that the conferees be appointed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House disagree to the Senate amendments and agree to the conference asked. Is there objection?

Mr. KELLY of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Tennessee regarding the Senate amendments, I have not been able to get a copy of the bill as amended by the Senate, relating to the continuation of the commissions on the parcel post, good roads, and so forth.

Mr. MOON. I did not catch what the gentleman stated.

Mr. KELLY of Pennsylvania. The Senate amended the Post Office bill by continuing certain commissions, as I understand it.

Mr. MOON. Yes.

Mr. KELLY of Pennsylvania. The parcel post, and so forth. I would like to have a separate vote on that amendment, if possible, in connection with the request for unanimous consent.

Mr. STAFFORD. Mr. Speaker. will the gentleman from Tennessee kindly defer asking unanimous consent until to-morrow to give opportunity to members of the committee to examine these Senate amendments?

Mr. MOON. Why, it is not usual to do so; it usually goes to conference.

Mr. STAFFORD. The bill as printed has not been brought in the House, and members of the committee have had no opportunity whatsoever to examine the amendments, and I think it is only a matter of courtesy to have the matter go over until to-morrow.

Mr. MOON. If the gentleman wants to object, he can do so, but I do not think it is proper.

Mr. STAFFORD. I will object, Mr. Speaker.

The SPEAKER. Does the gentleman from Wisconsin object?

Mr. STAFFORD. I object to its consideration to-day; yes, sir.

Mr. MOON. Mr. Speaker, if it is in order, I move that the House disagree to the Senate amendments and ask for a con-

ference and that the conferees be appointed on the Post Office appropriation bill.

Mr. MANN. Of course that motion is not in order. Would not the gentleman ask unanimous consent to have the bill printed with the Senate amendments, and then make his request to-morrow?

Mr. MOON. If the gentlemen over here want to object to it, I will withdraw the motion and let the bill go to the committee and let them take any action they want.

Mr. STAFFORD. We are not asking that.

EDIZ HOOK LIGHTHOUSE RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3454) authorizing the Secretary of Commerce to lease to the city of Port Angeles, Wash., certain property.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FERRIS. Does the gentleman desire a statement made regarding the bill?

Mr. MANN. I do not desire any statement, so far as I am concerned, but I desire to know whether the gentleman has repaired the revaluation clause.

Mr. FERRIS. I was not here on the last unanimous-consent day, but I understand the gentleman from Washington [Mr. FALCONER] has had some conversation with the gentleman from Illinois about it and has prepared an amendment, which he hopes meets his views and that that amendment will be offered. I will say to the gentleman that has not been referred to the committee, and I do not want the committee to be bound by it.

Mr. FALCONER. Will you have the bill read?

Mr. MANN. Is the amendment to be proposed by the gentleman from Washington [Mr. FALCONER] satisfactory to the chairman of the committee?

Mr. FERRIS. I have only had a chance to glance at it, but I think it is. It is a provision fixing the revaluation every 10 years, with the view to a refixing of the rental price at that time.

Mr. MANN. Then I do not object to the consideration of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Speaker, the bill is on the Union Calendar. I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

An act (S. 3454) authorizing the Secretary of Commerce to lease to the city of Port Angeles, Wash., certain property.

Be it enacted, etc., That the Secretary of Commerce is hereby authorized, directed, and empowered to lease and demise to the city of Port Angeles, State of Washington, all of that tract of land reserved for lighthouse purposes by presidential order of February 10, 1908, and bounded on the southwest by suburban lots Nos. 135 and 147, as shown by the plats of Port Angeles town site, State of Washington, approved by the United States surveyor general of the State of Washington on November 4, 1863, and September 12, 1892, together with outlots Nos. 1, 2, 3, 4, 5, 6, and such portion of outlot No. 7 (all in township 31 north, range 6 west, Willamette meridian), of the Ediz Hook or False Dungeness Lighthouse Reservation, Wash., as may be required to give a frontage of 2 statute miles measured in a northerly and easterly direction along the westerly and northerly boundary of said reservation, beginning from a point on high-water mark opposite the northwesterly corner of lot 147 of the said Port Angeles town site; also the tide lands on the Strait of Fuca and on Port Angeles Harbor abutting on those portions of the Ediz Hook Lighthouse Reservation heretofore described, for and during the full period of 99 years, for its use, except as hereinafter specified: *Provided*, That in said lease it shall be stipulated that the Government of the United States may at any time during the term thereof go upon said reservation and establish and maintain post lights or such other aids to navigation as it may deem proper at any points on the reservation affected by this lease, and shall have access thereto and a sufficient right of way thereon at all times: *Provided further*, That no excavations, other than excavations for foundations for building purposes, shall be made, and no soil or other material forming the spit shall be removed from the lighthouse reservation; and that the buildings to be erected on the said premises shall not obstruct or interfere with any lights serving as aids to navigation.

SEC. 2. That said lease shall contain a provision that, in consideration of said lease, the said city of Port Angeles will construct and maintain in good condition at all times a roadway, paved with macadam or other material approved by the Secretary of Commerce, 30 feet in width, and extending from a public highway on the mainland to Ediz Hook Light Station, over the portion of the reservation so leased, as well as over the remaining portion which the Lighthouse Service will continue to use for lighthouse purposes, the said roadway to be above the limits of high-water mark. The lease shall further provide that the line of said roadway which traverses such portion of the Ediz Hook Lighthouse Reservation not covered by this lease may be laid out as may be directed by the Secretary of Commerce.

SEC. 3. That there shall be a stipulation in said lease that all charges levied or to be levied on said premises during such term shall be at the expense of the city of Port Angeles, and no claim shall arise against the United States because of this lease or the termination thereof.

SEC. 4. That the said lease shall further provide that the Secretary of Commerce may at any time during the said period of 99 years, at his discretion, terminate and cancel said lease, in case said city of Port Angeles shall fail to construct and maintain in good condition the roadway herein provided for or neglect to pave same as hereinbefore provided for, or shall excavate on said lighthouse reservation for any purposes other than for building purposes, or shall take or remove therefrom soil or other material belonging to the lighthouse reservation, or shall, in any way, interfere with the right of the United States to establish and maintain post lights as specified above or fail to observe other provisions stipulated in said lease on its part to be kept and performed. It shall also be stipulated in said lease that all improvements made upon said lighthouse reservation by the said city of Port Angeles, and all buildings and other structures erected thereon by said city of Port Angeles, under the terms of said lease, shall, upon the termination of said lease, in natural term or by cancellation of the same, be and become the property of the Government of the United States, unless said improvements and buildings and other structures erected thereon shall be removed within six months from the date of the expiration of the lease; and that in event said structure shall be removed by said lessee, the premises shall be restored to the same condition as before their erection.

SEC. 5. That the Secretary of Commerce may include in said lease any other provisions or stipulations which in his judgment may be deemed necessary to protect the interests of the United States.

SEC. 6. That said lease shall stipulate that the said roadway to be constructed and maintained by said city of Port Angeles, hereinbefore provided for, shall be built and completed on that portion of Ediz Hook Lighthouse Reservation to be leased to the said city of Port Angeles, and also on that portion of said reservation reserved for lighthouse purposes, within one year from date thereof.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendments were read:

Amend, on page 3, by inserting, after the word "times," in line 2, the following:

"And that the said city of Port Angeles shall not sublet any portion of the said property without first having obtained the consent of the Secretary of Commerce and his approval of all the terms and conditions in any such subleases."

Amend, page 4, by inserting, at the end of line 1, the following:

"In addition to the aforesaid consideration the said city of Port Angeles shall pay to the Government of the United States such annual rental for the aforesaid property as may be decided upon by the Secretary of Commerce."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

Mr. FERRIS. Mr. Speaker, on page 1, line 5 of the bill, the word "of" should be stricken out, and I move that amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the word "of" where it first appears.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. FALCONER. Mr. Speaker, I would like to offer an amendment.

Mr. FERRIS. Mr. Speaker, in line 4, after the word "lease," I think, as a matter of form, the words "and demise" ought to be stricken out.

Mr. MANN. Where is it?

Mr. FERRIS. On page 1, line 4, after the word "lease," I move to strike out the words "and demise." I think they are wholly unnecessary.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, strike out the words "and demise."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Speaker, the gentleman from Washington [Mr. FALCONER] has an amendment which he desires to offer.

Mr. FALCONER. I have sent the amendment to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, line 5, after the word "Commerce," by inserting the following:

"*Provided*, That there shall be a stipulation in said lease that at the end of every 10 years during the existence thereof the Secretary of Commerce shall cause a revaluation of the lease of the premises to be made, and that the said Secretary shall thereupon be authorized to determine and fix the annual rentals of the premises for the ensuing period of 10 years in accordance with such revaluation."

Mr. FERRIS. Mr. Speaker, where does that amendment go on?

Mr. MANN. It comes after the committee amendment.

Mr. JOHNSON of Washington. It comes on page 4, after line 5.

Mr. FERRIS. Does the amendment appear as a proviso?

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. FALCONER].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read a third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11338. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

MARKING GRAVES OF CONFEDERATE SOLDIERS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 100) to continue in effect the provisions of the act of March 9, 1906 (Stat. L., vol. 34, p. 53).

The title of the joint resolution was read.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker——

Mr. STAFFORD. Reserving the right to object, Mr. Speaker——

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] addressed the Chair first.

Mr. BARTLETT. Mr. Speaker, this is a House joint resolution, and there is upon the Speaker's table a similar or identical Senate resolution. I ask that that may be considered in the place of the House joint resolution. I ask unanimous consent that the Senate joint resolution numbered 90 may be considered now in place of House joint resolution numbered 100.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. MANN. Reserving the right to object on both requests, will not the gentleman from Georgia tell us what the situation is in regard to this matter?

Mr. BARTLETT. Yes. I thought, though, Mr. Speaker, if I may be indulged a moment, that we would have the Senate joint resolution considered in place of this House joint resolution so that if anybody wants to object to the consideration of the Senate resolution he can do that. Of course, it goes without saying that consent to consider the Senate joint resolution would not preclude anybody from making objection to the House resolution. I merely wanted to——

Mr. MANN. I do not agree with the gentleman abont that.

Mr. BARTLETT. Very well. I will withdraw that for the present, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. MANN. Will the gentleman from Georgia tell us what the situation is?

Mr. BARTLETT. The situation, Mr. Speaker, from the reports and from the evidence submitted to the meeting of the Confederate Veterans' Association at Chattanooga, is that there are quite a number of graves unmarked of Confederate dead—graves that are not marked because they do not fall within the strict letter of the resolution passed in 1906. I have that resolution in my hand. The Secretary of War could not, and the last commissioner, ex-Senator Berry, whose report I have in my hand, could not carry out the purpose which was evidently in mind as regards marking all the unmarked graves of Confederate soldiers unless they were in national cemeteries and near to the prisons in which they died.

Of the appropriation of something over $200,000 which was made for this purpose there remains unexpended some $50,000. In other words, Congress appropriated $200,000 for the purpose which it is desired now by this resolution to extend, so as to permit the marking of Confederate graves which do not fall within the designation of the original act, which covered only graves in national cemeteries or in graveyards or cemeteries contiguous to or adjacent to the cities or places where the Confederate soldiers died in prison. The Confederate Veterans' Association took up the matter and passed a resolution requesting the extension of this legislation to two years more, and asking that the amount remaining unexpended of the $200,000 originally appropriated be made available. The exact amount is $51,454.01. They desire that the Secretary of War may appoint someone who might during the next two years carry on the work of marking the graves of the Confederate soldiers which do not come within the designation contained in the original resolution. The Secretary of War indicates in a letter that he is not able to state how many graves would be required to be marked under the extension which is proposed now to be made under this resolution.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. MANN. Several former Members of this House have been commissioners under this act?

Mr. BARTLETT. Yes; Congressman Elliott, of South Carolina, was the first commissioner and ex-Senator Berry, of Arkansas, was the next. Those are the two whom I recall.

Mr. MANN. I thought there was one other.

Mr. DENT. Mr. Speaker, if the gentleman will permit, I will say that Gov. Oates, of Alabama, was one.

Mr. BARTLETT. Yes; Gov. Oates.

Mr. MANN. What salaries did these commissioners draw, if the gentleman happens to know?

Mr. BARTLETT. I think it was two or three thousand dollars, according to my recollection.

Mr. MANN. I thought it was $5,000.

Mr. BARTLETT. I am informed that it was $3,600. I thought it was two or three thousand dollars.

Mr. MANN. There remains something over $50,000 of the original appropriation?

Mr. BARTLETT. Yes. That is the sum which remains unexpended of the original appropriation.

Mr. MANN. We have extended this resolution several times heretofore, have we not?

Mr. BARTLETT. Yes; twice.

Mr. MANN. Does the gentleman think now they will probably be able to finish the work within two years?

Mr. BARTLETT. I do; and, so far as I am concerned, I am moved in the matter purely by the request of the Confederate Veterans' Association, who believe that this ought to be done. Recognizing the generosity of the General Government and of the Members of Congress on both sides in this work, I have at their request introduced this resolution and trust it will pass.

Mr. MANN. The gentleman knows that I have always favored it?

Mr. BARTLETT. Yes; I know the gentleman has acted most generously and patriotically.

Mr. MANN. I brought in and put through the first bill ever passed by Congress providing for the care of the Confederate dead.

Mr. BARTLETT. Yes. In speaking with the Confederate veterans in my section I have always given the gentleman credit for that, cheerfully and gladly, and have stated that the gentleman from Illinois was not only the author of it but had on all occasions come most generously to the assistance of the Confederate veterans.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. BARTLETT. I promised to yield to the gentleman from Wisconsin.

Mr. STAFFORD. The original resolution had in view only the marking of Confederate graves in national cemeteries and those buried in prisons?

Mr. BARTLETT. Yes.

Mr. STAFFORD. And subsequently in the sundry civil act it was extended to the marking of Confederate graves in any place?

Mr. BARTLETT. No; this proposes to extend it in that way.

Mr. LANGLEY. That ought to be done. I am glad to hear of that.

Mr. STAFFORD. I would like to invite the attention of the gentleman to the fifth paragraph of the letter of the Secretary of War, in which he says:

> If the term "or localities throughout the country," as contained in this proviso, is intended to apply to the unmarked graves of Confederates who died during the war and have died since its close and are now buried in village, town, and city cemeteries and other places throughout the country, it is impracticable for the department, from its records, to form an estimate as to what additional work will be necessary to fully comply with the act, or the number of headstones that will be required and the amount of money that it will be necessary to appropriate for the purpose.

Mr. BARTLETT. Oh, no; he does not say that.

Mr. STAFFORD. Because he has no such records in his office.

Mr. MANN. That is not in regard to this bill?

Mr. BARTLETT. No. It is to estimate what additional work will be necessary. But this bill simply proposes to authorize the use of this $51,000.

Mr. STAFFORD. Do I understand that this resolution provides an extension of the original scope of the proposition for marking the graves of the Confederate dead?

Mr. BARTLETT. Yes; there is an additional proviso. That is contained in Senate joint resolution 90, which I shall ask to be considered in lieu of the House resolution. Has the gentleman a copy of Senate joint resolution 90?

Mr. STAFFORD. No; I have only a copy of House joint resolution No. 100.

Mr. MANN. There is no such provision in this act.

Mr. BARTLETT. I know it; but the committee has reported an amendment which covers that.

Mr. STAFFORD. Will the gentleman acquaint the House with the scope of the amendment which he proposes to offer?

Mr. BARTLETT. Yes. The provision is:

Provided, That hereafter the provisions of said act shall include and apply to the graves of Confederate soldiers and sailors lying in all national cemeteries and cemeteries at Federal military stations, or localities throughout the country.

So that it gives it a wider scope than the one which is now offered.

Mr. STAFFORD. Can the gentleman inform the House how long a time will be required for the graves of all the Confederate dead to be marked appropriately under the scope of the proviso he has just read?

Mr. BARTLETT. Does the gentleman mean in all the country? That is not the purpose——

Mr. STAFFORD. All those covered in the proviso which has just been read by the gentleman.

Mr. BARTLETT. I think it can be done within two years, and within the scope of this appropriation. That is the information I had.

Mr. STAFFORD. Will the gentleman inform the House—because he has such large information on this subject—whether the graves of dead Union soldiers in every part of the country, wherever they are, have been marked?

Mr. BARTLETT. I think we did that.

Mr. STAFFORD. I know there are a good many Union soldiers buried in private cemeteries whose graves are not marked.

Mr. BARTLETT. I can not state about that.

Mr. DYER. If the gentleman will yield, I will state that markers can be obtained.

Mr. BARTLETT. I thank the gentleman from Missouri for that suggestion. I know of my own experience that the attention of the War Department was called to the fact that there was a soldier's grave unmarked in my district. A prominent citizen there called attention to it in a letter to the War Department, and the grave was afterwards marked. I know that.

Mr. STAFFORD. Can the gentleman give us any estimate as to the number of Confederate dead who are buried in these other localities, whose graves will be included in the proviso that he seeks to have adopted?

Mr. BARTLETT. I can not. I have only the general statement that it can be accomplished within the time provided in the resolution, and with the unexpended balance of the original appropriation. The gentleman will understand that the number of graves of Confederate soldiers in other localities than in national cemeteries, or near the prisons in which they died, is comparatively few. There are not many graves which are yet unmarked. The number is not large.

Mr. MANN. Will the gentleman yield?

Mr. BARTLETT. In a moment, if the gentleman will first permit me to yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. I suggest that the gentleman go ahead and yield to the gentleman from Illinois.

Mr. BARTLETT. I yield to the gentleman from Illinois.

Mr. MANN. Is it the intention of the gentleman to offer an amendment providing for the marking of graves of Confederate dead wherever buried in the United States?

Mr. BARTLETT. Yes.

Mr. HEFLIN. Not in the Southern States.

Mr. BARTLETT. Not in the Southern States.

Mr. MANN. I know, but this is just what I want to get at——

Mr. BARTLETT. The proviso is—

Provided, That hereafter the provisions of said act shall include and apply to the graves of Confederate soldiers and sailors lying in all national cemeteries and cemeteries at Federal military stations, or localities throughout the country.

Mr. MANN. The words "localities throughout the country" will include every place?

Mr. BARTLETT. Yes.

Mr. MANN. If the gentleman will permit, we provided for taking care of Confederate mound in Oakwood Cemetery in Chicago. When this commission were appointed they wanted to interfere right away, and they finally did something there. The gentleman does not desire the National Government to start in and remodel all of the Confederate cemeteries in the South?

Mr. BARTLETT. No; that is not the purpose of the act.

Mr. MANN. Why not leave out the words "or other localities throughout the country" and confine this to what the gentleman wants?

Mr. SLAYDEN. That is what ought to be done.

Mr. MANN. If you start in——

Mr. BARTLETT. The original resolution, at the suggestion of the gentleman from Illinois, excluded any interference with Confederate Mound in Oakwood Cemetery, Chicago. I believe that was properly done. It is not the purpose of this resolution to interfere in any way with that.

Mr. MANN. I am not speaking of that. When the original resolution was passed I had inserted in it an amendment excluding Confederate Mound in Oakwood Cemetery, Chicago.

Mr. BARTLETT. Yes.

Mr. MANN. But when the commissioners were appointed they wanted to do something there, and when this resolution was renewed several times, in the end they persuaded me to yield, so that the commissioners could go in there, and they did go in, and did some very handsome work, of which I make no criticism. They could not help it. While they had plenty of work to do elsewhere, here was one burial place in Chicago that they wanted to interfere with; and I am not so sure but they will want to remodel all of your Confederate cemeteries in the South.

Mr. BARTLETT. I think not.

Mr. MANN. Here is the authority. Why start them on that basis?

Mr. BARTLETT. The truth about it is that the graves of all those in national cemeteries and near the prisons have been marked under the appropriation.

Mr. MANN. Of course there is a limitation of two years and the amount of the appropriation.

Mr. BARTLETT. Yes.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] has asked that he be recognized for two or three minutes.

Mr. BARTLETT. I yield to the gentleman.

Mr. SLAYDEN. I want to make a few observations, not to ask a question.

Mr. BARTLETT. I beg the gentleman's pardon.

The SPEAKER. Consent to discuss this bill has not, in fact, been obtained. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Speaker, I ask that the Senate joint resolution 90 on the Speaker's table, a similar resolution, be considered in lieu of the House resolution.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the Senate joint resolution 90 be considered in lieu of the House resolution. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Speaker, I ask that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate joint resolution 90, as follows:

Senate joint resolution 90.

Resolved, etc., That the act entitled "An act to provide for the appropriate marking of the graves of soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906, and continued in full force and effect for two years by joint resolution approved February 26, 1908, and for the additional period of one year by a joint resolution approved February 25, 1910, and for the further additional period of two years by a joint resolution approved December 23, 1910, is continued in full force and effect for two years from this date; and the unexpended balance of the appropriation made by said act of March 9, 1906, is continued and made applicable for expenditure during the additional period of two years herein provided for: *Provided*, That hereafter the provisions of said act shall include and apply to the graves of Confederate soldiers and sailors lying in all national cemeteries and cemeteries at Federal military stations, or localities throughout the country: *Provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.

Mr. SLAYDEN. Mr. Speaker, I favored strongly the original resolution passed on this question. I remember distinctly the graceful and patriotic remarks made by the gentleman from Illinois [Mr. MANN] on that occasion. It was the first time I ever heard of the Confederate Mound of Chicago. His speech gratified me very much as a man who had very early recollections of Confederate soldiers. I agree with the gentleman from Illinois that the operation of the resolution should be limited to that section of the country which was in contemplation when the original resolution was passed. I am not in favor of having the Federal Government, or any other Government or political association, go into the cemeteries which we have built and care for, where we have provided a decent burial and maintain a proper regard for the memory of our dead, by

having them cared for by appropriations out of the Public Treasury.

I took this position once before on the floor of this House and was criticized by one or two newspapers in the country because of my attitude, but I am pleased to say that the position I took then was indorsed by the Confederate camps of the State of Texas, so far as I am advised, and many of them, together with the great newspapers of that State, resented the suggestion that we should ask for an appropriation out of the Federal Treasury to take care of the graves of our dead. Considering our relations to the Union at that time, it is a good deal like asking a stranger to look after the graves of one's parents.

Now, my understanding is that this work has been nearly completed. Senator Berry, who had charge of it, told me it was nearly completed, and if this resolution passes and the act is extended for two years, and this $51,000 is still left available for the purposes in mind, it will certainly be adequate, in my judgment, and more than adequate, to mark the neglected Confederate graves in the North in cemeteries adjacent to prisons or in national cemeteries, and that is as far as we ought to go. It is as far as any man from the South, any man associated with the memories of the Confederates in that gallant and unsuccessful struggle from 1861 to 1865 ought to ask that it should go.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I notice that the resolution provides that the compensation of the commissioner shall be fixed by the Secretary of War. What is the necessity of putting that provision into this resolution?

Mr. BARTLETT. I do not think there is any necessity of putting it there, but I want to get the resolution through without amendment. It is mere repetition. I did not want to send the resolution back to the Senate.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

House joint resolution 100 was laid on the table.

SALE OF LAND TO SAN DIEGO COUNTY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11751) granting land to the county of San Diego, State of California, for public watering purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the county of San Diego, State of California, a patent for the southeast quarter of section 24, in township 17 south, of range 8 east, San Bernardino base and principal meridian, containing 160 acres, said land to be used exclusively for public purposes, and the spring or springs of water contained therein to be maintained and kept in good condition for free public use: *Provided*, That the said patent contains the provision that the land shall revert to the United States whenever it shall not be used and maintained for the purposes mentioned in this act.

With the following committee amendment:

Amend the title by striking out the first word, "Granting," and inserting in lieu thereof the words "Authorizing the sale of certain."

In line 4 of the bill, after the first four words "authorized and directed to," insert the following language: "sell at $1.25 per acre and."

Insert the following proviso after the end of line 14:

"*Provided further*, That the Government of the United States of America reserves the right to operate and maintain any telegraph or telephone line over and upon said land which is in operation at the passage of this bill or which it may see fit to establish thereafter."

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the committee amendments.

Mr. LENROOT. Mr. Speaker, I offer an amendment to the committee amendment by striking out the word "bill," in line 8, page 2, and inserting the word "act."

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 8, strike out the word "bill" in the committee amendment and insert in lieu thereof the word "act."

The amendment to the amendment was agreed to.

The committee amendments as amended were agreed to.

Mr. LENROOT. Now, Mr. Speaker, I move to amend, in line 2, page 2, by striking out the word "contains" and inserting the words "shall contain."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 2, after the word "patent," strike out the word "contains" and insert the words "shall contain."

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. CHURCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS HUDSON RIVER, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (S. 3742) to authorize the Hudson River Connecting Railroad Corporation to construct a bridge across the Hudson River in the State of New York.

The Clerk read the bill, as follows:

Be it enacted, etc., That authority be, and is hereby, granted to the Hudson River Connecting Railroad Corporation, a corporation organized under the laws of the State of New York, its successors and assigns, to construct, maintain, and operate a bridge, together with the necessary viaducts and approaches thereto, for railroad purposes only, across the Hudson River, at a point between Castleton and Schodack Landing, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the time of the commencement of the construction of the said bridge shall be within one year after the passage of this act, and the said bridge shall be completed within five years from the date of its commencement.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out, page 1, line 7, the words "viaducts and."

Strike out, page 1, line 8, the words "for railroad purposes only."

Insert, page 1, line 9, after the word "point," the words "suitable to the interests of navigation."

Strike out all of section 2, as follows:

"That the time of the commencement of the construction of the said bridge shall be within one year after the passage of this act, and the said bridge shall be completed within five years from the date of its commencement."

Renumber section 3 to be section 2.

The SPEAKER. Is there objection?

Mr. PLATT. Mr. Speaker, reserving the right to object, I would like to ask some one in charge of the bill to explain it.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from New York [Mr. TALCOTT].

Mr. TALCOTT of New York. Mr. Speaker, I am informed by the gentleman from New York [Mr. TEN EYCK] in whose district this proposed bridge is located, and also by the papers on file with the Committee on Interstate and Foreign Commerce, that this bridge is a connecting railroad bridge. Its object is to build a railroad bridge connecting the main line of the New York Central & Hudson River Railroad Co. at a point near Stuyvesant, in the county of Columbia, running north on a grade parallel with such main line to a point north of the village of Schodack Landing, in the county of Rensselaer, where it joins a connection running from the Boston & Albany Railroad at or near Niverville; thence crossing the Hudson River by a bridge and running northwesterly to a place called Feura Bush, where it is proposed to establish a large freight-distributing yard and to make a connection with the railroad of the West Shore Railroad Co.

This bridge is to be constructed 135 feet above the water level, and the Secretary of War reports that the bill makes ample provision for the protection of navigation. The bridge company was incorporated by chapter 338 of the laws of 1913, and as soon as the incorporation was made an application was made to the public-service commission of the second district of the State of New York, and a hearing was held. Some opposition was manifested by the property owners along the east side of the Hudson River, along or through whose property it is proposed to construct the new railroad; but the permission was granted, and I understand from Mr. TEN EYCK that there is now no opposition to this bridge and that it is approved not only by the public-service commission, but that it also has the approval of the Chamber of Commerce of the city of Albany and the Common Council of the city of Albany.

Mr. PLATT. It will be built at 10 or 15 miles below Albany?

Mr. TALCOTT of New York. I understand that Schodack Landing is about 14 miles south of Albany.

Mr. PLATT. The purpose of it is to divert outside of the city of Albany the freight that now crosses the bridge in the city of Albany.

Mr. TALCOTT of New York. For the effects of the construction of the bridge and railroad I must refer to the statement in relation to the bill filed with the Committee on Interstate and Foreign Commerce.

Mr. PLATT. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPANISH WAR PENSIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I object to the consideration of the bill at this time.

The SPEAKER. The gentleman from Texas objects, and the Clerk will report the next bill.

FOREST PRODUCTS EXPOSITIONS.

The next business on the Calendar for Unanimous Consent was House joint resolution 204, authorizing the Secretary of Agriculture to make exhibits at forest products expositions to be held in Chicago, Ill., and New York, N. Y.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to make such exhibits as may be convenient and practicable at the Exposition of Forest Products, to be held in Chicago, Ill., April 30 to May 9, inclusive, and the Exposition of Forest Products, to be held in New York, N. Y., May 21 to May 30, inclusive, 1914, and there is hereby appropriated a sum necessary for these exhibits, not to exceed $10,000, the same to be paid out of any money in the general fund of the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that this joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the resolution was passed was laid on the table.

WATER SUPPLY, CITY OF BAKER, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 3206) for the protection of the water supply of the city of Baker, a municipal corporation of the State of Oregon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the public lands within the Whitman National Forest situated in the county of Baker, State of Oregon, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the city of Baker, a municipal corporation of the State of Oregon, to wit: S. ½ of NE. ¼ and N. ½ of SE. ¼ sec. 4, T. 9 S., R. 38 E., of the Willamette meridian: *Provided*, That if the said city of Baker shall at any time cease to use said land for said reservoir purpose, then, and in that event, the title to said land shall revert to and vest in the United States.

SEC. 2. That to accomplish the purpose of this act as defined in section 1 hereof, said city of Baker shall have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the land above described for the storage and conveying of water and the construction and maintenance thereon of reservoirs, pipes, pipe lines, mains, conduits, and other like or any improvements or means for the storage, diversion, or transmission of water.

SEC. 3. That this act shall be subject to the vested rights of any municipality, person, or persons in or to the above-described premises or any part thereof or the water thereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would ask the gentleman having the bill in charge whether the provisions of the bill, as suggested by the Assistant Secretary, along the lines adopted by Congress some years ago, granting to the town of Wilson Creek, Wash., certain lands for reservoir purposes, have been complied with. I direct the chairman's attention to the report on page 2, the fourth paragraph of that report, in which it states:

The general purpose of this bill meets with the approval of the department, but it is suggested that in lieu of a perpetual reservation of public lands for this purpose the course adopted by Congress in the act of February 13, 1911, is much preferable.

Did the committee take that suggestion into consideration and embody it in the bill under consideration?

Mr. FERRIS. Yes; we took that into consideration, if the gentleman will pardon me, but this only affects one-quarter section of land, and it is a matter of such very small consequence that we thought we would let this bill go through, inasmuch as the title did not pass and at any time the right to alter, amend, or repeal the act remains in the Government.

Mr. MANN. That provision was put on in the Senate.

Mr. FERRIS. I believe it was; yes. The bill was reintroduced and it was put on in the Senate. I had forgotten that, and I thank the gentleman.

Mr. MANN. I would like to call the gentleman's attention to what seems to be a needed amendment. It says at the bottom of page 1:

Provided, That if the said city of Baker shall at any time cease to use said land for reservoir purposes, then, and in that event, the title to said land shall revert to and vest in the United States.

Now, in the first place, this land is to be used for other than reservoir purposes and, in the second place, the title is not conveyed out of the United States.

Mr. FERRIS. The second criticism is undoubtedly a good one.

Mr. MANN. And the other is good.

Mr. FERRIS. I just talked with the gentleman from Oregon [Mr. SINNOTT] about that, that it being a Senate bill and a matter of small consequence we did not want to amend it and be forced to send it back to the Senate.

Mr. MANN. A reservoir has a specific meaning and a municipal water-supply reserve is quite a different thing.

Mr. FERRIS. Well, the gentleman might have a technical suggestion there that might or might not be good. We did not consider that particular phase, however. Whether it was dry or flooded over the drainage area, it would still be part of the water system.

Mr. MANN. If that be the construction of the word "reservoir," you have to define the purpose for said purpose, which is a water-supply reserve.

Mr. FERRIS. If the gentleman thinks it is of sufficient importance to send it back to the Senate——

Mr. MANN. I think the other will send it back to the Senate, because the title is not conveyed out of the United States.

Mr. FERRIS. That is very true.

Mr. MANN. In line 2, page 2, you should insert, after the word "the," the words "rights hereby granted to said city shall cease and be unrestricted."

Mr. FERRIS. I confess the gentleman's suggestions are good. We thought the matter was such a small matter, it being a Senate bill, and not wishing to send it back——

Mr. MANN. But the gentleman understands in drawing these matters finally it is for the House to correct many of the manifold errors that creep into bills in the other body.

Mr. FERRIS. Precisely; and it was only in the interest of economy of time we let it stay in this shape. If the gentleman will offer the amendment, I would be glad to accept it.

Mr. MANN. I will when the time comes.

The SPEAKER. Is there objection [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Speaker, the bill is on the Union Calendar. I ask unanimous consent to consider it in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union. Is there objection. [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move, on page 2, line 1, to strike out the word "reservoir."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the word "reservoir."

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, I move, in line 2, page 2, after the word "the," to insert the words "rights hereby granted to said city shall cease, and the unrestricted," so it will read:

Then, and in that event, the rights hereby granted to said city shall cease, and the unrestricted title to said land shall revert to and vest in the United States.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the word "the," insert the words "rights hereby granted to said city shall cease, and the unrestricted," so that the line will read as amended, as follows: "Then, and in that event, the rights hereby granted to said city shall cease, and the unrestricted title to said land shall revert to and vest in the United States."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERMANENT MANEUVERING GROUNDS, ANNISTON, ALA.

The next business on the Calendar for Unanimous Consent was House joint resolution 76, authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc.

The Clerk read the resolution as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept the title to 4,000 acres of land at or near Anniston, in the State of Alabama, when the same shall be granted by the proper authority of said State; the said land having heretofore been inspected by Col. Stephen C. Mills, Inspector General, United States Army, as shown by the report submitted by him to the War Department of the 12th day of January, 1912.

SEC. 2. That the Secretary of War is hereby further authorized and directed to acquire such other land adjacent to the land herein mentioned, by purchase or condemnation, as may in his judgment be deemed necessary for the purposes hereinafter declared.

SEC. 3. That upon acquisition of title to the land herein mentioned the Secretary of War is hereby further authorized and directed to locate and establish upon said land a permanent maneuver camp for the troops of the United States Army and to establish and maintain thereon camps of instruction for rifle and artillery ranges and for the mobilization and assembling of troops from the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

Also the following committee amendments were read:

In line 4, page 1, strike out the words "and directed" and insert in lieu thereof the words "in his discretion."

Strike out section 2.

Amend section 3 so as to name it section 2, and after the word "Carolina," in line 12 of page 2, strike out the period and add the following: "or such other States as may be designated by the Secretary of War."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama [Mr. DENT] a question. The ultimate purpose is to establish in the vicinity of Anniston, Ala., a maneuver camp for the assembly of large numbers of Regulars and Militia, is it not?

Mr. DENT. Like those camps which have already been established elsewhere.

Mr. SLAYDEN. Has this been requested or recommended by the War Department?

Mr. DENT. Not in so many words, I will say to the gentleman from Texas, but Gen. Mills, in charge of the troops down at Anniston, where this summer camp was held several years ago, reported it as an ideal place for a camp. That is contained in the report.

Mr. SLAYDEN. Yes. But the War Department has not usually been backward in asking what was required. That is what is troubling my mind at the moment. They usually unhesitatingly present to Congress a request for whatever they want. Now, they have, as I understand it, a very large area not far from Anniston, in the vicinity of Fort Oglethorpe, and it occurred to me that it was rather crowding things to put so many camps in that neighborhood.

Mr. BLACKMON. Will the gentleman permit?

Mr. SLAYDEN. Certainly.

Mr. BLACKMON. The War Department asked that a place be selected two years ago.

Mr. SLAYDEN. The War Department did what?

Mr. BLACKMON. They sent out United States Army officers to make an inspection for a suitable place to hold midsummer maneuvers, and they said they wanted a place where the troops from North Carolina, Mississippi, South Carolina, Kentucky, Georgia, Florida, Tennessee, and Alabama could meet at the same time, and the officers making this investigation reported unanimously in favor of Anniston, Ala.

Mr. SLAYDEN. Did they not acquire a good deal of land in the vicinity of Fort Oglethorpe on the same plea, namely, that that was a location fitted for the assembling of troops from the localities that you have named?

Mr. BLACKMON. Not for this purpose.

Mr. SLAYDEN. Well, for the purpose of assembling them in a permanent camp? It is the same thing, is it not?

Mr. BLACKMON. That is an Army post. This is for a permanent maneuvers camp for maneuvers and instructions.

Mr. SLAYDEN. Why should the Government go to the expense of buying another site for the midsummer maneuvers when they have another site that is permanent?

Mr. BLACKMON. They are not asked to buy any property here.

Mr. SLAYDEN. But clause 2 provides for that.

Mr. DENT. That is stricken out.

Mr. UNDERWOOD. Will my colleague yield?

Mr. DENT. Certainly.

Mr. UNDERWOOD. I understand this is a proposition for a maneuver camp every two years. They have to have a place for these maneuvers.

Mr. SLAYDEN. Yes.

Mr. UNDERWOOD. Now, the people at Anniston propose to give this to the Government without cost.

Mr. SLAYDEN. The gentleman is too old a legislator to know that they are doing it for the purpose of giving the Government something. They are doing it for the purpose of having the Government do what is in the second part of the bill, namely, establish a camp there periodically.

Mr. UNDERWOOD. Four thousand acres, I think, are large enough. I think a maneuver camp has already been located on it. The waterworks and pipes, and so forth, were put in. This allows the Government to take this, so that they can have a maneuver camp——

Mr. SLAYDEN. I have no objection to the Government taking whatever is required for what it needs. I was under the impression that the Government had already acquired a large amount of land at Fort Oglethorpe, and I could not see the need, therefore, for this. The explanation of the gentleman from Alabama [Mr. BLACKMON] is that this is a summer maneuver camp, which he distinguishes from an Army maneuver camp.

Mr. UNDERWOOD. It is expected to be a permanent maneuver ground.

Mr. SLAYDEN. Is not the other camp a permanent maneuver camp for joint maneuvers?

Mr. BLACKMON. No. It is a Regular Army brigade post. Anniston presents an ideal place, as Army officers have reported, for a permanent maneuver camp, rifle and artillery ranges, and camp of instruction.

Mr. SLAYDEN. The Government has that land at Fort Oglethorpe and can so use it.

Mr. BLACKMON. The Government thinks that Anniston is the most desirable place it could find in which to establish a permanent maneuver camp in all this group of States. In 1912, by direction of the War Department, the midsummer maneuvers were held at Anniston, Ala. About 18,000 troops were assembled at this point. Water mains were laid, additional railroad tracks for properly handling the troops were provided, latrines provided, streets and roads through the camp, all underbrush cut away; in other words, many thousand dollars were expended in preparation of the site now proposed by Anniston. Anniston has the best of railroad facilities. Two of the main lines of the Southern Railway, also the Louisville & Nashville Railroad, enter Anniston, and the Seaboard Air Line has a road surveyed into Anniston, with the right of way and terminal facilities already purchased, and will be in operation, it is confidently expected, within a very short time.

New Orleans, Pensacola, Savannah, Charleston, and other seaboard towns can be reached within 11 to 14 hours. The climate and water is unexcelled, and the general excellent health conditions have been fully set out in reports now on file in the War Department. However, it is not necessary for me to deal with this phase of the question, because the official reports now on file in the War Department, made by official representatives of that department, give this information in detail.

Mr. UNDERWOOD. As I understand it, Mr. Speaker, this ground at Fort Oglethorpe is a Regular Army encampment. At this place they have held their maneuvers before. These people propose to give them the land. The water pipes have been laid there. Of course, the reason they wish to give them the land is that they want the men to come there and spend the money. It does not compel the Secretary of War to take this.

Mr. SLAYDEN. It does not compel him to buy more land?

Mr. UNDERWOOD. No.

Mr. DENT. It does not compel him to take the 4,000 acres of land.

Mr. SLAYDEN. But it would be ungracious of the Secretary of War to accept such a magnificent gift from the people of Alabama without giving them a quid pro quo in some shape or other.

Mr. UNDERWOOD. I will say to the gentleman that the quid pro quo they expect to get is very evident. There can not be any doubt about that. They propose to give this land. There is going to be a maneuver camp somewhere in these States every two years. These people are willing to make a gift to the Government of this land, which is suitable, for the Government has already tried it. It is nothing new. They have held it there before, and the quid pro quo will be the amount of money that these troops expend there every two years when they come. They will spend it somewhere, of course.

Mr. SLAYDEN. Why should the Government have a duplicate camp?

Mr. UNDERWOOD. They have not had a duplicate camp. My friend from Texas has made that statement before, but I ask him to put in the RECORD anything he has to show that the Government has a duplicate camp.

Mr. SLAYDEN. I will call upon the gentleman from Georgia [Mr. LEE] to say how much land the Government has at Oglethorpe, Ga., for maneuvering grounds.

Mr. UNDERWOOD. Oh, there is available land all over the country for that purpose.

Mr. SLAYDEN. That is all they need.

Mr. UNDERWOOD. It is not a question of all they need. They have public lands in the State of Alabama that would be available for a camp if they were desired.

Mr. SLAYDEN. I do not see why they do not take it instead of going to Oglethorpe and paying a big price for land there.

Mr. DENT. I think the gentleman from Texas has in mind the bill that was fathered here by Judge MOON, but I think that bill was simply to increase the amount of land in connection with the fort there, and was not intended for the purpose of establishing a summer maneuver camp for the joint occupation of the Army and State troops, as this bill does, and as does the bill offered by Judge HOUSTON and Mr. BYRNS, at Tullahoma, Tenn.

Mr. SLAYDEN. But the gentleman does not seem to think with his colleague that they could not have joint maneuvers of the National Guard and the Federal troops at a place like Oglethorpe.

Mr. DENT. No; I do not think so.

Mr. SLAYDEN. I want to say to my friend that my affection for the gentlemen from Alabama is convinced, but my reason is not. [Applause.]

Mr. DENT. I thank the gentleman for his affection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have been unable to hear the interesting private conversation that has been going forward on the other side of the House. I would like to ascertain who is trying to get the advantage here. We have House joint resolution 76 up now for unanimous consent. We have on the calendar House joint resolution 85, the one introduced by the distinguished gentleman from Alabama [Mr. BLACKMON] and the other one introduced by the distinguished gentleman from Tennessee [Mr. BYRNS], both reported from the same committee, for the same purpose, in the same language, except that in one case there is a long title and in the other a short title; but the committee amended them in both cases. What becomes of Mr. BYRNS of Tennessee if this goes through? Where does he land? [Laughter.]

Mr. DENT. I will say to the gentleman from Illinois that we have no objection to the passage of the Byrns resolution. We are perfectly willing that both resolutions should be passed by Congress, and we are willing to put it up to the War Department to determine which of these two places is the most suitable for a camp.

Mr. MANN. I will ask the gentleman from Alabama whether the War Department can determine the location any easier after the passage of this resolution than it can before? We shall have to pass only one.

Mr. DENT. There would probably be no offer or donation of the land unless there was some authorization on the part of Congress in regard to it.

Mr. MANN. We have had both of these matters before us before, and the statement has been on each occasion that the people did offer the land. Why can not Congress, upon the recommendation or statement of the Secretary of War, determine which of these locations it will take, it being impossible to take both?

Mr. DENT. Does not the gentleman think that the passage of this resolution will in the end accomplish the desired result, and that this is all they need?

Mr. MANN. Well, I do not know whether they will get a better place or not. Of course I do not know whether it is my duty to protect the gentlemen from Tennessee. I find they are quite competent to protect themselves. But I notice in this case the diligent gentleman from Alabama has his bill on the Unanimous Consent Calendar, and if it passes some gentleman on our side of the House may feel it incumbent upon him to object to passing the Tennessee resolution to accomplish the same purpose. It is so easy to be done.

Mr. HOUSTON. Mr. Speaker, I want to say that we are perfectly satisfied that we can convince the War Department and the Secretary of War that the best place in the South to establish a maneuvering ground is at Tullahoma, Tenn., and we are perfectly willing that these two measures shall be passed and put up to him, so that he can make the best selection.

Mr. MANN. I will say to the gentleman from Tennessee that I do not think it is desirable for Congress to pass two resolutions to accomplish the same purpose, only one of which can become operative. I can see no reason why we should pass the Tennessee resolution if we pass this. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object——

Mr. HEFLIN. The gentleman is too late, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] reserves the right to object.

Mr. BYRNS of Tennessee. Mr. Speaker, I did not understand the gentleman from Illinois [Mr. MANN]. I want to ask a question of the gentleman from Illinois, if he will give me his attention. Do I understand the gentleman from Illinois to say that if this resolution were passed he saw no necessity for the passage of the other resolution, and that he proposes to object to that?

Mr. MANN. I did not say I would object. I will find it difficult to make up my mind when the time comes without expressing a decided opinion in advance. But I can say to the gentleman that I see no necessity whatever for the passage of the resolution to take a site in Tennessee after we have passed a resolution to take a site for the same purpose in Alabama. I think Congress ought to assume some responsibility in these matters and not shirk it and turn it all over to the Secretary of War.

Mr. BYRNS of Tennessee. I will say to the gentleman that there was an understanding between the gentleman from Alabama [Mr. BLACKMON] and Judge HOUSTON and myself, as I understand it, that both of these resolutions, so far as we are concerned, would go through, and the War Department later on would determine whether or not it would accept the site offered in this resolution or the site offered in the resolution which I have introduced.

Mr. MANN. I remember an occasion, in my early days in Congress, when each of two gentlemen in the House had a bill for a bridge across the Mississippi River in the neighborhood of a point where there was a necessity for only one bridge. They agreed that the committee should report both bills. They were both reported. One was passed by unanimous consent, and when the other was called up some gentlemen who had no knowledge of the subject at all, but viewed it with suspicion, objected to the consideration of the second bill. [Laughter.]

Mr. BYRNS of Tennessee. I want to say that I did not expect this resolution to be called up on the Unanimous Consent Calendar. I had understood that both resolutions were to be presented to the House, and that the House was to be given an opportunity to pass on both of them. I was very much surprised to learn that this resolution was before the House at this time.

Mr. MANN. I think it would be safer to consolidate these resolutions into one.

Mr. MURDOCK. Certainly it would. Why does not the gentleman stand on his rights?

Mr. GARNER. Why not let this go over for a day?

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. DENT. Mr. Speaker, I believe this is on the Union Calendar?

The SPEAKER. Yes; it is on the Union Calendar.

Mr. DENT. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I want to offer an amendment.

The SPEAKER. Let us dispose of the committee amendments first.

The committee amendments were agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, how many sections are there in that bill?

The SPEAKER. Two sections.

Mr. BYRNS of Tennessee. I offer an amendment, to be incorporated as section 3.

The SPEAKER. The gentleman from Tennessee offers an amendment in the nature of a new section, which the Clerk will report.

The Clerk read as follows:

After line 17, on page 2, insert the following as a new section:
"SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States and which have been inspected by the commission authorized under the joint resolution approved February 24, 1911, for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina."

Mr. MANN. Mr. Speaker, I reserve a point of order upon the amendment. The amendment is not in order, and I notice that my friend from Tennessee, in offering it, puts in a provision directing the Secretary of War to purchase 5,000 acres in Tennessee, while it is left discretionary with him to purchase the site in Alabama.

Mr. BYRNS of Tennessee. I was going to ask unanimous consent to strike out the words "and directed" and insert in lieu thereof the words "in his discretion."

Mr. MANN. That will put it on the same footing as the other.

Mr. BYRNS of Tennessee. I ask to modify the amendment in that respect.

The CHAIRMAN. The Clerk will report the modified amendment.

Mr. MANN. Of course, the request is subject to a point of order.

The Clerk read as follows:

Strike out the words "and directed" in the amendment and insert in lieu thereof the words "in his discretion."

The SPEAKER. Is there objection?

Mr. MANN. I reserve a point of order upon the amendment. I do not think the amendment is in order. May I ask the gentleman what is the necessity of doing this? My recollection is that the House at one time defeated the resolution of the gentleman from Tennessee on a vote.

Mr. BYRNS of Tennessee. The gentleman is in error in regard to that.

Mr. MANN. That may be.

Mr. BYRNS of Tennessee. The House on two different occasions, according to my recollection, passed the resolution which was presented by myself and which I have offered here now as an amendment. As I remember, there was no objection to the passage of the resolution on the floor of the House. The resolution went to the Senate and, owing to pressure of business, or possibly other things, it was either crowded out or never reached the floor of the Senate. But my recollection is that on two separate occasions the House has passed this amendment in the form of a joint resolution. Of course the gentleman is very well aware that this does not direct the Secretary of War to do anything against his will or to accept this land unless he feels it is for the best interests of the Government and the Army to accept it.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. SLAYDEN. The gentleman says this does not direct the Secretary of War to do anything. Let me direct the attention of the gentleman to the language in line 10, on page 2, which says:

The Secretary of War is hereby further authorized and directed.

Mr. BYRNS of Tennessee. I want to strike out those words also.

Mr. SLAYDEN. The gentleman is willing to strike out those words, is he?

Mr. BYRNS of Tennessee. Certainly. The gentleman is aware of the manner in which this resolution was offered as an amendment, and I did not have the opportunity to examine the original resolution.

Mr. SLAYDEN. The original resolution contains those words.

Mr. BYRNS of Tennessee. That is a matter for the gentleman from Alabama [Mr. DENT].

Mr. SLAYDEN. If those words are stricken from the gentleman's amendment, they ought to be stricken from the original also.

Mr. BYRNS of Tennessee. I think so; but I understood the gentleman——

Mr. SLAYDEN. I think this bargain ought to be carried out on both sides in good faith.

Mr. BYRNS of Tennessee. The amendment has been adopted. I understand those words have been stricken out.

Mr. SLAYDEN. There are certain amendments incorporated in the bill; but the bill as given to me at the desk contains those words.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I am looking for information, Mr. Speaker. Will some gentleman who knows tell me how much land the Government has in this vicinity at the present time? Does anyone know?

Mr. SLAYDEN. I do not.

Mr. DENT. It does not own any land at all.

Mr. DONOVAN. How much land does the Government own in the State of Georgia near this point?

Mr. SLAYDEN. This is in Tennessee.

Mr. DONOVAN. But how much land does it own in Georgia, not far from this point?

Mr. SLAYDEN. I suppose the gentleman refers to Fort Oglethorpe?

Mr. BYRNS of Tennessee. The gentleman from Georgia [Mr. LEE] can inform the gentleman.

Mr. LEE of Georgia. About 7,000 acres.

Mr. DONOVAN. How many miles is it away from this particular place?

Mr. LEE of Georgia. I think about 80 miles.

Mr. DONOVAN. As a good legislator, I am going to ask the gentleman from Alabama [Mr. DENT], when the Government now has at the present time about 7,000 acres in Georgia, does it need any more land within 80 miles, and is this good legislation?

Mr. BLACKMON. If the land is given to the Government, I can not see any objection to it, and it is at a point where they say they need it.

Mr. HOUSTON. I will say to the gentleman that certain citizens of Tennessee have offered to the Government about 5,000 acres of land situated near Tullahoma, Tenn., land which is splendidly located, which has upon it the finest water and a most admirable place in every respect for the establishment of a ground of this sort. The necessity for a maneuvering ground of this sort at this point is recognized, and they propose to donate this land to the Government for a maneuvering ground. We are perfectly willing to let them pass judgment on it.

Mr. DONOVAN. Mr. Speaker, I would like to ask the gentleman how many troops are there in that particular district?

Mr. JOHNSON of South Carolina. Why do you say in your bill where the troops are to come from; why not leave that to the Secretary of War?

Mr. DENT. The bill emphatically does that.

Mr. DONOVAN. Mr. Speaker, I ask how many troops there are in that particular vicinity?

Mr. HOUSTON. That is an indefinite question and I can not answer it.

Mr. DONOVAN. Well, Mr. Speaker, they do not seem to know, so there must be very few troops. Seven thousand acres is enough for a few troops in that vicinity. As good legislators, I think they are imposing on this body.

Mr. BYRNS of Tennessee. Does the gentleman realize that this resolution does not carry one cent of expense to the United States Government?

Mr. DONOVAN. If the State of Alabama and the State of Tennessee are so generous, they ought to turn into the Treasury the taxes they now owe the Federal Government.

Mr. BYRNS of Tennessee. I want to say that the State of Tennessee does not owe the Federal Government any taxes.

Mr. DONOVAN. Mr. Speaker, in order to get the floor, what do I do?

The SPEAKER. The right thing for the gentleman to do is to vote against the amendment if he wants to defeat it. However, the Chair will recognize the gentleman if he moves to strike out the last word.

Mr. DONOVAN. Then I do that, Mr. Speaker.

Mr. MANN. I have a point of order pending on the amendment, Mr. Speaker, and the gentleman can not talk on an amendment striking out the last word except by sufferance.

The SPEAKER. The Chair was under the impression that the gentleman from Illinois had withdrawn his point of order.

Mr. MANN. I reserved the point of order.

The SPEAKER. Then we will first dispose of the point of order.

Mr. DONOVAN. Mr. Speaker, can I be heard on the point of order?

The SPEAKER. Certainly.

Mr. DONOVAN. Now, Mr. Speaker, it seems to me these gentlemen have come into court without proper information.

They do not know what use the land is to be put to; and if so, they do not know the number of troops that are to use it; and they have not stated to us a number of things. They have not stated to us the need of so much land; they did not tell us—and here is probably the Ethiopian in the woodpile—that there are 20,000 acres of land that can be sold at a certain price in the vicinity. They did not tell us that lumber and building material is cheap. That is probably another Ethiopian. They did not tell us that coal is only a short distance away and freight is cheap. Now, this is purely a business transaction and not simply a charitable one.

Mr. MANN. Mr. Speaker, I withdraw the point of order, but I would like to ask the gentleman from Alabama what is meant by the language "When the same shall be granted by the proper authority of said State." Does the State of Alabama hold the title to this land?

Mr. DENT. That is to enable the Secretary of War to require such legislative action as will give the United States jurisdiction over this land.

Mr. MANN. That is not what it says. It says that the Secretary of War may accept the title whenever the same shall be granted by proper authority of said State. I do not see how he could accept the title from anybody else. Who owns the title to this land, the State?

Mr. DENT. No; it is owned by individuals.

Mr. MANN. Then, I am afraid the gentleman from Tennessee is coming it over the gentleman from Alabama. This does not authorize the acceptance from anybody except the State of Alabama.

Mr. DENT. It says "the proper authority of said State."

Mr. MANN. The proper authority of said State is whoever represents the State in the execution of deeds.

Mr. DENT. The authority of the State may also mean granting of title by individuals who own it in accordance with the law of the State. I am willing to change the language so as to meet the gentleman's criticism; but I do not think it is necessary, because the whole thing is in the discretion of the Secretary of War, and he will not accept title until it comes to him by the deed of the owners.

Mr. MANN. I am not specially interested in the matter; but I do know that if the Secretary of War should accept the land in Alabama, the gentleman from Alabama will have to come before the House again and ask for an amended bill, because this bill only authorizes the Secretary of War to accept the title from the State of Alabama.

Mr. DENT. Mr. Speaker, I ask unanimous consent that lines 6 and 7 be stricken out.

The SPEAKER. The first matter is to dispose of the amendment offered by the gentleman from Tennessee [Mr. BYRNS], to eliminate from his original amendment certain words, which the Clerk will report.

The Clerk read as follows:

In line 4 of the amendment strike out the words "and directed" and insert the words "in his discretion."

Mr. SLAYDEN. Mr. Speaker, I have been unable to follow this thing very clearly. There is an amendment which I propose to offer to line 10, page 2, section 2, of the bill, to strike out the words "and directed." As I caught the reading of the amendment of the gentleman from Tennessee, something corresponding to that paragraph is in his amendment. I am not certain, but I want to know the parliamentary status.

The SPEAKER. The gentleman from Texas is referring to the Alabama part of the bill. We are now dealing with the Tennessee amendment, and after we get through with that the Chair will recognize the gentleman from Texas.

Mr. SLAYDEN. If the Byrns amendment is accepted and I offer an amendment to strike out the words "and directed," page 2, and it is adopted, will it be in order to move to amend the Byrns amendment to have it conform with the action taken?

The SPEAKER. If the Byrns amendment is agreed to and the gentleman from Texas offers his amendment and it carries, it simply conforms with the Byrns amendment.

Mr. SLAYDEN. That is what I wanted to know.

The SPEAKER. The question is on agreeing to the Byrns amendment to the Byrns amendment.

The amendment to the amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to offer another amendment to the original amendment, and that is to insert at the end of the amendment these words:

Or troops from such other States as may be designated by the Secretary of War.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "Carolina," in line 7 of the Byrns amendment, the words "or troops from such other States as may be designated by the Secretary of War."

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he put that amendment in the same form that it is in in the original bill, which is "or such other States as may be designated by the Secretary of War."

Mr. BYRNS of Tennessee. I was simply following the recommendation of the committee.

Mr. MANN. The committee drew a distinction which they did not know they were drawing, through somebody's carelessness.

Mr. BYRNS of Tennessee. Then, Mr. Speaker, I ask to withdraw that language.

Mr. MANN. The same language is in each of the joint resolutions, which is, "or such other States as may be designated by the Secretary of War."

Mr. BYRNS of Tennessee. Very well; let that be substituted in place of the amendment that I offered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the Byrns amendment as amended.

The amendment as amended was agreed to.

Mr. SLAYDEN. Mr. Speaker, I move to amend, in line 10, page 2, section 2, of House joint resolution 76, the Alabama part of this two-headed measure, by striking out the words "and directed."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 2, line 10, strike out the words "and directed."

Mr. HOUSTON. Mr. Speaker, is there an amendment pending? If not, I desire to offer an amendment asking that the title to the resolution be changed to conform to the various amendments.

The SPEAKER. There is an amendment pending. The gentleman from Texas has offered an amendment. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, on page 2, line 14, I move to strike out all after the word "from" down to the word "such" in line 16, and to strike out the word "other" in line 17.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 14 to 16, strike out the words "the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina or."

Page 2, line 16, strike out the word "other."

Mr. JOHNSON of South Carolina. So that it will read:

For the mobilization and assembling of troops from such States as may be designated by the Secretary of War.

I do not think we ought to legislate here and say that they shall have the troops mobilized from a certain territory at a certain place, but the matter should be left entirely in the discretion of the Secretary of War. If he accepts this land, he can have all of the troops in the United States assemble there or he can have the troops from one State assemble there. I do not think Congress ought to say that the troops from certain States of the Union shall be carried to this particular spot every two years.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. If the language to which the gentleman refers be stricken out, then would not the Secretary of War be authorized under the resolution to acquire both of these sites, one to assemble the troops of Alabama and the other to assemble the troops of Tennessee and such other troops as he might wish; whereas the resolution in the language drawn, while it is not in the alternative, plainly indicates that the Secretary of War shall only acquire one of the sites and not both of them.

Mr. JOHNSON of South Carolina. I do not care anything about that. What I wanted stricken out is the language that indicates from what point these troops shall be assembled.

Mr. MANN. That is the very purpose of putting it in, so that the Secretary of War shall not undertake to get both. We do not want them both. In the first place, that would be a confidence game on the General Government and in the second place it would be a confidence game on the people who gave the land.

Mr. MADDEN. Mr. Speaker, if the maneuvers are going to be held in the winter time we would like to have the Chicago troops sent down there, so that they can have some sunshine once in a while.

The SPEAKER. The Clerk will report the amendment of——

Mr. DONOVAN. Mr. Speaker, will the gentleman from South Carolina yield to a question?

Mr. JOHNSON of South Carolina. I will.

Mr. DONOVAN. Is the gentleman from South Carolina in favor of the Government acquiring more land than they have already—7,000 acres?

Mr. JOHNSON of South Carolina. That is not the question, and I am not passing on that question. I say that the Congress ought not to indicate to the Secretary of War that he shall assemble the troops from certain States together at any particular camp.

Mr. DONOVAN. Will the gentleman allow another question?

Mr. JOHNSON of South Carolina. I will.

Mr. DONOVAN. As a legislator does the gentleman think we ought to acquire more land than we have already at the present time, more than we need?

Mr. JOHNSON of South Carolina. Well, I am not saying the bill should pass, but I am discussing this amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Page 2, line 14, after the word "troops," strike out the following language "from the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina or," and insert the word "from" before the word "such," so that the amendment will read: "The mobilization and assembling of troops from such States as may be designated by the Secretary of War."

The SPEAKER. The question is on the amendment offered by the gentleman from South Carolina.

Mr. STAFFORD. Mr. Speaker, I have followed the amendment as read by the Clerk, but I will ask that the amendment may be again reported.

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. HOUSTON. Division, Mr. Speaker—I withdraw the request.

Mr. JOHNSON of South Carolina. I will call for it.

Mr. MANN. I shall make the point of no quorum if this amendment is agreed to.

The House divided; and there were—ayes 11, noes 14.

So the amendment was rejected.

Mr. HOUSTON. Mr. Speaker, I now renew the amendment I offered to amend the title of the bill so as to conform to the amendment.

The SPEAKER. That is not until after the bill passes.

Mr. LENROOT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. LENROOT. May I ask whether section 3 is now modified in any particular except by the striking out of the words "and directed"?

The SPEAKER. That is a correct statement.

Mr. LENROOT. Then, Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "herein," in line 9, page 2, and insert after the word "mentioned," in line 9, page 2, the words "in section 1 or section 2 hereof."

Mr. LENROOT. Mr. Speaker, as the language now stands the Secretary would not be authorized to proceed unless he had acquired both sites, which I do not think is contemplated. The amendment I have proposed will authorize him to do the things contemplated, mentioned either in sections 1 or 3, upon accepting the title.

Mr. DENT. We have no objection.

The question was taken, and the amendment was agreed to.

Mr. DENT. Mr. Speaker, I desire to offer an amendment to section 1, page 1, line 7, by striking out the words "the authority of said State" and insert in lieu thereof "and sufficient deeds," so it would read "shall be granted by proper and sufficient deeds."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "the," after the word "by" in line 6 and in line 7, and the words "authority of said State" and insert the words "and sufficient deeds," so that the line will read "when the same shall be granted by proper and sufficient deeds."

The question was taken, and the amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken, and the Speaker announced the noes appeared to have it.

Upon a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 47, noes 16.

So the joint resolution was passed.

The SPEAKER. The title will be amended to conform to the text without objection. [After a pause.] The Chair hears none.

The title was amended so as to read: "Authorizing and directing to accept the title to 4,000 acres of land at or near Anniston, Ala., and 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, for the purpose of establishing maneuver camps, rifle and artillery ranges, etc."

On motion of Mr. DENT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. MANN. Mr. Speaker, I move that House joint resolution 85 be laid on the table, too.

The SPEAKER. Without objection, House joint resolution 85 will be laid on the table.

There was no objection.

RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following resignation from committees.

The Clerk read as follows:

FEBRUARY 25, 1914.

Hon. CHAMP CLARK,
Speaker of the House.

DEAR SIR: I respectfully resign from membership in the Committee on Invalid Pensions and the Committee on Expenditures in the Department of Justice. I shall be glad if these resignations may become effective on, let us say, the 3d of March, because I have work in one committee that I should like to complete next Monday.

Very truly, yours,

A. C. HART.

The SPEAKER. Without objection it is so ordered.

There was no objection.

THANKS OF CONGRESS TO CAPTAIN AND CREW OF STEAMER "KROONLAND."

The next business on the Calendar for Unanimous Consent was House joint resolution No. 217, to convey the thanks of Congress to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer for the prompt and heroic service rendered by them in rescuing 89 lives from the burning steamer *Volturno* in the north Atlantic Ocean.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SLAYDEN. Reserving the right to object, I would like to ask a question in reference to this matter. The gentleman from Illinois [Mr. MANN] perhaps can answer the question, as he is so well informed on everything touching the history, past as well as current, of Congress. I would like to know if the thanks of Congress have not been very rarely voted, and if it has not been more the custom to acknowledge such services as these by medal or something of that sort?

Mr. MANN. We passed a bill giving the thanks of Congress to the captain of the *Carpathia*, the vessel that went to the rescue of the *Titanic*, by name. This resolution avoids naming him, because under the rules of the House, where the thanks of Congress are tendered, the person who is named is entitled to the floor. That is not carried by this resolution.

Mr. SLAYDEN. That was precisely what was in my mind when I asked the question. The captain did a very great service and it was proper for him to be recognized.

Mr. MANN. That might be, but the rules expressly provide that the privileges of the floor are granted where the thanks of Congress are given to a person by name. But that is not done here.

Mr. SLAYDEN. Mr. Speaker, I have no objection to the consideration of the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the thanks of Congress be, and the same are hereby, extended to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer, for promptly going to the relief of the burning steamer *Volturno* in the north Atlantic Ocean on the 9th and 10th days of October, 1913, and heroically rescuing 89 people then on board said burning steamer.

SEC. 2. That the Secretary of Commerce be, and he is hereby, authorized, empowered, and directed to cause to be purchased and presented to Capt. Paul H. Kreibohm, of the said steamer *Kroonland*, a suitable American-made solid gold dial watch and chain; and said Secretary is further authorized, empowered, and directed to cause to be made at the United States mint 5 suitable gold, 5 silver, and 29 bronze medals, which watch and medals shall be appropriately inscribed to express the high admiration in which Congress holds the services of the captain, officers, and crew of the steamer *Kroonland*, and be presented to the officers and crew, to whose promptness, vigilance, bravery, and skill was due the rescue of 89 lives.

SEC. 3. That the sum of $1,000, or so much thereof as may be necessary for the purchase of said watch and chain and the manufacture of said medals, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Also the following committee amendment was read:

Strike out section 3 and insert the following:
"SEC. 3. That the sum of $1,000, or so much thereof as may be necessary for the purchase of such watch and chain and for the purpose of purchasing the necessary materials for said medals, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. BURKE of Wisconsin. Mr. Speaker, I ask unanimous consent that House joint resolution No. 217 be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the resolution be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. DIES. Reserving the right to object, what is the resolution?

The SPEAKER. The resolution is to thank the captain and crew of the steamer *Kroonland*, of the Red Star Line.

Mr. DIES. Is that the one just read?

The SPEAKER. Yes. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Wisconsin [Mr. BURKE] if he can tell us how much this amendment will increase the cost over the original proposition?

Mr. BURKE of Wisconsin. I will say to the gentleman from Illinois that the amendment will not increase the cost over the original cost provided in section 3. I desire to say to the gentleman this, namely, that the amendment is merely for the purpose of correcting the language in the original section 3. You will notice in that section the language "and manufacture of said medals" is used. Now, we do not have to pay anything for the manufacture of these medals, for the same is to be done at the United States Mint for us free of cost, but we must pay for the material.

Mr. MANN. That is just the question. Of course it is absurd to say—not what the gentleman has said, but it is absurd to say that we get this work done at the mint free of cost. It costs just as much to have it done at the mint, although it is paid for out of some other appropriation. How much will it cost? The original appropriation was $1,000 to cover the cost of the materials and the manufacture. The committee strikes that out and puts in the same amount, namely, $1,000, to pay for the cost of the material, and they propose that the work, which may cost $1,000 more, for all I know, shall be done over at the mint. The labor at the mint is not inexpensive, by any means. They are to have a dozen of these medals made. How much will that cost?

Mr. ALEXANDER. Will the gentleman from Wisconsin [Mr. BURKE] yield to me?

Mr. BURKE of Wisconsin. Certainly.

Mr. ALEXANDER. We asked for an estimate of the cost of these medals, and Mr. Chamberlain, the Commissioner of Navigation, furnished the subcommittee an estimate of the cost, and my recollection is that it was, including the watch and everything else, about $900.

Mr. MANN. Oh, that is the material. That is stated in the report. You figure it up to about $1,000. But that does not cover the cost of making medals and making the design.

Mr. ALEXANDER. I do not suppose the cost of the material is very considerable.

Mr. MANN. The cost of the material in a gold medal is quite considerable. At least, it is stated in here, I believe, at $483, or something of that sort.

Mr. BURKE of Wisconsin. About $533 for the medals and $250 for the gold watch and chain. I will say to the gentleman from Illinois that the words in the original section 3, "and the manufacture of said medals," were inserted through inadvertence. It was understood by the committee that we would not be charged at the mint for the manufacture of these medals, but that we would have to pay for the material. In the first draft of the bill I used the words "in the manufacture of said medals" when I should have used the words "for the purpose of purchasing the necessary material."

Mr. MANN. I did not know that the gentleman made the first draft. The gentleman will pardon me. The gentleman from Texas [Mr. HARDY] introduced the bill, or, at least, it was in his name. I accept the statement of the gentleman from Wisconsin.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE of Wisconsin, a motion to reconsider the vote by which the House joint resolution was passed was laid on the table.

TITLE TO LANDS IN YOSEMITE PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12533) to amend section 1 of an act of Congress approved April 9, 1912 (37 Stats., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes."

The title was read.

Mr. MANN. Reserving the right to object, Mr. Speaker, I have a memorandum on my copy of this bill that the report is not ready. That memorandum, I think, was made at about 11 o'clock or half past 11 o'clock this morning. Since that time the distinguished gentleman from California [Mr. RAKER] has done me the honor to send me over a copy of the report, which has just come in, and it is so elaborate that I think everybody in the House ought to have it.

It is the first illustrated report, I think, that I have seen for some time. It has some handsome pictures in it, and it ought to be further embellished by a photograph of the distinguished gentleman from California. I know of nothing that is lacking in the pictures in the report except the picture of the gentleman himself. [Laughter.]

Since when, I will ask the gentleman from California, have we started to print pictorial editions of simple committee reports?

Mr. RAKER. Mr. Speaker, in answer to the gentleman's question, the assistant to the Secretary, Mr. Miller, and the Chief Forester, Mr. Graves, appeared before the committee with this report as published, containing the pictures and the map.

Mr. MANN. The gentleman knows they are not both in the same department. They could not have appeared, both bringing this.

Mr. RAKER. They both came, and they had but one report.

It will be noticed from the report that in the very language of the report and in the statements in it references are made to the accompanying map, showing the yellow on the map, the blue on the map, and the pink on the map, and the territory, together with the location of the exterior boundary lines of the national forest, the lines of the park, the railroads already there, and the proposed railroads, so that the committee could intelligibly grasp the situation and could view just exactly the land desired to be taken and the land desired to be exchanged.

Mr. MANN. If the gentleman will permit, I will say that I was before a committee this morning at a hearing, where I expect there were 50 maps, and they had no chance to produce them. Would the gentleman suggest that a committee, when it makes a report upon such a bill, should spend thousands upon thousands of dollars in printing a lot of maps that nobody would ever look at, probably?

Mr. RAKER. I want to answer that, Mr. Speaker. On page 9 is the land to be exchanged by the Yosemite Lumber Co. to the United States. "1A shows on the attached map in yellow." I want to call the gentleman's attention to the fact that that runs all through the report. The minute the Committee on the Public Lands brought in the report and it was found not to contain that map, somebody would rise and say we were trying to suppress the map.

Mr. MANN. Oh, no. That would not be said.

Mr. RAKER. Let me say to the gentleman this: The map has been executed. It has been printed, and has been attached to the report. I hope I shall not be held responsible for its not getting in here earlier.

Mr. MANN. Does the gentleman think we could not intelligently consider the statements of these officials without a map? Is that what I understood the gentleman to say?

Mr. RAKER. Oh, I think we could; but I think it adds to the clearness of it.

Mr. MANN. If you think we could, why did you insert the map? If you think we could not, why do you ask us to pass upon it without a chance to look at the map?

Mr. RAKER. It is such a clear presentation that——

Mr. MANN. I will not say the gentleman is responsible, because probably he is not responsible for it; but I think it is gross abuse of the privileges of the House to print a lot of maps and illustrations and photographs in a report of a committee of the House. I do not think the gentleman from California is to blame for this, but if the departments are to blame they are subject to severe criticism. We can not do that sort of thing.

Of course in this case it will delay action on the gentleman's bill, because while the bill was reported February 10, yet, owing to the fact that they had to print a map—a very expensive proposition, because it has to be sent over to Baltimore, I believe,

and be engraved, at considerable expense, and it is very slow work—it gets back only this morning, too late for anybody to examine it.

Mr. RAKER. I will state to the gentleman that the map is a part of the report. All the maps that come into the other departments, coming to the various committees, are printed in numbers; and as to many of them, when a committee makes a report you can go and get that map. In this case but one map was furnished by the department to the committee, and when that department in every sentence, to make it clear, so that the Members can see what is being done, refers to a map, and that map is printed as a part of the report, it seems to me that ought not to be an objection.

Let me say, in justification of this matter, that, while I did not show the map, I went to the Speaker, and I went to the majority leader, and I went to the chairman of the Committee on Printing and asked them whether or not I should get unanimous consent to have this done. Then I went to the man in charge of the Clerk's office, and I was told that the committee had the power under the resolution, and if it was an illustration and proper it would be printed with the report. So there can be no question on the matter.

Mr. MANN. Did the gentleman show these pretty pictures in here—of no value to anybody in connection with the bill—to the Speaker and to Mr. UNDERWOOD and to Mr. BARNHART?

Mr. RAKER. I did not show the pictures; no. I want to say this, Mr. Speaker, if the gentleman will yield further: This is an exchange of land in a national park and in a national forest, owned by private individuals, for other land of the Government outside and inside of the park and within the reserve.

Mr. MANN. We do not know whether that is so without looking at the map.

Mr. RAKER. Of course you could not know that without looking at the map. That is true.

Mr. MANN. But we could know if you had got in the report in time. Under the gentleman's contention the Committee on Rivers and Harbors might bring in here on the floor maps that would reach from the floor to the ceiling. That is not an exaggeration.

Mr. RAKER. I know that each Member can get a set of the engineer's reports and find in them all the maps; but I want to call the gentleman's attention to the fact that you would have to consult the original plat to find out where the northeast quarter of the northeast section 3 is.

Mr. MANN. No; I would not have to do that. I could sit down with a pencil and find out in three minutes. Every Member can do that who is familiar with public lands.

Mr. RAKER. I trust the gentleman will permit another statement. The entire delegation appeared before the Secretary of the Interior and before the Secretary of Agriculture, and the departments are in favor of this. I will state to the gentleman that these lumber companies are right up to the line with their mill in operation at the present time, and their railroad.

Mr. MANN. The delay in the passage of this bill has been caused by the gentleman himself.

Mr. RAKER. Why, no, it has not.

Mr. MANN. The gentleman presents a report at the last hour, after the House is in session to-day, and the report contains a lot of pictures and maps. The gentleman says you can not intelligently understand this subject without a chance to examine those pictures and maps. I do not know. I think you could understand it, but I have not had a chance to examine the report, and for the moment I am going to take the gentleman's statement; and I am not going to let the bill pass by unanimous consent until I have had a chance to look at these pictures.

Mr. RAKER. I do not think the gentleman ought to put into the RECORD the statement that this is done by my cooperation.

Mr. MANN. Certainly. I say it is the gentleman's own fault. The gentleman had no business to print such a report, with a lot of pictures in it.

Mr. RAKER. They are a part of the report, and it would be mutilating it if they were not all printed. The officers appearing before the committee sent these maps and pictures as a part of their presentation. In drawing the report I believed it was my duty to bring everything before the House that would throw light upon the subject, and give the House a chance to see that the exchange is equal.

Mr. NORTON. Could the gentleman have secured any more pictures? Are these all?

Mr. RAKER. I could, and I will state that I would stand on my head if it would assist in the passage of this bill; but I do not think the gentleman wants me to do that. [Laughter.]

Mr. MANN. If it is so important to have these pictures, it is certainly important enough that we should have a chance to look at them. I have not had a chance to examine them.

Mr. RAKER. These pictures are pretty——

Mr. MANN. Then I want to take the time to look at them.

Mr. RAKER. Let me say this further word——

Mr. MANN. I will say now that I am not going to let the bill be acted on to-day by unanimous consent.

Mr. RAKER. You are not?

Mr. MANN. I must have a chance to look at the pretty pictures that the gentleman says he inserted, and that he says are so necessary to enable the House to understand the bill.

Mr. RAKER. Let me say this much about the pictures: A good deal is said about the exchange of Government land in the park and in the reserve for other land and the necessity for it. The land desired to be exchanged is now in private ownership. These pictures were presented here for the purpose of showing that the title to the land was not obtained in fee, but the logging was permitted, and to show that there would still be a beautiful growth of trees upon the land, that the scenic aspects of the Yosemite National Park would not be destroyed; and, with that idea in view, to show that there could be reasonable and proper logging and still leave a beautiful tract of ground, the pictures were printed for that purpose.

Mr. MANN. Does the gentleman think there has ever been an exchange of Government land for land that was owned by somebody else where the Government did not get the worst of the bargain?

Mr. RAKER. In this case the exchange is acre for acre, foot for foot. The Secretary of the Interior and the Secretary of Agriculture have sent parties into the field and have made a cruise and an estimate of the lumber.

Mr. MANN. We will get some worthless land, and we will give some good land in exchange. That is always the case.

Mr. LENROOT. Mr. Speaker, inasmuch as this matter is going over, I feel that it ought not to rest with any idea on the part of the House that this is an intricate subject, and I am very sorry, indeed, that these photographs and this map were included in the report. I do not believe it was necessary at all to do it, and I do hope the Members of the House will not get the idea from the character of that report that this is such an intricate subject that it could not be considered upon unanimous-consent day. It is all very easily explained upon the facts themselves.

Mr. FERRIS. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] has almost made the speech I intended to make, and I only desire to say this: I hope the House will not feel in any way prejudiced against this bill by what has been said, partially in good humor and perhaps partially not, because the bill is a meritorious one. It was drawn by the department. The department is anxious to have the exchange of these lands made, and the necessity for it is to preserve the beauty of the Yosemite National Park itself, in which we all take a true pride.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. I do.

Mr. MANN. If the Secretary of the Interior or the Forester recommended the publication of this map and these pictures, the committee to whom the recommendation was made ought to read them a good lesson. There is absolutely no excuse for wasting and squandering the public money and time by this sort of a report.

Mr. FERRIS. I stepped out for a moment, and I have not heard all the colloquy between the gentleman from California and the gentleman from Illinois. I do not recall that any special authorization was given or request made regarding the pictures. It is true that the department did bring in a lot of pictures, data, and maps, and I have no doubt the gentleman from California [Mr. RAKER] thought he would bring in substance before the House the same information that the committee had. I myself doubt the propriety of printing so many photographs and maps at large expense when I do not think it is necessary; but that was a question which addressed itself to the discretion of the gentleman from California. He was making the report as he thought best. We have at times heard severe criticism here in the House for not fully reporting the facts. Perhaps the gentleman was seeking to avoid that.

Mr. ADAMSON. Mr. Speaker, I do not feel certain that this report is divisible; but if it is, I suggest that we might make peace, and it might satisfy the gentleman from Illinois, if we should withdraw the picture gallery and let the report go through without illustration or illumination.

Mr. MANN. I would not object to the pictures at all, but I want a chance to examine the report; and it is because of the pictures that the report did not get into the House until 10 days after the bill was reported.

Mr. NORTON. I understand that this report does not contain all the pictures that were submitted.

Mr. FERRIS. I do not recall about that. There were a lot of pictures.

Mr. RAKER. It contains all the pictures that were submitted and handed up as a part of the report.

The SPEAKER. Is there objection?

Mr. TOWNER. Reserving the right to object, I should like to ask the gentleman from California a question about the terms of the bill. As I understand it, there is no determination in the bill as to what lands are to be granted by the United States or are to be received by the United States. Am I correct in that?

Mr. RAKER. I did not quite catch the gentleman's question.

Mr. TOWNER. There is no specification regarding either the lands that are to be granted by the United States in exchange or those lands that are to be received by the United States.

Mr. RAKER. Not unless you turn to the map and find the lands therein designated that the Government will exchange.

Mr. TOWNER. If it is known that lands are to be exchanged, ought not the lands to be specified in the bill? The language of the bill is so general it would allow the Secretaries to grant any land in the Yosemite Park.

Mr. LENROOT. It is not definitely known within a thousand acres what these lands are.

Mr. TOWNER. The gentleman would not believe it safe for this Congress to say both "We do not know what lands are to be granted" and "We do not know what lands are to be received" and leave that matter entirely to be determined by somebody else.

Mr. RAKER. I have said that the bill allows certain exchanges.

Mr. TOWNER. The bill does not say "certain exchanges."

Mr. RAKER. Well, to make exchanges; and the department makes an examination in the field of the land to be exchanged, of the land owned by the Government and the individuals.

Mr. TOWNER. Let me suggest that it would be better to have this determined by the committee rather than that Congress should pass a bill granting such general unlimited power as is contained in this bill. Let me further suggest, because this bill will have to be considered again by the gentleman, that as I read it there is no authority granted anybody to make a deed of any land or to convey any land. It merely says here that the Secretaries of the Department of the Interior and the Department of Agriculture are authorized to receive certain lands in exchange for lands to be granted to them, but there is no authority in this bill to convey any lands to anybody.

Mr. RAKER. This bill has been gone over by the department and its attorneys, and they feel that under the bill there is ample authority and power to the Secretary of the Interior and the Secretary of Agriculture to make these exchanges, and I believe there is.

Mr. TOWNER. Who is to make the deeds? These gentlemen are not given power to do it. There is no authority to anybody in the bill to make deeds for the United States. It appears to me that the bill ought to be entirely reconsidered. The lands ought to be specified that we may know what they are; the amount of them; the lands that are received ought to be specified that we may know what they are and how many acres, and the authority ought to be granted to particular persons to deed the lands as well as to receive them.

Mr. RAKER. This entire matter is contained in the report. It shows all the lands that are desired to be exchanged. If we should come in here with a full report showing in detail the 40-acre tracts, and set out the timber on each tract, and embody all that in the bill, somebody would raise an objection that the bill was too long, and why did not you give the general power just as we have given it in this bill.

Mr. TOWNER. I never heard of an objection of that kind being made on the floor of the House. We object when we do not know what power is granted, when we do not know what part of the property of the United States is to be given away to some one else.

Mr. RAKER. Mr. Speaker, that statement is wholly unjustifiable. There is no giving away of one single cent. Every stick of timber and every acre of land is to be exchanged for a like quantity of timber or like quantity of land, and of equal value.

Mr. TOWNER. There is no such proposition in the bill. It makes no difference what is stated in the report. The merits of the matter to be considered must be determined by the terms of the bill and not by the report. Certainly the gentleman knows that.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, this bill was introduced January 28 nominally, but really reported to the House February 20. The report was not available until after the House met to-day. I can not consent to the passage of the bill by unanimous consent where nobody has had a chance to examine it, and therefore I object.

DRAINAGE OF INDIAN ALLOTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13091) to provide for the drainage of Indian allotments of the Five Civilized Tribes.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever a drainage district is organized in any county in the Five Civilized Tribes of the State of Oklahoma, under the laws of that State, for the purpose of draining the lands within such district, the Secretary of the Interior is directed to pay from the funds or moneys arising from any source under his control or under the control of the United States, and which would be pro rated to such allottee, the assessment for drainage purposes against any Indian allottee or upon the lands of any allottee who is not subject to taxation or whose lands are exempt from taxation or from assessment for taxation under the treaties or agreements with the tribe to which such allottee may belong, or under any act of Congress; and such amount so paid out shall be charged against such allottee's pro rata share of any funds to his credit under the control of the Secretary of the Interior or the United States: *Provided*, That the Secretary of the Interior, before paying out such funds, shall designate some person from the drainage bureau of the Government, or some other person with a knowledge of the subject of drainage, to review the schedules of assessment against each tract of land and to review the land assessed to ascertain whether such Indian allottee, or his lands not subject to taxation, have been assessed more than their pro rata share as compared with other lands located in said district similarly situated and deriving like benefits. And if such Indian lands have been assessed justly when compared with other assessments, then, in that event, said funds shall be paid to the proper county in which such drainage district may be organized, or, in the option of the Secretary of the Interior, to the construction company or bondholder shown to be entitled to the funds arising from such assessment: *Provided further*, That in any event such assessment on any Indian allotment shall not exceed $15 per acre.

A committee amendment was read, as follows:

Page 2, line 20, after the word "acre," strike out the period and insert a comma, and add the following: "and no such assessment shall be made unless the Indian allottee affected, or his legal guardian, shall consent thereto: *And provided further*, That nothing in this act shall be so construed as to deprive any allottee of any right which he might otherwise have individually to apply to the courts for the purpose of having his rights adjudicated."

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oklahoma a question.

Mr. MURRAY of Oklahoma. I was going to make a statement. We have in Oklahoma certain lands in the Five Civilized Tribes that were not taxed, and some portions of these lands have a good deal of swamp on them. We have a drainage law that provides for assessment for benefits derived. This act was designed to take the place of several special acts that would arise in the future, acts that were passed before I came to Congress. This is to take the place of all special acts. It does not make an appropriation; it does not authorize the Secretary to take any of the money without appropriation. It merely gives each district organized notice as to the methods by which they can organize and what they can expect.

Mr. MANN. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. MANN. I understood the gentleman to say that that does not authorize the payment of this out of the funds. It looks to me as though it required it—not authorizes it, but directs it.

Mr. MURRAY of Oklahoma. The gentleman understands that we have in the Indian appropriation bill, the one recently passed and the one before, a provision that no money shall hereafter be paid out except for certain purposes. It requires an appropriation to pay out for any purpose except those specified purposes.

Mr. MANN. I do not recall that provision, and it would not make any difference whether there was or not. This is a trust fund, and where we direct the Secretary to pay money belonging to private persons in the hands of the Treasury he will pay it.

Mr. MURRAY of Oklahoma. We have an amendment there proposed by the committee, at the close of the bill, that before assessment can be made the Indian himself must give his consent.

Mr. MANN. Oh, I saw that. The department recommended that. I think that is a mere use of idle words.

Mr. MURRAY of Oklahoma. Oh, I think the department did not recommend it.

Mr. MANN. Yes; the department recommended it.

Mr. MURRAY of Oklahoma. If the gentleman from Illinois will notice the letter from the Interior Department, it recommends a bill bearing another number. There were only about three clauses added, and the subcommittee though it wisest to reintroduce the bill just as it was amended by the subcommittee, and as agreed to by the department. The full committee put on this particular amendment.

Mr. MANN. I understand the department recommended it be made subject to the choice of the Indians, but I do not think that amounts to anything one way or the other. If we are to allow the Indian to determine, then we ought to have nothing to do with it at all. If we are not to allow the Indian to de-

termine, then the responsibility should be upon the Interior Department.

Mr. MURRAY of Oklahoma. That would be true, if the Government did not have the Indians' money.

Mr. MANN. Let me ask the gentleman a question. In the first place, what is a "county in the Five Civilized Tribes"?

Mr. MURRAY of Oklahoma. A county in the Five Civilized Tribes is a county in the State of Oklahoma.

Mr. MANN. That is not a county in the Five Civilized Tribes? Where did the designation "county in the Five Civilized Tribes" come from?

Mr. MURRAY of Oklahoma. I will ask the gentleman to point out to what he refers?

Mr. MANN. Why, right in the beginning of the bill—

That whenever a drainage district is organized in any county in the Five Civilized Tribes——

Mr. MURRAY of Oklahoma. Of the State of Oklahoma.

Mr. MANN. But it does not say any county in the State of Oklahoma. It says any county of the Five Civilized Tribes. That undoubtedly needs fixing.

Mr. MURRAY of Oklahoma. No; I think if the gentleman will understand, whenever there is a county in the Five Civilized Tribes it comprehends wholly the territory of the Five Civilized Tribes.

Mr. CARTER. There are 40 counties in Oklahoma that are covered by the Five Civilized Tribes and about 37 or 38 that are not.

Mr. MANN. Are they recognized by the State of Oklahoma now as the Five Civilized Tribe counties by legal designation?

Mr. CARTER. No.

Mr. MANN. Then the first man who objected to this assessment would knock it out, if he was a good lawyer. This bill apparently leaves no discretion on the part of the Secretary of the Interior as to these assessments. It requires him to pay them. It requires that they be confirmed, if they are not assessed any more, proportionately, than the white man's land, although the whole assessment may be, in the main, levied against the Indians and entirely inequitable. There is no discretion whatever left in the Secretary of the Interior.

Mr. MURRAY of Oklahoma. If the gentleman will yield, this says in the event it is found they are assessed like other lands similarly situated and deriving like benefits.

Mr. MANN. It may be practically all Indian lands; and it may be in some cases, and probably will be, all Indian lands with the exception of a few white men's lands. If the Indian lands are assessed the same as the white man's, then the assessment has to go through, although the whole thing might be a rank outrage and a steal. Why not leave discretion in the Secretary of the Interior?

Mr. STEPHENS of Texas. Mr. Chairman, I call the gentleman's attention to the language in the two last lines of the bill:

And no such assessment shall be made unless the Indian allottee affected, or his legal guardian, shall consent thereto.

Mr. MANN. That does not amount to a snap of the fingers.

Mr. MURRAY of Oklahoma. Does the gentleman understand that if the Indian wants to object, this can not be done, even if the Secretary wants to do it?

Mr. MANN. Yes; I understand that.

Mr. CARTER. The lands are nontaxable.

Mr. MANN. I will be frank with the gentleman. I think that amendment is a bad amendment; it certainly does not protect the Indian. Under that amendment, if some white man is fighting this thing, he can go and get hold of an Indian or a few of them who will object, and you are not able to put it through.

Mr. MURRAY of Oklahoma. That is true; we have had that experience.

Mr. MANN. The purpose of this is to drain the Indian lands fairly.

Mr. MURRAY of Oklahoma. If the gentleman will remember, whether that amendment be adopted or not, the Indian can refuse to pay if he wants to. Then, the gentleman says that the Secretary has no discretion.

Mr. MANN. He can not refuse to pay after it is confirmed under this.

Mr. MURRAY of Oklahoma. I have no objection to striking out the word "directed."

Mr. MANN. Would the gentleman be willing to strike out the word "directed," in line 6, on page 1, and insert the words "authorized in his discretion"?

Mr. MURRAY of Oklahoma. That is satisfactory.

Mr. MANN. I think that would protect.

Mr. CARTER. Yes; that is satisfactory.

Mr. MURRAY of Oklahoma. I would like to know if the gentleman has any other objections.

Mr. MANN. I suppose the proper method of payment is to the county and not to the drainage district?

Mr. MURRAY of Oklahoma. This is written in obedience to the law of the State. That is paid at the initiative of the organization of the district. Then it is paid to the county. If the bonds have been issued and sold, presuming that the Government may delay, then it will be given to the man who buys the bonds or the construction company. This particular law—and I am well acquainted with it, because I drew it myself, and I have organized a drainage district——

Mr. MANN. There is nothing in that. I have seen laws, I have drawn some myself, where you did not know what they meant after they were enacted. [Laughter.]

Mr. MURRAY of Oklahoma. Doubtless that is true of the gentleman from Illinois, but in this particular case it does not apply.

Mr. MANN. Well, the gentleman may know what he means when he draws a law, but nobody else does.

Mr. MURRAY of Oklahoma. But the courts have already construed it. I will be glad to answer the gentleman's question which he started to propound.

Mr. MANN. What is the drainage bureau of the Government?

Mr. MURRAY of Oklahoma. The drainage bureau—there is a bureau in the Agricultural Department.

Mr. MANN. This is intended to have somebody from the Agricultural Department go there?

Mr. MURRAY of Oklahoma. This was purposely written that the Secretary shall designate some man from the drainage bureau or some other person that he has with this in view. I did it as a protection to the Indian.

Mr. MANN. If the gentleman has reference now to the Agricultural Department, he had better say so, because nobody knows what the drainage bureau of the Government is.

Mr. MURRAY of Oklahoma. We felt it was wise to let the Department of the Interior control this thing, because it would be more likely to protect the Indian.

Mr. MANN. Of course the Secretary of the Interior is not authorized to designate some one from the Department of Agriculture.

Mr. MURRAY of Oklahoma. Yes, I know that; then we have a provision whereby he can designate some one else.

Mr. MANN. I know, but the gentleman is endeavoring to put the Department of Agriculture where it will pass upon these things; if so, let us guard the language in some way——

Mr. MURRAY of Oklahoma. Well, I do not want to do that.

Mr. MANN. The gentleman wants it to be guarded and yet not do it.

Mr. MURRAY of Oklahoma. No; I do not want to put it there, because I think it will be unwise for the Indian.

Mr. MANN. Yet you put in here—

The Secretary of the Interior before paying out such funds shall designate some person from the drainage bureau of the Government, or some other person with a knowledge of the subject of drainage—

And so forth. And when I ask you what you mean by drainage bureau of the Government, you say the Agricultural Department. If that be the case——

Mr. MURRAY of Oklahoma. I am willing to strike out all reference to the bureau of drainage.

Mr. MANN. How can you say the Secretary of the Interior can designate some one from the Department of Agriculture?

Mr. MURRAY of Oklahoma. I am willing to strike out that language and let him designate somebody with knowledge of drainage.

Mr. MANN. I think that would be more sensible.

Mr. MADDEN. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. MADDEN. In the organization of a drainage district it proposed to levy a special assessment of cost——

Mr. MURRAY of Oklahoma. Under the law each piece of land is assessed according to the benefits derived from that assessment. The result in the district we organized in my district—and I will say this to the gentleman, we have organized a district and we threw out the Indian land and did not assess it. Now, when this assessment is made according to benefits derived, each man having a right to go into court to contest the assessment, when that is done it is levied against the land and runs for a period of 14 years, annual assessments——

Mr. MADDEN. With interest?

Mr. MURRAY of Oklahoma. With interest at 6 per cent, or you can pay it all at the time.

Mr. MANN. And issue serial bonds?

Mr. MURRAY of Oklahoma. We issue bonds; yes, sir.

Mr. MADDEN. If there is a considerable quantity of Indian land within the drainage district that is improved as a result of the work, is there no way by means of which the Indian could be compelled to pay his proportion of the cost for this work?

Mr. MURRAY of Oklahoma. No way in the world.

Mr. MADDEN. This bill proposes to remedy that?

Mr. MURRAY of Oklahoma. Yes; and I will say to the gentleman that this bill is written more in the interest of the Indian than the white man.

Mr. MADDEN. Every piece of land that is benefited by improvement ought to be compelled to pay its proportion of the cost, regardless of whether it is an Indian or not.

Mr. MURRAY of Oklahoma. I will give the gentleman a little illustration of that. There was a piece of land owned by a Mississippi Choctaw. It had the restrictions removed from it and it was sought to be sold, and a United States land agent was sent out by the department at Muskogee and valued that land at $10 an acre two years prior to the organization of this drainage district.

It went without a bid. The gentleman himself wrote to a friend in another State and advised him to buy the land, and he bought it at $10. That land can be sold now at $50 an acre, and the highest assessment that there has been on it was $9.62 an acre, because of the drainage system.

Mr. MADDEN. This proposes to compel the Indian to pay his proportion of the cost?

Mr. MURRAY of Oklahoma. It does if the Indian will agree to it.

Mr. MADDEN. He ought not to be permitted to agree. If his land is going to be improved, he ought to be put in the same category as anybody else.

Mr. MURRAY of Oklahoma. We can not do it under this bill.

Mr. MADDEN. You have got his money.

Mr. MURRAY of Oklahoma. No. When they organize a district under this bill, they will go to the Indian and ask him if he will agree to the assessment of his land; and if he agrees, they can take it up to the department and let them determine what that assessment may be. If that is done, in most of the cas they can organize a drainage district. But if the Indian objects in the first place, it can not be done; and on the Blue River and on the Arkansas and on the Canadian, and in other places, there is much land belonging to these Indians, and it will have to lie there until the restrictions are removed and somebody buys it, and it will not sell for anything now.

Mr. MADDEN. I supposed the majority of the land in the district so organized was owned by the Indians.

Mr. MURRAY of Oklahoma. If it was owned by the Indians, even a third of it, you could not organize it now. We passed here special bills for special districts. One of them was over in the district of the gentleman from Oklahoma [Mr. DAVENPORT] and one over in the Pottawatomie district. This bill is designed so that it can not be taken up by a special act, and there is no attempt to permit the department to pay it without an appropriation. If the gentleman from Illinois thinks it does, I will be willing to change it in any way.

Mr. STEPHENS of Nebraska. I wanted to ask the gentleman why the Indian can not be compelled to pay the taxes? Is it because he is a ward of the Government?

Mr. MURRAY of Oklahoma. No; this is the reason: When the Indians agreed to the allotment of their lands, the Government agreed that from the time of that allotment for 21 years it should be nontaxable. It is written in the deed. Congress passed an act removing certain restrictions upon certain lands and the State proceeded to tax the Indians in the Chickasaw country, and the governor brought suit for them in the Supreme Court of the United States, and the Indians won it. And an act of Congress can not tax that land without their consent.

Mr. MANN. Now, if the gentleman will yield, the gentleman speaks about an appropriation. Of course, the gentleman expects if this bill becomes a law and the drainage district is organized, and an assessment is levied and the Secretary of the Interior O. K's it, the money must be paid.

Mr. MURRAY of Oklahoma. In that case we do.

Mr. MANN. The gentleman says they can not be paid without appropriations. I think the bill authorizes him to pay it. But whether or not that is so, it is immaterial, because we have to make an appropriation when we reach that stage. We would have no discretion left. The language I propose to change makes it discretionary practically with the commissioner to O. K. the matter.

Mr. MURRAY of Oklahoma. I am willing to do that.

Mr. MANN. When he has O. K'd it, of course the money has to be paid.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, on page 1, line 6, at the end of the line, I move to strike out the word "directed" and insert in lieu thereof the words "authorized in his discretion."

Mr. MURRAY of Oklahoma. I agree to that.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, by adding at the end of line 6, after the word "directed," the words "authorized in his discretion."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MURRAY of Oklahoma. Mr. Speaker, on page 2, line 9, I move to strike out the entire line and the first word on line 10.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 9, strike out the entire line and the first word on line 10.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. I understood my colleague from Illinois [Mr. MANN] to move to strike out the word "directed," but I did not understand the Clerk to read it that way.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Amend, page 1, by adding at the end of line 6, after the word "directed," the words "authorized in his discretion."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. MURRAY of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 11338) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent to take the Post Office appropriation bill (H. R. 11338) from the Speaker's table, disagree to the Senate amendments, and agree to the conference asked for by the Senate. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this morning when the gentleman made the same proposition I objected because I had not had at that time an opportunity to examine the amendments. Since that time the gentleman from Tennessee [Mr. MOON] has been kind enough to present the bill to me, and I would like to inquire of the gentleman whether he would have any objection to having a separate vote in the House on the amendment, in case the conferees agreed to it, which provides for an extension of time to the existing postal commissions? Of course, the Members on this side do not desire to have a separate vote if the conferees agree to strike it out.

Mr. MOON. I have no objection to a separate vote on that or any other proposition.

Mr. ANDERSON. Mr. Speaker, does the gentleman object to a separate vote on the amendment increasing the salaries of rural carriers?

Mr. MOON. No; I do not object to that.

Mr. ANDERSON. There are some of us on this side who would very much like to vote on that proposition.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] has said that he would not object to a separate vote on any amendment.

Mr. MOON. So far as I am concerned, Mr. Speaker, the House can have a vote separately on any proposition, or on all of them together.

Mr. KELLY of Pennsylvania. Mr. Speaker, I would like to ask if we can have a separate vote on the amendment continuing the postal commissions?

The SPEAKER. The gentleman from Tennessee [Mr. MOON] has stated twice that he would not object to having a separate vote on any amendment. Is there objection?

Mr. MANN. Mr. Speaker, let us see whether anybody wants a separate vote now on any of the amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and announces the following conferees on the part of the House: Mr. MOON, Mr. FINLEY, and Mr. SAMUEL W. SMITH.

Mr. MOON. Mr. Speaker, I ask unanimous consent that the bill with the Senate amendments be printed.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the Post Office appropriation bill be printed with the Senate amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

USE OF FORT M'HENRY.

Mr. LINTHICUM rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. LINTHICUM. I ask, Mr. Speaker, that the vote by which the bill H. R. 12806 was passed be rescinded, so that I may introduce an amendment.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent that the vote by which the bill H. R. 12806 was passed be rescinded.

Mr. MANN. That is, that all proceedings shall be vacated.

The SPEAKER. The gentleman from Maryland asks unanimous consent that all proceedings by which House bill 12806 was passed be rescinded. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, would the gentleman indicate to the House for what purpose he wishes to have the vote rescinded?

Mr. LINTHICUM. Since the passage of the bill I have received a letter from the Secretary of Commerce, in which he states that there ought to be an exception of the third paragraph as well as the fourth paragraph, inasmuch as we give him a small piece of territory for lighthouse purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] has an amendment which he wants to offer.

Mr. LINTHICUM. I ask, Mr. Speaker, that on page 1, line 7, the following be substituted in lieu of the amendment adopted: Add to that amendment sections 3 and 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 7, page 1, by striking out the word "section" and inserting in lieu thereof the word "sections" and adding the words "and four" after the word "three."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CORBETT TUNNEL.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The resolution will be stricken from the docket. The Clerk will report the next one.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13545) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13545) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

Be it enacted, etc., That the Sartell Bros. Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a wagon and foot bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at the town site of Sartell, Stearns County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert the following: "That the time for commencing and completing the bridge authorized by the act of Congress approved August 24, 1912, to be built across the Mississippi River, at the town site of Sartell, Stearns County, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The SPEAKER pro tempore (Mr. HUMPHREYS of Mississippi). Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read, "To extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minn."

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS TOMBIGBEE RIVER, MONROE COUNTY, MISS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13365) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Old Cotton Gin Port, in Monroe County, Miss.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN. Reserving the right to object, I should like to ask what is the object of building this bridge?

Mr. ADAMSON. To enable people to get across the river. [Laughter.]

Mr. MADDEN. Is it to be a railroad bridge or a foot bridge?

Mr. ADAMSON. I will yield to the gentleman from Mississippi [Mr. CANDLER], if he can give any better answer than I did.

Mr. CANDLER of Mississippi. This bridge is to be constructed by the board of supervisors of Monroe County, Miss., for public use.

Mr. MADDEN. How large is the Tombigbee River at this point?

Mr. CANDLER of Mississippi. It is one of the most extensive rivers in this country, and the very center of the commerce of the world. It can not be improved unless this bridge is constructed. [Laughter.]

Mr. MADDEN. Without the improvement of the river the commerce of the country can not be extended?

Mr. CANDLER of Mississippi. No, sir.

Mr. COX. What sort of a bridge is this to be?

Mr. CANDLER of Mississippi. We are going to build a bridge which will be an ornament to the river and a credit to the community. [Laughter.]

Mr. MANN. Where is the Tombigbee River, anyway?

Mr. CANDLER of Mississippi. The leader of the minority does not want to expose his ignorance by asking that question.

Mr. MANN. Oh, yes; I am always willing to expose it for the purpose of securing information.

Mr. CANDLER of Mississippi. Everybody knows where the Tombigbee is.

Mr. MANN. No; I do not. Where is it? It seems to me that at some time in the past I have heard the gentleman from Mississippi [Mr. CANDLER] refer to the Tombigbee, but I do not just recall where it is.

Mr. ADAMSON. The way the gentleman from Mississippi described it the gentleman from Illinois thought it was in heaven, did he not? [Laughter.]

Mr. MANN. That is probably the reason why I did not locate it. [Laughter.]

Mr. PAYNE. I suggest that the gentleman print a map of it in the RECORD.

Mr. CANDLER of Mississippi. The Tombigbee is a very beautiful river.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of supervisors of Monroe County, Miss., is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River, at a point suitable to the interests of navigation, near Old Cotton Gin Port, in Monroe County, Miss., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ORDER OF BUSINESS.

The SPEAKER. This is the end of the Unanimous Consent Calendar, and the Chair will recognize the gentleman from Virginia [Mr. FLOOD] if he is in the Hall; and if he is not, the Chair will recognize the gentleman from Alabama [Mr. HEFLIN].

HORSESHOE BATTLE GROUND, ALABAMA.

Mr. HEFLIN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 9671, as amended by the Committee on the Library, and with a further amendment to strike out all of section 2 down to the words "and provided."

Mr. MANN. Is the gentleman talking about the amended bill or the original bill?

Mr. HEFLIN. The amended bill.

The Clerk read the title of the bill (H. R. 9671) to appropriate $25,000 to erect a suitable monument on the battle grounds at the Horseshoe, on the Tallapoosa River, in the State of Alabama.

Mr. MANN. The gentleman proposes to pass the substitute with an amendment which he now offers?

Mr. HEFLIN. Yes; so that section 2 will read:

And provided further, That no part of this appropriation shall be used for the purchase of any land in connection with the construction of the proposed monument.

Mr. MANN. Is the gentleman's amendment to strike out the provision with reference to the 5 acres?

Mr. HEFLIN. It is to strike out the provision that 5 acres shall be deeded to the State of Alabama. The land has already been deeded.

Mr. MANN. I only ask for information, so that the Clerk can see what it is.

Mr. HEFLIN. The land has already been deeded to the Horseshoe Bend Battle Park Commission.

Mr. MANN. Let the motion be reported.

The SPEAKER. The Clerk will report the bill as it will read if the amendment is agreed to.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause to be erected on the Horse Shoe Battle Ground on the Tallapoosa River, in the State of Alabama, a memorial to the men who fought in that battle under the command of Gen. Andrew Jackson, at a cost not to exceed $5,000, which sum is hereby authorized to be appropriated out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 2. *And provided further*, That no part of this appropriation shall be used for the purchase of any land in connection with the construction of the proposed monument.

SEC. 3. That the sole charge for the care and maintenance of the said memorial shall be borne by the State of Alabama, or by some other authority designated by the governor of the State of Alabama.

SEC. 4. That the design for said memorial shall be subject to the approval of the Commission of Fine Arts.

Mr. MANN. I suggest to the gentleman from Alabama that the motion ought to be made in such a form that the words in section 2, "and provided further," shall read simply "provided," and that the proviso be added to section 1 instead of standing as a separate section; that section 3 be renumbered section 2, and section 4 renumbered section 3.

Mr. HEFLIN. Section 3 should be renumbered section 2, and section 4 should be renumbered section 3.

Mr. MANN. The Clerk read the bill in the proper form, except that the words "and provided further" should be simply "provided," and the sections should be renumbered.

The SPEAKER. The Clerk will report the proposed modification.

The Clerk read as follows:

At the end of section 1, add the words, "*Provided*, That no part of this appropriation shall be used for the purchase of any land in connection with the construction of the proposed monument.

Mr. MANN. Mr. Speaker, I demand a second, unless somebody desires to oppose the bill strenuously.

Mr. HEFLIN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is entitled to 20 minutes, and the gentleman from Illinois [Mr. MANN] is entitled to 20 minutes.

Mr. MANN. I hope the gentleman from Alabama will use the whole of his 20 minutes in telling us about the glories of this battle field, because I probably will not use mine.

Mr. HEFLIN. Mr. Speaker, the triumph of Washington's army and his election to the office of President constituted the climax and crowning glory of the efforts and sacrifices of the Colonial fathers.

Our fathers had achieved their independence and established constitutional government, but now there were internal problems of a serious nature to engage their attention.

The white man was compelled to subdue the hostile Indian and establish his undisputed authority in every nook and corner of the country before our fathers could enjoy the constitutional guaranty of protection to life, liberty, and property, and the pursuit of happiness. The hostile Indian stood in the way of peace and order and Christian civilization. His terror-spreading war whoop and his barbarous warfare made life a burden to many white communities of the country. Our fathers were patient and long-suffering in their dealing with this type of the red man, and they did all in their power to establish and maintain peaceful relations with him, but all to no avail. Finally, when the patience of the white man would endure no longer, his brave and invincible spirit asserted itself. In order to secure the peace, safety, and happiness of the great white race he resolved to destroy the power of the hostile Indians in America. [Applause.]

In various sections of the country these Indians were organized into a tremendous fighting force, and they constituted a serious menace to the life, liberty, and property of the white man. In the sparsely settled white communities of the country men, women, and children were sacrificed upon the altar of the red man's rage and cruelty. Their property was taken, their homes destroyed, and in some places these barbarian warriors destroyed the last vestige of Christian civilization. Death and destruction lined the warpath of the red man. Women and children, far removed from the sound of the war whoop and the sight of the tomahawk, lived in dread of the red man's approach.

But, Mr. Speaker, like Sir Galahad, who registered a vow that he would go out in search of the Holy Grail and would not return until he found it, a band of United States Regulars and Tennessee troops registered a vow that they would go with Gen. Jackson to the rescue of the frontier settlements and would not return until they had made safe and secure the lives of white men, women, and children there. [Applause.] These brave men knew that hardships and privations awaited them, and they knew of the cunning, the courage, the cruelty, and the treachery of those with whom they were going to battle. But, Mr. Speaker, they had heard the call of the blood—the cries of distressed women and children sounded in their ears. They had heard the story of Fort Mimms, how women and children were slaughtered without pity, and they determined to put an end to that cruel and barbarous warfare and to throw the strong arms of American protection around every white community in the country. [Applause.] They kept the faith; they fulfilled their vow; they fought the decisive battle, broke the fighting power of the Creek Nation, and utterly annihilated the Creek Indian army at the Battle of the Horseshoe. [Applause.] For their heroic service on that occasion Gen. Jackson said "They are entitled to the lasting gratitude of their country." [Applause.]

Mr. Speaker, for nearly four years prior to that battle, Tecumseh, the chief of the Shawnees, accompanied by his trusted warriors and prophets, went from tribe to tribe preparing the Indians for a general war. He was called the Moses of the red man. In 1812 he stirred the Creek Indians of Alabama with his eloquence and enlisted the Red Eagle, the brilliant half-breed, Weatherford, in his cause. He spoke with the authority of a British agent and officer. He urged the Creeks to drive the Americans out of the Indian country; to use the war club, the scalping knife, and the bow and arrow. He assured them that the King of England was with them and would reward them. One of his prophets told the Creeks that they would be shielded from danger and that none of them would be killed in the battle. How vain and foolish were these assurances. Weatherford, the mighty chief of the Creeks, said to Gen. Jackson shortly after the Battle of the Horseshoe: "Once I could animate my warriors to battle, but I can not animate the dead. My warriors can no longer hear me; their bones are at Tohopeka—the Horseshoe Bend." [Applause.]

The historian Parton, speaking of that battle, said:

The war is over. The power of the Creeks was broken. Half their warriors were dead; the rest were scattered and subdued in spirit. Fort Mimms was indeed avenged. It was not only the power of the Creeks that was broken at the Horseshoe Bend on the 27th of March, 1814, but the power of the red man in North America. At Tohopeka the scepter was finally snatched from the red man's hands; at Tohopeka the long struggle for possession of the western world was ended, and a continent changed owners.

Five hundred and fifty-seven Indians were found dead on the field, and 200 fell in the river or were found dead near the Horseshoe. The Creek Indians fought with weapons furnished them by the British. In all the Creek Nation the mightiest stronghold of the Indian was the Horseshoe Bend.

Across the heel of the Horseshoe the Creek Indians built breastworks of huge logs. They filled in the space between these logs with rocks and dirt. It was the most ingenious and well-con-

structed breastwork ever built by barbarian warriors. In fact, it was constructed under the supervision of an Englishman, assisted by the half-breed Weatherford. These breastworks were so constructed, Gen. Jackson tells us, that the American soldiers were subjected to double cross fire. There were long rows of portholes reaching from one end of the works to the other. One row of holes was just high enough for Indians to shoot through while resting on their knees. The other row of holes was high enough for Indians to stand and fire through them. Behind these works they remained in perfect safety until Gen. Jackson ordered his men to storm the works. The great general admits that he could not destroy these works with his cannon.

The Indians had used every precaution. They had made every preparation that their ingenuity and cunning could suggest. They had not only constructed almost indestructible breastworks reaching both ways clear across the heel of the Horseshoe to the river; they had done more. Just over the slope of the hill above the Indian town at the toe of the Horseshoe, where their women and children were all congregated, they dug a long trench about 4½ or 5 feet deep. Here they had planned that if they were driven from the breastworks they would retreat toward the toe of the Horseshoe until they reached this long trench reaching around the brow of the hill. This trench was not up on top of the hill, where it could be seen by the American soldiers pursuing the Indians, but it was so constructed and at such a place that the Indians retreating could leap into it and be almost entirely out of danger while they slaughtered the pursuing Americans, who would be within a few feet of the trench before they knew that such a death trap awaited them. This was not all that they did. They secured every boat or bateau for miles up and down the Tallapoosa River and had them fastened to the trees at the water's edge down by the Indian town at the toe of the Horseshoe. They did not believe that they would be defeated in the battle at the Horseshoe; but it was their plan that if driven from the breastworks to flee to the trenches, and if routed there to flee to the river, unloose the boats, and take their women and children and escape down the Tallapoosa River.

Here the brave Creek warriors made their final stand, and with perfect satisfaction and confidence they staked their all upon that battle. Their plans were all thwarted, their hopes shattered, and their army destroyed. [Applause.] When the smoke of battle cleared away Horseshoe Bend was covered with dead and dying Indians. Nearly 1,000 of them perished in that terrible conflict. Here their prophets appealed in vain against the intrepid and invincible warriors of the paleface. [Applause.]

Sam Houston, the hero of Texas, was wounded in that battle; Lieut. Somerville and Lieut. Moulton and 52 privates gave their lives to the American cause at the Horseshoe.

Maj. Lemuel P. Montgomery, of Tennessee, was killed in that terrible battle. His ancestors before him had rendered heroic service to their country. One of them, Gen. Hugh Montgomery, fell at the storming of Quebec, and Maj. Montgomery's grandfather, Hugh Montgomery, of North Carolina, organized, equipped, and supported at his own expense a company which he commanded in the War of the Revolution. [Applause.] Maj. Montgomery's father moved from Virginia to east Tennessee. Here the son, Lemuel P., was educated at Washington College, read law with Judge Trimble, of Knoxville, and admitted to practice. He was a brilliant lawyer; and Pickett, in his history, tells us that he was a formidable rival of the able attorney, Felix Grundy. Here while a very young man he was appointed first major of the Thirty-ninth Regiment by President Madison; and, Mr. Speaker, he led that regiment into the very heart of the Indian country. He was first to mount the breastworks at the Horseshoe Bend, and while waving his sword was killed by an Indian warrior. Pickett tells us that when the battle was over Gen. Jackson stood over the body of Maj. Montgomery and exclaimed, "I have lost the flower of my army." [Applause.]

Mr. Speaker, 100 years have come and gone since the prophets and warriors of the Creek Indians fell at the Battle of the Horseshoe. How appropriate and fitting for the Government of the United States to erect on the one hundredth anniversary of that bloody conflict a monument to the memory of the men who fought that decisive battle. This act will contribute toward keeping alive the story of the valor and heroism of the men who in the very flower and strength of their young manhood gave their lives for their country. [Applause.] Surely the heroic men who endured so much and died so bravely that we might enjoy the blessings and benefits of civil liberty are entitled to this recognition at the hands of the Government. [Applause.]

Mr. Speaker, the D. A. R.'s have placed markers along the old Jackson Trail, leading up to the Horseshoe Bend. The citizens of Tallapoosa County, aided by Mrs. Nora E. Miller, a noble, public-spirited woman of the same county, have constructed a splendid highway leading out from Dadeville, the county seat, to the Horseshoe Bend; and this same Mrs. Miller, who owns the land there, has deeded five acres to be used for a park in which the monument here provided for is to be erected.

The Legislature of Alabama has appropriated $2,500 to be used in appropriately celebrating the one hundredth anniversary of the great battle at the Horseshoe and for putting the park in order, and the keeping and caring for the monument to be erected by the Government of the United States.

Nearly every battle field of national significance and historic importance has been appropriately marked by the Government of the United States, but no monument of marble or granite shaft graces the battle ground of the Horseshoe. These men who endured the hardships and privations of wilderness warfare were the pioneers and torchbearers of civil and religious liberty, and here on the foundations that they builded now stands and flourishes the greatest Government on the globe. [Applause.] Mr. Speaker, they have bequeathed to us the priceless heritage of civil and religious liberty, and we owe it to the memory of these brave men to perpetuate their deeds of valor and to keep alive in the minds and hearts of the living their heroic service to their country. [Applause.]

Mr. Speaker, the desire to live on after death is universal. This feeling is limited to no clime and confined to no country. The man who does not desire to live on in the memory of some one has either made an utter failure of life or has lived in such disregard for the laws of God and man that he is ashamed to be remembered. [Applause.]

For a hundred years the wimpling waves of the Tallapoosa River have echoed and reechoed the message from our brave dead at the Horseshoe—"Remember me, remember me," and the kindly winds of heaven whispering in every bower about that beautiful bend have answered, "Your glory shall not be forgot." [Applause.]

Mr. Speaker, 100 years have passed since their valor and heroism hallowed the battle ground of the Horseshoe. One hundred years have gone since they wrote with their blood the white man's charter of peace and safety in the wilderness of the red man. [Applause.]

But some tell us that we have monuments here in the Capital City and monuments in other large cities of the Union, and ask: Why go to the trouble and expense of building monuments in the remote and obscure places of the country, out in the rural districts away from the railroad? Let me say to them that, far from the bustle and stir of the city, away in the wilds of the wilderness, the hardy pioneers first carried the torch of liberty. [Applause.] Here amongst wild beasts and savages they pitched their tents and consecrated their all to their country. In these remote places the heroes of the early days wrought mightily for the Republic. [Applause.]

Mr. Speaker, no kodak or moving-picture contrivance accompanied these men to bring into panoramic review their heroic deeds and daring exploits. Through dreary days and sleepless nights, far back in the pathless wood, they suffered and fought and died for their country. [Applause.] These men who penetrated the wilderness strongholds of the red man and destroyed the fighting power of the hostile Creeks, and gave peace and safety to every white community in the country, deserve this tardy recognition at the hands of the Government in whose cause they bravely fought and died. [Applause.]

That Government is revered most and loved best that shows by outward sign and physical evidence its appreciation of those who have suffered and died in its cause.

England has realized this great truth, and to-day she has a royal commission, whose duty it is to go over the country and find if there are any places of historic importance not appropriately marked by the Government. This royal commission is going into the remote places of the country, showing to the people everywhere that heroic service rendered to England shall be publicly and permanently acknowledged and the deeds of the heroes perpetuated. [Applause.]

Mr. Speaker, the Woodmen of the World is a noble and popular order. When one of its members passes from this life he knows that he will be appropriately buried and his grave suitably marked by that order. Go to the country churchyard, far from the din of the populous city, and you will find above the resting place of every deceased Woodman an appropriate monument to his memory. [Applause.]

After the battle at Horseshoe Bend, Gen. Jackson, addressing his soldiers, said:

You have entitled yourselves to the gratitude of your country. The expedition from which you have just returned has by your good conduct been rendered prosperous beyond any example in the history of our warfare. The fiends of the Tallapoosa will no longer murder our women and children or disturb the quiet of our borders. Their midnight flambeaux will no more illumine their council houses or shine upon the

victim of their infernal orgies. In their places a new generation will rise. The weapons of warfare will be exchanged for the utensils of husbandry, and the wilderness, which now withers in sterility and mourns the desolation which overspreads her, will blossom as the rose and become the nursery of arts.

[Applause.]

Mr. Speaker, on the 27th of this month the people of east Alabama and west Georgia will assemble at the Horseshoe Bend to celebrate the one hundredth anniversary of the Battle of the Horseshoe. What changes have been wrought since the sound of the last gun died away on that battle field 100 years ago! Here once stood a vast and unbroken forest made hideous by the war whoop, the scalping knife, and the tomahawk of the red man. It is now the scene of the white man's industry and enterprise. [Applause.] Where the terror-spreading war whoop was heard we hear the music of the woodman's ax, of falling trees, and the song of the sawmill. Where he brandished his death-dealing tomahawk the white man wields his scythe in the fields of waving grain. [Applause.] Where he chased the swift-footed wild deer cotton fields respond in luxuriant growth to the pulse beats of the happy plowman. [Applause.] Where his warpath led railroad trains are moving in the hum of perpetual transportation, and where his wigwam stood are now seen the homes of a happy and prosperous people. [Applause.] Where his horrid war councils were held we now have schoolhouses and churches that adorn and bless the country. [Applause.] Where he pounded his corn in the hollow of the rocks of the Tallapoosa River there are gristmills that grind the people's grain; and that historic old river that once floated his rude dugout and bateau now turns the wheels of an industry that is weaving cotton into cloth and sending electricity to light up the streets, business houses, and homes of the capital city of the State. [Applause.]

Here in the county where that battle was fought J. A. Wade won the Carnegie prize for having produced the finest grade of short-staple cotton in the United States, and here Walter Dunson, a 15-year-old boy, has just won the American prize for having produced the greatest yield of corn on 1 acre of ground. [Applause.]

Surely the prophecy of Gen. Jackson has come true, "the country there blossoms as a rose," and there lives on that soil an industrious, proud, and patriotic people contributing to the strength and glory of the Republic. [Loud applause.]

I desire to print in this connection some historical references and Gen. Jackson's report on the Battle of the Horseshoe.

George Bancroft's eulogy, June 27, 1845, in Monument to Gen. Andrew Jackson, says:

In six short months of vehement action the most terrible Indian war in our annals was brought to a close; the prophets were silenced; the consecrated region of the Creek Nation reduced. Through scenes of blood the avenging hero sought only the path to peace. Thus Alabama, a part of Mississippi, a part of his own Tennessee, and the highway to the Floridas were his gifts to the Union. These were his trophies.

Halbert and Ball, the Creek War of 1813 and 1814, the fullest general work on the subject, says:

This battle may well be placed alongside of that destruction that came upon the Pequods in New England. Of that Martyn says: "It was not a battle; it was a massacre." The well-informed reader will note more than one point of similarity between the old Pequod War and the Creek War. Perhaps one was as needful as the other. The one blotted out a small tribe; the other subdued a great people.

McKenney and Hall, in Indian Tribes of North America, say:

The whole fight was of the most desperate character. The waters of the Tallapoosa were red with blood. * * * Of 900 warriors led into that sanguinary fight by Menawa, only 70 survived, and 1 only, who fled at the first discharge of cannon, escaped unwounded.

Fiske, History of the United States for Schools, says:

Andrew Jackson, with his Tennessee troops and a few United States Regulars, made a bloody campaign, ending with the great battle of Tallapoosa (Horseshoe Bend), in March, 1814, which finally broke the Indians' power in the Southwest.

John Frost, Indian Battles, Activities, and Adventures, says:

This decisive victory put an end to the Creek War. After this battle the miserable remnant of the hostile tribe submitted.

H. M. Brackenridge, History of the Late War, says:

This most decisive victory put an end to the war with the Creeks and broke the spirit and power of these misguided men completely. The fatal battle of the Horseshoe Bend may be said to have "cut up the war by the roots."

[Report March 31, 1814, Maj. Gen. Andrew Jackson to Gov. Willis Blount, of Tennessee.]

SIR: This bend resembles in its curvature that of a horseshoe and is hence called by that name by the whites. Nature furnishes few situations so eligible for defense, and barbarians have never rendered one more secure by art. Across the neck of the bend which leads into it from the north they had erected a breastworks of the greatest compactness and strength from 5 to 8 feet high and prepared with double portholes very artfully arranged. The figure of this wall manifested no less skill in the projection of it than its construction; an army could not approach it without being exposed to a double and cross fire from the enemy, who lay in perfect safety behind it. The area of this peninsula, thus bounded by the breastwork, includes, I conjecture, 80 or 100 acres.

In this bend the warriors from Oakfuska, Oakehagu, New Youka, Hillabees, the Fish Pond, and Eufaula towns, apprised of their approach, had collected their strength. Finding that this force, notwithstanding the determination they displayed, was wholly insufficient to dislodge the enemy, and that Gen. Coffee had secured the opposite banks of the river, I now determined upon taking possession of their works by storm. Never were men more disposed for such an undertaking than those by whom it was to be effected. They had entreated to be led to the charge with the most pressing importunity, and received the order which was now given with the strongest demonstrations of joy.

Having maintained for a few minutes a very obstinate contest, musket to musket through the portholes, in which many of the enemy's balls were welded to the bayonets of our muskets, our troops succeeded in gaining possession of the opposite side of the works. The event could no longer be doubtful. The enemy, although many of them fought to the last with that kind of bravery which desperation inspires, were at length entirely routed and cut to pieces. The whole margin of the river which surrounds the peninsula was strewed with the slain. Five hundred and fifty-seven were found. Both officers and men who had the best opportunities of judging believe the loss of the enemy in killed not to fall short of 800; and if their number is as great as it is represented to have been by the prisoners, and as it is believed to have been by Col. Carrol and others, who had a fair view of them as they advanced to the breastworks, their loss must even have been more considerable, as it is quite certain that not more than 20 could have escaped.

ANDREW JACKSON, *Major General.*

The SPEAKER. The gentleman from Illinois has 15 minutes remaining.

Mr. MANN. Mr. Speaker, the report upon this bill did not contain any information, but after listening to the gentleman from Alabama [Mr. HEFLIN] I am inclined to think there will be no great opposition to its passage. Every State has contributed great men, great deeds, great events to the history of our country. Alabama may well be proud of her history, of her men and her women. But peace hath its victory as well as war, and among all the distinguished native sons of Alabama, among all the sons who have moved into Alabama and become her own sons, there is no one in the history of the State who has achieved the distinction or the influence in our National Government or who has reflected as much honor and glory upon that State as our distinguished colleague the gentleman from Alabama [Mr. UNDERWOOD], to whom I now yield. [Loud Applause.]

Mr. UNDERWOOD. Mr. Speaker, I wish to thank my friend from Illinois [Mr. MANN] most sincerely for the kindly words he has said in reference to myself. After the eloquent remarks of my colleague from Alabama [Mr. HEFLIN] I do not think that anything further need be said to secure the passage of this bill. But, thanking my friend from Illinois for the opportunity, I desire to say to the House that although the soil of Alabama at various times since the white man placed foot on the continent of North America has been occupied by five nations, and although it has been the scene of many battles, many conflicts in times of war and in times of peace, until this good hour the Government of the United States has never recognized the State of Alabama or an Alabamian by the erection of a monument on its soil. To-day my colleague has asked the House to make a small appropriation to commemorate the one hundredth anniversary of an event that opened up the entire southeastern portion of this country to white civilization, that established white supremacy to remain forever; but it not only commemorates a battle, but it seeks to commemorate the memory of one of America's greatest generals, greatest statesmen, and greatest men. [Applause.] When we think of Jackson the soldier we think of the Battle of New Orleans, but the Battle of New Orleans was only a half hour's engagement. It was a great conflict, but Jackson was made in the Creek wars. It was the long marches, the great deprivations that he suffered, the courage and patriotism in holding the small band of patriotic soldiers together in the wilderness, without supplies, without provisions, and without relief, to blaze the way for the great civilization of this Southland of ours.

The Battle of Horseshoe Bend was the culmination of that campaign, and when the guns ceased and the smoke of the powder cleared away on that battle field, Jackson, the great soldier, was born. [Applause.]

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] desire to use any more of his time?

Mr. MANN. Not unless some other gentlemen desire time.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] moves to suspend the rules, discharge the Committee on the Library from further consideration of the bill H. R. 9671, and pass the same.

The question was taken, and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. MANN. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, and the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

Mr. MANN. That is on the passage of the bill?

The SPEAKER. That is on the passage of the bill. Those in favor will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 257, nays 7, answered "present" 8, not voting 160, as follows:

YEAS—257.

Abercrombie	Dyer	Kennedy, Iowa	Reed
Adair	Edwards	Kennedy, R. I.	Reilly, Conn.
Aiken	Elder	Kent	Reilly, Wis.
Ainey	Esch	Kettner	Rogers
Alexander	Faison	Key, Ohio	Rouse
Allen	Falconer	Kinkaid, Nebr.	Rubey
Anderson	Fergusson	Kinkead, N. J.	Rupley
Ansberry	Fess	Kirkpatrick	Russell
Anthony	Fields	Knowland, J. R.	Saunders
Ashbrook	Finley	Lafferty	Scott
Aswell	FitzHenry	La Follette	Seldomridge
Bailey	Flood, Va.	Langley	Shackleford
Baker	Fordney	Lazaro	Sherwood
Baltz	Fowler	Lee, Ga.	Sims
Barchfeld	Francis	Lee, Pa.	Slemp
Bartlett	Frear	Lever	Sloan
Barton	French	Lewis, Pa.	Small
Bathrick	Gard	Lieb	Smith, Idaho
Beakes	Gardner	Lindquist	Smith, J. M. C.
Beall, Tex.	Garrett, Tenn.	Linthicum	Smith, Md.
Bell, Cal.	Garrett, Tex.	Lloyd	Smith, Saml. W.
Borchers	Gerry	Lobeck	Smith, N. Y.
Borland	Gillett	Lonergan	Smith, Tex.
Bowdle	Gilmore	McAndrews	Sparkman
Britten	Glass	McClellan	Stafford
Brockson	Godwin, N. C.	McCoy	Stedman
Brodbeck	Good	McDermott	Steenerson
Browne, Wis.	Gorman	McGillicuddy	Stephens, Cal.
Bruckner	Goulden	McKellar	Stephens, Miss.
Buchanan, Ill.	Graham, Ill.	McLaughlin	Stephens, Nebr.
Bulkley	Green, Iowa	MacDonald	Stephens, Tex.
Burke, Wis.	Greene, Vt.	Madden	Stone
Butler	Gregg	Maguire, Nebr.	Stout
Byrns, Tenn.	Guernsey	Mahan	Taggart
Candler, Miss.	Hamilton, Mich.	Mann	Talbott, Md.
Cantrill	Hamilton, N. Y.	Mapes	Talcott, N. Y.
Caraway	Hamlin	Miller	Tavenner
Carter	Hammond	Mitchell	Taylor, N. Y.
Cary	Hardy	Moon	Ten Eyck
Chandler, N. Y.	Harrison	Moore	Thomas
Church	Hart	Morgan, La.	Thompson, Okla.
Clark, Fla.	Haugen	Morgan, Okla.	Thomson, Ill.
Clayton	Hay	Murdock	Towner
Cline	Hayden	Murray, Okla.	Townsend
Collier	Hayes	Neeley, Kans.	Tribble
Connelly, Kans.	Heflin	Nelson	Underwood
Connolly, Iowa	Helgesen	Nolan, J. I.	Vaughan
Cooper	Helvering	Norton	Vollmer
Cramton	Hensley	Oglesby	Volstead
Curry	Hill	Oldfield	Walker
Danforth	Hinds	Padgett	Walsh
Davenport	Holland	Park	Walters
Davis	Houston	Parker	Watkins
Dent	Howard	Patten, N. Y.	Weaver
Dershem	Hughes, Ga.	Peterson	Webb
Dickinson	Hull	Phelan	Williams
Dies	Humphreys, Miss.	Platt	Willis
Dillon	Igoe	Plumley	Wilson, Fla.
Dixon	Jacoway	Post	Wingo
Donohoe	Johnson, Utah	Powers	Woods
Donovan	Kahn	Prouty	Young, N. Dak.
Doolittle	Keister	Quin	Young, Tex.
Doremus	Kelley, Mich.	Rainey	
Driscoll	Kelly, Pa.	Raker	
Dunn	Kennedy, Conn.	Rayburn	

NAYS—7.

Buchanan, Tex.	Cox	Garner	Moss, Ind.
Claypool	Crosser	Kindel	

ANSWERED "PRESENT"—8.

Adamson	Browning	Sisson	Sumners
Barnhart	Hughes, W. Va.	Slayden	Treadway

NOT VOTING—160.

Austin	Doughton	Johnson, Ky.	O'Shaunessy
Avis	Dupré	Johnson, S. C.	Page, N. C.
Barkley	Eagan	Johnson, Wash.	Paige, Mass.
Bartholdt	Eagle	Jones	Palmer
Bell, Ga.	Edmonds	Keating	Patton, Pa.
Blackmon	Estopinal	Kiess, Pa.	Payne
Booher	Evans	Kitchin	Peters, Mass.
Broussard	Fairchild	Konop	Peters, Me.
Brown, N. Y.	Farr	Korbly	Porter
Brown, W. Va.	Ferris	Kreider	Pou
Brumbaugh	Fitzgerald	Langham	Ragsdale
Bryan	Floyd, Ark.	L'Engle	Rauch
Burgess	Foster	Lenroot	Richardson
Burke, Pa.	Gallagher	Lesher	Riordan
Burke, S. Dak.	George	Levy	Roberts, Mass.
Burnett	Gittins	Lewis, Md.	Roberts, Nev.
Byrnes, S. C.	Goeke	Lindbergh	Rothermel
Calder	Goldfogle	Loft	Rucker
Callaway	Goodwin, Ark.	Logue	Sabath
Campbell	Gordon	McGuire, Okla.	Scully
Cantor	Graham, Pa.	McKenzie	Sells
Carew	Gray	Maher	Sharp
Carlin	Greene, Mass.	Manahan	Sherley
Carr	Griest	Martin	Shreve
Casey	Griffin	Merritt	Sinnott
Clancy	Gudger	Metz	Smith, Minn.
Coady	Hamill	Mondell	Stanley
Conry	Hardwick	Montague	Stevens, Minn.
Copley	Hawley	Morin	Stevens, N. H.
Covington	Helm	Morrison	Stringer
Crisp	Henry	Moss, W. Va.	Sutherland
Cullop	Hinebaugh	Mott	Switzer
Dale	Hobson	Murray, Mass.	Taylor, Ala.
Decker	Howell	Neely, W. Va.	Taylor, Ark.
Deitrick	Hoxworth	O'Brien	Taylor, Colo.
Difenderfer	Hulings	O'Hair	Temple
Dooling	Humphrey, Wash.	O'Leary	Thacher
Tuttle	Wallin	Whitacre	Winslow
Underhill	Watson	White	Witherspoon
Vare	Whaley	Wilson, N. Y.	Woodruff

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. BURNETT with Mr. GRIEST.

Mr. GOEKE with Mr. VARE.

Mr. DECKER with Mr. ROBERTS of Nevada.

Mr. PALMER with Mr. CALDER.

Mr. EVANS with Mr. SWITZER.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. SISSON with Mr. PAYNE.

Mr. DALE with Mr. MARTIN.

Mr. BOOHER with Mr. BURKE of Pennsylvania.

Mr. BURGESS with Mr. TREADWAY.

Mr. BARKLEY with Mr. AVIS.

Mr. BLACKMON with Mr. CAMPBELL.

Mr. BROWN of West Virginia with Mr. COPLEY.

Mr. CALLAWAY with Mr. BARTHOLDT.

Mr. CANTOR with Mr. BRYAN.

Mr. CARLIN with Mr. EDMONDS.

Mr. CASEY with Mr. FARR.

Mr. CONRY with Mr. GRAHAM of Pennsylvania.

Mr. COVINGTON with Mr. GREENE of Massachusetts.

Mr. DIFENDERFER with Mr. HINEBAUGH.

Mr. DUPRÉ with Mr. HULINGS.

Mr. FERRIS with Mr. MCGUIRE of Oklahoma.

Mr. FITZGERALD with Mr. HUMPHREY of Washington.

Mr. FLOYD of Arkansas with Mr. KIESS of Pennsylvania.

Mr. GEORGE with Mr. KREIDER.

Mr. GOODWIN of Arkansas with Mr. JOHNSON of Washington.

Mr. GRIFFIN with Mr. LANGHAM.

Mr. GUDGER with Mr. LINDBERGH.

Mr. HAMILL with Mr. MCKENZIE.

Mr. HARDWICK with Mr. MONDELL.

Mr. HENRY with Mr. ROBERTS of Massachusetts.

Mr. JOHNSON of South Carolina with Mr. PATTON of Pennsylvania.

Mr. KITCHIN with Mr. SINNOTT.

Mr. KONOP with Mr. MORIN.

Mr. MONTAGUE with Mr. MOSS of West Virginia.

Mr. MURRAY of Massachusetts with Mr. PAIGE of Massachusetts.

Mr. PAGE of North Carolina with Mr. MOTT.

Mr. POU with Mr. SHREVE.

Mr. ROTHERMEL with Mr. SELLS.

Mr. RUCKER with Mr. PETERS of Maine.

Mr. SABATH with Mr. PORTER.

Mr. SHARP with Mr. TEMPLE.

Mr. TUTTLE with Mr. WOODRUFF.

Mr. WATSON with Mr. WINSLOW.

Mr. BYRNES of South Carolina with Mr. SUTHERLAND (until return from Colorado).

Mr. TAYLOR of Colorado with Mr. HOWELL (until return from Michigan).

Mr. FOSTER with Mr. AUSTIN (until return from Colorado).

Mr. TREADWAY. Mr. Speaker, I would like to inquire whether the gentleman from Texas, Mr. BURGESS, is recorded.

The SPEAKER. He is not recorded.

Mr. TREADWAY. Mr. Speaker, I would like to withdraw my vote of "yea" and vote "present."

The SPEAKER. On this vote the yeas are 257, the nays 7, voting "present" 8. A quorum is present. The Doorkeeper will open the doors.

The gentleman from Virginia [Mr. FLOOD] is recognized.

FISHERIES TREATY, UNITED STATES AND GREAT BRITAIN.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules, discharge the Committee on Foreign Affairs from the further consideration of the bill (S. 4437) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908, and pass the bill.

Mr. MADDEN. I demand a second.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] moves to suspend the rules, discharge the Committee on For-

eign Affairs from the further consideration of Senate bill 4437, and pass the same.

Mr. MADDEN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] demands a second.

Mr. FLOOD of Virginia. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4437) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908.

Be it enacted, etc., That the regulations set forth in the schedule hereto annexed, governing the times, seasons, and methods of fishing in the waters contiguous to the United States and Canada, as specified in article 4 of the treaty of April 11, 1908, between the United States and Great Britain, and the nets, engines, gear, apparatus, and appliances which may be used in such waters, which regulations were prepared and agreed upon by the International Fisheries Commission constituted by said treaty for the protection and preservation of the food fishes in the waters aforesaid, are, and each of such regulations is, hereby declared to have the force and effect of law on the United States side of the boundary line in such waters for a period of four years from the date of their Executive promulgation and thereafter until one year from the date when either the Government of the United States or the Government of Great Britain shall give notice to the other of its desire for their revision, and the President is hereby authorized to make proclamation promulgating such regulations: *Provided, however*, That said regulations shall not be put into operation prior to January 1, 1915: *Provided also*, That no further or other regulations or amendments thereto under the provisions of said treaty of April 11, 1908, shall be adopted or have the force or effect of law without action by the Congress of the United States: *And provided further*, That immediately after the passage of this act the United States International Fisheries Commissioner shall begin inquiries, with a view to determining what modifications in the regulations herein provided for are required by existing conditions, and shall transmit to Congress, at the opening of its next session, through the Secretary of State, recommendations for such modifications as the International Fisheries Commission shall decide to be proper and necessary.

SEC. 2. That any intentional violation of the prohibitions or restrictions of the aforesaid regulations by a citizen of the United States, or person resident in the United States or under the jurisdiction of its courts, shall be punished by fine not exceeding $500 or imprisonment for a period not greater than six months, or both, and by forfeiture of any nets, engines, boats, gear, apparatus, and appliances to the United States Government, in the discretion of the court having jurisdiction over the offense; and that the purchase, sale, offering for sale, or possession for purposes of sale or preservation as food of any fish or lobster taken in violation of the aforesaid regulations shall constitute a misdemeanor and be punishable by a fine of not less than $10 nor more than $50 for each offense, and in default of payment of fine by imprisonment not exceeding 30 days.

SEC. 3. That the Commissioner of Fish and Fisheries, under the direction of the Secretary of Commerce, is hereby charged with the administration of the aforesaid regulations and the other provisions of this act; and there shall be established in the Bureau of Fisheries a division of international fisheries, and there shall be employed therein one deputy international fisheries commissioner, and the necessary wardens, deputy wardens, and inspectors, all of whom shall have the power to seize without warrant fishing gear, boats, or other apparatus that is being illegally used and to arrest without warrant any person who may be violating the provisions of this act.

SEC. 4. That the sum of $30,000 is hereby authorized to be appropriated, and to be available until expended, for the purpose of carrying out the provisions of this act, including the compensation of wardens, deputy wardens, inspectors, clerks, and other necessary employees, and of one deputy international fisheries commissioner at a salary not to exceed $3,000 per annum, and including the purchase or hire of boats, the travel and other expenses of employees, and such other expenses as may be proper and necessary for the enforcement of this act.

SCHEDULE.

A system of uniform and common international regulations for the protection and preservation of the food fishes in international boundary waters of the United States and Canada.

The following regulations, prepared by the International Fisheries Commission, pursuant to and under the authority of a convention concluded by and between the United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King and Emperor of India, dated the 11th day of April, 1908, shall constitute a system of uniform and common international regulations for the protection and preservation of the food fishes in each of the waters prescribed in article 4 of said convention, to wit: (1) The territorial waters of Passamaquoddy Bay; (2) the St. John and St. Croix Rivers; (3) Lake Memphremagog; (4) Lake Champlain; (5) the St. Lawrence River, where the said river constitutes the international boundary; (6) Lake Ontario; (7) the Niagara River; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Saginaw Bay and Georgian Bay, but including North Channel; (11) St. Marys River and Lake Superior; (12) Rainy River and Rainy Lake; (13) Lake of the Woods; (14) the Strait of Juan de Fuca those parts of Washington Sound, the Gulf of Georgia, and Puget Sound lying between the parallels of 48° 10′ and 49° 20′; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two Governments.

1. APPLICATION OF REGULATIONS.

These regulations are to be applied within and throughout the abovenamed waters, hereinafter called "treaty waters," provided that certain regulations are to be applied only within certain of said waters, as hereinafter specifically indicated, and provided also that no regulation shall apply to the St. John River unless such river is specially mentioned in such regulation. It is understood by the International Fisheries Commission that all statutes and laws relating to the protection and preservation of the fisheries in the treaty waters lawfully passed, or that hereafter may be lawfully passed, in the United States or in the Dominion of Canada, shall have full validity in so far as the said statutes and laws are not in conflict with these regulations, and that these regulations shall not be construed as permitting fishing at any times or places or by any methods or appliances prohibited by such laws.

2. DEFINITIONS.

In these regulations the following definitions are adopted to apply to the words in question wherever the same shall be used:

"Berried lobster.—A female lobster carrying eggs.

"Black bass.—This term includes both the small-mouthed black bass (Micropterus dolomieu), called achigan in Quebec, and the large-mouthed black bass, called Oswego bass or green bass (Micropterus salmoides).

"Brook trout.—The American char, also called speckled trout (Salvelinus fontinalis).

"Calico bass.—Pomoxis sparoides.

"Carapace.—The large or body shell of a lobster, exclusive of the abdomen or so-called tail.

"Carp.—Cyprinus carpio.

"Channel catfish.—Ictalurus punctatus.

"Close season.—A period in which fishes may not legally be taken.

"Coarse fish.—Suckers and other fish of little value as food for man.

"Commercial fishing; fishing for commercial purposes.—All fishing carried on not for sport, or for personal use, or for propagation, or for scientific purposes.

"Crib.—The pot or most completely inclosed portion of a pound or trap net

"Eel.—Anguilla rostrata.

"Extension measure.—The measure of the mesh of a net along the greatest length to which the diagonally opposite corners can be drawn apart.

"Fish wheel.—A device for the capture of salmon by means of a revolving wheel.

"Fry.—Very young fish, of the first year after hatching.

"Fyke net.—A net with hoops, made in various forms.

"Gaff.—A pointed iron hook at the end of a pole.

"Gill net.—A net suspended in the water in which fishes are caught by the head being thrust through the mesh.

"Grayling.—Thymallus signifer.

"Heart.—A partly inclosed portion of a pound net.

"Herring.—Clupea harengus.

"Jigger.—A recurved hook of netting attached to a pound net.

"Lake catfish.—Ictalurus lacustris.

"Lake trout.—Cristivomer namaycush, called Mackinaw trout, longe, togue, gray trout or laker.

"Leader.—The portion of a stationary net extending toward the shore, as a barrier of netting.

"Length of fish.—This is measured from the tip of the snout to the tip of the tail.

"Lobster.—Homarus americanus.

"Lobster trap.—Lobster pot, a device for the capture of lobsters.

"Maskinongé.—Lucius maskinongy, the black spotted pike or muskallunge.

"Minnow.—Any small fish of the family of Cyprinidæ.

"Open season.—A period in which fishes may legally be taken.

"Person.—This term, as used in these regulations, shall include person or persons, firm, partnership, or corporation.

"Pound net.—A net attached to stakes or piles, composed of a long leader running from the shore, a heart or partly inclosed portion, and a final, more perfectly inclosed portion, open at the top, called crib, car, or pot, to which is sometimes added one or more inclosures called 'spillers.' On the Pacific coast a pound net is often called locally a 'trap.'

"Purse net.—A seine that can be so operated as to form a purse or bag, closed at the bottom.

"Salmon.—This term includes the Atlantic salmon (Salmo salar); the landlocked salmon (Salmo sebago); the red salmon, called blueback or sockeye (Oncorhynchus nerka); the chinook salmon, called quinnat, tyee, king salmon, or spring salmon (Oncorhynchus tschawytscha); the silver salmon, called coho (Oncorhynchus kisutch); the humpback salmon, called pink salmon (Oncorhynchus gorbuscha); and the dog salmon, called chum or calico salmon (Oncorhynchus keta).

"Seine.—An encircling fish net which may be drawn to the shore or which may be closed about a body of swimming fish.

"Sauger.—Stizostedion canadense.

"Steelhead or steelhead trout.—Salmo iridœus rivularis.

"Sturgeon.—This term includes Acipenser sturio, the Atlantic sturgeon; Acipenser brevirostrum, the short-nosed sturgeon; Acipenser rubicundus, the sturgeon of the Great Lakes; Acipenser transmontanus, the white sturgeon of the Pacific; and Acipenser medirostris, the green sturgeon of the Pacific

"Sucker.—Catostamus commersoni, Catostomus catostomus, and other species of the family Catostomidæ.

"Trap net.—As used in the Great Lakes, a net similar in construction to a pound net, but with the terminal chamber or pot closed at the top and bottom.

"Treaty waters.—The waters mentioned in article 4 of the said convention of April 11, 1908.

"Weir.—A fixed inclosure, usually constructed of stakes with wattled brush between.

"White bass.—Roccus chrysops.

"Whitefish.—This term includes the Lake Superior or Labrador whitefish (Coregonus clupeiformis) and the Lake Erie whitefish (Coregonus albus). It does not include the Menominee whitefish, called round fish or pilot fish (Coregonus quadrilateralis).

"Yellow pike.—The yellow pike perch, also called wall-eyed pike, yellow pickerel, and doré (Stizostedion vitreum)."

3. DISPOSITION OF PROHIBITED CATCH.

In case any fish is unintentionally captured contrary to the prohibitions or restrictions contained in any of the following regulations, such fish shall, if possible, be immediately returned alive and uninjured to the water.

4. DYNAMITE, POISONOUS SUBSTANCES, ETC.

No person shall place or use quicklime, dynamite, explosive or poisonous substances, or electric device in treaty waters for the purpose of capturing or killing fish.

5. POLLUTION OF WATERS.

No person shall place or pass, or allow to pass, into treaty waters any substance offensive to fishes, injurious to fish life, or destructive to fish fry or to the food of fishes or of fish fry, unless permitted so to do under any law passed by the legislative authority having jurisdiction.

No person shall deposit dead fish, fish offal, or gurry in treaty waters, or on ice formed thereon, except in gurry grounds established by the duly constituted authorities.

6. CAPTURE OF FISHES FOR PROPAGATION OR FOR SCIENTIFIC PURPOSES.

Nothing contained in these regulations shall prohibit or interfere with the taking of any fishes at any time for propagation or hatchery purposes, and obtaining at any time or by any method specimens of fishes for scientific purposes under authority granted for Canadian treaty waters by the duly constituted authorities in Canada and for United States treaty waters by the duly constituted authorities in the United States.

7. MINNOW SEINES AND LANDING NETS.

Nothing contained in these regulations shall prohibit the use of small seines of fine mesh, not more than 50 feet in length, for the capture of minnows as bait in waters other than spawning grounds of black bass, or prohibit the use of small landing nets for the purpose of securing fishes taken on the hook.

8. CLOSE SEASON FOR BLACK BASS.

From March 15 to June 15 in each year, both days inclusive, no black bass shall be fished for, killed, or captured in treaty waters unless it is otherwise provided by these regulations or by a law passed by the legislative authority having jurisdiction.

9. PROTECTION OF SPAWNING GROUNDS OF BLACK BASS.

No nets of any kind shall be used on spawning grounds of black bass in treaty waters.

10. NETS UNDER THE ICE PROHIBITED.

No net shall be drawn, set, placed, or maintained under the ice in treaty waters.

11. COMMERCIAL FISHING FOR CERTAIN GAME FISHES PROHIBITED.

No black bass, brook trout, landlocked salmon, or maskinongé shall be fished for, killed, or captured for commercial purposes in treaty waters.

12. CAPTURE OF IMMATURE SALMON PROHIBITED.

No salmon or steelhead of less than 3 pounds in weight shall be fished for, killed, or captured in treaty waters.

13. SALMON WEIRS, ETC., ABOVE TIDAL LIMITS PROHIBITED.

No salmon and no steelhead shall be fished for, killed, or captured by means of a net of any sort, any weir, or any fish wheel above tidal limits in any river in treaty waters.

14. CLOSE SEASON FOR STURGEON.

During the term of four years next following the date of the promulgation of these regulations no sturgeon shall be fished for, killed, or captured in treaty waters.

15. CAPTURE OF FISH FOR FERTILIZER OR OIL PROHIBITED.

Fishes useful for human food shall not be fished for, killed, or captured in treaty waters for use in the manufacture of fertilizer or of oil other than oil for food or medicinal purposes.

16. NAKED HOOKS AND SPEARS PROHIBITED.

No spear, grappling hook, or naked hook, and no artificial bait with more than three hooks, or more than one burr of three hooks attached thereto, shall be used for the capture of fish in treaty waters. This regulation shall not prohibit the use of a gaff in hook-and-line fishing.

17. TORCHING PROHIBITED.

No torch, flambeau, or other artificial light shall be used as a lure for fish in treaty waters.

TERRITORIAL WATERS OF PASSAMAQUODDY BAY.

The following regulations (18 to 25, inclusive) shall apply to the territorial waters of Passamaquoddy Bay:

18. PROTECTION OF SPAWNING GROUNDS.

From July 16 to October 15 in each year, both days inclusive, no herring shall be fished for, killed, or captured on any of the recognized spawning grounds for herring, and no weir, net, or other fishing apparatus or gear for catching herring shall be used or operated on said spawning grounds.

19. WEIRS AND SEINES.

No weir or fixed apparatus for the capture of fish shall be placed at a distance of less than 1,000 feet along the shore from any other weir or fixed apparatus.

No net shall be placed, set, or operated within 500 feet of the mouth of any weir, without the consent of the weir owner.

Wherever in these treaty waters the use of seines is or may be permitted by law, no seine shall be drawn to the shore, but all fish taken in such nets shall be bailed or dipped from the water.

20. CLOSE SEASON FOR SALMON.

From August 15 in each year to March 1 next succeeding, both days inclusive, no salmon shall be fished for, killed, or captured in these treaty waters.

21. PURSE NETS PROHIBITED.

No purse net shall be used in these treaty waters.

22. LEGAL SIZE FOR LOBSTERS.

No lobster of which the carapace is less than 4¾ inches in length shall be fished for, killed, or captured in these treaty waters.

23. BERRIED LOBSTERS.

No berried lobster shall be fished for, killed, or captured in these treaty waters.

24. LOBSTER TRAPS.

No lobster trap or other apparatus for the capture of lobsters shall be placed in these treaty waters within 300 feet of the mouth of any weir or stationary salmon net or in water of a less depth than 2 fathoms at low tide.

25 CLOSE SEASON FOR LOBSTERS.

From May 6 to December 6 in each year, both days inclusive, no lobster shall be fished for, killed, or captured in these treaty waters.

ST. CROIX RIVER.

The following regulations (26 to 28, inclusive) shall apply to St. Croix River:

26. NETS IN ST. CROIX RIVER.

In the tidal waters of the St. Croix River no weir or fixed apparatus for the catching of fish shall be placed at a distance of less than 1,000 feet along the shore from any other weir or fixed apparatus.

No seine or other net shall be placed or set within 500 feet of the mouth of any weir without the consent of the weir owner.

Wherever in these treaty waters the use of seines is or may be permitted by law, no seine shall be drawn to the shore, but all fish taken in such seine shall be bailed or dipped from the water.

27. CLOSE SEASON FOR SALMON.

From August 15 in each year to February 1 next succeeding, both days inclusive, no salmon shall be fished for, killed, or captured in these treaty waters above tidal limits.

28. WEEKLY CLOSE SEASON FOR SALMON.

From April 1 to July 15 in each year, both days inclusive, there shall be a weekly close season of 48 hours from 6 o'clock on each Saturday morning to 6 o'clock on the following Monday morning, during which no salmon shall be fished for, killed, or captured in the tidal waters of the St. Croix River.

During this weekly close season all weirs or other fixed apparatus used for the capture of salmon shall be so raised, closed, or adapted as to admit of the free passage of fish through or by or out of such weirs or other fixed apparatus.

LAKE MEMPHREMAGOG.

The following regulations (29 to 30, inclusive) shall apply to the waters of Lake Memphremagog:

29. NET FISHING PROHIBITED.

No net shall be used for the capture of fish in these treaty waters.

30. CLOSE SEASON FOR BLACK BASS.

From November 1 in each year to June 15 next succeeding, both days inclusive, no black bass shall be fished for, killed, or captured in these treaty waters.

LAKE CHAMPLAIN.

The following regulations (31 to 33, inclusive) shall apply to the waters of Lake Champlain:

31. CLOSE SEASON FOR BLACK BASS.

From November 1 in each year to June 15 next succeeding, both days inclusive, no black bass shall be fished for, killed, or captured in these treaty waters.

32. NET FISHING IN LAKE CHAMPLAIN.

No net shall be used for the capture of fish in Lake Champlain within a radius of 1 mile of the mouth of any river flowing into the lake.

33. CLOSE SEASON FOR YELLOW PIKE.

From April 15 to May 15 in each year, both days inclusive, no yellow pike or doré shall be fished for, killed, or captured in these treaty waters.

THE GREAT LAKES SYSTEM.

The following regulations (34 to 52, inclusive) shall apply to the following waters, to wit: St. Lawrence River, where the said river constitutes the international boundary; Lake Ontario; the Niagara River; Lake Erie; the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; Lake Huron, excluding Saginaw Bay and Georgian Bay, but including North Channel; St. Marys River and Lake Superior.

34. WEIGHT LIMIT FOR WHITEFISH.

No whitefish of less than 2 pounds weight shall be fished for, killed, or captured in these treaty waters.

35. WEIGHT LIMIT FOR LAKE TROUT.

No lake trout of less than 2 pounds weight shall be fished for, killed, or captured in these treaty waters.

36. SIZE LIMIT FOR YELLOW PIKE.

No yellow pike or doré of less than 13 inches in length shall be fished for, killed, or captured in these treaty waters.

37. SIZE LIMIT FOR SAUGER, CALICO BASS, AND WHITE BASS.

No sauger, calico bass, or white bass of less than 10 inches in length shall be fished for, killed, or captured in these treaty waters.

38. SIZE LIMIT FOR CATFISH.

No lake catfish or channel catfish of less than 16 inches in length shall be fished for, killed, or captured in these treaty waters.

39. GAME FISH.

No black bass, brook trout, or maskinongé shall be taken in these treaty waters, by any means whatsoever, except a rod and line or hand line, or a trolling line with spoon hook attached; and in no case shall the line so used bear more than three hooks.

The fishing for, killing, or capturing of any species of trout, salmon, or grayling introduced or which may hereafter be introduced into these treaty waters shall be subject to the same regulations as apply to the fishing for, killing, or capturing of brook trout.

No fish of the species mentioned in this regulation shall be fished for, killed, or captured through or beneath the ice in these treaty waters.

40. SIZE LIMIT FOR BROOK TROUT.

No brook trout of less than 7 inches in length shall be fished for, killed, or captured in these treaty waters.

41. SIZE LIMIT FOR BLACK BASS.

No black bass of less than 10 inches in length shall be fished for, killed, or captured in these treaty waters.

42. SIZE LIMIT FOR MASKINONGÉ.

No maskinongé of less than 24 inches in length shall be fished for, killed, or captured in these treaty waters.

43. LIMIT TO DAILY CATCH OF BLACK BASS.

Not more than 10 black bass shall be captured in one day by any one person, nor more than 20 by the occupants of a single boat, in these treaty waters.

44. NETS IN RIVERS PROHIBITED.

No nets of any sort shall be used for commercial fishing in St. Marys River, in St. Clair River, in Detroit River, in Niagara River, or in St. Lawrence River, where said river constitutes the international boundary.

45. NET FISHING ALONG THE BOUNDARY LINE IN LAKE ERIE PROHIBITED.

No fishing with nets shall be permitted in Lake Erie within one-half mile of the international boundary.

46. CONSTRUCTION OF POUND NETS.

No pound net shall be set within these treaty waters unless so constructed as to have in the middle of the back of the crib, reaching from the top to the bottom thereof, a vertical strip of netting, which shall hang squarely, the width of which strip shall not be less than one-half the width of the back of the crib, and the mesh of which shall not be less than 2¾ inches, extension measure, as actually used in fishing.

In those waters lying to the northward of a line drawn from Cape Hurd, in the Province of Ontario, to Thunder Bay Light, in the State of Michigan, such vertical strip shall have a mesh of not less than 3½ inches, extension measure, as actually used in fishing.

The above restrictions shall take effect January 1, 1915.

No web of fine mesh (locally called an apron), or any other device which may reduce the means of escape of small fishes through the meshes, shall be used in the crib of a pound net in these treaty waters.

47. LOCATION OF POUND NETS.

The leader of a pound net shall be made visible; there shall be a gap of at least 50 feet open and clear to the bottom between one pound net and the next of the series when set in linear order, and there shall be a lateral passageway or distance of not less than 1,000 feet between one series of pound nets and the next on either side.

Not more than seven pound nets belonging to one person shall be set in a linear series.

No part of this regulation shall be so construed as to interfere with recognized proprietary rights.

48. TRAP NETS PROHIBITED.

No concealed movable trap net shall be used in these treaty waters.

On and after January 1, 1916, no trap net of any kind shall be used for the capture of fish in these treaty waters.

49. MESH OF NETS.

No gill net or other movable net of less than 4¾ inches mesh, extension measure, as actually used in fishing, shall be drawn, set, placed, or maintained for whitefish or lake trout in these treaty waters.

No gill net or other movable net of less than 3½ inches mesh, extension measure, as actually used in fishing, shall be drawn, set, placed, or maintained in Lake Erie, or of less than 2½ inches mesh in Lake Huron, Lake Superior, and Lake Ontario, for fish other than whitefish or lake trout.

The above restrictions shall take effect on and after January 1, 1915.

No gill net shall be drawn, set, placed, or maintained within one-half mile of any pound net in these treaty waters.

50. AMOUNT OF NETTING.

Not more than 30,000 yards of netting, linear measure, shall be set in these treaty waters at one time by one tug, and not more than 8,000 yards by one sailboat, except in the waters of Lake Huron and Lake Superior, where not more than 60,000 yards shall be set by one tug and not more than 18,000 yards shall be set by one sailboat.

51. NETS FOR COARSE FISH.

Nothing contained in these regulations shall prohibit the use of seines, fyke nets, or other nets, exclusively for the capture of carp, eels, and coarse fish. When fyke nets are used for such purpose the wings and leaders shall not extend more than 10 feet from the entrance.

52. NETS IN LAKE ST. CLAIR.

No gill net shall be used in Lake St. Clair, and no pound net shall be set, placed, or maintained to the northeastward of a line connecting the south side of the mouth of the Thames River in Ontario with the south side of the mouth of the Clinton River in Michigan.

LAKE OF THE WOODS, RAINY LAKE, AND RAINY RIVER.

The following regulations (53 to 61, inclusive) shall apply to the Lake of the Woods, Rainy Lake, and Rainy River:

53. WEIGHT LIMIT FOR WHITEFISH.

No whitefish of less than 2 pounds weight shall be fished for, killed, or captured in these treaty waters.

54. WEIGHT LIMIT FOR LAKE TROUT.

No lake trout of less than 2 pounds weight shall be fished for, killed, or captured in these treaty waters.

55. SIZE LIMIT FOR YELLOW PIKE.

No yellow pike of less than 13 inches in length shall be fished for, killed, or captured in these treaty waters.

56. NETS IN RAINY RIVER PROHIBITED.

No nets shall be used for commercial fishing in Rainy River.

57. RESTRICTION OF NETS IN LAKE OF THE WOODS AND RAINY LAKE.

No net shall be drawn, set, placed, or maintained in these treaty waters within a radius of one-half mile from the mouth of any river flowing into Rainy Lake or Lake of the Woods, and no net shall extend more than one-third the distance across any bay or channel constituting a part of such waters.

58. POUND NETS.

On and after January 1, 1915, all pound nets shall be so constructed as to have in the middle of the back of the crib, reaching from the top to the bottom thereof, a vertical strip of netting, which strip shall hang squarely, the width of which strip shall not be less than one-half the width of the back of the crib and the mesh of which shall not be less than 3½ inches, extension measure, as actually used in fishing.

The leader of a pound net shall be made visible, and there shall be a gap of at least 50 feet open and clear to the bottom between one pound net and the next of the series when set in linear order. There shall be a lateral distance or passageway of not less than 1,000 feet between one series of pound nets and the next on either side.

59. TRAP NETS PROHIBITED.

No trap nets shall be used for the capture of fish in these treaty waters.

60. MESH OR GILL NETS.

On and after January 1, 1915, no gill net of less than 5 inches mesh, extension measure, as actually used in fishing, shall be set for whitefish or lake trout in these treaty waters.

On and after January 1, 1915, no gill net of less than 4 inches mesh, extension measure, as actually used in fishing, shall be set for fish of species other than whitefish and lake trout in these treaty waters.

No gill net shall be set within one-fourth of a mile of any pound net.

61. CLOSE SEASON IN LAKE OF THE WOODS AND RAINY LAKE.

From October 16 to November 30 in each year, both days inclusive, no net shall be drawn, set, placed, or maintained for commercial fishing in Lake of the Woods or in Rainy Lake.

STRAIT OF JUAN DE FUCA AND ADJACENT WATERS.

The following regulations (62 to 66, inclusive) shall apply to the Strait of Juan de Fuca, those parts of Washington Sound, the Strait of Georgia, and Puget Sound lying between the parallels of 48° 10′ and 49° 20′ north latitude:

62. CLOSE SEASON FOR SALMON.

From August 25 to September 15 in each year, both days inclusive, no salmon or steelhead shall be fished for, killed, or captured for commercial purposes in these treaty waters: *Provided, however*, That in the waters to the westward of a line drawn southward from Gonzales Point to the shore of the State of Washington silver salmon, or coho salmon, may be fished for, killed, or captured from September 1 to September 15 in each year, both days inclusive.

63. WEEKLY CLOSE SEASON FOR SALMON AND STEELHEAD.

From 6 o'clock Saturday morning to 6 o'clock on the Monday morning next succeeding no salmon or steelhead shall be fished for, killed, or captured in these treaty waters.

It is, however, provided that in the waters to the westward of a line drawn southward from Gonzales Point to the shore of the State of Washington the weekly close season shall begin 12 hours earlier and shall end 12 hours earlier.

64. CONSTRUCTION OF POUND NETS.

All pound nets or other stationary appliances for the capture of salmon or steelhead shall be so constructed that no fish whatever shall be taken during the weekly close season. The erection or addition to the pound net of a jigger is prohibited.

65. LOCATION OF POUND NETS.

All pound nets shall be limited to a length of 2,500 feet, with an end passageway of at least 600 feet between one pound net and the next in a linear series, such distance being measured in continuation of the line of direction of the leader of such net, and a lateral passageway of at least 2,400 feet between one pound net and the next.

On and after January 1, 1915, the mesh in pound nets shall be 4 inches in extension in the leader and not less than 3 inches in other parts of the net.

66. NETS OTHER THAN POUND NETS.

No purse net shall be used within 3 miles of the mouth of any river and no seine within 1 mile of the mouth of any river in these treaty waters.

No gill net of more than 900 feet in length or of a greater depth than 60 meshes shall be used in these treaty waters.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is entitled to 20 minutes and the gentleman from Illinois [Mr. MADDEN] to 20 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, the purpose of this bill is to carry into effect the provisions of a treaty between this country and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, which was concluded in Washington on the 11th day of April, 1908, and ratified by the Senate on the 17th day of the same month.

The treaty provided that there should be an International Fisheries Commission, which should consider, prepare, and report, within six months from the time it was appointed, a uniform system of regulations for the protection and preservation of fishes in the international waters between the two countries. On May 29, 1909, the International Fisheries Commission submitted its report, embodying a system of regulations, and on February 2, 1910, that report was transmitted to the Congress of the United States and to the Parliament of Canada. The Parliament of Canada immediately adopted the regulations agreed upon by the commission without any change.

We have done nothing in reference to carrying these regulations into law up to this time. The third article of the treaty provided that each Government should carry these regulations into law as soon as possible. It has been over five years since the regulations were adopted. It is nearly four years since the Canadian Parliament enacted a law adopting those regulations for the Canadian side, and during all this time our Government, our Congress, has taken no action in the matter. The Canadian Government has gotten tired of waiting upon us and has served notice upon our State Department that unless we take action, binding ourselves by these regulations, they will take action relieving themselves from being bound further by them; and unless we do take action we shall lose all the benefits arising from that treaty, which was entered into for the protection of these fisheries, and we shall lose all control of the fisheries of these international waters. I want to read to the House a letter——

Mr. SHERWOOD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. FLOOD of Virginia. Yes.

Mr. SHERWOOD. I see in this bill—

And provided further, That immediately after the passage of this act the United States International Fisheries Commissioner shall begin inquiries with a view to determining what modifications in the regulations herein provided for are required by existing conditions—

And so forth. Now this is an immature bill. Why not call upon the International Fisheries Commission for their opinion and then prepare a perfect bill? This bill will wipe out, if it is carried into effect, all the small fisheries on the south shore of Lake Erie. I am opposed to it on that ground.

Mr. FLOOD of Virginia. I think the gentleman is mistaken about that. It is not an immature bill. The scedule is not immature. It is somewhat obsolete now. This schedule was adopted over five years ago, and there have been changes in conditions since that time. The schedule when it was adopted was considered a very satisfactory schedule, but now some of its provisions are obsolete.

It does not go into effect, according to the terms of this bill, until the 1st day of January, 1915. Immediately upon the passage of this bill the commissioner on the part of this country and the commissioner on the part of Canada are to get together

and hear the complaints of those who are not satisfied with this schedule and report any changes that they think ought to be made in the schedule to the first day of the next session of Congress, the idea being that between the first Monday in December, when Congress convenes, and the 1st day of January, if there are any radical changes that affect the fishermen of this country we can put them into effect before the provisions of this schedule become effective.

Mr. SHERWOOD. Will the gentleman permit?

Mr. FLOOD of Virginia. Yes.

Mr. SHERWOOD. Why not get the opinion of this international commission before you prepare a perfect bill to carry out the treaty?

Mr. FLOOD of Virginia. They prepared a perfect bill. The Canadian Parliament, in pursuance of that treaty and carrying out the treaty and the contract they had made with this country, enacted a law adopting these regulations, while we have neglected to carry out the contract and treaty that we made.

Now, it is a question whether we will do it or whether we will let this treaty lapse and be forced to go through all the negotiations of making another treaty before the fish in these waters can be protected.

Mr. SHERWOOD. Yes; but you say here—

Such modifications as the International Fisheries Commission shall decide to be proper and necessary.

Mr. FLOOD of Virginia. If they find out that there ought to be modifications in the schedule, then they will recommend them, and we will pass a law making those modifications; but if they ascertain that there should be no changes, then this schedule and this bill will stand unamended.

Mr. GUERNSEY. Will the gentleman from Virginia yield?

Mr. FLOOD of Virginia. Yes.

Mr. GUERNSEY. Certain important fishing industries, particularly the sardine industry on the St. Croix River and Passamaquoddy Bay, in Maine, question whether or not this measure makes certain the location of the recognized spawning grounds of the herring. The Bureau of Fisheries have been asked whether it does or not, and they have replied to my colleague [Mr. PETERS] that they want more time before they can reply whether it does make sufficiently certain the recognized spawning grounds. I should like to inquire of the chairman of the committee if it is important that this bill be acted upon to-day, or whether time may not be granted to allow the Bureau of Fisheries to furnish this information?

Mr. FLOOD of Virginia. The gentleman will see that the bill does not undertake to specify what is the spawning ground, but simply protects what are generally recognized as spawning grounds.

As to the importance of the bill being enacted to-day, I want to read a letter which I have received from the President:

THE WHITE HOUSE,
Washington, February 24, 1914.

Hon. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives.

MY DEAR MR. FLOOD: I trust that no effort may be spared to secure the immediate passage of the bill now pending in the House to give effect to the treaty between the United States and Great Britain of April 11, 1908, for the preservation of the food fishes in the waters contiguous to the United States and Canada. In reality, I believe there are two bills pending in the House, namely, H. R. 13005, introduced by yourself on the 5th instant, and H. R. 13300, introduced by Mr. WOODRUFF on the 12th instant; but I am advised that these bills are the same, except that H. R. 13300 exempts Saginaw Bay from the operations of the present international regulations under the treaty—an exemption to which the commissioners on both sides have agreed.

The commissioner on the part of the United States is Dr. Hugh M. Smith, our Commissioner of Fisheries. He stands ready to furnish to you or to your committee any information which may be desired. I may say, however, that the pending bills embody only what has been agreed on between the two Governments, and that there does not appear now to exist any objection on either side to their enactment. Similar legislation was adopted and was put into effect on the part of Canada three years ago, and we are informed that unless this Government shall be in a position on the 1st of March reciprocally to perform its obligations the object of the treaty, which is of manifest importance to the permanent interests of both countries, will be defeated.

Sincerely, yours.

WOODROW WILSON.

Mr. GUERNSEY. If it is found on trial that the provisions of the bill do not sufficiently protect the fishing interests of the United States, particularly as to specifying the spawning grounds definitely, are there provisions in the bill that will make it possible for changes to be made in the future?

Mr. FLOOD of Virginia. The bill makes provision for that very thing. It directs the commission, composed of Dr. Prince, on the part of Canada, and of Dr. Hugh Smith, on the part of the United States, to proceed, immediately upon the passage of the bill, to hear complaints and to make such modifications as those complaints suggest to them.

Mr. GUERNSEY. Over how long a period does that extend?

Mr. FLOOD of Virginia. That extends up to the first day of the next session of Congress, the first Monday in December, when they are to report to Congress any changes that they desire made in this schedule.

Mr. GUERNSEY. And the bill does not go into effect until then?

Mr. FLOOD of Virginia. The bill does not go into effect until the first day of next January.

Mr. GUERNSEY. Suppose they do not make their report by that time?

Mr. FLOOD of Virginia. This bill requires them to make their report on the first day of the next session of Congress.

Mr. CRAMTON. Will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. CRAMTON. After they have made that report, the changes they recommend will not be made until Congress passes another bill.

Mr. FLOOD of Virginia. They will not be effective until Congress takes further action.

Mr. CRAMTON. And, further, if that act is not passed before the 1st of January, then the present proposed provision will go into effect?

Mr. FLOOD of Virginia. If the changes are material, it will be an emergency measure and Congress will put it through.

Mr. CRAMTON. There are in this proposal certain features which seem to us material, which are admitted by the authorities to be defective. It is admitted that they do not reach the situation. Some of these are so material that men in my district say they will be put out of business if they go into effect. Are we not taking a long chance that these men will make certain findings, and then, after they have made them, that the administration will look upon it with such favor that they will correct it in the busy month of December next year?

Mr. FLOOD of Virginia. We are not taking as long a chance as we would if we run the risk of having the treaty abrogated and leaving no protection to the food fishes in international waters. And, besides, the regulations are to be enforced by our officers, and if they are to be changed, even if the law has not passed, they will hardly be enforced.

Mr. CRAMTON. Have we not enough time to consider the thing and have it put right, rather than to undertake to pass defective legislation?

Mr. FLOOD of Virginia. I do not think it is defective.

Mr. CRAMTON. Your authority, Dr. Smith, has stated that in regard to the point I have in mind in the hearings the treaty does not reach that point. It is in the hearings before your committee.

Mr. FLOOD of Virginia. Those are the points that they are going to consider.

Mr. CRAMTON. I would like to have the legislation come after the report of the commission.

Mr. FLOOD of Virginia. The danger is in having Canada repeal her law putting the regulations into effect, and Great Britain might abrogate the treaty and turn these fishes absolutely over to the destruction of parties who choose to catch and market them without any regulation for their preservation. I do not think you run any risk of danger in trusting the commission on these international fisheries.

Mr. SHERWOOD. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. SHERWOOD. Is it not a fact that the reason that the Canadian Parliament was so prompt in its action was because the treaty was in the interest of the Canadian fishermen?

Mr. FLOOD of Virginia. I can not answer that question. I only know that the Canadian people kept the contract with this Government.

Mr. MADDEN. And did not they get the best of the contract?

Mr. FLOOD of Virginia. No; they did not get the best of the contract; but whether they did or not, they were honest and kept it, and whether we got the worst of it or not, we should have been honest enough to keep it.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. KEY of Ohio. Is it not a fact that it will be necessary for the United States commissioner and the Canadian commissioner to agree upon the changes before Congress can act?

Mr. FLOOD of Virginia. This commission is composed of two commissioners.

Mr. KEY of Ohio. If the commission fails to agree, what will be the result?

Mr. FLOOD of Virginia. If the people of this country are injured by the regulations, we can abrogate the treaty upon one year's notice. That is in the treaty. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed 15 minutes.

Mr. FLOOD of Virginia. I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I am opposed to this bill. I want to say to the gentleman from Virginia [Mr. FLOOD] that he is mistaken about the necessity for immediate action. He is mistaken also in saying that the United States has by delay in any way violated its obligations under the treaty. There has been no violation on either side. It is true, as set forth on page 2 of the report, that the Governments of the United States and Great Britain agreed to put in operation and in force by legislative and executive action, with as little delay as possible, the treaty, and so forth. Well, we have done that; we have considered this matter several times, both in the House and in the Senate.

Mr. FLOOD of Virginia. When has ever this matter been considered in the House?

Mr. STEENERSON. I believe it has.

Mr. FLOOD of Virginia. No; it never has been considered in the House.

Mr. STEENERSON. It has been considered in Congress. I know I intended to make a fight on it in the House, because it was not satisfactory to my constituents. Now, as to there being great urgency, I want to say that the regulations are not to be put into effect until nine months from now. I appeared before the Committee on Foreign Affairs in opposition to the bill being reported out at that time, for the reason that I had submitted it to my constituents with a view to finding out what their objections were, if any there be. I have not had time to get that information. I will state that the Lake of the Woods in my district is international waters, also Rainy Lake and Rainy Lake River. There are about 100 families engaged in the fishing industry on those waters.

One of the main food fishes in the past caught in the Lake of the Woods has been sturgeon. It is a very valuable fish and of slow growth. The authorities say that a large full-grown sturgeon is about 100 years old. It is true that the scientists who investigated the conditions state that the supply of sturgeon has decreased materially in late years. I have no doubt that is true, but fishermen say that by reason of that fact the other food fishes of the lake have increased.

If you have too many sturgeon, they eat up all of the spawn of the whitefish and the pike, and to have too many would be to decimate the other fishes in those lakes, and that is not desirable. They are like the trusts. They eat up the small and thrive themselves. We have to limit them, and this provides for a close season for sturgeon for 5 years, and presumably it will be closed for 100 years, until they get a new generation of sturgeon. I do not know whether the people in my district engaged in fishing in these international waters are willing to agree to that or not, but I request the committee to postpone consideration until I can be advised. It is claimed we have to suspend the rules and pass this bill immediately.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. TOWNSEND. The gentleman appeared before the Committee on Foreign Affairs and made the statement which he has made here, as to the destructiveness of the sturgeon, and I want to ask him a question. Did not Dr. Smith, the Commissioner of Fisheries for the United States, say to the gentleman:

> The most valuable fish in any of these international waters is the sturgeon, and they were always very abundant until the fishermen went after them without regard to the preservation of the supply.
>
> It may be that they will indorse the view that the sturgeon is a very destructive fish, but it has been regarded as very harmless.
>
> Mr. STEENERSON. Harmless, except for consuming the spawn of other fishes.
>
> Dr. SMITH. But all fishes consume the spawn of other fish, and the pike, which you mention as being injured by the sturgeon, is one of the most destructive of all fishes.

Mr. STEENERSON. That is true, but the sturgeon is equipped with a pump under its head, and it goes around and sucks up all of the spawn on the spawning beds of the white fish and the pike, and they consume millions of the eggs of those fish in a very short time, and it is destructive to the other fish to have too many sturgeon. They are the monopolists of these internatioual waters.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. My time is so limited that I can not.

The other fish, principally the whitefish and the pike, are the principal food fishes in those waters. The sturgeon has never constituted but a minor part of the catch, although it is true that is a very valuable fish. The sturgeon caviar is worth up to $2 per pound. It seems to me it would be just as well to simply limit the size of sturgeon that could be caught to, say, 4 or 5 feet in length. They are caught in pound nets, together with thousands of other varieties, and the large ones might as well be utilized. However, I want to wait until I can hear from the fishermen whose interests are vitally affected. We have a perfect right to refuse to carry out this treaty if we see fit. That is not a violation of any obligation on our part any more than it is a violation of duty for Canada to refuse to carry out the reciprocity treaty by appropriate legislation. It is now nearly three years since we passed the act to carry out that treaty, and Canada has done nothing. If we choose to let this matter rest for a month or a year or longer, we have a perfect right to do so, and the gentleman from Virginia has no right to charge Congress with bad faith on that account.

The treaty-making power can not absolutely bind the legislative power of Congress in that manner. It is proper for the Executive to recommend and urge legislation of this kind upon us, and such recommendation is entitled to weight and consideration, but he can not order us to take action, as the gentleman from Virginia seems to think. Congress has not yet fallen so low as to take orders from the Executive. We, as a coordinate branch of the Government, must exercise our own judgment, for we are responsible to the people for the laws we enact. We can not go before our constituents and excuse our action by saying, "Yes; we voted for this law, but we were ordered to do so by the Executive."

If we think the proposed law is wrong, we must vote against it. The responsibility is ours and not the President's. He discharges his full duty under the Constitution and under the treaty when he recommends action. It may be that this bill ought to be enacted into law. The preservation of the food fishes of our boundary waters is of very great importance. It is quite probable that I shall vote for the passage of this bill when it comes up in regular order, when it can be properly and fairly considered. I am opposed to the suspension of the rules, because I am not fully advised as to how this measure, if enacted, may affect the people of my district. I am as desirous as anyone can be that the United States shall carry out its treaty obligations and that the food supply shall be conserved, but I believe there is no necessity whatever to rush this bill through this way without due consideration.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MADDEN. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, in looking over this bill I find that section 3 creates a division of international fisheries. To be perfectly frank in respect to the bill, I have not had an opportunity to give it any very accurate study, but it is an important bill. I do not think it ought to be passed under suspension of the rules. This bill carries, to start with, $30,000. That is a mere beginning. That is a mere start. The bill can not be amended under suspension of the rules. Section 3 provides:

> SEC. 3. That the Commissioner of Fish and Fisheries, under the direction of the Secretary of Commerce, is hereby charged with the administration of the aforesaid regulations and the other provisions of this act; and there shall be established in the Bureau of Fisheries a division of international fisheries, and there shall be employed therein one deputy international fisheries commissioner, and the necessary wardens, deputy wardens, and inspectors, all of whom shall have the power to seize without warrant fishing gear, boats, or other apparatus that is being illegally used, and to arrest without warrant any person who may be violating the provisions of this act.

Mr. FLOOD of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. FLOOD of Virginia. I would say that our Fish Commissioner said that the small tax imposed would pay all of the expense.

Mr. SISSON. But I do not want all of the tax that may be obtained from any source to be used by those people who are administering the law. This provision is extremely sweeping, and under the provisions of this section 3, without any sort of limitations upon it, without any limitation as to the number of employees that might be employed, it is utterly impossible for Congress to control the expenditure when it is passed in these general terms. They start out with $30,000. When you take into consideration the vast number of waters embraced within the terms of this bill, the Great Lakes, and all the other fisheries, and a desire to police these waters for the purpose of enforcing the regulations, it will be seen that the cost will amount to a vast sum of money. This creates a bureau within the Bureau of Fisheries. This bill, with all of its importance, ought not to be taken up and passed under suspension of the rules. It affects every man engaged in the business of fishing on the Great Lakes and on the neutral waters between this country and England. We ought not to pass a bill of this magnitude with only 20 minutes of debate on a side. The membership of the House has not had opportunity to give this proper consideration. After you get this bureau established, it then

becomes a spokesman for itself, and you will find that no bureau has ever been created in this Government which does not have people there with briefs for the purpose of showing the good it is doing.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STEENERSON. How many people does the gentleman suppose it would take for this bureau to enforce regulation 5 of the bill, on page 7:

No person shall place or pass, or allow to pass, into treaty waters any substance offensive to fishes, injurious to fish life, or destructive to fish fry or to the food of fishes or of fish fry, unless permitted so to do under any law passed by the legislative authority having jurisdiction.

No person shall deposit dead fish, fish offal, or gurry in treaty waters, or on ice formed thereon, except in gurry grounds established by the duly constituted authorities.

Mr. SISSON. I decline to yield further.

Mr. STEENERSON. That would put out of business the sawmills.

Mr. SISSON. Mr. Speaker, in answer to the gentleman's question I only ask the membership of the House to consider this very carefully. It is a silly proposition to presume that $30,000 will be all the amount necessary to enforce the provisions under the general terms of this bill. Their power is unlimited. They employ all the people necessary to enforce the law.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. MADDEN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Speaker, I do not know that I can add anything to what the gentleman from Mississippi [Mr. SISSON] has already said. Let no man be deceived when he votes for this bill as to what he is voting for. Let him vote for it with the distinct understanding that he is establishing within the Bureau of Fisheries an international bureau of fisheries, the cost of which in the future no man can undertake to fathom. I recollect in the closing days of the last session of Congress we passed the Agricultural bill. There was in the bill what was known as the bird law, and the men in favor of the bill at that time said that $10,000 would be plenty to administer it; yet the estimate of the Agriculture Department this year is that they want $90,000 to enforce that law. I am glad to see that the Committee on Agriculture has given them only $50,000 to administer the law. This bill carries only $30,000.

The Bureau of Fisheries does not care anything about the amount carried at this time. It is not caring for this appropriation of $30,000. What they want is the law, and the moment they get the law on the statute books then in some way, through some plan that will be worked out, they will come to Congress and get all the money that they want. Talk about $30,000 being sufficient to administer this law, it is absurd and preposterous. Every man who knows anything knows it is preposterous.

Mr. FLOOD of Virginia. May I ask the gentleman a question?

Mr. COX. I have not the time. With the hatcheries putting out every year upward of 4,000,000,000 fish and with State fish hatcheries all over the United States engaged in putting out fish, yet the reports show that there is a shortage of fish in the country. Why, this is preposterous. As sure as you pass this bill in less than 10 years you will be called upon for a million dollars to enforce it.

Mr. MADDEN. I yield to the gentleman from Ohio [Mr. KEY].

Mr. KEY of Ohio. Mr. Speaker, it is said the purpose of this bill is to carry into effect the provisions of a treaty entered into nearly six years ago. The bill passed the Senate on Friday of last week. Whether the Committee on Foreign Relations of this House has had a meeting since receiving the bill for the purpose of giving it consideration I am not prepared to say. I do know that neither time nor opportunity has been afforded to those who are vitally interested to be heard, either in approval or disapproval of it. My district, which may be said to be the largest fresh-water fish market in the world, is deeply interested. The fishermen and the fish dealers of my district, without exception, have appealed to me by telegraph, by telephone, and in person to oppose the bill because some of the provisions of the treaty are unjust and unfair to the American fisherman. I understand that my colleagues representing districts affected by the bill have had similar appeals. I am opposed, therefore, to the hasty and inconsiderate disposition of this great matter which the adoption of the motion of the gentleman from Virginia would mean, and I beseech the Members of this House to stand with me for the capital and the labor of one of the great industries of this country.

It is urged that there has been sufficient time since the adoption of the treaty to consider its effect upon the industry from every point of view. I answer that the very fact that it has been so long since the approval of the treaty by the Senate, and that no action has been taken to put its provisions into effect in this country in all this time, supplies the best of reasons why we should not act hastily now.

The annals of Congress may not record any opposition to the provisions of the treaty; but I do know that the apparent inactivity of this country in this matter has been due to the charge made by those engaged in the industry directly to Members of Congress that the treaty, if put into effect as now proposed, would give the Canadian fisherman a decided advantage over the American fisherman. This inactivity led those engaged in the industry in this country to believe that nothing would be done to carry the provisions of the treaty into effect. Resting secure in the belief that they would not be further disturbed in their rights, they have made large investments of money and planned their operations for the future. Now, without warning and without opportunity to be heard, it is proposed by the passage of this bill to-day to destroy their investment and take from them their means of livelihood. Gentlemen, it must not be done; I beg of you not to permit it to be done.

The chairman of the committee, who made the motion under consideration, admits that the schedule is somewhat obsolete now; that there have been changes in conditions since the schedule was adopted five years ago; and that, while the schedule was satisfactory at the time of its adoption, some of its provisions are obsolete now.

He thus gives you the best of reasons why his motion should not be adopted. The regulations, so admitted to be obsolete, contained in the treaty will become fixed and fastened upon us if the bill passes.

Congress and the Parliament of Canada will be powerless to change them. They can only be changed by further treaty and further legislation following such treaty.

I should like to speak of the changed conditions to which the gentleman refers. I should like to point out to you the advantage which Canada gets over the United States by the terms of the treaty. I should like to, as I believe I can, give you much information about the propagation, preservation, and catching of our food fishes and about the different conditions in different localities, but I am reminded that under the rule I have not the time to do so.

The gentleman says that unless we act at once in this matter we will lose all control of the fisheries of these international waters. I wish to call his attention to the fact that the States bordering on the waters affected by the treaty have not been asleep. They have, without exception, legislated for the protection of food fishes and the regulation and control of fisheries within their jurisdictions, by virtue of which safeguards applicable to different conditions in different localites are provided, in which respect the regulations of the treaty utterly fail.

I stand shoulder to shoulder with the President in the keeping of our national faith in our dealings and relations with other countries. I do not believe, however, that he desires us to take any action which would result in giving to a foreigner an advantage over a citizen of the United States engaged in the same industry in international waters.

Let us be deliberate and considerate in the disposition of this matter. I hope the motion will not prevail.

Mr. MADDEN. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, two minutes is a pretty short time to discuss something that affects the real welfare of some of the people in my district. I have talked with fishermen in my district—not men in a combine, but simply men who are making their living out of fishing—and they tell me that if this law goes into effect and its proposed regulations go into effect that they are put out of business. They are men engaged in the catching of herring that have been referred to in the hearings, and Dr. Smith said he was satisfied that these fish were so small a species that they never attained any considerable size and could not be caught in the size of mesh prescribed here; but still we are asked to put into the law a provision that will prevent their doing any business. Now, the gentleman from Virginia says we can let this go into the law and have this commission created and they will investigate and change the regulation. I believe the commission would be very favorably inclined to grant our plea as to the size of the mesh; that they see the justice of our plea. But suppose Dr. Smith and his colleague can not agree; then they are deadlocked and my people are permanently out of business; or, on the other hand, suppose they do agree and it comes into Congress and they do not rush it through in the month of December; then, again, my people are out of business. I would like to have consideration before the passage of the law.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MACDONALD].

Mr. MACDONALD. Mr. Speaker, this bill affects a very large number of people in my district. It is absolutely inconceivable that such a bill should be passed, it seems to me, under suspension of the rules without some time for consideration. I have not any idea, I could not have any idea, of what the effect of the provisions of this bill would be without time to examine it and time to consider it, and I should like the attention of the chairman of the committee to a question——

The SPEAKER. The time of the gentleman has expired.

Mr. MACDONALD. Since I was delayed in asking the question of the chairman, I would like to have the gentleman from Virginia answer the question in his own time.

The SPEAKER. The time of the gentleman has expired. The gentleman from Virginia does not need to answer if he does not desire to do so.

Mr. MADDEN. Mr. Speaker, I yield to the gentleman from Maine [Mr. GUERNSEY].

Mr. GUERNSEY. Mr. Speaker, it seems to me this bill ought not to be considered under suspension of the rules, but ought to be taken up in the regular order. It is a question that is of tremendous importance, particularly to the district represented by my colleague, Mr. PETERS of Maine, who happens not to be present just at this moment. Canning companies and others engaged in the sardine industry have telegraphed here that they want an opportunity to examine the bill and have some consultation here in regard to its provisions.

Now, there has not been any opportunity to submit the bill to them. It was reported to this House on the 27th day of February, only two or three days ago. It seems under all these circumstances, and the fact that there may be defects in the measure, that the men engaged in this great industry in Maine and in other places should be given an opportunity to look the bill over and point out defects, if any; we ought to have an opportunity to submit the measure to them for criticism before it is finally acted upon in this House. Party action is not necessary, and I hope passage of the bill will be refused at this time and taken up later when we have full information.

I yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, we are told that if there are any defects in this treaty they will be rectified by the commission to be appointed under the bill. The treaty goes into effect on the 15th of January next year. If there are no remedies to the inequalities before that time, there will be no chance for them except by the abrogation of the treaty. Every fisherman on the American side of the Great Lakes is under the provisions of these regulations discriminated against. There ought not to be any such important legislation as this enacted under such a rule as this, with no opportunity to amend, no opportunity to consider, no opportunity whatever to give proper consideration to the vital questions involved in the bill. We do not have to act on this bill to-day. It has been before the Congress of the United States for six years, and why should it be necessary to close it up this minute under the suspension of the rules? It ought to be called up at a time when it will be subject to amendment. We ought not to give power to some one to change regulations.

Mr. FLOOD of Virginia. May I interrupt the gentleman?

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Virginia?

Mr. MADDEN. I have not any time in which to yield. They are not satisfactory to us. We ought not to give anybody power to modify a bill that we all admit in advance is not justified.

Mr. FLOOD of Virginia. The gentleman is mistaken. There is no such admission as that.

Mr. MADDEN. There ought not to be any enactment of any law that somebody else is authorized to modify. There ought not to be any enactment of the law which is just to please a sentiment that Canada may have with respect to how the fisheries should be regulated. This bill organizes a new bureau and creates an extravagant expenditure of money that nobody can calculate. We ought to consider it upon its merits, and not upon the question of how many votes we can get under the suspension of the rules, without the right on the part of any Member on the floor of this House to offer even an amendment.

Mr. FLOOD of Virginia. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, a good deal has been said in regard to Lake Erie and the other lakes along the border. The principal fish in those lakes is the whitefish, and during the last 15 years the whitefish in those lakes have decreased more than 80 per cent. A fish swimming around in Lake Erie, for instance, goes into five different jurisdictions, and it is absolutely impossible to protect him unless you have an international agreement of this kind.

Now, these regulations are framed after the laws of the various States. The United States Commissioner of Fisheries approves and recommends them, and these regulations are drawn up according to the laws of the various States abutting upon these waters.

Now, talking about putting out these millions of little fish from the hatcheries to propagate, it is absolutely impossible to increase our supply of fish unless you have a regulation of this kind. They do not fish any more like they used to. They trap fish. They do not depend upon the fish they catch in the haul of their seines for a living, but all imaginable kinds of traps are set in the water, and it is almost impossible for the fish to ever reach the spawning ground.

It will be only a few years when the great salmon fisheries of this country will be greatly depleted. We only have a great catch of salmon every four years, and unless you allow the salmon to get to the breeding grounds you can not expect to have many during the succeeding four years.

The regulations of this agreement provide that during 48 hours of each week no fishing shall be allowed. This is a wise provision and is made in order that the fish may have time to reach spawning waters.

In answer to the gentleman from Minnesota [Mr. STEENERSON], I beg to call his attention to the almost total extermination of the sturgeon in American waters. The story of the sturgeon was told me by Dr. Hugh M. Smith, the United States Commissioner of Fisheries, and it is one of the most distressing in the whole history of the American fisheries. These large, inoffensive fisheries of our seaboards, coast rivers, and interior waters were for years considered to be not only valueless, but nuisances, and whenever they became entangled in the fishermen's nets they were knocked in the head or otherwise mortally wounded and thrown back into the water.

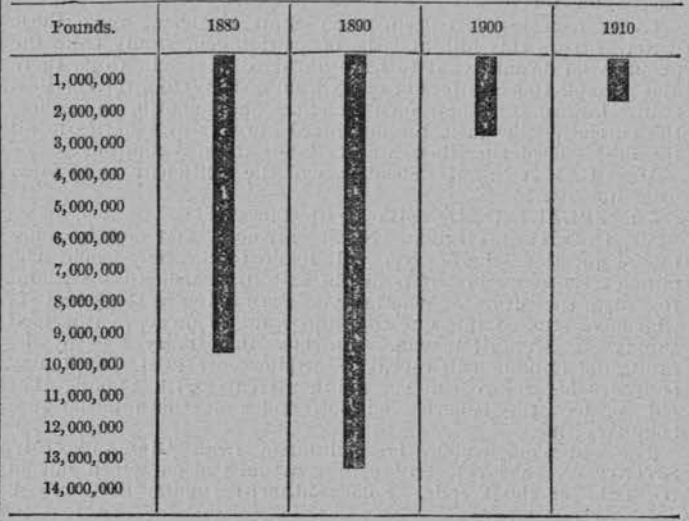
The next chapter in the story was the awakening of the fishermen to the fact that the eggs of the sturgeons had value as caviar and that the flesh had value as food. Then followed the most reckless, senseless fishing imaginable, with the result that in a comparatively few years the best and most productive waters were depleted, and what should have been made a permanent fishery of great profit was destroyed. Even after the great value of the sturgeon began to be appreciated by everyone no adequate steps were taken by the responsible authorities or insisted on by the fishermen, and the fish-eating public remained callous.

For a long time after the failure in the fishery had begun and was apparent to everyone the immature and unmarketable fish incidentally caught in seines, gill nets, and pound nets received no protection whatever in most waters, and were ruthlessly destroyed as nuisances, the decline thus being doubly accelerated.

On the Atlantic coast the catch of the sturgeon fell from 7,000,000 pounds to less than 1,000,000 in 15 years; on the Pacific coast the same meteoric history was enacted, a catch of over 3,000,000 pounds annually in the early nineties being followed by a few hundred thousand pounds in later years of the same decade, with no improvement since that time, while on the Great Lakes the yield declined more than 90 per cent in 18 years. In the American waters of the Lake of the Woods, one of the most recent grounds for the exploitation of the sturgeon, the catch decreased over 96 per cent in 10 years, notwithstanding a more active prosecution of the fishing.

The approximate sturgeon catch of the entire country at 10-year intervals, beginning in 1880, is shown in the following diagram:

Approximate sturgeon catch of the United States.



Everywhere there is a steady downward trend in the catch. Some rivers that formerly supported a flourishing fishery are now absolutely depleted. The scarcity of the sturgeon and the demand for their flesh and eggs have run up the price to an extraordinary figure, never attained by any other fish, either in America or anywhere else. A mature female sturgeon often brings the fisherman more than a hundred and fifty dollars, and it is a poor fish that can not be sold for $20 to $30 on the rivers of the east coast.

The most serious aspect of the sturgeon fishery is that, owing to the decimation of the schools of breeding fish and to peculiarities in spawning habit it has been impossible as yet to inaugurate sturgeon culture anywhere in America. Attempts at artificial propagation have proved utter failures on the Great Lakes, Lake of the Woods, Lake Champlain, Delaware River, and other waters, and the expenditure of considerable sums of money by the Federal Government has sometimes failed to yield a single batch of eggs suitable for incubation.

Everywhere in America under existing conditions the sturgeons are doomed to commercial extinction, and it requires no prophet to foresee that in a comparatively few years sturgeons will be as scarce as the dodo.

I am glad to note that one of the regulations of this agreement provides that none of the fish in these waters shall be caught for purposes of manufacturing them into fertilizer or oil, except where such oil is for medicinal use. I particularly approve of that provision, because during this very session I introduced in this Congress a bill preventing the shipment in interstate commerce in this country of any fertilizer or oil which is composed in whole or in part of those fish which are commonly known and regarded as food fish. The food supply of this country is too limited, the meat of these fish is too good, fish are becoming daily a too important part of our diet for us to permit their use other than for purposes of human consumption. They are one of the great natural resources of this country that belong to all the people, that should be preserved as the food of all the people, and I am glad that this agreement makes this attempt to confine their use to food purposes.

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Speaker, we are under a treaty obligation with Great Britain to enact this bill.

Mr. STEENERSON. Will the gentleman yield?

Mr. FLOOD of Virginia. No; I will not. You know I have not the time, and you ought not to take my time.

The SPEAKER. The gentleman from Virginia declines to yield.

Mr. FLOOD of Virginia. The President has asked Congress to enact this bill in order to carry out our treaty obligations. Of course, if we undertake to protect the fisheries in these international waters from the depredations of every man who will take every minnow he can take out, it will cost the Government something, but it will be money well invested, and it is idle to talk about the appropriation exceeding the benefit that the protection of these fishes will give to this generation and to coming generations. You can not preserve this great food supply without paying for it.

Every fisheries bureau in every State bordering upon these waters favors this bill, and the opposition comes only from the people who do not want to have abridged the right to go there and plunder those waters of every kind of fish, from the smallest to the largest, for their own benefit. The scientific fishermen, the patriotic fishermen, the organized bureaus of fisheries in all the States bordering these waters favor these regulations.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a brief question?

The SPEAKER. Does the gentleman yield?

Mr. FLOOD of Virginia. No; I will not. And now it comes to the question whether you will listen to the few people who plunder those waters of both big and little fish alike without regard to the future or whether you shall listen to the scientists who have studied this question and want to preserve this food supply. If we fail to enact this law, this treaty goes by default, and Canada will repeal its acquiescence in it, and it may be years before we can get another treaty with Canada that will protect the fisheries on both sides of the international boundary line.

The sturgeon, which the gentleman from Minnesota [Mr. STEENERSON] has referred to, has actually been wiped out in the Lake of the Woods. Some authorities claim that only 2 per cent is left, and no one contends that over 10 per cent of what used to be there is left; and so with the whitefish in the other waters along the international boundary line. And for this reason the Republican administration that controlled this country in 1908 secured the negotiation of this treaty, and regulations were agreed upon by a commission of the two countries. They were sent to Congress and to the Canadian Parliament. Canada carried out her part of that treaty, but our Congress has failed up to this good hour to act upon it, and now we are served with notice by our northern neighbor that unless we act promptly she will withdraw her acquiescence.

The SPEAKER. The time of the gentleman has expired.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. STEENERSON. The same here, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing Senate bill 4437.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds having voted in the affirmative——

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks for a division.

Mr. FLOOD of Virginia. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of suspending the rules and passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 113, nays 105, answered "present" 8, not voting 206, as follows:

YEAS—113.

Abercrombie	Dyer	Kennedy, Conn.	Saunders
Adair	Edwards	Kennedy, R. I.	Seldomridge
Aiken	Esch	Kent	Sims
Alexander	Faison	Kettner	Slemp
Baker	Falconer	Kinkead, N. J.	Small
Baltz	Fields	Lee, Ga.	Smith, Tex.
Barkley	Flood, Va.	Lenroot	Stafford
Barnhart	Fordney	Lieb	Stedman
Bartlett	Frear	Lindquist	Stephens, Cal.
Bathrick	Gardner	Lloyd	Stephens, Tex.
Beakes	Garrett, Tex.	McCoy	Stone
Borchers	Gerry	McKellar	Sumners
Borland	Godwin, N. C.	Moss, Ind.	Talcott, N. Y.
Bowdle	Goulden	Murray, Okla.	Taylor, N. Y.
Browne, Wis.	Green, Iowa	Oldfield	Thomson, Ill.
Bruckner	Greene, Vt.	O'Leary	Townesend
Burke, Wis.	Hammond	Park	Tribble
Byrns, Tenn.	Hardy	Parker	Underhill
Cantrill	Harrison	Payne	Underwood
Church	Hart	Phelan	Vaughan
Claypool	Hayden	Platt	Walsh
Clayton	Hayes	Plumley	Watkins
Cline	Hensley	Post	Weaver
Connolly, Iowa	Holland	Rainey	Wilson, Fla.
Cooper	Hughes, Ga.	Raker	Wingo
Curry	Hull	Rogers	Young, Tex.
Dent	Humphreys, Miss.	Rubey	
Dickinson	Igoe	Rucker	
Dixon	Jacoway	Russell	

NAYS—105.

Allen	Donohoe	Kelly, Pa.	Prouty
Anderson	Donovan	Key, Ohio	Quin
Ansberry	Doolittle	Knowland, J. R.	Reed
Ashbrook	Dunn	La Follette	Reilly, Wis.
Aswell	Ferris	Lee, Pa.	Rupley
Bailey	Fess	Lewis, Pa.	Scott
Barton	FitzHenry	Lobeck	Shackleford
Bell, Cal.	Fowler	Lonergan	Sherwood
Britten	Francis	McAndrews	Sinnott
Brockson	French	McDermott	Sisson
Brodbeck	Garrett, Tenn.	McGillicuddy	Sloan
Buchanan, Ill.	Good	McLaughlin	Smith, J. M. C.
Bulkley	Gorman	MacDonald	Steenerson
Butler	Graham, Ill.	Madden	Taggart
Callaway	Guernsey	Maguire, Nebr.	Tavenner
Candler, Miss.	Hamilton, Mich.	Mahan	Thomas
Cary	Hamilton, N. Y.	Mann	Thompson, Okla.
Connelly, Kans.	Haugen	Mapes	Vollmer
Cox	Hawley	Mitchell	Volstead
Cramton	Helgesen	Mondell	Walters
Crosser	Helvering	Moore	Williams
Danforth	Henry	Morgan, La.	Willis
Davenport	Hinds	Morgan, Okla.	Woods
Davis	Johnson, S. C.	Neeley, Kans.	Young, N. Dak.
Dershem	Johnson, Wash.	Nolan, J. I.	
Dies	Kahn	Norton	
Dillon	Keister	Peterson	

ANSWERED "PRESENT"—8.

Adamson	Collier	Gard	Moon
Browning	Fergusson	Heflin	Treadway

NOT VOTING—206.

Ainey	Estopinal	Konop	Reilly, Conn.
Anthony	Evans	Korbly	Richardson
Austin	Fairchild	Kreider	Riordan
Avis	Farr	Lafferty	Roberts, Mass.
Barchfeld	Finley	Langham	Roberts, Nev.
Bartholdt	Fitzgerald	Langley	Rothermel
Beall, Tex.	Floyd, Ark.	Lazaro	Rouse
Bell, Ga.	Foster	L'Engle	Sabath
Blackmon	Gallagher	Lesher	Scully
Booher	Garner	Lever	Sells
Broussard	George	Levy	Sharp
Brown, N. Y.	Gillett	Lewis, Md.	Sherley
Brown, W. Va.	Gilmore	Lindbergh	Shreve
Brumbaugh	Gittins	Linthicum	Slayden
Bryan	Glass	Loft	Smith, Idaho.
Buchanan, Tex.	Goeke	Logue	Smith, Md.
Burgess	Goldfogle	McClellan	Smith, Minn.
Burke, Pa.	Goodwin, Ark.	McGuire, Okla.	Smith, N. Y.
Burke, S. Dak.	Gordon	McKenzie	Smith, Saml. W.
Burnett	Graham, Pa.	Maher	Sparkman
Byrnes, S. C.	Gray	Manahan	Stanley
Calder	Greene, Mass.	Martin	Stephens, Miss.
Campbell	Gregg	Merritt	Stephens, Nebr.
Cantor	Griest	Metz	Stevens, Minn.
Caraway	Griffin	Miller	Stevens, N. H.
Carew	Gudger	Montague	Stout
Carlin	Hamill	Morin	Stringer
Carr	Hamlin	Morrison	Sutherland
Carter	Hardwick	Moss, W. Va.	Switzer
Casey	Hay	Mott	Talbott, Md.
Chandler, N. Y.	Helm	Murdock	Taylor, Ala.
Clancy	Hill	Murray, Mass.	Taylor, Ark.
Clark, Fla.	Hinebaugh	Neely, W. Va.	Taylor, Colo.
Coady	Hobson	Nelson	Temple
Conry	Houston	O'Brien	Ten Eyck
Copley	Howard	Oglesby	Thacher
Covington	Howell	O'Hair	Towner
Crisp	Hoxworth	O'Shaunessy	Tuttle
Cullop	Hughes, W. Va.	Padgett	Vare
Dale	Hulings	Page, N. C.	Walker
Decker	Humphrey, Wash.	Paige, Mass.	Wallin
Deitrick	Johnson, Ky.	Palmer	Watson
Difenderfer	Johnson, Utah	Patten, N. Y.	Webb
Dooling	Jones	Patton, Pa.	Whaley
Doremus	Keating	Peters, Mass.	Whitacre
Doughton	Kelley, Mich.	Peters, Me.	White
Driscoll	Kennedy, Iowa	Porter	Wilson, N. Y.
Dupré	Kiess, Pa.	Pou	Winslow
Eagan	Kindel	Powers	Witherspoon
Eagle	Kinkaid, Nebr.	Ragsdale	Woodruff
Edmonds	Kirkpatrick	Rauch	
Elder	Kitchin	Rayburn	

So (two-thirds not having voted in the affirmative) the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WHALEY with Mr. BARTHOLDT.

Mr. CARTER with Mr. AINEY.

Mr. COADY with Mr. ANTHONY.

Mr. CONNOLLY of Iowa with Mr. BARCHFELD.

Mr. DEITRICK with Mr. JOHNSON of Utah.

Mr. DOREMUS with Mr. KELLEY of Michigan.

Mr. FINLEY with Mr. KINKAID of Nebraska.

Mr. GARNER with Mr. KENNEDY of Iowa.

Mr. GLASS with Mr. MILLER.

Mr. GORDON with Mr. LANGLEY.

Mr. GREGG with Mr. LAFFERTY.

Mr. HAMLIN with Mr. MURDOCK.

Mr. HAY with Mr. NELSON.

Mr. LEVER with Mr. SMITH of Idaho.

Mr. LEVY with Mr. POWERS.

Mr. LINTHICUM with Mr. TOWNER.

Mr. MCCLELLAN with Mr. PETERS of Maine.

Mr. PADGETT with Mr. LANGHAM.

Mr. PATTEN of New York with Mr. KREIDER.

Mr. RAUCH with Mr. MCGUIRE of Oklahoma.

Mr. REILLY of Connecticut with Mr. GRAHAM of Pennsylvania.

Mr. ROUSE with Mr. MCKENZIE.

Mr. SHERLEY with Mr. GILLETT.

Mr. SLAYDEN with Mr. AVIS.

Mr. STEPHENS of Mississippi with Mr. ROBERTS of Massachusetts.

Mr. WALKER with Mr. BRYAN.

Mr. WEBB with Mr. TEMPLE.

Mr. STEPHENS of Nebraska with Mr. WOODRUFF.

Mr. FLOOD of Virginia. Mr. Speaker, the gentleman from New Jersey [Mr. KINKEAD] voted, but his name was called a second time by the Clerk.

The SPEAKER. Did the gentleman from Virginia hear him vote?

Mr. FLOOD of Virginia. I did not hear him vote, but a number of gentlemen did, and Mr. KINKEAD himself telephoned me that he had voted "aye."

Mr. ASHBROOK. I heard him vote "aye."

SEVERAL MEMBERS. He voted.

The SPEAKER. The name of the gentleman from New Jersey [Mr. KINKEAD] will be recorded in the affirmative.

Mr. STEENERSON. I desire to object to that procedure. I do not believe a man can vote unless he is present.

Mr. FLOOD of Virginia. He was present.

The SPEAKER. The testimony is that he did vote. Gentlemen say they heard him vote, and that then he left the hall. Of course, it has been ruled time out of mind that under those circumstances, where a Member votes on the first call and his name is called a second time and Members state that they heard him vote, his name has been recorded.

Mr. MANN. There can be no objection to that.

The SPEAKER. The objection of the gentleman from Minnesota is untenable. The Chair will state the practice about that. Where Members state that they heard a man vote, the Chair has seen the vote recorded time and again. Of course, it takes the same proof to establish the fact in the mind of the Speaker and the House that it takes to establish any other fact.

Mr. STEENERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. What rule is that?

The SPEAKER. There is no rule about it. It is the practice of the House. It has not been a month since the gentleman from Illinois [Mr. MANN] rose on his side and stated that some gentleman had voted whose name was not recorded.

Mr. STEENERSON. I recollect, Mr. Speaker, that six or eight years ago—I think in the Fifty-ninth Congress—some one voted for a man who was absent, and I tried to vacate it afterwards, but was unable to do so.

The SPEAKER. In that case a bad ruling was made, whoever made it. The intention is to preserve the integrity and accuracy of the roll call, and it works both ways.

Mr. STEENERSON. It seems to me that the party who is interested ought to take the action himself.

The SPEAKER. The party who is interested, so far as this roll call is concerned, has vanished from the scene, so that he can not be heard at this time. The Chair does not know how he voted.

Mr. BROWNING. I want to state that the gentleman from New Jersey [Mr. KINKEAD] voted. He stood here and voted, and I heard him.

The SPEAKER. There is no question about it. The fact is fully established.

Mr. FLOOD of Virginia. He was informed by telephone, Mr. Speaker, that his name had been called a second time, and he wanted me to call the attention of the Chair to the fact that he voted on the first call.

Mr. STEENERSON. I do not dispute the fact. I simply call attention to the fact that this is not within the rules of the House.

The SPEAKER. It is not a rule; it is the practice of the House. The intention is that if a man votes, his vote shall be recorded. If some one answers for another, and the fact is ascertained, that vote ought to be vacated.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, March 3, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce, submitting draft of proposed bill to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service (H. Doc. No. 807); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of Commerce, transmitting a list of papers and documents not needed or useful in the transaction of business nor having permanent value or historical interest (H. Doc. No. 806); to the Committee on Disposition of Useless Documents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUCKER, from the Committee on Election of President, Vice President, and Representatives in Congress, to which was referred the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, reported the same with amendment, accompanied by a report

(No. 335), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (S. 1689) authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations, reported the same without amendment, accompanied by a report (No. 332), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 3305) directing the accounting officers of the Treasury to credit and settle an account of Maj. George H. Penrose, reported the same without amendment, accompanied by a report (No. 333), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8077) for the relief of Alexander Gilmore, reported the same without amendment, accompanied by a report (No. 334), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAHER: A bill (H. R. 14093) to confer power on the Interstate Commerce Commission to regulate equipment and safety devices on railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 14094) to authorize exploration for and disposition of oil, gas, potassium, phosphate, and coal; to the Committee on the Public Lands.

By Mr. MURRAY of Oklahoma: A bill (H. R. 14095) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; to the Committee on Indian Affairs.

By Mr. PAIGE of Massachusetts: A bill (H. R. 14096) providing for the purchase of a site and the erection thereon of a public building at Gardner, in the State of Massachusetts; to the Committee on Public Buildings and Grounds.

By Mr. KENT: A bill (H. R. 14097) for the purchase of a site and the erection thereon of a public building at Petaluma, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. SELDOMRIDGE: A bill (H. R. 14152) authorizing the Secretary of the Interior to issue patent on desert-land entries upon cash payment for the land; to the Committee on the Public Lands.

By Mr. WHITE (by request): Resolution (H. Res. 432) providing for an investigation of a new language known as Ro; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 14098) granting a pension to Harriett Wicks; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14099) granting an increase of pension to Eliza M. Clark; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 14100) granting a pension to Elza W. Evans; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 14101) granting a pension to Winfield S. Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14102) granting a pension to Alphonsus L. Crook; to the Committee on Pensions.

Also, a bill (H. R. 14103) granting a pension to Mary R. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14104) granting a pension to Emma Radcliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14105) granting an increase of pension to Matthew R. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14106) granting an increase of pension to Thomas Irey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14107) granting an increase of pension to John W. Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14108) granting an increase of pension to John A. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14109) granting an increase of pension to Isaac T. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14110) granting an increase of pension to Mary A. McGrath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14111) granting a pension to William Collins; to the Committee on Pensions.

Also, a bill (H. R. 14112) granting an increase of pension to William Burk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14113) for the relief of Carrie A. Grigsby; to the Committee on Claims.

Also, a bill (H. R. 14114) for the relief of Mathias Keith; to the Committee on Military Affairs.

Also, a bill (H. R. 14115) to correct the military record of Joseph M. Case; to the Committee on Military Affairs.

Also, a bill (H. R. 14116) to correct the military record of William C. Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 14117) to correct the military record of Valentine Lust; to the Committee on Military Affairs.

Also, a bill (H. R. 14118) to correct the military record of Philip Reiss; to the Committee on Military Affairs.

Also, a bill (H. R. 14119) to correct the military record of John Estep; to the Committee on Military Affairs.

Also, a bill (H. R. 14120) to remove the charge of desertion from the record of Peter R. Eddy; to the Committee on Military Affairs.

Also, a bill (H. R. 14121) to remove the charge of desertion against Peter C. Lawyer; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 14122) granting an increase of pension to Levi S. Tanquary; to the Committee on Pensions.

Also, a bill (H. R. 14123) for the relief of George W. McKean; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 14124) granting a pension to Edward J. Gleason; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 14125) granting an increase of pension to Alexander L. Herman; to the Committee on Invalid Pensions.

By Mr. DOOLING: A bill (H. R. 14126) granting a pension to Mary Ellen Gaylord Moss; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 14127) granting an increase of pension to Lydia E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14128) granting permission to Lieut. Col. John P. Finley to accept and wear a decoration presented by the Sultan of Turkey; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 14129) granting a pension to Susanna C. Jones; to the Committee on Pensions.

By Mr. GARNER: A bill (H. R. 14130) for the relief of the estate of Lippman Levy; to the Committee on War Claims.

By Mr. GITTINS: A bill (H. R. 14131) granting an increase of pension to Cyrenus Hathaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14132) granting an increase of pension to Oliver C. Howard; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 14133) granting a pension to Esther B. Woodard; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 14134) granting a pension to Johanna Niehaus; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14135) for the relief of Edward Miller; to the Committee on Claims.

By Mr. KEISTER: A bill (H. R. 14136) granting an increase of pension to James P. Sloan; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 14137) granting an increase of pension to James Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14138) granting an increase of pension to Catherine E. Valentine; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 14139) for the relief of Mart Salyer; to the Committee on War Claims.

Also, a bill (H. R. 14140) for the relief of John F. Rudd; to the Committee on Military Affairs.

Also, a bill (H. R. 14141) for the relief of the estate of Daniel Reed; to the Committee on War Claims.

Also, a bill (H. R. 14142) for the relief of the estate of M. C. W. Sowards; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 14143) granting an increase of pension to William H. Brenner, sr.; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 14144) for the relief of Dana Brasted; to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 14145) granting a pension to Thomas B. Tatum; to the Committee on Pensions.

By Mr. PLUMLEY: A bill (H. R. 14146) granting an increase of pension to Benjamin C. Wood; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 14147) granting a pension to Sarah E. Irwin; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 14148) granting an increase of pension to Andrew Mospens; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 14149) granting a pension to Daniel F. Vickery; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 14150) granting an increase of pension to N. B. Slater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14151) for the relief of the estates of Aaron Van Camp and Virginius P. Chapin; to the Committee on Claims.

By Mr. GARDNER: A bill (H. R. 14153) granting an increase of pension to John K. Venance; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Robert Emmet Society, of Wilmerding, Pa., and the Paul Revere, the De Witt, the Francis Scott Key, the General St. Clare, the Nathan Hale (No. 1798), and the Andrew Jackson Branches of the American Continental League, against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also (by request), petition of the Randall Highlands citizens, of the District of Columbia, favoring the George full-value assessment bill; to the Committee on the District of Columbia.

Also (by request), petition of the Memphis (Tenn.) Cotton Exchange, relative to working of New York Cotton Exchange; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Methodist Episcopal Church of Ypsilanti, Mich., and citizens of the United States, against allowing polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of the German-Irish-American Alliance of Essex County, N. Y., against repeal of the free-toll exemption clause; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions of a mass meeting of New England business men, commending action of Gov. Walsh in declaring himself in favor of a separation of the Boston & Maine and the New York, New Haven & Hartford Railroads; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Ladies' Tailors and Dressmakers' Union, No. 38, of New York City, and of sundry citizens of the District of Columbia, against national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of John Schwartz and 3,800 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Frank Moore and 255 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of sundry citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of sundry citizens of Ohio against national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of sundry citizens and organizations of Pennsylvania against national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of sundry citizens of Pennsylvania against national prohibition; to the Committee on the Judiciary.

Also, petition of the Washington and Andrew Jackson Branches of the American Continental League against repeal of act exempting American coastwise vessels from payment of toll on Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Pennsylvania, favoring civil-service minimum-wage bill (H. R. 11522); to the Committee on Reform in the Civil Service.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce against Burnett Immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce against Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce, favoring House bill 23417, relative to patents; to the Committee on Patents.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce, favoring House joint resolution 183, to authorize investigation of trade conditions in China; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Petition of various bankers of Texas, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BELL of California: Petition of various banks of California, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. BOWDLE: Petition of the International Association of Machinists, South Side Lodge, No. 85, protesting against the adoption of the Nation-wide prohibition amendment; to the Committee on the Judiciary.

Also, petitions of Adam Wehrung and 236 others, protesting against the adoption of the Nation-wide prohibition amendment; to the Committee on the Judiciary.

Also, petition of the Hamilton County Woman's Christian Temperance Union, urging the adoption of the Nation-wide prohibition amendment; to the Committee on the Judiciary.

Also, petition of the Ladies' Garment Workers' Union, Joint Board of Cincinnati, Ohio, protesting against the adoption of the Nation-wide prohibition amendment; to the Committee on the Judiciary.

Also, petition of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 2, Cincinnati, Ohio, protesting against the adoption of the Nation-wide prohibition amendment; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of the New York Conservation Commission, favoring appropriation for the Forest Service; to the Committee on Appropriations.

Also, letter of F. W. Kelsey, of New York, relative to trust bills; to the Committee on the Judiciary.

Also, petition of the National Association of Assistant Postmasters, against requiring assistant postmasters to stand the civil-service examination; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of sundry citizens of Wisconsin, against national prohibition; to the Committee on the Judiciary.

Also, petition of Local No. 528, International Brotherhood of Electrical Workers, of Milwaukee, Wis., favoring granting of longevity agreement to Isthmian Canal workers; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of the First National Bank, the James H. Goodman & Co. Bank, the Napa Savings Bank, and the Bank of Napa, all of Napa, Cal.; of the Bank of Folsom, of Folsom, Cal.; and of the Capital National Bank, the Capital Banking & Trust Co., the National Bank of D. O. Mills & Co., the Fort Sutter Bank, the Sacramento Bank, the California National Bank, the California Savings Bank, the Farmers & Mechanics' Savings Bank, the Sacramento Valley Bank & Trust Co., and the People's Savings Bank, of Sacramento, Cal., to the Congress of the United States petitioning for an amendment to the act of October 3, 1913, with respect to the income tax, to provide for a method of "information at the source" in lieu of the present provisions of "collection at the source"; to the Committee on Ways and Means.

Also, petition of the International Alliance Theatrical Stage Employees, Local No. 241, of Vallejo, Cal., opposing House joint resolution 168, and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of Mary E. Woolley, Jane Addams, Ida M. Tarbell, and other women, against increased naval program and favoring appropriations for saving lives from preventable diseases and accidents; to the Committee on Naval Affairs.

Also, petition of the Allied Printing Trades Council of Greater New York, against increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Manganese Steel Rail Co., of New York, favoring establishment of a bureau for legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of various voters of Kings County, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of sundry citizens of Oklahoma, favoring Senate bill 4150, for relief of Mrs. Robert L. Bowman; to the Committee on Claims.

By Mr. DONOVAN: Petition of sundry citizens of Connecticut, against national prohibition; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petition of Division No. 209, Brotherhood of Locomotive Engineers and Firemen, of Chama, N. Mex., praying for the restoration of longevity and overtime rights for certain employees on the Isthmus of Panama; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petition of the United Irish Societies of Houston, Tex., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Pennsylvania: Letter of F. W. Kelsey, of New York City, relative to trust bills; to the Committee on the Judiciary.

Also, petition of the Pittsburgh (Pa.) Chamber of Commerce, against Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Delaware County (Pa.) Woman's Christian Temperance Union Suffrage Institute, favoring woman's suffrage amendment; to the Committee on the Judiciary.

Also, petition of Bartenders' League, No. 115, of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. HINEBAUGH: Petition of sundry citizens of Illinois, against national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of Washington State, against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of various bankers of Washington, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of sundry citizens of Washington, favoring Lindquist pure-fabric law; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of various citizens of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petition of various bankers of Pennsylvania, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petitions of sundry citizens of Rhode Island and of Captain Allyn K. Capron Camp, No. 1, United Spanish War Veterans, of Providence, R. I., favoring House bill 13044 providing pensions for widows of Spanish War soldiers; to the Committee on Pensions.

By Mr. LIEB: Memorial of the Socialist Party of Evansville, of Evansville, Ind., protesting against the passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of the St. George Hotel, New Vendome Hotel, Annex Hotel, and Lottie Hotel, of Evansville, Ind.; the Ostego Hotel, of Jackson, Mich.; and the Victoria Hotel, of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Cigarmakers' Union, No. 156, Suffield, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MACDONALD: Petition of sundry citizens of Michigan, favoring investigation of Pere Marquette Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Menominee, Mich., against national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of sundry citizens of Michigan against Buchanan bill, relative to removing taxes on oleomargarine; to the Committee on Ways and Means.

Also, petition of Bartenders' Local No. 395, of Michigan, against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of various bankers of New York, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. NORTON: Petition of the North Dakota retail Lumbermen's Association, favoring certain amendments to the antitrust laws; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of sundry citizens of Geneva, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of sundry citizens of Vermont against the Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. RAKER: Petition of the Master Housesmiths' Association, Sheet Metal Contractors' Association, and the San Francisco Planing Mill Owners' Association, against the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition by the citizens of Yolo County, Cal., protesting against bill (H. R. 9674) preventing labor on buildings, etc., in the District of Columbia on the Sabbath day, or any other like religious measure; to the Committee on the District of Columbia.

Also, petition of the National Association of Assistant Postmasters, protesting against House bill 12928, a bill to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Santa Clara Parlor, No. 101, Native Sons of the Golden West, favoring the Raker immigration bill (H. R. 122); to the Committee on Immigration and Naturalization.

Also, petitions of the San Diego (Cal.) Chamber of Commerce and the Railway Business Association of New York, favoring establishment of a bureau of legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of New York Typographical Union, No. 6, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of various banks of California and Nevada, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the National Jewelers' Board of Trade, against amendment of Sherman Act; to the Committee on the Judiciary.

Also, petitions of Thomas Rinn, of Oakland, Cal., and of sundry citizens of Denver, Colo., favoring the civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. REILLY of Connecticut: Petition of sundry citizens of Connecticut, against national prohibition; to the Committee on the Judiciary.

Also, petition of Robert Bruckers Camp, No. 6, United Spanish War Veterans, favoring bill providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. ROUSE: Petition of sundry citizens of Kentucky, against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of New Jersey against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petitions of Hulbert Corps, No. 16, of Grand Ledge, and Jackson Corps, No. 83, of Potterville, Mich., against any change in the United States flag; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of sundry citizens of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Minnesota against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Minnesota, favoring free speech and free press and against suppression of the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of sundry citizens of California against national prohibition; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Diego County, Cal., favoring establishment of a bureau of legislative reference and bill drafting; to the Committee on Appropriations.

Also, petition of the Second Presbyterian Church of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Stanton Post, No. 55, Grand Army of the Republic, Department of California and Nevada, opposing transfer of the National Homes for Disabled Volunteer Soldiers to the control of the War Department; to the Committee on Military Affairs.

Also, petition of various bankers of California favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of the Sheet Metal Contractors' Association of San Francisco, Cal., against Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of sundry veterans of Civil and Spanish Wars, favoring transfer of the Veterans' National Protective Association, Westgate, Cal., to the United States War Department; to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of the Minnesota State Jewelers' Association, favoring legislation to prevent frauds in sale of watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Papers to accompany a bill granting an increase of pension to N. B. Slater; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: Petition of sundry citizens of Maryland, against national prohibition; to the Committee on the Judiciary.

By Mr. VOLLMER: Petition of 170 citizens of Iowa, against national prohibition; to the Committee on the Judiciary.

Also, petition of Mount Joy Grange, of Scott County, Iowa, favoring a national law for the standardization of barley grades; to the Committee on Agriculture.

By Mr. WALTERS: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WHITE: Petition of Lyman Flower and 90 other citizens of Zanesville, Ohio, protesting against nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of Buell Woman's Relief Corps, No. 70, of Marietta, Ohio, auxiliary to the Grand Army of the Republic, against any change in the United States flag; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of sundry citizens of North Dakota, favoring amendment forbidding polygamy in the United States; to the Committee on the Judiciary.